CHAPTER- IV

BACKWARD CLASS COMMISSIONS - AND MODALITIES FOR IMPLEMENTION

The terms "Socially and Educationally Backward Classes" as used in Article 15(4) and Backward Classes of citizens used in Article 16(4) have not been defined in the constitution. Therefore, it is necessary to know the criteria or units and factors which have to be taken into consideration to determine the "Socially and Educationally Backward Classes" of citizens for the effective utilisation of Article 15(4) depends much upon the clear determination of the said classes of citizens for whose benefit and uplift it has been incorporated into the constitution.

The President of India has the power under Article 340 of the Constitution to appoint a commission to investigate the conditions of Backward Classes and make recommendations to improve their conditions. The Commissions appointed by the President under Article 340 have to first identify the Backward Classes and then they have to investigate the conditions of Backward Classes. The identification of the Backward Classes poses a problem to the commission in applying the relevant criteria for designation of the classes as backward. The member of commissions appointed by the President under Article 340 and the States under the commissions of Enquiry Act, 1952 have adopted varied criterion for the identification of
the Socially and Educationally Backward Classes. A perusal of the reports submitted by the various commissions clearly indicates lack of consensus among the members of the commissions as to the criteria to be applied for the identification of Socially and Educationally Backward Classes. It is necessary to review briefly the reports of the commissions for a proper understanding of the criterion to be followed for the identification of the consumers of the fruits of the protective discrimination.

1.1. **Backward Class Commissions and Their Views;**

1.1.1. **Kaka Saheb Kalelkar Commission**

In 1953, the President of India acting under Article 340(1) of the Constitution, appointed a Backward Classes Commission under the Chairmanship of Kaka Saheb Kalelkar. The Commission was asked among others (1) to determine the criteria to be adopted in considering whether any sections of the people of India should be treated as socially 'and educationally Backward Classes, (2) to prepare a list of such classes for the whole of India in accordance with such criteria and (3) to examine the difficulties of such Backward Classes and to recommend steps to be taken for the amelioration of their condition. In its report submitted in 1955, the Commission observed that, besides the Scheduled Castes and Scheduled Tribes, there were other communities, castes or social groups which were also socially and educationally backward. In this connection, it interpreted the term
"socially and educationally backward classes as relating primarily to social hierarchy based on Caste" and said that such an interpretation is not only correct but inevitable and no other interpretation "is possible".¹

Then by way of explanation the Commission made it clear that the members of the Commission were not less anxious to eradicate the evils of the caste system nor they were desirous of perpetuating a system which was operating to the determent of common nationhood. They tried to avoid caste but they found it difficult to ignore caste in the present prevailing conditions. They wished that it were easy to dissociate caste from social backwardness at the present juncture.² Despite the articulated wish of the Commission to avoid the evils of the caste system, it used "Classes" synonymously with "Castes" and "Communities" and prepared the lists of the Backward Classes by taking "Caste as Units"². Incongruity of making "Caste" as a criterion for determining the social backwardness of communities was actually felt by one member of the Commission, P.G. Shah, who said that "if I had a freehand, I would have made economic backwardness the most important criterion for determination of Social Backwardness of Communities and collected more definite data about it".

It is therefore, not surprising that the Government of India rejected the tests of criteria prescribed by the Commission for determining social and educational backwardness of people. While rejecting the castes, the Government of India stated that the views of the Commission were vague and wide to be of much practical use. Thereafter, the Government of India directed the Deputy Registrar General, Government of India, to conduct a pilot survey and prepare a list of socially and educationally Backward Classes on the basis of "Occupations". But the Deputy Registrar General said in his report that it was impossible to draw any precise and complete list of "Occupation", the members of which could be treated as socially backward\textsuperscript{1}.

Since the two commissions failed to suggest satisfactory criteria for determining the social and economic backwardness, the State Governments were authorised to render assistance, until the determination of more satisfactory tests, to those classes of backward people whom the State Government might consider "Socially and Educationally Backward" in the existing circumstances\textsuperscript{2}. Consequently some of the states appointed Commissions for the purpose of determining tests to ascertain the social and educational Backward Classes of people in the State who deserve special treatment.

\footnotesize

\begin{itemize}
  \item 1. Ibid., P.41.
  \item 2. Radhakrishna N., "Units of Social, Economic and Educational Backwardness; Castes and Individual", J.I.L.I.(1965) at PP.263-265.
\end{itemize}
Kalelkar Commission formulated the following criteria for identifying socially and educationally Backward Classes.

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 service.
4. Inadequate representation in the field of trade, commerce and industry.

Applying the above criteria the Commission prepared a list of 2399 Backward Castes for the entire country and 837 of these were classified as 'most backward'. After drawing a list of socially and educationally Backward Classes the Commission made the following recommendations:

2. Relating social Backwardness of a class to its low position in the traditional caste hierarchy of Hindu society.
3. Treating all women as a class as "backward"
4. Reserxvation of 70 per cent of seats in all technical and professional institutions for qualified students of Backward Classes.
(5) Minimum reservation of vacancies in all Government services and local bodies for other Backward Classes on the following scale:

<table>
<thead>
<tr>
<th>Class</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class I</td>
<td>25%</td>
</tr>
<tr>
<td>Class II</td>
<td>33.1/3%</td>
</tr>
<tr>
<td>Class III &amp; IV</td>
<td>40%</td>
</tr>
</tbody>
</table>

It is important to note that the Commission could not present an unanimous report. In fact five of its members recorded minutes of dissent. They opposed linking of caste with backwardness. They were also opposed to the reservation of posts on the basis of caste. Even the Chairman of the Commission Sri Kaka Kalelkar opposed the acceptance of caste as the basis for backwardness.

The Union Government in its memorandum of action placed before the Parliament along with a copy of the report for backwardness. It was stated in the Memorandum: "It cannot be denied that the caste system is the greatest hindrance in the way of our progress towards an egalitarian society, and the recognition of the specified castes as backward may serve to maintain and even perpetuate the existing distinctions on the basis of caste". In view of the shortcomings in the report the Union Government considered it necessary that "some positive and workable criteria should be devised for the specification of the socially and educationally Backward Classes", and to undertake further
investigations" so that deficiencies that have been noticed in the findings of the Commission are made good..."

