

GOVERNMENT OF INDIA

REPORT

OF THE

BACKWARD CLASSES COMMISSION

(SECOND PART)

(Volumes III to VII)

1980

PART I

**Analysis of the Court Cases and Legislative Debates
leading to the First Amendment of the Constitution**

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Vol. III

Study Prepared by the Indian Law Institute

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VOLUME III

Analysis of the Judgments of Supreme Court and the High Courts leading to the First Amendment of the Constitution

Article 15(1) of the Constitution of India specifically bars the state from discriminating against any citizen of India on grounds only of religion, race, caste, sex, place of birth or any of them. This provision represents another dimension of the principle of equality enshrined in article 14. Where a law falls within the prohibited confines of article 15(1), it cannot be validated by recourse to article 14 and by applying any principle of reasonable classification. The cumulative effect of articles 14 and 15 is not that the state cannot pass unequal laws, but if it does enact unequal laws, they have to be justified on reasonable classification and because of article 15(1), religion, race, caste, sex or place of birth alone cannot be a reasonable ground for discrimination. Further, article 29(2) also guarantees protection to citizens against state action which discriminates admission to educational institutions on grounds of religion, race, caste, language or any of them.

This being the position, soon after the coming into force of the Constitution, challenges were made to governmental programmes aimed at making special provisions for weaker sections of society in the field of education and housing. Two judicial decisions, one of the Supreme Court and the other of the Bombay High Court led to the First Amendment of the Constitution in 1951.

The Supreme Court decision is *State of Madras v. Champakam Dorairajan*. For many years before the commencement of the Constitution, admission to professional colleges such as Medical and Engineering Colleges was regulated on the basis of religion, caste and race set forth in the Communal G.O. For every 14 seats to be filled by the Selection Committee, candidates were selected on the following basis :

Non-Brahmins (Hindus)	6
Backward Hindus	2
Brahmins	2
Harijuns	2
Anglo Indians & Indian Christians	1
Muslims	1

Two Brahmin candidates, one each for Medical and Engineering Colleges respectively, who could not get admission, challenged the Communal G.O. as being violative of the fundamental right in article 29(2). Even though they had academic qualifications, they were refused admission on the ground that they were Brahmins. Apparently admission was refused on the basis of religion, race and caste. The Supreme Court

in an opinion by Justice S. R. Das held that the Classification in the Communal G.O. was based on religion, race and caste which is forbidden under article 29(2). The Court rejected the argument of the State based on article 46 which enjoins on it to make special provisions for the educational and economic interests of the weaker sections of the people, on the ground that the fundamental rights were, "sacrosanct and not liable to be abridged by any Legislative or Executive act or order, except to the extent provided in the appropriate Art. in Part III. In our opinion, that is the correct way in which the provisions found in parts III and IV have to be understood"

The Court invalidated the Communal G.O. on the ground that it classified admission on the basis of religion, race and caste.

The second is the Bombay High Court decision in *Jagwant Kaur v. State of Bombay*.¹ In this case an order of the collector of Poona under section 5 of the Bombay Land Requisition Act for requisitioning some land in Poona for the establishment of a Harijan Colony was challenged as violative of article 15(1). The basis of challenge was that a colony intended for the benefit only of Harijans was discriminatory under the above constitutional provision. Further, it was held that article 46 could not override any fundamental right. Consequently, the order was declared void.

At the time of the decision in this case, (18-2-1952), presumably the First Amendment had not come into effect. Chief Justice Chagla had observed :

We dare say that after the amendment it would be possible for the State to put up a Harijan colony in order to advance the interest of the backward class. But till that amendment was enacted, as Art. 15 stood, it was not competent to the State to discriminate in favour of any caste or community.

Thus, it may be pointed out that it was these two decisions which led to the amendment of article 15. The First Amendment incorporated clause 4 to article 15 empowering the State to make special provisions for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes despite article 15(1) or clause (2) of article 29. The object of the constitutional amendment was to bring articles 15 and 29 in line with article 16(4) which empowers the State to make special provisions for the backward classes in matters of public employment.

¹ A.I.R. 1952 Bom. 461.

² Id. at 462.

Analysis of the Debates of the Constitution (First Amendment) Act, 1951 in so far as it pertains to the addition of Article 15(4)

As noted earlier, *Champakam Dorairajan's* case invalidated the Madras reservations in educational institutions and by implication barred all preferential treatment outside the sphere of government employment. This decision caused a political agitation in South India and led to the amendment of article 15 by adding clause (4). In the debate on the amendment Prime Minister Nehru remarked :

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

While others generally agreed that the momentum for the amendment was given by the Madras agitation, Shankarrao pointed out that

It is not only the Madras Government that is concerned with this but the whole of South India—the State of Mysore, Travancore-Cochin and even Bombay.²

Desimukh, however, pointed out that the problem was not confined to Madras but was bound to arise elsewhere as soon as the backward classes became more aware and assertive.³

The debates over the amendment revolved around the desirability of providing educational preferences to the backward classes, and it related in part also to the question of identification of the backward classes (who were the backward classes?).

The bill was referred to a select committee after some discussion on May 16, 1951. Further debate on the amendment to Article 15(4) took place on May 18, 29, 30, 31 and June 1 and 2. The clause inserting article 15(4) was passed on June 1, and the entire bill on June 2. This amendment was one of the three major changes made by the Constitution. We are not concerned with the other two.

The original draft of article 15(4) would have added to article 15(3) which authorised special provision for women and children, the words :

or for the educational, economic, or social advancement of any backward class of citizens.⁴

Nehru explained that the Select Committee chose the words as they are now in Art. 15(4) "because they

(socially and educationally backward classes) occur in Article 340 and it wanted to bring them bodily from there".⁵

Thus the language of Art. 15(4) is on the lines of article 340 which provides that the Backward Classes Commission to be set up under that article would list the "socially and educationally backward classes of citizens". The issue whether the determination by the Commission and later by the President would be final agitated the members. While some members such as Thakur Das Bhargava⁶ and M. A. Ayyangar⁷ liked the final phrasing because they thought it limited backward classes to those to be specified by the President after the recommendation of the Commission under article 340, others, such as, Hukum Singh⁸ and S. P. Mookerjee⁹ objected that they were not so confined. In fact an amendment to make clear this limitation to the groups specified under Article 340 was not accepted by the Government and was defeated by the House.¹⁰ Some others like Seth Govind Das and Venkataraman assumed that the identification of the backward classes would be within the purview of the State governments who may be trusted to do their job well.

Perusal of the debates shows that whatever may be the criteria for the classification of the backward classes and by whomsoever they are to be designated as such, they were to be a list of castes or communities. Ambedkar, the then Law Minister, frankly observed that the amendment was required because "what are called backward classes are..... nothing else but a collection of certain castes."¹¹ Members felt that the provision should not allow communal quotas to be enjoyed by more advanced groups. Though economic backwardness of the groups who deserved preferences was emphasised, it was just not the poor alone that the government and the speakers had in mind. Nehru in fact observed that

We have to deal with the situation where for a variety of causes 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—sometimes

¹ Parliamentary Debates, Vol. XII—13 (Part II) at col. 9615.

² Id. at 9000.

³ Id. at 9775.

⁴ Id. at 8929.

⁵ Id. at 9830.

⁶ Id. at 9719.

⁷ Id. at 9817.

⁸ Id. at 9823.

⁹ Id. at 9824.

¹⁰ Id. at 9832-33.

¹¹ Id. at 90006.

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 something special for them.¹⁰

Though he did not refer about caste as such, it seems to be clear that what was needed were not measures to wipe out all inequalities but those specifically associated with the social structure :

We want to put an end to all those infinite divisions that have grown up in our social life we may call them by any name you like, the caste system or religious divisions etc. There are of course economic divisions but we realize them and we try to deal with them But in the structure that has grown up with its vast number of fissures or divisions

K. T. Shah, who strongly felt that the backwardness to be remedied was economic, proposed to do away with the word "classes" and to add "economically" to qualify the term "backward classes".¹¹ Nehru, however, was not willing to accept any of the amendments, though he had no objection to adding "economically" but to do so would make it different from the language used in article 340. He observed pertinently :

But if I added "economically" I would at the same time not make it 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.¹²

The predominant feeling of the House was that special measures were required to remedy special inequalities of caste and community which tended to accentuate economic disparity among the groups.

Conclusion

The debates show that the description of the backward classes in clause 4 of article 15 should be similar to that in clause 1 of article 340. This was the reason that the word "economically" did not find a place in clause 4 of article 15 though several members pointed out that in the identification of socially and educationally backward classes, economic backwardness could not be ignored.

On the whole it was not clear whether "caste" was to be the sole criterion for determining "backwardness" though it may be pertinent to refer to the views of Nehru and Ambedkar. Nehru expressed the view that all the inequalities associated with the social structure have to be done away with and it appears that "social structure" meant the caste divisions or religious divisions (and not so much economic divisions) Ambedkar was more specific on the point when he said "what are called backward classes are nothing else but a collection of certain castes"

The listing of backward classes by the President on the recommendations of the Backward Classes Commission was not intended to be final. The state governments were also to identify backward classes.

¹⁰. Id. at 9676.

¹¹. Id.

¹². Id. at 8221.

¹³. Id. at 9830.

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PART II

Summary of Cases under Article 15(4)

PAGE NOS.

(7--60)

Facts

The case came on appeal to the Supreme Court from the decision of the Andhra Pradesh High Court in *Sagar v State of A.P.* (A.I.R. 1968 A.P. 165) invalidating the Andhra Government's notification of June, 1966 as modified by an Order of July, 1966 for the Telangana Region and by an order of August, 1966 for the Andhra Region, reserving seats for backward classes in Medical institutions on the ground that the list was made solely on the basis of caste.

Issues

- (i) Whether the list of backward classes based solely on caste is legal?

Extracts

Shah J.

6. In the context in which it occurs the expression "class" means a homogeneous 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. In determining whether a particular section forms a class, caste cannot be excluded altogether. But in the determination of a class a test solely based upon the caste or community cannot also be accepted. By Clause (1), Article 15 prohibits the State from discriminating against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them. By Clause (3) of Article 15 the State is, notwithstanding the provision contained in Clause (1), permitted to make special provision for women and children. By Clause (4) a special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and Scheduled Tribes is outside the purview of Clause (1). But Clause (4) is exception to Clause (1). Being an exception, it cannot be extended so as in effect to destroy the guarantee of Clause (1). The Parliament has by enacting Clause (4) attempted to balance as against the right of equality of citizens the special necessities of the weaker sections of the people by allowing a provision to be made for their advancement. In order that the effect may be given to Clause (4) it must appear that the beneficiaries of the special provisions are classes which are backward socially and educationally and they are other than the Scheduled Castes and Scheduled Tribes, and that the provision made is for their advancement. Reservation may be adopted to advance the interests of weaker sections of society but in doing so, care must be taken to see that deserving and qualified condi-

ates are not excluded from admission to higher education institutions. The criterion for determining the backwardness must not be based solely on religion, race, caste, sex or place of birth, and the backwardness being social and educational must be similar to the backwardness from which the Scheduled Castes and the Scheduled Tribes suffer. These are the principles with which have been enunciated in the decision of this Court in *M. R. Balaji's case*.....

7. The list dated June 21, 1963, of castes prepared by the Andhra Pradesh Government to determine backward classes for the purpose of Article 15(4) was declared invalid by the High Court of Andhra Pradesh in *P. Sukhadev's case* 1966-1 Andh WR 294. A first list was published under the amended rules with some modifications, but the basic scheme of the list was apparently not altered. It is true that the affidavits filed by the Chief Secretary in the High Court and the Director of Social Welfare that he considered the representations made to him, consulted the Law Secretary and certain publications relating to the study of backward classes, e.g. Thurston's "Caste and Tribes" and Sirajul Hasan's "Caste and Tribes", and made his recommendations which were modified by the Sub-Committee appointed by the Council of Ministers and ultimately the Council of Ministers prepared a final list of backward classes. But before the High Court the materials which the Cabinet Sub-Committee or the Council of Ministers considered were not placed nor was any evidence led about the criteria adopted by them for the purpose of determining the backward classes. The High Court observed :

"A perusal of this affidavit (Chief Secretary affidavit) as well as that of the Director of Social Welfare..... which are filed on behalf of the Government do not say what was the material placed before the Cabinet Sub-Committee or the Council of Ministers, from which we could conclude that the criteria laid down by their Lordships of the Supreme Court have been applied in preparing the list of backward classes". After referring to the opinion of the Law Secretary and the views of the Director of Social Welfare they observed :

"..... we are not able to ascertain whether any material, and if so, what material was placed before the Cabinet Sub-Committee, up to which the list of backward classes was drawn. On the other hand, it is stated that the Law Secretary and the Director of Social Welfare set together and drew up a list, the former specifying the legal requirements and the latter as an expert advising on the social and educational backwardness of class or classes."

It was urged before the High Court that expert knowledge of the Director of Social Welfare and of the Law Secretary was brought to bear upon the consideration of the relevant materials in the preparation of the list and they were satisfied that the correct tests were applied in the determination of backward classes and on that account the list should be accepted by the High Court. The High Court in dealing with the argument observed :

..... the impugned backward classes list cannot be and has not been sustained by the Government as coming within the exception provided in Article 15(4) on any material placed before this Court. In fact there is a total absence of any material, from which we can say that the Government applied the criteria enunciated by their Lordships of the Supreme Court in the above referred cases, in preparing the list of backward classes. We cannot accept the contention of the learned Advocate-General that "once there is proof that the Government *bona fide* considered the matter it is sufficient". Acceptance of this argument would make for arbitrariness, absolving the party on whom the burden of proof to bring it within the exception rests, from proving it. The mere fact that the act is *bona fide* and that there was total absence of *mala fides*, is not relevant".

8. Article 15 guarantees by the first clause a fundamental right of far reaching importance to the public generally. Within certain defined limits an exception has been engrafted upon the guarantee of the freedom in clause(1), but being in the nature of an exception, the conditions which justify departure must be strictly shown to exist. When a dispute is raised before a Court that a particular law which is inconsistent with the guarantee against discrimination is valid on the plea that it is permitted under Clause (4) of Article 15, the assertion by the State that the officers of the State had taken into consideration the criteria which has been adopted by the Courts for determining who the socially and educationally backward classes of the Society are, or that the authorities had acted in good faith in determining the socially and educationally backward classes of citizens, would not be sufficient to sustain the validity of the claim. The Courts of the country are invested with the power to determine the validity of the law which infringes the fundamental rights of citizens and others and when a question arises whether a law which *prima facie* infringes a guaranteed

fundamental right is within an exception the validity of that law has to be determined by the Courts on materials placed before them. By merely asserting that law was made after full consideration of the relevant evidence and criteria which have a bearing thereon, and was within the exception, the jurisdiction of the Courts to determine whether by making the law is a fundamental right has been infringed is not excluded.

9. The High Court has repeatedly observed in the course of their judgement that no materials at all were placed on the record to enable them to decide whether the criteria laid down by this Court for determining that the list prepared by the Government conformed to the requirements of Clause (4) of Article 15 were followed. On behalf of the State it was merely asserted that an enquiry was in fact made with the aid of expert officers and the Law Secretary and the question was examined from all points of view by the officers of the State, by the Cabinet Sub-Committee and by the Cabinet. But whether in that examination the correct criteria were applied is not a matter on which any assumption could be made especially when the list prepared is *ex facie* based on castes or communities and is substantially the list which was struck down by the High Court in *P. Sukhadev's case* 1966-1 Andh W.R. 294. Honesty of purpose of those who prepared and published the list was not and is not challenged but the validity of a law which apparently infringes the fundamental rights of citizens cannot be upheld merely because the law maker was satisfied that what he did was right or that he believes that he acted in manner consistent with the constitutional guarantees of the citizen. The test of the validity of a law alleged to infringe the fundamental rights of a citizen or any act done in execution of that law lies not in the belief of the maker of the law or of the person executing the law, but in the demonstration by evidence and argument before the Courts that the guaranteed right is not infringed.

Holding

As the State did not place adequate materials before the Court to prove that the list of backward classes was not prepared solely on caste basis but after full consideration of relevant factors, the Court invalidated the Andhra Government notification.

Jinardhan Subbaraya v. Mysore State

A.I.R. 1963 S.C. 702

This case made clear that the judgement of the Supreme Court in *Balaji* case did not affect the validity of the reservation made in favour of the Scheduled Castes and Scheduled Tribes. The said reservation (15% for S.Cs. and 3% for S.Ts.) continued to be

operative. The orders of 1962 of the Mysore Government had been quashed solely with reference to the reservation made in respect of the socially and educationally backward classes.

Facts

Since 1958 the State of Karnataka (then Mysore) had been attempting to make special provisions for the advancement of its socially and educationally backward classes of citizens under article 15(4) and whenever any order was passed its validity was challenged in writ proceedings in the High Court which quashed them. The petitions in the instant case were filed under article 32 to challenge the validity of the last order passed by the State in 1962. This final order was preceded by an order of 1961. The 1961 order was passed in the light of an expert committee set up by the State Government, called the Nagan Gowda Committee which had investigated the problem of identifying criteria for classifying backward classes in the state. The Committee had decided that in the present circumstances, the only practicable method of classifying the backward classes in the State is on the basis of caste and communities and that they should be sub-divided into two categories—Backward and the More Backward. The 1962 order was substantially based on the conditions of this Committee. The upshot of that order was that it had fixed 50% as the quota for the other backward classes (minus Scheduled Castes and the Scheduled Tribes). 28% out of that was reserved for Backward Classes so called and 22% for More Backward Classes. The reservation of 15% for Scheduled Castes and 3% for Scheduled Tribes was fixed. As a result, 68% of the seats available for admission to the Engineering, medical and other technical colleges was reserved for the backward classes and 32% was only available for the merit pool. Hence the order was challenged on the basis that the social backwardness of the communities to whom the impugned order applied had been determined in a manner not permissible under article 15(4).

Issues

- (i) What are the criteria for identifying the social and educational backwardness?
- (ii) What is the role of "caste" in determining social backwardness?
- (iii) Is the sub-classification of backward classes into categories valid?
- (iv) Is the quantum of reservations excessive?

Extracts

Gajendragadkar J.—In considering the scope and extent of the expression "backward classes" under Article 15(4), it is necessary to remember that the concept of backwardness is not intended to be relative in the sense that any classes who are backward in

relation to the most advanced classes of the society should be included in it. If such relative tests were to be applied by reason of the most advanced classes, there would be several layers or strata of backward classes and each one of them may claim to be included under Article 15(4). This position is not disputed before us by the learned Advocate-General for the State. The backwardness under Art. 15(4) must be social and educational. It is not either social or educational, but it is both social and educational; and that takes us to the question as to how social and educational backwardness has to be determined.

Let us take the question of social backwardness first. By what test should it be decided whether a particular class is socially backward or not? The group of citizens to whom Art. 15(4) applies are described as 'classes of citizens' not as castes of citizens. A class, according to the dictionary meaning, shows divisions of society according to status, rank or caste. In the Hindu social structure, caste unfortunately plays an important part in determining the status of the citizen. Though according to sociologists and vedic scholars, the caste system may have originally begun on occupational or functional basis, in course of time, it became rigid and inflexible. The history of the growth of caste system shows that its original functional and occupational basis was later over-bounded with considerations of purity of blood or ritual concepts, and that led to its ramifications which introduced inflexibility and rigidity. This artificial growth inevitably tended to create a feeling of superiority and inferiority, and to foster narrow caste loyalties. Therefore, in dealing with the question as to whether any class of citizens is socially backward or not, it may not be irrelevant to consider the caste of the said group of citizens. In this connection it is, however, necessary to bear in mind that the special provision is contemplated for classes of citizens and not for individual citizens as such, and so, though the caste of the group of citizens may be relevant, its importance should not be exaggerated. Is the classification of backward classes of citizens was based solely on the caste of the citizen, it may not always be logical and may perhaps contain the vice of perpetuating the castes themselves.

Besides, if the caste of the group of citizens was made the sole basis for determining the social backwardness of the said group, that test would inevitably break-down in relation to many sections of Indian society which do not recognise caste in the conventional sense known to Hindu society. How is one going to decide whether Muslims, Christians or Jains, or even Lingayats are socially backward or not? The test of castes would be inapplicable to those groups, but that

would hardly justify the exclusion of these groups in from the operation of Art. 15(4). It is not unlikely that in some States some Muslims or Christians or Jains forming groups may be socially backward. That is why we think though castes 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 the dominant test in that behalf. Social backwardness is one the ultimate analysis the result of poverty to a very large extent. The classes of citizens who are deplorably poor automatically become socially backward. They do not enjoy a status in society and have, therefore, to be content to take a backward seat. It is true that social backwardness which results from poverty is likely to be aggravated by considerations of caste to which the poor citizens may belong but that only shows the relevance of both caste and poverty in determining the backwardness of citizens.

The occupations of citizens may also contribute to make classes of citizens socially backward. There are some occupations which are treated as inferior according to the conventional beliefs and classes of citizens who follow these occupations are apt to become socially backward. The place of habitation also plays not a minor part in determining the backwardness of a community of persons. In a sense, the problem of social backwardness is the problem of Rural India in that behalf, 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. Sociological, Social and economic consideration came into play in solving the problem and on evolving proper criteria for determining which classes are socially backward is obviously a very difficult task; it will need an elaborate investigation and collection of data and examining the said data in a rational and scientific way. That is the function of the State which purports to act under Art. 15(4). All that this Court called upon to do in dealing with the present-petitions is to decide whether the tests applied by the impugned order are valid under Art. 15(4). If it appears that the test applied by the order in that behalf is improper and invalid, then the classification of socially backward classes based on that test will have to be held to be inconsistent with the requirements of Art. 15(4).

What then is the test applied by the State in passing the impugned order? We have already seen that the Nagan Gowda Committee appointed by the State was inclined to treat the caste as almost the sole basis in determining the question about the social backwardness of any community. The committee has no doubt incidentally referred to the general economic condition of the community as a contributory factor but the manner in which it has enumerated the backward and more backward classes leaves no room for doubt that the predominant, if not the sole, test that weighed in their minds was the test of caste. When we consider the impugned order itself, the position becomes absolutely clear. The impugned order has adopted the earlier order of 10th July, 1961, with some changes as to the

quantum of reservation, and so, it is necessary to examine the earlier order in order to see what test was applied by the State in classifying the backward classes. In its preamble the order of 10-7-1961 clearly and unambiguously states that the Committee had come to the conclusion that in the present circumstances, the only practicable method of classifying the Backward Classes in the State is on the basis of castes and communities and the State Government accepts this test. In other words, on the order as it stands there can be no room for doubt that the classification of backward and more backward classes was made by the State Government only on the basis of their castes which basis was regarded as a practicable method. It is true that in support of the inclusion of the Lingayat amongst the Backward Classes the order refers to some other factors, but neither the Report of the Nagan Gowda Committee, nor the orders passed by the State Government on July 10, 1961 and July 31, 1962 afford any indication as to how any test other than of the caste was applied in deciding the question. The learned Advocate-General has contended that the statement in the preamble of the order of July 10, 1961 should not be literally construed and he has argued that the words in the relevant portion are inartistic and he has suggested that the order is not based on the sole basis of castes. We are not impressed by this argument. We have considered both the orders in the Right of the Report and the recommendations made by the Nagan Gowda Committee and we are satisfied that the classification of the socially backward classes of citizens made by the State proceeds on the consideration only of their castes without regard to the other factors which are undoubtedly relevant. If that be so, the social backwardness of the communities to whom the impugned order applies has been determined in a manner which is not permissible under Art. 15(4) and that itself would introduce an infirmity which is fatal to the validity of the said classification.

The next question to consider is in regard to the educational backwardness of the classes of citizens. The Nagan Gowda Report and the impugned order proceed to deal with this question on the basis of the average of student population in the last three High School classes of all High Schools in the State in relation to a thousand citizens of that community. On the figures supplied to the Committee which admittedly are approximate and not fully accurate, the Committee came to the conclusion that the State average of student population in the last three High School classes of all High School in the State was 6.9 per thousand. The Committee decided that all castes whose was less than the State average of 6.9 per thousand should be regarded as backward communities and it further held that if the average of any community was less than 50% of the State average, it should be regarded as constituting the more backward classes. It may be conceded that in determining the educational backwardness of a class of citizens, the literacy test supplied by the Census Reports may not be adequate; but it is doubtful if the test of the average of student population in the last three High School classes is appropriate in determining the educational backwardness. Having regard to the fact that the test is intended to determine who are educationally backward classes, it may not

be necessary or proper to put the test as high as has been done by the Committee. But even assuming that the test applied is rational and permissible under Art. 15(4), the question still remains as to whether it would be legitimate to treat castes or communities which are just below the State average as educationally backward classes, if the State average is 6.9 per thousand, a community which satisfied the said test of is just below the said test cannot be regarded as backward. It is only communities which are well below the State average that can properly be regarded as educationally backward classes of citizens. Classes of citizens whose average of student population works below 50% of the State average are obviously educationally backward classes of citizens. Therefore, in our opinion, the State was not justified in including in the list of Backward Classes, castes, castes or communities whose average of student population per thousand was slightly above, or very near, or just below the State average.

It will be recalled that the Nagan Gowda Committee had recommended that the Lingayats should not be treated as Backward Classes. The State had decided otherwise, and in doing so, the State has taken the view that the figures arrived at by nearest integer as, in the nature of things, says the order of July, 1980, it is not possible to attain absolute mathematical precision in making such assessments. That is how the State average was raised from 6.9 to 7 per thousand. Even after increasing the State average to 7 the position with regard to Lingayat community was that its averaged of students population was 7.1 per thousand according to the Committee's conclusion and according to the decision of the State 7, and yet the Lingayats as a community have been held to be an educationally backward class of citizens under the State order. This result has been achieved by adding, 1 to the state average and deducting 1 from the Lingayat's average. The Ganigas whose average of students population 7 per thousand are likewise included in the list of backward classes. If the State average is 6.9 or 7 it would, we think, be manifestly erroneous to regard those communities as educationally backward whose students population ratio works at the same level as the state average.

In regard to the Muslims, the majority view in the Committee was that the Muslim community as a whole should be treated as socially backward. This conclusion is stated merely as a conclusion and no data or reasons are cited in support of it. The average of student population in respect of this community works at 5 per thousand and that, in our opinion, is not so below, the State average that the community could be treated as educationally backward in the State of Mysore. Therefore, we are not satisfied that the State was justified in making the view that communities or castes whose average of student population was the

same as, or just below, the State average, should be treated as educationally backward classes of citizens if the test has to be applied by a reference to the State average of student population, the legitimate view to take would be that the classes of citizens whose average is well or substantially below the state average can be treated as educationally backward. On this point again, we do not propose to lay down any hard and fast rules, it is for the State to consider the matter and decide it in a manner which is consistent with the requirements of Art. 15(4).

In this connection, it is necessary to add that the sub-Classification made by the order between Backward Classes and More Backward Classes does not appear to be justified under Art. 15(4). Article 15(4) authorises special provision being made for the really backward classes. In introducing two categories of Backward Classes what the impugned order, in substance purports to do is to devise measures for the benefit of all the classes of citizens who are less advanced compared to the most advanced classes in the State, and that, in our opinion, is not the scope of Art. 15(4). The result of the method adopted by the impugned order is that nearly 60% of the population of the state is treated as backward, and that illustrate how the order in fact divides the population of the State into most advanced and the rest, and puts the latter into two categories of Backward and More Backward. The classification of the two categories, therefore, is not warranted by Art. 15(4).

Holding

- (i) Caste, poverty, occupations, place of habitation were some relevant factors for determining social backwardness. As regards educational backwardness the court said that it was doubtful if the test of the average of student population in last three High School classes was appropriate. Further the court said that assuming the test were valid, and the state average was 6.9 per thousand, a community which satisfied the said test could not be regarded as backward. It must be substantially below the state average.
- (ii) Caste though relevant in the Indian Society could not be made the sole or dominant test to determine social backwardness. This would perpetuate the vice of caste system in the society.
- (iii) Sub-classification of the backwardness into backward and more backward was not constitutionally permissible.
- (iv) The total reservation of 68% for Scheduled Castes, Scheduled Tribes and backward classes was held to be excessive.

Facts

Facts were the same as in *Sitabash Chandra's* case. This case came on appeal from that decision to the Supreme Court.

Issue

Whether the Government of U.P. order incorporating the instructions which made reservations in favour of candidates from Rural areas, Hill areas and Utrakhnad was constitutionally valid?

Extracts

A. N. Ray, C. J.—The express "socially and educationally backward classes" in Article 15(4) was explained in *Balaji's* case 1963 Supp 1 SCR 439—1963 SC(649) (*Supra*) to be comparable to Scheduled Castes and Scheduled Tribes illustrated social and educational backwardness. It is difficult to define the expression "socially and educationally backward classes of citizens". The traditional unchanging occupations of citizens may contribute to social and educational backwardness. The place of habitation and its environment is also a determining factor in judging the social and educational backwardness.

The expression "classes of citizens" indicates a homogeneous section of the people who are grouped together because of certain likeness and common traits and who are identifiable by some common attributes. The homogeneity of the class of citizens is social and educational backwardness. Neither caste nor religion nor place of birth will be the uniform element of common attributes to make them a class of citizens.

The traits of social backwardness are these. There is no social structure. There is no social hierarchy. There are no means of controlling the environment through technology. There is no organisation of the society to create inducements for uplift of the people and improvement of economy. Building of towns and industries, growth of cash economy which are responsible for greater wealth are absent among such social growth and well being can be satisfied by massive change in resource conditions. High lands and hills are to be developed in fiscal values and natural resources. Nature is a treasury. Forests, mountains, rivers, can yield and advanced society with the aid of education and technology.

The hill and Utrakhnad areas in Uttar Pradesh are instances of socially and educationally backward classes of citizens for these reasons. Backwardness is

judged by economic basis that each region has its own measurable possibilities for the maintenance of human numbers, standards of living and fixed property. From an economic point of view the class of citizens are backward when they do not make effective use of resources. When large areas of land maintain a sparse, disorderly and illiterate population whose property is small and negligible the element of social backwardness is observed. When effective territorial specification is not possible in the absence of means of communication and technical processes as in the hill and Utrakhnad areas the people are socially backward classes of citizens. Neglected opportunities and people in remote places raise walls of social backwardness of people.

Educational backwardness is ascertained with reference to these factors. Where people have traditional apathy for education on account of social and environmental conditions or occupational handicaps, it is an illustration of educational backwardness. The hill and Utrakhnad areas are inaccessible. There is lack of educational institutions and educational aids. People in the hill and Utrakhnad areas illustrate the educationally backward classes of citizens because lack of educational facilities keep them stagnant and they have neither meaning and values nor awareness for education.

The 1971 Census showed population in India to be 54.79 crores. 43.89 crores or 80.1 per cent live in rural areas. 10.91 crores or 19.9 per cent live in cities and towns. In 1921 the rural population in India was 88.8 per cent. In 1971 the rural population was reduced to 80.1 per cent. The rural population of Uttar Pradesh in 1971 was roughly seven and a half crores. The population in Utrakhnad was roughly seven and a half lakhs. The population of Hill areas in Uttar Pradesh was near about twenty five lakhs. It is incomprehensible as to how 80.1 per cent of the people in rural areas or 7 crores in rural parts of Uttar Pradesh can be suggested to be socially backward because of poverty. Further, it is also not possible to predicate poverty as the common trait of rural people. This Court in *J. P. Parimoo v. State of Jammu and Kashmir* (1973) SCR 236 = (AIR 1973 SC 930 = 1973 Lab IC 565) said that if poverty is the exclusive test a large population in our country would be socially and educationally backward classes of citizens. Poverty is evident everywhere and perhaps more so in educationally advanced and socially affluent classes. A division between the population of our country on the ground of poverty, that the people in the urban areas are not poor and that the people in the rural areas are poor is neither supported

by facts not by a division between the urban people on the one hand and the rural people are socially and educationally backward class.

Some people in the rural areas may be educationally backward, some may be socially backward, there may be a few who are both socially and educationally backward citizens residing in rural areas are socially and educationally backward.

80 per cent of the population, in the state of Uttar Pradesh in rural areas cannot be said to be a homogeneous class by itself. They are not of the same-kind. Their occupation is different. Their lives are different. Population cannot be a class by itself. Rural element does not make it a class. To suggest that the rural areas are socially and educationally backward is to have reservation for the majority of the State.

The reservation for rural areas cannot be sustained on the ground that the rural areas represent socially and educationally backward classes of citizens. This reservation appears to be made for the majority population of the State. 80 per cent of the population of the State cannot be a homogeneous class. Poverty in rural areas cannot be the basis of classification to support reservation for rural areas. Poverty is found

in all parts of India. In the instructions for reservation of seats it is provided that in the application form a candidate for reserved seats from rural areas must submit a certificate of the District Magistrate of the District to which he belonged that he was born in rural areas and had a permanent home there, and is residing there or that he was born in India and his parents and guardians are still living there and earn their livelihood there. The incident of birth in rural areas is add the basic qualification. No reservation can be made on the basis of place of birth, as this would offend Article 15.

The onus of proof is on the State to establish that the reservations are for socially and educationally backward classes of citizens. The State has established that the people in hill and Utrakhand areas are socially and educationally backward classes of citizens.

Holding

- (i) Reservations in favour of candidates from Hill Areas and Utrakhand were held to be valid.
- (ii) Reservations in favour of Rural Areas were held not valid.

Facts

On June 20, 1970 the Backward Classes Commission appointed by the State of Andhra Pradesh a couple of years back, made its report regarding the various categories of persons who are to be treated as belonging to Backward Classes and recommended reservation of 30% of seats to persons belonging to the Backward Classes. The Commission had adopted the following criteria for identifying social and educational backwardness—

- (i) general poverty of the class or community as a whole ;
- (ii) occupations the nature of which must be inferior, unclean, undignified and unremunerative or one which does not carry influence or power ;
- (iii) caste in relation to Hindus ;
- (iv) educational backwardness.

The State by G.O. No. 1793/Education, dated September 23, 1970 announced reservation of 25% of the seats in the M.B.B.S. Course for candidates belonging to the various Backward Classes enumerated therein on the basis of the report of the Backward Classes Commission. The reservation for Scheduled Castes and Scheduled Tribes was 14% and 4% respectively.

The enunciation of backward classes by the State Commission and the subsequent order of Government reserving 25% of seats were challenged in the High Court which held that they were violation of Articles 15(1) and 29(2) and were not saved by Article 15(4). The rationale was that "caste" was taken as the basis of the listing of backward classes by the Commission.

On appeal the matter came to the Supreme Court.

Issues

- (i) Whether "caste" alone could be taken as the basis for the enumeration of backward classes ?
- (ii) Whether the quantum of reservation was excessive ?

Extracts

Undiaalingam J.

68. The Government also accepted the list drawn up by the Commission *in toto* and declared that the castes and communities specified in the annexure to

the G.O. are socially and educationally Backward Classes for the purpose of Art. 15(4) of the Constitution. Though the Commission had recommended reservation of 30% of seats for the Backward Classes in the professional Colleges, the Government in the order decided that only 25% of seats in the professional Colleges should be reserved for Backward Classes. The Government also agreed to the recommendations of the Commission to the classification of the Backward Classes into four groups and directed that on the basis of the population of those four groups, the 25% reservation of seats in the professional Colleges was to be apportioned amongst the said four groups in the proportion mentioned in the Government order. The Government made it clear that the acceptance of the recommendations of the Commission regarding reservations shall be in force for a period of 10 years in the first instance and the position will be reviewed thereafter.

69. We have referred to the circumstances leading upto the passing of the impugned G.O. No. 1793 of 1970. In order to appreciate the criticism made by the High Court regarding the approach made by the Commission, it is necessary to refer to the salient features of the report of the Backward Classes Commission. The report of the Backward Classes Commission is Annexure B before us. As soon as the Commission was appointed, the Commission issued a questionnaire and circulated it very widely to the various authorities and organisations mentioned in its report. The questionnaire refers to various matters regarding the criteria to be adopted for ascertaining the backwardness of persons as well as the information on matters relating to the social and educational backwardness of the persons. Apart from the distribution of the questionnaire, the Commission called for information from the Heads of all Government Departments regarding the number of persons belonging to each class or community employed in their Departments. Information was also asked from the principals of colleges, including the professional and technical colleges regarding the number of students belonging to each class or community in the academic year 1967-68. Similarly, the Head Masters of all the High Schools and Multipurpose High Schools in the State were also requested to furnish information regarding the total number of students belonging to each community who studied in those schools during the last 10 years as well as the number of students classwise and communitywise who studied in classes VI to XI in 1968-69.

70. The Commission toured all the Districts in the States and recorded oral evidence on oath from the representatives of a number of communities. During

the tour of the Districts, the Commission visited the houses and huts belonging to different communities of the people and also made oral enquiries from the inmates about their conditions of living, their customs, relations with other communities and their problems. The names of places visited by the Commission together with the dates of such visits are given in Appendix IV of its Report. The Commission together with the dates of such visits are given in Appendix IV of its Report. The Commission also visited the neighbouring States of Madras, Mysore and Kerala with a view to have discussion with the officers of those Governments, which were connected with the welfare of Backward Classes. The report says that about 820 persons were examined at various places and that about 480 persons submitted written memoranda. A large number of replies were received from the public to the questionnaire issued by the Commission. The Commission has stated that it had an opportunity, during its tour and visit of the villages, of studying the living conditions and standard of life of the various communities. The Commission has, no doubt, referred to the fact that upto date statistical information with regard to population of the several communities as well as the percentage of literacy was not available. The difficulty was enhanced by the fact that no castewise statistics had been collected after 1931 census. So far as Andhra area is concerned, the figures of 1921 census were available, as it had been prepared on castewise basis. Regarding Telangana area, the 1931 census of castewise statistics was available. It had to estimate the 1968 population in the two areas on the basis of the respective census data available. The population figures for 1968 for each caste was fixed by the Commission by the percentage of the increase of the total population. The estimate so made by the Commission is given in Appendix V of the report.

71. Regarding literacy, the Commission adopted the percentage of student population per thousand of particular class or community in standards X and XI with reference to the average student population in the whole state. The reasons for adopting this procedure have been given in Chapter VI. Though information was called for regarding the student population communitywise in standards X and XI from about 2224 High Schools and Higher Secondary Schools in the State, only about 50% of the institutions sent the information regarding the student population communitywise, in those two classes. The Commission worked out an average on the basis of the replies received from the 50% of the institutions which itself comes to nearly more than 1100 schools. It is not necessary to refer to the employment statistics collected by the Commission. The Commission itself has indicated the difficult problems it had to tackle.

72. Chapter IV and V deal with the constitutional provisions regarding the Backward Classes as well as the general principles laid down by the High Court and this Court for ascertainment of their social and educational backwardness.

73. Chapter IV deals with the tests of criteria adopted by the Commission for ascertaining the social

and educational backwardness of persons. Regarding social backwardness, after a very exhaustive survey of the trade or occupations carried on by the persons concerned and other allied matters, the Commission has indicated that only such persons belonging to a caste or community who have traditionally followed unclean and undignified occupation, can be grouped under the classification of Backward Classes. In this connection the Commission has adverted to the general poverty of the class or community as a whole, the occupation pursued by the class of citizens, the nature of which is considered inferior and unclean, undignified or unremunerative or one which does not carry influence or power and caste in relation to Hindus.

74. Regarding educational backwardness, the Commission had adverted to the fact that during the past 10 years, the state has introduced many measures for the general educational advancement of its people by introducing compulsory primary education for children and free education for boys upto VIIIth and for girls upto XIth class. It has taken note of the fact that in 1968-69, free education for boys was also extended upto High School stage. Having regard to the fact that because of literacy and educational advancement, passing in the School Final Class (XI Class) is taken as the minimum qualification for appointment in Public Service as also for admission to University and Technical Education. The Commission is of the view that it is proper to take the last two classes, namely, Class X and XI as standard for ascertaining the educational backwardness. In this connection it has referred to the Report of the Backward Classes Committee, appointed by the Jammu and Kashmir Government, presided over by Dr. P. B. Gajendragadkar, former Chief Justice of India. This Committee has expressed the view that the number of students on the rolls of IX and X classes should be ascertained for determining educational backwardness. The reasons given by the said Committee for this view are quoted by the Commission in its report. The Commission then has adverted to the fact that the average student population in Classes X and XI in the State works out to be about 4.55 per thousand. On this basis, it has proceeded to apply the principle that Communities whose student population in these standards is well below the State average, have to be considered as educationally backward. Here again the Commission has referred to the fact that as only 50% of the Schools had furnished figures with reference to the student population, it had to work out an average based on those figures applicable to the entire state. 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.

75. Chapter VII gives the list of socially and educationally Backward Classes and there is a very exhaustive note attached to each of these groups as to why the Commission regards them as socially and educationally backward. In that Chapter the Commission has also exhaustively dealt with the names of

the groups, the sub-divisions in those groups, their traditional occupation and various other matters having a bearing on their social, economic and educational set up. Appendix VI which enumerates the list of socially and educationally Backward Classes item by item gives a tabular statement containing information about the name of the community, its traditional occupation as well as its population in 1968. Appendix VII contains a note about each of the classes enumerated by the Commission as Backward Classes. Appendix VII contains information regarding the principal occupation, approximate family income, percentage of School going students in the particular groups and various other information regarding the persons mentioned in the list. A perusal of the Appendix VI and VII shows that the traditional occupations of the persons enumerated as backward were of a very low order such as beggars, washermen, fishermen, watchmen at burial grounds etc. The Commission had made certain recommendations regarding reservation in the Government Service and it had also made recommendations regarding other assistance to be given to the Backward Classes. In these appeals it is not necessary to refer to those recommendations. For the purpose of these appeals it is only necessary to state that the observations made by this Court in *Triloki Nath Tikku v. State of Jammu and Kashmir*, (1967) 2 SCR 265 (AIR 1967 S.C. 1283).

85. We have been referred to various decisions, particularly of this Court where reservations for Backward Classes made by the concerned State have been either accepted as valid or struck down. But it is not necessary for us to refer to those decisions because each case will have to be considered on its own merits, after finding out the nature of the materials collected by a Commission or by the State when it enumerated certain persons as forming the Backward Classes. But one thing is clear that if an entire caste, as a fact, found to be socially and educationally backward, their inclusion in the list of Backward Classes by their caste name is not violative of Art. 15(4).

87. In (1968) 3 SCR 595—(AIR 1968 SC 1397) a similar list prepared by the State of Andhra Pradesh solely on the basis of caste was struck down. In *Triloki Nath v. State of Jammu and Kashmir*, (1969) 1 SCR 103 (AIR 1969 SC 1) the Constitution Bench of this Court held that 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 backward classes, but that is not because they are members of a caste or community but because they form a class. Therefore, it is clear that there may be instances of an entire caste or a community being socially and educationally backward for being considered to be given protection under Art. 15(4).

89. The High Court has committed another error in that it has proceeded on the basis that the groups whose inclusion as backward classes in the 1963 and 1966 lists, prepared by the State, which were struck down by the High Court, have again been included in the present list by the Commission. The High Court has missed the fundamental fact that those two

lists were struck down by the High Court on the ground that the State had made no investigation whatsoever, nor had the State collected the relevant materials before classifying the groups as Backward Classes. It was on that ground that those lists were struck down by the High Court. In fact this Court also affirmed the latter decision of the Andhra Pradesh High Court striking down the 1966 list in its decision in (1968) 3 SCR 595—(AIR SC 1379). Though we are not inclined to agree with the decision of the High Court that the enumeration of groups as Backward Classes by the Commission is solely on the basis of caste, we will assume that the High Court is right in that view. 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.

93. The next decision of this Court where a list prepared on the basis of caste, on the ground, that the entire caste was socially and educationally backward was approved as valid under Art. 15(4) is one AIR 1971 SC 2303. In this decision unitwise distribution of seats for the Medical Colleges was struck down by this Court as violative of Arts. 14 and 15, nevertheless the list of Backward Classes, which was challenged, as having been framed on the basis exclusively of caste, was held to be valid. This Court after referring to the decisions in 1963 Suppl. (1) SCR 439—(AIR 1963 SC 649) and (1964) 6 SCR 368—(AIR 1964 SC 1823) held that caste is a relevant factor in ascertaining a class for the purpose of Art. 15(4). The decision in (1968) 2 SCR 786—(AIR 1968 SC 1012) was also quoted with approval and the said decision was relied on as an authority for the proposition that the classification of Backward Classes on the basis of caste is within the purview of Art. 15(4), if those castes are shown to be socially and educationally backward. 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 (1968) 2 SCR 786—(AIR 1968 SC 1012).

94. At this stage it may be recalled that the State of Andhra Pradesh originally formed part of the Composite State of Madras. We sent for the paper book in Writ petition No. 285 of 1970, the decision of which is reported in (1968) 2 SCR 786—(AIR 1968 SC 1012). On a comparison of the list, which was under challenge in the said decision, but accepted as correct by this Court, with the list which is under attack before us, we find that most of the groups whose inclusion in the list by the State of Madras was held to be valid are also found in the list prepared by the Backward Classes Commission appointed by the Andhra Pradesh State.

95. To conclude, though *prima facie* the list of Backward Classes which is under attack before us may

be considered to be on the basis of caste, a closer examination will clearly show that it is only a description of the group following the particular occupation or professions, exhaustively referred to by the Commission. Even on the assumption that the list is based exclusively on caste, it is clear from the materials before the Commission and the reasons given by it in its report that the entire caste is socially and educationally backward and therefore their inclusion in the list of Backward classes is warranted by Art. 15(4). The groups mentioned therein have been included in the list of Backward classes as they satisfy the various tests which have been laid down by this Court for ascertaining the social and educational backwardness of a class.

96. The Commission has given very good reasons as to why it had to take into account the population figures based upon the 1921 and 1931 censuses. It was also justified in taking the average student population of classes X and XI, especially as the said procedure has been accepted by the Committee appointed by the Jammu and Kashmir Government, presided by Dr. P. B. Gajendragadkar, former Chief Justice of India. That Committee took into account IX and X standards average. The decided cases have laid down the principles for ascertaining the social and educational backwardness of a class. The Backward Classes Commission in this case has taken considerable pains in collecting data regarding the various aspects before including a particular group as Backward Class in the list.

97. There is a criticism levelled that the Commission has used its personal knowledge for the purpose of characterising a particular group as backward. That, in the circumstances of the case, is inevitable and there is nothing improper or illegal. The very object of the Commission in touring the various areas and visiting the hpts and habitations of people is to find out their actual living conditions. After all that information has been gathered by the Commission not secretly but openly. In fact the actual living conditions or habitation can be very satisfactorily judged and found out only on a personal visit to the areas which will give a more accurate picture of their living conditions and their surroundings. If the personal impressions gathered by the members of the Commission have also been utilised to augment the various other materials gathered as a result of detailed investigation, it cannot be said that the report of the Commission suffers from any vice merely on the ground that they imported personal knowledge. In our opinion, the High Court has not been fair to the Commission when it says that whenever the Commission found the figures obtained in respect of certain groups as relating to their educational standard being higher than the State average, it adopted an ingenious method of getting over that obstacle by importing personal knowledge. In fact, the Commission has categorically stated that the information received from the various schools showed that the percentage of education was slightly higher than the State average in respect of certain small groups, but in view of the fact that their living conditions were

deplorably poor, the slight higher percentage of literacy should not operate to their disadvantage.

98. Regarding the criticism that the Commission has divided classes into, more backward and less backward, in our opinion, this is not also well founded one. 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 what the case which was dealt with by this Court in 1963 Supp. (1) SCR 439—(AIR 1963 SC 649).

100. No doubt our attention was drawn to a decision of the Kerala High Court, which has held that the reservation is irrespective of some of the candidates belonging to the Backward Classes, getting admission on their own merit. The Andhra Pradesh High Court has taken a slightly different view. If a situation arises wherein the candidates belonging to the groups included in the list of Backward Classes, are able to obtain more seats on the basis of their own merit, we can only state that it is the duty of the Government to review the question of further reservation of seats for such groups. This has to be emphasised because the Government should not act on the basis that once a class is considered as a backward class it should continue to be backward for all time. If once a class appears to have reached a stage of progress, from which it could be safely inferred that no further protection is necessary, the State will do well to review such instances and suitably revise the list of Backward Classes. In fact it was noticed by this Court in AIR 1971 SC 2303 that candidates 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."

For the reasons given above, we are of the opinion that the list of Backward Classes, as well as the reservation of 25 per cent of seats in Professional Colleges for the persons mentioned in the said list is valid and it saved by Art. 15(4) of the Constitution. We are not inclined to agree with the reasons given by the High Court that the said G.O. offends Art. 15(4) of the Constitution.

Holding

- (i) Though *prima facie* the list of Backward Classes impugned in the case may be considered to be based on "Caste" a close perusal would show that it was only a description of the group following particular occu-

nations or professions referred to by the Commission. Even assuming that the list was based exclusively on caste, it was clear from the materials before the Commission that the entire caste was socially and educationally backward. The groups listed by the Commission answer the various tests

evolved by the Court for ascertaining the social and educational backwardness of a class.

- (ii) The total reservation of 43 per cent was HELD to not excessive. It was within the 50 per cent limit laid down by *Balaji*.

Facts

The Government of Mysore in its order of July 26, 1963 had defined backward classes and directed that 30 per cent of the seats in professional and technical institutions would be reserved for them. It laid down that the classification should be on the basis of (a) economic condition and (b) occupation or profession. Accordingly a family whose income was Rs. 1,200 per annum or less and persons or classes who followed occupations of agriculture, petty business, inferior services, crafts or other occupations involving manual labour were defined to be socially and economically backward. The order did not take caste into consideration, so it was challenged on that ground.

In the Mysore High Court in *D. G. Vishwanath v. Government of Mysore* (A. I. R. 1964 Mys. 132) involving the validity of the same order Hegde J. held that as the order had altogether ignored "caste" and "residence" basis, it did not benefit the really backward classes among the Hindus. The Supreme Court had stated in *Balaji* that caste in relation to Hindus was a relevant factor in determining the social backwardness of groups or classes of citizens.

The matter came on appeal to the Supreme Court in the *Chitrolekha* case.

Issues

- (i) What is the relevance of "Caste" in determining social and educational backwardness?
- (ii) Is "caste" and "Class" synonymous?

Extracts

Subba Rao, J. (for the majority)

15. Two principles stand out prominently from the said observations, namely, (i) the caste of a group of citizens may be a relevant circumstance in ascertaining their social backwardness; and (ii) though it is a relevant factor to determine the social backwardness of a class of citizens, it cannot be the sole or dominant test in that behalf. The observations extracted in the judgement of the High Court appear to be in conflict with the observations of this Court. While this Court said that caste is only a relevant circumstance and that it cannot be the dominant test in ascertaining the backwardness of a class of citizens, the High Court said that it was an important basis in determining the class of backward Hindus and that the Government should have adopted caste as one of the tests. As the said observations made by the High Court may lead to some confusion in the mind of the authority con-

cerned who may be entrusted with the duty of prescribing the rules for ascertaining the backwardness of classes of citizens within the meaning of Art. 15(4) of the Constitution, we would hasten to make it clear 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 compelling circumstances affording a basis for the 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.

16. The Constitution of India promises justice, social, economic and political and equality of status and of opportunity, among others. Under Art. 46, one of the Articles in Part IV headed "Directive Principles of State Policy", the state shall promote with special care the educational and economic interest 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. Under Art. 341.

"The President may with respect to any State or Union Territory and where it is a State after consultation with the Governor thereof by public notification specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purpose of this Constitution deemed to be Scheduled Castes in relation to that State or Union Territory, as the case may be".

19. These provisions recognize the factual existence of backward classes in our country brought about by historical reasons and make a sincere attempt to promote the welfare of the weaker sections thereof. They shall be so construed as to effectuate the said policy but not to give weightage to progressive sections of our society under the false colour of caste to which they happen to belong. The important factor to be noticed in Art. 15(4) 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 the Scheduled Castes and the Scheduled Tribes. Though it

may be suggested that the wider expression "Classes" is used in cl. (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 the juxtaposition of the expression "Backward class" and "Scheduled Castes" in Art. 15(4) also leads to a reasonable inference that the expression "Classes" is not synonymous with castes. It may be that for ascertaining whether a particular citizen or a group of citizens belong to a backward class or not, his or their caste may have some relevance, but it cannot be either the sole or the dominant criterion for ascertaining the class to which he or they belong.

20. This interpretation will carry out the intention of the Constitution expressed in the aforesaid Articles. It helps the really Backward Classes instead of promoting the interests of individuals or groups who, though belong to particular caste a majority whereof is socially and educationally backward, really belong to a class which is socially and educationally advanced. To illustrate, take a caste in a State which is numerically the largest therein. It may be that though a majority of the people in that caste are socially and educationally backward, an effective minority may be socially and educationally far more advanced than another small sub-caste the total number of which is far less than the said minority. 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 consideration 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.

21. We do not intend to lay down any inflexible rule for the Government to follow. The laying down of criteria for ascertainment of social and educational

backwardness of a class is complex problem depending upon many circumstances which may vary from State to State and even from place in a State. But what we intend to emphasize is that under no circumstance a "class" can be equated to a "Caste" though the caste of an individual or a group of individuals may be considered along with other relevant factors in putting him in a particular class. We would also like to make it clear that if in a given situation caste is excluded in ascertaining a class within the meaning of Art. 15(4) of the Constitution if it satisfied other tests. Mudholkar J. (Minority opinion on other matters).

43. I do not think it necessary to pronounce any opinion upon that question in this case and would reserve it for a future occasion. I would also likewise reserve my opinion on the other points upon which he has expressed himself excepting one, that is, as to the relevance of the consideration of caste in determining the classes which are socially and educationally backward. I would only say this that it would not be in accordance either with cl. (1) of Art. 15 or cl.(2) of Art. 29 to require the consideration of the castes of persons to be borne in mind for determining what are socially and educationally Backward Classes. It is true that cl. (4) of Art. 15 contains a *non obstante* clause with the result that power conferred by that clause can be exercised despite the provisions of cl. (1) of Art. 15 and cl. (2) of Art. 29. But that does not justify the inference that castes have any relevance in determining what are socially and educationally backward communities. As my learned brother has rightly pointed out the Constitution has used in cl. (4) the expression "classes" and not "Castes".

Holding

- (i) "Caste" is one of the relevant factors in determining social and educational backwardness ;
- (ii) "Caste" and "Class" are not synonymous.

Facts

Rules made by the Government of Madras regarding admission to First Year Integrated M.B.B.S. Course were challenged as violative of articles 14 and 15. Rule 15 had provided for reservation of seats for socially and educationally backward classes specified in Appendix, and the Appendix referred only to castes.

Issues

- (i) Can "Caste" be considered as the sole test for determining socially and educationally backward classes?
- (ii) On whom does the onus lie to prove that castes mentioned in the list are not socially and educationally backward?

Extracts

Manchoo C. J.

The first challenge is to R. 5 on the ground that it violates Article 15 of the Constitution. Article 15 forbids discrimination against any citizen on the ground only of religion, race, caste, sex, place of birth or any of them. At the same time article 15(4) *inter alia* permits the State to make any special provision for the advancement of any socially and educationally backward classes of citizens. The contention is that the list of socially and educationally backward classes for whom reservation is made under R. 5 is nothing but a list of certain castes. Therefore, reservation in favour of certain castes based only on caste considerations violates Article 15(1), which prohibits discrimination on the ground of caste only. Now if the reservation in question had been based only on caste and had not taken into account the social and educational backwardness of the caste in question, it would be violative of Article 15(1). But it must not be forgotten that a 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 a caste on the ground that it is socially and educationally backward class of citizens within the meaning of Article 15(4). Reference in this connection may be made to the observations of this Court in *M. R. Balaji v. State of Mysore*, 1968 S. C. 649 Supp 1 S.C.R. 439 at pp. 459-460 (A.I.R. 1968 S.C. 649 at p. 659) to the effect that it was not irrelevant to consider the caste of a class of citizens in determining their social and educational backwardness. It was further observed that though the caste of a class of citizens may be relevant its importance should not be exaggerated; and if classification of

backward class of citizens was based solely on the caste of the citizens, it might be open to objection. It is true that in the present cases the list of socially and educationally backward classes has been specified by caste. But that does not necessarily mean that caste was the sole consideration and that persons belonging to these castes are also not a class of socially and educationally backward citizens. In its reply, the State of Madras has given the history as to how this list of backward classes was made, starting from the year 1906 and how the list has been kept up-to-date and necessary amendments made therein. It has also been stated that the main criterion for inclusion in the list was the social and educational backwardness of the caste based on occupations pursued by these castes. Because the members of the caste as a whole were found to be socially and educationally backward, they were put in the list. The matter was finally examined after the Constitution came into force in the light of the provisions contained in Article 15(4). As it was found that the members of these castes as a whole were educationally and socially backward, the list which had been coming on from as far back as 1906 was finally adopted for purposes of Article 15(4). In short the case of the State of Madras is that the castes included in the list are only a compendious indication of the class of people in those castes and these classes of people had been put in the list for the purpose of Article 15(4) because they had been found to be socially and educationally backward.

8. This is the position as explained in the affidavit filed on behalf of the State of Madras. On the other hand the only thing stated in the petitions is that as the list is based on caste alone it is violative of Article 15(1). In view however of the explanation given by the State of Madras which has not been controverted by and 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/appellant to show that any caste mentioned in this list was not educationally and socially backward. No such averment was made in the affidavit in support of their cases, nor was any attempt made to traverse the case put forward on behalf of the State of Madras by filing a rejoinder affidavit to show that even one of the castes included in the list was not educationally and socially backward. In this state of the pleadings, 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 Article 15. The challenge to R. 5 must therefore fail.

Holding

(i) A 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 a caste on the ground that it is socially and educationally backward

class of citizens within the meaning of Article 15(4).

(ii) The Court held that it was on the petitioners who challenged the validity of Rule 5 to show that the castes mentioned in the list were not socially and educationally backward.

Facts

In the State of Tamil Nadu, there were eight Medical Colleges out of which three are located in Madras, one in Madurai, one in Chingelput, one in Coimbatore, one in Thanjavur and one in Tirunelveli. The total seats available in Madras College were 500. The seats available in Madurai, Chingelput, Coimbatore, Thanjavur and Tirunelveli were 200, 50, 100, 200 and 75 respectively. In the instant case selections were made unitwise. 6 units were created in the State. Medical colleges in the city of Madras were constituted as one unit and each of the other medical colleges was constituted as a unit. Selection for these units were made by different selection committees. A few seats out of the 1125 seats were reserved for certain social categories of students. As there was no dispute about them, that reservation was not agitated. However, out of the remaining seats 41% were reserved for students coming from socially and educationally backward classes, Scheduled Castes and Scheduled Tribes. The rest of them were placed in the general pool.

Issues

- (i) Whether unitwise selection to Medical Colleges was violation of Article 14 and 15?
- (ii) Whether the determination of backward classes on the sole basis of caste was constitutionally permissible?
- (iii) Whether 41% reservation of backward classes, Scheduled Castes and Scheduled Tribes was excessive?

Relevant Extracts from the Judgement of Justice Hegde

11. "We shall first take up the plea regarding the division of medical seats on unitwise basis. It is admitted that the minimum marks required for being selected in some unit is less than in the other units. Hence *prima facie* the scheme in question results in discrimination against some of the applicants. In Rajendran's case (1968) 2 SCR 786 = (AIR SC 1012) (*supra*) this court rules that the districtwise distribution of available seats is violative of Article 15 of the Constitution. But it was contended on behalf of the State that the unitwise distribution of seats was adopted for administrative convenience. It was said that it was not possible for one selection committee to interview all the applicants. Therefore several committees had to be constituted. In the past when applicants were interviewed by several committees there were complaints that the standard adopted by one committee differed from that adopted by others and there-

fore the applicants ability was not tested by a uniform standard. Further it was said that when selections were made by several committees there was delay in preparing a consolidated list. We are unable to accept these grounds as being real grounds for classification. The grievance when selections were made by several Committees in a statewide selections the standard adopted by various committees differed, would continue even when selections are made by several committees in a unitwise selection. Whether the selection is made by selection committees on statewide basis or unitwise basis, the standard adopted by various committees is bound to vary. Hence in principle it makes no difference.

12. Now coming to the question of delay, we see no reason why there should be any delay in preparing a consolidated list. At any rate the delay caused is not likely to be such as to justify departure from the principle of selection on the basis of merit on a statewide basis. Before a classification can be justified, it must be based on objective criteria and further it must have reasonable nexus with the object intended to be achieved. The object intended to be achieved in the present case is to select the best candidates for being admitted to Medical Colleges. That object cannot be satisfactorily achieved by the method adopted. The complaint of the petitioners is that unitwise distribution sought in 1967-68 has some force though on the material on record we will not be justified in saying that the unitwise distribution was done for collateral purposes. Suffice it to say that the unitwise distribution of seats is violative of Arts. 14 and 15 of the Constitution. The fact that an applicant is free to apply to any one unit does not take the scheme outside the mischief of Arts. 14 and 15. It may be remembered that the students were advised as far as possible to apply to the unit nearest to their place of residence.

23. There is no basis for the contention that the reservation made for backward classes is excessive. We were not told why it is excessive. Undoubtedly we should not forget that it is against the immediate interest of the Nation to exclude from the portals of our Medical Colleges qualified and competent students but then the immediate advantages of the Nation have to be harmonised with its long range interests. 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 take their place in the line with the advanced sections of the

people. That is why in Balaji's case (1963) Supp. 1 SCR 439 = (AIR 1963 SC 649) (*supra*) this Court held that the total of reservations for backward classes, Scheduled Castes and Scheduled Tribes should not ordinarily exceed 50% of the available seats. In the present case it is 41%. On the material before us we are unable to hold that the said reservation is excessive.

24. In Chitralekha's case (1964) 6 SCR 368 = (AIR 1964 SC 1823) (*supra*), this Court reiterated that the caste is a relevant circumstance in ascertaining the backwardness of a class. Further it was observed therein :

"While this Court has not excluded caste from ascertaining the backwardness of a class of citizens, it has not made it one of the compelling circumstances affording a basis for the ascertainment of backwardness of 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."

26. Caste has always been recognised as a class. In construing the expression "classes of His Majesty's subject" found in S-153-A of the Indian Penal Code, Wassoodew J. observed in *Narasim Vasudev v. Emperor*, AIR 1940 Bom. 379.

"In my opinion, the expression "Classes of His Majesty's subjects" in Section 153-A of the Code is used in restrictive sense as denoting a collection of individuals or groups bearing a common and exclusive designation and also possessing common and exclusive characteristics which may be associated with their origin, race or religion, and that the term "class" within that section carries with it the idea of numerical strength so large as could be grouped in a single homogeneous community."

27. In Paragraph 10, Chapter V of the Backward Classes Commission's Report, it is observed :

"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 time anybody can take to any profession. The Brahman taking to tailoring, does not become a tailor by caste, nor is his social status lowered as a Brahman. A Brahman may be a seller of boots and 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."

31. Rajendran's case, (1968) 2 SCR 786 = (AIR 1968 SC 1012) (*supra*) is an authority for the proposition that the classification of backward classes on the basis of castes is within the purview of Art. 15(4) if those castes are shown to be socially and educationally backward. No further material has been placed before us to show that the reservation for backward classes with which we are herein concerned is not in accordance with Article 15(4). There is no gainsaying the fact that there are numerous castes in this country which are socially and educationally backward. To ignore their existence is to ignore the facts of life. Hence we are unable to uphold the contention that the impugned reservation is not in accordance with Art. 15(4). But all the same the Government should not proceed on the basis that once a class is considered as a backward class it should continue to be backward class for all times. Such an approach would defeat the very purpose of the reservation because once a class reaches a stage of progress which some modern writers call as take off stage then competition is necessary for their future progress. The Government should always keep under review the question of reservation of seats and only the classes which are really socially and educationally backward should be allowed to have the benefit of reservation. Reservation of seats should not be allowed to become a vested interest. 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 question. It must be remembered that the Government's decision in this regard is open to judicial review.

Holding

1. Unitwise selection was held to be violation of articles 14 and 15. Despite this conclusion the selections already made were not set aside because the selected candidates were not made parties to the petition. The 24 seats unfilled were ordered to be filled up according to the order of the Court.
2. 41% reservation was held not excessive.
3. The classification of backward classes on the basis of castes was held to be within the purview of article 15(4). The Court relied on its earlier decision in Rajendran's case.

Facts

Challenge to a Government circular which regulated the disposal of riverbed lands to certain groups of people to the exclusion of others after cancellation of the existing order regarding the disposal of such lands by public auction. The priority for disposal of such lands were :

- (i) *Bonafide agriculturists of the village holding not less than 5 acres, preference will be given to Harijans, Adivasis and Backward Classes people.*
- (ii) *Holders of land adjoining Bet Bhatha lands holding land less than 16 acres and who in the collector's opinion have a genuine need of additional lands for maintenance of their families Inter se preference in this case also will be as per (i) above.*
- (iii) *Cooperative farming societies of Harijans, Adivasis and Backward Class persons.*
- (iv) *Cooperative farming society consisting of landless labourers or small holders.*
- (v) *Any of the priority holder under the Water Land Rules.*

Issues

Was the quantum of reservation in favour of backward classes excessive ?

Extracts

Metha J.

Therefore, the effect of these clauses is not to make a special provision for small land holders or landless people who need the land for their maintenance and who could not bid at the public auction as against rich people. The whole classification is based on two essential principles :—that the individual gets excluded both by co-operative society and by an individual member of Harijans, Adivasis and Backward class people. There is no list produced by the State, even though the State has been given proper opportunity to file an additional affidavits of persons who are regarded as backward class people and for whose benefit this reservation is sought to be made. There is, therefore, no material whatever to indicate the category of "backward class people" as understood in this relevant Government Resolution. The fact remains that even the landless individual or small holder holding less than five acres would be thrown out of his existing tenancy as his lease would not be renewed, if he does not happen to be a priority holder

as mentioned in Clause 5, while the cooperative society of any kind would have lease renewed if the condition No. 1 is fulfilled by members individually holding less than 16 acres excluding Bet Bhatha lands and the total holding including the land to be granted is not exceeding the number of member multiplied by 16 acres. Besides, the reservation is so excessive as in cases of Harijans, Adivasis and Backward class people that they would completely exclude bona fide agriculturists having no land or having lands less than 5 acres who would have fallen otherwise under the first category of priority holders. Similarly, in the second category when the ground for consideration is the holding of land adjoining Bet Bhatha land, even if the need for additional land for maintenance of family is found to be genuine, the individual shall be excluded and the Harijans, Adivasis etc. would be preferred. Even if these two preferential categories of priority holders are not there to exclude an individual or even the co-operative farming society of landless holders would exclude him and in those cases there are no limits specified of holdings of those cooperative members. Even the exclusion would happen not only by the co-operative members, or individuals of priority class in the village but also by the same principle operating even in the neighbouring villages within the radius of five miles. It is in the light of this exclusion scheme, which would leave no discretion to the competent authority and would absolutely bar any renewal in favour of persons other than the cooperative society or priority holders mentioned in this section, that we will have to consider the rival contention of the parties. At this stage it would be relevant to note that the method of fixation of rent under clause (6) is that of the average of the past three years' auction realization or if there was no such auction, of rent actually realised for similar adjacent lands. Even in the absence of that, such rent is to be determined by the Collector on the basis of one sixth of the gross produce converted in terms of cash, subject to revision as mentioned in Clause (7). This rent remains constant unless revised under Clause (8) for the renewal period of the lease of 10 years. Therefore, in all these cases of Bet and Bhatha lands the effect of the circular would be that there would not be a single instance of public auction from year to year which would augment the revenue but for a period of 10 years the lands would be given on the basis of these prices mentioned in clause (6).

As regards the second question raised by the petitioner the inequality is writ large on the face of this statutory order. Even though an opportunity was given to the State to file proper affidavit, no list has been given of the backward classes to show that the

criterion adopted by the State was the criterion laid down by their Lordships of the Supreme Court in this connection. Besides, the reservations, as we have already pointed out, are so excessive that almost all the 100 per cent lands would go to these Harijans, Adivasis and backward persons and the reservation would cease to be a reservation at all within the meaning of the exception provided in Art. 15(4) of the Constitution. After the decision of the Supreme Court in *State of A.P. v. P. Sagar*, A.I.R. 1968 S.C. 1370, the law in this connection is now well settled. At page 1562 it has been observed that the Parliament has by enacting Clause (4) attempted to balance as against the right of equality of citizens the special necessities of the weaker sections of the people by allowing a provision to be made for their advancement. In order that effect may be given to clause (4), it must appear that the beneficiaries of the special provision are classes which are backward socially and educationally and they are other than the Scheduled Castes and Schedule Tribes and that the provision made is for their advancement. Reservation may be adopted to advance the interest of weaker sections of society, but in doing so, care must be taken to see that deserving and qualified candidates are not excluded from admission to higher educational institutions. The criterion for determining the backwardness must not be based solely on religion, race, caste, sex or place of birth, and the backwardness being social and educational must be similar to the backwardness from which the Schedule Castes and the Scheduled Tribes suffer. These are the principles which have been enunciated in the decisions of the Supreme Court in *M. R. Balaji's case*, A.I.R. 1963 S.C. 649 and *R. Chitralekha v. State of Mysore*, A.I.R. 1964 S.C. 1823. In *Balaji's case*, it was in terms pointed out that a reservation which makes it possible for these backward classes to get seats even more than 50% would amount to excessive reservation, as the concept of reservation would imply reservation of less than 50%. Therefore, on this short ground, this statutory order amounts to a class legislation and must be struck down. As pointed out by their Lordships in the said decision at page 1384 when a dispute is raised before the Court that a particular law which is inconsistent with the guarantee against discrimination is valid on the plea that it is permitted under Clause (4) of Article 15, the assertion by the State that the Officers of the State had taken into consideration the criteria, which had been adopted by the Courts for determining who were the socially and educationally the backward classes of citizens, would not be sufficient to sustain the validity of the claim. The Courts, of the country are invested with the power to determine the validity of the law which infringes the fundamental rights of citizens and others. When a question arises whether a law which *prima facie* infringes a guaranteed fundamental right is within an exception, the validity of that law was made after full consideration of criteria which have a bearing thereon, and was within the exception, the jurisdiction of the

Courts to determine whether by making the law a fundamental right has been infringed is not excluded. The validity of a law which apparently infringes the fundamental rights of citizens cannot be upheld merely because the law maker was satisfied that what he did was right or that he believes that he acted in a manner consistent with the constitutional guarantees of citizens. The test of the validity of a law alleged to infringe the fundamental rights of citizens or any act done in execution of that law lies not in the belief of the maker of the law or of the person executing the law, but in the demonstration by evidence and argument before the Courts that the guaranteed right is not infringed. Therefore, merely by stating that the state was giving effect to the directive principles of the Constitution and was making reservation for weaker as contemplated by the Constitution is not a plea at all which would justify such a class legislation, when no attempt whatever has been made to show by any demonstrable evidence and argument that this was a reservation which would fall under Article 15(4). Besides, the fact that the classification is reasonable would not be able to support it, unless there is a nexus between the classification and the object sought to be achieved. As we have already pointed out, the object sought to be achieved is completely a collateral object and the criteria which are adopted for the alleged classification viz. the membership of the co-operative society and the person being Harijan, Adivasis or backward class people have no rational nexus whatever to the object of augmenting land revenue which would be the implicit object underlying the entire Code, including the statutory power of disposal of the said lands for the benefit of the public. The Code never contemplated any exclusion of persons when such statutory power was sought to be exercised by the State by any statutory order.

Therefore, this statutory order clearly violates Article 14 of the Constitution and even on that ground it must be struck down.

In the result, this petition must be allowed. The impugned Government resolution, dated December 28, 1960, is, therefore, held to be *ultra vires* and is struck down. The respondents and the State revenue authorities are directed not to take into account this circular while considering the question of renewal of leases or disposals of the Bet and Bhatha lands in question and also not to dispossess the petitioner except in due course of law without first determining the question of renewal or disposal of these lands in accordance with law. Rule accordingly made absolute in each case. The State shall pay costs of the petitioner in each case.

Holding

Reservation was found to be excessive in favour of backward Classes and was held to be unconstitutional.

Facts

A challenge to the government orders making reservations in favour of Scheduled Castes, Scheduled Tribes, backward classes and residents of backward areas and other classified categories for admission to medical colleges against 50% seats. The quantum of reservations was :

(i) Scheduled Castes/Tribes	20%
(ii) Backward Classes	2%
(iii) Backward areas	10%
(iv) Sportsmen/women	2%
(v) Central Government nominees including from J&K	6%
(vi) Women candidates	1%
(vii) Candidates from border areas of Punjab	5%
(viii) Children of political sufferers of the freedom struggle with Punjab domicile	2%
(ix) (a) Children of defence personnel who have lost their lives	
(b) Children of defence personnel disabled	
(c) Children of the personnel of the Border Security Force killed/disabled	2%
(d) Children of the ex-Servicemen of Indian Armed forces	

Issues :

- (i) Is economic condition of a family relevant for making reservations in favour of backward classes for admission to medical college ?
- (ii) Is reservation for residents of backward areas constitutional ?

Extracts :

M. R. Sharma, J.

Challenge to Item No. (ii) may now be considered. Regarding backward classes, it is submitted that reservation cannot be made for any particular caste or community because backwardness depends more or less upon the economic condition of a family. In this respect, the learned counsel for the State has drawn my attention to a circular letter No. 2662-SWGII-63/6934, dated 20th April, 1963, issued by the State Government which provides that a family whose annual income is less than Rs. 1,000 should be regarded as a backward family, and some communities which are socially looked down upon by the people of the State and whose annual income does not exceed Rs. 1,800 and who are so declared by the State Government are also to be regarded as backward communities. It would, thus, appear that this circular amply highlights the aspect of the backwardness of a family before such a family can be declared to belong to a backward class. Such a classification is admissible under the Constitution and cannot be struck down. The constitutional validity of the reservation made at Item Nos. (iv), (v) and (ix) has not been challenged. The next item regarding which a finding has to be given is the "backward areas". The learned counsel for the respondent has placed before me a brochure relating to the admissions to the 1st Year Class of the M.B.B.S. Course at the Government Medical Colleges at Patiala and Amritsar. Regarding backward area candidates, the following conditions have been laid down :—

"Backward Area Candidates :

Candidates claiming admission from backward areas of the State should submit along with their applications a certificate from Deputy Commissioner/General Assistant to Deputy Commissioner, Sub-Divisional Officer (Civil) of the District concerned that the claim of the candidate falls under one of the following categories as given in Punjab Government letter No. 15595-WG 56/4174, dated the 7th September, 1956, from the Chief Secretary to the Government of Punjab :—

- (a) A person who with the family members has been residing in a particular village or town constantly for a period of ten years, or more and is likely to continue to reside there.
- (b) A person who has been residing in a village or town for a period of less than ten years, but is likely to reside there on account of the fact that he has obtained gainful employment or settled there after retirement, would also be termed as permanent resident, if the stay is for not less than five years.
- (c) In the case of a person who has been residing in a village or town in the said area, the total period of his stay at both places will

be counted towards his residence in that area." A reading of this provision shows that a person residing in a particular village or a town for a particular period has been shown preference on the basis of residence only. A millionaire and a pauper living in such areas have been treated at par. If the object of making reservations in Medical institutions is to show a preferential treatment to the economically backward people, then one fails to understand how a person living in the cities of the same State, can be accorded a preferential treatment with any justification. Article 15(4) of the Constitution provides that the State may make any special provision for the advancement of any socially and educationally backward classes of citizens. The classes of citizens mentioned in this Article do not relate to those citizens who reside within certain geographical limits regardless of their personal attainments or achievements. It is no doubt true that while making laws or while taking executive action, the State can make a reasonable classification on the basis of geographical limits but there must be an object for which such a classification is made and the classification itself must have a reasonable nexus with the object sought to be achieved. Residence in a particular area in a State qua the other citizens of the same state cannot form the basis for claiming additional privileges. If any law makes any such provisions, it shall have to be tested on the basis of Article 15 of the Constitution. I am further fortified in this opinion because in making a classification of the backward classes the State itself has made

a rationale classification between ordinary communities and the communities which are socially looked down upon by the people of the State. In the case of the first category the limit of family income has been fixed at Rs. 1,000 per annum and in the case of the second category weightage has been given to offset the effect of social prejudices by fixing the annual income of the family at Rs. 1,800. In the very nature of things backward areas are those the residents of which are economically backward and who are denied the facility of higher education partly because of lack of educational institutions in these areas and partly because their residents do not possess the wherewithal to pursue higher education in institutions situated far away. In order to give relief to the really deserving residents of such areas, some yardstick for determining comparative prosperity of the residents has to be provided. The provisions quoted above do not give any such indication. I am of the considered view that reservation for backward areas mentioned at S. No. (iii) in Annexure ('A'), in the absence of any yardstick with which social and educational backwardness of the citizens of the area can be determined, is violative of Articles 14 and 15 of the Constitution. This reservation deserves to be struck down.

Holding

- (i) Economic condition of a family was a relevant factor in determining backwardness.
- (ii) Reservation for residents of backward areas was held to be unconstitutional.

Facts

The petitioner had applied for admission into Pre-Professional course leading to M.B.B.S. Degree on the basis that he belonged to the socially and educationally backward classes. He was denied admission though he had secured more marks than another backward class candidate with less marks.

Issue

Whether on the basis of his father's occupation (mechanic) he fell within the socially and educationally backward class?

Extracts

Narayana Pai, J.

The answer to the complaint as set out in the counter affidavit of the Chairman of the Selection Committee is that on the material before them, the petitioner could not be classified as belonging to the socially and educationally backward class, and that, therefore he was considered in the general pool in which he could not secure admission, on the strength of his marks.

Although in the affidavit filed along with the application, the petitioner's father was described merely as an ex-employee of concern called "Vikram Industries", it is clear from the affidavit of the petitioner and of the Chairman of the Selection Committee filed in this petition before us that it was ascertained that the petitioner's father was a 'mechanic' but, that, on account of rheumatism, he has been out of work for some months prior to the date of the application and also at the time of the application.

The mere fact that at the time of the application, on account of ill health, the petitioner's father was not actually working, is not sufficient to hold that his occupation was not that of a "mechanic". As pointed out by this Court in *Viswanath v. The Chief Secretary to the Government of Mysore (1)*, the true test is the permanent occupation of the parent or the guardian of the applicant, and any temporary, inability to carry on the permanent occupation is not a disqualification. There is no doubt therefore, that the occupation of the petitioner's parent was that of a 'mechanic'.

There is also no dispute that the annual income of the parent was less than Rs. 1200 his only income at the time of the application was Rs. 624 being rent fetched by his ancestral house.

The only remaining question therefore, is whether the occupation of a 'mechanic' is not one of the occupations set out in the relevant Government Order defining socially and educationally Backward Classes. Occupations therein set out are :

- (i) actual cultivator ;
- (ii) artisan ;
- (iii) petty businessman ;
- (iv) inferior service, i.e. Class IV Government Servants and corresponding class of appropriate employment including casual labour ; and
- (v) any other occupation involving manual labour.

On the view that 'mechanic' DOES NOT come within the scope of any one of the first four enumerated occupations, the argument on behalf of the respondent was that the further question did remain as to whether the occupation of 'mechanic' was dominantly one involving manual labour or whether it does not involve greater proportion of intellectual labour. It appears to us that it is unnecessary to make an investigation on those lines. A 'mechanic', according to the Oxford Dictionary is one who clearly answers the description of the word 'artisan' in the said Dictionary includes the word 'artisan'. The meaning assigned to the word 'artisan' in the said Dictionary includes (1) 'one occupied in any industrial art'; (2) 'mechanic or handicraftsman'; (3) 'artificer'.

Holding

"Mechanic" fell within the description of the word 'artisan' under the Mysore Government Order of July 1963 and hence the petitioner was entitled to be considered for admission on the basis that he belonged to backward classes. Mandamus was issued directing the Selection Committee to consider the application of the petitioner.

Abdul Latiff v. State

A.I.R. 1964 Pat. 393

Facts

The Bihar Government had issued the following guidelines for the settlement of excise (ganja) shops in favour of Scheduled Caste and Scheduled Tribe applications by an Order of 20th August, 1958.

- (i) Intimation to be given to the Department of Social Welfare who would give due publicity among the Scheduled Castes and Scheduled Tribes ;
- (ii) When there are several candidates for an excise shop out of whom one is a S.C. or S.T. candidate who is suitable, the settlement should not be made by lot but by offering to that applicant ;
- (iii) If there are more than one suitable S.C. or S.T. candidate, settlement is to be done by lot among such suitable candidates and the winner would get the shop ;
- (iv) S.C. and S.T. candidates should not be rejected except after careful consideration of the matter.

The application of the petitioner who was one among the 39 applicants was rejected and he challenged the order.

Issues

Was the reservation exclusively in favour of S.C. and S.T. candidates excessive ? Was it valid under article 15(4) ?

Extracts

V. Ramaswamy, C. J. and N. L. Untwalia, J.

As a matter of construction, it is manifest that Art. 15(4) of the Constitution is not an independent or substantive enactment but it is an exception or a qualification to the main guarantee under Art. 15(1) of the Constitution. It is, therefore, not permissible to interpret Art. 15(4) of the Constitution in such a way as to destroy or nullify the meaning of guarantee under Art. 15(1) of the Constitution. It is because the interest of the society as a whole is served by promoting the advancement of the weaker elements of that society that Article 15(4) of the Constitution authorises special provision to be made. But if a provision which is in the nature of an exception completely excludes the rest of the society, that clearly is outside the scope of Art. 15(4).

Holding

The reservation exclusively in favour of S.C. and S.T. applicants was held to be unconstitutional.

Haridaya Narain v. Mohd. Sharif

A.I.R. 1968 Pat. 296

Facts

The main constitutional questions related to the validity of section 49M of the Bihar Tenancy Act and notification No. A/T-1015/55-1091-R. dated the 7th February, 1956, of the Government of Bihar, describing Jajams (item No. 13) as a backward community.

Issues

Whether Jajams belonged to backward classes ?

Extracts

Narasimham, C. J.

Mr. Mahendra Prasad Pandey has not been able to produce before us any material for holding that Jajams (Hindu and Muslims) are not socially and edu-

cationally backward. On the other hand, in Mr. P. C. Roy Choudry's Gazetteer of Darbhanga District at page 86, it was pointed out :

"The incidence of literacy among them appears to be very low but a few of them who are educated have taken up other professions also".

Their educational backwardness is thus beyond question. Socially also, there is no data to show that they are not backward. Hence there is no ground for striking down the notification for the sole reason that the classes have been described by their caste name.

Holding

Jajams were held to be socially and educationally backward. The court relied on the Gazetteer of Darbhanga District.

Laila Chacko v. State

A.I.R. 1967 Kerala 124

Facts

The petitioner belonged to the Nair Community and he had secured 1st Class in the B.Sc. degree with 639 marks in the subjects. He was denied admission to Medical College.

Issue

What is the criterion for identifying socially and educationally backward classes?

Extracts

Mabbew, J.

Counsel for the petitioner in that case submitted that the petitioner was entitled to get admission to the course for the reason that persons who have been admitted to the reserved seats have got lesser marks. It was argued that the income of the petitioner's father is far below Rupees 6,000 and still the petitioner has not been admitted to the course, whereas members of the Ezhava Community, the income of whose families is below Rs. 6,000 have been considered as belonging to backward class and were admitted to the course and that it is discriminatory to have done so. In other words, the argument was that if income is the criterion for deciding the backwardness of a class, then the petitioner also belongs to backward class and should have been admitted to the course in preference to them as he had secured greater marks than any one of them. Counsel submitted that as the classification has been made mainly on the basis of income, that classification ought to have been applied to the members of all the communities in the country and as the classification based on income has been applied to certain communities only it is bad. I am not inclined to

accept this submission. It was after adverting to the relevant pronouncements of the Supreme Court on the subject that the Commissioner for Reservation of Seats in Educational Institutions, Kerala, decided to accept the means-cult-caste/Community test for determining the backwardness of a class. The Commission observes at page 35 of its reports.

"We, therefore, consider that a means-cult-caste/Community test has to be adopted for the classifications so as to take in only the poor and deserving sections and exclude the wealthier sections".

"Members of the families in the State which have an "aggregate income" of Rupees 4,200 and above per annum from all sources put together, cannot be considered to belong to any socially backward class whatever may be the caste or community to which they belong."

This has been enhanced by Government to Rs. 6,000 in G.O. (P) 208/66/Edn dated 2-5-1966. As I have already said, the determination whether a class is backward is a complex question. Several factors will have to be taken into consideration. It was not on the basis of income alone that the question was determined. Therefore, merely because the income of the petitioner's father is less than Rs. 6,000 that would not entitle the petitioner to claim that he belongs to backward class on the basis of the test of income. I, therefore, overrule this contention.

Holding

Annual income of families alone cannot determine social and educational backwardness.

Facts

The case involved the interpretation of the Mysore Government's order of July, 1963 defining socially and educationally backward classes. The petitioner, an applicant for admission to Medical College claimed that he belonged to backward class within the meaning of Mysore Government's order. He had declared that his father's annual income was only Rs. 650. The Order had adopted economic condition and occupation as the criteria for determining backwardness. An income limit of Rs. 1,200 per family along with certain occupation was fixed as the yardstick for determining backwardness.

Issues

- (1) What does the expression "family" mean ?

Extracts

Narayana Pai, J.

Although, as observed by this Court, the order purports to refer or deal with a family as a unit for the purpose of determining the status of the family and of the members of the family, the difficulty created by these is that it does not define what it means by a family. Although the expression 'undivided family' has been used and is normally used by people, the exact legal import of that expression in its application to various categories of Hindus, is not always borne in mind. That the order cannot apply or be applied only to families which answer the description of the legal expression 'Hindu undivided family' is clear from the fact that in Mysore State, to which the order applies, there are families of persons who are not Hindus, but profess other faiths like Islam, Christianity etc. and at least two types of Hindu undivided families, Mithakshara families and Aliyasanthana families with one great difference between the two, viz., whereas in the former, father and son belong to the same family, in the latter father and son belong to two different families. The normal rule of interpretation should, therefore, be applied viz., that the word 'family' used in the Government Order is an expression which is intended to apply to all person irrespective of the rules of family law applicable to them. If so, the most obvious inference is that the reference is to the normal or natural consisting of a husband, wife and their children living together, along with such other relatives as may be living with them.

Hence, the suggestion both in the course of the arguments, as well as in the form of affidavit annexed

to the form of application, that the applicant and his parents or guardian should pursue one or other of the enumerated occupations appears to us to be correct.

The next and the more difficult question is to whom and in what manner the test of income should be applied. If it were possible in the circumstances to hold that the family referred to in the Government Order is an undivided family known either to Mithakshara Law or Aliyasanthana law or any other system of family law holding property in common, then, perhaps, it would have been easy to say that income of the entire undivided family should be taken into account. When, for reasons already stated, such meaning cannot be assigned to the expression 'family' used in the Order, the income for purposes of the Order cannot be income of the entire undivided family of either the applicant or the applicant's father or both.

It appears to us that there is some guidance for the resolution of this difficulty in the third paragraph of the Order itself. While setting out the reason for the fixation of Rs. 1,200 as the upper limit of annual income for purposes of the Order, it is stated that :

"The per capita income of the States for the year 1961 was Rs. 226 per annum. Taking an average family to consist of 5 members, the average income of the family comes to Rs. 1,030 per year."

The clearest suggestion in this is that a family contemplated is a natural or normal family whose total income is five times the per capita income as determined by statistics. This statement proceeds upon the footing either that the income of a single individual in the family is so high as to give the family the benefit of five times the per capita income, or that the income of one, two or more members of the family actually earning or contributing to its income is not less than five times the per capita income. Whichever way one looks at it, the ultimate idea suggested is that the family of the applicant meaning thereby the applicant, his parents, his brothers and sisters and other relatives living together, have the benefit of an income of Rs. 1,200 per year irrespective of the fact which among them and how many among them earn that income or own properties which yield that income provided that all such income is available to the family and the benefit of it therefore is also available to the applicant.

