

**GOVERNMENT OF INDIA**

Report of the  
**COMMISSION FOR  
ECONOMICALLY BACKWARD CLASSES**

**2010****Volume -I**

**Ministry of Social Justice and Empowerment  
New Delhi**

# GOVERNMENT OF INDIA



Commission for Economically Backward Classes  
Ministry of Social Justice and Empowerment  
New Delhi

*Chairman*

Maj. Gen (Rtd.) S.R. Sinho

*Member*

Shri Narendra Kumar

*Member Secretary*

Shri Mahendra Singh, (I.A.S. Rtd.)

Confidential



Government of India  
Commission for Economically Backward Classes  
Ministry of Social Justice & Empowerment  
Jeevan Deep building, 4<sup>th</sup> floor,  
Parliament Street, New Delhi

July , 2010

Shri Mukul Wasnik  
Hon'ble Minister for Social Justice & Empowerment  
Government of India  
Shastri Bhawan, New Delhi

Dear Shri Wasnik,

The Government of India had re-constituted the Commission for Economically Backward Classes (CEBC) under the Ministry of Social Justice and Empowerment *vide* notification no.20012/10/2003 BCC dated 10.07.2006 to consider reservation in Government jobs and education for the Economically Backward Classes (EBCs) among the General Category, not covered under the existing reservation policy and to recommend the welfare measures for them, apart from looking into the constitutional, legal and administrative modalities that may come up in the way of providing reservation, if any.

The Commission had been mandated to consult the State Governments / Union Territory administrations and field functionaries dealing with welfare measures, legal experts, voluntary organizations and social activists on the issue of providing reservation and welfare measures to the Economically Backward Classes. The issue of providing reservation on the basis of economic backwardness is a new concept and a departure from the existing arrangement of reservation provided to the Scheduled Castes, Scheduled Tribes and Other Backward Classes on the basis of social and educational backwardness.

The Commission had consulted the State Govts. / Union Territory administrations through feed back of questionnaires and also visited 28 States/UTs and had discussions with H.E. Governors, Lt. Governors, Administrators, Hon'ble Chief Ministers, Ministers concerned, Chief Secretaries and other senior officers and also with the representatives of social organizations, NGOs, social activists and political leaders etc. The Commission also consulted related Central and State Commissions. Based on the discussion and information received, the Commission suggests the criteria for identification of the Economically Backward Classes among the 'General Category' and recommends implementation of a series of welfare measures for their development. The Commission also suggests conducting of a comprehensive survey for assessing the socio-economic profile of the Economically Backward Classes and to hold further consultations with all concerned.

The Report is being presented in two volumes. Volume I contains nine chapters. Chapter 1 is Introductory. Chapter 2 reviews different approaches and criteria adopted for identification of the backward classes. Chapter 3 reviews the past initiatives to grant reservations to the Economically Backward Classes. Chapter 4 discusses Constitutional Status and Demographic profile of Reserved and General Categories. Chapter 5 assesses the economic and educational backwardness and status of health, nutrition and housing among different categories. Chapter 6 contains the views of States, UTs and other Commissions. Chapter 7 suggests welfare measures for the Economically Backward Classes. The Recommendations and Summary of the Report are contained in Chapters 8 and 9 respectively.

The Volume II of Commission's Report contains reference material and annexures.

The Commission expresses gratitude to Dr. Manmohan Singh, Hon'ble Prime Minister; Smt. Meira Kumar, Hon'ble Speaker, Lok Sabha (then Hon'ble Minister for Social Justice & Empowerment) for reconstituting this Commission in July, 2006. We are also grateful to Shri Mukul Wasnik, Hon'ble Minister of Social Justice & Empowerment for his continuous support to the Commission in discharge of its responsibilities. The Commission is also thankful to the Secretary and all concerned officers of the Ministry of Social Justice & Empowerment for facilitating the work of the Commission during its entire tenure.

We have discharged our responsibility in the best possible way amidst the constraints of supporting manpower and infrastructure. We hope that our Report will be useful to the Government as well to the people of our country belonging to the Economically Backward Classes.

We have great pleasure in submitting herewith our Report.

With regards,

  
Mahendra Singh, I.A.S. (Retd.)  
Member Secretary  
29.07.2010

  
Narendra Kumar  
Member  
29/7/10

  
Yours Sincerely,  
Mr. Gen (Retd.) S.R. Sinha  
Chairman

## Acknowledgement

We express our gratitude to the Government of India for reconstituting the Commission for Economically Backward Classes under the Ministry of Social Justice & Empowerment in July 2006 and allowing us to work as Chairman, Member and Member Secretary of the Commission on an important issue of considering reservation in government jobs and education for the Economically Backward Classes not covered under the existing reservation policy. The term of the Commission has been extended five times and the present term of the Commission expiring on 31<sup>st</sup> July, 2010.

The collection of information from the State Governments and Union Territories and eliciting their views as well as of other Commissions, social activists, NGOs, media and other concerned people have rather been a challenging task as considering reservation on the basis of economic backwardness is a departure from the existing arrangement of reservation provided to the Scheduled Castes, Scheduled Tribes and Other Backward Classes on the basis of social and educational backwardness.

The Commission is grateful to H.E., the Governors, Lt. Governors, Administrators, Hon'ble Chief Ministers, Ministers, Chief Secretaries and senior officers of the States/ UTs, representatives of Central and States Commissions, NGOs, social activists and media people who have interacted with this Commission. It is difficult for us to name them individually, however, we sincerely value the valuable inputs received from them for this Report.

We are grateful to Shri Mukul Wasnik, Hon'ble Minister for Social Justice & Empowerment, Shri K.M. Acharya, Secretary, Ministry of Social Justice & Empowerment and other senior officers and supporting staff of the Ministry for facilitating the work of this Commission during its tenure.


We are thankful to the International Management Institute (IMI), New Delhi and Dr. B. R. Ambedkar National Institute of Social Sciences (BANISS), Mhow, (M.P.) for conducting specific studies on the terms of reference of the Commission and also to Prof. N. C. Pattnik of IMI and Prof. D. K. Verma of BANISS for organizing seminars on the issues concerning reservation and the criteria for identification of the Economically Backward Classes.


The Commission had faced limitations on account of shortage of staff and the supporting infrastructure for the work of the Commission. All the same, the Commission is highly appreciative of the work done by Shri A.K. Srivastava, Joint Secretary, Shri Liladhar Dorlikar, Sr. Research Officer, Shri M.P. Aggarwal, Consultant, Shri Rakesh Sundriyal, Stenographer and other supporting staff.

We are grateful to Dr. R.K. Shrivastava, former Director, Government of India, Ministry of Social Justice & Empowerment and Dr. D.K. Verma, Professor & Head, Division of SC, ST & OBC Development, Dr. Bahasaheb Ambedkar National Institute of Social Sciences, Mhow who worked as Consultants for this Commission and substantiated the understating on various issues concerning the Economically Backward Classes. They along with Prof. N. C. Patnaik of IMI have also assisted the Commission in compilation of requisite information for writing this Report. We also thank Justice (Retd.) V.S. Dave, former Judge, Rajasthan High Court for rendering legal advise on issues concerning reservation to the Economically Backward Classes.

Lastly, we ought to express gratitude to many more members of the civil society who substantiated on various issues concerning the terms of reference of this Commission, but owing to the limitations of space, it is not possible for us to name them individually. We would like to be excused for that.

  
Mahendra Singh, J.A.S. (Retd.)  
Member Secretary  
22.07.10

  
Narendra Kumar 22/7/10  
Member

  
Maj. Gen (Retd.) S.R. Sinha  
Chairman

## Abbreviations

A & N	Andaman & Nicobar
AP	Andhra Pradesh
APL	Above Poverty Line
Ar P	Arunachal Pradesh
As	Assam
BANISS	Dr. Babasaheb Ambedkar National Institute of Social Sciences, Mhow
Bi	Bihar
BPL	Below Poverty Line
CEBC	Commission for Economically Backward Classes
Ch	Chandigarh
CM	Chief Minister
CS	Chief Secretary
D & N	Dadra & Nagar Haveli
EBC	Economically Backward Classes
GC	General category
Guj	Gujarat
HDR	Human Development Report
HE	His/Her Excellency
HP	Himachal Pradesh
Hr	Haryana
IMI	International Management Institute, New Delhi
J&K	Jammu & Kashmir
Ka	Karnataka
Ke	Kerala
Man	Manipur
MDG	Millennium Development Goals
Miz	Mizoram
MP	Madhya Pradesh
Ms	Maharashtra
NCBC	National Commission for Backward Classes
NCR	National Capital Region

NCRLM	National Commission for Religious & Linguistic Minorities
ND	New Delhi
NE	North East
NFHS	National Family Health Survey
NG	Nagaland
NGO	Non-Governmental Organization
NSSO	National Sample Survey Organization
OBC	Other Backward Classes
Or	Orissa
Pud	Poducherry
Pun	Punjab
Raj	Rajasthan
SC	Scheduled Castes
Sik	Sikkim
ST	Scheduled Tribes
TN	Tamil Nadu
Tr	Tripura
UC	Unreserved Category
UCs	Unreserved Classes
UN	United Nations
UP	Uttar Pradesh
Ut	Uttarakhand
UT	Union Territory
WB	West Bengal
WHO	World Health Organization



Forwarding letter
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## Chapter One

### Introduction

#### 1.1 Government of India Notification:

The Government of India, Ministry of Social Justice and Empowerment (Backward Classes Division) resolved to reconstitute this commission for Economically Backward Classes not covered under the existing Reservation Policy vide Gazette Notification No. 20012/10/2003-BCC dated 10<sup>th</sup> July, 2006 (Annexure - 1).

#### 1.2 Terms of Reference of the Commission:

The Terms of Reference of the Commission were:

- (a) to elicit the views of the State Governments, Union Territories and other Commissions on the subject;
- (b) to suggest criteria for identification of Economically Backward Classes;
- (c) to recommend the welfare measures and quantum of reservation in education and Government employment; and
- (d) to suggest necessary constitutional, legal and administrative modalities as required for the implementation of their recommendations.

#### 1.3 Composition of the Commission:

The following persons were appointed as Chairperson, Member and Member-Secretary of the Commission:

- |       |                                     |   |                  |
|-------|-------------------------------------|---|------------------|
| (i)   | Major Gen. (Retd.) S.R. Sinha       | : | Chairman         |
| (ii)  | Shri Narendra Kumar                 | : | Member           |
| (iii) | Shri Mahendra Singh, I.A.S. (Retd.) | : | Member Secretary |

#### 1.4 Headquarters of the Commission:

The office of the Commission was located at New Delhi and its Secretariat functioned from B-2/W1, 1688, Curzon Road Barracks, Kasturba Gandhi Marg, New Delhi, 110001 till 31st May, 2010 and have shifted to Jeevan Deep building, 4th floor, Parliament Street, New Delhi from 1st June, 2010.

#### 1.5 Term of the Commission:

Initially, a Commission was constituted by the Government of India, Ministry of Social Justice and Empowerment (Backward Classes Division) vide its Notification No. 20012/10/2003-BCC dated 6<sup>th</sup> July, 2004 and resolved to continue that Commission vide resolution dated 3<sup>rd</sup> March, 2005 (Annexure - 2). Thereafter, the Commission was reconstituted vide Notification dated 10<sup>th</sup> July, 2006 (referred to in para 1.1 above) and its term was finally extended up to 31<sup>st</sup> July, 2010. The period of the Commission was extended from time to time vide resolutions No. No.20012/10/2003-BCC dated 13<sup>th</sup> February, 2007; No. 20012/10/2007-BCC dated 8<sup>th</sup> February, 2008; No. 20012/10/2007 - BCC dated 7<sup>th</sup> August, 2008; No. 20012/10/2007-BCC dated 4<sup>th</sup> August, 2009 and No. 20012/10/2007-BCC dated and lastly vide 13<sup>th</sup> April, 2010 (Annexures—3, 4, 5, 6 & 7).

#### 1.6 Approach and Methodology adopted by the Commission:

##### 1.6.1 Commission's visits to States and Union Territories:

The Commission made visits to 28 States and Union Territories of the country (as shown in Annexure - 8) to elicit their views on the subject. During the visit to the States/UTs, the Commission had called on H.E. the Governors, Lt. Governors, Administrators and held discussions with the Chief Ministers, Ministers concerned, Chief Secretaries and other senior officers, political leaders, NGOs, Social activists and media. The Commission also interacted with some Chairmen of State Backward Classes Commission viz, Rajasthan State Economically Backward Classes Commission, *Madhya Pradesh Rajya Samanya Nirdhan Varg Kalyan Ayog*, Most Backward Classes Commission, Bihar, State Backward Classes Commission, Karnataka and Vice Chairman, State Backward Classes Commission, Uttar Pradesh etc. Visits were also made to a few district headquarters where discussions were held with the District Collectors and other officers. The Commission also met the Director, National Academy of Administration, Mussoorie, Director General, Dr. Babasaheb Ambedkar National Institute of Social Sciences, Mhow.

Summary of discussions held with the State Governments / Union Territories may be seen in the Chapter Six of this Report.

**1.6.2 Information received from the States/ UTs:**

A comprehensive questionnaire (Annexure - 9) was designed and circulated to the States/ UTs to gather information on the criteria for identification of economically backward classes among general category, welfare measures and the quantum of reservation in government employment and education, if any, to be provided to them. However, the Commission could not receive the desired information in the said format. The questionnaire was simplified and revised questionnaire (Annexure - 10) was further circulated to the States / UTs. The Commission received some information in pursuance to this questionnaire and specific reply of the State Governments on the issue of reservation for the economically backward classes and details of welfare measures were generally not received. The information received from the States and UTs has been placed in the volume II of this Report. In view of the non-availability of desired information from the States / UTs, the Commission, has largely relied on the feed back received during its visits to various States/Union Territories for the primary database, which was further substantiated through the specific studies conducted through the institutions of repute.

**1.6.3 Representations received from Social Organizations/ NGOs:**

The Commission received a large number of representations from various social organizations and associations. A list of such organizations is enclosed. (Annexure - 11).

**1.6.4 Non-availability of Data on Economically Backward Classes:**

Data on castes/communities other than the Scheduled Castes and the Scheduled Tribes were not available as the Census of India did not project the population of all castes/communities after 1931 Census. The States and UTs could also not make available the population figures or percentage of Economically Backward Classes. Empirical research-based information on such classes was also not available.

1.7 Multi-pronged Approach:

Lack of authentic data and non-availability of sample surveys reflecting status of these classes which could be categorized as economically backward classes made the task of the Commission rather difficult. Therefore, the Commission adopted a multi-pronged approach to compile the database from available relevant sample surveys, books, reports and articles, etc. Two National-level seminars/ workshops were organized and two specific studies were conducted through institutions of repute on the terms of reference of the Commission. The details of this approach include the following:

- 1.7.1 First-hand views of the State Governments /Union Territories obtained during visits of the Commission to various States/ Union Territories.
- 1.7.2 First-hand representations presented to the Commission by political leaders, social organizations, individuals, caste-based organizations from various states on the terms of references of the Commission.
- 1.7.3 The Commission approached prominent social science institutions to get relevant database on the terms of reference of the Commission in the form of study reports. One such study report was prepared by the International Management Institute (IMI), New Delhi and another study report was made by Dr. Babasaheb Ambedkar National Institute of Social Sciences (BANISS), Mhow, Dr. Ambedkar Nagar, Madhya Pradesh.
- 1.7.4 A National-level seminar was organized on the theme of "Identification of Economically Backward Classes among the classes not covered under the existing reservation policy" at International Management Institute, New Delhi on 4<sup>th</sup> December, 2008.
- 1.7.5 A National-level workshop was organized on the theme of "Economically Backward Classes: Criteria for Identification and Welfare Measures" at Dr. Babasaheb Ambedkar National Institute of Social Sciences, Mhow (Madhya Pradesh) on 4<sup>th</sup> of July, 2009.

## 1.8 Reviews of relevant reports and references:

Intensive and extensive reviews of the following were made:

1.8.1 Reports, books and articles on existing reservation policies and practices, affirmative action and welfare measures for classes and/or communities covered under the existing policies of reservation.

1.8.2 Reports of various State-level Commissions/Committees containing policies and practices to identify the backward classes, and providing reservation and welfare measures to them.

1.8.3 Judgments of the Supreme Court and High Courts on issues concerning backwardness, backward classes, reservation and welfare measures.

1.8.4 Relevant chapters in the *Five Year Plans* of the Planning Commission of the Government of India.

1.8.5 Relevant volumes and chapters in *Writing and Speeches of Dr. Babashahb Ambedkar*, published by the Government of Maharashtra.

1.8.6 *Lok Sabha* debates on questions relevant to the Economically Backward Classes among general category.

## 1.9 Consultation of Reports of Commission/ Committees, Judgments and National Surveys:

In particular, the following reports were consulted:

1.9.1 *National Commission for Religious and Linguistic Minorities*, (Justice Ranganath Misra Commission, May 2007).

1.9.2 *Social, Economic and Educational Status of the Muslim Community of India*, (Sachar Committee, November 2006).

1.9.3 First Backward Classes Commission Report, 1953.

- 1.9.4 Second Backward Classes Commission Report, 1980.
- 1.9.5 Rajasthan Economically Backward Classes Commission, 2009.
- 1.9.6 *Rajya Samanya Niradhan Varg Kalyan Aayog*, Madhya Pradesh, 2009.
- 1.9.7 Supreme Court Judgment in the Writ Petition (Civil) No. 930 of 1990- *Indira Sawhney Vs. Union of India and others*.
- 1.9.8 National Family Health Survey (NFHS) Reports, 1998-99.
- 1.9.9 National Sample Survey Organization (NSSO), 55<sup>th</sup> and 61<sup>st</sup> Rounds.

The above reviews were made to identify the EBCs among general category and find out their socio-economic status *vis-à-vis* reserved categories. In order to understand the economic backwardness, it was considered necessary to review various approaches to identify backwardness in India.

#### 1.10 Constraints faced by the Commission:

Whereas the Ministry of Social Justice & Empowerment has all along facilitated the work of this Commission, the Commission has faced some constraints on account of the shortage of manpower, non-availability of office accommodation for quite sometime after its re-constitution in 2006 and lack of necessary infrastructure to support the work of the Commission. It is mentioned that the Commission has functioned from the very beginning even without the bare minimum strength of officers/staff. Against the sanctioned 17 posts for the Commission, hardly 5 - 6 officers/staff have been working in the Commission. As the Commission had been getting short-term piecemeal extensions, the officers / staff were not willing to work in the Commission, vacant posts. Some of the intended research projects of the Commission could not be taken up due to short tenures of the Commission and on account of the non-availability of officers against the sanctioned posts of Director (Research), Senior Investigators and Personal Assistants. One Senior Research Officer had left the Commission in the mid-way. The Commission had inducted three stenographers through the mode of outsourcing. They had, however, left the Commission due to the unattractive remuneration/compensation paid to them.

While the Commission had been in the process of seeking information from the State Governments, Union Territories, other Commissions and concerned members of the civil society, the Commission had been asked to shift its present office from Curzon Road Barracks to Jeevan Deep Building, as the present premises at Curzon Road was decided to be dismantled for the construction of a new building for the Ministry of Finance. This process of shifting has caused unnecessary delays in finalization of the Commission's Report.

Chapter two of the Report deals with the Identification of Backward Classes.



## Chapter Two

### Identification of Backward Classes

#### 2.1 Identification of 'Backward Classes':

The expression of 'Backward Classes' first appeared in 1870s in Madras Presidency, where the British Government had grouped the Scheduled Castes and Untouchable Castes under the label of 'Backward Classes'. The Fort St. George Gazette No. 40 of 5<sup>th</sup> November, 1885 mentioned grants in aid to schools for a list of 'Backward Classes' which included the Untouchable Castes of Madras Presidency. However, the term 'Backward Classes' had a less fixed and definite reference and carried various denotations<sup>1</sup>. Various commissions and committees set up by different State Governments to identify 'Backward Classes' can be seen at Annexure - 12.

To identify the Backward Classes in the State of Mysore, Justice L.C. Miller Committee was appointed in 1918. Similarly, in the Princely State of Travancore and Cochin, Justice C.D. Nokes Committee was appointed in 1935. Prior to that, in the year 1932, Pt. Madan Mohan Malviya, the signatory on behalf of Caste Hindus, and Dr. B.R. Ambedkar, on behalf of the depressed classes, signed the Poona Pact. That was the first occasion when the British Government recognized the depressed classes (castes) as a separate element in Indian politics.

When the question was asked in the Constituent Assembly, "What is a backward community?" Dr. Ambedkar explained, "We have left it to be determined by each local government. A backward community is a community which is backward in the opinion of the government." (Govt. of Maharashtra, 1994: 393)

While the question of identifying the Scheduled Castes and Scheduled Tribes was settled, before Independence, largely due to the efforts of Dr. B.R. Ambedkar, who composed them as a *backward classes* in the Constitution, the question of 'other backward classes', as Pt. Jawaharlal Nehru said that 'that was to be left for subsequent generations'.

<sup>1</sup> Galanter Mare (1964): *Competing Equalities: Law and the Backward Classes India*. Oxford University Press, Delhi. p 154-155: the term had a variety of referents and it had come to mean different things in different places and one of its denotations was as comprising all persons who meet given non-communal tests of backwardness (e.g., low income).

## 2.2 Emergence of 'Other Backward Classes':

The first attempt to identify backward classes other than the SCs and STs at the National level was made in 1953, when the First Backward Classes Commission was set up by a presidential order on 29<sup>th</sup> January, 1953 under the chairpersonship of Kaka Kalelkar. That commission included 2399 castes or communities as backward and among them listed 837 as the 'most backward'.

Though the First Backward Classes Commission indicated that caste was an important measure of backwardness, the then central government rejected the report on the grounds that the commission had not applied more objective criteria, such as income, education and literacy, to determine backward status.

During 1970s and '80s, a number of castes (OBCs), including *Yadavs, Kurmis, Koris* and *Bakhaligas*, emerged as important political forces and many of them represented their respective communities or castes in governance. That was the background under which the Second Backward Classes Commission was set up on 20<sup>th</sup> December, 1978.

On 7<sup>th</sup> August, 1990, the then Prime Minister announced the government's acceptance of the Mandal Commission Report in Parliament, reminding the nation that the Constitution envisaged identification of *social and educational backwardness*, removal of their difficulties and improvement in their conditions in terms of Articles 340 (1) read with Article 15 (4) and 16 (4).

The government decided to adopt in the first phase the castes common to both the Mandal list and the lists prepared by various states to introduce 27 per cent reservation in services for the Socially and Educationally Backward Classes, the SEBCs (the Constitutional term for OBCs); but that policy was not extended to educational institutions at that time. Further, through a Central Government Memo dated 25<sup>th</sup> September, 1991, 10 per cent reservation in jobs and other opportunities were given to "other economically backward sections of the people who are not covered by any of the existing schemes" which was declared unconstitutional while adjudicating in the case of *Indira Sawhney vs. Union of India* in 1992 by the Supreme Court observing that "A backward class of citizens cannot be exclusively identified by economic criterion".

Though the Mandal Commission had recommended reservation in educational institutions, the commission also stated that "the initial part of the battle against social backwardness is to be fought in the minds of backward people in India... Government services have always been looked upon as (status) prestige and power, by increasing the representation of OBCs in government services, we give them an immediate feeling of participation in the governance".

In 1992, the Apex Court gave its approval to the legitimacy of the government order to empower the Mandal report subject to the exclusion of the socially advanced sections (creamy layer) amongst those identified as backward classes. However, the Parliamentary Standing Committee On Personnel, Public Grievance, Law And Justice, in its 8<sup>th</sup> report on the SC/ST/OBCs (reservation in posts and services Bill 2004), found that many castes, tribes and classes among the SC/ST/OBCs had been deprived of the benefits of reservation in services as these were restricted to certain upper sections among backward classes. It was expressed that "exclusion of some castes from the benefit of reservation has pushed them far behind which is violation of the principles of social harmony and social equality as embodied in the Indian Constitution".

The recommendations of the First Backward Classes Commission were not accepted and before accepting the recommendation of Second Commission's report, some states had already given reservation to the OBCs.

### 2.3 Identification of Backward Classes in States:

In Andhra Pradesh, the Backward Classes were categorized into four major groups, namely Ab-origin tribes; *Vinukti Jati*; Nomadic and semi-Nomadic tribes, occupational and service class; Scheduled Castes who were converted to Christianity; and Other communities. The list containing these Backward Classes was upheld by the Supreme Court in 1972 and the same list of Backward Classes was used for reservation, including sub-categories with due representations of 7 per cent, 10 per cent 1 per cent and 7 per cent respectively for the above mentioned groups of Backward Classes.

In Karnataka, a different approach to the issue of backwardness and determination of backwardness was followed by Ravar Commission. The Commission first prepared a list of

educationally backward classes on the basis of indicators wherein: "a caste or a community whose student per thousand of its population passing out Senior Secondary Leaving Certificate examination was below state average". On the basis of the list of educationally backward classes so drawn, further categories identified were:

1. Backward communities identified on the basis of criteria as "student average per thousand of population was below State level".
2. Backward castes identified with the indicator as "whose student average per thousand of population was below 50 per cent of the State average".
3. Backward tribes identified with the indicator as "whose student average per thousand of population was below 50 per cent of the State average except Dombars and Voddars (nomadic and denotified tribes)".

The emphasis remained on caste, tribes and communities. The Commission recommended 20 per cent, 10 per cent and 5 per cent of seats and jobs in educational institutions and public appointments to the above three respective categories of classes having backwardness which was identified on the basis of educational backwardness.

Later on, the State Government added a special group of backward persons whose annual income was less than Rs.4,800 and for them 5 per cent reservation was earmarked in jobs. Justice Chinappa Reddy Commission, constituted by the Karnataka State in 1989-90, however, again considered caste as the "sufficient criteria" to identify backward classes.

The Bihar government appointed a Backward Classes Commission under the Chairmanship of Mungeri Lal which remained in office during 1971-76. Based on indicators such as social status, educational backwardness, representation in Government service and adequacy of share in trade, commerce and industry, the Mungeri Lal Commission prepared two lists of Other Backward Communities and Most Backward Classes, the later containing 93 castes. The commission recommended 26 per cent reservation in jobs and 20 per cent reservation in educational institutions for these Other Backward and Most Backward Classes. However, the Bihar government issued a G.O. in November, 1978 classifying the per cent of reservation as 8 per cent for OBCs, 12 per cent for MBCs, 3 per cent for economically backward and 3 per cent for women.

A Backward Class Commission was set up in August, 1972 under the Chairmanship of A.B. Bakshi by the Government of Gujarat. The Bakshi Commission identified 82 castes as socially, economically and educationally backward on the basis of 10 criteria, and recommended 10 per cent reservation for them.

#### 2.4 Criteria adopted by the First Backward Classes Commission

For identifying socially and educationally backward classes, the Commission adopted the following criteria, that included low social position in the traditional caste hierarchy of Hindu society, lack of general educational advancement among the major section of a caste or community, inadequate or no representation in government services, and inadequate representation in the field of trade, commerce and industry.

#### 2.5 Criteria adopted by the Second Backward Classes Commission

The Mandal Commission was established in 1979 by the Government of India with a mandate to "identify the socially and educationally backward". It was headed by Shri Bindheshwari Prasad Mandal to consider the question of reservations of seats and quota for people to redress caste discrimination, and used 11 social, economic, and educational indicators to determine "backwardness". The Commission submitted its report in 1980. The commission evolved 11 indicators or criteria for determining social and educational backwardness. These indicators were grouped under three broad heads i.e. Social, Educational and Economic, details of which may be seen at Annexure -13.

#### 2.6 Current Criteria for identification of Backwardness:

The criteria for inclusion of a caste/class in the list of Backward Classes considered by the National Commission for Backward Classes may be seen at Annexure 14.

#### 2.7 Identification of EBCs:

The above analysis of various commissions and committees constituted to identify the criteria and indicators for backwardness and their respective status reveals that caste was considered the major criteria.

This Commission gathered an understanding from the review of the above mentioned reports of various commissions and committees that for identification of "backwardness", the essential aspects were social status, health, education, employment, economic opportunities and overall standard of living.

For the identification of Economically Backward Classes, an attempt was therefore made to project an overview of the different categories in our society, including economic backwardness among unreserved category or general category. However, when the EBCs are considered, in principle, caste cannot be the basis for identification of backwardness among them because caste is immobile and represents more or less fixed status characteristics. Hence, either the whole caste is forward or backward. And the mandate before the commission was to identify the EBCs among unreserved categories i.e. those which are considered socially forward.

In the context, General Category (GC) refers to that segment of population that does not receive any reservation benefit under existing policies. It includes the people of the country of all classes and religions except the Scheduled Castes (SCs), Scheduled Tribes (STs) and Other Backward Classes (OBCs).

Economically Backward Classes (EBCs), thus, can comprise classes of people with poverty as their common attribute, which means the economic backwardness across all socio-economic groups, cutting across castes and religions in unreserved categories.

Therefore, the EBCs in the present context mean those economically backward classes among general category who are not covered under the existing policy of reservation/affirmative action/welfare measures.

The purpose of identifying the EBCs is to target them for appropriate affirmative measures. Such measures are not meant for classes but for families and eventually individual members of such families belonging to the Economically Backward Classes.

As for the term 'Weaker Sections', they find expression in Article 46 under Part IV (Directive Principles of State Policy) of the Constitution of India, which states "the state shall promote with special care the educational and economic interest of weaker sections of the people

and in particular Scheduled Castes and Scheduled Tribes and shall protect them from social injustice and all forms of exploitation."

It can be noted that while Article 16 (4) refers only to social or educational backwardness, Article 46 mentions "economic interest" to be promoted by the state for "weaker sections".