The Central Government ultimately took a decision that no all India lists of Backward Classes should be drawn up, nor any reservation made in the Central Government service for any group of Backward Classes other than the Scheduled Castes and Scheduled Tribes. Consequently, on August 14th, 1961, the Ministry of Home Affairs addressed all the State Governments stating, "while the State Governments have the discretion to choose their own criteria for defining backwardness, in the view of the Government of India it would be better to apply economic tests than to go by caste", Regarding the preparation of lists of Backward Classes it was observed: "Even if the Central Government were to specify under Article 338 (3) certain groups of people as belonging to other Backward Classes, it will be still open to every State Government to draw up its own lists for the purposes of Articles 15 and 16. As therefore, the State Governments may adhere to their lists, any all-India list drawn up by the Central Government would have no practical utility".

1.1.2. Kumara Pillai Commission;

The Government of Kerala appointed in 1964 a Commission under the Chairmanship of G. Kumara Pillai to determine sections of the people in the State, who should be treated as socially and educationally backward
for the purpose of special treatment by way of reservation of seats in educational institutions. In fact, constitution of this Commission was influenced by the Report of 1963 submitted by an Evaluation Committee appointed under the Chairmanship of V.K. Vishwanathan. It suggested appointment of an expert committee to go into the question of re-classification of Backward Classes. The Commission submitted its Report in 1966. It has recommended that only those who are members of families with an aggregate annual income of Rs.4,200/- and belonging to the castes and communities listed by it, should be considered socially and educationally Backward Classes for purposes of Article 15(4)' of the Constitution. It classified 91 communities as "Backward". The castes and communities listed by the Commission are EZHAVAS, Muslims, LatinCatholics (other than Anglo-Indians) Backward Christians including converts to Christianity from Scheduled Castes and other Backward Hindus.

The Kumar Pillai Commission did not accept the idea of determining social and educational backwardness of people solely on the basis of occupation of economic test, for it felt that "in the present circumstances of the State, a wholesale classification of all persons below a certain economic level as Socially backward is not justified. Social backwardness, though to a considerable extent depends on economic factors depends also to a large extent in this state on popular conceptions of the status of the caste or community". The Commission therefore recommended a means-cum-caste or community test, or what was described as a "blended
Which took into consideration both economic factors and caste or community, for determination of socially and educationally Backward Classes in the State.

1.1.3. **Damodaran Commission:**

In 1967, the Government of Kerala appointed a Commission under the Chairmanship of Shri Nettur. P. Damodaran to study and Recommend, inter alia, factors which should be taken into consideration to decide backwardness of citizens. In its report submitted in 1970, the Commission has identified four main factors, which according to it, lead to backwardness of citizens. They are (1) lack of requisite educational attainment (test of education), (2) lack of money or wealth (economic test), (3) lack of liability to appropriate adequate number of appointments (Test of appropriation of appointments), and (4) caste disability, occupational stigma and social taboos acting as depressants in the field of education. As far as the caste factor or test is concerned, the Damodaran Commission has unequivocally declared "We should approach this problem with dispassionate and open mind of a reformist also. 'Caste disabilities' should not either be exaggerated and perpetuated, or be whittled down with a motive ____________________________


2. Ibid.,
behind. We therefore, suggest that caste should not be the sole or dominant test, but the social and educational backwardness, if any, arising from the practice of caste in the past, and from the pranks of vestiges of caste, if any, in the present, should be taken care of in the test of 'Social' backwardness due to historical reasons'.

Finally, the Commission has recommended that "only citizens who are members of families each which has an aggregate annual income, that is to say, income of all members in the family from all sources taken together, of Rs.8000/- and below (Rupees Eight Thousand and below) and which belong to any one of the groups of citizens marked i to xii in Appendix xi, will constitute the Backward Classes belonging to the respective groups,...... The term 'family' means and applicant, his her spouse, if any, and the applicant's parents if the applicant is residing with and or dependent on them".

As is evident from the report and recommendations, the Damodaran Commission rejected the caste and adopted the "blended approach" to determine the social and educational backwardness of

2. Ibid., P.73.
the citizens. Besides, by prescribing a family based income and defining the term "family" the Commission not only tried to thwart attempts by a few well-placed families in each group to corner all the benefits of reservations but also helped to percolate the benefits of reservations to the bottom in each group. In Appendix xi of the Report, the Commission has identified twelve groups of citizens as Backward classes. ¹

1.1.4. Sattanathan Commission:

In 1969, the Tamil Nadu Government constituted a Backward Classes Commission under the Chairmanship of A.N. Sattanathan. The object of the Commission was
1. To review the measures taken by the State Government for the welfare of "Backward Classes" and the betterment of their conditions,
2. To assess the effectiveness of such measures in improving the Conditions of Backward Classes particularly in matters relating to education,
3. To examine and assess with reference to concessions, privileges and benefits given to them and the improvements in the conditions of the "most Backward Classes" in education and other matters and To make

¹, Ibid., P.141.
recommendations as to the further steps that should be taken by the State Government to improve the conditions of the Backward Classes in professional colleges and Institutions of higher learning.¹ The State Government classified the Backward Classes of people into two categories, the "Backward Classes" and the "most Backward Classes", and prepared two lists accordingly. Naturally, therefore, the Government instructed the Commission to assess the progress made by each class, particularly status in three spheres education, economic and employment in Government Service. The Commission in its report submitted in 1970 has drawn attention to the fact that various classes of people who are ordinarily considered to be forward and a "small minor groups" which did not find a place in the list of Backward Classes even though some of them appeared to be more or less on the same level of backwardness to be included in the Backward Classes list to get the benefit given to the underprivileged. It has also pointed out that most of the caste representatives urged 'before the Commission for the inclusion of their castes in the Scheduled Castes list as their lot in every respect was as bad as that of any Scheduled Caste. Secondly, the Commission prepared a caste-based questionnaire and sent them to various organisations, offices, and persons in order to gather informations which were necessary for its purpose.² The caste-based questionnaire was no doubt, criticised by some associations, but the Commission pursued its work underterred by such criticisms.