We hold, therefore, that an applicant may be regarded as belonging to socially and educationally backward class if :

- (i) he and/or his parents or either of them or his guardian in the event of his being an orphan, pursue or pursues any one of the occupations enumerated in the Government order ; and
- (ii) the total earnings of the income from property, if any, belonging to the parents (or in the event of the death of both of them, the guardian) of the applicant, together with the earnings and the income from properties, if any, belonging to the applicant, his brothers

or sisters or other relatives living with them available to the family does not exceed Rs. 1,200.

If any one of the brothers or sisters does not contribute to the income of the family or does not contribute his or her income for the upkeep of the family, then his or her income is not available for computation. Likewise, if the income from the properties of any one of the brothers or sisters or relatives is not available to the family of the applicant, then that income is also not available for the computation.

Holding

Same as given in the judgment.

Sudha v. S. C. of Medical College

A.I.R. 1967 Mys. 221

Facts

The petitioner was an applicant for admission to one of the Government Medical Colleges in the State. She had passed the Pre-University Course Examination of the Bangalore University. She secured 197 marks in the optional subjects and 35 marks in the interview, that is aggregate marks of 232. She claimed to belong to socially and educationally Backward Class. The last selected candidate in the General Pool of the Bangalore University secured 240 marks while the last selected candidate in the reserved seats for socially and educationally Backward Classes secured 222 marks in the aggregate. It was undisputed that if her claim to belong to such Backward Class is upheld she is entitled to be selected for admission to one of the Medical Colleges and if her claim is not so accepted she would not be entitled to be selected.

Issues :

Whether the petitioner belonged to socially and educationally backward class on the basis that her father's occupation of "Purohit" was one which involved manual labour within the scope of Mysore Government's order of July, 1973 ?

Extracts :

Chandrasekhar, J.

In the affidavit sworn to by the Petitioner's father it is alleged that his occupation as 'Purohit' falls within

the category of any other occupation involving manual labour and that he is a petty Purohit having to do 'Paricharika' which an assistant has to do.

In deciding whether an occupation involves manual labour or intellectual labour, we have to look to the predominant character of that occupation. Every occupation involving intellectual labour may also involve some manual labour. Even a Surgeon has to work with his hands in performing a surgical operation that does not make a Surgeon a manual labour as his hands performing a surgical operation that does not make a Surgeon a manual labour as his profession requires sustained study, learning and use of intellect. Though a Purohit may use his hands in performing certain rituals and ceremonies, the predominant character of his occupation is that it requires study and knowledge of scriptures and of the body of the traditions and the performance of his work involves mainly chanting or recitation of 'mantras' and scriptures. We are unable to hold that the view taken by the Selection Committee that a Purohit's occupation does not involve labour is erroneous.

Holding :

The occupation of "Purohit" was one which did not involve manual labour and as such the petitioner could not claim to belong to backward class.

Facts

Two applicants belonging to backward classes applied for admission to Medical Colleges. They were interviewed but were not selected on the basis that the maximum seats allotted for the backward classes were exhausted by the other applicants from backward classes who secured higher marks than the petitioners, though in fact, they got higher marks than the two candidates who were selected for the seats thrown open for general competition. The two candidates challenged the selection as a violation of article 15 and 29. The Government had fixed a maximum of 15% reservations for backward classes.

Issues :

- (1) Is the prohibition on backward classes to compete with others violative of articles 15 and 29(2) ?
- (2) Is the fixing of a maximum percentage of reservation for backward classes constitutional ?

Extracts :

K. Subba Rao, C. J.

By the Amendment nothing in Art. 29(2) prevents a state from making any special provision for the advancement of any socially and educationally backward classes of citizens. To that extent the fundamental right of the citizen under Art. 29(2) can be abridged by the State. But the abridgement is conditioned and circumscribed provisions of the clause. Any special provision made by the State should be for the advancement of the backward classes of citizens and not to abridge the rights guaranteed to them under the Constitution or retard their progress.

To illustrate : The State may allot a minimum number of seats in professional colleges for backward classes. This provision would be for the advancement of the backward classes for irrespective of the marks they secured, certain seats would be guaranteed to those classes. But if in particular locality the members of the backward classes secure high marks and are able to compete with students of other classes they would not be deprived of their right to get admission into colleges beyond the quota allotted to them.

Such a provision would certainly be for the advancement of the backward classes. On the other hand, if a maximum be fixed, instead of providing for the advancement of those classes in the contingency visualised above. It would retard their progress ; for students of those classes who secure more marks than

students who compete for the general seats and get less marks than students belonging to their classes would not get seats.

To that extent the provision made by the State would be in excess of the power conferred on it under Cl. (4) and therefore cannot affect the fundamental right of the citizens whether they belonged to backward classes or not. To put it differently, every individual citizen as a citizen whether he belonged to the backward classes or not has a right to get admission into an educational institution of the kind mentioned in Cl. 2 of Art. 29.

The said fundamental right is abridged by the special provision made by the State for the advancement of any socially and educationally backward classes of citizens. If the provision is for the advancement of such classes the fundamental right of a citizen is not infringed for his right itself is reduced by the provision.

If the provision though it purports to be for the advancement of the backward classes, in effect abridged their rights, the entire rights, the entire provision or that part of it which abridges their rights would be had leaving untouched the fundamental right of every citizen whether he is member of the backward classes or not.

In the instant case the State directed that a maximum of 15 per cent, of the total number of seats in any faculty may be reserved for backward class candidates. The said rule is obviously made on the assumption that under the contingency more than 15 per cent, of the total number of seats in any faculty would be or could be captured by the members of the backward classes in open competition.

This assumption has been bailed in the present case. Therefore, the effect of the provision instead of advancing the cause of the backward classes prevents some members of those classes from getting seats were brought under common pool. It may be that in other localities where the members of the other communities are more advanced educationally than in the second region of the Telengana Area, this rule may work for the advancement of the backward classes candidates.

It is therefore not necessary to hold that the rule is bad but it would be enough to confine the operation of that rule to a case where the assumption underlying that rule applies and to hold that in other cases where the rule does not operate for the advancement of the backward classes the fundamental right of a citizen of that class is unaffected by the provision.

We would suggest that the rule may be modified by substituting the words 'minimum of 15 per cent' for the words 'maximum of 15 per cent' or by any other appropriate way. It is not dispute that but for the provision, the names of the two petitioners would have been considered along with the applicants selected from the general pool, and if so considered they would have been selected.

Holding

- (1) Prohibition on backward classes to compete with other was held to be violative of articles 15 and 29(2).
- (2) Instead of fixing the maximum percentage of reservation for backward classes, a minimum percentage should be fixed.

Jacob Mathew v. State of Kerala

A.I.R. 1964 Ker. 39

I. Facts

The Government of Kerala passed orders in 1957 making reservation of seats for backward classes for admission to Professional colleges. The quantum of reservation was 35% for backward classes and 5% for Scheduled Castes and Scheduled Tribes. The backward classes were again sub-divided into the following groups:—

(1) Ezhavas	13%
(2) Muslims	9%
(3) Latin Catholics	3%
(4) Backward Christians	1%
(5) Other Hindus	9%
Total	35%

The order of Kerala Government was challenged.

Justice Vaidyalingam, (as he then was) (Single Bench) held that from the materials adverted to by the State Government themselves it was clear that the Government had not validly determined as to who should be included in the backward classes. The basis to include the Ezhavas and the Muslims as a whole as backward classes was predominantly based on the test of caste and religion and no enquiry into their economic condition had been made. Consequently the classification of backward classes was invalid under article 15(4). The 35% quantum of reservation and the sub-division of that 35% was also not valid.

II. On appeal to the Division Bench in *State of Kerala v. R. Jacob*

AIR 1964 Ker. 316

the High Court (M. S. Menon, C.J. and Madhavan Nair, J.) held the following:—

Extracts

The first and second respondents in O.P. No. 1266 of 1963 are the applicants before us. They are the State of Kerala represented by the Chief Secretary to Government and the Principal of the Medical College, Trivandrum.

The controversy relates to the validity of Ext. R-1, an order of the Government regarding the selection of candidates for admission to the Medical College in the State. The order is dated the 7th June, 1963, and is the successor of earlier orders on the subject.

Ext. R-1 reserves thirteen per cent of the seats for the M.B.B.S. Course in Ezhavas, nine per cent to

Muslims and three per cent to Latin Catholics inclusive of Anglo-Indians. The first question for consideration is whether these reservations can be sustained in the light of Arts. 14, 15 and 29 of the Constitution.

We are not concerned in this case with any Scheduled Castes or Scheduled Tribes; and the only question for consideration—in view of Art. 15(4) of the Constitution—is whether the Ezhavas, Muslims and Latin Catholics inclusive of Anglo-Indians can be considered as “socially and educationally backward classes of citizens”. In *M. R. Balaji v. State of Mysore*, AIR 1963 SC 649 the Supreme Court said:

“The backwardness under Art. 15(4) must be social and educational. It is not either social or educational but it is both social and educational.”

In these regions of human life and values the clear-cut distinctions of cause and effect merge into each other. Social backwardness contributes to educational backwardness; educational backwardness perpetuates social backwardness; and both are often no more than the inevitable corollaries of the extremes of poverty and the deadening weight of custom and tradition. In view of the details furnished in the affidavit on behalf of the State dated the 10th August, 1953 and the affidavit of the guardian of the third respondent dated the 14th August, 1963, we have no hesitation in holding that the Ezhavas, Muslims and Latin Catholics inclusive of Anglo-Indians constitute “socially and educationally backward classes of citizens” within the meaning of Art. 15(4) of the Constitution.

As a matter of fact the social and educational backwardness of the Muslims and the Latin Catholics inclusive of Anglo-Indians was not—and we think correctly—in serious dispute. The attack was essentially against the reservation of seats in favour of the Ezhavas.

The Ezhavas form about twenty five per cent of the population of the State, and on the material before us it is not possible to say that the Government was wrong in its assumption that they constitute a community which is “socially and educationally backward”. A perusal of the relevant clauses in the Cochin Tribes and Castes by Mr. L. K. Ananthakrishna Ayyar, the Cochin State Manual by Mr. C. Achyuta Menon, the Report of the President of India, the Report of the Evaluation Committee constituted by the Government of Kerala and the other publications to which our attention has been drawn indicates that the three communities in whose favour the reservations have been made should be considered as backward both socially and educationally.

It was contended before us that the Travancore Temple Entry Proclamation of 1112 M.E., the Cochin Temple Entry Proclamation of 1123 M.E., the Madras Temple Entry Proclamation of 1123 M.E., the Madras Temple Entry Authorisation Act of 1947, and Art. 17 of the Constitution of India which says :

"Untouchability" is abolished and its practice is forbidden. The enforcement of any disability arising out of "Untouchability" shall be an offence punishable in accordance with law have altered the ancient character of the Ezhava community, and that they should not now be treated as socially backward. It is true that at certain times, and in certain countries, society has given the lead to law. In India, however, it has been the other way about. In his introduction to "Some Aspect of Indian Law Today" Mr. M. C. Chagla says :

"It is true that at certain times society has given the lead to law; but in India at least it is the other way about. Law has given the lead to society, and law has placed before the society ideals and values to which people should conform."

Confirmity in such cases does not synchronise with the promulgation of statutory enactments or constitution documents. Time has to play its part, and time alone transmutes the ideals of the law into the relatives of everyday life. No one can say that the introduction of progressive measures is the end, and not the beginning, of a process of amelioration. Habits of thought dies hard and slow and occupations like toddy tapping carry their social stigma from one generation to another and through decades of conduct and behaviours.

We have been furnished with a typed copy of the majority judgement of the Supreme Court in *R. Chitralkha v. State of Mysore*, Civil Appeals Nos. 1056 and 1057 of 1963 : (AIR 1964 SC 1823). We have not seen the blueprint of the decision and are quite unaware of what has been said in the judgement of the Judges who have dissented. Our pointed attention was drawn to the following passages in the decision :

"The important fact to be noticed in Art. 15(4) 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 the Scheduled castes and the Scheduled Tribes."

The contention on the basis of the majority decision was that there is the authority of the Supreme Court to say that there shall be no reservation on the basis of castes. We are unable to understand the decision in that way. The judgment refers to certain passages in AIR 1963 SC 649 and says :

"Two principles stand out prominently from the said observations, namely (1) the caste or group of citizens may be a relevant circumstances in ascertaining their social backwardness and (2) though it is a relevant factor to determine the social backwardness of a class of citizens, it cannot be the sole or dominant test in that behalf."

and :

"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."

According to Funk and Wagnalls Standard Dictionary "caste" is no more than an hereditary class into which Hindu society is divided. And we see nothing in the decision of the Supreme Court which precludes the conclusion that if the whole or a substantial portion of a caste is socially and educationally backward, then the name of that caste will (not ?) be a symbol or a synonym for a class of citizens who are socially and educationally backward and thus within the ambit of clause(4) of Art. 15 of the Constitution.

In the light of what is stated above we must reverse the judgment under appeal *R. Jacob Mathew v. State of Kerala*, 1963 Ker Lt. 783 : (AIR 1954 Kerala 39) in so far as it strikes down the reservation of seats in favour of the Ezhavas, Muslims and the Latin Catholics inclusive of Anglo-Indians. We do so.

In *Wealth Tax Officer v. Thuppan Nambodripad*, Civil Appeals Nos. 262 to 266 of 1963 (SC) the Supreme Court had to consider whether the provision relating to Hindu undivided families in the Wealth-tax Act, 1957, violated the equality before law guaranteed by Art. 14 of the Constitution. The Supreme Court said :

"We should like to point out that the High Court seemed to take the view that it was for the State to show that Art. 14 was not applicable. This is not correct, for it is for the party who comes forward with the allegation that equality before the law or the equal protection of the laws is being denied to him to adduce facts to prove such denial." In this view the burden of proof will be on the first respondent, and, perhaps all that we need say is that he has not proved that the Ezhavas, Muslims and Latin Catholics inclusive of Anglo-Indians are not entitled to the protection afforded by Article 15(4) of the Constitution.

We must, however, point out that the paucity of up-to-date data has been a source of considerable worry. It is impossible to say that our concluding has not been influenced, to some extent at any rate, by our own experience of life and work in this State.

An enduring conclusion, however, should not be based on data that is not absolutely up-to-date or on judicial experience which such data may disprove or modify. We think it is essential that the State should immediately embark upon a fact-finding enquiry into matters that are relevant and frame appropriate orders in the light of that enquiry. We direct the State to do so.

Holding

- (1) If the whole or substantial portion of a caste is socially and educationally backward then that caste can be considered as equivalent to socially and educationally backward class. According to the facts, Latin Catholics, Muslims and Backward Christians formed backward class.

Ramakrishna Singh v. State of Mysore

A.I.R. 1960 Mys. 338

Facts

The following two orders of Mysore Government listing backward classes and their reservation for admission to Professional Colleges were challenged.

(i) Order of 14th May, 1969

(ii) Order of 22nd July, 1959

The list of backward classes included 95 per cent of the population of the State and all communities and castes of the Hindus other than Brahmin, Banias, Kayasth, and all the communities in the State except Anglo-Indians and Parsies had been included in the list.

The two Orders had fixed 20 per cent for Scheduled Castes and Scheduled Tribes and 45 per cent for the socially and educationally backward classes and the remaining 35 per cent was to be filled up on the basis of merit.

The order of 22nd July, 1959 had further sub-divided the listed backward classes into several categories and fixed different percentage for the reservation of seats. The net effect was that the persons belonging to each sub-group could only compete for the seats reserved for them and were not eligible for the remaining seats reserved for the backward classes. In other words they were debarred from competing for the remaining seats in open competition amongst the members of the backward classes listed in the orders.

Issues

- (1) Is the division of Backward Classes into various sub-groups and fixing of different percentage of reservation of seats for each such group and prohibition of one sub-group from competing for the seats reserved for the other sub-groups constitutional?

Extracts

S. R. Das Gupta, J.

It would appear from the above notification that not only the so-called socially and educationally backward classes, as mentioned in the first notification have been sub-divided into different groups but the percentage of reservation of seats in respect of each group has also been specified. In other words, each group is only entitled to the percentage of seats as specified in respect of that group.

Thus, for example, classes belonging to group No. 1 is only entitled to 2.6 per cent of the seats reserved

for backward classes and group 2 is entitled to 3.9 per cent thereof. The result of this is obvious.

The persons belonging to one of such groups can only compete for the seats which have been reserved for that group and are not eligible for the remaining seats reserved for the backward classes. In other words, they are debarred from capturing the said remaining seats in open competition amongst the members of the backward classes as enumerated in the first notification. This notification, therefore, instead of giving a benefit to the backward classes abridges their rights and cannot be supported by the provision of Article 15(4) of the Constitution.

As was observed by their Lordships of the Andhra Pradesh High Court in the case reported in AIR 1958 A.P. 129 that if the provision though it purports to be for the advancement of the backward classes, in effect abridges their rights, the entire provision or that part of it which abridges their rights would be bad. The net result of this notification is that while purporting to make special provision for the backward classes a discrimination has been made against them. This is certainly not in compliance with the Constitution.

The Constitution guarantees the fundamental right of every citizen whether he is a member of the backward class or not. Such right includes the right to be admitted into any educational institution maintained by the Government irrespective of one's religion, race, caste, sex or any of them. Article 15(4) allows an abridgment of that right. But that abridgment has to be for the benefit of the backward classes. In accordance with that Article special provision can be made for such backward classes, which, in the case of admission to educational institutions, means that a limited number of seats be reserved for them, leaving them free to contest the remaining seats.

If, as was observed by their Lordships of the Andhra Pradesh High Court in the case reported in AIR 1958 Andhra Pradesh 569, the boys belonging to the backward classes by their merit secure more than the prescribed seats in the general competition, this rule cannot be invoked to reject the boys above the prescribed number; for, in that even their fundamental right under Article 29(2) would be violated. But the present order has in fact debarred the boys of the different groups from getting any seats above the number of seats prescribed for the backward classes. By doing so, this order instead of benefiting them has abridged their fundamental right.

It was contended before us that in each of the groups one the forward class has been included. Jains for example, it was shown to us, as having been grouped

with large number of other classes and the reservation for that group is only 5.5 per cent. It was contended before us and in my opinion, rightly, that the result of grouping in this manner may be that even the limited percentage of seats reserved for the classes mentioned in the said notification would be captured by those communities who are more forward than the others of that group leaving thereby the really backward classes with no chances of getting any seats even in the said small percentage of reserved seats.

When this aspect of the matter was put to the learned Government Pleader he tried to justify the action of the Government by saying that unless such sub-divisions were made and special reservations were made for each of such sub-groups the comparatively

forward classes in the list set out in the first order would have carried away all the seats reserved for the backward classes and the really backward people would in that even be deprived of any benefit under the said notification. This argument, in my opinion, strikes at the root of the first order.

It shows that the said notification was not in compliance with the provisions of Art. 15(4) of the Constitution.

Holding

The prohibition of each sub-groups of backward classes from competing with other sub-groups was held to be unconstitutional.

Sardool Singh v. Medical College

A.I.R. 1970 J. & K. 45

Facts

The writ petitions arose out of the admission of candidates to the Medical College at Srinagar. The petitioners were candidates who had been refused admission to the Medical College and had filed these petitions assailing the admission of some of the respondent candidates on the ground of their admission having been tainted with favouritism, nepotism and further that certain reservations made by the State Government were not permissible under Arts. 14, 15 and 29 of the Constitution of India and, therefore, the petitioners were selected for hostile discrimination by the State. The Government Order provided :

Seats shall be reserved for these classes for technical trainings and higher education, in the educational institutions engaged in imparting such trainings or education and maintained by the State or receiving aid out of the funds of the State, which shall as nearly as may be, bear such proportion to the total number of seats available for such trainings for education in such institutions as is specified against each such class below; and admission to such institutions for such trainings and education shall be regulated accordingly—

- (a) Permanent resident Scheduled Castes 5%.
- (b) Permanent residents of Ladakh Districts 2%.

Issues

Was the reservation in favour of permanent residents of Ladakh district and Scheduled Castes constitutional under Article 15(4) ?

Extracts

Fazal Ali, J.

It was next contended that reservation for persons belonging to Ladakh or to the Scheduled Castes was also not proper. This argument, however, is to be stated only to be rejected because Art. 15(4) specifically authorises the State to make special provisions for the advancement of socially and educationally backward classes of citizens or members of the Scheduled Castes. In the instant case the

Government has indicated the data on the basis of which it reached the conclusion that members belonging to the district of Ladakh and those belonging to the Scheduled Castes were backward classes of citizens. The materials on the basis of which the Notification of the Government was passed have not been challenged before us, nor has it been shown to our satisfaction that persons coming from ... are not backward.

In A.I.R. 1968 SC 1012 (P. Rajendran v. ... of Madras) reservation on the ground that certain candidates belonged to a particular district which was backward was upheld, provided the reservation was not made purely on the basis of the place of birth. In this connection their Lordships observed as follows : -

“Even though there may be some substance in the charge that all this complicated and confusing method has been provided in order to get over the prohibition in Art. 15(1) by a camouflage we cannot say that there is a clear violation of Art. 15(1) for the district which the candidate may claim does not depend upon the place of his birth. We cannot, therefore, strike down R. 8 on the ground that it discriminates on the basis of the place of birth of the candidate concerned.”

In this case, no doubt, their Lordships did not approve of the allocation or distribution of seats districtwise, but that has not been done in the present case. Ladakh happens to be only one of the districts of the State and the citizens belonging to this area have been declared by the Government to be socially and educationally backward so as to come within the protection given by Art. 15(4) of the Constitution of India. Thus the reservation made by the Government for candidates from the Ladakh district and members of the Scheduled Castes is perfectly valid and cannot be struck down as being violative of Arts. 14, 15 or 29 of the Constitution of India.

Holding

Reservation in favour of candidates from Ladakh district and Scheduled Castes was valid. Permanent residents of Ladakh district formed socially and educationally backward class.

Facts were more or less similar to those in the *Raghuramulu* case.

Facts

Were the same as in the *Raghuramulu* case.

Extracts

K. Subba Rao, C.J.

Learned Counsel for the petitioner contends that the said decision accepts the principle of selection of candidates in two compartments one for the quota allotted for backward classes and the other for the general pool and, therefore, boys belonging to the backward classes, who succeed in a competition held for the general pool, must be excluded from the selections in the reserved field. No such principle was accepted in the aforesaid decision.

It was there held that the rule, under the circumstances of that case, did not affect the fundamental right of citizen belonging to the backward communities and that the petitioners therein having secured marks higher than the students selected from the general pool were directed to be admitted. It was not argued therein that if the boys belonging to the backward classes were taken in the general pool the petitioners would have been excluded, while preserving the minimum guaranteed to backward classes students. We had no occasion, therefore, to decide therein the question whether the selection should be made in compartments.

That question arises in this case. The fundamental right of a citizen whether he belongs to a backward community or not is to secure admission in any educational institution maintained by the State without his being discriminated on grounds only of religion, race, caste or any of them. The State may abridge this right by making a provision for the advancement of any socially and educationally backward class of citizens.

Presumably in exercise of that power, the State directed that a maximum of 15 per cent of the seats

in each faculty should be reserved for candidates from backward classes. If the boys belonging to the backward classes by their merit secure more than 15 per cent of the seats in the general competition, this rule cannot be invoked to reject the boys above the prescribed number; for, in that event their fundamental right under Art. 29(2) would be violated.

On the other hand, if the selection is made in two different compartments in such a way that some boys belonging to the backward classes are allowed to compete for the general pool and some for the reserved seats, it would cause great hardship to the boys belonging to other communities. The rule, therefore, can be worked out in such a way as to protect the interests of students of the backward classes without at the same time causing prejudice to students of other communities.

This could be achieved by pooling all the candidates together and guaranteeing minimum seats for those belonging to the backward classes. To illustrate: If there are 100 applicants for selection to the Medical College, they would be arranged in the order of merit and even if more than 15 per cent of the candidates belonging to the backward classes could be selected on merit alone, they would be so selected.

If they feel short of that number, they would be selected to make up that number on the basis of merit inter se between them though they got less marks than boys belonging to other communities. This process will protect students of backward classes without doing any injustice to the forward ones. The rule with the modification suggested by this Court in the earlier judgment does not compel selection in different compartments but only reserves some seats to the particular communities. In this view as the petitioner did not succeed in the general competition and as seats reserved for the backward classes for their protection were exhausted, no right of the petitioner is infringed.

Holding

Same as in the *Raghuramulu* case.

Facts

Rules framed by the Government of Maharashtra for admission to Government Medical Colleges in the state were challenged by the petitioner who sought admission in B.J. Medical College in Poona and was refused admission following the rules.

Rules were :

Admissions are granted once a year only at the Medical Colleges in the beginning of the academic year. Except the seats for the nominees of the Government of India and the seats of the B.J. Medical College, Poona and Miraj Medical College, Miraj all the seats at each medical college are earmarked for the students of the universities to which the particular medical college is affiliated.

Rule 4(d) provided as follows :

The percentage of seats reserved at each medical college will be :

Categories	Percentage of reservation
1. Scheduled Castes and Nav Budhas converted from Scheduled Castes.	13 per cent
2. Scheduled tribes including those outside specified areas	7 per cent
3. Denotified tribes and nomadic tribes	4 per cent
4. Other Backward classes	10 per cent
Total	34 per cent

Reserved seats remaining vacant in any of the above groups for want of students in that group should go to other groups even if the percentage in a particular group exceeds the percentage prescribed for that group provided that the total percentage of the seats does not exceed 34 per cent of the total seats for backward classes. These seats should go to the members of the general public only when backward class students from any of the above mentioned group are not available to fill up the seats. The above percentage should be inclusive of the numbers of students who get admission on merit and should not be in addition thereto.

Issues

- (i) Is the basis of the proportion of population of backward classes, Scheduled Castes and

Scheduled Tribes to the total population of the state in fixing the quantum of reservation for admission to Medical Colleges constitutional?

- (ii) Is the provision for carrying forward of vacant reserved seats of one sub-group of backward class to that of the sub-group valid?

Extracts

Vaidya, J.

The only other ground which was urged by Mr. Paranjpe in support of the petition was that the reservations made for the scheduled castes and scheduled tribes and backward classes on the basis of the proportion of these communities to the population of the State, as stated in the affidavit filed by Mr. Mathkar, was irrational, and further that the classification of the other backward classes on the basis of castes was illegal. He contended that the provision contained in Rule 4(d) laying down that the reserved seats remaining vacant in any of the reserved group for want of students in that group should go to the other groups of scheduled castes, and scheduled tribes and backward classes, was also unworkable and irrational.

We find no substance in any of these contentions. It is possible that some other mode of reserving the seats may be adopted, but it cannot be said that the basis of the proportion of population adopted by the Government of Maharashtra in reserving seats for scheduled castes and scheduled tribes and other backward classes on the basis of the last census is in any manner unreasonable. In the leading case on the subject *M. R. Balaji v. State of Mysore* A.I.R. 1963 S.C. 649 Gajendragadkar, J., as he then was, speaking for the Court laid down the principles as follows, while setting aside an order of the Government of Mysore which resulted in reservation of seats for 68 per cent of population of Mysore State treated as backward classes as plainly inconsistent with Article 15(4) :—

"In our country where social and economic conditions differ from State to State, it would be idle to expect absolute uniformity of approach; but in taking executive action to implement the policy of Art. 15(4), it is necessary for the States to remember that the policy which is intended to be implemented is the policy which has been declared by Article 46 and the preamble of the Constitution. It is for the attainment of social and economic justice that Art. 15(4) authorises

the making of special provisions for the advancement of the communities there contemplated even if such provisions may be inconsistent with the fundamental rights guaranteed under Art. 15 or 29(2). The context, therefore, requires that the executive action taken by the State must be based on an objective approach free from all extraneous pressures. The said action is intended to do social and economic justice and must be taken in a manner that justice is and should be done."

Applying the said principles to the facts of the present case, we find that the Government has adopted an objective and just test for determining the proportion of seats to be reserved in the medical colleges. Mr. Paranjpe further submitted that since the rest of the population of the State was not concerned with the Shivaji and Poona Universities, it was illogical to adopt the basis of the proportion of these communities to the entire population of the whole State in determining the proportion of seats to be reserved in medical colleges in the areas of Shivaji and Poona Universities. We do not find anything illogical in it. Reservation is permitted under Article 15(4) for the backward classes and, perhaps there is no better basis for such reservation than the proportion of the population of the backward classes to the whole population of the State. It would be totally unreasonable to expect the State, to take a separate census of the backward classes population only of the areas of the two Universities or of each of the Universities in the whole State. The contention of Mr. Paranjpe that the rest of the population of the State is not interested in the admissions of the medical colleges at these two Universities has to be rejected because the Government of Maharashtra is certainly justified in adopting a uniform rule of reservation in respect of all parts of the State; and if it has adopted a uniform rule on the basis of the population, we find nothing in it which is irrational or is hit by Article 14 or 15.

Mr. Paranjpe next contended that the reservation of the seats to students of these communities were also vitiated by the fact that they were qualified to apply for admission even if they got 40 per cent marks as against the minimum of 45 per cent prescribed for other students and thereby the Government instead of advancing the backward communities was encouraging them to be less advanced than the others. This argument ignores the very purpose for which Article 15(4) was enacted. The backward communities, who are recognised as such, and the scheduled castes and scheduled tribes have been suffering from social and economic handicaps for centuries and one of the ways by which their conditions can be ameliorated by making students, who get even somewhat lower marks, to be eligible for admission to medical colleges; and they must be considered as a measure in advancement of these backward communities.

Similarly, the contention of Mr. Paranjpe that the rule of carrying forward the vacant seats in a

particular group to the groups in the backward classes is unworkable, has no merit because, in our opinion, Rule 4(d) is very practical and reasonable and easy of application. We do not find any difficulty in its working. The said rule is quoted above. It is manifest that the four groups mentioned in the rule are "socially and educationally backward classes of citizens" and "scheduled castes and tribes" and Art. 15(4) lays down that nothing in Art. 15 or in clause (2) of the Art. 29 shall prevent the State from making any special provision for advancement of the said classes, castes and tribes. The Government of Maharashtra has made such a special provision in Rule 4(d) for the four groups mentioned therein. They can be and are given mentioned special preferences under Art. 15(4). Under the rule, 34 per cent seats are reserved for all the four groups together and within the said 34 per cent seats, further special provision is made for filling up vacant seats reserved for any one or more of the four groups by throwing them open to students belonging to the remaining groups. All the four groups form one category of socially and educationally backward citizens. They are to be preferred. Therefore, provision is made for filling up vacant seats among the seats reserved for them. The sub-Division into the four groups is made obviously only to allocate the reservation to the four groups falling under the one category of socially and educationally backward citizens so that the comparatively brighter students in one group may not keep out the students of the other groups. All this, in our judgement, is permissible under Art. 15(4) of the Constitution of India and consistent with Art. 46 which requires 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". The petitioner cannot, therefore, challenge Rule 4(d) on the ground that after reserving seats for each of the groups, it further makes special provision for the benefit of these groups by throwing open the vacant seats in one group for students of the other groups or on the ground that vacant seats in any of the four groups should be thrown open to all students on merit without making them again available to students belonging to the said groups.

Holding

- (i) The Court held that the basis of the proportion of population of backward classes, Scheduled Castes and Scheduled Tribes to the total population of the State as based on the previous census for determining the quantum of reservation was valid and reasonable.
- (ii) The provisions for carrying forward of vacant reserved seats of one sub-group of backward class to that of the other sub-group within the quantum of reservation allowed for such backward classes was held to be valid.

Facts

The petitioners who belonged to communities which are socially and educationally backward challenged the constitutionality of the restriction imposed in G.O.P. 208/66/Edn. dated 2nd May, 1966 of the Kerala Government which stipulated that only applicants who are members of families whose aggregate annual income is below Rs. 6,000 would be entitled to admissions to the seats reserved for students belonging to the backward classes. The petitioners who had applied for admission to the First Year M.B.B.S. Course 1974-75 were denied admission. The Government order was passed consequent upon the report of the Kumara Pillai Commission which recommended a ceiling of Rs. 4,200 as income limit.

Issues

- (i) Whether exclusion of persons belonging to socially and educationally backward class on ground of higher income valid under article 15(4); in other words, the sub-division of the backward classes on the basis of income permissible?
- (ii) Whether the ceiling limit of Rs. 6,000 arbitrary?

Holding (Single Judge, K. K. Narendran, J.)

- (i) Exclusion of persons belonging to socially and educationally backward classes on the basis of higher income was not warranted under article 15(4).
- (ii) The ceiling limit of Rs. 6,000 in the instant case was held to be arbitrary and irrational.

II. On appeal from the Shameem case to a Division Bench of the Kerala High Court, the Court in *State of Kerala v. Krishna Kumari* (A.I.R. 1976 Ker. 851) held the following:

Extracts

Govindan Nair, C.J.

12. In the case of the major communities like Ezhavas and Muslims which form sizeable portions of the population of the State the Commission found it difficult at the time of its report to classify these communities wholly, or even by and large, as socially and educationally backward. The anomaly of including all the members of such castes as socially and educationally backward, was noticed by this Court in the Full Bench decision in *Harisharan Pillai v. State of Kerala* 1967 KLT 266.

It was, however, felt by the Full Bench that there was no material before it to come to the conclusion that a section of the members of the caste were not socially and educationally backward. The Court was, therefore, not prepared to hold that the assertion that the members of the caste were by and large backward socially and educationally was not correct. At the same time it struck a note of warning in paragraph 22 of the judgment. We shall extract paragraphs 22 and 23 of the judgment:

22. It is, however, necessary to strike a serious note of warning because the data that has been relied on, like the report of the Committee constituted by the Travancore Government before 1935 and that of the Committee that considered the question in 1957 as well as the census report of 1941, which have been relied on, have all become quite obsolete and out of date now. It is essential that relevant data must be collected periodically. The provisions in Articles 15(4) and 16(4) of the Constitution are only transitory provisions and the action taken under that must be modulated from time to time. This can be done only if surveys are made at regular intervals and detailed information collected. While I am not for interfering with the selection made on the basis of principles that have more or less been in force for more than two, perhaps three, decades, I am not for continuing the system without the matter being looked into afresh.

23. I consider that the 'backward classes' have to be drawn from all weaker sections of citizens irrespective of the religion and/or caste to which those sections may belong. With this end in view, it is desirable that the State should undertake a detailed survey as early as possible. There will be no justification in continuing to apply the principles embodied in rules 14 to 17 of the General Rules after 31st March, 1968 without a fresh appraisal of the question involved.

It is in the light of these observations of the Full Bench of this Court that the present Commission was constituted. The principles applied by the Commission have been stated by the Commission in the report. It has applied the principle that for the test of social backwardness, economic factors as well as caste/community can be taken into account. It has said so in paragraph 11 factors as well as caste/community can be taken in the account.

It has said so in paragraph II at page 29 of the Report. The main question that arises for consideration is whether the laying down of such a test is warranted by the Constitutional provisions as interpreted by the Supreme Court or whether what has been taken into account by the Commission is an extraneous consideration or an irrelevant consideration which would make the classification violative of Art. 14 of the Constitution. It has been emphatically argued before us by Sri Sivaraman Nair as well as by other counsel that a very insignificant section of the castes which are socially and educationally backward has been excluded by the Commission on the basis of an artificial level of income. It was contended that this 'mini' classification as Sri Sivaraman Nair termed it is unjustified and even arbitrary.

13. Poverty or economic standards is a relevant factor in determining social backwardness because the economic position has a direct nexus to social and educational status. 'Economic backwardness contributes to a social backwardness and prevents educational advancement.

17. In all cases of classification there will be border-line cases. If the classification is permissible, the fact that it may cause hardship to a few individuals by itself will not make the classification unjust, unfair or arbitrary or perversu. Whatever be the level of income fixed there will be border-line cases. The real question is should a social and educational backwardness of the castes resulting from historical reasons be perpetual and the castes as a whole treated as socially and educationally backward even if there is a group of persons in the castes who are not socially and educationally backward. Should all the members of such a community always remain backward? The idea in making the reservation is to give the members of such caste or community an equal opportunity with those who are treated as socially and economically advanced classes of the society. If a group in those castes/communities were able to advance socially, educationally and economically, to make reservations for them would be to deprive the chance of the really socially and educationally backward classes of people in those communities/castes.

18. It is not as though these castes or communities as such suffer in any manner in the matter of reservation of seats by the principle adopted by the Commission and the Government. Reservation for the members of the community in quantum remains the same which are to a large extent treated as consisting of persons who are socially and educationally backward. The communities described in Appendix VIII to the Report as such, therefore, do not lose a single seat that had been reserved for them earlier before the present Report of the Commission had been accepted by the Government. The competition is between the more advanced section of the castes and the less advanced. The real question is whether the Commission had material before it which was relevant to enable it to say that those among the castes who were economically better off were not socially backward. Some evidence had been collected by the Commission, and it is impossible to say that there was no material before the Commission for

reaching the conclusion that it did. Certainly it is not for this Court to weigh the quantum of evidence that was available or sit in judgement on the conclusions reached. . . .

The question is, therefore, only whether the approach made by the Commission is correct; whether it had kept in mind the guiding principles laid down by the Supreme Court; whether it had material before it; and whether it had taken into consideration any irrelevant or extraneous matters, in reaching the conclusions it did. We are not prepared to say that there has been any flaw in the approach or in the adoption of principles. The Commission had material before it and it has not been influenced by irrelevant or extraneous considerations. Therefore, the contention that the classification is unjustified is not sustainable.

22. Counsel then contended that the fixation of the income at Rs. 6,000 for classifying those who are economically better off is quite arbitrary. It was pointed out that at least at the time of the selection with which we are concerned in these cases the sum of Rs. 6,000 was too low a figure. Reasons have been stated by the Commission for fixing the amount at Rs. 4,200 at the time the Commission submitted its report. The Government raised it to Rs. 6,000. It may be necessary to review this decision. This order of the Government was in 1966 and nearly a decade is now coming to close after the figure of Rs. 6,000 was fixed. We are sure that this matter will engage the attention of the Government and that it will take appropriate factors into consideration in deciding whether the figure should remain at Rs. 6,000 or should be altered. This is a matter which should engage the attention of the Government. But we are not prepared to say that the figure Rs. 6,000 was fixed arbitrarily. The Commission has seen reasons and has referred to relevant material for recommending the figure Rs. 4,200 and we consider that the Government was justified in raising the figure from Rs. 4,200 to Rs. 6,000.

Holding

Reversed the decision of Single Branch in Shameem case.

III. On appeal to the Supreme Court, the Court in *K. S. Jayasree v. State of Kerala*, (A.L.R. 1976 S.C. 2381) upheld the decision of the Kerala High Court in *Krishna Kumar's* case.

Extracts

A. N. Ray, C.J.

7. The Commission assumed office on 14th July, 1964 and submitted its report on 31st December, 1965. The recommendation of the Commission was that only citizens who are members of families which have an aggregate income of less than Rupees 4,200 per annum and which belong to the castes and communities mentioned in Appendix VIII constitute socially and educationally backward classes for purpose of Article 15(4).

74. When the Government passed the order on 2 May, 1966 the Government order stated *inter alia* as follows: "After the Commission collected data for its report, the cost of living has risen further and the income-tax exemption limit has been raised. Having regard to the current cost of maintenance of a student in a professional or technical institution, Government consider that the income limit of Rs. 4,200 suggested by the Commission should appropriately be raised to Rs. 6,000 per annum. In the circumstances, the Government accepted the above recommendation subject to the modification that only citizens who are members of families which have an aggregate income of less than Rupees 6,000 per annum and which belong to the castes and communities mentioned in the annexure to this Government Order will constitute socially and educationally backward classes for purposes of Article 15(4).

9. On 2 September, 1975 the State Government passed an order which *inter alia* states as follows :

"After the issuance of the Government Order the cost of living has risen further and the income-tax exemption limit has been raised. Having regard to the current cost of maintenance of student in a professional or technical institution, Government consider that the income limit of Rs. 6,000 prescribed in the Government Order should be appropriately raised. In the circumstances, Government are pleased to enhance the income limit of Rs. 6,000 prescribed to Rs. 10,000 per annum with effect from the academic year 1975-76."

19. The commission applied the tests for educational backwardness, test of habitation, necessity for a mean-cum-caste/community test, the income level for the means-cum-caste/community test, and came to the conclusion that citizens in the State of Kerala who are members of families which have an aggregate income of less than Rs. 4,200 per annum from all sources and which belong to castes or communities mentioned in Appendix VII constitute socially and educationally backward classes for purposes of Article 15(4). The Commission found that generally the members of the castes and communities mentioned in Appendix VIII are educationally backward and that the lower income groups which have an aggregate income of less than Rs. 4,200 per annum are socially backward also. The lower income group of these castes and communities belongs in the opinion of the Commission to classes of citizens who are both socially and educationally backward.

20. 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. Social backwardness is in the ultimate analysis the result of poverty to large extent. Social backwardness which results from poverty is likely to be aggravated by considerations to their caste. This shows the relevance of both caste and poverty in determining the backwardness of citizens. Poverty by itself is not the determining factor

of social backwardness. Poverty is relevant in the context of social backwardness. The Commission found that the lower income group constitutes socially and educationally backward classes. The basis of the reservation is not income but social and educational backwardness determined on the basis of relevant criteria. If any classification of backward classes of citizens is based solely on the caste of the citizens it will perpetuate the vice of caste system. Again, if the classification is based solely on poverty it will not be logical. The society is taking steps for uplift of the people. In such a task groups or classes who are socially and educationally backward are helped by the society. That is the philosophy of our Constitution. It is in this context that social backwardness which results from poverty is likely to be magnified by caste considerations. Occupations, place of habitation may also be relevant factors in determining who are socially and educationally backward classes. Social and economic considerations come into operation in solving the problem and evolving the proper criteria of determining which classes are socially and educationally backward. That is why our Constitution provided for special consideration of socially and citizens as also Scheduled Castes and Tribes. It is only by directing the society and the State to offer them all facilities for social and educational uplift that the problem is solved. It is in that context that the Commission in the present case found that income of the classes of citizens mentioned in Appendix VIII was a relevant factor in determining their social and educational backwardness.

21. The problem of determining who are socially and educationally backward classes is undoubtedly not simple. Sociological and economic considerations come into play in evolving proper criteria for its determination. This is the function of the State. The Court's jurisdiction is to decide whether the tests applied are valid. If it appears that the tests applied are proper and valid the classification of socially and educationally backward classes based on the tests will have to be consistent with the requirements of Article 15(4). The Commission has found on applying the relevant tests that the lower income group of the communities named in Appendix VIII of the Report constitute the socially and educationally backward classes. In dealing with the question as to whether any class of citizens is socially backward or not, it may not be irrelevant to consider the caste of the said group of citizens. It is necessary to remember that special provision is contemplated for classes of citizens and not for individual citizens as such, and so, though the caste of the group of citizens may be relevant, its importance should not be exaggerated. If the classification is based solely on caste of the citizen, it may not be logical, social backwardness is the result of poverty to a very large extent. Caste and poverty are both relevant for determining the backwardness. But neither caste alone nor poverty alone will be the determining tests. When the Commission has determined a class to be socially and educationally backward it is not on the basis of income alone, and the determination is based on the relevant criteria laid down by the Court. Evidence and material are placed before the Commission, Article 15(4) which speaks of backwardness of classes of citizens indicates that the accent

is on classes of citizens. Article 15(4) also speaks of Scheduled Castes and Scheduled Tribes. Therefore, socially and educationally backward classes of citizens in Article 15(4) cannot be equated with castes. In *R. Chitralekha v. State of Mysore*, (1964) 6 SCR 368 = (AIR 1964 SC 1823) this Court said that the classification of backward classes based on economic conditions and occupations does not offend Article 15(4).

22. The different castes that have been described in Appendix VIII to the Commission Report have not been accepted by the Commission as embodying the group of socially and educationally backward classes

of people. Only those among the members of the castes mentioned in Appendix VIII whose economic means was below that stated by the Commission were treated as socially and educationally backward. The educational backwardness is reflected to a certain extent by the economic conditions of the group.

Holding:

Caste and poverty are both relevant for determining backwardness. Application of the test of economic means to the members of castes listed by the Commission to determine their social and educational backwardness was upheld by the Court.

Facts

An order of Bihar Government of 1970 leasing out roadside lands to the Express Highway No. 1 for agricultural and piscicultural purposes temporarily on annual basis to landless Harijans, preference being given to the Fishery Cooperative Societies of the landless Harijans, was challenged as violative of article 15(4).

Issues

- (i) Whether "Harijans" as class are socially and educationally backward?
- (ii) Is Harijan a caste?
- (iii) Whether the court can take judicial notice of the fact that Harijans are socially and educationally backward?

Extracts

Parula J.

Admittedly Harijans do not come under the Scheduled Castes and Scheduled Tribes enumerated under the Constitution. Hence the line of reasoning of Mr. Rath firstly is that unless Harijans come under the category of "any socially and educationally backward classes of citizens", the impugned order would be directly hit by Art. 15 on the ground of discrimination based only on caste as it is. Mr. Rath's second contention in this regard is that there is no evidence nor is there any presumption that Harijans as a class are socially and educationally backward.

Admittedly there is no caste as "Harijans". There is no definition of 'Harijan' at any place. This term is of recent origin—towards the middle of 1920s, the father of which was Mahatma Gandhi. According to the Lexicon (Bhashakosh) the caste Hindus who looked down upon the non-caste Hindus took some of the castes as untouchable and that comprised this category. So Harijans are people of those castes whom the non Harijans or the caste-Hindus or Sabarna-Hindus viewed as untouchables. It follows, therefore, that Harijans is not a caste but a conglomeration of people of different castes who were taken to be untouchables by the Sabarna-Hindus. The argument, therefore, that a classification like Harijan is based on caste, is not correct. The term 'Harijan' carries with it something more than the concept of a caste.

In a case reported in AIR 1958 Madh Pra 352 (1958) Cri LJ 1398. (State v. Purnachand), while interpreting the word 'Harijan' it is said :

"It is well known that the word 'Harijan' applies to untouchables and the use of that word

by the witness would have been accepted as sufficient to hold that Moharajal was prevented from going inside the temple as he was an untouchable".

Mr. Rath could not cite any authority for the proposition that the classification as a Harijan or non-Harijan is based on caste. In fact, on the contrary all the citizens of Indian can be classified into two classes, viz. Harijans and non-Harijans—each division taking in its fold several castes. So we would repel the contention that a classification as 'Harijan' is based on 'caste'.

The next point that arises for consideration is whether the Harijans are socially and educationally backward classes of citizens. According to Mr. Rath, they are not and amongst them there are very rich people in affluent condition and highly educated and the Court will not be justified in drawing an inference that Harijans are socially and educationally backward classes of citizens coming under the protection of Article 15(4). True in the petition there is a vague allegation as quoted above that some Harijans of the locality are well off whereas some people of other castes are not so advanced as the Harijans of the locality; but no specific instance has been given or the percentage indicated to show how they are better off than the caste-Hindus. Even so, if some Harijans have become Ministers or high executive officers, does it mean that Harijans as a class are not socially and educationally backward class intended under Art. 15(4) are people who are also not economically well off. Mr. Rath very much relied on a case law reported in 1973 (1) Serv LR 719 (AIR 1973 SC 930) (Janki Prasad v. State of J. & K.) on the interpretation of the words 'backward class'. Therein it is stated :

"Article 15(4) speaks about "socially and educationally backward classes of citizens" while Article 16(4) speaks only of "any backward class of citizens". However, it is now settled that the expression "backward class of citizens" in Art. 16(4) means the same thing as the expression "any socially and educationally backward class of citizens" in Article 15(4). In order to qualify for being called a "backward class citizen" he must be a member of a socially and educationally backward class. It is social and educational backwardness of a class which is material for the purposes of both Articles 15(4) and 16(4). It is not merely the educational backwardness or the social backwardness which makes a class of citizens backward; the class identified as a class as above must be both educationally and a socially backward. In India social and educational backwardness is further associated with economic

backwardness. Backwardness, socially and educationally, is ultimately and primarily due to poverty. But if poverty is the exclusive test, a very large portion of the population in India would have to be regarded as socially and educationally backward, and if reservations are made only on the ground of economic considerations, an untenable situation may arise because even in sectors which are recognised as socially and educationally advanced there are large pockets of poverty. In this country except for a small percentage of population the people are generally poor—some being more poor, others less poor. Therefore, when a social investigator tries to identify socially and educationally backward classes, he may do it with confidence that they are bound to be poor. His chief concern is, therefore, to determine whether the class or group is socially and educationally backward. Though the two words "socially" and "educationally" are used cumulatively for the purpose of describing the backward class, one may find that if a class as a whole is educationally advanced it is generally also socially advanced, because of the reformatory effect of education on that class. The words "advanced" and "backward" are only relative terms there being several layers or strata of classes, hovering between "advanced" and "backward", and the difficult task is which class can be recognised out of these several layers as being socially and educationally backward".

We think this does not help the petitioner in any way, rather it goes against him.

Thus the question that poses for consideration is whether in the above setting the Court can legitimately infer the fact that "Harijan" are socially, educationally and economically backward. Mr. Rath could not cite any authority prohibiting the court from drawing any such inference. Indian Evidence Act in Part II, Chapter III lays down the "facts which need not be proved". Section 57 thereof enumerates "facts of which the Court must take judicial notice". Independent of the pleadings the Court's power to take judicial notice of some facts being recognised, it is to be seen if the Court can take judicial notice of the fact that the Harijans are as a class socially, educationally and economically backward. It is now the settled law that facts of which judicial notice may be taken are not limited to those of the nature specifically mentioned in Cls. (1) to (13) of Section 57 of Evidence Act. Besides the matters mentioned in those clauses, there are numerous others which are considered too notorious to require proof: such matters are therefore 'judicially noticed'. In matters of such common knowledge that it would be an insult to intelligence to require proof are to be dealt with in this way. As judges must bring to the consideration of the questions they have to decide their knowledge of the common affairs of life, it is not necessary on the trial of an action to give formal evidence of matters with which man of ordinary intelligence are acquainted, whether in general or in relation to natural phenomena and whether in peace or war (Halsbury's Laws of England Vol. 15, 3rd ED. p. 399). There is a wide range of things which the

Court can take judicial notice. viz. historical facts, geographical truths, scientific inventions, socio-economic conditions at a particular time and events of every day life and the like, as much as an axiomatic truth or natural phenomena.

The tendency of modern practice is to encourage the field of judicial notice. Even it has been extended to the case *Jorrors* and said "Jurors like Judges are not, because of their judicial functions, compelled to strip themselves of the knowledge which they possess of matters commonly and notoriously known." By way of reinforcing what we have said, we propose to refer only two decisions—one of the Supreme Court, AIR 1970 SC 36, *Chitra Ghosh v. Union of India* and another of this Court, AIR 1953 Orissa 53—(1953) (Cri LJ 544). *Sheonath V. The State*.

The passage quoted below (underlined portions) would show how much their Lordships of the Supreme Court rely on common knowledge. It is also an authority for the proposition—how Annexure 8 is not discriminatory.

"The first group of persons for whom seats have been reserved are the sons and daughters of residents of Union territories other than Delhi. These areas are well known to be comparatively backward and with the exception of Himachal Pradesh they do not have any Medical College of their own. It was necessary that persons desirous of receiving medical education from these areas should be provided some facility for doing so. As regards the sons and daughters of the Central Government servants posted in Indian Missions abroad it is equally well known that due to exigencies of their service these persons are faced with lot of difficulties in the nature of education. Apart from the problems of language it is not easy or always possible to get admission into institutions imparting medical education in foreign countries... Regarding Jammu and Kashmir scholars it must be remembered that the problems relating to them are of a peculiar nature and there do not exist adequate arrangements for medical education in the state itself for its students".

The classification in all these cases is based upon intelligible differentia which distinguished them from the group to which the petitioners belong.

In the latter case *Narasimham, J.* (as he then was) held:

"The Court can take judicial notice of the fact that Sambalpur district is a surplus district as regards rice and there was extensive smuggling from the district to the adjacent States such as Bihar and Central Provinces".

Holding

- (i) Harijans are socially and educationally backward.
- (ii) The Court can take judicial notice of the above fact.
- (iii) Harijan is not caste but a group of people of different castes who are considered as untouchable by the Sabarna community.

Shantha Kumar v. State of Mysore

(1971) 1 Mys. L. Jour. 21

Facts

The petitioner was an applicant for admission to Medical Colleges in Mysore State. He claimed to belong to socially and educationally Backward Classes. The Selection Committee for admission to Medical Colleges, did not accept his claim that he belonged to such Backward Classes. As the marks secured by him were not sufficiently high for being selected for one of the unreserved seats in Medical Colleges, he was not selected. In this petition, the petitioner had impugned the decision of the Selection Committee in not treating him as belonging to socially and educationally Backward Classes. The petitioner claimed that by virtue of his adoption by his uncle at the age of 16 years he belonged to socially and educationally backward classes.

Issues

Whether by virtue of adoption into a socially and educationally backward class, the adopted can claim the benefit of the Mysore Government's order of July, 1963 ? Whose income and occupation that of the natural father or of the adoptive father would be relevant ?

Extracts

Chandrashekhara J.

In his application for admission, the petitioner stated that he was 19 years of age that his father was one Ramiah Shetty who was a 'coolie' by occupation having an annual income of Rs. 450. The said Ramiah Shetty has signed the application as the parent of the petitioner. The petitioner produced along with his application a copy of the deed of adoption dated 10-3-1969, registered on 14-4-1969. According to this deed, the petitioner's natural father, M. Krishna Shetty gave the petitioner in adoption to Ramiah Shetty about 3 years prior to the date of this deed, it is also recited in this deed that the wives of Krishna Shetty and Ramiah Shetty are sisters and that Ramiah Shetty who has no children, brought up the petitioner.

In the counter-affidavit sworn to by the Chairman of the Selection Committee, it is averred that the petitioner's father M. Krishna Shetty, is supervisor in the office of the National Extension Service at Kanakapura. The following circumstances have been mentioned in the counter-affidavit as being unusual. In the S.S.L.C. certificate dated 30-5-1966, the name of the petitioner's father is given as M. Krishna Shetty. In his application for admission as well as in the affidavit accompanying that application, the petitioner's

initial is mentioned as 'K' which stands for the name of his father, Krishna Shetty. The petitioner's father who has in comparatively affluent circumstances, is stated to have given his son in adoption to a 'coolie' with a meagre income. Though the adoption is stated to have taken place in about the year 1966, the deed of adoption has come into existence just three months before making the application for admission.

It is stated in the counter-affidavit that taking into account the above circumstances, the Selection Committee was satisfied that the adoption deed must have been brought into existence for the sole purpose of claiming a seat reserved for socially and educationally Backward Classes, and hence the petitioner's claim that he belonged to such Backward Classes was not accepted.

The rationale of the reservation for socially and educationally Backward Classes, under Art. 15(4) of the Constitution, is that the environmental conditions of persons belonging to such Backward Classes, are not conducive to social and educational progress, but contribute for social and educational backwardness.

The petitioner whose natural father is a supervisor in the Office of the National Extension Service, did not suffer from any environmental disadvantage till he was given in adoption at about the age of 16 years. But the environmental conditions of his upbringing for 3 years by his adoptive father who may belong to socially and educationally Backward Classes, cannot be said to destroy or nullify the advantage of the environmental conditions of his upbringing for about 16 years by his natural parents before he was given in adoption. Whatever may be the position in regard to a boy who has been given in adoption at a comparatively early age like 4 or 5 years, in the case of the petitioner who is stated to have been given in adoption when he was about 16 years of age, and had all the while imbibed the better environmental advantages of his natural father's income and occupation it is not reasonable to hold that the income and occupation of his adoptive father and not those of his natural father that should determine whether he (the petitioner) belongs to socially and educationally Backward Classes. Any other view will lead to defeating the very purpose of reservation for such Backward Classes, by the device of adoption just before the time of applying for admission to technical and professional Colleges and Institutions, and thereby the benefit and protection to the Classes of persons who really suffer from environmental disadvantages, will be whittled down.

In the circumstances of the present case, the decision of the Selection Committee in treating the petitioner as not belonging to socially and educationally Backward Classes, cannot be said to be unreasonable. We see no good grounds to interfere with such decision.

Holding

The income and occupation of the natural father above were relevant to determine whether the petitioner would come within the category of backward classes. Applying that rule, the petitioner could not claim to be backward.

Sabshint v. State

A.I.R. 1966 Mys. 40

The Mysore Government's order of July 1963 which made reservations for admission to medical colleges was challenged. One basis of attack against the order was that under it more than 50 per cent of the available seats were reserved and hence, the quantum of reservation exceeded the *Balaji* Limit. Factually, the total number of seats available in the medical colleges were 750. Out of those 3 seats were for cultural scholars of Indian origin domiciled abroad; 2 seats for Colombo Plan Scholars; 4 seats for student of Indian origin migrating from Burma; 4 seats for students from Asian and African countries; 2 seats for L.A.M.S. and L.U.M.S., 5 seats for students coming from Goa; 2½% of the seats for children of Defence Personnel; 1% of the seats for those who have shown exceptional skill and aptitude in sports and games, 75 seats as central quota for students from other states. If any of those seats were not filled, the unfilled seats would be transferred to the general pool. Out of the remaining 18 per cent were reserved for Scheduled Castes and Scheduled Tribes and 30 per cent for the socially and educationally backward Classes.

Issues

Does the *Balaji* limit on the quantum of reservation apply to reservation for certain general categories of non-backward classes?

Summary of Judgment

Hegde, J.

It was argued that the total reservations for all groups exceeded the *Balaji* limit of 50 per cent. Rejecting this argument, the Mysore High Court held that the validity of reservation of seats for socially and educationally backward classes have to be judged by the conditions laid down in article 15(4a). The validity of the reservations for classes other than those socially and educationally backward classes Scheduled Castes and Scheduled Tribes had to be tested on the basis of the requirements of article 14. Such reservations should not be mixed up with the special reservations under article 15(4). The upper limit laid down in *Balaji's* case has application only to the reservation to be made under article 15(4). It does not include any reservation otherwise made.

Facts

A challenge was made to the orders of Mysore Government making reservations for admission to technical and professional institutions based on the interim report of Dr. Nagan Gowda Committee to determine criteria for identifying the socially and educationally backward classes in the state. The Government had fixed 22% reservation for backward classes, 16% for Scheduled castes and, 3% for Scheduled Tribes. The remaining 60 per cent were to be selected on the basis of open competition on merit alone. If any seats reserved for candidates belonging to the Scheduled Castes or Scheduled Tribes remained unfilled, the same was to be filled by candidates of other backward classes.

Issues

(i) When reservation is made for backward classes, Scheduled Castes and Scheduled Tribes, can they demand more seats than are included in the reservation on the basis of their backwardness ?

(ii) Is the transfer of unfilled seats meant for Scheduled Castes and Scheduled Tribes to other Backward Classes constitutional under article 15(1) and 29(2) of the Constitution ?

Summary of the judgment on the above two points
A. N. Patil and M. T. Hussain, JJ.

The Court held that when a reservation of a certain percentage of seats is made in favour of Scheduled Castes or Scheduled Tribes or other Backward Classes,

they could not on the basis of their backwardness ask for more seats than are included in the reservation percentage. Compartmentalisation was open to objection from the point of view of the fundamental rights of both categories of citizens, namely the backward and the advanced classes. To prevent a member of the category entitled of reservation from competing in the general category would violate his fundamental right. To permit him to compete separately both in the reserved category as well as in the general category would result in the violation of the fundamental right of a member of the general category beyond the limits constitutionally permissible for the protection of the reserved category. Hence, for a reservation of certain number of percentage of seats to be constitutionally correct or appropriate, it should not be in the nature of compartmentalisation but in the nature of a *guaranteed minimum* in the course of general competition among all categories of citizens.

Regarding the transfer of unfilled seats of Scheduled Castes and Scheduled Tribes to other backward classes, the court said that those three groups were three different categories whose classification was based on different indicia and the classification of other backward classes might vary from time to time and with reference to the nature of their backwardness. Consequently it was held that the allotment of seats under the provisions of the impugned orders in favour of other backward classes in excess of the 22 per cent reserved for them in a manner otherwise than by open competition is an unreasonable restraint on the fundamental right of other citizens and, therefore, opposed to the Constitution.

FACTS

The State of Uttar Pradesh runs five medical colleges, one each at Allahabad, Kanpur, Meerut, Agra and Jhansi. In addition, Lucknow University has a medical college called King George Medical College. In consultation with the Lucknow University, the State Government decided to hold one combined pre-Medical Test for selecting students for admission to the six medical colleges. The work of holding the combined pre-Medical Test was entrusted to the Meerut University. There were in all 756 seats in the six medical colleges. Of these 26 had been allotted for nominees of the Government of India under various heads. The remaining 732 seats were to be filled in by the combined Pre-Medical Test. By different orders issued by the State Government a number of seats were reserved for various classes. The ultimate reservation of seats was as follows :—

(1) Giri Candidates	20%
(2) Candidates from rural areas	12%
(3) Candidates from hill areas	3%
(4) Candidates from Uttar Khand Division	3%
(5) Candidates belonging to Scheduled castes	7%
(6) Candidates belonging to Scheduled castes from rural areas and	3%
(7) Candidates belonging to Scheduled tribes	1%
Total	49%

As a result of the reservations, 368 seats remained as general seats. This was 51% of the total number of seats i.e. 732 which were open to the combined Pre-Medical Test, the balance 368 (49%) being reserved seats.

Issues

- (i) Whether candidates from rural areas, Hill areas and Uttarkhand division belonged to socially and educationally backward classes ?
- (ii) Whether 49 per cent reservation was excessive ?

Extracts

Satish Chandra, J.

Sub-articles (3) and (4) of Art. 15 classify women and children, socially and educationally backward classes of citizens, Scheduled Castes and Scheduled Tribes as distinct groups. If the State Government makes reservation in respect of these groups, it cannot be said that the classification is not based upon rational differentia. The object of the reservation in favour of the various categories of candidates is obviously to make special provision for their advancement. This is specifically permitted by sub-articles (3) and (4) of Art. 15. The differentia, are, therefore, reasonably related to the objects sought to be achieved by the reservation, namely to comply with the requirements of Art. 15(3) and (4). Reservation in favour of girls is clearly covered by Art. 15(3) of the Constitution as being a special provision for women. The reservation in respect of candidates from rural areas, hill areas and Uttar Khand Division has been stated to be because the citizens of these areas from a socially and educationally backward class of citizens. This, in our opinion, is undeniable from the point of view of education in medicine; because in this State there are only six medical colleges, each one of which is situated in a municipal town. There is no facility for imparting medical education in the rural or hill areas or in the Uttar Khand Division. From the point of view of imparting medical education, these areas were correctly treated by the State Government as having socially and educationally backward citizens.

For the appellant, it was urged that the percentage of reserved seats comes to 49 per cent only if the 26 seats reserved for nominees of the Central Government are excluded from consideration. Since reservation of 26 seats is also a reservation which precludes candidates for general seats to be selected against them, these 26 seats should also be taken into consideration while calculating the percentage of the reserved seats. If these 26 seats are included, the reserved seats would come to 62 per cent, which is according to the Supreme Court, unreasonable. The submission proceeds upon a fallacy. The Government which runs the medical colleges and bears the entire burden of their expenses is entitled to lay down sources from which selection will be made. The Supreme Court in *D. N. Chanchala v. State of Mysore*, AIR 1971 SC 1762 para 23 observed :—

“A provision laying down such sources strictly speaking is not a reservation. It is not a reservation as understood by Art. 15, against

which objection can be taken on the ground that it is excessive".

The State Government may have been under obligation to the Government of India to provide some seats for its nominees. These 26 seats were not open to be filled by the Pre-Medical Test. All other categories of reserved seats were to be filled through the combined Pre-Medical Test. These 26 seats cannot,

in our opinion, be taken into account while determining the reasonability of the reservation of seats.

Holding

- (i) People from rural areas, hill areas and Uttarakhand Division belong to socially and educationally backward classes entitled to reservation under article 15(4).
- (ii) The quantum of reservation, namely, 49% was not excessive.

Facts

The distribution of seats in the Medical Colleges of U.P. under para 10 of the Instructions issued by the Registrar, Combined Pre-Medical Test, Agra University was challenged as violation of article 15(4). The distribution of seats was done in the following manner :

	<i>Medical College</i>					
	Lock.	Kan.	Agra	All.	Meerut	Jhansi
(a) Seat for general candidates (Male) .	103	104	63	55	55	26
(b) For girl candidates	35	57	24	20	20	10
(c) For candidates from Rural areas .	28	28	15	15	15	6
(d) For candidates from Hill areas (excluding Uttarkhand Division)	5	6	4	3	3	2
(e) For candidates from Uttarkhand Division (for these seats 50 per cent are reserved for female candidates from Uttarkhand Division)	5	6	4	3	3	2
(f) For Scheduled Castes Candidates .	5	6	4	3	3	2
Total	181	187	118	99	99	50

Issues

- (i) Was the reservation of seats for rural, hill and Uttarkhand areas constitutionally permissible ?
- (ii) Are the criteria adopted for determining educational backwardness constitutionally valid ?

Extracts

D. S. Mathur, J. There are two broad features of these Instructions, firstly, that in respect of general candidates, girls candidates and candidates from rural areas, the minimum qualifying marks are 25% in each subject and 33% in the aggregate; while for Scheduled Castes candidates these minimum figures are 25% and 30%. In case of candidates from Uttarkhand Division, there is no such minimum qualifying marks, with the result that a candidate not securing any marks in any subject shall be admitted provided that the total number of candidates from Uttarkhand Division does not exceed the figures prescribed in the aforementioned instructions. Another feature of the Instructions is that the reservations have been made not only for Scheduled Caste candidates but also for

girl students, candidates from rural areas, candidates from Hill areas other than Uttarkhand Division and candidates from Uttarkhand Division. In case of girl candidates if any girl candidate is selected from general candidates, the reservation for girl candidates shall stand reduced to that extent but not in the case of others. Consequently, if sufficient number of qualified candidates are available more candidates from those categories (other than girl candidates) than prescribed in the Instructions can be admitted in Medical Colleges.

In the instant case the State has tried to justify why the various groups or areas detailed in the Instructions were considered to be educationally backward but nothing has been indicated why and how could they all be treated as socially backward also. For educational backwardness the main criterion appears to be the percentage of marks obtained in the Pre-Medical Test, the number of candidates from reserved areas appearing in the Pre-Medical Test and also the shortage of Higher Secondary Schools in those areas. We must say that this is not sufficient for classifying all the residents of those areas as belonging to educationally backward classes. All the residents of the village may be educationally backward, but the same cannot be said in regard to all the rural areas. Instances are not unknown where literacy in a rural area is very high in some villages nearing cent per cent. Similarly, in the Hill areas other than Uttarkhand Division there are classes of citizens who cannot be classed as educationally backward, Uttarkhand Division stands in a different category and in the absence of data it may be said that major part thereof is socially and educationally backward; but in Uttarkhand Division also there are certain areas all the residents whereof cannot be classed as socially and educationally backward.

To put it differently, even if there may be some justification for placing Uttarkhand Division in the category of socially and educationally backward classes, there is no justification to place all the rural areas and Hill areas other than Uttarkhand Division in that category.

Holding

- (i) The percentage of marks obtained in the Pre-Medical Test, the number of candidates from reserved areas appearing in the Pre-Medical Test and also the shortage of Higher Secondary Schools in these areas were not adequate to classify all the residents of these areas as belonging to educationally backward classes.
- (ii) Reservation for candidates from Uttarkhand areas was held to be valid, whereas for hill and rural areas it was not valid.

PART III

**Constituent Assembly Debates and Summary of
Court Cases under Article 16(4)**

PAGE NOS.

(65—110)

CONSTITUENT ASSEMBLY DEBATES

Analysis of the Constituent Assembly Debates leading to the inclusion of article 16(4), 46 and 340.

(1) Article 16(4)

Article 16(4), incorporated in the Constitution, corresponds to draft article 10(3). This reads :

"Nothing in this article shall prevent the state from making any provision for the reservation of appointments or posts in favour of any backward class of citizens, who, in the opinion of the State, are not adequately represented in the services under the State"

This, in fact, provides an exception to the principle of equality of opportunity in public employment, guaranteed under this article of the Constitution.

Draft article 10 submitted in similar terms by K. M. Munshi and Ambedkar came up for consideration before the Assembly on 30th November 1948, and various amendments were moved.

Lokanath Mishra (Orissa : General) proposed deletion of clause 3 altogether. In his opinion it was unnecessary as it put "a premium on backwardness and inefficiency." Further no citizen had the fundamental right to claim state employment on any other consideration apart from merit. A similar plea for deletion of clause² was made by Damodar Swarup Seth (United Provinces : General) on the ground that "though the clause on the face of it appears to be just and reasonable it is wrong in principle". He pointed out that the term "backward" was not easy to define nor was it easy to "find a suitable criterion for testing the backwardness of a community or class".³ He argued that if accepted, it would give rise to casteism and favouritism, which should not find a place in a secular state. While necessary concessions could be given to backward classes for improving educational qualifications and raising the general level of their uplift, appointments to posts should only be on merit and qualifications, concessions not being allowed to any class on the ground of backwardness.⁴

Further amendments suggested retention of clause 3 though in a modified form.

Thus, Hirday Nath Kunzru suggested the amendment that in clauses 3 the words "shall prevent the State from making any provision for the reservation" be substituted by the words "shall during a period of ten years after the commencement of this Constitution, prevent the State from making any reservation".⁵ Castes and the Scheduled Tribes. . . . in the making of appointments to services and posts. Article 33⁶ makes provisions for a "Special Officer for the Scheduled Castes and Scheduled Tribes to be appointed

by the President". His duty would include "Investigation of all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes" and submit a report thereon to the President.

Thus, it seems obvious that these articles do not refer to "backward classes" as does draft article 10(3) corresponding to article 16(4) of the Constitution. To that extent, the articles are opposed, though it can be argued that it is more a case of overlapping in as much as reservation for "backward classes" in article 16(4) very obviously includes reservation for members of the Scheduled Castes and Tribes⁷.

When clause 3 came up for general discussion the use of the word "backward" led to controversy as the scope of the term had not been adequately defined. Thus, Ari Bahadur Gurung (West Bengal : General) raised the question as to whether the term "backward classes" includes three categories of people, namely Scheduled Castes, and Tribes and one particular class which is not included so far, under the term "backward" although it is :—

The amendment would then read as follows :

"Nothing in this article shall, during a period of ten years after the commencement of this Constitution, prevent the State from making any reservation of appointments or posts in favour of any backward class of citizens who. . . . etc."⁸

In his view it was not desirable that any special provisions granting protection to communities should operate indefinitely. Further the term "backward" had not been defined anywhere in the Constitution. It was left to the law courts to decide as to whether a class was backward or not. He felt that the term "backward" should be defined by the House, so that there could be no dispute as regards its meaning in the future.

Aziz Ahmad Khan (United Provinces : Muslim) suggested the amendment that the word "backward" in clause 3 should be omitted. He submitted that when the Minority Report was placed before the House, the word "backward" was not present and it had been "finally decided" that it was unnecessary to include it. Further, if this amendment was not accepted articles 296 and 299 of the Draft Constitution would become opposed to article 10.⁹ Draft article 296 and 299 correspond to articles 335 and 338 of the Constitution. Article 335 safeguards the claims of the members of the Scheduled educationally and economically backward".¹⁰ In the category of one particular class, he pleaded that the Gurkhas "who are domiciled in India should have the same privilege as other backward communities in India"¹¹

Members, who belong to the backward classes, and were given an opportunity to express their views, generally favoured the provision in clause 3. Majority of these, expressed their apprehension with regard to the scope of the word "backward". They pleaded for a classification to the effect that the word may have application only to them. In fact, R. M. Nalavade (Bombay : General) suggested that the term "backward classes" be substituted by the words "Scheduled Castes". He argued that the words "backward classes" are so vague that they could be interpreted in such a way as to include so many classes which are even educationally advanced. D. Ram Prakash (United Provinces : General), submitted that "the words backward classes" should be substituted by 'depressed class' or 'scheduled class' because the latter have a definite meaning. He pointed out that "backward" class had yet to be defined and there was "no possibility of its being defined in the near future." He, therefore, supported the amendment that the words "backward class" be substituted by 'scheduled caste'. Chandrika Ram (Bihar : General) was in favour of adding the words "Scheduled Castes" after the words "Backward Classes" : He pleaded that since Harijans enjoyed provisions for reservation in services, there should be similar provision for backward classes also. Expressing disapproval of the amendment suggested by Seth Damodar Swarup and Lokanath Misra seeking to delete the words "backward class" he observed that those who were of the opinion that no backward class existed in the country were "blind to the facts of the history of our country, to the progressive society of today and to the conditions obtaining at present".

P. Kakkan (Madras : General) also supported the article. He urged that the Government "take special steps for the reservation of appointments for the Harijans for some years". While supporting the clause, V. I. Muniswamy Pillay (Madras : General) pointed that the word "backward" had not been defined properly. He was apprehensive as to whether communities earlier left out in the administration—especially the scheduled castes—had been provided for. He pleaded that a clear indication be given by the House that their interests would be protected. The argument advanced by some members of the House that reservation was not necessary he thought to be "unwholesome thinking". This was so, because so long as the communal canker remained, reservation for communities would be necessary. However, he was pleading the case of the Scheduled Castes for different reasons i.e. "because they have been left in the lurch and due to their lack of social economic and educational advancement for years".

T. Chinniah (Mysore) also favoured retention of the word "backward". He pointed out that notwithstanding that the word "backward" had not been defined in the Draft Constitution, it was known in North India that among Hindus, the classes of people engaged in agriculture and artisan works belonged to the backward class. In South India the scope of the "backward classes" was very distinct. They were either socially or educationally backward but not those

who were economically forward. In Mysore for class B vacancies, only backward classes were considered, while class A was meant for both Brahmins and non-Brahmins. He agreed with Ambedkar that the word "backward" should be retained on the ground that clauses (1) and (2) of this article "would be null and void if this word 'backward' is not retained in clause (3) of article 10".⁴ He further urged that the reservation for 10 years suggested by Kuzru be extended to 150 years to equalise the period they had been deprived of opportunities.

Santanu Kumar Dass (Orissa : General) also supported retention of the article. He voiced his opinion that due to "evil effects of foreign rule" it was not possible to immediately delete provisions as regards reservation from the Constitution. As long as these conditions prevailed, there would be demands for such reservation for the Harijans and Scheduled castes, who were included in the term "backward class".

H. J. Khandakar (C.P.&A. Berar General) favoured the word 'backward' in clause 3. He argued that in its absence, "the purpose of the scheduled castes would not have been served as it should". He stressed their condition as being "deplorable" since although such candidates apply for some Government posts, they are not selected, because the selectors belong to other communities or sections. He pointed out that the term 'backward' was vague and had not been defined anywhere. He disagreed with Chandrika Ram that such a definition was given in the Census Report. What had been defined there was 'scheduled caste'. He, therefore, supported the amendment proposed by Muniswamy Pillay that the words 'scheduled caste' be added after "backward class".

On the other hand, some members supported omission of the word "backward" as they were of the view that its scope was likely to be misconstrued by the State which might adversely affect claims of minority groups seeking adequate representation in the services.

Thus, Mohamed Ismail Sahib (Madras : Muslim) pointed out that though the word "backward" had not been defined in the Constitution, in Madras it had "a definite and technical meaning".⁵ The Government had enumerated more than 150 of these classes—all belonging to the majority community of Hindus—and if the Scheduled Castes were included it would constitute "the majority of the whole population of that province".⁶ If this was its meaning, then he was apprehensive that the backward classes in minority communities e.g. Muslims and Christians, would be "excluded from the purview of this clause".⁷

K. M. Munshi now replied to the criticism levelled against the draft article. As regards the fears voiced by members, who belonged to the Scheduled Castes, he observed :

I cannot imagine for the life of me how, after an experience of a year and a half of the Constituent Assembly any honourable Member of the Scheduled Castes should have a feeling that they will not be included in

the backward classes so long as they are backward ... Look at what has been going on in this House for the last year and a half. Take article 11 There has not been a single member of the non-Scheduled Caste who has ever raised any objection to it. On the contrary, we members who do not belong to the Scheduled Castes, have, in order to wipe out this blot on our society, been in the forefront in this matter What we want to secure by this clause are two things. In the fundamental right in the first clause we want to achieve the highest efficiency in the services of the state At the same time, in view of the conditions in our country prevailing in several provinces, we want to see that backward classes, who are really backward should be given scope in the State services ; the word "backward" signifies that class of people—does not matter whether you call them untouchables or touchables belonging to this community or that—a class of people who are so backward that special protection is required (for them) in the services ...

T. T. Krishnamachari, who spoke after K. M. Munshi referred to article 10 as a piece of "loose drafting",¹ which should not, in his opinion find any place in the chapter on fundamental rights. Referring to clauses 3 in particular he inquired "who are the backward class of citizens? It does not apply to a backward caste. It does not apply to a Scheduled Caste or to any particular community".² Further, what would be the criteria for determining who was "backward". He suggested the basis of literacy and raised the question that "If the basis of division is literacy, 80 per cent of our people fall into the backward class citizens, who is going to give the ultimate award? Perhaps the Supreme Court".³ It would have to find out the intention of the Constitution—makers as to who constitute the backward class. Was it a class based on grounds of economic status or on grounds of literacy or on grounds of birth? However, he was confident that it would be ultimately interpreted by the Supreme Court on some basis—caste, community, religion literacy or economic status. The Drafting Committee had thereby, he thought, produced a "paradise for lawyers".⁴

B. R. Ambedkar, in his reply to the criticisms against draft article 10(3) justified inclusion of the word "backward" as "the Drafting Committee had to produce a formula which would reconcile"⁵ opposing points of view viz. that there should be equality of opportunity without reservations of any sort for any class or community; as opposed to this, the other view-point, while approving of the principle of equality of opportunity in theory, maintains that there should be "a provision made for the entry of certain communities which have so far been outside the administration".⁶ Keeping this in mind, it was apparent that "no better formula could be produced than the one that is embodied in sub-clause (3) of article 10".⁷ He further pointed out :

Unless you use some such qualifying phrase as "backward" the exception made in favour of reservation will ultimately eat up the rule altogether That I think is the justification why the Drafting Committee undertook on its own shoulders the responsibility of introducing the word "backward" which, I admit, did not originally find a place in the fundamental right in the way in which it was passed by this Assembly.

Finally, he referred to two questions which had been raised during the debate in the Assembly viz., definition of "backward community" and justifiability of class III of the draft article. As regards the former he stated, "Any one who reads the language of the draft itself will find that we have left it to be determined by each local Government. A backward community is a community which is backward in the opinion of the Government".⁸ As regards the latter he observed "It is rather difficult to give a dogmatic answer. Personally I think it would be a justiciable matter".⁹

When it was put to vote, the amendments relating to clause 3 of the article were negatived by the Assembly, and it was adopted without any amendment or alteration. However, the Drafting Committee subsequently renumbered it as article 16(4).

Conclusion :

The aim of the Drafting Committee in incorporating this clause in the Constitution has been emphasized by K. M. Munshi, viz., to protect the interests of the "backward classes" by securing representation for them in the services—a protection necessitated by the conditions which prevailed then in several provinces in the country. Since the word "backward" has not been defined anywhere in the Constitution, not surprisingly it has proved controversial. However, its inclusion has been well justified by Ambedkar, Chairman of the Drafting Committee, who rightly pointed out that if "such qualifying phrase" is not used "the exception made in favour of reservation will ultimately eat up the rule altogether".

The Constituent Assembly Debates indicates that the draftsmen themselves were not sure as to the criteria to be adopted in determining "backwardness" they wanted to maintain a flexibility in the matter and to base the matter to every state Government to determine "backwardness" with ultimate review by the court. One or two members did express the view that the case of backwardness may be literacy and occupation, etc. View was also expressed that the term "backward classes" did cover Scheduled Castes,

¹ C.A.D. Vol. VII, pp. 673.

² Its deletion was also proposed by Tajamul Hussain. See Comments and suggestions in the Draft Constitution, IV Select Documents 31-2.

³ C.A.D. Vol. VII, pp. 679.

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

A similar suggestion was put forward by T. A. Ramalingam Chettiar. See "Comments and suggestions" on the Draft Constitution, IV Select Documents Sl. 2.

Supra note 1 at 681.

Other amendments suggested were : addition of words "economically or culturally" before "backward" in clause 3 by R. R. Diwakar and S. V. Krishnamoorthy Rao; insertion of the words "the Scheduled Castes" or before the word "backward" See by Upendranath Barman. See supra note 1a.

9. Supra note 1 at 685.

10. Ibid.

11. Id. at 686.

12. Id. at 687.

13. Id. at 686.

14. Id. at 688.

15. Ibid.

16. Id. at 698.

17. Ibid.

18. Id. at 690.

19. Id. at 691.

20. Id. at 692.

21. Ibid.

22. Id. at 693.

23. Id. at 696-7.

24. Id. at 697.

24a. Id. at 699.

25. Ibid.

26. Ibid.

27. Id. at 701.

28. Ibid.

29. Ibid.

30. Id. at 702.

31. Ibid.

II. Article 46

Article 46 of the Constitution which corresponds to article 37 of the draft Constitution reads :

"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 article came up for consideration by the Constituent Assembly on 23rd November 1948. Two amendments were moved.

Hukum Singh (East Punjab : Sikh) suggested that "for the words 'Scheduled Castes' the words 'Backward communities of which ever class or religion be substituted'.¹ He argued that as the term "weaker sections" had not been "defined anywhere", it might well be apprehended that attention would be focussed on the latter part which relates to 'Scheduled Castes'; as a result 'weaker sections' would pale into insignificance and "not mean anything at all".² He stated that his only objective in proposing the amendment was to eliminate any possible discrimination. He pointed out, in this context, that 'Scheduled Castes' had been generally understood by the masses to "exclude the members of the same castes professing Sikh religion".³ In his view, since the article promoted "educational

and economic interests" "it should be made clear that it is to be done for all backward classes, and not for persons professing this or that particular religion or belief".⁴

The second amendment was moved by A. V. Thakkar (United States of Kathiawar : Saurashtra) which suggested "Inclusion of the backward classes among Hindus and among Muslims".⁵

At this stage, B. R. Ambedkar, Chairman of the Drafting Committee, intervened expressing his view that both the aforesaid amendments "would be more appropriate to the Schedule" and could be considered at the time of dealing with it. As such, he suggested postponement of their consideration.

Consequently, A. V. Thakkar stated that he would not move his amendment at this stage while Hukum Singh sought leave to withdraw his amendment, which was granted.

The motion "that article 37 do stand part of the Constitution" when put to the vote of the House was adopted and article 37 was subsequently renumbered as article 46 and added to the Constitution.

1. VII C.A.D. 552.

2. Id. at 553.

3. Ibid.

4. Ibid.

5. Ibid.

6. Ibid.

7. Ibid.

III. Article 340

Article 340 of the Constitution which corresponds to article 301 of the Draft Constitution, Provides :

- (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 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 condition and as to the grants that should be given for the purpose by the Union any State and the conditions subject to which such grants should be given, and the order appointing such 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 Parliament.

The draft article 301 came up for consideration of the Constituent Assembly on 16th June 1949. At that time various amendments were suggested.

H. V. Kamath (C. P. & Berar : General) proposed deletion of the words consisting of such persons as he thinks fit in clause 1 of the draft article, as he considered them "wholly superfluous".¹ He even went to the extent of stating that "they cast a reflection upon the wisdom of the President".² He further suggested another amendment, viz., "for the word "difficulties" in clause 1 of the draft article, the word "disabilities" be substituted".³ In his opinion the latter conveyed the idea better than the former. He pointed out that in article 9 (article 15 of the Constitution which prohibiting discrimination on grounds of religion, race, caste, sex or place of birth) the word "difficulty" was absent. Instead, it refers to "any disability, liability, restriction, condition" etc. This particular article had already been passed by the Assembly. In his view, the word "difficulty" was hardly a constitutional term and the word "disability" was "far more appropriate".⁴ Many more amendments were suggested by him.

1. The words 'grants should be given' in clause (1) of article 301 be substituted by the words 'grants should be made'.

2. For the word 'and' in clause (1) of article 301 (line 10) the words 'as well as' be substituted.

3. The words 'a report setting out' the facts as found by them and occurring in clause (2) of article 301 be substituted by the words 'a report thereon'.

4. Deletion of the words 'together with a memorandum explaining the action taken thereon' in clause (3) of the draft article and addition of the words 'for such further action as may be necessary' at the end.

As regards (1) he stated that it was purely a verbal amendment and he left it to the collective wisdom of the Drafting Committee. The second, he also left to them, after expressing his view that the meaning was better expressed by the phrase "as well as" than by the word "and". The third was with a view to securing "brevity and precision".⁵ Referring to the fourth and last, he argued that it was not "wise" to regulate the manner of report to be submitted by the President to Parliament. The second part of this amendment was based on the argument that the Parliament, and not the President, should take any necessary further action.⁶

B. R. Ambedkar, Chairman of the Drafting Committee suggested that the word Parliament occurring in clause 3 of the draft article be substituted by the words 'each House of Parliament'.

Two more amendments, of which notice had been given by Thakur Das Bhargava (East Punjab : General) were not moved by him, and instead he expressed a desire to speak on the article.

At this stage, the article and amendments were thrown open to discussion by the President. Both

Thakur Das and Bhargava and Shibban Lal Saxena (United Provinces : General) expressed support of the draft article.

Thakur Das Bhargava described it as "the soul of the Constitution".⁷ The aim of the article, he pointed out, was to "complete the process of bringing them (the backward classes) up to normal standards. This article places upon the entire nation the obligation of seeing that all the disabilities and difficulties are removed and therefore it is really a character of the liberties of the backward classes....".⁸ Till such time as they reached "normal standards" facilities should be extended to them, the period of time should not be limited to a specific number of years. However, on attaining this standard, they should then be taken away from the category of "backward classes".⁹

He further submitted that with reference to clause (1) of the draft article, which states that "The President may by order appoint, etc." he had given notice of an amendment to the effect that the word "may" be substituted by the word "shall".¹⁰ He argued that even if the former was used, the President should be under the obligation to appoint such a Commission. The word "may" therefore ought to be construed as "shall". He pointed out that the safeguard for minorities e.g. Muslims and Sikhs had now been taken away, the sole responsibility of Parliament being the scheduled castes and the backward classes. He stated that the draft articles was only the material form of the objectives Resolution and gave only the mechanism by which such Resolution was executed. He pleaded for a provision in the article that it would "apply not only to the communities for whom reservation has been made but also are all the same backward".¹¹

Shibban Lal Saxena expressed the hope that the Commission which would be investigating the conditions of the backward classes throughout the country would be able to define the term "backward classes", since in spite of its use, it had not so far been defined anywhere in the Constitution.

When the amendments were put to vote, all except the one suggested by Ambedkar, were negative. The motion that draft article 301 as amended¹² be incorporated into the Constitution was carried. As such it was subsequently renumbered as 340 and added to the Constitution.

1. VIII C.A.D. 943.

2. Ibid.

3. Ibid.

4. Ibid.

5. Id. at 944.

6. Ibid.

7. See id. at 945.

8. Id. at 946.

9. Ibid.

10. Ibid.

11. Ibid.

12. Id. at 947.

13. The Drafting Committee at a later stage, incorporated the amendment suggested by H. V. Kamath that in clause 1 of draft article 301 "grants should be made" be substituted for "grants should be given".

**SUPREME COURT
AND
HIGH COURT CASES**

Facts

The petitioner applied under Article 32, alleging infringement of his fundamental right to employment in the state service.

