

## EMPOWERMENT OF BACKWARD CLASSES IN INDIA

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**Abstract:** While the policy of reservation in favour of Scheduled Castes was implemented very early on and systematically in post-independence India, the same arrangement could not be made for Other Backward Classes. Positive discrimination was probably so well accepted by the Indian *elites* and especially the congress establishment so far as the Scheduled Castes were concerned because none of these measures threatened their superiority. More importantly, it enabled them to defuse the Ambedkarite mobilization through co-option of Dalit Leaders who could be offered some *Kursi* in the mist of quotas. The case of OBCs involved a completely different dynamic the congress establishment remained reluctant to words any positive discrimination in their fovour till the end and where such measures were taken it was for purely political reasons, not for the socio-economic benefits they were supposed to offer. In this background the paper briefly touches Backward Class movement in India with special reference to Karnataka Politics.

**Keywords:** Depressed Classes, Education Commission, Most Backward, Mandal Commission, Naganagowda Committee, Relatively Backward.

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**Introduction:** Backward Classes constitute an important segment of Indian population. They are large and mixed category of people with boundaries that are both unclear and elastic. The category of Backward Classes is made up of three principle components; the Schedule Caste (SCs) , The Schedule Tribes(STs) and the Other Backward Classes (OBCs).

The Other Backward Classes are a residual category, this position is highly ambiguous, It is very difficult to give an exact statement of this number and Socio-economic status. It is said that the backward class is a class or community which is backward in the opinion of the government. The problem of specifying Backward Classes poses a great difficulty. Generally one can say socially and educationally backward people fall with in the category of the backward classes; but so far it has not been possible to list these classes and evolve acceptable criteria for identifying them.[1]

**Definition:** The origin of the term Backward Classes may be traced back to the later part of the 19<sup>th</sup> century. For a long time, the term Depressed Classes and Backward Classes were used interchangeable. Some time “Depressed Classes” included only untouchables and at other places this term included even criminal wondering tribes, original tribes, besides untouchables. The other words coined to denote the backward groups were such as *Exterior Castes and Excluded Classes*.

Sir Henry Sharp opined that Backward Classes included classes pursuing unclean professions, or they belonging to unclear castes whose touch or even shadow is polluting and also classes who are backward and educationally poor and also certain classes of mohammadens. [2]

Justice K Subha Rao Opined that – “The term Backward Classes refers to an ascertainable and identifiable group of persons based on caste, religion, race, language, occupation and such others; with definite characteristics of backwardness in various aspects of human existence – Social, Cultural, Economic, Political and such others”. [3]

**Characteristics of Backward Classes:** The term Backward Classes was first used in the 1870's by the Madras administration in the framework of an affirmative action policy favoring the under educated communities. The colonial sense of undereducated means, not from the historical marginalization, deprivation and exclusion from the basic rights such as education, poverty and power, but from the view

to serve the needs of the colonial administration in the light of education system which was advocated by Macaulay.[4]

The state, to fulfill the objectives of Macaulay, appointed the Education Commission in 1882. The commission recommended improvement of education among the aborigines, untouchables, low caste of the society. Initially, in 1883, nearly 39 castes were recognized as backwards which was the first attempt in the history of India to provide state-cum-legal support for the Backward Communities. [5]

**Backward Classes in Constitution Perspective:** Indian constitution has provided us with a way of life that is in the consonance with the ideals of democracy. These ideals can only be established by providing social, economic and political justice to the people. India is a heterogeneous society, having disparities of economic, social and cultural nature. The framers of the constitution were aware of the fact that in a caste ridden society like ours, certain castes and classes were socially oppressed, economically condemned to live the life of penury and educationally coerced to learn the family trade or occupation and to take the education set out for each caste and class by society for centuries.[6]

The constituent assembly thought it is necessary to include provisions in the constitution which would serve as an exception to the general provisions guaranteeing equality so as to enable the government in helping the "backward classes" to catch up with rest of the society. These provisions were included in article 15(4). This article authorises the state for making any special provision for the advancement of any socially and educationally Backward Classes of the citizens or for the scheduled casts and schedule tribes. According to Article 16(4) of the constitution, the state makes any provision for the reservation of appointments or posts in favour of any Backward Classes of citizens, which in the opinion of the state is not adequately represented in the service under the state. In addition, the directive principles in Article 38 and 46 direct the state or strive to promote the welfare of the people belonging to backward classes. Article 340 of the constitution authorises the president of Indian to appoint a commission to investigate the conditions of backward classes.

**The First Backward Class commission:** The First Backward Class commission at National level was setup by a presidential order under Article 340 of the constitution of India on January 29-1953 under the chairmanship of **Kaka Saheb Kalelkar**. [7] this commission submitted its report on March 30, 1955 and prepared a list of 2,399 castes and communities from the entire country and 837 of these were considered "Most Backward" required special attention.

