

# Sub-categorisation of OBCs

July 11, 2022

## Manifest Pedagogy:

The government's equitable distribution of OBC reservations will benefit the least advantaged members of the backward classes. Sub-categorizing OBCs is a difficult assignment for the Justice Rohini Commission, but the commission also has a duty to develop a system that is fair and acceptable to the communities within OBCs.

In News: The Centre has extended the tenure of the Commission to examine sub-categorisation of other backward classes (OBCs) headed by former Chief Justice of the Delhi High Court, Justice G Rohini, until January 31, 2023.

Placing it in Syllabus: Polity and Social Justice

## Static Dimensions:

- Background
- Constitutional Backing
- OBC reservation in India.

## Current Dimensions:

- Terms of reference (TOR) of committee
- Why do OBCs want sub-categorisation?
- The extent of inequity and findings of the committee so far
- Significance of sub categorisation
- Challenges of sub categorisation

## Content:

### Background-

- The commission was set up on October 2, 2017 under **Article 340** of the Constitution.
- It was tasked with sub-categorisation of the Other

Backward Classes (OBCs) and equitable distribution of benefits reserved for them.

- The **idea is to** create sub-categories within the larger group of OBCs for the purpose of reservation.

### **Constitutional Backing-**

- **Art 340**– The President may, by order, appoint a Commission consisting of such persons as he thinks fit to investigate the conditions of socially and educationally backward classes within the territory of India and the difficulties under which they labor and to make recommendations as to the steps that should be taken by the Union or any State to remove such difficulties and to improve their conditions.
- **Article 14** of the Constitution guarantees equality before the law. That means un-equals cannot be treated equally. Measures are required to be taken for the upliftment of un-equals to bring them on par with the advanced classes.
- **Article 16 (4)** provides that the State can make any provision for the 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.

### **Why do OBCs want sub-categorisation?**

- In India, OBCs get **27 percent reservation in jobs and education** provided by the Centre.
- The sub-categorisation is being demanded as a handful of total communities get a major chunk of the reserved jobs and seats in educational institutes.
  - For Example- On the one hand, there are powerful land-owning farming communities like Jats, Yadavs, Kurmis who are availing benefits and on the other hand there are large number of numerically small peasant and allied communities such as fish

workers and herdsmen who have little or no land holdings.

- As there is limited data on the population of various subcategories of OBCs, the commission was appointed to collect it.

This is expected to help the government in forming official OBC sub-categories and ensure a more equitable representation of all sub-communities.

### **The extent of inequity and findings of the committee so far-**

- According to 2018 data, just **10 OBC communities have taken the 25 percent** of reserved central jobs and institutional seats.
- Also, 97 per cent of the reserved jobs and seats have gone to 25 percent of OBC sub-castes.
- **Of 983 OBC communities 37% of the total have zero representation in jobs** and educational institutions.
- According to data tabled in Parliament the total number of Group A to Group C employees (including safai karamcharis) was 5.12 lakh. Of these, 17.70% are SC, 6.72% ST, 20.26% OBC (Other Backward Classes), and 0.02% EWS (Economically Weaker Sections).
- In Group-A the representation of SCs is just 12.86%, of STs 5.64% and of OBCs 16.88%. Reservation for these communities is 15%, 7.5% and 27% respectively.
- According to the 2018-19 annual report of the Department of Personnel and Training, OBC recruitment in central jobs is considerably low.
  - For example, there was not a single professor and associate professor appointed under the OBC quota in central universities.
  - Posts reserved for them were being filled by people of general category as OBC candidates were declared 'None Found Suitable' (NFS).

### CENTRAL GOVT EMPLOYEES BY SOCIAL CATEGORY

	TOTAL	SC	ST	OBC	EWS	OTHERS
Group-A	50,068	6,440 (12.86%)	2,826 (5.64%)	8,455 (16.88%)	11 (0.02%)	32,226 (64.58%)
Group-B	1,25,732	20,954 (16.66%)	8,244 (6.55%)	19,829 (15.77%)	5 (0.04%)	76,700 (61.0%)
Group-C (excluding safai karmacharis)	3,22,503	58,744 (18.22%)	22,296 (6.91%)	72,710 (22.54%)	84 (0.03%)	1,68,639 (52.29%)
Group-D (safai karmacharis)	13,722	4,507 (32.72%)	1,056 (7.66%)	2,774 (20.14%)	0	5,435 (39.46%)
<b>TOTAL</b>	<b>5,12,075</b>	<b>90,675 (17.70%)</b>	<b>34,422 (6.72%)</b>	<b>1,03,768 (20.26%)</b>	<b>100 (0.02%)</b>	<b>2,83,110 (55.28%)</b>

#### Terms of reference of the committee-

- To examine the extent of inequitable distribution of benefits of reservation among the castes or communities included in the broad category of OBCs with reference to such classes included in the Central List;
- To work out the mechanism, criteria, norms and parameters in a scientific approach for sub-categorisation within such OBCs.
- To take up the exercise of identifying the respective castes or communities or sub-castes or synonyms in the Central List of OBCs and classifying them into their respective sub-categories.
- To recommend corrections in the spellings of sub-castes.