The phrase "weaker sections of the society" was not defined under the Constitution. The Supreme Court in Indra Sawhney case differentiated the term "Backward Classes of citizens" mentioned under Article 16 (4) from "Weaker Sections of People" under Article 46.

According to the Apex Court, the term "Weaker Sections of People" was wider than "backward classes of citizens" such as Socio-educationally Backward Classes, Scheduled Castes and Scheduled Tribes. It connected all sections of the society who were rendered weak due to various causes, including backwardness, may be due to economic reasons.

Therefore, the Commission resolves that indicators that were used for identification of socio-educationally backward classes cannot be used for identification of economically backward classes mainly because, at first place, classes are not homogenous, and secondly, they do not have a common criteria like that of caste, on the basis of which economic backwardness indicators can be evolved.

The issue for consideration now is quantum of reservation to economically backward classes belonging to general category. The following chapter (Chapter Three) reviews the history of reservation in India and the initiatives taken to extend reservation to economically backward classes among general category.

### Chapter Three

## Reservation to different categories and Initiatives to Extend Reservation to Economically Backward Classes among General Category

### 3.1 Background:

Initially, when the Government of India decided to set up the Commission for Economically Backward Classes, the Judgment in *Indira Sawhney's case*, reported in the year 1993 (Supreme Court, 477) was in its mind wherein the Supreme Court upheld the provision of 27 per cent reservation for other Backward Classes under Article 16 (4) of the Constitution and directed that the total reservation should not exceed 50 per cent.

Besides the aforesaid judgement, the demand for reservation from various segments of society continued and is still being raised in some States. The Government of India thus reconstituted the present Commission. It would be proper to mention here that earlier to this commission the Government of India had appointed the EBC Commission headed by Shri B.P. Singh in the year 2004 and also had already appointed a Commission for the Religious and Linguistic Minorities to consider the criteria and to make recommendations for welfare of the Socially and Economically Backward Sections amongst the Religious and Linguistic minorities, including reservation in education and Government employment.

### 3.2 History of Reservation:

Reservation in India dates back to the beginning of the 20<sup>th</sup> century when, by a Notification of 1902, the then Maharaja of Kolhapur (Maharashtra) granted Reservation in favour of backward classes with a view to eradicate poverty amongst them and to give them the due share in the State administration. However, earlier to it, movements were organized at various places, more particularly in Southern States.

It is common knowledge that since times immemorial the population of India has been divided horizontally and vertically into different socio-economic strata. In order to recapitulate



the history of reservations with reference to 'backward classes', it would be purposeful to give a short summary chronologically:

- 1882 - The Hunter Commission was appointed; Mahatma Jyotirao Phule made a demand of free and compulsory education for all, along with proportionate reservation/representation in government jobs.
- 1891 - The demand for reservation in government jobs was made with an agitation in the princely State of Travancore against the recruitment of non-natives into public service.
- 1901 - Reservations were introduced in Maharashtra in the Princely State of Kolhapur by Sahuji Maharaj. Reservations were also made in the princely states of Baroda and Mysore.
- 1908 - Reservations were introduced by the British in favour of a number of castes and communities that had little share in the administration.
- 1919 - Provisions were made in the Government of India Act 1919.
- 1921 - Madras Presidency introduced reservation of 44 per cent for non-Brahmins, 16 per cent for Muslims, 16 per cent for Anglo-Indians/Christians and 8 per cent for the Scheduled Castes.
- 1935 - Indian National Congress passed a resolution called 'Poona Pact' to allocate separate electoral constituencies for depressed classes.
- 1935 - Provisions for reservation were made in Government of India Act 1935.
- 1942 - Dr. B.R. Ambedkar established the All India Depressed Classes Federation to support the advancement of the Scheduled Castes, and demanded reservations for the Scheduled Castes in government services and education.
- 1946 - Cabinet Mission to India proposed proportionate representation with several other recommendations.

- 26<sup>th</sup> January, 1950 – The Constitution of India, which contained certain provisions for making reservations in favour of socially and educationally backward classes of citizens, was adopted.
- 1953 – Katrekar Commission was established to assess the situation of the socially and educationally backward classes.
- 1976 – Mandal Commission was established to study the situation of the socially and educationally backward classes. The commission classified 1257 communities as backward, and estimated the OBC population at 52 per cent. The commission submitted its report in 1980 and recommended changes to the existing quotas, increasing them from 22.5 per cent to 49.5 per cent.
- 1990 – Mandal Commission recommendations were implemented in Government jobs.
- 1991 – The Government of India (under Prime Ministership of Shri Narasimha Rao) introduced 10 per cent reservation for Poor among Forward Castes.
- 1992 – The Supreme Court upheld reservation to other backward classes (Indira Sawhney Case, AIR 1993 Supreme Court 477; 1992 Supp (3) SCC 2017) and directed to exclude creamy layer of other backward classes from enjoying reservation facilities. It further directed to restrict reservation not exceeding 50 per cent. The Apex Court also declared separate reservation for economically poor among forward class as invalid.
- The Supreme Court in that also held that:
  - (i) For employment in government, reservation may be on social backwardness.
  - (ii) For reservation in education, a combination of social and educational backwardness may be adopted.
  - (iii) A 'backward class' can be identified on occupation-cum-income basis without reference to any caste. In fact, there may be groups/classes in whose case caste may not be relevant at all. For instance, agricultural labourers, rickshaw-pullers,

street hawkers, etc. may qualify for being designated as backward classes without reference to their castes:

- 1995 – Parliament, by 77<sup>th</sup> Constitutional Amendment, inserted Art. 16 (4) (A) permitting reservation in promotions to the Scheduled Castes and the Scheduled Tribes. Later it was further amended to include consequential seniority by 85<sup>th</sup> amendment.
- 2005 – On 12<sup>th</sup> August, 2005, the Supreme Court, by 7 Judges, delivered an unanimous judgment in the case of P.A. Inamdar & others Vs. State of Maharashtra & others, declaring that the State cannot impose its reservation policy on minority and non-minority unaided private colleges, including professional colleges.
- 2005 – 93<sup>rd</sup> Constitutional amendment was brought for ensuring reservations to Other Backward Classes and Scheduled Castes and Tribes in private educational institutions, which effectively reversed the aforesaid August, 2005 judgment of the Supreme Court.
- 2006 – The Constitution Bench of the Supreme Court, in M. Nagaraj & others Vs. Union of India & Others, upheld the constitutional validity of Art. 16(4)(A), 16(4)(B) and proviso to Art 335.
- 2006 – Reservation introduced for Other Backward Classes in Central Government Educational Institutions. Total Reservation went up to 49.5 per cent.
- 2007 – The Supreme Court granted Stay Order on OBC reservation in Central Government Educational Institutions.
- 2008 – The Supreme Court, on 10<sup>th</sup> April, 2008, upheld the Government's move for initiating 27 per cent OBC quota in Government funded institutions. The court categorically reiterated its prior stand that 'Creamy Layer' should be excluded from the ambit of reservation policy.

### 3.3 Initiatives for Reservation and Welfare Measures for EBCs:

It was the Central Government under the then Prime Minister Shri P V Narasimha Rao that proposed in 1991 a separate reservation quota of 10 per cent in government jobs for the poor among the General Category (GC) in Central Services. (Annexure - 15).

However, the idea on the part of the government to give 10 per cent quota to the poor among GC was not a new one. In 1980-81, when the Government of India was processing the Mandal Commission report to table its recommendations before Parliament, it maintained the stand that the benefits of affirmative action should also reach the poor irrespective of caste and religion. Shri Rajiv Gandhi, a Member of Parliament speaking in Parliament on 6<sup>th</sup> September, 1990 (during the time Shri V P Singh as Prime Minister was about to implement recommendations of Mandal Commission) had explained his party's stand (the speech is at Annexure - 16) on affirmative action which is as follows:

"Is this government looking at one particular vested interest or is the government looking at the socially and educationally backward classes? This is the question I put to the Prime Minister. The point is within a particular class who do you want to help. The fact is that within a class when you want to give some assistance it should go to the poorest. ...In fact every objection that I am hearing is only confirming my fear that this government is aiming these benefits at a privileged group and not looking at the really poor... I think the honorable Prime Minister has totally missed the point."

The thrust of Shri Rajiv Gandhi's speech was that a class (or a caste) could be taken up for affirmative measure on the basis of social backwardness criteria but beyond that it should be ensured that the poorest in the class got the benefit and it did not go to the well to do segments within the caste/ class. He had further argued that such underprivileged groups should receive affirmative measures irrespective of caste or religion.

The thinking of Congress party as articulated in the 1990 speech of Shri Rajiv Gandhi in Parliament was reflected in the form of a Central Government Memo dated 25<sup>th</sup> September, 1991 giving 10 per cent reservation in jobs and other opportunities to other economically backward sections of the people who are not covered by any of the existing schemes.

The Supreme Court subsequently struck down the order as unconstitutional while adjudicating in the case of *Indira Sawhney vs. Union of India* in 1992. The Court's observation was, "A backward class of citizens cannot be exclusively identified by economic criterion. It is of course possible for government or any other authority to identify a class based on occupation cum education without reference to caste if it is so advised. There is no constitutional barrier to define more backward and less backward."

Among States, Madhya Pradesh and Rajasthan appointed State Commissions for Economically Backward Classes or for poor among general category. However, only Rajasthan had enacted provision for 14 per cent reservation for the EBCs among GC while Madhya Pradesh *Rajya Samanya Niradhan Varg Kalyan Ayog* suggested welfare measures only to the poor among general category.

The Government of Rajasthan, Department of Personnel (A-Gr2) had issued a notification dated 18<sup>th</sup> September, 2009 (Annexure - 17) with effect to 14 per cent reservation of seats in educational institutions in the State and appointments and posts in services under the State for Economically Backward Classes. However, the Rajasthan High Court has set aside the aforesaid notification that extended the 50 per cent limit set on reservations (total reservation in Rajasthan went up to 68 per cent).

On the basis of the above, this Commission gathers the Constitutional and legal understanding that 'Backward Classes' cannot be identified for providing reservation in employment and admission in educational institutions on the basis of economic criteria and hence 'Economically Backward Classes' (EBCs) can be identified by the State for extending welfare measures only and in order to provide any quantum of reservation to them (EBCs) two essential aspects need to be considered:

- (i) Social, educational and economic backwardness, and
- (ii) Until a different direction is given by the Supreme Court or a Constitutional Amendment is made, the 50 per cent upper limit for reservation makes a binding on the State for any further increase in the quantum of reservation to any class.

'Backward Classes' are being considered a 'Class' in Part XVI of the Constitution of India and special provisions have been made for these classes. The following chapter (Chapter Four) reviews the constitutional status of various classes and also makes an assessment of the demographic profile of the Economically Backward Classes among General Category.

Chapter Four

Constitutional Status and Demographic Profile of Reserved and General Categories

4.1 Constitutional Status:

As a corollary from the equality before law (Article 14) and the general assurance of absence of discrimination by the State on the grounds only of religion, race, caste, sex, place of birth or any one of them (Article 15, 29), the Constitution of India guarantees equality of opportunity in matters of public employment and recruitment (Article 16, 309, 335) particularly in favour of any backward class of citizens, which in the opinion of the State, is not adequately represented in the services under the State (Clause 4: Article 16).

Article 46 contains directive that the State should promote educational and economic interests of weaker sections and empowers the State to make special provisions for the advancement of any socially and educationally backward classes of citizens (Clause 4: Article 15) and to make special provisions relating to certain classes in the Part XVI with regard to reservation of seats for the Scheduled Castes and the Scheduled Tribes and representation of Anglo-Indian community in the House of People and Legislative Assemblies of States ( Articles 330-334).

Article 340 makes the provision for a Commission to investigate the conditions of backward classes and Articles 341 and 342 for Constitutional Orders for respective lists of the Scheduled Castes and Scheduled Tribes. However, the Constitution does not define or prescribe to determine as to which classes are 'backward' and it is left to the 'State' to determine 'backward classes' and make executive orders<sup>2</sup> to that effect albeit that determination power of the State is subject to judicial review<sup>3</sup>. The given mandate of this Commission was to identify those classes which are economically backward among General Category and not covered under existing reservation policy.

<sup>2</sup> State of M.P. v. Nivedita, 1981 S.C. 2045 (para 22-23).  
<sup>3</sup> Trilok Nath v. State of J & K, A.S.C. 1969 1.

The above analysis makes it clear that there are specific Articles in the Constitution of India for making special provisions for weaker sections and backward classes. Thus, the first task in hand is to ascertain the criteria to identify those classes which are economically backward but are not covered so far under the existing reservation policy. Further, the first priority would be to work out the population of such EBCs among General Category.

#### 4.2 Population of Reserved and General Categories:

The Census of India provides population figures of the Scheduled Castes and the Scheduled Tribes but the population of 'Other Backward Classes' and remaining classes was not reported. Since the OBCs had been provided reservation, the concern here was to exclude SCs, STs and OBCs, and then to identify EBCs from the remaining population. However, the population of OBCs was not reported by the Census of India. Therefore, it was not possible to work out the total population of the OBCs and General Category.

In other words, the population of EBCs could not be ascertained from the data available in the Census of India reports. The other possibility was to work out the EBC population from the Surveys conducted by Government agencies and Commissions, such as the Backward Classes Commissions, National Sample Survey Organization (NSSO), National Family Health Survey (NFHS), which had reported estimated population of Other Backward Classes and others (those not belonging to Scheduled Caste, Scheduled Tribes and Other Backward Classes).

Thus, from such reports the estimated population of classes/ categories not covered under the existing policy of reservation could be used as reference. Different agencies had projected estimates of population other than the Scheduled Castes, Scheduled Tribes and Other Backward Classes, as a percent of total population in the range of 25.5 per cent (Mandal Commission Report, 1980) to 39.2 per cent (National Family Health Survey, 1998-1999) and 31.2 per cent (National Sample Survey Organization, 2004-2005), as given in Table 4.1.



Table 4.1: Estimates of social categories by different agencies.

Survey Agency	Categories			Total Reserved Categories (SC, ST & OBC)	Total General Category (other than SC, ST & OBC)	TOTAL
	STs	SCs	OBCs			
National Sample Survey NSS 04-05	8.5	19.5	40.8	68.8	31.2	100
NSS 04-05 (as per SC/ST Census 2001, - difference added to OBC)	8.2	16.2	44.4	68.8	31.2	100
National Family Health Survey (NFHS) 1998-99	8	19.3	33.5	60.8	39.2	100
Mandal Commission, 1980	7.5	15	52	74.5	25.5	100

Sources: Reports of Survey Agencies as mentioned above.

The above analysis showed that the Economically Backward Classes would emerge from unreserved categories, and if the latest survey (NSSO, 2004-05) was taken into consideration, then the EBCs could be identified from about 31.2 per cent population of the general category.

## 4.3 Population of General Category:

Computation from the study based on 2001 Census and NSSO (2004-05), the GC (unreserved) population is estimated for each state in the Table 4.2 below:-

Table-4.2  
Statewise proportion of GC

State / UT	Total population	Population of GC	Percentage of GC
Andhra Pradesh	75727541	21189073	27.98
Arunachal pradesh	10911117	191849	17.58
Assam	26638407	14544508	54.59
Bihar	82878796	14741775	17.78
Chattisgarh	20795956	2173036	10.44
Delhi	13782976	8610874	62.47
Goa	1343998	1071571	79.73
Gujarat	50596992	18482663	36.52
Haryana	21082989	9351835	44.35
Himachal pradesh	6077248	3288301	54.1
J & K	10069917	7466804	74.14
Jharkhand	26909428	4588609	17.05
Karnataka	52733958	19419538	36.82
Kerala	31836619	8829074	27.73
Madhya pradesh	60385118	13773816	22.8
Maharashtra	96752247	42890786	44.33
Manipur	2388634	109502	4.58
Meghalaya	2306069	176920	19.85

Mizoram	891058	1333	0
Nagaland	1988636	48464	2.43
Orissa	36706920	7979974	21.73
Punjab	24289296	10575071	43.53
Rajasthan	56473122	12234722	21.66
Sikkim	540493	41807	7.73
Tamilnadu	62110839	3397240	5.46
Tripura	3191168	1046868	32.8
Uttar Pradesh	166052859	39467310	23.76
Uttarakhand	8479562	4752055	56.04
West Bengal	80221171	48811951	60.84
A & N Island	356265	351915	98.77
Chandigarh	900914	1041565	11.56
Dadra & N Haveli	220451	42479	19.26
Daman & Div	158059	69593	44.02
Lakshadweep	60595	874	1.44
Puducherry	973829	180839	18.56
All India	1027015247	320950579	31.25

Source: Computed from the study based on 2001 Census and NSSO 04-05

GC (unreserved) population of total GC population estimated by NSSO (2004-05) for each state is shown in Table 4.3 below:-

Table 4.3

## Statewise General Category Population (Estimated)

State	Rural	Urban	Total	% of GC of total GC population
Andhra Pradesh	13450463	775861	21189073	6.23
Arunchal Pradesh	190707	114238	191849	0.03
Assam	12498659	2045849	14544508	4.3
Bihar	12109374	2632401	14741775	4.3
Chhattisgarh	905824	1267212	2173036	6.6
Delhi	624163	7986711	8610874	2.6
Goa	574602	496969	1071571	0.3
Gujarat	7486976	10995657	18482663	5.7
Haryana	5915689	2456146	9351835	2.9
Himachal Pradesh	2876049	412252	3288301	1
J & K	5252863	2313941	7466804	2.3
Jharkhand	2374729	2213880	4588609	1.4
Karnataka	11321545	8097983	19419528	6
Kerala	6484515	2344559	8829074	2.7
Madhya Pradesh	7054206	6719610	13773816	4.2
Maharashtra	19968959	22921827	42890786	13.3
Manipur	71456	38046	109502	0.03
Meghalaya	8221	82359	176910	0.05
Mizoram	540	793	1333	0
Nagaland	9160	39304	48464	0.01
Orissa	5408797	2571177	7979974	2.4
Punjab	6115869	4459202	10575071	3.2
Rajasthan	7087240	64727404	12234722	3.8

Sikkim	22582	19225	41807	0.01
Tamilnadu	648368	2748672	3397240	1.03
Tripura	772443	274425	1046868	0.32
Uttar Pradesh	35479342	13987968	39467310	12.3
Uttarakhand	3369175	1382880	4752055	1.46
West Bengal	32210183	16601768	48811951	15.2
A & N Island	238035	113880	351915	0.1
Chandigarh	484871	556694	1041565	0.31
Dadra & N Haveli	14330	28149	42479	0.01
Daman & Div	31350	38243	69593	0.02
Lakshadweep	228	646	874	0
Puducherry	131768	49071	180839	0.05
All India	191254781	129695768	320950579	100

Source: NSSO 61st round 2004-05 for proportion of GC in total population, applied to Census 2001 population figures

West Bengal had the largest GC population, accounting for 15.2 per cent of all India GC population, followed by Maharashtra at 13.3 per cent, Uttar Pradesh at 12.3 per cent, Andhra Pradesh at 6.26 per cent and Gujarat at 5.7 per cent. These five states accounted for 55 per cent of all GC population and could also be targeted to select districts with high GC intensity to focus welfare measures.

General Category population lived in rural and urban areas in a 60:40 proportion compared to all population split of 72:28 (according to census 2001). There is substantial state wise variation of rural/urban divide of GC population. The most surprising mix is represented by Tamil Nadu. Its rural GC at 1.75% of total GC seems to suggest that entire rural population of Tamil Nadu is SC/ST/OBC. States whose GC population is more than 70% rural are: Assam, Bihar and HP. States that show rural GC population of 60% to 69% of total GC population of the state include AP, Haryana, Orissa and Manipur. Population details showing rural/urban divide of GC population may be seen at Annexure -18.

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#### 4.4 High GC intensity states

As per NSSO estimates, against 31% of all India proportion of GC, the States / UTs having comparatively higher proportion of GC to their total population are shown in the Table 4.4 below:

Table 4.4

States / UTs with comparatively higher percentage of GC to their total population	Percentage of GC
Andaman Nicobar	98.8%
Goa	89%
J & K	74.14%
Delhi	62.4%
West Bengal	61%
Uttarakhand	56%
Assam	54.6%
Himachal Pradesh	54.1%
Maharashtra	44.3%
Haryana	44.3%
Daman & Diu	44%
Punjab	43.5%
Gujarat	36.5%
Karnataka	37%
Tripura	33%

## Chapter Five

### Economic and Educational Backwardness and Status of Health, Nutrition and Housing

#### 5.1 Status of General Category:

Socio-economic status of any community/ group/ segment of society is known by the occupation it pursues, landholding, status of women, levels of education, health standards and conditions of housing, etc.

It is the general impression that people belonging to the General Category have much better socio-economic status than those belonging to the OBCs. But this Commission noticed that there were segments in the General Category which had status equal or even lower than that of the average OBC on several parameters. An assessment was made with regard to backwardness- economic and educational backwardness, and status of health, nutrition and housing among General Category.

#### 5.2 Economic Backwardness:

##### 5.2.1 Monthly per capita expenditure (MPCE):

Monthly per capita expenditure (MPCE) is the monthly per capita expenditure on basic food and a few other items, which the NSSO rounds track. It is a measure of the economic status of a household in terms of consumption of basics.

While half of the GCs in rural areas had MPCE below the average MPCE, about 64 per cent OBCs had the same status. Both GC and OBC in rural India had better consumption status compared to ST and SC, as 79.6 per cent and 77.4 per cent of them respectively had MPCE below the state average (Annexure - 19).

The difference between GC and OBC was higher in urban areas where GCs appeared considerably better in their MPCE status. However, more than relative comparison, about 54 per cent of GCs, both in urban and rural areas, had MPCE that was below the state average.

Average MPCE of GC as a whole was admittedly higher than that of the OBCs and considerably higher than that of the SC and ST population. However, the fact remained that half of GC population shared the same status as most of the other social groups in their consumption capacity.

The conclusions drawn included:

- (i) The average MPCE of GCs, at Rs.685.31, was 22.5 per cent higher than the all groups average (Rs.558.78), which was almost the same as the average MPCE of OBCs (Rs.556.72).
- (ii) The MPCE average, at Rs.924.44, was the highest for non-agricultural and non-self employed occupations. The lowest occupation was agricultural labour, with the MPCE of Rs.415.
- (iii) The difference of MPCE average between GC and OBC was higher in value added occupations such as "self employed in non-agriculture" and "other" occupations and lowest in "labour" as occupation.
- (iv) In the category of "self employed in agriculture", GCs and OBCs had higher MPCE, irrespective of the size of land holding.
- (v) Even at 4-acre level, the MPCE of GC was 29.4 per cent higher than that of the STs holding the same quantum of land. However, the difference between GC and OBC was only 10 per cent in the same land holding category.

GCs having lower land holding but engaged in agriculture had a lower economic status than the OBCs.

### 5.2.2 Below Poverty Line Population among GC:

Poverty line was officially fixed as the expenditure needed to meet the cost of basic food and a few other items. The poverty lines for rural and urban areas fixed by the Planning Commission were Rs.368 expenditure per person per month on basic food and a few other items for rural areas and Rs.559 for urban areas. The



NSSO gave the following as the proportion of households with MPCE below the poverty lines:

17.5 per cent of GC in rural and 19.3 per cent in urban India together constituted about 5.8 crore poor among the GC. They were as poor as the poor within the OBC. The poor would need a range of welfare measures equivalent to OBC for their economic improvement. The following tables and figures, as drawn from NSSO, 2004-05, show the BPL status among different classes:

Table 5.1: All India comparative % BPL in Rural and Urban areas

RURAL (%)		URBAN (%)	
ST	49.7	ST	36.9
SC	39.3	SC	45.7
OBC	28.8	OBC	37
GC	17.5	GC	19.3

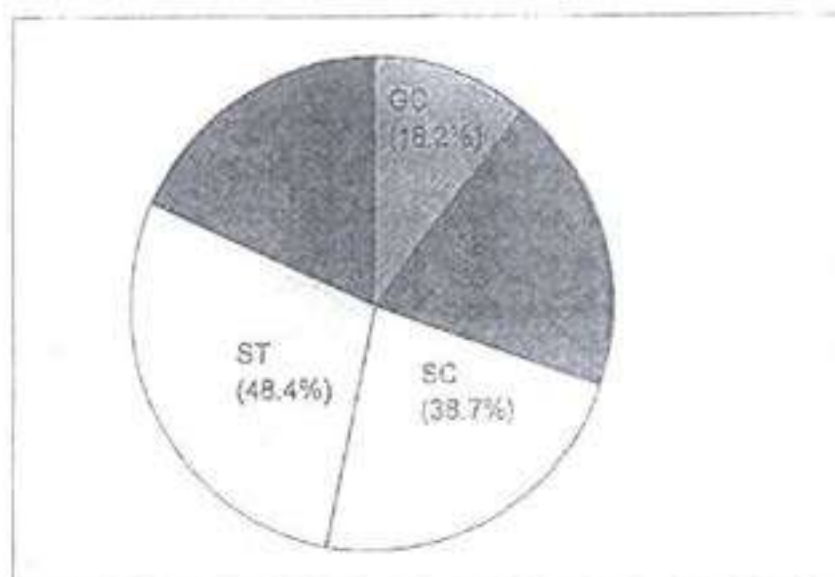
Source: NSSO, 2004-05

Table 5.2: BPL population – all India

Category	BPL % of Within Category	Population in Crores
GC	18.2	5.85
OBC	33.1	13.86
SC	38.7	7.74
ST	48.4	4.25
All	30.8	31.70

Source: NSSO, 2004-05

Fig 5.1: BPL Percentage among different categories



As could be seen total number of poor that was BPL of GC at 5.55 crores was only 2 crores less than BPL among SCs (7.74 crore) and was higher than BPL-STs (4.25 crore). Thus, number of poor households among General Category was higher than that of STs.

### 5.2.3. Aggregation of State-wise BPL ratios to all-India BPL %:

Poverty line is considered an absolute measure of poverty and is uniformly applicable to all social groups. But its value changes state-wise to accommodate local cost differences. The official method of computation was to build BPL proportions state-wise based on state-wise poverty lines factoring local costs and then have a total of BPL ratios of all states, each state ratio weighed in proportion to its population. The official BPL ratio on that basis was about 26 per cent for the country.

BPL ratios were worked out for the states based on state-wise MPCE distribution provided by the NSSO (04-05), uniformly applying to them poverty lines for the country so that it was possible to compare. The proportions were different when state-wise poverty lines were applied.

While the status against average MPCE of all population was a relative comparison of economic status of a class, the Below Poverty Line was an objective metric. BPL was not just poverty but almost abject poverty because the poverty standards/lines were equal to the cost of basic foods required to meet calorie needs.

#### 5.2.4 Occupational Pattern and Backwardness:

The analysis of the 61<sup>st</sup> Round (2004-05) of NSSO gave percentage distribution of occupation among social groups in urban and rural India separately, and the following picture emerges:

- (i) Self-employed in agriculture engaged ST, OBC and GC almost to the same extent from each group, at 42.3 per cent, 42 per cent and 48.7 per cent, respectively. The status of SC was lower at 31.2 per cent, presumably because a larger percentage of them did not possess land, unlike the STs and other categories.
- (ii) Self-employment in non-agriculture engages the OBC, GC and SC almost to the same extent, at 18.7 per cent 17.7 per cent and 15.4 per cent, respectively. The SCs lacking land were more engaged in non-agriculture than agriculture in rural India. The STs, at 6.7 per cent, were engaged less in non-agriculture. It could either be due to lack of skills or higher engagement in their lands and agriculture.
- (iii) A remarkable status of equity was the uniform percentage of engagement in regular salaried jobs in urban India by all four groups. The percentage participation from GC, at 42 per cent, was, in fact, equal to that of the ST/SC, at 42.5 per cent and 42.9 per cent respectively, while the OBC engagement in jobs was a shade lower.
- (iv) 5.7 per cent of GC in urban India were casual labourers.

The overall picture that emerged was one of uniformity rather than differences in major occupational groups, such as farming in rural areas and jobs in urban areas. However, the share of GC and OBC was considerably lower compared to that of

the SC/ST as labour. There were bound to be more differences when we undertook stratified analysis of each occupation:

Unreserved category did not appear to enjoy any advantage in jobs or self occupations except that fewer of them joined "labour" as an occupation compared to SC/STs, both in urban and rural areas. The SC and STs were more into "labour" as an occupation as they were underrepresented in "self employment", especially in non-agriculture fields - a pointer perhaps towards lack of skills, social deprivation and motivation.

In rural areas, there was remarkable similarity between the GC and OBC in terms of their participation in various occupations. In urban areas, the GC and OBC were comparable in "self employed" occupations while the proportion of OBCs to GC was somewhat less in salaried jobs.

35.3 per cent of the GC in rural areas did not possess any land. The landless proportion of GC was not too different from the OBCs (39.1 per cent).

The reason behind the apparently high landless status among the GC and the OBC could be the cultivation structure in rural India. The "Bhagidari" or sharecropper scheme had enabled the GCs and even the higher castes among OBCs to hold on to land without directly cultivating it. There are fewer takers for the scheme.

Share for the absentee land owner is fast dwindling. Add to that the demand for agricultural land at a higher price for building houses and it is possible that most of the marginal owners belonging to the GCs and OBCs have sold their holdings, rendering them landless. Alternative non-farming opportunities can be the only answer to improve the condition of such rural segments.

The following Table 5.3 describes the percentage distribution of population across household types for each social group and sector.

