

K. S. Kalelkar Committee's Self- Abnegation and the Conundrum of Backward Classes in India

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Abstract

This paper examines the discourse surrounding the concept of backwardness and reservation policies for backward classes in post-independent India. It analyses the provisions related to Other Backward Classes (OBCs) in the Indian Constitution, highlighting their inadequacy in addressing the extent of deprivation and exclusion faced by these groups. The paper also explores the historical evolution of the discourse on backwardness and reservation, including the role of influential figures such as Ambedkar, Shahu Maharaj, and others. Additionally, it discusses the formation of the first Backward Classes Commission, chaired by Kaka Saheb Kalelkar, and examines its recommendations for addressing social and educational backwardness. The findings shed light on the challenges and inconsistencies in the discourse surrounding backwardness and reservation policies in independent India. The contents of this paper are drawn upon from the ICSSR sponsored national research project titled "Status of Reservation Policy: A Study of Higher Educational Institutions in Bihar" (F. No. 02/151/2016-17/RP).

Keywords: Backward Castes/Classes (OBCs), Reservation, Constitution of India, Kalelkar, Bihar, Higher Education, Ambedkar, K. M. Munshi

Introduction

The provisions of OBCs are enumerated in Parts III and IV of the Indian Constitution's Fundamental Rights and Directive Principles of State Policy respectively. However, they are considered "scanty, meager, inadequate, and not commensurate with the extent of their deprivation, exclusion, and exploitation" (Rao, 1967, p. 5). Jaffrelot observed that Ambedkar was concerned that a "clear-cut definition of OBCs would transform them into an all-powerful social coalition involving the bulk of the society" (Jaffrelot, 2003, p. 217). He could not be objectively explained, but this apprehension led to a critical status for OBCs and created future tumult in the society. The Constitution makers defined backward classes and castes only conceptually as "socially and educationally backward classes of citizens" - which became Clause 4 of Article 15 of the Indian Constitution after the first Constitution amendment. During this amendment, Ambedkar clarified the meaning as "Bakras and Baccus collective" (a collection of certain castes), while Nehru was less specific (Jaffrelot, 2003, p.220). In 1951 Cabinet "I was very sorry that the Constitution did not embody any safeguards for the Backward Classes. It was left to be done by the Executive Government on the basis of the recommendations of the Commission to be appointed by the President. More than a year has elapsed since we passed the Constitution. But the Government has not even thought of appointing the Commission." (Ambedkar 2014. p-1319).

B.R. Ambedkar could visualize the future problems concerning the reservation policy for the backward classes. However, K.M. Munshi and Ambedkar, as members of the Constituent Assembly, could have insisted on the inclusion of the term "backward" in Article 296 of the draft Constitution. Rao argues that: "The initial and original corresponding draft article was 296, and it was meant and designed for the benefit of minorities exclusively. But in the changed circumstances of partition of India, Dr. Ambedkar, in the capacity of Chairman of the Drafting Committee, apparently with tacit consent of and understanding with the decisive forces in the Constituent Assembly, revised the original draft Article 296 by replacing religious Minorities only with SCs and STs. In that context Guptanath Singh, a member of Constituent Assembly requested Dr. Ambedkar and K. M. Munshi for inclusion of Backward Classes also in the Draft Article 296. They accepted it but finally BCs were not included in the draft Article 296. The present Article 335 (Corresponding to draft Article 296) is directly connected to Article 16(4) that enables the State for providing reservation of appointments or posts in favor of any Backward Class of citizens who in the opinion of the State are not adequately represented in the services under the state. The phrase used under Article 16(4) is 'any Backward Class of Citizen' which did not distinguish between SCs, STs and OBCs, while Article 335 does distinguish between SC and ST as one category that found place in the said article entailing them for Additional privilege as against the excluded OBCs. There is inconsistency and incongruity between these Articles" (Rao 1967, p.14).

Such inconsistency, leaving the question of backwardness up to the decision of states, has certainly created problems for the OBCs. Rao further highlights that, "the OBC empowerment process has suffered a serious setback for several decades in facing perpetual and repeated litigation on the definition, interpretation and identification of 'backward classes' on which several judgments of the higher judiciary have never spoken in one voice" (Rao 1967, p.9).

