Chapter-2
Other
Backward Classes/Castes
OTHER BACKWARD CLASSES/CASTES

(i) Concept of Backward Class

The Other Backward Classes in India is a group of castes officially recognized as having been traditionally subjected to exclusion. The Other Backward Classes by profession being small cultivators, agricultural labourers, artisans and also being engaged in weaving, fishing, construction work, etc, and these occupations being common to Scheduled Castes and Other Backward Classes, the status of Other Backward Classes cannot be treated as very much different from the scheduled castes (Ambedkar: 2008).

The problem of the Backward Classes is in most general form, the problem of achieving equality in a world permitted by inequality. The significance of the category 'Backward Classes' lies not only in its size and extent, but also in the uniquely Indian way of defining its boundaries. The uniqueness is a reflection of specific social and historical conditions.

Beteille on the question of backward class says, “They are not a single homogeneous block, and this must always be kept in mind. And what must also be kept in mind is that the backward classes are not really classes in the ordinary sociological sense of the term. They are really groups of communities and not classes. These groups of communities fall into three broad divisions: firstly, there are the scheduled tribes, secondly, there are the scheduled castes and thirdly, there are the Other Backward Classes (Beteille: 2008).

Subba Rao on the backward class said that, “the expression” Backward Class is an elastic and changing concept (Galanter: 1984). When India achieved independence, Nehru gave them a new name, though hardly more satisfactory ‘other backward classes’ implying classes other than the untouchables and the tribes (Jaffrelot: 2005). In reality, the backward classes are not classes at all but an aggregate of closed status groups (Beteille: 1992).

The term Other Backward Classes was widely used by the British administration come to mean Other Backward Castes in administrative usages. It is used in the
constitution of India to designate backward classes other than the scheduled castes and
scheduled tribes. The scheduled tribes were defined in terms of the ecological isolation
of the tribal people, the relative autonomy of their political and cultural systems, and the
antiquity of association with their present habitat. Scheduled castes were defined as
victims of untouchability (put in the most simplistic terms). Lists of scheduled castes
and scheduled tribes were drawn by the Central Government and could be revised by
only presidential authority. In addition there was a commissioner for scheduled castes
and scheduled tribes to look into the affairs of these communities on a continuing basis.
However, who are the other backward classes is a post-Independence question (Yadav:
2002).

'Backwardness' is viewed as an attribute not of individuals but of communities
which are, by their nature, self-perpetuating. In sociological discourse a class is a set of
individuals-or, at best, families- sharing certain life chances in common that they may
or may not owe to their ancestors, and that they may or may not transmit to their
descendants. By the term discourse, the backward classes are not classes at all, but
group of communities (Beteille: 1992).

Caste and agriculture are closely related in India. The higher castes have
traditionally large land holdings. The lower castes work as landless agricultural
labourers. The intermediate castes are the principal agricultural castes in terms of actual
cultivation. The OBCs are highly differentiated in terms of caste and economic status.
The well-off OBCs are known as 'upper backward', and the poor ones are named as
'lower/most backward'. Thus, the OBCs are not homogeneous in terms of both caste
and agricultural pursuits (Sharma: 2007).

Other Backward Classes constitute a majority of poor and backward population
which a variety of goods and services but on terms and conditions unfair to them. Other
backward classes are Shudras – the lowest rung in the four Verna system higher only to
the out castes or dalits (Sharma: 2007). The process of industrialization, which started
in 18th century, destroyed the traditional businesses of OBCs. In the new industrial
system, OBCs became bankrupt and lost their age-old vocations, the only means of
livelihood. In the process, these originally creative, hardworking entrepreneurs got
converted in to mere labours or workers. An III / IV class worker, menial labors in
unorganized sectors, jobless or part time workers is the OBCs' status today. This may

be a unique example in the history of mankind where such a huge population, in size and proportion, amazingly skilled in their respective vocations and related entrepreneurship, totally reduced jobless and pauperize (www.obcreservation.net).

(ii) Identification of Backwardness:

Ambedkar, the chairman of the drafting committee of Constitution of India, when asked about the criteria to be followed to determine the social and educational backwardness explained, “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” (Ramaiah: 1992).

Under Article 340 of the Indian constitution it is obligatory for the government to promote the welfare of other backward classes. It is well known that up to the year 1931, the last Census year for which castes are recorded, there were several castes applying for changing their names to those indicative of higher caste’s status. In that period name indicated status. The trend is now to claim backwardness both among Hindus and Muslims by claiming the same caste status by various devices as those who are legally considered backward castes. When they gave the indicators of their own backwardness, they were all secular, such as bad economic conditions, lack of education and consequent lack of white collar employment and poor housing. Sometimes a ritually higher and also once a dominant land holding caste inform how they were referred to in humiliating terms by the lower caste because of their deprived status due to political change and government land legislations (Desai: 1984).

Earlier many castes hesitated to be called backward despite the poor economic conditions of its members. They feared that they would not be able to improve their social status by identifying themselves as backward. But this is not true any longer now, as the state provided certain privileges to backward castes. These castes have realized that they could improve their status by improving their economic conditions rather than by observing rituals followed by the upper castes to be called backward. The backward class is defined as follow by the bench of the Judges.