The petitioner was a graduate in Mathematics. He had also a B. L. degree for over seven years he had been practising as an Advocate.

In 1949 the Madras Public Services Commission invited applications for 83 posts of District Munsifs in the Madras Subordinate Civil Judicial Services. Out of 83 posts to be filled by direct recruitment, 12 were earmarked for persons holding certain classes of employment in the Madras Civil Judicial Deptt. The remaining 71 posts were to be filled up from among the official Receivers, Assistant Public Prosecutors and practising members of the Bar. It was also notified that selection of candidates would be made from various castes, religions and communities in pursuance of the rules set out in what was popularly described as Communal C.Os., namely for Harijans 19, Muslims 5, Christians 6, Backward Hindus 10, Non-Brahmin Hindus 32 and Brahmins 11.

It was admitted that the marks secured by the petitioner would have entitled him to be selected if the provisions in the Communal G.O. could be disregarded. It was claimed that in the *viva voce* examination too he did well.

The results published in 1950 listed the selected candidates (in respect of the remaining 71 posts) on the basis of each community Harijan 1, Muslims 7, Christians 4, Backward Hindus 13, Non-Brahmins Hindus 32 and Brahmins 4.

The petitioner, thereafter, filed this petition, praying for an order declaring the rule of communal rotation, in pursuance of which selection to posts of District Munsifs were made, to be unconstitutional.

Issue

Whether the Madras Communal G.O. by which reservation of posts in the State Services was made for various communities (not coming within the category of backward classes) according to their race, caste and religion, infringed the fundamental right guaranteed under Article 16.

Judgment

A seven-judge Bench comprising Kania C. J., Fazl Ali, Patanjali Sastri, Mahajan, B. K. Mukherjee, S. R. Das and Bose J., held that the Communal G.O. was repugnant to Article 16 and therefore void and illegal.

The Court's decision was based on the following grounds :

- (1) Equality of opportunity in public employment was guaranteed by Article 16(1) while Article 16(2) further guaranteed that there should be no discrimination as regards this matter only on the grounds of religion, race, caste, sex, descent, place of birth or residence. Article 16 (3)—(5) provided the exceptions to this guarantee.
- (2) Ineligibility for a post only on the ground that a person belonged to a particular caste, religion, etc. contravened Article 16(2).
- (3) Article 16 (4) expressly permitted reservation of posts for backward classes, who were in the opinion of the State not adequately represented in the State services. It did not permit reservation for those persons who did not belong to this category nor did it enable the State to reserve posts on Communal basis. Any distribution of posts amongst communities having a fixed ratio infringed Art. 16(1) and (2).

The Court concluded with the following words :

"This ineligibility created by the communal G.O. does not appear to us to be sanctioned by cl. (4) of Art. 16 and it is an infringement of the fundamental right guaranteed to the petitioner as an individual citizen under Art. 16(1) and (2). This Communal C.O. in our opinion, is repugnant to the provisions of Art. 16 and is as much void and illegal."

Proposition laid down

The Government cannot make reservations for posts under it amongst the various communities not coming in the category of "backward classes".

General Manager, S. Rly. v. Rangachari

AIR 1962 SC 36

Facts

The respondent, L. K. Rangachari filed a writ petition in the Madras High Court under Art. 226 of the Constitution. The High Court issued a writ of mandamus restraining the appellants, i.e. G. M. Southern Rly. and Personnel Officer (Reservation) Southern Rly., from giving effect to directions of the Rly. Board, ordering reservation of selection posts in Class III of the railway service in favour of Scheduled Castes and Tribes from persons already holding posts of court inspectors in class III, one of which was held by the respondent. Following the issue of the writ, the appellant applied for and was granted a certificate under Art. 132 (1) by the High Court as it involved a substantial question of law, namely scope of Art. 16 (4).

Issues

- (i) Whether the reservation under Art. 16(4) could be made in the case of promotions or only at the stage of appointment only.
- (ii) Art. 16 (4) speaks of only "backward classes". Whether the term "backward classes" included "Scheduled Castes and Tribes" as well. The High Court on this matter had taken the view that the term did include Scheduled Castes and Scheduled Tribes. There was no dispute about this before the Supreme Court.
- (iii) Whether retrospective operation could be given to an order of reservation.

Majority judgment

The Court by a majority of three to two reversed the decision of the Madras High Court and held that the reservation did not exceed the limits of Art. 16(4) and was accordingly valid.

The majority was of the view that the term "matters of employment" in Art. 16(1) covered not only initial appointment but also promotions and such other matters as salary and periodical increments and terms of leave, gratuity, pension and age of superannuation. Art. 16(4) was an exception to Art. 16(1) but there cannot be any exception even in regard to backward classes with regard to matters other than appointment and promotion. "Post" does not mean post outside services or ex-cadre posts. Art 16 (4) covered both initial appointment and promotion. The court also held that the reservation can be provided both retrospectively and prospectively. The State should be

satisfied before making representation that the backward classes are not adequately represented both quantitatively and qualitatively. "The advancement of the socially and educationally backward classes requires not only that they should aspire to secure adequate representation in selection posts in the services as well".

The Court was also of the view that in exercising the power of reservation under Art. 16(4) "an attempt must always be made to strike a reasonable balance between the claims of backward classes and the claims of other employees as well as the important consideration of the efficiency of administration".

The majority, therefore, allowed the appeal. The decision of the Madras High Court was reversed and the respondent's application for writ was dismissed.

Minority judgment

The minority view of Wanchoo and Ayyangar JJ, however, held the reservation to be outside the limits of Article 16(4) and as such they were of the view that the appeal should be dismissed.

Wanchoo J. agreed with the majority judgment in that Article 16(4) was to be read together with Art. 335 of the Constitution, and that the word "posts" in that clause referred to posts within the service and not to those outside the services. However, he differed with the majority view that the word "posts" covered both selection posts and initial "appointments" and "posts" referred only to the initial appointment. He observed :

"Reservation of appointments means reservation of a percentage of initial appointments to the service, Posts refer to the total number of posts in the service and when reservation is by reference to posts it means reservation of a certain percentage of posts out of the total number of posts in the services."

The conclusion that all appointments or posts could not be reserved under Art. 16(4) who arrived at on the basis that it would be destructive of the fundamental right guaranteed under Art. 16(1). Further Art. 16(4) was an exception to Art. 16(1) and it could not be the intention of the Constitution-makers that it be so interpreted as to render nugatory the main provision. It was pointed out that even reservation of a majority of appointments or posts under Art. 16(4) though it would not completely destroy the fundamental right guaranteed by Article 16(1) it would, nevertheless, make it "practically illusory" which again could not be the intention of the Constitution-makers.

Ayyangar J was in agreement with the view expressed by Wanchoo J, that reservation could be made only for the initial appointment and held that the appeal should be dismissed.

He was in disagreement with the majority view which laid down that reservation under Article 16(4) could be made either prospectively or retrospectively. In his view the clause contemplated action only as regards the future. He observed :

"If an inadequacy exists today, to give retrospective effect to the reservation, as the impugned

notification has done, would be to redress an inadequate representation which took place in the past by an order issued today. In my judgment that is not contemplated by the power conferred to reserve which can only mean for the future."

However, since this point had not been argued he did not rest his judgment upon it. *Propositions laid down* : Art. 16 (4) covered both initial appointments and promotions. The reservation can be made both retrospectively and prospectively.

Facts

The appeal was brought by the petitioner under article 32 of the Constitution challenging the instructions issued by the Government of India which in effect resulted in the carry forward rule which resulted in reservations of more than 50% vacancies being made in a particular year.

The petitioner, a graduate, was an Assistant in grade IV of the Central Service since 1956, and became permanent on January 1, 1958. The next higher post was that of Section Officer (Assistant Superintendent). One of the three methods of recruitment to this post was by promotion from grade IV to Grade III on the basis of a departmental examination by the U.P.S.C. held at intervals. This accounted for 30 per cent of the recruitment. Accordingly, a notification relating to the examination for promotion to be held in June 1960 was issued by the U.P.S.C. on February 6, 1960. A reservation of 12½ per cent of vacancies for Scheduled Castes and 5 per cent for Scheduled Tribes was stated therein, but there was a "carry forward" rule according to which unfilled reserved vacancies in the two years preceding the year of recruitment were to be added to these percentages. The result was announced in April 1961. The U.P.S.C. recommended for appointment 16 candidates in unreserved vacancies and 28 candidates in reserved vacancies as per the prescribed percentage plus the carry forward quota. Subsequently 2 more candidates from Scheduled Tribes were added to the latter. The number of posts expected to be filled was stated to be 48 comprising 16 unreserved and 32 reserved though the UPSC recommended only 30 for the latter category. The Government, however, filled up only 45 of the vacancies, 29 of these from among candidates belonging to the Scheduled Castes and Tribes.

The contentions of the petitioner were :

- (1) The percentage of marks secured by him was 61 whereas some of the 29 Scheduled Castes and Tribes candidates secured as low as 35. He pleaded that the U.P.S.C. was not competent to prescribe one qualifying standard for them and another for the rest of the candidates.
- (2) If the Government of India and the U.P.S.C. had adhered to 17½% quota reservation for them, he would have stood a fair chance to get selected. However, the reservation made in fact amounted to 65 per cent and was thus far in excess of that stated in the

U.P.S.C. notification. A reservation limitation of 17½% would have meant that only 8 vacancies could be filled by members of Scheduled Castes and Tribes, the remainder to other candidates by merit.

- (3) The "carry forward rule" relied upon by the U.P.S.C. and Government of India was unconstitutional.

Subsequent to September 13, 1950 when the Government of India published a resolution indicating their policy relating to communal representation in the services, supplementary instructions were issued on January 28, 1952 which had the effect of adopting the principle of "carry forward" in the second and third year but not beyond that.

The petitioner challenged these instructions. He argued that article 16 (1) provides for equality of opportunity in matters relating to employment. While conceding that under article 16 (4) the state can make reservation for any backward class, he urged that this reservation could not be so extensive as to nullify or destroy the right conferred by article 16 (1). He pointed out that according to previous decisions of the Supreme Court, art. 16 (4) is "merely an exception to art. 16 (1), and being subservient to the latter, it could not be so interpreted as to render meaningless the main provision. He further contended that art. 16 (4) was to be read with art 335 of the Constitution, which while providing for claims of Scheduled Castes and Tribes reiterates the maintenance of efficiency in administration.

The respondents claimed that the carry forward rule was valid, that it had been in force before the commencement of the Constitution and was continued after its commencement as a matter of public policy and for giving effect to provisions of the Constitution. As such the supplementary instructions were issued in 1952. They relied upon the provisions of Art. 16(4) and art. 335 in support of these instructions. They denied that the rule was a negation of equality before law and equal opportunity as regards appointment to posts under the State.

Issue

1. The main question was whether the carry forward rule as modified in 1955 was unconstitutional as violative of article 16(1) or article 14 of the Constitution.
2. The question also arose for consideration whether the impugned provision of reservation of posts for Scheduled Castes and Tribes offends article 16(4).

Majority decision

The majority of the 5 judges comprising S. K. Das, Acting C.J., Raghubir Dayal, N. Rajagopala Ayyangar and J. R. Mudholkar J. (Subba Rao J. dissenting) answered the main issue in the affirmative and held the modified carry forward to be invalid and unconstitutional.

Mudholkar J., delivering the judgment of the court, was of the opinion that equality in art. 14 meant equality among equals. The purpose of article 16(4) was to ensure that backward classes (which included Scheduled Castes and Tribes) 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 latter could then complain of denial of equality by the State.

As regards the contention of the petitioner that the carry forward rule violated article 16(1) because it permitted excessive reservation, he referred to the court's ruling in *M. R. Balaji v. State of Mysore* AIR 1963 SC 649 where it was pointed out

"..... what is true in regard to article 15(4) is equally true in regard to Art. 16(4). There can be no doubt that the Constitution-makers assumed, as they were entitled to, that while making adequate reservation under Art. 16(4) care would be taken not to provide for unreasonable, excessive or extravagant reservation, for that would, by eliminating general competition in a large field and by creating widespread dissatisfaction amongst the employees, materially affect efficiency. Therefore, like the special provision improperly made under Art. 15(4) reservation made under Art. 16(4) beyond the permissible and legitimate limits would be liable to be challenged as a fraud on the Constitution."

This would apply to the present case. From the Balaji case it would appear that reservation of more than 50% of the vacancies would be violative of article 15(1).

In the present case, vacancies had been filled, 29 of which went to the reserved category as a result of the modified carry forward rule in 1955. The reservation, therefore, accounted for 64.4% of the vacancies filled. This being the result of the carry forward rule, the court, basing its decision on Balaji held it to be bad. It also relied on *General Manager, Southern Railway v. Rungachari*, AIR 1962 SC 36.

The court emphasized that the guarantee contained in Art. 16(1) is to ensure equality of opportunity in matters relating to employment. To effectuate the guarantee each year of recruitment would have to be considered by itself and reservation for backward communities should not be so excessive as to create a

monopoly or unduly disturb legitimate claims of other communities.

Art. 16(4) is in the nature of a proviso or exception to Art. 16(1). It cannot be so interpreted as to nullify or destroy the main provision. It was observed: "To hold that unlimited reservation of appointments could be made under cl. (4) would in effect efface the guarantee contained in cl. (1) or at best make it illusory. No provision of the Constitution or of any enactment can be so construed as to destroy another provision contemporaneously enacted therein. . . . The over-riding effect of cl. (4) on cls. (1) and (2) could only extend to the making of a reasonable number of reservation of appointments and posts in certain circumstances".

The court concluded that the petition succeeded partially, and the carry forward rule as modified in 1955 was invalid.

Minority decision

The dissenting judgment of Subba Rao J. on the other hand answered the main issue in the negative and held the carry forward rule to be constitutionally valid.

In his view article 335 had no bearing in construing article 16(4). It was, therefore, necessary to fall back upon art. 16(4) alone to ascertain validity of the provisions made by the Government.

Article 14 laid down the general rule of equality. Art. 16 was an instance of its application with special reference to opportunity of appointments under the State. In his view art. 16(4) was not an exception to art. 16(1). He observed: "If it stood alone all the backward communities would go to the wall in a society of uneven basis 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 could stand on their own legs. That is why the makers of the Constitution introduced cl. (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".

As regards the carry forward rule he observed:

"There are no merits in the contention that, the principle of 'carry forward' has resulted in the third year in the selection of candidates belonging to the Scheduled Castes and the Scheduled Tribes to a tune of 80 per centum of the total applicants for that year and, therefore, the selection amounted to destruction of the fundamental right. If reservation was within the competence of the State, I do not see how the said fortuitous circumstances would affect the reservation so made.

..... The effect of the operation of the principle of 'carry forward' is practically the

same. Reservation made in one selection or spread over many selections is only a convenient method of implementing the provision of reservation. Unless it is established that an unreasonably disproportionate part of the cadre strength is filled up with the said Castes and Tribes, it is not possible to contend that the provision is not one of reservation but amounts to an extinction of the fundamental right. There is neither an allegation nor evidence in this case to that effect.

If the provision deals with reservation which I hold it does—I do not see how it will be bad because there will be some deterioration in the stand and of service. It is inevitable in the nature of reservation that there will be lowering of standards to some extent; but on that account the provision cannot be said to be bad. Indeed, the State laid down the minimum qualifications and all the appointments were made from those who had the said qualifications. How far the efficiency of the administration suffers by the provision is not for me to say, but it is for the State; which is certainly interested in the maintenance of standards of its administration."

He referred to the Balaji case. In his view that case laid down no proposition as regards quantum of over 50% reservation being unconstitutional. He pointed out that :

"These general observations made in the context of admissions to colleges cannot, in my view, be applied in the case of a reservation of appointments in the matter of recruitment to a cadre of particulars service. The doctrine of "destruction" of the fundamental right depends upon the entire cadre strength and the percentage reserved out of that strength. Further, the expression used in the observations, viz., "generally" and "broadly", show that the observations were intended only to be a workable guide but not an inflexible rule of law even in the case of admissions to colleges."

Proposition laid down: Even if reservations standing by itself in a particular year may not be unconstitutional on account of the reservations being not excessive (not more than 50%), but if such reservations added by the reserved seats under a carry forward formula results in making the reservations excessive in a particular year, they would become unconstitutional.

Triloki Nath v. State of Jammu & Kashmir

AIR 1967 SC 1283

Facts

Under art. 32, a petition was filed by two teachers for the issue of an appropriate writ to quash the orders of promotion of respondents 3 to 83 and to direct the first and second respondent, the State of Jammu and Kashmir and Director of Education, Jammu and Kashmir State, Srinagar respectively to promote them with retrospective effect to the cadre of gazetted teachers.

Petitioner 1 and 2 were both teachers in government schools in the state, having entered the service in 1943 and 1952 respectively. From time to time seniority lists were prepared by respondent 1 and a higher cadre was filled up by promotion of teachers from the lower grade as per the seniority list. The last list prepared in 1961 gave the 1st and 2nd petitioner the serial numbers 104 and 140 respectively. It was alleged that in effecting the promotions respondents 1 and 2 adopted the following basis:

- (1) 50 per cent were given to Muslims.
- (2) 60 per cent of the remaining 50 per cent were filled by Jami Hindu; and
- (3) Remaining 40 per cent of the 50 per cent of the posts were given to Kashmiri Pandits, and sometimes one or two posts were given to Sikhs out of turn.

Though such a basis was not the result of any order made by the state, it was arrived at by an analysis of the recruitments by promotion made by the state from time to time.

It was contended by the petitioners that promotions were made not on grounds of merit and seniority but purely on the religion, caste and place of birth. As a result, the two petitioners, who though senior in the Seniority list, were superseded by respondents 3 to 83 only on account of the fact that they happened to be Kashmiri Pandits while respondents 3 to 83 were either Muslims or Jammu Hindus.

The State in the counter-affidavit did not deny the manner of making promotions but supported the reservation on the ground the Muslims of the entire State and Hindus of Jammu province constituted "backward classes".

Issue

1. Whether Mohammedan of the entire State and Hindus of Jammu province are backward for purpose of article 16(4).
2. Whether percentage of reservations were reasonable?

Judgment

Subha Rao, J. delivered the judgment of the Court comprising J. C. Shah, S. M. Sikri, Kamaswami, C. A. Vaidalingam, J. and himself.

The Court referred to its earlier decisions in *H. R. Balaji v. State of Mysore* AIR 1963 SC 649 and *R. Chitrolekha v. State of Mysore* AIR 1964 SC 1823, where certain tests for ascertaining whether a particular class is backward or not had been laid down. It was pointed out that though *Balaji* turned on the interpretation of art. 15(4) the principles decided therein would apply equally to the instant case. It reiterated the criterion, laid down therein i.e., backwardness must be social and political and social backwardness must be the result of poverty to a large extent.

The Court then referred to *Chitrolekha* and stated that it had accepted the criteria adopted by the Mysore government, that classification of backward classes should be made on the following conditions: (i) Economic conditions, and (ii) Occupation. Though the caste might be a relevant circumstance, yet it could not be the sole or dominant test.

The contention of the government in the present case "that the sole test of backwardness under Article 16(4) is the inadequacy of representation in the services if accepted, would exclude the really backward classes from the benefit of the provision and confer the benefit only on a class of citizens who, though rich and cultured, have taken to other avocations of life".

As such the court prescribed two conditions to attract art. 16(4) i.e., "(1) a class of citizens is backward i.e. socially and educationally in the sense explained in *Balaji's* case and (ii) the said class is not adequately represented in the services under the State".

However, the court could not arrive at any conclusion on the material placed before it, and called for a report to be supplied by the High Court of Jammu and Kashmir, which contained further material, e.g. total population of entire states, break-up figure of the two provinces, the extent of social and economic backwardness of the different communities etc.

Proposition laid down: Merely inadequacy of representation of a class in the services of the State is not a criterion of backwardness. Caste can be relevant factor but not the dominant one. Economic conditions and occupations are important relevant factors. While the state has necessarily to ascertain whether it is a justiciable issue and the court can examine whether the power has been abused by the State.

Facts

The matter came up for hearing again after the High Court had submitted its report incorporating the required material as directed by the Supreme Court together with oral and documentary evidence produced by the parties. There was, however, no formal order of the state making reservations of posts in favour of the backward classes. The state still followed the policy of communal reservation as was struck down by the court in the first *Triloki Nath* case.

Judgment

The judgment of the court comprising M. Hidayatullah, C.J., J. C. Shah, S. M. Sikri, V. Ramaswami and Bhargava, JJ. was delivered by Shah, J.

The court rejected the contentions of the State. It held that for purposes of article 16(4) in determining whether a particular section forms a backward class, "a test solely based on caste, community, race, religion, sex, descent, place of birth or residence cannot be adopted" as it would infringe directly article 16(2). It pointed out that the normal rule contemplated by the Constitution "is equality between aspirants to public employment". However, in view of the backwardness of certain classes, the state could make some provision for reservation of posts for them. But, in the present case, the reservation was not in favour of any backward class. It was merely an instance of the distribution of the total number of posts or appointments on the basis of community or place of residence. Such distribution was "contrary to the

constitutional guarantee under Art. 16(1) and (2) and is not saved by Cl. (4)".

The court asserted that provision making reservation under art. 16(4) need not be by a statutory enactment an executive order or direction would suffice. In the State scheme of distribution, however, there was not even a formal executive order. The court did not consider it necessary to express its opinion on the question "whether a provision under art. 16(4) is not effective, unless it is made by legislation, or by an executive order formally established".

The promotions given to respondents 3 to 83 were declared by the court to be contrary to the provisions of arts. 16(1) and (4) and hence, void. It was, however, left open to the State to devise a scheme which would be consistent with the constitutional guarantee for reservation of appointment to posts or promotions in favour of a backward class, which the state considered to be not adequately represented in the services.

Proposition laid down: A test solely based on caste, community, race, religion, sex, descent, place of birth or residence cannot be the criterion for backwardness. An entire caste or community may be declared to be "backward" but this would not be because of their characteristic as a caste or community as such, but because they are backward at a given point of time in the social, economic and educational, scale of values. The expression "backward class" is not synonymous with "backward caste" or "backward community".

Makhan Lal v. State of J&K

AIR 1971 SC 2207

Facts

This case occurred on the facts of *Triloki Nath v. State of J&K*. This petition brought under art. 33 showed the attempt made to circumvent the law laid by this court in *Triloki Nath* (AIR 1960 SC 1) where the state policy of community-wise reservation of seats was declared unconstitutional as violating article 16. This case is hardly of any relevance in the matter of constitutional interpretation of art. 16. In the *Triloki Nath* though the court had stated that the state should

prepare a scheme of reservations consistent with art. 16, no such scheme had been devised. However, an ingenious device had been thought of by officers of the Education department to give ostensible effect to the court's decision in *Triloki Nath*, but really to continue the respondent-teachers whose promotions had become illegal in view of the decision in the *Triloki Nath* case in the same higher positions. As this was again violative of art. 16, the court struck down the promotions.

Fact

Three petitions were filed under article 32 as a sequel to the action taken by the State of Jammu and Kashmir as a result of the decision in *Makhanlal v. State of J&K*. The Jammu and Kashmir Scheduled Castes and Backward Classes Reservation Rules, 1970 were framed. This listed the criteria applicable for including a person within the definition of "backward classes".

The petitioners had filed these petitions seeking to set aside the promotions granted to the respondent teachers. They claimed that despite seniority, and having officiated as Head Master for some years they had been deliberately dropped in favour of the respondents who were junior. They alleged that the old communal proportion was being still maintained. They claimed that though some posts had been reserved for backward classes under the Rules, it was merely an exercise to secure about 90% of the posts to Muslims.

Issue

1. Scope of the expression "backward class of citizens under article 16(4).

2. Whether J&K Scheduled castes and Backward Classes Reservation Rules of 1970 are unconstitutional and violated article 16(4).

Judgment

The petitions came up for hearing before a 5 member Bench comprising S. M. Sikri, C.J., A. N. Ray, D. G. Palekar, M. H. Beg and S. M. Dwivedi, JJ. Speaking for the court, Palekar, J. observed that the expression "backward class of citizens" in article 16(4) was identical in meaning with the expression "any socially and educationally backward class of citizens" in article 15(4). He emphasised that merely educational backwardness or socially backwardness alone would not suffice to render a class of citizens backward. To constitute backwardness both elements i.e. social and educational backwardness must be present.

The court noted:

Though the two words 'socially' and 'educationally' are used cumulatively for the purpose of describing the backward class, one may find that if a class as a whole is educationally advanced, it is generally also socially advanced because of the reformative effect of education on that class.

The Court exhaustively reviewed the rules whether the classification made by the State was correct or not. The rules framed by the Government were based on the recommendations of the Backward classes committee appointed by the State Government under the chairmanship of J. N. Wazir, retired Chief Justice of Jammu and Kashmir High Court, which had submitted its report in November 1969. The rules had classified backward classes into six categories as follows:

- (1) Certain specified traditional occupations.
- (2) 23 specified social castes.
- (3) Small cultivators.
- (4) Low paid pensioners.
- (5) Residents in the area adjoining the ceasefire line.
- (6) Some areas in the State as "bad pockets" and every person belonging to that area regarded as backward.

The Supreme Court found fault, partly or wholly practically with all these categories. It has been thought appropriate by us to reproduce fully the analysis of the court on this aspect instead of making an attempt to summarise it. The photostat copy of the relevant extracts of the judgment is appended.

27. The Jammu and Kashmir Scheduled Castes and Backward Classes Reservation Rules, 1970 are comprised of 5 parts. Part 1 contains 6 chapters and rule 3 says that the permanent residents of the State belonging to the categories of persons in these six chapters are declared as socially and educationally backward classes of citizens. Chapter I enumerates occupations which are regarded as traditional occupations and Rule 4 says that every person whose traditional occupation is one of the 62 mentioned therein must be regarded as a person belonging to the backward class. Chapter II mentions 23 social castes and persons belonging to these social castes are regarded as backward. Chapter III describes small cultivators as backward. Chapter IV groups low paid pensioners as backward. Chapter V puts residents in an area adjoining the ceasefire line in the backward class. Chapter VI specifies some areas in the State as "bad pockets" and every person belonging to that area is to be regarded as belonging to that area is to be regarded as belonging to the backward class. We are not directly concerned with the other parts of these rules. Objection is taken by Mr. Sen, on behalf of the petitioners to the several types of backward classes designated under the rules and also to the peculiar manner in which the definitions have been framed.

28. Chapter I gives the class designated by traditional occupations. In all, about 62 occupations have been identified as traditional. They follow closely the classes designated as traditional occupational classes by the Committee in Chapter XIV of its report. In para 124 the Committee has stated that with a view to sorting out backward classes from others the claim of each and every occupational and industrial category listed in the census report of 1961 had been carefully examined and it is obvious that the list of traditional occupations is made as exhaustive as possible. A class can be identified on the basis of traditional occupation. A traditional occupation means an occupation followed in a family in which it is handed down by an ancestor to his posterity. If there is a section of the population following an occupation of that description that section can be regarded as a class. Such occupations are generally occupations in which some special skills are necessary like those of an artisan or a craftsman. It is contended by Mr. Sen that though 62 occupations have been mentioned as traditional occupations a good many of them are not really traditional occupations and with regard to others there has been no investigation in depth as to whether they are traditional occupations or not. It is also contended by him that the definition of traditional occupations given in the rules actually distorts the whole picture because whether the father of the person claiming reservation follows the traditional occupation or not, he becomes entitled to be considered as of the class if his grandfather did.

29. There is no doubt that a large number of occupations mentioned in the list is capable of being followed as a traditional occupation. But some of them, at least, do not deserve to be called traditional occupations. Take for example an "agricultural labourer". We have grave doubts if agricultural labour can be regarded as a traditional occupation. The occupation is seasonal and, as is well-known, it is the last refuge of the landless unskilled labourer who has no other source of employment in the rural community. Indeed, if any one deserves special consideration it is the agricultural labourer, but the objection is to its identification as a traditional occupation. An agricultural labourer is just a labourer whose services are utilised wherever unskilled labour is required. In fact, he is the source material for hamals and the like-occupations which merely require physical strength and capacity to work. Similarly it would be difficult to say that the following occupations are traditional occupations.

- (5) Bearer, boy, waiter,
- (7) Book binders,
- (11) Cook,
- (20) grass seller.
- (21) Hawkers, pedlars.
- (23) Load carriers,
- (29) Old garment sellers,
- (48) Watch repairers,
- (51) Grocers in rural areas,
- (53) Milk-sellers in rural areas,

(58) Vegetable sellers in rural areas,

(62) Drivers of tongas and other animal driven vehicles.

All these occupations do not require special skills developed by traditions and can be resorted to by anybody with the requisite resources. Then again, at serial Nos. 34 and 56 we have a category of priestly classes who, though following a traditional profession can hardly be regarded as socially and educationally backward. We, therefore, think that there must be a proper revision of the traditional occupations to fall properly under rule 4.

30. But the most serious objection is to the artificial definition given in rule 2(1). The traditional occupation in respect of a person means the main occupation of his living or late grandfather and does not include casual occupation. This would mean that if a person wants the special advantage as a member of the backward class it is enough for him to show that his grandfather was following a traditional occupation. His father may not be following the traditional occupation at all. He might have given it up to follow some other occupation or trade. It is not enough, it is contended, that a traditional occupation was followed by the grandfather but that the occupation should have descended to his son also so that at the date when the grandson is asking for the benefit of reservation the traditional occupation must be still in the family and continues to be the living of the family. There is great force in this contention. If the father of the person who claims special treatment under Articles 15(4) and 16(4) has given up his low income occupation and become a trader or a Government servant it will be wrong to give the person the special benefit merely on the ground that his grandfather was following a certain traditional occupation. It was against such misuse that the Committee had issued a warning in para 129 of its report. It observed :

"While making the foregoing provisions, every possible care should be taken by the State to ensure that the benefit of such provisions is availed of only by those who are *bona fide* members of the classes declared backward and not by imposters". As already stated it is quite open to the State to declare that persons belonging to low income families following a traditional occupation should be regarded as person belonging to a backward class if, on the whole, that class is socially and educationally backward. But it is equally essential that at the time when a person belonging to that class claims the special treatment his family must be still following the traditional occupation. Since the rule does not completely ensure this it is likely to be abused and the real person for whose benefit the rule is made will not get the benefit. The rules, therefore, pertaining to traditional occupations must be suitably revised.

31. Chapter II deals with some 23 low social castes. The Committee in Chapter XIII had identified the first 19 out of them and stated that these castes are

considered inferior in society as the service which they render carry a stigma in it. They suffer from social disabilities and both educationally and economically they are extremely backward. The last four castes in rule 5 have not been mentioned in chapter XIII of the report. It is not also known on what basis they have been included as socially and educationally backward. There may be good reasons for the State Government to do so but we have no material before us. As at present advised, therefore, we are not prepared to proceed on the basis that serial Nos. 20 to 23, are backward classes.

32. Chapter III identifies cultivators of land with small holding as a backward class. The limits of his holdings differ according to the type of land cultivated and the region in which such land is situated. The cultivator may be an owner or a tenant. He may even be a non-cultivator provided he wholly depends on land for his livelihood. The cultivator is designated as a class on the basis of the recommendations made by the Committee in chapter XII of its report. The reasons given by the Committee go to show that the overriding consideration was economic. A class, as already observed, must be a homogeneous social section of the people with common traits and identifiable by some common attribute. All that can be said about the cultivators is that they are persons who cultivate land or live on land and the simple accident that they hold land below a certain ceiling is supposed to make them a class. In such a case the relevance of social and educational backwardness takes a subordinate place. In some areas as in Kashmir Valley the ceiling for a cultivator is 10 Kanals of irrigated land. If a cultivator holds 10 kanals of land or less he is to be regarded as backward, i.e. to say socially and educationally backward. But if his own brother living in the same village owns half a kanals more than the ceiling he is not to be considered backward. This completely distorts the picture. It will be very difficult to say that if a person owns just 10 kanals of land he should be considered socially and educationally backward while his brother owning half of a kanal more should not be so considered. The error in such a case lies in placing economic consideration above considerations which go to show whether a particular class is socially and educationally backward. The same error is repeated in Chapter IV wherein the dependent of a pensioner is supposed to belong to the backward class if such pensioner had retired from certain Government posts mentioned in Appendix I and if the maximum of the scale of pay of these posts did not exceed Rs. 100 p.m. They also included defence service pensioners of the ranks of Sepoy, Naik, Havildars etc. This again is based upon the recommendation of the committee which in chapter XI of the report says "Among others, representatives of the pensioners also called on the committee and explained the difficulties faced by them because of being in receipt of a meagre income in the shape of pensionary emoluments. The memorialists contended that they cannot keep pace with the ever rising price index as rates of pension have remained static and have not been enhanced as is being done from time to time in the case of Government servants in regular service.

It was further argued that they could ill afford to spare any part of their meagre earnings for the education of their children". The Committee felt that these pensioners deserve on these grounds to be shown consideration as backward classes because most of them held class IV or similar posts. Ex-servicemen who fall in this class are about 90,000 and civil posts pensioners are about 15,000. It is difficult to say that these pensioners are a class in the sense that they are a homogeneous group. They are an amorphous section of Government Servants who by the accident of receiving Rs. 100 or less as pay at the time of retirement or being ex-servicemen of certain graded are pushed into an artificially created body. It may be that they belong to class IV or similar grade service of the State. But that is not the test of their social and educational backwardness. In days when sources of employment were few, many people, though socially advanced, might have accepted low paid jobs. Some of them may have failed to make the educational grade and were hence forced by necessity to accept such low paid jobs. Some others might have prematurely retired from posts carrying the scale referred to above. The accident, therefore, that they belong to a section of Government servant of certain category is no test of their social backwardness. The test breaks down if the position of a brother of such a pensioner is considered. If the brother also a Government servant, has the misfortune of retiring when holding a post the maximum of which was Rs. 105 he was liable to be regarded as not socially and educationally backward, when in all conscience, so far as the two brothers are concerned, they remain on the same social level. Another brother who is privately employed and retires from service without any pensionary benefits would not be entitled to be classed as backward under the test. These anomalies arise because of the artificial nature of the group created by the Committee. If all the brothers are socially and educationally backward, you will be differentiating between them by calling some more backward and others less backward, a thing not permitted by Balaji's case, 1963 Supp. (1) SCR 439 (AIR 1963 SC 649). There is, therefore, substance in the contention of Mr. Sen that the Committee has created these two artificial groups of "cultivators" and pensioners for the purpose of affording certain benefits under the Constitution instead of identifying socially and educationally backward classes.

33. Chapter V & VI of the Rules identify residents of certain areas as backward. In chapter V the residents of certain villages mentioned in Appendix II are considered as backward, these villages being within five miles of the ceasefire line. In Chapter VI some areas in the State are regarded as "bad pockets" and all the residents of those areas are stated to be backward. These two chapters incorporate the recommendations made by the Committee in Chapter X and IX respectively of the report. Chapter IX relates to "bad pockets" 10 such bad pockets have been identified by the Committee and cover 696 villages in certain Districts and Tehsils far away in the interior. The population of these areas according to 1961 census

was about three lakhs. The Committee reports as follows :—

"There are, for instance well known rather notorious backward areas which have to be treated differently from the rest of the state. There are others which because of difficult terrain. In accessibility and absence of vehicular communications still retain their primitive character. There are still some others which suffer from deficient production on account of soil being rocky and sandy and irrigation facilities being scanty and inadequate. Besides, there are areas where due to non-availability of electric power, industrial development even on the scale of cottage industry had yet to come into existence. There are certain areas which combine all or some of these characteristics."

Ten such pockets were then examined in detail and the Committee came to the conclusion that owing to lack of communication, inaccessibility, lack of material resources and the like the residents of these areas are living in almost primitive conditions and they are all socially and educationally backward. The civilizing influence of modern life is yet to reach them. These areas are carefully mapped. They are situated in the recesses of inaccessible mountains which have primarily led to the residents therein being almost in a primitive state. The population is about 8% of the total population of Jammu & Kashmir and in our opinion, there is no serious difficulty in regarding the residents of these areas being backward. Similar consideration apply to areas adjoining the ceasefire line. They comprise about 179 villages with a population of about a lakh. The difficulties of their situation near the ceasefire line for the last 25 years seem to have contributed to this area being cut of from the main stream of life. The Committee noticed that the difficulties inherent in the living conditions in these areas had inevitably lead the inhabitants of these areas living in economic and educational backwardness. There are restrictions on their free movement and they have to remain indoors after sun set. The male members cannot leave their villages in search of livelihood elsewhere for fear of their wives and children being left behind unprotected. The land is unproductive, no investments could be made in the land because of the nearness of the ceasefire line. Raids accompanied by cattle lifting and damage to property are not un-

common. Loss of life also takes place occasionally. The inhabitants find it equally difficult to pursue their traditional arts and crafts. The effect of all these contributory factors have kept these areas, in so far as social and educational progress is concerned, very much behind the rest of the State. We thus find that special reasons have been given by the Committee why it considered these areas socially and educationally backward and since the classification is made merely on the ground of place of birth, we do not think that there is any serious objection to regard the residents of the bad pockets and the ceasefire areas as socially and educationally backward. But rules 10 and 12 have been so framed that the advantage is likely to be misused by imposters. A person wanting the advantage of reservation would be regarded as belonging to these areas if his father is or has been resident of the area for a period of not less than 10 years in a period of 20 years preceding the year in which the certificate of backwardness is obtained. The rules do not insist that either the father or the son should be a resident of the area when the advantage is claimed. Nor does it require that the son should have his earlier education in these areas to ensure that he and his father are permanent residents of that area. Any trader or Government servant from outside who is residing for about 10 years in these areas within 20 years of the date when the advantage is claimed would be entitled to be regarded as belonging to the backward class. In order that the benefit may go to the residents of these areas, Government ought to frame rules with adequate safeguards that only genuine residents will get the advantage of special reservations and not the outsiders. As the rules stand, outsiders, who, in the course of their trade or business happened to live in these areas for 10 years out of past 20 years would be able to claim the benefit. This loophole must be plugged and till that is done the production of a certificate from the Tehsildar as to the backwardness of any person would be of little value.

34. We have shown above the defects in the rules which purport to identify certain residents of the State as backward. Till the defects are cured the rules are not capable of being given effect to.

35. In view of the above findings the selections made by Departmental Promotion Committee have to be set aside.

C. A. Rajendran v. Union of India and others

A.I.R. 1968 S.C. 507

Facts

The petitioner obtained rule from the Supreme Court calling upon the respondents to show cause why a writ in the nature of mandamus under art. 32 should not be issued for quashing the office Memorandum of 1963 and restoring the orders earlier passed in office Memorandum in 1955 and 1957.

The petitioner was a permanent assistant in Grade IV, i.e. Class III, non-gazetted-ministerial, of the Railway Board Secretariat Service. The next higher post, to which he claimed promotion, was that of Section Officer, classified as Class II, Grade III.

The Government in 1955 issued an office Memorandum whereby as regards posts to be filled by promotion there was to be no reservation for Scheduled Castes and Scheduled Tribes, though certain concessions were to be granted. A further Memorandum in 1957 decided on a 12½ per cent reservation for Scheduled Castes and 5 per cent for Scheduled Tribes.

In *Southern Ry. v. Rangachari* (AIR 1962-SC 36) this Court had by a majority judgment held the impugned circulars of the Railway Board to be within the ambit of art. 16 (4) and as such allowed the appeal.

Consequent to this judgment, the Union Government in 1963 reviewed the matter and decided that there should be no reservation of post for promotion to classes II and I where such promotions were the result of seniority and competitive examination. However, the reservation in favour of backward classes was to continue in respect of class III and IV posts. The petitioner assailed this order on the ground that discontinuance of reservation in respect of class I,

and II posts directly infringed the fundamental right guaranteed to the backward classes by article 16 (4).

Issue

Whether a Constitutional duty is imposed on Government by article 16 (4) to make reservation in favour of backward classes.

Judgment

The matter came up before K. N. Wanchoo, C. J. R. S. Bachawat, V. Ramaswami, G. K. Mitter, and K. S. Hegde, JJ.

The Court decided the issue in the negative, and held there was no such constitutional duty. Ramaswami, J. delivering the judgment of the Court, observed that article 16 (4) did not confer any fundamental right on backward classes as regards reservation of posts, whether it be at the stage of recruitment or promotion. It was only an enabling provision which conferred "a discretionary power on the State to make a reservation of appointments in favour of backward class of citizens which in its opinion is not adequately represented in the service of the States" (p. 513). In making reservations for appointments or posts the Government has to take into account not only the claims of the members of the backward classes but also the maintenance of efficiency of administration which is of paramount importance.

The Court held that the petitioner's writ petition failed, and the Government order was valid.

Proposition laid down.—It is discretionary with the Government to provide for reservations. Even if by an earlier order the Government adopted a policy of reservations it could give it up by a subsequent order.

State of Punjab v. Hiralal

AIR 1971 SC 1777

Facts

In September 1963 the Government of Punjab reserved some higher posts for the scheduled castes, scheduled tribes and backward classes. Further clarification on this order was issued by a letter in March 1964.

Respondent Nos. 1 and 3 were working as Head Assistants in the Forest Department of the Government of India. Resp. 1 was senior to resp. 3 who belonged to a scheduled caste. As a result of the government order, respondent 3 was temporarily promoted as Superintendent, ignoring the claim of resp. 1. As such, aggrieved by the order, resp. 1 moved the Punjab High Court to quash the promotion of resp. No. 3, and for his own promotion to that post. The High Court quashed the promotion. The State appealed.

In the opinion of the High Court, reservation for backward classes was not impermissible in view of article 16(4) as interpreted by the Supreme Court in *The General Manager, Southern Ry. v. Rangachari* AIR 1962 SC 36. But the Government had violated art. 16(1) by reserving the first out of a group of 10 posts for such classes. It held that such reservation could lead to various anomalies e.g. person who benefited might be able to jump over the heads of several senior.

Issue

Whether the reservation made under art. 16(4) offends art. 16(1).

Judgement

The matter came up for hearing before J. C. Shah C.J., K. S. Hegde and A. N. Grover JJ. The Court

speaking through Hegde J. upheld the State's appeal and held that the reservation did not violate art. 16(1). It was pointed out that "the mere fact that the reservation made may give extensive benefits to some of the persons who have the benefit of the reservation does not by itself make the reservation bad." (p. 1780). The court noted that every reservation under art. 16(4) did introduce an element of discrimination particularly as regards matters of promotion. An inevitable consequence of such reservation was that junior officers were allowed to steal a march over their senior officers. Some of them might get frustrated "but then the Constitution makers have thought fit in the interests of the society as a whole that the backward class of citizens in this should be afforded some protection ..." (p. 1781).

It concluded that there was no material before the High Court and no material before it from which the conclusion could be reached that the order violated art. 16(1). "Reservation of appointments under Article 16(4) cannot be struck down on hypothetical grounds or on imaginary possibilities. He who assails the reservation under that Article must satisfactorily establish that there has been a violation of Article 16(1)."

Propositions laid down

The mere fact that the reservations made may give extensive benefits to some of the persons who had the benefit of the reservations does not by itself make the reservation bad. Similarly the length of the leap is immaterial and it depends upon the gap to be covered (e.g. a person in the reserved category having 73rd position in the list prepared for promotion, could get precedence over the 72 others if there is a single post to be filled up and that post belongs to the reserved category).

Facts

The appeal was brought by the State of Kerala against the decision of the High Court, and concerned the validity of Rule 13AA of the Kerala State and Subordinate Services Rules, 1958, and two orders.

The respondent was a Lower Division Clerk in the Registration Department. Under Rule 13A of the Services Rules promotion from this cadre to the higher cadre of upper division clerks on the basis of seniority depended on passing the prescribed test within two years. Rule 13AA and the two orders dated 13 January 1972 and 11 January 1974 had the effect of granting scheduled castes and scheduled tribes a longer period for passing the test, viz., two extra years. The respondent's grievance was that in view of this concession to members of Scheduled Castes and Scheduled Tribes, they were able to obtain promotions earlier than him though they had not passed the test.

In the High Court the respondent's main contentions were that Rule 13AA of the Service Rules and the orders for promotion made thereunder were violative of articles 16(1) and 16(2). Further, apart from article 16(4), which is an exception to article 16(1) the right guaranteed under 16(1) could not be curtailed. The State, on the other hand, contended that the impugned rule and orders were not only legal and valid but also supported a rational classification under article 16(1).

The High Court upheld the contentions of the respondent that Rule 13AA was discriminatory and violative of Art. 16(1) of the Constitution and was also beyond the reservation permitted by Art. 16(4).

Before the Supreme Court, the appellant contended that firstly the Rule 13AA did not provide for reservation as provided by article 16(4). As such the High Court had erred in striking down the Rule on the ground that it was beyond the reservation permitted by article 16(4). Secondly, members of the scheduled castes and tribes were members of one caste, who for historical reasons constituted by themselves a special class, and the Constitution itself had accorded them an exalted status. As such, Art. 16(1) did not prevent the State from making reasonable classification, so as to boost up members of the Scheduled Castes and Tribes by granting them certain concessions to implement the service.

The Supreme Court by a majority of five out of seven upheld the appeal.

Issues

1. The main issue was whether Rule 13AA and the two orders were unconstitutional as violating article 16(1). 2. Incidentally, the question arose for consideration as to whether article 16(4) is an exception to article 16(1).

Majority Judgment

As to whether Rule 13AA and the two orders were unconstitutional as violating article 16(1), the majority view answered this main issue in the negative and held them to be not unconstitutional.

Ray C.J. expressed the view that article 16(1) permits reasonable classification in a manner similar to that of article 14 *i.e.*, where there is a nexus to the objects to be achieved. As such the classification of members of Scheduled Castes and Tribes under Rule 13AA which exempted them from passing the special tests for promotion was "just and reasonable having rational nexus to the object of providing equal opportunity for all citizens in matters relating to employment or appointment to public office". He noted that the granting of such temporary exemptions to this class dated back to 1 November 1956 the date of inception of service conditions in Kerala. Rule 13AA now merely gave it a statutory basis. The historical background, therefore, justified the classification made under the Rule. The Constitution itself, makes a classification of scheduled castes and scheduled tribes in various provisions to accord them favoured treatment. Art. 335 in particular gives a mandate that their claims should be considered in matters of employment consistent with maintaining administrative efficiency. He pointed out that without providing the exemption for a temporary period under Rule 13AA, adequate promotion to them would not have been possible. The seniority principle in promotion was however, still adhered to. The temporary relaxation under the Rule was warranted by their backwardness and inadequate representation in the State services. As such the impugned Rule and the two orders made thereunder came within the ambit of article 335, since they claimed to redress an imbalanced public service and to achieve parity among all communities in the public services. The test of efficiency in administration was not impaired by the Rule in as much as it did not affect promotion exempt from passing the test altogether but only for a further period of two years. If article 14 permits classification, article 16 equally permits it since with lay down equality. To achieve "equality of opportunity" in services under article 16(1) the State could adopt all legitimate methods. Article 16(1) permitted classification on the basis of

object and purpose of law. In the present case, such classification was justified in as much as it enabled members of Scheduled Castes and Scheduled Tribes to find adequate representation in the services by promotion to a limited extent. A differential treatment was given to them only from the point of view of time "for the purpose of giving them equality consistent with efficiency".

For the foregoing reasons he upheld the validity of Rule 13AA and the two orders as constitutional and not violating article 16(1).

Mathew J., stressed compensatory state action 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 Article 16(1)".

Like Ray, C.J. he too referred to Article 335 which enabled members of Scheduled Castes and Tribes to claim adequate representation in the State services consistent with maintenance of efficiency. He traced the idea of "compensatory state action" to the Supreme Court of United States and saw "no reason why this Court should not also require the state to adopt a standard of proportional equality which takes account of the differing conditions and circumstances of a class of citizens . . ."

To ensure "equality of opportunity" the state could adopt any measure to enable members of the Scheduled Castes and Scheduled Tribes 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.

He agreed with Ray C.J. that article 16(1) permits of classification in a manner akin to article 14; and that the classification in favour of Scheduled Castes and Tribes made in Rule 13AA had a "reasonable nexus with the purpose of the law, namely to enable the members of the Scheduled Castes and Scheduled Tribes to get them due share of promotion without impairing the efficiency of administration".

He agreed with the conclusion of Ray C.J. and allowed the appeal.

Krishna Iyer J. too stressed "reasonable classification" under article 16(1) as in article 14 and referred to article 335. He observed :

"In the present case, the economic advancement and promotion of the claim of the grossly under-represented and pathetically neglected classes, otherwise described as Scheduled Castes and Scheduled Tribes, consistently with the maintenance of administrative efficiency, is the object constitutionally sanctioned by Article 46 and 335 and reasonably accommodated in Art. 16(1)."

He cautions that not all caste backwardness is to be recognised in this formula, as it would be subversive of both art. 16(1) and (2). To serve as a foundation

for legitimate discrimination, the social disparity must be grim and substantial. Only the Scheduled Castes and Scheduled Tribes constituted such a class. Any other caste getting exemption from Art. 16(1) and (2) by exerting political or other pressure would run the risk of unconstitutional discrimination.

He concluded by concurring with the Chief Justice, but "with the admonition . . . that no caste, however, seemingly backward . . . can be allowed to breach the dykes of equality of opportunity guaranteed to all citizens".

Fazl Ali J. too stressed the concept of "reasonable classification". He observed :

"Clause (1) of Art. 16 clearly provides for equality of opportunity to all citizens in the services under the State . . . This . . . can be achieved by making a reasonable classification so that every class of citizens is duly represented in the services which will enable equality of opportunity to all citizens."

As regards Rule 13AA he was of the view that the State's action in incorporating Rule 13AA did not violate the mandate in Art. 335 as contended by the respondent and other promotees. He was satisfied that the concession provided in Rule 13AA amounted to a reasonable classification under article 16(1) and not violative of it.

He cautioned that the Court "has to apply strict scrutiny to the classification made by the Government and to find out that it does not destroy or vitify the concept of equality. In other words, the State cannot be permitted to invoke favouritism or nepotism under the cloak of equality".

In this particular case he was satisfied that the classification made by the government by incorporating Rule 13AA was fully justified under Article 16.

Deo J., however, justified Rule 13AA and the orders as "partial or conditional reservation under article 16(4)". He pointed out that if this article could include complete reservation of higher posts to which promotion might take place, there was no reason why it could not be partial or "hedged round with the condition that a temporary promotion would operate as a complete and confirmed promotion only if the temporary promotee satisfies some tests within a given time".

If the Rule and orders could be viewed as qualified or partial or conditional reservation which satisfied the requirements of substantial equality in keeping with Article 335, and met the demands of equity and justice looked at from the points of view of Art. 46, they would, in his view be also justified under Article 16(4) of the Constitution.

He distinguished the cases of *T. Devadasan v. Union of India* AIR 1964 SC 179, *M. R. Balaji, v. State of Mysore*, AIR 1963 SC 649 which laid down tests for absolute or complete reservation under article 16(4) on the ground that in the present case there was only a "partial of temporary or conditional reservation".

He was not satisfied that the High Court's decision that the impugned rules and orders fell outside the purview of art. 16(4) was substantiated. In his view the respondent's petition ought to have been dismissed on the ground that he had failed to discharge "the burden of establishing a constitutionally unwarranted discrimination against him". Accordingly, he allowed the appeal.

Minority Judgment

The dissenting judgment of two judges, on the other hand, answered this issue in the affirmative and held the Rule to be violative of article 16(1).

Khanna J. emphasised that article 16(1) ensures equality of opportunity in matters of employment. It applies to all equally—the least deserving and the most virtuous. Preferential treatment accorded to some "would be anti-thesis of the principle of equality of opportunity". Equality of opportunity under this article is not "abstract or illusory" to be "reduced to shambles under some cloak". Exemption granted to a class, however, limited, would be tantamount to according to that class a favoured treatment. He further observed :

"To countenance classification for the purpose of according preferential treatment to persons not sought to be recruited from different sources and in cases not covered by clause (4) of Article 16 would have the effect of eroding, if not destroying altogether, the valid principle of equality of opportunity enshrined in clause (1) of Article 16."

He pointed out that to overdo classification was to undermine equality as in the case of Art. 16(1). Introduction of fresh notions of classification in this article, as was being sought to done in the present case, would "have the effect of vesting the State under the garb of classification with power of treating sections of population as favoured classes for public employment." (p. 509).

He concluded that the Rule and orders were not constitutionally permissible under article 16(1) because apart from the fact that it would violate the principle of equality of opportunity under that article, "it would also in effect entail overruling of the view which has so far been held by this court in the cases of *Champakam* (AIR 1951 SC 226) *Rangachari* (AIR 1962 SC 36) and *Devadasan* (AIR 1964 SC 179). The State had ample power under article 16(4) to safeguard the interests of the backward classes. Failure on its part to do so, in his opinion did not justify a strained construction of article 16(1).

Gupta J. while agreeing with Khanna added a few words on one aspect of the issue :

He admitted that article 16(1) permits classification, but only that which is reasonable. In his view the sub-division of lower division clerks into two categories—those belonging to Scheduled Castes and Tribes and those who did not was not reasonable. He observed :

"In the context of Article 16(1) the sub-class made by Rule 13AA within the same class of employees amounts to, in my opinion, discrimination only on grounds of race and caste which is forbidden by clause (2) of article 16."

Is article 16(4) an exception to article 16(1) ?

Majority followed the dissent of Subba Rao J. in *Devadasan* and held article 16(4) is not an exception to article 16(1).

Ray C.J. observed that article 16(4) merely "classifies and explains that classification on the basis of backwardness does not fall within Art. 16(2) and is legitimate for the purposes of Article 16(1)". He concluded that article 16(4) only "indicates one of the methods of achieving equity embodied in Art. 16(1)"

Mathew J. held the view that "equality of opportunity" visualised in article 16(1) could be measured only by equality attained in the result and not merely as a result of numerical or literal equality. He observed :

"I agree that Art. 16(4) is capable of being interpreted as an exception to Article 16(1) if the equality of opportunity visualised in Article 16(1) is a sterile one, geared to the concept of numerical equality which takes no account of the social, economic, educational background of the members of Scheduled Castes and Scheduled Tribes. If equality of opportunity guaranteed under Article 16(1) means effective material equality, then Article 16(4) is not an exception to Article 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 reservation." (p. 519).

Krishna Iyer J. held that article 16(4) was not an exception to article 16(1) but an emphatic statement. It served merely as a mode of "reconciling the claims of backward people and the opportunity for free competition the forward sections are ordinarily entitled to". To support his view, he cited Subba Rao J.'s dissenting opinion in *Devadasan*.

He pointed out that though it was true that it might be loosely said that Art. 16(4) is an exception, but on closer examination it can be seen to be "an illustration of constitutionally sanctified classification". It is not "a saving clause but put in due to the over-anxiety of the draftsman to make matters clear beyond possibility of doubt."

Fazl Ali J. viewed article 16(4) as an explanation containing an exhaustive and exclusive provision regarding reservation which is one of the forms of classification, other forms of classification being permissible under article 16(1). Article 16(4) making provision for reservation overrides article 16(1) to that extent and no reservation could be made under article 16(1). He disagreed with the view earlier

taken by this court that clause (4) is an exception to article 16(1), for the following reasons :

Firstly, assuming it to be an exception, the only conclusion would be that classification under article 16(1) would not be permissible because article 16(4) has expressly provided for it. This was contrary to the basic concept of equality under article 14 which permits of classification in any form subject to certain conditions. Secondly, if classification under article 16(1) could not be made except the reservation contained in article 16(4), it would defeat the mandate contained in article 335.

The minority Judgment of Khanna, Gupta and Beg JJ, however, raised serious objections to the majority view that art. 16(4) constituted an exception to art. 16(1).

Khanna J. put forward the argument that the *non-obstante* clause in article 16(4) indicated that reservations would not have been permissible for the backward classes had it not been for this provision. Further if art. 16(1) permitted special treatment, there was no necessity of incorporating art. 16(4). He pointed out that if inroads were allowed into the equality notion beyond what was permissible under art. 16(4), it would mean that "ideals of supremacy

of merit, the efficiency of services and the absence of discrimination in sphere of public employment would be the obvious casualties". (p. 512).

Beg and Gupta JJ's views on this aspect, were more or less similar.

In a nutshell, in the opinion of these three judges, the aim of article 16(1) is to safeguard the claims of merit and efficiency. It could not, by itself, have been intended to remove socio-economic inequalities.

Proportion laid down.—Even if the State does not adopt the policy of reservation in favour of backward classes so as to clearly come within the purview of article 16(4), but adopts a scheme which gives some preference to scheduled castes and tribes the court may uphold it under the rubric "reasonable classification" under article 16(1) and (2). However, this preference may not be given to an unlimited extent; the state can give preference to these classes consistent with the "needs of efficiency of administration." Thus the two considerations in giving preference to backward classes are (1) their under-representation in the services, and (2) this preference should not be 'undue'. In other words reasonable relaxation of rules in their favour is permissible and not 'undue' relaxation.

Kesava v. State of Mysore

AIR 1956 Mys. 20

Facts

The petitioner filed an application under art. 226 of the Constitution for issue of a writ of *mandamus*, *certiorari* and *quo warranto* against twelve respondents, consisting of the State, the Commission who held the examination under Mysore Munsiffs (Recruitment and Promotions) Rules 1954; and ten persons appointed to the ten posts of Munsiffs. His grievance was that in the competitive examination the first ten persons should have been appointed as Munsiffs. Instead, the appointments had been made on communal basis in the absence of reservation as contemplated under art. 16 (4). He urged that in the absence of such reservation the appointments of various candidates other than respondents 3, 4 and 5 must be declared to be invalid. The government had specified all communities other than the Brahmin community as the backward community.

Issue

Whether the contention of the petitioner that appointments were invalid as offending art. 16 (4) of the Constitution was tenable

Judgment

The Mysore High Court (Padmanabiah and Hombe Gowda JJ) held that the appointments did not infringe art. 16 (4). However, separate judgments were given, though the conclusions arrived at were the same. Padmanabiah J. held that the Order of the Mysore Government dated 16-5-1921 which classified all communities other than Brahmins as 'Backward communities' was not repugnant to art. 16 (4) of the Constitution.

He referred to *Yenkataramana v. State of Madras*, AIR 1951 SC 229 where the reservation had not been made by any legislative provision, yet the appointments had been held valid. He was therefore of the view that it could not be said that the word 'provision' in art. 16 (4) meant a "legislative provision" and not a provision made by the executive government.

It was further held that art. 16 (4) was an enabling provision and that it was not obligatory for the State to make provision for reservation.

In his opinion art. 16(4) was an exception to art. 16(1). The word 'reservation' in art. 16(4) signified that it could be a small portion of the main. It pointed out that each backward class of citizens was an independent class for purposes of appointment under art. 16(4). In such cases, the reservation for each such class must be considered as one out of ten, which was but a small fraction of the total appointments. He, therefore, concluded :

"For ten appointments to be filled up, if there are candidates belonging to ten backward classes of citizens who, in the opinion of the State are inadequately represented in the service, it will not be wrong for the State to allot all the appointments to the ten communities coming under the heading backward classes of citizens. A member belonging to a class which is well-represented in a particular service cannot have, and should not have, any grievance as against such appointments."

The petition was accordingly dismissed.

A separate judgment was delivered by Hombe Gowda, J. who while agreeing with his decision that the petition should be dismissed, added some further grounds in support of the conclusions arrived at by Padmanabiah J.

Of particular relevance was his observation that the term "Backward class" had not been defined anywhere in the Constitution. In his view it was wide enough to include all kinds of backwardness, social, educational, economical or any other kind. The State was doubtless the sole authority to classify the communities as "backward classes".

Comments

This is an old case and its holding that all communities other than the Brahmins could be regarded as 'backward' is of doubtful validity.

Facts

The State Public Service Commission conducted a competitive examination for the posts of Munsiff in the Judicial Service of the State of Mysore. The results were announced by a notification, and the names listed in order of merit. Out of 229 candidates only 52 succeeded. The petitioners, who were not successful in the examination, challenged the notification as having been made without lawful authority.

The examination had been conducted under the Mysore Munsiffs Recruitment Rules, 1958 framed by the Governor of the State under Article 234 and the proviso to Article 309 of the Constitution. Under Rule 12 the impugned notification had been published by the Commission. Prior to that, a decision taken by it, fixed the qualifying marks for success as 45% for candidates belonging to scheduled castes and scheduled tribes and 55% for the others.

Issue

- (1) Whether the Governor can delegate the power to the P.S.C. for prescribing qualifying marks.
- (2) Whether the prescribing of two sets of qualifying marks, one for scheduled castes and the other for others is legal and amounts to reservation within article 16(4).

Judgment

The matter came up for hearing before A. R. Somnath Iyer and Mir Iqbal Hussain, JJ.

Somnath Iyer, J. delivering the judgment of the court, held that from the language of rules 6 and 12 of the Mysore Munsiffs Recruitment Rules it was not possible to deduce that the Governor could delegate to the P.S.C. his authority to prescribe qualifying marks.

By way of *obiter* the court expressed its opinion on the second issue. It pointed out that the fixing of two sets of qualifying marks by the P.S.C. was illegal and not authorised either by the proviso to rule 12 of the Rules or article 16(4). Under art. 16(4) the reservation could be made only "by the State and not by the Governor enacting rules either under the proviso to Article 309 or under Article 234". Prescribing a smaller percentage of marks for success in a competitive examination, did not amount to "reservation in any sense of the term under Article 16(4)". Even the State had no power to make such reservation.

The Court did not consider it necessary to express any definite opinion on this question, since the commission was not in the first place competent to fix the qualifying marks.

The Court therefore concluded that the list was not valid.

Facts

A writ petition under article 226 was filed by Sudama Prasad, who was officiating in the Western Railway as Chief Clerk, against an order reverting him to the lower rank :

The railway authorities had drawn up a panel approved for promotion, where the petitioner was assigned No. 1 position, and Shankar Lal, Respondent No. 3, who was holding an equivalent position as Head Clerk was placed at No. 2. Two higher posts of Chief Clerk fell vacant, one temporarily and the other permanent. Both the petitioner and Respondent No. 3 were promoted to officiate against the temporary and permanent vacancy respectively. Some months' later the petitioner was assigned to the post of Respondent No. 3 as he was senior, while respondent No. 3 was reverted to his post as Head Clerk. Long after his reversion, respondent No. 3 obtained a certificate, testifying that he belonged to Scheduled Castes and made a representation to the railway authorities that he was entitled to be appointed to the post of Chief Clerk in reference to the petitioner, who did not belong to the Scheduled Caste, according to the roster for reservation for scheduled castes. Thereupon an order was issued reverting the petitioner as Head Clerk and appointing respondent No. 3 in his place.

On behalf of the petitioner it was contended :

- (1) Since there was only one vacancy and he was working against it, it could not be treated as reserved in accordance with the pronouncement of the Supreme Court in *Devadasan*.
- (2) His reversion on the grounds mentioned in the impugned order resulted in denying him

equal opportunity of employment guaranteed by article 16.

(3) Reliance was placed also on article 311.

The respondents, on the other hand, contended that the impugned orders were passed in pursuance of an administrative policy based on constitutional provisions, giving special treatment to members of scheduled castes. Further, on the date of the common order, there were two vacancies and respondent No. 3 could properly claim reservation in respect of one of them. The order reverting respondent No. 3 was erroneous, and they had corrected it by passing the impugned order which could not violate articles 16 or 311.

Issues

1. Whether articles 16(4) could be utilized for demoting the petitioner who had once been lawfully appointed.
2. Whether the order was illegal as violating article 16(1) and (2).

Judgment

The court comprising D. S. Dave C. J. and Kaa Singh J. held :

- (1) Article 16(4) could not be utilized for demoting the petitioner, subsequent to his lawful appointment. The court remarked : "It is remarkable that the Respondent No. 3 had never asserted at the time the promotions were made, or even when his reversion was ordered that the authorities knew that he was a member of the Scheduled Caste. The certificate had been obtained by respondent No. 3, sufficiently long time after his reversion. That certificate, to our mind, could not be utilized for the purpose of creating a fresh opportunity for respondent No. 3".
- (2) The order was illegal as it violated article 16(1) and 16(2).

Facts

This writ appeal and writ petition involved a common question regarding interpretation of art. 16(4) and art. 15(4) of the Constitution. The writ appeal was made from the order of Gopalakrishnan Nair J. by which the writ petition was dismissed *in limine*.

The Andhra Pradesh Public Service Commission had by order dated 29-10-1964 invited applications for competitive examinations for direct recruitment to posts in Group 1. The two petitioners in the writ appeal filed an application for issue of a writ of *mandamus* for declaring that notification *ultra vires* and issue of a direction to restrain them from conducting the examination. The grievance of the petitioners, who both belonged to members of backward classes, was that their caste was approved in a list of backward classes which had been in vogue till 1-4-1964, but that list had been cancelled by respondent No. 2, and the rules amended by G.O. Nos. 913 dated 11-8-1964. The ground for cancellation by the state was that it was based solely on caste. As a result, the petitioners were not eligible for the examination.

Issue

What was the criterion for determining backward classes under article 16(4) ?

Judgment

The Court comprising Basu Reddy and Gopal Rao Ekbote JJ. considered the meaning of and criteria for the term "backward classes" in art. 16(4). Relying upon *Rangachari v. General Manager*, AIR 1961 Mad. 35; and *Devadasan v. Union of India*, AIR 1964 SC 179, the court pointed out that art. 366(24) and (25) defined the Scheduled Castes and Tribes respectively, and the Constitution itself recognised that irrespective of whether they consisted merely of scheduled castes or not, the Scheduled Castes were to be regarded as backward classes. Hence, special mention was made of them in art. 15(4). The absence of the term Scheduled Castes in art. 16(4) did not make any difference because the term 'backward classes' used therein would naturally include scheduled castes and Scheduled Tribes.

As regards the criteria for determining backward classes, the court was of the view that art. 340 left it to a commission to recommend it for determination by the President. However, the President had not decided the list of other backward classes, nor had the Government of India or any State yet determined the criteria. It was well settled though, that caste merely could not be the criterion. The term 'backward classes' was not confined to Hindu backward classes, nor did it mean castes amongst Hindus only. It relied upon

Balaji v. Mysore, AIR 1963 SC 649 and *Chitralakha v. State of Mysore*, where it had been laid down that caste alone could not be the sole basis for determining criteria of backwardness under art. 15(4). It referred to an explained *Venkataraman v. State of Madras*, where the communal G.O. had been struck down as outside the limits of art. 16(4) and infringement of art. 16(1) and (2).

An argument advanced on behalf of the petitioners, that castes could not be the sole basis for determining backward classes was good for art. 15 but not for art. 16, was rejected by the court. It held that the term "backward classes" in art. 16(4) could not be "decided exclusively or predominantly on the basis of caste" and referred to two decisions of the Supreme Court to support this conclusion *viz.*, *General Manager Southern Ry. v. Rangachari*, AIR 1962 SC 36 and *Devadasan v. Union of India*, AIR 1964 SC 179. To invoke art. 16(4) two conditions were required: (a) a backward class of citizens (b) their inadequate representation in the State services. Reservation could be made only on compliance of these conditions. The above cases decided that excessive reservation would be bad in law, as infringing the main clauses of art. 16. On the same analogy, if castes were the sole criterion, then other castes would be denied what is guaranteed to them under the main clauses of art. 16. Hence, while it could be one of several factors to determine criteria of backwardness under art. 16(4) it could not form the sole or predominant basis. There was no difference in this respect between art. 15(4) and art. 16(4). The absence of some words in art. 16(4) hardly made any difference.

It was pointed out that the economic consideration which had been accepted as a basis for extending facilities under art. 15(4) would perhaps not fully apply to art. 16(4), while other useful criteria might have to be found for art. 16(4), but it did not mean that list of backward classes could be prepared solely or predominantly on the basis of caste. However, keeping in view, art. 335, the criteria which might be found ultimately for art. 16(4) would have to take into account consideration of efficiency of administration. It was not for the court to lay down even broadly the basis for determining the criteria for purposes of art. 16(4). However, it was clear that caste could not be the sole or predominant consideration.

The court was of the opinion that the list of backward classes which was in vogue till 1-4-1964 was exclusively based on caste and as such was bad for purposes of both art. 15(4) and 16(4). As such the State Government was justified in cancelling it.

The court, therefore, dismissed the writ appeal, the writ petition.

Facts

The petitioner applied for the post of Munsiff when such post was advertised by the Public Service Commission on instructions from the State Government. A written examination, interviews of suitable candidates and observation of the "rule of rotation" prescribed in rules 14—17 of the General Rules under Part II of the Kerala State and Subordinate Services Rules, 1958 were mentioned. On the results being published, out of 195 names, the petitioner's rank was listed as 24 and the rank of respondents 3—12 ranged between 26 and 72. The Commission advised the name of 31 candidates by applying the "rule of rotation". The petitioner, who was not included, alleged he had been discriminated against and respondents 3—12 selected only on the ground of religion or caste. The State in reply asserted that he did not get a chance of employment as it felt that reservations should be made in favour of backward classes under article 16(4).

The basis for reservation was caste and the following castes were classified as backward :

- (1) Ezhavas and Thiyyas
- (2) Muslims
- (3) Latin Catholics, S.I.U.C. and Anglo-Indians
- (4) Backward Christians (Other Christians)
- (5) Other Backward Classes put together, i.e., Communities other than those mentioned in item 1 to 4 above included in the list of "Other Backward Classes."

Issue

The issue was whether the Caste could be the criterion of backwardness. In other words, whether the backward classes could be delineated with reference to religion and/or caste.

Judgment

The majority (2 : 1) upheld the classification. The court pointed out that determining backward classes was a complex matter and required laborious

investigation into economic, social and other data. On the basis of counter affidavit filed by the State, the majority upheld the classification even though the data on which the classification was based was more than two to three decades old. Though the court agreed that caste cannot be the sole criterion, yet where the classification is made on the basis of caste because of backwardness, by and large, of the members of that caste, the dominant criterion is not caste but backwardness. However, the court made the following suggestions :

- (1) The relevant data must be collected periodically.
- (2) That the State should take a fresh detailed survey as soon as possible.
- (3) That there may be a possibility of some sections in the caste classified by the State as backward not being backward ; and there may also be a possibility that there may be backward people in other communities not classified as backward by the State.

The dissenting judge was of the view that the classification made by the State was without an intelligible appraisal of the situation and a proper application of the mind. He pointed out that the opinions formed by the State nearly two decades or more back could not be a proper basis for classification. He was also of the view that even if a substantial portion of a caste was backward that caste could not be classified as backward, in view of the fact that some people belonging to that caste may not be backward. "The assessment of educational backwardness seems to have proceeded on a test, by no means adequate, on data meagre, and not upto-date ; and the result of application of the test to the meagre data, is unsatisfactory."

Comment

The minority opinion is not satisfactory and the majority itself points out the limitations and the deficiencies of the classification by the State. The court merely went by the obsolete data in determining backwardness which is not correct.

Mangai Singh v. Punjab State

A.I.R. 1968 Punj. 306

Facts

The appellant Mangal Singh appealed under clause 10 of the Letter Patent from the Order of a Single Judge. He challenged the Punjab Government notification of 1966 by rule 15 of which the Government sought to relax the Punjab Civil Secretariat (State Service, Class III) Rules (1952) as regards rule of seniority.

Issue

Whether the State could make provision under an executive order in favour of backward classes under art. 16(4).

Judgment

The court comprising Mahar Singh C. J. and R. S. Narula J. held that such an executive order was valid and legislation was not necessary.

The court following *Hira Lal v. Chief Conservator of Forests, Punjab* (Civil Writ No. 271 of 1966, D/29-11-1966 Punjab) rejected the contention of the appellant that by an executive order or instruction, the Rules of 1952 could not be amended. It also relied on *Balaji* where it has been laid down that the argument that provision under article 15(4) could be made by the State only by legislation had to be repelled. In this respect article 16(4) stood in the same position as article 15(4).

The court therefore rejected the appeal.

R. N. Pramanick v. Union of India

AIR 1969 Cal. 576

Facts

The petitioner, a member of the Scheduled Caste, was appointed and confirmed as a typist against the quota reserved for Scheduled Castes. His grievance was that though in the Seniority List prepared by the Respondent Eastern Rly. in 1961 he was given the 75th place (on the basis of his seniority which arose out of his earlier confirmation on account of he being a member of the Scheduled Caste), its subsequent revision by the impugned order in 1963, gave the petitioner the serial number 194-A (on the basis of merit). Consequently, the petitioner alleged he lost a chance of being promoted to the next higher scale, which he would have had, if his original 75th position had been retained. The government had decided that "there would be no reservation for Scheduled Castes for promotion to the next grade and that seniority for such promotion will be computed not from the respective dates of confirmation, but according to the seniority position on merit".

Issue

Whether in a case for promotion to a higher grade, where the original recruitment is against reservation of seats for Scheduled Caste candidates, merit alone can be considered.

Judgment

D. Basu, J. following *Rangachari* and *Devadasan* held that the Constitution had not been violated. He observed :

"The special provision in Article 16(4) must be read with the provision in Article 335, so that no reservation or special provision in favour of members of the Scheduled Castes can be carried to the length of impairing the 'efficiency of the administration'. The Respondents have not, therefore, violated the Constitution in providing that merit shall be the only consideration for promotion to the higher grade even though there was reservation for Scheduled Castes for recruitment to the lower posts."

M. Natarajan v. The Director General of Posts and Telegraphs, New Delhi and another

A.I.R. 1970 Mad. 459

Facts

This was the result of two writ petitions filed by the petitioner. Since 1953 he had joined the railway mail service, Madras Circle, of the Posts and Telegraphs Department as Sorter and was still continuing as such. The Posts and Telegraphs Department had four arms of service, of which the Postal arm and the RMS arm were two such. The RMS had a cadre of posts called Inspectors of RMS while the postal arm had a corresponding cadre called Inspector of Post Offices. These posts were filled up by promotion on the basis of a departmental competitive examination from candidates belonging to respective arms of service. In making the selection, some reservations were made for Scheduled Castes and Scheduled Tribes. In the departmental competitive examination held in December 1965 for the posts of inspectors, RMS in the Madras Circle, the petitioner was one of the candidates. In his branch, the vacancies were only 3 while the other branch had 29 vacancies. Out of the total of 32 posts in both branches combined, four vacancies were reserved for Scheduled Castes. For making this reservation the two branches of services were treated as one unit by respondent No. 1. As a result, the candidate standing first from the RMS section was the only one to be selected from the other communities. For the remaining two posts, Scheduled caste candidates were selected. The petitioner who stood second from the other communities was thus excluded. Hence, he filed these two writ petitions for certiorari and mandamus to quash the selection of the second respondent and to direct Respondent No. 1 to select him instead.

Issue

Whether the clubbing together of two branches of service for the sole purpose of selected Scheduled Caste candidates was illegal and violated article 16(4).

Judgment

Sadasivam J., relying upon *Balaji and Devadasan* held it to be illegal. He pointed out that in *Balaji* it had been laid down that while making adequate reservation under Article 16(4) care would be taken not to provide for unreasonable, excessive or extravagant reservation, since such a course by eliminating general competition in a large field and creating widespread dissatisfaction among employees, would affect efficiency. In *Devadasan* it was pointed out that reservation should not be so excessive as to practically deny a reasonable opportunity to other members in employment matters. Reservation of over 50% was held violative of article 16(4).

In the instant case, the two cadres of Inspectors were distinct ones. An administrative circular or order clubbing them as a single unit so as to select Scheduled Caste candidate was bound not only to cause hardship but also infringe the fundamental rights of persons belonging to one or the other section. Since 2 out of 3 posts had been allotted to Scheduled Caste candidates it amounted to 66% of the posts. Reservation of over 50% would be unreasonable and violative of article 16(4) as made clear by *Devadasan*. He, therefore, concluded :

"There can be no doubt that fundamental rights of the petitioner for equal opportunity have been violated in this case".

The writ petitions were accordingly allowed.

The Director General of Posts and Telegraphs v. N. Natarajan and another

(1971) 2 Mad. L. J. 79 from A.I.R. 1970 Mad. 458

Facts

Against a common order of Sadasivam J., who had allowed the respondents' petition, these appeals were made. He had held that grouping in the circumstances, which had resulted in excessive representation to the Scheduled Castes in the Railway Mail Service cadre was illegal.

The court (K. Veeraswami, C. J., and P. R. Gokulkrishnan, J.) agreeing with the decision of Sadasivam J., dismissed the appeal. It held that while the Union

Government was entitled to group cadres of service in order to give to the Scheduled Castes due representation, as provided in Art. 16(4), this was subject to the limitation that such representation should not be excessive, as it would be unreasonable.

To arrive at this conclusion the court relied on *M. R. Balaji v. State of Mysore* and *Devadasan v. Union of India* where the Supreme Court had held that reservation exceeding 50 per cent of the vacancies to be filled at any time was bad.

G. N. Gudigar v. State of Mysore and others

(1972) 2 Mys. L.J. 202

Facts

For recruitment to the posts of Health Officers Class II-cum-Assistant Surgeons Grade II and Assistant Dental Surgeons made under the Mysore State Civil Service (Direct Recruitment by Selection) Rules, 1967, reservations in accordance with Notification G.O. No. GAD 177 SSR 62, dt. 16-9-1963 were made in favour of backward classes. The criteria of backwardness were income and occupation. The notification provided that a person is backward if he falls in following categories: The income of the parent and guardian was below Rs. 1200 per annum, and the parent/guardian was engaged in any of the following occupations: (a) actual cultivator; (b) artisan; (c) petty businessman; (d) inferior services (class IV in government services and corresponding class of any service in private employment) including casual labour; and (e) any other occupation involving manual labour.

Issue

Whether the criteria applied *i.e.* for determining backward classes under the Notification of 1963 were unconstitutional and violated Art. 15(4) and Art. 16(4).

Judgment

The Mysore High Court (Narayana Pal, C. J. and Mahimath, J.) held that the criteria applied, poverty

and nature of occupation were relevant for determining backward classes, and as such were not unconstitutional.

The court pointed out that the mere fact that in the 16-9-1963 Notification for purpose of classification of backward classes under Art. 16(4) the criterion of income was limited to that of parent or guardian alone, whereas in the previous Notification dated 26-7-1963 for a similar purpose under Art. 15(4) it was related to income of the entire family, would not render the impugned Notification invalid.

The court referred to Trioki Nath's case (AIR 1967) which had laid down the test for backward classes as being socially and educationally backward in the sense explained in *Balaji's* case. The court was of the view that this simply meant that such social and educational backwardness could be ultimately traceable to poverty and nature of occupation as explained in *Balaji's* case. It was observed:

"There is no prohibition against applying different figures of income or larger or smaller number of occupations provided the former has relation to poverty and the latter has relation to a tendency for backwardness."

Facts

The petitioner, applied for relief under Arts. 226 and 227 of the Constitution. The Orissa Public Service Commission had on the request of the State Government in the year 1969-70 issued an advertisement calling for application for 18 posts of Lecturers in Political Science, 16 per cent posts were reserved for Scheduled Castes and 24 per cent for Scheduled Tribes subject to the condition that they satisfied "a minimum standard of suitability". Certain minimum qualifications were prescribed for a person to be eligible to apply for the post. The petitioner who belonged to one of the Scheduled Castes was not selected for appointment, though she fulfilled the eligibility requirement, on the ground that she was not found "suitable" by the Commission after interview. In view of the non-availability of "suitable" candidates the reserved posts except one were filled up from the non-reserved category of 'suitable candidates'.

Issue

Whether the petitioner, who possessed the minimum academic qualification was entitled to be appointed to the post irrespective of the fact that the Commission, after interviewing her, found her not suitable.

Judgment

The court (S. K. Ray, Actg. C. J. and B. K. Patra, J.) decided the issue in the negative and held that

she was entitled to be appointed only if selected by the Public Service Commission.

To arrive at this conclusion the court followed *T. Devadasan v. Union of India and General Manager, S. E. Railway v. Rangachari*. This it was observed that Art. 16(4) had to be interpreted in the context of Art. 335 of the Constitution. (See *Rangachari*). Further, it was pointed out that clause 4 of Art. 16 was in the nature of an exception to clause 1, and reservation under that clause could not be said to have violated Art. 14.

Art. 16(4) permitted the State to reserve a reasonable percentage of posts for members of Scheduled Castes and Tribes. What the percentage ought to be would depend upon circumstances obtaining from time to time (See *Devadasan*). However, in the present case there was no complaint about the percentage of reservation.

It was also pointed out that the language of Art. 16(4) showed clearly that there was no constitutional duty imposed on the Government to make a reservation for Scheduled Castes and Tribes. It was left to their discretion and if in exercise of it, they made such reservation subject to the satisfaction of a minimum standard of suitability, its validity could not be questioned.

The petition was therefore dismissed.

Facts

The petitioners six in number, who were temporary class IV employees in the Collectorate, Warrangal, sought a writ under Article 226 to direct the respondents to forbear from implementing G.O.Ms. No. 686 which stated that whenever retrenchment was to be effected, senior temporary employees, probationers and even approved probationers who did not belong to scheduled castes and scheduled tribes must face retrenchment before junior-most employees belonging to Scheduled Caste and Scheduled Tribe, if the total representation of the last mentioned fell below a certain percentage. The petitioners who did not belong to Scheduled Castes and Tribes thus faced retrenchment though they were much senior to temporary employees in the same category belonging to Scheduled Castes and Tribes.

Issue -

1. Whether the G.O. was illegal and void, as being violative of Article 16(1) and (2) of Constitution.
2. Whether retrenchment from employment was a matter which fell under the axe of Art. 16(4)

Judgment

Chinnappa Reddy J., applying *General Manager Southern Railway v. Rangachari*, held the G.O. to be violative of Article 16(1) and (2). The court considered the question whether the rule could be justified under Article 16(4) of the Constitution. *Rangachari* had held that the power of reservation conferred on

the State under Article 16(4) could be exercised by providing for reservation of appointments and also for reservation of selection posts. However, it was recognised that Article 16(4) did not cover the entire field covered by Article 16(1) and (2). Some matters relating to employment such as condition of service like salary, increment, gratuity pension, age of superannuation, wherein equality was guaranteed by Articles 16(1) and (2) did not fall within Article 16(4).

On behalf of the petitioners it was contended that retrenchment from employment did not fall within Article 16(4). The question, however, was left open though Reddy J. proceeded on the assumption that Article 16(4) could be exercised even while considering retrenchment.

Considering the scope of reservation under Article 16(4) the interpretation given by the Supreme Court in *General Manager, Southern Railway v. Rangachari*; *Devadasan v. Union of India*; and *Balaji versus State of Mysore* on this aspect was noted. In these cases excessive reservation for backward classes which disturbed the legitimate claims of other communities had been held to be violative of Article 16(1). The court mentioned that there should be a reasonable balance between the claims of the backward classes and the claims of other employees. Each year of recruitment should be considered by itself and "the reservation for backward communities should not be so excessive as to create a monopoly or to disturb unduly the legitimate claims of other communities".

The court, therefore, holding the G.O.Ms. to be illegal and void allowed the writ petition.

K. S. Nair v. Oil & Natural Gas Commission and others

1974 Guj. L. R. 7

Facts

The petitioner who was a temporary Chief Store-keeper challenged in the first petition the validity of the action taken by Resp. 1, the Oil and Natural Gas Commission, by which it refused his seniority and that of Resp. Nos. 2 and 3 to as to treat these backward class respondents as senior to him. The second petition challenged the interview given by the Commission to Resp. 4, Gyansingh, for the post of Executive Engineer, on the ground of his belonging to the backward classes, while the third challenged his confirmation and preferential treatment by the Commission.

Issue

Whether the impugned circular dated May 26, 1970 could be read as a duly promulgated order of reservation within Art. 16(4).

Judgment

The court (J. B. Mehta and S. H. Sheth JJ.) held that the impugned circular could not be so read and, therefore, allowed the three petitions.

Reference was made to *Tilok Nath*, AIR 1969 SC 1 where it was laid down that reservation under Art. 16(4) need not be by statutory enactment. It could be made by executive order or direction. However, it is necessary that such an order or direction should be published. "... when employees' rights are to be prejudiced and a prejudicial treatment to be supported by such an exceptional order under Art. 16(4), it is obvious that it cannot be by a mere executive instruction on the office file". An order under Art. 16(4) by its very nature must be published so as to bring it to the notice of all the employees concerned.

Urmila Ghada v. Union of India

A.I.R. 1975 Del. 115

Facts

The petitioner who belonged to a high caste family (Malhotras of Punjab) filed this writ petition. Claiming that by her marriage to Flt. Lt. C. D. Ginda (who belonged to the Scheduled Caste) she was also entitled to be treated as Scheduled Caste candidate in respect of a public office which was reserved for backward communities, Scheduled Castes and Tribes. She applied for the post of Senior Russian-to-English translator in the Ministry of Defence. However, she was selected for Junior Russian English Translator. She was placed at Sr. No. 2. Sr. No. 1 had been appointed on the ground that the post was reserved for a Scheduled Caste candidate, and being a member of the higher caste herself, she could not be considered merely on the ground of her marriage with a Scheduled Caste person.

Issue

Whether by marriage to a Scheduled Caste husband, a high caste lady can claim to be treated as Scheduled Caste candidate in respect of a public office reserved for backward communities under Article 16(4).

Judgment

The Court speaking through S. Rangarajan J. held that she could not claim the post. He pointed out if it was permitted for a lady like the petitioner, who belonged to a higher caste "to compete for a seat reserved for such socially and educationally backward class of people, merely by reason of her marrying a person belonging to such a caste", it might result in even defeating the provision made by the State in favour of such classes by reserving certain posts for them.

The petition was accordingly dismissed.

Haripada Ray v. Union of India and others

(1975) 79 CWN 834

Facts

The petitioner brought this appeal against an order made by M. M. Dutt J. in 1974 by which he had discharged a Rule. The petitioner had by this rule challenged an order made by his employer, the Commissioners for the Port of Calcutta, who promoted Respondent Nos. 4 to 30 from Assistant Medical Officers to Senior Assistant Medical Officers. It was claimed by the petitioner that he being a member of a Scheduled Caste was entitled to the benefit of reservation of appointments and posts in the service of respondent No. 2 on account of a resolution made in 1958.

Issue

1. Whether under Art. 16(4) reservation of posts for backward classes can be made at the initial stage of appointment or for posts to be filled by promotion.
2. Whether resolution of authority reserving certain percentage of posts for scheduled castes and scheduled tribes "in all their services" contemplated reservation in posts to be filled by promotion.

Judgment

The Calcutta High Court comprising S. K. Mukherjee and Sudhamay Basu JJ. held :

1. The use of the words "appointments or posts" in article 16(4) clearly indicated that the article contemplated not merely initial appointments but also offices or posts which were to be filled up by promotion.
2. The word "in all their services" used in the resolution passed by the authorities of the Port of Calcutta reserving a certain percentage of vacancies for Scheduled Castes and Scheduled Tribe candidates should be equated with "all appointments or posts" as contemplated by art. 16(4). As such it would include not only initial appointment but also filling up by promotion of any post.

To arrive at this conclusion the court relied on *General Manager, Southern Ry. v. Rangachari*. The Supreme Court, in that case had laid down that "the power of reservation which is conferred on the State under Art. 16(4) can be exercised by the State in a proper case not only by providing for reservation of appointments but also by providing for reservation of selection posts". The court, therefore, allowed the appeal.

Facts

A petition was filed under Art. 226. The petitioners No. 1 to 6, who were holding the posts of Grade B and Grade C Guards in the service of the Northern Railway, challenged the appointment to the posts in Grade A Guards of respondent Nos. 4 to 8 who were C Grade Guards and were junior to petitioners. The petitioners claimed relief for quashing the selection of these respondents. The Railway Board had fixed 15% reservation for Class III and IV employees. The petitioners claimed that as the Board sought to apply 15% reservation to vacancies occurring due to retirement or resignation etc., it resulted in excessive reservation in favour of Scheduled Castes and Tribes.