However, the discourse on backwardness and reservation for backward classes has had its own historical evolution, in which the role of Shahu Maharaj, Periyar, Ambedkar and other Bahujan thinkers have been important. The Non-Brahmin Manifesto of 1916 highlighted that Brahmin, who constitute only 3% of the population, have monopolized 85 to 94% of the opportunities in politics, employment and educational institutions, and expressed apprehension at home rule a self-rule. Later in 1917, a Confederation of Non-Brahmins passed a resolution demanding proportional representation in the self-rule system. It is to be noted that the Justice Party won the 1919 election and set the tradition of reserving seats for non-Brahmins. Pressure in the Lucknow Pact of 1919 caused Congress to grant separate electorate to Muslims, but the same was not conceded to the backward classes until 1932.

In the late 1910s, both demand and opposition for the rights of representation of backward classes were becoming more prominent. B. G. Tilak raised the question in 1917 at Athani, "would the tailors use a machine, the peasants, a plough, and the merchants a scale of balance in the council?" (Salunkhe: 1994, p.370). Tilak was clearly anti-backward classes and very casteist. Similar attitudes against reservation for OBCs could be witnessed in the Constituent Assembly of India as well as in post-independent legislations under Articles 16(4), 335 and 340, and in the politics of the Backward Classes Commissions and their recommendations. Due to these constitutional provisions, the All-India Backward Classes Federation was established on January 26, 1950.

In short, the provisions for Other Backward Classes (OBCs) in the Indian Constitution, found in the sections on Fundamental Rights and Directive Principles of State Policy, are considered insufficient and inadequate. The lack of a clear definition of OBCs has led to uncertainty and controversy. The Constitution makers, including Ambedkar, did not include specific safeguards for backward classes, leaving it to the executive government to address through commissions and recommendations. There have been inconsistencies and incongruities in the treatment of Scheduled Castes (SCs), Scheduled Tribes (STs), and OBCs in the Constitution, resulting in ongoing litigation and a setback in the empowerment of OBCs. This led to the establishment of the All-India Backward Classes Federation in 1950 as well as the first Backward Classes Commission in 1953 to review the status of Backward Classes and recommend plans for reservation.

The First Backward Classes Commission, (1953-1955): Kaka Kelkar Committee

The first All-India Backward Classes Commission was appointed by the President of India on 29 January and was formally inaugurated on 18 March, 1953. The Commission, chaired by Kaka Saheb Kalelkar, took two full years to prepare its report and was submitted on 3 March, 1953. The Commission was appointed for the following major purposes:

- a. "To determine the criteria to be adopted in considering whether any sections of the people in the territory of India (in addition to the Scheduled Castes and Scheduled Tribes specifically by notifications issued under Articles 341 and 342 of the Constitution) should be treated as socially and educational backward classes; and, in accordance with such criteria prepare a list of such classes setting out also their approximate numbers and their territorial distribution.
- b. investigate the conditions of all such socially and educationally backward classes and the difficulties under which they labor: and make recommendations
 1. as to the steps that should be taken by the Union or any State to remove such difficulties or improve their condition; and
 2. as to the grants that should be made for the purpose by the Union or any State and the condition subject to which such grants should be made
- c. investigate such other matters as the President may hereafter refer to them; and
- d. present to the President a Report setting out the facts found by them and making such recommendations as they think proper" (Kaka Kalelkar Committee Report [1980] 2019, p. 2)

Conceptual basis of Backwardness

The Commission prepared a list containing as many as 2,399 communities which were treated as socially and educationally backward. Out of these communities, 913 alone had an estimated population of 115 million and 837 were classified as 'most backward' (Government of India, Mandal Commission Report [1980] 2019, p.1). This number was derived after discussing the conceptual base for determining the criteria, reason, and the social composition of what should be termed as a "backward" class. The first point of this was to dissociate backwardness, of any social form, with fate. This disassociation, as Kalelkar argued, resulted mainly from the assertion of the leaders representing the backward community. But what remained uncertain were the primary criteria to identify the parameters of backward classes. Though Kalelkar proposed that caste is the sole factor resulting in discrimination and unequal treatment, he was not in favor of using caste as a parameter for identifying the backward classes. He believed transcending the barriers of caste would help probe economic and social backwardness across communities of varied castes

and religions, resulting in a more inclusive society where one caste would not be pitied against the other (Kaka Kalelkar Committee Report [1980] 2019, pp. Vi, xxi, xxii). This line of thinking is evident in the way backwardness has been evaluated in non-Hindu communities.