According to C.J.Chandarchud, two testes should be conjunctively applied for identifying backward classes: one, they should be comparable to the scheduled castes and scheduled tribes in the matter of their backwardness; and two, they should satisfy
the means test, that is to say, the test of economic backwardness, laid down by the state government in this context of the prevailing economic conditions. J. Desai was against ‘caste’ being regarded as a major determinant of backwardness. He argued, “If state patronage for preferred treatment accepts castes as the only insignia for determining social and educational backwardness, the danger looms large that this approach alone would legitimize and perpetuate caste system which contradicts secular principals and also run against Article 16 (2). Also, caste based reservation had been usurped by the economically well placed section in the same caste”. He further says that the only criterion which can be realistically divided is of economic backwardness” (Jain: 2003).

According to J. Chinnappa Reddy, “poverty, caste occupation and habitation are the principal factors contributing to social backwardness”. As regards caste, his view was that the caste system has the firm links with economic power and that, “caste is the primary index to social backwardness, so the social backwardness is often readily identifiable with reference to a person’s caste” (Jain: 2003).

Backward classes having been classified by the constitution itself as a class deserving special treatment and the constitution having itself specified the nature of special treatment, it should be presumed that no further classification or special treatment is permissible in their favour apart from or outside of clause (4) of Article (16)”. As regards identification of backward class, caste may be used as a criterion because caste often is a social class in India. But caste can’t be the sole criterion for reservation (Jain: 2003).

A backward class can’t be identified only and exclusively with reference to economic criterion. A backward may, however, be identified on the basis of occupation-cum-income without any reference of caste. There is no constitutional bar in the state categorizing the backward classes as “backward and more backward” (Jain: 2003).

OBC does not mean Shudra status. OBC is very flexible group and changes state to state. One community/ caste is OBC in one state and not in other state. Here are some examples. Banias are OBC in Bihar and not in other states and Rajputs are OBC in Karnataka and Gujarat but not in other states. Kurmies are OBC in Uttar Pardesh, Madhya Pardesh and Bihar but not in Gujarat (www.nationmaster.com).
(iii) Indian Constitution and Other Backward Classes:

In India, the National Constitution of 1950 or other Constitutional document provided two types of Safe-guards viz. general and specific. In the first category are those provisions that are equally enjoyed by the ST’s, SC’s, and OBC’s. The second category consists of provisions meant specifically for the protection of a particular class (www.sociologyguide.com).

(a) People’s right to “equality before the law” and “equal protection of laws”;
(b) Prohibition of discrimination against citizens on grounds of religion, race, caste, sex or place of birth;
(c) Authority of State to make “any special provision for the advancement of any socially and educationally backward classes of citizens;
(d) Citizen’s right to “equality of opportunity” in matters relating to employment or appointment to any office under the State – and prohibition in this regard of discrimination on grounds of religion, caste, race, sex or place of birth;
(e) Authority of State to make “any provisions for the Reservation of appointment or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State;

(iv) Commissions/Committees for Other Backward Classes:

The first Backward Commission was set up by a presidential order on January 29, 1953 under the chairmanship of Kaka Kalelkar to identify the OBCs.

(a) Kaka Kalelkar Commission:

Article 340 of the Constitution provides for appointment of a commission “…to investigate the conditions of socially and educationally backward classes within the territory of India and the difficulties under which they labour and to make recommendations as to the steps that should be taken by the Union or any State to remove such difficulties and to improve their conditions and as to the grants that should be made for the purpose by the Union or any State …” (Annual Report of NCBC: 2003 – 2004).

For identifying OBCs, the commission adopted the following criteria:-

1. Low social position in the traditional caste hierarchy of Hindu society.
2. Lack of general educational advancement among the major section of a caste or community.
3. Inadequate or no representation in Government Services.
4. Inadequate representation in the field of trade, commerce and industry.

There was considerable divergence of opinion among the members of the commission as to what should be the criteria of backwardness. However, the commission in its final report recommended ‘Caste’ as the criteria to determine backwardness. But this report was not accepted by the government as it feared that the backward classes excluded from the caste and the communities selected by the commission may not be considered and the really needy would be swamped by the multitude and would hardly receive special attention. Thus there was a need of a second backward class’s commission (Ramaiah: 1992).

Thus, caste was used as the sole criterion and unit for determining backwardness and for the classification of backward classes. The position of a caste as higher and lower or superior and inferior was made as the basis. No attempt was made to know the ‘backward individuals’ of a caste group. A caste as a whole was considered backward. The Commission believed that real social equality could be achieved in India only by eliminating caste distinction and social discrimination. The evil of caste system could be attacked only by taking caste into account. However, the other view is that individual and family should have been treated as the basis of backwardness (Sharma: 2007).

The Commission was aware of the fact that backwardness could be assessed by poverty, residence and occupation in addition to the criterion of caste. It was felt that those members of the backward classes, who had reached a certain level of economic and educational advancement, should be declassified. Individual and family would be the best units for judging backwardness because the criterion of caste was somewhat vague and was also against the principles of democracy as it further promoted caste and class distinctions (Sharma: 2007).

The Central Government rejected the recommendation of the Commission that Caste be the basis for identifying economic and educational backwardness. The Center asked the State Governments to conduct surveys to identify members of the backward classes, and then to extend them all reasonable facilities. In 1961, the Center
decided not to draw up any list of the OBCs. The States were advised to draw up their own lists using economic tests rather than going by caste. A number of States decided to use the criteria of occupation and income to classify backward groups (Sharma: 2007).

