Chapter III

BACKWARD CLASSES

PROTEST MOVEMENTS
The concept of class has been used rather ambiguously ever since its use came into existence in the caste-based Indian society. Class has several definitions and uses as compared to caste in India. As this concept is imparted to understand the stratified Indian society in the Western mould, all the streams of its use in the West, that is, Marxian, Weberian and Functional, have been applied to India. Class, however, is extensively referred to in most Indian studies from a Marxian perspective, though the use of Weberian and functionalist approaches are nor infrequent. Unfortunately most scholars who are involved in the debate with some kind of Marxian persuasion appear to have been examining the issue under the influence of their social or political loyalties. Therefore, the real issue in the debate has not come out for serious examination. Unless the concept of class is clearly defined and its criteria lay down, how can we use it to address caste-based reservations which are an important issue at present.

The issues of class and caste came up for discussion in the year 1991 when an announcement was made by the Government that hereafter economic criterion was used in giving reservations to backward castes and will also be used to rope in more castes which are nor within the purview of the Mandal Commission. This created some chaos at that time because the Mandal Commission was appointed to draw die lists of socially and educationally backward classes of citizens in India and not the economically-backward classes. Further, the determination of class, particularly by using the economic criterion, is a very difficult proposition for state policy. Even the Marxists did not have a consensus on the criteria to be adopted to categorize groups of people in India. Marx did not use income or occupation as the basis for defining class. Rather, he used property as the basic criterion to define a class. The class structure in even- society in the Marxian framework is again linked to the mode of production and the related socio-economic formation. In society that has scarce agricultural land, ownership of land can be considered a criterion to determine class. Unfortunately die National Sample Survey (NSS) data and its class intervals do not reflect the reality; as Andre Beteille says, they do not reflect the Indian masses. There are several kinds of tenancy that have a bearing on the concept of class. At the same time, we cannot forget about the inherited intellectual properties of certain categories of people in Indian society, especially when India is fighting for due share and justice for intellectual property rights (IPR) in the international market. Is the objective of the
state policy of reservations, as enunciated in the Constitution, to provide equality of opportunity to people living under similar circumstances or just providing equal opportunities by treating all individuals as citizens? How many of the rich among the urban elite who are fighting for the economic criterion for providing reservations allow the poor among their group to come in life and are waging a war against inequalities in general? Why should they be worried about the poor only among the other backward classes? Are they really interested in class solidarity among the castes? There are many more questions which need to be answered to analyse and understand former Prime Minister P.V. Narasimha Rao's government's policy of reservations and its continuation in the 21st century.

Caste as basis of backwardness: Legal position

The Constitution of India intends to wipe out discrimination on the ground of caste. But the real problem which the country is confronting within: can caste be eliminated from the criterion of identification of backward classes? In pre-Constitution period the expressions, 'class' and 'caste' were used interchangeably. As a matter of fact Ambedkar declared in his speech in the Parliament at the time of the First Amendment to the Constitution that "Backward Classes are nothing else but a collection of certain castes." A caste is an enclosed class. Issuing clarification of the use of the word class in Article 16(4) Kania, C.J. and Venkatachaliah, Ahmad and Jeevan Reddy, JJ. Pointed out in Mandal Case (1992), vol I that the obvious reason of using the expression 'Class' in Article 16(4) was that otherwise non-Hindus would have got excluded from its purview as they do not use 'caste'. Therefore, from the use of the word 'class' in Article 16(4), it cannot be deducted either that 'class' is antithetical to "caste" or that a caste cannot be a class or that a caste as such can never be taken as a backward class of citizens.²

Earlier it was thought that our Constitution is caste blind and the objective was to set up a casteless society. But different provisions of the Constitution do not speak in such language that one can draw conclusions to the effect of the abolition of caste. Mr. Justice Wad in his one of non-judicial writings points out, "Our Constitution-makers did not take a bold decision of expressly abolishing the caste system by providing for it in the fundamental right and organic document for the governance of the Indian society. If abolition of caste system was a fundamental right a
Constitutional remedy in the form of Article 32 would have been available to enforce the said provision."  

He is of firm opinion that in India the root cause or arch villain of social inequality is the caste system based on hierarchy of birth. There are provisions of Articles 15, 16 and 29 on the one hand equating discrimination to religious discrimination. On the other hand, there are provisions of Articles 25, 26 and 30 which are available even to smaller religious denominations. The conclusion of Mr. Justice Wad is realistic when he says:

"There is no clear-cut definition of denomination. There are overlapping characteristics or features of a denomination and a caste. Both may have definite religious institutions, religious doctrines and rituals. As a common religious institution, caste may be able to consolidate themselves as religious denominations. Caste is the only criterion for awarding benefits to SCs/STs. About OBCs 'class' is used and it has caused serious concern whether class should be equated to caste. Whether such Classes are castes? Absence of a categorical value measure of a casteless society has been strongly condemned by Ghurye, who says, "We are marching towards caste pluralism instead of a casteless society."  

Many castes in India are bound together by common faith and organization. The Gowda Saraswat Brahmins are a caste which was recognised as a denomination in Chinnamma versus D.P.I. The question then arises can a caste be taken as basis for determining backwardness? Let us discuss the position analytically from legal point of view.

(a) Neither sole nor dominant criteria

During 1960s the Supreme Court of India attempted to dilute the domineering role of caste in identification of backwardness. In Balaji versus State of Mysore, P.B. Gajendragadkar, J. speaking for the unanimous Constitution Bench conceding the harsh reality of caste factor among Hindus pointed out that, "though castes in relation to Hindus may be a relevant factor to consider in determining the social backwardness of groups or class of citizens it cannot be made the sole or the dominant test in that behalf."  

Subba Rao, J, further secularised it in his majority decision in R. Chitralekha versus State of Mysore. He stressed that under no circumstances a 'class' could be equated to a 'caste', though the caste of an individual or a group of individuals may be regarded along with other relevant factors in putting him in a particular class. He also stressed that if caste is excluded in
ascertaining backwardness of a class in a particular situation it would not be bad. In his dissenting judgement Mudholkar, J. declared that taking into account the caste of a person to identify backwardness of a class would be against Article 15 or 29(2). In his view non-abstante clause of Article 15(4) does not justify the inference that "castes have any relevance in ascertaining what are socially and educationally backward communities." 6

(b) Some shift started: caste not to be ignored altogether

A somewhat different tone started in judicial verdicts by the end of 1960s. In P. Rajendran versus State of Madras Wanchoo, C.J. speaking for the Constitution Bench conceding that determination of backwardness based solely on caste without taking into consideration the social and educational backwardness would be violative of Article 15(1), clarified the point: "But it must not be forgotten that a caste is also a class of citizens and if the caste as a whole is socially and educationally backward, reservation can be made in favour of such a caste on the ground that it is a socially and educationally backward class of citizens within the meaning of Article 15(4). In State of Andhra Pradesh versus P. Sagar the Supreme Court spoke in similar tone avoiding caste as sole criterion but granting that "the expression 'class' means a homogeneous section of the people grouped together due to certain likeness or common traits and who are identifiable by some common attributes such as status, rank, occupation, residence in a locality, race, religion and the like. In determining whether a particular section forms a class, caste cannot be excluded altogether." 7 Shah J. speaking for the Constitution Bench of the Supreme Court in Triloki Nath versus State of J and K. (II) took note of both P. Sagar's case and P. Rajendran case. As to P. Sagar's message he took the stand that test of backwardness should not base solely on caste and as to P. Rajendran's note he recognised the entire caste may form a class.

(c) Caste as a Class

Hegde J. asserted in A. Peeriakaruppan versus State of T.N. that "a caste has always been recognised as a Class." So was the tone of Vadialingam J. in State of A.P. versus U.S.V. Balaram wherein various test of backwardness were pointed out but the list of backward classes was to be accepted even though the said list was "exclusively based on caste". 8
(d) Extremism for a while

Chief Justice A.N. Ray said in K.S. Jayashree versus State of Kerala that 'in determining social backwardness of a class of citizens it may not be irrelevant to consider the caste of the group of citizens, Caste cannot however be made only or dominant test. This echoed Balaji's ruling. But the tone of Ray, C.J. appeared to be so what changed with emphasis on Article 15(1) in State of U.P. versus Pradip Tandon. The then learned Chief Justice elaborated.