The commission setup four criteria for the identification of OBCs,

- 1) Low social position in the traditional caste hierarchy of Hindu society.
- 2) Lack of general educational advancement.
- 3) Inadequate or no representation in government services and
- 4) Inadequate representation in the field of trade, commerce and industry. The commission identified 2,399 castes and communities while representing 32 percent of Indian population on the basis of colonial census data and prepared the list of socially and educationay backward classes.

The report of the Backward Class commission was never discussed in the parliament. Thus the government of India acted on this commissions report and left in to the state government to sanction such reservation.

**Second Backward Classes Commission:** The second all India Backward Class Commission **Bindhyeswari Prasad Mandal** Popularly known as *Mandal Commission* was appointed by the government of India on January 1<sup>st</sup> 1979. The commission submitted its report in 1980 and identified 3,248 castes or communities comprising 52% of total population as OBCs in educational institutions and government services. It has recommended 27% reservation for OBCs.

**Commissions / Committees of Backward Classes in Karnataka:** The following committees or commissions constituted in Karnataka time to time.

- Justice Leslie Miller Committee -1918-Mysore.
- Naganagowda Committee-1960- Report Submitted during 1961.

- L.G.Havanur Commission -1972-Report submitted during -1975
- T. Venkata Swamy commission 1983 – Report submitted during 1986.
- Justice Chinnappa Reddy Committee – 1988 – Report submitted during 1990.

The most potent and well – organized **Non Brahmin Movement** emerged in the princely state of Mysore during the first two decades of twentieth century.

The Non Brahmin Movement organized by K.H.Ramaiah and M.Basavaiah, Secured the support of some members of Royal family. They claimed to safeguard the interest of Backward communities which essentially Meant job opportunities for them.[8]

The non Brahmin movement received a great impetus with the arrival of C.R.Reddy. By 1917 Reddy had forged a Political association called **Praja Mitra Mandali**. In June 1918, a delegation of the Praja Mitra Mandali leaders presented a formal plea to the Maharaja, demanding Major Concessions for non-Brahmins.

During August 1918 Royal family appoints a committee under **Sri Leslie Miller** to enquire in to this communal representation in the state Administration. Miller Committee suggested to reserve 50% of top posts and  $\frac{2}{3}$  of lower post to non Brahmins- and it should be achieved with in 7 years.

**Nagana Gowda Committee:** The Nagana Gowda Committee constituted on 08/01/1960 submitted its interim Report with in a month identifying backwardness on grounds of literacy in relation to caste or community and the representation of the latter in services. In the final report of 1961 the committee recommended for the following reservation SCs 15%, STs 3%, OBCs 50%, totally 68%. Supreme Court nullifies this recommendation. Supreme Court suggested that caste can not be the sole criterion for determining the social and educational backwardness of the people and the total magnitude of reservation should not exceed 50%.

Consequently the Nijalingappa's Government issued a modified order on 16<sup>th</sup> September 1963 and declares 15% for SCs, 3% for STs, 30% for OBCs, totally 48% . At the same time the families having Rs. 1200/- annual income are also considered as Backward Classes.

**Havanur Commission:** Chief minister Devarj Urs constitute a Backward Class commission on 08<sup>th</sup> August 1972 under the Chairmanship of L G Havanur, an advocate of Bangalore. The commission submits its report on 09-11-1975. The Commission limits its reservation to 50% even though it felt the need of 75% in educational institutions and Employment.

The commission recommend for 16% for backward community, 10% for backward castes, 6% for backward tribes, 15% for Scheduled castes, 3% for scheduled tribes.

**T. Venkata Swamy Commission:** Chief Minister Ramakrishna Hegde Constituted the second Backward Classes commission on 18<sup>th</sup> April 1983 the commission made one of the most comprehensive socio-economic and educational surveys.

The commission submitted its report on 31<sup>st</sup> March 1986. The commission divided Backward Classes in to group 'A' with 15 castes and communities with 14% Reservation, Group 'B' with 20 castes and communities with 13% of Reservation a total of 27%.

**Justice Chinnappa Reddy Commission:** The third Backward Classes commission under the chairmanship of Justice O.Chinnappa Reddy was appointed in March 1988. it submitted its report to the government on 7<sup>th</sup> April 1990. The commission recommended 38% reservation for Backward classes.[9]

**Caste – Wise Reservation Recommended by the Karnataka Third Backward Class Commission**

Categories	Number of castes/ communities	Percentage of Population	Percentage of reservation
Category I	52	8%	5%
Category II	14	33%	28%
Category III	Numberless	Un known	5%

The most controversial part of the report was the exclusion of the two dominates communities, the Lingayats and Vokkaligas and some of their smaller castes/ communities like Devanga, Ganigas, Padmashalis and Catholic Christians. Chief minister Veerendra Patil did not take any action on the report and he extended the temporary order of 1986 for another year.