Table 5.3: Percentage distribution of population across household types  
for each social group and sector

Social Group	Rural						Urban				
	Self-employed in non agriculture	Agricultural labour	Other labour	Self-employed in agriculture	'Others'	All	Self-employed	Regular wage/salary	Casual labour	Others	All
ST	6.7	33.6	11.6	42.3	5.6	100	27.4	42.5	22.0	7.9	100
SC	15.4	41.1	15.3	21.2	6.9	100	30.9	42.9	22.5	3.5	100
OBC	18.7	21.2	9.5	42.0	8.4	100	46.4	34.3	13.8	5.4	100
Others	17.7	14.1	7.7	48.7	11.8	100	45.3	42.0	5.7	6.8	100
ALL	16.5	24.9	10.4	39.4	8.7	100	42.9	39.4	11.7	5.8	100

Source: NSSO, 61<sup>st</sup> round 2004-05

### 5.3 Educational Backwardness among Unreserved Category:

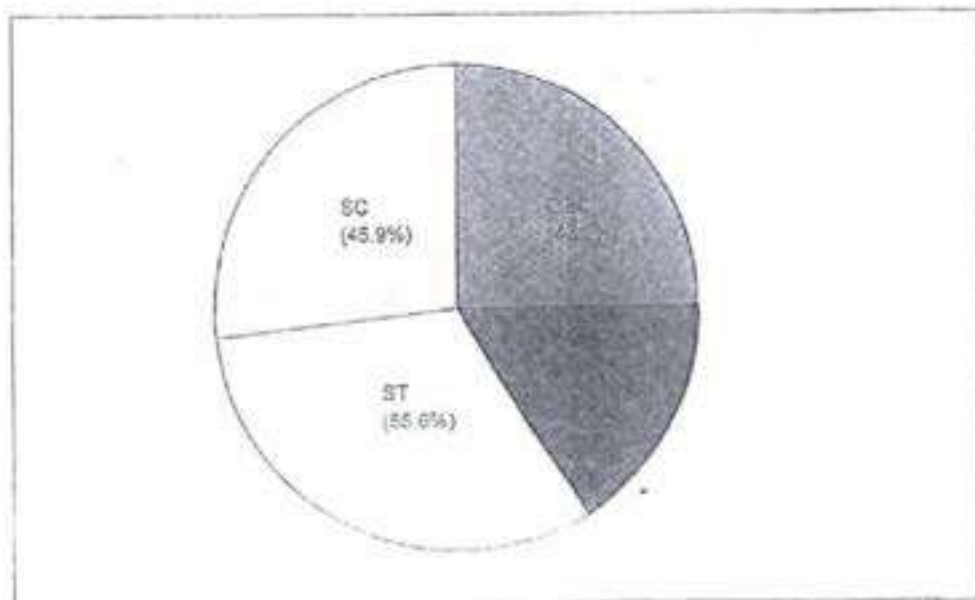
#### 5.3.1 Illiteracy:

A comparison of illiteracy at all India level among the four social groups

(NSSO 04-05) depicted the following status:

<i>Category</i>	<i>Percentage of Illiterates</i>
OBC	43.3
ST	55.6
SC	46.9
GC	27.9

Fig 5.2: Comparison of Percentage of illiterates in different categories



Source: NSSO, 2004-05

It was noted that the illiteracy status was considerably higher in the other three groups compared to GC, at 55 per cent, 46.9 per cent and 43.3 per cent respectively for the ST, SC and OBC. However, 27.9 per cent illiteracy among GC was important for relating it to the absolute poverty line to be targeted for the EBC among General Category.

In West Bengal, Assam, Himachal Pradesh, Manipur, Punjab, and Tripura the illiteracy status of GC and OBCs was almost the same. The country average illiteracy for GC of 27 per cent hid the high GC illiteracy in Bihar (38 per cent), Rajasthan (37 per cent), Uttar Pradesh (34 per cent) and Andhra Pradesh (34 per cent).

GC as a category was educationally less backward than the SC, ST and OBC. However, there might be segments within the GC that had higher illiteracy. These sub-segments needed to be identified so that they could be assisted along with the illiterates of SC/ST/OBC. The state-wise analysis of illiteracy in subgroups/classes within the GC (vs OBC) highlighted such sub-groups in GC and could help in targeting educational welfare measures more sharply.

For instance, GC-Rural-Female as a segment had 50.6 per cent illiteracy compared to 43.3 per cent of overall OBC illiteracy. Illiteracy of both men and women under GC-Rural, at 36.7 per cent, was worse than OBC urban (27.6 per cent). If all castes/classes within the OBC, with 43.3 per cent illiteracy, deserved affirmative action, why did not the "GC-Rural-Female" as a group, with 50.6 per cent illiteracy, deserve welfare measures to improve its educational status?

In that context, the poor state of gender equality in India, as reported by a World Economic Forum study in 2008, where India ranked 113<sup>th</sup> out of 130 countries (among the bottom 20), was worth referring to. A country's productivity, economy and health improve as the gender gap narrows. So special focus must be given to affirmative measures for the EBC women of the GC as well as other social groups.

The association of high illiteracy among the GC with poorer states such as Uttar Pradesh (33 per cent), Andhra Pradesh (38 per cent), Bihar (38 per cent) and Rajasthan (37 per cent) and that of low illiteracy with richer states such as Punjab and Maharashtra,

65  
etc. suggested that removing illiteracy should be an important welfare measure for the Economically Backward Classes among the General Category.

### 5.3.2 Primary Education:

GC, with primary education at 11.4 per cent, was not too different from OBCs, with primary education at 12 per cent. The rural/urban status of GCs in terms of Persons with Primary education was also comparable to that of the OBCs.

Category	Rural	Urban	Total (In %)
GC	12.7	9.5	11.4
OBC	11.3	13.4	12.0

About 11-12 per cent of population of both the GC and OBCs had to terminate education at Primary level only. Almost 40 per cent of GC either had only primary education or was not literate. It was clear that the difference between the GC and OBC on the ground of "education backwardness" had narrowed.

The creamy layer of the GC at the "educationally advanced" end of GCs turned brighter compared to the advanced end of the OBCs. That was corroborated by the much higher percentage of persons from GCs with graduate and secondary school degrees. What was important to note was that at the educational backwardness end of spectrum, the GC performed poorer, closing the gap with OBC. *40 per cent of the GC at the educationally backward end (Primary and illiterate) of GC spectrum needed as much affirmative action on educational front as did the OBCs (55 per cent) at the corresponding end of the spectrum and of course, a higher percentage from SC/ST.*

### 5.3.3 Status of Education up to Graduate level

Levels of education were compared among the four social groups. The GC had higher literacy compared to OBC/SC/ST but the difference turned out to be marginal when it came to literate, and primary and middle level of education. The status of GC in secondary and higher education and beyond was increasingly better. 11.1 per cent of GC had "graduation and above" education compared to only 3.7 per cent of OBC, 2.3 per cent



SC and 1.9 per cent of ST. (See Table 5.4). What is worth noting is that 89 per cent of GC had no college education. The other groups were only a little worse. All the groups needed assistance to improve their education status.

Table 5.4: Levels of education.

(Per thousand population)

Category	Not Literate	Literate & Up to Primary	Middle	Secondary	Higher Secondary	Diploma	Graduate & above
ST	556	224	118	49	29	5	19
SC	496	229	141	68	36	7	23
OBC	406	235	167	95	49	12	37
GC	243	221	175	143	90	18	111

Source: NSSO Report No. 516

#### 5.3.4 Drop Out:

Drop out rates after middle level were almost 50 per cent in all social groups except GC (19 per cent). Drop out has been computed by expressing the drop in secondary level education as a percentage of middle level education. Table 5.5 provides the details:

Table 5.5: Drop out rates by Social Groups

Category	Middle	Secondary	Drop Out
ST	118	49	60%
SC	141	68	48%
OBC	167	95	43%
GC	175	143	19%

Source: NSSO 2004-05

### 5.4 Skill shortage

According to the Planning Commission (pg. 89 of the Eleventh Five Year Plan, Government of India Planning Commission Vol-1): Educational institute attendance rates drop by half in (15-19 years) and by 86% after 15 years, 38.8% of Indian Labour Force is illiterate, 24.9% of labour force had schooling up to Primary level only, and 80% of the workforce in rural and urban areas did not possess any identifiable skills.

At such high levels of illiteracy and skill shortage, it was unnecessary to seek status by social groups. All social groups need massive measures to step up literacy, reduce school drop outs and build market driven skills.

### 5.5 Status of Health and Nutrition

#### 5.5.1 Nutritional Status:

Nutritional status among different categories was compared (Table 5.6):

The table reveals that there was little difference in status among SC, ST and OBC with regard to micro nutrient intake by children. The GC households showed better status to a small extent. What was a matter of concern was that in all social groups the usage levels were low except the usage of Vitamins and iodised salts. The figures also show a remarkable uniformity among all the social groups.

Affirmative health care measures were needed by all social groups to lift the usage and awareness levels.

Table 5.6: Nutritional Status in Different Categories (in per cent)

Age group	SC	ST	OBC	GC
Children (6-35 months) Consumed foods rich in Vitamin in last 24hrs.	46	43.8	45.8	50.5
Children (6-35 months) Consumed foods rich in Iron in last 24 hrs	14	13.3	11.3	19.7

Children (12-35 months)				
Given Vit-A supplement in last 6 months	24.6	21.3	23.1	29.4
Children (6-59 months)				
Given Vit-A supplement in last 6 months	18.1	14.8	17.1	20.9
Children (6-59 months)				
Given Iron supplement in last 6 months	3.3	4.3	4.7	5.6
Children (6-59 months)				
Given de-worming medicine in last 6 months	9.3	7.3	11.0	16.4
Children (6-59 months)				
Staying in household using adequately iodised salts	42.9	36.7	43.2	60

Source: NFHS 2005-2006

#### 5.5.2 Integrated Child Health Services:

Per cent coverage of ICDS for 0-6 years for all the social groups was found as under:

Category	Per cent covered in each Group	Per cent of total population
OBC	12.5%	40.8
SC/ST	10.2%	28.0
GCs	8.11%	31.2
All	10.5%	100

Source: Sachar Report p 181-Computed for the study by adding back Muslim status to OBC and GC.

Integrated Child Development Services (ICDS) had been instituted by government to ensure early nutrition among 0-6 year-olds. However, it could reach only 10.5 per cent of target in 04-05. The percentage of children among GC receiving help was the lowest at 8.11 per cent.

It was another example of GC not taking adequate advantage due to social and other considerations, although the scheme was meant for all social groups. In any case, the scheme needs some improvement. There is need to institute other schemes specifically targeted at the poor women and children among the poor of all social groups, including the EBCs among the GC.

### 5.5.3 Mid-Day Meal Scheme

Per cent coverage of Mid-day meal for 6-16 year-olds by social group during 2004-2005 was found as under:

Category	Per cent coverage by Mid-day meal	Per cent of total population
SC/STs	34.7	28.0
OBC*	27.0	40.8
GCs	19.5	31.2
All	26.8	100

Source: Sachar Report p 182

\* Muslim data was added back to Hindu OBC data as 40 per cent of Muslim are part of the OBC as per NSSO.

Mid-day meal has been one of the important schemes in Government education policy to boost school education outcome. Expectedly, the highest percentage of coverage of the scheme was for the SC/STs, followed by the OBCs and then at a distance for the GCs, might be due to the social status consciousness among OBCs and GCs. Participation in mid-day meal was a reflection of the need for each public welfare measure by social

groups. One out of every three ST/SC children in 6-16 age group took part in the programme. In case of GC, one out of every five children was part of the same scheme. The need for such welfare measures among GCs might be somewhat lower than that of ST/SC/OBCs, may be due to their consciousness of social status, but the fact was that 20 per cent of them still needed it.

## 5.6 Housing Conditions:

### 5.6.1 Urban Households with pucca structure:

Category	Households (in %)
SC/ST	45
OBC	60
GC	75
All	65

*Source: Sachar Report p 146 which was based on NFHS-2 figures. Computed for the study by adding back Muslims status to OBC and GC at 40 per cent and 60 per cent respectively.*

It was revealed that housing status of GC was much better than that of SC/ST but was only marginally ahead of that of OBCs. 30-35 per cent of households for social groups of both OBCs and GC had Kachcha houses in 1998-99.

The National Family Health Survey 2 (NFHS-2) was conducted in 1998-99 covering a sample of 92,486 households in all the states to provide data on housing and hygiene conditions.

### 5.6.2. Households with toilet facility:

It was pointed out that GCs were better off than OBCs in rural areas in terms of having houses with toilets. However, what was worth noting was that a majority of them (58 per cent) in rural areas did not have any toilet as per NFHS-2.

Information with regard to households not having toilet facility in rural areas was as under:

SC/ST	90
OBC	85
GC	53
All	78

Source: Sachar Report. Recomputed for the study by adding back Muslim status to OBC and GC.

## 5.7 Summing up the socio-economic status of EBC/GCs:

### 5.7.1 EBC as a class

While the group of the three backward classes and the GC were two distinct categories as far as social backwardness was concerned, economic backwardness or poverty cut across all four of them. The proportion of people from each group linked by poverty-associated socio economic factors might vary.

What was important was that the status of GC on several such parameters as illiteracy, land holding, occupations, housing, MPCE levels, etc pointed to significant numbers of poor who formed part of a class along with the poor of all social groups.

The poor were also a class because they were a part of a hierarchy of economic classes (upper, middle, lower), evolving in the country on socio-economic criteria, cutting caste hierarchy. The poor class of India was equivalent to the "under class" or "lower class" of the stratified societies of developed countries in terms of its position in the class hierarchy, except that it constituted a much larger segment here.

The analysis of the profile of GC had given a broad contour of the Poor/GC in terms of its common socio-economic parameters. Such poor households could come from the landless population (35.3 per cent of GC), with high women illiteracy (50 per cent of GC rural women), marginal farmers and part time/temporary workers in the unorganized sector, who had to cope with Kachcha housing, poor hygiene and inability to spend on the basics. Their cultural barriers to manual labour and occupational restriction for women added to the poverty.

While the socio-economic condition of the GC was much ahead of the SC/ST and better than OBC, it was noted that there might be segments within the GC having status equal to or worse than that of the average OBC on several parameters such as education, occupation, land holding, health and housing.

People from such segments with multiple deprivations were likely to form the Economically Backward Classes (EBCs) or poor within GC as a class.

It could be argued that backward classes had suffered discrimination for no fault of theirs while the same cannot be said about the poor among GCs. Poverty among GC that was accompanied by illiteracy, landlessness and low status occupations was due to consequence of circumstances, own omission and commission and therefore, deserved of compassion and consideration. Also self-inflicted poverty of one generation should not punish the next. For instance, children of parents who had been illiterate and poor due to bad personal habits should not have to suffer for the fault of their parents. Lastly, abject poverty in any humane society needed welfare measure irrespective of what or who caused it.

The Commission also gathered an understanding that the GCs might have a deeper creamy layer than the OBCs, which accounted for the higher average on many indicators appearing better than that of OBCs.

The more important finding was that at the lower end of their respective spectrums the GC and OBC were comparable on the weakness of a large number of parameters. The weak status on literacy and primary education, land holding, housing, etc. was not too different at the lower end of the two social groups.

Such similarity of multiple sources of poverty was the reason of formation of the BPL segments with the common condition of inability to afford the basics. NSSO based proportion of BPL among social groups showed the poor BPL class of about 30 crore people or 5 crore families came from about half of ST, one third of SC and OBC, and a little less than one fifth of GC.

While the poor among backward classes were eligible for affirmative measures, including reservation arising from their entitlement as Socially and Educationally Backward Classes (SEBC), the GC poor got nothing. This makes a strong case for affirmative measures in favour of the Economically Backward among General Category.



## *Chapter Six*

### Views of the States/UTs and Other Commissions/Committees

#### 6.0 Commission's Visits to States:

As the Commission had been mandated to consult the State Governments / Union Territories, the Commission visited 28 States/ UTs (as shown in Annexure -8) to elicit their views with regard to:

- (a) Criteria for identification of Economically Backward Classes;
- (b) Welfare measures and quantum of reservation in education and Government employment; and
- (c) Necessary constitutional, legal and administrative modalities as may be required for the implementation of their recommendations.

Detailed minutes of the meetings held by the Commission with H.E. the Governors/ Lt. Governors, Administrators, Chief Ministers, Ministers concerned, Chief Secretaries, Principal Secretaries, Secretaries of concerned departments and other senior officers-District Collectors, District level officers, field officers, as well as NGOs political leaders, social activists, etc. are placed in Vol. II of this report.

#### 6.1 Visit to Andhra Pradesh (August 24-28, 2009):

H. E. the Governor of Andhra Pradesh Shri N.D. Tiwari suggested that details of castes under the General Category, not getting any reservation at present and their approximate population should be worked out. Dr. Y.S. Rajasekhara Reddy, Chief Minister, Andhra Pradesh put forward that the State Government had agreed to provide welfare measures to the Economically Backward Classes' students in educational institutions and a provision to the extent of Rs.300 crores had been made for the

purpose. He was of the opinion that reservation beyond 50 per cent could not be given unless the Constitution was amended.

Officers of the Andhra Pradesh Government gave details of the schemes launched by the State Government for reimbursement of the tuition fee paid by the students in higher education. The students of Economically Backward Classes with an annual parental income of less than Rs.1 lakh studying in polytechnic, professional colleges (other than medical colleges), University colleges (both Post Graduate and Under Graduate colleges) in Government, private, aided and unaided institutions were eligible for scholarships.

The Commission had been informed that a amount of Rs.30 crore had been earmarked for 13 communities, viz., Reddy, Kappu, Kamma Naidu, Vysyas, Brahmin, Rajputa, Baliga, Muslims (who were not included in BC-E), Christians, Mudaliars (who were not included in BC) and an amount of Rs.20 crore for communities other than these 13. To uplift the poorest of the poor in the Economically Backward Classes, the State Backward Classes Welfare Department had sanctioned 66 hostels in Chittoor District.

District Chittoor had also introduced various schemes, viz., health coverage, soft loan for education, reimbursement of tuition fee, housing and self-employment subsidies, etc. to the Economically Backward Classes. The officials also stated that Government staff was visiting door to door and calculating the income based on assets of the family and other factors, and after verification they were issuing income certificates. The officers suggested that an annual income of Rs.1 lakh per family could be marked for identification of the families under the Economically Backward Classes and the income level had to be different for rural and urban population.

### 6.2 Visit to Arunachal Pradesh (May 11 - 15, 2010)

Shri Narendra Kumar, Member and Shri Mahendra Singh, Member Secretary accompanied by Shri L.M. Dorlikar, Senior Research Officer and Shri M.P. Aggarwal, Consultant visited Arunachal Pradesh during 11<sup>th</sup> - 15<sup>th</sup> May, 2010. The Commission also visited Tawang a district Head Quarter bordering China and Bhutan. Commission held meetings at Tawang with District authorities and NGOs.

The Commission met Shri Dorjee Khandu, Hon'ble Chief Minister, Arunachal Pradesh on 14<sup>th</sup> May, 2010 at Itanagar and discussed the matter related to the Commission and the State. The Chief Minister said that Arunachal Pradesh is basically a tribal State and the General Category population as indicated in Census 2001 was basically of government servants, labourers and business communities.

The breakup of the population as per Census 2001 is:-

Total population - 10,97,968

Scheduled Castes - 6,188

OBC - Nil

General Category - 3,86,622

Commission also discussed the matter with Shri Tabom Bam, Chief Secretary and other senior officers on 14<sup>th</sup> May, 2010 at Itanagar. Chief Secretary categorically said that Arunachal Pradesh is basically a tribal State and the General Category population is floating / migratory. The Schemes in the State are targeted to the welfare of tribal people of the State.

The Commission had a brief interaction with H.E. the Governor, Arunachal Pradesh on 15<sup>th</sup> May, 2010.

### 6.3 Visit to Assam (August 6- 8, 2008)

H. E. the Governor of Assam, Shri Shiv Charan Mathur, mentioned that there were five basic needs of the people: *Roti, Kapada, Makan, Siksha aur Kalyan*. With regard to the Identification criteria for the Economically Backward Classes among

General Category. Ms. Pramila Rani Brahma, Minister for Welfare of Plains Tribes & Backward Classes Department mentioned that every section of the society was covered under BPL and that we should go by BPL criteria.

Officers of Government of Assam emphasized that the identification of criteria for the Economically Backward Classes was difficult, and that the criteria and data should be authentic. BPL was the only scientific criteria for identification of Economically Backward Classes among General Category, for which adequate data were available both at the State and Central levels. Income, land holding, *Kachcha*, *pucca* houses, and educational level could be added in the criteria.

It was mentioned that the State had 49.5 per cent reservation (SC 7.5 per cent, ST 15 per cent and OBC 27 per cent). The State had a number of welfare schemes for the upliftment and empowerment of students and unemployed youth belonging to General Category. Officers further emphasized that there should be uniform and universal education.

Skill upgradation, training programmes in different areas, including plumbing, radio and television repair, computer maintenance, etc. could be taken up on large scale for their empowerment.

It was suggested that in every district, there should be one Navodaya School.

#### 6.4 Visit to Bihar (November 19 - December 2, 2007)

Shri Brijendra Prasad Yadav, Energy and Power Minister, held that the State Government would not specifically be opposed to the introduction of a scheme of reservation based on economic criteria. However, such a move need to be made carefully as it had already been struck down by the Supreme Court. He observed that identification of Economically Backward Classes among GC was a complex issue and suggested that BPL criteria should be considered.

He further observed that issues relating to creation of new and additional job opportunities and an improved quality education would need to be addressed alongside any equitable scheme for welfare of economically weaker sections of the society.

Shri S.N. Mandal, Chairman, Bihar State Backward Classes Commission, expressed his reservations on the rationale for constituting CEBC, particularly when such issues would be deliberated and decided in the Parliament. Members of the State Commission also expressed their apprehensions on according reservations to the General Category based on economic criteria, which, if implemented would adversely affect the opportunities available under the existing reservation policy. Members of the State Commission also expressed that GC already had adequate share in Government jobs compared to the proportion of their population and they are socially, educationally and politically already empowered. Most of the NGOs and social activists who were present in the meeting were against any reservations in Government jobs to the EBC/GC. They advocated "one education for all" so that equal opportunities are afforded to all sections of the society. Shri Udai Kant Chaudhary, Chairman, Bihar State Most Backward Classes Commission, fully endorsed the views of Shri S.N. Mandal and other Members and mentioned that the policy of reservation meant special opportunity and should be confined to those who had remained socially and educationally backward.

Bihar State has communicated vide letter No.2224 dated 11.4.2008 that there was no provision in the Constitution for providing reservation on the basis of economic backwardness.

It was suggested that welfare measures should be provided 'within the constitutional and legal framework.' The criteria of BPL presently used in Bihar was of Rs.15,000 p.a. which was too meagre and needed to be revised upwards to at least Rs.40,000 p.a. for the rural poor and Rs.50,000 p.a. for the urban poor.

Officers of the Government of Bihar suggested that soft loans may be made available to the families living Below Poverty Line, and proper health care and proper education should be provided to them. Quality education was needed to be provided to the students in rural and urban areas, and scholarships and soft loans should be

provided to them for professional courses viz. polytechnic, engineering, medical and management, etc.

#### 6.5 Visit to Chhattisgarh (June 25 - 28, 2008)

The Commission called on H.E. the Governor Shri E.S.L. Narasimhan. Dr. Raman Singh, Chief Minister, said that the population of General Category was only 4.63 per cent in the State and that the State Government had provided a total 47 per cent reservation (SC 15 per cent, ST 18 per cent and OBC 14 per cent). The State Government was prominently focusing on the BPL category and giving benefits to them. He suggested that BPL could be a scientific criterion for identifying the Economically Backward Classes among the General Category. The Chief Minister also mentioned that there was need to evolve a national policy for the Economically Backward Classes.

The Chief Secretary and senior officers of Government of Chhattisgarh said that the State Government was providing Rs.1.5 lakh for a group of 5 families or Rs.30,000 to one family for skill-upgradation under the scheme of NAI ROSHNI. They also suggested that BPL income and land holding could be the criteria for Economically Backward Classes. They mentioned that reservation and welfare benefits should start from the bottom and BPL could be the well accepted criterion.

#### 6.6 Visit to Goa (February 27 - March 1, 2008)

The Chief Secretary and senior officers of Government of Goa said that the State had provided total 33 per cent reservation (SC 2 per cent, ST 12 per cent, and OBC 19 per cent). Government had already launched many welfare schemes for children, destitute women and BPL families.

It was stated that the Government was considering a proposal to introduce the concept of creamy layer in all the sectors, and schemes to maximize benefit to the poor. The Government had also proposed to remodel all the schemes of the Government and open them to all sections of the society with a family income ceiling of Rs.1 lakh per annum.

Government of Goa suggested welfare measures for the economically backward in General Category; Financial assistance for housing sector (new houses and repairs); scholarship schemes for education at various levels; health benefits schemes; infrastructural development for clusters of schools for economically weaker sections; coverage under Social Security Schemes to handicapped and to senior citizens; health insurance schemes; financial assistance to small kiosk owners; financial assistance to vegetable, flowers and fish vendors; and new schemes to provide financial assistance of Rs.50,000 (comprising 75 per cent subsidy and 25 per cent loan) to persons from economically weaker sections for construction of new houses.

6.7 Visit to Gujarat (January 19 - 26, 2009)

Shri Narendra Modi, Chief Minister, Gujarat said that different parameters had to be laid down to identify the economically backward classes and the legal implications in the event of reservation could go beyond the cap of 50 per cent. There was a race today for inclusion in backward classes which was not proper, he said. Parameters must be decided beforehand and debated in the open forum involving State Government. Also, how much population came under the criteria should be known beforehand. Thereafter, a suitable strategy could be worked out for providing support and assistance. He added that the requirement of all the States could not be judged with the same yardstick and it had to be different keeping in view the ground reality.

He stated that on the pattern of the IIM, the State was planning to set up training institutes to produce trained teachers who would be selected/ posted from campus interview.

Shri Vasanbbai Ahir, Minister for Socially and Educationally Backward Classes; Shri Pushpadaabhai Gadhavi, Member of Parliament (Kutch); Shri Jivabhai Ahir, President, District Panchayat, Kutch; and Shri Janyantibhai Bhanushali, MLA, Abadasa, expressed their views on Economically Backward Classes among General Category and favoured reservation for them.

Officers of Government of Gujarat stated that the Government of Gujarat had already covered 77.5 per cent of the population (OBC 55 per cent, ST 15 per cent and SC 7.5 per cent) of the State under reservation (OBC 27 per cent, ST 15 per cent and SC 7.5 per cent). They were of the opinion that if higher criteria for EBC was fixed, it would be injustice to the BPL families as the size of BPL families itself was very large, about 1/3<sup>rd</sup> of our population.

Representatives of social organizations, mostly belonging to General Category, favoured reservation and suggested that the income criteria for Economically Backward Classes should not be more than Rs.30,000 - 40,000 p.a. They also suggested that welfare measures for Economically Backward Classes should be on the pattern of welfare measures being provided to the OBC category. They also wanted loans at a subsidized rate of interest for starting small business and cottage industries and be provided.

It was suggested that the demand-based schemes needed to be worked out on macro level for the deprived classes, not to those who were already well off.

#### 6.8 Visit to Haryana (November 1 - 3, 2007)

The Chief Minister, Shri B.S. Hooda, said that there were 20,000 BPL families in Haryana who had been identified on the basis of Central Government norms. He further added that Haryana Government was working out its own norms and according to State, 30-35 per cent families would be coming under BPL. Ms. Kartar Devi, Minister for Social Welfare, suggested that a brief survey was needed by the State Government before giving a view to the Commission.

Chief Secretary and senior officers of the Government of Haryana said that State had provided total 47 per cent reservation (20 per cent to SC and 27 per cent to OBC). Haryana State had already taken some welfare measures for EBCs, like giving Rs.15,000 for marriages of their daughters. *Haryana Backward Classes Kalyan Nigam* was providing micro-credit for small business, industrial units and helping Self Help Groups (SHGs).



Officers opined that BPL could be taken as the criteria for identifying the Economically Backward Classes. They suggested that children belonging to EBC should be given education in standard schools and be provided adequate care for their health, sanitation, drinking water, nutrition and scholarships.

Representatives of social organizations also suggested that BPL should be one of the criteria and annual income less than Rs.2/Rs.2.5 lakh, land holding below 5 kila, number of dependents in a family and landlessness could also be taken as the criteria for the identification of EBCs.

It was strongly recommended that the Government should undertake an All-India Caste-based Census so that a clear picture could emerge.

#### 6.9 Visit to Himachal Pradesh (March 9 – 13, 2010)

Chairman called on Her Excellency Smt. Urmila Singh Governor, Chief Minister of Himachal Pradesh, Shri Prem Kumar Dhumal, and Minister of Social Justice and Empowerment and discussed the issues relating to the welfare of Economically Backward Classes. Chairman also interacted with Mrs. Asha Swaroop, Chief Secretary and other senior officers of the State Government. Besides, meeting representatives of NGOs, press and media, Chairman also visited Sirmour district and held consultations with the district officers about welfare measures.