(b) Mandal Commission:

The Government of India appointed the second All India Backward Classes Commission on 1st January, 1979 popularly known as Mandal Commission under Article 340 of the Constitution to investigate the conditions of socially and educationally backward classes. The terms of this commission included determining the criteria for defining the socially and educationally backward classes; to recommended steps to be taken for the advancement of the socially and educationally backward classes of citizens so identified; to examine the desirability or otherwise of making provision for the reservation of appointments or posts in fever of such backward classes of citizens which are not adequately represented in public services and posts in connection with the affairs of the Union or any State. The commission submitted its report on 31st December, 1980 (Annual Report of NCBC: 2003 – 2004).

The commission evolved 11 ‘Indicators’ or ‘Criterions’ for determining social and educational Backwardness. These 11 indicators were grouped under 3 broad heads, i.e. Social, Educational and Economical. As a result, only 2052 Castes/Communities could be included in the Central list of OBCs at that time. Subsequently, Government of India also issued, on its own, Central list for 14 States/ UTs, namely, Andhra Pradesh, Assam, Bihar, Goa, Gujarat, Haryana, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Punjab, Tamil Nadu and Uttar Pradesh which came out with their respective States list after the Indira – Sawhney Judgment (Annual Report of NCBC: 2003 – 2004).

Steps Suggested by the Commission:–

The reservation of 27 per cent jobs be made for those who do not qualify on the basis of merit.

01. The reservation of 27 per cent be made for promotions at all levels.

02. The reserved quota, if unfilled, should be carried forward for a period of three years and de-reserved thereafter.
03. Age relaxation for the backward classes should be the same as it is in the case of the SCs and the STs.

04. A roster system should be prepared for the backward classes on the pattern of the one done for the SCs and STs.

05. The principal of reservation should be made applicable to all the public sector undertakings, bank, private undertakings, receiving grants from the Central and State Governments, universities and colleges.

06. The Government should make the necessary legal provisions for implementing these recommendations.

The Commission recommended the implementation of an intensive and time-bound programme for adult education, particularly for the backward classes, and the setting up of residential schools for the backward class students. The principal of the reservation of 27 per cent was suggested for seats in educational institutions as well as in jobs. Suggestions for the economic upliftment of the backward classes were also made by the Commission with a view to bring about structural changes in Indian society.

Social:

01. Castes/Classes considered as socially backward by others.

02. Castes/Classes which mainly depend on manual labour for their livelihood.

03. Castes/Classes where at least 25 per cent females and 10 per cent males above the state average get married at an age below 17 years in rural areas and at least 10 per cent females and 5 per cent males do so in urban areas

04. Castes/Classes where participation of females in work is at least 2 per cent above the state average.

Educational:

05. Castes/Classes where the number of children in the age group of 5-15 years who never attended schools is at least 25 per cent above the state average.

06. Castes/Classes where the rate of student drop-out in the age group of 5-15 years is at least 25 per cent above the state average.
07. Castes/Classes amongst whom the proportion of matriculates is at least 25 per cent below the state average.

Economic:

08. Castes/Classes where the average value of family assets is at least 25 per cent below the state average.

09. Castes/Classes where the number of families living in *kuccha* houses is at least 25 per cent above the state average.

10. Castes/Classes where the source of drinking water is beyond half a kilometer for more than 50 per cent of the households.

11. Castes/Classes where the number of households having taken consumption loans is at least 25 per cent above the state average.

Of these three groups, separate weightage was given to indicators of each group. A weightage of three points each was given to all the social indicators. Educational indicators were given two points each, and economic indicators were given one point each. In addition to social and educational, economic indicators were considered important as they directly flowed from social and educational backwardness mainly to highlight the fact that socially and educationally backward classes are economically backward also (Ramaiah: 1992).

It can be understood from the values given to each indicator that the total adds up to 22. All these 11 indicators were applied to all the castes covered by the survey for a particular state. All castes which had a score of 50 per cent (i.e. 11 points) or above while applying the said score were listed as socially and educationally backward and rest were treated as ‘advanced’ (Ramaiah: 1992).


In pursuance of the direction of the Supreme Court, the National Commission for Backward Classes Act, 1993 (Act. No. 27 of 1993) was enacted by Parliament and the National Commission for Backward Classes was set up by the Government of India. Sections 9 (1) of the Act provides that it shall “examine the requests for inclusion of any class of citizens as a backward class in the lists and hear complaints of over-
or under- Inclusion of any backward class in such lists and tender such advice to the Central Governments as it deems appropriate. Section 11 of the Act also provides for periodic revision of lists by the Central Government as under:-

The Central Government may at any time, and shall, at the expiration of ten years for the coming into force of this Act and every succeeding period of ten years thereafter, undertake revision of the lists with a view to excluding from such lists those classes who have ceased to be backward classes or for including in such lists new backward classes.

The Central Government shall while undertaking any revision referred to in subsection (1), consult the Commission.

The NCBC, after studying the criteria/indicators framed by the Mandal Commission and the Commission set up in the past by different State Governments and other relevant materials formulated the guidelines for considering requests for inclusion in the list of Other Backward Classes.

