Backward Classes Commission Reports in Karnataka: A Critical Review of Criteria, Recommendations and Judgements

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Abstract: This paper maps the trajectory of recommendations made by commissions set up for the improvement of the status of the Backward Classes in Karnataka. Starting with the Leslie Miller Committee Report in 1919, the paper analyses the criteria considered to determine backwardness, and juxtaposes the recommendations in the socio-cultural and legal context of the time.

Introduction

The princely state of Mysore was amongst the first to have progressive reservation policies for non-Brahmins. As early as in the decades between 1851 and 1881, reservations were made for non-Brahmins in public service. The controversy surrounding this arose as early as in 1874, soon after the passage of the Caste Disability Act in 1972. Twenty per cent of the lower and mid-level posts in the government were reserved for Brahmins, and the remaining for non-Brahmins, Muslims and Indian Christians (Miller Committee Report, 1919: 4). In 1882, the Mysore representative assembly was constituted on limited franchise to represent concerns that affected communities, but with no legislative powers. In 1895, police department appointments were made in fixed proportion to Brahmins, Muslims and other Hindu castes (Mathur, 2004: 22).

The set up of the Mysore representative assembly was the genesis of greater political awareness amongst the dominant castes in the state. The Mysore Lingayat Education fund and the Vokkaliga Sangha started functioning in the early years of the 20th century, providing education and social service to their members. The assembly served as a democratic platform for passing resolutions and airing grievances. This was coupled by greater social awareness through traditional means of information.

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dissemination. The census report of 1891 classified the Lingayats as Shudras. Yajaman Veerasangappa, a Lingayat leader, then started *Mysore Star*, a Kannada Magazine that aimed to propagate that veerashaivas were socially equal to Brahmins. P R Karibasava Shastry, encouraged by Veerasangappa, started a monthly named *Veera Shaiva Mata Prakashika*, which also led to greater political awakening among the Lingayat community. In the first decade of the 20th century, therefore, there was the formation of castes’ associations. In 1917, under the leadership of C. K. Reddy, *Praja Mitra Mandal* was established in order to voice the claims of non-Brahmins (Mandal Commission Report Vol. IV, 1980: 151). This was in tandem with the rise of the Justice Party and the non-Brahmin movement in the neighbouring state of Madras.

Another cause for the rise of political movements such as the *Praja Mitra Mandal* is the opposition from within the Mysore state towards the preferential treatment policy enacted in the late nineteenth century by the then Diwan of Mysore, Sir M. Visveswariah (Mathur, 2004: 23). While there was some improvement in the status of education for these backward classes as government orders were passed that forced all schools to admit children from the depressed classes, the clamor for political representation and representation in public service continued unabated. The *Praja Mitra Mandal* made representations on behalf of the aggrieved communities to the then Maharaja of Mysore, who then set up a committee under the chairmanship of L C Miller (The Chief Justice of Mysore). This was the first committee set up to investigate the status of backward classes in Karnataka.

**The Leslie Miller Committee (1919)**

The Miller Committee was set up in August 1918 to address the necessity of steps for the adequate representation of communities in public service. It submitted its report in 1919, and vindicated the claim made by non-Brahmins that there was inadequate representation of the backward classes in public service.

The report utilized data from the 1911 census, and used the data on caste-wise demographics as well as literacy in the English language in order to formulate its recommendations. The data revealed that despite patronage for primary and secondary education for two decades, there was little improvement in the condition of the
depressed classes. This had implications on their numbers in public service, as literacy in English was a key competency that was tested in the merit-based examination that was conducted in order to ensure appointments.

The Miller Committee classified all castes and communities as under the general head of caste in the Census Report of 1911, which contained less than five per cent literates in the English language. This was the criterion adopted for backwardness, and by this criterion, all communities not belonging to the Brahmins, Anglo-Indians and Europeans were classified as backward.

One of the key recommendations made by the committee was the following:

*Within a period of not more than seven years not less than one and half of the higher and 2/3 of the lower appointments in each grade of the service and so far as possible in each office are to be held by members of communities other than the Brahmin community, preference being given to duly qualified candidates of the Depressed Classes who are available.*

The Committee also recommended multiple steps to improve the educational system, including scholarships for backward classes, relaxation of the age limit for appointment to public service, and an end to the competitive merit-based examination for the selection of candidates.