"It is true that Article 15(1) forbids discrimination only on the ground of religion, race, caste, but when a classification takes recourse to caste as one of the criteria in determining / socially and educationally backward classes the expression / classes is that case violates the rule of expressio-unius est exclusion alterius. The socially and educationally background classes of citizens are groups other than groups based on caste."9

(e) 1980s scenario: caste reality by birth

In K.C. Vasantha Kumar versus State of Karnataka barring Chief Justice Chandrachud, all other four learned judges of the Constitution Bench thoroughly discussed the issue of caste backwardness relationship. After analysing the role of caste in the Indian social structure. O. Chinnappa Reddy, J. spoke: "Social hierarchy and economic position exhibit an indisputable mutuality. The lower the caste hierarchy the poorer is its members. The poorer the members of a caste, the lower the caste and economic situation, reflecting each other as they do are the dens examchina of the social status occupied and the economic poor wielded by an individual optlass in the rural society". The obvious conclusion of Chinnappa reddy, J. is that:

"Social status and economic power are so woven and fused into the caste system in Indian rural society that one may without hesitation, say that if poverty be the cause, caste is the primary index of social backwardness, so that social backwardness is often readily identifiable with reference to a person's caste.10

D.A. Desai also accepted the reality of the role of caste in the Indian Society, but in order to get rid of pernicious effect of caste-system he wanted economic and poverty criterion of the identification of backwardness. A.P. Sen J. wished poverty as criterion but acknowledged caste for identification of acute backwardness. Likewise
E.S. Venkataramaiah, J. preferred means test. But he exposed the ill impact of ugly practices connected with castes. The learned judge pointed out, "An examination of the question in the background of the-Indian social conditions shows that the expression 'backward classes' used in the Constitution referred only to those who are born in particular castes, or who belonged to particular races or tribes or religious minorities which were backward." The learned judge ruled that 'the caste of a person is governed by his birth in a family. Caste in India has primeval force and there is omnipresence of caste in Indian society. "So sadly and oppressively deep-rooted is caste in our country that it has cut across even the barriers of religion"11

One conclusion through judicial verdicts upto start of 1990s is that irrespective of stress on the extent of role, caste has always been a criteria to be taken into account by Courts while ascertaining backwardness of a class.

Indira Sawhney and others vs. Union of India and Others etc., etc. (1992), these writ petitions were heard in the first instance by a Constitution Bench presided over by the then Chief Justice Shri Rangnath Misra. After hearing them for some time, the Constitution Bench referred them to a special bench of nine judges to finally settle the legal position relating to reservations.

Kania, C.J. and Venkatachaliah, Ahmadi and Jeevan Reddy, JJ. Forming the leading majority verdict made it clear that a caste is nothing but a social class—a socially homogeneous class. It is also an occupational group with the difference that its membership is hereditary. One is born into it. Its membership is involuntary. Even if one stops to follow that occupation still he remains and continues to be a member of that group. Caste is a socially and occupationally homogeneous class. Endogamy is its main feature. The conclusion of leading majority verdict is that a caste can be and generally is a social class in India. If it is backward socially, it would be backward class for the purposes of Article 16(4). Class under Article 16(4) is neither antithetical to caste nor can it be said that it cannot be a class or that caste as such can never be taken as a backward class of citizens.

Pandian, J. in his concurring judgment expressed the opinion that a caste is also a class of citizens and that if that caste satisfies the requisite tests of
backwardness, the classification of that caste as a backward class is not opposed to Article 16(4).12

Sawant J. in his concurring judgement pointed out that casteism has been the bane of entire Indian society. Every individual is born in a particular caste which he cannot change. A caste by itself may constitute a class. However, Sawant, J. observed that in order to constitute a backward class the caste concerned must be socially backward and its educational and economic backwardness must be due to its social backwardness. In their dissent Thommen and Kuldip Singh, JJ ruled out caste as criteria for determination of backward classes. Thommen, J. expressed the opinion that the grounds prohibited in Article 15(1) including caste cannot be the only or dominant criterion. Instead along with them there should be criterion of illiteracy, poverty, demeaning occupation, malnutrition, etc. Kuldip Singh, J. expressed the opinion that 'class' under Article 16(4) cannot be read as 'Caste' and castes cannot be adopted as collectivities for the purpose of identifying backward class "under Article 16(4). In his view caste-collectivity is unconstitutional and as such not permitted. Similar opinion was expressed by Sahai, J. in his dissent.

From the above analysis two view points emerge. First, caste by itself may constitute class and can be the basis of backwardness, Second, caste cannot be read as class and therefore as such be basis for determination of backwardness.

Kaka Kalelkar Commission

The study of educational and social problems of the backward classes started in the country in a systematic manner after the appointment of the Kaka Kalelkar Commission by the Government of India in 1953. The Commission, however, did not arrives at a definition of backward classes that was acceptable to all. Further, it is alleged that the Chairman wrote a forwarding letter while submitting the report to the Government which contained some observations that die members of the Commission found objectionable. In fact, the volume on die minutes of dissent of the Commission is found to be as big as the main recommendations. However, it was the Kaka Kalelkar Commission which made a beginning in analysing die socio-educational problems of the backward classes in India on a systematic basis that triggered a national debate on this important issue. This does not mean that there were no studies on backward classes prior to 1953, but they were all spasmodic in nature. The Central
Government appointed the Kaka Kalelkar Commission with the intention of defining 'Other Backward Classes' to make certain concessions for their advancement. The recommendations of the Commission were ultimately not accepted and the state governments were informed that they were free to draw their respective lists of backward classes. As a result, today we have around 18 states and union territories which have notified lists of 'Other Backward Classes' and have been following measures to ameliorate their backwardness. However, these concessions have been challenged by high-caste Hindus in the courts as a part of their legal battle.\textsuperscript{13}

In order to understand the dimensions of the problem, it is necessary to examine some sample of states where the OBC lists are drawn, the method or the approach in drawing the lists, as well as the social and constitutional litigation involved.

\textbf{Constitutional Status of Backward Classes}

Some classes have been referred to in the Constitution as "Backward Classes" in Articles 15(4), 16(4), 338(3) and 340(1). It is under the Directive Principles (Article 46) that the Constitution enjoins upon the state governments to promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and Scheduled Tribes and shall protect them from social injustice and all forms of exploitation. The Constitution underlines that the weaker sections can be categorised into (i) Scheduled Castes, (ii) Scheduled Tribes, and (iii) Other Backward Classes. Article 340(1) specifically relates to the OBCs who are socially and educationally backward. It is not very clear from the Constitution how to measure the social and educational backwardness of a group of people or class or community. However, the Constitution under Article 340(2) has empowered the government to appoint a commission to 'investigate the matters referred to them and present to the President a report setting out the facts as found by them and making such recommendations as they think proper.' Therefore, it was the Kaka Kalelkar Commission again which attempted to apply a criteria to measure the social and educational backwardness of people. The Commission had used 11 indicators, namely; (a) place of habitation of the person in a community, (b) ownership of land, (c) profession, (d) difficulty in establishing contacts with advanced castes, (e) social stigma, (f) preventing groups taking advantage of certain amenities.
of society, (g) Prevention of the groups to take the advantage of certain amenities of
society, (h) percentage of literacy, (i) lack of leadership in the community, (j) inability
to obtain training for business, industry, and (k) poor sanitation, primitive techniques
of work. However, the Commission ultimately came out with caste as a category in
determining the social and educational backwardness of a group and listed 2,399
castes. It defined the backward castes as those who have 'ideas of ceremonial purity,
restriction on inter-caste marriages, taboos on food and drink, social segregation, and
feelings of caste loyalty and superiority, all of which have contributed to the
backwardness of a large number of communities in Indian society.' The criterion of
caste as the sole measure of backwardness has been challenged in the courts, and in
many cases the courts upheld the view that caste cannot be taken as a measure of
backwardness. However, individual states have appointed their own commissions to
draw up lists of backward classes.14

The Mandal Commission

Following the popular demand for reservations for backward classes in Bihar,
Uttar Pradesh and in most of the states in the Hindi-belt and the counter agitations, the
Morarji Desai Government constituted the second Backward Classes Commission in
December 1978 under the chairmanship of Bindeswar Prasad Mandal, popularly
known as the Mandal Commission. It submitted its report in 1980 and the same was
placed before the Houses of Parliament in April 1982. The recommendations of the
Commission and the methodology followed in drawing the lists of OBCs appear to
be more comprehensive than the first commission and also the individual state
commissions of backward classes. Therefore, it is necessary to examine the contents
of this report to understand the concept of backwardness and its relationship with
educational backwardness. It was for the first time that the Backward Classes
Commission involved specialised research institutions to aid the Commission in its
deliberations as also in pronouncing their recommendations. The Commission
involved the Indian Law Institute to analyse die court cases and legislative debates;
Tata Institute of Social Sciences to analyse the sociological issues that were involved
in the definition of backward classes and the criteria adopted to indentify them;
Central Statistical Organisation to provide technical advice to carry out the socio-
ecconomic survey; and also other individual experts like M.N. Srinivas, among others.
The criteria adopted by the Commission to identify the social and educational backwardness include the following indicators.