(d) State Backward Classes Commissions:

<table>
<thead>
<tr>
<th>Sr.No.</th>
<th>State</th>
<th>Year</th>
<th>Commission/Committee</th>
<th>Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Andhra Pradesh</td>
<td>1968</td>
<td>Manohar Parsad Commission</td>
<td>30 per cent Reservation in Government Services among four categories of OBCs</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>(a) Aboriginal tribes, Vimukta jaties, Nomadic and Semi-nomadic tribes (7 per cent),</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>(b) Vocational groups (13 per cent), (c) Harijan Converts (1 per cent) and other classes (9 per cent).</td>
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<td></td>
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<td></td>
<td></td>
<td>Government reduced it to 25 per cent.</td>
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<tr>
<td>2</td>
<td>Bihar</td>
<td>1951</td>
<td>Government of Bihar</td>
<td>A list of 109 castes</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Veerapa Committee</td>
<td>25 per cent Reservation</td>
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<td></td>
<td></td>
<td>1982</td>
<td>Murlidhar Rao Commission</td>
<td>44 per cent Reservation</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Year</th>
<th>State</th>
<th>Commission</th>
<th>Proposed Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>1971</td>
<td>Gujarat</td>
<td>Mungerilal Commission</td>
<td>24 per cent seats in Medical and other professional institutions, 26 per cent in the Government and semi-Government jobs.</td>
</tr>
<tr>
<td>1978</td>
<td>Karpoori Thakur</td>
<td></td>
<td>20 per cent Reservation in Government Services</td>
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<tr>
<td>1994</td>
<td>U.N. Sinha</td>
<td></td>
<td>Not accepted</td>
</tr>
<tr>
<td>3</td>
<td></td>
<td>Bakshi Commission</td>
<td>82 castes identified, 10 per cent Reservation in Medical/Engineering and other Professional Institutions/Trg. cum Production Centers. 10 per cent reservation in Class 3rd and 4th posts and 5 per cent in Class 1st and 2nd posts.</td>
</tr>
<tr>
<td>1981</td>
<td>C.V. Rane Commission</td>
<td></td>
<td>28 per cent Reservation in posts and seats</td>
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<tr>
<td>1987</td>
<td>R.C. Mankad</td>
<td></td>
<td>Report not submitted</td>
</tr>
<tr>
<td>4</td>
<td>Haryana</td>
<td>Gurnam Singh Commission</td>
<td>27 per cent Reservation in Government Services.</td>
</tr>
<tr>
<td>5</td>
<td>Himachal Pradesh</td>
<td>Government of H.P.</td>
<td>Followed the list of OBCs declared by erstwhile State Punjab.</td>
</tr>
<tr>
<td>1970</td>
<td>Government of H.P.</td>
<td></td>
<td>Economic criteria</td>
</tr>
<tr>
<td>1993</td>
<td>Government of H.P.</td>
<td></td>
<td>20 per cent for OBCs.</td>
</tr>
<tr>
<td>6</td>
<td>Jammu and Kashmir</td>
<td>Gajendragadkar Commission</td>
<td>Recommended for high powered Committee to identify Castes and Communities.</td>
</tr>
<tr>
<td>1969</td>
<td>J.N. Wazir Committee</td>
<td></td>
<td>42 per cent Reservation for OBCs.</td>
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<tr>
<td>1976</td>
<td>A.S. Anand Committee</td>
<td></td>
<td>42 per cent of Government jobs and seats in technical institutions and in other institutions.</td>
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<tr>
<td>7</td>
<td>Karnataka</td>
<td>Sir L.C. Miller Committee</td>
<td>Special facilities to backward communities</td>
</tr>
<tr>
<td>Year</td>
<td>Location</td>
<td>Commission</td>
<td>Recommendation</td>
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<tr>
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</tr>
<tr>
<td>1961</td>
<td>Kerala</td>
<td>Vishwanathan</td>
<td>40 per cent of seats in technical and professional Colleges and direct recruitment of services of Government of Kerala restricted to 25 per cent.</td>
</tr>
<tr>
<td>1965</td>
<td>Kerala</td>
<td>G.P. Kumara Pillai</td>
<td>40 per cent Reservation for OBCs in Government jobs</td>
</tr>
<tr>
<td>1970</td>
<td>Kerala</td>
<td>M.P. Damodaran</td>
<td>40 per cent Reservation in Government Services for OBCs and further distributed among different communities.</td>
</tr>
<tr>
<td>1980</td>
<td>Madhya Pradesh</td>
<td>Ramjee Mahajan</td>
<td>Recommended for 35 per cent reservation for OBCs in educational institutions and in Government Services.</td>
</tr>
<tr>
<td>1984</td>
<td>Madhya Pradesh</td>
<td>Government of M.P.</td>
<td>25 per cent Reservation for OBCs</td>
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<tr>
<td>1961</td>
<td>Maharashtra</td>
<td>Deshmukh Committee</td>
<td>10 per cent Reservation for OBCs</td>
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<tr>
<td>1951</td>
<td>Punjab</td>
<td>Committee</td>
<td>2 per cent Reservation for OBCs</td>
</tr>
<tr>
<td>1965</td>
<td>Punjab</td>
<td>Brish Bhan Committee</td>
<td>5 per cent Reservation for OBCs</td>
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<tr>
<td>Year</td>
<td>State</td>
<td>Commission</td>
<td>Action</td>
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</tr>
<tr>
<td>1975</td>
<td>Tamil Nadu</td>
<td>Harcharan Singh Commission</td>
<td>15 per cent Reservation for OBCs in educational institutions and Government Services.</td>
</tr>
<tr>
<td>1885</td>
<td>Tamil Nadu</td>
<td>Provincial Government</td>
<td>Grant-in-aid Code 1885 to regulate financial aid to educational institutions.</td>
</tr>
<tr>
<td>1927</td>
<td>Madras Presidency</td>
<td>15 per cent Reservation for OBCs.</td>
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<tr>
<td>1969</td>
<td>A.N. Sattanathan Commission</td>
<td>17 per cent Reservation for Backward Classes and 16 per cent Reservation for Most Backward Classes.</td>
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</tr>
<tr>
<td>1982</td>
<td>J.A. Ambashankar Commission</td>
<td>50 per cent Reservation for OBCs in Government Services.</td>
<td></td>
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<tr>
<td>1975</td>
<td>Uttar Pradesh</td>
<td>Chedi Lal Shethi Commission</td>
<td>15 per cent Reservation for OBCs in Government Services, technical and professional seats.</td>
</tr>
</tbody>
</table>