Issue

1. Whether the percentage of reservation made under article 16(4) relates to the vacancy or to the total posts.
2. Whether the reservation was excessive and violated article 16(1).

Judgment

The court (K. N. Singh and S. D. Agarwala JJ.) upheld the contention of the petitioners that the percentage of reservation related to the vacancy and not to the posts. It was pointed out by K. N. Singh

J., delivering the judgment, that acceptance of the contention of the respondents to the contrary would result in discrimination against those employees not belonging to the Scheduled Castes. In the instant case, there were a total number of 37 posts of A Grade Guards. If 15% of the vacancies occurring in a particular year were filled by promotion of scheduled caste candidates, after some time it would result in the percentage of scheduled caste candidates in that grade to reach upto 66%, which would be detrimental to others who might be senior or meritorious but could not be promoted due to the reservation in favour of Scheduled Castes. The Court further pointed out that the 1970 circular gave to scheduled class employees belonging to lowest category of C Grade Guards an edge over B Grade Guards, who were undeniably senior to them. The chart drawn up by the petitioners displaying the vacancies available upto 1984 on account of retirement of A Grade Guards indicated that the quota of 15% against the available vacancies would result in the Scheduled Castes having 56% of the posts of A Grade Guards. The court applying the law as laid down in *Devadasan* held that this would violate art. 16(1). Art. 16(4) was an exception to art. 16(1). However, the power conferred under cl. (4) could not be exercised in a manner which would make the reservation excessive, so that it denies to members of other communities, a reasonable opportunity of employment.

The court, therefore, allowed the petition.

Facts

This was a petition under art. 226 to challenge the reservation of posts in the State Judicial Service for Backward Classes, dependants of freedom-fighters, ex-detenus under MISA and DISIR and their dependants.

The petitioners who were advocates had appeared at the State Judicial Service Examination which had been held in April 1978 to fill 150 temporary posts. Of the total posts, 27 were reserved for Scheduled Castes, 3 for Scheduled Tribes, 8 for dependants of freedom-fighters, 12 for disabled officers of Military services, and 23 for backward classes.

Of relevance here in the petitioner's attack on reservation for so-called "backward classes".

An order of the U.P. government enumerated the "backward classes" as comprising Ahirs, Kurmis, and some other castes. The petitioners alleged that many belonging to these castes were not economically and socially backward. Many were doing well, some were highly educated and occupying high offices, while others were in professions such as lawyers, doctors, etc. Hence, the entire castes mentioned in G.O. could not be termed 'backward class' within the scope of art. 16(4). Therefore, there was no rational basis for creating reservation for them.

Issues

1. What was the scope and extent of the expression "Backward Classes of Citizens". What were the tests to determine whether a group of people constituted a 'backward class of citizens'?

2. Whether the U.P. Government had correctly determined as to who should be included in the 'Backward classes'? If not whether the G.O.S. issued in 1955, 1958 and 1977 were a fraud on the constitutional powers conferred on the State by art. 16(4) construed in the light of art. 15(4) and, therefore, void.

Judgment

The Court (T. S. Misra and K. N. Goyal, JJ.) held that reservation for backward classes under these government orders was void.

The court was of the view that for recruitment to state services, three basic principles as emerged from *D. N. Chanchala v. State of Mysore* AIR 1971 SC 1762 were involved, namely, (i) the State has

power to lay down classifications or categories of persons from whom recruitment to the public service may be made; (ii) the principle underlying arts. 15(4) and 16(4) was that a preferential treatment could validly be given because it was needed by the socially and educationally backward classes so that in the course of time they could stand in an equal position with the more advanced sections and (iii) this principle could be applied to those who were handicapped but not to those who fell under art. 15(4).

On the basis of these principles reservations for children of Defence and ex-Defence personnel could validly be made. The extension of these principles in the G.O. to ex-detenus under MISA and DISIR and their dependants could be considered permissible. However, in so far as the G.O. provided for reservation of seats for "backward classes", on the basis of caste alone, without any investigation having been made as to the 'backwardness' of the various castes, it could not be sustained under art. 15(4) and art. 16(4).

As regards the scope and extent of the expression "Backward Classes of Citizens", which occurred in arts. 15(4) and 16(4) the court considered the relevant constitutional provisions and case-law on the subject. Art. 366(24) and (25) defined Scheduled Castes and Scheduled Tribes respectively but there was no clause defining 'backward class of citizens'. In fact, art. 15(4) which made special provision for backward classes treated them as being similar to Scheduled Castes and Scheduled Tribes. It was thought that provision should be made for some other classes of citizens who were equally or somewhat less backward than these Scheduled Castes and Tribes. Such was the purpose of art. 15(4) and art. 16(4) of the Constitution.

However, the extent of the reservations under art. 15(4) or 16(4) could not be excessive. The Supreme Court in *Devadasan* approved "below 50%" reservation in favour of backward classes, in the identification of which, caste could be one but not the sole criterion. The court also referred to observations made by the Supreme Court in *Balaji's* case, where 68 per cent reservation had been struck down. The court observed that the Solicitor General, appearing for the State of U.P. conceded that the aggregate reservation for all categories had to be less than 50%.

The executive action making such reservation should not transgress the authority conferred on it by the Constitution whether implicitly or explicitly, or it would be struck down as a fraud on the relevant constitutional power as laid down in *M. R. Balaji*.

After reviewing the case-law the court summed up the law regarding determination of "backward classes" as follows :—

- (i) the bracketing of socially and educationally backward classes with the Scheduled Castes and Tribes in Art. 15(4), and the provision in Article 338(3) that the reference to Scheduled Castes and Tribes were to be construed as including such backward classes as the President may by order specify on receipt of the report of the Commission appointed under Art. 340(1), showed that in the matter of their backwardness they were comparable to Scheduled Castes and Scheduled Tribes;
- (ii) the concept of backward classes is not relative in the sense that any class which was backward in relation to the most advanced class in the community must be included in it;
- (iii) the backwardness must be both social and educational and not either social or educational;
- (iv) Article 14(4) refers to 'Backward classes' and not 'backward castes'; indeed the test of caste would break down as regards several communities which have no caste;
- (v) caste is a relevant factor in determining social backwardness but is not the sole or dominant test ;
- (vi) social backwardness is in the ultimate analysis the result of poverty to a very large extent. Social backwardness which results from poverty is likely to be aggravated by considerations of caste to which the poor citizens may belong, but that only shows the relevance of both caste and poverty in determining the backwardness of citizens;
- (vii) a classification based only on caste without regard to other relevant factors is not permissible under Art. 15(4); some castes are, however, as a whole socially and educationally backward;
- (viii) the occupations followed by certain classes (which are looked upon as inferior) may contribute to social backwardness; and so may be habitation of people, for, in a sense, the problem of social backwardness is the problem of rural India;
- (ix) the division of backward classes into backward and most backward classes is in substance a division of the population into the most advanced and the rest, the rest being divided into backward and most backward classes and this is not warranted by Art. 15(4).
- (x) Art. 16(4) does not confer any right on a person to require that a reservation should

be made. It confers a discretionary power on the State to make such a reservation if in its opinion a backward class of citizens is not adequately represented in the services of the State. Mere inadequacy of representation of a caste or class in the services is, however, not sufficient to attract Art. 16(4) unless that class (including a caste as whole) is also socially and educationally backward;

- (xi) the object of reservation would be defeated if on the inclusion of a class in a list of backward classes, the class is treated as backward for all times to come. Hence the State should keep under constant periodical review the list of Backward Classes and the quantum of the reservation of seats for the classes determined to be backward at a point of time;
- (xii) the aggregate reservation of posts for various categories (including backward classes) should be less than 50%; and
- (xiii) the courts' jurisdiction is limited to deciding whether the tests applied by the State in determining the Backward Class of citizens are valid or not. If the relevant tests have not been applied it is not open to the Court either to modify the list of "backward classes" prepared by the State or to modify the extent of reservation but it must strike down the offending part, leaving it to the State to take a fresh proper decision after applying the correct criteria."

The court examined the question of burden of proof where a challenge to the State's determination of backward classes is made. It referred to the following two Supreme Court decisions. *State of Punjab v. Hira Lal*, AIR 1971 SC 1777 where the court held that the burden of establishing that a reservation was offensive to art. 16(1) was on the person making the plea. *State of U.P. v. Pradip Tandon*, AIR 1975 SC 563, where the onus of proof was departed ("The onus of proof is on the State to establish that reservations are for socially and educationally backward classes of citizens").

The Court, however, was of the opinion that these conflicting views on onus in *Hira Lal* and *Pradip Tandon* could be reconciled. It pointed out that in cases where proper investigations had not been made by the Government as regards backwardness of a class, the government orders had been struck down as in *Triloki Nath* (AIR 1969 SC 1); *Janki Prasad v. State of Jammu and Kashmir* (AIR 1973 SC 930); *M. R. Balaji* (AIR 1963 SC 649) and *State of Andhra Pradesh v. P. Sagar*, AIR 1968 SC 1379. On the other hand, where the petitioners laid no foundation for the challenge and failed to point out that a class had been wrongly included in the list of backward classes, such challenge was thrown out as in *P. Rajendran v. State of Madras* (AIR 1968 SC 1012) and *State of Punjab v. Hira Lal* (AIR 1971 SC 1777). Hence, the burden of proof was mixed one: As held in *Hira Lal* reservation of appointments could not be struck down on hypothetical grounds, but as held in

P. Sagar it was the duty of the government "to demonstrate by evidence and argument before the courts that the guaranteed right is not infringed"

After examining the affidavit of the petitioners and the counter-affidavit of the State and also the materials (such as Chhedi Lal Sethi Commission Report and the Report of the Kaka Kalelkar Commission) referred to therein, the court concluded: "Neither the impugned G.O. nor the counter affidavit filed on behalf of the State reveals that any other survey or data collection on any manner was done by the State Government. Similarly, as regards, the list prepared by the Education Department, it is not mentioned in the counter-affidavit on what basis these castes were found even educationally backward class of citizens at the point of time. No such finding enquiry was alleged to have been made". In sum, the court was of the view that the basis for reaching the conclusion by the State that the enumerated castes were backward

was not disclosed. The court also emphasised that though the Supreme Court in several cases has upheld the enumeration of backward classes on the basis of castes, but in all those cases the caste as a whole was socially and educationally backward. "It is only in respect of these castes that the Supreme Court has accepted validity of castes for its being treated as socially and educationally backward for purposes of art 16(4)".

As regards the burden of proof, the court was of the view that the petitioners had discharged their burden by specifically pleading that at least two castes were not economically and socially backward. The State has not come out with any material to refute this. "In the very nature of things, it is not possible for private citizens to make detailed investigation and survey all over the State or to supply the relevant data. It is only with the resources of Government that such data can be collected and supplied to the Court".

PART IV
Analysis of Cases under Article 16(4)
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Analysis of Court Cases under art. 16(4)

I. What are Backward Classes

Art. 16(4) uses the term "backward classes" as compared with the words "socially and educationally backward classes of citizens or the Scheduled Castes and Scheduled Tribes" used in art. 15(4). This difference in terminology raises two questions: Firstly, whether art. 16(4) covers Scheduled Castes and Scheduled Tribes or not. Secondly, whether the term "backward classes" is to be understood in the same sense as in art. 15(4), i.e., socially and educationally backward classes. It has been held in several cases that the term backward classes under art. 16(4) covers Scheduled Castes and Scheduled Tribes,¹ and also the term is identical with "any socially and educationally backward classes", i.e., there is no difference between art. 15(4) and 16(4) as far as the definition of backward classes goes.²

Two other factors which have to be borne in mind in making reservations for the backward classes are that reservations can be made for backward classes which in the opinion of the State are not adequately represented in the services under the State,³ and that any reservation made in their favour does not materially affect administrative efficiency.⁴

There are only four Supreme Court cases where the validity of classification of backward classes was an issue and those are cluster of cases dealing with reservations made in the State of Jammu and Kashmir. The High Court cases dealing with the definition of backward classes have arisen from the States of Mysore, Kerala, Andhra Pradesh and Uttar Pradesh.

The first Supreme Court case under which the question arose is *Triloki Nath v. State of Jammu and Kashmir*.⁵ This case arose after the Supreme Court judgments in *Balaji v. State of Mysore* and *Chiterlekha v. State of Mysore* under art. 15(4), and these two cases have been discussed by us in the section under that article. The facts in 1st *Triloki Nath* were that the Government had adopted the following policy of reservations in the matter of promotion to certain posts, without any formal rule or announcement: (1) 50 per cent for Muslims; (2) 60 per cent of the remaining 50 per cent for Jamvi Hindus; and

(3) Remaining 40 per cent of the 50 per cent for Kashmiri Pandits, and sometimes one or two posts for Sikhs out of turn.

The court held that the sole test of backwardness is not that certain classes are inadequately represented in the services of the State as was claimed by the state, for such an argument "would exclude the really backward classes from the benefit of the provision [16(4)] and confer the benefit only on the class of citizens who, though rich and cultured have taken to other avocations of life". The court stated that a class to be backward has to be socially and educationally backward in the sense explained in the *Balaji* case, and that further such a class is not adequately represented in the services of the State. Following *Balaji* and *Chiterlekha*, the court stated that classification of backward classes should be made on the following two conditions: (i) economic conditions, and (ii) occupations. Though caste could be a factor, yet it should not be sole or dominant test. In its view social and educational backwardness was the result largely of poverty. Further, while the State had necessarily to ascertain whether a particular class of citizens is backward, yet it is a justiciable issue and the court can examine whether the power has been abused by the State or not. In this case the court struck down the policy of the State as the State did not place sufficient material before the court to justify the conclusion that the categories adopted by the State were backward. It called for a report to be supplied by the High Court containing such material as total population of the entire State, breakup figures of the two provinces, the extent of social and economic backwardness of the different communities.

The matter again came before the Supreme Court in the second *Triloki Nath* case⁶ after the High Court had submitted its report. The Supreme Court found that the report of the High Court did not contain any formal order making a provision for reservations or appointments of posts in favour of any backward classes of citizens. From the evidence, the court found that the policy of giving representation to different communities was based only on the fact that they were not adequately represented in the services and also on the policy of giving due provincial representations. This was contrary to art. 16(4) and was invalid under art. 16(1) and (2). The court stated that test based solely on caste, community, race, religion, sex, descent, place of birth or residence cannot be the criterion for backwardness. The expression backward class is not synonymous with backward caste or backward community. The entire caste or community may be declared to be backward but this would not

¹ *General Manager, S. Railway v. Rangachari*, A.I.R. 1962 S.C. 36; *Drsu Rajudu v. A.P. Public Service Commission*, A.I.R. 1967 A.P. 353; *T. Devadasan v. Union of India*, A.I.R. 1964 S.C. 179.

² *Triloki Nath v. State of Jammu & Kashmir*, A.I.R. 1967 S.C. 1283; *Janki Pd. v. State of J&K*, A.I.R. 1973 S.C. 930.

³ *The Rangachari case*, *supra*; the *Triloki Nath case*, *ibid*.

⁴ *The Rangachari case*, *ibid*; *T. Devadasan v. Union of India* A.I.R. 1964 S.C. 179

⁵ A.I.R. 1967 S.C. 1283

⁶ *Triloki Nath v. State of J & K* A.I.R. 1969 S.C. 1

be because of its characteristic as a caste or community as such, but because it is backward at a given point of time in the social, economic and educational, scale of values. While passing the final order, the court stated that the order made by the court did not prevent the State for devising a proper scheme.

Subsequent to the second *Triloki Nath* case occurred *Makhan Lal v. State of Jammu and Kashmir*.⁷ This case occurred on the facts of *Triloki Nath*. *Makhan Lal* is hardly of any significance for the constitutional interpretation. In *Triloki Nath*, though the court had stated that the State should prepare a scheme of reservation consistent with art. 16, no such scheme had been devised. However, the State adopted an ingenious device by which the State gave ostensible effect to the court's decision in *Triloki Nath*, but really to continue the respondent-teachers, whose promotions had become illegal in view of the decisions in *Triloki Nath*, in the same higher position. As this was violative of sec. 16, the court again struck down these promotions.

Finally, on the facts of the above three cases, there occurred *Janki Pd. v. State of Jammu and Kashmir*.⁸ The state of Jammu and Kashmir, as a result of the decision in *Makhan Lal v. State of Jammu and Kashmir*, promulgated the Jammu and Kashmir Scheduled Castes and Backward Classes Reservation Rules, 1970. The petitioners alleged that the old communal representation was still being maintained, and claimed that though some posts had been reserved for backward classes under the rules, yet it was merely an exercise to secure about 90 per cent of the posts to Muslims.

The rules framed by the Government were based on the recommendations of the Backward Classes Committee appointed by the State Government under the chairmanship of J. N. Wazir, retired Chief Justice of Jammu and Kashmir High Court, which had submitted its report in November 1969. The rules had classified backward classes into six categories as follows :

- (1) Certain specified traditional occupations.
- (2) 23 specified social castes.
- (3) Small cultivators.
- (4) Low paid pensioners.
- (5) Residents in the area adjoining the cease-fire line.
- (6) Some areas in the State as "bad pockets" and every person belonging to that area regarded as backward.

The court in this case emphasised that a backward class should be backward both socially and educationally. Merely educational backwardness or social backwardness would not be sufficient.

The Supreme Court found fault, partly or wholly, practically with all the categories specified in the rules.

⁷ A.I.R. 1971 S.C. 2207.

⁸ A.I.R. 1973 S.C. 930.

The main views of the court on these categories were: Firstly, with regard to the traditional occupations, the court agreed that it is quite open to the State to declare that persons belonging to low income family following a traditional occupation should be regarded as persons belonging to a backward class if, on the whole, the class is socially and educationally backward. But the defect of the government classification was that a person became backward if his grand father followed the traditional occupation but not his father, thus the benefit not going to the really person concerned.

The rules had notified 23 castes as backward. However, the Backward Classes Committee had identified only 19 such castes. For want of material, the court was not prepared to hold that the other four remaining castes were also backward.

The rules had identified cultivators of land with a small holding as "backward classes". The limits of the holding were to differ according to the land cultivated and the region in which it was situated. The reasons for this categorisation were economic. The court discounted this approach as in its view a class must be a homogenous social section of the people with common traits, and identifiable by some common attribute. In the classification in question the relevance of social and educational backwardness took a subordinate place. Taking an example, the court said that a person holding 10 Kanals of land or less is regarded as backward, i.e., socially and educationally backward, but not the brother of such a person if he owned half a Kanal more. The court found a similar defect in the classification which had regarded the dependents of a pensioner, if the maximum of the scale of pay to the post to which he belonged did not exceed Rs. 100, as backward.

Finally, the court examined the rules which had identified residents of certain villages within five miles of cease-fire line and a few other areas which were regarded as "bad pockets". The court was satisfied on materials before it that these villages and areas could be regarded as socially and educationally backward. However, the rules had provided that a person wanting the advantage of reservation could be regarded as belonging to the area if his father was or had been a resident of the area for a period of not less than 10 years in a period of 20 years preceding the year in which the certificate of backwardness was obtained. The defect of the rule was that the father or the son need not be a resident of the area, when the advantage was claimed, and further the rules did not require that the son should have his earlier education in these areas to ensure that he and his father were permanent residents of that area. Under the rules, the benefit could not only be claimed by the genuine residents but also by others who might go to these areas for purposes of business or government service, etc. Thus outsiders could also claim the benefit. Thus loophole must be plugged.

In an early Mysore High Court decision, the Government had specified all communities other than

⁹ *Kesava v. State of Mysore*, A.I.R. 1956 Mys 20.

the Brahmin Community as backward. The classification was upheld by the High Court. The government had done it on the recommendations of a Committee known as the Millers Committee. The decision of the Court is of doubtful validity. No material was placed before the court as to on what basis the blanket classification was made that all communities other than Brahmins were backward. The court here had proceeded on the basis that the courts had hardly any power of judicial review over the matter.

In another Mysore case,¹⁰ the criteria of backwardness adopted by the State were the income limit and the nature of occupation. A person was regarded as backward if the income of the parent and guardian was below Rs. 1,200 per annum and he was engaged in any of the following occupations: (a) Actual cultivator; (b) artisan; (c) petty businessman; (d) certain inferior services including casual labour; and (e) any other occupation involving manual labour. The High Court upheld the order of classification of backward classes of the government. This ruling is not in accord with the Supreme Court judgment in *Janki Pd.*, discussed above, where the court stated that the group should be socially homogeneous and that the income criterion would lead to marginal difficulties. However, in another Supreme Court case occurring under art. 15(4), subsequent to *Janki Pd.*, the court upheld the caste criterion subject to the income limit.¹¹

It may be said by way of comment that it is difficult to adopt a classification which is perfect and such marginal difficulties as pointed out by the court in *Janki Pd.* would remain in any classification. The choice is between "no classification" at all and "Classification with some marginal" difficulties.

In *Desu Ravdu v. A. P. Public Service Commission*¹² the government had cancelled its earlier order of backward classes as it was entirely based on castes. The petitioner challenged this cancellation of the order by the Government. It was held by the High Court that the government was justified in doing so on the ground that caste cannot be the sole or predominant basis of classification.

In a Kerala case, *Hariharan Pillai v. State*,¹³ the government had adopted caste as the basis for backwardness. The data on which the classification was based was more than two to three decades old. The High Court in a 3 to 2 decision upheld the order of the government. It stated that though caste cannot be the sole criterion, yet where the classification is made on the basis because of backwardness, by and large, of the members of that caste, the dominant criterion is not caste but backwardness. The dissenting judge thought that the opinion formed by the State nearly two decades or more back could not be a proper basis of classification. Further, even if a substantial portion of a caste was backward, still

that caste could not be regarded as backward, in view of the fact that some people belonging to that caste might not be backward. As far as the approval of the criterion of caste by the minority is concerned, it is in accord with the views expressed by the Supreme Court in the second *Tripathi Nath* case, discussed above. The difficulty, as pointed out by the dissenting judge in *Hariharan Pillai* in adopting caste as the criterion, even where the caste as a whole is educationally and socially backward, is that there may be some person in that caste who are not backward and may claim the benefit. This is again a kind of marginal difficulty, and we have to live with this kind of marginal difficulty if we wish to provide reservations for the backward classes.

An order of the Uttar Pradesh Government enumerated the backward classes as comprising Ahirs, Kurmis and other castes. The petitioners in *Chhotey Lal v. State of Uttar Pradesh*¹⁴ alleged that many belonging to castes like Ahirs and Kurmis were not economically and socially backward. Many of them were doing well, some were highly educated and occupying high offices, while others were in professions such as lawyers, doctors, etc. The Court stated that a caste could be regarded as backward if it was as a whole socially and educationally backward. However, the High Court quashed the order of the Government. After examining the affidavit of the petitioners and the counter-affidavit of the State and also the materials (such as Chhedi Lal Sethi Commission Report and the Report of the Kaka Kalelkar Commission) referred to therein, the court concluded: "Neither the impugned G.O. nor the counter affidavit filed on behalf of the State reveals that any other survey or data collection on any manner was done by the State Government. Similarly, as regards the list prepared by the Education Department, it is not mentioned in the counter-affidavit on what basis these were found even educationally backward class of citizens at the point of time. No such finding inquiry was alleged to have been made." In sum, the court was of the view that the basis for reaching the conclusion by the State that the enumerated castes were backward was not disclosed. In this case there was also dispute as to the burden of proof—whether the burden was on the state to prove that the classes enumerated by it were really backward or on the person challenging it that they were not backward. The court took the view that it was on the individual to plead specifically that the classification made by the Government was not proper, and once this had been done the burden shifted on the government. Here, in the opinion of the court, the petitioners had discharged their burden by specifically pleading that at least two castes were not economically and socially backward. The State has not come out with any material to refute this. "In the very nature of things, it is not possible for private citizens to make detailed investigation and survey all over the State or to supply the relevant data. It is only with the resources of Government that such data can be collected and supplied to the Court".

The Court in *Chhotey Lal* also emphasised that the object of reservation would be defeated if on the

¹⁰ *G.N. Gudigar v. State of Mysore*, (1972) 2 Mys. L.J. 202.

¹¹ *K. S. Jayasree v. State of Kerala*, A.I.R., 1976 S.C. 2881.

¹² A.I.R. 1967 A.P. 353.

¹³ A.I.R. 1968 Ker. 42.

¹⁴ A.I.R. 1970 All. 135.

inclusion of a class in a list of backward classes, the class is treated as backward for all times to come. Hence the State should keep under constant periodical review the list of Backward Classes and the quantum of the reservation of seats for the classes determined to be backward at a point of time.

In *Urmilla Ginda v. Union of India*,¹⁴ the Delhi High Court was faced with the question whether a woman belonging to a higher caste would come in the category of "backward class" by marrying a person belonging to that class. It was held that she did not and could not claim the benefit.

II. Excessive Reservations

The question of excessive reservation occurred in a few cases. In *T. Devadasan v. India*,¹⁵ the Supreme Court following the *Bataji* case discussed under art. 15(5) held that art. 16(4) is only an exception to art. 16(1) and cannot provide for excessive reservation as excessive or extravagant reservation would, by eliminating general competition in a large field and by creating wide-spread dissatisfaction among the employees, materially affect administrative efficiency. The court agreed with *Bataji* that reservation of more than 50% of the vacancies would be violative of art. 15(1). In this case, the reservation of 12½ of vacancies for Scheduled Castes and 5% for Scheduled Tribes was made. This by itself was reasonable. However, there was a carry-forward rule according to which unfilled reserved vacancies in two years preceding the year of recruitment were to be added to these percentages. As a result of this carry-forward rule, in a particular year, the reservation quota came to be 64.4% of the vacancies filled. As this was more than 50%, the court regarded it excessive and held the carry-forward rule to be invalid.¹⁶

Thus, though the percentage of reservation by itself may not be excessive, yet if certain method followed in applying these percentages results in excessive reservation in a particular year, it will be bad. This is further illustrated by the following cases. In one High Court case the facts were that there were two cadres of railway inspectors known as Inspectors of RMS and Inspectors of Post Offices and these cadres were distinct ones. In a particular year, there were three vacancies in the former and 29 vacancies in the latter, thus a total of 32 vacancies in both the cadres combined. Four vacancies were reserved for Scheduled Castes by treating the two cadres as one unit. This resulted in going one post of RMS Inspector to the

first candidate (general category) from the RMS section and two posts going to Scheduled Castes candidates. The petitioner, who stood second from the general seat, was thus excluded from the post of RMS Inspector. It was held by the High Court that since two out of three seats as a result of clubbing the two distinct cadres resulted in 66⅔% of posts for Scheduled Castes, it was an excessive reservation. The two branches were distinct ones and should not have been clubbed for purposes of reservation.¹⁷

In *Rajalah v. State of Andhra Pradesh*,¹⁸ the petitioners six in number, were temporary Class IV employees of the Government and did not belong to Scheduled Castes and Scheduled Tribes. The Government sought to retrench these employees under a policy that whenever retrenchment was to be effected, senior temporary employees, probationer and even approved probationers who did not belong to Scheduled Castes and Scheduled Tribes, must face retrenchment before the junior-most employees belonging to the Scheduled Castes and Scheduled Tribes were retrenched, if the total representation of these two categories fell below a certain percentage. The first question before the Court was whether retrenchment from employment came within an art. 16(4) as it was contended that since different ages of superannuation cannot be fixed for persons belonging to the backward classes and persons not belonging to backward classes, even for the purposes of maintaining the percentages of employees belonging to backward classes, different considerations should not apply in the case of retrenchment. This question was left open by the Court and it proceeded on the basis that art. 16(4) covered even retrenchment. The court quashed the retrenchment of the petitioner by the Government as in a particular year the scheme of retrenchment followed by the Government resulted in "excessive reservation" for the backward classes.

In another case,¹⁹ the Railway Board followed the policy of 15% reservation for class III and IV employees but this 15% rule was applied as a matter of practice to vacancies occurring due to retirement or resignation, etc., and not to the total posts. The court found that if 15% reservation was applied to vacancies and not to posts, it would result in the percentage of scheduled candidates in that grade to reach upto 60%. It, therefore, struck down the policy of the government on account of excessive reservation.

III. Publication of order of reservation

The Government can make reservation in favour of the backward classes under art. 16(4) through an executive order and no legislation is necessary. In *Mangal Singh v. State of Punjab*,²⁰ it was held that the relevant service rules stood amended as a result of an

¹⁴ A.I.R. 1975 Del. 115.

¹⁵ A.I.R. 1964 S.C. 179.

¹⁶ Fazl Ali, J., in *State of Kerala v. Thomas*, A.I.R. 1976 S.C. 490, however, was of the view that carry-forward rule was not bad even if it resulted in more than 50% posts to be fulfilled by backward classes. "In fact if the carry-forward rule is not allowed to be adopted it may result in inequality to the backward class of citizens who will not be able to be absorbed in public employment in accordance with the full quota reserved for them by the Government." At 535.

¹⁷ *M. Natarajan v. Director General of Posts & Telegraphs* A.I.R. 1970 Mad. 459; affirmed by the Division Bench, (1971) 2 Mad. L. J. 79.

¹⁸ I.L.R. (1973) A.P. 516.

¹⁹ *J. C. Malik v. Union of India*, 1978 (1) S.L.R. 844.

²⁰ A.I.R. 1968 Punj. 306. Also *Trihokti Nath v. State of J.&K.* A.I.R. 1969 S.C. 1.

executive order issued by the government under art. 16(4). In *K. S. Nair v. Oil & Natural Gas Commission*,²¹ it was held by the Gujarat High Court that though reservation under art. 16(4) could be made by an executive order, such an order or direction must be published. "..... When employees' rights are to be prejudiced and a prejudicial treatment is to be supported by such an executive order, it is obvious that it cannot be by a mere executive instruction on the office file." An order under art. 16(4) by its very nature must be published so as to bring it to the notice of all the employees concerned.

IV Retrospective Reservation

Under art. 16(4) the state can make reservation both retrospectively and prospectively. This is the holding of the Supreme Court in *General Manager, Southern Railway v. Rangachari*.²² However, once a person was duly appointed and his rival did not contend that he belonged to the reserved category, the production of a certificate to that effect subsequently would be of no avail. Art. 16(4) could not be utilized for demoting a person subsequent to his lawful appointment.²³

V. Discretionary with the government to provide for reservations

It is discretionary with the government to provide for reservation for backward classes or not either in the initial appointments or promotions. There is no constitutional right in any individual to ask for reservation. This point has been brought out in several cases. In *C. A. Rajendran v. Union of India*,²⁴ the Supreme Court stated that art. 16(4) did not confer any fundamental right on backward classes as regards reservation of posts, whether it be at the stage of recruitment or promotion. It was only an enabling provision which conferred "a discretionary power on the State to make reservation of appointments in favour of backward classes of citizens which in its opinion is not adequately represented in the service of the State." In making reservations the government has to take into account not only the claims of the members of the backward classes but also the maintenance of efficiency of administration which is of paramount importance. Here the government had made reservations in promotions to classes II and I posts which was subsequently abolished. The court upheld the action of the government in abolishing the reservations.

In *R. N. Pramanick v. Union of India*,²⁵ the petitioner was appointed as a typist against the quota reserved for Scheduled Castes. His grievance was that though in the Seniority List prepared by the government he was given 75th place (on the basis of

his seniority which arose out of his earlier confirmation on account of his being a member of the Scheduled Caste), its subsequent revision by the government gave him serial number 194-A (on the basis of merit). Consequently he lost a chance of promotion. The government had decided that for promotions there would be no reservations. The court upheld the governmental action. It was within the right of the government to decide that promotions will be made on the basis of merit and not seniority based on reservations.

Similarly, it has been held that while making the reservations the government may lay down not only the minimum requirement of eligibility for purpose of making an application but also a "minimum standard of suitability to be determined by the Public Service Commission after interview." A person belonging to Scheduled Caste has no right to complain that he should be appointed to the post once he fulfilled the "eligibility test" though not the "suitability test."²⁶

VI. Scope of reservations and other concessions to Backward Classes

In *General Manager, S. Railway v. Rangachari*,²⁷ the court took the position that matters of employment under article 16(1) covered not only initial appointment but also promotions and such other matters as salary and periodical increments and terms of leave, gratuity, pension and age of superannuation. Art. 16(4) is an exception to art. 16(1) and it does not cover the entire ground by art. 16(1). Thus, there cannot be any exception or different rules even in regard to backward classes with regard to matters other than initial appointments and promotions. Art. 16(4) covered both initial appointments and promotions. The State can make reservations in favour of the backward classes both in initial appointments and promotions.

The leading case on the grant of concession in government employment by ways other than reservations is *State of Kerala v. Thomas*.²⁸ Here, the service rules provided for promotion from one particular cadre to a higher cadre on the basis of seniority subject to passing the prescribed test within two years. However, the rules also provided for giving a longer period (two extra years) for passing the test by the candidate belonging to Scheduled Castes and Scheduled Tribes. It was held that the concession given to the backward classes was valid. Though the concession may not fall under art. 16(4) still it does not violate art. 16(1) which permits reasonable classification. The court regarded the present concession to fall under the rubric "reasonable classification." Art. 335 in particular gives a mandate that the claims of Scheduled Castes and Scheduled Tribes should be considered in matters of employment consistent with maintaining administrative efficiency. Temporary relaxation of the rule passing the prescribed examination in the case

²¹. (1974) Guj. L. R. 7.

²². A.I.R. 1962 S.C. 36.

²³. *Sodama Prasad v. Supdt., W. Rly.*, AIR 1965 Raj. 109.

²⁴. A.I.R. 1968 S.C. 507.

²⁵. A.I.R. 1969 Cal. 576.

²⁶. *Pravatmalini Malik v. State of Orissa*, ILR (1972) Cut. 1372.

²⁷. A.I.R. 1962 S.C. 36.

²⁸. A.I.R. 1976 S.C. 490.

of Scheduled Castes and Scheduled Tribes was warranted by their backwardness and inadequate representation in the state services, and did not unreasonably affect administrative efficiency. The preference of the concessions in favour of these classes cannot be to an unlimited extent. The State has to give preference to these classes consistent with the needs of efficiency of administration. In other words, reasonable relaxation of a rule in their favour is permissible but not "undue" relaxation.

In *K. N. Chandra v. State of Mysore*,²² there were two sets of qualifying marks for success at a competitive examination held by the State Public Service Commission—45% for candidates belonging to Scheduled Castes and Scheduled Tribes, and 55% for others. The Mysore High Court expressed the opinion by way of *obiter* that prescribing a smaller percentage of marks for success in a competitive examination did not amount to "reservations" in any sense of the term under art. 16(4).

VII. No reservations amongst communities not coming under the category of backward classes

In *Venkataramana v. State of Madras*,²³ a case occurring in 1951, the facts were that the G.O. known as a Communal G.O. had notified that selection of candidates to certain posts would be made from various

castes and religious communities as follows: Harijans 19, Muslims 5, Christians 6, Backward Hindus 10, Non-Brahmins 32, and Brahmins 11. It was held that such an order was bad under art. 16(1) and (2) which specifically prohibits the State from discriminating against persons in respect to government employment on the basis of religion, race and caste, etc. Under the Government order in issue the basis of eligibility for a post was that a person belonged to a particular caste, religion, etc. Art. 16(4) permitted reservations only for "backward classes" and not other classes.

VIII. Miscellaneous

It has been held that the mere fact that the reservations made may give extensive benefits to some of the persons who had the benefit of the reservations earlier does not by itself make the reservation bad. Similarly, the length of the leap is immaterial and it depends upon the gap to be covered (e.g., a person in the reserved category having 73rd position in the list prepared for promotion could get precedence over the 72 others if there is a single post to be filled up and that post belongs to the reserved category).²⁴ However, it may be commented that the State under art. 16(4) does not possess an unlimited power in this regard for as the Supreme Court has held in several other cases (like *Rangachari* and *Devadasan*) that the reservations in favour of backward classes should not materially affect administrative efficiency.

²². A.I.R. 1963 Mys. 293.

²³. A.I.R. 1951 S.C. 229.

²⁴. *State of Punjab v. Hiralal*, A.I.R. 1971 S.C. 1777.

Protective Discrimination under Article 15(4) : Analysis of Supreme Court and High Court Decisions

The spirit of equality prevades the provisions of the Constitution of India as the main aim of the Founders of the Constitution was to create an egalitarian society wherein social, economic and political justice prevail and equality of status and of opportunity are made available to all. However, owing to historical and traditional reasons certain classes of Indian citizens are under severe social and economic disabilities that they cannot effectively enjoy either equality of status or of opportunity. Therefore, the Constitution accords to these weaker sections of society protective discrimination in various articles including article 15(4). This clause empowers the state, notwithstanding anything to the contrary in articles 15(1) and 29(2) to make special reservation for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and Scheduled Tribes. As for instance, a notification purporting to acquire land for providing accommodation for Harijans could not be challenged on the ground of discrimination in view of article 15(4).¹ But the Constitution neither enumerates the class of citizens who are backward nor provides the state with criteria for classifying backward classes of citizens.² The task of the policy makers, be it at the central or state level, becomes complex as they have to keep in mind the definite prohibitions enumerated in articles 15(1) and 29(2). The identification of backward classes in the Indian Society is not an easy task. The influence of "caste" on the social, educational and economic backwardness of classes of people in the Indian Society has been the subject of debate and research by sociologists. Is the factor of "caste" alone significant in the making of social and educational backwardness or are there other factors? What is the correlation between caste and such other factors and the importance to be given to all these factors (including caste), with reference to different communities and regions? A number of variables are relevant in the determination of these questions.

The wide language of article 15(4), "indicates that the Constitution makers relied primarily on the discretion of the politicians and administrators of the future rather than on the courts to keep the principle of preference within boundaries consistent with the Constitution's overall scheme of eliminating caste, religious and other discrimination. These provisions are an expedient hopefully a temporary one—giving the executive and legislatures broad discretion in their application. However, this discretion is not so broad

as to exclude entirely judicial review of determinations of backwardness."³ The main areas of concretisation of legislative and executive discretion are education, welfare and economic activities such as housing, grant of land etc. and public services.

1. Who are Backward Classes ?

The first decision of the Supreme Court on the scope of article 15(4) was *Balaji v. State of Mysore*.⁴ Since 1958 the state of Karnataka (then Mysore) had been attempting to make special provisions for the advancement of its socially and educationally backward classes of citizens under article 15(4) and whenever any order was passed, its validity was challenged in the High Court which quashed them. The petitions in this case were filed under article 32 to challenge the validity of the order of the Mysore Government in 1962. The effect of the order was to divide backward classes into two categories (i) Backward classes and (ii) More Backward classes. Out of the 50 per cent as the quota for the backward classes 28 per cent of seats in technical and professional institutions were reserved for backward classes and 22 per cent for more backward classes, 15 per cent for the scheduled castes and 3 per cent for the scheduled tribes. Thus we find that the total quantum of reservation was 68 per cent. Only 32 per cent of the seats was available to the merit pool. This order of the Mysore government was a sequel to the recommendation of an expert committee set up by the state government known as the Nagan Gowda Committee which had investigated the problem of identifying criteria for classifying backward classes in the state. The Committee felt that in India a higher social status was generally accorded on the basis of caste and the low social position of any class or community was, therefore, merely on account of the caste system. Social backwardness was considered to be mainly based on racial, tribal and caste differences even though economic backwardness might have also contributed. The Committee had felt that in the prevalent circumstances, the only practicable method of classifying the backward classes in the state was on the basis of caste and communities. According to the Committee, the entire Lingayat Community was socially forward and that all sections of Vokkaligas excluding Bhunts were socially backward. With regard to Muslims, majority of the committee felt that they should be classified as backward. The committee further felt that the backward classes should be subdivided into two categories—backward and the more backward.

¹ *Moosa v. State of Kerala*, A.I.R. 1960 Ker. 355.

² In the case of Scheduled Castes and Scheduled Tribes the President specifies them by public notification under art. 341 (1) and 342(1) respectively. Only Parliament is empowered to include and exclude from the List. Further, Art. 366(24) and (25) define these groups respectively.

³ Marc Galanter, "Protective Discrimination for Backward Classes in India", 3 *Journal of the Indian Law Institute* 39 at 66 (1961).

⁴ A.I.R. 1963 S.C. 649.

The test adopted for such categorisation was : Was the standard of education in the community in question less than 50% of the state average ? If it were, the community was *more* backward. If it was not, the community was backward.

In determining the educational backwardness of the classes of citizens, the government proceeded on the basis of the average of student population in the last three high school classes of all high schools in the state in relation to 1,000 people of that community. On the basis of data supplied it was found that the state average of student population in the last three high school classes was 6.9 per thousand. The government decided that all castes whose average was even just less than the state average of 6.9 per thousand should be regarded as backward classes, and if the average of any community was less than 50 per cent of the state average, it should be regarded as constituting more backward classes. The government order was challenged as unconstitutional.

The Supreme Court in an unanimous opinion delivered by Justice Gajendragadkar held the order of state government unconstitutional. In deciding on the validity of classification of backward classes, the Court had to determine the factor for social backwardness and educational backwardness. On the question of social backwardness, the court said that in the Hindu Social structure, caste unfortunately played an important role in determining the status of citizens, yet the special provisions were contemplated for classes of citizens and not for individual citizens as such. It may not be irrelevant to consider the caste of the group but its primacy should not be over emphasised. The caste system had been the greatest obstacle to the achievement of an egalitarian society and the recognition of specific castes as backward might maintain and perpetuate the existing distinctions on the basis of castes. In addition, the sole test of "caste" would break down in relation to many sections of Indian societies, as for instance, Muslims and Christians, who do not recognise castes in the Hindu conventional sense. "Social backwardness is in the ultimate analysis the result of poverty to a very large extent." The classes of citizens who are deplorably poor automatically become socially backward". The court also referred to occupations and place of habitation as contributing to social backwardness. The backward classes can, in the matter of their backwardness, be compared with the Scheduled Castes and the Scheduled Tribes. The concept of backwardness is not relative in the sense that classes which are backward in relation to the most advanced classes should be included in it. If such relative tests are applied by reason of the most advanced classes, there will be several layers of backward classes and each of them may claim to be included under exception clauses. It is significant that the Court referred to the Report of the Backward Classes Commission 1955 (appointed by the Central Government in 1953 and known as Kaka Kalelkar Commission),

1. *Id.* at 698.

the Memorandum of the Government thereon,⁴ the Report of the Commissioner for Scheduled Castes and Scheduled Tribes, 1959,⁵ and also the method adopted in Maharashtra. The Maharashtra Government had defined backward classes on the basis of annual income of the family. Monetary grants were given to students pursuing higher education where it was shown that the annual income of their families was below a prescribed minimum. Though the Court did not express any final opinion, it seemed to view with approval such a scheme coupled with the establishment of more technical and vocational institutions and reservation of seats therein.

As regards educational backwardness the court observed that (a) it was doubtful if the test of the average of student population in last three High School classes (as recommended by the Nagen Gowda Committee and approved by the Government) was appropriate ; (b) it might not be necessary or proper to put the test as high as has been done by the committee and (c) even if the tests were valid, and the state average was 6.9 per thousand, a community which just satisfied that the said test or was just below the said test could not be regarded as backward. It must be well or substantially below the state average. Here again the court did not articulate any definite rule on the point but approved that below 50% of the state average would obviously be backward. Lingayats with an average of 7.1 per thousand, Gangias with 7 and Muslims with 5 (when the state average was 6.9 per thousand) could not be treated as backward. So according to the Supreme Court, for a class to be educationally backward, its average must be well below the state average.

The Supreme Court, however, made it clear that backwardness must be social and educational and not either social or educational. If that were so, then

4. The Memorandum of the Government of India on the Commission's Report pointed out that (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 (out of a list of 2399 communities which the Commission designated as backward, 930 alone accounted for an estimated population of 115 million or about 33 per cent of the then population of India, excluding the Scheduled Castes and Tribes). 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.

5. The Report mentions the finding of the Deputy Registrar General of India that it is possible to determine social and educational backwardness on the basis of occupations. The basis is (a) any non-agricultural occupations in any state in India in which 50% or more of the persons belong to the Scheduled Castes or Scheduled Tribes or (b) any non-agricultural occupations in which literacy percentage of the persons depending thereon is less than 50% of the general literacy in the state.

common criteria should be evolved for determining social backwardness and educational backwardness. If different standards are applied for both, it is possible that the classes listed as educationally backward may not be so socially and vice versa. In fact the Supreme Court in *Balaji's* case actually considered the two separately in discussing different criteria for determining social and educational backwardness.

On the quantum of reservation, the Court said that the interest of weaker sections of society had to be adjusted with the interests of the community as a whole. The adjustment of these competing claims undoubtedly was a difficult exercise but under the guise of making a special provision, the state could not reserve all the seats available. The court was reluctant to lay down a definite yard-stick. However, a broad guideline for policy makers was laid down in these words :

Speaking generally and in a broad way, a special provision should be less than 50 per cent, how much less than 50 per cent would depend upon the relevant prevailing circumstances in each case.

Applying the above guideline the court found 68 per cent reservation for backward class, Scheduled Castes and Scheduled Tribes excessive and declared it unconstitutional.

Close on the heels of the *Balaji* case the Supreme Court in *Janardhan Subbaraya v. Mysore* clarified that the *Balaji* decision did not affect the validity of reservation made in favour of the Scheduled Castes and Scheduled Tribes. The said reservation (15 per cent for Scheduled Castes and 3 per cent for Scheduled Tribes) continued to be operative. The 1962 order of the Mysore government had been quashed solely with reference to the reservation made in respect of the socially and educationally backward classes. In other words for Scheduled Caste and Scheduled Tribes separate percentages of reservations could be provided.

In the light of the Court's observations in the *Balaji* case, the Mysore Government order of July 1963 had evolved a profession-cum-means test for identifying social and educational backwardness :

- (i) A family whose income was Rs. 1,200 per annum or less and persons or classes following occupations of agriculture, petty business, inferior services, crafts or other occupations involving manual labour were, in general, socially and educationally backward. The government listed the following occupations as contributing to social backwardness;
 - (ii) Actual cultivator;
 - (iii) artisan;
 - (iv) Petty businessman;
 - (v) inferior service (*i.e.* class IV in government services and corresponding class); or
 - (vi) any other occupation involving manual labour.

The literacy level among the classes stated above was lower than the general level of literacy in the state.

As regards the quantum of reservation, the order had provided for 30 per cent reservation for backward classes, 15 per cent for Scheduled Castes and 3 per cent for Scheduled Tribes.

Here we find that the government took into account the economic condition and occupation of the family. In *D. G. Vithanath v. Government of Mysore*,¹⁸ the above order of the Mysore Government providing a reservation of 30 per cent of the seats for students of backward classes for admissions to professional colleges in medicine and engineering was challenged, on the basis that out of the four criteria for determining socially and educationally backward classes, *viz.* occupation, income, residence and caste, in the case of Hindus, the government had altogether ignored the caste basis and hence the scheme set out in the order was invalid. In this case while determining the social and educational backwardness, the state applied the "occupation" and "poverty" test only and altogether ignored the "caste" and "residence" basis. Accepting the contention of the petitioner, Justice Hegde observed that the Supreme Court in *Balaji's* case had very specifically stated that caste in relation to Hindus was a relevant factor to be considered in determining the social backwardness of groups or classes of citizens. It had nowhere stated that caste basis should not be adopted in determining the socially and educationally backward classes. Accordingly "caste" had a relevant basis in determining the classes of backward Hindus but it should not be made the sole basis; it might be adopted along with such other tests as occupation, poverty, residence etc. As the government had ignored caste and residence basis altogether in the instant case the court felt that the classification of backward classes adopted did not really help the really backward classes among the Hindus. The Court illustrated that *Kurubas* and *Bedars* who were the really backward got very few seats in the Engineering Colleges from the backward classes quota whereas *Brahmins*, *Lingayats* and *Vokkaligas* got more seats.

As regards the quantum of reservation, 30 per cent was held not excessive on the materials placed before the court.

In *R. Chitralekha v. State of Mysore*¹⁹ on appeal from the above judgment the correctness of the Mysore High Court's interpretation of the *Balaji* case came up for decision by the Supreme Court. The Supreme Court considered again whether a caste was also a class of citizens and whether caste as a whole could be classified as backward. Justice Subba Rao (as he then was) on behalf of the majority observed :

Article 15(4)—does not speak of castes but only speaks of classes. If the makers of the Constitution intended to take caste also as units of social and educational backwardness, they would have said so as they have said in the case of the Scheduled Castes and

¹⁸ *Id.* 31 66A.

¹⁹ A.I.R. 1963 S.C. 1702.

¹⁸ A.I.R. 1964 Mys. 132.

¹⁹ A.I.R. 1964 S.C. 1823.

the Scheduled Tribes. Though it may be suggested that the wider expression "class" is used in clause (4) of Art. 15 as there are communities without caste, if the intention was to equate classes with castes, nothing prevented the makers of the Constitution to use the expression "backward classes or castes".¹⁴ The juxtaposition of the expression "Backward Classes" "Scheduled Castes" in Art 15 (4) also leads to a reasonable inference that the expression *classes* is not synonymous with *castes*.

In tune with the conspectus of constitutional provisions, "caste" and "classes" cannot be considered synonymous. The Judge said :

If we interpret the expression "classes" as "castes" the objective 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.¹⁵

This anomaly would not arise, if without equating caste with class, caste is taken as only one of the factors to determine whether a person belongs to a backward class or not. The majority held that under no circumstance a "class" could be equated to a "caste" though the caste of an individual or a group of individuals might be considered along with other relevant factors in placing him in a particular class. Accordingly, Mysore Government's Order of July 1963 was upheld.

Justice Mudholkar who constituted the minority on other aspects of the *Chitralakha* case felt that "Castes have no relevance in determining what are socially and educationally backward communities" as that would go against clause (1) of article 15 or clause (2) of article 29. This is so despite the non-obstante clause in clause 4 of article 15.

In *Balaji and Chitralakha* the Court did not approve of classification of a caste as a whole as backward. Justice Subba Rao in *Chitralakha*, had suggested that if any *sub-caste* was wholly backward, it might be included in the scheduled castes by following the procedure laid down in article 341(2) of the Constitution.¹⁶

The interpretation of the scope of Mysore Government's order of July, 1963 came up in several cases. In *Ramakara Shetty v. State of Mysore*¹⁷ involving 30 per cent reservations for admission to pre-medical course, the Mysore High Court held that an applicant may be regarded as belonging to socially and educationally backward class if :

- (i) he and/or his parents or either of them or his guardian in the event of his being an orphan, pursue or pursues any one of the

occupations enumerated in the Government order, and

- (ii) that total earnings of the income from property, if any, belonging to the parents (or in the event of the death of both of them, the guardian) of the applicant together with the earnings and the income from properties, if any, belonging to the applicant, his brothers or sisters or other relatives living with them available to the family does not exceed Rs. 1,200.

If any of the siblings of the applicant do not contribute to the family's income, then his or her income is not available for computation.

"Family" in the order was construed to be natural family and not Hindu undivided family because there are families of persons who are not Hindus but belong to other religions such as Islam and Christianity etc.

The court observed :

The word "family" used in the Government order is an expression which is intended to apply to all persons irrespective of the rules of family law applicable to them. If so, 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.¹⁸

In *B. Sayeed Ahmed v. State of Mysore*¹⁹ the question was whether the son of a "mechanic" whose annual income was Rs. 624 was entitled to be considered for admission to pre-professional course leading to M.B.B.S. degree on the basis of belonging to socially and educationally backward classes. The court interpreting the Mysore Government order of July 1963 held that a "mechanic" was one who clearly answered the description of the word "artisan" and hence, the petitioner should be considered for admission as he belonged to such backward class.

Human ingenuity being what it is, the legal device of adoption was resorted to in order to take advantage of the provisions of the reservations in favour of backward classes by the Mysore Government Order of July 1963. In *Shantha Kumari v. State of Mysore*²⁰ the petitioner was given in adoption by his natural father at the age of sixteen years to his own uncle who was socially and economically in a weaker position than his father. The Mysore High Court held :

"Whatever may be the position in regard to a boy who has been given in adoption at a comparatively early age like 4 or 5 years, in the case of the petitioner who is stated to have been given in adoption when he was about 16 years of

¹⁴. *Id.* at 1833.

¹⁵. *Id.* at 1833.

¹⁶. Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

¹⁷. (1969) 1 Mys. L. J. 149.

¹⁸. *Id.* at 155.

¹⁹. 1969(1) Mys. L. J. 79.

²⁰. 1971(1) Mys. L. J. 21.

age and had all the while imbibed the better environmental advantages of his natural father's income and occupation it is not reasonable to hold that the income and occupation of his adoptive father and not those of his natural father that should determine whether he belongs to socially and educationally backward classes".¹⁸

Any other view would defeat the aim of reservation for socially backward classes and whittle down the protection to those who suffer from environmental disadvantages.

In *Sudha v. S. C. of Medical College*¹⁹ the scope of the Mysore Government's order of July 1963 came up for scrutiny which involved admission to Medical Colleges. The petitioner's claim that she belonged to socially and educationally backward classes was not accepted and she was refused the benefit of reservation. She had contended that the occupation of her father as "purohit" fell within the category of "any other occupation involving manual labour" and that he was a petty purohit having to do "paricharika" which an assistant has to do. Justice Chandrasekar applied the test of "predominant nature" to decide whether an occupation involves manual labour or intellectual labour. Every occupation involving intellectual labour may also involve some manual labour. Though a purohit may use his hands in performing certain rituals and ceremonies, the predominant character of his occupation requires study and knowledge of the Scriptures and Vedas. The Court endorsed the view of the Selection Committee that a purohit's occupation did not involve manual labour. Accordingly, the petitioner was not entitled to the reservation meant for backward classes.

In *Subhashini v. State*,²⁰ the Mysore Government's order of July, 1963 which made reservations for admission to medical colleges was challenged. One basis of attack against the order was that under it more than 50 per cent of the available seats were reserved and hence, the quantum of reservation exceeded the Balaji limit. Factually, the total number of seats available in the medical colleges were 750. Out of those 3 seats were for cultural scholars of Indian origin domiciled abroad; 2 seats for Colombo Plan Scholars; 4 seats for students of Indian origin migrating from Burma; 4 seats for students from Asian and African countries; 2 seats for L.A.M.S. and L.U.M.S.; 5 seats for students coming from Goa; 2½% of the seats for children of Defence Personnel; 1% of the seats for those who have shown exceptional skill and aptitude in sports and games; 75 seats as central quota for students from other states. If any of those seats were not filled, the unfilled seats would be transferred to the general pool. Out of the remaining 18 per cent were reserved for Scheduled Castes and Scheduled Tribes and 30 per cent for the socially and educationally backward classes.

It was argued that the total reservations for all groups exceeded the Balaji limit of 50 per cent. Re-

jecting this argument, the Mysore High Court held that the validity of reservation of seats for socially and educationally backward classes have to be judged by the conditions laid down in article 15(4). The validity of the reservations for classes other than those socially and educationally backward classes Scheduled Castes and Scheduled Tribes had to be tested on the basis of the requirements of article 14. Such reservations should not be mixed up with the special reservations under article 15(4). The upper limit laid down in Balaji's case has application only to the reservation to be made under article 15(4). It does not include any reservation otherwise made.

*Gurinder Pal Singh v. State of Punjab*²¹ involved challenge to the government orders making reservations in favour of Scheduled Castes, Scheduled Tribes, backward classes and residents of backward areas and other classified categories for admission to medical colleges against 50 per cent seats. The quantum of reservations was :

(i) Scheduled Castes/Tribes	20%
(ii) Backward classes,	2%
(iii) Backward areas	10%
(iv) Sportsmen/women	2%
(v) Central Government nominees including from Jammu and Kashmir	6%
(vi) Women candidates	1%
(vii) Candidates from border areas of Punjab	5%
(viii) Children of political sufferers of the freedom struggle with Punjab domicile	2%
(ix) (a) Children of defence personnel who have lost their lives	} 2%
(b) Children of defence personnel disabled	
(c) Children of the personnel of the Border Security Force killed/ disabled	
(d) Children of the ex-servicemen of Indian Armed forces.	

With regard to backward classes it was argued that reservation could not be made for any particular caste or community because backwardness depended more or less upon the economic condition of a family. The State of Punjab in reply pointed out the existence of a circular letter No. 2662-SWGII-63/6934 dated 20th April, 1963, issued by the State Government which provided that a family whose annual income was less than Rs. 1,000 should be regarded as a backward family and some communities which are socially looked down upon by the people of the State and whose annual income did not exceed Rs. 1,800 and who were so declared by the State Government were also to be regarded as backward communities. The

¹⁸ *Id.* at 21.

¹⁹ A.I.R. 1967 Mys. 21.

²⁰ A.I.R. 1966 Mys. 40.

²¹ A.I.R. 1974 Pnj. 125.

Punjab High Court held that the circular amply highlighted the aspect of the backwardness of a family before such a family could be declared to belong to a backward class. Such a classification was admissible under the Constitution and could not be struck down.

The reservation for residents of backward areas was, however, declared unconstitutional.

Candidates hailing from backward areas were required to submit along with their applications a certificate from Deputy Commissioner or any other designated official that they fell under one of the following categories laid down by Punjab Government order :

- (a) A person who with the family members had been residing in a village or town for a period of ten years and would continue to reside there.
- (b) A person who had been residing in a village or town for a period of less than ten years but would continue to reside on account of gainful employment or, settled there after retirement, if the stay was not less than five years.
- (c) In the case of a person who had been residing in a village or town in the said area, the total period of his stay at both places would be counted towards his residence in that area.

The court striking down the classification for backward areas as unconstitutional said that the order was based only on the ground of residence irrespective of the economic circumstances of the candidates. "A millionaire and a pauper living in such areas have been treated at par", the court added. The Punjab Government order did not provide any yardstick for determining the comparative prosperity of the residents in the backward areas. Hence such classification was held to be violative of article 15(1) and could not be saved by article 15(4).

The *Chitralokha* approach was departed from in the subsequent decision of the Supreme Court in *P. Rajendran v. State of Madras*.²² The Court had to consider the validity of rules made by the State of Madras for the selection of candidates for admission to the first year Integrated M.B.B.S. course. Rule 5 classified as socially and educationally backward and reserved seat for the classes specified in group III of the revised appendix 17-A to the Madras Educational Rules. In this case the petitioners challenged, among other things, the validity of Rule 5 reserving the seats for backward classes as violative of article 15(1) because the list prepared by the state was exclusively on the basis of caste. It was contended on behalf of the state that the list of backward classes was made starting from 1906 and was kept updated and that the main criteria for inclusion in the list was the social and

educational backwardness of the caste based on occupations pursued by these castes. As the members of the caste as a whole were found to be socially and educationally backward they were placed in the list. The Court also found that the classes of persons referred to in Rule 5 as socially and educationally backward were only castes. However, it accepted the contention of the state that each of those castes as a whole was socially and educationally backward and in view of the petitioner's failure to rebut the state's plea and to establish that even one of those castes was not as a whole backward, it held rule 5 as valid and constitutional. The Court further held that :-

- (A) 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 a caste on the ground that it is a socially and educationally backward class of citizens within the meaning of Article 15(4).²³

In the *Rajendran* case the state conceded and the Court found that rule 5 classified certain castes as socially and educationally backward and reserved seats for them. This on the face of it, amounted to a violation of article 15(1) and rule 5 was void unless protected by article 15(4). The burden of proof must have been placed on the state to show that rule 5 came under the umbrella of article 15(4). This burden of proof was not satisfactorily discharged by the state except that it indicated that the main criterion for inclusion in the list was the social and educational backwardness of the caste based on occupations pursued by these castes. To place the burden of proof on the petitioner to prove that the castes were not backward was too difficult an onus in the absence of the state specifying the criteria for classifying the castes as backward.

The upshot of *Rajendran's* case was that castewise classification was held valid for identifying social and educational backwardness. The criterion of caste²⁴ as the sole basis of classification was rejected by *Balaji* and *Chitralokha*. But *Rajendran* without overruling these cases (it does not at all refer to *Chitralokha* approved of castewise classification on the basis that "a caste is also a class of citizens".²⁵ Though the court gives countenance to "caste" as a basis of classification provided the whole caste is socially and educationally backward, yet the court does not answer the question as to persons not backward in that caste. The difficulty in adopting caste as a sole criterion (assuming as a whole it is socially and educationally backward) is that some people in that caste who are socially and educationally advanced may get the benefit of backwardness.

*Hridaya Narain v. Mohd. Sharif*²⁶ dealt with the main constitutional questions relating to the validity

²² *Id.* at 1014-15.

²³ For High Court cases which considered "caste" as a synonym for caste. See *State of Kerala v. R. Jaishankar*, A.I.R. 1964 Ker. 316.

²⁴ A.I.R. 1968 Pat. 296.

²⁵ A.I.R. 1968 S.C. 1012.

section 49M of the Bihar Tenancy Act and notification Nos. A/T-1015/55-1091-R, dated the 7th February, 1956, of the Government of Bihar, describing Hajims as a backward community.

The Patna High Court held that the counsel for the appellants had not been able to produce any material for holding that Hajims (Hindu and Muslims) were not socially and educationally backward. On the other hand, the Court relied on Mr. P. C. Roy Choudhry's Gazetteer of Darbhanga District, at page 86, wherein it was pointed out :

"The incidence of literacy among them appears to be very low but a few of them who are educated have taken up other professions also."

Their educational backwardness was thus beyond question. Socially also, there was no data to show that they were not backward. Hence there was no ground for striking down the notification for the sole reason that the classes had been described by their caste name.

B. C. Swam v. Secy. IV. & J. Deptt. involved challenge to the government order for leasing out of the road-side lands to the Express Highway No. 1 for agricultural and piscicultural purposes temporarily on annual basis to landless Harijans preference being given to the Fishing Cooperative Societies of the landless Harijans.

It was contended that Harijans did not come under the Scheduled Castes enumerated under the Constitution. Unless Harijans come under the category of "any socially and educationally backward classes of citizens", the order would be a violation of article 15 on the ground of discrimination based on caste as it was. Further, there was no evidence nor was there any presumption that Harijans as a class were socially and educationally backward.

The court held that there was no caste as 'Harijans'. There is no definition of 'Harijan' at any place. This term is of recent origin—towards the middle of 1920s, the father of which was Mahatma Gandhi. According to the Lexicon (Bhashakosh) the caste Hindu who looked down upon the non-caste Hindus took some of the castes as untouchables and that comprised this category. So Harijans are people of those castes whom the non-Harijans or the caste-Hindus or Sabarna-Hindus viewed as untouchables. It follows, therefore, that *Harijans* is not a caste but a conglomeration of people of different castes who were taken to be untouchables by the Sabarna-Hindus. The argument, therefore, that a classification like Harijan was based on caste, was not correct. The term, 'Harijan' carried with it something more than the concept of a caste. The interveners in the instant writ petition had averred in the affidavit that the Harijans were landless labourers cultivating the lands of others and had formed a society to evolve ways and means for their employment. The court found the evidence sufficient to infer that the Harijans belonged to backward classes. The court

also went a step further adding that it could take judicial notice of the fact that they were backward socially and economically. The court upheld the government order.

In *State of A.P. v. P. Sagar*¹⁷ however, the Supreme Court invalidated the castewise classification made by the State on the basis that the State had failed to specify the criteria on which it had made that classification. Orders of the Government of Andhra Pradesh regulating admission to Medical colleges and making reservation for socially and educationally backward classes were challenged. In the instant case Justice Shah on behalf of the Supreme Court refused to accept as final the state's avowment in the affidavit and observed :—

When a dispute is raised before a court that a particular law which is inconsistent with the guarantee against discrimination is valid on the plea that it is permitted under cl. (4) of Article 15, the assertion by the state that the officers or the State had taken into consideration the criteria which had been adopted by the courts or that the authorities had acted in good faith in determining the socially and educationally backward class of citizens would not be sufficient to sustain such claim By merely asserting that the law was made after full consideration of the relevant evidence and criteria which have a bearing thereon, and was within the exception, the jurisdiction of the courts to determine whether by making the law a fundamental right has been infringed is not excluded.¹⁸

The Supreme Court in this case upheld the decision of the Andhra Pradesh High Court in *P. Sagar v. State of Andhra Pradesh*¹⁹ and agreed with the latter's view that no enquiry or investigation had been made by the state government before preparing the list of backward classes enumerated in the government order and the State had placed no material before the Court on the basis of which the list was prepared.

Shah J. further pointed out that the expression 'class' meant a homogenous section of the people grouped together because of certain likeness 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. In determining whether a particular section forms a class, caste could not be excluded altogether. But in the determination of a class a test solely based upon the caste or community would not also be accepted. Parliament by amending the Constitution and enacting clause (4) attempted to balance as against the right of equality of citizens, the special necessities of the weaker sections of the people, by allowing a provision to be made for their advancement. Reiterating *Balaji* principles, the judge said that the criterion must not be based solely on religion, race, caste, sex or place of birth and the backwardness

¹⁷ A.I.R. 1968 S.C. 1379.

¹⁸ *Id.* at 1384.

¹⁹ A.I.R. 1968 A.P. 165.

²⁰ A.I.R. 1974 Orissa 115.

being social and educational must be similar to the backwardness from which the Scheduled Castes and the Scheduled Tribes suffer.

In the *Sagar* case the Supreme Court had a good opportunity to remove the gloss put on *Balaji* and *Chitraketha* cases by *Rajendran* decision. But what the court has done in *Sagar* was to invalidate castewise classification of backward citizens without distinguishing *Rajendran*. Further, certain observations of the Court in *Sagar* tend to make the confusion more confounded by quoting two contradictory statements from *Chitraketha* and *Rajendran* respectively. From *Chitraketha* :

The juxtaposition of the expression "backward classes" and "Scheduled Caste" in Article 15(4) also leads us to a reasonable inference that the expression "Classes" is not synonymous with castes.³⁰

From *Rajendran* :

But it must not be forgotten that a caste is also a class of citizen.³¹

After quoting the above two statements the Court concluded that *Rajendran* "makes no departure from the earlier cases".³² The way to reconcile the two cases—*Rajendran* and *Sagar*—is that in the former "castes" classified as "backward" were classified on the basis of their backwardness and not because they were "castes" as such and the state had produced evidence in support of the classification made by it, but in *Sagar* the state had failed to produce evidence in support of its order.

Next came the decision of the Supreme Court in 1. *Pariakarampan v. State of Tamil Nadu*.³³ In this decision unitwise distribution of seats for the Medical Colleges was invalidated as violative of articles 14 and 15. Nevertheless, reservation of 41% of the seats for backward classes in Medical Colleges of the State of Tamil Nadu, was held to be valid and the list of backward classes prepared on the basis of caste was approved as valid on the authority of the decision in *Rajendran*. Justice Hegde, on behalf of the Court, though cited *Balaji* and *Chitraketha* to the effect that caste may be considered as a relevant factor in the determination of the backward classes, proceeded to observe that, "A caste has always been recognised as a class". For this proposition he relied on the authority of *Rajendran* that the classification of backward classes on the basis of caste is within the purview of article 15(4) if those castes are shown to be socially and educationally backward. He also referred to the report of the Backward Classes Commission (Kaka Kalekar Commission) appointed by the President under article 340 of the Constitution on the primacy of "Caste" in determining the backwardness prevalent

in the Indian Society. The list of backward classes impugned in this case was the same as that in the *Rajendran* case wherein certain castes were classified as socially and educationally backward on the basis of occupations pursued by them. As stated already *Rajendran* was referred to as authority for the decision in this case. The court further added that the petitioners had also not discharged their onus to prove that the reservation for backward classes made was not in accordance with article 15(4).

In the instant case candidates of backward classes had secured about 50% of the seats in the general pool. There are, the judge also impressed on the state the need to revise the list of backward classes in the light of progress made by such classes socially and educationally.³⁴

The reservation of 41 per cent for backward classes, Scheduled Castes and Scheduled Tribes, was held to be not excessive.

In *Sardool Singh v. Medical College*³⁵ petitioners who were candidates and who had been refused admission to medical colleges in the state of Jammu and Kashmir challenged the admission of some of the respondent candidates on the basis that such admissions were not permissible under articles 14, 15 and 29 of the Constitution.

Reservation for the Scheduled Castes and Other backward classes were made in the following manner :

- (a) Permanent Resident Scheduled Caste 5%
- (b) Permanent residents of Ladakh District 2%

Among other things, it was contended that reservation for persons belonging to Ladakh or to the Scheduled Castes was also not proper. This argument, was rejected because article 15(4) specifically authorises the State to make special provisions for the advancement of socially and educationally backward classes of citizens or members of the Scheduled Castes. In the instant case the Government had indicated the data on the basis of which it reached the conclusion that members belonging to the district of Ladakh and those belonging to the Scheduled Castes were backward classes of citizens. The materials on the basis of which the notification of the government was passed had not been challenged, nor had it been shown to the satisfaction of the court that persons coming from Ladakh were not backward. The High Court relied on (*P. Rajendran V. State of Madras*) wherein reservation on the ground that certain candidates belonged to a particular district which was backward was upheld, provided the reservation was not made purely on the basis of the place of birth. In this connection the judge said that Ladakh was only one of the districts of the State and the citizens belonging to that area had been declared by the Government to be socially and educationally backward so as to come within the protection given by Art. 15(4) of the Constitution of

³⁰ *Chitraketha* at 1839 quoted in *Sagar* at 1383.

³¹ *Rajendran* at 1034 quoted in *Sagar* at 1383.

³² *Sagar* at 1383.

³³ A.I.R. 1971 S.C. 2303.

³⁴ *Id.* at 2310 11.

³⁵ A.I.R. 1970 J&K. 45.

India. Thus, the reservation made by the Government for candidates from the Ladakh district and members of the Scheduled Castes was held to be valid and could not be struck down as being violative of articles 14, 15 or 29 of the Constitution.

As a sequel to the Supreme Court decision in the Sagar case the Andhra Pradesh Government set up a Backward Classes Commission to determine criteria to be adopted in classifying backward classes in the State of Andhra Pradesh. The Commission was required to investigate and determine the various matters regarding the preparation of list of backward classes for providing reservation in educational institutions and also for appointment for posts in government service. The Commission submitted its report in 1970 to the Government and recommended a list of 92 classes, which in its opinion were socially and educationally backward for whom reservations have to be made. With respect to social backwardness the Commission after making an exhaustive study through questionnaires and personal visits, of the trade or occupations, carried on by the persons concerned and other allied matters, indicated that only those belonging to a caste or community who have traditionally followed unclean and undignified occupation could be grouped under the classification of backward classes. It particularly referred to the *general poverty* of the class, the occupations of the class of people the nature of which is considered inferior or unclean or undignified or unremunerative or which does not carry influence or power and caste in relation to Hindus.

As regards educational backwardness the Commission took into account the fact that the average student population in classes X and XI in the State worked out to about 4.55 per thousand. On this basis, it concluded that communities whose student population in those classes is well below the state average, have to be considered as educationally backward. The Commission recommended 30% of seats to persons belonging to backward classes. On the basis of the Report of the Commission, the Government of Andhra Pradesh accepted the following criteria recommended by the Commission :

- (i) The *general poverty* of the class or community as a whole.
- (ii) *Occupation* of the class of people the nature of which must be inferior or unclean or undignified and unremunerative or one which does not carry influence or power.
- (iii) *Caste* in relation to Hindus.
- (iv) Educational backwardness.

The state government by G.O. No. 1793/Education of September, 1970 made a reservation of 25 per cent of the seats in the Medical colleges for backward classes enumerated therein on the basis of the report of the Backward Classes Commission. The reservation for Scheduled Castes and Scheduled Tribes was 14% and 4% respectively. Thus, the total reservation was 43%.

This order was challenged in the High Court of Andhra Pradesh which invalidated it, on the basis that the Commission had classified groups as backward classes mainly on the basis of caste which was contrary to the principle evolved in the *Balaji* case by the Supreme Court. On appeal the Supreme Court speaking through Justice Vaidalingam reversed the High Court decision in *State of A.P. v. Bularam*²⁶ and upheld the Andhra Pradesh Backward Classes Commission's determination of social and educational backwardness. He surveyed the salient recommendations of the Commission and held that if a caste was *wholly* socially and educationally backward, its inclusion in the backward classes by their caste name was not violative of article 15(4). He also observed :

It should not also be missed that a caste is also a class of citizens and that a caste as such may be socially and educationally backward. If after reflecting the necessary data it is found that the caste as a whole is socially and educationally backward, in our opinion, the reservation made of such persons will have to be upheld notwithstanding the fact that a few individuals in that group may be both socially and educationally above the general average. There is no gainsaying the fact that there are numerous castes in the country which are socially and educationally backward and therefore a suitable provision will have to be made by the State as charged in Article 15(4) to safeguard their interest.²⁷

The Court referred with approval its observation in the earlier case of *Triloki Nath v. State of Jammu and Kashmir*²⁸ on the scope of article 16(4) relating to reservation for backward classes in public employment. In that case the Court held that 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 be on that account be treated as backward classes, but that is not because they are members of a caste or community, but because they form a class. Therefore, assuming that a list of backward classes is based exclusively on caste, if it is clear from the materials and reasons given by the state that the entire caste is socially and educationally backward its inclusion in the list of backward classes is not unconstitutional.

However in *State of U.P. v. Pradip Tandon*²⁹ involving reservation of seats in the medical colleges of U.P. for hill, Uttarkhand and rural areas, Chief Justice Ray, on behalf of the Supreme Court, emphasised that the use of prohibited grounds of discrimination such as race, religion or caste for purpose of determining social and educational backwardness would stultify the prohibition of discrimination on those grounds in article 15(1). In view of this prohibition in article 15(1)

²⁶ W.P. Nos. 6090 of 1970, 271 of 1971 and 543 of 1971 dated 13-3-1971 (Andhra Pradesh).

²⁷ A.I.R. 1973 S.C. 1375.

²⁸ *Id.* at 1395-1396.

²⁹ A.I.R. 1969 S.C. 1.

³⁰ A.I.R. 1973 S.C. 563.

and the emphasis on classes in article 15(4). "The socially and educationally backward classes of citizens are groups other than groups based on caste". He further said that classes of citizens meant a homogeneous group of people with some common traits and who are identifiable by some common attributes. The homogeneity of the class of citizens is social and educational backwardness. He emphasised the economic element in backwardness :

Backwardness is judged by economic basis that each region has its own measurable possibilities for the maintenance of human numbers, standards of living and fixed property. From an economic point of view the classes of citizens are backward when they do not make effective use of resources."

The facts of this were : There were in all 758 seats in the six medical colleges of Uttar Pradesh. Of those 26 had been allotted for nominees of the Union Government. The remaining 732 seats were to be filled up by the combined pre-Medical list. By different orders issued by the State Government a number of seats were reserved for various classes :

(i) Girl candidates	20%
(ii) Candidates from rural areas	12%
(iii) Candidates from hill areas	3%
(iv) Candidates from Uttarkhand Division	3%
(v) Candidates belonging to Scheduled Castes	7%
(vi) Candidates belonging to Scheduled Castes from rural areas : and	3%
(vii) Candidates belonging to Scheduled Tribes	1%
Total	49%

Consequently, 368 seats remained as general seats which amounted to 51% of the total number of seats open to the Test :

On challenge before the Allahabad High Court, the Court in *Subhash Chandra v. State of U.P.*⁴² upheld the reservation. With regard to reservation for candidates

⁴¹ *Id.* at 567.

⁴² A.I.R. 1971 All. 295 decided on 27-10-1972. However in *Dilip Kumar v. Government of U.P.* A.I.R. 1973 All 592 (decided on 31-1-1973), the Allahabad High Court quashed the reservation in favour of candidates from hill and rural areas. Though there was justification for reservation of candidates from Uttarkhand, the same could not be said of reservation for hill areas other than Uttarkhand and rural areas. Apparently, *Sarkis Chander* decision was not even referred to by the Court in *Dilip Kumar* which invited the caustic comment of the Supreme Court in *Pradip Tandon's* case in the following manner.

"It is desirable from the point of view of judicial propriety to refer to earlier decisions of the same High Court. A.I.R. 1975 S.C. 563 at 565".

from rural areas, hill areas and Uttarkhand division, the court stated that the citizens of those areas formed socially and educationally backward class of citizens. 49 per cent reservation was held to be not excessive. On appeal to the Supreme Court in the *Pradip Tandon case*⁴³ Chief Justice Ray upheld reservations in medical colleges for persons from hill and Uttarkhand areas in U.P. He felt that absence of means of communications, technical development and educational facilities kept the poor and illiterate people in those remote and sparsely populated areas backward.

Chief Justice Ray, however, invalidated reservation of seats in medical colleges for rural areas. He repudiated the argument of the Attorney-General that poverty was one of the elements in determining social backwardness. The proposition that rural population was poor and urban population was not, was not substantiated by facts. He said that the rural population consisting of 80 per cent of the total population of U.P. was heterogeneous in character and that not all of them were socially and educationally backward. "Population cannot be a class by itself. Rural element does not make it a class".⁴⁴ The poor marks obtained by the rural candidates was not a valid criterion for determining social and educational backwardness. The admission of 85 candidates from rural areas into the medical colleges in the instant case bore testimony of the high standards of education in rural areas. Also, the special need for doctors in rural areas did not render all the people in those areas backward.

As the criterion of place of birth in rural areas made the "basic qualification" it was held that the classification violated article 15(1).

Chief Justice Ray also held that the onus of proof was on the State to establish that "the reservations are for socially and educationally backward classes". This amounted to a repudiation of the rule in *Rajendran and Balram* cases which required the petitioners to prove that an entire caste group classified as backward was not backward—a very difficult burden to discharge particularly in cases when the State does not state the criteria it has employed in the classification of social and educational backward classes.

The Supreme Court in this case partly upheld (reservations in respect of hill and Uttarkhand areas) and partly reversed (reservations in respect of rural areas) the Allahabad High Court judgement in *Subhash Chandra v. State of U.P.*⁴⁵

Another Supreme Court decision of recent vintage was *K. S. Jayasree v. State of Kerala*⁴⁶ an off-shoot of the acceptance of the recommendations of the Kerala Backward Classes Commission (Kumara Pillai Commission) by the Kerala Government. This Commission was set up in 1964 and it submitted its report in 1965. The Commission adopted a means-cum-caste/community test (application of income test within the

⁴³ *Supra* note 40.

⁴⁴ A.I.R. 1975 S.C. 563 at 568.

⁴⁵ A.I.R. 1973 All. 295.

⁴⁶ A.I.R. 1976 S.C. 2381.

backward classes) and recommended that people in Kerala who are members of families which have an aggregate income of less than Rs. 4,200 per annum from all sources and which belong to caste or communities stated in Appendix VIII, constitute backward classes. Kerala Government agreed with the Commission's recommendations but raised the financial ceiling initially to Rs. 6,000 and subsequently to Rs. 10,000. Those government orders were challenged in the Kerala High Court. In *Shameem v. Medical College, Trivandrum*,¹⁰ the single Judge quashed the government order holding that irrespective of their economic status all families from the backward classes were entitled to protective discrimination as "the test of poverty cannot be the determining factor of social backwardness". The ceiling of Rs. 6,000 was also held to be arbitrary. However, on appeal, the Division Bench of the same High Court in *State of Kerala v. Krishna Kumari*¹¹ reversed the decision of the Single Bench and upheld the government's order. The High Court held that economic backwardness plays a part in social and educational backwardness. So poverty or economic standard is a relevant factor. In the view of the Chief Justice Nair :

The real question is, should a social and educational backwardness of the castes resulting from historical reasons be perpetual and the castes as a whole treated as socially and educationally backward even if there is a group of persons in the castes who are not socially and educationally backward. Should all the members of such a community always remain backward... The communities described in Appendix VIII to the Report as such therefore do not lose a single seat that had been reserved for them earlier before the present Report of the Commission had been accepted by the order of the Government. The Competition is between the more advanced section of the castes and the less advanced.

The Court felt that the Commission had material before it to conclude that those among the castes who were economically better off were not socially backward. The Court also felt that it was not for it to weigh the quantum of evidence before the Commission or substitute its own view for that of the Commission in this matter.

The Supreme Court in *Jayasree v. State of Kerala*¹² upheld the decision of the Kerala High Court. Chief

¹⁰ A.I.R. 1976 Ker. 54. See also however, *Latha Chacko v. State*, A.I.R. 1967 Ker. 124, involving a challenge to the means-cum-caste test formulated by the Kumbra Pithai Commission. In this case, the petitioner, a Nair boy whose father's annual income was less than Rs. 6,000/- challenged the reservation on the ground that members of the Ezhava community, the income of whose families is below Rs. 6,000/- had been treated as backward class. If income were the criterion for classifying backward classes, he was entitled for reservation. Rejecting his claim, Justice Mathew (as he then was) held that the identification of backward classes was a complex question. Several factors came into play - It was not on the basis of income alone that the issue was determined.

¹¹ A.I.R. 1976 Ker. 54.

¹² A.I.R. 1976 S.C. 2381.

Justice Ray held that neither caste nor poverty would be the sole determining factor of social backwardness. He upheld the validity of the impugned order on the basis that the classification made by it was based not on income but social and educational backwardness. He also declared that a classification based only on poverty was not logical.

In reality the classification in the instant case was made on the ground of poverty. The test of poverty was based on the income. The purpose of classification was to group the backward castes listed by the Commission into more affluent and less affluent on the basis of certain income limit and to deny protective discrimination to the former group. This is clearly brought out by Chief Justice Nair in *Krishna Kumari's* case :

The idea in making the reservation is to give the members of such caste or community an equal opportunity with those who are treated as socially and economically advanced classes of the society. If a group in those castes/communities were able to advance socially and educationally and economically to make reservations for them would be to deprive the chances of the really socially and educationally backward classes of people in those communities/castes.¹³

The basis of the proportion of population of backward classes, scheduled castes and scheduled tribes to the total population of the State of Maharashtra in fixing the quantum of reservation for admission to Medical Colleges in the State and the provision for carrying forward of vacant reserved seats of one sub-group to the other group were challenged in *S. G. Pandit v. State*.¹⁴

Rules framed by the Government of Maharashtra for admission to Government Medical Colleges in the state were challenged by the petitioner who sought admission in B. J. Medical College in Poona and was refused admission following the rules.

Rules were :

Admissions are granted once a year only at the Medical Colleges in the beginning of the academic year. Except the seats for the nominees of the Government of India and the seats of the B. J. Medical College, Poona and Miraj Medical College, Miraj all the seats at each medical college are earmarked for the students of the universities to which the particular medical college is affiliated.

Rule 4(d) provided as follows :

The percentage of seats reserved at each medical College will be :

Categories	Percentage of reservation
1. Scheduled Castes and Nav Budhas converted from Scheduled Castes.	13 per cent

¹³ A.I.R. 1976 Ker. 54 at 60.

¹⁴ A.I.R. 1972 Bom. 243.

- | | |
|--|-------------|
| 2. Scheduled tribes including those outside specified areas. | 7 per cent |
| 3. Denotified tribes and nomadic tribes. | 4 per cent |
| 4. Other Backward Classes. | 10 per cent |

Reserved seats remaining vacant in any of the above groups for want of students in that group should go to other groups even if the percentage in a particular group exceeds the percentage prescribed for that group provided that the total percentage of the seats does not exceed 34 per cent of the total seats for backward classes. These seats should go to the members of the general public only when backward class students from any of the above mentioned group are not available to fill up the seats. The above percentage should be inclusive of the numbers of students who get admission on merit and should not be in addition thereto.

One ground which was urged by the petitioner was that the reservations made for the scheduled castes and scheduled tribes and backward classes on the basis of the proportion of these communities to the population of the State, as stated in the affidavit filed by the State, was irrational, and further that the classification of the other backward classes on the basis of castes was illegal. He contended that the provision in rule 4(d) that the reserved seats remaining vacant in any of the reserved group for want of students in that group should go to the other groups of scheduled castes and scheduled tribes and backward classes, was also unworkable and irrational.

The High Court found no substance in any of those contentions. It was possible that some other mode of reserving the seats might be adopted, but it could not be said that the basis of the proportion of population adopted by the Government of Maharashtra in reserving seats for scheduled castes and scheduled tribes and other backward classes on the basis of the last census was in any manner unreasonable. The court relied on the *Bajaj* case and applying the principles enunciated therein to the facts of the present case, found that the Government had adopted an objective and just test for determining the proportion of seats to be reserved in the medical colleges.

The petitioner further submitted that since the rest of the population of the State was not concerned with the Shivaji and Poona Universities, it was illogical to adopt the basis of the proportion of those communities to the entire population of the whole State in determining the proportion of seats to be reserved in medical colleges in the areas of Shivaji and Poona Universities. The court found nothing illogical in it. Reservation was permitted under Art. 15(4) for the backward classes, perhaps there was no better basis for such reservation than the proportion of the population of the backward classes to the whole population of the State. It would be totally unreasonable to expect the State to take a separate Census of the backward classes population only of the areas of the two universities or of each of the

Universities in the whole State. The contention of the petitioner that the rest of the population of the State was not interested in the admissions of the medical colleges at these two Universities had to be rejected because the Government of Maharashtra was justified in adopting a uniform rule of reservation in respect of all parts of the State; and if it had adopted a uniform rule on the basis of the population, there was nothing in it which was irrational or was hit by Article 14 or 15.

It was further contended that the reservation of the seats to students of these communities was also vitiated by the fact that they were qualified to apply for admission even if they got 40 per cent marks as against the minimum of 45 per cent prescribed for other students and thereby the Government instead of advancing the backward communities was encouraging them to be less advanced than the others. This argument ignored the very purpose for which Article 15(4) was enacted. One of the ways by which the conditions of backward classes could be ameliorated is to make students, who get even somewhat lower marks, to be eligible for admission to medical colleges; and this must be considered as a measure in advancement of these backward communities.

Similarly, the contention of the petitioner that the rule of carrying forward the vacant seats in a particular group to the groups in the backward classes was unworkable, had no merit because, Rule 4(d) was very practical and reasonable and easy of application. The four groups mentioned in the rule are "socially and educationally backward classes of citizens and scheduled castes and scheduled tribes". Under the rule 34 per cent seats were reserved for all the four groups together and within the said 34 per cent seats, further a special provision was made for filling up vacant seats reserved for any one or more of the four groups by throwing them open to students belonging to the remaining groups. All the four groups formed one category of socially and educationally backward citizens and they were to be given preference. Therefore, provisions were made for filling up vacant seats among the seats reserved for them. The sub-division into the four groups was made obviously only to allocate the reservation to the four groups falling under the one category of socially and educationally backward citizens so that the comparatively brighter students in one group may not keep off the students of the other groups. This was permissible under Art. 15(4) of the Constitution and consistent with Art. 46 which requires the State "to promote with special care the educational and economic interests of the weaker section of the people, and in particular, of the scheduled castes and scheduled tribes". The petitioner could not, therefore, challenge Rule 4(d) on the basis that after reserving seats for each of the groups, it further made special provision for the benefit of those groups by throwing open the vacant seats in one group for students of the other groups or on the grounds that vacant seats in any of the four groups should be thrown open to all students on merit without making them again available to students belonging to the said groups.

II. Quantum of Reservation : When Excessive ?

The quantum of reservation to be made is primarily a matter for the state to decide. However, it should not be excessive. What is the limit? The Supreme Court in *Balaji's case*⁴¹ while striking down 68 per cent total reservation in favour of Backward Classes, Scheduled Castes and Scheduled Tribes aptly observed that a special provision envisaged by Article 15(4) must be within reasonable limits. The interests of weaker sections of society which are to be protected by the state have to be adjusted with the interest of the community as a whole. The adjustment of those competing claims is a complex task but,

if under the guise of making special provision, a state reserves practically all the seats available... that clearly would be subverting the object of Art. 15(4). In this matter again, we are reluctant to say definitely what would be a proper provision to make speaking generally and in a broad way a special provision, should be less than 50 per cent, how much less than 50 per cent would depend upon the relevant prevailing circumstances in each case.