It was anticipated that, if the traditional caste system was taken into consideration, this would do more harm than good to the nation. It was suggested that the Commission could recommend concessions for groups not associated with a caste or sub-caste, but rather, with common hereditary occupations or common professions. Such concessions may be granted to Chamars not because they belong to any caste or sub-caste, but because they have persisted in a particular trade or profession. If it can be affirmed that a certain community has been following a particular trade for a specified minimum number of years, they might be provided extra resources for teaching that profession. There should be a clear refusal to recognize a group or provide any benefits on the basis of any observation of caste (Kaka Kalelkar Committee Report [1980] 2019, p. 41).

Social backwardness, in other words, was not measured only through the ill effects of the caste system. Similarly, educational backwardness was not causally linked with social backwardness. Giving examples of Muslims, Sikhs and Namdharis, the Report observes that many socially and economically well-off communities rejected the British education system on patriotic grounds (Kaka Kalelkar Committee Report [1980] 2019, p.42). Furthermore, rejecting one single rigid notion of literacy and education, the Report argued:

“For instance, a major section of the traditional trading communities is not educationally advanced in the modern sense of the term though they occupy prominent places in trade, industry and commerce. In the past literacy was not absolutely essential for education and culture. Some of the Brahman scholars of olden times though learned in the Vedas and Vedanta were unable to sign document. Literacy in those days was recognized as the special concern mainly of the ‘Kayasthas’, although Brahmans generally speaking were literate. We found many illiterate Brahmans in Himachal Pradesh, in the hilly areas of Uttar Pradesh and in Bankura district of West Bengal, but occupying socially a top place in the caste hierarchy” (Kaka Kalelkar Committee Report [1980] 2019, p. 42).

Rather than relying on any specific parameter, the report tried to determine backwardness in a manner which was not based solely on any one criteria of caste, economic, gender, social or educational inequality. The Kalekar Committee distinguished between backward and non-backward classes using two columns to show the antithesis between backward and non-backward communities. Beginning with women and manual labourers working under the sun, landless labourers, unskilled labourers, people with insufficient capital, limited resources, no capacity for self-improvement, or uneducated parents, and those who believed in superstition were kept under the category of backward people. On the contrary, men, residents of urban areas, landed peasants, skilled labour, those enjoying modern amenities, having adequate resources, and belief in science and rationality were seen as non-backward (Kaka Kalekar Committee Report [1980] 2019, pp. xiv, xv).

Thus, the report emphasized different improvements necessary for uplifting the backward classes. For instance, the Kalelkar Committee observed the need for special assistance with education for women and

the need for security of leave during periods, pregnancy, and childbirth (Kaka Kalelkar Committee Report [1980] 2019, pp. xvi). Additionally, the Report noted that better communication, healthcare, and education in rural areas, as well as the importance of using hands and minimizing the income gaps between manual and skilled laborers, was an important factor for improving the conditions of Backward Classes. One remedy common to every type of community was the need for education. Kalelkar, observing the significance of education for laborers, retorted: “All labor should be educated labor. The laboring men should be able to read and write, enjoy and understand the newspapers of the day” (Kaka Kalelkar Committee Report [1980] 2019, pp. xvi).

Policy Measures for Backward Classes

To work on these measures, the report recommended policy-level amendments. According to the Kalelkar Committee Report, it was important for the Hindu social system "to boldly shed away its undesirable features" (Kaka Kalelkar Committee Report [1980] 2019, pp. 100–106; emphasis added). The political leaders had to play an important role in this process of achieving equality and harmony. Thus, the report, amongst other factors, recommended effective implementation of the policy of social solidarity; necessary legislation on marriage and inheritance laws; prohibition of any kind of social disability by law; allowing free expression of the media; and re-organization of the educational system with special emphasis on the dignity of manual labor (Kaka Kalelkar Committee Report [1980] 2019, pp. 101–106). Similarly, for eradicating educational backwardness, changes were recommended both at the primary level (the introduction of basic schooling to replace the orthodox education for children between six and fourteen years of age) and at the university level.

The teachers for the basic schools should be drawn from the artisan and occupational communities in the rural areas. They must be trained in general education and then posted as teachers. The establishment of basic schools should be done in a planned manner, and central villages should be selected to house the senior basic schools, ensured that they can serve all the feeder villages within a five-mile radius (Kaka Kalelkar Committee Report [1980] 2019, p. 109).

Reservation in Educational Institutions

At the university level, the report recommended the setting up of special residential institutions of a university grade to transcend the negative effects of caste and other regional discrimination. Furthermore, recommendations were made to provide scholarships in all states for the benefit of students belonging to the Other Backward Class. Additionally, reservation should be given in different technical and scientific streams for the students of OBC.