**Social**
1. Castes/Classes considered socially backward by other Castes/Classes.
2. Castes/Classes which mainly depend on manual labour for their livelihood.
3. 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.
4. Castes/Classes where participation of females in work is at least 25 per cent above the state average.

**Educational**
1. Castes/Classes where the number of children in the age group of 5-15 years who have never attended school is at least 25 per cent above the state average.
2. Castes/Classes where the rates of student dropouts in the age group of 5-15 years is at least 25 per cent above the state average; and
3. Castes/Classes amongst which the proportion of matriculates is at least 25 per cent below the state average.

**Economic**
1. Castes/Classes where the average value of family assets is at least 25 per cent below the state average.
4. Castes/Classes where the number of families living in Kuccha (thatched) houses is at least 25 per cent above the state average.
5. Castes/Classes where the source of drinking water is beyond half a kilometre for more than 50 per cent of the households.
6. Castes/Classes where the number of households having the consumption loan is at least 25 per cent above the state average.\(^{15}\)

The Commission took up 25 per cent as the minimum threshold to identify groups as backward since the 50 per cent divergence suggested by the Supreme Court in Balaji's case was found to be beyond arithmetic reasoning. For instance, the Commission stated that 80 per cent of the population of 'Bihar (1971 Census) was illiterate. To beat this percentage figure by a margin of 50 per cent would have meant
that 120 per cent members of a caste/class should be illiterate. In fact, it will be seen that in this case even 25 per cent divergence stretched us to the maximum saturation point of 100 per cent. Therefore, the less than 50 per cent criterion suggested by various groups was found to be ridiculous in determining the backwardness of a caste/class in comparison to a state or national average. The Commission, therefore, used all the 11 indicators in determining the backwardness and constructed a weighted index of backwardness with these indicators. The social indicators were given a weightage of 3 points, educational was given 2 points, and the economic indicators were given 1 point each. This score according to the weightage system adds up to 22. The weighted index was applied to all the castes covered by the social-economic survey in each state and an castes which had a score of 50 per cent (that is 11 points) or above were listed as socially and educationally backward, the rest were treated as advanced. The Commission has identified a total of 3,743 castes as socially and educationally backward in different states and union territories of the country. The Commission also identified the non-Hindu backward communities by following die criteria listed below.16

a) AJI untouchables converted to any non-Hindu religion.
b) Such occupational communities which are known by the name of their traditional hereditary occupation as whose Hindu counter parts have been included in the list of OBC's. Examples include Dhobi, Teli, Dheemar, Ni, Gujar, Kumbar, Lohar, Darji, and Badhiti.

After this exercise, the Commission also estimated the total population projections (based on die 1931 Census data). The Mandal Commission came out with an estimated population of 52 per cent of total population in India as backward. This was further subdivided into the following categories (see Table 3.1).
Table - 3.1
Percentage Distribution of the Indian Population by Caste and Religions Groups

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Caste &amp; Religious Groups</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Scheduled Caste</td>
<td>15.05</td>
</tr>
<tr>
<td>2</td>
<td>Scheduled Tribes</td>
<td>7.51</td>
</tr>
<tr>
<td>3</td>
<td>Non-Hindu communities, religious groups etc</td>
<td>16.16</td>
</tr>
<tr>
<td>4</td>
<td>Forward Hindu castes and communities</td>
<td>17.58</td>
</tr>
<tr>
<td>5</td>
<td>(a) Backward Hindu castes and communities</td>
<td>43.70</td>
</tr>
<tr>
<td></td>
<td>(b) (Of which) Depressed Backward Classes</td>
<td>20.56</td>
</tr>
<tr>
<td></td>
<td>(c) (Add) Backward Non-Hindu communities (52 per cent of non-Hindus)</td>
<td>8.40</td>
</tr>
<tr>
<td></td>
<td><strong>Total OBC's (5a+5c)</strong></td>
<td><strong>52.00</strong></td>
</tr>
</tbody>
</table>


In view of the legal constraint, the Commission felt obliged to recommend for the backward castes a reservation of 27 per cent only, even though their population was almost twice this figure. But L.R. Naik, member, Mandal Commission in his minute of dissent, demanded that there should be a separate category of 'Depressed Backward Classes' (DBCs) and he pleaded that they should be provided with 15 per cent reservation out of the 27 percent recommended by the Commission. His justification for this included an allegation that the intermediate backward classes were responsible for ill treatment of the DBCs in the manner in which they themselves were subjected to by the advanced groups. Thus, according to Naik, this protection was necessary for the DBCs. The number of DBCs as per this classification was found to be as big as the OBC's as seen from Table 3.2.
<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>State</th>
<th>OBC</th>
<th>DBC***</th>
<th>Percentage of Reservation for OBC</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Andhra Pradesh</td>
<td>292</td>
<td>155</td>
<td>25</td>
</tr>
<tr>
<td>2</td>
<td>Assam</td>
<td>135</td>
<td>96</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Bihar</td>
<td>168</td>
<td>97</td>
<td>20-24</td>
</tr>
<tr>
<td>4</td>
<td>Gujarat</td>
<td>105</td>
<td>61</td>
<td>10</td>
</tr>
<tr>
<td>5</td>
<td>Haryana</td>
<td>76</td>
<td>40</td>
<td>10</td>
</tr>
<tr>
<td>6</td>
<td>Himachal Pradesh</td>
<td>57</td>
<td>35</td>
<td>5</td>
</tr>
<tr>
<td>7</td>
<td>Jammu &amp; Kashmir</td>
<td>63</td>
<td>40</td>
<td>42</td>
</tr>
<tr>
<td>8</td>
<td>Karnataka</td>
<td>333</td>
<td>204</td>
<td>48**</td>
</tr>
<tr>
<td>9</td>
<td>Kerala</td>
<td>208</td>
<td>128</td>
<td>25-40</td>
</tr>
<tr>
<td>10</td>
<td>Madhya Pradesh</td>
<td>279</td>
<td>160</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Maharashtra</td>
<td>272</td>
<td>164</td>
<td>14</td>
</tr>
<tr>
<td>12</td>
<td>Manipur</td>
<td>49</td>
<td>35</td>
<td>--</td>
</tr>
<tr>
<td>13</td>
<td>Meghalaya</td>
<td>37</td>
<td>13</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Nagaland</td>
<td>Nil</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Orissa</td>
<td>224</td>
<td>181</td>
<td>withdrawn</td>
</tr>
<tr>
<td>16</td>
<td>Punjab</td>
<td>83</td>
<td>34</td>
<td>5</td>
</tr>
<tr>
<td>17</td>
<td>Rajasthan</td>
<td>140</td>
<td>85</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Sikkim</td>
<td>10</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Tamil Nadu</td>
<td>288</td>
<td>171*</td>
<td>50</td>
</tr>
<tr>
<td>20</td>
<td>Tripura</td>
<td>136</td>
<td>76</td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>Uttar Pradesh</td>
<td>116</td>
<td>67</td>
<td>15</td>
</tr>
<tr>
<td>22</td>
<td>West Bengal</td>
<td>177</td>
<td>113</td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>Union Territories</td>
<td>495</td>
<td>143</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>3,743</strong></td>
<td><strong>2,108</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Mandal Commission, 1980
Note: *Include Pondicherry; **Includes Special Groups
***DBC=Depressed Backward Classes
Educational and Socio-Economic Backwardness

The Constitution of India specifically refers to the socially and educationally-backward classes of citizens in respect of whom certain safeguards are to be ensured. Therefore, it is the educational backwardness of people that needs to be identified and the same should be used as a criterion in determining the backwardness of OBCs. We know about the role played by the cognitive and affective domains of knowledge in the formation of concepts that are very important in the educational advancement of a person. It is well established by studies that the so-called backward castes (classes) have been alienated from the mainstream literate learning for ages, which constitutes an important impediment for educational development. Further, the family and social environment, educated parents, language and all other factors that will be conducive for educational upliftment of the backward castes are found to be so poor that education in the family in about a generation does not bring any perceptible change in the education of either the present or immediate future generations. Economic status of the family has nothing to do with education though it may help to continue education if an opportunity is provided. But it is of no use if educational opportunities are denied. Further, economic status does not help to overcome the educational handicaps that have been imposed on castes for generations. Equality of opportunity in education cannot be established overnight. This has to be pursued till the conditions of family, language and so on, are equated among the competing groups. This requires protective discrimination. Moreover, education has a close relationship with the economic status of a person as the positions of power as well as employment in a modern society are necessarily linked with the educational attainment of a person. 