*Source: Mathur (2004).*

An observation of Backward Class Commission/Committees, the steps taken by various State Governments, the report of Commissions and Committees clearly reflect many significant points. There has been common realization that the society can’t advance by backwardness of any section of the society. Economically, socially and morally, the upliftment of backward families, irrespective of castes, is the demand of the existing social and economic situation. It is most unfortunate that till now no uniform criteria have been evolved which may be acceptable to the whole society. There is difference in the opinion between State and the Central Governments, among the various States, between the Commissions and Committees, and between one individual and other (Singh: 1996). Thus, we can say that unless a well acceptable criterion to identifying OBCs, the society can’t have balanced growth. Wide differences amongst Commissions on criteria of backwardness, Reservation Policy,
Quota of Reservation and other concessions have become subject of debate. This has resulted into caste war and community war.

(v) Backward Classes in Haryana:
There are discrepancies in proportion of OBC population data at national level as well as state level, because no systematic study was conducted for the counting of OBCs under the census survey. Some data are collected by NSSO and NFHS. According to NSSO’s 62nd round, the proportion of OBC’s in the Haryana population is 24.41 per cent and NFHS shows 22.98 per cent (NSSO 62nd Round: 2008).

(a) First Backward Classes Commission:
The Central Government had not acted on the recommendations of Kalelkar Commission (1955) but had implemented Mandal Commission (1980) recommendation for the 27 per cent Reservation for Other Backward Classes. In 1969, the Government of Haryana published a list of Backward Classes without a formal inquiry into their economic backwardness and social status. The Government of Haryana had not adopted any specific criteria to classify the people of the State before 1987 as Backward. However the basis of their economic backwardness and social status of occupation, certain classes of people have been declared as backward.

The State Government have constituted Backward Class Commissions and prepared the list of their own criteria. In 1990, anti-Mandal agitation was very strong in all parts. Jats, the dominant caste of Haryana, were demanding their inclusion in the list of OBCs. In early 1991, the first Commission of Haryana was set up in (1991) for Backward Classes with the Chairmanship of Sh.Gurnam Singh. The Commission submitted its report in 1991 itself in which the most numerous and dominant castes were included in Backward Classes. These are Ahir, Gurjar, Meo and Saini. The Commission recommended 27 per cent Reservation in Government Services.

The recommendations of Gurnam Singh Commission were accepted by the Haryana Government. The matter went to Hon'ble Supreme Court as the report of the Commission was challenged. However, it appears that a settlement took place out of
Court and the Government agreed not to take any action on Gurnam Singh’s Report. Accordingly, the writ petition was dismissed as withdrawn.

(b) Second Backward Classes Commission:

Thereafter by notification dated 12.10.1993, Haryana Government set up Haryana Second Backward Classes Commission with the Chairmanship of Des Raj Kamboj, who made the following recommendations:—

The Commission, in accordance with the accepted methodology, has considered the representations for inclusion of only those caste communities which stand in the list of Backward Classes of Haryana in Markanda Commission Report, which are as follows:—

“1. Ahir/Yadav

It is estimated that the population of Ahir/Yadav to the total population of Haryana is more than 5 per cent. A major chunk of their population resides in the Southern part of Haryana. This part of the State is dry and dusty and lacks in irrigation facilities, so the income of the people of all the southern part is very less. Ahirs/Yadavs are generally petty farmers and cattle breeders. So they are economically poor. They are also educationally and socially backward. So the Commission recommends their inclusion.

2. Gujjar

Gujjar's percentage in population is about 2.5 per cent. They reside either in the hilly tract or in the Southern tract of Haryana and hence they are poor. They are educationally and socially backward. They are also inadequately represented in State Service. So the Commission recommends their inclusion.

3. Lodh/Lodha

Lodh/Lodha community is only a small community which is generally residing in districts of Ambala, Karnal, Kurukshtra, Panipat and Sonepat. They are mostly landless farmers and petty shop keepers. They are inadequately represented in services. They are socially and educationally backward. So the Commission recommends their inclusion.