Demographic Profile of the State in brief is as under:

Total Population of Himachal Pradesh (2001 census)	=	60,77,900
Total Scheduled Castes population	=	15,02,170 (24%)
Total Scheduled Tribe Population	=	244587 (4%)
Total OBC Population (As per survey 1997)	=	927542 (16%)
Total General Category Population (estimated)	=	34,03,600 (56%)

Category wise percentage of reservation in Government employment is given below:

**Vertical Reservation: -**

(i) General	55%
(ii) Scheduled Castes	22%
(iii) Scheduled Tribe	5%
(iv) Other Backward Classes	18%

**Horizontal Reservation: -**

**Sub reserved Categories:**

(i) Defence/ Wards of Ex-Servicemen	15%
(ii) Freedom Fighters	2%
(iii) Physically Handicapped	3%
(iv) IRDP/ Orphans	15%
(v) Sports	2%
(vi) Backward Area	4%

**Below Poverty Line Families (BPL):**

Families living Below Poverty Line (BPL) in Himachal Pradesh have been identified based on their economic status. The caste-wise details of data relating to BPL families is given below:

• Total number of BPL families in the State:	2,82,370
• Scheduled Castes BPL Families:	95,536 (33.8%)
• Scheduled Tribes BPL Families:	24,274 (8.6%)
• OBCs BPL Families:	38,073 (13.5%)
• Total number of BPL Families Belonging to SCs, STs, OBCs:	<u>1,57,883 (56%)</u>
• General Category BPL Families:	<u>1,24,487 (44%)</u>

Incentives provided to BPL/ other backward classes in various sectors of development include the following:

1. Reservation to the BPL families in the State Services: - The Government has provided 15% horizontal reservation in the services of the State to the Antyodaya/IRDP families, in respect of Class-III & IV posts under Article 16 (1) of the Constitution in which the BPL persons belonging to all these categories are getting the benefits of reservation in services.
2. Schemes of Rural Development Department,
3. Schemes of Food, Civil Supply & Consumer Affairs:
  - (i) Antodaya Anna Yojna (AAY)
  - (ii) Annapurna Scheme
4. Schemes of Health & Family Welfare Department,
  - (i) Rashtriya Swasthya Bima Yojana
5. Schemes of Education Department,
  - (i) Elementary Education Department
  - (ii) Higher Education Department
    - (a) Dr. Ambedkar Medhavi Chhatravati Yojna
    - (b) IRDP scholarship
    - (c) Supply of free text books
    - (d) Pre-matric scholarships to OBCs students
    - (e) Post-matric scholarships to OBCs students
6. Reservation of seats to BPL families in HP Horticulture and Forestry University Nauni,
7. Schemes of Industries Department
  - (i) Incentives to SSI units
8. Schemes of Rural Development,
  - (i) Swarnjaynti Gram Swarozgar Yojna (SGSY)
  - (ii) Skill Development for Rural Youth-Grameen Labs (Staff Specific)
  - (iii) Skill Development Projects

- (iv) Rural Self Employment Training Institutes (RSETIs)
- (v) Indira Awas Yojna
- (vi) Atal Awas Yojna
- (vii) National Family Benefit Scheme
- (viii) Matri Shakti Bima Yojna
- (ix) Mahatma Gandhi National Rural Employment Guarantee Scheme (MNREGAS)
- (x) Total Sanitation Campaign Projects (TSC)

#### 9. Schemes of Urban Development Department

- (i) Swaran Jayanti Shahari Rojgar Yojna

#### 10. Schemes of HPSEB

#### 11. Schemes of Social Justice & Empowerment Department

- (i) Training and Proficiency in Computer Applications & allied activities to the candidates belonging to SCs/STs/OBCs & Minorities
- (ii) Housing Subsidy
- (iii) Follow-up Programme
- (iv) Mother Teresa Ashay Matri Sambal Yojna
- (v) Balika Samridhi Yojna

#### 12. Schemes of H.P. Backward Classes Finance and Development Corporation

#### 6.10 Visit to Jammu & Kashmir (September 23 - 26, 2009)

Ms. Sakina Itoo, Minister for Social Welfare, said that 27 per cent of total population i.e. 6.70 lakh belonged to the Below Poverty Line (BPL) category in the State. She gave an account of the impact of militancy on the socio-economic conditions of the people of Kashmir. The Minister also discussed the issue of relief and rehabilitation to the widows and orphans of the victims who had fallen to bullets of militants/terrorists. She also observed that laying down criteria for Economically Backward Classes was a rather difficult proposition as people in that category were

socially and educationally upward and comparatively well-off but due to many factors, they could have slipped into economic backwardness.

In the meeting of Commission with the Chief Secretary, J&K Government, the officers said that reservation to different categories of people in Government employment and educational institutions was being provided as follows: 8 per cent to the SC, 10 per cent to the ST, and among Socially & Educationally Backward Classes (other than SCs/STs), 2 per cent to weak & underprivileged Classes (social caste), 3 per cent to residents of area adjoining LOC and 20 per cent to residents of Backward Area. Besides, Ex-servicemen get 6 per cent and physically challenged persons get 3 per cent horizontal reservation.

It was also mentioned that the J&K Government had constituted the Backward Classes Commission in the State on 24<sup>th</sup> May, 1995 with the aim of uplifting the social, educational and economic status of the inhabitants/citizens living in the Backward Areas facing deprivation of necessities and amenities of life as well as to promote equality in social and educational field by recommending classes living in backward areas for inclusion under Resident of Backward Area (RBA) category in J&K State.

They also said that the climatic conditions of the State allowed only a few working months in the State for implementing developmental schemes. It was suggested that considering the special geographical position occupied by the State of J&K, there was a need to give a serious consideration to the implementation of schemes on Public Private Partnership model and imparting industrial training to the unemployed youth.

#### 6.11 Visit to Jharkhand (June 12 - 13, 2009)

Shri Aalamgir Aalam, Hon'ble Speaker, Vidhan Sabha, was of the view that barring *Sheikh, Syed and Pathan* in the Muslim community, other Muslims should be brought within the ambit of welfare measures and reservation in Government jobs and education.

The Chief Secretary and senior officers of Government of Jharkhand furnished information about the population statistics, status of reservation in Government jobs for various categories and welfare measures, etc. Total population as per 2001 census was 2,69,45,829 which included 31,89,320 Scheduled Castes; 70,87,068 Scheduled Tribes and 1,66,69,441 Others, including OBCs and General Categories (other than SC & ST). The percentage of reservation in government jobs and education was 10 per cent for SC, 26 per cent for ST and 14 per cent for OBC.

The Assembly was under suspended animation and in the absence of an elected Government, it was not considered appropriate by officers to offer their views on the subject, which was rather politically sensitive in nature. They suggested that criteria and mechanism for identification of BPL needed to be given a fresh consideration. The present level of Rs.15000 p.a. for BPL category was considered grossly inadequate and they thought it should be revised upwards to about Rs.40,000 p.a. for the rural poor and Rs.50,000 p.a. for the urban poor. The welfare measures could include scholarships and soft loans for quality education of the students, particularly for vocational courses viz., polytechnic, engineering, medicine and management courses, nutrition and health care facilities for the rural people and urban poor, soft loans for construction of houses and various income generating measures.

Representatives of social organizations gave a mixed opinion. Some said that reservation should be provided to the Economically Backward Classes even if the 50 per cent quota had to be exceeded while others were of the view that there should be no reservation in Government jobs for the Economically Backward Classes and only financial assistance should be provided to them for quality education.

#### 6.12 Visit to Karnataka (September 4 - 6, 2008)

Shri Sudhakar, Minister for Social Welfare, agreed for providing welfare measures to all classes. Dr. C.S. Dwarkanath, Chairman of the State Backward Classes Commission, enquired whether there was any legal sanctity as, at present, there was no provision in the Constitution for providing reservation to Economically Backward Classes.

The Chief Secretary and senior officers of the Government of Karnataka mentioned that the State had provided reservation to SCs (15 per cent), STs (3 per cent), Category-I (4 per cent), Category-II A (15 per cent), Category-II B (4 per cent), Category-III A (4 per cent), Category-III B (5 per cent), Total: 50 per cent to 94 per cent population consisting of SCs/ STs and OBCs. The main castes not covered under the existing reservation policy were: Brahmin (3.47 per cent), Mudaliyar (0.44 per cent), Nagartha (0.03 per cent), Nayar (0.14 per cent), Vaishya (0.70 per cent), Urs (0.07 per cent), Parsi (0.01 per cent), Sikh (0.03 per cent), Total for unreserved category - 4.89 per cent of the population. There were certain castes not yet known, whose population was 0.61 per cent. They also said that a long time back, 5 per cent reservation was provided to Economically Backward Classes but that was struck down by the Court. Officers opined that welfare measures should be provided to the Economically Backward Classes as certain percentage of those classes was poor, as in the case of OBC.

Social activists representing the OBC opposed reservation based on economic backwardness as the State already had 50 per cent reservation covering 94 per cent population and there was no provision in the Constitution in that regard.

**6.13 Visit to Kerala (June 3 - 6, 2008)**

The Chief Secretary and senior officers of Government of Kerala stated that the State had provided total 38 per cent reservation (SC-10 per cent, ST-1 per cent and OBC- 27 per cent). The State Government had worked out a model to identify the Economically Backward Classes and that had proved to be successful. That model was different from the BPL method. It was mentioned that the State Government had been implementing many welfare schemes for children, destitute women and BPL families.

**6.14 Visit to Madhya Pradesh (September 8 - 12, 2008)**

H.E. Governor of Madhya Pradesh, Dr. Balram Jakhar, opined that we should not go for further reservation to any section of the society and only provide welfare measures to all, irrespective of class and religion, etc.

Shri Shivraj Singh Chauhan, Chief Minister of Madhya Pradesh, said that Government of Madhya Pradesh had already set up *M.P. Rajya Nirahan Varg Kalyan Ayog* for providing welfare measures to general poor. He also stated that the State Government did not favour providing reservation in Government jobs and admission in education. He mentioned that the 13-point BPL Survey did not have much relevance.

The Chief Minister was of the view that only welfare measures could be given to the Economically Backward Classes and accordingly, State Government had devised many schemes and policies, including *Deen Dayal Upadhyay* Scholarship, *Kanyadan* Scheme, Labour Scheme, etc. for all the poor in the State. He further stressed that efforts were being made by the Government to lift all the poor from the BPL category.

Shri Anoop Mishra, Minister for Water Resources and Higher Education, said that Madhya Pradesh Government had provided total 50 per cent reservation (SC 16 per cent, ST 20 per cent and OBC 14 per cent) and there was no Constitutional support to go beyond the reservation of 50 per cent. Smt. Kusum Singh Mahadele, Minister for Women and Child Welfare and Social Justice, suggested that all-out efforts should be made to raise the income of the deprived classes and to provide employment within a time limit so that the desired benefit was derived by them. The Minister mentioned that a family comprising five members - needed minimum Rs. 6,000 per month to meet their bare necessities.

Shri Hazari Lal Raghuvanshi, Deputy Speaker, Vidhan Sabha, opined that the biggest problem today was the honest execution of various welfare schemes and that benefits were not reaching the poor and deserving people.

Shri Babulal Jain, Chairman, *Madhya Pradesh Rajya Samanaya Varg Nirahan Kalyan Ayog*, suggested that the Commission should concentrate only on welfare measures for the poor belonging to the General Category. He was of the view that the criteria of income for giving welfare measures could be income not exceeding Rs. 50,000.



Officers of Government of Madhya Pradesh did not favour the income criteria because the advantage of it would be taken away by unscrupulous elements of higher income bracket who could easily manage the certificates. Therefore, BPL could be the ideal criteria for identification of Economically Backward Classes. Schemes, plans and benefits must attempt to reach the poorest of the poor.

The BPL criteria laid down for the rural and urban areas must be adhered to in the beginning and only after they have been empowered, should the people slightly above the BPL income group be taken up for empowerment, otherwise if the income level was raised above the BPL level, major benefit will be taken away by those who were above the poverty line and the people living below the poverty line would be deprived of their due share.

They also suggested that widows and persons suffering from chronic ailments should be included in the category of poor for giving them welfare measures.

Welfare schemes should be extended to landless and less educated people who did not have any livelihood. Rural banks, on the pattern of Bangladesh, could be set up. Quality education should be provided to all students of every section of society.

#### 6.15 Visit to Maharashtra (February 24 - 27, 2008)

Shri Chanderkant Handore, Minister for Social Justice, mentioned in detail the various welfare schemes taken up by the Maharashtra State. 353 Tehsils of Maharashtra State had got residential schools for the poor, each costing Rs.4.60 crore. These schools had students from 1<sup>st</sup> to 10<sup>th</sup> Standard. Construction of 100 hostels were in progress with the investment of Rs.3.5 crore each. The Minister further mentioned that subsidy was being provided in the following manner to the eligible beneficiaries under a new scheme for housing: Rs. 1 lakh in rural areas; Rs. 1.5 lakh in middle class cities and Rs. 2 lakh in big cities.

Officers of Government of Maharashtra stated that currently reservation in the State was 52 per cent (including SC - 13 per cent as per population; ST - 7 per cent as per population; VJ/NT - 11 per cent; Special Backward Classes - 2 per cent and OBC -

19 per cent). They also said that a sum of Rs.15,000 p.a. was given to needy students from the General Category for education up to 12<sup>th</sup> Standard in Marathi medium. Social welfare schemes were in place in the State for all the poor and needy people, irrespective of caste. The State had provided orange-coloured ration cards for BPL category and white-coloured cards for APL.

They suggested that we must stick to the BPL criteria which were the most scientific criteria prevalent throughout the country. For empowerment of the EBC various vocational programmes, including skill development, could be thought of. Inaccessible/ special geographical areas must also be considered while identifying the Economically Backward Classes. Sites for houses should be allotted to those who did not have their own land for constructing houses. Further, it was added that the reasons for economic backwardness should be studied on macro-level and the reason of backwardness should be identified and accordingly corrective measures should be evolved and taken. Representatives of social organizations were of the opinion that the benefits of reservation and other welfare measures had not reached the members of the target groups.

#### 6.16 Visit to Orissa (July 28 - 31, 2009)

H. E. Governor of Orissa, Shri N.C. Bhandari observed that it was necessary to provide facilities for education, professional training, healthcare and housing, etc. to the Economically Backward Classes to improve their social and economic status. Shri Naveen Patnaik, Chief Minister of Orissa, assured that all aspects concerning EBCs would be examined by the State Government. Shri Vijay Ranjan Singh Bariha, Minister for ST&SC Development, Minorities & Backward Classes Welfare, observed that laying down criteria was a rather difficult proposition as people in that category were comparatively well-off but had remained poor due to various factors. He expressed the view that for providing welfare measures or reservation, if any, the criteria of BPL could be considered as people in that group were the poorest among the poor.

Chief Secretary and senior officers of the State Government detailed the reservation given to different categories in Government employment and educational

institutions, as follows: 70.75 per cent with the following break-up: SC (16.25 per cent); ST (22.50 per cent); OBC (27 per cent) and Others - Physically Handicapped & Sports (5 per cent). They said that in view of the above extent of reservation, the scope for further reservation to Economically Backward Classes did not arise. However, welfare measures needed to be provided to the Below Poverty Line category. They also observed that certain occupational classes like tailors, barbers, blacksmiths, etc. could be considered Economically Backward Classes, along with other classes. They felt that the existing limit of Below Poverty Line category was inadequate and needed to be at least doubled for the purpose of identification of Economically Backward Classes.

Representatives of social organizations stressed that if social and educational backwardness was tackled successfully, economic backwardness would automatically cease to exist. Lack of education was seen as the single most important factor leading to social and economic backwardness. They suggested that formal and modern education, with focus on quality, be given to economically backward people.

#### 6.17 Visit to Punjab (June 17 - 20, 2009)

Shri Prakash Singh Badal, Chief Minister of Punjab, observed that landless farmers and small farmers should also be considered if reservation was being extended to the Economically Backward Classes, as these groups were otherwise not covered under the existing reservation policy. He mentioned that providing welfare measures to the economically weaker section was more necessary than providing reservation in Government jobs and education. The Chief Minister also pointed out that a fresh survey of BPL was urgently required and suggested that "poverty line" instead of "BPL" should be adopted as the benchmark for providing reservation and welfare measures. He also talked about the schools and colleges being established in collaboration with the multinational companies like Larsen & Toubro and motor driving schools being set up in collaboration with TATA. Students passing out from these schools had better chances of getting employment in the companies which are financing these schools. He further mentioned that Punjab Government was also

providing one-room set accommodation to the economically weaker sections at an affordable price, i.e. Rs.1.5 lakh per house.

Officers of Punjab Government said that per capita income in Punjab at current prices was Rs.60,000 p.a. which was perhaps the highest in the country. It was suggested that people whose income was less than Rs.1 lakh or who possessed less than 5 acre land should be included in the Economically Backward Classes. Government of Punjab was of the view that the present cap of 50 per cent reservation should continue, as reservation beyond that point would kill competition and merit. They suggested focus on providing welfare measures to the economically weaker section in terms of housing, education and health care, enabling them to improve their lot and join Government jobs/private sector on merit. Representatives of NGOs said that Graduate and Post Graduate girls were married to comparatively less educated men. This kind of a mismatched marriage should be avoided. It was also suggested that medical aid should be provided to kidney patients.

#### 6.18 Visit to Rajasthan (November 19 - 22, 2007)

Justice (Retd.) Shri Shashi Kant Sharma, Chairman, Rajasthan State Commission for Economically Backward Classes, said that reservation for non-reserved category could be from 10 to 20 per cent and the criteria for economic backwardness could be BPL, family's income less than Rs. 1 lakh, non-income tax payee, etc. The Minimum Wages Act applicable in Rajasthan State was Rs.3000 per month.

Justice Sharma emphasized the BPL families could not think of getting their children admitted to medical and engineering colleges, and therefore, adequate quality education (English-medium schools) should be provided to children belonging to the EBC category. He also mentioned that if the family income was Rs.10,000 p.m., a minimum of 1/3<sup>rd</sup> of the income was spent on education of one child. He further added that there should be four standards for identification of the EBC namely, i) medical facilities, ii) education, iii) location of houses i.e. urban/rural shelter and iv) sanitation.

Shri Mahesh Singh Tanwar, Member of the State EBC, mentioned that in order to identify EBC, we must go in for stratified sample survey taking suitable sample size - rural, urban, big cities, smaller towns, etc. Shri Tanwar also mentioned that for providing quality education to children belonging to the EBC, schools like Navodaya may be opened at Taluka vidyalayas Block level so that they could have access to quality education. He further suggested that EBC certificate should be issued on the recommendation of the Sarpanch of Gram Panchayat. Members of the State EBC agreed that welfare measures for EBCs should be the same as applicable to OBCs.

Shri Madan Dilawar, Minister for Social Justice and Empowerment, expressed his concern over non-inclusion of a substantial part of the nomadic population, who were BPL, in the State of Rajasthan because they did not have permanent addresses as they moved from place to place. The Minister pointed out that family planning factor should also be linked with the benefits/welfare measures extended to the EBC.

Officers of the Government of Rajasthan mentioned that 17 per cent reservation for SCs (which covered 59 communities, which was close to the SC population in the State), and 13 per cent reservation for STs (consisting of 12 communities which was also close to the ST population in the State) had been provided but reservation for OBCs was only 20 per cent, which was far below the OBC population in the State. Further, it was mentioned that there were 22 lakh BPL families in rural areas and 4 lakh BPL families in urban areas, according to the BPL survey conducted in 2002-03.

They suggested that the family income for EBC should be such that the poor families get more advantage of reservation. There should be only one standard of education for all and it should be made free to all.

Rajasthan had issued notification providing 14 per cent reservation to the Economically Backward Classes in Government jobs and admission in education but that was set aside by the Rajasthan High Court.

#### 6.19 Visit to Sikkim (October 22 - 26, 2009)

The Chief Secretary and senior officers of Government of Sikkim gave an account of population statistics, reservation given in government jobs and education, and the status of development in the key sectors in the State of Sikkim. They also detailed the status of development of rural areas in the State and said that out of the total 1,11,000 households in the State, 98,000 were rural households.

Officers stated that the Chief Minister, Sikkim had set out a vision for the State to make it a poverty-free zone by 2015. The State Government was providing model houses consisting of two rooms at a cost of Rs.3.90 lakh under the "*Mukhya Mantri Awas Yojana*" and also providing Rs.15,000 for renovation and repair of a house. Each house had been provided toilets. The State was providing quality drinking water to all. There were 19,200 BPL families in rural areas and 2000 BPL families in urban areas. The State had also made remarkable progress in "spring shed development" on the concept of integrated watershed development with the broad objective of insulating rural poverty from the adverse impact of the climate change. The State had achieved 82 per cent literacy rate and had been providing free education to all in the State. The State had fully implemented the Right to Education Act. Books, shoes and uniforms were provided free of cost to students up to 8<sup>th</sup> Standard. The State was providing scholarships of Rs.10,000 per student per annum and soft loan at zero percent interest for education.

The State Government had set a target for training all the teachers by 2014. The teachers in the State of Sikkim were the highest paid in the country and they were residing within close vicinity of the schools. This had minimized the problem of absenteeism among teachers.

It was mentioned that the community involvement in rural health care in the State was of very high order. They also said that the health care policy of the State was preventive and not curative. The State had also set up Sikkim Illness Recovery Fund. The State was also implementing "*Mukhya Mantri Netra Jyoti Yojana*", "*Mukhya Mantri Pushtakar Yojana*" and "*Mukhya Mantri Shrovan Yojana*" for the

welfare of people. "Antahaar Yojana" was one such scheme wherein 4 kg of Dal (pulses) was being provided to the poor people. It was also stated that all the people of Sikkim were being provided free annual health check-ups.

As per 2001 census, total population of the State was 462452 including 27165 SCs, 111405 STs, 134919 OBC (approx.) and 188963 Others, (General Categories other than SC, ST & OBC). Percentage reservation in Government jobs and in educational institutions is 6 per cent for SCs, 33 per cent for STs, 21 per cent for OBCs and 14 per cent for Others. It was suggested that the criteria for identification of Economically Backward Classes other than the SC, ST and OBC should be extreme social, educational and economic backwardness. It was also suggested that quantum of reservation in government employment and education could be 14 per cent. The programmes needed to be tailored after duly prioritizing the identified thrust areas, such as education, agriculture, horticulture, animal husbandry, vocational training in various trades feasible to them, coaching and allied schemes.

#### 6.20 Visit to Tamil Nadu (August 18 - 21, 2008)

Chief Secretary and senior officers conveyed the firm opinion of the Government of Tamil Nadu, which did not endorse reservation on economic basis as there was no provision in the Constitution of India. Officers of the Government of Tamil Nadu detailed the prevailing reservation in Tamil Nadu, which was 69 per cent at present, and said there was no further scope of reservation to EBCs. They also ruled out the concept of reservation on economic basis.

It was mentioned that the Government of Tamil Nadu had several welfare schemes for all categories of people. Representatives of social organizations gave mixed reactions. The social organizations/activists connected with the reserved categories favoured reservation only on the basis of social and educational backwardness and not on the basis of economic backwardness. The organizations connected with the General Category wanted reservation to be provided also to those who were economically backward.

### 6.21 Visit to Tripura (November 23, 2009)

H.E. the Governor of Tripura, Dr. Kamla said that during her tenure of less than a month in Tripura State, she had undertaken an extensive tour of the State and met all sectors of people. She was of the opinion that a large chunk of the people were living below the poverty line and the State Government was trying to improve their lot. She said that there was 48 per cent reservation provided to STs (31 per cent) and SCs (17 per cent) and there was no reservation for the OBCs due to the 50 per cent ceiling laid down by the Supreme Court.

Smt. Vijita Nath, Minister for Social Welfare, also stated that so far Tripura Government did not provide any reservations to the OBCs perhaps because of the ceiling of 50 per cent reservation. Shri Anil Sarkar, Minister for Higher Education, Information & Culture, said that the State Government was serious to provide some reservation and welfare measures to the minorities and women.

### 6.22 Visit to Uttarakhand (July 8 - 11, 2009)

Shri B.C.Khanduri, Chief Minister of Uttarakhand, said that poverty was not related to any caste, and welfare measures should be provided to the poor classes irrespective of any caste, community or religion. The Chief Minister was of the firm view that the matter was very complex and all measures have to be taken to avoid any loopholes in the selection of the economically backward people, as there were certain lapses, at present, even in the BPL categories.

The Chief Minister also suggested that proper education and welfare measures were the only solution to improve the financial health of the Economically Backward Classes. He felt that the criteria would differ from State to State, according to the geographical, social, urban, rural, hill and several conditions prevailing in respective States. He stated that reservation was not a solution to the problem, which could, however, be addressed through the welfare measures. However, he did not oppose reservation if provided constitutionally to the Economically Backward Classes in the State.



Officers of Uttarakhand State Government said that the total population of the State was 84,89,339 out of which 17.87 per cent were SCs, 3.02 per cent were STs, 18.31 per cent were OBCs and the remaining population of 60.80 per cent was of General Category not at present included in the reservation policy. The Director, Lal Bahadur Shastri National Academy of Administration, was of the opinion that there was a need to provide some relief to Economically Backward Classes but there should not be any compromise with the merit. It was informed that at present, there was 37 per cent reservation for the SC, ST and OBC in Government jobs in the State. It was suggested that clear cut norms should be laid down for identification of such classes so as to avoid any loopholes later on. They also gave emphasis on education, particularly vocational education, health and welfare activities.

Social organizations suggested that the income of family could range from Rs.50,000 to Rs.1,00,000 p.a. to identify the Economically Backward Classes among General Category. Some of them also felt that the gap between BPL and Economically Backward Classes should not be much as that would create another class in the country.

#### 6.23 Visit to Uttar Pradesh (November 26 - 28, 2007)

Shri Avdhesh Kumar Verma, State Social Welfare Minister, emphasized that the people belonging to upper castes, did not like working in agriculture, construction, etc. Their women were mostly confined to their houses. Shri Satish Chandra Jatav, Vice-Chairman, State Backward Classes Commission, UP mentioned that so far no exercise or report had been prepared for the Economically Backward Classes not covered under the reservation policy in the state.

Officers of Government of Uttar Pradesh said that the population composition of UP (Census 2001) was 166197921, in which the rural population was 131658339 and the urban population was 34539582. Social composition was 45.52 per cent OBC, 0.40 per cent ST and 21.14 per cent SC, and there was reservation of 27 per cent for the OBC, 21 per cent for SC and 2 per cent for ST in the State. For the Economically Backward Class among General Category there were schemes like scholarship and fee relaxation (under *Samya Jati Chatravarti Vitaran Scheme* in 2007-08, Rs. 32962.96

lakh was distributed, benefitting 3942780 students). Similarly, assistance of Rs.10000 was provided for marriages of daughters, and Rs.5000 for medical treatment. Under these schemes, during 2007-08, Rs.2863.12 lakh were spent, benefitting 28431 families for daughters' marriages and 927 families for treatment. The families were economically backward among General Category (having an annual family income less than Rs.19884 in rural areas and Rs.25546 in urban areas). All the eligible people above the age of 60 years among the General poor were being provided old-age pension of Rs.300 per month. Under this scheme Rs.652 lakh was spent benefitting 2535506 persons. The officers also provided information about various other schemes existing in the State, like *Kisan Pension Yojna*, *Rashtriya Parivar Labh Yojna*, coaching, etc. for the economically backward among General Category. They opined that greater emphasis should be given to children, and education should be one for all.

Representatives of social organizations expressed their views against the move to provide reservation to the EBC as they had been socially, educationally, economically and politically advanced for more than a thousand years. They emphasized that caste-based census must be conducted immediately to know the factual position, and reservation could be granted to everybody according to their share in the population.

#### 6.24 Visit to West Bengal (August 4 - 6, 2008)

H.E. Governor of West Bengal, Shri Gopal Krishna Gandhi, emphasized that women from the forward classes were very orthodox and would not try to take up labour in many States/areas. Women were confined to their houses and they did not come out from their homes due the social restrictions placed on them.

Shri Buddhadeb Bhattacharjee, Chief Minister, questioned as how reservation could be provided to Economically Backward Classes at the same time, as reservation to the SCs, STs and OBCs existed on the basis of social and educational backwardness. He mentioned that BPL was the only criteria which could be relied upon for which adequate and scientific data were available. The West Bengal Government had identified 4612 poorest villages and various welfare benefits

were being given to them. He further stressed that land reform was a must and we must see that the surplus land was distributed to the landless and poor. He mentioned that uniform and universal education was a must for all, and Government of India should take some effective steps without losing time.

Minister of State, Dr. Abbas Satar mentioned that West Bengal Government was implementing many welfare schemes for the empowerment of the poor and deprived classes for whom land was being distributed on priority, scholarships were being given to students and old-age pensions were extended to the aged people. He mentioned that 63 per cent of the old-age pension went to the SCs, STs and minorities.

Officers of Government of West Bengal said that in the State, a survey covering 10 points on the guidelines of the Planning Commission, Government of India had been completed. They mentioned that it was very difficult to identify Economically Backward Classes because income was a highly fluctuating factor, and could not be relied upon. They said that there was reservation of 22 per cent for SCs and 6 per cent for STs, which was in proportion of their population, while the OBC reservation was 7 per cent against their population of 15.08 per cent in West Bengal. The percentage population of reserved categories in West Bengal was 43.60 per cent (including SCs: 23.02 per cent, OBC: 15.08 per cent and ST: 5.50 per cent). Thus, the percentage of General Category was 56.40 per cent in West Bengal.

#### 6.25 Visit to UT of Andaman & Nicobar Islands (December 1 - 4, 2009)

The Commission discussed its terms of reference with H.E. Lt. Gen (Retd.) Bhupinder Singh, Lt. Governor of the Union Territory. It was stated that the total population of the Union Territory of Andaman & Nicobar was 3,56,152 (SC- Nil, ST - 29,469, OBC (approx) 1,64,731 and others (General Category other than SC, ST & OBCs) 1,61,952).

Officers of the Union Territory of Andaman & Nicobar described the social background of the population. They said that factories had been closed down after the *Tsunami*. They gave details of the development activities, welfare measures and some problems being faced by post and pre-1942 settlers on the islands, and after the

*Tsunami*. They suggested that the income criteria for EBC should be up to Rs.5,00,000. They also pointed out that two tribes were still not in touch with the administration or the outside world.