The policy of reservation in educational institutions is essential for the backward classes for at least two generations till the initial inertia is crossed. Here, the economic criterion does not help to solve the problem of educational backwardness. There is a misunderstanding even among the knowledgeable public that mere provision of admissions into colleges and universities to the backward classes will be sufficient to educationally uplift them.

Backward Caste/Class Movements

These movements emerged among depressed castes and deprived sections of society in different parts of India with the spread of the national movement. The
difference between the religious and the caste movement is that while the former attacked evils of Hinduism, the latter exhorted its followers to seek solutions to their problems within the framework of Hinduism, i.e., without rejecting their religion.

The backward caste/class movements can be described as: (a) protests against discrimination of various kinds, (b) to gain self-respect, honour and status, (c) status mobility movements, (d) caste unity movements and (e) caste welfare movements. The status mobility movements can be further sub-classified as adaptive movements, movements oriented to cultural revolts, and counter-cultural movements.

The backward castes suffered from relative deprivation in the fields of religion, education, economics and politics. They accepted their lot till certain external influences provided favourable conditions to create an awakening among them. One such exposition was organising of programme by Christian Missionaries for the SCs who were then referred to as the 'depressed classes'. Other condition was the national movement which provided an ideology of egalitarianism and supported social movements which revolted against discrimination of any kind. Third condition was that of reform movements organised by the upper castes which initiated programmes of education and welfare for the backward or the depressed classes. These movements were against many orthodox Brahminical practices. Finally, the egalitarian system of law introduced by the British also provided an opportunity to the backward castes to protest against discrimination. The backward caste movements for higher status were based on three ideologies (Rao, 1953:197-98) First, many castes claimed a higher varna status, e.g., the Ahirs in North India, the Gopas in West Bengal, the Gaulis in Maharashtra, the Gollas in Andhra Pradesh and Karnataka and the Konars in Tamil Nadu claimed descent from the Yadu (Kshatriya) dynasty. This also included adopting the lifestyle of higher castes in their regions, what M.N. Srinivas has described the process of sanskritisation. Imtiaz Ahmad (1971) has said that this process of mobility should be viewed as an initiative process or as protest-oriented movement or as counter-mobilisation. The upper class invariably opposed such attempts. Besides, the desire to claim high status prompted many backward castes to form associations so that by acting as pressure groups, they could collectively impress upon the census officers to describe them as castes with higher ritual status. This mechanism of mobilising caste collectivities became
significant by 1931. Other method was reinterpreting Hindu religion in search of self-determination, e.g., Sri Narayana Dharma Paripalana Movement among the Ezhavas (toddy tappers) of Kerala. Ezhavas of Kerala took an overt anti-Brahmin slant and resorted to mass mobilisation and protest to acquire their rights. Second variety of protest ideology was the rejection of Brahminical Aryan religion and culture, e.g., Dravida Kazhagam Movement in Tamil Nadu. Third ideology was abandoning Hinduism and embracing another religion, e.g., Mahars in Maharashtra.¹⁸

Nadars of Tamil Nadu used political process of influence to achieve high status, while Malis of Maharashtra used cultural revolt process. According to Oommen, what is important to note is that (a) ritually castes were not at the rock bottom, (b) economically they were well off by local standards, (c) their numerical strength was substantial, and (d) they had the support of rulers in their regions, like Maharaja of Kolhapur in Maharashtra. Occupational diversification, exposure to education, urbanization, outstanding and charismatic leadership was other factors which helped them in their mobility movements. Of course, many castes did not succeed in achieving higher status within the Hindu fold which prompted them to embrace Buddhism.

**The Reform Movement for the Backward Classes in Tamil Nadu**

In Tamil Nadu Brahmins were the main beneficiaries of the British System of education and the other advantages. The educated Brahmins captured the largest share of Government service in the state. 'The monopoly situation' in government service created by Brahmins and Montagu-Chelmsford reforms alerted and alarmed non-Brahmins. As a result non-Brahmin elite castes took lead and established first the South Indian Liberal Federation and secondly, the Justice Party in 1916. After coming into power in 1920 this party took steps to loosen the hold of Brahmins on services. It was under communal G.O. of 1927 that compartmental reservation of posts was made for various communities.

An interesting fact is that the Justice party leaders were drawn from the landed classes and were not much keen on broadening their base by including the landless castes within their ranks. The communal G.O. of 1927 represented a victory for the vellala conies, particularly the Mudalliers. This approach eroded the mass, NH base of the Justice Party. Its aloofness from the national movement weakened it further.
In 1947, the communal G.O. of 1927 was revised an important font lire of the new order was that for the first time the non-Brahmin castes were bifurcated into non-Brahmin Hindus and non-Brahmin backward Hindus. This compartmental reservations for was struck down by the Supreme Court and consequently, the Government issued another order in 1951 making reservations for Scheduled Castes, Tribes and other Backward Classes only. This did not give rise to any sharp reaction from the non-Brahmin forward castes as they had become sufficiently powerful to hold out to their benefits and did not have to resort to any kind of protest or backlash.

The reservation policy was initiated during the British rule and was modified time and again. In Madras, the term 'backward' was first used in the Department of Education in payment of stipends to students coming from 'illiterate' and 'indigent' castes. The number of backward classes, which was 39 in 1895, grew to 113 in 1913, 128 in 1920, 152 in 1950, and 253 in 1994. This, of course does not imply that more and more castes became backward as the years passed. It only shows that more and more castes learnt to demand and receive special educational concessions on the basis of several backwardness rather than individual merit. The principle in 1922 was that among the qualified applicants for any job preference should be given to those belonging to the least represented communities. The recruitment to services on a communal basis was regularized and a definite quota for different communities in vacancies under the government was prescribed.

The reservation policy introduced by the Government of India in 1922 brought the expected result in the direction for more jobs for non-Brahmins. In 1947, only 21 per cent gazetted and 20 per cent non-gazetted posts were filled by Brahmins. The non-Brahmins obtained most of the posts.

In 1950, the system of communal representation in the services of the state was further expanded and the benefit of preferential treatment was reserved for the Scheduled Castes, Scheduled Tribes and OBCs. Under the new system, a cycle of twenty recruitments was taken as a unit. Three were reserved for the SCs/STs, five for the backward classes, and the rest were filled by open competition. On the basis of the 1951 census and in the wake of the separation of Andhra Pradesh from Tamil Nadu in 1954, the number of reservation was changed to 16 per cent for the SCs/STs and 25 per cent for the backward classes.
For this purpose, the various communities were combined into five broad categories. This is illustrated in the table 3.3.

Table-3.3

<table>
<thead>
<tr>
<th>Broad Categories of Reserved and Un-Reserved Communities</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Forward Castes</strong></td>
</tr>
<tr>
<td>Other Christians (Reddis)</td>
</tr>
<tr>
<td>Muslims (Urdu speaking)</td>
</tr>
<tr>
<td>Adisawa</td>
</tr>
<tr>
<td>Kargliata</td>
</tr>
<tr>
<td>Kalavali Vallals Kamanaidus</td>
</tr>
</tbody>
</table>

Source: AP Backward Class Commission.

The communal government order became the prime point of disputes between the Brahmins and the non-Brahmins. The who monopolized the public services for years were getting only Iwo out of twelve posts. They were forced to search jobs in the Central Government and private enterprises. They demanded a review of the policy. It was revised in 1947, but again, it went against them as they were only entitled to get two out of fourteen posts. The proportion of jobs to be given to each category was revised manner as shown in Table 3.4.