Accordingly the Court held that reservation of 68 per cent made by the impugned order of the Mysore Government was violative of Article 15(4) and as such was "a fraud on the constitutional power conferred on the State".

A scheme providing for excessive reservation in favour of Harijans, Adivasis and backward classes in the disposal of riverbed lands was challenged in *Dahyabhai Chaturbhais v. State*⁴². A Government circular had regulated the disposal of riverbed lands to certain groups of people to the exclusion of others after cancellation of the existing order regarding the disposal of such lands by public auction. The priority for disposal of such lands were :

- (i) *Bona fide* agriculturists of the village holding not less than 5 acres, preference will be given to Harijans, Adivasis and Backward Classes people.
- (ii) Holders of land adjoining *Det Bhatha* lands holding land less than 16 acres and who in the collector's opinion have a genuine need of additional lands for maintenance of their families *inter se* preference in this case also will be as per (i) above.
- (iii) Co-operative farming societies of Harijans, Adivasis and Backward Class persons.
- (iv) Co-operative farming society consisting of landless labourers or small holders.
- (v) Any of the priority holders under the Water Land Rules.

The Gujarat High Court held that the effect of those clauses was not to make a special provision for

small land holders or landless people who need the land for their maintenance and who could not bid at the public auction as against rich people. The whole classification was based on two essential principles-- that the individual would be excluded both by co-operative society and by an individual member of Harijans, Adivasis and Backward class people. The state did not produce any list even though the State had been given proper opportunity to file an additional affidavit of persons who were regarded as backward class people and for whose benefit this reservation was sought to be made. There was, therefore, no material whatever to indicate the category of "backward class people" as understood in the relevant Government Resolution. Besides, the reservation was so excessive as in cases of Harijans, Adivasis and Backward Class people that they would completely exclude *bona fide* agriculturists having no land or having landless than 5 acres who would have fallen otherwise under the first category of priority holders. Almost all the 100 per cent land would go to those Harijans, Adivasis and Backward persons and the reservation would cease to be a reservation within the meaning of Article 15(4). The Government order was held to be unconstitutional.

Excessive reservation in favour of Scheduled Castes and Scheduled Tribes in the settlement of *ganja* shops was struck down by the Patna High Court in *Abdul Latif v. State*⁴³. The Bihar government had issued the following guidelines for the settlement of *ganja* shops in favour of the Scheduled Caste and Scheduled Tribe applicants by an order of 20th August, 1958.

- (i) Intimation to be given to the Department of social welfare who would give due publicity among the Scheduled Castes and Scheduled Tribes.
- (ii) When there are several candidates for an excise shop out of whom one is a Scheduled Caste or Scheduled Tribe candidate who is suitable, the settlement should be made not by lot but by offering to that applicant.
- (iii) If there are more than one suitable Scheduled Caste or Scheduled Tribe candidates, settlement is to be done by lot among such suitable candidates and the winner would get the shop.
- (iv) Scheduled Caste and Scheduled Tribe candidates should not be rejected except after careful consideration of the matter.

The application of petitioner, who was one among the 39 applicants, was rejected and he applied for a writ in the High Court of Patna for quashing the government order incorporating the guidelines.

The court held that Article 15(4) was not an independent or substantive enactment but was an exception or a qualification to the main guarantee under Article 15(1). Therefore, it was not possible to interpret Article 15(4) in such a manner as to destroy or nullify the guarantee under Article 15(1). It was because the interest of the society as a whole was served by promoting the advancement of the

⁴¹ A.I.R. 1963 S.C. 640

⁴² *Id* at 663.

⁴³ 11 Guj. L.R. 386 (1970)

⁴⁴ A.I.R. 1964 Pat. 393.

weaker elements of that society that Article 15(4) authorises special provision to be made.

The net effect of the government's order was to exclude candidates from all other communities in situations where there was a single candidate belonging to Scheduled Castes or Scheduled Tribes. This amounted to 100 per cent reservation which was not warranted under Article 15(4).

III. No Degrees of Backwardness among the Backward Classes

The question whether it is constitutionally permissible to sub-classify the backward classes on the basis of relative backwardness came up for decision in *Balaji's case*⁴¹. In that case the Mysore Government's order of 1962 had divided the backward classes into two categories, namely (i) Backward classes and (ii) More Backward Classes. Out of 50 per cent fixed as the quota for backward classes 28 per cent was fixed for backward classes and 22 per cent for more backward classes. The Supreme Court held that such sub-classification of the backward classes was unconstitutional under Article 15(4). In effect Article 15(4) makes special provision for the really backward classes in making two categories of backward classes, the Order in substance had devised measures for the benefit of all the classes who were less advanced compared to the most advanced classes in the State. The upshot of the method adopted by the Order was that nearly 90 per cent of the population was treated as backward. This case is authority for the proposition that the concept of backwardness is not *relative* in the sense that classes which are backward in relation to the most advanced classes should be included in it.

The Mysore High Court in *Ramakrishna Singh v. State of Mysore*⁴² (pre-Balaji decision) held that the list of backward classes including 95 per cent of the population of the state was a "fraud" on the Constitution because it excluded communities who represented five per cent of the population. This was more a discrimination against the excluded class of population than a provision for the backward classes. Besides it was a provision not for socially and educationally backward classes, but for the classes who were comparatively backward to the most advanced classes. This was not warranted under Article 15(4).

IV. No Prohibition on Backward Classes to Compete With Others

In *V. Raghuramulu v. State of Andhra Pradesh*⁴³ (a pre-Balaji decision) the applicants belonging to backward classes applied for admission to Medical Colleges. They were interviewed but were not selected on the basis that a maximum of 15 per cent of the total number of seats allotted for the backward classes was exhausted by the other applicants from backward classes who secured higher marks than the petitioners, though in fact they got higher marks than the two

candidates who were selected for the seats thrown open for general competition. The two candidates challenged the selection as violative of Articles 15 and 29 (2).

Chief Justice K. Subba Rao (as he then was) invalidated the reservation on a maximum percentage basis for the backward classes on the ground that such a provision would not be for the advancement of the backward classes. On the other hand, if a maximum is fixed, instead of providing for the advancement of those classes in the contingency visualised above, it would retard their progress; for students of those classes who secure more marks than students who compete for the general seats and get less marks than students belonging to their classes, would not get seats. To this extent the order of the government would be in excess of the power conferred on it under clause (4) and, therefore, could not affect the fundamental rights of the citizens whether they belonged to the backward classes or not.

The Court suggested that the rule may be modified by substituting the words "minimum of 15 per cent" for the words "maximum of 15 per cent".

In *P. Sudarshan v. State of Andhra Pradesh*⁴⁴ (a pre-Balaji decision) which involved similar facts as the *Raghuramulu* case Chief Justice Subba Rao holding such government order invalid as violative of Article 29(2) pointed out that the rule should be evolved in such a manner as to protect the interests of students of the backward classes without simultaneously causing prejudice to students of other communities. The judge suggested that this could be achieved by pooling all the candidates together and guaranteeing minimum seats for the students of backward classes. By way of illustration, if 100 applicants were to be admitted to the Medical College, they would be arranged in the order of merit and even if more than 15 per cent of the candidates belonging to the backward classes could be selected on merit alone, they would be selected. If they fell short of that number they would be selected to make up their number on the basis of merit *inter se* between them, though they secured less marks than boys belonging to other communities. This process would protect students of backward classes without doing any injustice to the forward ones.

In *Ramakrishna Singh v. State of Mysore*⁴⁵ (a pre-Balaji decision) two orders of Mysore Government dated 14th May, 1959 and 22nd July, 1959 listing backward classes and their reservation for admission to professional colleges were challenged. The list of backward classes included 95 per cent of the population of the State and all communities and castes of the Hindus other than Brahmins, Banias, Kayastha and all the communities in the state except Anglo-Indians and Parsis had been included in the list.

The two orders had fixed 20 per cent for Scheduled Castes and Scheduled Tribes and 45 per cent for the socially and educationally backward classes and the

⁴¹ A.I.R. 1963 S.C. 649.

⁴² A.I.R. 1960 Mys. 338; this case is discussed in detail. see *infra*.

⁴³ A.I.R. 1958 A.P. 129.

⁴⁴ A.I.R. 1958 A.P. 569.

⁴⁵ A.I.R. 1960 Mys. 338.

remaining 35 per cent was to be filled up on the basis of merit.

The order of 22nd July, 1959 had further subdivided the listed backward classes into several categories and fixed different percentages for the reservation of seats. The net effect was that the persons belonging to each sub-group could only compete for the seats reserved for them and were not eligible for the remaining seats reserved for the backward classes. In other words they were debarred from competing for the remaining seats in open competition amongst the members of the backward classes listed in the orders.

The Mysore High Court (now Karnataka High Court) through Justice S. R. Das Gupta held that socially and educationally backward classes of citizens could be determined on the basis of castes. Other criteria such as geographical or occupational, be employed to determine the socially and educationally backward classes.

The Court also held that it was to the extent as provided in Article 15(4) that the fundamental rights conferred upon the citizens of the state by Article 15(1) and Article 29(2) could be abridged. If the reservation in question could not be justified by the provisions of Article 15(4), then the same had to be struck down as violative of the fundamental rights of the citizens. The court cited with approval the decisions of the Andhra Pradesh High Court in *Reghuramulu v. State of A.P.*¹¹ and *Sudarsan v. State of A.P.*¹²

The Court disapproved of the principles applied by the government in classifying the socially and educationally backward classes in the instant case. In fact the 1941 census report was relied upon to determine backward classes in 1959. This was not justifiable in the view of the court, taking into account the considerable changes that had taken place since 1941. On the classification of educational backwardness, the English Literacy test adopted by the State for the area covered by the old Mysore State was not approved by the court as an intelligible test for the whole of the New Mysore State. Further, no indication was given by the state on which the social backwardness of the communities had been determined. The classes grouped under the Orders must be both socially and educationally backward. Further, the decision of the listed backward classes into various sub-groups on the basis of the population of the community and the specification of the percentage of reservation of seats in respect of each group was held to be unconstitutional because the persons of each sub-group could only compete for the seats reserved for that group and were not eligible for the remaining seats reserved for the backward class. Hence the notification, instead of benefiting the backward classes abridged their fundamental rights and could not be sustained under Article 15(4).

In *S. A. Partha v. State of Mysore*,¹³ (a pre-Balaji decision) an order of the Mysore Government making

¹¹ *Supra* note 3

¹² *Supra* note 4

¹³ A.I.R. 1961 Mys. 220.

reservations for admission to technical and professional institutions based on the interim report of Dr. Nagen Gowda Committee to determine criteria for identifying the socially and educationally backward classes in the state was challenged. The government had fixed 22 per cent reservation for backward classes, 15 per cent for Scheduled Castes and 3 per cent for Scheduled Tribes. The remaining 60 per cent were to be selected on the basis of open competition on merit alone. If any seats reserved for candidates belonging to the Scheduled Castes or the Scheduled Tribes remained unfilled the same was to be filled by candidates of other backward classes.

As regards the legality of transferring unfilled seats out of the reservation made for Scheduled Castes and Scheduled Tribes to benefit other backward classes, the court said that it had to be examined in the light of the fundamental rights in Articles 15(1) and 29(2) of the Constitution.

The Court held that when a reservation of a certain percentage of seats is made in favour of Scheduled Castes or Scheduled Tribes or other backward classes, they could not on the basis of their backwardness ask for more seats than are included in the reserved percentage. Compartmentalisation was open to objection from the point of view of the fundamental rights of both categories of citizens, namely the backward and the advanced classes. To prevent a member of the category entitled to reservation from competing in the general category would violate his fundamental right. To permit him to compete separately both in the reserved category as well as in the general category would result in the violation of the fundamental right of a member of the general category beyond the limits constitutionally permissible for the protection of the reserved category. Hence, for a reservation of a certain number of percentage of seats to be constitutionally correct or appropriate, it should not be in the nature of compartmentalisation but in the nature of a *guaranteed minimum* in the course of a general competition among all categories of citizens.

Regarding the transfer of unfilled seats of Scheduled Castes and Scheduled Tribes to other backward classes, the court said that those three groups were three different categories whose classification was based on different indicia and the classification of other backward classes might vary from time to time and with reference to the nature of their backwardness. Consequently, it was held that the allotment of seats under the provisions of the impugned orders in favour of other backward classes in excess of the 22 per cent reserved for them in a manner otherwise than by open competition is an unreasonable restraint on the fundamental right of other citizens and, therefore, opposed to the Constitution.

Conclusion

Points arising out of the Analysis of Judicial Decisions

1. The juxtaposition of socially and educationally backward classes with the Scheduled Castes and Scheduled Tribes in Article 15(4) and the provision

in Article 338(3) that the references to Scheduled Castes and Scheduled Tribes were to be construed as including such backward classes as the President may by order specify on receipt of the report of the Commission appointed under Article 340(1) shows that in the matter of their backwardness they are comparable to Scheduled Castes and Scheduled Tribes.

2. The concept of backward classes is not relative in the sense that any class which is backward in relation to the most advanced class in the community must be included in it. Hence the division of backward classes into backward and more backward is unconstitutional.

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

4. Article 15(4) refers to backward classes and not backward castes. The test of caste would break down in respect of communities which have no caste. In the prevalent Indian society caste, of course, is a relevant factor in determining social backwardness but it is not the sole or dominant test. In the light of the latest decision of the Supreme Court (*State of U.P. v. Pradip Tandon*) caste is not a synonym for class. This case reiterated the Balaji approach. The socially and educationally backward classes of citizens are groups other than groups based on caste. Classes of citizens mean a homogenous group of people with some common traits and who are identifiable by some common attributes. The homogeneity of the class of citizens is social and educational backwardness.

A classification based only on caste without regard to other relevant factors is not permissible under Article 15(4). However, if a caste was wholly socially and educationally backward its inclusion in the backward classes by their caste name is not violative of Article 15(4) (See *Rajendran and Balram cases*). The State should have sufficient data to show this fact. In fact the onus is on the state to prove that the criteria it has adopted in classifying backward classes are constitutionally permissible.

5. Social backwardness is in the ultimate analysis the result of poverty to a very large extent. Social backwardness which is the offshoot of poverty will be aggravated by caste considerations of the poor people, this only shows the relevance of both castes and poverty in determining the backwardness.

6. The occupations followed by certain classes of people which are looked down upon as inferior or

unclean and place of habitation may contribute to social backwardness.

7. In order that reservations would benefit the really needy ones in the socially and educationally backward classes of people, the fixing of income limit for family (meaning natural family) is valid. The means-cum-caste/community test is valid.

8. Rural population as a whole cannot form socially and educationally backward class. However, population in hilly backward areas form such a class.

9. Reliance on outdated socio-economic data by the State for classification of socially and educationally backward classes has not been upheld by the courts.

10. The proportion of population of backward classes to the total population of the state for purpose of reservation for admission to professional institutions has been held valid.

11. The inclusion of a class in the list of backward classes should not be perpetual; otherwise the whole purpose of reservation would be defeated. Hence the list should be under constant periodical review by the State.

12. The quantum of reservation to be made is primarily a matter for the State to decide. However, it should not be excessive. *Balaji* had struck down 68% reservation as inconsistent with the concept of special provision in 15(4) in *Balaji* it was said that "in a broad way a special provision, should be less than 50 per cent, how much less than 50 per cent, would depend upon the relevant prevailing circumstances in each case".

13. Educational backwardness determined on the basis of the state average of the last two or three High School classes per 1,000 people of the community has been held to be valid. However, the class to be educationally backward must be well or substantially below the state average. For instance, below 50 per cent of state average would be obviously backward.

14. Reservation for backward areas can be validly made. Besides the cases discussed above reference may also be made to the *Janki Prasad* case discussed under Article 16(4). Consequently the Punjab High Court decision in *Gurinder Pal Singh case* (A.I.R. 1974 Punj. 125) is no longer good law.

VOLUME IV

**REACTIONS TO THE RESERVATIONS
FOR
OTHER BACKWARD CLASSES**

A Comparative Study of Four States

**A Report Submitted to the Backward Classes Commission,
Ministry of Home Affairs, Government of India**

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May, 1980

PREFACE

This report on the reactions to the reservation schemes for the other backward classes has been prepared at the invitation from the Backward Classes Commission, Government of India. It seeks to explain why the introduction of such reservation in Tamil Nadu and Karnataka was accepted by the adversely affected population without violent protest, and why similar measures in Bihar and Uttar Pradesh, provoked a violent backlash. In an investigation of this type, the search for the causal factors can not be definitive. One has to perforce rely on circumstantial evidence, and derive broad conclusions.

The Tata Institute of Social Sciences feels honoured that it has been entrusted with this difficult assignment. I am grateful to Prof. M. S. Gore, our Director, for entrusting this work to me, and encouraging me in this endeavour. I am immensely grateful to Shri B. P. Mandal, Chairman, BCC, Shri Gill, Secretary, Shri Ghosh, Director and Shri Parthasarathy, Joint Director for their encouragement. They have been very patient with the delay in submitting this report.

The Governments of Tamil Nadu, Karnataka, Bihar and Uttar Pradesh deserve my thanks for providing

me the various documents and reports. In the course of my data collection, I met many scholars, civil servants, politicians, ministers, journalists and other knowledgeable persons. I cannot adequately express my gratitude to them for sparing their valuable time.

I thank Shri Siddharamappa, Miss Lobe and Shri P. P. Patkar of the Institute for assisting me. I also thank Shri Mohandas and Shri Jayakumar for undertaking the typing work.

The responsibility for the conclusions reached is entirely my own.

Sd/-

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29th May, 1980
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CHAPTER—I

INTRODUCTION : THE PROBLEM AND HYPOTHESES

It was stated in the Preface that the main objective of this report is to explain why the Uttar Pradesh and Bihar Government Orders of 1977 and 1978 providing for job reservations to the Other Backward Classes provoked a violent and virulent protest and backlash, and why the similar measures in Tamil Nadu and Karnataka were generally accepted by the forward castes. More specifically, we are examining why the forward castes in Bihar and U.P. had not only the willingness and anger to strike back, but also the capability to do so, and why their counterparts in Karnataka and Tamil Nadu, did not have the willingness to resort to violent protest, and even if they had, lacked the capability for violent protest. This pattern of caste conflict is only a part of the general canvas of the caste conflicts which are being increasingly waged in the country. Conflicts among the various castes and caste groups on the single issue of reservation of seats and jobs are only a particular kind of manifestation of the general struggle and competition for ascendancy in the socio-political and economic realms. These struggles and competitions are the pervasive features of the Indian politics, although there exist considerable regional variations. In some states like Gujarat, Madhya Pradesh they are at a low key and in some other states like Bihar, Karnataka, U.P., they are intense. In some states as in Maharashtra, the struggles may not be centering around the issue of job and seats reservations, but manifest themselves in the form of resentment and atrocities. The struggles may be confined to the control of political party or they may extend to other areas as well. Again they may be violent or non-violent. But, like the atrocities on the Harijans, caste struggles, attended by violence, for and against the inclusion of the castes in the Other Backward Classes categories under Articles 15(4) and 16(4) of the constitution, will have to be considered as the more acute forms of such conflicts.

The traditional hierarchization of the Hindu Society along the caste lines more or less corresponded with the political and economic ones. Those groups, which had a higher ascriptive social or ritual status, were also generally high in terms of political power and economic strength, which meant mainly land in the pre-British India. This kind of a social organisation has been described by Dahl (1961) as one of cumulative inequalities. It was also an inherently stable order, since the various kinds of advantages and deprivations coincided with one another. In terms of the concept coined by Galimug (1972), we can say that the social ordering in the pre-British India did not have rank disequilibrium. That is, there was no caste, generally speaking, which was very high on social power, but very low on economic power, or very high on economic power, but low on the ritual

status. This is not to deny that this inherently stable order was highly inequalitarian and morally reprehensible. Also, this hierarchization was not totally rigid and inflexible as it is often made out to be. As Kohari (1970) has argued, even in the pre-British India the lower and tribal sections could make an entry into the middle order caste groups. The military prowess on the part of some of the castes enabled them to wrest a higher caste status. In many parts of India the Bhakti movement sapped the position of the Brahmins and other upper castes. But such instances of secularization were few and far between and never overturned the hierarchization of the Hindu society.

With the advent of the British rule the seeds of enormous changes were sown and this had many far reaching consequences. The impact of the British rule, consolidation of the political regime, introduction of the Western oriented educational system, opening up of many avenues of occupation and profession has been competently analyzed by many scholars like Kohari (1970), Srinivas (1966), Beteille (1965), Singh (1973), the Rudolphs (1967), Rao (1979), etc. The British rule produced many structural disturbances in the Hindu caste structure, and these were contradictory in nature and impact. In the first place, the British rule accentuated the disparities in the distribution of economic and political power, particularly in regard to the upper and intermediate castes. The Brahmins in most parts of the country, being the *literati* caste, responded promptly to the western liberal education and entered in big numbers into the government service and the professions. By the turn of the century, they also came to dominate the national movement. In those provinces of India, where for historical reasons, the Brahmins did not possess in abundance the advantage of being the sole *literati* caste, the other castes like the Kayasthas took to the western education and modernization. The preponderance of the Brahmins of the Madras Presidency and the Princely Mysore State among the literates, and particularly the English knowing population, has been well established by Irschick (1969) and Manor (1977). The Brahmins in these and other areas had another advantage. As Irschick argues, the Brahmins in Madras had sizeable landholdings, although they did not constitute the dominant element of the landed gentry. The Brahmins particularly in South India were successful in converting their landed resources into more paying resources of the government service and professions. Their links with the land became increasingly tenuous, as they became absentee landlords or sold off their lands to educate their children. They became increasingly urban oriented.

Thus, the British rule and the modernization it entailed aggravated the status differences between the

various castes, particularly, the Brahmins, Kayasthas on the one hand, and the landed gentry castes on the other. Secondly, the British rule, the egalitarian system of justice and the liberal education injected into the system, new ideas of equality, equality of opportunity, etc. In the beginning, the ideas of equality of opportunity, or meritocratic principles of justice came in handy for the *literati* castes, who almost monopolized the government jobs and professional opportunities in the name of full and free competition. They knew that they had left the landed gentry castes like the Vellathas, Vokkaligas, Lingayats, Rajputs and bhuiyars lagging far behind. But, the meritocratic principle of justice was soon challenged as the equal treatment of the unequals. The distributive aspects of justice started appealing to the non-*literati* caste leaders. Again, the parity-pollution concepts and social disabilities suffered in varying degrees by different castes came under severe criticism. Thus, the Western ideals of social equality, equality of opportunity and treatment and distributive justice in terms of not merely economic but other social values provided a powerful impetus to many caste groups to get organized and demand a fairer dispensation. These values were totally inconsistent with the hierarchically organized Hindu system, in which the distances between certain upper castes were widening, rather than narrowing. This explosive mixture of contrary impacts produced different results. It gave rise to genteel social reform movements aimed at eliminating caste disabilities, education of women, abolition of *sati*, upliftment of the scheduled castes etc. These were generally led by the enlightened members of the forward castes themselves, at least in the beginning. In due course of time, more militant, aggressive reform movements appeared, seeking to reject the Brahminical culture and dominance, as in the case of the Non-Brahmin movement of Jyotibha Phule of Maharashtra and, more recently, the Self-respect movement of E. V. Ramaswamy Naicker in Madras. The Shri Narayana Dharma Paripalana Yogan movement of the Izhavas in Kerala was less militant, and more inward looking (Rao, 1979). But, the urge for equality found a most powerful expression in what Srinivas has called Sanskritization, which reached its peak in the first two decades of this century. Sanskritization indicates the phenomenon of backward castes imitating the mores, customs and rituals of the forward castes and laying claim to a forward caste status. When this process was at its height, the census commissions of the British Indian provinces were bedevilled by the plethora of claims to higher caste status.

Thirdly, the British rule saw the establishment of countrywide communication networks, like post and telegraphs, railways, and mass circulation of newspapers. These facilities penetrated the isolated caste structures and enabled caste or similar caste groups to come together and form caste associations. This to a great extent erased or diluted the sub-caste distinctions and the castes assumed a new role, un envisaged by the Hindu ethic. Sanskritization, militant reform or rejection movements were facilitated by the modern communications.

Thus, the various impacts of the British rule on the Hindu caste system, viz., near monopolization of jobs,

education and professions by the *literati* castes, the Western concepts of equality and justice undermining the Hindu hierarchical dispensation, the phenomenon of Sanskritization, genteel reform movements from above and militant reform movements from below, emergence of the caste associations with a new role set the stage for the caste conflicts in modern India, two more ingredients which were very weak in the British period, viz., politicization of the masses and universal adult franchise, became powerful moving forces after the Independence.

As Rao (1979) has shown in his comparative analysis of the Yadav movement (which was stronger in North India than in the South) and the Izhava movement of Kerala, the backward classes movements have varied in their support basis, extent of relative deprivation, goals they were seeking, and the means they adopted. These variations were strongly determined by the different types of cleavages produced by the inherited social structure and the impact of the British rule. He has identified four types of such movements. In Madras, Karnataka and Maharashtra, the Brahmin-Non-Brahmin cleavage appeared and the movements had the aim of reducing the dominance of the Brahmins in politics and professions. The second pattern is noticed in the north, where the cleavage emerged between the generally forward and twice-born castes of Brahmins, Bhumihsars, Kayasthas, Rajputs, on the one hand, and the intermediate castes of Ahirs, Kurmis, etc. on the other. The third pattern indicated by Rao is that of a conflict between the depressed castes and the forward castes. The Izhava movement in Kerala and the energetic movement of the Nadars in Madras, the movements led by Dr. Ambedkar and the more recent movement of the Dalits in Maharashtra are the examples. The tribal movements constitute the fourth type. This otherwise powerful conceptualization on the part of the Rao does not recognize the full role of politics as a mechanism for the upliftment of the backward castes, the variation through time in the complexion of the movements, particularly in regard to the opposition reference groups, and the internal tensions within each camp. As we shall see later, the self-respect movement started by E. V. Ramaswamy Naicker in 1925 infused fresh ideology into the moribund justice movement. By the 1970's, the non-Brahmin coalition disintegrated in Karnataka and a second phase movement of the smaller backward castes against the landed gentry castes of the Lingayats and Vokkaligas emerged. The Bihar politics till recently was characterized by the Bhumihsars and Rajputs conflicts, and the backward castes have not made a successful entry into politics there.

It has been argued that only after the independence and introduction of the universal adult franchise, the Indian society and polity, which has grown independently of each other, were introduced to each other. But this phenomenon of the Hindu social structure and the new political regime interacting with each other did not suddenly begin only after the independence. Only that the ingredients of politics, franchise and mass participation, which were present even before the independence, assumed tremendous proportions

After the independence—at least in some parts of India like Madras, the Princely Mysore State, Bombay, Sanskritization lost its charm and utility to many backward castes. After all, the process had offered only symbolic reward and satisfaction to the Members of these caste groups. It did almost nothing to reduce the relative deprivation in terms of jobs, professional and educational opportunities. The higher caste status, grudgingly given by the British census commissioners, or pompously adopted by the castes themselves, did not enable the backward castes to make a dent into the upper caste hegemony in government jobs, education, professions and the nationalist movement. The backward castes too had to try to convert the existing resources into job opportunities, or generate new resources toward this end. The genteel reform movements from the top had done little to fulfil their expectations. Hence, many backward castes, within the limits of available mass mobilization, franchise restrictions and access to governmental decision making centres, tried to demand a share in the case of job opportunities and educational facilities. In this endeavour, the newly formed caste associations or their confederations played an important role. This process began much before the Independence, at least in some parts of India.

The most striking success was achieved in this field by the Justice Party of the Madras presidency. The party, formed in 1916, was mainly led by the Vellalas of the Tamil areas, Kammas, i.e., Maidus, Reddis, Velamas of the Telugu areas and the Nairs of the Malayalam speaking Malabar district. All these are only just one rung below the Brahmins and controlled the funded resources. (The Tamil Christians too played a role, which was only marginal). Similarly, the Prinja Mitra Mandali led by the non-Brahmin elite castes of Vokkaligas and Lingayats in the Princely Mysore State wrested job and educational reservations after 1921. In Bombay too certain reservations came to be provided by the government for the intermediate castes like the Marathas. All these successes were due not only to responsive British Governments (or the Prince of Mysore), but also to the new organizational and mobilizational capabilities developed by these castes.

But, with the rising crescendo of the nationalist movement and its mass base, these caste groups realized that they would be isolated if they stood aloof. In the twenties and thirties of this century, these intermediate caste groups joined the national movement and the Congress Party. In fact the Congress Party's rural thrust acquired a new momentum by development. As Roy (n.d.) has argued, when the avenues and opportunities of upward mobility were limited, politics promised the necessary ladder. "In other words, the political system has to discharge not only the strictly political functions but also the social functions. Political system thus becomes in effect an extension of the social system where battle for upward mobility is carried" (*Ibid*: p. 63).

The entry of the intermediate and backward caste groups into politics and the struggle to dominate the

Congress party, or at least to claim a proper share in the structure of the party and government were further accelerated by the advent of independence and the establishment of the universal adult franchise. Once again in Dahlian terms, the structure of inequalities started becoming dispersed, but only to some extent. Those caste groups which were low in terms of the ritual and social status, and advancement in jobs and professions, at least started acquiring political clout and leverage. They sought to transfer the latter into the former. Thus in essence, is the structure of caste conflict. According to the concepts of Galtung described above, the situation became inherently unstable due to increasing rank disequilibrium. The conflicts started centering around the distribution of political spoils and patronage and the implementation of Articles 15(4) and 16(4) of the Constitution, providing for protective discrimination in favour of the socially and educationally backward classes and Scheduled Castes and Tribes.

The roots of Constitutional provisions regarding protective discrimination in favour of the Scheduled Castes and Tribes go back to the decades of the freedom struggle. In fact, the freedom movement itself was strengthened by the commitment on the part of the national elites to the welfare of these Castes and Tribes. Enabled by Articles 15(4) and 16(4) of the Constitution, the Union and the States have reserved government jobs, and seats in educational institutions in favour of these groups, generally in proportion of their population. The national consensus in this regard among the contemporary elites and political parties is so strong that they vie with one another, at least ostensibly, in support of these measures. At the grass roots level, many sections do resent these provisions. This resentment takes many forms. The reservations for the Scheduled Castes and Tribes were provided, not because the Castes and Tribes were powerful and assertive, and possessed bargaining power, but because of the national consensus, which was hammered out by Gandhiji and Dr. Ambedkar.

But, the Constitution provides for protective discrimination for the "Socially and educationally backward classes of citizens or for the Scheduled Castes and Scheduled Tribes". The phrase 'Socially and educationally backward classes' has provoked intense political controversies and conflicts, and an enormous amount of constitutional litigation. What the framers of the Constitution meant by this phrase is abundantly clear. The Indian society contains many sections whose economic position and social status are almost similar to those of the Scheduled Castes and Tribes, although they may not strictly be stigmatized by untouchability. Hence, these sections have been called 'other' backward classes. These are also in need of the same kind of protection that is given to the Scheduled Castes and Tribes. In spite of the many judicial pronouncements on the meaning of the Phrase, 'socially and educationally backward classes', the states in India have not adopted any common criterion of this backwardness. The criteria have changed from time to time even within a State. The competition among the various middle order castes for being included in the backward classes lists

constitutes an important part of the totality of the political struggles and conflicts that are being waged in the country today.

When we look at the four States under study, viz., Tamil Nadu, Karnataka, Bihar and Uttar Pradesh, we find striking variations in the reservations for the OBC's and inclusion of different castes in the OBC list. As we will see later, even the Tamil Nadu list has undergone many changes, but has not provoked any protest or overt resentment on the part of those classified as forward, which include not only the Brahmins, but other intermediate castes. The only trouble arose when in July 1979, the M. G. Ramachandran government superimposed an income criterion of Rs. 9,000 on the OBC list. This led to a vigorous protest, led mainly by the DMK. Finally, the order has been rescinded. In Karnataka, the reservation G.O.'s, have been embroiled in tortuous litigation and protest. As long as the Lingayata had been classified as backward, there was not much public agitation. But, their exclusion first in the Havanur Commission Report (1975) and then in the G.O.'s based on the Report have provoked the ire of the community. But this ire has not manifested in any violent agitation. The willingness to strike back is there, but not the capability. In U.P., and Bihar the reservation G.O.'s were first issued in August 1977 and November 1978, by the Yadav and Thakur governments, respectively. What these two governments did was to follow not Mysore (Karnataka) model of 1956 and 60, which classified almost all the castes except a few as backward, but the Debraj Urs model of 1977, in which substantial and dominant castes were left out of the classification. In the same theoretical concepts, the Thakur and Yadav governments sought to establish amplier, coalitions of caste groups to enlarge the gains. This provoked an avalanche of protest and agitation on the part of the adversely affected caste groups of Brahmins, Rajputs, Bramhars and Kavasahas. Processions, huddhs, agitations, boycott of classes, attacks on public property became the order of the day (It must be recorded, however, that the forward caste agitators did not dare attack the intermediate caste members personally). There were counter demonstrations also, organised by the youths of Ahir, Kurmi and Koeri castes.

To seek to explain this phenomenon of backlash in U.P. and Bihar, its absence in Tamil Nadu and Karnataka the following hypotheses have been formulated. An attempt has been made to test them with the help of qualitative and impressionistic data gathered from documents, published books and articles, interviews with ministers, legislators, and other politicians, academicians, journalists, civil servants, and other knowledgeable persons in these states. Each hypothesis has not been verified separately to avoid repetition.

Hypothesis—1

If the communal reservation scheme has had a long history, retaliation by the forward castes is likely to be absent.

The historical timing of the introduction of the scheme has a tremendous bearing on the reaction of the groups adversely affected by such schemes. If the reservation schemes come to existence at a time when the levels of political organisation and mobilization of the groups are low, they are likely to be accepted as a kind of *fait accompli*. The groups kept out of the reservation schemes are likely to learn to live with the disadvantage and try to overcome them in various ways. But if the reservation schemes are introduced at a time when the levels of political mobilization and organization are very high, then such groups are likely to resort to resistance.

Hypothesis—2

If the forward castes are divided against themselves, the chances of retaliation are less.

Obviously, cohesion or unity on the part of the forward castes, which are kept out by the reservation schemes, increases their capacity for retaliation. If such forward castes themselves are divided politically or by the reservation scheme itself, their capacity to mount resistance and retaliation will be less. If a reservation scheme divides the forward castes along the subcaste lines and includes some within the purview of reservation and excludes the others, the unity of such castes is tremendously affected. In other words, the fact whether the whole clusters of castes have been taken into account for forward/backward classification or their subcastes have been taken into account for forward/backward classification is a crucial one.

Hypothesis—3

If the backward and scheduled castes are not getting on well together, the retaliation on the part of forward castes is likely to be high.

It has been discussed above how the various kinds of cleavages have affected the emergence and the nature of the backward class movements in different parts of the country. If the intermediate castes can make a common cause with the Scheduled Castes and Scheduled Tribes and forge a common and united political phalanx, then the backward class movement is likely to be very strong. If for some reasons, the Scheduled Castes and Scheduled Tribes and other minor artisan castes like the potters, the weavers, the carpenters, etc. feel threatened by the intermediate castes also having a stake in the land like the upper-castes, the backward class movement will be considerably weakened. There are many states in India where the weaker landless minority artisan castes and the Scheduled Castes look to the upper castes and not to the intermediate castes for their protection. Also, if the artisan castes and the Scheduled castes feel that the operation of the democratic processes in the last 30 years had benefited the intermediate castes, they are likely to be less enthusiastic in joining hands with the intermediate castes in the backward class movement and agitation for supporting the reservation schemes.

Hypothesis—4

If the backward classes are also politicized and organized, the retaliation on the part of the forward castes is less likely.

Either of the two following conditions is necessary for the viability and success of a reservation scheme. In the first place the Government has to fully back it and stand by the commitments. This happened, for example, in the case of the Madras Presidency and the Princely Mysore State. The British Governors, executive councillors and ICS Officers of the Madras Presidency were fully persuaded that the Brahmin domination in the services and the professions must be reduced. They were sympathetic to the cause of the Justice party from the beginning. Similarly, the then Maharaja of Mysore was also inclined in favour of giving the non-Brahmins a fairer deal. In the absence of such support from the top, a second condition has to be fulfilled. If the backward classes have fully penetrated into the dominant party and the various corridors of power and have been politicized and organized, they are in a position, or they have the potential to mount a counter retaliation in case the disaffected forward castes agitate against a reservation scheme.

Hypothesis—5

If the upper castes are suddenly faced with the prospect of losing their political and economic position, i.e. if a reservation scheme is likely to bring about a sudden rank disequilibrium, then the chances of retaliation on the part of such castes are very high.

In the United States much of the white backlash against the protective discrimination and other facilities given to the blacks has been spearheaded by those poor whites who were faced the threat of a sudden loss of status and prestige. Similarly in India, if the upper castes face a similar sudden threat to their position, they will be tempted to amount resistance and retaliation. If for some reasons the upper castes continue to maintain their mobility and status in some other ways and avenues, they are likely to feel less threatened by the reservation schemes favouring the intermediate and the backward classes. It is quite possible that in a couple of states under study the upper castes felt that the intermediate castes which have been included in the backward classes list are getting prosperous economically and also will have the added advantage of job and professional opportunities. In such a situation of rank disequilibrium, they are likely to retaliate against the reservation schemes.

Hypothesis—6

If the forward subcastes persons can pass off as backward castes persons, the likelihood of retaliation is less.

On the face of it, this hypothesis may sound implausible. No matter what a person does, he can

not shake off his caste label. But, if an OBC classification takes into account the subcastes of the various major caste categories and classifies some as forward and some others as backward, it will be relatively easier for a person belonging to a forward subcaste to pass off as one belonging to a backward subcaste. While in the rural areas the village officers or the tahsildars may identify a person's subcaste accurately and place him as either forward or backward, in the urban areas it become very difficult for the government officers to disprove that a person does not belong to one subcaste and prove that he actually belongs to another subcaste. Particularly in the South Indian States of Tamil Nadu and Karnataka it is said that many applicants for jobs can manage to obtain any kind of certificate.

Hypothesis—7

If the State as a whole has experienced a kind of revivalism, or is mobilized against outside symbols, the backward class movement against the forward castes is likely to be less powerful.

As discussed in the theoretical sections of this Chapter, an appropriate cleavage between the upper castes and lower castes is a necessary precondition for the mobilization of the lower castes into a backward class movement. It is quite possible that historically speaking such cleavages may appear first. But they are likely to be blurred if a sub-nationalist revivalistic movement develops in that area. These cleavages between the upper castes and lower castes need not be very durable ones. As some non-Brahmin castes get the advantage of reservation and political power they may improve their social and economic position considerably. We then should expect a new cleavage to appear, i.e. between those who have not gained from the reservation and those who have gained. But this cleavage may be prevented from surfacing if any kind of a sub-nationalist or revivalistic movement distracts the energies, attention and the sense of relative deprivation of the really disadvantaged lower castes.

Hypothesis—8

The capacity on the part of the backward castes to retaliate is a function of (a) their numbers; (b) political consciousness; (c) dominance, and (d) perceived lack of alternative opportunities.

It stands to reason that if the castes which have been classified as forward have considerable numerical support and are possessing a high degree of political consciousness, then their capacity to retaliate is likely to be high. Similarly, if they are dominant economically and politically and are in control of the various positions of power, patronage and economic surplus, they are in a better position to resist the introduction of reservation schemes. Again, if the members of these castes feel that they have no other alternative employment and occupational opportunities than the government jobs, they are likely to feel driven to the wall and will engage themselves in resistance. But, if they perceive that they can go out of the state or pursue other job opportunities, their frustration will less and they are less likely to mount retaliation.

Hypothesis—9

If the non-government tertiary sector is expanding, the retaliation on the part of the forward castes is less likely.

This hypothesis is organically related to the preceding one. If in a State the non-governmental sector

is expanding, the members of those castes classified as forward may turn to such sectors. If the economy of the state is growing slowly and if the government is the only or the predominant employer of the young graduates, then the members of the castes classified as forward will feel deeply threatened and will be disposed to retaliate.

CHAPTER II

TAMIL NADU : FROM THE NON-BRAHMIN MOVEMENT TO TAMIL REVIVALISM

The runaway lead taken by both the Tamil and Telugu Brahmins in the field of education in the erstwhile Madras Presidency has been well documented (Irschick, 1969; Arnold, 1977). By the turn of the century the male literacy rate among the Tamil Brahmins was 73.6 per cent as against a similar rate among the Vellalas of 6.9 per cent. Whereas the male literacy in English was 17.9 per cent among the Tamil Brahmins, it was only 0.19 per cent among the Vellalas. The Brahmins had established a near monopoly of the government services and the professions. As far back as 1851, the Madras Revenue Board had instructed the District Collectors to restrict the number of the Brahmin entrants into the services. In spite of this, the Brahmin domination of the government services and the professions went on unabated. The caste's domination in the Provincial Congress Committee had been well established. Alarmed by the Advent of the Moutagu-Chelmsford reforms and dyarchy, the non-Brahmin elite castes took the lead in establishing first the South Indian Liberal Federation, and secondly, the Justice Party in 1916. After coming to power in 1920, the party extended in 1921 the scope of the 1881 order, by requiring all the heads of the departments to distribute appointments of all the grades among the various communities. But for the first time in the history of the communal G.O., in Madras, a clear cut reservation procedure was laid down by the order of 1927. The following compartmental reservation of posts was provided :

1. Non-Brahmin Hindus 5 of 12 posts i.e.,	42%
2. Brahmins 2 of 12 posts i.e.,	17%
3. Muslims 2 of 12 posts i.e.,	17%
4. Anglo-Indians 2 of 12 posts i.e.,	17%
5. Depressed classes 1 of 12 posts i.e.,	8%
	100%
	(rounded)

This scheme of reservation was in operation till 1947. The adversely affected caste of Brahmins was too weak numerically to resist this scheme. Many of the Brahmin leaders had also acknowledged that they indeed had obtained a lion's share of the jobs and educational facilities. As the youth of the Brahmins community felt the squeeze of the operation of the 1927 order, they started migrating to the other metropolitan cities of India, particularly Bombay, which was continued even till today. As can be seen from the G.O. the Scheduled castes were earmarked only 8 per cent of the jobs, far less than warranted by their share in

the population. In view of the strength of the non-Brahmin agitation, and of the need to broaden the base of the Congress party in the thirties by inducting more and more non-Brahmin elites into the party, the first Congress ministry in the province headed by Rajaji did not even touch the G.O.

In the Tamil areas of Madras, the 1927 G.O., represented a victory for the Vellala Castes, particularly the Modaliars. In these areas, they had provided the leadership of the Justice Party, although there were leaders from other Non-Brahmin castes as well. The Justice Party leaders were drawn from the landed classes and were not much keen on broadening their base by including the landless castes within their ranks. In fact, they began to show a marked disinclination for social reforms and amelioration of the conditions of other weaker and backward castes. A slow erosion of the ranks of the party and defections to the Congress had already begun in the twenties, and the non-Brahmin strategy was to infiltrate into the Congress and capture the organization from within. By the thirties the Justice Party had served its historic purpose of reducing to a great extent the sense of deprivation on the part of the *zamindar* interests, particularly in the fields of government jobs and education. As the Brahmin youths moved out, the upper caste youths started replacing them. The reservation scheme had come to stay in the political consciousness of the Tamils and became an accomplished fact. Hence, the party also started losing its base and élan. It was too much tainted with the association with the British rulers to survive the rising tide of nationalism.

E. V. Ramasami Naicker, a Bahija Naidu, had begun his political career with the Congress. Angered by the domination of the Brahmins in the party, and also annoyed with Gandhiji's espousal of a purified *Varna* ideology, he revolted from the party. He left the party around 1925, to start the Self-respect movement. The movement aimed at nothing short of a rejection of the Brahminical religion and culture, which Naicker thought was the prime instrument of enslaving the Tamilians. By 1939 Naicker was demanding a separate Dravidistan (Nardgrave, 1965). As Irschick has pointed out. "The Self-Respect movement concentrated almost entirely on the Tamil Districts, primarily on groups of low in the caste hierarchy, including the untouchables, for whom the social reform platform would have the most appeal" (1969; p. 334). But for the Self-respect movement, the elite non-Brahmins of Madras would in course of time, have been as isolated from the lower caste groups, as the

Lingayate and Vokkaliga leaders in Karnataka came to be at the end of the sixties. In 1944 the Justice party was reconstituted as the Dravida Kazhagam, which was imbued with not only an anti-Brahmin, anti-North, anti-Hindi ideology, but also with separatist subnationalism.

Naicker ran the DK pretty autocratically, which was not liked by the younger elements of the party, led by C. N. Annadurai. When Naicker married in 1949 a girl much younger to him, Annadurai and his friends walked out to form the Dravid Munnetra Kazhagam, which, while subscribing to the DK ideology, developed parliamentary ambitions.

The Communal G.O., of 1927 prevailed till 1947, when it was revised as follows:—

Non-Brahmin Hindus 6 jobs out of 14, i.e.	43%
Backward Hindus 2 jobs out of 14, i.e.	14%
Brahmins 2 jobs out of 14, i.e.	14%
Scheduled Castes 2 jobs out of 14, i.e.	14%
Anglo-Indians and Indian Christians 1 job out of 14, i.e.	7%
Muslims 1 job out of 14, i.e.	7%
	<u>100%</u> (rounded)

The 1947 G.O. is an historical one because for the first time the non-Brahmin castes were bifurcated into non-Brahmin Hindus and non-Brahmin backward Hindus. This bifurcation was done on the basis of the then existing caste lists for educational concessions. Obviously the non-Brahmin Hindus consisting of the forward Vellala Naidu, Chettiyar, Reddi etc. castes did not resent this bifurcation, since they were given a compartmental reservation of 43 per cent of the jobs. After the inauguration of the Constitution of India this compartmental reservation was struck down by the Supreme Court. Then the 1947 scheme was converted into the following scheme by an order of September 1951. This order provided for the following scheme of reservation:—

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%
	<u>100%</u>

In the light of the population figures of the Scheduled Castes and 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%
S. Castes & Tribes	16%
	<u>100%</u>

The 1954 order made only marginal changes. Those non-Brahmin forward castes like the Adi Saiva-Vellalas, Karghata-Vellalas, Modaliyars, Kammanaidus, which had provided the leadership to the non-Brahmin movement two decades ago, were now compelled to compete alongwith the Brahmins for jobs and seats in the open competition pool. These non-Brahmin forward castes did not feel any threat on being shunted to the open competition pool. They had consolidated their political power and sufficiently penetrated into the services with the help of these resources. They could get more than their share even within the open competition pool where even the Brahmins could not offer any kind of serious competition to them. Also, as it will be discussed later, because of the peculiar system of forward-backward classification along the subcaste lines, there was a rampant misuse of the classification. In short, when the communal reservation scheme came into force in the new form, the non-Brahmin forward castes had become sufficiently powerful to hold on to their benefits and did not have to resort to any kind of a protest or backlash. Following the recommendation of the Tamil Nadu Backward Classes Commission (1970) the reservation scheme for the purposes of both Articles 15(4) and 16(4) was revised in 1971 as follows:—

Open competition	51%
Backward classes	31%
Scheduled Castes & Tribes	18%
	<u>100%</u>

Even this reduction in the share of the open merit pool and increase in the reserved pool meant for the backward classes did not provoke any ire on the part of the non-Brahmin forward subcaste groups.

As indicated above almost every major community or caste group in Tamil Nadu has been divided into forward and backward sub-caste sections and groups. Christian converts from the Scheduled castes are backward; Other Christians are forward. Labbai and Deccani Muslims are backward; and Urdu speaking Muslims are forward. Adi-Saiva, Karghata, Kulaveli-Vellalas are forward; and Thuluvu Vellalas, Sozhia Vellalas are backward. All Reddys are forward except Ganjam—Reddys. Gavarn and Vadugar Naidus are backward; but the Kammanaidus are forward. Similarly the Chettiyars are also divided into forward and backward sub-caste groups. Until 1975 the Gounders or Komgu—Vellalas had been classified as forward, but the Karunanidhi government included them as backward. Even if some of these non-Brahmin forward castes had felt any kind of a resentment against being pushed into the open merit pool, their capacity for protest or retaliation would be very less, because they could not have made a common cause with their sub-caste counterparts who were on the other side of the line.

The Tamil Nadu Backward Classes Commission has conclusively proved that nine castes in the other backward classes list, constituting about only 11.7% of the total backward classes population, have cornered

31.3 per cent of the non-gazetted and 48.2 per cent of the gazetted posts. Other minor and weaker backward classes have not been able to utilise the reservation scheme. In other words, the government services and the educational seats have come to be dominated not only by the forward non-Brahmin sub-castes mentioned above, but also by the nine other backward castes. These nine are Vadugas, Veerakodi-Vellalas, Gavaras, Sourashtrians, Thuluva Vellalas, Devangas, Sozhia-Vellalas, Aghamudiyans and Sadhu Chettis. The Tamil Nadu Backward Classes Commission, out of discretion, did not identify these names in the volume-I of the Report (1979). But, these have been unmistakably inferred from the other sections of the Report. The Commission, in view of the gains having been cornered only by a handful of castes suggested that the compartmental reservation should be introduced for the different kinds of the other backward castes; but the Karunanidhi administration did not heed these suggestions at all. Mr. Karunanidhi, in his interview with the author on 19-11-1979, said the matter had to be looked into, in spite of the obvious proof given in the Report. In his letter dated May 2, 1976 addressed to the then Governor of Tamil Nadu, Mr. A. N. Sattanathan, Chairman of the Backward Classes Commission, urged the former to look into the matter. Mr. Sattanathan says, "It could not have been the intention either of the Central government or the State government that backward classes list once framed should continue in perpetuity. There are judicial pronouncements that these lists should be under constant review and the limited resources of the State should be extended and support given only to those who are genuinely backward socially and educationally. I humbly commend, for your consideration, that the time is now opportune for such a review". Nothing seems to have come out of this letter. The main question here is : why did the weaker and minor backward castes constituting 88.7% of the backward classes population not feel the resentment against the benefits of reservation going to only a handful of castes? They could very well have combined with the Scheduled Castes and Scheduled Tribes and mounted pressures on the government. As we shall see, in the Chapter on Karnataka, when the Scheduled castes, non-Brahmins, non-Lingayats and non-Vokkaligas castes discovered or felt that the gains of the reservation, and of the operation of the political systems had gone only to the Lingayats and Vokkaligas, they felt a deep sense of resentment. Devraj Urs capitalising on this resentment carved out a new political base for himself from these castes. He reduced the power of the Lingayats and Vokkaligas in the Congress structure and corridors of power. Later, the Havanur Commission excluded most of the Lingayat castes from the reservation scheme, which was implemented by a. G. G. Why did such a political movement on the part of the weaker, minority backward caste not arise in Tamil Nadu? The answer to this will have to be found in the peculiar Dravidic Kazhagam culture, which has been inherited both by the DMK and the AIADMK. As long as the Tamil cultural revivalism continues to grip the State and as long as the anti-Hindu anti-North, anti-Aryan issues dominate the minds of the people, a real backward classes movement espousing the cause

of the really backward class will not emerge. The same factors continue to provide a cohesion between the various non-Brahmin castes. The DMK leaders particularly are not interested in anything which will weaken the ethos of the Tamil movement.

A unique feature of the Tamil Nadu method of classifying the castes into forward and backward has been referred to a couple of times above. The sub-castes of some major Hindu non-Brahmin caste groups have been used for the purposes of classification. This has opened the floodgates of abuse on the part of those classified as forward. The Sattanathan Commission Report has extensively and conclusively demonstrated this misuse. It is difficult for a person belonging to one sub-caste, say Kargatha Vellala, to claim and obtain a certificate that he is a Kaikolan, which is a totally different caste. But, it is relatively easier for him to claim and obtain a certificate that he is a Sozhia Vellala. For, Sozhia Vellala means a Vellala from the old Chola country. In his letter dated May 2, 1976 addressed to the Governor of Tamil Nadu, Mr. Sattanathan once again pointed out to the inexact wording and classification of the OBC list and the rampant misuse it has generated. Mr. Sattanathan wrote :

The terms 'Gavara' and 'Vadugan' have been extensively used for schooling, college admissions and 'reserved' appointments by almost all Telugu speaking people calling themselves either as 'Naickers' or as 'Naidus', though they may not belong to the specific divisions of the Vadugans and Gavaras.

Again,

In fact, it could be said that excepting Brahmin community, many of the other 'non-backward' or forward community can by some means, or other, claim to be 'backward' in view of the large size of the list and inexact wordings frequently used in the list.

The Sattanathan Commission was prevented by its terms of reference from suggesting inclusion or deletion of any castes in the OBC lists. But the Report did indicate that something should be done especially for the 'sluggards' among the backward classes. In spite of this, castes like Gounders or Kongu Vellalas, Sozhia Vellalas and Karunegars, and groups like Deccani Muslims were added to the OBC list, which must be adversely affecting the most vulnerable backward-castes.

There is an under current of some disappointment on the part of the weaker castes, particularly the Vanniya Kula Ksthatiyas against (a) the dominance of the Modaliars and Naidus, (b) the nine top backward castes concerning the benefits, and (c) inclusion of otherwise powerful castes in the OBC lists. But this disappointment has not assumed the proportions of resentment and protest. It has not been, and it is not likely to be, politically mobilized. None of the Tamil Nadu political parties have had any intention of mobilizing them on this issue. The M. G. Ramachandran G.O. of imposing the income criterion on

the OBC list came nearest to it, but he too shied away from splitting the backward classes along these lines. Once again, we have to fall back on the explanation that as long as the Tamil subnationalist ideology prevails in the State, these issues will not become critical. The hegemony of the non-Brahmin forward castes and the more successful among the backward castes is not likely to be challenged. Until then the question of resistance or backlash on the part of these castes will not arise.

The Scheduled castes and tribes constitute about 18 per cent of the Tamil Nadu population. As we shall see later, in U.P. and Bihar relationships between the Scheduled Castes, on the one hand, and the intermediate castes like the Jats, Yadavas, Kurmis, Koeris, etc., are pretty strained. In Tamil Nadu, there have been some instances of atrocities on, or ill-treatment of the Scheduled Castes. Beteille (1970) quotes Hutton's account of conflicts between the Kallas and the Adi-Dravidas in the thirties. Thevaras and Harijans too have been clashing with one another now and then. The Kilveman atrocities in 1967 on the Harijans at the hands of Brahmins, Naickers and

Mukkalthors attracted nationwide attention. Recently, in 1978 the Thevaras and Harijans clashed. But on the whole, these are isolated instances. The State-wide cleavage between the non-Brahmins and the Harijans has not got consolidated in Tamil Nadu, overturning the Brahmin-non-Brahmin cleavage. Because Tamil Nadu is a non-Sanskritic cultural area, the four fold *Varna* system has less applicability there. The Harijans promptly responded to Ramaswamy Naickers Self-Respect movement. Hence, these relationships between the backward non-Brahmins and Harijans neither threaten the forward non-Brahmins nor help them. The energetic Nardars have improved their position considerably. Others too do not expect much of a threat to their rank or status.

Even if some non-Brahmin forward castes feel squeezed by the reservation schemes, the expanding Tamil Nadu economy may have come to their help. The forward Naidu boys have begun going into industry, business, etc. As we have noted the Brahmins have almost written off the Tamil Nadu government service. To a great extent this has taken the pressure off these communities.

CHAPTER III

KARNATAKA : A TWO STAGE BACKWARD CLASSES MOVEMENT

The present Karnataka State was constituted in 1956 out of the following erstwhile areas : (a) 9 districts of the Princely Mysore State (after 1950, Part B State); (b) 4 districts of the Bombay State; (c) 2 districts of Madras State; (d) 3 districts of the former Part B State of Hyderabad; and (e) the centrally administered district of Coorg. Of these five areas only in the Mysore and the Bombay areas, backward classes movement in the form of a non-Brahmin movement developed during the decades before the Independence. The Bellary and South Kanara districts, which formed part of the Madras State till 1953 and 1956 respectively, did not contribute significantly to the non-Brahmin movement in that State. In the Hyderabad areas, due to the autocratic nature of the Nizam's government and the relative domination of the Muslims, the Brahmin-non-Brahmin backward cleavage did not surface until after 1956, i.e., when these areas were merged with Mysore.

After about fifty years of direct British control, the administration of the Princely Mysore was handed back to the Prince in 1881. During this period and the subsequent couple of decades, the important government posts came to be filled by Brahmins from Madras. This gave rise to a lot of resentment on the part of Mysore Brahmins, who raised the cry of 'Mysore for Mysoreans' (Kuppuswamy—1978). During the first two decades of this century the Mysore Brahmins started gaining an upper hand and completely established their ascendancy. In the Princely Mysore State the Brahmins constituted 3.8 per cent of the population, Kulkaligas 20.4 per cent, Lingayats 12.0 per cent, depressed classes 15.1 per cent.

At the turn of the century, as the 1901 census revealed 68 per cent of the Mysore Brahmins were literate whereas only 14.1 per cent of the Lingayats and 4 per cent of the Vokkaligas were literate. Similarly, whereas 10.2 per cent of the Brahmins were literate in English only, 13 per cent of the Lingayats and .07 per cent of the Vokkaligas were literate in English. Like their counterparts in Madras, the Brahmins had established a runaway lead over the two dominant lauded gentry castes of the Lingayats and the Vokkaligas. During the next 40 years, the percentage of English knowing Brahmins increased from 10.2 per cent to 36.2 per cent, whereas the similar percentage among the Lingayats increased from .13 per cent to 2.34 per cent and among the Vokkaligas from 0.7 per cent to 1.09 per cent. Although to some extent the literacy gap was bridged among the castes that of English literacy was not bridged to the same extent. In the urban areas the Brahmins constituted 38 per cent of the total workers in the literate occupations. (Monor, 1977). Almost contem-

poraneously with the rise of the Justice Movement in Madras in the second decade of the century, the Lingayats and Vokkaligas of the Princely Mysore State became agitated over the Brahmins predominance in the government service and education. Like the Vellalas and Reddys of the Madras Presidency, they too possessed the important resource, i.e., land. As the Brahmins turned increasingly urbanward, the Lingayat and Vokkaliga gentry bought up their lands. In the first decade of the century their caste associations appeared and by 1917 under the leadership of C. R. Reddy Praja Mitra Mandali was established to voice the claims of the non-Brahmins. Again, just as the British civil servants and governors lent a receptive ear to the grievances and complaints of the Justice leaders in Madras, the Mysore Prince and the courtiers surrounding him were sympathetically disposed to the non-Brahmins. The matters came to a head during the Diwanship of Sir Visweswaraya when in 1918 a committee was appointed under the chairmanship of Sir Lesley Miller, Chief Justice of the Chief Court of Mysore "to consider steps necessary for the adequate representation of communities in public service". After collecting voluminous data of employment in the government service in various grades, the Miller Committee vindicated the complaint of the non-Brahmins that the civil service in Mysore was dominated by the Brahmins. The Committee made the following recommendation :

Within a period of not more than seven years not less than 1/4 of the higher and 2/3 of the lower appointments in each grade of the service and so far as possible in each office are to be held by members of communities other than the Brahmin community, preference being given to duly qualified candidates of the depressed classes four are available.

Following the Miller Committee Report, the Government of Mysore abolished the competitive examinations for the jobs and the recruitments were made by nominating the rankholders of the University examinations, but keeping in mind the goal of bringing up the non-Brahmins. Unlike in Madras there were no compartmental reservations. All the appointments were looked after by one-man Public Service Commission.

Meanwhile the Praja Mitra Mandali disintegrated and its place was taken up in 1928 by yet another party of the non-Brahmins, Prajapaksba. The party consisted of younger elements belonging mainly to the two dominant castes and who had considerable exposure to the caste conflicts in the neighbouring States. In fact many of these leaders as students in Madras had actively participated in the Justice Party

movement. Owing to a very conscious implementation of the Miller Committee recommendations, the percentage of the Brahmins in the services was very slowly reduced. The Prajapaksh also had to face the rising tide of nationalism in India, which did not leave the Princely Mysore State unaffected. The Indian National Congress also had begun organising the people of the Princely States on parallel lines to obtain democratic concessions. Although many of the non-Brahmin stalwarts had held themselves aloof from the Congress Party, they were persuaded or impelled by the circumstances to join the Congress Movement. In this way the entry of the Vokkaliga and Lingayats landed gentry into the National Movement considerably intensified the Congress Movement in the State. After the merger in 1947 of the Princely Mysore State into the Indian Union and the introduction of responsible government, the Vokkaligas started controlling the State apparatus and Congress Party, while the Lingayats constituted their junior partners. In the Bombay-Karnataka area also there were stirrings of the non-Brahmin movements. Due to various historical reasons the non-Brahmin movement in the then composite Bombay Presidency did not gather momentum. The Lingayats constituted the bulk of the population in the 4 Kannada districts of Bombay, and they started many educational institutions to develop education in their caste. The Lingayats in the Bombay area did not enjoy the advantage of the caste reservation until 1941 when they were grouped along with the Marathas into an intermediate group which was given some job concessions. But this reservation scheme also did not last long in the Bombay Presidency. The leaders from the Lingayat castes were also resentful of the Brahmin domination in the Karnataka Pradesh Congress Committee, whose jurisdiction included the Princely Mysore State as well. The Lingayat leaders too started entering the Congress Party in the 1930s and came to dominate the Bombay-Karnataka region fully within a few years after the Independence. The Lingayat leaders from the Bombay area felt very much constrained because of the control of the Gujaratis and Maharashtrians in the Bombay administration. Also they did not very much like some of the progressive land reforms which had been introduced in the Bombay State. They were very vocal in the agitation for the formation of a unified Karnataka State, about which the Vokkaliga leaders from Mysore were less enthusiastic.

The formation of the unified Karnataka State in 1956 altered the caste balance considerably. The Lingayats constituted 15 per cent of the population in the entire State, and Vokkaligas about 11 per cent. The political centre of gravity shifted from the old Mysore area to the newly integrated regions, particularly the Bombay-Karnataka. The first four Chief Ministers of the expanded Karnataka State belonged to the Lingayat caste. The community dominated not only land but also other sources of political patronage. 4 to 5 ministers in the New Karnataka Government used to belong to this caste. In other words, there was a very perceptible change in the balance of power between the Lingayats and Vokkaligas and among the various communities. After the reorganisation of the State in 1956, the new leaders found it expedient to extent the communal

reservation scheme to the entire State. By an order passed in July 1958 all persons except Brahmins were declared as backward and 57% of the jobs were reserved for the backward classes, in addition to the 18 per cent for the Scheduled Castes and Scheduled Tribes. Only 25% of the jobs were left for open competition. Although the bifurcation of the Madras non-Brahmins into non-Brahmin forward and non-Brahmin backward had occurred in that State by 1947, no such bifurcation of the non-Brahmin castes appeared in the Karnataka till 1960. When the 1958 reservation order was struck down, the Government issued yet another order in 1959 classifying all castes except Brahmins, Baniyas and Kshatriyas as backward. This too was struck down by the High Court. In the same year the government issued an order dividing the population of Karnataka into 14 groups and making compartmental reservation of jobs and education seats for each of them. This order also met the same fate at the hands of the judiciary. In 1960 the Government of Mysore constituted a committee under Nagan Gowda for the purpose of determining the criteria for the classification of the backward classes in the State. The Committee used literacy as criterion for social backwardness and the number of students per thousand population in the last three years of the high school classes as the criterion of the educational backwardness. Following the interim report of the Nagan Gowda Committee 22 per cent of the jobs and seats were reserved for the OBCs and 18 per cent for the Scheduled Castes and Scheduled Tribes, leaving 60 per cent to open competition. After the consideration of the final report of the Committee, the government raised the percentage of the backward classes reservation to 30, thus leaving 52 per cent for open competition. Here the government fixed the reservation at a much lower level than recommended by the Committee. The Committee had also suggested compartmental reservation for the backward classes and the more backward classes, which was not followed in the government orders.

The final report of the Nagan Gowda Committee raised a lot of controversy. On the ground that the number of the Lingayat students per thousand population in the three high school classes was slightly higher than the State average of 6.0, the Committee did not include this dominant community, which had only recently acceded to power, in the backward classes list. A member of the Committee wrote a powerful note of dissent against the non-inclusion of the Lingayats in the backward classes list. The political leaders belonging to the Lingayat caste also brought pressure to bear on the government and the latter finally yielded. It included the Lingayats in the backward classes list and by an order of 1962 provided for the following scheme of reservation :

Open competition	— 32%
Other backward classes	— 50%
Scheduled Castes and Scheduled Tribes	-- 18%

Knowledgeable sources revealed that the non-Lingayat backward classes did not very much resent

the inclusion of the dominant Lingayats into the backward classification as long as the percentage of reserved jobs and seats was raised. This scheme of classification was struck down by the Supreme Court in 1963 in the famous Balaji case. After the decision, the Government of Mysore issued yet another order reserving 30% of the seats in the other backward classes and 18% for the Scheduled Castes and Scheduled Tribes. Not the castes but the individuals belonging to certain kinds of occupations as cultivator, artisans, petty business, inferior occupation based on manual labour and earning less than Rs. 1,200 per year were supposed to be eligible for the reservation. This ostensible scheme of reservation began 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 the Vokkaligas.

In the 1960s resentment started welling up among the non-Lingayat and non-Vokkaliga minority castes that the operation of the entire political system and the processes after the reorganisation of the State has redounded to the benefit of Lingayats, and to some extent the Vokkaligas. The Vokkaliga leadership also felt disappointed, at being relegated to the second position in the politics of the State. One important politician of Mysore is on record for having said that for a long time to come no non-Lingayat would become the Chief Minister of the State. The gathering storm of this resentment coincided with the 1969 split in the Indian National Congress, and soon the Parliamentary and Assembly elections followed. Devraj Urs, who rose as the leader of the Congress (I) party, very carefully and sedulously cultivated the non-Lingayat non-Vokkaliga communities. Both on the basis of the Indira wave of 1971-72 and also on the basis of the new coalition he had established, Urs rose to power in 1972 and continued till 1980, but for a short interregnum of a few months in 1978. In 1972 he constituted the Karnataka Backward Classes Commission under the Chairmanship of Mr. L. G. Havanur. The Committee presented its report in 1975 which was placed on the table of the Legislature in May 1976. The Report was approved by the Cabinet and a new communal reservation scheme was announced in February 1977.

Even the constitution of the Havanur Commission gave rise to misgivings on the part of the Lingayats. Mr. J. B. Mallaradhya, President of the All India Veerasaiva (Lingayat) Mahasabha, did not go to depose before the Havanur Commission. The Lingayat leaders saw in the appointment of the Havanur Commission a sinister move to isolate their community. To them it was yet another stratagem on the part of Devraj Urs to reduce their power and influence. The Commission undertook its own survey and taking into account various multiple tests such as economic, residential and occupational, classified the Karnataka backward population into 3 groups: (1) Backward communities; (2) Backward castes; (3) Backward Tribes, and recommended compartmental reservation for each of these backward classes. The Commission seems to have deliberately ignored the Supreme Court injunction that the reservation should not exceed 50 per cent. On the basis of its

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tests and surveys, the Commission did not include the Brahmins, Bunts, Lingayats, Kshatriyas, Jains into any one of the backward classes. Later on the High Court of Karnataka ordered the deletion of the Arasu caste for the purposes of both Articles 15(4) and 16(4) of the Constitution. They also struck down Baliya, Devadiga, Ganiga, Rajput, and Salani from the list of the backward classes under Article 16(4). In February 1977 the government issued the orders providing for the following reservation:

Open competition	—	42%
Backward Communities	—	20%
Backward Castes	—	10%
Backward Tribes	—	5%
Special Groups	—	5%
Scheduled Castes and Scheduled Tribes	—	18%

The special group consists of those persons belonging to the self-employed, artisan and other occupations having an income of not more than Rs. 4,800 per year. A criterion of Rs. 8,000 was imposed on the backward classes. In the subsequent orders the percentage of reservation earmarked for the special group has been raised to 15 per cent, and the income limit has been raised to Rs. 10,000.

It must be noticed from the reservation scheme that some sub-castes of the Lingayats have been classified as backward, while majority of the sub-castes have been classified as forward. Also, while the Vokkaligas have been classified as a backward community, their erstwhile senior partners in the politics of the Karnataka State, the Lingayats, have been classified as mostly forward. For these reasons the Lingayat community finds itself divided on the issue of the reservation scheme, based on the Havanur Commission Report. Also, on this issue an alliance of the Vokkaligas with the Lingayats cannot take place as they find themselves in different camps of the backward and the forward. This is in total contrast with the Bihar and Uttar Pradesh situation where all the major forward caste groups, viz., the Brahmins, the Kayasthas, the Rajputs and the Bhumihars have been classified as forward and can find a platform to unite upon.

The members of the Lingayat community have been, however, considerably disturbed and angered by the Havanur Report and the subsequent G.O.S. based on the Report. Some of their leaders even alleged that Mr. Havanur, Minister of Social Welfare and Law in the Urs Cabinet of 1978-80, had issued a secret circular to the government officers, advising them not to let the Lingayats get qualified even in the open merit pool. In August 1978, a Lingayat member attempted symbolically to set fire to the Havanur Report on the floor of the Assembly. The members of the community, particularly the youth, held demonstrations in the different cities of Karnataka, protesting against the Report and the orders. Quite a few Swamijis of the Lingayat Mutts joined in the protest.

(For the details, see Desai, 1979). Mr. J. B. Mallaradhya, a retired I.A.S. Officer, and President of the All-India Veerasaiva (Lingayat) Mahasabha, has been leading a crusade against the orders (1977; n.d.). A conference of all the castes adversely affected by the Havanur Report was held in July 1979. The Mahasabha started mobilizing the Lingayat community by appointing organisers in the districts. There were reports of the Lingayat legislators holding meetings to discuss the Report and contemplate further action. But some knowledgeable circles denied that there were any differences in the government on this issue. As a powerful backward class minister in the then cabinet stated, the Lingayats had become apprehensive of competing against the Brahmins in the open merit pool.

The Lingayat agitation against the Report and the new reservation scheme did not go unchallenged by the members of the other minority castes. When Prof. K. Ishwaran, a Toronto-based anthropologist, criticised the methodology of the Havanur survey in an article of the *Indian Express* (March 1, 1979), it invited counter-critiques by other teachers and journalists belonging to the minority castes (Ishwaran, et. al., 1979). There were counter demonstrations in support of the Report. All this shows the extent to which the minority castes had been successfully mobilized on this issue, in the preceding years.

The coalition of minority backward castes forged by Devraj Urs had been pretty powerful and durable. It has survived the exit of Urs as Chief Minister. As we shall see later, the political strength of the backward castes in the legislatures of U.P. and Bihar has been waxing and waning. In Karnataka, on the other

hand, the 1972 elections constituted a critical watershed. There has been no weakening of the political strength of the minority backward castes, who are generally united, now behind the Congress(I). The Scheduled Castes are generally going along with the minority castes.

The Karnataka non-Brahmin movement, in the decades following the twenties, failed to produce any overarching revivalist Kannada ideology, which might have prevented the cleavage among the non-Brahmins from emerging to the surface. As we have seen, this more recent cleavage has displaced the older Brahmin-non-Brahmin cleavage. The Kannada Chaluvallige movement is too weak and too confined to Bangalore to provide a platform for all the people to unite.

There is some evidence to show that the private sector employment in Karnataka has continued to expand. This sector earlier absorbed the Brahmins. Many of them have been migrating outside the State. One wonders whether the private sector can absorb the Lingayata youths also.

Like the Brahmins, Kayasthas, Bhumihars and Rajputs of U.P. and Bihar, the Lingayats, the Brahmins and Bunts of Karnataka, have been kept out of the reservation scheme. The Karnataka Brahmins are so weak that even if they join hands with the Lingayats, it will not make any difference. The Brahmin leaders feel that they have been slightly better off in regard to the jobs and seats since 1972. For all these reasons, the forward castes anger is muted in Karnataka and has not assumed any violent forms. -

CHAPTER IV

BIHAR : FRAGMENTED AND TELESCOPED BACKWARD CLASSES MOVEMENT

Betoille (1970) has argued that in Tamil Nadu, the Hindu castes can be divided mainly into three groups : Brahmins and Harijans. In this non-Sanskritic area, the cleavage between the Brahmins and others overshadowed the other cleavages and the peculiar Dravidian ideology has been muting the cleavages among the non-Brahmins, and between the non-Brahmins and Harijans. In the absence of such an ideology in Karnataka, which is more Sanskritic than Tamil Nadu, the non-Brahmin movement got differentiated and new cleavages appeared. In contrast, Bihar and Uttar Pradesh are two states in the Sanskritic cultural area, where there was no scope for non-Brahmin castes to unite under one movement. The twice born castes in these two States, i.e., Brahmins, Kshatriyas and Vaishyas are found fully differentiated among themselves and also from the backward castes and the Harijans. The Kayasthas provide another element in the twice born group. Historically speaking, they emerged in these areas as the chief *literati* caste, and even surpassed the Brahmins, in 'anything connected with the pen' and in taking to modern education and profession. They were also in the forefront of the nationalist movement. In Bihar, the political struggle within the Congress till the middle of the sixties was characterized by the conflicts and competition among the twice born castes. After the sixties, without these cleavages being significantly eroded, the conflicts between these caste groups and the lower peasant castes, and between the lower peasant castes and the Scheduled castes have come to prevail. The politics of the present Bihar reveals caste conflicts at two levels : simultaneously between the forward castes and the upper peasant castes; and between the upper peasant castes and the Scheduled castes.

The caste and communal composition of Bihar is as follows : The forward castes of Brahmins, Bhumihars, Rajputs, and Kayasthas constitute 13 per cent of the population; the upper backward castes of Banias, Yadavs, Kurmis and Koeris constitute 19.3 per cent; the minor artisan and landless castes like Dhanuk, Mallah, etc. form 32 per cent; Muslims and the Scheduled Castes/Tribes form 12.5 per cent and 23.5 per cent, respectively (Bihar : 1980). The Banias in Bihar have not played as significant role in the Bihar politics as they have in U.P. In Bihar, their position, social statuswise is low and most of them have been classified as backward according to the C.O. of November, 1978.

Excepting the Kayasthas of Bihar, the other three twice born castes of Brahmins, Bhumihars and Rajputs have had a heavy stake in the land. There were princely houses belonging to each of these castes, and

owning to the zamindari system, the zamindars belonging to these castes had established a thoroughgoing political and economic control in the countryside, unparalleled in the *ryotwari* areas of the Madras and Karnataka. By 1931, 31.8 per cent of the Kayasthas were literate. As compared with this, 19.5 per cent of the Brahmins, 13.6 per cent of the Bhumihars and 12.6 per cent of the Rajputs were literate. The upper backward castes had a literary rate of around .5 per cent (Roy, N. D.). Both in Bihar and U.P. the Brahmins could not, unlike their counterparts in Tamil Nadu and Karnataka, establish any runaway lead over the non-Brahmins in taking to the modern education and professions. The Kayasthas had taken the lead in the formation of a separate Bihar State. As Roy (1967) argues, "the separation of Bihar from Bengal in 1911, in a way, symbolized the fulfilment of the aspirations of the Kayasthas" (p. 418). The Kayasthas and the Muslims gained disproportionately from the expansion of the civil service.

As the Congress movement spread and the party came to control the local bodies, the Bhumihars, Brahmins and Rajputs were alerted by the Kayastha domination. The Bhumihars particularly were better placed to lead the other two castes against the domination of the Kayasthas in the national movement. Their leaders particularly Sir Ganesh Dutt and Sahajenand Saraswati, had developed considerable organizational skill and capacity in mobilising their castemen for the goal of claiming the Brahmin status. The incidence of literacy was higher among them than among the Rajputs. They were more rural oriented than the Kayasthas. Thus the twenties marked the beginning of the ascendancy of the Bhumihars in the Congress politics, which continued till the death of Shri Krishna Sinha in 1961. With the introduction of the provincial autonomy the character of the Congress party began to change. The party was increasingly compelled to strike roots in the social milieu. The social cleavages, particularly among the forward castes, were politicized and inducted into the political realm. Thus the downward penetration of the party inevitably led to what Roy (n.d.) has called the fragmentation and parochinisation of politics. The Kayasthas tried to bolster their sagging position by supporting and encouraging the Rajput group. The Brahmins too entered the Congress in big numbers and have steadily increased their strength since then (Roy : 1970; 1967; n.d.). They, however, suffered a temporary setback in 1977. The Bhumihars, Rajputs rivalry reached its peak in the fifties. Though the rivalry between Shri Krishna Sinha (Bhumihar) and Anugraha Narain Sinha (Rajput) to some extent cut across caste lines, bulk of their support was drawn from their respective castes.

The Brahmin legislators generally went with Shri Krishan Sinha.

Among the upper backward castes, the Yadavas and Kurmis had begun to organise themselves along the caste lines during the first decade of this century (Rao, 1979). The All-India Yadav Mahasabha has its headquarters at Patna, and the Bihar Yadavas, along with their counterparts in Punjab and U.P., formed the backbone of the Indian Yadava movement. Ultimately, the Yadavas in the other States in India could not attain the same level of political mobilization as the Bihar Yadavas did. Both the Bihar Yadavas and Kurmis have for a long time been much obsessed with Sanskritization, while with the other backward classes elsewhere, this came to be abandoned sooner (But, some leaders belonging to these castes, particularly Nagamani, a Kurmi, have urged their castemen not to resort to Sanskritization).

In the early decades of this century, the Yadavas aimed at ridding their caste of dowry, alcoholism, meat eating, and took to Aryasamaj in big numbers. Their claims to done the sacred thread met with resistance on the part of the twice born castes, some times attended by violence. They also sought to increase the educational facilities for their youth, although the Yadava dominated educational institutions started growing many years after the Independence. They appealed to the British authorities for a better share in the jobs.

The political fall out of the Yadava, Kurmi and Koeri movements were, however, limited in the beginning. When the associations of these castes had got going for sometime, an attempt was made in the 1920s to bring the castes together into a political party called the Trivani Sabha. The Trivani Sabha contested the 1936 elections in Shahabad and Patna districts with disastrous results and soon withered away. This is in sharp contrast to the Justice party of Madras and the Praja Paksha of Mysore. It is true that both the Justice party of the Madras and the Praja Paksha of the Mysore non-Brahmins could not survive the rising tide of nationalism. But, the politicized segments of these caste groups could infiltrate into the Congress, and were to tilt the balance in their favour later on. But in Bihar, the entry of the Yadavas, Kurmis, and Koeris into politics in general, and the Congress Party in particular, was almost totally controlled and governed by the extent of rivalry among the forward castes. Discussing the entry of the peasant castes into Bihar Congress, Roy writes, "At the time of their entry into politics, most of these caste groups functioned as appendages of the main contenders in the upper castes; leaders from the upper castes coopted men from the lower castes to leadership position." (n. d; p. 28). Each of the peasant castes entered the Congress divided. Roy further argues that in due course of time they became autonomous. This does not, however, mean that all, or even most of the backward caste legislators or party office holders united behind one leader. At most, several leaders arose each with a handful following. As the data collected by Roy (n.d.) reveal, between 1934 and 1960 the percentage of the Kayastha members in the Bihar Pradesh

Congress Executive Committee declined steeply from 53.84 per cent to 4.76 per cent; that of the Bhumihars increased from 15.38 per cent to 28.56 per cent. The Rajput and the Brahmin representation, after registering some increase, declined. The backward castes (both upper and lower) began appearing around 1948 and held about 14 per cent of the posts around 1960. As Blair (1980) shows, the percentage in the Congress legislature party in 1962 of the Backwards was just 24.9 per cent, an overwhelming bulk of whom were the upper backwards. This once again contrasts with the success of the non-Brahmins in South India in ousting the Brahmins from the Congress and politics in general. In Bihar, the forward castes have been too well entrenched in politics and the economy to be ousted by divided and imperfectly mobilized backwards. In 1963, for the first time in the history of the Bihar Congress legislature party there was contest between a forward caste leader (K. B. Sahay, a Kayastha) and a backward caste leader with considerable ability (Birchand Patel a Kurmi). It is interesting to note that not only the backward caste legislators but also those belonging to the Scheduled Castes and Tribes, were divided between the two contestants. In fact, more backwards voted for Sahay than for Patel (Roy, n.d.).

As Blair (1980) shows, the strength of the forward M.L.As after 1962 has undergone a decline but not a very steep or durable one. Similarly, the strength of the backward M.L.As has increased, which too is neither steep nor abiding. In the years before 1967, this controlled induction of the backwards into the Congress, convinced the socialist leader Ram Manohar Lohia that the Congress could be defeated only if all the backward castes could be united in one political party. In the sixties the Samyukta Socialist Party started assiduously wooing them. The Congress debacle of 1967 marks an important stage in the upsurge of the backward castes. In these elections, to the Vidhan Sabha the Bania, Kurmi, Koeri and Yadava candidates were returned in big numbers and constituted 31.6 per cent of the M.L.As. Most of them belonged to the SSP. This pattern repeated in the mid-term polls of 1969 also. In the 1972 elections, the Congress rode back to power and the share in the Assembly of the backward castes MLAs declined below the level of even 1962. The share went up again in 1977, when the Janata Party won. In fact, in the Assembly constituted following the 1977 elections, the share of the seats held by the backwards was the highest ever achieved, but also this was at the expense of the Kayasthas, Bhumihars and Rajputs did not suffer any decline (Blair, 1980). As the subsequent events have shown, the 1977 elections did not in any way signify the permanent and durable resurgence of the backward castes in the Bihar politics. Like their rise in 1967, their upsurge in 1977 was a temporary and transient one. Contrast this with the Karnataka elections of 1972 and 1978, which vindicated the durability and invincibility of the new backwards castes coalition.

One of the reasons for the imperfect mobilization of the backward castes into politics could be found in

the political economy of the rural Bihar. Following Gandhiji's efforts to give a rural bias to the nationalist movement, the question of peasantry and land reforms started looming large in the minds of the Congressmen. Due to the worst kind of zamindari system in Bihar, the State gave rise to a peasant movement. The Kisan Sabha attracted many young Congress enthusiasts. The agitation received considerable fillip from the Bakasht Movement, aimed at restoring the land to those tenants, who were dispossessed during the depression of the thirties (Sengupta, 1979). Although the land holding interests had acquired a considerable say in the Bihar Congress, the Zamindari Abolition Act was passed in 1950. The intermediary rights were vested in the State. But many landlords were allowed or managed to resume cultivation. In the villages Janauzi (1974) has studied, the Brahmins reported that the abolition of zamindari and intermediary rights has neither helped nor harmed them. But, it definitely helped the Koeris. It can be generally said that the many tenants of the upper peasant castes benefited from the legislation. They also welcomed the prospects of decline in the social prestige and economic power of the upper caste groups, and an accession to their prestige and power (Ibid). Although Bihar is not known for its agricultural breakthrough, a considerable agricultural inputs have been channelled into the countryside and the rise in prices of agricultural commodities has increased the viability of many farmers. The Kurmi, Koeri and Yadava peasant proprietors have been in a better position to take advantage of these factors. Whereas the forward castes are averse to actual cultivation, the peasant castes work very hard on their lands and also drive their labourers hard (Sheth, 1979, Malhotra, 1980; Blair 1980). If the agricultural labourers show restiveness or political resistance, they do not hesitate to commit atrocities on them. This factor is at the root of the reprisals on the Harijans at Belchi, Pathada, Gopalpur, Bishrampur, Parashigha, etc. Some distinguished politicians were of the opinion that it was the Kurmis who had become aggressive. The power structure in the Bihar countryside has not been as neatly settled elsewhere it has been. Excepting the Kayasthas, the other forwards still have a stake in the countryside and went to continue their semi-feudal control. The relatively prosperous upper peasantry castes want to match their economic gains with an appropriate share in the professions and government jobs. These castes also resent the concessions and reservations that have been given to the Scheduled castes. Hence, this acute case of rank disequilibrium.

In 1951 the Bihar government issued a G.O. listing the other backward classes in two Annexures. Annexure—1 contained 79 castes who were deemed more backward than the 30 castes contained in Annexure—2. Following the Balaji decision of 1963, in the Supreme Court, the Patna High Court held in 1964 these two lists unconstitutional. Then the Bihar government imposed a ceiling of monthly income of Rs. 500 on the lists and it was decided not to make any distinction between the two Annexures. In 1971 the Bihar Backward Classes Commission was constituted under the Chairmanship of Shri Mungeri Lal. The Report (1976) found the following position in

regard to educational concessions. Some reservation was given to those applicants belonging to either Annexure—1 or Annexure—2, whose annual income was less than Rs. 300. The social welfare department gave fee concessions etc. to the OBC students. There were no reservations for the OBCs in industrial training institutes. The OBCs had no reservation in the jobs. Way back in 1953 Bajnath Singh had introduced in the Bihar Assembly a non-official bill seeking to reserve 25 per cent of the jobs to the OBCs, but under the pressure of the party leaders it was withdrawn. The Backward Classes Federation and particularly leaders like Dev Saran Singh, a Kurmi, represented for job reservations for the OBCs. This was not seriously entertained by the Congress. In the sixties, as Rao (1979) shows, the Yadavas concentrated their efforts on persuading the Central government to set up a Yadava government in the army.

The Mungeri Lal Commission prepared its own list of other Backward Classes and most backward classes, taking into account social status, educational backwardness, adequacy of representation in government service and adequacy of the share in trade, commerce, industry etc. Its list of Backward classes contained 128 castes, and the list of most Backward another 93 castes. It recommended 26 per cent reservation in jobs and 24 per cent of educational seats. The Jagannath Mishra government did not take any action on these recommendations obviously in view of its support bases of the forward castes.

The Karpooori Thakur government, which came to power in June, 1977, acted on the Report and in November 1978 issued the G.O. accepting the classification of the Mungeri Lal Commission. For the purposes of recruitment to jobs, it announced the following reservation scheme :

Other Backward classes	—	8 per cent
Most Backward classes	—	12 per cent
Scheduled Castes	—	14 per cent
Scheduled Tribes	—	0 per cent
Women	—	3 per cent
Economically backward	—	3 per cent

The prevailing ceiling for income-tax exemption is the income criterion for all the categories.

Thakur was only pursuing the Lohia line of further mobilizing the backward castes. He thought that he could successfully graft the Karnataka model on Bihar. The G.O. provoked widespread backlash as the part of the forward castes. The Universities and colleges came to be closed. Trains and buses were attacked. The government property was damaged. All this has been extensively reported in the Press.

Urs had astutely divided the two dominant castes of the Lingayats and Vokkaligas by putting the former (generally) in the forward group, and the latter in the backward list. He saw to it that an alliance between them could not take place. Thakur did not resort to any such measures. The forward castes felt that many

of the newly rich peasant castes would under report their income. The 3% reservation for economically backward, irrespective of caste, is too small to divide and weaken the forward castes.

Between 1972 when he assumed office and 1978 when the G.O. was issued, Ora had tirelessly endeavoured to mobilize and politicise the many small and economically weaker backward castes. As we have seen, the mobilization of the backward classes in Bihar has been a belated and fragmented one. The backward castes had emerged divided. Even the socialists were divided along the caste lines. Ramnand Tiwari had led the forward castes and Thakur had led the backward castes. The upsurge of the backward castes meant really the upsurge of the Yadavas. This fact is not likely to enthuse the other weaker landless backward castes. As we have seen, there is no love lost between the peasant backward castes, on the one hand and the Scheduled Castes and Tribes, on the other. Thakur had no ideology to unite them. It may even be said that when the chips

are down, the Marijans and Girijans may prefer the forward castes as lesser evils to the upper peasant castes. In short, the Thakur G.O. came without an adequate mobilization and unification of the backward. Perhaps, he thought that the 1977 Janata victory represented a viable and durable resurgence of the backward castes, which was not the case. The January 1980 elections proved this. The Scheduled Castes and minor backwards went back to the Congress fold.