1. In all Science, Engineering, Medicine, Agriculture, Veterinary and other technical and technological institutions, a reservation of 70 percent of seats should be made for qualified students of backward classes till such time as accommodation for admission. The remaining 30 percent as also all seats unavailed of by backward classes should go to the rest of the students
2. In making selection to the reserved quota of seats, qualified candidates from extremely backward classes should be taken into consideration first, and in making distribution, the principle of favoring the lower of the two claimants among the candidates from the various communities should be followed

3. A Selection Committee consisting of some of the representatives of all communities (not necessarily, of the backward alone) should be set up to assist the educational authorities in the selection of deserving candidates.

Reservation in Government Services

The Commission recommended reserving OBCs in government services. It maintained that reservation should be met through the exercise of rigorous competitive exams, making certain that merit is not impeded. The Commission also noted that, in technical areas where the focus is on skills, the most competent candidates should be chosen and given training for one or two years to meet the requirements of the job (Kaka Kalelkar Committee Report [1980] 2019, p. 206). It concluded that the minimum grounds to provide reservation to OBCs in all Government and Local Body Services should be 25 percent for Class I; 33-1/3 per cent for Class II; and 40 percent for Class IV (Kaka Kalelkar Committee Report [1980] 2019, 205). Review for this should come after a span of ten years, as informed by the newest available census data.

Kalelkar's Self Abnegation and Nehru's Dent

The report was submitted on September 3, 1956, though the Commission tried to give a multifaceted criterion for backwardness for both Hindu and non-Hindus. Its decision was not unanimous, as Kaka Kalelkar voiced his non-satisfaction with caste being the criteria for understanding backwardness in the preface of the report. Unable to clearly define backwardness, the report was not accepted by the Government of India owing to the intrinsic nature of the caste system in India and the difficulty of deciding a condition of backwardness without taking the caste factor into account. As Marc Galanter notes, there was dissatisfaction with both the criteria and the conclusions. He illustrated that the caste criteria made it difficult to define backwardness in non-Hindu communities and the caste system posed as a "greatest hindrance in the way of our progress toward an egalitarian society", furthermore noting that "the recognition of specified castes as backward may serve to maintain and perpetuate the existing distinctions on the basis of caste" (Galanter 1978, p. 1817).

Nevertheless, the list prepared by the Committee recognizing 2,399 castes as backward had no validity, as it was not based on any field survey or any concrete, unanimous logic for determining their backwardness. Three of the members of the Committee did not agree that caste should determine a person's backwardness and opposed reservation on that basis. One of the members strongly argued for making caste the basic criterion in a 67-page note. Ultimately, the Committee submitted a report recommending reservations; however, the chairman Kaka Kalelkar himself wrote 30 pages urging the President to reject the provision for reservations and having invalidated the purpose of the committee and its recommendations. Rao notes that the extracts from Kalelkar's forward include that: "My eyes were however opened to the dangers of suggesting remedies based on caste... This was a rude shock and it drove me to the conclusion that the remedies we suggest were worse than the evil we were out to combat" (Mandal Commission Report [1980] 2019).

Thus, with one stroke of his pen, Kalelkar himself demolished the idea of justice for backward communities. Consequently, the report was not discussed in Parliament, nor was the reservation implemented. On 14th August 1961, the Ministry of Home Affairs stated that "While the state

Government have the discretion to choose their own criteria for defining backwardness, in view of Government of India it would be better to apply economic tests than caste” (Government of India, Mandal Commission Report [1980] 2019, p.2).

On the other hand, Jawahar Lal Nehru, in his letter to all the Chief Ministers dated 27th June 1961, expressed, "But if we go in for reservations on communal and caste basis, we will swamp the bright and able people and become second or third rate. I am grieved to learn how far this business of reservations has gone based on communal considerations. It has amazed me to learn that even promotions are sometimes based on communal or caste consideration. This way leads not only to folly but also to disaster" (Shourie: 2006, p-IX-X). By writing this, Nehru again shows his opposition to the possibility of having reservations for the backward classes; this goes against the Fundamental Right of Article 16 (4), which enables states to "provide reservation of appointments or posts in favor of any backward class of citizens which, in the opinion of the state, is not adequately represented in the services under the state” (Constitution of India, 1949, p.8).