Table – 3.4

<table>
<thead>
<tr>
<th>Categories</th>
<th>Posts to be Allocated</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1922</td>
</tr>
<tr>
<td>Non-Brahmins Hindu</td>
<td>5 out of 12</td>
</tr>
<tr>
<td>Backward Hindu</td>
<td>-</td>
</tr>
<tr>
<td>Brahmin</td>
<td>2 out of 12</td>
</tr>
<tr>
<td>Muslim</td>
<td>2 out of 12</td>
</tr>
<tr>
<td>Anglo-Indians and Indian Christians</td>
<td>2 out of 12</td>
</tr>
<tr>
<td>Scheduled Castes (Depressed Classes)</td>
<td>1 out of 12</td>
</tr>
</tbody>
</table>

The reservation made for the SCs, STs and OBCs under the reforms of 1908 also forced the Muslims to demand reservation in the government services in proportion to their population. The Government of India Act of 1919 (also known as Montague Chelmsford reforms) made arrangement for separate representations in the legislatures for Muslims, Sikhs, Anglo-Indians and Indian Christians. The Government of India Act of 1935 also contained separate electorates for Muslims and the Governor General and Governors were put under the obligation to protect the interests of minorities in the instrument of instructions. But it was not until about 1935 that the Muslims could secure reservation of 25 per cent of the selection to the central services where there was direct recruitment. Sometime later quota may kept for Muslims in the civil services through competitive examinations to the extent of 25 per cent.

Table 3.5 explains the education scenario from 1911 to 1931 of the various communities in Madras presidency.

In the three consecutive censuses of Madras presidency in 1911, 1921, and 1931 the Brahmins population was only 3, 3.5 and 2 per cent respectively. But the percentage of students among them was 35.5, 39.5 and 31 respectively. It shows their keenness for education. In the same case, the non-Brahmins (including Harijans and all other Hindus) were 86, 85.5 and 86 per cent respectively of the total population. The percentage of students among them was only 41.5, 44.5 and 47 respectively. It throws light at some upward mobility of the number of students among them. In comparison to them Brahmins were far ahead. The low level of education among non-Brahmins was responsible for the percentage of employment in government jobs. In 1931, in Madras, 45.75 per cent Brahmins, 29.1 per cent Komatis, 30.8 per cent Nayars, 10 per cent low castes and 1.16 per cent Harijans were literate. Muslims and Christians too had effective percentage in the state and more so among literates. The rate of literacy was only due to number of students of these castes in the schools. Therefore, they started asking better facilities for themselves in planned way.

The preferential treatment given to backward classes is credited to the non-Brahmin movement started in the second decade of the 20th century in Madras presidency. The non-Brahmin leaders with feudal background became aware of educational backwardness of their numbers and the domination of Brahmins in
English education and government jobs. The distribution of public offices and political positions among different communities in proportion to their population was demanded by them from the British Government of India. English education made Brahmin capable to join government offices in a large number. They constituted about 3.5 per cent of the total population of old Madras presidency, but occupied more than 70 per cent of the total government posts. The non-Brahmin manifesto of 1916 started a vitriolic tirade against the ritual supremacy, and worldly success of the Brahmins. From then onwards, newly formed Justice Party in 1916 took up the issue and started demanding adequate representation of non-Brahmins in the popular house and in all branches of administration. Newspapers like Justice, Dravidan and Andhra Prakasika served their cause and repudiated the blames of Brahmins against manifesto of the Justice Party and non-Brahmin movement.

Table 3.5

<table>
<thead>
<tr>
<th>Caste</th>
<th>1911</th>
<th>1921</th>
<th>1931</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Percent of population</td>
<td>Percent of students</td>
<td>Percent of population</td>
</tr>
<tr>
<td>Brahmin</td>
<td>3.0</td>
<td>35.5</td>
<td>3.5</td>
</tr>
<tr>
<td>Non-Brahmin</td>
<td>86.0</td>
<td>41.5</td>
<td>85.5</td>
</tr>
<tr>
<td>Muslim</td>
<td>6.5</td>
<td>5.5</td>
<td>6.5</td>
</tr>
<tr>
<td>Christian</td>
<td>3.0</td>
<td>13.5</td>
<td>3.0</td>
</tr>
<tr>
<td>Others</td>
<td>1.5</td>
<td>4.0</td>
<td>1.5</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

This was reconsidered in 1947 and a unit of fourteen was recognised. In the new system, one more seat each was allotted to non-Brahmins and Scheduled Castes. Two out of fourteen posts were reserved for the Scheduled Castes. In 1947, for the first time, backward Hindus came up as a separate category for the purpose of preferential treatment.

**Backward Classes Movement in Karnataka**

Most parts of the present Karnataka state were parts of the previous Mysore state. Between 1851 to 1881 reservations were made for non-Brahmins as the Brahmins had established monopoly in the services and the professions. In 1895, appointments in police department were made on reserved seats in fixed proportions in favour of Brahmins, Muslims and other Hindu castes. But these previous measures did not seriously affect Brahmin monopoly. In the same year, an order was issued by the Mysore Government reserving some posts for the backward classes. In 1914, a system of recruitment through nomination was introduced by which on posts of Assistant Commissioners were appointed the members of the backward classes, but their position did not improve.²⁰

In the year 1882, the Mysore Representative Assembly was constituted on limited franchise to make the people capable to voice their grievances and aspirations, but with no legislative powers. From then, however, political consciousness owned amongst the people and particularly among the dominant castes like Lingayats and Vokkaligas in the state. In 1905, the Mysore Lingayat Education Fund Association and in 1906 the Vokkaliga Sangha were formed in Bangalore and they began to take interest in the education, services and professions of their community members. Their efforts were, however, weak and little supported by the ruling class. But the Representative Assembly was an effective new democratic platform for the people to express their grievances and pass resolutions.

In 1875, mild controversies emerged about the policy of recruitment to public services in Mysore state. In 1912, M. Visweswararaya became the Dewan and advocated for the age-old policy that the best man should secure the job. The Maharaja detested this policy and being influenced by the debates in the Representative Assembly and the representations made by the various caste and
community organizations, declared strongly in unequivocal for appointing non-Brahmins into the service.

In 1918, the Maharaja of Mysore felt that there was a large number of Brahmins in public service and that efforts should be made to ensure that all the other important communities in the state also the adequate representation in the services of the state.

For this purpose, the government formed committee in August 1918 under the Chairmanship of Sir Leslie C. Miller, Kt, to enquire and report on the problem. The questions referred to the committee were the following:  
1. Changes needed in the then existing rules of recruitment to the public services;  
2. Special facilities to promote higher and professional education among the members of backward classes; and  
3. Any other special steps which may be taken to enhance the representation of backward communities in the public service without materially affecting the efficiency, due value being paid also to the common good accruing to the state by a wider diffusion of education and sense of increased status which will thereby be created in the backward communities.

The Miller Committee submitted its report in July 1919 which is still even during 1916 and 1918; the condition of the non-Brahmins did not get better. We find that the results obtained have not shown any progressive decrease of the inequality each year, but on the other hand, have actually aggravated it year by year. The report says that the Brahmin that the Brahmin percentage in all grades of salary varied from 67 per cent to 82 per cent and even 100 per cent in the grade of Rs.100 to Rs.200. The committee suggested that backward classes should include communities other than the Brahmins, Anglo-Indians and Europeans. The Brahmin community that was just 4.5 per cent of the population enjoyed an overwhelming part in the services. The report had significantly observed, “we think that a large increase in the proportion of officers drawn from communities other than the Brahmins may safely be advocated without any fear that the efficiency of the services as a whole will thereby materially reduced.”  

The Miller Committee suggested that (i) within seven years the non-Brahmin strengthen in the higher services must be increased to one half and in the lower
services to two-thirds, (ii) there should be special schools for the depressed class student and that teachers must be drawn from amongst the backward classes, (iii) English must be made compulsory in secondary education, (iv) scholarships should be given to the backward students, (v) hostels should be constructed with both vegetarian and non-vegetarian kitchens, (vi) the Anglo Indian schools must be increased to help them, (vii) age limit for the backward class members must be raised from 25 to 28 years, (viii) competitive examinations must be remove and backward class candidates should be appointed into service by nomination, and (ix) a committee of representative officers should be appointed for selection of candidates. Two members of the committee, namely, C. Srikanteshwara Iyer and M.C. Ranga Iyengar presented dissenting notes disagreeing with most of the recommendations of the committee.

After receiving the Miller report, the government passed orders in May 1921 and, among others, constituted the Central Recruitment Board and reserved 75 per cent of the posts for the backward classes. As a result of this recruitment policy, and six years after, the position started slightly to improve.