4. Saini
The Saini's population comes at about .5 per cent of the total population. They reside in and around cities and their land has either been acquired by Government agencies or purchased by private colonizers. So, now a days, they work on small fields or engaged in cultivation of green fodder/vegetables. They are educationally and socially backward. They are inadequately represented in the services. So the Commission recommends their inclusion.

5. The Commission has collected population figures of the Backward Classes of the existing list of Haryana Government which is 15.04 per cent of the total population (Annexure N). The Commission feels that this figure is less than the actual figure. Population figures of Backward Classes have already been appearing in the newspaper and magazines at the time of elections. These figures also appeared in some books. From all the three sources, the figure comes at a higher percentage. The Commission also feels that Keshdharis in Kamboj, Kumhar, Rai Sikh are generally included in the Sikhs and also the Mohammedan Kumhar, Teli, Dhobi, Chhipi, Lohar, Lakhera, Nai are also generally counted in Muslims. A criterion for a person to belong to Backward Caste is his caste and not religion. So in the opinion of the Commission, the population of the present Backward Classes comes more than 19 per cent and the percentage of the newly recommended castes/communities more than 10 per cent. The total of the present and the new castes population becomes more than 29 per cent. The Commission recommends that reservations in jobs and services for Backward Classes be raised to 27 per cent and also the same percentage in admission to various educational, vocational and technical courses.

6. The Commission is of the view that the sentiments of the present Backward Classes of Haryana Government be included in the new list as Block 'A' numbering 67, whereas the new inclusions be added in the new list as Block 'B' numbering 4. The Commission feels that to safeguard the interest of both the groups, percentage of reservations be earmarked separately. Hence the Commission recommends that out of 27 per cent reservation, 19 per cent should be earmarked for the castes which are in the Block 'A' and 8 per cent for the castes which are in Block 'B'.

7. The Commission recommends to the State Government that it should approach the Central Government for inclusion of the newly recommended castes/communities in the Central list of Other Backward Classes for the purpose of
reservations in jobs and services and admissions in various educational, vocational and technical courses.

8. The Commission also recommends that some synonymous names, which do not stand in the present list of Haryana Government should be added along with their respective castes which are enlisted.

On the basis of recommendations of Haryana Second Backward Classes Commission and other considerations, Bhajan Lal Government notified Ahir/Yadav, Meo, Saini, Gujjar and Lodh/Lodha communities as backward Classes and gave 11 per cent reservation to them, while giving 16 per cent reservation to OBC to 71 castes/communities mentioned in Block A. 10 per cent reservation was given in Class I and Class II Services.

(c) Third Backward Classes Commission:

Haryana's third backward class commission was constituted in 2011, with the headship of Justice K.C. Gupta to consider the legitimacy of the claim to reservations of various segments of society such as Jats, Jat Sikhs, Tyagis, Rors and Bishnois.

Accordingly Jat, Jat Sikh, Bishnoi, Ror and Tyagi are recommended to be included in the list of Other Backward Classes (or may be termed as Special Backward Classes). These classes of citizens are being recommended to be treated as Other Backward Classes (Special Backward Classes) so, as to distinctively identify the said classes and not to merge them amongst the classes of citizens that have been held to be backward. Since, these classes cumulatively constitute more than 30 per cent of the total population of Haryana i.e 31.39 per cent, as such they covered a large segment of population so, and appropriate remedial measures for the advancement of the said classes of citizens can be effectively implemented if they do not get merged with the Backward Classes already identified by the State.

Now the question arises as to whether reservation can exceed 50 per cent or not. Even though the Hon'ble Supreme Court had in the matter of Indira Sawhney and others versus Union of India and others, reported as AIR 1993 SC 457 held that reservation should ordinarily be restricted till 50 per cent, however, the Hon'ble Supreme Court observed in Para 94A that while 50 per cent shall be the rule, it is necessary not to put out of consideration certain extraordinary situations inherent in the great diversity of
this country and the people. It might happen that in far-flung and remote areas the population inhabiting those areas might, on account of their being out of the main stream of national life and in view of conditions peculiar to and characteristically to them, need to be treated in a different way, some relaxation in this strict rule may become imperative. In doing so, extreme caution is to be exercised and a special case made out.

The Hon'ble Supreme Court has thus kept the question open and the reservation can under circumstances be permitted to exceed 50 per cent once a special case is made out. Since on the recommendation for the aforesaid classes as Other Backward Classes (Special backward Classes) the protection of reservation and advancement shall be extended to additional 31.39 per cent of the population, exceptional circumstances are made out as the benefits have to be extended to a large segment of population. Already the reservation in the States of Karnataka and Andhra Pradesh is beyond 50 per cent.