#### 6.26 Visit to UT of Chandigarh (June 16, 2009)

Gen. S.F.S. Rodrigues, PVSM, VSM, H.E. the Governor of Punjab and Administrator of UT of Chandigarh gave a briefing about the various welfare measures being implemented by the UT of Chandigarh for the economically weaker sections in terms of providing accommodation, education, health care and employment opportunities through skill upgradation and self-help groups, etc.

H.E. the Governor stressed upon undertaking the biometric survey of each family which was very important and which could be a criterion for the identification of the Economically Backward Classes. His Excellency even suggested that the haemoglobin level could be a good criteria for identification of the Economically Backward Classes. He also apprised the Commission that for empowerment of women, the Chandigarh Administration had operated a novel scheme of providing cloth and designs to the women belonging to weaker sections to involve them in manufacturing readymade garments. The garments thus manufactured were taken by the Welfare Department of the UT Administration after the women were paid for their labour.

Shri Pradip Mehra, Advisor to the Administrator, made a brief presentation about the population statistics, literacy rate, economic status of the people and the various welfare schemes in operation. One significant point raised by him was the existing definition of BPL adopted by the UT Administration i.e., Rs.432.09 per capita/pm which was rather low and needed an upward revision.

He suggested that there should be separate criteria for identification of BPL people in urban and rural areas and the regime of subsidy should be dispensed with to eliminate the chances of malpractice within the system. The Advisor said that the housing scheme of UT Administration for slum dwellers had been a great success.

and had actually helped the slum dwellers in getting one-room set accommodation at an affordable price. The Administrator also impressed upon the necessity for skill upgradation and training programmes, and formation of self-help groups so that weaker sections could find employment opportunities at the village and small town level. Also, soft loans should be provided to small enterprises. He said that the UT of Chandigarh had launched the *Rashtriya Swasthya Bima Yojna* covering about 9000 families whose income was Rs.432.09 per capita/pm or less. Those having master cards were eligible for free medical facility to the extent of Rs.30000 p.a. from the Government or from private hospitals.

The UT of Chandigarh was also providing pension to widows, aged people and handicapped persons whose income did not exceed Rs.10000 per family per annum. He also mentioned the micro schemes viz., *Apna Beti Apna Dhan*, *Aam Aadmi Bima Yojna*, etc. Government officers said that though private schools in the UT of Chandigarh had not agreed to provide 15 per cent reservation in education to the Economically Backward Classes, recently some new schools coming up had agreed to accede to the request of the UT Government. EWS Scheme for the construction of one room set flats for the Economically Backward Classes was also briefly discussed.

#### 6.27 Visit to the UT of Lakshadweep (February 7-12, 2010):

The District Collector, Lakshadweep described that Lakshadweep, an Archipelago, coral islands and islets, formed the smallest Union Territory of India with a cumulative land area of 32 square kilometers, 104 species of coral and 600 species of marine animals, a population of 60,650 including 3329 population of people other than the SC, ST and the OBC.

The total population of the island, except the 3329, was Muslim and treated as Scheduled Tribes. The population of 3329 was non-resident and they were businessmen, labourers and government servants, etc. and, were basically a floating population. The Union Territory Administration felt there was no need to provide any reservation to any category because the total population in Lakshadweep was of the Muslim community that had been treated as a Schedule Tribe.

The District Collector also conveyed that the percentage of literacy was 87.52 per cent as per 2001 Census. The annual budget of Rs. 350 crore was basically spent on education, medical, health facilities, mid-day meals, social sectors and on other development activities.

#### 6.28 Visit to UT of Puducherry (August 21 - 24, 2008)

Shri Govind Singh Gujar, H.E. the Lt. Governor of Union Territory of Puducherry, expressed his doubts upon the possibility of having reservation beyond 50 per cent and that too on a different criterion i.e. on economic basis. He also stated that the Constitution forbid reservation on economic basis and therefore the task of the Commission was difficult.

Shri N. Rangaswami, Chief Minister, mentioned that there were 12.5 per cent BPL families in the Union Territory of Puducherry and there were several welfare measures being implemented for every section of society.

Officers of the Union Territory said that the Administration had provided total reservation of 49 per cent (SC 16 per cent and OBC 33 per cent) and various welfare measures have been provided for the welfare of every section of society, including General Category.

Representatives of social organizations had mixed reactions and those belonging to the reserved category opposed reservation on the basis of economic backwardness. Those who were not covered by the existing reservation policy favoured reservation to the General Category on the basis of economic backwardness.

#### 6.29 Gist of the views of the States/UTs:

Rajasthan and Madhya Pradesh had set up State-level Commissions for the Economically Backward or Poor among General Category. Rajasthan was the only State in the country to provide 14 per cent reservation for the Economically Backward Classes of the classes not already covered by the existing reservation policy. However, Rajasthan High Court had set aside that order.

On the basis of recommendations of Madhya Pradesh Samnya Vaj Niradhan Ayog, the Madhya Pradesh Government had implemented various welfare measures for the poor among General Category. However, that Commission as well as the State Government were not in the favour of providing any reservation to EBCs in government jobs and education.

Bihar State Government had communicated in writing that the State was not in favour of providing reservation on the basis of economic backwardness for which there was no constitutional provision, and that was also a departure from the policy of reservation on social and educational backwardness. As Tamil Nadu Government had already provided 69 per cent reservation, it categorically disagreed to consider reservation to EBCs on the basis of economic backwardness.

The West Bengal Government considered that if at all reservation was considered on the basis of economic backwardness, the BPL category had to be the criteria for their identification. Chhattisgarh, Madhya Pradesh, Maharashtra, Karnataka, and Assam also favoured that BPL could be taken as the criteria for identification of Economically Backward Classes among General Category. However, none of them favoured any reservation to EBC in government jobs and education.

Reservation on the basis of social and educational backwardness has historical facts and its identification was easier because such reservation was caste based. None of the States / UTs except Rajasthan had provided reservation to Economically Backward Classes among General Category, even this was set aside by Rajasthan High Court.

Almost all States/UTs agreed that BPL could be the basic criteria for identification of EBCs among GCs. Most of the States/UTs suggested detailed survey to identify the EBCs including their educational and economic status.

It was agreed by a majority of States / UTs that EBCs could be provided welfare measures in nature, and quantum equal to that for the OBCs.

### Views of the other Commissions

6.30 The Commission sought the views of other Commissions in the Government of India on various issues concerning Economically Backward Classes. The views of such Commissions are given as under: -

(a) **The National Commission for Minorities:**

The Commission vide their letter No 81/10/09-NCM dated 28.06.2009 have conveyed their views as under:

"Relevant Provisions of the Constitution in regard to EBCs are as under: -

Article 15(4) reads as follows:

"Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes."

Article 16(4) reads as follows:

"Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which in the opinion of the State, is not adequately represented in the services under the State."

A reading of these Articles will show that whereas Article 15 (4) talks about special provisions for the advancement of any socially and educationally backward classes of citizens or for the SCs/STs. Article 16(4) says that reservation of appointments or posts can be made in favour of "any backward class of citizens which is not adequately represented in the services under the State". Thus Article 16(4) makes no reference to social and educational backwardness and specifies that the only consideration for the reservation of posts in favour of a backward class is that the class is not adequately represented in the State services.



Article 46 reads as follows:

"The State shall promote with special care the educational and economic interests of the weaker sections of the people and, in particular, of SCs and the STs and shall protect them from social injustice and all forms of exploitation."

It will appear that this Article does not refer to either 'backward class of citizens', but to special care being taken of the educational and economic interests of the weaker sections of the people and of the SCs and STs. Thus it is intended that the weaker sections of the people whose educational and economic interests are to be promoted should be of the same or like character as of the SCs and the STs who are suffering from social injustices and undergoing exploitation from the higher sections of the society. Although Article 46 is part of the Directive Principles, yet the interpretation of the various enforceable statutory provisions has to be made according to the rulings of the Supreme Court in the light of the Directive Principles.

#### Criteria indicated by the Supreme Court

- (i) Concept of backwardness is not relative. If tests of relativity were to be applied, there would be several layers of strata of backward classes each one claiming to be included under Article 15(4).
- (ii) The backwardness under Article 15(4) must be social and/or educational.
- (iii) In the test whether a class of citizens (not a caste of citizens) is backward or not, caste may be a relevant consideration but the classification of backward classes of citizens based on the caste of the citizens may tend to perpetuate the caste system itself. Moreover, the caste test would break down in relation to many sections of Indian society namely Muslim, Christian or Jain or even Lingayata where the test would not be practicable. Social backwardness in the ultimate analysis is the result of poverty to a very large extent and deplorably poor classes of citizens automatically become socially backward. Caste is likely to aggravate the social backwardness of poverty.

hidden people. Therefore, caste and poverty are relevant factors in determining

- (iv) Traditionally, certain occupations are treated as inferior and their followers are apt to become socially backward.
- (v) The place of habitation also determines the backwardness of a community of people.

#### The Fifty Percent Ceiling on Reservation

The SCs and STs are already enjoying the benefits of reservation of 22.5% and receiving statutory benefits and guarantees. The Supreme Court of India in its judgement in the case of *Indira Sawhey & others v. Union of India and others* while upholding 27% reservation for Other Backward Classes stated that the reservation under Article 16(4) of the Constitution should not exceed 50%.

#### Views of the Commission

From the above, it may be observed that Article 15(4) of the Constitution speaks of advancement of the socially and educationally backward classes, and Article 16(4) makes it necessary to reach a finding that a particular backward class is not adequately represented in a particular service under the State. In other words, these are the kinds of connections which the Articles postulate and require as conditions precedent to their applications. Economic backwardness directly flows from social and educational backwardness. For the purpose of identification of economically backward classes, therefore, the real incomes of members of the group in terms of what may be available to them in the form of money, education, opportunities for employment, social status and standing, official positions and other distinctions obtained by members of each group, could furnish sounder and more objective criteria.

Reservation is at best a temporary mode of ameliorating ill effects of discrimination by adequate representation of the neglected SCs/STs and backward classes. The objectives should be to remove a sense of disparity and injustice. It should not become a permanent feature because a person who is poor today may

become well of tomorrow (in the short term or vice-versa). This is what our Constitution contemplates. The reservation in educational institutions and public posts have been devised to undo the historical injustice suffered by certain groups. A comprehensive review of the entire policy of reservation in vogue does not appear to have carried out to know whether the guarantees and benefits already given had reached the real intended beneficiaries or rather it has in reverse benefited the more advanced sections of the backward communities. If poverty is the baseline for reservations it should apply equally to all classes of citizens across the board irrespective of religion, caste, creed etc. Instead of reservation as the method to bring about equality of status and opportunity, the Commission should also note affirmative action outside reservation should be thought of. There already exists various poverty alleviation programmes of the Government for the upliftment of the weaker and disadvantaged sections of the society and what is needed is the implementation of these programmes in true letter and spirit.

(b) **The National Commission for Scheduled Tribes:**

The Commission vide letter No MBS/Services/SJ&E/EBC Reservation/2009/RU-II dated 16.07.2009 have conveyed their views as under:

"The Commission observed that the economic status of an individual is fluctuating. It is also not an easy task to identify such backward persons based upon any criterion of consumption or ownership of assets because of local factors like cultural differences, price variation, etc. Therefore, reservation to Economically Backward Classes of Unreserved Category is neither feasible nor sustainable. Moreover, unless all-out efforts are made to empower such classes of people by extending educational and health care facilities at their door-step and preparing them to enjoy the fruits of development, the proposed efforts may be insufficient. Further sub-categorization of the UR category may not yield desired benefits in practice, since it is apprehended that in the present system of reservation through Post Based Roster, even if a few vacancies are reserved for the Economically Backward Classes out of Unreserved Category these may well remain unfilled till a vacant post reserved for the particular EBC occurs and a suitably qualified eligible candidate is simultaneously available.

The Commission, therefore, opined that separate schemes may be launched for development of persons belonging to economically backward classes empowering them to avail their share out of UR category instead of providing separate reservation for them treating them as sub-category within UR category."

(c) **The National Commission for Backward Classes:**

The Commission vide their letter No NCBC/7/24/2008-RW dated 8.12.2009 have conveyed their views as under:

"National Commission for Backward Classes was established under the NCBC Act, 1993. As per the Act, the Commission is only entrusted with the task relating to examine requests for inclusion of any class of citizen as a backward class in the Central List of OBCs and hear complaints for over-inclusion or under-inclusion of backward class in such lists and tender such advice to the Central Government as it deems appropriate. The subject matter referred in your letter does not come under the purview of National Commission for Backward Classes. The Ministry of Social Justice & Empowerment is the nodal ministry for implementation of welfare schemes of OBCs."

(d) **The National Commission for Safai Karamcharis:**

The Commission for Safai Karamcharis vide their letter No 11059/16/2009-R&D/803 dated 9.12.2009 have conveyed the details welfare measures being implemented for Safai Karamcharis. The same is placed in this Report as Annexure -19.

## Chapter Seven

### Welfare Measures

#### 7.0 Introduction:

The Commission gathered an impression that while most of the State / UT Governments were non-committal on the issue of reservation for EBCs in govt. employment and education, there was remarkable unanimity on the issues of extending welfare measures to the EBCs among GC, such as:

- (i) Time-bound and target oriented implementation of welfare measures in the identified sectors.
- (ii) Nurture EBCs from childhood to improve their competitiveness for education/occupation in line with their aptitude.
- (iii) Give importance to education and skill building as strong enablers, especially at Higher Secondary level as most poor students terminate education at that level.
- (iv) Improve their health, housing, sanitation and economic security.

#### 7.1 Present Policy and Practices of Affirmative action

The welfare measures being implemented by the Government of India and State Governments/ UT Administrations fall in the following broad categories:

- (i) Welfare measures for OBCs / Minorities
- (ii) Government schemes that benefit the poor from all social groups

#### 7.2 Welfare measures for OBCs / Minorities

- (a) Concessional finance by the Financial Development Corporations to the families under the Below Poverty Line (BPL) or Double the Below Poverty Line (DPL) belonging to OBCs / Minorities.

- (b) The loans were targeted at agricultural, small business/artisan, service sector and transport sectors. The types of loans were term loans @ 6 per cent interest, education loans for higher level education @ 4 per cent, New *swarnima* scheme for women @ 4 per cent and to the professionally trained youth @ 5 per cent. Besides this, there was Microfinance scheme in existence with a limit of Rs 25,000 per beneficiary to the self-help groups (SHGs). The term loans were payable in 5-10 years. Loans to SHGs under the Microfinance scheme were payable in 3 years.
- (c) The National Backward Classes Finance and Development Corporation (NBCFDC) provided vocational and entrepreneurial training to the beneficiaries. The artisans among them were enabled to participate in the Craft *melas*, exhibitions etc. It operated through the State Channeling Agencies (SCAs), which executed the schemes through the District Managers who were generally the officials of Welfare Department of the State Governments. These welfare measures were available to the families who belonged to the BPL or DPL, depending on the scheme. Therefore, the concept of economic backwardness was already integral to affirmative/welfare actions.
- (d) The norms for BPL/DPL in terms of annual family income were: The Finance and Development Corporations for SCs and STs and Minorities offered similar schemes applying the BPL and DPL limits uniformly.

### 7.3 Government schemes that benefited poor from all social groups:

Central and State Governments had many welfare measures meant for all Economically Weaker Sections (EWS). They ranged from the National Rural Employment Guarantee schemes for the unskilled manual workers to health care and nutrition schemes such as Mid-day meals for school children, free immunization programmes, health insurance, housing loan at concessional interest and various concerns for senior citizens, including higher interest on Post Office Saving for them, etc.

EBCs also drew benefits from such schemes as were applicable to all social groups. The impact of such schemes was seen as under:

### 7.3.1 Education:

- (a) Literacy had improved through *Sarva Shiksha Abhiyan* by extending primary schools network to unreached areas and communities.
- (b) The number of out-of-school children estimated at 4.2 crore at the beginning of the XI plan had improved to 2.3 crore by 2004 as per the Mid-Term Review. That might come down further. Close to 93 per cent of students in the 6-13 year age group were in school by 2005 due to the success of the initiative.
- (c) For literacy among women, National Programme for Education of Girls at the Elementary stage (NPEGEL) and *Kasturba Gandhi Balika Vidyalaya* (KGBV) were implemented, the former in 2656 Educationally Backward Blocks with low level of female literacy. The KGBV scheme, starting in 2004, aimed at setting up 750 residential schools at elementary level for girls belonging mainly to deprived segments of SC/ST/OBC/Minorities in remote areas.

### 7.3.2 Mid-day Meal:

- (a) About 12 crore children were benefited from the Mid-day meal scheme. It has led to an increase of enrolment in schools and reduction in dropout rates.

### 7.3.3 Vocational Education:

Besides facility in Higher Secondary schools at Post Secondary stage there were 1244 Polytechnics with a capacity of 2.95 lakh, offering 3-year diploma courses, and 5114 ITIs, of which 3218 were private, total capacity of which was 7.42 lakh students. However, it was experienced that training in new vocational skills that were needed in the market was not available.

#### 7.3.4 Employment/Income For Poor in Rural Sector:

- (a) National Rural Employment Guarantee Act (NREGA) provided for 100 days work at minimum wages to an adult who volunteered for unskilled manual work. The scheme was open to all social groups.

#### 7.3.5 Employment for poor in Urban Areas:

- (a) *Swarna Jayanti Shiksha Rozgar Yojana (SSRY)* encouraged unemployed urban youth to set up small enterprises with support in training and credit facility.

#### 7.3.6 Assistance to Small Farmers:

To help small farmers, irrespective of social groups, a number of measures had been taken:

- (i) Accelerated flow of agri-credit
- (ii) Kisan Credit Cards providing revolving credit card facility
- (iii) Credit to farmers in distress/in arrears/indebted to informal sources
- (iv) One time settlement scheme for small and marginal farmers.

#### 7.3.7 Enhancing Employment in Industrial Sector:

- (a) Equipping weaker sections of society with vocational/technical skills.
- (b) Helping artisans to modernize the traditional arts and crafts and assist them in marketing it. The important traditional sectors were textiles, handlooms and handicrafts.

#### 7.3.8 Small Scale Industry:

- (a) Small Scale Industrial Development Bank of India (SIDBI) was dedicated to SSIs.
- (b) Ministry of SSI provided training and credit to small and tiny units.



### 7.3.9 Microfinance and Self-Help Groups (SHGs):

- (a) SIDBI Foundation for Micro-credit, launched in 1999, channeled funds to the poor who were organized as self-help groups.
- (b) SHGs were largely useful in reaching poor women.
- (c) *Rashtriya Mahila Kosh* (RMK), set up in 1993, promoted provision of credit to women from poor households. It worked through a set up of Microfinance Organizations as SHGs of borrowers of poor women irrespective of Caste or Religion.
- (d) NABARD was also active in refinancing Micro-credit organizations.

### 7.3.10 Rural Infrastructure Improvement:

- (a) *Bharat Nirman*, launched in 2005, aimed at connecting all villages with all weather roads, providing electricity to 125000 remaining villages, providing drinking water to 55067 uncovered habitations, providing irrigation to additional 10 million hectares and connecting the remaining 66822 villages by telephones.
- (b) All backward classes, a bulk of whom lived in rural areas, were to get benefit from the improved access on multiple fronts. Marginal and small farmers in particular were to gain from road connectivity and electricity for irrigation.

### 7.3.11 Improving Rural Health Care:

- (a) Access to health care facilities for the poor was being increased through Rural Health Mission. Infant mortality and maternal mortality rates were being targeted to be reduced.

### 7.3.12 Improving Urban Infrastructure for Poor:

- (a) Under JNNURM (Jawahar Lal Nehru National Urban Renewal Mission) schemes were undertaken during Xth plan for affordable shelter for the poor and for helping them to develop self-employment enterprises. National Slum Development programme for about 6 crore BPL people in urban areas was also a continued initiative under JNNURM.

### 7.4 Welfare Needs of EBCs:

During their visits to States/UTs and discussions with the officials and non-officials, the Commission observed that EBCs required the under-mentioned welfare measures for their advancement:

#### 7.4.1 Concessional financing schemes :

The following schemes of the National Backward Classes Finance and Development Corporation (NBCFDC), which apply only to Below Poverty Line (in a few cases of higher denomination loans to Below Double The Poverty Line) beneficiaries of the OBCs may be extended to members from GC households identified as EBCs:

##### (i) Term loans for income generation projects:

Up to Rs.6 lakh @ 6 per cent interest payable in 7 years for projects in agricultural, artisanship, service, retail and transportation sectors.

## (2) Education loans:

	Education stream	Loan Amount	Rate of Interest	Guarantee	Repayment
A	Professional/technical degrees/ MBA	Up to Rs.6 lakh	4%	Joint + 1 guarantor	5 years of completion
B	Selected coaching institutes for preparation of entrance exams for students securing > 60% in School Board after Class XII	Up to Rs.1 lakh	4%	Joint	3 years of disbursal
C	Diplomas	Up to Rs.2 lakh	3%	Joint and/ 1 guarantor	3 years of completion

The Corporation gave loans only for higher professional courses such as engineering/ medicine, etc. The following assistance might be considered for EBCs among GCs:

(3) New *Swarnima* loans for women:

Term loans carrying 4 per cent interest for women from EBCs among GC households.

## (4) Loans to professionally/ vocationally qualified:

Qualified beneficiaries who would engage themselves for income generating projects may be encouraged with loans with lower interest of 4 per cent compared to term loans, for both men and women.

(5) **Microfinance loan to SHGs:**

Men/women from EBC/GC households with BPL cards could be declared eligible to join existing SHGs of OBC members or start new SHGs. Loan limit could be Rs. 50,000 @ 4% with three years repayment.

(6) **Assistance to Farmers:**

A large section of the EBC among General Category constituted marginal and small farmers. A multi-pronged approach was needed to help the EBCs among GC to improve their status. Crop productivity needed to increase with agricultural extension advice, credit to buy seeds, fertilizers, pesticides and for arranging irrigation facilities. Finance and Development Corporations could be assigned this task.

(7) **Scholarships to meritorious EBC/GC students:**

To enable meritorious students from the EBC to enter good schools, students from primary schools who can get admission in Kendriya Vidyalaya, Navodaya Vidyalaya, Sainik School, and the District level government schools should get monthly scholarships equal to 100 per cent of tuition waiver and 50 per cent of the institute's standard boarding expenses. This scheme should benefit both boys and girls.

(8) **Education for "Dropout Children"**

- (a) As per Ministry of HRD, the dropout rates of children were quite high, at 25 per cent in Primary, 48 per cent at Secondary and 61 per cent at Higher Secondary levels.
- (b) Incentives to parents as well as children of the EBC category may be provided as given to children and parents of Primitive Tribal Groups by the Ministry of Tribal Affairs, Government of India.

- (c) Free night schools tied to Open School organisation may be funded by Government to be run for the dropouts at both private and Government schools. Regular teachers of local schools may be paid attractive remuneration to teach at night schools.
- (d) The goal should be to enable school dropouts to resume study and pass the Board Examinations in distance learning mode.
- (9) **Health Care:**
- (a) Health Insurance: Affordable health insurance packages covering hospitalization of dependent family members, including old parents, may be popularized among the EBCs. EBCs should be able to get free/concessional care under free/concessional quota committed by private hospitals, by producing their BPL Card.
- (b) Drinking water/Sanitation/Toilets: Loans on concessional interest may be instituted with 5-year repayment period for building toilets for households belonging to the EBC among General Category.
- (10) **Housing:**
- (a) EBCs among the GC should be given their due share in development schemes such as JNNURM and Indira Awas Yojana for rural and urban housing for the poor.
- (b) Loans up to Rs.1 lakh with 5 per cent interest payable in 5 years may be given to EBCs for improving their houses from *Kutcha* to semi *pucca*.
- (c) Government could provide for allocation of space for LIG Housing in all city renewal plans and while sanctioning new townships. The EBCs from GCs should be eligible for "quotas" in proportion to the GC population in the allotment of LIG/EWS housing.
- (d) JNNURM scheme: GC households from urban slums should be eligible for housing and income generation assistance under the scheme.

**(11) Social Security of EBCs:**

Based on recommendation of the National Commission for Enterprises in Unorganized sector (NCEUS), Central Government was planning the introduction of Social Security Scheme for informal occupations in the unorganized and organized sector to cover life, illness, maternity, accident risks and old age (>60yrs). The Social Security Scheme should thus apply to all BPL among the GCs.

**(12) Linkages with NREGA/MREGA:**

- (a) Government has been operating the Mahatma Gandhi National Rural Employment Guarantee Act (MREGA) providing 100 days unskilled manual work per rural household per year. While women had been taking part in it, women belonging for EBCs among the GC did not benefit from it due to their cultural barriers to manual work outside their homes.

The alternative was to harness their role in the family to achieve targets in poverty reduction measures in health and education. It could, therefore, be considered whether some funds under MREGA could be utilized on EBC households of GC in two critical areas: health care (pre-natal, post-natal, nutrition, immunization, etc.) and education (attendance levels at school, lower dropout).

- (b) The Government spends Rs.7000-Rs.10000 per BPL family per year under the scheme by providing 100 days of manual work. It be considered whether MREGA could be suitably modified to benefit EBCs among the GC, particularly the women through semi-skilled works.
- (c) Private sector employers can be encouraged to give training to the EBCs in their trades, the expenditure on apprentice allowance for them could be met out of the MREGA funds.

**(13) Welfare Schemes under implementation by the State Commissions:**

The Government of Madhya Pradesh had set up Madhya Pradesh State General Poor Classes Welfare Commission (*Madhya Pradesh Rajya Samanya Nirdhan Varg Kalyan Ayog*) in January

2003 with the broad objective of identifying the poor among the general population, considering welfare measures for their all round development, launching new schemes and to bring modifications in the existing schemes to assist the poor and to suggest welfare measures for improving their well being. The commission has given priority to the 'Education' sector by launching several schemes for benefiting the poor among the general category whose parents' annual income does not exceed Rs. 54,000/-. Details of the welfare schemes presently being implemented by the said Commission is placed in the Annexure -21 of this Report.

In view of the foregoing, the Commission suggests that the Economically Backward Classes should have easy access to various welfare schemes in the sectors of education, housing and healthcare etc. and appropriate monitoring mechanism may be put in place to ensure that benefits of the schemes are available to the Economically Backward Classes among the General Category.

This Commission gathered an understanding from the review of the relevant reports of various commissions and committees that for identification of "backwardness", the essential aspects include social status, health, education, employment, economic opportunities and overall standard of living. Families identified as living Below Poverty Line (BPL) are defined as poor. A view elicited by this Commission from its visits of States/UTs was that below poverty line (BPL) should be the basic criteria for identification of EBCs among GC. This Commission also felt that for identification of economic backwardness poverty could be considered as one of the basic criterion. This Commission also noted that in some states, the BPL percentage among GC was higher than the percentage of total BPL population in those states, e.g., in West Bengal GC BPL percentage was 23.3% against total state BPL percentage of 20.6% and in

8.1

category:

unit of identification of economically backward classes among general level. Accordingly, this Commission recommends that family should be the caste or community level, economic backwardness was a phenomenon in family the understanding that unlike socio-educational backwardness prevailing in social status, but their economic status is not equal. The Commission gathered attribute of making GC as a class is 'unreserved categories more or less equal in (OBCs) that are already covered under the existing reservation. The common Scheduled Castes (SCs), Scheduled Tribes (STs) and Other Backward Classes castes, religions, communities, ethnicity, regions and classes excluding class of people who do not receive any reservation benefit under the existing policies. In other words, GC includes people of India belonging to all those This Commission considered 'General Category (GC)' as comprising of that

8.0

### Recommendations



Assam GC BPL percentage was 19.3% as compared to total State BPL percentage of 15%. It was also noted that though in majority of states, the percentage of BPL among GC was less as compared to the respective total percentage among reserved categories, but the average status of EBCs among GC was as 'backward' as that of those in similar footing in other reserved categories particularly OBCs. EBCs within GC though not BPL, suffered from low paid occupation, malnutrition, illiteracy, poor health and hygiene, landlessness, poor housing conditions and low standard of living. This Commission recommends that besides BPL families, subject to an upper limit of income for their inclusion, families above poverty line (APL) should be identified as economically backward classes.

The Commission formed the opinion that extending the existing criteria to identify 'Creamy Layer' among OBCs could well serve as to decide the upper limit or as a criterion for identifying EBC families among GC too. However, the concept of Creamy Layer among OBCs included economic backwardness compounded with their social and educational backwardness also while among EBCs economic backwardness is the major concern. The Commission also noted that economic needs of EBCs among GC differ and hence just one criterion of BPL or setting creamy layer as upper limit would not be effective to ensure intended benefits to EBCs. There is a need to follow 'bottom up' approach to ensure benefits reaching to the neediest one. Therefore, it was felt appropriate that instead of taking the income limit for creamy layer, current non-taxable limit upto Rs. 1,60,000/- (as may be revised from time to time) could be taken as the criterion to identify EBCs among GC. This income limit will include the combined income of husband and wife and will exclude the income of their parents and adult children. Since EBCs are to be identified at family level, hence the upper income tax limit should also be considered at family level. The Commission also felt that criteria for identification of EBCs among GC should be simple and the existing criteria would be more effective. Thus, BPL families and non-income tax paying families could be identified as

EBCs among GC. Accordingly, this Commission recommends that all BPL families among GC as notified from time to time and all those families among GC whose annual family income from all sources is below the taxable limit (currently Rs. 1,60,000/ per annum and as may be revised from time to time) should be identified as EBCs. As already indicated, this income limit will include the combined income of husband and wife and will exclude the income of their parents and adult children.