The Government of Mysore accepted the Miller Committee report, and in May 1921, constituted the Central Recruitment Board and reserved 75 per cent of the posts for backward classes vide a government order. This report and the government order elucidate the real state of the backward classes in India, and the strength in their numbers.

The next significant step in policy in relation to the backward classes was post the formation of the unified state of Karnataka in 1956. The Dr. R. Nagana Gowda committee was set up in 1960 to classify backward classes and make suitable recommendations in the aftermath of the Ramakrishna Singh v. State of Mysore case (AIR 1960: 338).
**R Nagana Gowda Committee (1960)**

The Nagana Gowda Committee classified backward classes on the basis of the social position that the community or caste occupied in society, the general educational backwardness of the community on the basis of a high school standard applied to education, and representation that the community had in government service.

The R. Nagana Gowda Committee, which submitted its report in 1961 and brought Muslims under the backward classes list. It identified more than 10 castes within Muslims as most backward. A Government Order, issued based on the recommendations in 1962, was challenged in the court.

**Balaji v. State of Mysore (1963)**

This landmark case challenged the Nagana Gowda Committee report that said caste should be the basis of classification of backward classes. In its judgment, the Supreme Court order said that backwardness has to be social and educational not either social or educational, and that it must be comparable to SCs and STs. Only communities that are below the state average in education are educationally backward, and that caste, occupation and place of habitation are all relevant for backwardness.

Following this Supreme Court order, the Mysore state issued another order listing six occupations that contribute to social backwardness. The following list enumerates those occupations.
- family where income is below 1200 per annum
- cultivator
- artisan
- petty businessman
- inferior government service
- occupations involving manual labor

Another case in relation to the Nagana Gowda committee report is R Chitralekha v. State of Mysore in 1964, which questioned whether caste and class were synonymous.
The Supreme Court ruled that while caste is an important factor in determining social backwardness, caste and class are not synonymous.

Following these, the first Backward Classes Commission was set up by D Devaraj Urs, in 1972. It is called the L G Havanur Commission.

**L G Havanur Commission (1975)**

This commission was constituted in 1972 by chief minister D Devaraj Urs with L G Havanur as chairman and comprised seven members in total. The L G Havanur Commission used sample survey data in order to identify backward classes. It applied multiple tests that were economic, residential, occupational and denominational in nature.

The Havanur commission used exhaustive criteria in order to determine backwardness. These were as follows:

a. The place of habitation (barrenness)

b. Financial inability to acquire land or property

c. Profession, trade or occupation with disproportionate return for the labour expended

d. Difficulty in establishing favourable relations with other communities due to social prejudices

e. Difficulty in access to places of cultural, religious or artistic significance

f. Inaccessibility to certain amenities by virtue of tradition and custom

g. Inability to pick up training for business, industries or public services

h. Percentage literacy

i. Poor conception of sanitation, primitive way of worship, unwillingness to settle down in one place etc.

The commission treated those whose performance in the 1972 SSLC examination was below the state average but above 50 per cent of it as category 1 'backward communities' (there were 15 such identified), those whose performance was below 50 per cent of the state average as category 2 'backward castes' (there were 128 such identified). Category 2 also contained 13 minuscule communities with a combined
population of about 0.1 per cent though the commission did not have adequate data on their backwardness.

For an estimated population of about 42 per cent to 45 per cent (19 per cent to 22 per cent in category 1, 14.5 per cent in category 2, and 8 per cent in category 3), the commission recommended an overall reservation of 32 per cent (16 per cent, 10 per cent, and 6 per cent respectively for the three categories) for purposes of both the articles.

The controversial claim made by the commission is that the Lingayats, Muslims and Christian communities were not treated as backward. The government order following the acceptance of this report, however, incorporated a special group comprising cultivators, artisans and those indulged in manual labour irrespective of caste. The government also increased the quantum of reservation to 40 per cent (20 per cent for category 1, 10 per cent for category 2, and 5 per cent each for categories 3 and 4), and introduced an income limit in order to target those that were most marginalized.