² Ibid., P.2.
Thirdly, it has stated that "Caste" is the earliest and most commonly recognised form of social identity and therefore it cannot be easily ignored. In support of this it has said that even the members of the Legislative Assembly and Parliament, Chairman of Municipal Councils and Presidents of Panchayats spoke of their individual castes after making general observations about the backward people in their constituencies generally.¹

Fourthly, the Commission has stated that there is a twenty five per cent reservation at present for backward classes in educational institutions. But, in many colleges in the mofussil areas, according to the reports of Principals, actually as many as sixty to seventy per cent of the students are from Backward Classes. In view of that, the Commission has found it necessary to state clearly that the Government policy on reservation is intended to secure at least twenty five per cent for Backward Classes and not that admission should be restricted to twenty five percent.² Finally, the Commission has reported that

1. Ibid., P.5.
2. Ibid., P.64.
"Most Backward Classes" as a group have little or no progress in education and particularly in the field of Engineering and Medical education. The point has been made by the Commission on the basis of statistical data collected by it.¹

From the report of the Tamil Nadu Backward Classes Commission three important ideas clearly emerge. First of all, the State Government and the Commission introduced a new category of persons, namely, the "Most Backward Classes" of people, which is not found in the Constitution. Secondly, the Commission has evidently the best support to the caste test in determining the social backwardness of people. This is clear from the fact that the Commission not only sent round caste based questionnaire but also stated unequivocally that caste was the earliest and most commonly recognised form of social identity and it could not be easily ignored. What is more, it gave a vivid picture of representation made by various people on the basis of caste and of emphasis laid by them invariably on castes. The caste-based questionnaire and caste-test which obviously encouraged people to make emphasis on their castes, seem to have helped to create a vested interest in castes. So, the entire approach to the problem and treatment of castes as an inevitable form of social identity appears to run counter to the constitution,

¹. Ibid., PP.154 and 157.
which envisages a classless and casteless society. Thirdly, the Commission indirectly suggested reservation of more than twenty five per cent of seats wherever necessary in colleges in favour of Backward Classes. Needless to say that if the percentage of reserved seats exceed fifty per cent of the total seats, it would violate the spirit of the constitution and adversely affect the national interest by denying to a greater extent opportunity to talented students.

In this connection, it is interesting to mention the dissenting opinions recorded by two members of the Commission. M.A. Jamal, in his dissenting note, opposed the categorisation into "Most Backward Classes". He pointed out that the Constitution did not recognise any separate sub-class within the Backward Classes, he felt that the creation of the new sub-class, namely, the "Most Backward Class" was contrary to the provisions of the Constitution. Further, according to him, any further sub-classification of the Backward Classes would only throw open the flood gate of discrimination, widen the gulf and cause inequality, disparity discontent and frustration among them. He therefore, emphasised the need for the uniform criteria for determining

1. Ibid., P.230.
backwardness.\(^1\) Besides this he opposed the idea of setting apart a particular percentage of seats in educational institutions in favour of the "Most Backward Classes"\(^2\). Another member, Chinnappan, opposed the increased percentage of reservations of seats in favour of Backward Classes and also the list of "Most Backward Classes"\(^3\).

1.1.5. K.N. Anantharaman Commission:

This Commission was headed by Sri K.N. Anantharaman. This Commission presented its report in June 1970. It identified four different categories of other Backward Communities (O.B.C.) and recommended reservations of seats both in professional colleges and in Government Services. The recommendations of the commission on these two important items and the action taken by the Andhra Pradesh State Government are indicated in the following table.\(^4\),

1. Ibid., P.233.
2. Ibid., P.235.
3. Ibid., P.243.
<table>
<thead>
<tr>
<th>S.I. No</th>
<th>Category Of O.B.Cs.</th>
<th>Reservations of professional Colleges &amp; Government Services</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>As recommended by the commission</td>
</tr>
<tr>
<td>1.</td>
<td>Aboriginal Tribes Vimukta Jatis, Nomadic and Seminomadic Tribes</td>
<td>7%</td>
</tr>
<tr>
<td>2</td>
<td>Vocational Groups</td>
<td>13%</td>
</tr>
<tr>
<td>3</td>
<td>Harijan Caverts</td>
<td>1%</td>
</tr>
<tr>
<td>4</td>
<td>Other Classes</td>
<td>9%</td>
</tr>
</tbody>
</table>

The Government of Andhra Pradesh considered the recommendations made by the Backward Classes Commission of 1970 in regard to reservation of seats in educational institutions and issued
The Government was also directed that the candidate selected in the open competition need not be counted against the reserved quota. Even though it was decided earlier by the Government, that the reservation of seats for the Backward Classes will not apply to the Post-Graduate professional courses, the decision has been revised later and rule of reservation is made applicable to Post-Graduation professional courses also in G.C.Ms.No.996, Social Welfare, dated 11th November, 1975.

1. The Backward Classes Commission of 1970 in Chapter-XII, of its Report made recommendations for reservation of posts, in favour of Backward Classes. The quantum of reservation made by the Commission was 30 per cent and the Government adopted a reduced percentage of 25 per cent while issuing G. O.Ms.No.1793, Education, dated 25rd September, 1970. This commission recommended age relaxation of 5 years for Backward Classes to enter Government Service. Other recommendations were: (a) Backward Class candidates who secure employment through selection on merit should not be counted against the reserved quota of recruitment. (b) The rule of reservation is applicable only to direct recruitment. These recommendations were accepted by the Government.
4.1.6 Muralidhar Rao Commission:

The Andhra Pradesh State Government in 1982 appointed another one-man Commission, known as Muralidhar Rao Commission. This was appointed to

(1). Review the recommendations made by the Andhra Pradesh Backward Classes Commission 1970 and the implementation thereof for the purpose of determining the need to continue the existing special provision in their favour under Art.15(4) and Art. 16 (4) of the Constitution of India and to review the existing list of Backward Classes in the light of social and education progress achieved by these classes.

(2) Examine the social and educational backwardness of minority communities for the purpose of including them within the Purview of the Backward Classes of citizens.

The following recommendations were made by the Muralidhar Rao Commission:

(1). To include 9 Communities in the Backward Classes,

(2) .To enhance the quota of reservation both in Educational institutions, as well as services from 25% - 44%. The inter-division of this 44% among the Sub-groups 'A' to 'E' was specified as 10%, 16%, 8%, 8% and 2% respectively.

(3). The reservations so provided shall be in force for a period of 25 years, detailed review may be undertaken either to continue the reservation or to modify them.¹

The Government of Andhra Pradesh approved some of the recommendations made by the Muralidhar Rao Commission and enhanced the quota of reservation for Backward Classes from 25% to 44% and for Scheduled Castes and Scheduled Tribes, from 14% to 15% and from 4% to 6% respectively up to 2000 A.D. Several agitations took place in the State of Andhra Pradesh against the enhancement of reservations. The Andhra Pradesh High Court in V. Narayana Rao case² struck down the recommendations of Muralidhar Rao Commission relating to the enhancement of reservation quota for Backward Classes. But the court upheld the enhancement of reservation quota for Scheduled Castes and Scheduled Tribes.