#### Significance of Sub-categorisation-

- Sub-categorisation or creating categories within OBCs for reservation would ensure “equitable distribution” of representation among all OBC communities.
- It will reduce disadvantages faced by various sub-castes within OBC.
- This ultimately provides the most disadvantaged with the right opportunity to come up the social ladder.

In line with the recommendations of the National Commission

for Backward Classes. the Standing committee too had recommended sub categorisation.

### **Challenges of Sub-categorisation-**

- **Vote bank politics**– The sub-categorisation should not be to please a particular section to gain votes.
- **Politicization of issues**– More powerful sections will lobby to gain a greater share which might hurt the interest of weaker sub sections.
- The Socio-Economic Caste Census (SECC) of 2011 also does not give the true picture of socio-economic disadvantages faced by different caste groups.
- Identifying the most disadvantaged among the current so-called eligible for reservation population is a huge challenge, because there is a lack of reliable nationwide data on caste.
- To develop a methodology for sub-categorisation of OBCs.
- Availability of information regarding the social and educational backwardness of various castes and the state-wise variations of a particular caste.

### **What are the reservation rules in India?-**

- Currently, 27 percent jobs and seats in educational institutes provided by the Centre have been reserved for OBCs.
- Apart from OBCs, fifteen percent of seats and jobs have been reserved for SCs and 7.5 per cent for STs.
- It has also been noted that several seats that fall under the OBC category are taken by candidates from the General category as OBC candidates are declared 'None found suitable' (NFS).

### **OBC reservation in India-**

- **The Kalelkar Commission**, set up in 1953, was the first to identify backward classes other than the Scheduled Castes (SCs) and Scheduled Tribes (STs) at the national

level.

- **The Mandal Commission Report, 1980** estimated the OBC population at 52% and classified 1,257 communities as backward.
  - It recommended increasing the existing quotas, which were only for SC/ST, from 22.5% to 49.5% to include the OBCs.
- The 'creamy layer' concept was introduced in the Supreme Court's Indra Sawhney judgment of November 16, 1992. Though it upheld the government's decision based on the Mandal Commission's report to give 27% reservation to OBCs, the court found it necessary to identify sections of backward classes who were already "highly advanced socially as well as economically and educationally" as the 'creamy layer'.
- In the Indra Sawhney-II case, reported in 2000, the court went to the extent of determining the 'creamy layer' among backward classes. The judgment held that persons from backward classes who occupied posts in higher services such as IAS, IPS and All India Services were not entitled to be treated as backward. Such persons were to be treated as 'creamy layer' without any further inquiry. Also people with sufficient income who were in a position to provide employment to others should also be treated as "outside the backward class". Other categories included persons with higher agricultural holdings or income from property.
- The central government reserved 27% of seats in union civil posts and services for OBCs [Article 16(4)].
  - The Constitution refers to the term 'backward classes' in Articles 15(4), 16(4) and 340(1). Articles 15(4) and 16(4) empower the State to make special provisions for any socially and educationally backward class of citizens.
- In 2008, the Supreme Court directed the central government to exclude the creamy layer (advanced

sections) among the OBCs.

- **The 102nd Constitution Amendment Act, 2018** provided constitutional status to the National Commission for Backward Classes (NCBC), which was previously a statutory body under the Ministry of Social Justice and Empowerment.

### **Way forward-**

- There must be truly proportional division to give all the subsections their due share.
- Proper implementation of sub categorisation both at the state and Centre level.
- Exit criteria- If 2 generations have benefitted then they must be removed from the beneficiary list. This will make the targeting more focussed.

### **Mould your thought:**

Q There has been growing demand for sub categorisation of Other backward classes (OBCs). Discuss the significance of sub-categorisation. What are the challenges in its implementation? ( 250 words)

### **Approach to the answer-**

- What is sub categorisation and why it is needed
- Brief about Rohini commission, it's finding and mandate
- Significance of sub-categorization
- Challenges ahead
- Way Forward and conclusion.