Since, the Commission would not like to crowd the existing backward classes by adding such sizable population which fall in the classes now being recommended for inclusion as Other Backward Classes (Special Backward Classes), as such the Commission is of the opinion that the aforesaid communities be granted reservation without touching the reservation granted to the communities which are already availing the protection of law. The other reason for arriving at the said conclusion also arises from the fact that the Commission has not recorded any finding as regards the over-inclusion of any community under the list of backward classes already notified by the Government of Haryana. No study has been carried out to denotify any of the communities from the already notified list of backward classes. It is thus correct to assume that the said communities shall retain the character of being socially and educationally backward and are entitled to continue to derive the benefit which has already been extended to them. The percentage of reservation recommended for the said communities was on the basis of the facts that still exist and as such the inclusion of additional communities in the said list would amount to denial of the benefits to the said communities. It is also worthwhile to point out that the communities now being recommended constitute 31.39 per cent of the population of the State of Haryana. The inclusion of an additional nearly 1/3rd of the population in the already existing population within the quota of 27 per cent would amount to denial of protection and
there can be no justification for providing a meager 27 per cent reservation to such a large segment of population. The objectivity behind providing reservation and the percentage of reservation cannot be made redundant and has to meaningful and on the basis of objective assessment of the overall scenario. It is thus proposed that the aforesaid communities be notified as Other Backward Classes (Special Backward Classes) and 10 per cent reservation be provided to the said communities without disturbing the existing scheme of reservation which provides 27 per cent reservation for the Backward Classes. The reservation for the communities shall be mutually exclusive and the communities recommended now shall not claim benefit of reservation in the 27 per cent reservation that has already been granted to the backward classes and vice versa. Hence there will not be any constitutional embargo if the reservation exceeds 50 per cent.

Therefore, the Commission recommends that 10 per cent reservation in the State services to the five castes namely Jat, Jat Sikh, Bishnoi, Ror and Tyagi known as Other Backward Classes (Special Backward Classes) beyond 27 per cent be provided.

The creamy layer i.e. socially advanced persons/sections are to be excluded from the purview of reservation for Other Backward Classes (Special Backward Classes) of the communities of Jat, Jat Sikh, Tyagi, Ror and Bishnoi as per letter of Haryana Government No.1170-SW(1)-95 dated 07.06.1995 read with letter No.213-SW(1)-2010 dated 31.8.2010. The exclusion must be strictly enforced as the persons belonging to the higher strata of Other Backward Classes may not be getting all the benefits denying the lower strata their due benefits.

The Commission further recommends as under:

(i) The State Government may notify the above communities of Jat, Jat Sikh, Bishnoi, Ror and Tyagi as Other Backward Classes (Special Backward Classes) and provide 10 per cent reservation to the said communities in exclusion to the communities already notified as Backward Classes. The said communities shall not be included in the 27 per cent reservation provided to the Backward Classes and shall not claim any share in the existing reservation for the Backward Classes. So, the reservation shall be mutually exclusive.
(ii) The State Government is also to effect reservation in Government Undertakings and Local Bodies as well as educational institutions to the Other Backward Classes (Special Backward Classes).

(iii) Efforts be made to rehabilitate village artisan belonging to Other Backward Classes by offering financial assistance for purchase of modern machinery to earn their livelihood.

(iv) Special programme be initiated for upgrading the skills of village artisans.

(v) The Other Backward Classes (Special Backward Classes) may be encouraged and helped to set up small scale industries in rural areas, so, that they could earn their livelihood and further there may not be pressure on the urban areas and also on getting government jobs.

(vi) The State Government may recommend to the Government of India that as the representation of Backward Classes in All India Services etc is even lower than that in the State services and is quite inadequate, so, the Government of India may also include Jat, Jat Sikh, Bishnoi, Ror and Tyagi in the Central List of Haryana State maintained for this purpose, so that they can also get benefit of reservation etc. in the Central jobs of India.

(vii) It must be ensured while granting reservations that the benefits percolate down below to the really deserving members of the Other Backward Classes. At present, the benefit of reservation does not percolate down to the needy persons of Backward Classes but the same are being pocketed by those persons of the backward classes who are prosperous even more than general classes people, it should be ensured that once a member of a family of Other Backward Classes (Special Backward Classes) gets benefit of job reservation and comes to a certain level then his descendants will not get benefit of reservation, so, as to make space for other needy persons of Other Backward Classes.

(viii) There is a general impression that standard of education in the government schools in rural areas is much lower as compared to private/convent schools. Since, most of the populations of farming community reside in villages where there are only government schools, so the government should make special efforts by
providing special budget to increase the efficiency of the government schools and recruit the teachers having good qualifications for imparting education.

(ix) Special provision be made for study of bright Other Backward Classes students in Public or Convent Schools free of cost.

On the basis of above given recommendations State Government notify the communities of Jat, Jat Sikh, Bishnoi, Ror and Tyagi as Special Backward Classes and provide 10 per cent reservation in the jobs of class III and class IV and 4 per cent in the jobs of class I and II to these communities in exclusion to the communities already notified as Backward Classes. The State Government also provides the reservation to Economically Backward Peoples of General category (EBPGC) as given to the Special Backward Classes \( \frac{(10\% + 4\%)}{3 - 4, \& 1 - 2\%} \) is also implemented in Government Undertakings and Local Bodies as well as educational institutions. The State Government also recommend to the Government of India that as the representation of Backward Classes in All India Services etc is even lower than that in the State services and is quite inadequate, so, the Government of India may also include Jat, Jat Sikh, Bishnoi, Ror and Tyagi in the Central List of Haryana State maintained for this purpose, so that they can also get benefit of reservation etc. in the Central jobs of India.