State Governments and Reservation for OBCs

States in India have a long history of helping people from less advantaged backgrounds. For example, Tamil Nadu was the first to start reserving jobs for people from backward classes. This was important because even though only 3.5% of the population was Brahmins, they held 42.2% of the government jobs. On the other hand, the non-Brahmins made up 87.9% of the population but only held 36.5% of those jobs. A similar disparity was prevalent in educational institutions in the Madras presidency as well. As a result, the Madras Revenue Board issued the standing order in 1854 stating that "...endeavor should always be made to divide the appointments in each district among the principal castes” (Veeramani: 1998 pp.5-6).

In 1920, the Justice party came into power and issued the first ‘Communal Order’ on 16 September 1921 in order to ensure the distribution of appointments on the basis of caste and community; however, this did not result in reserving the seats for non-Brahmins in these posts. The first attempts at providing marginal relief to the backward classes were made on 21 November 1947 when the order was revised. Until then, pre-1947 backward class citizens had to compete with the Brahmins in the same lenses without any reserved seats.

Veeramani (1998) explains that G.O. Ms. No. 3437 (dated 21.11.1947) provided marginal relief to the Backward Hindus with two positions out of the cycle of 14 appointments, where other positions were distributed among other categories on similar lines as earlier. This order was later struck down by the Madras High Court, and the government challenged the court order in the Supreme Court; however, the Supreme Court reinstated the decision of the High Court. Consequently, Periyar organized a mass movement and the Union government introduced the first amendment to the Constitution which inserted clause (4) under Art. 15 that enabled provision of reservation in educational institutions (Rao 1998, p. 41). Furthermore, K. Kamraj, the Chief Minister of Tamil Nadu in 1954, issued an order with 25 percent reservation for the backward classes and 16 percent for SCs and STs in 1954. Subsequently, Karunanidhi, Chief Minister of Tamil Nadu in 1969, appointed a Backward Class Commission, and increased the reservation for Backward Classes from 25 percent to 31 percent and 16 to 18 percent for SCs and STs.

Furthermore, M. G. Ramachandran, as Chief Minister, increased the reservation for Backward Classes from 31 percent to 50 percent in 1980 through a government Order. Overall, before the judgement of K. G. Balakrishnan, Tamil was the only state that had implemented 69 percent reservation for Backward classes, Scheduled Castes and Scheduled Tribes, with 31 percent open only for the rest of the categories (Veeramani 1998, pp. 41-42).

Thus, Tamil Nadu has been the unique case in terms of implementing reservation for the longest time to date very successfully. Other states such as West Bengal, Orissa, Karnataka, Madhya Pradesh, Rajasthan, Bihar and Assam, however, could bring out the OBC list before the 1980s. These could have been possible in the Hindi belt due to the farmers' movement and early raising of anti-caste movements, which began in the 1970s. Finally, the most important controversy on the OBC reservation started after the recommendation of the Mandal Commission and V.P. Singh implementing the commission's report in the 1990s.

Conclusion

The provisions for Other Backward Classes (OBCs) set out in Part III Fundamental Rights and Part IV Directive Principles of State Policy in the Indian Constitution have ensured and directed the provision of reservations for the OBCs. However, the lack of a clear definition of OBCs and the omission of safeguards for their representation and empowerment have created a crisis in the status and politics of the OBCs. Dr. B.R. Ambedkar expressed concern about defining backwardness, as this might lead to an all-powerful social coalition. This ambiguity has resulted in ongoing litigation, inconsistent interpretations and confusion surrounding the identification and rights of the backward classes. The role of the Kaka Saheb Kalelkar Committee - the first Backward Classes Commission to put aside caste as the criteria of defining backwardness - to which various anti-reservationists have resorted to in their effort to resolve the issue of backwardness, has been a further boost to the justification of said committee. Jawaharlal Nehru, in a letter to the Chief Ministers in 1961, had also voiced his concerns on reservations being based on communal and caste considerations and warned of a potential compromise on merit.

Nevertheless, Tamil Nadu, even as far back as the 1920s, played a significant part in laying down reservations for the backward classes and other states alike followed suit in the post-Kalelkar era. The recommendations of the Mandal Commission and their subsequent implementation by V.P. Singh in the 1990s further fanned the flames of controversy surrounding OBC reservations.

In conclusion, the issue of identifying true backwardness and dishing out appropriate reservations for the OBCs is a complex one that has resided in Indian historical evolution and requires a precarious balance between the acknowledgement of social and educational backwardness and provision of merit-based opportunities. To achieve equality and harmony, it requires dedicated means of engagement from political leaders, top-down social reform and a comprehensive approach to the upliftment of OBCs so as to create a fair and inclusive society for them.

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