4.1.7. Naganna Gowda Committee;

The Government of Mysore appointed a Committee under the Chairmanship of Dr. Naganna Gowda to prescribe criteria for determining the Backward Classes of people, to specify sections of the people who

¹. Ibid., at P.10.
could be treated as socially and educationally backward and to suggest the exact manner in which the criteria prescribed by it should be followed by the State Government to determine the persons. Who should secure preference determined by the Government in respect of admission to technical institutions and appointments to Government Services. The Committee submitted its report in 1961. It includes a large number of castes and groups of people within the term "socially and educationally Backward classes". The Committee suggested one set of Backward communities for reservation in services and another set for the grant of educational concessions. It recommended that fifty per cent of the seats in technical and professional institutions should be reserved for students and Backward classes. It also proposed reservation of fortyfive per cent of all Government vacancies for Backward class candidates.

4.1.8. Havanur Commission:

In its well researched and widely acclaimed report (in four bulky volumes) submitted in 1975, this Commission constituted in 1972 by Chief Minister D. Devaraj Vs with L.G. Havanur as Chairman and six others as

1. Radhakrishnan N., "Reservation of Seats for Backward Classes" - Indian Year Book of International Affairs, (1964), P.324.
members, first identified the socially backward castes/communities by applying multiple tests such as economic, residential, and occupational. Among the communities so identified, for educational purposes Article 15(4) the commission treated those whose performance in the 1972 SSLC examination was below the state average but above 50 per cent of it as category 1 to 15 'Backward Communities'; and those whose performance was below 50 per cent of the State average as category 2 of 128 'Backward Castes', and category 3 of 62 'Backward Tribes'. Category 2 also contained 13 minuscule communities with a combined population of about 0.1 per cent though the commission did not have adequate data on their backwardness.

After excluding six communities from Category 1 (Arasu, Balija, Cevadiga, Ganiga, Rajput, and Satani) which the Commission found were adequately represented in the public service, and the 13 communities from category 2 on which it did not have enough data, it retained the above three categories for employment purposes (Article 16(4)) as well. For an estimated population of about 42 per cent to 15 per cent (19 per cent to 22 per cent in category 1, 14.5 per cent in category 2, and 8 per cent in category 3), the commission recommended an overall reservation of 32 percent (16 percent, 10 percent and 6 percent respectively for the three categories) for purposes of both the articles. As the Commission treated only one populous community, Vokkaligas, as backward, but not the Lingayaths, Muslims, and Christians, while accepting its recommendations in general, for political expediency the Urs
government included the Muslims as a whole in category 1, and the Scheduled Caste converts to Christianity up to the second generation in category 2 for purposes of both the articles. To satisfy the Brahmins, Lingayaths, and other forward communities excluded by the commission, the government, contrived a 'special group' irrespective of caste/community consisting of actual cultivators, artisans, petty businessmen, persons holding 'inferior appointments' (Class IV or equivalent), and self-employed or those engaged in manual labour. The government also increased the quantum of reservation to 40 per cent (20 per cent for category 1, 10 per cent for category 2, and 5 per cent each for categories 3 and 4), and introduced an income limit, ostensibly for restricting the reservation benefits to those whose annual family income did not exceed Rs. 8,000/- in the case of the first three categories, and Rs.4,800/- in the case of category 4.

In 1978 the two government orders on Havanur's report, of February 22 and March 4, 1977, were challenged before the Kamataka High Court on many grounds by as many as 252 persons. In April 1979 the high court upheld the Government Orders in the main but struck down in part: It upheld the division of the Backward Classes into three categories, the creation of the special group, and the inclusion of Muslims and Scheduled Castes converts to Christianity; are struck down from category 1 Arasu for purposes of either Article 15(4) or Article 16(4) and Balija, Jevadiga, Ganiga, Rajput, Satani, and Nayinda (the last by some apparent error) for the purposes of Article 16(4), and from category 2 all the 13 communities which the commission had included without any basis. The
matter was then taken to the Supreme Court in the K.C. Vasanthkumar\(^1\) case. In the course of the hearing of this case by a Constitution bench, in November 1982 the Karnataka Government gave an undertaking to the Supreme Court to appoint another Commission. It was following this undertaking that the government constituted the second commission in April 1983, with 15 members including its Chairman T. Venkataswamy, and member-secretary.

4.1.9. **Venkataswamy Commission:**

The Venkataswamy Commission in 1986 made one of the most comprehensive socio-economic and educational surveys ever undertaken, covering about 91 per cent of the State's 3.6 crore population consisting of about 61 lakh households, by a door-to-door enumeration; issued wideranging questionnaires and elicited answers; interviewed a large number of individuals and representatives of associations; and gathered statistical information from all available sources. For determining backwardness the commission formulated as many as 17 socio-economic, educational, and employment indicators, covering in each caste/community the number of houseless/siteless families, families living in pukka/katcha houses, families with annual income of less than Rs.5,000 and more than

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1. A.I.R.,
Rs.20,000, families holding less than one standard acre, and the population of agricultural labourers, urban settlers, illiterates, drop-outs below the seventh standard, SSLC students, employees in each of the four classes (I to IV), and self-employed.

The Commission first identified as socially backward all those communities which scored nine or more indicators. Among them, like the Havanur Commission, it treated as educationally backward those whose performance in the 1985 SSLC examination was below the State average. It found the social and educational backwardness as revealed by the 17 indicators and the SSLC performance test respectively to be coincidental in all but 13 cases. In these cases it took the SSLC performance test as yet another indicator and treated as educationally backward those communities which scored ten or more indicators, of the communities so identified it treated 15 whose SSLC performance was below the State average but above 50 per cent of it as group A, and 20 whose performance was 50 per cent below the State average as group B,

It applied similar tests for determining employment backwardness after taking into consideration the caste/community percentage and State average of employment in the public service, and treated 31 of the above 35 communities as backward for employment purposes, 12 in group A, and 19 in group B. While its first recommendation was thus to treat as backward 35 castes/communities for educational
purposes, and of them 31 for employment purposes, its second recommendation was for an overall reservation of 27 per cent for both purposes, 14 per cent for group A (for about 18 per cent population) and 13 per cent for group B (for about 15 per cent population). It also offered a wide array of other recommendations for the gradual upliftment of the Backward classes. Its recommendations directly related to the implementation of the reservation provisions included reservations in promotions as well; carry forward system for unfilled quotas; exclusion from the reservation benefits all those with annual family income above Rs, 15,000/- and all those whose grandparents and parents had availed the benefits under both articles; insistence on income certificates for claiming the benefits; and abolition of the hackneyed special group from which only the forwards had benefited mainly by entry into professional colleges and State services.