The youth of the forward castes in Bihar are very much dependent on government and semi-government jobs. As the private sector employment is not expanding, they feel the squeeze of the G.O. all the more. They are averse to migrate outside the State. Their English is generally poor. If they go to southern Bihar, they run into the ire of the tribals. Hence they perceive very few alternative opportunities. The power of the forward castes in the government service and their semi-feudal (Pradhan, 1979) hold on the countryside is still strong. All these factors enabled the forward castes to mount a protracted protest and backlash.

CHAPTER V

UTTAR PRADESH : BELATED AND IMPERFECT MOBILIZATION OF THE BACKWARDS

As in Bihar, in Uttar Pradesh too the caste system is found well differentiated in terms of the Varna model. According to the 1931 census, the forward twice-born castes constituted about 20.30 per cent of the total population; the Brahmins formed 9.23 per cent of the population and Rajputs 7.28 per cent. The upper peasant castes of Yadavas, Kurmis, Jats, Lodhs and Koeris formed about 16.4 per cent of the population. The Muslims then constituted 13.6 per cent. It can be seen that the percentage of the population classified as forward for the purposes of the G.O. of 1977, and thus kept out of the reservation scheme, is higher in U.P. than in any of the three other States under study. The eastern U.P. is almost an extension of Bihar, and has been witnessing in recent years all forms of caste conflicts between forwards and backwards, between Rajputs and Brahmins, and between the Scheduled Castes and the backward castes. In the western U.P. districts, the Brahmin element is absent and the conflicts are between the rural Jat and Muslims, on the one hand, and the urban elements, particularly the Banias, on the other. The Brahmin and Rajput hegemony prevails in the Avadh area. The hill districts and the Bundelkhand areas are very underdeveloped areas and are generally free from the caste tensions.

The Brahmins and the Kayasthas were the first to take to modern education. The Kayasthas particularly started dominating the public services as well as the professions. Later on, around the forties, the Banias too started taking to the modern professions of law, teaching and medicine. One very interesting feature of the modernization of Uttar Pradesh is that the dominant landed gentry, the Rajputs, never felt threatened by the Brahmin-Kayastha monopoly of education, profession and government services. Before the abolition of the zamindari system, the Rajputs formed the bulk of the zamindars in the State. In the Avadh area particularly, their dominance was striking. As Brass (1965) points out, they owned more than half of the lands in most of the districts. We have seen earlier that in the Madras Presidency, the approach of the dyarchy in 1919 threatened the interests of the landed gentry castes of the Vellalas, Goundars, Naidus and Reddys, who were quick to organize themselves into a political party and a movement. The Rajput zamindars of U.P., who too were considered as the staunch supporters of the British Raj never felt threatened by the Brahmin dominance in the services and the national movement. At most, the poorer among them aspired for jobs in the police department and got them. The cultural distance between them and the Brahmins was not much. Also, the Rajputs had, in their own areas of dominance, a secure, feudal and almost semi-political dominance, which their south Indian counterparts lacked. Moreover, in the State as

a whole they have been numerically inferior to the Brahmins. Their own consciousness of a high status and the ritual distance between them and the backward castes, which they relished, did not dispose them to lead any protest movement against the Brahmin-Kayastha domination. The Brahmins, too, did not tend to leave the country side and flock to the cities as the Tamil Brahmins did. The zamindari Abolition in 1952 did not completely upset the political economy of U.P. As in Bihar, the Brahmins and Rajputs in U.P. still have considerable stake and share in the rural power structure and dispensation. To use Sheth's (1979) phrase, there has been no neat power arrangement as in Maharashtra, Karnataka and Tamil Nadu. There is yet another important reason why the cleavages among the forwards as in Bihar, or cleavages between the forwards and the backwards as in Karnataka and Tamil Nadu did not appear in U.P. During the twenties and the thirties, the United provinces was an important stronghold of the Muslim League. The Hindu-Muslim, and Congress-League cleavages overshadowed every other cleavage. Right till 1937, the Muslim League was hopeful of sharing power with the Congress in the State.

Some scholars and politicians (like the late Shri C. B. Gupta) claim that the state did not have any caste tensions or politics until many years after the independence. This is not wholly true. During the pre-independence days there were ramblings of discontent among the backward castes. Leaders like Swami Achutananda of Kanpur, Swami Ram Charan Mallah, S. D. Singh Chaurasia were trying to politicize the backward castes. Swami Bodhananda Mahasthvir started the Adhvasi Hindu League in the twenties. Many delegates from U.P. have been attending the depressed classes conferences. E. V. Ramaswami Naicker presided over the conference held at Kanpur in 1946. The U.P., backwards, staying in the Hindu Sanskrit heartland, and surrounded by the famous shrines and places of pilgrimage, could not be persuaded to reject Brahminism.

The role played by the All-India Yadav Mahasabha in organising the community members has been discussed in the Bihar Chapter. In the forties the peasant castes of Yadavas, Kurmis, Koeris, Jats developed a high degree of affinity among themselves. It is said that the Yadavas of the eastern U.P., and Bihar consider themselves to be equivalent to the Jats. Out of this affinity among them arose the AJGAR (an acronym for Ahir, Jat, Gujar) movement. The caste association meetings were not just *biradari* gatherings. As Rao says, "The annual conferences of the (Yadav) Mahasabha also whipped up opposition to the Thakurs, Kayasthas, Banias, Bhumbhar Brahmins and Brahmins,

who were seen as the exploiters of the Yadavs, mistreating them, and thwarting their attempts at progress. Political mobilization and agitations were directed against these groups (Rao, 1979 : p. 141). The demand for the reservation of jobs was there from the thirties, but the top Congress leaders were not favourably disposed. A top leader is supposed to have said that the Brahmins of south India were wandering here and there due to the reservation scheme, and asked if this should happen in U.P. also.

Despite these stirrings on the part of the OBCs, a unified political platform could never be forged for the OBCs and the Scheduled castes. The impact of the Arya Samaj movement has been considerable on the Jats, Yadavas and others. The Yadavas and Kurmis have been too much in the grip of the process of Sanskritization. This drive for equality with the Savarna castes particularly produces the ability of the upper backward classes to land the smaller and weaker artisan castes and the Scheduled castes and tribes. Only a few backward castes can aspire for social mobility in the form of Sanskritization. The latter process requires some preconditions. A backward caste should have experienced some measure of economic prosperity and produced a few articulate and educated elites. They should be in a position to dig into the puranas or remote history to adduce proof that their caste had once upon a time a higher status. This is not possible for the millions belonging to the artisan and landless castes. To the extent the upper peasant castes have resorted to Sanskritization, they have generally been unable to make a common cause with the lower backward and the Scheduled castes. This is yet another reason why the backward class movements in U.P., and Bihar have not attained their full momentum and strength. Shri Cheddi Lal Sathi, during his interview with the author, fully supported the argument that the phenomenon of Sanskritization has hindered the backward classes cohesion and movement.

Whereas in Bihar the Brahmin-Rajput cleavage had started affecting the Congress circles from the thirties, the U.P., Congress circles did not show any such bickering along the caste lines. As discussed above, the Hindu-Muslim cleavage in politics prevented any other cleavages from emerging. The state had produced Congress leaders with national stature. From 1937, when he first became the Prime (*i.e.* Chief) Minister under the provincial autonomy scheme, till he left the State in 1954 to become the Union Home Minister, Pandit Gobind Ballabh Pant bestrided the U.P. Congress like a colossus. He had the full support of the Congress High Command, of which he was an integral part. The people of the plains considered him more a Pahari and less a Brahmin. His elevation to the Centre marks an important phase in the State politics (Masaldan, 1967). Hence between 1937 and 1954, there was no question of the Congress leaders resorting to competitive and controlled induction of the backward caste leaders into the Congress circles. The Congress Socialist Party, which had been formed in 1934 within the Congress' espoused the cause of agrarian reforms, but never acquired a casteist orientation. After the elevation of Pandit Pant to the Centre,

traditional feuds started raging within the Congress, but they generally cut across caste lines.

The weakness of the mobilization of the backward castes, particularly the upper backward castes, can be seen from the caste composition of the various ministries since 1937, which has been analysed in the Uttar Pradesh Backward Classes (Sathi) Commission Report (1977). In the 1937-39 cabinet the Brahmins held three-out of six posts, and the OBCs were not represented even among the parliamentary secretaries. The same pattern prevailed till 1952, when Shri Charan Singh, a Jat, was taken into the Cabinet. In the Sampurnanand, C. B. Gupta and Sucheta Kripalani ministries also, half or nearly half of the ministers belonged to the Savarna forward castes. For the first time in the post-Independence history of U.P. three ministerships go to the upper peasant castes (including Yadav and Kurmi) in the 1967 S.V.D. Ministry headed by Shri Charan Singh. This was due to the fact that the backward classes made considerable gains in the 1967 elections. The decline of the Congress also meant to decline of the forward caste representation in the Assembly. The second Charan Singh ministry of 1970 and T. N. Singh ministry of 1970-71 also gave considerably more representation to the upper peasant castes and induced for the first time the artisan castes. This increase in representation to the upper peasant and other backward castes does not represent a durable and abiding resurgence of the OBCs in politics. Because in the Tripathi, Bahuguna and Tiwari ministries, the representation of the forward castes went up. In the Assembly also between 1967 and 1974, the share of the forward castes declined from 50 per cent to only 42 per cent. The share of the upper peasant castes went from 15 per cent to only 20 per cent. In the Assembly elections of 1977 June, when the Janata Party won, the share of the Jats and OBCs increased considerably. Like Karpoori Thakur in Bihar Ram Naresh Yadav mistook this increase for a durable rise of the backwards and was emboldened to issue the famous communal G.O. of August 1977. The 1980 elections disproved the assumption of a critical change in the balance of power.

The factors of political economy in the country-side have changed since 1947, but not so significantly as to add to the political clout of the OBCs. The Jats of the Western U.P., have registered tremendous progress in agriculture, and the emergence of the Bharatiya Kranti Dal was a political manifestation of this Jat upsurge and affluence. Due to the abolition of the zamindari system, the Thakur, Brahmins and Muslims were affected, not too adversely. The tenant and sharecropping castes of Yadavas, Kurmi, Lodhis, Gujars, Koeris, became owner cultivators, and industrious as they are, they are better qualified to take advantage of the modern agricultural inputs. Unlike the 'umbrella farmers' of the forward castes, they are autonomous in their agricultural operations. Like their counterparts in Bihar, they drive their agricultural labourers very hard. While striving to socially catch up with the forwards, they resent the rising political consciousness among the agricultural labourers.

For the purposes of educational concessions, in 1945 the United provinces government had prepared

a list of 37 Hindu and 21 Muslim backward castes. The order of 1950, while reserving 10 per cent jobs to the Scheduled castes, only said that the interests of the backward classes shall in general be borne in mind. In 1955, two lists of other backward classes, i.e., castes were prepared, one of 15 castes for recruitment to jobs and the other of 59 for educational concessions. In 1958 the government again prepared two lists of the OBCs, one a Hindu list of 37 castes and the other a Muslim list of 21 castes, for jobs and educational concessions. No reservation scheme was proposed. The U.P. Backward Classes Commission was appointed in October 1975 and submitted its final report in June 1977. On the basis of the criteria of poverty, illiteracy, dwelling, profession and demeaning profession, caste, social inequalities, representation in government, inadequacy of representation in trade and commerce the Commission prepared three lists of the OBCs. List A consisted of 36 castes, mostly having little or no control over land. List B consisted of 18 peasant castes having some connection with land, which includes Yadavas, Gujars, Kurmis, etc. List C included 23 Muslim backward castes. (It should be remembered that the Jats have never claimed to be backward. That would be below their self-respect). The Commission recommended a compartmental reservation scheme. 17 per cent reservation in jobs and seats for List A; 10 per cent for List B; and 2.5 per cent for List C. This total reservation of 29.5 per cent would be in addition to 20 per cent already in existence for the Scheduled Castes and Tribes. The Yadav government, in its G.O. of August 20, 1977 provided for the following scheme of reservations under Article 16(4) for class I and II Services :

Scheduled Castes	—	18%
Scheduled Tribes	—	2%
Physically handicapped	—	2%
Dependants of freedom fighters	—	5%
Ex-military officers (emergency commissioned)	—	8%
Other Backward Classes	—	15%
		50%

The same pattern was instituted under Article 15(4) for industrial training institutes

The story of the backlash on the part of the forward castes need not be described in detail. Even the government servants in some areas of U.P. joined in the agitation. The gravamen of the demands of the agitators was that class and not caste should be the criterion of social and economic backwardness. Although the agitation has died down, the issue is still upper most in the minds of the people. Substantial sections of the forward caste voters swung away from the Janata and Janata(S) on this issue. Mrs. Gandhi's anti-caste slogans clearly went home to them.

It requires tremendous political organization, mobilization and cohesion on the part of all the backward classes and Scheduled Castes, if their leaders want to keep about 20 per cent of entrenched forward castes out of the reservation scheme and to compel them to compete for only 50 per cent of the jobs in the open merit pool. Such organization, mobilization and cohesion have not been there. Like Karpoori Thakur, Ram Naresh Yadav too tried to telescope the backward classes mobilization into a span of less than one decade. Unlike Devaraj Urs, they did not try to divide the forward castes with the help of any well conceived strategy. The Janata victories of 1977 constituted only deviant cases. Under the U.P. and Bihar classification schemes hardly any forward class youth could pass for a backward. Only the Muslim community was divided.

The private sector employment in Uttar Pradesh appears to be stagnant. The U.P. youth feel the crunch all the more, because they generally do not go out of the State for jobs. From U.P., and Bihar, more than the educated youth, the illiterate villagers migrate to Bombay, Calcutta, Punjab and Haryana for unskilled jobs.

Due to the belated and imperfect mobilization of the backwards, this attempt to combine the AJGAR MOVEMENT with reservation for the backwards has failed.

CHAPTER VI

SUMMARY AND CONCLUSIONS

The hypotheses given in Chapter I essentially aim at explaining the phenomenon of violent backlash to the reservation scheme promulgated in U.P. and Bihar in 1977 and 1978, respectively. Various political, sociological and political economy factors have been examined mainly in terms of the evolution of the balance of power among the caste groups. The following conclusions emerge.

1. In Tamil Nadu and Karnataka, the reservation schemes have had a long history. In the beginning only the Brahmins were kept out. They were too weak to protest and slowly learnt to live with reservation schemes. They sought and obtained alternative avenues of employment. In 1950, substantial sections of the Vellalas, Naidus, Modaliars, Gounders, Chettiyars were kept out. But by then they had established their political ascendancy. They had sufficiently infiltrated into the power structure to do without the protection of the reservations. Moreover, only a few of the really backwards offered them any serious competition.

In U.P. and Bihar, the job and seat reservation schemes came as a bolt from the blue for the forward castes. Had they been covered by the reservation schemes earlier and slowly shunted off to the open competition pool, it would have been a different matter. The historical circumstances did not necessitate this.

2. In Tamil Nadu and Karnataka, the forward communities have been divided either by the classification schemes or politically, or both. As discussed in the Tamil Nadu chapter, the Vellalas, Chettiars, Naidus have all been divided into forward sub-castes and backward sub-castes. They cannot make a common cause of the reservation issue. The possibility of any alliance among them has been pre-empted or prevented. Similarly in Karnataka, 70 per cent of the Lingayat castes find themselves forward and the rest backward. The 15 per cent reservation for the special weaker group irrespective of caste has also divided the Lingayat community. The forward Lingayats are the only group highly agitated over the issue. But, they cannot convert their disaffection into political clout. Also, the Karnataka G.O. has put all the Vokkaligas, another dominant landed gentry caste, into the backward list. Just until ten years ago, both the castes had formed a duopoly and ruled the State. Now, no alliance can take place between them. All the political parties there have to reckon with this changed situation.

In Bihar, and U.P. the G.Os. have not divided the forward castes. In Bihar, despite a long history of

the feuds between the Bhumihars and Rajputs, these castes find themselves united on the issue of reservation. In U.P. where caste feuds were muted, the Yadav G.O. has united twenty per cent of the articulate, organised and powerful section of the population. The Rajputs are particularly upset. Only recently they had begun to make their entry into echelons of power and were suddenly thwarted.

The reservation of 3 per cent for the economically weaker section is just a drop in the ocean, for the Bihar forward castes. Had this share been larger, probably, the forward castes would have found themselves divided and too weak to resort to backlash.

3. Both Tamil Nadu and Karnataka have witnessed cases of Harijan baiting and atrocities on them at the hands of the middle order castes. But such instances are few. In Tamil Nadu, the DK movement welded the non-Brahmin upper castes and the Harijans into one camp. In fact non-Sanskritic area, the ritual and cultural distances between these two groups was less than that between the Brahmins and non-Brahmins. In Karnataka, the Harijan and the OBCs find themselves in one camp due to their resentment of the Brahmins in the beginning, and Lingayats later on.

In U.P. and Bihar the Harijans and other landless castes, on the one hand, and the landed backward castes on the other have never had mutuality of economic, social and political interests. If the forward castes fear rank disequilibrium at the hands of the upper peasant castes in the OBC category, the latter also feel threatened by the rising political consciousness on the part of the Harijans. The latter are driven hard by their Kurmi, Koeri, Yadav employers. Atrocities on the Harijans have been committed by the members belonging to these peasant castes. Harijans have generally gone with Brahmins in voting for Congress. This fundamental cleavage between the upper peasant castes and the Harijans has rendered the backward class movement weak and hence has facilitated the forward castes backlash. As long as the OBC castes are in the grip of Sanskritization, they cannot lead the Harijans.

4. In Tamil Nadu and Karnataka, the non-Brahmins made a solid, united and well organized entry into politics and the higher echelons of the Congress party. Their politicization began a long time ago. This has imparted considerable strength to the backward classes movement. In Karnataka particularly, Devaraj Urs went on encouraging the holding of the conferences of the minor weaker non-dominant castes, between 1972 and 1978. He had inducted their leaders into the corridors of power. After preparing the political

ground and organizing the weaker OBCs, he got his famous G.O. issued in 1978. The organisation and mobilization were sufficient to deter any potential backlash.

In U.P. and Bihar the ground had not been adequately prepared. In a sense, the Yadav and Thakur G.Os. were planted from above, when the ground had not been cleared. In Bihar, the backward castes entered politics (and the Congress) divided. Their entry depended on the mercy of the forward caste leaders. They have not been held together as an autonomous coherent political force. Witness the contest for the Chief Ministership in 1963 between Birendra Patel and K. B. Sahay. (Patel's abilities had attracted the attention of even Pandit Nehru). Both the backwards and Harijans deserted Patel. In U.P. also the rise of the backward classes was belated. As said earlier, both Thakur and Yadav attempted to telescope the backward castes mobilization into a decade. Even today the backward castes are politically divided. The weakness of the backward castes is evident from the fact their share of cabinet posts and the assembly seats has been waxing and waning. The elections of 1967 and 1977 did not signify a permanent and abiding resurgence of the backward castes on the political scene of U.P. and Bihar. Karpoori Thakur and Ram Narsh Yadav definitely erred in thinking that they did.

5. There is no doubt that in Tamil Nadu, the Youth belonging to the non-Brahmin forward castes must be experiencing the crunch of the reservation scheme. But quite a few of them can take advantage of the vagueness and fluidity of the classification based on sub-castes. The seriousness of this rampant misuse has been statistically proved by the Tamil Nadu Backward Classes Commission Report. As long as such misuse is possible, the propensity for frustration and aggression is relatively reduced. In Karnataka, too, this is happening, but not to the same extent. In this State, misuse of the provision for the special group whose income does not exceed, Rs. 4,800 per annum, has been reported.

The Bihar and U.P. classifications do not permit any falsification of castes, as the classification is based on the broad caste lines, and not on sub-caste lines.

A Rajput cannot pass off as a Kurmi or Kueri and remain undetected for a long time.

6. A second stage of the resurgence of the weaker among the backward castes has been delayed in Tamil Nadu. The non-Brahmin forward castes dominate the services and professions, because of the earlier head start. Nine castes in the list of the OBCs have gained a lot from the operation of the reservation scheme. The situation, theoretically, is ideal for a second stage of the movement. If this develops, and if these OBC castes which have gained disproportionately are excluded from the list, we may expect a backlash. But the weaker backward castes have not even protested against the inclusion of the Sozhia Vallal Gounders, etc., in the list in 1973. This absence of resentment and protest is in a large measure due to the Tamil revivalism and sub-nationalism.

In Karnataka, there has been no such revivalism movement to delay the upsurge of the weaker among the backward castes.

7. Owing to the classification in Tamil Nadu along the sub-caste lines, it is difficult to fix the percentage of the population which is classified as forward. In Karnataka, it is really the forward Lingayats, constituting about 10 to 12% of the population who are really adversely affected and feel agitated. In that State the Christians, Vaisnavas and Brahmins have written off the government service.

In Uttar Pradesh the population classified as forward is considerable, i.e., around 20 per cent. In Bihar, the numerically small strength of the forwards, i.e. around 13 per cent is more than made up by its control over the countryside. The legacy of semi-feudalism in these two states has enabled these forward castes to fight bitterly against the reservation scheme.

8. The economies of Tamil Nadu and Karnataka have been expanding relatively faster. The private tertiary sector appears to be growing. It can shelter many forward caste youths. Also, they are prepared to migrate outside the State.

The private tertiary sectors in Bihar and U.P. are stagnant. The forwarded caste youths in these two states have to depend heavily on government jobs. Driven to desperation, they have reacted violently.

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VOLUME V

A NOTE ON SOCIO-EDUCATIONAL SURVEY TABLES

All relevant details about the Socio-Educational Survey have been furnished in Chapter XI of the Main Report (Volume I). The following account gives a brief description of the scheme followed in arranging State-wise tables.

Two villages and one Urban Block were selected from each district of the 31 States and Union Territories of India. The field survey covered all the households in these selected areas. The Schedules for canvassing information from these households are given in Appendices 14 & 15, Volume II. All the information canvassed in these schedules was computerised and compressed into the following 13 tables :—

- | | | |
|----------|---|--|
| Table 1 | : | Sample units covered in each district with number of households. |
| Table 2 | : | Population and number of households by caste, traditional occupation and average size of households. |
| Table 3 | : | Caste-wise percentage of households considered 'Backward' by others. |
| Table 4 | : | Caste-wise distribution of households by ownership of homestead land, and those living in owned/rented/houses as well as type of houses. |
| Table 5 | : | Caste-wise percentage distribution of households according to distance from main source of drinking water. |
| Table 6 | : | Workers/non-workers by caste and sex. |
| Table 7 | : | Caste and sex-wise percentage distribution of population by age at marriage and traditional occupation. |
| Table 8 | : | Caste and sex-wise percentage distribution of population by educational levels. |
| Table 9 | : | Percentage of manual labourers working for themselves/other by caste, educational attainment and sex. |
| Table 10 | : | Caste and sex-wise distribution of non-students between ages 5 to 15 years having never attended a school by reasons. |
| Table 11 | : | Caste and sex-wise distribution of dropouts among non-students between ages 5 to 15 years having ever attended a school by reasons for dropping out. |
| Table 12 | : | Average value of assets per household by caste and traditional occupation. |
| Table 13 | : | Average income of the household by caste with number of households having taken loan and their percentage distribution by reasons for taking loan. |

For each of the 31 States and Union Territories, data has been separately compiled for each one of the above 13 tables. States and Union Territories have been listed in an alphabetical order and the data pertaining to each State and Union Territory given in 13 sections corresponding to 13 tables.

VOLUME VI

NOTE

As indicated in Chapter XII of the Main Report (Vol. I), State-wise lists of other Backward Classes contained in this volume pertain primarily to the Hindu communities. Wherever, the names of Hindu and non-Hindu hereditary occupational communities are common, such non-Hindu communities have also got listed automatically.

But as explained in para 12.18, Chapter XII, of the Main Report, a separate set of criteria has been recommended for identifying non-Hindu communities.

According to this criteria, non-Hindu O.B.Cs. will comprise :—

- (i) All untouchables converted to any non-Hindu religions; and
- (ii) Such occupational communities which are known by the name of their traditional hereditary occupation and whose Hindu counterparts have been included in the list of Hindu OBCs. (Examples : Dhobi, Teli, Dheeniya, Nai, Gugar, Kumbar, Lohar, Darji, Badhai, etc.).

I. ANDHRA PRADESH

S. No.	Names of O.B.Cs.	S. No.	Names of D. R. Cs.
1.	Achukatlavandlu.	47.	Chintala.
2.	Adi Karnataka.	48.	Chuppolu (Mera).
3.	Agamundi.	49.	Chopemari.
4.	Agaru.	50.	Damala.
5.	Aghamudayat, Vellari, Madali, Achamudaya, Agham-badiar, Barichatty, Kondaliyar, Palegaru	51.	Darji, Bhavasara, Hindumera, Maratha, Merti, Rangari, Rangrez.
6.	Ajila.	52.	Dasari.
7.	Aravala.	53.	Dasari (Donga and Gudu).
8.	Archak Brahmins.	54.	Deva-Telikula, Gounda, Teli.
9.	Are-Marabli.	55.	Devanga.
10.	Arekalika, Katika.	56.	Devendra Kulathan.
11.	Aryakshatriya, Chitari, Chitrakara, Giniyar, Nakhas	57.	Dhakkada.
12.	Atagara.	58.	Dher.
13.	Atar.	59.	Dombo.
14.	Budaga.	60.	Dombs-Andhya, Dombs, Audiniya Dombs, Chonri Dombs, Christian Dombs, Nirgani Dombs, Oriya Dombs, Poraka Dombs, Telaga Dombs, Umula Dombs.
15.	Bagalu.	61.	Dombara.
16.	Baira.	62.	Dongayathas.
17.	Bakuda.	63.	Dudekula, Laddaf, Pujari or Nour-Bash.
18.	Balasanthanam.	64.	Ediga, Gowda (Gammalla, Kalalee), Gounda, Settibalija.
19.	Balasanthu, Bahurupi.	65.	Gandla, Telikula.
20.	Bandara.	66.	Ganganji.
21.	Bandi.	67.	Gangiredlavaru.
22.	Bantu.	68.	Garodi.
23.	Bathini.	69.	Gavara.
24.	Battada.	70.	Godaba.
25.	Begari.	71.	Godda.
26.	Bellara.	72.	Golla, Dhangar, Iddayar, Konar, Kurba, Kurwa, Yadav, Yerragella.
27.	Besha-Anikali, Jelara, Ratna Balaji, Uppala, Vada Balaji.	73.	Gouda.
28.	Bhamta.	74.	Gouda-Bato (Bhirithya, Dudhokuria, Hata, Jarako and Joria).
29.	Bhatraju.	75.	Gudala.
30.	Bhatu Turka.	76.	Gujula Balija, Daar, Musoku, Perika Balon.
31.	Bhottada-Bodo Bhottada, Muriabhaitada and Sano Bhottada.	77.	Hasla.
32.	Bhumias-Bhuri Bhumia and Bodo Bhumia.	78.	Hatkar.
33.	Blindi.	79.	Irvla.
34.	Birsoy-Barangi Jodia, Banangi, Daduva, Gudo Jodia, Hollar, Jheriya, Kollai Konde, Paranga, Pergajodis, Prangi, Takora.	80.	Jakkala.
35.	Boya, Balmiki.	81.	Jandra, Kuruvina Satty.
36.	Budabukkales.	82.	Jangalla.
37.	Budbukk.	83.	Jangam.
38.	Bukka.	84.	Janira.
39.	Burbook.	85.	Jetty.
40.	Burganakaliga.	86.	Jlogar.
41.	Chakala, Chewla, Dhobi, Rajaka, Chakab, Yannar.	87.	Jogi.
42.	Chakkiliyan.	88.	Joshinandiwalas.
43.	Charan Banjara.	89.	Kachi.
44.	Chatra-Agnikulaksatryya, Bombili.	90.	Kaden.
45.	Chenchulu.	91.	Kaikadi.
46.	Cherumta.	92.	Kaikadi (or Korva).
		93.	Kalkala.
		94.	Kalavanthulu, Baggala, Ganika.
		95.	Kaladi, Kalwar.

S. No.	Names of O. B. Cs.
96.	Karakkan.
97.	Kandra.
98.	Kaniyan.
99.	Kanjat.
100.	Kanjara-Bhatta.
101.	Kanwar (Jaiswal).
102.	Kapmare or Reddika (Redika).
103.	Kapumarica.
104.	Karikalabhakthulu, Kalkala or Kalkolan (Sengundam or Sangunther).
105.	Karimpalan.
106.	Karnabhakthulu.
107.	Karnaveegar (Karnam), Kanaka Pillala.
108.	Katika, Kasai.
109.	Katipamula.
110.	Katipapala.
111.	Katri-Rajulu.
112.	Kayasth-Kaiti Brahmin
113.	Khatib-Khatti, Kommarao and Lobara.
114.	Khoud.
115.	Kinjhalu Kalinga.
116.	Kintoli Kalloga.
117.	Kochi.
118.	Kodalo.
119.	Kolings, Baragana Kalinga.
120.	Komakapu.
121.	Kommar.
122.	Kond (Kuf).
123.	Koosa.
124.	Koppulavelama.
125.	Koracha (Keravara).
126.	Koraga.
127.	Kosalyagoundus—(Basa Theriya Goundus, Chitti Goundus, Dangayath Goundus Doddu, Dudu Kamara Ludiya, Komariya Goundus and Pulla Sarya Goundus).
128.	Koshti.
129.	Kota.
130.	Koyl.
131.	Krishnabaliya (Dasari Bakka).
132.	Kudiya.
133.	Kudubl.
134.	Kudumban.
135.	Kumar-Kulla, Sallabaza.
136.	Kumbhakshatriya.
137.	Kumara or Kulala.
138.	Kunapili.
139.	Kuochetigara.
140.	Kurakula.
141.	Kuravan.
142.	Kurichchan.
143.	Kurube or Kuruma, Hegda.
144.	Kuruman (Kurumba).
145.	Kuruman.
146.	Lingabaliya.
147.	Madri.
148.	Mahasari.
149.	Mahatar (Muslims).
150.	Malla.
151.	Malasar.
152.	Mell/Mondi Patla.
153.	Mali (where they are not Scheduled Tribes).
154.	Mali—Kerchia Mali, Palke Mail and Peddemali.

S. No.	Names of O. B. Cs.
155.	Mandula.
156.	Manjala.
157.	Manjali—Nayi Brahmin.
158.	Mangtha Goundus, Bana Mangatha, Bernia Goundu, Bode Mangatha, Gougayath Goundu, Lada Gounda, and Pannayagatha.
159.	Manurkapu (Telangana), Munsoor—Kapu.
160.	Marathi.
161.	Mathura.
162.	Maune.
163.	Mavilan.
164.	Medari or Mahendra.
165.	Moger.
166.	Mondiwar.
167.	Mondivaru, Mondi Banda, Banda.
168.	Manula.
169.	Mudiraj, Mutraal, Teugolli.
170.	Muliya.
171.	Muria.
172.	Mutharechas.
173.	Muthuri—Bama, Ganga Pura, Mudiraj, Muthuraja, Teloga, Teugu.
174.	Nagaralu.
175.	Nagavaddilu.
176.	Nagavaram (Nagavama), Nagbanti
177.	Naik.
178.	Naikapu.
179.	Nakkata.
180.	Nayedi.
181.	Nayak.
182.	Noelakanthi.
183.	Nessi or Kural.
184.	Neypala.
185.	Nhavi.
186.	Nirshikeris.
187.	Nokkar.
188.	Nolskeyava.
189.	Nolli.
190.	Oddar (or Weddara), Odde, Odder, Vadde, Odudu, Vaddi, Vadde.
191.	Ojulus or Motta, Kozwala.
192.	Omnaito.
193.	Pacha Bhatta.
194.	Pachabotte.
195.	Padamperi.
196.	Padmasali (Parusah, Sali, Salivan, Seanapathulu, Thogata Sali).
197.	Pagadai.
198.	Paigarapu.
199.	Painde.
200.	Palakari.
201.	Pallan.
202.	Pala, Palikari, Palilkarullu, Agulkola.
203.	Palli.
204.	Palli—Vada Balika, Gangavar, Goodis Valari, Vanyakulak—Shatriya (Vannokapu, Venneredd Nayyala and Pattapu).
205.	Pambala.
206.	Pamula.
207.	Pannu.
208.	Pandara.
209.	Paniyan.

S. No.	Names of O. B. Cs.	S. No.	Names of O. B. Cs.
210.	Panniandi.	252.	Sondi, Soundika.
211.	Paraiyaa.	253.	Sore.
212.	Paravan.	254.	Sorollo (Somavansha Kshatriya).
213.	Pardhi (Nirshikari).	255.	Sri Sayama, Segidi.
214.	Pardies.	256.	Sudha Saiva Shivarchka.
215.	Pariki Muggula.	257.	Sunna.
216.	Passi.	258.	Sunnai.
217.	Palkar (Khatri).	259.	Sutari.
218.	Patra.	260.	Swakulasali.
219.	Peddammavandlu, Davaravandlu, Yellamma Vandlu, Mutyalamma vandlu.	261.	Talayari.
220.	Perika (Perike Balija, Puragiri Kshatriya).	262.	Tambofi.
221.	Perikalu, Reddy.	263.	Tammali.
222.	Potias.	264.	Telaga, Kamma.
223.	Picharis.	265.	Thogata, Thogati or Thogataveera Kshatriya.
224.	Pitchiguntaia.	266.	Thottia Naicks.
225.	Poligars.	267.	Thulva—Vellala, Agamu—Daiyan.
226.	Polinatvelamas.	268.	Tiruvalluvar.
227.	Poosala.	269.	Toda.
228.	Poraja—Bado Peroja or Sodia, Jodia Perjua, Pareng Peroja and Sena Paroja.	270.	Turupukapus.
229.	Pulayan.	271.	Upasara.
230.	Puthiraj Vannan.	272.	Uppara or Sagara.
231.	Puttul, Karno.	273.	Vadder-Bevi, Upparilu.
232.	Rachkoya.	274.	Vadugan.
233.	Raneyar.	275.	Valluvan.
234.	Raulo.	276.	Valmiki.
235.	Reddikas.	277.	Valmiki Boya (Boya, Bedar, Kirataka, Nishadi, Vellapi Pedda Boya), Talayari and Chundu Vallu.
236.	Sadhuchetty.	278.	Vanjara (Vanjari).
237.	Sangari.	279.	Varala, Thogra, Bholla, Baliga.
238.	Saora.	280.	Veeramusti (Nettikotala).
239.	Sapari.	281.	Yettuvan.
240.	Sare.	282.	Vidiki, Niyogi.
241.	Satani (Chattada Srivaishnava Chatadi).	283.	Virasivalingayat.
242.	Scheduled Caste converts to Christianity and their children.	284.	Viswabrahmin (Amsula or Kamsali, Kannuri, Kanchari, Vedia or Vadra or Vadrangi and Silpis).
243.	Seela-Venham.	285.	Waddar or Kala Waddars or Pathrods.
244.	Secrithi Goudus.	286.	Wadla.
245.	Semman.	287.	Yaras.
246.	Senajal.	288.	Yata.
247.	Sestakaram.	289.	Yedu Kularu.
248.	Sholaga.	290.	Yenadiwards.
249.	Sholagar.	291.	Yetta.
250.	Sidhor.	292.	Yuarulau.
251.	Singalu.		

2. ASSAM

S. No.	Names of O. B. Cs.	S. No.	Names of O. B. Cs.
1.	Ahom.	54.	Kalhendi.
2.	Arya Mala.	55.	Kandhal.
3.	Asur.	56.	Karbi.
4.	Daiga.	57.	Karmali.
5.	Hajara.	58.	Kashan.
6.	Banjara	59.	Kawar.
6.	Bashna.	60.	Kayastha (Bengali).
7.	Baria.	61.	Keot.
8.	Barjubi	62.	Khamti.
9.	Baroi.	63.	Kharia.
10.	Barul.	64.	Kherwar.
11.	Basor.	65.	Khodai.
12.	Basphor.	66.	Khond.
13.	Bauri.	67.	Khonyor.
14.	Beddi.	68.	Kohor.
15.	Bedia.	69.	Koiri.
16.	Beldar.	70.	Kol.
17.	Bharalk.	71.	Kondpan.
18.	Bhatta.	72.	Kormakar.
19.	Bhil.	73.	Korwa.
20.	Bhokta.	74.	Kotwal.
21.	Bhumij.	75.	Koya.
22.	Bhuyan.	76.	Kshatriya.
23.	Birja.	77.	Kumar, Rudra Paul of Cachar.
24.	Bihor.	78.	Kumhar.
25.	Birja.	79.	Kupadhar, Kushian, Rarh.
26.	Bendo.	80.	Kurmi.
27.	Bowri.	81.	Labar.
28.	Chamar.	82.	Lahara.
29.	Chere.	83.	Lodha.
30.	Chick Banik.	84.	Lodhi.
31.	Choudang.	85.	Lor.
32.	Chowdhari.	86.	Madari.
33.	Chulia, Chutiya.	87.	Mahato.
34.	Dandari	88.	Mahisya-Das, Mahisya.
35.	Dandasi.	89.	Mahli.
36.	Dhamal.	90.	Maimak (Muslim fishermen)
37.	Dhanwar.	91.	Najwar.
38.	Dusad.	92.	Malpaharia
39.	Ganda.	93.	Manipuri (including Manipuri Brahmins, Manipuri Muslims & Meitei)
40.	Gankak in Cachar only.	94.	Manki.
41.	Gawala, Ghosh, Goal, Goula, Gop, Gora, s. Ahir.	95.	Maria.
42.	Ghansi.	96.	Mirdhar.
43.	Ghatowar.	97.	Modi.
44.	Ghatuar.	98.	Mohli.
45.	Gonda.	99.	Moran, Masul.
46.	Gonds.	100.	Mukhi.
47.	Gor.	101.	Munda.
48.	Gorait.	102.	Mundas.
49.	Hari.	103.	Mura.
50.	Holra.	104.	Nagasia.
51.	Jogi, Jugi, Nath, Yogi.	105.	Nag Bansi.
52.	Joiha.	106.	Nai, Bij, Hajam, Napui.
53.	Kalahandi.		

S. No.	Names of O. B. Cs.
107.	Nuth.
108.	Nayak.
109.	Nepali (Chatri, Chhatri, Dami, Gaine, Gurung, Lama, Lihu, Lohar, Magar, Rai, Sacki, i.e. Cobbler, Thapa).
110.	Nonia, Nunia.
111.	Oraon.
112.	Paidi.
113.	Panika.
114.	Pans.
115.	Parja.
116.	Pasi.
117.	Patralanti.
118.	Pradhan.
119.	Rajbanshi, Koch.
120.	Rajput

S. No.	Names of O. B. Cs.
121.	Rajwar.
122.	Sahora.
123.	Saioi.
124.	Santhal, Santal.
125.	Soyras.
126.	Sudra Das, Dey.
127.	Sut, Soot.
128.	Tantripai, Tanti, Taptri.
129.	Tantubai.
130.	Tausa.
131.	Telanga.
132.	Teli.
133.	Thai-Chanhari.
134.	Tipara, Tipera
135.	Turi.

3. BIHAR

S. No.	Names of O. B. Cs.	S. No.	Names of O. B. Cs.
1.	Abdal.	51.	Godra.
2.	Agariya.	54.	Gokha.
3.	Adhiri.	55.	Gonrls, Gorh, Gothahun
4.	Aguri- Vaushya, Sudi, Halwai, Rooliyar, Pansari, Modi, Kusera, Kesarwani, Kathera, Siduriya-Banla, Mahuro-Vaidiya-Awadh-Banla, Kath-Banla.	56.	Goud.
5.	Amaat.	57.	Goudu
6.	Bagdo.	58.	Gulgaliya.
7.	Banpar.	59.	Hajjam, (Awadhiya, Kannaaja, Kawa, Nai, Naya, Napt, Naya, Thakur).
8.	Barai.	60.	Hima, Karanjia, Qassar (Muslim).
9.	Barl.	61.	Idiroso or Darzi (Muslim).
10.	Basphor.	62.	Irika.
11.	Bekheda.		Judap.
12.	Beklar, Buchgotra.	64.	Jogi, Jogo, Jugl.
13.	Beldiya.	65.	Juang.
14.	Benkar.	66.	Julaha.
15.	Bhar.	67.	Kabari.
16.	Bharbhaya.	68.	Kadar.
17.	Bhaskar.	69.	Kaghzi.
18.	Bhat/Bhatt.	70.	Kahar, Chandraborai, Chatrapati, Chotru Bansi, Ramani, Rawani, Paveri.
19.	Bhachhara (Muslim).	71.	Kalbartha.
20.	Bhuhar, Bhulyar.	72.	Katandar.
21.	Bard.	73.	Kalwar.
22.	Birjina.	74.	Kanwar, Barhai, Kakit, Maggla, Maghniya, Mistri, Numbansi, Viswakarma.
23.	Chandrabhanshi (Kahar).	75.	Kamkar.
24.	Chain, Chayson.	76.	Kander.
25.	Chancou.	77.	Kanu.
26.	Chapota.	78.	Kapedia.
27.	Chatwal.	79.	Karwalgot.
28.	Chik (Muslim).	80.	Kassab (Kasai) (Muslim).
29.	Churhara, Mantbar.	81.	Kaura.
30.	Dafalange (Muslim).	82.	Kawar.
31.	Dafale (Muslim).	83.	Kela.
32.	Dangi.	84.	Keot.
33.	Devlar.	85.	Khadwar.
34.	Dhamin.	86.	Khangar.
35.	Dhankar.	87.	Khatik.
36.	Dhanuk, Purwa.	88.	Khatwa.
37.	Dhanwar.	89.	Khatwo.
38.	Dhari.	90.	Khota.
39.	Dhekari.	91.	Khotauri.
40.	Dhimas.	92.	Kishar.
41.	Dhuria, Dhumiari.	93.	Kochh.
42.	Faqie (Muslim).	94.	Koli.
43.	Gadaba.	95.	Korku.
44.	Gaddi.	96.	Koshta.
45.	Gadihar (Muslim).	97.	Kumarbhag Pabadia.
46.	Ganda.	98.	Kumhar, Chotrapati, Kobbalkar, Kumhar, Kumbhakar, Prajapati.
47.	Gandharb.	99.	Kanira.
48.	Gangai (Nagesh).	100.	Kritria.
49.	Gangota, Gangoth.	101.	Kurmi.
50.	Ghatwar.	102.	Kushwaha (Kocri).
51.	Ghusucia.	103.	Laheri.
52.	GoSo (Chavo), Godhi.		

S. No.	Names of O. B. Cs.
104.	Lalbegi, Bhangji (Muslim).
105.	Lodha.
106.	Lohar.
107.	Madar.
108.	Madari (Muslim).
109.	Mahishya.
110.	Mahlo.
111.	Mahuria.
112.	Majhwar.
113.	Maltr (Malhor).
114.	Mali (Malakar).
115.	Maljh, Birhar, Gayotri, Ghetwel, Jalwar, Kewat, Kurwaha, Mabeta, Majhi, Murtyoni, Maauria, Phutact, Purbia, Nisad, Goshi, Dhiwar, Jhiwar, Jhimar.
116.	Mangan.
117.	Mangar (Magar).
118.	Markande.
119.	Mauriara.
120.	Micista (Muslim).
121.	Mirshikar (Muslim).
122.	Momin (Muslim).
123.	Maulik.
124.	Mukro (Mukero) (Muslim).
125.	Nalband.
126.	Nansbudra.
127.	Naz (Muslim).
128.	Nav-Buddhists, Neo-Buddhists.
129.	Nonia, Klarwat, Nunia.
130.	Pahira.
131.	Pal (Bherihar-Gaderi), Gaderin.
132.	Pamaria (Muslim).
133.	Pandi.
134.	Paryn.
135.	Patherkul, Bachigolia.

S. No.	Names of O. B. Cs.
136.	Patnaik.
137.	Patwa.
138.	Phudhar.
139.	Pingshiya.
140.	Pradhaz.
141.	Rajbhar.
142.	Rajboshi (Risiya and Poliya).
143.	Rajdhobi.
144.	Rangwa.
145.	Rangrez (Muslim).
146.	Rautiya.
147.	Rayeen.
148.	Sangatrash.
149.	Sauta (Sota).
150.	Sayee (Muslim).
151.	Shivhari.
152.	Siyal.
153.	Soir, Soyee.
154.	Sonar, Bakwar, Sonar, Swamkar.
155.	Sunri.
156.	Tamariya.
157.	Tamboll.
158.	Tamoli.
159.	Tanti, Taji, Tatin, Tatwa, Swati.
160.	Tapoll.
161.	Teli.
162.	Thakurai (Muslim).
163.	Tharu.
164.	Thathera.
165.	Tikulhar.
166.	Tiyar.
167.	Turha, Sao.
168.	Yadav (Gwala, Akir, Gope, Sadgope, Ghari).

4. GUJARAT

S. No.	Names of O. B. Cs.	S. No.	Names of O. B. Cs.
1.	Adodia.	46.	Kumbhar (Biyar, Kadra Patel, Lathiya, Ponsakor, Prajapati, Sakariya Variya, Varia).
2.	Agri.	47.	Labana, Mahavat, Goti, Hadkashi, Zodi, Dhiaga, Pelya, Shatbal, Baman.
3.	Ahir, Ayar-Boricha, Yadav.	48.	Lodha.
4.	Bafan (Muslims).	49.	Machhi (Hindu), Bitva, Dhimar, Dhivar, Kahar, Khafer, Kholasi, Kharwal, Mangala, Sarang, Tandel.
5.	Barot, Vahivancha.	50.	Machi, Aaribharatbhara, Bharatbhara, Chamadia, Chandia, Dasania, Jansali, Jangar, Myangar, Sonari, Sivania.
6.	Buvocha.	51.	Madari, Bharathari, Nath.
7.	Bavri or Baori.	52.	Majothi Kumbhar, Darbar or Darban Majothi (Muslims).
8.	Bawa, Ash Bawa, Bharothari, Bharti, Deshnami Bawa, Dashnam, Gangajali, Giri, Gosai, Goswami, Ramnandi, Kapdi, Margi, Nath Bawa, Puri, Vatrugi Bawa.	53.	Makrani (Muslims).
9.	Bholia.	54.	Mansari (Muslims).
10.	Bhonia, Pardeshi Bhanis.	55.	Matwa or Matwa-Kureshi (Muslims), Gavli (Hindus).
11.	Bharwad, Mota Bt Bharwad, Nana Bhai Bharwad, Kabari, Baria Mota Bhai, Chosla, Janapada (where they are not Scheduled Tribes).	56.	Me or Meta.
12.	Bhoi, Bhoiraj, Dhimar, Zinga-Bhoi, Keyat-Bhoi, Bhanara Bhoi, Kirai Bhoi, Machhindra Bhoi, Palewar Bhoi, Kahar Bhoi, Pardeshi Bhoi, Shrimali Bhoi.	57.	Mena (Bhil).
13.	Burud.	58.	Mer.
14.	Chakrawadya Dasar.	59.	Miana, Miyya (Hindus & Muslims).
15.	Charan, Charan Gadhavi (where they are not Scheduled Tribes).	60.	Mir, Dhadi, Langha, Mirasi (Muslims).
16.	Chaudhari (where they are not Scheduled Tribes).	61.	Mistri, Gujar, Mistri Rathod, Mistri Suthar.
17.	Chhara, Adodia, Sansi.	62.	Nat, Nat-Bajania, Natada, Bajigar.
18.	Chunara.	63.	Nav-Buddhist, Neo-Buddhists.
19.	Chuvatia Koli.	64.	Od.
20.	Dabgar.	65.	Padhar (where they are not Scheduled Tribes).
21.	Dafer (Hindus & Muslims).	66.	Padmashali-Pattushali.
22.	Dakaleru.	67.	Palawadia.
23.	Dhobi.	68.	Palwadia.
24.	Divachakoli.	69.	Paradhi, Pardhi, Pardhi-Raj, Advichincher, Phase Pardhi (where they are not Scheduled Tribes).
25.	Fakir or Faquir (Muslims).	70.	Pinjara, Ghanchi, Mansuri-Panjara (Muslims).
26.	Gadaha or Gadiluharia.	71.	Powra.
27.	Gadhali (Muslims).	72.	Rabari, Sorthia, Charalia, Charmta, Luni, Kusbar, Tank, Muchhal Kadlyakumbhar (where they are not Scheduled Tribes).
28.	Galiara (Muslims).	73.	Rathodla.
29.	Ghanchi (Muslims).	74.	Raval-Ravalia, Jati or Raval Yogi, Raval Jati, Jagaria, Padal, Ravar Rawalia.
30.	Chandla.	75.	Rohit.
31.	Gola-Rana.	76.	Salat (where they are not Scheduled Tribes).
32.	Hingora (Hindus & Muslims).	77.	Sandai (Hindus & Muslims).
33.	Jat (Muslims).	78.	Sangheda.
34.	Julaya, Garana, Taria & Tari (Muslims).	79.	Sansi.
35.	Kaikadi or Korach.	80.	Sarani.
36.	Kalhodia.	81.	Sargara.
37.	Kambadia Bhogat.	82.	Shikligar.
38.	Kangasia.	83.	Shingdav or Shingadya.
39.	Khant.	84.	Shrawan, Sarwan.
40.	Kharwa-Bhadela.	85.	Siddi (where they are not Scheduled Tribes).
41.	Khatik.	86.	Sipal, Patni Jamat or Turk Jamat (Muslims).
42.	Khatji or Kasai, Chamadia-Khatki, Halarikhatki (Muslims).	87.	Sochi.
43.	Khristi Gujarati Christian (Converts from Scheduled Castes only).	88.	Sumra.
44.	Koli, Koli Malhar, Koli Mahadev or Dongar Koli, Ghedia Koli, Idaria Koli, Kharva Koli, Rathwa Koli, Baria Koli, Dhebaria Koli, Talpada Koli (where they are not Scheduled Tribes).	89.	Talabla.
45.	Kotwal or Kotwalia.	90.	Tankar.
		91.	Targala, Hhayya, Bhojak, Nayak.
		91a.	Tali, Modh Ganchi.

S. No.	Names of O. B. Cs.	S. No.	Names of O. B. Cs.
92.	Thakara, Baria, Dharala, Patanwadia, Thakore.	101.	Vanjara, Banjara, Charan Banjara, Mathura Banjara, Maru Banjara, Bagora Banjara, Kawasbiya Banjara, Bamania Banjara, Ladonia Banjara, Gavarla or Gawaia, Rohidas Banjara.
93.	Thakur (Non-Rajputs).	102.	Wadwa Waghari.
94.	Theba (Muslims).	103.	Waghari, Damaniya, Waghari, Vodu Waghari, Talapada Waghari, Ganachia Waghari, Godadia Waghari, Chibhadia Waghari.
95.	Timali.	104.	Wagher (Hindus & Muslims).
96.	Vadi.	105.	Wandhara.
97.	Vaghri-Garnicho, Vedva Churalia, Jakhudia (where they are not Scheduled Tribes).		
98.	Wale, Valand, Nai (Hindus), Hajjam, Khaipha (Muslims).		
99.	Vankar Sadhu.		
100.	Vans-Foda, Vansfodia or Vanza, Wansfoda.		

5. HARYANA

S. No.	Names of O. B. Cs.	S. No.	Names of O. B. Cs.
1.	Aheria, Ahiria, Heri, Aheri, Naik, Thori, Turi.	40.	Gutka Jat, Chillou Jat.
2.	Ahr. Gawabi, Gowala, Rao, Yadav.	41.	Hami.
3.	Bagara.	42.	Jhimar, Atlas, Bidran, Bire, Dhinwar, Duglan, Dora, Chitre, Jhewar, Jhinwar, Jimar, Kahar, Kirnal, Lamsar, Malri, Radhav, Tula.
4.	Balasaria, Bhugai, Bhnra, Gagan, Kaitwan, Kawanda, Kawaleya, Khuri, Kunkani, Lods, Lodha, Lodha, Mandi, Niwan, Ranka, Thim.	43.	Jogi, Bars, Chillar, Faqir, Gaudi, Goliya, Nath, Padha, Powar, Riwal, Ruel, Tanwar, Toor, Silag.
5.	Banjara, Banjara Nnts, Lobsana, Vanjara, Kanjar, Kanchan.	44.	Juaha (Weaver).
6.	Baragi, Bairagi.	45.	Kamboj, Bangwa, Bangwai, Chimde, Gadbi, Gagwulk, Jungla, Kamboh, Lagle, Paulhe, Pradhan.
7.	Baral, Tamboli.	46.	Kahal.
8.	Barhal, Bhrara, Dadoi, Dhawal, Dhiman, Jangiar, Jangid-Brahman, Jangra-Brahmin, Khati, Kashyap, Manithiya, Rajola, Rangarbia, Sathar, Tarkhan, Vikwakarma.	47.	Khanghera.
9.	Barna.	48.	Kuchband.
10.	Barra.	49.	Kumhar, Prajapati.
11.	Barwar.	50.	Kurmi.
12.	Batera.	51.	Lohana, Labana, (Same as in S. No. 5).
13.	Beria.	52.	Lakhera, Chinn, Manihar, Panthar, Pamar.
14.	Beta, Hesi or Hesi.	53.	Luhar, Lohar.
15.	Bharbhujia, Bharbhujia, Kaionera.	54.	Madari.
16.	Bhat, Bhatra, Charan, Darpi, Raniya.	55.	Maghya.
17.	Bhubaita-Lohar, Garhi-Lohar.	56.	Maharan.
18.	Bhura-Brahman.	57.	Meena, Misa.
19.	Chagar.	58.	Mawati.
20.	Chung.	59.	Mirasi, Gattala, Halwe, Kuchra, Smrachhuiker.
21.	Chhimba, Chimba, Darzi, Soi.	60.	Mochi.
22.	Chhipi, Bhat, Mochela Pandla, Rohita, Untal.	61.	Naar.
23.	Chrimar.	62.	Nai, Amrewal, Banbiro, Didhia, Hujjam, Mandi, Jadawal, Japi, Juvva, Kaikan, Kaila, Kaith, Kuleen-Brahman, Matwal, Napit, Nauki, Neogi, Panwar, Rajwan, Thaku.
24.	Dakaut, Bhargava, Dakot, Jyotshi, Ransabab.	63.	Nalband.
25.	Daoli, Daola.	64.	Noongar, Mungar.
26.	Dhanwar.	65.	Pakhiwara.
27.	Dhaya, Dheya, Daiya.	66.	Panjali, Pinja.
28.	Dhimar, Malah, Kashyap Rajput.	67.	Rachband.
29.	Dhobi, Bhattam, Chauthan-Bhatti, Khurdania, Monson Rajpar, Tanwar.	68.	Rai-Sikh.
30.	Dhosali, Desali.	69.	Rehar, Rehara, Rihar, Rea.
31.	Gadarin, Banghela, Barcla, Biar, Bilar, Hiranwal, Kalanjia, Podnowal, Pal, Shiviya.	70.	Saini.
32.	Gaddi.	71.	Shorgit.
33.	Gandwal, Gangwa.	72.	Singikant, Singiwala.
34.	Gawaria, Gauria, Gwar.	73.	Sunar, Astha, Chaganara, Dawar, Kangra, Karod, Katevriya, Lamba, Mahij, Mandwa, Saraf, Shirisiwan, Sirsoha, Sora, Soni, Swamkar, Thingo, Urwal.
35.	Ghasi, Ghasiyara, Ghasi.	74.	Tuga.
36.	Ghiradh, Ghizah.	75.	Teli, Hansali, Kunala.
37.	Godri.	76.	Thathera, Tamara, Thater, Kaisera, Tamkar.
38.	Gorkha.		
39.	Gujar, Buhar, Barwal, Bhanot, Char, Kalsan, Magria, Padaji, Rawal, Sangi.		

6. HIMACHAL PRADESH

S. No.	Names of O. B. Cs.	S. No.	Names of O. B. Cs.
1.	Aheria, Aheri, Heri, Naik, Thori, Turi.	29.	Ohisath, Ghrit, Grith-Bahel Chang.
2.	Ard-Pop.	30.	Gadhri.
3.	Arya, Dingra.	31.	Gorkha.
4.	Baui, Chinsora, Melori, Oamata, Uranumaru.	32.	Gowala, Gwala, Gwar, Yadav, Ahir.
5.	Badhai, Badai, Barahi, Dhiman, Jhangra-Bruhman, Khali, Kondal, Rangarhia, Turkhan, Teryal, Vahwakarna.	33.	Gujjar, Gujar (excluding the areas where specified in Scheduled Tribes).
6.	Bagria.	34.	Guntlan.
7.	Bahli.	35.	Hajri.
8.	Baragi, Balragi.	36.	Jori.
9.	Batterha.	37.	Kanbhara.
10.	Beda.	38.	Kanjur, Kanchan.
11.	Beta, Hensi, Hesi.	39.	Kehal.
12.	Bharbhunja, Bharbhujif.	40.	Kolaga.
13.	Bhat, Bhatra, Darpi.	41.	Kumhar, Prajapati.
14.	Bhuhalia.	42.	Kurmi.
15.	Chang, Chohang.	43.	Labana.
16.	Changar.	44.	Madari.
17.	Chelape.	45.	Mahatam.
18.	Chambe, Chapi, Chimpa, Darzi, Soi.	46.	Marasi.
19.	Chirimar.	47.	Mehra.
20.	Daiyu.	48.	Nai, Banneru, Hajam Kuleen-Brahman, Puriyal.
21.	Dhimar, Dhiwar, Dhinwar, Jhovear, Dhinwar, Kabar, Kashyap-Rajput, Mullah.	49.	Nalband.
22.	Dhoyali, Sosal.	50.	Nar.
23.	Faqir.	51.	Pakhiwara.
24.	Gaddi (excluding the areas where specified as Scheduled Tribes).	52.	Pinja, Peja.
25.	Gaderia.	53.	Rechband.
26.	Gawaria, Gaurin.	54.	Sagra.
27.	Ghai.	55.	Sunar, Jangar, Kapila, Sani, Swarnkar, Tonk.
28.	Ghasi, Ghasira, Ghosi.	56.	Sudhra.
		57.	Thawin.

7. JAMMU & KASHMIR

S. No.	Names of O. B. C.	S. No.	Names of O. B. C.
1.	Bakrwal, Bakkarwal.	32.	Julaha.
2.	Baxgar.	33.	Jogi.
3.	Bhand.	34.	Kesar.
4.	Bedi (Drum-beaters/Pipers)	35.	Khatana.
5.	Bharai Yarkhan.	36.	Khote.
6.	Bhangi, Khukrob (Sweepers).	37.	Kul-Faqir.
7.	Bhat.	38.	Kumbar (Potters).
8.	Baryara, Gour, Badl, Labana.	39.	Lohar.
9.	Bharunja.	40.	Lone.
10.	Baffand.	41.	Madari.
11.	Bowria.	42.	Mahgir.
12.	Chopan.	43.	Malyar.
13.	Damali-Faqir.	44.	Mir.
14.	Dhar (Mushri).	45.	Mirasi.
15.	Dhobi (Washermen).	46.	Mochi, Saraj (shoe-repairers).
16.	Doom, Doorna, Ganai/Quash (excluding those in S.C.).	47.	Mon (Drum-beaters).
17.	Dowal.	48.	Nal Band.
18.	Dholwala.	49.	Para.
19.	Farda.	50.	Parna, Pernu.
20.	Fishermen.	51.	Peer.
21.	Gaddi.	52.	Pathir.
22.	Gara (blacksmiths).	53.	Pony-Mea-Mulo-Mea.
23.	Gharati.	54.	Sansi.
24.	Gore-khans.	55.	Shaksaz.
25.	Grata.	56.	Shin.
26.	Gujar.	57.	Shupri Wattal (excluding those in S.C.).
27.	Gupree.	58.	Sikligar.
28.	Hajjam, Nai (Barbers).	59.	Sangtrah.
29.	Hangie (Manjhi Boatmen and rowing class excluding houseboat owners).	60.	Saraj.
30.	Hilka/Mason.	61.	Sochica.
31.	Jhoovar.	62.	Tali.
		63.	Yasikun.

B. KARNATAKA

S. No.	Names of O. B. Cs.	S. No.	Names of O. B. Cs.
1.	Adiya (excluding Coorg District).	47.	Bhavia.
2.	Agasa, Madivala, Sakala, Sakalavada, Shakala, Tsakala, Yanna, Dhobi, Parli, Rajaka.	48.	Bhottada, Boto Bhottada, Muria Bhottad, Sano Bhottada.
3.	Aghori, Karkamunda.	49.	Bbumias-Bhuri-Bhumia and Bodo Bhumia.
4.	Agnani.	50.	Binappa.
5.	Ambalakarma, Ambalakaran.	51.	Bindli.
6.	Andh.	52.	Bingi.
7.	Anduram.	53.	Bissoy, Barangi Jodia, Bennagi, Dadua, Frangi, Holiar, Jhoriya, Koilal, Konde, Paranga, Penga Jodia, Sodo and Takora.
8.	Ansari, Julai (Muslims).	54.	Bogad-Bogali Bagodi, Bagadi, Bagdi, Bogodi.
9.	Aranadan.	55.	Budbukk, Budbudki, Budbukals, Devari, Joshi, Burbook.
10.	Atar.	56.	Byagari.
11.	Atazri.	57.	Chachati.
12.	Baagawan, Tamboli (Muslims).	58.	Chakrawadya Dasar.
13.	Badaga.	59.	Chamboti.
14.	Bagalu.	60.	Cham Bukutti.
15.	Bagata.	61.	Chandal.
16.	Baira.	62.	Chapparband, Chapparbanda (Muslims)
17.	Baġapatar, Baġaptar, Bikaputar.	63.	Chaptegar, Chaptagara.
18.	Bairagi, Bava, Bavaji, Byragi, Bavoni.	64.	Chara, Chhar, Chhara.
19.	Bajania, Bajenia.	65.	Cherodi, Mestha.
20.	Bakadra.	66.	Chintala.
21.	Baliġa, Bajajiga, Naidu, Bogam Telaga, Telaga, Balaja, Setty Baliġa, Kasban, Munnur, Mutrasi, Matracha, Janappa, Balagara.	67.	Chitrakathi-Joshi.
22.	Balasanthoshi.	68.	Chitra, Chitrakar.
23.	Balasanthanam.	69.	Chuhar or Chuhra.
24.	Banna, Bannagar.	70.	Chunchar.
25.	Bant (excluding Belgaum, Bijapur, Dharwar and North Kanara District).	71.	Dandasi.
26.	Bantu.	72.	Dang-ġasar.
27.	Barda.	73.	Darzi (Hindu and Muslims), Bhavasar, Kshatriya Chippi, Chippiga, Simpi, Shimpi, Shiv Shimpi, Sai, Mirai, Rangari, Rangrez, Nilari, Naridev, Rangare, Neelagar.
28.	Bariki.	74.	Dasva.
29.	Barġur.	75.	Dasari, Desri.
30.	Bathal, Battal, Batler, Batter.	76.	Davadiġa, Devadigar, Moġi, Moġili, Devadig, Devaili Sappalliga, Shoregar, Servegar, Supġig, Ambalavasi.
31.	Bathini.	77.	Devang, Challiyar, Chilliyan, Koshti, Hutgar, Jed, Winkar, Julahi, Hutkar, Hatgar.
32.	Battada.	78.	Dhanka including Tadvi, Tetaria and Valvi.
33.	Bavuri.	79.	Dher.
34.	Bawar.	80.	Dhobi (Muslims).
35.	Bazigar.	81.	Dhodia.
36.	Boda, Bedaru, Valimiki, Barki Bedar, Pariyara, Bendar, Boya, Bedar, Nayaka, Bedar Nayak, Naikomakkalu, Naikwadi, Palegar, Romoshi, Talwar, Valenki, Valmiki-makkalu, Vedan.	82.	Dholi.
37.	Begari.	83.	Digwar, Jinger.
38.	Bellara.	84.	Dombs-Aadhiya, Dombs-Audiniya, Dombs-Christian, Dombs-Chonci, Dombs-Miragani, Dombs-Oriya, Dombs-Panaka, Dombs-Telaga, Dombs-Urnia.
39.	Behurupi.	85.	Donga Yerukalas.
40.	Berad (Bedar).	86.	Dombidasa.
41.	Beri (Muslims).	87.	Durgamurga-Burburchal.
42.	Beria.	88.	Easliġa, Daavat.
43.	Beshtar, Bunde-Restar.	89.	Faqir (Muslims).
44.	Bhamta, Bhampta, Pradeshi, Bhampta, Bhamtra, Takari, Uchillian, Rajput Bhamta.	90.	Gadaba, Gadababoda, Gadaba-Cerlam, Gadaba-Frangji, Gadaba Jodia, Gadaba Olaro, Gadaba Pangi.
45.	Bhaot, Bhatraġu, Bhatraġ, Bohrot.	91.	Gandla, Teli.
46.	Bhardi, Bharagi.	92.	Ganganl, Gahit, Gabbit, Gapii, Gasbit.

S. No.	Names of O. B. Cs.	S. No.	Names of O. B. Cs.
93.	Gangakula, Gangamakalu, Gowrinatha, Ambiga, Ambiga, Kabbaliga, Kabbili, Kabber, Kabbera, Kharvi, Bhoji, Bovi, Thoveya, Harakanthra, Harikanthra, Khar, Meenugar, Kharia, Sunnagar, Siviyar, Bestha, Gangamatha, Gangaputra, Bhoi, Pacivara, Erava, Brudebestaru, Megaveera.	141.	Kansan, Kaniyan, Kanyan (excluding Kollegal Taluk of Mysore Dist.), Kanyar.
94.	Ganiga, Chakkam, Teli.	142.	Kannurios.
95.	Ghadl.	143.	Karikulumbi.
96.	Ghadsi, Ghadshi.	144.	Karimpalun.
97.	Ghasi or Hadli, Relli, Suchandi, Ghasi, Boda Ghasi and Sanghasi.	145.	Karava.
98.	Gatti.	146.	Kasai, Katik, Khatik, Katuka, Katuga, Kasab, Aray, Kulal.
99.	Ghisadi.	147.	Kasar, Kansar, Kaucheru, Kanchara, Kanchugara, Bogir.
100.	Ghondali, Gondaliga, Gondhali, Gondhali.	148.	Kashin.
101.	Giddiluki, Pingle, Pingale.	149.	Kashikappi, Kashi Kapadi, Tirumali.
102.	Godagali.	150.	Katabu, Kalabar.
103.	Godari.	151.	Katipula.
104.	Gogra.	152.	Kavadi.
105.	Golla, Gouli, Gopal, Yadavi Asthana Golla, Yadava, Advi Golla, Gopala, Gopali, Hanabaru, Krishna Golla, Anubaru, Atanaburu, Hanhar, Hanabar, Dudhigola.	153.	Kavatiyan.
106.	Gondi-Modya Gond and Rajogond.	154.	Kekari, Khekari.
107.	Gondus-Bato, Bhirithya, Dudho, Keuria, Hato Jatako and Joria.	155.	Khond.
108.	Gondali.	156.	Kichagara.
109.	Goniga, Sadusetty.	157.	Kodalo.
110.	Gosavi, Gosayi, Gosain, Ahi.	158.	Kodu.
111.	Gudigar.	159.	Kulayanuruli.
112.	Gujar, Guzar (Masons).	160.	Kolayiri, Kolari.
113.	Gurav, Gurov, Tambli, Tamballa, Gurava, Gurout, Gurat.	161.	Koli Mahadeo.
114.	Halawakki, Wakkal, Vakkal, Gram Vakkal, Gam-Gowda, Gam-Gnwada, Gwada, Karevakkal Kunchavakkal, Atte-vakkal, Shilvakkal, Halakkivakkal.	162.	Kolla, Kollaba.
115.	Hallfee.	163.	Kolhati, Kolhatigi.
116.	Handevazir.	164.	Konakpu.
117.	Handervut.	165.	Kannar.
118.	Haranshikari, Chigambetegar, Vaghti, Wagiri, Nirshikari, Bagri, Bnori, Pbasachari, Vagri.	166.	Kond (Kui).
119.	Helava.	167.	Konda Dhora, Konda Reddis.
120.	Hill Reddi.	168.	Kondh, Desaya, Kondhs, Dongria, Kondhs, Kutliya, Kondhs, Tikria.
121.	Holeva.	169.	Konga, Kongadi.
122.	Hohva, Helava, Helavamallur, Helvagolla, Hndihelva, Pichiguntalu, Helvaru.	170.	Kotkna Yeshy.
123.	Honniyar.	171.	Kalkadi, Komgar, Yeraka, Erakala, Kunchi, Korva, Koramavetty, Yerukala.
124.	Howadiga, Hugar, Hoogar, Mullgar, Mali, Phoolmali, Phulmali, Phulari, Pholari, Jeer.	172.	Kosalya Goudus, Bosehoriya Goudus, Chitri Goudus, Dangayath Goudus, Dodukamariya, Dodukamaro, Adiya Goudus & Pullestariya Goudus.
125.	Howgar, Hawagar, Howadiga.	173.	Kotari, Kottari.
126.	Iliga, Halepaik, Bilhaya, Devar, Malayall-Bilhaya, Devar, Divaramakkalu, Nagdhari, Goondle, Goundla, Thiyar, Tiyan, Idiga-Kabal, Diviga, Eliga, Kommarpaik.	174.	Kotekshatriya.
127.	Jadapus.	175.	Kolja-Batika, Benthooriya, Dhulia or Dulis, Holva Paiko, Putiya, Sanona and Sidho Paiko.
128.	Jaggal.	176.	Koyeva.
129.	Jatapus.	177.	Kudubi, Kudubi-Koyi.
130.	Javeri, Jawari, Johari.	178.	Kumbara, Kunnara, Kumbhar, Kambhar, Kulala, Kuljar, Moolya, Kusaven.
131.	Jogi, Jogar, Sanjogi, Joger, Sanyasi.	179.	Kunchi Korwa.
132.	Kadan.	180.	Kurichchan.
133.	Kadar.	181.	Kuraban, Kurumban, Kurumba, Hulumatha, Dhangar Bharwad, Garava.
134.	Kadu-Koukanl.	182.	Kurma, Kurni.
135.	Kalloda.	183.	Kutuma.
136.	Kamad, Kanian.	184.	Kuruva, Kurub, Kurab, Kurubar.
137.	Kannara (excluding Kollegal taluk of Mysore Dist.).	185.	Ladar, Lad, Ladaru, Yelagar.
138.	Kanate.	186.	Lippara.
139.	Kanbi, Kulvadi, Kunbi.	187.	Lingayat Sections namely Shimp?, Shivashimpi, Neelagar, Koshti, Hatagar, Joda, Bijjeda, Noygi, Kurnhinashetty, Bilinagga, Nayinda, Navi, Kshonrada, Kelasi, Hadapad, Nadig, Mangala, Kunnar, Badagi, Agasa, Modivala, Rajaka, Gurav, Tambli, Kumbar, Kambhar, Kulal, Banagar, Nagalika, Gowli, (Cowherd), Hugar, Jeer, Malagar, Teligar, Pujar, Mathapatis amongst Jangams, Ganigar, Shuddheshiva Shivarechka, Jhammadi.
140.	Kanjar, Kanjari, Kanjir, Khanjarbhat.	188.	Lonari.
		189.	Magatha Goudus, Bernia-Goudus, Boodo Magatha, Dongayath Gonda, Lady Goudu Pona Magatha and Sana Magatha.

S. No.	Names of O. B. Cs.	S. No.	Names of O. B. Cs.
190.	Mabazari.	248.	Patvekari, Pategar, Pattegar.
191.	Maidhasi.	249.	Pentia.
192.	Malis, Korchiamalis, Paiko Malis and Pedda Malis.	250.	Pichati, Pichari.
193.	Maniyani, Muniyani.	251.	Pindaras or Prodaris (Muslims).
194.	Manna Dhora.	252.	Pichgunta, Picchiguntala, Pichuguntala.
195.	Mannan.	253.	Pomla.
196.	Marayan, Maravaur.	254.	Porjas, Bouda, Daruva, Didua, Mundili, Pengu, Pundi and Saliya.
197.	Marta.	255.	Poroja-Boda Poroja, Soda Poroja, Sano Poroja, Joddia Poroja and Paranga Poroja.
198.	Marathi (excluding South Kanara Diets).	256.	Powara.
199.	Masaniyogi.	257.	Pulayan.
200.	Medara, Medari, Burud, Gauriga, Modara.	258.	Pullavan.
201.	Mitha Ayyalvar.	259.	Puthirai Vannan.
202.	Modiga, Modikara, Modikar.	260.	Qureshi (Kassab) Muslims.
203.	Moddiwar, Mondli waru.	261.	Rajapuri, Rajpur, Balavalkar.
204.	Modugar or Muduvan.	262.	Rajput.
205.	Mudbar.	263.	Raval, Ravalia Raul.
206.	Mukha Dhora or Nooka-Dhora.	264.	Rawat, Raya, Rewath.
207.	Mukkavva.	265.	Reddi Dhora.
208.	Muliya, Muria.	266.	Reinudas.
209.	Murrari.	267.	Relli Orsachandi.
210.	Nadafa, Ladafa, Dhunya, Mansuri, Pinjar or Pinjari (Muslims).	268.	Rona.
211.	Nadora, Nadar, Uppunador, Troke Nador.	269.	Sadajoshi.
212.	Nat, Natuva.	270.	Sangari.
213.	Nalki.	271.	Santal.
214.	Nalband (Muslims).	272.	Saniyar.
215.	Nandiwala, Fullmali.	273.	Sarsi.
216.	Nathpanthi, Dauri Gosavi.	274.	Sansia.
217.	Nav-Buddhists, Neo-Buddhists.	275.	Saora.
218.	Nayinda, Nayanaja Khatriya, Hajjam Nnavi, Nadig Ambettan Mangala, Kelasi, Kahowrad, Kshhowrik, Chouriya, Navaliga Napitha, Bhaadari.	276.	Sare.
219.	Nelakanavaru.	277.	Sarodi, Saroda.
220.	Neyyi, Kuruhingsetti, Bilhanga, Thogata, Soniga, Jamkhana, Ayiri, Avir, Sala, Seale, Kaikolan Neikar, Jadar, Jandra Swakulasse.	278.	Saranis.
221.	Ostha.	279.	Satarkar.
222.	Otari.	280.	Satani, Chattada, Srivatsava.
223.	Pacha Bhotia, Pacha Botia.	281.	Savarsa, Kapusavara, Khuttosavara, Maliya Savara.
224.	Padampari.	282.	Secrithi Gouda.
225.	Padarnali-Margude, Setty, Devanga.	283.	Semman.
226.	Padarti.	284.	Shanan.
227.	Padia, Padiyar.	285.	Shingdev or Shingadya.
228.	Padit.	286.	Shikkaligar of Sikkaligar.
229.	Pagada.	287.	Sholagar.
230.	Paigarapu.	288.	Sindhur.
231.	Painda.	289.	Sochi.
232.	Paky.	290.	Soliga.
233.	Pabasi.	291.	Sonar, Arya (Kohi).
234.	Palli.	292.	Sore.
235.	Pamidi.	293.	Sunna, Sunnai.
236.	Pamula.	294.	Surava.
237.	Panaba.	295.	Sudir, Sudra.
238.	Panan.	296.	Sutsali.
239.	Panasa, Panasa.	297.	Sweepers (Muslims).
240.	Pandarau, Pandar, Pandara.	298.	S.C. (Converted to Christianity).
241.	Pan Devakulan.	299.	Tachavire.
242.	Panika, Panikkar.	300.	Takankar.
243.	Papmelara Konkani.	301.	Takaras (Muslims).
244.	Parlhan.	302.	Takavia.
245.	Pasi.	303.	Teliga.
246.	Patra.	304.	Teruvan, Chillya.
247.	Patramela.	305.	Thottia-Nalcks.
		306.	Thotewadu.

S. No.	Names of O. B. Cs.	S. No.	Names of O. B. Cs.
307.	Tigala, Thigala, Tigler, Vannikula Kshatriya, Shanbhukula, Kshatriya, Dharmaraja, Kapu Kuravan, Pallai Agnikula Kshatriya.	320.	Vathiriyar.
308.	Titari, Tirali.	321.	Vasudev.
309.	Tilvi.	322.	Vettarar.
310.	Timali.	323.	Vir, Veer, Veeramasti.
311.	Tiravalluvan.	324.	Vishva Brahman, Surpa, Daivagnya-Brahman, Kammar, Ausala, Kammalan, Kamsal, Kamsala, Panchal, Patchala, Sutar, Badagi, Badiwadli, Soni, Pattar, Gejjigar, Silipi.
312.	Turi.	325.	Vishwakarma-Luhar, Akkasale, Achari, Sivachar, Ahru.
313.	Uppaliga Sertay-Reey.	326.	Vitholia.
314.	Uppara, Uppar, Uppiliyan, Beldar, Sagara, Chunar, Gavandi, Govandi, Govadi, Goundi, Melusakkare.	327.	Vokkaliga (Rural areas only).
315.	Vadi.	328.	Yandi.
316.	Vaklu.	329.	Yeklar, Yuklar, Yekkal, Eyalika.
317.	Vajjuhodon.	330.	Yeralu.
318.	Valayar.	331.	Yeragolawad or Thella Pambawad.
319.	Vaival.	332.	Yenadiwaas.
		333.	Zargars (Muslims).

9. KERALA

S. No.	Names of O. B. Cs.	S. No.	Names of O. B. Cs.
1.	Agava.	47.	Gadibus-Bodo Gadaba, Collan Gadaba, Franji Gadaba, Jodia Gadaba, Olatu Gadaba, Pangl Gadaba and Praaga Gadaba.
2.	Alasui.	48.	Ganaka.
3.	Ambalakkaran.	49.	Gangan Reddi.
4.	Ampalan.	50.	Gatti.
5.	Ambhar, Ambathan, Ambulan, Ezhavatory, Kairrikurup, Maruthakar, Nukon, Pandhar Villakkubalanavi.	51.	Ghasi or Haddi, Kelli Sachandi.
6.	Anglo-Indian.	52.	Ghasis-Bodo Ghasis and San Ghasha.
7.	Arayan.	53.	Godari.
8.	Arayavathu.	54.	Gond.
9.	Aremahatti.	55.	Gondi-Modya Gond and Rnjo Gond.
10.	Arya	56.	Goudus-Bato, Bhivthiya, Dudho Kauria, Hato, Jatuko and Joria.
11.	Arayas	57.	Gounder, Pillai.
12.	Badaqa	58.	Gowda.
13.	Bagata	59.	Haddi.
14.	Bandari	60.	Hegde.
15.	Bariki.	61.	Holva.
16.	Ballada	62.	Ilavan.
17.	Bavari.	63.	Ilavathi.
18.	Bhiliyo.	64.	Izhuvu (Iluvau).
19.	Bhottaday-Bodo-Bhattada, Muria-Bhattada, and Sano Bhattada.	65.	Jadpus.
20.	Bhumias-Bhumia and Bojo Bhumia.	66.	Jaggali.
21.	Bissoy-Baranga Jodia, Bentangi, Bollar, Daduva, Frangi, Jhoriya Kollai, Konda Praaga, Panga Jodia, Sodo Jodia and Takora.	67.	Jambuvulu.
22.	Byagan.	68.	Jatapus.
23.	Chachati.	69.	Jogi.
24.	Chackarayar.	70.	Kadupattan.
25.	Chakkala.	71.	Kaikolan Karamara (excluding the areas comprising old Malabar District).
26.	Chalvadi.	72.	Kammalas, Viswa Kammalas (Viswa Kurma Kuruvan Agari, Mooseri, Thattan Villkurup or Villasan, Viswa-brahmanar, Viswam).
27.	Channan, Chalya.	73.	Kanisan.
28.	Chaptara.	74.	Kanisu or Kaniyar Panicker, Kani or Kaniyan (Ganaka) or Kanisan or Karunan.
29.	Chatti.	75.	Kaniyan.
30.	Chattiar, Chakkale Chattiar, Telegu, Vanikavaiyya, Yammir.	76.	Kajar.
31.	Chevalakkaran.	77.	Kannadiyan.
32.	Chayakkaran.	78.	Kapumaris.
33.	Chencho.	79.	Kathakkaran.
34.	Chetties (Kottar Chetties, Parakka Chetties, Elur Chetties, Attingal Chetties, Pudurakkada Chetties, Iravel Chetties, Sri Pandara Chetties, Telegu Chetties, Udayanikulangara Chetties, Wynadun Chetties and Paluvara Chetties).	80.	Kuzathi.
35.	Dandasa, Dandasi.	81.	Kavudiyaru.
36.	Davendrakulalhan.	82.	Kavuthiyar.
37.	Devadiga.	83.	Kelasi (Kalasi Panicker).
38.	Devanga	84.	Kerala Mudalia.
39.	Devar.	85.	Khattis, Khatti, Kommoora and Lobara.
40.	Bhakkadn.	86.	Khoudi.
41.	Domb, Dombara, Padi or Pado.	87.	Kitarao.
42.	Dombu.	88.	Kodalo.
43.	Domb-Andinya Domb, Audinya Domb, Chanel Domb, Christian Domb, Murgara Domb, Oriya Domb, Ponaka Domb, Teleguga Domb and Ummia Domb.	89.	Kodu.
44.	Eshavas.	90.	Kommar.
45.	Eshavathi.	91.	Kond Danours.
46.	Eshubhachiu.	92.	Konda Doru.
		93.	Kond (Kui).

S. No.	Names of O. B. C.	S. No.	Names of O. B. C.
94.	Kondhs-Desaya Kondh, Dongria Kondhs, Kuttiya Kondha, Tikiria Kondhas and Yamity Kondha.	150.	Pandithavs.
95.	Kongu Malayan.	151.	Panikkan.
96.	Korachas (or Koravar or Yerukala).	152.	Pannundi.
97.	Kosalya Goudus, Bosothoriya Goudus, Chitti Goudus, Dangayath Goudus, Doddu Kamarlya, Dodu Kamaro, Ladiya Gouds and Pufforiya Goudus.	153.	Panniyar.
98.	Koteyar.	154.	Pao.
99.	Kota-Bartika, Benth Oriya Dhalia or Dulia, Holva Patko, Putiya, Sahrona and Sidho Patko.	155.	Patteriya.
100.	Koya or Goud. with its subjects Raj or Rasha Koya, Kottu Koya and Lingadhari Koya.	156.	Pentia.
101.	Koyi.	157.	Porunkollans.
102.	Krishnanyaku.	158.	Pcruvannan (Veeranavar).
103.	Kudubi, Kudumbis.	159.	Pillai.
104.	Kusuvan (Kulala, Andhra Nair or Anthuru Nair).	160.	Porja-Bodo, Bonda, Daruva, Diduva, Jodia, Mundili Pangiyi, Pydi and Salya.
105.	Lambadi, Banjaru, Sugali, Gavara.	161.	Poroja.
106.	Latin Catholics.	162.	Porjais-Bodo Poroja or Sodia, Sano Poroju, Jodia Poroja and Pareng Proja.
107.	Madara.	163.	Pulaya.
108.	Madari.	164.	Pulluvan.
109.	Madiga.	165.	Rajapow.
110.	Madivala.	166.	Reddian.
111.	Magatha Goudus-Bernia Goudus Bodo Magatha, Dongayath Goudus Ladia Goudu, Ponna Magatha and Sanna Magatha.	167.	Reddi Dhora.
112.	Maia Dusu.	168.	Relli or Sachandi.
113.	Maia or Agency Maia, Valmikies.	169.	Roma.
114.	Mala Pantaram.	170.	Sakaravar (Kavathi).
115.	Mala Pulayan, Karavali Pulayan, Kurumba Pulayan, and Pauba Pulayan.	171.	Sajiyas.
116.	Malayekandi.	172.	Sambavan (Tamil).
117.	Malis, Korchia Malis, Paikonalis and Pedda Malis.	173.	Saora.
118.	Malia Malasar.	174.	Saperi.
119.	Manavans.	175.	Savara.
120.	Manna Dhora.	176.	Savaras-Kupusavaras, Khotto Savaras and Malia Savaras.
121.	Mappila.	177.	Scheduled Castes converted to Christianity.
122.	Marakkan.	178.	Senal Thalavar (Elavanar).
123.	Maravans.	179.	Seerithi Goudus.
124.	Marathi, Marati.	180.	Sholaga.
125.	Maraush.	181.	Sholagar.
126.	Musangi.	182.	S.I.U.C.
127.	Maone.	183.	Sourashtras.
128.	Medara.	184.	Thanta Pulayan.
129.	Mogaveera.	185.	Thiyyas.
130.	Mukkavan, Mukayu.	186.	Tholko Lana.
131.	Mullia.	187.	Thontaman.
132.	Muria.	188.	Thottia Naick.
133.	Muria Bhattada.	189.	Thottian.
134.	Nadar.	190.	Tiruvalluvar.
135.	Naidu Balija Gouda, Vadugan.	191.	Toda.
136.	Naikkans.	192.	Vaduvan.
137.	Nattu Malayans.	193.	Vakkalga.
138.	Nulayan.	194.	Vatuki.
139.	Odans (Andhra Nair or Anthuru Nair).	195.	Vanlan (Vanika, Vanika Vaisya, Vanikka Chetty, Vaniya Chetty, Aylavar, Nagarhar and Vanlyan).
140.	Ojulus or Metta Kumsalies.	196.	Vanir.
141.	Omaganito.	197.	Varnavar.
142.	Pagadai.	198.	Velan.
143.	Paidi.	199.	Veerasaivas (Yogeeswara and Yogis).
144.	Paiganpu.	200.	Veluthodathu Nair (Veluthedan and Vannathan).
145.	Painda.	201.	Vilakkothal Nair (Vilakkithalavan).
146.	Paky.	202.	Vettakkaran.
147.	Palasi.	203.	Vishavan.
148.	Panadi.	204.	Vishavan (Mulankhdi).
149.	Panderan, Maniakar.	205.	Yadavan (Idayan).
		206.	Yanadi.
		207.	Yadava (Iruman, Kolaya, Musiyani, Ayar).
		208.	Yerukula.

