

Issues of Other backward Classes (OBCs)

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Introduction:

- Since **2002**, the issue of **sub-categorisation** of **Other Backward Classes (OBCs)** within the larger caste grouping has been a heated issue, leading to **political tensions**, especially near the election period.
- There has been a stir in various states like Bihar, and Uttar Pradesh to study the caste dynamics and caste interplay which house a dominant OBC population.
- The priority is given to a caste census to determine the numerical standing of each caste group for better serving the people of India.

Who are the Other Backward Classes (OBCs)?

- The expression 'OBC' was coined to denote backward/ marginalised communities and castes that were not **Scheduled Castes (SCs)** or **Scheduled Tribes (STs)**.
- It is recognized that **social backwardness** in India has traditionally been a direct consequence of caste status and that other types of backwardness have flowed from this system.
- The Indian Constitution mandates affirmative action for OBCs under **Article 15(4)** and **Article 16(4)** to provide special provisions and reservations to uplift socially and educationally backward classes.

- **Article 29 (2)** states for non-discrimination with regard to admission into state educational institutions on grounds of religion, caste, etc.
- This shall prevent the State from making **any special provision** for the advancement of any **Socially and Educationally Backward** Classes of citizens.

Why is there further discrimination among OBCs?

- OBCs have been generally identified on the basis of their occupation: cultivation of own land, tenant farming, agriculture labour, cattle-rearing, pottery, carpentry, blacksmith, oilseeds crushing, etc.
- Many castes among the OBCs are at **different levels** of **marginalization** by emergence of two broad categories within the OBCs- those who own land (like Yadavs and Kurmis in Bihar and Uttar Pradesh), and those who do **not**.
- The demand for reservation for the “**backwards among OBCs**” has increased owing to a few “**upper**” OBCs having grabbed most of the benefits of the **27% reservation**.
- Reservation in India emerged through the implementation of the **Mandal Commission** recommendations **more than 30 years ago (1990)**.

What can be the impact of OBC classification?

- The Bihar caste survey identified **27%** of the population as backward, and 36% as **Extremely Backward Classes, or EBCs**.
- Based on this, two lists of OBCs were released by Bihar government in 1951, which was declared unconstitutional by the Patna High Court.
- The **Mungeri Lal Commission (1970)**, named 128 “backward” communities, 94 of which were identified as “most backward”.
- Its recommendations were implemented through the **Karpoori Thakur Formula** and provided 26% reservation, under the **categories OBC**, economically backward classes among the OBCs, women got 3%, and the upper castes poor.
- The **upper OBCs** and **backward OBCs** (mainly artisan castes) were divided as BC-I, BC-II, and OBC Women.
- Like the **EBCs**, a **category** of “**Mahadalits**” has been identified among the Scheduled Castes.

Appointment of OBC Commissions:

First OBC Commission:

- The panel, headed by **Kaka Kalelkar**, was constituted by the government in **1953**, and submitted its report in **1955**.
- It adopted the following **criteria** to **identify** socially and educationally backward classes-
 - Low social position in the traditional caste hierarchy of Hindu society;
 - Lack of general educational advancement among the major section of the caste/ community;
 - Inadequate or no representation in government service;
 - Inadequate representation in trade, commerce and industry.
- This prepared a list of 2,399 backward castes or communities in the country, categorized 837 of

them as “**most backward**”.

- It **recommended** for **enumerating castes** in the 1961 census, providing 25-40% reservation at different levels of government jobs, and 70% reservation for admission to technical and professional institutions.
- The report was **never discussed in Parliament** and never implemented as the government decided that any all-India list drawn up by the Central Government would have no practical utility.

Second OBC Commission:

- The **B P Mandal Commission** was appointed in **1979** but its implementation was announced only in 1990 by the government.
- It identified 3,743 castes and communities as OBCs, estimated their population at 52%, and recommended **27%** reservation in government jobs and admissions to all government-run scientific, technical, and professional institutions.
- **No subcategories** were recognized within the **27% OBC** quota, but one of the members recommended OBC split into intermediate backward classes and depressed backward classes.
- The government stated that within the **27% reservation for SEBCs**, preference shall be given to candidates belonging to the poorer sections of the SEBCs.
- The quota has always been implemented by treating the **entire OBC population as one block** after excluding the “**creamy layer**” of affluent candidates on the basis of criteria fixed after a Supreme Court ruling under **Indra Sawhney vs Union of India case, 1992**.
 - If the **income of parents** is drawn from salaries or income from other sources (other than **salaries and agricultural**) and **exceeds the limit of Rs. 2.5 lakh** per annum for **three consecutive years**, their children shall be treated to fall in creamy layer.

What are the Subcategories in states?

- State governments have applied their own criteria to distribute quota benefits among the various categories of OBCs, before the Mandal recommendations were implemented at the Centre.
- Different states consider different sub- categories of division for OBCs like Aboriginal tribes, **vimukt jatis**, **nomadic** and **semi-nomadic** tribes, **Professional group** like tappers, weavers, carpenters, etc; SC who were converted to other religions, etc.
- Some states favoured caste census for better understanding of numerical strength and formulating planned welfare policies.
- The **Social Justice Committee** was appointed in **Uttar Pradesh** to subcategorize SCs and OBCs to **provide quotas within quotas**.
- The **Hukum Singh Committee** declared Yadavs as ‘forwards’ among backwards and ranked them more influential communities like Jats below them, and put Jatavs at the top among SCs.
- The report was challenged before the Supreme Court, which cancelled its implementation.
- The **bid for sub-categorization** aimed to cater **land-owning OBCs** who were deserted earlier and led shift of power to the backward and most backward castes.
- The Ministry of Social Justice and Empowerment has asked the **National Commission for Backward Classes (NCBC)** to examine the matter of subcategorization of OBCs in the central list.
- NCBC headed by **Justice V Eswaraiah**, suggested that OBCs should be subcategorized into Extremely Backward Classes, More Backward Classes, and Backward Classes.
- The **recommendation was not implemented** and, a new commission was constituted in 2017,

under **Justice G Rohini**, the recommendations of which are yet to be made public.

Conclusion:

The enumeration of castes and sub-categorization OBCs would ensure equity in the distribution of reservation benefits, but may lead to deepening social inequalities among different stakeholders.