These recommendations, especially the drastic cut in the B.Cs. from about 200 names to just 35 names and in the quantum of reservations from about 50 per cent (with reservation for the special group increased to 15 per cent in 1979) to 27 per cent, were in sharp contrast to the expectations of the vested interests. Predictably, its severe restrictions and several exclusions, in particular of the dominant Lingayath and Vokkaliga communities, in addition to other advanced castes such as the Brahmin, Vysya, Balija, Eevanga, Nehgi, Ganiga, and Maratha, were cent for group B (for about 15 per cent population).
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Janata government headed by Ramakrishna Hegade, consigned the report to the dustbin.

4.1.10. Chinnappa Reddy Commission:

In view of the frequent attacks on and agitations against the reservation policy, right at the outset Justice Reddy has expressed in unequivocal terms his abiding concern for the continuation of this policy and the constitutional mandates on it. Later, he has also arrived at the unambiguous conclusion that social and educational backwardness is the outcome of economic underdevelopment, educational unawareness, and caste degradation, that these three 'villains' not only cause backwardness but also sustain each other with remarkable mutuality, that for overcoming backwardness each of the 'villains' has to be vanquished, that as caste is a burden acquired with birth, a sort of 'original sin,' the best way to fight it is to fight the other two evils from which it draws sustenance in abundance.

Relevance of Caste:

Yet in identifying backwardness, if not for overcoming it, he has projected caste as the primary key. He has done this by calling attention to India's despairingly vast socio-economic inequalities, with the 'superior' priestly, landlord, merchant, and such other castes at one end of the spectrum, the Scheduled Caste/Scheduled Tribe out-castes at the other end, and the numerous other castes in between "who because of the low gradation of the caste to which
they belong in the rural social hierarchy, because of the humble occupations which they pursue, or because of their poverty and ignorance are also condemned to backwardness, social and educational

This reiteration of the need for reservations in the context of the glaring caste-based inequalities itself brings to the fore the relevance of caste as an inevitable unit for identifying any B.Cs. Commission (and obviously also for any administrator dealing with the B.Cs. programmes), and as an important criterion for testing the claims of members of such units, for the benefits of the policy by taking into consideration their traditional caste-based socio-economic, educational and occupational conditions and the changes which such conditions might have undergone over the years. It is precisely this great relevance of the caste factor which has prompted Justice Reddy to probe into the social gradation of the castes in south India proceeding roughly "on the precedence given in rural society to learning over land, to land over trade, to trade over crafts, to crafts over manual labour and manual labour over labour engaged in obnoxious work". Making good use of the rich data collected from a wide array of sources such as evidence by individuals and associations representing various castes/communities, interviews, tours of villages in the several districts,

specially commissioned surveys, and statistics on education and employment for the entire state collected from an apathetic bureaucracy after frustrating interactions, he has examined how this social gradation is now reflected in the political, economic, educational, and occupational attainments of the various castes, or communities with corresponding gradations.

In doing this, Justice Reddy has first presented the population estimates for 1988 for the different castes/communities. He has then examined their relative position with reference to political power, land ownership, economic prosperity, poverty, landlessness, literacy, education, and employment; and re-examined this position with reference to their traditional 'social status gradation and hierarchy'. In making a general assessment of each caste/community Justice Reddy's main considerations have been its traditional social status, literacy rate with reference to the State average, performance in the SSLC examination with reference to parent's

1. Ibid., P.42.
2. Since the Venkataswamy Commission's figures were accepted by the Government for their accuracy, after crosschecking them in various ways Justice Reddy has used these figures for making projections for 1988.
income and occupation, and share in the total admissions to the various professional and post-graduate courses and in the total employment in universities, public enterprises and in the State Government.

It is the overall effect, or effects of all factors taken together that Justice Reddy has considered for determining caste backwardness. On the basis of his overall assessment of the different castes/communities he has drawn up two provisional lists, one of the backwards with 67 names, and another of the forwards with 32 names.

**Economic Criterion:**

Justice Reddy has then subjected his assessment of the castes/communities in these lists to the economic criterion. The pattern which has emerged from his earlier analysis of the data on the 1988 SSLC examination for the State as a whole is that children of the lowest income group fared hadly while those of the highest income group fared best, and that the performance was distinctly linked to income, improving as the income level went up. As this itself is enough evidence of the crucial role of economic background and the importance of the economic criterion in locating social and educational backwardness, his main task has been to consider the extent of relevance of this criterion. On this, he has first offered two very powerful arguments. First, if economic criterion is to be the sole test and if Socially and Educationally
Backward Classes are to be equated with the economically backward, the Constitution would have used the expression 'economically backward; and not the expression 'socially and educationally backward'\(^1\). Second, Article 15(4) is obviously not part of a poverty eradication programme though poverty eradication may also necessarily be involved in any socio-educational programme aimed at the removal of backwardness. By numerous illustrations he has then exposed the 'hollowness', the 'impracticability', and the 'undesirability' of adopting an income criterion as the sole basis; more so because of the difficulty in ascertaining the actual income, the arbitrariness involved in fixing and computing such income, and the greatest possible abuse of the income certificates. As the economic factor is closely linked to the caste factor and the caste factor has greater links with social backwardness, Justice Reddy has been only too right in suggesting that with some caution and care the Socially and Educationally Backward Classes may be identified with reference to a combination of the caste and economic factors, without necessarily recognising the economic factor through income certificates. This is precisely what he has already done in his consideration of the various factors under caste backwardness. However, by arguing that the occupational factor is closely linked with the caste and economic factors, and as a further measure of caution, he has again looked at the representation of the different castes/communities in the public service,

\(^1\text{Ibid., P.148.}\)
this time by treating women as a separate category within each caste/community for the state civil services for which he could obtain the relevant data. He has also introduced the economic factor for restricting the reservation benefits to the really backward by excluding from benefits persons who are seemingly forward as revealed by their parents' educational, occupational, and economic background. As this issue is part of his recommendations, more of this later.