In 1978 the two government orders (GOs) on Havanur's report, of February 22 and March 4, 1977, were challenged before the Karnataka High Court. In April 1979 the high court upheld the GOs on the whole but struck down parts relevant to certain niche communities such as the deletion of Arasu from category 1 privileges. The matter was further taken up in the Supreme Court in the K C Vasanth Kumar Case

**K C Vasanth Kumar vs. State of Karnataka**

This was an important case that was deliberated over by a five-judge bench and pertained to the tests that are to be applied to determine backward classes based on poverty and caste

The court ruled that poverty has to be the most important factor in determining backwardness, although caste must be considered for identification of the poor. It further said that caste and means tests should be applied where caste status should be comparable to ST and SC. The court recognized the readily identifiable nature of some socially and educationally backward classes.
In the course of the hearing of this case, in November 1982 the Karnataka government gave an undertaking to the Supreme Court to appoint another commission.

**Venkataswamy Commission (1984)**

The Venkataswamy Commission was appointed as part of the undertaking given to the Supreme Court by the Government of Karnataka in November 1982, and comprised 15 members. The commission undertook one of the most comprehensive socioeconomic and educational surveys that covered about 91 per cent of the state’s 3.6 crore population by a door-to-door enumeration and issued an encompassing questionnaire besides holding consultative arrangements with multiple organizations, associations and interest groups.

The commission formulated 17 socio-economic, educational, and employment indicators for the purposes of determining backwardness. These indicators were classified as either forward or backward indicators, in each of the abovementioned categories. Backward communities were categories as those that scored in over nine negative indicators. Similar to the Havanur Commission Report, this commission also took into account the performance in the 1985 SSLC examination. It was observed that the results in terms of backwardness as compared against the 17 indicators proved to be similar, except in 13 cases. For those specific cases, the performance in SSLC was taken as an additional tenth indicator in determining backwardness.

Communities whose SSLC performance was above 50 per cent of the state average but below the state average were grouped separately from those whose performance was 50 per cent below the state average. Fifteen such communities were identified in group A and 20 in group B. Upon application of similar tests to consider employment-related backwardness, 35 were identified in total with 19 in group B and 12 in group A.

The Venkataswamy Report made a number of general recommendations for the betterment of backward classes. It recommended a carry forward system for unfilled quotas, insistence on income certificates and filters to ensure that those that earned above INR 15,000 or had received benefits in the past could be excluded, the abolition
of the special group established by the government order in the wake of the Havnur Commission report, implementation of reservations up to 27 per cent and reservations in promotions.

This report was controversial as it reduced the list of backward classes from about 200 to a mere 35. Dominant communities such as the Vokkaligas and Lingayats did not feature. Due to political interests that the then Janatha government had, the report was criticized for not following the Supreme Court guidelines as well poor methodology, and consigned to cold storage. While vested interest groups that wished to perpetuate their benefits made these allegations, it is unclear as to why each of the indicators used by this commission to draw up the criteria for backwardness is given equal weightage. Justice O. Chinnappa Reddi has criticized this very attribute in the Venkataswamy Commission Report.

The government orders consequent to this report classified backward classes into five groups and gave them an overall reservation of 50 per cent, almost completely ignoring the recommendations made by the Venkataswamy Commission.


Justice Chinnappa Reddy Commission posited that social and educational backwardness is a consequence of economic impoverishment, educational unawareness and caste degradation. Yet in identifying backwardness and overcoming the same, he has utilized caste as the primary key.

He believes that backward classes are those "who because of the low gradation of the caste to which they belong in the rural social hierarchy, because of the humble occupations which they pursue, or because of their poverty and ignorance are also condemned to backwardness, social and educational".

The Justice Chinnappa Reddy commission uses the data collected by the Venkataswamy commission in order to make its recommendations, and compares it with additional special surveys, interviews and tours of communities in various districts.
The following criteria were then used by this commission to determine backwardness:

a. Classification on the basis of population
b. Relative position in terms of legislative representation and power
c. Land holding patterns in the 523 surveyed villages
d. Illiteracy rates
e. Distribution of candidates appearing for the SSLC exam in comparison to the number that passed the exam
f. Caste wise SSLC performance
g. Annual income of families in surveyed villages
h. Admission into higher institutions of education.
i. Employment in public offices

On the basis of his overall assessment of the different castes/communities, two lists were drawn, one which classifies 65 communities as backward and another which classified 32 communities as forward. He has divided the list of the backwards into three categories, with 52 names in category 1, 14 names in category 2, and numberless occupational groups as category 3. Justice Reddy rejects income criteria as the sole basis of determining backwardness and argues that there is a correlation between income and caste that leads to social backwardness.