**Proportion of OBCs**

National Sample Survey Organization (NSSO) survey has claimed that backward castes form 41 per cent of the country's total population. The NSSO survey has registered a high growth of 6.5 per cent in Other Backward Class numbers. The average rural and urban population was quoted at 34.5 per cent in its 55th round survey in 1999-2000 as against 41 per cent in the 61st round for 2004-05. The NSSO survey has quoted OBC figures at 43 per cent and 36 per cent in rural and urban areas. The proportion of persons belonging to the categories ST, SC and OBC in rural areas is 10 per cent, 21 per cent and 43 per cent respectively, while in urban areas, the ST population is about 3 per cent, SC is 15 per cent and OBC is 36 per cent. The number of OBCs per 1,000 people has increased from 358 in 1999-2000 to 411 in 2004-05. While SCs remains stable at 196, STs Shows a slight decrease from 89 in 1999-2000 to 55.
84 during 2004-05. The others show a decline from 307 in 1999-2000 to 255 in 2004-05. In urban areas, too, OBCs have shown an increase from 314 to 360. The SCs have also increased from 146 to 150 while STs have decreased from 39 to 30 (The Times of India, 2006).

According to National Sample Survey Organization (2001) the total population of India is 1027015247 Crore and population of Haryana is 21082989. Total population of OBC’s in India is 35.54 per cent and in Haryana 24.15 per cent. 1.40 per cent OBCs of India lived in and out of total population of Haryana State 24.15 per cent are OBCs (realitycheck.wordpress.com).

The Mandal Commission formulated its indicators to identify the Other Backward Classes (OBCs) among Hindus. The Commission identified 3,743 castes as Other Backward Classes (OBCs) and 2,108 as Depresses Backward Classes (DBCs) that is inadequately represented in Government services and posts in connection with the affairs of the Union or any State. The Commission submitted its report on December 1980s. The Commission estimated that 52 per cent of total population of India, came under Other Backward Classes (OBCs), The Commission recommended 52 per cent reservation for OBCs in proportion to their population.

Table-2.1
Profile of poverty within different Caste and communities:

<table>
<thead>
<tr>
<th>Caste and Community Groups</th>
<th>Rural</th>
<th>Urban</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scheduled Tribes</td>
<td>45.8</td>
<td>35.6</td>
</tr>
<tr>
<td>Scheduled Castes</td>
<td>35.9</td>
<td>38.3</td>
</tr>
<tr>
<td>Other Backward Castes</td>
<td>27.0</td>
<td>29.5</td>
</tr>
<tr>
<td>Muslims Upper Castes</td>
<td>26.8</td>
<td>34.2</td>
</tr>
<tr>
<td>Hindu Upper Castes</td>
<td>11.7</td>
<td>09.9</td>
</tr>
<tr>
<td>Christian Upper Castes</td>
<td>09.6</td>
<td>05.4</td>
</tr>
<tr>
<td></td>
<td>Below poverty line (Rs.)</td>
<td>NSSO Below poverty line</td>
</tr>
<tr>
<td>--------------------------</td>
<td>--------------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>Upper Caste Sikhs</td>
<td>00.0</td>
<td>04.9</td>
</tr>
<tr>
<td>Other Upper Castes</td>
<td>16.0</td>
<td>02.7</td>
</tr>
<tr>
<td>All Groups</td>
<td>27.0</td>
<td>23.4</td>
</tr>
</tbody>
</table>

**Note:** NSSO = National Sample Survey Organization

**Below poverty line** – A Person who spends below Rs.327 in Rural Areas and Rs. 454 in Urban areas Per Month Rs. 40 = 1$

**Upper Castes** Include all Castes that are not either SC/ST or OBC.

**Scheduled Cases** – SC a term used officially by Indian Constitution – currently terms like *dalits*, in used by people from these caste groups, Gandhi used *Harijans*.

**Scheduled Tribes** – ST a term used officially by the Indian Constitution – to refer to people of various Indigenous people in India also called *Advasi*.

**Other Backward Castes** – OBC the term used under Mandal Commission report, to refer to caste groups that are also lower strata of Indian society.

*Source: Sachar Committee Report (2006)*

So, the above given figure shows that there is a majority of OBC population. Most part of OBC’s are living below the poverty line, so the Constitution of India gave them some opportunities for their upliftment.

**Summary:** In the end, we can say that other backward classes is a group of castes which are different from the scheduled caste or the scheduled tribes. The notion of untouchability was attached with SCs and STs but not with the backward classes. All these three groups were exploited by the upper castes. After independence, the government of India look towards the inhuman conditions of these groups and made certain of provisions for their upgradation. For the identification of the backward classes various commissions and committees were constituted. Earlier many castes hesitated to be called backward despite the poor economic conditions of its members. They feared that they would not be able to improve their social status by identifying themselves as backward but in the modern India forward castes also trying to be called backwards because they want to that the benefits of backward classes like reservation in educational institution and government jobs.
In the independent India, first commission was constituted in 1953 under the chairmanship of Kaka Kalelkar to identify the OBCs. But the recommendations of this commission were not accepted by the central government. In 1979, second commission was constituted under the chairmanship of B.P. Mandal. The commission identified some groups as socio-economic and educational backwards and recommends reservation for them in educational institutions and government jobs. After that many commissions and committees were constituted by the State governments to know the socio-economic conditions of these communities and made provisions for them. In 1993, a permanent commission (National Commission for Backward Classes) was set up by the central government for the inclusion and exclusion of the backward classes.