After all his systematic, stage by stage, disaggregated and aggregated analysis of the latent and manifest evidences of social and educational advancement or backwardness, Justice Reddy has confirmed the two provisional lists prepared by him. He has divided the list of the backwards into three categories, with 52 names in category 1, 14 names in category 2, and numberless occupational groups as category 3. The division into categories 1 and 2 is on the basis of the comparative backwardness of the castes/communities as well as their size, bearing in mind that "some of them are either so extremely backward socially and educationally (or) are so small in number that they cannot possibly hope to compete with the larger groups or those who though socially and educationally backward, are more advanced than themselves". Incidentally, the first two categories also include 34 of the 35 castes/communities identified as backward by the Venkataswamy Commission.
Keeping in mind the uniform and consistent patterns which have emerged from the data on various factors of social and educational backwardness, Justice Reddy has treated the three categories as common for purposes of Articles 15(4), and 16(4).\(^1\) The overall reservation recommended by him is 38 per cent (11 per cent more than Venkataswamy Commission’s recommendation) — 5 per cent for category 1, 28 per cent for category 2, and 5 per cent for category 3 consisting of landless or land-poor agricultural labourers, handloom weavers not owning more than two looms and working for wages or on piece rate basis, construction workers, and so on. The population coming under the first two categories is about 8 per cent and 33 per cent respectively (including the Lingayath Sub-groups) while that of the third category is unknown.\(^2\)

\(^1\) Ibid., P. 170.

\(^2\) The one group left out, Gondali, was provisionally listed as backward by Justice Reddy. Its omission is apparently an error.

As a tiny group of religious mendicants and wandering ministrels, like the Jogis this group should find a place in category 1.
Recommendations:

Justice Reddy has made several important recommendations for the effective implementation of the reservation policy, and for the betterment of the really backward.

These include:-

1. Exclusion from reservations of all those either of whose parents is/was employed in higher grades (A or B), is a qualified professional as乙ctor, Engineer, etc., is an income-tax or sales tax assessee, or is owner of more than eight hectares of rainfed dry land or its equivalent; and also all those whose parents are graduates;

2. Eligibility for the reservation benefits by any member of the B.Cs. only on production of a Tahsildar's certificate issued on affidavits by parents and by a 'responsible resident' of the locality;

3. Punishment, by imprisonment up to six months, of all those who obtain false certificates and of all their accomplices including the issuing authorities, and forfeiture of all benefits secured through such certificates;

4. Application of the reservation rule not only for the initial appointment but also for the first stage of promotion;
(5) Setting up of a permanent committee for making the reservation scheme self-moderating and self-regulatory, by evaluating the progress of each of the castes/communities included in the B.Cs. list, by deciding before February 15 every year whether the list needs any revision on a consideration of how each of them has fared in the SSLC examination, and in the admissions to higher employment and higher education during the preceding three years, and by recommending measures for their overall advancement; and

(6) Creating conditions for the advancement of the Backward Classes through literacy and poverty eradication, educational and economic improvement programmes, rather than substituting such programmes by mere reservations from which in any case only a select few benefit, but not the bulk of the B.Cs.

4.1.11. Mandal Commission;

In 1978, Government of India appointed a Commission under the Chairmanship of Shri B.P. Mandal, which submitted its report in 1980. This report has mentioned a few indicators or criteria of backwardness on the basis of which Socially and Educationally Backward Classes may be identified. First of all, it has strongly recommended that caste must be accepted as a unit of identification of "other backward classes" that is other backward class among the Hindus. Secondly, according to the report, caste being the basic unit of social organisation of Hindu society, castes are the only readily and clearly "recognisable and persistent collectivities" and it is of the view that in the Indian context such
collectivities can be castes or other hereditary groups.\textsuperscript{1} Thirdly, the Commission has also applied some other tests like stigmas of low occupation, criminality, nomadism, beggary and untouchability to identify social backwardness. Inadequate representation in public services has been taken as another important test.\textsuperscript{2} Regarding other backward classes among Non-Hindu Communities, the report says that though the evil of caste system has entered other religions such as Islam, Christianity and Sikhism, they still have retained their egalitarian outlook. Therefore, the Commission has to evolve some other rough and ready criteria for identifying Non-Hindu other Backward classes. But, finally the Commission has evolved the following rough and ready criteria for identifying Non-Hindu other Backward classes:

(1) All untouchables converted to any Non-Hindu religion;
(2) 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 other Backward classes. (Examples: Eholi, Teli, Eheemar, Nai, Gujar, Kumhar, Lohar,

\footnotesize

\textsuperscript{2} Ibid., at P.54.
E&rji, Badhai, etc. Thus, in effect, the Mandal'Commission has virtually made caste a predominant test to identify not only other Backward classes among the Hindu Society but also other Backward classes in Non-Hindu religious groups.\(^1\) Besides, it has made caste as a unit or what it calls a "Recognisable and Persistent Collectivities" for dealing with the problem backwardness. What is more, the Commission totally rejected the economic or poverty test, and said: "As Article 340 of the constitution speaks of "Socially and Educationally Backward Classes; the application of "economic tests" for their identification seems to be misconceived".\(^2\)

It may, however, be pointed out here that the Commission has taken a very narrow view in this matter by focusing its attention on the phrase "Socially and Educationally Backward Classes" mentioned in Article 340 of the Constitution.\(^3\) It has obviously overlooked the wholesome concept of socio-economic Justice embodied in the preamble and Article 38(1) of the Constitution and the State's obligation to promote "the education and economic interests of the weaker

\(^1\) Ibid.,
\(^2\) Ibid., P.55.
\(^3\) Ibid., P.56.
sections of the people" stipulated in Article 46 of the constitution. All these provisions form one group and they have been stipulated for the purpose of achieving gradually the preambular goal of socio-economic justice. If the Commission had made a realistic assessment of all these provisions of the Constitution, it would not have rejected the economic tests.¹ In the India situation where vast majority of the people are illiterate poor or backward, one has to be very careful in setting deviations from the norms as in our conditions, norms themselves are very low. For example, per capita consumer expenditure for 1977-78 at current prices was Rs.991 per annum. For the same period, the poverty line for urban area was at Rs.900 per annum and for rural areas at Rs.780. It will be seen that this poverty line is quite close to the per capita consumer expenditure of an average Indian. Now following the dictum of Balaji case, if 50 per cent deviation from this average per capita consumer expenditure was to be accepted to identify "Economically Backward" Classes, their income level will have to be 50 per cent below the per capita consumer expenditure i.e. less than Rs.495.5 per year. In view of the above, indicators for backwardness were tested against various cut-off points. For doing so, cational backwardness were selected from amongst the castes covered by the survey in a particular state. These were as “control” and validation checks were carried out by testing them against ‘indicators’ at various cut-off points for instance, one of the

1. Ibid., P.61.
‘indicators’ for social backwardness is the rate of student drop-outs in the age group 5-15 years as compared to the state average. As a result of the above tests, it was seen that in educationally backward castes this rate is at least 25 percent above the state average. Further, it was also noticed that this deviation of 25 percent from the state average in the case of most of the indicators gave satisfactory results. In view of this whenever an indicators was based on deviation from the state average, it was fixed at 25 percent because a deviation of 50 percent was seen to give wholly unsatisfactory results and, at times, to create anomalous situations.