**S Bangrappa** became the Chief Minister in 1990. He presented him self much more aggressively as the champion of backward classes throughout his political career. As for as the reservation policy was concerned, he continued to extend the earlier order without taking a decision on the Chinnappa Reddy commission report.

In 1992 another backward class leader **M Veerappa Moily** became the chief Minister of Karnataka on 20<sup>th</sup> April 1994 he implemented the recommendation of Chinnappa Reddy commission with 12% additional reservation to accommodate both the Vokkaligas and Lingayats and other communities like Christians, Devangas, Ganigas, Padmashalis etc. On 25<sup>th</sup> July 1994, the government issued another order reclassifying the castes and enhancing reservation from 50% to 57 %.

However the Supreme Court of India in its interim order dated 09<sup>th</sup> September 1994 in the writ petition No 438/94 had directed the government of Karnataka to restrict the overall reservation up to 50% inclusive of Scheduled Castes, Scheduled Tribes and Other Backward Class. The Karnataka government decided to implement the order of Supreme Court for admission of Professional courses for the year 1994-95 [10] and for the purposes of job reservation [11] restricting the overall reservation to 50%.

**The Extent of Percentage of Reservation Provided Both for the Purpose  
Of 15(4) And 16(4) Is As Follows:**

Category I	Most Backward	4% reservation.
Category II (a)	Relatively more Backward	15% reservation.
Category II (b)	More backward	4% reservation.
Category III (a)	Backward	4% reservation.
Category III (b)	Relatively backward	5% reservation.
Scheduled caste		15% reservation.
Scheduled Tribes		3% reservation.

**93<sup>rd</sup> Constitutional Amendment:** One of the most contentious issues relating to affirmative action in favor of OBCs, Surfaced in the year 2006 when the United Progressive Alliance (UPA) government headed by **Dr. Manmohan Singh** decided to extend reservation to Backward Classes in higher central educational institutions under the charge of the central government.

Ninety third constitutional amendments Act empowered the centre to come out with a special law for OBC reservation in educational institutions and subsequently a legislation providing for the Quota, Central educational institution (Reservation in Admission) Act 2006, was passed by the parliament. [12]

There was agitation and strikes in favour and against the reservation bill of 2006. A petition challenging the act was also filed in the Supreme Court on 22<sup>nd</sup> May 2006. The Supreme Court issued an interim order staying the implementation of the Act [13]

Mean while the UPA Government appointed an oversight committee under the chairmanship of **Dr. M Veerappa Moily** to suggest the roadmap of implementing the OBC Quota. The committee

recommended implementing 27 % in a phased manner that is 09% every year to reach the goal of 27 %.  
[14]

Finally the five Judge constitution Bench headed by justice K G Balakrishnan in its landmark judgment given on 10<sup>th</sup> April 2008 in *Ashok Kumar Thakur v/s Union of India* case upheld the law providing 27% Quota for OBCs in IITs, IIMs and other central education institutions.

The judgment of 10<sup>th</sup> April 2008 suggested that the “Creamy Layer” must be excluded from the socially and educationally Backward Classes. The Judges also held that there should be a periodical review after five years on containing with the quota.

**Formation of the Permanent Commission:** The supreme court in its judgment in *Indira Sawhney v/s Union India* case in 1992 directed the government of India and the state government to constitute a permanent body for entertaining, examining and recommending up on request for inclusion and complaints of over-inclusion and under-inclusion in the list of OBCs. Accordingly the Government of Karnataka also established a **Karnataka State Backward Classes Commission** on 22<sup>nd</sup> February 1993.<sup>15</sup>

**123<sup>rd</sup> constitutional Amendment of bill -2017:** 123<sup>rd</sup> constitutional Amendment bill 2017, passed by the parliament (10<sup>th</sup> April 2017 by Loksabha and 31<sup>st</sup> July 2017 by Rajya Sabha). It seeks to grant the **National Commission on Backward Classes** (NCBC) constitutional status at par with the **National Commission for Scheduled Castes** (NCSC) and the National Commission for Scheduled Tribes (NCST).

This Amendment seeks to repeal the National Commission for Backward classes Act 1993.

The Act of 2017 states that the president may specify the socially and educationally Backward Classes in the various states and union Territories. The president may do this in consultation with the Governor of the concerned State. However a law of parliament will be required if the list of Backward classes is to be amended.

The National Commission for Socially and Educationally Backward Classes (NCSEBC) will replace the existing National Commission for Backward classes (NCBC).

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