The report recommends a total reservation of 38 per cent, which is greater than the recommendations made by the Venkataswamy Commission. Other recommendations include exclusion from reservations of all those either of whose parents is/was employed in higher grades (A or B), is a qualified professional as doctor, engineer, etc, is an income-tax or sales tax assesses, or is owner of more than eight hectares of rainfed dry land or its equivalent; and also all those whose parents are graduates, validation and extension of benefits through the provision of adequate documentation, punishment for those producing fake certificates (incarceration up to six months), reservations in promotion of officers at the first stage, setting up of a permanent committee to self-regulate the addition and deletion of communities in the backward classes list.
Vide 1995 Supreme Court order, and in keeping with the recommendations made by the Justice Chinappa Reddy Commission, the Supreme Court set up the first permanent Backward Classes Commission with Prof. Ravivarma Kumar spearheading the same. In 2002, this commission determined backwardness in an era of liberalization and globalization, and made appropriate recommendations in relation to the backward classes in Karnataka.

**Prof. Ravivarma Kumar Commission (2002)**

Prof. Ravivarma Kumar’s commission made recommendations on the basis of each caste’s petition and documentation presented before it in relation to each caste. Social backwardness was determined by the status accorded to each caste in the hierarchy of castes, the economic status of each caste in terms of absolute poverty, and the traditional occupation of the caste under question. Educational backwardness was determined by the percentage of literacy below the state average, and the number of matriculates per thousand that were below the state average. Further, the commission considered adequacy of representation in state service as well as data from a sample survey conducted for each caste.

On the basis of the same, the commission recommended that there should be an abolition of reservation in promotions, which had been recommended by previous Backward Classes Commissions. However, the report recommended that there may be a reservation of up to 50 per cent in direct recruitment at all levels in all posts and cadres in government service. The Ravivarma Kumar also recommended dissociation from reservation given to non-Hindu classes and suggested that those may be provided under article 14 without affecting the reservation of Dalits, SCs and STs. An interesting addition made by this commission is 32 per cent reservation of all industrial licences in favour of Backward Classes, both in terms of number and in terms of turnover should provided be in all tender notifications issued by the Public Works Department.
Conclusion

In summary, the following trend can be observed in terms of reservations can be observed in the reports submitted by various commissions.

**Extent of Coverage and Percentage of Reservations Recommended by Various Backward Classes Committees/Commissions in Karnataka**

<table>
<thead>
<tr>
<th>Committees/Commissions</th>
<th>Percentage of population covered under reservation</th>
<th>Percentage of extent of reservations for OBCs, SCs and STs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Miller Committee</td>
<td>97</td>
<td>50</td>
</tr>
<tr>
<td>Government Order 1921</td>
<td>97</td>
<td>50</td>
</tr>
<tr>
<td>Nagana Gowda Committee 1960</td>
<td>75</td>
<td>68</td>
</tr>
<tr>
<td>Government Order 1960</td>
<td>75</td>
<td>40</td>
</tr>
<tr>
<td>Havanur Commission 1975</td>
<td>63</td>
<td>50</td>
</tr>
<tr>
<td>Government Order 1977</td>
<td>81</td>
<td>58</td>
</tr>
<tr>
<td>Government Order 1979</td>
<td>67</td>
<td>58</td>
</tr>
<tr>
<td>Venkataswamy Commission 1986</td>
<td>51</td>
<td>45</td>
</tr>
<tr>
<td>Chinappa Reddy Commission 1990</td>
<td>95</td>
<td>68</td>
</tr>
<tr>
<td>Ravivarma Kumar Commission 2002</td>
<td>52</td>
<td>56</td>
</tr>
</tbody>
</table>

Source: compiled from various Backward Classes Commission Reports for reservation under 15(4)

From a careful and critical analysis of the reports, it can be observed that there exists a need for continued affirmative action for some backward communities, while a discontinuing of privileges of those that have been privileged in the past. Political reasons have played a major role in the implementation of recommendations by
commissions, and there is no continuous trend that can be observed in the percentage of reservation that is required for classes under 15(4) of the constitution.

Further, there needs to be a critical re-examination surrounding the discourse on backwardness, and an introspection on the most holistic criteria that can be used in order to determine backwardness. From the commissions that have already made their studies relevant, the answer seems to lie not in either purely economic, or purely social criteria, but a complex combination of both which requires adequate weightage to be accorded to various indicators.

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