In the services of Mysore state, the Brahmins were in large number, it was several years before the Miller Order began to think about the people of apparent impact on the proportion of Brahmins in state services, especially at the gazetted level. Table 3.6 explains the fact that percentage of Brahmins declined about half from 1918 to 1957 among Gazetted posts and among non-gazetted posts. The Statistical fact is an evidence to say that Miller's recommendation had been implemented.

<table>
<thead>
<tr>
<th>Year</th>
<th>Gazetted Posts</th>
<th>Non-Gazetted Posts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total No.</td>
<td>Brahmins Percentage</td>
</tr>
<tr>
<td>1918</td>
<td>370</td>
<td>64.86</td>
</tr>
<tr>
<td>1936</td>
<td>760</td>
<td>61.32</td>
</tr>
<tr>
<td>1947</td>
<td>1298</td>
<td>46.89</td>
</tr>
<tr>
<td>1957</td>
<td>1797</td>
<td>35.72</td>
</tr>
</tbody>
</table>

For the first time in the modern times, seats in colleges and state services reserved in the Mysore state brought out expected results in the educational development and job prospects of non-Brahmins. It can also be said in terms of decline of Brahmins in the gazetted and non-gazetted services of the state. In 1918, the Brahmins possessed 64.86 per cent of the total gazetted posts. It reduced to 35.72 per cent in 1957. This trend continued even after independence. Similar was the state for non-gazetted posts also. The non-Brahmins were also asking for greater share of political representation. It not only the Government of India Act of 1919 special representation was provided to them, it not only helped in the rise of non-Brahmin political parties in the Madras and Bombay Presidencies, but also the non-Brahmins to develop a system of preferences in the field of education and public employment.

**The Movement for Backward Classes Reforms in Maharashtra**

In the 19th century, Poona and Kolhapur provided leadership to the emergence of backward castes movement in India. One of the first leaders of Christian missionary education was Jothiba Phule of Poona who came from among the Shudra caste of gardener. Phule (1827-1890) is known as the father of the non-Brahmin movement in India. He wrote several books for the material and spiritual betterment of the lower classes in Marathi. He initiated efforts to assist the low castes. The condition of the untouchables horrified him. He started schools for them. Hurt by caste inequities, Jothiba felt an attraction for Islam and Christianity where the principle of equality was uppermost. He provoked the people to revolt against Hindu casteist Gods and the humiliating religious practices. He preached for the abolition of false beliefs, meaningless baseless customs. He inspired the lower castes to form 'MWM associations create an espirit de corps and work for their emancipation from the age old taboos pertaining to Shudras in social status, education and religion.24

Undaunted by the threats of the Brahmins to belittle the anti-Brahminical status of the new movement, Jothiba founded the Satya Shodhak Manual to bring together all the backward classes on a common platform. Jothiba preached the principle of adequate for members of all castes in public services. On this basis, Ambedkar (1891-1956) led the cause of the depressed castes and asked for reservation of seats for them before the Simon Commission (1927) and the first round table conference (1930-31). The Poona Pact (1932) founded permanent basis for the
reserved seats in independent India. Thus, Ambedkar became the symbol of the
backward classes.

The non-Brahmin movement generated in Bombay province (now
Maharashtra) expanded the Kolhapur—a small Maratha state—under the rule of the
Bombay Government by Maharaja Chatrapati Shahu. The Brahmin-non-Brahmin
contradictions, Bombay began in 1891 when R.P. Paranjape with the new claim of the
Maharaja of Kolhapur, a heir of the Great Shivaji, to Vedic rites, as his Brahmin
hereditary priest denied to obtain this, his hereditary landed property and allowances
were confiscated and the problem became more severe.

The Maharaja, unhappy with the Brahmins, devoted much of his time to the
non-Brahmin movement. He declared in 1902 that he would keep at least half the
posts in the state for qualified members of the non-Brahmin communities. Earlier, the
Prince had elected as his Prime Minister, a Kayastha Prabhu, Rao Bahadur Sahib.
Perhaps he was the first non-Brahmin to be appointed as the Dewan. This
appointment as well as the order to reserve half the posts was unacceptable to the
Brahmins. Firm in his conviction to give just opportunities to all communities, the
Prince started a hostel in Kolhapur city for giving education to Marathas, Muslims
and Jain youths, who were studying in the Rajaram College. Kolhapur may be said to
be the first state to follow reservation policy, though there had been some ineffective
attempts earlier by the British Government itself through to break the monopoly of
one community. Kolhapur, therefore, has been a landmark in the backward class
movement towards equality.25

At National Level

Due to the continuous efforts of Ambedkar, the depressed classes first obtained
8.33 per cent reservation in the central jobs in August 1943 and got it raised to 12.5
per cent in June 1946. It was further increased to 16.66 per cent after independence.
After creation of Pakistan on August 14, 1947, reservation for minorities was
abolished, but SCs and STs continued to get reservation according to their population.
In September 1993, OBCs of India got 27 per cent reserved seats in the central
services. They are also struggling to get benefits of reservation in educational
institutions run by the Central Government. In many states, the OBCs have been
given reservation in seats in educational institutions, specially technical and
professional education. In the states where backward classes movement were effective during the British rule, such as Tamil Nadu, Karnataka, Andhra Pradesh, Kerala and Maharashtra, along with and STs, the OBCs also got advantages of preferential treatment in the early 1950s. In the states of Bihar, Uttar Pradesh, Gujarat, Punjab, J&K and Himachal Pradesh, the OBCs could get reserved quotas in the 1970s. Now, along with all India services, the OBCs are getting benefit of reserved quotas in all the states and union territories.

Classification of Backward Classes

The affirmative action policy has got a long history in India. By 2003 the policy of reservations completed hundred years. For the first time Sahu Maharaja of Kolhapur introduced the 'reservations' for the deprived sections of the society in 1903. In 1922 the government of Madras announced, to implement the reservations to non-Brahmins, in response to the self-respect movement led by Rama Swamy Naicker. The Justice party and DMK played a vital role in building the pressure on the Government and the Congress party.

The Composite Madras State for the purpose of grant of fee concession first took up the backward classes list. As and when a community was included in the list of Backward Classes for the purpose of fee concession it was followed by reservation of vacancies for the backward classes in public services.

In Madras province, which included earlier the Coastal and Rayalaseema Districts of Andhra, a system of communal rotation was introduced by the Government to accord to all the recognized backward classes groups with a view to remove inequalities of representation in public services. The non-Brahmin movement was so vigorous that it gave rise to a political situation forcing Justice Party to form the ministry under Mont Ford reforms. The system of communal rotation in public services was in full force from then onwards till the advent of India's independence. Soon after the commencement of Indian Constitution on 26th January 1950, the Upper castes filed a petition in the Madras High Court.

The High Court verdict was that it is not possible to identify some castes as the socially and educationally backward classes. Immediately the Chief Minister of Madras presidency, Chakravarthi Rajagopalachari, took the initiative to get the "stay
orders" from the Supreme Court. Soon he realized that since the Indian Constitution
gives equal opportunities and rights irrespective of caste, therefore, there is a
possibility for the verdict, which would be anti-backward castes. If it is true, that it is
difficult for the Congress party to win in the elections in the entire south India. That is
why with the consensus of Rajagopalachari and Jawaharlal Nehru, the first
amendment to the Indian Constitution was to provide the special treatment to the
socially and educationally backward classes.26

When the Constitution of India came into force, there were many states in
which special preferences were available to Backward Classes in the field of
education and recruitment to Government posts. It is observed that during 1951-52,
educational concessions were available in about eleven states (Andhra, Bihar, Gujarat,
Himachal Pradesh, Jammu&Kashmir, Karnataka, Kerala, Maharashtra, Punjab,
Tamilnadu and Utter Pradesh), Four of which also provided reservations in
Government posts. One state (Saurashtra) provided reservation in Government posts
but provided no educational concessions. All these states followed caste criteria in
preparing the lists of backward classes for the award of these special preferences.
With separation of Andhra from the Madras Presidency and later formation of Andhra
Pradesh, the ruling governments did not implement the reservations for the other
backward classes till the appointment of the first Backward Classes Commission in
1968.

Another important landmark in the history of Backward Classes movement in
Andhra Pradesh was that the ruling Congress Party had shown its cognizance of the
existence of the grievances of the Backward Classes. During the regime of the Chief
Minister, N. Sanjeeva Reddy the State Congress constituted a sub-committee under
the presidentship of Pragada Kotaiah to look into the problems of backward classes.
However, this step of the Congress Party was treated as an attempt to divide the
Backward Class Movement on party lines.