- 8.2 The population of EBCs could not be ascertained from the data available in the reports of Census of India. The other possibility was to work out the EBCs population from the Surveys conducted by Government agencies and other Commissions, such as the Backward Classes Commissions, National Sample Survey Organization (NSSO), National Family Health Survey (NFHS), which had reported estimated population of Other Backward Classes and others (those not belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes). From such resources, the Commission came to the understanding that the Economically Backward Classes would emerge from unreserved categories, and if the latest survey (NSSO, 2004-05) was taken into consideration, then the EBCs could be identified out of 31.2 per cent population of the general category.

According to the survey undertaken by the NSSO (61<sup>st</sup> Round, 2004-05), it was estimated that nearly 5.85 crore persons belonged to the GC in our country were poor. Nearly 28 % of them were illiterate and it was also reported that rate of illiteracy among GC was very high (36.7 % ) in rural areas. It was also reported that OBCs had higher landholding as compared to GC and 35% of GC were landless. A consensus emerged was that family based state wise socio-economic surveys of the Economically Backward Classes within the G.C. should be undertaken in the country so that suitable welfare measures could be provided to them.

- 8.3 Reservation in Indian context is a form of affirmative action whereby a percentage of posts is reserved in the public sector units, Union and State Civil Services and in educational institutions for socially and educationally backward classes of citizens. This Commission derived the constitutional and legal understanding that 'Backward Classes' cannot be identified for providing reservation in employment and admission in educational institutions on the basis of economic criteria alone and hence 'Economically Backward Classes' (EBCs) could not be identified by the State for extending reservation till necessary constitutional amendments are made or until a different direction is given by the Supreme Court so as to raise the 50 per cent upper limit for reservation.
- 8.4 The Commission obtained views of states/ UTs on quantum of reservation and with the single exception of Rajasthan, most of the states have not framed any conclusive opinion about reservation to EBCs among GC. While during visits of States/ UTs the Commission was assured that the subject matter being of political nature, would be discussed in the cabinet meetings and the decision taken thereto would be conveyed to the Commission in due course. However, views of the States/UTs are still awaited. This Commission recommends that for the purpose of deciding any quantum of reservation to the EBCs, the Government of India may consider organizing a conference of the Chief Ministers, Lt. Governors, Administrators of all States/UTs and all concerned and on the basis of the resolutions further administrative and legislative action could be taken.
- 8.5 Out of the estimated General Category population of 32.09 crores in the country, nearly 72% inhabit nine States, namely, West Bengal, Maharashtra, Uttar Pradesh, Andhra Pradesh, Karnataka, Gujarat, Assam, Bihar and Madhya Pradesh. On analyzing the state-wise data of General Category population, it is gathered that their concentration is more than all India average (31%) in 15 States / UTs, namely, A & N Islands, Goa, J&K, Delhi, West Bengal,

Uttarakhand, Himachal Pradesh, Assam, Haryana, Dadar & Nagar Haveli, Maharashtra, Punjab, Karnataka, Gujarat and Tripura. Without exception, all the States/ UTs were in favour of augmenting welfare measures to the EBCs particularly, in the areas of education, healthcare, housing and rural/urban development as per the nature, extent and magnitude of their economic needs. This Commission, therefore, recommends that such States / UTs as have predominant population of EBC among GC should receive focused attention for welfare measures.

- 8.6 Existing schemes for OBCs development should be extended suitably for development of EBCs among the GCs.
- 8.7 This Commission recommends that special economic package should be considered for EBCs living within 5 kms of Line of Control (LOC), areas affected by natural disasters like Tsumani, earthquakes, floods and famine etc., inhabitants of disturbed areas, difficult hill terrains and pockets of extreme poverty etc.
- 8.8 The Mahatma Gandhi National Rural Employment Guarantee Act, which aims at enhancing the livelihood security of people in rural areas by guaranteeing hundred days of wage-employment in a financial year to a rural household whose adult members volunteer to do unskilled manual work, should be suitably extended to include semi-skilled work for EBCs, particularly the women among the GCs.
- 8.9 This Commission recommends that some special health insurance packages for EBC families should be designed for families supporting/ maintaining chronically ill persons to meet the expenses of their long duration treatment.
- 8.10 This Commission recommends setting up of a National Commission for EBCs to suggest welfare measures and monitoring of their implementation.

- 8.11 This Commission also recommends setting up a separate National Finance and Development Corporation for the EBCs to foster their rapid economic development.
- 8.12 This Commission also recommends setting up State level Commissions for Economically Backward Classes in such States/ UTs, as have significant 'General Category' population to consider reservation and suggest state specific welfare measures for the EBCs, their implementation and monitoring. In this regard, the Govt. of Madhya Pradesh has already taken the initiative of setting up *Rajya Samanya Nirdhan Varg Kalyan Ayog* under the Social Welfare Department in the January, 2008 and the said Commission has been implementing a series of welfare measures for the Economically Backward Classes.
- 8.13 This Commission recommends that the Government of India may consider setting up a separate Division in the Planning Commission and a separate Division in the Ministry of Social Justice and Empowerment to look after the welfare of the EBCs.
- 8.14 This Commission also recommends that with a view to providing immediate relief and taking care of 5.85 crore population (Approx. one crore families as per NSSO 2004-05 data) of EBCs in General category, the Govt. of India may show a benevolent gesture by announcing an initial package of relief of Rs.10,000/- crore @ of Rs.10,000/- per EBC family for the purpose of identification of EBC families by the States /UTs and listing out their requirements / giving relief in the fields of education, health, housing and skill upgradation, till such time as formal budgetary mechanism is created to launch the requisite welfare measure through appropriate schemes for the economic and educational upliftment of the EBC families.

## Chapter Nine

### Summary

#### 9.0 About the Commission:

- (i) The Government of India had re-constituted the Commission for Economically Backward Classes (CEBC) by the Ministry of Social Justice and Empowerment *vide* notification no.20012/10/2003 BCC dated 10.07.2006 to consider reservation in Government jobs and education for the Economically Backward Classes, not covered under the existing reservation policy and to recommend the welfare measures for them, apart from looking into the constitutional, legal and administrative modalities that may come up in the way of providing reservation, if any.
- (ii) The Commission was mandated to consult the State Governments / Union Territory administrations and field functionaries dealing with welfare measures, legal experts, voluntary organizations and social activists on the issue of providing reservation and welfare measures to the Economically Backward Classes (EBCs).
- (iii) Major Gen. (Retd.) S.R. Sinho, Shri Narendra Kumar and Shri Mahendra Singh, I.A.S. (Retd.) were appointed as Chairperson, Member and Member Secretary respectively of the Commission.
- (iv) The Commission adopted multi-pronged approach to compile data base from available relevant sample surveys; books, reports and articles *etc.* The Commission organized two national level seminars on the issues concerning reservation and the criteria for identification of the Economically Backward Classes at the International Management Institute (IMI), New Delhi and Dr. B. R. Ambedkar National Institute of Social Sciences (BANISS), Mhow, (M.P.) and also conducted two specific studies on the terms of reference of the Commission through these institutions of repute.

- (v) The Commission had consulted the State Govts./ Union Territory administrations through feed back of questionnaires and also visited 28 States/UTs and had discussions with H.E. Governors, Lt. Governors, Administrators, Hon'ble Chief Ministers, Ministers concerned, Chief Secretaries and other senior officers and also with the representatives of social organizations, NGOs, social activists and political leaders etc. The Commission had also consulted various related Central and State Commissions.
- (vi) The Report is being presented in two volumes. Volume I contains nine chapters. Chapter 1 is Introductory. Chapter 2 reviews different approaches and criteria adopted for identification of the backward classes. Chapter 3 reviews the past initiatives to grant reservations to the Economically Backward Classes. Chapter 4 discusses Constitutional Status and Demographic profile of Reserved and General Categories. Chapter 5 assesses the economic and educational backwardness and status of health, nutrition and housing among different categories. Chapter 6 contains the views of States, UTs and other Commissions. Chapter 7 suggests welfare measures for the Economically Backward Classes. The Recommendations and Summary of the Report are contained in Chapters 8 and 9 respectively. The Volume II of the report contains reference material and annexures.

**9.1 Government's initiatives for providing reservation and welfare measures to the Economically Backward Classes:**

- (i) The idea on the part of the government to provide 10% reservation to the poor among GC was not a new one. It was in 1980-81 when the Government of India was processing Mandal Commission's report for placing before the Parliament when it was maintained that the benefits of affirmative action should also reach the poor irrespective of the caste and religion.
- (ii) In September, 1990 while Shri V P Singh, then Prime Minister was about to implement the recommendations of Mandal Commission, Shri Rajiv Gandhi, Member of Parliament speaking in the Lok Sabha on

Among the States, Madhya Pradesh and Rajasthan States had appointed State Commissions for Economically Backward Classes of general category. The Government of Rajasthan, Department of Personnel had issued a notification dated 18.9.2009 to provide for 14 % reservation in Educational Institutions in the State and Appointments and Posts in Services under the State for the Economically Backward Classes. As total reservation in Rajasthan had exceeded 50 per cent limit and the reservations had gone upto 68 %, the Rajasthan High Court has set aside the said notification. Madhya Pradesh Rajya Samanya Nyayam Varg Karyam Aayog suggested launching of the welfare measures only to the poor among the general category.

(iv)

reference to caste if it is so advised. There is no constitutional barrier to define more backward and less backward".

is of course possible for the government or any other authority to identify a class based on the occupation cum education without reference to caste if it is so advised. There is no constitutional barrier to define more backward and less backward".

(iii)

September 6, 1990 had explained his party's stand and emphasized that reach those who were really poor. The thinking of congress party as articulated in the 1990 speech of Shri Rajiv Gandhi in Parliament was materialized by the Central Government under the then Prime Minister Shri P. V. Narasimha Rao through issue of a memorandum dated September, 25 1991 giving 10% reservation in jobs and other opportunities to the economically backward sections of the people who were not covered by any of the existing reservation schemes.

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## 9.2 Criteria for Identification of the Economically Backward Classes:

- (i) From the review of the relevant reports of various commissions and committees, this Commission gathered an understanding that for identification of "backwardness", the essential aspects include social status, health, education, employment, economic opportunities and overall standard of living.
- (ii) This Commission felt that poverty could be considered as one of the basic criterion for identification of economic backwardness and also noted that in some states, the BPL percentage among GC was higher than the percentage of BPL population in those states. A majority of States/ UTs were of the opinion that BPL could be taken as the basic criteria for identification of economically backward classes. Caste based survey was suggested by many. Emphasis was given on conducting a socio-economic survey of the General Category families/person to understand the demographic profile of the Economically Backward Classes. General consensus revolved around adoption of the criteria of "Below Poverty Line" determined by the Govt of India / States / UTs from time to time. There is a need to follow 'bottom up' approach to ensure that benefits reached the most needy.
- (iii) The Commission gathered the understanding that unlike socio-educational backwardness prevailing at caste or community level, economic backwardness was a phenomenon significant at the family level. Accordingly, this Commission recommends that family should be the unit of identification of economically backward classes among General Category. It is felt appropriate that instead of taking the income limit for creamy layer, current non-taxable limit upto Rs. 1,60,000/- (as may be revised from time to time) could be taken as the criterion to identify EBCs among GC. Since EBCs are to be identified at family level, hence the upper income tax limit should also be considered at family level. Accordingly, income limit in the context

will include the combined income of husband and wife and will exclude the income of their parents and adult children.

- (iv) The Commission considered 'General Category (GC)' as comprising of that class of people who do not receive any reservation benefit under the existing policies. In other words, GC includes people of India belonging to all those castes, religions, communities, ethnicity, regions and classes who are not included among Scheduled Castes (SCs), Scheduled Tribes (STs) and Other Backward Classes (OBCs). The common attribute of making GC as a class is belonging to 'unreserved categories'. The Commission felt that though GC is a class of unreserved categories having more or less equal social status, but their economic status is not equal.
- (v) It was also noted that though in majority of states, the percentage of BPL among GC was less as compared to the respective percentage among reserved categories, but the average status of EBCs among GC was as 'backward' as that of those in similar footing in other reserved categories particularly OBCs. It was also noted that some sections within GC though not belonging to BPL but suffered from malnutrition, poor health and hygiene, landlessness, poor housing conditions, low standard of living, illiteracy, and were engaged in low paid occupations. This Commission recommends that besides BPL families, subject to an upper limit of income for their inclusion, families Above Poverty Line (APL) should be identified as economically backward classes.
- (vi) The Commission formed the opinion that extending the existing criteria to identify 'Creamy Layer' among OBCs could well serve as to decide the upper limit or as a criterion for identifying EBC families among GC too. However, OBCs suffer from economic backwardness which is compounded with their social and educational backwardness also while among EBCs economic backwardness is the major concern. The Commission also noted that economic needs of EBCs among GC

differ and hence just one criterion of BPL or setting creamy layer as upper limit would not be effective to ensure intended benefits to EBCs.

- (vii) The population of EBCs could not be ascertained from the data available in the reports of Census of India. The other possibility was to work out the EBCs population from the surveys conducted by Government agencies and other Commissions, such as the Backward Classes Commissions, National Sample Survey Organization (NSSO), National Family Health Survey (NFHS), which had reported estimated population of Other Backward Classes and others (those not belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes). From such resources, the Commission came to the understanding that the Economically Backward Classes would emerge from unreserved categories, and if the latest survey (NSSO, 2004-05) was taken into consideration, the EBCs could be identified out of 31.2 per cent population of the general category.
- (viii) According to the survey undertaken by the NSSO (61<sup>st</sup> Round, 2004-05), it was estimated that nearly 5.85 crore persons belonging to the GC were poor. Nearly 28 % of them were illiterate and it was also reported that rate of illiteracy among GC was very high (36.7 %) in rural areas. It was also reported that OBCs had higher landholding as compared to GC and 35 % of GC were landless. A consensus emerged was that family based state wise socio-economic surveys of the Economically Backward Classes within the G.C. should be undertaken in the country so that suitable welfare measures could be provided to them.

### 9.3 Quantum of Reservation to EBCs in Government Jobs and Educational Institutions:

- (i) Reservation in Indian context is a form of affirmative action whereby a percentage of posts is reserved in the public sector units, Union and State Civil Services and in educational institutions for socially and educationally backward classes of citizens. This Commission derived the constitutional and legal understanding that 'Backward Classes'

cannot be identified for providing reservation in employment and admission in educational institutions on the basis of economic criteria alone and hence 'Economically Backward Classes' (EBCs) could not be identified by the State for extending reservation till necessary constitutional amendments are made or until a different direction is given by the Supreme Court so as to raise the 50 per cent upper limit for reservation. Reservation in employment and admission in educational institutions to EBCs was not considered by many due to absence of provision in the Constitution of India and upper cap of 50% reservations laid down by the Supreme Court.

- (ii) A few states had communicated their views in writing to the Commission. Bihar State communicated that the State was not in favour of providing reservation on the basis of economic backwardness for which there was no constitutional provision. Further, it was also seen as a departure from the policy of reservation based on social and educational backwardness.
- (iii) Tamil Nadu Government was providing a total of 69% reservation and categorically disagreed to consider reservation on the basis of economic backwardness. During the course of discussions, it was mentioned that 31% unreserved posts have been left for 12% of the general category population and hence there was no need for considering reservation for the economically backward classes of the general category. West Bengal Government opined that if at all reservation was to be considered on the basis of economic backwardness, then the BPL criteria was ideal for which adequate data was also available.
- (iv) The Commission obtained views of states/ UTs on quantum of reservation and with the single exception of Rajasthan, most of the states have not communicated any conclusive opinion about reservation to the EBCs among GC. While during visits of States/ UTs, the Commission was assured that the subject matter being of political nature, would be discussed in the cabinet meetings and the decision

taken thereto would be conveyed to the Commission in due course, the views of the States/UTs are still awaited.

9.4 Welfare Measures:

- (i) Representatives of various Social organizations and Non-Governmental Organizations approached the Commission giving justification in favour as well as against providing reservation and welfare measures to the economically backward classes. All the States / UTs and people at large were in favour of augmenting Welfare measures for the development and betterment of EBCs, in particular, in areas like : soft loans for business and small scale industry upto Rs 5 lakhs; woman headed household should receive attention; improved health care, sanitation, drinking water; a separate Finance & Development Corporation for EBCs to provide for small credit; improved facilities in educational institutions (mid day meals, scholarships); opening of Navodaya Vidyalays at Block level; emphasis on vocational training to improve skills; allotment of land for house construction and allotment of surplus and for agriculture to the poorest among the poor; all the welfare measures provided for OBC be extended to EBCs. Some special health insurance packages for EBC families should be designed for families supporting/ maintaining chronically ill persons to meet the expenses of their long duration treatment.
- (ii) Focus on skill upgradation is considered vital for development of EBCs. Emphasis should be laid on the opening of skill upgradation centres and tool kits made available to the trainees. They should also be given stipend during the period of training in lieu of the wages to meet the family's requirements. Training could be imparted in apparel making, security guard's jobs, construction work, plumbing, salesmanship in shopping malls, hotel and tourism industry, handloom and handicraft, dance, music and art troupes, etc. "Rojgar Melas" could be organized to facilitate them in getting placements. The children of EBCs needed support for improvement of educational levels at par

with OBCs upto class XII standard. Other welfare measures suggested, include free education at all levels; scholarships and soft loans at zero percent interest; free coaching; model schools and hostels; trained teachers to guide EBC students; priority for regular health checkup once a year and medical aid provided for undergoing treatment; financial assistance for treatment of kidney and heart ailments; health insurance; life insurance; pension to widows, senior citizens, and handicapped person; assistance to girls for marriage, assistance to farmers and others affected by unforeseen circumstances/ natural calamities and orphans may be liberally granted financial assistance for purchasing construction materials for construction of 1 room set / 2 room set for meeting basic requirement of accommodation and raising their standard of living.

- (iii) Out of the estimated General Category population of 32.09 crores in the country, nearly 72% inhabit nine States, namely, West Bengal, Maharashtra, Uttar Pradesh, Andhra Pradesh, Karnataka, Gujarat, Assam, Bihar and Madhya Pradesh. On analyzing the state-wise data of General Category population, it is gathered that their concentration is more than all India average (31%) in 15 States / UTs, namely, A & N Islands, Goa, J&K, Delhi, West Bengal, Uttarakhand, Himachal Pradesh, Assam, Haryana, Dadra & Nagar Haveli, Maharashtra, Punjab, Karnataka, Gujarat and Tripura. Without exception, all the States/ UTs were in favour of augmenting welfare measures to the EBCs particularly, in the areas of education, healthcare, housing and rural/urban development as per the nature, extent and magnitude of their economic needs. Such States / UTs as have predominant population of EBC among GC should receive focused attention for welfare measures. Existing schemes for OBCs development should be extended suitably for development of EBCs in the GC.
- (iv) The Mahatma Gandhi National Rural Employment Guarantee Act, which aims at enhancing the livelihood security of people in rural areas by guaranteeing hundred days of wage-employment in a financial year

to a rural household whose adult members volunteer to do unskilled manual work, should be suitably extended to include semi-skilled work for EBCs, particularly the women among the GC.

- (v) Special economic package should be considered for EBCs living within 5 kms. of Line of Control (LOC), areas affected by natural disasters like Tsunami, earthquakes, floods and famine etc., inhabitants of disturbed areas, difficult hill terrains and pockets of extreme poverty etc.
- (v) This Commission has suggested the need of setting up of a National Commission for EBCs to suggest welfare measures and monitoring of their implementation and setting up a separate National Finance and Development Corporation for the EBCs to foster their rapid economic development. This Commission also recommends setting up State level Commissions for Economically Backward Classes to suggest state specific welfare measures for the EBCs, their implementation and monitoring.
- (vi) This Commission is of the view that the Government of India may consider setting up a separate Division in the Planning Commission and a separate Division in the Ministry of Social Justice and Empowerment to look after the welfare of the EBCs. This Commission also recommends that with a view to providing immediate relief and taking care of 5.85 crore population (Approx. one crore families as per NSSO 2004-05 data) of EBCs in General category, the Govt. of India may show a benevolent gesture by announcing an initial package of relief of Rs.10,000/- crore @ of Rs.10,000/- per EBC family for the purpose of identification of EBC families by the States /UTs and listing out their requirements / giving relief in the fields of education, health, housing and skill upgradation, till such time as formal budgetary mechanism is created to launch the requisite welfare measure through appropriate schemes for the economic and educational upliftment of the EBC families.

9.5 Constitutional, legal and administrative modalities as required for the implementation of their recommendations:

The Commission has suggested holding of a conference of the Chief Ministers, Lt. Governors, Administrators of all States/UTs and all concerned to decide the quantum of reservation for Economically Backward Classes in the government jobs and education *vis-à-vis* the constitutional modalities for putting the same in place. This is necessary because the various Chief Ministers and Chief Secretaries had proposed during the visit of the Commission to the respective States / UTs to send their advise after taking up this matter in the Cabinet meetings but they did not send it till today.



THE GAZETTE OF INDIA: EXTRAORDINARY (Part I - Sec. 1)  
MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT

NOTIFICATION

New Delhi, The 10<sup>th</sup> July, 2006

F.No. 20012/10/2003-BCC - The Government of India has resolved to continue the Commission for Economically Backward Classes not covered under the existing Reservation Policy vide Gazette Notification No. 20012/10/2003-BCC, dated the 3<sup>rd</sup> March, 2005. The Commission would elicit the views of the State Government/Union Territories and other Commissions on the subject, suggest criteria for identification of economically backward classes, recommend the welfare measures and quantum of reservation in education and Government Employment in consultation with the National Commission for Religious and Linguistic Minorities and suggest the necessary constitutional, legal and administrative modalities as required for the implementation of their recommendations. Therefore, the Government of India hereby appoints the following persons as Chairperson, Member and Member Secretary of commission for a period of six months or until further orders, whichever is earlier: -

- |       |                                  |   |                  |
|-------|----------------------------------|---|------------------|
| (i)   | Major Gen. (Retd.) S.R. Sinho    | : | Chairperson      |
| (ii)  | Shri Narendra Kumar              | : | Member           |
| (iii) | Shri Mahendra Singh (Retd.) IAS: | : | Member Secretary |

2. The Terms and Conditions of the above appointments: The Chairperson and Member of the Commission shall be paid an honorarium of Rs. 45,000/- per month. They shall be entitled for HRA, TA, medical and telephone facilities etc. as admissible to a Secretary to the Government of India. In case, the Chairperson/Member/Member Secretary are already occupying government accommodation, they may be allowed to retain the same. They can avail of maximum of 12 days leave during tenure of 6 months. They can avail of taxis as required. They shall not be entitled for any other facility. No TA shall be provided at the time of joining the Commission and after the relinquishing of charge.

3. The Government can remove the Chairperson and Members of the Commission without any reason.

Sd/-

(Dr. Arbind Prasad)  
Joint Secretary to the Government of India

Government of India Press,  
Mayapuri,  
New Delhi - along with Hindi version.

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT  
(Backward Classes Division)

RESOLUTION

New Delhi, the 3<sup>rd</sup> March, 2005

No. 20012/10/2003-BCC - Whereas the Government of India had considered it expedient to provide reservation in civil posts and services under the State for Economically Backward Classes (EBCs) not covered by the existing reservation policy;

2. And whereas the Government of India also consider it proper to elicit the views of State Governments/UTs and other Commissions on the subject;
3. And whereas a detailed examination would be required to determine the basis for identification of Economically Backward Classes and suggest the measures and quantum of reservation thereto;
4. Now, therefore, the Government of India has resolved to continue the Commission for Economically Backward Classes once its term expired on 5<sup>th</sup> January, 2005 to consider the proposed reservation for EBCs not covered under the existing Reservation Policy with the following terms of references:
  - a. to elicit the views of State Governments/UTs and other Commissions on the subject;
  - b. to suggest criteria for identification of economically backward classes;
  - c. to recommend the welfare measures and quantum of reservation in education and Government Employment in consultation with the National Commission for Religious and Linguistic Minorities;
  - d. to suggest the necessary constitutional, legal and administrative modalities as required for the implementation of their recommendations.
5. The Commission shall consist of a Chairperson, one Member and one Member Secretary. They shall be persons of ability, integrity and standing.
6. The Commission may adopt its own procedure of working and may visit any part of India as and when considered necessary.
7. The Head quarter of the Commission shall be in New Delhi.
8. The Commission will submit the report of its deliberations and recommendations within a period of 6 months of the appointment of the Chairperson of the Commission.

Sd/-

(Dr. G. Prasanna Kumar)  
Joint Secretary to the Govt. of India

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Annexure - 3

No.20012/10/2003-BCC  
Government of India  
Ministry of Social Justice & Empowerment

THE GAZETTE OF INDIA : EXTRAORDINARY (Part I - Sec. 1)

NOTIFICATION

New Delhi, 13<sup>th</sup> February, 2007

No. 20012/10/2003-BCC - The Government of India has resolved to continue the Commission for Economically Backward Classes not covered under the existing Reservation Policy vide Gazette Notification No.20012/10/2003-BCC, dated the 3<sup>rd</sup> March, 2005 for period of one year from 1.2.2007 to 31.1.2008 with existing terms and conditions.

Sd/-

(Dr. Arbind Prasad)  
Joint Secretary to the Government of India

Government of India Press  
Mayapuri  
New Delhi - along with Hindi version

The Gazette of India  
EXTRAORDINARY  
PART - I Section 1

PUBLISHED BY AUTHORITY

No. 471, NEW DELHI, FRIDAY, FEBRUARY 8, 2008/MAGHA 19, 1929

MINISTRY OF SOCIAL JUSTICE AND  
EMPOWERMENT  
(Backward Class Division)

RESOLUTION

New Delhi, the 8<sup>th</sup> February, 2008

No. 20012/10/2007-BCC. - The Government of India has resolved to continue the Commission for Economically Backward Classes not covered under the existing Reservation Policy constituted vide Gazette Notification No. 20012/10/2003-BCC dated 3<sup>rd</sup> March, 2005 and extend the term of the Commission for a period of six months w.e.f. 01-02-2008 with existing terms and conditions.

Dr. VINOD AGGARWAL, Jt. Secy.

The Gazette of India  
EXTRAORDINARY  
PART - I Section 1

PUBLISHED BY AUTHORITY

No. 281, NEW DELHI, THURSDAY, AUGUST 7, 2008/SRAVANA 16, 1930

MINISTRY OF SOCIAL JUSTICE AND  
EMPOWERMENT  
(Backward Class Division)

RESOLUTION

New Delhi, the 7<sup>th</sup> August, 2008

F.No. 20012/10/2007 - BCC. - The Government of India has resolved to continue the Commission for Economically Backward Classes not covered under the existing Reservation Policy constituted vide Gazette Notification No. 20012/10/2003-BCC, dated 6<sup>th</sup> January, 2004 and reconstituted vide Notification No. 20012/10/2003-BCC, dated 3<sup>rd</sup> March, 2005 and extended the term of the Commission for a period of one year w.e.f. 1-8-2008 with the following terms and conditions:

- (a) to elicit the views of State Governments/UTs and other Commissions on the subject;
- (b) to suggest criteria for identification of economically backward classes;
- (c) to recommend the welfare measures and quantum of reservation in education and Government employment to the extent as appropriate; and
- (d) to suggest the necessary constitutional, legal and administrative modalities as required for the implementation of their recommendations.

2. The Commission will complete the work entrusted to it as per time schedule submitted by Commission and approved by Government and will submit the report of its deliberations and recommendations within the stipulated period of one year w.e.f. 1.8.2008.

Dr. VINOD AGGARWAL, Jt. Secy.

The Gazette of India  
EXTRAORDINARY  
PART - I Section 1

PUBLISHED BY AUTHORITY

No. 256, NEW DELHI, TUESDAY, AUGUST 4, 2009/SRAVANA 13, 1931

MINISTRY OF SOCIAL JUSTICE AND  
EMPOWERMENT  
(Backward Class Division)

RESOLUTION

New Delhi, the 4<sup>th</sup> August, 2009

No. 20012/10/2007-BCC. : The Government of India has resolved to continue the Commission for Economically Backward Classes not covered under the existing Reservation Policy constituted vide Gazette Notification No. 20012/10/2003-BCC dated 6<sup>th</sup> January, 2004 and reconstituted vide Notification No. 20012/10/2003-BCC dated 3<sup>rd</sup> March, 2005 and extend the term of the Commission for eight months beyond 31.07.2009 i.e. upto 31.03.2010 under the same terms of reference as mentioned in resolution dated 7.08.2008.

Dr. VINOD AGGARWAL, Jt. Secy.

The Gazette of India  
EXTRAORDINARY  
PART - I Section 1

PUBLISHED BY AUTHORITY

No. 97, NEW DELHI, TUESDAY, APRIL 13, 2010/CHAITRA 23, 1932

MINISTRY OF SOCIAL JUSTICE AND  
EMPOWERMENT  
(Backward Class Division)

New Delhi, the 13<sup>th</sup> April, 2010

RESOLUTION

No. 20012/10/2007-BCC. : The Government of India has resolved to continue the Commission for Economically Backward Classes not covered under the existing Reservation Policy constituted vide Gazette Notification No. 20012/10/2003-BCC dated 6<sup>th</sup> January, 2004 and reconstituted vide Notification No. 20012/10/2003-BCC dated 3<sup>rd</sup> March, 2005 and extend the term of the Commission for four months beyond 31.03.2010 i.e. upto 31.07.2010 under the same terms of reference as mentioned in resolution dated 7.08.2008.

P.P. MITRA, Jt. Secy.