10. MADHYA PRADESH

S. No.	Names of O. B. Cs.	S. No.	Names of O. B. Cs.
1.	Adidharn.	50.	Bharewa.
2.	Adhuri.	51.	Bharia, Bharchar.
3.	Adikamavaka.	52.	Bharwad.
4.	Aheri.	53.	Bhat, Churan, Brahmbhat, Juvandhi, Maty, Maru, Sanyo, Salvi, Salvi.
5.	Ahir, Gavala, Gosla Gwal, Kumbh, Thakur, Jadav, Yadav.	54.	Bhatiyara.
6.	Asara.	55.	Bhassar, Chippa, Nilgar, Nirali, Rangrez, Rangari.
7.	Athiya.	56.	Bhima.
8.	Audhli, Avadhi.	57.	Bhishiti, Bhisty.
9.	Audhiya.	58.	Bhoi.
10.	Badak.	59.	Bhot.
11.	Badaka.	60.	Bhoyar.
12.	Badhni, Ade-Gaur, Chandrasia, Pansari, Sutar, Suthar, Tulola, Viswakarna.	61.	Bhujwa.
13.	Badi.	62.	Bhurliya.
14.	Badia, Beaja, Biria, Dekar, Kolhati, Kolhari.	63.	Bhatia.
15.	Badigar.	64.	Bidakia.
16.	Baghia, Barte, Bawar, Payak, Vaidyanai.	65.	Bidia.
17.	Bajgar.	66.	Bijoria.
18.	Bahurupi.	67.	Boreka, Gopal.
19.	Bairagi.	68.	Brijbasi.
20.	Banjara, Gaur Banjara, Lambana/Lambata, Lambhani, Charan Banjara, Labhan, Mathura Labhan, Kachhi-wala Banjari, Laman Banjara, Lapan/Lambani, Laban, Dhad/Dhatia, Dhadi/Dhari, Sagar, Navi Banjara, Jogi Banjara, Banjari, Mathura Banjari, Banasia Banjara.	69.	Caulota, Kolota.
21.	Baoria.	70.	Chandra Vedia.
22.	Bazagahi, Labana, Labhan, Lamane, Mathura, Nuyakda, Thuria.	71.	Chiper.
23.	Bari Jambali.	72.	Chitari.
24.	Bacoi.	73.	Chipi, Darzi, Meru.
25.	Barac.	74.	Choongar, Chunkar.
26.	Barari.	75.	Dabgar.
27.	Bargi.	76.	Dafali, Dhoh.
28.	Barhai, Kundeta, Barhai Sutar.	77.	Daher.
29.	Bari, Barce.	78.	Daga.
30.	Baria.	79.	Dangi.
31.	Barhunda.	80.	Deswa, Deshwala.
32.	Basdeva, Vasdev, Vasudewa.	81.	Deswali, Dowang, Jandra, Koskati.
33.	Basudev, Harbala, Jaga, Kaparia, Kapdi.	82.	Dhakad, Bhandari, Nagar, Singhavi, Talaya.
34.	Baver.	83.	Dhankia, Dhanka.
35.	Bawaria.	84.	Dhangar, Bagla, Gadri, Galaria, Hatgar, Hatkar, Kurmar, Pal.
36.	Bajaria, Kannaria.	85.	Dhimen.
37.	Bekha, Pinjara, Dhunia.	86.	Dhimer, Benua, Banawar, Bhorji, Dhimar, Kewat, Raikar, Raikwar, Suman.
38.	Bemariha.	87.	Dhirkar.
39.	Bengali.	88.	Dhiwar, Britia, Navada, Ezingabul.
40.	Beria.	89.	Dhobi (Excluding those in S/C).
41.	Bhadi-Waddar, Matti-Waddar, Waddar.	90.	Dholi.
42.	Bhadaju.	91.	Dhunia, Naddaf.
43.	Bhadre.	92.	Dhunkar, Kadore.
44.	Bhaduria.	93.	Fakir, Faquir, Sain.
45.	Bhanna, Bhanti, Bhannate, Bhanta, Bhatin.	94.	Fakir-Bandarwala.
46.	Bhund.	95.	Gadok, Gaddoli, Langotiba, Lchpita.
47.	Bhantu.	96.	Gadli, Gart.
48.	Bharac.	97.	Galanandi.
49.	Bhartiyua.	98.	Ganlia.
		99.	Gaoli, Lingayat-Gaoli.
		100.	Gayari.
		101.	Garhwai.

S. No.	Names of O. B. Cs.	S. No.	Names of O. B. Cs.
102.	Gari, Kumliyagan, Phulkuwar, Putva.	163.	Kharwar.
103.	Garpagri, Nath.	164.	Khatka, Khatia.
104.	Garwadi, Garradi.	165.	Kir.
105.	Gawaria.	166.	Kirad.
106.	Ghani.	167.	Kisar, Dhakar.
107.	Ghariya.	168.	Kodari.
108.	Ghati, Ghare, Ghatti, Ghosi.	169.	Koria.
109.	Gochaki.	170.	Kosati.
110.	Godhi.	171.	Kosti, Chaudhry, Kusita, Koli-Koskali.
111.	Gondhali.	172.	Kotli.
112.	Gostia.	173.	Kulbandhya, Kumavat.
113.	Gopal, Pungali-Gopal.	174.	Kumhari, Kumbhar, Kumbhar (excluding those in S/C).
114.	Gosain, Bharti, Geria, Gosai, Gowsami, Gosai.	175.	Kumar.
115.	Gosangiwar.	176.	Kumbli, Kurmar.
116.	Gowtia.	177.	Kunjra.
117.	Gujar, Bad-Gujar, Dagar-Dahabi, Dusa, Davari, Gaur, Giyar-Gaur, Kansana, Malhil-Gujar, Harbola.	178.	Kutwar, Kotwal (excluding those in S/C).
118.	Guraw.	179.	Lada, Laddia, Laria.
119.	Habara.	180.	Langolia.
120.	Hajjam.	181.	Larhia.
121.	Hajuri Daroga.	182.	Lodhi, Hardha, Parihar, Lodha.
122.	Halwai, Halwayee, Kanyakubj, Yaish.	183.	Lohar.
123.	Harni.	184.	Lone.
124.	Hela.	185.	Lonia, Lunia, Nunia, Nonia.
125.	Haga, Lohar, Lohpetu, Jadav, Jaga, Jandla.	186.	Luhar, Gaheloi, Java, Kariyar, Kawigar, Luckman, Madwar, Vishwakarma.
126.	Jangama.	187.	Machhi, Mali, Marar.
127.	Jaagra, Jazondu, Janari-Lodhi.	188.	Madgi.
128.	Jhadi, Sonar.	189.	Majhadi.
129.	Jhamrat.	190.	Mala.
130.	Jhari.	191.	Mullah.
131.	Jingar.	192.	Manga.
132.	Jogde.	193.	Manjar, Mura, Mathwaddar.
133.	Jugi.	194.	Mankar.
134.	Joginath.	195.	Manihar.
135.	Juleha, Momin.	196.	Maru Sotiya.
136.	Kabar, Kalari, Kabari.	197.	Mauria.
137.	Kabirpanthi, Ramdasia, Ravidasia.	198.	Mavi.
138.	Kacher.	199.	Meru.
139.	Kachera, Lakhera.	200.	Mewari.
140.	Kachhi, Kushwaha, Kshatriya-Kudora.	201.	Mhah, Nar, Navi, Nbari.
141.	Kadera, Karwal.	202.	Mirasi.
142.	Kalore.	203.	Muchhia.
143.	Kahar.	204.	Murrha, Murhu.
144.	Kaikari.	205.	Naik, Nayak, Nayaka (Non-Brahmin).
145.	Kalaf, Kafar, Kupdi.	206.	Naita, Nayata, Nata, Navta.
146.	Kaliundar.	207.	Namdev.
147.	Kalota.	208.	Namsudra.
148.	Kamrya.	209.	Nath.
149.	Kandera.	210.	Navda.
150.	Kaner.	211.	Nco-Buddhists, Nav-Buddhists.
151.	Kangar, Barwala.	212.	Neria.
152.	Kannatia.	213.	Nerati.
153.	Kapadia.	214.	Nilgar.
154.	Karan.	215.	Ode, Wudar, Waddar, Odiya.
155.	Karar, Keer.	216.	Pademoli, Salewar, Sali/Susati.
156.	Kasbi.	217.	Pudku.
157.	Kasab, Kasab, Kasai, Qurnishi, Qusab, Qussab.	218.	Pahar.
158.	Kasera, Jamera, Kasar.	219.	Palhari.
159.	Kauri, Kori, Kodar.	220.	Padwari.
160.	Kuar, Kirad.	221.	Panshar.
161.	Khargara.	222.	Parthi.
162.	Khiscoi, Telugu-Mamar, Kapu.		

A. No.	Names of O. B. Cs.	B. No.	Names of O. B. Cs.
223.	Patka, Patki.	252.	Sharia.
224.	Patwa, Namdev, Pathakar, Siplya.	253.	Sikligar.
225.	Payak.	254.	Singiwala.
226.	Perki.	255.	Siyana.
227.	Pindara.	256.	Sodhi.
228.	Pinjara.	257.	Soodhiya, Chandel.
229.	Powar.	258.	Sonar, Sonar.
230.	Putligar.	259.	Tadavi.
231.	Raghavi, Raghvanshi.	260.	Tamboli, Jamboli, Kumavat, Parabla.
232.	Rajamuria, Rangari.	261.	Tamera, Tambatkar, Thatera.
233.	Rajgir.	262.	Teti, Badbak, Balu, Rathore.
234.	Rajpoud.	263.	Tharot.
235.	Rangrez, Rangrej, Rangras, Rangari, Rangroth.	264.	Thoti, Burad.
236.	Rao.	265.	Tharwar.
237.	Raot, Rawt, Raoti.	266.	Thori.
238.	Rautia.	267.	Touria.
239.	Rawal.	268.	Tirgar.
240.	Rawat, Boder, Galira, Rasi, Rawar, Thethwar.	269.	Tirmala.
241.	Rhar.	270.	Tirwalli.
242.	Rohado, Sujharis.	271.	Turba.
243.	Robar.	272.	Vaidyanal.
244.	Ruchhandbia.	273.	Vagri, Vagri Pradhan.
245.	Sain.	274.	Vanjari, Vanjara.
246.	Sais, Sayes, Shis.	275.	Vishnoi.
247.	Salvi, Sali.	276.	Valkya.
248.	Sanoria.	277.	Wacha.
249.	Sarajia.	278.	Wadoo.
250.	Sarbhangi.	279.	Yerkilwar, Yerkula.
251.	Scheduled Castes converted to Christianity.		

11. MAHARASHTRA

S. No.	Names of O. B. Cs.	S. No.	Names of O. B. Cs.
1.	Agri, Agak or Kelan.	44.	Buttal.
2.	Alur, Yadav, Gowli.	45.	Chadar.
3.	Alikar.	46.	Chakrawadya-Dasar.
4.	Atar.	47.	Chamha.
5.	Aq/hiya.	48.	Chandal.
6.	Badak.	49.	Chandalagade.
7.	Badia.	50.	Charan or Gadhavi.
8.	Bugalu.	51.	Charodi, Chhara.
9.	Bagdi (Marwar Baori, Marwar Waghri, Safat Waghri).	52.	Chencha or Chenchwar.
10.	Benania.	53.	Chhapparband.
11.	Bahurupi.	54.	Chimur.
12.	Bairagi, Gosai, Udasi.	55.	Chintala.
13.	Bajigar.	56.	Chippa.
14.	Balasanthaman.	57.	Chitrakathi.
15.	Bandi.	58.	Chodra.
16.	Banjara, Banjari, Yanjara, Mathura Banjara (A), Gaur Banjara, Lambada/Lambara, Lambhani, Charan Banjara, Labnan, Mathura Labhani, Kachhiwale Banjara, Laman Banjara, Laman/Lamani, Laban, Dhali/Dhalia, Dhadi/Dhari, Singaris, Navi Banjara, Jogi Banjara, Ilanjara, Shingde Banjara, Lambode, Phende Banjara, Sunar Banjara, Dhalya-Banjara, Shingadya Banjara.	59.	Christians converted from Scheduled Castes.
17.	Bantu.	60.	Dabgar.
18.	Baoris.	61.	Dakara.
19.	Bari or Barai.	62.	Darai.
20.	Baria, Koli Baria.	63.	Dar or Dnagdida.
21.	Bathini.	64.	Dopala.
22.	Bavcha.	65.	Devanga.
23.	Begari, Bedar, Berad, Naikawadi, Talwar, Walmiki.	66.	Devari, Gosavi, Nath Panthi -
24.	Besdewa.	67.	Devdig.
25.	Bestar, Sachalwaddar.	68.	Devli.
26.	Bhaat.	69.	Dhangar, Kuruba, Kurubar.
27.	Bhadbhunja.	70.	Dhimar, Dhivar, Gabit, Harkantra, Mangdi, Mangle, Page, Sanduri.
28.	Dhangpta or Ghantichore or Pardesi, Pong, Dasar, Uchila, Rajput-Bhamta, Bhamta, Bhamli, Kamati, Pathrut, Takari, Uchale.	71.	Dhobi, Parit, Watts, Madwat, Rajak.
29.	Bhand.	72.	Dholi.
30.	Bhandari.	73.	Dozara.
30A.	Bhandara, Billwar	74.	Fakir Bandarwala.
31.	Bhanta.	75.	Furgudi.
32.	Bharadi, Balasantoshi, Klagriwale, Nathbava, Nath Jogi, Nath Panthi, Davari Gosavi.	76.	Gadaba or Golba.
33.	Bhavniya or Targala.	77.	Gadaria.
34.	Bhavin.	78.	Gadri.
35.	Bhillala.	79.	Gadhavi.
36.	Bhina Koya.	80.	Ganali or Gandali.
37.	Bhoi, Kharvi, Dhiwar Bhoi, Zinga-Bhoi, Pardeshi Bhoi, Raj Bhoi, Bhoi, Kahar, Gadia Kahar, Khat, Machwa, Manzi, Jaria, Kewai, Dhiwar, Dhocwar, Dhimar, Palewar, Machhendra, Navadi, Malbar, Malhav, Gadhav-Bhoi, Khadi Bhoi, Khare Bhoi, Dhavra Dhavis Kahar.	81.	Gandharap.
38.	Bhisti or Pakhali.	82.	Gangani.
39.	Bhoyar (Pawra).	83.	Garodi, Garudi.
40.	Bhute, Bhope.	84.	Garpari.
41.	Bindli.	85.	Gavadi.
42.	Burbook.	86.	Ghadshi.
43.	Burud, Medar.	87.	Ghitadi, Ghitadi Lohar, Gadi Lohar, Ghitadi Lohar, Rajput Lohar.
		88.	Golla, Gollwar, Goler, Galkar, Goller.
		89.	Gondhali, Gondala.
		90.	Gopal, Gopal Bhorpi, Khetkari.
		91.	Gosavi, Bava, Balgai, Bharati, Girigosavi, Bharati Gosavi, Saraswati Parbat, Sagar, Ban or Van, Teerth Asaram, Aranya Gharbhari, Sahyasi, Nathi Panthi Gosavi.
		92.	Gochaki.
		93.	Gujrath Baori.

S. No.	Names of O. B. Cs.	S. No.	Names of O. B. Cs.
94.	Ourav, Gurou.	151.	Lohar, Lohar-Gada, Dodi, Khatwali, Panchal.
95.	Habura.	152.	Lonari, Chunari.
96.	Halepalk.	153.	Machhi, Tandel.
97.	Harni.	154.	Maga.
98.	Harker.	155.	Mahali, Mahli.
99.	Helve, Hilav.	156.	Mahil.
100.	Hill-reddis.	157.	Maidhasl.
101.	Jagiasi.	158.	Mairal, Dangat, Vir.
102.	Jajak.	159.	Majhwar.
103.	Jangam.	160.	Mali, Phoomali.
104.	Jatigar.	161.	Manbhav.
105.	Jatiya.	162.	Mangain.
106.	Javeri, Johari.	163.	Marwar Baori.
107.	Jhadi.	164.	Masanjogi, Sudga-Dsiddha, Mapanjogi.
108.	Jingar.	165.	Mathura.
109.	Jogi, Nath, Nathjogi, Gosai, Devori.	166.	Matiara, Matibara.
110.	Jogin.	167.	Mankar Khalu.
111.	Joshi, Bududki, Damruwale, Kudmude, Medhangi, Sarode, Sahadev Joshi, Sarvade, Saroda.	168.	Ma.
112.	Juisha, Winkar, Venkar, Vanya, Vankar.	169.	Mina.
113.	Kachi, Kachhla.	170.	Mitha.
114.	Kachora.	171.	Momin (Weaver).
115.	Kadera.	172.	Mondiwar, Mondiwara.
116.	Kalkadi (where they are not Sch. Castes), Korach, Dhontle, Korva or Kochi Korva, Makedwale, Padior, Korvi.	173.	Munda.
117.	Kalal, Kalar, Lad, Ludwak, Gund Kalal, Shihvare.	174.	Nandhari, Paik.
118.	Kamati.	175.	Nandiwala, Tirmal.
119.	Kammi.	176.	Naqashi.
120.	Kandel.	177.	Navi, Nhavi, Hajam, Kalseu Navajigi, Khatthi, Nabhi, Nai.
121.	Chhara, Kanjar, Nat.	178.	Neali.
122.	Kapdi.	179.	Neelkanti.
123.	Kasar, Kasera.	180.	Nekar, Juda.
124.	Kasbi.	181.	Neo Buddhists, Nav Buddhists.
124A.	Kasai, Khatik, Kasab.	182.	Nethura.
125.	Kasikapadi.	183.	Nilgar, Nirali.
126.	Katabu.	184.	Nirshikari.
127.	Kathar Katharwani, Kantharwani (Lingayatwani or Ladwani excluded).	185.	Nonia.
128.	Kachi-Khatl.	186.	Otarl, Otankar, Otkar, Vajari, Ojhari.
129.	Katipamufa.	187.	Pachabhotla, Pachabotin.
130.	Kharwa or Kharwl.	188.	Padharia.
130A.	Kirar.	189.	Padantpari.
131.	Kolhati, Dombari.	190.	Padlar.
132.	Koli, Koli-Suryawanshi, Mulhar Koli, Christian Koli.	191.	Pakhali, Bhusti.
133.	Korachas or Yerkuta or Korvay.	192.	Pal Pardhi.
134.	Korchar.	193.	Pamula, Panchal.
135.	Korwa including Kodaku.	194.	Panchama.
136.	Kumakapu.	195.	Panda.
137.	Kondu.	196.	Pangul.
138.	Kongadi.	197.	Pankar.
139.	Koshri, Kuthkoti-Devunga.	198.	Patkar.
140.	Kuchbandh.	199.	Patra-Loveru.
141.	Kuchhria.	200.	Perki.
142.	Kumbhar, Kumbar.	201.	Phar.
143.	Kunbi.	202.	Phasechari.
144.	Kurbishetty.	203.	Phudgi.
145.	Kurmar.	204.	Phulari.
146.	Labha.	205.	Pinjara, Pinjari.
147.	Ladaff, Laddaf.	206.	Pukhali.
148.	Ladia, Ladhia, Laria.	207.	Pulligar.
149.	Lakhara, Lakhari.	208.	Rachbandhia.
150.	Lanzad.	209.	Rachevar.
		210.	Rachkoya.
		211.	Raghavi.

No.	Names of O. B. Cs.	S. No.	Names of O. B. Cs.
22.	Raikari.	244.	Takari.
23.	Raj Pardhi, Gaon Pardhi, Haran Shikar.	245.	Talwar Kannade.
24.	Rajput Bhamta, Pardeshi Bhamta, Pardeshi Bhamil.	246.	Tamhat.
25.	Ramoshi.	247.	Tambuli.
26.	Naot, Rautia, Rawl.	248.	Targala.
27.	Rangari, Rangrez, Bhawar.	249.	Teli, Ganiga, Ghandhi.
28.	Rautia.	250.	Thakkar.
29.	Raval, Raval or Raval Yogi.	251.	Thehari.
30.	Sahis, Sais, Shis.	252.	Thestwar.
31.	Sali, Padamshahi, Swakulsali.	253.	Thogti, Thogati.
32.	Sangar.	254.	Thotewadu.
33.	Sangari.	255.	Thuria.
34.	Sanjogi.	256.	Timali.
35.	Santal.	257.	Vaghl, Vaghari, Salat, Salat Vaghri.
36.	Saonta or Saunta.	258.	Vaidu.
37.	Seo-Teli.	259.	Vaiti.
38.	Sapera.	260.	Valvai.
39.	Sarana.	261.	Vanjari, Vanjar.
40.	Sare.	262.	Vasava.
41.	Shilaval.	263.	Vasude.
42.	Shimpi, Bhavgar, Shiv Shimpi, Nandeo.	264.	Vithota.
43.	Shingdav or Shiogadya.	265.	Wadder, Waddler (Kalawader or Patharadi), Beldar, Od, Girmi Waddar, Vaddar, Gaddi Vaddar, Jati Vaddar, Mati Vaddar, Patharvat.
44.	Sikkalgar, Kotari.	266.	Wadi.
45.	Sindhur.	267.	Wanjari, Wanjara.
46.	Singiwala.	268.	Wansfoda.
47.	Sonar.	269.	Warthi.
48.	Sore.	270.	Vanadi.
49.	Surua.	271.	Yenadiwadi.
50.	Sunnai, Sutharia.	272.	Yeragolawad or Tihla Panalawadi.
51.	Sutar, Bhedai, Wadai.		
52.	Suppalig.		
53.	Takankar.		

11. MANIPUR

S. No.	Names of O. B. Cs.	S. No.	Names of O. B. Cs.
1.	Ahir, Yadav, Gwata.	25.	Lamei-Naga.
2.	Badi (Nepali).	26.	Lohar.
3.	Banshor.	27.	Mahara.
4.	Bhumij.	28.	Mali, Bhumaii, Bhumali.
5.	Boro, Boro Kuchari.	29.	Mech.
6.	Dafia.	30.	Meitei and Meitei Pangal.
7.	Damai (Nepali).	31.	Mehtar, Bhungi.
8.	Deoria.	32.	Mikir.
9.	Dugla, Dhoii.	33.	Miri.
10.	Galsey (Nepali).	34.	Mishmi.
11.	Garo.	35.	Munda.
12.	Hajong.	36.	Naga.
13.	Hira.	37.	Napit, Nai.
14.	Jhala, Malo.	38.	Oraon.
15.	Kuchari.	39.	Rabha.
16.	Kaibarta, Jaliya.	40.	Sahle.
17.	Kami (Nepali).	41.	Sarki (Nepali).
18.	Kandu, Karu.	42.	Santal.
19.	Khampri, Khanu.	43.	Singpho.
20.	Khasi.	44.	Soar, Suar.
21.	Khuangsai.	45.	Synteng.
22.	Kuki.	46.	Tambeli, Tamui.
23.	Lalbegi.	47.	Teli.
24.	Lalung.	48.	Tipera.
		49.	Yogi, Jugi, Nath.

13. MEGHALAYA

S. No.	Names of O. B. Cs.	S. No.	Names of O. B. Cs.
1.	Ahom.	20.	Mahisya Das, Mahisya.
2.	Birjubi.	21.	Moran, Matak.
3.	Biroi, Barul.	22.	Mukhi.
4.	Blumij.	23.	Munda.
5.	Boro-Kachari.	24.	Napit.
6.	Chudang.	25.	Nepali (Damai, Gaing, Gurung, Lama, Lohar, Navar, Rai, Sarki, i.e. Cobbler, Thapa).
7.	Chutiya.	26.	Oron.
8.	Dey, Sudra Das.	27.	Pan.
9.	Ghosh, Gopa, Gawala, Yadav.	28.	Rabha.
10.	Gad.	29.	Santhal.
11.	Garkhali.	30.	Savare.
12.	Khamti.	31.	Rajbanshi.
13.	Koch.	32.	Saloi.
14.	Khond.	33.	Sol.
15.	Khasitrya.	34.	Tantripal, Tanti, Tanti.
16.	Kumar, Rudra Paul.	35.	Teli.
17.	Kupadhar, Kushleri, Ruch.	36.	Tipara.
18.	Lamba, Limbu.	37.	Yogi, Jugi, Nath.
19.	Loi.		

14. NAGALAND

S. No.	Names of O. B. Cs.	S. No.	Names of O. B. Cs.
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NIL

13. OBBBA

S. No.	Names of O. B. Cs.	S. No.	Names of O. B. Cs.
1.	Adi-Dravida.	53.	Dhakkada.
2.	Adi-Karnataka.	54.	Dhaner.
3.	Agharia, Agaria, Aghria.	55.	Domb-Andhiya Domb, Audiniya ² Dorub, Choud Domb, Christian Domb, Mirgani Domb, Oriya Domb, Pomaka Domb, Telaga Domb and Umrui Dorub.
4.	Ajla.	56.	Dumala, Durnal.
5.	Aranodan.	57.	Ghatwar.
6.	Arunthythiyar.	58.	Girigiri.
7.	Asor.	59.	Gingra.
8.	Badhal, Barbal, Binedhanis, Sutradhar, Badhira and Badhria.	60.	Godda.
9.	Badasuda.	61.	Gola, Golla, Gopé, Sadgopa, Able, Gour, Gouda, Goudo, Mekala Golla, Punnu Golla and Yadav.
10.	Badaga.	62.	Gudla or Guria, Gurja, Gunju.
11.	Baipari.	63.	Gund+Modya Gond & Rajo Gond.
12.	Baira.	64.	Gosangl.
13.	Bairagi.	65.	Gondu-Bato, Bhirthya, Dudho Kouriya, Hato, Jatako & Joria.
14.	Bakuda.	66.	Habra.
15.	Banka.	67.	Hajai.
16.	Bandi.	68.	Hasla.
17.	Barji or Barui.	69.	Holeya.
18.	Barika, Bhandari, Beja, Napat and Nai.	70.	Irula.
19.	Battada.	71.	Jadapus.
20.	Bellara.	72.	Jambuvulu.
21.	Bentkar.	73.	Jaintrapana.
22.	Betare or Betra.	74.	Jbodia.
23.	Bhatua.	75.	Jogi or Yagi.
24.	Bhanis.	76.	Jyotish, Grathipora Brahman, Chaldarpa Brahman.
25.	Bhogia.	77.	Kadan.
26.	Bhokia.	78.	Kalladi.
27.	Bhujan.	79.	Kahyar.
28.	Bhuliya.	80.	Kammara, Kamara, Kamar, Kammaro, Mudi, Lohuru, Loharu.
29.	Birjha.	81.	Kanakkan.
30.	Bissoy-Barangi Jodia, Bensaangi, Daduva, Frangi, Hollar, Jhoriya, Kollal, Konde, Paranga, Pengajodia, Sodo Jodia, and Takoara.	82.	Kandarpa.
31.	Binedhanias.	83.	Kanjar.
32.	Bogoda.	84.	Kaniyan.
33.	Bofodhia.	85.	Kapudja.
34.	Butakusuda.	86.	Karhara.
35.	Burwashankar/Barna Suankar, Beja.	87.	Kartmpalan.
36.	Byagari.	88.	Karmal.
37.	Chakkiliyan.	89.	Kattunayakan.
38.	Chakvadi, Chalvadi.	90.	Khala.
39.	Chaupal.	91.	Khandait.
40.	Chero.	92.	Khanjiman.
41.	Cheruman.	93.	Khatti-Khatti.
42.	Chikbaraik.	94.	Khatua.
43.	Chik.	95.	Khondal.
44.	Chitpa, Chitrakar.	96.	Khodra.
45.	Churia.	97.	Khetauri.
46.	Dahalia.	98.	Koda, Kuda.
47.	Darji.	99.	Kollar.
48.	Dargal.	100.	Kolam.
49.	Dangua.	101.	Komar.
50.	Deons.	102.	Kond (Kui).
51.	Devendra Kulthan.	103.	Konda Kapu.
52.	Dohuri.		

S. No.	Names of O. B. Cs	S. No.	Names of O. B. Cs.
100.	Konda Reddi.	162.	Paigarapu.
105.	Kondh-Desaya Kondh, Dongriya Kondh, Kuttiya Kondh, Tikiria Kondh and Yanity Kondh.	163.	Paiko.
106.	Koosa.	164.	Paky.
107.	Koraga.	165.	Pal.
108.	Kosalya Goudus, Boobheriya Goudus, Chiti Goudus, Dangayath Goudus, Doddu Kamariya, Dudu Kamaro, Ladiya Goudus & Pullo Sriya Goudus.	166.	Palasi.
109.	Kota.	167.	Paliyan.
110.	Koyi.	168.	Paillon.
111.	Kudiya.	169.	Palli.
112.	Kudoti.	170.	Pulmyan.
113.	Kudumban.	171.	Pumbada.
114.	Kumbhar, Kulal, Kumhar, Kumbharo.	172.	Paniyan.
115.	Kurmi.	173.	Panjira.
116.	Kundama/Kuduma	174.	Panniandi.
117.	Kundamatia.	175.	Paraiyan.
118.	Kulla.	176.	Paravan.
119.	Kurariar.	177.	Parhaiya.
120.	Kuravan.	178.	Pathuria.
121.	Kurichchan.	179.	Patro.
122.	Kuruman (Kurumbu)	180.	Ponguz.
123.	Laher.	181.	Pita.
124.	Lakhra.	182.	Porja-Bado, Bonda, Daruva, Didva, Jodsa, Mundil, Sano Pengu, Pydi, Saliya, Soda and Pareng
125.	Lambadi.	183.	Pradhan.
126.	Luhura.	184.	Reddi Dhokan.
127.	Machun.	185.	Radhi or Niri.
128.	Maghi or Meghia.	186.	Rajwar.
129.	Magura.	187.	Raneyar.
130.	Mahunta.	188.	Ronas.
131.	Magatha Goudus, Bernia Goudus, Boodo Magatha, Dongayath Goudu, Ladiya Goudu, Poona Magatha and Sara Magatha.	189.	Routia.
132.	Magadhi Gorai.	190.	Sagarpasha.
133.	Maila	191.	Sahabar.
134.	Maladasu.	192.	Samban.
135.	Makavar.	193.	Sankhari.
136.	Mali, Phulu, Sagbaria, Bhujemali.	194.	Sanyasi, Membran.
137.	Malis-Korchia Malis, Paido Malis & Peddo Malis.	195.	Savara-Kapa Savara, Khatto Savara, Muliya Savara.
138.	Mai Paharin.	196.	Seerithi Goudu.
139.	Mangli.	197.	Sennyan.
140.	Manna Dhura.	198.	Sholagar.
141.	Maure.	199.	Sauria Pahuria.
142.	Marathi.	200.	Sinke.
143.	Matangi.	201.	Sihuria, Sharia, Sitona.
144.	Mavilan.	202.	Suda.
145.	Minka.	203.	Sulia.
146.	Mopcr.	204.	Sukudi, Tuntl.
147.	Mukhadora-Mokka Dhora.	205.	Sunri/Sundi.
148.	Muliya.	206.	Tana.
149.	Mundala.	207.	Teh, Telli, Kubara, Talakur, Sahu, Bahaldia.
150.	Muria.	208.	Telaga Pamula.
151.	Nahar.	209.	Thanu.
152.	Nalakeyava.	210.	Thatari.
153.	Nal.	211.	Thoti.
154.	Nayadi.	212.	Thuria.
155.	Nolia.	213.	Tiruvalluvur.
156.	Nuhura, Nuhuraj	214.	Tivoro.
157.	Nurisa.	215.	Tiyar.
158.	Ojulo or Metta, Kamusalie	216.	Toda.
159.	Opeyta.	217.	Tonla Gaud.
160.	Padaris, Pannaris, Pandara.	218.	Valluvan.
161.	Pagadar.	219.	Vannan.
		220.	Vethuvan.
		221.	Vina Tulavna.
		222.	Yandi.
		223.	Yema Gattu.
		224.	Yerukula.

16. PUNJAB

S. No.	Names of G. B. Cs.	S. No.	Names of G. B. Cs.
1.	Aheria, Aheri, Heri, Naik, Thori, Turi.	44.	Jogi, Nath.
2.	Arain.	45.	Julaha, Dhaver, Dhawa, Kabirparathi (excluding those in S.C.).
3.	Bagal, Bataian, Bhat, Dangi, Dhario, Hir, Harbansia, Jalaria, Kaushal, Manadla, Marbansia, Manera, Masoun, Mehtou, Muk, Nagia, Parmar, Sangotia Sial, Thunalla.	46.	Kamboj, Bala, Kumbh, Masok, Nande, Thad,
4.	Bagra, Bagaria.	47.	Kanjat, Kanchan.
5.	Banar, Boreg.	48.	Kehal.
6.	Basa, Tarbaki, Tamboi.	49.	Khangera.
7.	Baswar.	50.	Kuchband, Kuchband.
8.	Batera.	51.	Kumhar, Ahlan, Ohamar, Ohumar, Hansanwal, Jopa, Keer, Langota, Lehi, Naria, Prajapat, Sonmare, Sobal, Talphail, Zalar.
9.	Beria.	52.	Kurmi.
10.	Berur.	53.	Lakhara, Kanhar, Manihar.
11.	Beta, Hens, Hesi.	54.	Lambara, Bhaglava, Ghotra, Kalknia, Khawia, Labana, Lohana, Lohana, Vanzara, Lavana, Pota.
12.	Bharbhujia, Bharbhujia.	55.	Lohar, Bakhon, Bansa, Bhati, Bhuhi, Birdi, Channa, Jhla, Lahar, Phal, Roorpa, Sandhu, Sahani, Viridi.
13.	Bhara, Roke.	56.	Madari.
14.	Bhara, Bhat, Darpi, Digrul, Ramiya, Rana, Rathore, Rau, Swali.	57.	Mahasha, Bajal, Sahanta.
15.	Bhuhalla.	58.	Mabatam.
16.	Bhura-Brahman.	59.	Meena, Mina.
17.	Chahang.	60.	Mewati.
18.	Changar.	61.	Mirasi.
19.	Chimbe, Katto, Bhai, Chhimbe, Chhiji, Chimsa, Chimpa, Darz, Dhani, Jassal, Kazeer, Kainth, Madabar, Purba, Rekhavy, Sappal, Sarao, Sira, Sroo, Tank.	62.	Mochi (excluding those in S.C.).
20.	Chirath (including Chahang and Bahri).	63.	Nai, Banwaru, Dhanwal, Dhari Ghangar, Ghiri, Hajjun, Hazam, Hergun, Jattan, Lekha, Nagi, Naisikh, Palan, Panju, Patara, Raja.
21.	Chirmar.	64.	Nalband.
22.	Dalya.	65.	Nar.
23.	Dakaut, Dahkaut.	66.	Nav-Budhista, Neo-Budhista.
24.	Daoli, Daola.	67.	Noongar, Nungar.
25.	Daula, Soni-Braderi.	68.	Pakhlwara.
26.	Dhanwar.	69.	Pija, Panju.
27.	Dhinar, Dhiwar, Dhinwar, Jbeever, Jainwar, Kalor, Kashyap, Rajput, Mallah.	70.	Rechband, Rechband.
28.	Dhobi, Qasab.	71.	Rai-Sikh.
29.	Dhosali, Desali.	72.	Ramgaria, Bimra, Brar, Buncal, Chan, Dhimar, Kalki, Matharoo, Murway, Ramgaria, Saggi, Sahota, San, Saran, Tarchan.
30.	Drain.	73.	Raigar.
31.	Faqir.	74.	Rihar, Rehar, Reharc.
32.	Gaddaria, Gadaris.	75.	Satal.
33.	Gaduli, Guddi.	76.	Shorgir.
34.	Gawala, Gowala, Yadav, Yaduvanshi, Ahir, Gwar.	77.	Singhkat, Singhwala.
35.	Ghai.	78.	Soi.
36.	Ghasi, Ghasiara, Ghosi.	79.	Sonar, Ashtal, Bhatti, Dhario, Jure, Kande, Karwar, Shoen, Suniara, Sur, Swamkar.
37.	Godri.	80.	Taga.
38.	Gorkha.	81.	Tel.
39.	Gujar, Bhunja, Gujjar, Ninwalia, Thakur.	82.	Thatbara, Tamera.
40.	Gwaria, Gauria, Gwar.	83.	Converted Christians from Scheduled Caste.
41.	Hami.		
42.	Jal (Gutka and Chillon).		
43.	Jhanjara Brahmin, Khari, Viswakarna.		

17. RAJASTHAN

S. No.	Names of O. B. Cs.	S. No.	Names of O. B. Cs.
1	Ager.	51	Ganohha.
2	Ahin (Yadav, Grope).	52	Giri, Goswami, Gosain.
3	Asada.	53	Godi (Muslim).
4	Badera.	54	Gond.
5	Badwa.	55	Gujar, Gujjar.
6	Bagdiya.	56	Halleer.
7	Baked, Bant.	57	Halsar, Haslar, Hufasvar, Halasvar.
8	Banchoda.	58	Hazuri.
9	Banjara, Gamalia, Baladia, Sirkiwala, Labana or Labhana, Manu Banjara, Bamania Banjara, Baora, Ojora.	59	Hela.
10	Barabar, Basod.	60	Holar, Velhar.
11	Boral, Atwasa, Badhal, Baiwal, Dagesar, Dingar, Jangid-Brahman, Jhangra-Brahman, Kavigar, Khali, Khokar, Mayel, Suthar, Tarkhan, Vishwakarma.	61	Holaya, Holer.
12	Barar.	62	Janwa.
13	Barda.	63	Julaha (Hindu and Muslim).
14	Bargunda.	64	Kabirpanthi.
15	Basor.	65	Kachhi.
16	Bavacha, Bamcha.	66	Jogi, Nath.
17	Bawari.	67	Kahar, Bhoi.
18	Bhampta, Ghantichor, Pardesi-Bhampta.	68	Kaikadi, Korach.
19	Bhantimati.	69	Kalef.
20	Bharud.	70	Kandera.
21	Bhat, Charan.	71	Kangi, Kangiwala.
22	Bhauh (Sagavanshi-Mali).	72	Kanvi.
23	Bhuji, Bhachhoja.	73	Keer.
24	Birana.	74	Khant.
25	Chakrawadya-Dasar.	75	Kharol.
26	Chalvadi, Chamnyya.	76	Khalka.
27	Chamana.	77	Kirar.
28	Cheeta.	78	Kol.
29	Chena-Dasar, Chenna-Dasar, Holaya-Dasar.	79	Kofi-Mahadev.
30	Chidar.	80	Korku.
31	Chhipra, Apurba, Bhati, Bhagarwal, Chauhan, Chippa, Dayer, Jasod, Nama, Namdeo, Padihar, Pansar, Solanki, Surage.	81	Koshti.
32	Chodhara.	82	Kotwal.
33	Dakaut.	83	Kumbar.
34	Dakalare.	84	Labera.
35	Damami.	85	Ladha-Lohar.
36	Daroga.	86	Lakhara.
37	Darzi.	87	Lingader.
38	Deshaatri.	88	Lodhi.
39	Dhadi.	89	Lohar, Jaradi, Khundi, Khutwal, Lobargiri, Malvi, Panchal, Pancholi, Thirawat, Zaradi.
40	Dhakad.	90	Lok.
41	Dhanchi.	91	Maha-Brahman.
42	Dhimar.	92	Malhar.
43	Dhobi.	93	Mali.
44	Dhodia.	94	Mehra.
45	Dhor, Kakkayya, Kankayya.	95	Mer.
46	Dubla.	96	Merasi, Mirnai.
47	Gadaria, Chandalia, Gadaris, Gavala, Ghosi, Kubiria.	97	Merat.
48	Gadiu-Lohar.	98	Merat-Gorat.
49	Gudolia.	99	Merat-Kathat.
50	Gamit, Gamta, Gavit (including Mavchi, Padvi, Vasava, Vasave and Valvi).	100	Moghia.
		101	Mogia.
		102	Mukri.
		103	Nadla, Hadl.
		104	Nagarchi.

S. No.	Names of O. B. Cs.	S. No.	Names of O. B. Cs.
105.	Nai.	123.	Sadhu.
106.	Nak.	124.	Sarabara.
107.	Nav-Buddhists, Neo-Buddhists.	125.	Satiya-Sindhi.
108.	Neriya.	126.	Shenva, Chenva, Sedma, Raval, Shindhaya.
109.	Odd.	127.	Shingdev, Shingadya.
110.	Pardhi (including Atyvichincher and Phanso-Pardhi).	128.	Siklighar.
111.	Patwa (Phada).	129.	Sirkival.
112.	Pinjara.	130.	Suchi.
113.	Pomla.	131.	Swami.
114.	Powara.	132.	Swarankar.
115.	Racka.	133.	Tak.
116.	Ranbari.	134.	Tell.
117.	Rao.	135.	Thathers.
118.	Rathawa.	136.	Timali.
119.	Ravana-Rajput.	137.	Varli.
120.	Kawat.	138.	Vithotia.
121.	Rebari.	139.	Vitolia, Kotwalia, Barodia.
122.	Sad-Sausi (Schar).	140.	Zamral.

1B. SIKKIM

S. No.	Names of O. B. Cs.	S. No.	Names of O. B. Cs.
1	Hajel.	6	Suba.
2	Gurung.	7	Sunar.
3	Ljmbou, Linbu	8	Yamang
4	Mongar	9	Tsong.
5	Rai.	10	Yukthungba.

19. TAMILNADU

S. No.	Names of O. B. Cs.	S. No.	Names of O. B. Cs.
1.	Achari, Visvakarma, Kannalar, Thattai, Thatchan, Porkollai, Assari, Chary.	48.	Donga Yalas.
2.	Agamudayar of Southern Tamil Distts. belonging to Mukkulathar, Agamudayar of Northern Tamil Distts., Thozhu or Thuluva Vellala.	49.	Dudekula.
3.	Aiyazavar.	50.	Enadi.
4.	Aiavan, Alavar, Alwar and Azhavar.	51.	Eravallar.
5.	Ambalagars.	52.	Ethayar, Idayar, Konar and Udayar.
6.	Ambalakaran, Ambalakarar, Vallamber.	53.	Ezhavathy.
7.	Ampattan.	54.	Ezhuthachar.
8.	Andipandaram.	55.	Ezhyva.
9.	Arayan, Arayar (Nulayar).	56.	Gadabas-Boda Gadaba, Cerfani Gadaba, Obarao Gadaba and Pranga Gadaba and Grangi Gadaba, Jodiagadaba.
10.	Arayavathi.	57.	Gangavar.
11.	Archakri Vellala.	58.	Gavari (Kavaran and Vadugar (Vaduvai) other than Kamina, Kapu, Balija and Reddy.
12.	Ayyanavar (where they are not Scheduled Castes).	59.	Ghosi, Haddi, Relli and Sachandi.
13.	Badaga.	60.	Godari.
14.	Badagar.	61.	Gondi.
15.	Bagas.	62.	Gounder. Padayachi, Vanniya Kulaksatva, Vellalar, Vanniar.
16.	Bariki.	63.	Goudas, Bato, Bhirthya, Dudhokouria, Hato, Tatakoo and Joria.
17.	Battada.	64.	Gowda (including Gammala Kalali and Gounder).
18.	Bavari.	65.	Hasla.
19.	Besha, Siviari.	66.	Hegda.
20.	Bharatar (where they are not Scheduled Castes).	67.	Hil Polaya.
21.	Bhatraju (other than Kshatriya Raju).	68.	Holva.
22.	Bhattadas-Bodo Bhattada, Muria Bhattada and Sano Bhattada.	69.	Idiga.
23.	Bhumias-Bhuri Bhumlu and Bodo Bhumia.	70.	Ilashu Pillaimar (Luvai, Ishuyar Ilathar).
24.	Billava.	71.	Ilovan.
25.	Bisoy-Bacangi Jujia, Bannangi, Daduva, Fraugi, Hollar, Jhoriya, Kollai, Konde, Paranga, Panga-Jodia, Sodo Jodia and Takora.	72.	Ilivathi.
26.	Bondil.	73.	Isaivallalar.
27.	Boyar, Oddar.	74.	Jadapu.
28.	Boyas.	75.	Jambuvanodai.
29.	Budabukhalas.	76.	Jangama, Jangam.
30.	Byagari.	77.	Jatapu.
31.	Chackaravar.	78.	Jhetty.
32.	Chanchati.	79.	Jheetar.
33.	Chavalakkaran, Chavalakkarar.	80.	Jogi.
34.	Chayakkaran.	81.	Jogulas.
35.	Chenchu.	82.	Kabbora.
36.	Chettu or Chetty (including Kottar Chetty, Elur Chetty, Pathira Chetty, Pudukkadal Chetty, Valayal Chetty).	83.	Kadon.
37.	Converts to Christianity from Scheduled Castes irrespective of the generation of conversion.	84.	Kadujattar (Makabari).
38.	C.S.I. (Formerly S.I.U.C.).	85.	Kaikolan, Kaikolar, Sengunthar.
39.	Dasari.	86.	Kakkalan (where they are not Sch. Castes).
40.	Dandasi.	87.	Kafadis.
41.	Dekkani Muslims.	88.	Kalari Kurup (Kalari Panich).
42.	Devangar (Sedar).	89.	Kalveli Gounder.
43.	Dhakkadu.	90.	Kallar, Vellalar.
44.	Dhobi, Vannan.	91.	Kalingi.
45.	Dombu.	92.	Kambar.
46.	Dombs-Anthiya Dombs, Chonel Domb, Orija Domb, Ponaka Domb, Telaga Domb and Ummia Domb.	93.	Kannalar Kamsala-Visva Brahmin and Visvakarmala (including Thattar or Porkollai, Kannar, Karumar or Kollar Thacher and Kallhacher).
47.	Dommera.	94.	Kani or Kanisu or Kaniyar Panikkar.
		95.	Kanikaran, Kannikar (where they are not Sch. Tribe.).
		96.	Kanjar.
		97.	Kannakan, Padanna (where they are not Sch. Castes).

S. No.	Name of O. B. C.	S. No.	Name of O. B. C.
98.	Kannada Salmegar, Kannadhyar and Dasapofanjika.	149.	Malapanataram.
99.	Kapumaris.	150.	Malapulayan, Kurambopulayan, Kenavalipulayan, Pam- bupulayan.
100.	Karnegar, Karnam.	151.	Malayavayan.
101.	Karunegar (Seer Karunegar, Srikarunegar, Sarrattu Karunegar, Kalkatti Karunegar, Mathu Vazhi Kanak- kar, Sozhi Kanakkor and Sunnambu Karunegar).	152.	Malayali (where they are not Scheduled Tribes)
102.	Katesar or Pattamkatti.	153.	Malayan, Malayar.
103.	Kathikkaran.	154.	Male.
104.	Kavara (where they are not Scheduled Castes).	155.	Mali-Korchia Malis, Paiko Malis and Pakka Malis.
105.	Kavathi.	156.	Mapilla.
106.	Kavuthiyar.	157.	Manna Dhora.
107.	Kerala Kudali.	158.	Manan, Vaman, Pathiyas (where they are not Sch. Castes).
108.	Kerala Muthali.	159.	Marakkan.
109.	Kharvi.	160.	Maramei, Gamanai.
110.	Khatri.	161.	Marar.
111.	Khattia-Khatti, Konmarao and Lokara.	162.	Marathi.
112.	Khond.	163.	Maravan.
113.	Kintali Katinga.	164.	Marar, Marumaravar.
114.	Kodalo.	165.	Maruthavar, Navithar.
115.	Kodu.	166.	Maravars (Semborad and Appanad Kondayankuttai).
116.	Kotalar, Davar, Thevar.	167.	Matangi.
117.	Komnar, Komnara.	168.	Marvari, Budhiya.
118.	Konda Dhara, Kond (Kui).	169.	Maune.
119.	Kondh-Dessya Kondh, Dougria Kondh, Kuriya Kondh, Tikria Kondh and Yamity Kondh.	170.	Mocavar, Parvatha, Rajakulam, Sembodaran, Patanavan.
120.	Kongu Chettiar.	171.	Medara.
121.	Kongu Vellalar (including Anuga Vellala Gounder, Chendala Gounder, Harambukatti Gounder, Kurumba Gounder, Nattu Gounder, Padakkattai, Pposari, Punalan- katti Vellala Gounder, Pala Gounder, Rathinagiri Goun- der, Sanku Vellala Gounder, Tirumudi Vellala, Thodu Vellalar, Vellala Gounder.	172.	Mooigar.
122.	Kootan, Koodan (where they are not Scheduled Castes).	173.	Moopar.
123.	Koppala Velama.	174.	Moundadan Chetty.
124.	Koracha Koravar, Yrukala.	175.	Mukha Dhora, Nooka Dhora.
125.	Kosalya Goudus, Bosathoriya Goudus, Chith Goudus, Dangayath Goudus, Doddu Kammariya, Dudu Kamero, Laddiya Goudus and Fullo Soriya Goudus.	176.	Mukkuvan, Mukkuvar.
126.	Kota.	177.	Muliya.
127.	Koteyar.	178.	Muthuraja (Muthuracha, Muthiriyar and Mutthiyar).
128.	Kotla-Bartika, Bantho Oriya, Dhulia or Dulia, Holva, Paiko, Puliya Sanrona and Sidho Paiko.	179.	Muttakampati.
129.	Koya or Goud (with its subsects Raj or Rasba Koyas, Linga Dhari Koya (ordinary) and Kottukoya.	180.	Muria.
130.	Koyi.	181.	Gramani, Shazar, Nadra.
131.	Krishnavaka.	182.	Naparam.
132.	Kulala (including Kumbarar and Kyavtar).	183.	Naikkar.
133.	Kubbora.	184.	Nakkalus.
134.	Kudubi.	185.	Nanjil Mudali.
135.	Kudumbi.	186.	Narikoravar.
136.	Kunchidigar.	187.	Nay-Buddhist, Nay-Buddhist.
137.	Kunnavar Monnadi.	188.	Neshikaris.
138.	Kurhini Chetty.	189.	Nokkara.
139.	Kurumba (where they are not Sch. Tribes)	190.	Nuthyan.
140.	Kurumaravas.	191.	Odar, Oddar, Woddar, Odiya.
141.	Kuravar.	192.	Ojulus, Muttai Komaralis.
142.	Labbai.	193.	Ovachar.
143.	Lambadi, Banjaras, Sugadi.	194.	Edannan (where they are not Sch. Castes).
144.	Latin Catholics.	195.	Padi.
145.	Magatha Goudo, Bernia Goudo, Boodu Magathu, Donga- yath Goudo, Poona Magatha, Sana Magatha and Yadya Goudo.	196.	Paigarapu.
146.	Mahandra, Medara.	197.	Painda.
147.	Mahratta (non-Brahmin) (including Namdev Mahratta).	198.	Paky.
148.	Meia Dasu.	199.	Palasi.
		200.	Palli.
		201.	Pambdi.
		202.	Pamulu.
		203.	Panan (where they are not Sch. Castes).
		204.	Ponar.
		205.	Panikka.
		206.	Pannayar.
		207.	Pannirandan Chettiar or Uthana Chettiar.

S. No.	Names of O.B.Cs.	S. No.	Names of O.B.Cs.
208.	Pano.	249.	Tholuva Naicker and Vetakara Naicker.
209.	Paravan, Paravar (where they are not Sch. Castes).	250.	Thondaman.
210.	Pariyas (Vengur and Yappur).	251.	Thoriyar.
211.	Parkavakulam Suruthinar, Malayansar, Nathansar.	252.	Thottai Naicks.
212.	Pathiyar (where they are not Sch. Castes).	253.	Thottiya Naicker (including Goltavar, Silavar, Rajakombalam, Thockalavar and Tholuva Naicker).
213.	Perike (Perike Balla).	254.	Toda.
214.	Perumanna.	255.	Ulladan.
215.	Perumkollar.	256.	Ullatan.
216.	Petias.	257.	Uppara (Uppillia Sagara).
217.	Poraya.	258.	Uruli Gounders.
218.	Porjas or Porajas-Bodo, Bonda, Daruva, Dichu, Jodia, Mundili, Pareng, Pydi, Saliya, Sano and Soda.	259.	Vatan.
219.	Pulluvan. Pußuvur.	260.	Vaiyars.
220.	Punnan Vestuva Gounder.	261.	Valmiki.
221.	Pusale.	262.	Vamavar.
222.	Rajapuri.	263.	Vaniyar, Vania Chettiar (including Gandala, Ganika, Chekkalar and Telugula).
223.	Reddi Dhoras.	264.	Vannan (Mannan, Pathiyar).
224.	Reddi, Sachndi.	265.	Vannar, Rajakula Veluthadar (where the community is not a Scheduled Caste).
225.	Rona.	266.	Vanniyakula Kshatriya (including Vanniya Vanniyar, Vanna Gounder, Gounder or Kander, Pidayandi Pathi, Agnigula Kshatriya).
226.	Sadhu Chetty (including Telegu Chetty, Telegupatty Chetty, Twenty four Mani Telegu Chetty).	267.	Vallamber.
227.	Sakkavarar (Kavathi).	268.	Veesarim.
228.	Saliyar (Padmasaliya, Adhaviyar, Pattariyar).	269.	Velaiyar.
229.	Sativahana, Salivagana.	270.	Vedar.
230.	Saura.	271.	Velakkithalanayar.
231.	Sathaha Srivaishnava (including Sathani Chattadi Chattadi).	272.	Vella Chettiar.
232.	Savaras-Konu Savaras, Khutto Savaras and Malya Savaras.	273.	Vallayan-Kuppam-Pandayachis.
233.	Savalakarar.	274.	Veluthadanayar, Veluthonathunayar.
234.	Saya Pillaimar.	275.	Vetan (where they are not Scheduled Castes).
235.	Senathalaivar, Ulaivanar and Senaikudiyar.	276.	Vettai Karas, Vettaikaras.
236.	Soerthi Goudus.	277.	Vettakaran.
237.	Sausashira (Pathukkarar).	278.	Vettuva Goundus.
238.	Sozhia Chetty.	279.	Virakod Vellai-la.
239.	Sozhia Vellalar (including Keerakarar, Kodikalazar, Sozhia Vellalar and Vatrilaikaran).	280.	Vishavan.
240.	Srisayar.	281.	Vishavan (Malankudi).
241.	Telaga Pamula, Peldati Gollas.	282.	Vokkaiyar (including Gounder, Gowda, Kappaiyar, Kappliyar, Okkaiyar, Okkaiya, Vakkaiyar).
242.	Telunga, Palatti Chattis.	283.	Wynad Chetty.
243.	Thandan (where they are not Sch. Castes).	284.	Yadavan (Idayar) or Yadava (including Idaiyar, Telugu speaking Idaiyar known as Vaduga Ayar or Vaduga Idaiyar or Golla, Mohd Golla Asthanthra Golla).
244.	Thantapulayan.	285.	Yanady, Yenadi.
245.	Thevar.	286.	Yavane.
246.	Thiyya.	287.	Yerukuta.
247.	Thogata Veerakashatriya	288.	Yogeswatan.
248.	Thokkollar.		

20. TRIPURA

S. No.	Names of O. B. Cs.	S. No.	Names of O. B. Cs.
1.	Agaria, Agariya.	54.	Kachari.
2.	Asur.	55.	Kadar.
3.	Badyakar, Dhufi, Nagarchi, Sabdakar.	56.	Kaira.
4.	Bahelia.	57.	Kalai.
5.	Baishnab.	58.	Kalu.
6.	Baili.	59.	Kalwar.
6A.	Banjara, Gour.	60.	Kan ^{da} .
7.	Banjogi.	61.	Kandra.
8.	Barnik.	62.	Kangh.
9.	Barui.	63.	Kaora.
10.	Baspher.	64.	Kapali.
11.	Bauri.	65.	Kapuris.
12.	Bedia, Bediya.	66.	Karenga.
13.	Beldar.	67.	Kari.
14.	Benua.	68.	Karmakar, Kamar.
15.	Bhakta	69.	Kasta, Kastha.
16.	Bhar.	70.	Kechai.
17.	Bhatlya.	71.	Khaira.
18.	Bhinhar.	72.	Khami.
19.	Bhinjia.	73.	Khandait.
20.	Bhir.	74.	Khatik.
21.	Bhumij, Bumij.	75.	Khencha.
22.	Bhulya.	76.	Khen.
23.	Bin.	77.	Khyang.
24.	Bind.	78.	Kichak.
25.	Binjhia.	79.	Koda.
26.	Birhor.	80.	Koiri.
27.	Brija.	81.	Komer.
28.	Chasi-Kaibarta.	82.	Konai.
29.	Chouhan.	83.	Knowar.
30.	Daiu.	84.	Kurwa.
31.	Damsi.	85.	Kumbhakar, Kumbhar.
32.	Desali.	86.	Kurariar.
33.	Dhemaru.	87.	Kurmi.
34.	Doai.	88.	Lalbegi.
35.	Dosadh, Dosad.	89.	Laskar, Lashkar.
36.	Duari.	90.	Lodha.
37.	Gangin.	91.	Lohar.
38.	Garju.	92.	Maghalya-Dome.
39.	Gara.	93.	Mohar.
40.	Gareri.	94.	Mahli.
41.	Goala, Gopa, Yadav.	95.	Mal.
42.	Gonda.	96.	Mallah.
43.	Gonchi.	97.	Mallik.
44.	Gorang.	98.	Malphariya.
45.	Gunar.	99.	Manipuri.
46.	Gundi.	100.	Marar.
47.	Guri.	101.	Mech.
48.	Hadi.	102.	Mro.
49.	Halalkhor.	103.	Nagar.
50.	Gari.	104.	Nagesia.
51.	Ho.	105.	Naiko.
52.	Jhala, Malo.	106.	Naiya.
53.	Jhara.	107.	Nat, Natadas.

S. No.	Names of O. B. Cs.	S. No.	Names of O. B. Cs.
105.	Napit.	123.	Raju.
109.	Nayak.	124.	Rajwar.
110.	Nepali (Limbo, Matwali, Rai).	125.	Rupai.
111.	Nuniya, Numa	126.	Shagirdpesha.
112.	Orson.	127.	Sukli.
113.	Paik.	128.	Sunri.
114.	Paliye.	129.	Sutradhar.
115.	Pan.	130.	Tanti, Tali.
116.	Panki.	131.	Teli.
117.	Pasi.	132.	Tipara
118.	Pod.	133.	Tiyar.
119.	Pundari.	134.	Toio.
120.	Rakha.	135.	Tura.
121.	Raighatwal	136.	Yogi, Jogi, Nath.
122.	Rajbanshi Rajbansi		

21. UTTAR PRADESH

S. No.	Names of O. B. Cs.	S. No.	Names of O. B. Cs.
1.	Agri.	53.	Hankiya.
2.	Aberia, Ahariya.	54.	Huckiya.
3.	Ahir, Ghoel, Gwala, Yaduvanshi/Yadav.	55.	Jamoria.
4.	Angari.	56.	Jhojha.
5.	Arakh.	57.	Jogl.
6.	Auji.	58.	Kabaria.
7.	Baḍak.	59.	Kachhi, Kauri, Kushwa, Mauriya, Murar, Naldih, Nardaha.
8.	Bairagi.	60.	Kahar, Dhadhan, Dimer, Dhiver, Dituru, Godia, Kashyap, Mehra.
9.	Bairi.	61.	Kalandar.
10.	Bajigar.	62.	Kalar.
11.	Bakharja.	63.	Kasal.
12.	Bandi.	64.	Kasur.
13.	Banjara, Banjara, Nai, Nalk, Nayak, Kangi, Sirkiband, Jabana, Dhau-kute Banjara, Banjara Sikh, Brijwasi.	65.	Kewat, Bansi, Chai, Jaichar, Khorja, Majhi, Mallah, Nishad.
14.	Barhai, Budhai, Barai, Chauvasia, Jangid-Brahman, Khail, Kolash, Lote, Panchal, Tarkhan, Vishwakarma.	66.	Khalwa.
15.	Bari.	67.	Khangar.
16.	Bazra.	68.	Kharot.
17.	Bauriah.	69.	Kingharia.
18.	Bayar.	70.	Klan.
19.	Bazgar, Bazigar.	71.	Koiri, Koiri.
20.	Bodia.	72.	Koli.
21.	Behana.	73.	Kolta.
22.	Beriah.	74.	Koshta.
23.	Bhar.	75.	Kotwar.
24.	Bhalhara.	76.	Kumhar, Chakbys, Chakre, Kohar, Kumbhar, Prajapati.
25.	Bhh.	77.	Kunjra, Rayeen.
26.	Bhul.	78.	Kurmi.
27.	Bhurji, Bharbhuj, Bharbhunja, Bhunj, Bhunja, Kandu, Kashodhay.	79.	Kuta.
28.	Bind.	80.	Lodha, Lodh.
29.	Chanal.	81.	Lohar, Abangar, Lohar, Mistri, Ruriya.
30.	Chik.	82.	Luniya, Lonla.
31.	Chikwa (Kassab).	83.	Mali, Saini.
32.	Chunal.	84.	Manhar, Lakhera.
33.	Chuzerc.	85.	Manjhi.
34.	Dafoli.	86.	Marchha.
35.	Dahera.	87.	Mewati.
36.	Darzi, Chhipa, Chhipi, Demdo, Surjia.	88.	Mirasi, Merasi.
37.	Dhari.	89.	Mochi (excluding those in S.C.)
38.	Dhobi, Rajak (excluding those in S.C.).	90.	Momin (Asar).
39.	Dholi.	91.	Musao, Mural.
40.	Dhuala, Kathoria, Naddaf.	92.	Muslim Banjara.
41.	Faqir.	93.	Muslim-Kayastha.
42.	Gadaria, Gaddi, Gaderia, Gareria, Pal.	94.	Nadkai.
43.	Gadhia.	95.	Nai, Jakur, Hajjara, Khawa, Napit, Nau, Orrey, Sarivas, Savita.
44.	Gandharva, Bhatu.	96.	Nav-Buddhists, Neo-Buddhists.
45.	Gandhila.	97.	Nut (excluding those in S.C.).
46.	Gidhya.	98.	Odhia.
47.	Giri.	99.	Orb, Od.
48.	Goaru.	100.	Pahri.
49.	Gosala.	101.	Pauri.
50.	Gujar.	102.	Pawariya.
51.	Halakhor.	103.	Raj.
52.	Hafwai.	104.	Rangrez.

S. No.	Names of O. B. Cs.	S. No.	Names of O. B. Cs.
105.	Aoniur,	111.	Tarnia.
106.	Sapera, Kalbela.	112.	Tanji, Taiwa, Tatripal, Batwa.
107.	Jaun.	113.	Teli, Sahu (Hindu and Muslim both)
108.	Jonar, Sunar, Swarnakar.	114.	Thalera, Kasera.
109.	Yaga-Bhat.	115.	Tirwa.
110.	Tarneli.	116.	Turt.

22. WEST BENGAL.

S. No.	Names of O. B. C.	S. No.	Names of O. B. C.
1.	Acharya, Acharji.	55.	Dilpañ.
2.	Adikari.	56.	Duraj.
3.	Agarla, Agariya.	57.	Fakir, Sain.
4.	Aghore.	58.	Gadaba.
5.	Agradana, Agradani.	59.	Guddi, Ghosi.
6.	Ahir, Goala, Gope, Sadgopa Yadav, Gola, Gawar.	60.	Gain.
7.	Amant, Amat, Amath.	61.	Ganda.
8.	Ansari (Muslim).	62.	Garai.
9.	Badi (Nepali).	63.	Ghatwal.
10.	Bag.	64.	Ghatwar.
11.	Bagal.	65.	Ghusuria.
12.	Baishya Kapali.	66.	Godea.
13.	Bajadar, Bajania, Bodey.	67.	Gokha.
14.	Banjuta.	68.	Gooda.
15.	Banjogi.	69.	Gore.
16.	Banua, Buna, Bunna, Buno.	69A.	Gorkha.
17.	Baragiri.	70.	Gowar.
18.	Barchain, Chai, Chain.	71.	Gudberi.
19.	Barbi, Badhai, Bishwakarma, Khali, Sutradhar.	72.	Hadi.
20.	Barna-Brahmin, Patil-Brahmin.	73.	Halalkhor (excluding those in Scheduled Caste)
21.	Bato.	74.	Halwai.
22.	Barui, Barujibi.	75.	Hawari.
23.	Bathudi.	76.	Hela.
24.	Beytkar.	77.	Hrabimi.
25.	Berua.	78.	Irika.
26.	Bhangsi (excluding those in Scheduled Caste).	79.	Jooni.
27.	Bhant.	80.	Juang.
28.	Bhar.	81.	Kachari.
29.	Bharblaju, Bhujwala.	82.	Kaghzi.
30.	Bhot.	83.	Kahar.
31.	Bhathara, Ruzzaqi.	84.	Kaira.
32.	Bhatiya.	85.	Kalu, Teli, Garai, Mondal, Sadhukhan, Pal, Patra, Sadou, Bank.
33.	Bhotia.	86.	Kalwar.
34.	Bhugal.	87.	Kamar.
35.	Bin.	88.	Kan, Kanu.
36.	Bijhia.	89.	Kandh.
37.	Bijhawar.	90.	Kandu.
38.	Bijlota.	91.	Kanvari, Kansykar.
39.	Brija.	92.	Kapali.
40.	Chak.	93.	Kapuria.
41.	Chandig.	94.	Karani.
42.	Chasadhoba, Haladhar, Halun, Satchasi.	95.	Karha.
43.	Chasi-Kaibarta.	96.	Karnakar.
44.	Chik, Chikwa, Kasai, Kassab.	97.	Karwalat, Karwalnuts.
45.	Chiridar.	98.	Kasai-Maji.
46.	Chitkar.	99.	Kasta.
47.	Churihara, Lakhera, Lahera.	100.	Kastha.
48.	Dafali.	101.	Kela.
49.	Datu.	102.	Khami.
50.	Darzi, Idrisi.	103.	Khandait.
51.	Dhasa.	104.	Kharag.
52.	Dhekatu.	105.	Kharra.
53.	Dhenur.	106.	Kheo.
54.	Dhunla, Manzoon.	107.	Kherwar.

S. No.	Names of O. B. Cs.	S. No.	Names of O. B. Cs.
108.	Khetauri.	143.	Nagar.
109.	Khyang.	144.	Nai, Hajjam, Naha, Napli.
110.	Khyara.	145.	Nalband.
111.	Kichak.	146.	Nath, Yogi.
112.	Kisarwaki.	147.	Nav-Buddhists, Neo-Buddhists.
113.	Koda.	148.	Newar.
114.	Koeri, Koiri.	149.	Pundari.
115.	Kol.	150.	Panthi.
116.	Koli.	151.	Patua.
117.	Kolu.	152.	Pirali.
118.	Kuki.	153.	Raju.
119.	Kumbhar, Kumar, Kumbhakar, Kumhar, Kumraker, Rudra.	154.	Rakhal.
120.	Kunjra, Raycon.	155.	Rana.
121.	Kurni.	156.	Rangrez.
122.	Lakar.	157.	Rasali.
123.	Lakra.	158.	Rohangia, Roshangia.
124.	Lushei.	159.	Saha.
125.	Machhua.	160.	Sankhakar, Sarkheru.
126.	Maghaiya-Doms.	161.	Sayar.
127.	Mahardada.	162.	Scheduled Caste converted Christianity.
128.	Mahata.	163.	Shagird Pasha.
129.	Mahato.	164.	Siyal.
130.	Mahuria.	165.	Sonar, Swarnakar.
131.	Mahishtya.	166.	Sukli.
132.	Majhi, Deshwali-Majhi.	167.	Tamang.
133.	Malakar.	168.	Tamboli, Tamali, Tamuli.
134.	Mali.	169.	Tanti, Tantubaya
135.	Mangan.	170.	Thapa.
136.	Mangar.	171.	Tharu.
137.	Matar.	172.	Till.
138.	Mirshakar.	173.	Tipara.
139.	Moger, Morgau.	174.	Tippera.
140.	Momia.	175.	Turha.
141.	Morapora-Brahmin.	176.	Urao, Bandol, Haro, Karkata, Luidu, Shitseo, Tigga, Tirk.
142.	Mug.	177.	Vyasokta.

23. ANDAMAN & NICOBAR ISLANDS

S. No.	Names of O. B. Cs.	S. No.	Names of O. B. Cs.
1.	Arundatilu (H).	11.	Namasudra, Adhikari, Sarkar, Dhari, Bala, Hira, Baidar, Maji, Daligbi, Bodoi, Diskas, Poddar, Hindal, Roy, Das, Hadder, Manji, Basi, Manser, Biri, Nag, Bairagi, Bharra (Baidya).
2.	Baija.	12.	Pillai, Vilalar, Vellalar, Karubhattu, Karanbattu.
3.	Barar (Umali).	13.	Rao.
4.	Eluvain.	14.	Reddiyar (Reddiyar, Ithoi, Reddiyar).
5.	Dhobi.	15.	Server, Agamudiyar.
6.	Chetty/Baija.	16.	Thakur (Nai).
7.	Jhevar.	17.	Yadav, Rolal, Kollubhattu, Konar.
8.	Kharia.		
9.	Mianda.		
10.	Naidu (Vadulu, Kartre, Naicker, Thayya, Nambiar).		

24. ARUNACHAL PRADESH

S. No.	Names of O. B. Cs.	S. No.	Names of O. B. Cs.
1.	Diwan.	6.	Nayor.
2.	Kashtriya.	7.	Nepali Jarna.
3.	Kurmi.	8.	Sajalang.
4.	Mali.	9.	Srehda.
5.	Majhara.	10.	Sunur.

25. CHANDIGARH

S. No.	Names of O. B. Cs.	S. No.	Names of O.B.Cs.
1.	Acharaj, Panchaj-Brahman, Changar.	47.	Hajjam, Nai.
2.	Aheria, Aheri, Naik Heri.	48.	Hañ.
3.	Ahir, Yadav, Gwala.	49.	Harvi.
4.	Badhi, Barhaj, Dhiman-Brahman.	50.	Gutka Jat, Chillon Jat.
5.	Bugaria.	51.	Jhangva-Brahman, Khali.
6.	Bacra.	52.	Jogi, Nath.
7.	Barwar.	53.	Julaha (excluding those in S. C.).
8.	Bahari.	54.	Kamboj, Kamboh.
9.	Banoudhiya-Rajput.	55.	Kanchan.
10.	Barai, Tamiboli.	56.	Kanghara.
11.	Baragi, Bairagi.	57.	Kanjar.
12.	Bathi.	58.	Kassab.
13.	Balterha.	59.	Kehal.
14.	Beria.	60.	Kohli.
15.	Beta, Hensl. Hesi.	61.	Kuchband.
16.	Bhand.	62.	Kulait.
17.	Bharbhunja.	63.	Kumhar, Prajapati.
18.	Bhat, Bhatra, Darpi, Ramiya.	64.	Kurmi.
19.	Bhati, Chang, Ghirath.	65.	Lobana, Vanzara, Lobana Banjara.
20.	Bhojki.	66.	Lakhera, Manihar.
21.	Bhubalia-Lehar.	67.	Madari.
22.	Bhujra.	68.	Mahatam.
23.	Bhura-Brahman.	69.	Mali, Phoolmali, Saini.
24.	Biloch.	70.	Merh-Rajpoot.
25.	Botchra.	71.	Mecna, Mina.
26.	Chang.	72.	Mewati.
27.	Chhimba, Chhipi.	73.	Mirsi.
28.	Chisanar.	74.	Michi.
29.	Daiya.	75.	Musavar.
30.	Dakaut.	76.	Naar.
31.	Dandli, Doaba.	77.	Naddaf, Pinja.
32.	Deha, Dhaya, Dhea.	78.	Naiband.
33.	Dhai.	79.	Noongar.
34.	Dhenwar.	80.	Pakhiwara.
35.	Dhinwar, Dhinwar, Jhinwar, Kahar, Mallah.	81.	Rachband.
36.	Dhobi.	82.	Rai-Sikh.
37.	Dhosali.	83.	Rehar, Behara, Rer, Rihar.
38.	Faqir.	84.	Scheduled Caste converts to Christianity.
39.	Gadaria.	85.	Shorgir.
40.	Gaddi.	86.	Singhiwala, Singhikaut.
41.	Gadri.	87.	Soi.
42.	Gauria, Gwar, Gwaria.	88.	Taga.
43.	Ghai.	89.	Tarkhan.
44.	Ghasiara.	90.	Teli.
45.	Ghosi.	91.	Thanwin.
46.	Hadi.	92.	Thathara, Kasera.
		93.	Thori, Turi.

26. DADRA AND NAGAR HAVELI

S. No.	Names of G. B. Cs.	S. No.	Names of J. B. Cs.
1.	Agni.	6.	Kapdi.
2.	Ahir, Bharwad, Yadav.	7.	Kolaga (Micut).
3.	Burhmi.	8.	Koh.
4.	Dhobi.	9.	Mekrona (Muslim).
5.	Kachar, Kumbhar.	10.	Nai (Valand).

27. DELHI

S. No.	Names of O. B. Cs.	S. No.	Names of O. B. Cs.
1.	Abbasi, Bhishū, Sakka.	42.	Jogi, Goswami.
2.	Agri Kharwal.	43.	Julaha, Momin (excluding those in S.C.)
3.	Ahir, Yadav, Gwala.	44.	Kachhi, Koeri, Murai, Murao.
4.	Arain, Rayee, Kunjra.	45.	Kahar, Kashyap.
5.	Badhai, Barhai, Khatl, Tarkhan, Jangra-Brahmin, Viswakarma.	46.	Kajal, Kaiwar.
6.	Badi.	47.	Kangar.
7.	Bairag.	48.	Kaumaali.
8.	Bairwa, Berwa.	49.	Kasbi, Qussab, Quraishi.
9.	Banerwala.	50.	Kasera, Ternara, Thathera, Thathiar.
10.	Barai, Tamboli.	51.	Kathputli-Nachanewala.
11.	Bari.	52.	Kewat, Mallah.
12.	Bauria.	53.	Khatgunc.
13.	Bazarg, Nat, Kalandar, (excluding those in S.C.)	54.	Khalik (excluding those in S.C.)
14.	Bhubbhala.	55.	Kumhar, Prajapati.
15.	Bhnd.	56.	Kurmi.
16.	Bharbhnoja.	57.	Lahana.
17.	Bhai.	58.	Kakhera, Manhar.
18.	Bhatara.	59.	Lodhi, Lodha, Lodh, Maha Lodh.
19.	Chak.	60.	Luhar.
20.	Charan, Gadya.	61.	Machha, Machhera.
21.	Chhipi, Tank.	62.	Mahapatra.
22.	Chrimar.	63.	Mali, Saini, Southia, Sagarwanshi-Mali, Nayak.
23.	Dafali.	64.	Makania-Jogi.
24.	Daiya Dhalya.	65.	Memar, Raj.
25.	Dakaut, Prade.	66.	Mina.
26.	Darzi.	67.	Mico, Mewati.
27.	Dholwar, Jhinwar, Nishad.	68.	Merasi, Mirasi.
28.	Dhobi (excluding those in S.C.)	69.	Mochi (excluding those in S.C.)
29.	Dhunia, Pinjara, Kadher Dhunnewala.	70.	Nai, Hujjam, Nai (Sabital).
30.	Fakir.	71.	Nalband.
31.	Gach, Mandewala.	72.	Naqqal.
32.	Gaderia.	73.	Pakhivara.
33.	Gaddi, Garri.	74.	Patwa.
34.	Gadheri.	75.	Pathar Chera, Sangtarash.
35.	Ghasiara.	76.	Rangrez.
36.	Ghosi.	77.	Rayakwar.
37.	Gujar, Gurjar.	78.	Saiz.
38.	Harni.	79.	Schai.
39.	Herbi.	80.	Sunar.
40.	Jallad.	81.	Taga, Tagab.
41.	Jharkia-Sikh.	82.	Yeli.

18. GOA, DAMAN & DIU

S. No.	Names of O. B. Cs.	S. No.	Names of O. B. Cs.
1.	Bhondari.	10.	Kasar.
1A.	Banjara, Lambadi, Lamani, Sogali.	11.	Koli.
2.	Christian Chamar.	12.	Kunbi.
3.	Christian Mahat.	13.	Mraou.
4.	Dhangar.	14.	Nakdu.
5.	Dhobi.	15.	Nath, Jogi.
6.	Dhor.	16.	Nhavi, Nai.
7.	Gauda.	17.	Segar.
8.	Goggi.	18.	Yadav, Gavli.
9.	Gosavi.		

20. LAKSHADWEEP

S. No.	Names of O. B. Cs.	S. No.	Names of O. B. Cs.
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--NIL--

30. MIZORAM

S. No.	Names of O. B. Cs.	S. No.	Names of O. B. Cs.
1.	Apatani.	4.	Paite.
2.	Gurkha.		
3.	Manipuri.	5.	Ralte.

31. PONDICHERY

S. No.	Names of O. B. Cs.	S. No.	Names of O. B. Cs.
1.	Achukattayandi.	51.	Ezhavathy (Vathi).
2.	Agamudiyas (including Thulava Velloas).	52.	Ezhothachans.
3.	Agara, Jarakula.	53.	Gauda, Gaudavars.
4.	Agara.	54.	Gaula Kerkani.
5.	Agnikula Kshatriya (Pallekappu, Palloreddi, Vannekappu, Venureddi).	55.	Gandia.
6.	Ahwar.	56.	Gangavars.
7.	Ambulakeram.	57.	Genka (including Nagavamsam).
8.	Ambika.	58.	Gatti.
9.	Anandan.	59.	Gazulu Bahja, Gazulasetti (Gajulu).
10.	Andipandaram.	60.	Gavara.
11.	Anglo Indian.	61.	Gobba.
12.	Arayan (Makayan), Araya.	62.	Golaba.
13.	Archaakata (svando).	63.	Gondi, Modyu Gond and Rajo, Gondo.
14.	Ara Matrati.	64.	Gouda or Gowda, Machlus, Pal, Paiko (Pala or Palaa), Sandi or Telli, Tanti, Yerunagollas, Oriya or Veddy Samantho, Oriya Backward Classes Hradhal, Bhukta, Darji, Gour.
15.	Arya.	65.	Goudar Bato, Bhirithya, Doshokouria, Hato, Jatako and Joria.
16.	Aryavathi (Nalruseri).	66.	Gowda, Gouda (including Gammalla or Kalili).
17.	Atagara, Atagara.	67.	Grammasi, Shuman & Nadar.
18.	Badaga.	68.	Gudigara.
19.	Bakulika.	69.	Gidiga (including Sombahjas of East and West Godavari Dist.).
20.	Besiba, Besiba (Jalarula Nagavadiity).	70.	Hodge.
21.	Bhatraja.	71.	Helva.
22.	Bhavassar Kshatriya, Bangarajulu, Rongare, Darji, Simpi.	72.	Idiga (including Seti Bahija).
23.	Bhottodas-Bodo Battada, Maria Bhottada and Sano Bhottada.	73.	Iluvu (Ezhava).
24.	Bhuniis, Budo Bhuniis and Bhuri Bhunia.	74.	Iralas.
25.	Bhandari.	75.	Isai Vallalar or Melakatur.
26.	Yilava.	76.	Jadappas.
27.	Bisoy.	77.	Jakkulas.
28.	Bondili.	78.	Jolaru.
29.	Booya.	79.	Jambuvandondar.
30.	Boyan.	80.	Jendara.
31.	Byagari.	81.	Jangam.
32.	Chakkala.	82.	Jetty.
33.	Chaptogra.	83.	Jogi.
34.	Chatadi (Chatada or Srivaishnava).	84.	Kabbara.
35.	Chavalukarandas.	85.	Kadaiyan.
36.	Chakkalas whose normal occupation is oil crushing like Cap Vaniyans.	86.	Kadan.
37.	Chettadara.	87.	Kazupattan.
38.	Converts to Christianity from Scheduled Castes.	88.	Kakkolan or Kaikola (Sengunthar, Sengudar).
39.	Dasari.	89.	Kalarikuraps (Kniral Panicker).
40.	Devediga.	90.	Kalavanthula.
41.	Devalkar.	91.	Kalingi.
42.	Devanga, Devangan.	92.	Kallon.
43.	Dhakkada.	93.	Kallar.
44.	Domnara.	94.	Kamalas (Viswakarmala).
45.	Dudubi.	95.	Kamulana (Kamsalas, Vissav-Brahman and Vissav Karma, Karuvaw).
46.	Dudokula, Pimiri.	96.	Kandra.
47.	Enodi.	97.	Kani, Kanian or Kaniyan and Kunisu or Kaniyar Panicker, Ganka, Kanisy.
48.	Eravahar.	98.	Kavuthiyar.
49.	Echava (Echava, Ezhava Iluvan).	99.	Kelasi.
50.	Ezhothachan.		

S. No.	Names of O. B. C.	S. No.	Names of O. B. C.
100.	Kerala Mudali, Kerala Muthali.	157.	Nandey, Simpi.
101.	Kharvi.	158.	Nannar.
102.	Khattis-Khatti, Kammaran and Lohara.	159.	Narikoravan.
103.	Kitara.	160.	Navudlan.
104.	Koju.	161.	New Buddhists, Nov Buddhists.
105.	Kohdala.	162.	Nokka.
106.	Kolarios or Munivazies.	163.	Oduns, Odde, Voddoo or Vadda or Veddal, Odori (Donga Odlya).
107.	Kommar.	164.	Olutu.
108.	Kopplavalamas.	165.	Oranaito.
109.	Koracha.	166.	Ottanakkan.
110.	Kosalya Goudus Bosotheviya Goudus, Chitti Goudus, Dungalath Goudus, Doddu, Kamariya, Dudu Komaro, Ladiya Goudus & Pullosoviya Goudus.	167.	Padayachi.
111.	Kosavans, Kuyasar.	168.	Padmasali.
112.	Kotayar (Shoragara Kshatriya).	169.	Paigarapu.
113.	Krishnavaka.	170.	Painda.
114.	Kudumbi.	171.	Palaokari.
115.	Kulela, Kulala, Kummari.	172.	Pahasi.
116.	Kunbaran.	173.	Palli.
117.	Kunnuvar Mannadi.	174.	Pamula.
118.	Kurumba, Kuruba, Kurubar, Kuruva.	175.	Pandithar (Anpattan, Prandokari and Nasivan).
119.	Kusavan.	176.	Pandi Thattan.
120.	Labhai.	177.	Pannagadikara.
121.	Lambadi.	178.	Pannan Yettuva Goundor.
122.	Madugar or Modavar or Velakkara.	179.	Pannaiyar or Pannayar.
123.	Nagatha Goudus-Bornla Goudub, Boudo Magatha, Dengoyath Goudo, Ladiya Goudo, Ponna Magatha and Sana Magatha.	180.	Paramban.
124.	Mahaedra, Mahandra, Medara.	181.	Paravas (Christians).
125.	Male.	182.	Parol Madivala.
126.	Mangala (Neyce-Brahman).	183.	Parakkavakulam (Surlthnaman) Malayanan, Nathama Moopanan & Nainar.
127.	Mannus.	184.	Patbukudi.
128.	Mappala.	185.	Patnukaran.
129.	Marathi.	186.	Patrikulam, Patrakulam.
130.	Maravar, Maravaw.	187.	Patta avana.
131.	Maruthuvar.	188.	Pattariyas or Pattariás.
132.	Mdiva, Madivala.	189.	Pattulakaran.
133.	Melakudi or Kudiyano.	190.	Penthus.
134.	Medi Bena.	191.	Perike, Perike Balija, Piragiri Kshatriya.
135.	Mogaveera.	192.	Perumbedian.
136.	Molli, Moll.	193.	Perumkoilam.
137.	Mongalla.	194.	Peruvannan.
138.	Mongola.	195.	Pichiganta.
139.	Monigar.	196.	Plelal.
140.	Moundadan.	197.	Pillava.
141.	Modava/Muduga.	198.	Polinjivalam of Srikkulam & Visakhapatnam Dist.
142.	Mukhari.	199.	Ponkala.
143.	Mukkuvan or Kukayan, Mogayan, Logavan (Including Bovis).	200.	Poraya.
144.	Muris.	201.	Praravatharajakulam.
145.	Mutlakampati.	202.	Pullayan.
146.	Muthuraja.	203.	Puzala, Puzalavaan, Puzalvendlu.
147.	Muttariyan/Muthariyar.	204.	Rajaka.
148.	Nadar.	205.	Rajapuri, Raju.
149.	Nagaraku.	206.	Rauther.
150.	Nagarani.	207.	Rona.
151.	Nagavaddiy.	208.	Sadan, Dedan.
152.	Naidu Gavara.	209.	Sagalis.
153.	Naiker, Vanniya.	210.	Saiva Vellalan.
154.	Naikkans, Naikken.	211.	Sakravar (Kavathi).
155.	Nakkala.		
156.	Nalakodaya.		

S. No.	Names of O. B. Cs.	S. No.	Names of O. B. Cs.
212.	Salian (Pattarayan), Saliyas, Saliyan, Pattusali. Senajw thulu, Kanuthokkulu, Sale, Jhogota Sali.	238.	Vadukan, Vadagan, Vadugan, Vaduvu.
213.	Sanathalarvar (Senakudiyar).	239.	ValaLalavann.
214.	Senni Thalyivar (Elavabanas).	240.	Valam.
215.	oetti Balija.	241.	Valviki.
216.	Sisakkaranm.	242.	Vantiyar.
217.	Sollar.	243.	Vaniyan or Vaniar (Vanika, Vanika-Vaiya, Vanyachetty, Vanibaacherry, Aylavar and Nagarathar).
218.	Srisayana.	244.	Vannan, Vannar.
219.	Tarakan.	245.	Vanniyakula Kshatriya, including Vanniar or Vanniyar Gounder, Kondar or Vannia Gounder and Vannikander (other than Vella Gounder belonging to Vanni Vanniyakula Kshatriya Caste).
220.	Tatapuv.	246.	Vathis.
221.	Thanda Vannan.	247.	Veccassiva (Fandaram, Matupathi, Vairagi, Vairavi, Yogiswarar).
222.	Thiya. Ethura, Thiyyas.	248.	Velan, Vellan.
223.	Thogatta Veerakshatriya.	249.	Vellala Pillai, (Manjmad Vellala).
224.	Tholkollans.	250.	Veluthalan, Veluthedattu Nair.
225.	Tholava Naicker and Vettalakar Naicker.	251.	Vestakkaran.
226.	Thonaiman.	252.	Vetturan.
227.	Thorsyan.	253.	Vettuva Goundar.
228.	Thottia Naicken (including Rajakambalam, Gullavar, Sillayar, Thockalavar and Tholava Naikar).	254.	Vettuvan.
229.	Thottiyar.	255.	Vikurup.
230.	Thunnan.	256.	Vilakkathala Nairs (Velakkathalavan).
231.	Thurpu Kapus, Casala Kapus.	257.	Virakadi Vekkalur.
232.	Tigala (Tigla).	258.	Yadava (Konar, Kolaya, Ayar, Mayar, Muniyan Erunan).
233.	Tollisula.	259.	Yorakula.
234.	Uppara.	260.	Yoggeswaran.
235.	Uruli Goundan.		
236.	Vada Balija, Vadava (Golla or Kondri).		
237.	Vadra or Vaddara.		

VOLUME VII

MINUTE OF DISSENT

BY

SHRI L. R. NAIK, EX-M.P. (MEMBER)

BACKWARD CLASSES COMMISSION

I have endeavoured to the best of my ability and understanding of the socio-educational problems of the backward classes of citizens of India to assist the Chairman and other Members of the Backward Classes Commission in carrying out the arduous task entrusted to them by the President of India in terms of reference prescribed. I am happy that I received full co-operation and encouragement from them, especially Shri B. P. Mandal, Chairman of the Commission. It is, therefore, not without feelings of regret and reluctance that I write a separate minute of dissent only with reference to categorisation of socially and educationally backward classes of citizens identified by the Commission in terms of reference made to them.

The Commission have, on certain criteria as delineated in Chapter XI prepared a common list of socially and educationally backward classes of citizens and I suggest its modifications in the following manner :—

I held very sincerely that castes/classes mentioned in the common list, each having homogeneous and cohesive characteristics, are not at the same degree or level of social and educational backwardness and I fear that the safeguards recommended for their advancement will not percolate to less unfortunate sections among them and the constitutional objectives proclaiming an establishment of an egalitarian society will remain a myth. Some of the communities in the common list who would be called hereinafter as 'Intermediate Backward Classes' on the lines delineated in the report of the Tata Institute of Social Studies (Volume IV) have made their presence felt in the caste hierarchical society in India, either on their numerical strength or their age-old co-existence along with other advance communities in villages and towns. Given better opportunities and encouragement in future, I have, no doubt, in my mind that they would integrate with the general populace sooner than later. But there are number of castes and classes in the common list who are incapable of making such a dent, in the near future, being extremely backward, both socially and educationally and also economically. Their economical backwardness is evidently the consequence of their age-old social and educational backwardness. By way of clarity they would be, hereinafter, called 'Depressed Backward Classes'

as distinct from the 'Intermediate Backward Classes'. I am of the opinion that these unfortunate classes of people, i.e. 'Depressed Backward Classes' swept as they are in massive backwardness would take time for their enlightenment and advancement, unless, of course, concerted efforts, at national levels, are made by way of sagacious inputs of safeguards the benefits of which should be percolated to them in a large measure. So there is a compelling need to sift them carefully from the main common list and create a separate entity of equals or near-equals to bring about a healthy competition among them for the benefits of safeguards. The rest of the communities in the common list should then form a distinct category for the same reason of creating an atmosphere for competition among equals for the safeguards. This device is necessary in the interest of the nation as a whole.