After the formation of Andhra Pradesh, in 1957 there was a startling
development, Sanjeeva Reddy Government decided to prepare the Backward Class
list not on the clearly laid down criteria of the caste but on the basis of economic
backwardness. This led to difference of opinion among Backward Class leaders some
subscribing to the view of Sanjeeva Reddy and others opposing the move. This
controversy has persisted, since then. Mention may be made here that the former State of Hyderabad was also maintaining a list of Backward Classes. As a result the State of Andhra Pradesh had these two separate lists applicable to the Andhra region and Telangana region respectively.27

In 1963 the Andhra Pradesh Government amalgamates the two lists through G.O.No.1886 and brought out a new list of Backward Classes for the purpose of reserving 25 percent seats in Medical Colleges invoking Article 15(4).

However, the validity of this order was challenged in the High Court of Andhra Pradesh in the case of Sukhdev V. Government of Andhra Pradesh. The High Court struck it down on the ground that the order has been made exclusively on the basis of caste. The State failed to explain the reasons in taking the caste as the only criteria for determining the backwardness. As a result of this judgment, the State government decided that the criteria for determining backwardness should be economic and it should be applied to an individual family rather than caste. Accordingly it issued another G.O.No. 301 in 1964, scrapping the earlier list of Backward Classes and ordered that financial assistance should be given only to the economically poor whose family income were less than 1500 rupees per annum. Further it also constituted a cabinet subcommittee to draw a new list of Backward Classes in 196628

The cabinet sub-committee appointed by the Government of Andhra Pradesh adopted the following criteria for the preparation of the Backward Classes list
1. Poverty
2. Low standard of education
3. Low standard of living
4. Place of habitation
5. Inferiority of occupation and
6. Caste.

Andhra Pradesh Government adopted the list prepared on the basis of this criterion and orders were issued (in G.O. Ms. No.1880, Education, dated 29- 7-1966). On the basis of these orders, Government in the Health, Housing, and Municipal Administration made provision for reservation of 20% seats for other Backward
Classes, and amended the rules of admission accordingly. When these reservations were given effect, a batch of 104 Writ Petitions was filed in the High Court challenging the validity of the reservations. On hearing the writ petitions the High Court in its order dated October 7, 1967 struck down the list of BCs for the reasons that the list of BCs was not based on any statistical data that it was only a list of castes without the test of poverty, etc., being applied to it. The matter was examined in consultation with Law Department and Advocate General and the Government carried the case in appeal to the Supreme Court. The Supreme Court confirmed the order of the AP High Court.

After quite a lot of legal vicissitudes, the Government appointed a Commission in 1968 under the Chairmanship of Manohar Pershad9 to enumerate socially and educationally Backward Classes, who would be entitled to the rights conferred upon them under the provisions of the Constitution. There is a connection between the appointment of the first Backward Classes Commission in 1968 by the Government of Andhra Pradesh and the central Government action on the first national Backward Classes Commission i.e., the Kakakalelkar Commission. Ten Parliament members requested, through a memorandum to the Prime Minister under the article 340 of the Indian Constitution, Jawaharlal Nehru in 1953 to appoint a Backward Classes Commission at the national level to study the socio-economic conditions of the backward classes, identification of the list and suggest measures for the upliftment of them. The Kakakalelkar Commission was appointed in 1953 and the Commission submitted its report in 1955. But the Chairman of the Commission himself dissented for taking caste as the criteria and without discussion in the Parliament the commission report was set aside.29

The matter was discussed at a conference of State representatives on 7th April 1959 and subsequently reviewed at a meeting of State officers convened by the Ministry of Home Affairs, but no consensus emerged. 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 SCs and STs. Consequently, on 14th August 1961, the Home Ministry addressed all State Governments stating: " while the State Government have the discretion to choose their own criteria for defining
backwardness, in the view of Government of India, it would be better to apply
economic tests than to go by castes". Regarding the preparation of the 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 was still be opened to every state government to draw up its lists for the purposes of
the Article 15 and 16. The state Governments were to adhere to their own lists, any
all-India lists drawn up by the Center would have no practical utility". \(^{30}\)

**Anantharaman Commission**

The first Backward Classes Commission under the chairmanship of
Anantharaman, in Andhra Pradesh, which is appointed in response to the Central
Government action on Kakakalelkar Commission and pressure from the Backward
Classes Associations, was asked to determine the criteria to be adopted in preparing
the list of backward classes and make suitable recommendations for the uplift of the
backward classes. The Commission prepared criteria for backwardness and examined
the representations made by the various communities, which claim to be backward
and has prepared a list of 92 backward classes taking into consideration their cultural
background, economic, educational and social backwardness and made the suitable
recommendations for their uplift: The Commission submitted its well-considered
report on 25th June 1970, categorizing various castes to be treated as Backward
Classes and recommended reservation of 30% of seats to the persons belonging to
these classes in the educational institutions and other recommendations.

In view of the rapid changes and developments that are taking place, the
Commission recommended reservations for ten years in the initial stage and review
position thereafter to consider desirability of extending the same.

**Government Action on the Commission Report**

In response to the BC Commission report, the government of Andhra Pradesh
has taken the following action. The State Government by an order (No. 1793,
Education, dated 23-9-1970) announced reservations of 25% of the seats for
Backward Classes. The benefits conferred under the G.O were initially limited to a
period of ten years to be renewed thereafter.

109
(a) Reservations in educational institutions and employment:

The Government of Andhra Pradesh recognized 93 communities as Backward Castes on the basis of recommendations of the State Backward Classes Commission (1970) and 25% reservations are given to 40% of the population from 1972 onwards. These communities are divided into the following groups as shown in the following table 3.7.

Table 3.7

<table>
<thead>
<tr>
<th>NO</th>
<th>GROUPS</th>
<th>Name of the Communities</th>
<th>% of Reservations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>A (38)</td>
<td>Aboriginal Tribes, Vimukta Jatis, Nomadic and Seminomadic tribes</td>
<td>7</td>
</tr>
<tr>
<td>2</td>
<td>B (21)</td>
<td>Vocational groups</td>
<td>10</td>
</tr>
<tr>
<td>3</td>
<td>C (1)</td>
<td>Harijan Converts</td>
<td>1</td>
</tr>
<tr>
<td>4</td>
<td>D (33)</td>
<td>Other backward classes</td>
<td>7</td>
</tr>
<tr>
<td>5</td>
<td>(93)</td>
<td></td>
<td>25</td>
</tr>
</tbody>
</table>


Nearly 25% of available seats are reserved for the children of backward classes in all educational institutions both in general, professional and technical courses right from first year to post-graduation.

Certain persons belonging to the advanced classes, claiming to be aggrieved by the order successfully assailed this G.O and a Bench of Andhra Pradesh High Court quashed the same. The Chief Justice of Andhra Pradesh High Court Justice Pingali Jagan Mohan Reddy gave a judgment that the backward classes list is not valid, because the socio-educational profile of the listed backward castes is not studied. The then Chief Minister deliberately did not respond to the High Court verdict to have fresh list of backward classes. The allegation on Sanjeeva Reddy by the backward class leaders was that he deliberately avoids the reservations for them in the government educational institutions and employment.
The State Government to carry the matter to the Supreme Court in appeal aggrieved by the judgment of the High Court. The Supreme Court went into the details as to the genesis of the G.O and upheld the same as also the list of the socially and educationally backward classes so enumerated there in, by their judgment rendered on 12th June 1972. The Supreme Court inter alia observed that a caste is also a class of citizens and as such a caste can be socially and educationally backward, the reservation made of such persons will have to be upheld notwithstanding the facts that a few individuals in that group may be both socially and educationally above the general average.

It is only by virtue of the above-referred judgment that the socially and educationally backward classes got a little benefit from 1972 onwards by way of reservations either in the technical and educational institutions or public employment at the initial stage of recruitment. Thus the concept of social justice for the socially and educationally backward classes became a reality because of the decision of the Supreme Court.

The Backward Classes Conference (1979) Resolutions: The next important landmark in the policy matter of backward castes is the Backward Classes Conference. The historic Backward Classes Conference was conducted by the Government of Andhra Pradesh in 1979 to discuss issues on, which policy matters to be made was divided into eight groups to cover on various issues of the backward classes. The groups are as follows: Dealt with Social Reforms and Political participation, Employment and Services, Economic Problems, Land Reforms, On Education, On house sights and Housing AP Women's Co-operative Finance Corporation and Self Employment Schemes, and Funds for the Welfare of the Backward Classes, Organizational setup of the Department and Corporation and Central Backward Classes Commission. The different groups passed various resolutions covering different aspects of welfare of Backward Classes.