State / UTs visited by the Commission

S.No.	States / UTs visited	Duration of Visit
1.	Haryana	Nov 01 - 03, 2007
2.	Rajasthan	Nov 19 - 22, 2007
3.	Uttar Pradesh	Nov 26 - 28, 2007
4.	Bihar	Nov 29 - Dec 2, 2007
5.	Maharashtra	Feb 24 - 27, 2008
6.	Goa	Feb 27- 01 March, 2008
7.	Kerala	June 03 - 06, 2008
8.	Chhatisgarh	June 25 - 26, 2008
9.	Uttarakhand	July 08 - 11, 2008
10.	West Bengal	Aug 04 - 06, 2008
11.	Assam	Aug 06 - 09, 2008
12.	Tamil Nadu	Aug 18 - 21, 2008
13.	Puducherry	Aug 21 - 24, 2008
14.	Karnataka	Sept 04 - 06, 2008
15.	Madhya Pradesh	Sept 08 - 12, 2008
16.	Gujarat	Jan 19 - 26, 2009
17.	Jharkhand	June 11 - 13, 2009
18.	Punjab	June 16 - 20, 2009
19.	Chandigarh	June 16 - 20, 2009
20.	Orissa	July 28 - 31, 2009
21.	Andhra Pradesh	Aug 24 - 28, 2009
22.	J& K	Sept 23 - 26, 2009
23.	Sikkim	Oct 22 - 26, 2009
24.	Tripura	Nov 23 - 26, 2009
25.	Andaman Nicobar	Dec 01 - 04, 2009
26.	Lakshadweep	Feb 07 - 12, 2010
27.	Himachal Pradesh	March 09-13, 2010
28.	Arunachal Pradesh	May 11 - 15, 2010



**GOVERNMENT OF INDIA**  
**COMMISSION FOR ECONOMICALLY BACKWARD CLASSES**  
**MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT**  
 B2/W1, 1688, Curzon Road Barracks, Kasturba Gandhi Marg, New Delhi-110001.

**BACKGROUND NOTE**

Government of India have set up the "National Commission for Economically Backward Classes" with a view to study the status of classes not covered by the existing Reservation Policy and suggest criteria for identification of Economically Backward Classes and quantum of reservation for such classes on the basis of their economic backwardness.

The following are the Terms of Reference of the Commission:-

1. To suggest criteria for identification of economically backward classes.
2. To elicit the views of the State Government/Union Territories and others on the subject;
3. To recommend the quantum of reservation in education and Govt. employment;
4. The Commission (EBCC) is also required to recommend welfare measures and suggest the necessary constitutional, legal and administrative modalities as required for the implementation of their recommendations.

The commission comprises of following:-

- |  |    |                  |
|--|----|------------------|
| 1. Major General (Retd.) S.R. Sinha    | .. | Chairman         |
| 2. Shri Narendra Kumar                 | .. | Member           |
| 3. Shri Mahendra Singh, I.A.S. (Retd.) | .. | Member Secretary |

The Constitution of India have provisions under Article 15 (4) and 16 (4) which deal with reservation in education and government employment. The Supreme Court of India in its judgment in the case of *Indira Sawhney & Others Vs Union of India & Others* have laid down 50% ceiling on reservation. The Attorney General of India has opined in 1998 that the extension of reservation to EBCs would be subject to ceiling of 50% and that a further Constitutional amendment would be necessary if the effect of the proposed reservation for EBCs exceed the ceiling of 50%. Certain enabling constitutional amendment will be required to be made in Article 15 (4) & 16 (4) for economically backward classes. For the purpose, a format has been designed for collection of valuable information/data from the State Governments/Union Territories, social organizations and others on the subject. This format is not fully comprehensive, therefore State Govts./UT Administrations may provide any other relevant information on the subject on separate sheets of papers.

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As the Commission is required to present their deliberations and recommendations to the Government of India by January 2008, State Govts./UT Administrations and other concerned are requested to return the format duly filled-in together with any other relevant information, incorporating their views on the subject within a period of one month.

**GOVERNMENT OF INDIA**  
 Commission for Economically Backward Classes  
 Ministry of Social Justice & Empowerment  
 B2/W1, 1688, Curzon Road Barracks, Kasturba Gandhi Marg, New Delhi

(Questionnaire to be filled in by State/ UT Governments and Registered voluntary organizations)

**Part - A General Information**

I. Name of state/Union Territory:

II. a) Population:

Sl.No.	Year	Population	Rural	Urban
1.	Castewise Data as per 1931 census			
2.	As per 2001 Census			
3.	Jan 2007 (Estimation)			

b) Reserved Categories

Sl. No.	Classes	Population as per (in crores nos.)			% to total population as per 2001 Census	% of Reservation in	
		1931 Census	2001 Census (estimated)	Jan 07 (Estimated)		Govt. Employment	Educational Institutions
1.	S.C.						
2.	S.T.						
3.	OBCs						
4.	Others						
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
10.							

III. Classes not covered under the existing Reservation Policy.

Sl. No.	Classes	Population (Approximately)	% to total population of state	% to total caste population living below poverty line	Caste-wise No of BPL cards holders	% to Total BPL card holder in the State
A.	Hindu					
	1. Brahmins					
	2. Kshatriyas					
	3. Vaishya					
	4. Kaystha					
	5. Bhumihars					
	6. Jat					
	7.					
	8.					
	9.					
	10.					
B	Muslims					
	1.					
	2.					
	3.					
	4.					
	5.					
C	Sikhs					
	1.					
	2.					
	3.					
	4.					
	5.					
D	Christians					
	1.					
	2.					
	3.					
	4.					

E	Parsis					
	1.					
	2.					
	3.					
	4.					
F	Buddhist					
	1.					
	2.					
	3.					
	4.					
G	Jain					
	1.					
	2.					
	3.					
	4.					
G	Others					
	1.					
	2.					
	3.					
	4.					

Note: Please supply a complete list of class/caste in each not covered under the existing reservation policy of Govt. of India and States/UT Govt.

- IV a) Any Criterion laid down in the state for deciding economic backwardness by State or Centre Govt. Yes/No
- b) If yes, please give the details (report, brochure, findings etc.)
- V. a) Any commission set up for Economically Backward Classes (EBC) Yes/No
- b) If yes, please give details, copy of notification, terms of reference etc.
- VI. a) Any welfare Dept./ Development / Finance corporation, set up for EBC Yes/No

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- b) If yes, Please give details.
- VII. Any programme/ Schemes already in existence or to be proposed by State/ U.T. for the welfare of EBC, give details.
- VIII. Whether any registered Agency/ NGOs/ Group of People working for the welfare of EBC (Please give details including postal addresses and telephone nos.)
- IX. Whether any survey/ research already carried out on EBC, please give details.

Important Telephones

S.No.	Designation	Name and Address	Telephones		Fax	Mobile	E-mail ID	Others
			Off	Res.				
1.	HE the Governor							
2.	Lt-Governor							
3.	Administrator							
4.	Chief Minister							
5.	Secretary to Chief Minister							
6.	Cabinet Minister/State Minister							
7.	Leader of opposition in the legislative Assembly/Council							
8.	Hon'ble Speaker of the Legislative Assembly/Chairperson of the Council							
9.	Chief Secretary							

10.	All Principal Secretaries of the Govt.								
11.	Divisional Commissioner								
12.	District Magistrate/Collector								
13.	Nodal Officer								
14.	Any other important numbers								
15.	Registered Voluntary Organizations dealing with economically backwards classes								
	1								
	2								
	3								
	4								
	5								
	6								
	7								
	8								
	9								
	10								

PART B

ECONOMIC STATUS

1. Views of the State/ U.T. Govt. on Economic Status of economically backward classes, not covered under reservation policy and percentage of economically backward in each classes as against their total population. (Please attach separate Sheet)

.....

.....

.....

Land holding and other sources of Income

Sl. No.	Class	Population	Average Land holding per capita (in acres)	State average of land holding per capita (in acres)	% of caste-wise landless to the total population of the caste	Any other source of income (%)	Average monthly income of the family	Percentage of population of the caste living BPL (caste-wise)	No. of families holding BPL Cards
1	2	3	4	5	6	7	8	9	10
A	Hindu								
	1. Brahmins								
	2. Kshatriyas								
	3. Vaishya								
	4. Kayastha								
	5. Jains								
	6. Jats								
	7.								
	8.								
	9.								
	10.								
B	Muslims								
	1.								
	2.								
	3.								
	4.								
	5.								
C	Sikhs								
	1.								
	2.								
	3.								
	4.								
	5.								
D	Christians								
	1.								
	2.								
	3.								
	4.								



F	Parsis								
	1.								
	2.								
	3.								
	4.								
	5.								
F	Buddhists								
	1.								
	2.								
	3.								
	4.								
	5.								
G	Jains								
	1.								
	2.								
	3.								
	4.								
	5.								
G	Others								
	1.								
	2.								
	3.								
	4.								
	5.								

@ Other source of income could be income from salary, trade, running of educational institution, Hotel & Restaurant, Transport and Professional work etc.

II. a) Whether reservation in Govt. employment is required keeping in view the economic status of EBCs

Yes/ No

b) If Yes, please suggest quantum (in percentage) of reservation in Govt. employment and in education.

.....%

III. Please suggest criteria for identification of economically backward classes with full details. For example -

- BPL
- Non- Income tax payers
- Agri-horticultural land holding
- Educational background
- Children studied/ studying in other than CBSE, ICSE or English medium school.

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- f) Standard of living
- g) Own house
- h) Kutchcha/ thatched houses
- i) Any other criteria considered necessary

## PART C

EDUCATIONAL STATUS

I a) Whether reservation in Education is required? Yes/ No

b) If yes, Please suggest quantum of reservation (in percentage) in educational institutions.

.....%

II. Educational Status of Class not covered under existing reservation policy

Sl. No.	Class	Population	% of illiteracy	% of education above Matric	% of professional degree holders
1	2	3	4	5	6
A.	Hindu				
	1. Brahmins				
	2. Kshatriys				
	3. Vaishya				
	4. Kaystha				
	5. Dhumihas				
	6. Jats				
	7.				
	8.				
	9.				
	10.				
B.	Muslims				
	1.				
	2.				
	3.				
	4.				
	5.				
C.	Sikhs				
	1.				
	2.				
	3.				
	4.				

D.	Christians				
	1.				
	2.				
	3.				
	4.				
	5.				
E.	Parsis				
	1.				
	2.				
	3.				
	4.				
	5.				
F.	Buddhists				
	1.				
	2.				
	3.				
	4.				
	5.				
G.	Jains				
	1.				
	2.				
	3.				
	4.				
	5.				
H.	Others				
	1				
	2				
	3				
	4				
	5				

PART D

POLITICAL STATUS

I. Categorywise list of M.P., Rajya Sabha, Lok Sabha, M.L.A., M.L.C. Chairman, Zila Parishad, Gram Pradhans

II.A Political Status of castes not covered under reservation policy

Sl. No.	Class	No. of MPs & Member Rajya Sabha	No. of Members in the State			
			MLA & MLC	Zila Parishad	Chairman Panchayat	Gram Pradhan
1	2	3	4	5	6	7
A.	Hindu					
	1. Brahmins					
	2. Kshatriys					
	3. Vaishya					
	4. Kaystha					
	5. Bhumihars					
	6. Jats					
	7.					
	8.					
	9.					
	10.					
B.	Muslims					
	1.					
	2.					
	3.					
	4.					
	5.					
C.	Sikhs					
	1.					
	2.					
	3.					
	4.					
	5.					

D.	Christians					
	1.					
	2.					
	3.					
	4.					
E.	Parsis					
	1.					
	2.					
	3.					
	4.					
F.	Buddhists					
	1.					
	2.					
	3.					
	4.					
G.	Jains					
	1.					
	2.					
	3.					
	4.					
H.	Others					
	1.					
	2.					
	3.					
	4.					
	5.					

B. Representation of SCs/STs/OBCs and others in elected bodies:

S.No.	Particulars	In Numbers					
		SC	ST	OBC	Minority	General	Total
1.	M.P.(Lok Sabha & Rajya Sabha)						
2.	M.L.A.						
3.	M.L.C.						
4.	Chairman, Zila Parishad						
5.	Block Pramukh (Block Chief)						
6.	Chairman( Municipality)						
7.	Mayor of Nagar Nigam/Corporation						
8.	Village Pradhan						
9.	Others						

III. Welfare measures required for upliftment of Economically Backward Classes not covered under the existing policy.

- a) Financial measures:
- b) Educational measures:
- c) Setting up of Financial & Development Corporation for EBCs
- d) Social measures:
- e) Political measures:
- f) Health and sanitation/standard of living:
- g) Others, if any:

IV. Necessary various Modalities: for implementation of recommendations. Please give details.

- i) Constitutional amendment
- ii) Legal modalities
- iii) Administrative modalities
- iv) Other modalities, if any.

**GOVERNMENT OF INDIA**  
**Commission for Economically Backward Classes**  
 (Ministry of Social Justice & Empowerment)  
 B2/W1 1688, Curzon Road Barracks, K.G. Marg,  
 New Delhi - 110001

1. Total population as per 2001 census: \_\_\_\_\_
- a) Scheduled Castes \_\_\_\_\_
- b) Scheduled Tribes \_\_\_\_\_
- c) OBC (approx) based on survey conducted by the State or projected population based on 1931 census \_\_\_\_\_
- d) Others, General Categories (other than SC, ST & OBC) approx. \_\_\_\_\_

2. % of reservation as on date: -

Govt. Jobs	Education	
i. SC	_____	_____
ii. ST	_____	_____
iii. OBC	_____	_____
iv. Others (Specify)	_____	_____

3. Views of the State/UT Govts. on:

- a) criteria for identification of economically backward classes other than SC, ST and OBC
- b) Whether State/UT Govt. conceptually/principally agree for providing reservation to the classes not already covered under the existing reservation policy, if so,
- i. Quantum of reservation in government employment
- ii. Quantum of reservation in education
- iii. Welfare measures to economically backward classes.
- c) Whether the State/UT Govt. agree to provide welfare measures to such classes on the pattern of other Backward classes or other than that, if so, its details.
- d) Necessary changes in the constitutional, legal and administrative modalities as may be required in the implementation of the recommendation of the Commission.



## Representations received from States / UTs

S.No.	Name of the State / UT
<b>Assam</b>	
1.	Shri A.K. Boruah Secretary Chaodang Jatiya Parishad
<b>Bihar</b>	
2.	Shri Arun Kushwaha Founder, Rashtriya Adyaksha Nyaypalika Arakshan Andolan
3.	Shri Arun Kushwaha Founder, Rashtriya Adyaksha, Arakshan Samarthak Party
4.	Bihar Momin Welfare Society
5.	Ms Mumtaj Ansari & Shri Razi Ahmed Nayab- Sadar All-India Pasmanda Muslim Mahaz
6.	Shri Ramavtar Prasad Prajapati Mahamantri Bhartiya Janta Party
7.	Shri Dani Prajapati Mahamantri Bihar Kumhar (Praajpati) Samarvaya Samiti
8.	Shri Ripendra Narayan Sinha Mahasachiv National Association of Fishermen
<b>Chandigarh</b>	
9.	Shri R. P. Sharma President Shri Brahman Sabha (Regd.)
10.	All India Brahman Welfare Council
<b>Chhattisgarh</b>	
11.	Shri Bhupender Shankar Sen Pradesh Adyaksha Chhattisgarh Prant Sen (Nai) Samaj
12.	Chatrapal Sirmor Adyaksha Chhattisgarh Rajya Pichda Varg Vikas Sanghan
13.	Janak Ram Yadav Adyaksha Chhattisgarh Yadav Samaj
14.	Chhattisgarh State OBC Commission
15.	Chhattisgarh State OBC Development Organization
16.	Nyaypalike Reservation Revolution
17.	Arakshan Samarthak Party (A.S.P.)
18.	Dr. Somnath Yadav Member

	Chhattisgarh Rajya Pichda Varg Ayog
	<b>Goa</b>
19.	Gomantak Bahujansamaj Parishad, Goa
	<b>Gujarat</b>
20.	Shri Bhashkar Upadhyay Chairman Shri Saurashtra-Kachchh Samast Brahmin Samaj
21.	Shri Dilip K. Dave President & others Shri Baz Khedawal Brahman Yuvak Mandal
22.	Shri Nirbhay D. Parohit Shashakpaksha Karyalaya
23.	Dr. P. C. Patel National President Bharatiya Rashtravadi Paksha
24.	Shri Natwarlal Khakhi Founder President Kansara Samaj
25.	Shri Nilesh Dhulesia President Eklavya Public School
26.	Shri Mohanbhai Patel Ex M.P. Patel Education Association
27.	Shri Jagdish J. Acharya President Shree Sattar Taluka Audichya Sahastra Mandal
28.	Om Shri Sai Education Medical & Charitable Trust, Bhuj
29.	Shri Joravarsinhji K. Rathore President Shree Kutch Rajput Chhatriya Sabha
	<b>Haryana</b>
30.	Shri Subhash Badsikri District Magistrate All India Jat Maha Sabha
31.	Shri M. L. Sharma President Jagat Brahman Sabha (Regd)
	<b>Jammu &amp; Kashmir</b>
32.	Shri A. A. Najar President Backward Classes Welfare Organization
33.	Shri Sharafat Ali Khan Chairman Pahari Cultural & Welfare Forum
	<b>Karnataka</b>
34.	Shri J. Srinivasan President Karnataka State Backward Castes Federation (Regd)
35.	Shri T.G. Daddamani

	Secretary Karnataka Jaina Association (R.)
36.	Koota Brahmins Hitha Rakshana Samiti, Bangalore
	<b>Kerala</b>
37.	Shri Venu Kumar K. General Secretary Hindu Minority Community Federation
38.	Shri P. Venkitarama Iyer President Kerala Brahmana Sabha
39.	Shri K. M. Das General Secretary Kerala Velaar Service Society
40.	Shri M. Aliyarakutty State President Muslim Employees Cultural Association
41.	Dr. Poovachal N. Aliyaru Kunju General Secretary United Muslim Organization
42.	Shri Plachi Vijayan General Secretary Hindu Nadar Maha Sabha
43.	Shri Venu Kumar K. General Secretary Kerala Yogeeswara Sangham
44.	Adv. A. James Fernandez President Lathen Katholikka Aikya Vedi
45.	Shri P.K. Narayana Paniker General Secretary Nair Service Society
46.	Ad. M. Manoharan Pillai
47.	Shri B. Sasidharan Pillai President Kerala Chetty Mahasabha
48.	Shri C. Murukappan Achary General Secretary Viswakarma Service Society
	<b>Maharashtra</b>
49.	Shri Balkrishna Purnikar Majhi Adhyakshya Pune Sehar (Zilha) Congress (Aay) Committee
	<b>Puducherry</b>
50.	Shri K. Balakrishnan Chemiar President Padmasaliyar Sangam
51.	Paducherry Poorviga Kudimakkal, Urimai Padhukappu Peraval
52.	Shri M. Md. Salihenn President Puducherry Down Trodden Peoples' Welfare Association
53.	Muthialpet Consumer Group

54.	Ayccra Vaisiyargal Sangham
55.	Shri R. Viswanathan President Social Justice Forum
56.	Shri G. Swaminathan President Sandroorkula Dharuma Paribalana Sabai
<b>Punjab</b>	
57.	Shri S. Balwinder Singh President Disabled Children Welfare Society (M.R.)
58.	Moharaj Bhuriwale Garib Dassi Education Trust (Regd.)
<b>Rajasthan</b>	
59.	Shri Devkisan Rajpurohit Sanyojak Rajasthan Rajpurohit Arakshan Sangharsh Samiti
60.	Ms Asim Sharma Adhyaksha (Yuva) & others All India Brahmin Federation
61.	Shri Sagar Chand Sharma Pradeshadyaksha Vishva Brahmin Sangathan
62.	Shri Sushil Sharma Uppadhyaksha, Rajasthan Brahmin Mahasabha
63.	Shri Dhruv Satya Rashtriya Mahachashiv All India Equality Forum (Regd.)
64.	Shri Sumit Tivadi Adyaksha Perikh Yuva Jagrati Mahasangh
65.	Shri Leenchand Sionvadiya Adyaksha Rajasthan Anya Pichda Varg Kalyan Saasthan
66.	Shri Umrao Singh Chauhan Rashtriya Mahachashiv Rashtriya Nai Mahasabha
67.	Shri Virendra Singh Rawana Mahamantri, OBC Mahapanchayat
68.	Shri Vijay Haritwal Adyaksha, Gaur Vipra Mahasabha
69.	Shri Shyam Sunder Vishista Adyaksha Brahmin Arakshan Manch
70.	Shri Rajaram Meel Adyaksha & others, Amkshan Adhikar Manch
71.	Shri Mahavir Singh Sarvadi Pravakta Shri Pratap Foundation
72.	Pt. Suresh Mishra Pradeshadyaksha, Sarva Bhramin Mahasabha (Regd.)

73.	World Brahmin Organisation, Raipur
74.	Rajasthan Rajpurohit Arthik Pichda Varg Sangharsh Samiti Pushkar Kai Sanyojak Shri Devikishan Rajpurohit ka Petravachan
<b>Sikkim</b>	
75.	Shri Udai Chettri General Secretary Akhil Sikkim Chettri Bahan Kalyan Sangh
<b>Tamil Nadu</b>	
76.	Shri V. Ramachandran Chairman Tamil Nadu Reddy (Ganjam) OBC Committee
77.	Shri KM. Subramaniam Secretary Muthamilar History Research Centre
78.	Forum for the Protection of BC/SC/ST and Minorities of Tamil Nadu (Regd.)
79.	North Arcot District Anaihu Naidugal Sangham, Vellore
80.	Shri M.K. Manohar Lal Member The Madras Kayastha Sabha, Chennai
81.	Federation of All Naidu Association of Tamilnadu
82.	Statistical Appendix for Trichinopoly District
<b>Andaman &amp; Nicobar Islands</b>	
83.	Shri A.K. Bhojarajan President Andaman Tamizhar Sangam
84.	Shri N. Manikya Rao 'Yadav' TDP President Telugu Desam Party
85.	Shri K. Kalaiselvan General Secretary Katchal Settlers Welfare Association
86.	Island Born Association
87.	Dr. R. Tulsidasan President Malayalee Settlers Association
88.	IPIPF Islands Permanent Inhabitants Protection Forum
89.	Shri Dakhu Bhagat Ursu Prant Upadhyaksha Vanvasi Kalyan Ashram
90.	Shri Shya Singh Yadav Editor Dweep Manthan
91.	Shri Kailash Chandra Special Secretary Andaman & Nicobar Administration Secretariat

## Backward Classes Commissions / Committees set up different States

SN	Name of State	Commission / Committee	Chairman
1	Andhra Pradesh	Backward Classes Commission (1968-70)	Mandhai Pershad
2		Committee of the Fifth Legislature Assembly to recommend further measures for the welfare of Backward Classes (1977)	Agisam Veerappa
3		One man Commission of Inquiry for Backward Classes (1970)	K. M. Anantharaman
4		One man Commission of Inquiry for Backward Classes (1982)	N. K. Murlidhara Rao
5	Bihar	Backward Classes Commission (1971-76)	Mungerilal
6	Delhi	Backward Classes Commission (1994)	G. C. Jain
7	Gujarat	Backward Classes Investigation Committee (1953)	P. Majumdar
8		Backward Classes Commission (1972-76)	A. R. Bakshi
9		Second Backward Classes Commission (1983)	C. V. Rane
10	Jammu and Kashmir	Backward Classes Commission (1969)	J. N. Wazir
11		Backward Classes Commission (1976-77)	Adarsh S. Anand
12		Gajendra Gadkar Commission (1990)	Gajendra Gadkar
13	Haryana	Backward Classes Commission (1990)	Gurnam Singh
14	Karnataka	Backward Classes Committee (1960-61)	R. Naganna Gowda
15		Karnataka Backward Classes Commission (1971-1975)	L. G. Havanur
16		Karnataka third Backward Classes Commission (1986-1990)	O. Chinnappa Raddy
SN	Name of State	Commission / Committee	Chairman
17	Kerala	Evaluation Committee (1961-63)	V. K. Vishwanathan
18		Backward Classes Commission (1964-65)	G. Kumare Pillal
19		Backward Classes Reservation Commission (1967-70)	M. P. Damodaran
20	Madhya Pradesh	Madhya Pradesh State Commission for Backward	Ranji Mahajan

	Pradesh	Classes (1980-83)	
21	Maharashtra	Depressed Classes and Aboriginal tribes Committee Bombay Presidency (1930)	
22		Committee to Report on Reservation of Backward Classes in the Services (1961-64)	B.D. Deshmukh.
23	Manipur	Expert Committee on OBCs (1994)	
24	Orissa	Commission of Enquiry Regarding Mandal Commission Report	N. K. Das
25	Punjab	Evaluation committee (1965-66)	Brish Bhan
26		Vidhan Sabha Committee on welfare of Sc, St & OBC (1975-76)	
27	Rajasthan	Rajasthan State Backward Classes Commission (1993-98)	Indrasen Israni
28	Tamil Nadu	Backward Classes Commission (1969-70)	G. A. N. Sattanathan
29		Tamil Nadu Second Backward Classes Commission (1982-85)	J. A. Ambasankar
30	Uttar Pradesh	Uttar Pradesh Atate Sarvadhik Pichhada Varg Syog	Chhedi Lal Sathi
31	West Bengal	Committee on Backward Classes (1980)	

## SECOND BACKWARD CLASSES COMMISSION

### Criteria adopted by the Second Backward Classes Commission:

#### Social

- (i) Castes/classes considered as socially backward by others.
- (ii) Castes/classes which mainly depend on manual labour for their livelihood.
- (iii) Castes/classes where at least 25 per cent females and 10 per cent males above the state average get married at an age below 17 years in rural areas and at least 10 per cent females and 5 per cent males do so in urban areas.
- (iv) Castes/classes where participation of females in work is at least 25 per cent above the state average.

#### Educational

- (v) Castes/classes where the number of children in the age group of 5-15 years who never attended school is at least 25 per cent above the state average.
- (vi) Castes/classes where the rate of student drop-out in the age group of 5-15 years is at least 25 per cent above the state average.
- (vii) Castes/classes amongst whom the proportion of matriculates is at least 25 per cent below the state average.

#### Economic

- (viii) Castes/classes where the average value of family assets is at least 25 per cent below the state average.
- (ix) Castes/classes where the number of families living in kuccha houses is at least 25 per cent above the state average.
- (x) Castes/classes where the source of drinking water is beyond half a kilometer for more than 50 per cent of the households.
- (xi) Castes/classes where the number of households having taken consumption loans is at least 25 per cent above the state average.

One of the members of the commission dissented the findings on the ground that the castes communities listed as socially and educationally backward classes by the Mandal commission were not at the same degree or level of social and educational backwardness. The first and foremost criticism leveled against the approach and the procedure adopted by the Mandal commission was that it adopted caste alone as the basis of its approach throughout.



The commission's assumption of homogeneity within the backward classes in the absence of any economic criteria as the cutoff point was bound to be a disadvantage to the majority of the backward classes, as the affluent and prosperous sections of OBC would certainly grab the major chunk of reservation benefits.

In 1980, the commission's report affirmed the affirmative action practice under Indian law whereby members of lower castes (known as Other Backward Classes and Scheduled Castes and Tribes) were given exclusive access to a certain portion of government jobs and slots in public universities, and recommended changes to these quotas, increasing them by 27% to 49.5%.

**The following were the recommendations of the Mandal Commission to improve the lot of the OBCs.**

The population of OBCs which includes both Hindus and non-Hindus was around 52 per cent of the total population. Only 27 per cent of reservation was recommended owing to the legal constraint that the total quantum of reservation should not exceed 50 per cent. The already existing reservation for SC and ST is in tune with their proportion to total population, i.e., 15 per cent for SC and 7.2 per cent for ST and together amounts to 22.5 per cent was to be taken into account, while counting the total percentage of reservation. States which had already introduced reservation for OBC exceeding 27 per cent would not be affected by this recommendation. With this general recommendation the commission proposed the following over-all scheme of reservation for OBC:

- (1) Candidates belonging to OBC recruited on the basis of merit in an open competition should not be adjusted against their reservation quota of 27 per cent.
- (2) The above reservation should also be made applicable to promotion quota at all levels.
- (3) Reserved quota remaining unfilled should be carried forward for a period of three years and de-reserved thereafter.
- (4) Relaxation in the upper age limit for direct recruitment should be extended to the candidates of OBC in the same manner as done in the case of SCs and STs.
- (5) A roster system for each category of posts should be adopted by the concerned authorities in the same manner as presently done in respect of SC and ST candidates.

Those recommendations in total were to be applicable to all recruitment to public sector undertakings both under the central and state governments, as also to nationalised banks. All private sector undertakings which had received financial assistance from the government in one form or other should also be obliged to recruit personnel on the aforesaid basis.

All universities and affiliated colleges should also be covered by the above scheme of reservation. Although education was considered an important factor to bring a desired social change, 'educational reform' was not within the terms of reference of this commission. The commission was expected to suggest palliative measures within the existing framework.

The commission suggested that there should be additional funds and framing of integrated scheme for creating proper environment and incentives for services and purposeful studies. To promote literacy the following measures were suggested:

- (i) An intensive time-bound programme for adult education should be launched in selected pockets with high concentration of OBC population;

- (ii) Residential schools should be set up in these areas for backward class students to provide a climate specially conducive to serious studies. All facilities in these schools including board and lodging should be provided free of cost to attract students from poor and backward homes;
- (iii) Separate hostels for OBC students with above facilities to be provided; and
- (iv) Vocational training was considered imperative.

It was recommended that seats should be reserved for OBC students in all scientific, technical and professional institutions run by the central as well as state governments. The quantum of reservation should be the same as in the government services, i.e., 27 per cent. These states which had already reserved more than 27 per cent seats for OBC students would remain unaffected by these recommendations. Students of OBCs selected in reserved quota should be given special coaching assistance.

Members of village vocational communities who want to set up small-scale industries on their own should be given suitable institutional finance and technical assistance. And similar assistance should be extended to those promising OSC candidates who have undergone special vocational training. In that regard, separate financial institutions should also be established. It was also considered imperative that all state governments should create a separate network of financial and technical institutions to foster business and industrial enterprise among OBC as a part of its overall strategy to uplift them.