**Indicators (criteria) for social and educational Backwardness:**

As a result of the above exercise, the commission evolved eleven indicators or criteria for determining social and educational backwardness

In all Eleven ‘Indicators’ were grouped under three broad heads,

i.e., Social, Educational, and Economic.

They are:-

(A)Social;

I)Castes/Classes considered as socially backward by others.
II) Castes/Classes which mainly depend on manual labour for their livelihood.

III) 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.

IV) Castes/Classes where participation of females in work is at least 25 per cent above the State average.

B. Educational:

V) Castes/Classes where the number of children the age group of 5-15 years who never attended school is at least 25 per cent above the State average.

VI) Castes/Classes where the rate of student dropout in the age group of 5-15 years is at least 25 per cent above the State average.

VII) Castes/Classes amongst whom the population of matriculates is at least 25 per cent below the State average.

C. Economic

VIII) Castes/Classes where the average value of family assets is at least 25 percent below the State average.
IX) Castes/Classes where the number of families living in Kacha Houses is at least 25 per cent above the State average.

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

XI) Castes/Classes where the number of households having taken consumption loan is at least 25 per cent above the State average.¹

As the above groups are not of equal importance for our purpose, separate, weightage was given to 'Indicators' in each group. All the social 'Indicators' were given a weightage of 3 point each, educational 'Indicators' a weightage of 2 point each and economic 'Indicators' a weightage of one point each. Economic, in addition to social and educational indicators, were considered important as they directly flowed from social and educational backwardness. This also helped to highlight the fact that Socially and Educationally Backward Classes are also economically backward. It will be seen that from the values given to each Indicator, the total score adds up to 22. All these 11 indicators were applied to all the castes covered by the survey for a particular state. As a result of this application, all castes which had a score of 50 per cent (i.e. 11 points) or above were listed as socially and educationally backward.

¹ Mandal Commission Report Vol.1, P.52.
and the rest were treated as 'Advanced', Further in case the number of households covered by the survey for any particular caste were below 20, it was left out of consideration, as the sample was considered too small for any dependable inference.

On the face of it, this is a tenable viewpoint on the other hand, the points scored by a particular caste under the above system actually reflects the number of indicators of backwardness which it satisfied. Secondly, this method has the great merit of objectivity, as point system allows no subjective assessment. Thirdly, this method was found to be highly dependable in practice. For instance, as a result of its application, most of the well-known socially and educationally backward castes were identified as backward.

**Mandal Commission Report and its Aftermath:**

The Mandal Commission recommendations accepted by the Government have come into force from August 7, 1990, according to a notification issued on August 13 by the Department of Personnel, Ministry of Home Affairs, it was officially stated on August 16, 1990. According to the notification while 27 per cent of civil posts and jobs in Government of India services are to be reserved for the Socially and Educationally Backward Classes, similar instructions are to be issued in respect of public sector undertakings, financial institutions by the Department of Public Enterprises and the Ministry of Finance. These
reservations will apply to vacancies which are to be filled by direct recruitment.

The notification also clearly states that those posts which are filled by members of the Socially and Educationally Backward Classes on merit through open competition are not to be adjusted against the reserved quota of 27 per cent.

In protest against the Union Government’s decision to implement the Mandal Commission recommendations, violence, arson and disruption of rail and road traffic emerged.

In protest against the implementation of the Mandal Commission Report, Bihar was rocked by widespread violence, and large scale destruction of Government property. In Uttar Pradesh a complete bandh was observed in protest against the Mandal Commission Report. In south India Students of the various colleges and universities had started agitation for and against the Union Government decision to implement the Mandal Commission’s recommendations.

1. The Hindu, August 17, 1990.
6. Ibid., P.3.
Meanwhile Mr. Justice Ranganath Misra, in the Supreme Court directed that interim applications filed by the parties concerned seeking stay of the Central Government's notification dated August 13, 1990 reserving 27 per cent jobs for Socially and Educationally Backward Class would come up for hearing on September 21, 1990.¹

The Supreme Court Bar Association in its petition pleaded that in order to defuse the situation prevailing in various parts of the country and to prevent loss of life of young persons, the implementation of the Mandal Commission report by the Government be "stayed" till the disposal of the Writ Petition against Mandal Commission Report by the apex court.²

Supreme Court declined to pass an interim order on notification August 13, 1990 in regard to Mandal Commission Report. The Bench also said that the writ pectin’s against the notification would be listed for hearing on November 6.³

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2. Ibid.,
Vice-Chancellor of Delhi University Prof. Upendra Baxi, an eminent Professor of Law opined that it was true that the Supreme Court declined to grant a formal stay on the request of the petitioners, challenging the Mandal Commission report. But the court has granted what might be called a moral stay order, and this might be converted into a legal stay order, following the situation which developed after September 21, 1990, meanwhile 'Stay' granted by the Supreme Court in the month of October 1990 and the apex court refuses to vacate stay on Mandal Report. 1 A Constitution Bench of the Supreme Court, on October 1, 1990 directed that no further steps to implement the Central Government Order dated August 13, 1990 - reserving 27 per cent of civil posts in central services and central public undertakings for candidates belonging to Socially and Educationally Backward Classes shall be taken. The identification of caste shall continue. 2

When the Mandal issue was pending before the Supreme Court the entire country was disturbed and violence and arson took place, many young persons, committed self immolation on reservation for Socially and Educationally Backward Classes.