The State Government under the leadership of Dr. M. Chenna Reddy realized the force behind the upliftment of weaker sections and the need to tackle this problem on a war footing. The Government promptly announced in extending the reservations and other facilities for a further period of ten years commencing from 1980. The
Government also constituted a Cabinet subcommittee to take up the follow up action after the Conference.

Muralidhar Rao Commission

On the demand of the backward classes' leaders to increase the reservations, Muralidhar Rao Commission was appointed by the state Government in 1981. The Commission submitted its report in 1982 with the recommendations. It gathered dust for four years. The *Telugu Desham*, promised implementation of it in 1983 itself. In response to the backward classes NT. Rama Rao announced increase in the reservations from 25% to 44% in 1986. But High Court of Andhra Pradesh rejected the Government decision. Neither the Government of Andhra Pradesh nor the Backward Classes Associations preferred an appeal the Supreme Court. Therefore the increased reservations were not implemented.

From its terms of reference it appears that the intention of the Congress government in constituting the Commission was either to comply with the letter of the recommendations of the Anantharaman Commission of 1970, which had recommended that the classification and quantum of reservations to the BCs should be reviewed after 10 years; to actually identify at least a few backward castes who had 'progressed' using reservations during the last decade and delete them from the list of beneficiaries. Muralidhara Rao ignored the terms of reference and set out to do all he could to help the backward castes, therefore refused to delete any of the backward castes from the existing list (with the exception of one section of the Kalingas of Srikakulam), but added nine more to the list instead.

He recommended increasing reservations from 25 to 44 percent for the 52% of the backward classes' population in the state. He supported this by a simple piece of arithmetic. The Scheduled castes, Scheduled tribes and minorities together constitute about 30% of the State population. The remaining 70% are to be shared out between the BCs and the forward castes. Since no caste-based census has been taken after 1931, Muralidhar Rao chose to go by the estimate of the Mandal Commission, Which had taken the forward castes to represent 17.58% of the population, and came to conclusion that the BCs constitute 52% in Andhra Pradesh.
As the term of Muralidhar Rao commission recommendations will be completed by 1999 the Govt of A.P during the time of Mr. Kotla Vijay Bhaskarreedy as, Chief Minister, appointed Justice Putta Swami Commission for identification, inclusion and exclusion of castes in the backward classes list. So far, though the term of the commission is over, the Commission did not submit the report. Three years (2000) ago the period of ten years for the BC reservations is over. The Government of Andhra Pradesh, however, extended the reservations through an ordinance.

Reservations in the local body institutions: Introduction of reservations for the backward classes in the local body institutions is in repose to the pressure built by the Backward Classes Associations on the government and realization of the numerical strength and lack of proper representation of the backward classes. With the victory of the Telugu desham party; the dissatisfaction among the backward castes against the Congress rule has been recognized. It was during the Telugu desham period, NT Rama Rao, as the Chief Minister of Andhra Pradesh, introduced the reservations in the local body institutions.

In order to accommodate growing elite among the backward castes and reduce the dominant castes hegemony in the local power structure Government of Andhra Pradesh through an ordinance in 1986 introduced 34% reservations in the local body institutions i.e., village panchayats, Mandal Parishad Territorial Constituencies (MPTCs), Presidents of the Mandal Parishads, Zilla Parishad Territorial Constituencies (ZPTCs), and Chairmen of the Zilla Praja Parishads and in the Municipal Councilors and Chairmen. There are 21,943-Gram Panchayats, 1093 Mandal Parishads, and 22 Zilla Parishads at present in the state. Out of these 34% will be reserved for the backward classes, which means that 7460.62 Gram Sarpanches, 371.62 Mandal Presidents and 7.48 Zilla Parishad chairmen and in the same proportion in the M.P.T.C and Z.P.T.C and the Municipalities seats are reserved for the backward classes. With the introduction of reservations the representation of the backward classes has been increasing, but it is not in proportion to their population. But there is the criticism from the Backward Classes Associations on two points. One is that the candidates to contest in the reserved local body elections are decided by the landed dominant castes at the local level rather than the backward castes themselves. Second is with regard to important procedural aspect, that is the
reservations in the local body institutions is not having Constitutional guarantee and they are introduced through an ordinance in the Assembly, therefore, at any point either the Government or the judiciary may abolish these reservations since the matter is before the Supreme Court. Protective discrimination as a channel of mobility provided limited opportunities to the economically and politically mobile backward castes. Over the years they have been drawn into greater participation in political life but a major grievance has been that orders concerning reservations are violated due to two reasons. Some of the enforcing authorities do not have proper understanding about the open competition, roster and recasting etc., and some are deliberately doing so. It was happened in the recruitment of the junior engineers in the electricity department in the year 2000. 78 BC candidates have got highest marks, they are suppose to get the posts in the open category but given in the BC quota. That is why the deserved BC candidates did not get the jobs.

The reservation policy is one of the major instruments used by Government of Andhra Pradesh to co-opt the growing elite among the backward classes. Reservations have been made for them in educational institutions, employment, and local body institutions. This policy seeks to compensate for centuries of inequalities, which prevent the economically, socially and educationally backward classes from enjoying anything approaching a proportional share of formal positions in the most strategic areas affecting economic standing and political power. Reservation policy has immense potential to influence the political process: it has provided sufficient stakes for the backward castes and particularly elites in the backward castes to extend their support to the political system. But it has taken nearly three decades to introduce the reservations based on the recommendations of the Commissions, but not Constitution based, therefore, for every ten years the BC Commission will have to be appointed and obviously, the BCs have to face the anti-reservation agitation and legal battle in the court. At the same time, it is the only reservation movement, which has brought together the heterogeneous backward castes; dalit and the progressive forces fight for the democratic rights in the state as well as in the country.

Inadequate policies for Education

For the education of backward castes children, the Government of Andhra Pradesh introduced the social welfare activities. But ideas for the introduction of
social welfare activities are derived from the caste associations, which have practiced the welfare activities like hostels, scholarships etc as a part of the social mobilization of their caste people before independence. In response to the pressure built by the Backward Classes Associations in the post-independent period, the social welfare activities include hostels, scholarships, residential schools, study circles etc. But there is an allegation that these facilities provided by the Government are not sufficient enough, due to inadequate infrastructure and funds, even for 25% of the BC students in the state.

Gradually, consciousness among the backward classes about education has been increasing. The strength of the BC students in schools, colleges and universities is also increasing. But the Government is not providing sufficient seats to all the applicants due to the scarcity of hostels in the entire state. For instance in Kurnool district alone during the academic year 2003-4 the district backward classes welfare department received about 8000 applications from the B.C students, who joined in the schools, for total number of 1842 seats in the entire district. Same thing is happening in all the districts and at all levels like junior, Degree Colleges and Universities. All BC students' applicants are not getting either hostel accommodation or scholarship and fees reimbursement for the professional courses. Similar situation exists even in residential schools, where each school receives four digits of applications and accommodates only double-digit number of pupil.33

For the last few years, the department of BC welfare went on increasing the number of study circles in order to give coaching for those BC students, who are preparing for the competitive exams. Since beginning of structural adjustment, liberalization and privatization policy in the country, recruitment for the Government jobs has been declining. Therefore, mere coaching without employment opportunities is no way going to help the backward caste youth.

For the purpose of enforcing policy matters, which are introduced for the backward castes, and to solve the procedural disputes in the process of implementation the Government of Andhra Pradesh made following institutional arrangements. (A) AP Backward Classes Cooperative Finance Corporation (APBCFC), (B) AP Backward Classes Welfare Department (APBCWD) and (C) AP Commission of Backward Classes (APCBC): Broadly these three institutions are looking after the financial, welfare and legal aspects respectively. These institutions have, almost; become helpless due to scarcity of funds from the state government,
lack of central government financial support and political will of both the governments. The finance allocations made for the BC Finance Corporation hardly covering even 5% of the BC beneficiaries, regarding welfare only Rs 10 crores is allocated for 52% of the BC population and BC Commission do not have either the mandatory powers to take any legal action against the violation of the rule of reservations or decision making power, but it has got powers only to include and exclude the castes in the BC list of 20.
References


6. Ibid., p. 121.


17. Ibid., p.8.


27. Ibid, p.159.


32. Ibid., p.835.