The 'Intermediate Backward Classes', in my opinion, are those whose traditional occupation had been agriculture, market gardening, beetle-leaves growers, pastoral activities, village industries like artisans, tailors, dyers and weavers, petty business-cum-agricultural activities, herding, temple service, toddy selling, oil mongering, combating, astrology etc. etc., who have co-existed since times immemorial with upper castes and had, therefore, some scope to imbibe better association and what all it connotes that many unfortunate 'Depressed Backward Classes' whose intermingling with the Indian society was either denied, prohibited and even segregated obviously on account of stigma of their traditional occupations, stigma of criminality, stigma of nomadism resulting in their abysmally low social status. They, generally, are ex-criminal tribes, nomadic and wandering tribes, earth diggers, fishermen, boatmen and palanquin bearers, salt makers, washermen, shepherds, barbers, scavengers, basket makers, furriers and tanners, landless agricultural labourers, watermen, toddy tappers, camel-hardsmen, pig keepers, pack bullock carriers, collectors of forest produce, hunters and fowlers, corn parchers, primitive tribes (not specified as Scheduled Tribes), exterior classes (not specified as Scheduled Castes), and begging communities etc. etc.

These very names amply connote their social and educational backwardness and, therefore, should have been posulated by the Founding Fathers of our Constitution as to the case of the Scheduled Castes and Scheduled Tribes for the purpose of specification.

Things that are obvious need no proof. I sincerely consider that this lapse on the part of our Constitution makers has resulted in a serious constraint in establishing an egalitarian society based on justice: social, economical and political. Three decades of Independence and the dawn of freedom is yet to bestow a willing smile on many a hamlet and slum of these unfortunate segments of the Indian society. They continue to submit to the decrees of fate rather than have the benefits of the decrees of our basic laws. Liberty, Equality and Fraternity so richly enshrined in the Constitution of our country have still to acquire meaningful proposition for all of them. Most of these communities are either Scheduled Tribes, Scheduled Castes depending on their characteristics in relation to some States, but not so in other States.

During the course of my extensive tours throughout the length and breadth of India, I observed that a tendency is fast developing among 'Intermediate Backward Classes' to repeat the treatments or rather ill-treatments, they themselves have received from times immemorial at the hands of the upper castes, against their brethren. I mean, 'the Depressed Backward Classes'. In an unequal society like ours, it is necessary that the Commission take all precautions so that the more helpless and needy segments are not deprived of the benefits of the various safeguards by avoiding cut-throat competition among unequals. The casteism is still very much in our midst and this is assuming new forms without showing much loss of its original vitality. In fact, several observers feel that the logic of democratic politics and mass mobilisation has brought casteism to the Centre of the stage. It is with regret, I affirm that political leaders belonging to 'Intermediate Backward Classes' are not immune from such aberration nor they are imaginative enough to bring about the advancement of the people who are at the bottom of our society, such as these 'Depressed Backward Classes'. All that they seem to be doing is to emulate some disgruntled upper castes in usurping economic and political power in the name of backward classes. This is a mental aberration which deserves outright condemnation from whatever quarters it may emanate—whether from Upper Castes or Intermediate Backward Classes.

The ancient adage that 'if a big fish and a small fish are put together, the former will swallow the latter', is still very apt in the context of the caste hierarchical society of India. Care should, therefore, be taken with all emphasis at our command that the benefits of safeguards are dispersed equitably and rationally, as far as possible, among all sections of the backward classes. This, I consider, can happen by avoiding competition for benefits among unequals or by bringing about competition among equals. I, therefore, propose that the common list should be categorised into two parts, 'A' and 'B'; 'A' consisting of those classes whom I have described as 'Depressed Backward Classes' and 'B' the rest of the communities in the list to be described as 'Intermediate Backward Classes'. The list of 'Depressed Backward Classes' in relation to States and Union Territories is given in *Annexure II*.

Quantum of Reservation

A percentage distribution of Indian population by castes and religious groups has been indicated in the body of the main Report. It is seen therefrom that the percentage population of Other Backward Classes including non-Hindu communities is derived at 52. It is further seen that the population percentage of Hindu backward castes/groups is 43.70, whereas that of non-Hindu communities is 8.40. Now on categorisation of Other Backward Classes into 'Intermediate Backward Classes' and 'Depressed Backward Classes', a fresh statement of percentage distribution of Indian population is prepared and is at *Annexure I*.

It is seen therefrom that the percentage population of 'Depressed Backward Classes' is 25.56 and that of 'Intermediate Backward Classes' is 26.44. It is undoubtedly safe to assume that these two categories are equal to each other from their population point of view.

After good deal of discussions with which I am in full agreement, the Commission has recommended reservations to the extent of 27 per cent in all services under the Central Government. It has further recommended that seats should be reserved in all scientific, technical and professional institutions run by the Central as well as State Governments and the quantum of reservation should be the same as in public services, i.e. 27 per cent.

In all fairness and in view of the fact that the 'Depressed Backward Classes' are comparable in matters of backwardness to those of the Scheduled Castes and Scheduled Tribes, I recommend 15 per cent reservation for them out of 27 per cent both in public services and educational institutions as mentioned above. For all other concessions they should be treated on par with SC/ST. I refrain from recommending political reservation. I, however, urge them to unite and organise. They have nothing to lose except their chains of age-old degradation, social, economical and political. Hatred towards none and love and affection for all should be their motto. They should recognise that an essential part of their battle against their social backwardness is to be fought in their own minds for their own salvation. At the same time, I have a word of caution for the ruling elite in our country that there cannot be an egalitarian society unless the depressed are enabled to be on par with them. They should, therefore, refrain from agitating against any reservation for the backwards and if they do so it is at their own peril and that of the nation.

Acknowledgement

I am quite aware that Shri B. P. Mandal, Chairman of the Commission is mainly responsible for my induction in the Commission. I am grateful to him. His encouragement and profound kindness that he showered on me will be ever cherished. I am also

grateful to my other esteemed and distinguished colleagues for their co-operation.

I must put on record the invaluable co-operation and assistance I received from Dr. S. Bheemappa, Professor of Surgery, Bangalore Medical College, Bangalore (Karnataka) in identifying the 'Depressed Backward Classes' from all over India and in deriving

their population figures. It has been his second habit to understand the problems of the underdog at their depth. His expert advice on the subject to the Commission deserves all appreciation.

I am also grateful to all Co-opted Members from all the States and Union Territories for their co-operation and advice.

Sd/-
(L. R. NAIK)

APPENDIX XIII

ANNEXURE—I

ANNEXURE I

Percentage Distribution of Indian Population by Caste and Religious Groups

S. No.	Group Name	Percentage of total population	S. No.	Group Name	Percentage of total population
I. Scheduled Castes and Scheduled Tribes			F. The approximate derived population of OBCs including non-Hindu communities		
A-1	Scheduled Castes	15.05			52% (Average of D & E rounded)
A-2	Scheduled Tribes	7.51	NB: It is proposed to divide the population percentage of OBCs mentioned in Serials 'D' & 'E' into—		
	TOTAL OF 'A'	22.56		(a) percentage of population of 'Intermediate Backward Classes'; and	
II. Non-Hindu Communities, Religious Groups, etc.				(b) percentage of population of the 'Depressed Backward Classes'.	
B-1	Muslims (other than STs)	11.19 (0.02)*	VI. 'Intermediate Backward Classes' including Non-Hindu communities		
B-2	Christians (other than STs)	2.16 (0.44)*	G-1	Land owner and cultivating castes and communities excluding Marathas and Jats;	6.40
B-3	Sikhs (other than SC/ST)	1.67 (0.22)*	G-2	Marketing Gardeners	2.06
B-4	Buddhists (other than STs)	0.67 (0.03)*	G-3	Pastoral Castes excluding shepherds Artisans, viz—	2.50
B-5	Jains	0.47	G-4	(a) Vishwakarma	2.10
	TOTAL OF 'B'	16.16	G-5	(b) Tailors and Dyers	0.18
III. Forward Hindu Castes & Communities			G-6	(c) Weavers	1.40
C-1	Brahmins (including Bhumihrs)	5.52	G-7	(d) Potterers	1.10
C-2	Rajputs	3.90	G-8	Petty business-cum-agricultural Castes	0.50
C-3	Marathas	2.21	G-9	Oil Mongers	1.40
C-4	Jats	1.00	G-10	Combatants other than Rajputs	1.50
C-5	Vaishyas-Banias, etc.	1.88	G-11	Heralds	0.10
C-6	Kayasths	1.07	G-12	Temple servants and Astrologers	0.10
C-7	Other forward Hindu Castes/Groups	2.00	G-13	Non-Hindu communities excluding Scavengers, Muslim ex-criminal tribes, Muslim nomadic tribes and Muslim shepherds	6.50
	TOTAL OF 'C'	17.58		TOTAL OF 'G'	26.44
	TOTAL OF 'A', 'B' & 'C'	56.30	H. Percentage population of 'Intermediate Backward Classes' + Backward Non-Hindu communities		
IV. Backward Hindu Castes & Communities			I. Percentage of population of 'Depressed Backward Classes', i.e. 'F' minus 'H'		
D.	Remaining Hindu castes/groups which come in the category of OBCs	43.70 ^g			20.56 ^g
V. Backward Non-Hindu Communities					
E.	52% of religious groups under Section 'B' may also be treated as OBCs	8.40			

* Figures in brackets give the population of SC/ST among these non-Hindu communities.

^g This is a derived figure.

ANNEXURE—II

STATEWISE LISTS OF THE DEPRESSED BACKWARD CLASSES

ANNEXURE II

STATEWISE LISTS OF THE DEPRESSED BACKWARD CLASSES

ANDHRA PRADESH

S. No.	Names of the Depressed Backward Classes	S. No.	Names of the Depressed Backward Classes
1.	Achukatlavandtu.	44A.	Joshinadidala.
2.	Adi Karnatak.	45.	Kadan.
3.	Aryakshatriya, Chittari, Chitakara, Giniyar, Nakha.	46.	Kalkadi (or Koraca or Korva).
4.	Bandara.	47.	Kalladi, Kalwar.
5.	Balsanthu, Baburupl.	48.	Kanakkan.
6.	Banda.	49.	Kandra.
7.	Bandara.	50.	Kanjan.
8.	Bathini.	51.	Kanjor.
9.	Battada.	52.	Kanjara-Bhata.
10.	Begari.	53.	Kampare or Reddika.
11.	Bellara.	54.	Kanumaris.
12.	Besha, Jelare, Vade-Balaji, Neyyalu, Agnikula-Kshatriya, Palli, Gangaputragoundu, Bhavathanjakulara, Gungavara.	55.	Karimapan.
13.	Bhamta.	56.	Katipamula.
14.	Bhetada-Bodo Bhotads, Muriabhatrada and Sano Bhotads.	57.	Keraga.
15.	Biscay-Burungi Judia, Bannangi, Daduva, Godu Jodia, Hollar, Jherya, Kollai, Konde, Paranga, Pergajodia, Prangi, Takora.	58.	Kbond.
16.	Boya, Vahniki.	59.	Kochi.
17.	Badabukkala.	60.	Kodalo.
18.	Budbukk.	61.	Kond (Kui).
19.	Bukka.	62.	Koosa.
20.	Burbool.	63.	Kota.
21.	Chakala, Chawla, Dhubi, Rajaka, Chakali, Vannar.	64.	Koti.
22.	Chopemari.	65.	Krishnabaliya (Dasari Bukka).
23.	Chatri-Agnikulakshatriya, Bombil.	66.	Kudlya.
24.	Cherumati.	67.	Kudubi.
25.	Chintala.	68.	Kudumban.
26.	Damala.	69.	Kurakula.
27.	Dastri.	70.	Kuzavan.
28.	Dasari (Donga & Gudu).	71.	Kurichchan.
29.	Dakkada.	72.	Madri.
30.	Dber.	72A.	Mandala.
31.	Dombara.	73.	Maia.
32.	Dombo.	74.	Malasar.
33.	Dombe-Andhiya (Domb, Andhiya Domb, Chont) Domb, Christian Domb, Nirani Domb, Oriya Domb, Ponaka Domb, Telaga Domb, Ummia Domb.	75.	Mondi Patta.
34.	Dongayatha.	76.	Mali (excluding the areas where treated as S. No. 76, Tribe).
35.	Dombara.	77.	Mali-Kercha Mali, Palko Mali and Perdamali
36.	Gangan.	77A.	Maugala.
37.	Gurodi.	78.	Medari or Mahtdra.
38.	Godaba.	79.	Moger.
38A.	Gavara.	80.	Moudiwar.
39.	Godala.	81.	Mondivaru, Mondi Baoda, Banda.
40.	Goudus-Bato (Bhiritiya Dadbukuria, Hata, Istako and Joria).	82.	Manna.
41.	Gudala.	83.	Muliya.
42.	Hasla.	84.	Muris.
43.	Iruia.	85.	Nagavaddila.
44.	Jogi.	86.	Nalk.
		87.	Naikappu.
		88.	Nakkala.
		89.	Nnyadi.
		90.	Neelakanthi.
		91.	Neyyala.

S. No.	Names of the Depressed Backward Classes	S. No.	Names of the Depressed Backward Classes
92.	Nhavi.	124.	Pousata.
93.	Nirshikaris.	125.	Pulayan.
94.	Nokkar.	126.	Putturaj Vannan.
95.	Nolakeyava.	127.	Rachkoya.
96.	Nolli.	128.	Rancyar.
97.	Oddars (or Weddars).	129.	Raufo.
98.	Odde, Odder, Vadde, Oddilu, Vaddi, Vadde.	130.	Saora.
99.	Oonnatio.	131.	Sapari.
100.	Pacha Bhotia.	132.	Sare.
101.	Pachabotia.	133.	Senatal.
102.	Padampari.	134.	Sholaga.
103.	Pagadel.	135.	Sholager.
104.	Paigarapu.	136.	Sindhor.
105.	Paiada.	137.	Singalu.
106.	Palakari.	138.	Sore.
107.	Palla.	139.	Sunna.
108.	Pambala.	140.	Taleyari.
109.	Pannua.	141.	Thottia Naika.
110.	Panan.	142.	Yoda.
111.	Paniyan.	143.	Upper, Sagar.
112.	Pannandi.	144.	Valluvan.
113.	Pareyan.	145.	Valmiki.
114.	Pardhi (Nirshikari).	146.	Valmiki Boys (Boys, Bedar, Karnataka, Nishadi, Yellapi Pedda Boys) Taleyari and Ghunchu Vallu.
115.	Paravan.	147.	Thogra, Bhotia, Bahga.
116.	Perika.	148.	Vadder-Bevi, Upparihu.
117.	Pariki Muggala.	149.	Vettuvan.
118.	Passi.	150.	Waddar or Kala Waddars or Pathrods.
118A.	Pondara.	151.	Wadia.
119.	Petla.	152.	Yueruleu.
120.	Picharla.	153.	Yaras.
121.	Pitchiguntala.	154.	Yata.
122.	Poligars.	155.	Yetha.
123.	Poroja-Bado, Perojor Sodia, Jodia Fernja, Pireng Peroja and Sono Poroja.		

LIST OF DEPRESSED BACKWARD CLASSES

ASSAM

S. No.	Names of the Depressed Backward Classes	S. No.	Names of the Depressed Backward Classes
1.	Barjink.	49.	Dusad
2.	Bariu.	50.	Ganula.
3.	Bhumij.	51.	Ghausi
4.	Bhuyan.	52.	Ghatowar.
5.	Choudang.	53.	Gonda.
6.	Chutia, Chutiya.	54.	Gonds.
7.	Dhamai.	55.	Gorait.
8.	Ghatuar.	56.	Hari.
9.	Gor.	57.	Holra.
10.	Kandha.	58.	Kalahandi
11.	Karbi.	59.	Kalihandi.
12.	Maria.	60.	Karmali.
13.	Moran, Matak.	61.	Kashan.
14.	Mukhi.	62.	Kawar.
15.	Munda.	63.	Kent.
16.	Mura.	64.	Kharis.
17.	Nai, Bij, Hajjam, Napij.	65.	Kherwar.
18.	Nonia, Nunka.	66.	Khodal.
19.	Oraon.	67.	Khond.
20.	Santhal; Santal.	68.	Khonyor.
21.	Sudra Das, Dey.	69.	Kohor.
22.	Sut, Soot.	70.	Kol.
23.	Tipara, Tipera.	71.	Kondpan.
24.	Arya Mala.	72.	Kormakar.
25.	Asur.	73.	Korwa.
26.	Baiga.	74.	Kotwal.
27.	Baijara.	75.	Koya.
28.	Basor.	76.	Madari.
29.	Basphor.	77.	Mahli.
30.	Bauri.	78.	Majwar.
31.	Bedia.	79.	Malpabaria.
32.	Beldar.	80.	Manki.
33.	Bharaisk.	81.	Mirdhar.
34.	Bhil.	82.	Mohli.
35.	Bhokta.	83.	Mundas.
36.	Bhumij.	84.	Nagasia.
37.	Bhuyan.	85.	Nath.
38.	Birjia.	86.	Oraon.
39.	Birbor.	87.	Pakdi.
40.	Birjia.	88.	Panika.
41.	Bondo.	89.	Pans.
42.	Bowri.	90.	Parja.
43.	Chamar.	91.	Pasi.
44.	Chere.	92.	Sahera.
45.	Chick Banik.	93.	Santhals.
46.	Dandari.	94.	Severas.
47.	Dandasal.	95.	Tausa.
48.	Dhanwar.	96.	Turi.

BIHAR

S. No.	Names of the Depressed Backward Classes	S. No.	Names of the Depressed Backward Classes
1.	Abdal.	50.	Kahar, Chandrabhrai, Chatrapati, Chotra-Bansi, Ramani, Rawani, Paneri.
2.	Agariya.	51.	Kalwar.
3.	Adhiri.	52.	Kamker.
4.	Amaal.	53.	Kandra.
5.	Bagde.	54.	Kapadia.
6.	Bajigar.	55.	Karwainut.
7.	Banpar.	56.	Kuwar.
8.	Bangaln.	57.	Kela.
9.	Bari.	58.	Keel.
10.	Basphor.	59.	Khadwar.
11.	Bekhada.	60.	Khangar.
12.	Beldar, Bachgotra, Sancer.	61.	Khatik.
13.	Beldiya.	62.	Koli.
14.	Benkar.	63.	Korku.
15.	Bhar.	64.	Kumarbhag Pahadia.
16.	Bharbhuj.	65.	Kanjra Ghara.
17.	Bhuihar, Bhuiyar, Bhubbhala.	66.	Kritira.
18.	Bind.	67.	Latbegi, Bhangi (Muslim).
19.	Binjina.	68.	Mader.
20.	Chandrabhanshi (Kahar).	69.	Mahuria.
21.	Chain, Chayeen.	70.	Majhwar.
22.	Chanru.	71.	Malnar (Melhor).
23.	Chapola.	72.	Mali (Malaker).
24.	Chatwal.	73.	Mallah, Bicha, Goyari, Ghetwel, Jalwar, Kewat, Kurwaha, Maheta, Majhi Muryoni, Masuria, Photant, Purais, Nisad, Goshi, Dhiwar, Jhiwar, Jhimar.
25.	Devbar.	74.	Mangan.
26.	Dhamin.	75.	Mangar (Magar)
27.	Dhankar.	76.	Markande.
28.	Dhanwar.	77.	Marwari Bouria.
29.	Dhari.	78.	Muraro.
30.	Dhekaru.	79.	Namshudra.
31.	Dheha.	80.	Nonia, Kharwal, Nunia.
32.	Dhimar.	81.	Pabica.
33.	Dhunia, Dhumian.	82.	Pal (Bherihar-Gaderi).
34.	Gadaba.	83.	Parya.
35.	Gandharb.	84.	Patherkut, Bachigolia.
36.	Ghatwar.	85.	Patwa.
37.	Ghusuria.	86.	Pinganiya.
38.	Godo (Chavo), Godhi.	87.	Rajdhobi.
39.	Godra.	88.	Rangwa.
40.	Goskha.	89.	Sangatrash.
41.	Gonrh, Goch, Godh, Gothabum.	90.	Saula (Sota).
42.	Goud.	91.	Soir, Soyer.
43.	Gulgaliya.	92.	Sunri.
44.	Irika.	93.	Tamariya.
45.	Jadup.	94.	Tbaru.
46.	Jogi, Jogo, Jugi.	95.	Thalera.
47.	Juang.	96.	Tiyar.
48.	Kabari.	97.	Turha, Sao.
49.	Kadar.		

LIST OF DEPRESSED BACKWARD CLASSES]]

GUJARAT

S. No.	Names of the Depressed Backward Classes	S. No.	Names of the Depressed Backward Classes
1.	Adodia.	32.	Me or Meta.
2.	Agri.	33.	Mena (Bhil)
3.	Banjara, Vanjara, Charan Banjara, Mathura Banjara, Manu Banjara, Bagora Banjara, Kaogashia Banjara, Bannania Banjara, Gavaria, Gavalia, Rohidas Banjara	34.	Mer.
4.	Harot, Vahivancha, Charan Gadhvi.	35.	Nat, Nat-Banjania, Natada, Bajigar.
5.	Burud.	36.	Od.
6.	Bavri or Baori.	37.	Padhar.
7.	Bhalia.	38.	Paradhi (excluding Kutch District).
8.	Bhamla, Pardeshi Bhamla.	39.	Paradhi Advichincher (In the Districts of Amerli, Bhavnagar, Jamnagar, Junagarh, Kutch, Rajkot, Surendra Nagar).
9.	Bharwad (excluding Nesses of forest of Alech Barada & Gir).	40.	Rabari, Sorthia Charania, Charmta, Lunl, Kushar, Tank Muchhal Kadiyakumbhar (excluding the Nesses of the forests of Alech, Barada & Gir).
10.	Bhoi, Bhoiraj, Dhintar, Zingabhoi, Kevat, Bhoi, Bhanara Bhoi, Machhindra Bhoi, Palewar Bhoi, Kirat Bhoi, Kehar Bhoi, Pardesh Bhoi, Shrimali Bhoi.	41.	Rathodia.
11.	Chakrawadya Dasar.	42.	Raval-Ravalia, Jati or Raval Yogi, Rawal Jati, Jagaria, Padat, Ravar Rawalia.
12.	Chuvalia Koli.	43.	Rohit.
13.	Chhara, Adodia, Sansi.	44.	Salat.
14.	Chunara.	45.	Sangheda.
15.	Dabgar.	46.	Sansi.
16.	Dekaleru.	47.	Sarania.
17.	Dhobi.	48.	Sargara.
18.	Divachakoli.	49.	Shikligar.
19.	Ghanlia.	50.	Sumra.
20.	Hingora.	51.	Talabla.
21.	Kalbodia.	52.	Tahkar.
22.	Kangasia.	53.	Targala, Bhaviya, Bhojal, Nayak.
23.	Kaikadi.	54.	Tbakarom, Baria, Dharala, Patanwadia, Thakore.
24.	Khant.	55.	Vaghri-Gamicho, Vedva Churalia, Jakhudia (excluding Kutch Distt).
25.	Kharwa Bhadela.	56.	Vahivancha Charan Gadhvi or Harijan, Vankar and Chamar.
26.	Khatik.	57.	Vala.
27.	Kotwal or Kotwalia.	58.	Valand and Nai (Hindu) Hajjam, Khalipha (Muslims).
28.	Mahravat, Goti, Hadkashi, Zed, Dhingq, Pelys, Shatbat, Baman.	59.	Vaus-foda, Vansfodia or Vanza.
29.	Machi, Aaribharatbhura, Bharatbhara, Ghamadia, Chamadia, Chandlia, Dasania, Jansali, Jingar, Myengar, Sovari, Sivaula.	60.	Wadwa Waghari.
30.	Machhi (Hindu), Bitna, Dhingar, Dhiyar, Kahar, Khalas Khalasi, Kharwal, Mangela, Sorang, Tendel.	61.	Wagbari, Dutaniya, Waghari, Vodu Waghari, Talapada, Wagbari, Gamachia, Godalia Waghari, Chibhodia Waghari, Morawad Waghari.
31.	Madari, Bhatstbari, Nath.		

LIST OF DEPRESSED BACKWARD CLASSES

HARYANA

S. No.	Names of the Depressed Backward Classes	S. No.	Names of the Depressed Backward Classes
1.	Aheria, Ahiria, Heri, Aheri, Naik, Thori, Turi.	21.	Ghasi, Ghasiyara, Ghosi.
2.	Bagaria.	22.	Ghiradh, Ghirath.
3.	Banjara, Vanjara, Gwar, Badi.	23.	Godri.
4.	Bara, Barra.	24.	Gorkha.
5.	Barma.	25.	Mami.
6.	Borwar.	26.	Jhimar, Atlas, Bidran, Bire, Bhinwar, Duglan, Dora Ghitra, Jhewar, Jhinwar, Jimar, Kahar, Kirnai, Lamsar Mairi, Radhav, Tala.
7.	Batters.	27.	Kahal.
8.	Beria.	28.	Khanghera.
9.	Beta, Herai or Hesri.	29.	Labana.
10.	Bharbhujia, Bharbhunja, Kafunera.	30.	Lalli.
11.	Chucima.	31.	Madari.
12.	Dakaut, Dakot, Jyotshi.	32.	Maghya.
13.	Daoli, Daola.	33.	Meena, Mina.
14.	Dhanwar.	34.	Mirasi.
15.	Dibbiपुरia.	35.	Mochi.
16.	Dhimar, Malleh, Kashyap Rajput.	36.	Naar.
17.	Dhobi, Bathern, Chauhan-Bhatti, Khurdana, Monson, Rajpar, Tanwar.	37.	Noongar, Nungar.
18.	Dhosali, Dosali.	38.	Rachband.
19.	Gadaria, Baghela, Berela, Biar, Bilra, Hiranwal, Kalania, Padnowal, Paf, Shiviya.	39.	Rehar, Rebera, Rihar, Rea.
20.	Gaddi.	40.	Shorgir.

LIST OF DEPRESSED BACKWARD CLASSES

HIMACHAL PRADESH

S. No.	Names of the Depressed Backward Classes	S. No.	Names of the Depressed Backward Classes
1.	Aheria, Ahesi, Hazi, Naik, Thori, Turi.	18.	Geddi (excluding the areas where specified as S.T.).
2.	Ard-Pop.	19.	Gaderia.
3.	Badi, Chinsoras, Meloris, Odmata, Uramanra.	20.	Ghassi, Ghasiam, Ghosi.
4.	Bagria.	21.	Godri.
5.	Bajjar.	22.	Gumlian.
6.	Bahti.	23.	Harni.
7.	Badir.	24.	Kahar.
8.	Batterha.	25.	Kangbera.
9.	Beda.	26.	Kehal.
10.	Beta, Hensi, Hosi.	27.	Kolaga.
11.	Bharbhunja, Bharbhuja.	28.	Labana.
12.	Bhuhalia.	29.	Lalli.
13.	Chang, Chahang.	30.	Madari.
14.	Changar.	31.	Muslim Banjara, Muslim Gujar.
15.	Chelopa.	32.	Mehra.
16.	Dhinwar, Dhiwar, Dhinwar, Jhevar, Jhinwar, Kahar, Malah, Kaahyap Rajput.	33.	Mirasi.
17.	Dhotai, Sosal.	34.	Surera.
		35.	Thawin.

LIST OF DEPRESSED BACKWARD CLASSES

JAMMU & KASHMIR

S. No.	Names of the Depressed Backward Classes	S. No.	Names of the Depressed Backward Classes
1.	Bekwal, Bakkarwal.	21.	Jhewar.
2.	Badia.	22.	Kholle.
3.	Bezigar.	23.	Lalli.
4.	Bhand.	24.	Madari.
5.	Bhangi, Khokrob (Sweepers) (excluding those in S.C.).	25.	Mahgir.
6.	Barad.	26.	Malyar.
7.	Banjara Badi Lobana.	27.	Mir.
8.	Bangala.	28.	Mirasi.
9.	Bharunja.	29.	Mochi, Saraj.
10.	Dheba.	30.	Para.
11.	Dhobi (Washermen).	31.	Pirna.
12.	Doom, Dooma Ganaj-Qusab (excluding those in S.C.).	32.	Sansi.
13.	Dosali.	33.	Shypri Wattai (excluding those in S.C.).
14.	Dholwala.	34.	Sapera.
15.	Fisherment.	35.	Sikligar.
16.	Gakdi.	36.	Sangirash.
17.	Gaudhila.	37.	Surimar.
18.	Gurjamar.	38.	Yashkua.
19.	Hangie (Manjhi Boatmen and rowing class excluding house-boat owners).	39.	Dheba.
20.	Hilka/Mason.	40.	Gurjatimar.

LIST OF DEPRESSED BACKWARD CLASSES

KARNATAKA

S. No.	Names of the Depressed Backward Classes	S. No.	Names of the Depressed Backward Classes
1.	Adiya (excluding Coorg District).	43.	Chintaln.
2.	Agasa, Madivala, Tsakala, Sakalavadu, Shakala, Yanna, Mannu, Dhobi, Parli, Rajaka, Puthirajyanna, Velluthedan.	44.	Chitrakothi-Joshi.
3.	Aghore, Karkarmunda.	45.	Chitra, Chitrakar.
4.	Arundan.	46.	Chuhar or Chuhra.
5.	Aruthuthiyar.	47.	Chaparband (Mudim).
6.	Atar.	48.	Dandasi.
7.	Atsari.	49.	Dang-Dusar.
8.	Badaga.	50.	Dasari, Desari.
9.	Bagata.	51.	Dhanka including Tady, Tataru and Valvi.
10.	Bagata.	52.	Dhor.
11.	Baira.	53.	Dhodin.
12.	Bailapatar, Bailapatar Bakapatar.	54.	Dholi.
13.	Bajania, Bajonia.	55.	Digwan, Jinger.
14.	Bukadra.	56.	Domba, Domnara, Domba-Audhiya, Domba-Audniya, Domba-Christian, Domba-Chonal, Domba-Nirgani, Domba-Oriya, Domba-Ponska, Domba-Telaga, Domba.
15.	Balasantoshi.	57.	Donga Yerukala.
16.	Bant (excluding Belgum, Bhatpur, Dharwar and North Kanara Dist.).	58.	Dombidasa.
17.	Bantu.	59.	Durgamurga, Burburchal.
18.	Barda.	60.	Gadaba, Gadababoda, Gadaba-Garilum, Gadaha-Froji, Gadaha Jodia, Gadaha Olaro, Gadaha Pangi.
19.	Barlur.	61.	Gangani.
20.	Bathai, Battal, Butler, Battar.	62.	Garudi, Garodiga, Modiga, Modikura, Modikar.
21.	Bathini.	63.	Gadi.
22.	Battada.	64.	Ghadsi, Ghadshi.
23.	Bavuri.	65.	Ghasi, Haddi, Relli, Suchandi, Boda, Ghasis & Sangivasia.
24.	Bawtar.	66.	Ghisadi.
25.	Basigar.	67.	Ghondali, Gondalga, Ghondali, Gondahuli.
26.	Beda, Bedaru, Bedar, Bedar Naik, Bedar Nayaka, Naika-Makkalu, Naikwara, Palgar, Talwar, Valmiki, Valmiki-makkalu, Boya, Yelan, Herad, Ramoshi.	68.	Giddibidki, Pingale, Pingale.
27.	Bugari, Byageri.	69.	Godagani.
28.	Bellara.	70.	Godari.
29.	Besia.	71.	Gogra.
30.	Besha, Gangamatha, Gangaputra Bhol, Parivara, Kabbora Kabbaligar, Bariki, Bariker, Mogaverra, Besthar, Bunde, Besthar, Gangamakkalu, Gowri Matha, Ambiga, Ambig, Khurci, Bhoi, Boyi, Thoreya, Harakantra, Kahar, Moenagar, Sunnagar, Koli, Gabli, Daavat, Kanet.	72.	Golla, Hawu Golla, Dudi Golla, Adavi Golla, Kishna Golla, Haudi Golla.
31.	Bhamta, Bhampita, Paradesi, Bhampta, Takari, Uchilian, Rajaput Bhampta.	73.	Gonda-Bato, Bhirithya Dabho, Kouria, Bato Jatsko & Jorla.
32.	Bhaol, Bhatraj, Bhatraju.	74.	Gondali.
33.	Bhardi, Bharagi.	75.	Goniga.
34.	Bhattadas, Boto Bhattaraj, Muria Bhattada, Sano Bhattada.	76.	Gudigar.
35.	Bhumako-Bhuri, Bhumia Bedo-Bhumia.	77.	Halavakki Vakkal, Gramvakkal, Gam-Gowda, Gavada, Karevakkal Artevakkal, Halakkivakkal (North Canara Dist.).
36.	Binapatta.	78.	Halepaik, Decvar, Namadhari, Bilava, Kalal, Kumarpaik.
37.	Bindili.	79.	Haranshikari, Chigaribetegar, Vaghd, Wagri, Nishikaro, Bagri, Boori, Phasa, Phasa Chard, Vagri.
38.	Bingi.	80.	Helva, Helava, Helava Mullar, Helvagolla, Haridi Helva, Helvaru, Pitchosuntala.
39.	Bissey, Barangi Jodia, Bennagi, Dadus, Frangi, Bollar, Thoriya, Kolial, Konde, Paranga, Panka Jodia, Sodo and Tukora.	81.	Honniyar.
40.	Bogad-Bogadi, Bogodi, Bagadi, Buggdi, Boguli.	82.	Howgar, Hawagar, Howadiya.
41.	Budbudki, Budbudkala, Devari.	83.	Jadapu.
42.	Chakrawadya Dasar.	84.	Jaggule.
		85.	Jatgar.
		86.	Javeri, Jawari.

S. No. Names of the Depressed Backward Classes

87.	Jogi, Joger, Sanjogi.
88.	Kadan.
89.	Kalloda.
90.	Kammar Kumbhar (where they are not S.T.).
91.	Kanjar, Kanjeri, Kanjir, Khangarbat.
92.	Kanisan.
93.	Kapumari.
94.	Kari Kudumbi.
95.	Karimpalan.
96.	Kashikafi, Kashi-Kapadi, Tirmali.
97.	Katabu, Katabar.
98.	Katpaula.
99.	Kavadi.
100.	Kekhari, Khelkuri.
101.	Khilarger, Marathi Dhnnagar.
102.	Kolla, Kollah.
103.	Kolhata, Kolhatang.
104.	Komakapu.
105.	Konda Dhora, Kondh Desaya, Kondh Dongria, Kondh Dongria, Kondh Kutliya, Kond Tikriya, Nekka Dhora, Manna-Dhora, Makka Dhora.
106.	Konka Yenoty.
107.	Kunchi Korwar, Kuidudi, Koruggar, Yerkala, Erakala, Kunchi Kurva, Koranasetty, Yerukala.
108.	Kotgri, Kottari.
109.	Kotia-Burika, Bonth-Oriya, Dhalia, Dula, Holva Paiko, Pulya, Sanrona and Sidho-Paiko.
110.	Koyva.
111.	Kudubi.
112.	Kurul Kurubaru, Halamath.
113.	Kudubi Koyl.
114.	Kurichchan.
115.	Kurubar, Kurub, Kurab, Kuruba.
116.	Ladar, Lad, Ladaru, Yelyar.
117.	Lippara.
118.	Mahasari.
119.	Maldhasi.
120.	Mali, Korchimale, Paikomal and Pedda Mali.
121.	Maniyani, Muniyani.
122.	Mitha Dyyalvar.
123.	Mondiwar, Mondtwar.
124.	Munduvar, Muduvan.
125.	Modu Medar, Buruk
126.	Muliya.
127.	Muria.
128.	Nat, Natuvan.
129.	Najki.
130.	Nayinda, Naysnaja-Ashuthriya, Hajjam, Nhasi, Nudig, Ambattan, Mangala, Kelasi, Kshowrad, Kshowrik, Navahga, Napitha, Bhandari, Panikka, Kasuthyan.
131.	Nelakanavaru.
132.	Osare.
133.	Pacha Bhita, Pacha Boin
134.	Padampari.
135.	Pagnrti.
136.	Padiu, Padiyar.
137.	Pagadai.
138.	Paigaraps.
139.	Painda.
140.	Paky.
141.	Palasi.
142.	Pamide.
143.	Panula.
144.	Panahas.

S. No. Names of the Depressed Backward Classes

145.	Parman.
146.	Panasa, Pansa.
147.	Panika.
148.	Patra, Patramela.
149.	Pentia.
150.	Pichati.
151.	Pichari.
152.	Pichasunta, Pichiguntala, Pichuguntala.
153.	Pomia.
154.	Porjas, Bonda, Daraba, Didua, Mundile, Pwaga, Pundi and Sahiya, Poroja, Boda-Poroja, Soda Poroja, Jodia Poroja and Paraga Poroja.
155.	Powara.
156.	Pulayan.
157.	Pullavan.
158.	Rawal, Ravasia, Paul.
159.	Rawat, Rava, Rewath.
160.	Rehmdas.
161.	Refil Orachanji.
162.	Rona.
163.	Sadhumatba.
164.	Sangaro.
165.	Santal.
166.	Banlyar.
167.	Sensi.
168.	Samala.
169.	Barra.
170.	Saro.
171.	Sarodi, Sarada.
172.	Sarania.
173.	Satarkar.
174.	Savara, Kapusavara, Kuttusavara, Maliya Savara.
175.	Sommen.
176.	Shingdevor Shingadya.
177.	Shikkaliger.
178.	Sbolagar.
179.	Soliga.
180.	Sunna, Sunsi.
181.	Surva.
182.	Tachavira.
183.	Takankar.
184.	Talavia.
185.	Tholia Naik.
186.	Thotawadu.
187.	Tilari, Tirate.
188.	Timali.
189.	Tiravalluvan.
190.	Turi.
191.	Uppaliga, Uppara, Uppaliyan, Manau-Uppar, Gavandi, Gavandi, Gouadi, Yeldar, Sagara, Chumaz, Lonari, Melutakkare, Agri, Lama.
192.	Vadi.
193.	Vaghri.
194.	Vaidu.
195.	Vulayar.
196.	Valve.
197.	Vathiriyar.
198.	Vitholia.
199.	Yandi.
200.	Yeklar, Yeklar, Yeklafi, Eglatika.
201.	Yeralu.
202.	Yerasolawadortholla, Panulwada.
203.	Yenadiwad.
204.	Yondi Golla.

LIST OF DEPRESSED BACKWARD CLASSES

KERALA

S. No.	Names of the Depressed Backward Classes	S. No.	Names of the Depressed Backward Classes
1.	Agasa.	47.	Konda Dora.
2.	Alavan.	48.	Kond (Kui).
3.	Ambalakkaran.	49.	Kondha-Dessya Kondha, Kongria Kondha, Kuttiya Kondha, Tikiria Kon-Iha and Yemity Kondha.
4.	Arupattun.	50.	Kongu Malayan.
5.	Amblar, Ambathan, Ambithan, Eshavatory, Kairri-kurup, Maruthaver, Naiken, Pandithar Villakkithalanavi.	51.	Korachas (or Korayar or Yarikala).
6.	Arayan.	52.	Kosalya Goudu, Bosothoriya Goudu, Chitti Goudu, Dangayath Goudus, Doddu Kamariya, Dulu Kamara, Kndiya Gouds and Pulleriya Goudus.
7.	Arayavathis.	53.	Kotayar.
8.	Arumaharli.	54.	Koria-Barlika, Beatho Oriya Dhulia or Duffa, Hulya Paiko, Puliya, Semrona and Sidho Paiko
9.	Badaga.	55.	Koya or Goud with its sub-sects Raj or Rucha Koyas, Kattu Koyas and Lingadhari Koyas.
10.	Bagata.	56.	Koyi.
11.	Bendari.	57.	Krishnanyaka.
12.	Bariki.	58.	Kudubi.
13.	Battada.	59.	Kudumbi.
14.	Bavuri.	60.	Lambodi, Banjara, Subali
15.	Bhillava.	61.	Madara.
16.	Bhottadas-Bodo-Bhottada, Muria-Bhottada and Sano Bhottada.	62.	Madari.
17.	Bhumtas-Bhunin and Bodo Bhunila.	63.	Madiga.
18.	Bisoy-Barangi, Jodia, Bennangi, Boifar, Daduva, Frangi, Jhoriya Kollai, Konda Pranga, Ponga, Jodia, Sodo Jodin and Takora.	64.	Madivalu.
19.	Byagari.	65.	Magatha Geddus-Bernin Goudus, Bodo Magatha, Dongayath Goudus, Ladya Goudu, Poana Magatha and Sarna Magatha.
20.	Chachari.	66.	Mala Dasu.
21.	Chackaravar.	67.	Malas or Agency Malas Valmikies.
22.	Chakkala.	68.	Mala Pantaram.
23.	Chalavadi.	69.	Mala Pulayan, Karavali, Pulayan Kurumba Pulayan and Panbu Pulayan.
24.	Chavalakkaran.	70.	Malayakandi.
25.	Chenchu.	71.	Mals, Korchis, Malis, Palkonolis and Pedda Malis.
26.	Dandesa.	72.	Malla Malasar.
27.	Dandasi.	73.	Maana Dhora
28.	Dhoovara.	74.	Marakkan.
29.	Dom, Dombara, Paidi or Pano.	75.	Marathi, Marati.
30.	Dombo.	76.	Nedara.
31.	Domb-Andhiya Dombs, Audiniya Dombs, Chonel Dombs, Christian Dombs, Mirgasi Dombs, Oriya Dombs, Penaka Dombs, Telgaga Dombs and Ummia Dombs.	77.	Magaveera.
32.	Ezhava.	78.	Mukkuven, Mukaya.
33.	Eshavathi.	79.	Muliya.
34.	Eshuthachan.	80.	Muria.
35.	Gadmbas-Boda Gadaba, Cellan Gadaba, Franji Gadaba, Jodia Gadaba, Olarn Gadaba, Pangi Gadaba, Pranga Gadaba.	81.	Muria Bhottada.
36.	Gatti.	82.	Nadar.
37.	Ghasi or Haddi, Relli, Sachandi.	83.	Nalakkan.
38.	Ghasis-Boda Ghasis and Sen Ghasis.	84.	Nattu Malayana.
39.	Godari.	85.	Nulayam.
40.	Gond.	86.	Onamsica.
41.	Gondi-Modya Gond and Rajo Gond.	87.	Pagadni.
42.	Khond.	88.	Paidi.
43.	Kitaran.	89.	Puigarapu.
44.	Kodato.	90.	Palinda.
45.	Kodu.	91.	Pahy.
46.	Kond Danoara.	92.	Palasi.

S. No.	Names of the Depressed Backward Classes
93.	Panidi.
94.	Panoiyar.
95.	Pano.
96.	Pattariyas.
97.	Pantias.
98.	Perunkollons.
99.	Porja-Boda, Bonda, Darava, Didava, Jodia, Kundli, Pengli, Phdi and Saliya.
100.	Poraja.
101.	Poragas Bodo, Prooja or Sodis, Sano Poraja, Jadia Poraja and Pareng Proja.
102.	Pulaya.
103.	Pulluvaw.
104.	Poli or Sachandi.
105.	Rona.
106.	Sakaravar (Kavathi).
107.	Saca.
108.	Sapari.
109.	Savara.

S. No.	Names of the Depressed Backward Classes
110.	Savaras-Kapusavaras, Khutto Savaras and Maliya Devaras.
111.	Sansi Thalavar (Elavanar).
112.	Sholaga.
113.	Sholagar.
114.	Thanta Pulayan.
115.	Thiyya.
116.	Tholko Lauz.
117.	Thontoman.
118.	Thettia Naick.
119.	Thottian.
120.	Toda.
121.	Valmiki.
122.	Valasa.
123.	Veluthadathu Nal (Veluthedan and Vennathan).
124.	Vilathethal Nair (Velakkithalevan).
125.	Vottakkaran.
126.	Yadava (Idayan).
127.	Yanudi.
128.	Yarukula.

MADHYA PRADESH

S. No.	Names of the Depressed Backward Classes	S. No.	Names of the Depressed Backward Classes
1.	Adidharmi.	53.	Daher
2.	Adhari.	54.	Daha
3.	Aheri.	55.	Dhakad, Hhantlari, Nagar Singhavi, Talaya.
4.	Asara.	56.	Dhankia.
5.	Athiya.	57.	Dhangar, Gadri, Gadaria, Hatgar, Hatkar Kurmar, Pal Bugala.
6.	Audhir, Avadhi.	58.	Dhimar, Benna, Banawar, Bhorji, Dhimar, Kewat, Raikar, Raikwar Salmari.
7.	Audhiya.	59.	Dhikar.
8.	Badak.	60.	Dhiwar, Britia, Navada, Ezingabhui.
9.	Badaka.	61.	Dhobi (Including those in S.C.).
10.	Badi.	62.	Dhunkar, Kadore.
11.	Baghia, Baroc, Bawar, Phyak, Vaidyanai.	63.	Gadri, Gari.
12.	Bajgar, Bajigar.	64.	Gahamandi.
13.	Bahurupi.	65.	Gandia.
14.	Bairagi.	66.	Gbariya.
15.	Banjara, Banjari, Labana, Bamania Banjara, Mathura Banjara.	67.	Ghati, Gharc.
16.	Bharia.	68.	Goebaki.
17.	Burua, Labana, Lakhon, Lamane, Mathura, Nayakda.	69.	Godhi.
18.	Harad.	70.	Gondhali.
19.	Bargi.	71.	Gontia.
20.	Bari.	72.	Gowtia.
21.	Baria.	73.	Habura.
22.	Barhunda.	74.	Hajjam.
23.	Baver.	75.	Jhamral.
24.	Bawaria.	76.	Jhari.
25.	Banjania, Kannatia.	77.	Jingar.
26.	Bemarika.	78.	Joglo.
27.	Beria.	79.	Jogi.
28.	Ghadi-Waddar, Matti-Waddar, Waddar, Ode, Odiya.	80.	Joginath.
29.	Bhaduja.	81.	Kadera, Karnwal.
30.	Bhadre.	82.	Kadore.
31.	Bhadre.	83.	Kahar.
32.	Bhaduria.	84.	Kaikari.
33.	Bhamta, Bhamli, Bhammate, Bhamli, Bhammate.	85.	Kalar.
34.	Bhaod.	86.	Kanriya.
35.	Bhontu, Sansi.	87.	Kandera.
36.	Bharari.	88.	Kaner.
37.	Bharbhujia.	89.	Mangar Batwal.
38.	Bharawa.	90.	Kauri, Kori.
39.	Bharai-Bharihar.	91.	Khangara.
40.	Bharud.	92.	Kharol, Telugu-Munar, Beldar, Ghara.
41.	Bhoi.	93.	Kharwar.
42.	Bhojar.	94.	Kirad.
43.	Bhujwa.	95.	Krar, Dhakar.
44.	Bhuti.	96.	Kodar.
45.	Bhurua.	97.	Koria.
46.	Bidakia.	98.	Kotil.
47.	Badia, Sapera.	99.	Kulbandhiya.
48.	Bijoria.	100.	Kunjra.
49.	Choungar.	101.	Kutwar.
50.	Chunkar.	102.	Lonia, Lama, Nunia, Nonia.
51.	Dabgar.	103.	Mali, Marar.
52.	Dafali, Dhoh.		

S. No	Names of the Depressed Backward Classes	S. No.	Names of the Depressed Backward Classes
104.	Madgi.	133.	Perki.
105.	Majhabi.	134.	Putigar.
106.	Mala.	135.	Rajgir.
107.	Malih.	136.	Rajgond.
108.	Manga.	137.	Rautu.
109.	Manjar.	138.	Rawal.
110.	Marv Sotya.	139.	Rawat, Bedar, Lujhira, Rast, Mawat, Thethwar.
111.	Mauria.	140.	Rhar.
112.	Maxi.	141.	Rohade, Sujhria.
113.	Meru.	142.	Roch bandhia.
114.	Mewat.	143.	Saranga.
115.	Mhali, Nain Navi, Nhavi.	144.	Sarbhagi.
116.	Naik, Nom.	145.	Sharia.
117.	Nalta, Nayata.	146.	Sikligar.
118.	Namsudra.	147.	Singwala.
119.	Nath.	148.	Siyane.
120.	Nayda.	149.	Sonduya, Chandel.
121.	Neria.	150.	Thami.
122.	Nezal.	151.	Thoti, Burud.
123.	Nilgar.	152.	Thanwar.
124.	Otari.	153.	Thori.
125.	Pabar.	154.	Thuria.
126.	Palhari.	155.	Tirgar.
127.	Panwari.	156.	Tirmale.
128.	Parashar.	157.	Tirwalli.
129.	Parthi.	158.	Terha.
130.	Patka, Patki.	159.	Washa.
131.	Patwa, Pathakar, Sipiya.	160.	Yerkisar, Yerkula.
132.	Payak.		

MAHARASHTRA

LIST OF DEPRESSED BACKWARD CLASSES

S. No.	Names of the Depressed Backward Classes	S. No.	Names of the Depressed Backward Classes
1.	Agri, Agals or Kalan.	45.	Dabgar.
2.	Alikar.	46.	Dakalero.
3.	Atar.	47.	Dasir Dangdidas.
4.	Audhiya.	48.	Depala.
5.	Bedak.	49.	Devari, Gosavi, Nath, Panthi.
6.	Bndiu.	50.	Devli.
7.	Bagate.	51.	Dhangar, Kruba, Kurubar.
8.	Bugdi (Gujarati Boori, Marwar Boori, Marwar Waghri, Satal Waghri).	52.	Dhar.
9.	Bajania.	53.	Dhimar, Dhiyar, Gabli, Harkantra, Mangali, Mangali, Page, Sankuri.
10.	Bahurup.	54.	Dhobi, Parli, Watts, Madwal, Rajak
11.	Bajigar.	55.	Dholi.
12.	Bafasantharam.	56.	Dominara.
13.	Bandi.	57.	Outgudi.
14.	Banjara, Banjari, Vanjara, Mathura Banjaras(A) Goar Banjaras, Lambada/Lambara, Lambhani, Churas Banjaras, Labhan, Mathura Labhan, Kachikiwale, Sanjaras, Laman Banjaras, Laman/Lamani, Laban, Dhall/Dhala, Dhadi/Dhari, Singaris, Navi Banjaras, Jogi Banjaras, Banjar.	58.	Godabu or Godba.
15.	Bantu.	59.	Gudaria.
16.	Baoria.	60.	Gudri.
17.	Baria, Koli Bari.	61.	Gadhavi.
18.	Bothini.	62.	Gunali or Gundali.
19.	Bavcha.	63.	Gandharap.
20.	Bagari, Bedar, Borad, Beldar.	64.	Gangani.
21.	Beldar/OD.	65.	Garodi.
22.	Naikawadi, Talwar, Walmiki.	66.	Garpgeri.
23.	Bastar, Sanchaluwaddar.	67.	Garvdi.
24.	Bhadbhurja.	68.	Gavandi.
25.	Bhampia or Ghuntichote or Pardesi Pong, Baser Uchale.	69.	Ghandshi.
26.	Bhand.	70.	Ghisedi, Ghisedi, Lohar Gadi Lohar, Chitodi Lohar, Rajput Lohar.
27.	Bhanta.	71.	Gosavi Bava, Dalga, Bharati, Girigosavi, Bharati Gosavi, Saraswati Parbat, Sagar, Ben or Ven.
28.	Bharadi, Balasantoshi, Kingriwale, Nathbava, Nath Jogi, Nath Panthi.	72.	Gujarath Boori.
29.	Bhavalya or Targala.	73.	Habura.
30.	Bhina Koya.	74.	Hallpuik.
31.	Bhoi, Kharvi, Dhiwar Bhoi, Zinga Bhoi, Pardeshi Bhoi, Raj Bhoi, Bhoi, Kahar, Tadia Kahar, Kirat, Machwa, Manzi, Jatia, Kewat, Dhiwar, Dheewar, Dhimar, Palowar, Mechhendra, Navadi, Malhar, Malhav, Gudhav Bhoi, Khadi Bhoi, Khare Bhoi, Dheva, Dhuria Kabur	75.	Halve, Hilav.
32.	Bhisti or Pakhali.	76.	Jatigar.
33.	Bhojar (Pawra).	77.	Jatya.
34.	Bhuta, Bhopa.	78.	Bhadi.
35.	Sudhi.	79.	Jingar.
36.	Burbook.	80.	Jogi, Nuth, Nathjogi
37.	Burud, Madar.	81.	Jogin.
38.	Buttal.	82.	Budulki, Damruwale, Kudmude, Madhingi, Sarode, Sahdev Joshi, Survade, Sarode.
39.	Chudar.	83.	Kenchoro.
40.	Chamtha.	84.	Kadem.
41.	Chandul.	85.	Kaikadi (or Korach), Dhontle, Korve or Kochi Korva, Makadwale, Padler Korvi, Kuchbauda, Gharo.
42.	Chandalagade.	86.	Kandel.
43.	Chenchu or Chanchwar.	87.	Kanjari Bhal, Chhera, Kanjar, Nat.
44.	Chintala.	88.	Kapui.
		89.	Katuhu.
		90.	Katipamul.
		91.	Kharwa or Kharvi.
		92.	Kohari, Dombari.
		93.	Koraha or Yerkula or Korva.

S. No.	Names of the Depressed Backward Classes	S. No.	Names of the Depressed Backward Classes
94.	Korchar.	129.	Pachband
95.	Korwa including Kodaku.	130.	Racheva.
96.	Komakapu.	131.	Rachkoya.
97.	Kongadi.	132.	Raikari.
98.	Kuchhria.	133.	Raj Pardhi, Gaon Pradhi, Haranshikari.
99.	Kumar.	134.	Rajput Bhamta, Pardeshi, Bhamta, Pardesh Bhamta.
100.	Louari, Chunari.	135.	Ramoshi.
101.	Machhi, Tundel.	136.	Raot, Rautia, Rawl.
102.	Mahali, Mahli.	137.	Reval, Reval or Reval Yogi.
103.	Mahil.	138.	Sanjogi.
104.	Mirasi.	139.	Santal.
105.	Mairal, Dangal, Vir.	140.	Sapera.
106.	Majhwar.	141.	Sarania.
107.	Marwar Bouria.	142.	Sarji.
108.	Masunjogi, Sadgadsiddha, Mapanjogi.	143.	Shingdev or Shingadhya
109.	Mina.	144.	Sikkalgar, Katari.
110.	Mihha.	145.	Singiwala.
111.	Mondiwar, Mondiwara.	146.	Sore.
112.	Munda.	147.	Takankar.
113.	Namdhari, Paik.	148.	Talwar Kanade
114.	Navi, Nhavi, Hajam, Kalaseru Navaliga, Kalashi, Nambik, Nal, Narrhhilish.	149.	Targala.
115.	Neeli.	150.	Tholari.
116.	Nirshikari.	151.	Thetwar.
117.	Nonia.	152.	Thotewadu.
118.	Pachabhotla, Pachabotia.	153.	Thoria.
119.	Padharia.	154.	Timali.
120.	Padiar.	155.	Vaghri.
121.	Padampari.	156.	Vaghari, Salat, Salat Vaghei.
122.	Pakhali, Bhis.	157.	Vaidu.
123.	Fal Pardhi.	158.	Vaiti.
124.	Panchama.	159.	Valvat.
125.	Pangul.	160.	Waddar, Waddra (Kalawaders or Patharods).
126.	Panka.	161.	Warhl.
127.	Parki.	162.	Yanadi.
128.	Phudgi.	163.	Yeandiwad.
		164.	Yeragolawad or Theila Pamaawade.

LIST OF DEPRESSED BACKWARD CLASSES

MANIPUR

S. No.	Names of the Depressed Backward Classes	S. No.	Names of the Depressed Backward Classes
1.	Banaphor.	19.	Mahara.
2.	Bhumij.	20.	Mali, Bhumali, Bhulmati.
3.	Boro, Bore Kachari.	21.	Mech.
4.	Dafia.	22.	Mehtar, Bhungi.
5.	Osmai (Nepali).	23.	Mikir.
6.	Deoria.	24.	Miri.
7.	Dugla, Dholi.	25.	Mishmi.
8.	Gara.	26.	Munda.
9.	Hajong.	27.	Naga.
10.	Hira.	28.	Nepit, Nai.
11.	Jhala, Malo.	29.	Oraon.
12.	Kalbarita, Jatiya.	30.	Rabha.
13.	Khasi.	31.	Sukte.
14.	Khuangsai.	32.	Santal.
15.	Kuki.	33.	Singpho.
16.	Lalbagi.	34.	Synteng.
17.	Lalung.	35.	Tiperu.
18.	Lilamel-Naga.		

LIST OF DEPRESSED BACKWARD CLASSES

MEGHALAYA

S. No.	Names of the Depressed Backward Classes
1.	Bhutia.
2.	Boru-Kachari.
3.	Choudang.
4.	Chutia.
5.	Dey, Sudra Das.
6.	Gorkhali.
7.	Moran, Matak.

S. No.	Names of the Depressed Backward Classes
8.	Mukhi.
9.	Nepali, (Dama, Gaing, Gurung, Lama, Limbu, Lohar, Newar, Rai, Sarki, i.e., Cobbler, Thapa).
10.	Rabha.
11.	Saloi.
12.	Sat.
13.	Tipara.

LIST OF DEPRESSED BACKWARD CLASSES

ORISSA

S. No.	Names of the Depressed Backward Classes	S. No.	Names of the Depressed Backward Classes
1.	Adi-Dravida.	49.	Ghatwar.
2.	Adi-Karnataka.	50.	Girgiri.
3.	Agharia, Agarua, Aghria.	51.	Gingra.
4.	Ajla.	52.	Godda.
5.	Arancedan.	53.	Gondi-Modya Gond & Rajo Gond.
6.	Arunthuthiyar.	54.	Gondu-Rato, Bhirbha, Dudha Kauriya, Hato, Jatako & Joria.
7.	Asur.	55.	Habra.
8.	Badasuda.	56.	Hansi.
9.	Badaga.	57.	Hasia.
10.	Balpari.	58.	Holeya.
11.	Baira.	59.	Iruia.
12.	Bakuda.	60.	Jadapus.
13.	Banka.	61.	Jambuvulu.
14.	Bandi.	62.	Jaiotrapans.
15.	Barika, Bhandari, Beja, Napil and Nai.	63.	Jhodia.
16.	Batsada.	64.	Jogi or Yogi.
17.	Bellara.	65.	Kadan.
18.	Benkar.	66.	Kalladi.
19.	Betere or Betra.	67.	Kalwar.
20.	Bhatua.	68.	Kandarpa.
21.	Bhogus.	69.	Kanjar.
22.	Bhokta.	70.	Kaniyan.
23.	Bhujan.	71.	Kandua.
24.	Bhuliya.	72.	Kurhara.
25.	Bijhia.	73.	Karimpalan.
26.	Bissoy-Barangi Jodia, Benningi, Daduva, Frangi, Hollar, Jhoriya, Kollai, Konda, Paranga, Pengajodia, Sndu Jodia and Takoara.	74.	Karmali.
27.	Binedhany.	75.	Kattunayakan.
28.	Bogada.	76.	Khaia.
29.	Bolodhia.	77.	Khandvals.
30.	Butakusuda.	78.	Khanjiman.
31.	Buruashankar/Barna Suarkur, Beja.	79.	Khatti.
32.	Chakkiliyar.	80.	Khatua.
33.	Chalavadi.	81.	Khondal.
34.	Chero.	82.	Khodra.
35.	Cheruman.	83.	Kora, Juda.
36.	Chikbaraik.	84.	Koilar.
37.	Chik.	85.	Kolam.
38.	Chitra, Chitrakar.	86.	Kumar.
39.	Churia.	87.	Kond (Kul).
40.	Dahalia.	88.	Kondhs-Desakh Kondhs, Dongriya Kondhs, Kuthiya Kondhs, Tikira Kondhs and Yarity Kondhs.
41.	Damal.	89.	Koosa.
42.	Dangua.	90.	Koraga.
43.	Deons.	91.	Kosalya Goudus, Bosathe Riya Goudus, Chiti Goudus, Dangayath Goudus, Doddu Kamariya, Dudu Kamara, Ladiya, Goudus & Palle Soriya Goudus.
44.	Dehuri.	92.	Kota.
45.	Dhakkada.	93.	Koyi.
46.	Dhanor.	94.	Kudiyu.
47.	Domb-Andhiya Dombs, Audiniya Dombs, Chonel Dombs, Christian Dombs, Mirgani Dombs, Oriya Dombs, Ponaka Dombs, Telega Dombs and Unmlu Dombs.	95.	Kudubi.
48.	Dumala, Dumal.	96.	Kufumban.

S. No.	Names of the Depressed Backward Classes
97.	Kuli, Koli.
98.	Kunduma/Kuduma.
99.	Kundlamatla.
100.	Kulta.
101.	Kurariar.
102.	Kuravan.
103.	Kurichchan.
104.	Kuruman (Kucumba).
105.	Laheer.
106.	Lakhsa.
107.	Lambadi.
108.	Lohura.
109.	Machoa.
110.	Maghi or Meghia.
111.	Magura.
112.	Mahunta.
113.	Mails.
114.	Maladasu.
115.	Malasar.
116.	Malis-Korchia Malis, Paido Malis & Pedda Mal.
117.	Mai Paharia.
118.	Mungli.
119.	Matangi.
120.	Navilan.
121.	Minka.
122.	Moger.
123.	Mukhadora-Mokka Dhora.
124.	Keliya.
125.	Mundala.
126.	Muria.
127.	Nat.
128.	Nayadi.
129.	Nolia.
130.	Nubura, Nohuraj.
131.	Nuniya.
132.	Omeyita.
133.	Padaria, Pamaria, Pandara.
134.	Pagadai.
135.	Paigarapu.
136.	Paiko.
137.	Paky.
138.	Palasi.
139.	Paliyan.

S. No.	Names of the Depressed Backward Classes
140.	Pallan.
141.	Pulayan.
142.	Pambadn.
143.	Penlyan.
144.	Panjira.
145.	Pannandi.
146.	Paralyan.
147.	Paravan.
148.	Parhaiya.
149.	Pathuria.
150.	Pengua.
151.	Pita.
152.	Porjis-Bado, Bonda, Darova, Didva, Jodia, Mundit, Sano, Pengu, Pydi, Saliya, Soda and Pareng.
153.	Rajwar.
154.	Raneyar.
155.	Ronas.
156.	Routla.
157.	Sagarasha.
158.	Semban.
159.	Senkhari.
160.	Savara-Kapu Savaras, Khutto Savaras, Mollia Savaras
161.	Semman.
162.	Sholagar.
163.	Sauria Paharia.
164.	Sinkes.
165.	Sud.
166.	Sulia.
167.	Sundi.
168.	Tans.
169.	Thanu.
170.	Thatari.
171.	Thoti.
172.	Thuria.
173.	Tiyar.
174.	Toda.
175.	Toola Gau.
176.	Valluvan.
177.	Velluvan.
178.	Vina Tulavina.
179.	Yandi.
180.	Yerna Golla.
181.	Yerukula.

LIST OF DEPRESSED BACKWARD CLASSES

PUNJAB

S. No.	Names of the Depressed Backward Classes	S. No.	Names of the Depressed Backward Classes
1.	Aheria, Aheri, Heri, Naik, Thori, Turi.	19.	Dhobi, Quasab.
2.	Bagra, Bagaria.	20.	Dhosali, Dosali.
3.	Barai, Tarboli, Tamboli.	21.	Gadheria, Gadaria.
4.	Barwar.	22.	Gaddi, Guddi.
5.	Bateri.	23.	Ghasi, Ghasiara, Ghosi.
6.	Beria.	24.	Harni.
7.	Barrer.	25.	Jogi, Natb.
8.	Beta, Hensi, Heri.	26.	Kanjar, Kanchan.
9.	Bharbhunja, Bharbhuja.	27.	Kahal.
10.	Bhari, Rode.	28.	Kuchband, Kuchband.
11.	Bhuhalia.	29.	Lobana, Banjara, Vanjara.
12.	Chahang.	30.	Madari.
13.	Daiya.	31.	Mirasi.
14.	Dakaut, Dahkaut.	32.	Mochi (excluding those in S.C.).
15.	Daoli, Deola.	33.	Nal, Banvara, Dhanwal, Dhari, Ghangas, Ghiri, Hajjam, Hazam, Hergun, Jellan, Lakha, Nagi, Naisich, Palan, Panju, Patara, Raja.
16.	Daula, Soni-Braderi.	34.	Shorgir.
17.	Dhonwar.		
18.	Dhimar, Dhiwar, Dhinwar, Jeevar, Jhinwar, Kabar, Keshyap, Rajrat, Mallah.		

LIST OF DEPRESSED BACKWARD CLASSES

RAJASTHAN

S. No.	Names of the Depressed Backward Classes	S. No.	Names of the Depressed Backward Classes
1.	Ager.	42.	Helar.
2.	Asada.	43.	Holar, Valhar.
3.	Badera, Baorin.	44.	Holaya, Holer.
4.	Bagdiya, Bawaria.	45.	Kahar, Shoi.
5.	Baked, Bani.	46.	Kalkadi, Korechi.
6.	Banchada.	47.	Kanders.
7.	Banjara, Gawaria, Kangiwala, Kangl, Baladia, Sirkiwala, Labana, Labhana, Maru Banjara, Bamama Banjara, Bayora, Digora.	48.	Kanvi.
8.	Barahar, Basod.	49.	Koer.
9.	Barar.	50.	Khanl.
10.	Baroa, Dhin.	51.	Kharol.
11.	Bargunda.	52.	Kirar.
12.	Basoc.	53.	Kul.
13.	Bhanpla, Ghantichor, Pardasi-Bhampt.	54.	Koli-Mahadev.
14.	Bhanumari.	55.	Korku.
15.	Bharud.	56.	Mulhar.
16.	Chakrawadya-Dasar.	57.	Merasi, Mirsa.
17.	Chalvadi, Chamayya.	58.	Mehara.
18.	Chamana.	59.	Moghia.
19.	Cheeta.	60.	Mogia.
20.	Chene-Dasaru.	61.	Mukri.
21.	Chenna-Dasar, Holaya.	62.	Nadia, Hadi.
22.	Chidar.	63.	Nata, Jogi.
23.	Dakot, Garo, Gakudia.	64.	Naik.
24.	Dakalaru.	65.	Nat, Natsansi.
25.	Damami.	66.	Mariya.
26.	Dhadi.	67.	Odd.
27.	Dhakad Dhanak Dhanaka, Dhanuk Gokhi.	68.	Pardhi (including Adwishincher and Phanzo-Pardhi)
28.	Dhanchi.	69.	Patwa (Phadal).
29.	Dhimar.	70.	Pomla.
30.	Dhobi.	71.	Powara.
31.	Dholi.	72.	Raika.
32.	Dhodia.	73.	Rawat.
33.	Dhor, Kakkayya, Kankayya.	74.	Rebbari.
34.	Dubla.	75.	Sad-Sausl (Sehar).
35.	Gadaria, Chandalia, Gadaris, Gavala, Ghosi, Kabiria.	76.	Sarabara.
36.	Gadolia.	77.	Sakka.
37.	Gamit, Gamta, Gavit (including Mavchi, Padvi, Vasava, Vasava and Valvi).	78.	Sikhghar, Gadi Lohar.
38.	Good.	79.	Sirkiwala.
39.	Halleer.	80.	Sonsi.
40.	Halsar, Haslar, Hularvar, Haksvar.	81.	Timali.
41.	Halalkhor.	82.	Varli.
		83.	Ved.
		84.	Waghri.
		85.	Zemrol.

LIST OF DEPRESSED BACKWARD CLASSES

SIKKIM

S. No.	Names of the Depressed Backward Classes	S. No.	Names of the Depressed Backward Classes
1.	Bojel.	6.	Suba.
2.	Gurung.	7.	Sunat.
3.	Limboo, Limbu.	8.	Tamang.
4.	Mongar.	9.	Tsong.
5.	Rai.	10.	Yakthungba.

LIST OF DEPRESSED BACKWARD CLASSES

TAMIL NADU AND PONDICHERRY

S. No.	Names of the Depressed Backward Classes	S. No.	Names of the Depressed Backward Classes
1.	Anpattin.	45.	Hill Puleya.
2.	Arayan, Arayar (Nulayar).	46.	Holve.
3.	Balaga.	47.	Ilovan.
4.	Baluga.	48.	Jodapue.
5.	Bagan.	49.	Jambuvanodai.
6.	Bankl.	50.	Jatappa.
7.	Bettada.	51.	Jogi.
8.	Bavuri.	52.	Jogala.
9.	Beelna, Sivilar.	53.	Kabbore.
10.	Bharasar.	54.	Kadan.
11.	Bharain (other than Kshatriya Raja).	55.	Kadupattar (Malabar).
12.	Bharadas-Bodo Bhattada, Maria Bhattada & Sane Bhattada.	56.	Kakkalan.
13.	Bhomas-Bhoru Bhunia and Bodo Bhunia.	57.	Kaladi.
14.	Bilava.	58.	Kpai or Kanisu or Kaniyar Panikket.
15.	Bisay-Barangi Jodia, Bannagi, Daduva, Frangi, Mollar, Jheriya, Kollai, Konde, Paraga, Panga-Jodia, Sodo Jodia and Takore.	59.	Kanikaran, Kanaikar.
16.	Bondil.	60.	Kanjur.
17.	Boyar, Oddar.	61.	Kannikan, Padama.
18.	Boya.	62.	Kapomarie.
19.	Budabukhita.	63.	Katesar or Pattankatti.
20.	Byagiri.	64.	Kavara.
21.	Chanchali.	65.	Kavathi.
22.	Chavilakkaran, Chavalakkarer.	66.	Kavathiyar.
23.	Chenchu.	67.	Kerala Muthali.
24.	Dasari.	68.	Kharvi.
25.	Dandasi.	69.	Khond.
26.	Dhakkada.	70.	Kondale.
27.	Dhobi, Vannan.	71.	Kodu.
28.	Domba.	72.	Kelalar, Devar, Thevar.
29.	Domba-Andhiya Domba, Chotel Domba, Oriya, Domba, Penka Domba, Telaga Domba and Ummia Domba.	73.	Konda Dhera.
30.	Dombara.	74.	Konda (Kui).
31.	Donga Vata.	75.	Kondha-Besaya Kondha, Dargia Kondha, Kutriya, Kondha, Tikiria Kondha and Yamiy Kondha.
32.	Dudakula.	76.	Kearan, Koodan.
33.	Enadi.	77.	Koracha, Koravar, Yerukale.
34.	Eravallar.	78.	Kosalya Goudu, Busotholya Goudu, Chith Goudu, Dargayath Goudu, Doddu Kammariya, Dudu Kamaro, Laddiya Goudu & Fullo Soriya Goudu.
35.	Ezhavathy.	79.	Kote.
36.	Ezhuthachar.	80.	Koteyar.
37.	Ezhya.	81.	Kotia-Bartika, Bantio, Oriya, Dhulia or Dulia, Holva Paiko, Puliya, Sanroza & Sindho Paiko.
38.	Gadabbs, Boda Gadaba, Garlas Gadaba, Olaran Gadaba and Frangi Gadaba, Jodia Gadaba.	82.	Koya or Goud (with its subsects Raj or Resha Koya, Lings Dhari Koya (ordinary) and Kottukoya).
39.	Gangavar.	83.	Koyi.
40.	Ghagi, Haddi, Kelli and Sachandi.	84.	Krishnavaka.
41.	Godari.	85.	Kubhora, Kukuvan.
42.	Gond.	86.	Kudubi.
43.	Goudu, Bato, Bhirdhya, Dudhokouria, Hato, Tutake & Jori.	87.	Kudumbi.
44.	Hasla.	88.	Kurumba.
		89.	Kurumarava.

S. No.	Names of the Depressed Backward Classes	S. No.	Names of the Depressed Backward Classes
90.	Kuravar.	131.	Pariyas (Vengur and Vappur).
91.	Lambadi, Banjar, Lambadi Sugali.	132.	Parakavakulam Sarathinar, Malayamar, Nathantar.
92.	Magatha Goudo, Barnia Goudo, Boodu Magatha, Dongayath Goudo, Ponne Magertha, Sana Magertha and Yadya Goudo.	133.	Pathiyen.
93.	Mahandra, Mellara.	134.	Patla.
94.	Mala Dasu	135.	Poraya.
95.	Malapontaram.	136.	Porjas or Porja-Boda, Bonda, Daruva, Didua, Jodia, Mundilli, Parang, Pysdi, Salliya, Sanoand sodia.
96.	Malapulayan, Kurimbapulayan, Kotavalipulayan, Pam-bupulayan.	137.	Pulluvan, Pullavar.
97.	Malayavayan.	138.	Pusunkle.
98.	Malayali.	139.	Reil, Sachndi.
99.	Mala.	140.	Rona.
100.	Mali, Kurchia Mli, Paiko Mall and Padda Mali.	141.	Eakkaraar (Kavathi).
101.	Manne Dhoru.	142.	Saora.
102.	Mannan, Vannan, Pathiyar.	143.	Savara Kopu Savara, Khutto Savara & Maliya Savara.
103.	Marakkan.	144.	Telega, Pamula, Paddati Golla.
104.	Maramori, Gramani.	145.	Thandan.
105.	Marathi.	146.	Thantapulayan.
106.	Maruthuvur, Navihar.	147.	Thavar.
107.	Mayna.	148.	Thiyya.
108.	Madara.	149.	Tholuva, Naicker and Velalakara Naicker.
109.	Maniagar.	150.	Thondaman.
110.	Mukkuvan, Mukkavar.	151.	Thoriyar.
111.	Mukha Dhoru, Nooka Dhoru.	152.	Thottai Naicka.
112.	Mulliya.	153.	Thottiya Naicker (including Gollavar, Silavar, Rajakani-balam, Theekavar and Tholuva Naicker).
113.	Muria.	154.	Toda.
114.	Gramani, Shanar, Nudar.	155.	Ulladan.
115.	Nakkala.	156.	Ullatan.
116.	Naikkar.	157.	Uppara (Uppillia Segaru).
117.	Narikeravar.	158.	Uruli Gounders.
118.	Nokkare.	159.	Valan.
119.	Nulayan.	160.	Valaiyar.
120.	Paidi.	161.	Vaimiki.
121.	Paigarapu.	162.	Vannan (Maonan, Bathiyar).
122.	Paky.	163.	Vannar, Rajakula Valuthadar (where the community is a S.C. Agasa Madiyala Mali).
123.	Palast.	164.	Valaiyar.
124.	Pamidi.	165.	Valuthadanayar, Valuthanathwnayar.
125.	Pamulu.	166.	Vedar.
126.	Panan.	167.	Vetna.
127.	Panar.	168.	Yanady.
128.	Panikkan.	169.	Yanadi.
129.	Paso.	170.	Yavana.
130.	Paravan, Paravar, Kabbera, Parvatharajakulani, Pattanavan.	171.	Yarukula.

LIST OF DEPRESSED BACKWARD CLASSES

TRIPURA

S. No.	Names of the Depressed Backward Classes	S. No.	Names of the Depressed Backward Classes
1.	Agaria, Agariya.	39.	Ho.
2.	Asur.	40.	Khandait.
3.	Badyakar, Dhuli, Nagarchi, Sabdakar.	41.	Khatik.
4.	Bahela.	42.	Khemcha.
5.	Baishnah.	43.	Khen.
6.	Baiti.	44.	Khyang.
7.	Banjogi.	45.	Kichak.
8.	Bauri.	46.	Koda.
9.	Bedia, Bediya.	47.	Koiri.
10.	Bekdar.	48.	Korwa.
11.	Berua.	49.	Lalbegi.
12.	Bhaksa.	50.	Lohar.
13.	Bhar.	51.	Maghaiya-Domes.
14.	Bhinhar.	52.	Mahar.
15.	Bhumij, Bhmiij.	53.	Mahli.
16.	Bin.	54.	Mai.
17.	Bind.	55.	Mallah.
18.	Binjnia.	56.	Naiya.
19.	Birhor.	57.	Nat, Nattadas.
20.	Chowhan.	58.	Napit.
21.	Dalu.	59.	Nayak.
22.	Damai.	60.	Nepali (Limbo, Marwari, Rai).
23.	Desali.	61.	Nuniya, Nunia.
24.	Dhemaru.	62.	Oraon.
25.	Gangin.	63.	Paik.
26.	Ganju.	64.	Paliye.
27.	Gara.	65.	Paliye.
28.	Gareti.	66.	Pan.
29.	Goala.	67.	Panki.
30.	Gourdu.	68.	Pasi.
31.	Gonrhi.	69.	Pod.
32.	Gorang.	70.	Rabha.
33.	Guner.	71.	Raju.
34.	Gundi.	72.	Rajwar.
35.	Guri.	73.	Rupai.
36.	Hadi.	74.	Sunri.
37.	Halakhor.	75.	Tiyar.
38.	Hari.	76.	Yogi, Jogi, Nath.

LIST OF DEPRESSED BACKWARD CLASSES

UTTAR PRADESH

S. No.	Names of the Depressed Backward Classes	S. No.	Names of the Depressed Backward Classes
1.	Agri.	34.	Godhia.
2.	Aberia, Aheriya.	35.	Gandharva, Bhatu Sausi.
3.	Arakh.	36.	Gandhila.
4.	Auji.	37.	Gidhiya.
5.	Baduk.	38.	Giri.
6.	Bajri.	39.	Goeth.
7.	Bajigar.	40.	Halalkhor.
8.	Bandi.	41.	Hankiya.
9.	Banjara, Gor, Laderia, Gamalia, Oaria, Mathura, Labana, Labhana, Dhanakuta Banjara, Brajawasi Banjara, Banjara nut Gwar, Baijara Sikh.	42.	Hurkiya.
10.	Bari.	43.	Jogi.
11.	Badia.	44.	Kahar, Dhiver, Dhuru, Godia, Kuslyap.
12.	Baura.	45.	Kawat, Bansi, Chai, Jalchar, Kharsa, Maja, Bishad.
13.	Bauriah.	46.	Khatwa.
14.	Bayar.	47.	Kharot.
15.	Bedia.	48.	Kingharia.
16.	Beriah.	49.	Koli.
17.	Bhar.	50.	Kotwar.
18.	Bhathara.	51.	Kunjra, Rayeen.
19.	Bhil.	52.	Luniya, Lonin.
20.	Bhil.	53.	Newari.
21.	Bhurji, Bharbhaja, Utharbhunka, Bhunj, Bhunia, Kanda, Kashodhary.	54.	Mochi (excluding those in S.C.)
22.	Bied.	55.	Musiim Banjara.
23.	Chanal.	56.	Nadkat.
24.	Chik.	57.	Nayak, Naik.
25.	Chunal.	58.	Nut (excluding those in S.C.).
26.	Chumpa.	59.	Odhia.
27.	Dalera.	60.	Orh, Od.
28.	Dhan.	61.	Pahi.
29.	Dhobi, Rajak (excluding those in S.C.).	62.	Paari.
30.	Dhoti (Dhoti).	63.	Pawariya.
31.	Dhunia, Katheria, Nardaf.	64.	Raj.
32.	Faqir.	65.	Supern, Kaitelia.
33.	Gadaria, Gekli, Gaderia, Gareria.	66.	Sausi.
		67.	Tur.

LIST OF DEPRESSED BACKWARD CLASSES

WEST BENGAL

S. No.	Names of the Depressed Backward Classes	S. No.	Names of the Depressed Backward Classes
1.	Adakari.	49.	Ghusurla.
2.	Agaria, Agriya.	50.	Godra.
3.	Agshore.	51.	Gokha.
4.	Arsani, Amat, Amath.	52.	Gonda.
5.	Bhar.	53.	Gora.
6.	Bug.	54.	Gudheri.
7.	Badia.	55.	Hadi.
8.	Bagal.	56.	Halaikhor (excluding those in Scheduled Caste).
9.	Bajadar, Bajania, Bedey.	57.	Hawari.
10.	Barjara.	58.	Hela.
11.	Barjogi.	59.	Irika.
12.	Batus, Bama, Hunna, Buno.	60.	Juang.
13.	Baragiri.	61.	Kabar.
14.	Barchain, Chal, Choin.	62.	Kaira.
15.	Barn.	63.	Kalwar.
16.	Barhudi.	64.	Kandh.
17.	Benkar.	65.	Kapurin.
18.	Berua.	66.	Karani.
19.	Bhangl (excluding those in Scheduled Caste).	67.	Karha.
20.	Bhant.	68.	Karwalant, Karwalut.
21.	Bhar.	69.	Kastha.
22.	Bhadwara, Bhasgai.	70.	Kala.
23.	Bhotia.	71.	Kharag.
24.	Bhugal.	72.	Kharis.
25.	Bin.	73.	Khen.
26.	Binjha.	74.	Kherwar.
27.	Binjhawar.	75.	Khyang.
28.	Bisjira.	76.	Khyara, Ghara.
29.	Brijia.	77.	Kichak.
30.	Chak.	78.	Koda.
31.	Chandrag.	79.	Kol.
32.	Chasadhoba, Haladhar, Halari, Satchasi.	80.	Koli.
33.	Chik, Chikwa, Kasni, Kassab.	81.	Kolu.
34.	Chitmar.	82.	Kuki.
35.	Chitrakar.	83.	Kunjra, Rayon.
36.	Churhara, Lakhara, Lahera.	84.	Lakra.
37.	Dalu.	85.	Lushei.
38.	Dhaon.	86.	Mechhu.
39.	Dhakar.	87.	Maghaiya-Domes.
40.	Dheruar.	88.	Mabadarda.
41.	Dilpoli.	89.	Magha Dooni.
42.	Duraj.	90.	Mallah.
43.	Gadaha.	91.	Mangan.
44.	Gain.	92.	Mangar.
45.	Ganda.	93.	Marwari Bauria.
46.	Garsi.	94.	Matial.
47.	Ghatwal.	95.	Mirshikar.
48.	Ghatwar.	96.	Mug.

S. No.	Names of the Depressed Backward Classes	S. No.	Names of the Depressed Backward Classes
97.	Hoobhudish.	106.	Tamang.
98.	Patua.	107.	Tharu.
99.	Pirahi.	108.	Tigara.
100.	Rakhal.	109.	Tippers.
101.	Rasali.	110.	Tiyar.
102.	Rohangia, Roshangia.	111.	Turka.
103.	Sayar.	112.	Urao, Bandot, Haro, Karkata, Laido, Shitoo, Tigga, Tirki.
104.	Shagird Pasha.	113.	Sansl
105.	Siyal.		

ANDAMAN & NICOBAR ISLANDS

S. No.	Names of the Depressed Backward Classes	S. No.	Names of the Depressed Backward Classes
1.	Arundatilu (H).	6.	Munda.
2.	Babar (Umatil).	7.	Namasudra, Adhikari, Sarkar, Dhali, Bala, Hira, Baidal, Maji, Daligbi, Bodoi, Diskas, Poddar, Hindal, Roy, Das, Hadder, Manji, Hasi, Manser, Biri, Nag, Bairagi, Bhatra (Baidya).
3.	Eluvain.	8.	Nai Thakur.
4.	Dhobi.		
5.	Kharis.		

ARUNACHAL PRADESH

S. No.	Names of the Depressed Backward Classes
1.	Diwan.
2.	Kshatriya.
3.	Kurmi.

S. No.	Names of the Depressed Backward Classes
4.	Mali.
5.	Majhiara.
6.	Nayar.

LIST OF DEPRESSED BACKWARD CLASSES

CHANDIGARH

S. No.	Names of the Depressed Backward Classes	S. No.	Names of the Depressed Backward Classes
1.	Abir, Yadav.	28.	Gaddi.
2.	Bagaria.	29.	Ghosi.
3.	Barna.	30.	Hadi.
4.	Batwar.	31.	Hajjam, Nai.
5.	Bahari.	32.	Hali.
6.	Bajkar.	33.	Harni.
7.	Bathi.	34.	Jogi, Math.
8.	Batterha.	35.	Kanchan.
9.	Beria.	36.	Kanghera.
10.	Beta, Hensi, Hesi.	37.	Kanjar.
11.	Bhand.	38.	Kchal.
12.	Bharbhunja.	39.	Kohli.
13.	Bhujra.	40.	Labana, Lobana, Vantara, Banjara, Banjar.
14.	Botehra.	41.	Madari.
15.	Charg.	42.	Mecua, Mina.
16.	Chirmar.	43.	Mewati.
17.	Daiya.	44.	Mochi.
18.	Dakaut.	45.	Musavar.
19.	Doali, Doala.	46.	Naur.
20.	Deha, Dhaya, Dhea.	47.	Nalk, Heri, Aberi.
21.	Dhal.	48.	Noongar.
22.	Dheowar.	49.	Rachband.
23.	Dhimar, Dhiowar, Jhinwar, Kahar, Mallah.	50.	Rai-Sikh.
24.	Dhobi.	51.	Rebar, Rehara, Rez, Rihar.
25.	Dhousalk.	52.	Shorigr.
26.	Gadaria.	53.	Singhiwala, Singhikaut.
27.	Gedri.	54.	Thori, Turi.

DADRA AND NAGAR HAVELI

Sl. No.	Names of the Depressed Backward Classes	Sl. No.	Names of the Depressed Backward Classes
1.	Agri.	7	Kumbhar.
2.	Ahir.	8.	Kapedi.
3.	Bharwad.	9.	Kolaga (Muslim).
4.	Brahmi.	10	Koli.
5.	Dhobi.	11	Makrana (Muslim).
6.	Kahar.	12	Nai, Valand.

LIST OF DEPRESSED BACKWARD CLASSES

DELHI

S. No.	Names of the Depressed Backward Classes
1.	Abbasi, Bhishti, Sakka.
2.	Agri Kherwal.
3.	Bangela, Badia, Perna Sapera.
4.	Beri.
5.	Bauria.
6.	Bazigar, Nat, Kalendar (excluding those in S.C.).
7.	Bhubbala.
8.	Bhand.
9.	Bharbhooja.
10.	Chak.
11.	Chisimar.
12.	Daiya, Dhaiya, Jaisal.
13.	Dhinwar, Jhinwar, Nishad.
14.	Dhobi (excluding those in S.C.).
15.	Gaderia.
16.	Gaddi, Garri.
17.	Gadheri, Ghandila.
18.	Ghasiara.
19.	Harni.
20.	Herbi, Heri.
21.	Jogi.

S. No.	Names of the Depressed Backward Classes
22.	Kabar, Kashyap.
23.	Karnwal.
24.	Kanjar, Ghair Kuchbanda, Singikat.
25.	Kewat.
26.	Khatgune.
27.	Khatik (excluding those in S.C.).
28.	Lalli.
29.	Machhi, Machhera, Mali, Saini, Southia, Sagarwanshi-Mali, Nayak.
30.	Masania-Jogi.
31.	Meo, Mewati.
32.	Meriasi, Mirasi.
33.	Nai.
34.	Mochi (excluding those in S.C.).
35.	Naiband.
36.	Patwa.
37.	Patherphera, Sanglarash.
38.	Suriman, Gunjamar.
39.	Gadilobar.
40.	Waghri.

LIST OF DEPRESSED BACKWARD CLASSES

28. GOA, DAMAN & DIU

S. No.	Names of the Depressed Backward Classes	S. No.	Names of the Depressed Backward Classes
1.	Bhandari.	10.	Gosavi.
2.	Banjara, Lambadi, Lamani, Sogaji.	11.	Kasar.
3.	Christian Chamar.	12.	Koli.
4.	Christian Mahar.	13.	Kunbi.
5.	Dhangar.	14.	Mitso.
6.	Dholi.	15.	Naidu.
7.	Dhor.	16.	Nath, Jogi.
8.	Gaude.	17.	Nhavi, Nai.
9.	Goggi.	18.	Sagar.

MIZORAM

S. No.	Names of the Depressed Backward Classes	S. No.	Names of the Depressed Backward Classes
1.	Apatani.	4.	Pate.
2.	Gorkha.	5.	Ralee.
3.	Manipuri.		