The Mandal Commission recommended that all development programmes at the state level especially designed for OBC should be financed by the central government in the same manner and to the same extent as done in the case of SC and ST. The commission suggested that the entire operations of its recommendations should be reviewed only after 20 years.

*Current Criteria for Backward Classes:*

As per the National Commission for Backward Classes guidelines for inclusion in the central list of OBCs include:

**A. SOCIAL**

1. Castes and communities, generally considered as socially backward.
2. (a) Castes and communities, which mainly depend on agricultural and/or other manual labour for their livelihood and are lacking any significant resource base.
- (b) Castes and communities, which, for their livelihood, mainly depend on agricultural and/or other manual labour for wage and are lacking any significant base.
- (c) Castes and communities, the women of which, as a general practice, are for their family's livelihood, engaged in agricultural and/or other manual labour, for wage.
- (d) Castes and communities, the children of which, as a general practice, are, for family's livelihood or for supplementing family's low income, mainly engaged in agricultural and/or manual labour.
- (e) Castes and communities, which in terms of caste system, are identified with traditional crafts or traditional or hereditary occupations considered to be lowly or undignified.
- (f) Castes and communities, which in terms of the caste system, are identified with traditional or hereditary occupations considered to be 'unclean' or stigmatised.
- (g) Nomadic and semi-nomadic castes and communities.
- (h) Denotified or Vimukta Jati castes and communities.
3. Castes and communities, having no representation or poor representation in the State Legislative Assembly and/or district-level Panchayati Raj institutions during the ten years preceding the date of the application.

**B. EDUCATIONAL**

1. Castes and communities, whose literacy rate is at least 8% less than the State or district average.
2. Castes and communities of which the proportion of matriculates is at least 20% less than the State or district average.
3. Castes and communities, of which the proportion of graduates is at least 20% less than the State or district average.

**C. ECONOMIC**

1. Castes and communities, a significant proportion of whose members reside only in Kachha houses.

2. Castes and communities, the share of whose members in number of cases and in extent of agricultural lands surrendered under the Agricultural Land Ceiling Act of the State, is nil or significantly low.

3. Castes and communities, the share of whose members in State Government posts and services of Groups A & B/Classes I & II, is not equal to the population-equivalent proportion of the caste/ community.

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G.I., Dept. of Per. & Trg.,  
O.M. No.36012/31/90-Est. (SCT), dated 25.9.1991

SUBJECT: Amendment to the 27% reservation in service for Socially and Educationally Backward Classes.

The undersigned is directed to invite the attention to OM of even number, dated the 13th August, 1990, on the above mentioned subject and to say that in order to enable the poorer sections of the SEBCs to receive the benefits of reservation on a preferential basis and to provide reservation for other economically backward sections of the people not covered by any of the existing schemes of reservation, Government have decided to amend the said Memorandum with immediate effect as follows :-

2. (i) Within the 27% of the vacancies in civil posts and services under the Government of India reserved for SEBCs, preference shall be given to candidates belonging to the poorer sections of the SEBCs. In case sufficient number of such candidates are not available, unfilled vacancies shall be filled by the other SEBC candidates.

(ii) 10% of the vacancies in civil posts and services under the Government of India shall be reserved for other economically backward sections of the people who are not covered by any of the existing schemes of reservations.

(iii) The criteria for determining the poorer sections of the SEBCs or the other economically backward sections of the people who are not covered by any of the existing schemes of reservations are being issued separately.

3. The OM of even number, dated the 13th August, 1990, shall be deemed to have been amended to the extent specified

### Rajiv Gandhi's Speech in Lok Sabha on September 6, 1990

Sir, before I start on what I really wanted to say, I must say that I have been terribly pained with what I have heard just now from one of the members of the government, one of the ministers. It is extremely sad that the thinking in this government revolves around caste...

We, the Congress, are in favour of a comprehensive action plan, an affirmative action plan for the backward communities. We need that. The problem cannot be solved by playing politics or by limited politically motivated manipulations... Is the government looking at one particular vested interest or is the government really looking at the socially and educationally backward classes? This is the question I want to put to the Prime Minister...

What objection can there be to what I am saying? In fact, every objection that I am hearing is only confirming my fear that this government is aiming these benefits at a particularly privileged group and not looking at the really poor... I think the honorable Prime Minister has totally missed the point. The point is within a particular class, who do you want to help? Do you want to help those persons within a particular class who are already well-off? I will answer how many. If the number is negligible, if the number is only one or two, then you should have no objection at all because you are only eliminating two out of the 42 or 43 crores. What is your objection then? The fact is that within a class when you want to give some assistance, it should go to the poorest. I would recommend it... Sir, it should go not only to such under-privileged groups and many other like them, but to people from all religions who are under-privileged and this is where I have a grave difference with what the government is bringing in. They are looking almost entirely at caste... Not only that, they have not included very large sections of the minority who should be included. If you look at the Muslims, the vast majority of the Muslim community in India is backward educationally, socially, economically everywhere. The same thing is true for Christians. The same thing is true even for Sikhs who are by and large okay, but there are still groups and educationally who are not all right. It is true for almost every religion as groups who are socially and educationally backward. Why should they not be included? The government must explain this; the country wants to know.

The second point which must be a part of the national goal is a casteless society. The Constitution very clearly differentiated between Scheduled Castes and backward classes. Why did our Constitution makers make this distinction? They had something in their minds. Why have we lost that distinction today?

Three important sociologists were involved with the Mandal Commission - Prof B.K. Roy Burman, Prof Srinivas and Prof Jagendra Singh. They have been thanked in the preface of the Mandal Commission Report for the work they have done. But reading the newspapers recently, I found that they have declined the honour and they have clearly said that they were denied any real opportunity to participate in the findings... The three important sociologists that were involved with this Commission have today said that they have not contributed to this commission. Then, how did this Commission get its information? There was a Research and Planning team which met for only three days. I read out para 11.3 where it says: "To begin with, a Research Planning Team of sociologists met in Delhi from June 12<sup>th</sup> to 14<sup>th</sup>, 1979, to draw up a plan of studies and researches which should be undertaken by Backward Classes Commission for determining, in a scientific and objective manner, the criteria for defining socially and educationally backward classes."

"On the basis of 1891 and 1931 Census, data was collected and analysed with a view to getting a frame from the linkage of traditional occupations by caste." Now, what are we talking about? We are talking about data which is 100 years old, or 60 years old. Is that valid today? Can we really interpolate from 1891 and 1931, to 1990, or, does something better needs to be done.

The only expert advice that this committee has got was from the Technical Advisory Committee headed by a bureaucrat, the Director General of the Central Statistical Organization, a professional statistician... not a sociologist... This was the level, the intellectual level at which the data that this has been received, has been processed. These are the intellectual inputs that have gone into it. But what of the data; what is the quality of the data that was collected?... I am going to give you quotations from Mr. Mandal himself on what he thinks about the data that he has collected and presented. Paragraph 3.15 says:

So, these two groups in a sense laid down, what the Commission could do. Now, what did the Commission actually, do with it, because neither of these teams was consulted after this? This means no specialist; no sociologist was involved with this report, apart from those eight days....

Para 11.4 "Subsequently, a panel of experts led by Prof. M.N. Srinivas, met in Delhi from July 16 to 20, 1979, i.e. for five days, and, after detailed deliberations, prepared a complete design of the survey along with a set of schedules, dummy tables, instructions, etc."

Then he says it is appended on the back. The task of this team was solely to draw up a plan of studies - not to do the studies only but to draw up a plan of studies. They did not do the studies. This group was never consulted again. Then, the Srinivas Panel did meet only for five days. So, the research team met for three days, the Srinivas Panel met for five days.

**GOVERNMENT OF RAJASTHAN**  
**DEPARTMENT OF PERSONNEL**  
 (A-Gr.2)

Jaipur, dated: 18.09.2009

No.F. 15(24)DOP/A-II/75 Pt.

**NOTIFICATION**

In exercise of the powers conferred by section 6 read with section 4 of the Rajasthan Scheduled Castes, Scheduled Tribes, Backward Classes, Special Backward Classes and Economically Backward Classes (Reservation of Seats in Educational Institutions in the State and of Appointments and Posts in Services under the State) Act, 2008 (Act No. 12 of 2009), the State Government hereby makes the followings rules, namely: -

1. **Short title and commencement:** - (1) These rules may be called Rajasthan Reservation of Appointments and Posts in Services under the State (Roster) Rules, 2009.  
 (2) They shall come into force from the date of their publication in the Official Gazette.
2. **Definition:** - (1) In these rules, unless the context otherwise requires:  
 (i) "Act" means the Rajasthan Scheduled Castes, Scheduled Tribes, Backward Classes, Special Backward Classes and Economically Backward Classes (Reservation of Seats in Educational Institutions in the State and of Appointments and Posts in Services under the State) Act, 2008 (Act No. 12 of 2009);  
 (ii) "Roster" means roster prepared under these rules; and  
 (iii) "Schedule" means a schedule to these rules.  
 (2) Words and expressions used but not defined in these rules and defined in the Act shall have the same meaning as are respectively assigned to them in the Act.
3. **Preparation and maintenance of roster:** - (1) For earmarking of the posts reserved in the services under the State as per the provisions of the Act, separate roster for each method of recruitment shall be prepared and maintained. If there is more than one method of promotion, then for such each method a separate roster shall also be prepared and maintained.  
 (2) The roster shall be prepared and maintained: -  
 (i) in case of State Service post under the State Government, by the cadre controlling authority;  
 Provided that the Administrative Department may, with the prior concurrence of the Department of Personnel (A-II), authorize Head of the Department to maintain the roster.  
 (ii) in case of other posts under the State Government, by the Appointing Authority.  
 (iii) in case of all other posts under the Authorities specified under sub-clause (i) to (iv) of clause (g) of section 2 of the Act, by the Appointing Authority.  
 (3) The number of points in each roster shall be equal to the number of posts in a cadre. In case there is any increase or decrease in the cadre strength in future, the roster shall be expanded/contracted correspondingly. The cadre shall be



construed as the number of posts in a particular grade, but for the preparation of the roster, it shall mean the number of posts required to be filled by a particular mode of recruitment e.g. by direct recruitment or by promotion.

- (4) The roster is to be operated on the principle of replacement and not as a "running account" as hitherto. The points at which reservation for different categories applies are fixed as per the roster and vacancies caused by retirement etc. of persons occupying those points shall be filled by appointment of persons of the respective categories.
  - (5) While operating the roster, person belonging to category for whom reservation has been made, but who is appointed on his own merit and not owing to reservation, should not be shown against reserved points and he shall occupy the unreserved points in case of direct recruitment but in case of reserve category candidate promoted on the basis of his own seniority against unreserved post, he shall be counted against reserve category and adjustment shall be made as soon as possible.
  - (6) The roster is only an aid to determine the entitlement of different categories with regard to quota reserved for them and not for determination of seniority.
4. **Roster for direct recruitment:** - The Appointing Authority shall in respect of each category of post to which vacancies for appointment by direct recruitment are to be filled, maintain a roster of 100 vacancies roster as specified in Schedule-I and, in case the cadre strength is up-to eight, maintain a roster as specified in Schedule-II.
  5. **Roster for promotion:** - The Appointing Authority shall in respect of each category or grade to which vacancies for appointment by promotion are to be filled, maintain a roster of 100 vacancies roster as specified in Schedule-III and in case the cadre strength is upto eight posts, maintain a roster in the form indicated in Schedule-IV.
  6. **Power to Issue Instructions:** - For carrying out the provision of these rules, the State Government may issue such instructions as may be considered necessary.
  7. **Power of interpretation and removal of doubts:** - If any question of interpretation or applicability of any of provisions of the rules arises, it shall be referred to the Government in Department of Personnel (A-II), whose decision shall be final.
  8. **Repeal and savings:** - All notifications, circulars and orders with regard to the matters for which provisions have been made in these rules shall stand repealed:

Provided that-

- (i) such repeal shall not affect the previous operation of the aforesaid notifications, circular or orders.
- (ii) any thing done, action taken, order passed or instruction issued under the notifications, circulars or order so repealed shall be deemed to have been done, taken, passed under these rules, in so far as such thing, action, order is not inconsistent with the provisions of these rules.

GC population divide in Rural/Urban areas as a proportion of population of the state.

STATE	Rural	Urban	Total
Andhra Pradesh	63	37	100
Assam	86	14	100
Bihar	82	18	100
Chattisgarh	41	59	100
Delhi	7	93	100
Goa	53	47	100
Gujarat	57	43	100
Haryana	63	37	100
Himachal Pradesh	87	13	100
J & K	70	30	100
Jharkhand	51	49	100
Karnataka	58	42	100
Kerala	73	27	100
Madhya Pradesh	51	49	100
Maharashtra	45	54	100
Manipur	64	36	100
Meghalaya	50	50	100
Mizoram	40	60	100
Nagaland	18	82	100
Orissa	67	33	100
Punjab	57	43	100
Rajasthan	57	43	100
Sikkim	52	48	100
Tamilnadu	1.75	98.25	100
Tripura	75	25	100
Uttar Pradesh	64	36	100
Uttarakhand	55	45	100
West Bengal	63	37	100
A & N Islands	67	33	100
Chandigarh	46	54	100
Dadra & N Haveli	33	67	100
Daman & Diu	44	56	100
Lakshadweep	26	74	100
Puducherry	72	28	100
All India	63	37	100

Source: NSSO 61st round, 2004 GC as a measure of GC in every district, applied to Census 2001 population figures

## Annexure - 19

Sector wise percentage of population having MPCE below the average MPCE (state/sector)								
STATE	RURAL				URBAN			
	GC	OBC	SC	ST	GC	OBC	SC	ST
Andhra Pradesh	48.6	66.1	76.7	86.2	57.1	76	78.5	88.6
Arunachal Pradesh	68.4	75.7	3	61.7	60.3	10.7	84.1	63.7
Assam	58.3	53.2	63.3	48.7	59.2	77.5	75.5	83.7
Bihar	39.6	57.6	82	65.6	41.7	76	80.7	67.7
Chattisgarh	57.8	65.5	64.5	81.1	48.4	78.7	77.9	73.4
Delhi	47.5	84.1	77.3		51.5	88	93.7	69.2
Goa	63.2	91.9	100	49.8	66.3	87.9	87.6	
Gujarat	32.9	71.1	74.6	77.5	52.6	83	80.1	72.5
Haryana	50.8	73.6	90.4	24.5	53.4	86.1	91.5	28.1
Himachal Pradesh	61.3	66.3	83.9	71.9	58.1	93.3	75.4	67.1
Jammu & Kashmir	63	64.6	67.7	85.6	59.2	79.6	79.3	5.4
Jharkhand	54	57.9	68.9	71	40	72.8	80.4	78.2
Karnataka	59.7	67.7	81	78	51.9	76.3	82	87.9
Kerala	58.8	71.5	86.1	93.7	49.1	73.9	93.4	47.8
Madhya Pradesh	37.2	57.9	72	84.5	52.4	81.7	83.9	68.7
Maharashtra	55.6	65.2	80.8	87.5	58.2	76.1	80.9	77.7
Manipur	56.2	48.8	81	78	55.2	64.4	59.4	44
Meghalaya	66.1	30	59.7	60.7	52.2	82.1	37.9	61.3
Mizoram	100	87	68.5	62.7	43.2	100	36.1	62.4
Nagaland	40	95.8		64.9	64.5	90.4	87.5	56.3
Orissa	41	58.6	69.4	87	50.9	70	87.7	84.2
Punjab	43.2	65.7	83.6	71.5	56.7	86	88.5	85.8
Rajasthan	51.9	59	75.5	85.7	51.9	80.5	84.3	64.9
Sikkim	42.2	65.2	59.8	69.7	56.7	77.5	81.1	46.1
Tamilnadu	43.6	66.4	83.1	80.8	26.6	67.5	86	81.9
Tripura	55.8	54.4	60.1	71.5	59.9	76.3	83.1	52.6
Uttarakhand	62.2	64.1	79.5	81.5	56.6	78.3	82.9	90.3
Uttar Pradesh	53.3	67.5	78.6	76.6	54.2	75.3	81.6	75.6
West Bengal	62.7	54.4	70.6	83.2	61	71	85.3	74.4
A & N Island	67.5	85.4			70.3			29
Chandigarh	48.6	73.6	43.8		50.9	69	88.3	100
Dadra & N Haveli	14.7	21.7		72.3	55.2	31.7	100	78.7
Daman & Div	43.9	97.1		79.3	70.2	81.9	34.4	57
Lakshadweep		100	100	59.9	37.4	71.3		69.4
Puducherry	19.5	52.1	84.6		26.6	65.6	97.3	100
All India	53.3	64.1	77.4	79.6	54.5	75.4	84	74.3

**WELFARE SCHEMES FOR SAFAIKARAMCHARIS:**

**1. SELF EMPLOYMENT SCHEME FOR REHABILITATION OF MANUAL SCAVENGERS (SRMS)**

The scheme intends to enable the manual scavengers and their families for rehabilitation in a time bound manner.

The salient features of the Scheme are:

- i) Liberal provisions for Loan, subsidy and Micro Financing;
- ii) Greater emphasis on capacity building provision of monthly stipend of Rs. 1000/- as a measure of social security; Training for job/Self Employment up to one year.
- iii) Flexibility in choice of executing agencies at different levels
- iv) Emphasis on training for Job employment in organized sector.

Scavengers and their dependents irrespective of their income, who are yet to be provided assistance for rehabilitation under any scheme of Government of India/ State Government will be eligible for assistance. Definition of scavengers means "one who is partially or wholly engaged in the obnoxious and inhuman occupation of manually removing night soil and filth." The identified scavengers will be provided training, loan and subsidy. Credit will be provided by the banks which will charge interest from the beneficiaries at the prescribed rates under the scheme.

The States in the country has been divided by Ministry of Social Justice and Empowerment among National Safai Karamcharis Finance and Development Corporation, National Scheduled Caste Finance & Development Corporation, National Backward Class Finance & Development Corporation and National Handicapped Finance & Development Corporation for providing assistance under SRMS. The division is as follows:-

Name of the Agencies	States to which assistance is provided under SRMS by the agency
NATIONAL SAFAI KARAMCHARIS FINANCE AND DEVELOPMENT CORPORATION (NSKFC)	Andhra Pradesh, Gujarat, Jharkhand, Karnataka, Madhya Pradesh, Maharashtra, Meghalaya, Nagaland, Orissa, Pondicherry, Rajasthan and Tamilnadu.
NATIONAL SCHEDULED CASTE FINANCE & DEVELOPMENT CORPORATION (NSFC)	West Bengal, Himachal Pradesh, Assam, Bihar, Kerala, Chhattisgarh, Haryana and Punjab
NATIONAL BACKWARD CLASS FINANCE & DEVELOPMENT CORPORATION (NBCFC)	Uttar Pradesh, Uttarakhand and Jammu & Kashmir
NATIONAL HANDICAPPED FINANCE & DEVELOPMENT CORPORATION (NHFC)	Delhi

### Kind of Loan

Both Micro financing (upto Rs. 25000/-) and Term Loan (Up to Rs. 5 Lacs) will be provided at concessional rates of interest. Micro financing will be done through Self Help Groups (SHGs) and reputed non-Government Organization (NGOs).

#### Kinds of Schemes:

- i) The beneficiaries are free to select any viable income generating self employment project.
- ii) Given below is the indicative list of project which are usually selected by the beneficiaries which are sustainable and have a good potential of regular income:

S.No.	Projects	Initiative cost of the project
1.	Fruit & Vegetable, Vendor & Meat shop, Paan Shop, Watch repairing etc.	Upto Rs. 25000/-
2.	Barber shop, Tailoring shop, Flour Mill, Bicycle Hiring & Repairing, PCO/STD Booth	Rs. 25001 to Rs. 50000/-
3.	Authorickshaw (petrol), Automobile repair shop, PCO Photocopier Booth, General provision Store Beauty parlour and Music store etc.	Rs. 5001 to Rs. 1 Lac
4.	Transport, Denting & Painting of vehicles and Rs. 1,00,001 to Domestic gadgets, Laundry & Dry cleaning Shop, Rs. 5,00,000 each Sanitary & Hardware Shop, Servicing & Repair of Domestic electric appliances, Tent House, B and party, Ready made Garment shop, Agriculture and allied activities, Tractor, trolley, Poultry Farming etc.	Rs. 1,00,001 to Rs. 5,00,000/- each

#### Rate of Interest:

The rate of interest chargeable from the beneficiaries:

- a) For Project up to Rs. 25000/- 5% per annum and 4% (for women)
- b) For Project above Rs. 25,000/- 6% per annum

#### Credit Linked Capital Subsidy

Credit linked capital subsidy will be provided up front to the beneficiaries in a called manner:

- a) For Projects costing upto Rs. 25000/- @ 50% of the project cost.  
 b) For projects costing more than Rs. 2500/- @ 25% of the project cost-  
 (minimum subsidy of Rs. 12500/- and maximum of Rs. 20,000/-)

## II. SCHEMES OPERATED BY NATIONAL SAFAI KARAMCHARIS FINANCE AND DEVELOPMENT CORPORATION (NSKFDC)

The prime objective of NSKFDC is to empower the Safai Karamcharis including Scavengers and their dependents who are generally improvised to break away from their traditional occupation and take up alternative occupation. NSKFDC operates through State Channelising Agencies (SCA).

### Schemes of NSKFDC

	Scheme and Amount of Loan	Interest chargeable from Beneficiaries
1)	General Term Loan upto Rs. 5 lakhs	6%
2)	Scheme for sanitation related activities like vacuum loader garbage disposal vehicle loan upto Rs. 10 lakhs	6%
3)	Education loan upto Rs. 3.00 lacs	6%
4)	Micro Credit Finance up to Rs. 30,000/-	5%
5)	Mahila Samridhi Yojana upto Rs. 30,000/-	4%

United Progressive Alliance Government has released interest free amount of Rs. 165 crores to NSKFDC during 2007-2008 and in previous years, an amount of Rs. 159.99 crores has been released to Corporation.

### Target group for these schemes

- The target groups of the Corporation are "Scavengers" which means persons wholly or partially employed for manual handling of human excreta and their dependents and "Safai Karamcharis" which means persons engaged in or employed for any sanitation work and their dependents.
- No income limit is fixed for availing financial assistance. However, other things being equal, the Corporation accords priority to the economic development and rehabilitation of

- i) Scavengers, and amongst Scavengers, those whose income is below double the poverty line;
- ii) Women from among the target group and
- iii) Disabled persons among the target group.

This Corporation has now been given an important role under the latest Self Employment Scheme for Rehabilitation of Manual Scavengers (SRMS), along with other agencies like NSFDC, NBCFDC and NHDC by Ministry of SJ&E for rehabilitating the manual scavengers.

**III. INTEGRATED LOW COST SANITATION (ILCS)**

The scheme was introduced in 1980-81. It envisages conversion of dry latrines into low cost twin pit sanitary latrines and liberation of scavengers through total elimination of manual scavenging.

On the recommendations of this Commission the scheme has now been revised and detailed guidelines issued which inter-alia includes:

1. Detailed and genuine survey on the number of dry latrines in each District/town/city (the emphasis been on genuine figure) in a time bound manner, framing of project by the State Governments, its clearance both at State and Central level, earmarking of funds for the State Governments, better funding pattern, increase in the cost of construction with a given time frame.
2. Central subsidy will be 75%, State subsidy 15% and beneficiary share 10%. The State Government's can contribute beneficiary's share from their State funds.
3. The cost of the structure will be Rs. 10,000/- in town and in difficult and hilly areas Rs. 12,500/-
4. Coordination Committee in the Ministry of Housing and Urban Poverty Alleviation will finally give the approval.
5. The implementation of the scheme will be directly done by the Ministry and monitoring has now been made integral part of the scheme.

**IV. INTEGRATED HOUSING & SLUM DEVELOPMENT PROGRAMME (IHSDP)**

Integrated Housing & Slum Development Programme aims at combining the schemes of VAMBAY and National Slum Development Programme (NSDP) for having an integrated approach in providing better housing to the urban slum dwellers who do not possess adequate shelter. The objective is to strive for holistic slum development with a healthy and enabling urban environment by providing adequate shelter and basic infrastructure facilities to the slum dwellers of the identified urban areas. The target group under the scheme is slum dwellers from all sections of the community through a cluster approach. Allocation of funds among States will be on the basis of the States Urban Slum population to total slum population in the country. The safai karamcharis are also covered under this programme.

V. PRE-MATRIC SCHOLARSHIP TO THE CHILDREN OF THOSE ENGAGED IN UNCLEAN OCCUPATIONS i.e. SCAVENGING, TANNING AND FLAYING APPLICABLE WITH EFFECT FROM 1.4.2003

The object of the scheme is to provide financial assistance to enable the children of scavengers of dry latrines, tanners, flayers and sweepers who have traditional link with scavenging to pursue pre-matric education. The scholarship will be given to students enrolled in schools/institution which have been duly recognized by the concerned State Govt. and Union Territory Administration in Class I or any subsequent class upto matric stage in the case of day scholars, and in class III or any subsequent class upto matric stage in case of hostellers which will terminate at the end of Class X. The scholarship in an academic year is ten months.

The scheme will be funded on co-sharing basis; i.e. 50% of the total expenditure will be borne by the Government of India as Central Assistance (over and above the committed liability) and 50% by the concerned State Govt. The Union Territory, will however, be provided 100% Central Assistance (over and above the committed liability).

*Coverage, value of scholarship and ad-hoc grant*

Item	Coverage	Value of Scholarship
Hostellers	Class III to VIII	Rs. 300/- per month or 10 months
	Class IX to X	Class IX to X
Day Scholars	Class I to V	Rs. 40/- per month or 10 months
	Class VI to VIII	Rs. 60/- per month or 10 months
	Class IX to X	Rs. 75/- per month or 10 months
Adboc Grant	The day scholars and hostellers are eligible or an adhoc grant of Rs. 550 and Rs. 600/- per student per annum respectively.	

The scheme will be announced by the concerned State Government/ Union Territory Administration well in time, by giving advertisements in the leading language newspapers local dailies and by using other suitable publicity media.



Welfare schemes being implemented by the Madhya Pradesh State General Poor Classes Welfare Commission (Madhya Pradesh Rajya Samanya Niradhan Varg Kalyan Ayog):

Details of the schemes are as under:

1. **General Poor Classes Scholarship scheme:** - The scheme is intended to cover children who are studying in Govt school in classes VI, VII and VIII. The boys receive annual scholarship of Rs. 200 and girls Rs. 300. During the year 2008-09, Rs. 3.16 crores were disbursed to 1,23,516 students.
2. **Swamy Vivekanand Pre-matric Scholarship Scheme:** - The students pursuing studies in classes IX and X are provided scholarship @ Rs. 300 per annum for boys and Rs. 400 per annum for girls. During the year 2008-09 Rs. 75 lakhs were made available to 21,334 students.
3. **Swamy Vivekanand Post-matric Merit Scholarship Scheme:** - Scholarship is disbursed to those meritorious students, studying in class XI and XII who have passed class X and XI in first division. Boys receive Rs. 500 per annum and girls Rs. 550 per annum. During the year 2008-09, Rs. 31 lakhs were disbursed to 6130 students.
4. **Sudama Stipend Scheme:** - The students studying in class XI and class XII in schools of excellence and residing in Hostel are awarded stipend @ Rs. 500 per month (boys) and Rs 550 per month (girls) for 10 months duration. During 2008-09, 407 students were provided Rs 21 lakhs, as stipend.
5. **Dr. A.P.J. Abdul Kalam incentive scheme for meritorious students:** - Students securing highest marks in class XII of each faculty in each district are given Rs. 5000 each under this scheme. During 2008-09, an amount of Rs. 18 lakhs was utilized among 353 students.
6. **Vikramaditya free of cost education scheme to those pursuing vocational studies:-** No tuition fee is charged to students of general category whose parents annual income does not exceed Rs 42,000 and who have been pursuing studies in Engineering, Medical,

Dental, Ayurvedic, Agriculture, Veterinary, Horticulture and Forestry faculties in Govt. Colleges as well as Polytechnics and Industrial Training institutions. During 2008-09, an amount of Rs. 64 lakhs was utilized on 2306 students.

7. **Distribution of free text books :-** All the students studying in class IX to XII in Govt. schools are distributed text books free of cost. During 2008-09, Rs. 20.46 crores were utilized benefiting 11 lakhs students of general Category.
8. **Virangana Laxmi Bai scheme of distribution of bicycles :-** All the girls students securing admission in class VI not having such schools in their villages are distributed bicycles. During 2008-09, girl students numbering 20,849 were benefited under this scheme costing Rs. 4.67 crores.
9. **Sanjivani Sanskrit language popularizing scheme: -** A post of Sanskrit teacher grade III has been sanctioned for each Development Block in the State for popularizing Sanskrit language. During 2008-09, 224 posts of Sanskrit teachers were sanctioned.

#### Economic Sector

10. **Acharya Vidyasagar cow milk augmentation scheme :-** A scheme for augmentation of cow milk scheme has been launched to provide cows for 10,000 women of weaker and poor class families with the objective of popularizing dairying and raising milk production in the state. During 2008-09 Rs. 2.55 crores were spent for distributing 1254 hybrid indigenous cows.
11. **Ma Saraswati scheme of providing loan guarantee for higher education:** A target of 200 students was set in 2008-09 for providing loan guarantee to students for securing loan for pursuing higher education, technical and medical education.

In short, during the span of one year i.e. 2008-09, Govt of M.P. spent an amount of Rs. 32.95 crores benefiting 12.75 lakhs beneficiaries belonging to the general poor category.