The Mandal Commission recommendation for reservations for the backward classes has sparked off widespread, violent protests. Himachal Government invokes National Security Act as the situation became tense due to antireservation stir.¹

A number of students attempted to commit self-immolation to protest against the Mandal Commission report in various parts of the country, Mr. Rajeev Goswami of Deshbandhu College in Kalkaji (South Delhi) was hospitalized with 55 per cent burns while his collegemate suffered minor burns in the self-immolation bid.² Another student set fire to himself in New Delhi, suffering over 90 per cent burns, S.S.Chauhan 22 years old student of Deshbandhu College doused himself in petrol from his motorbike around 3 P.M. and lit the match, who was brought to the Safdarjung Hospital with 100 per cent burns.³ A 15 year boy got shot in the head when the police opened fire at a gathering of students of Sarojini Nagar 1 block in South Delhi.⁴ Also Surinder Singh Chauhan attempted self-immolation at Safdarjung Chowk and died in the hospital with 98 per cent burns. Nine persons died and more than 200 were injured as the antireservation

¹. The Hindu September 14, 1990, P.I.
². The Hindu September 18, 1990, P.I.
³. The Hindu September 25, 1990, P.I.
⁴. The Hindu September 26, 1990, P.I.
⁵. Ibid., P.I.
agitation enveloped the entire northern region, forcing the authorities to call out the Army in Jaipur and Jammu. In another occasion four people were killed in connection with the anti-reservation stir in Haryana.

A 19 year old girl, Syama Gupta attempted to immolate herself and was rushed to the hospital with almost 100 per cent burns

Fourteen people died, seven of them in police firing, and more than hundred were injured and a passenger train was set ablaze as the anti-reservation agitation spread to fresh areas in the northern region. Two students from Jammu and Kashmir and Himachal Pradesh who committed self-immolation on October 1, 1990, against the Mandal Commission report died in the Chandigarh P.G.I. Hospital. One of them a 17 year old Sandeep Sharma and the other Ramesh Kumar died with 97 per cent and 76 per cent burns respectively. A college student, Hariom Mallick, consumed poison in protest against the Mandal Commission report and died at the Ebon Hospital. Another Student Jugal Kishore Pandey was admitted with 80 per cent burns after

1. The Hindu September 27, 1990, P.I.
3. Ibid.,
he attempted self-immolation in front of the hospital gate. A youth Rajinder Singh consumed poison and died at Jind Hospital. A Student, Yogesh Sharma, tried to commit suicide by swallowing poison and another a B.Ed, student Shashi Manchanda/while trying immolate herself was admitted in the hospital with 90 per cent burns. Madhukumari,a College student immolated herself and died in protest against the Mandal Commission recommendations.¹

Miss Narinda Kaur, committed suicide by hanging herself from a ceiling fan in protest against the Mandal report. An 18 year old college student Seema Devi doused herself with kerosene and set herslef ablaze and admitted in the hospital with 55 per cent burns.²

The anti-quota stir claimed three more lives and medical services were affected with doctors and nurses staying away from work in several parts of the country. In Uttar Pradesh where two students ended their lives consuming poison in protest against the Mandal report.⁴

1. The Hindu October 4, 1990, P.I.
2. The Hindu October 5, 1990, P.I.
4. The Hindu October 7, 1990, P.I.
In Andhra Pradesh, 19 year old III B.Cbm., student of Badruka College, Vamsee Krishna Mohan, committed self-immolation and died in protest against the Job reservations to the backward classes. Anti-quota stir took six more lives once again after a week Long Lull in the capital.

The anti-reservation stir took a turn for the worse again on October 9, 1990, when a 14 year old school girl was allegedly burnt to death in the school premises in South Delhi and another student, Abhay Singh Tomar, attempted self-immolation and died in the hospital due to burns. Meanwhile Yogesh Pawar, who had attempted self-immolation in protest against the Mandal Commission report, died at Safdarjung Hospital. Sumalata a teenager girl student had attempted self-immolation and died.

Four students died and six attempted to self-immolation as the anti-reservation agitation continued in North India. Anti reservation stir claims five more lives again two students attempted to commit

1. The Hindu October 9, 1990, P. 3.
2. Ibid., P.I.
suicide in protest against the implementation of the Mandal Report and died.1

Presently the Mandal issue is before the Supreme Court. It has not yet settled the problem of 27 per cent reservation for Socially and Educationally Backward Classes in central government jobs, public undertakings, and nationalised banks and government financial institutions.

**Summary:**

The recommendations of the Mandal Commission caught national attention since August 7, 1990, when V.P.Singh's Government made an important announcement. The report has been widely discussed and severely autopsied in the national press. Several methodological flaws have been detected in the manner of identifying backwardness. The Commission has also been flayed for going back on its major premise that face Constitution requires recognition of classes rather than of castes as the basis of any reservation policy. The Constitution recognises the existence of backward classes/anticipates their difficulties and disabilities and empowers the executive to investigate and report the recommendations to parliament. Article 340 has been invoked

twice in 1955 (Kakasaheb Kalelkar Commission) and in 1980 (Mandal Commission). The sobering fact remains that the union of India decided not to adopt any policy measures for four decades after independence.

of 1982 (Andhra Pradesh), and recently Chinnappa Reddy Commission Report of 1990 (Karnataka).

Some of the Southern states backward class commissions only were discussed, because the researcher has selected the professional colleges in Guntur and Krishna districts of coastal Andhra Pradesh for his field survey.

The classification, the mode, the method and the quantum of reservations in various states came constantly before the Supreme Court in a very large number of important cases. The Supreme Court through series of meandering decisions, has established some sort of inhibition on the impulses of the states to construct backwardness as a political resource, not as a way of empowering the really impoverished. It is not easy to summarise the complex decisional law of the Supreme Court on the subject of reservations for other backward classes. But the broad popular impression that the reservations both for the Scheduled Castes and the Scheduled Tribes and other Backward Classes may stay within 50 per cent and that the reservations may not be wholly based on caste is correct. In other words, the Supreme Court, while creating complex body of has monitored runaway reservations, intended to serve merely the purpose of political power but not the ends of social justice. There is Judicial uncertainty, on the outer limit of reservations and the criteria to identify the backwardness. The Mandal Commission recognises the policy of reservations as the
modest initial step. In fact, it goes so far as to describe reservations in Job as "mere palliatives". The Mandal Commission recommendation of 27 per cent reservations for backward classes in Central Government services is still pending before Supreme Court of India, and we have to wait and see the verdict of the Supreme Court on the Mandal issue.

A review of all the State Commission's Reports demonstrates that no rational criteria were evolved which can get Universal exception. Some other reports suffer from inherent infirmities and hence the courts have reacted shorly and disapproved the criteria suggested by the Commissions. The researcher's view is that the Justice Chinnappa Reddy Commission's report seems to offer some pragmatic solution with regard to the laying down the criteria for backwardness. The report also seems to be intune with the thinking of the substantial majority in India for its articulation of the claims of Backward Classes and rationalisation of the various criteria suggested by the earlier Commissions. The State as well as Union Governments secure a careful consideration for implementing the recommendations suggested by Justice Chinnappareddy Commission.