



FACULTY OF JURIDICAL SCIENCES

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Lecture-13



Other Backward Class (OBC) is a collective term used by the Government of India to classify castes which are educationally or socially disadvantaged. It is one of several official classifications of the population of India, along with Scheduled Castes and Scheduled Tribes (SCs and STs). The OBCs were found to comprise 52% of the country's population by the Mandal Commission report of 1980, a figure which had shrunk or increased to 41% by 2006 when the National Sample Survey Organisation took place. We can have more authentic information about OBCs if in the coming census of 2021, Government collects data of OBCs by including column for OBC, as like SC and STs.^{[1][2][3]} There is substantial debate over the exact number of OBCs in India; it is generally estimated to be sizable, but many believe that it is higher than the figures quoted by either the Mandal Commission or the National Sample Survey.^[4]

In the Indian Constitution, OBCs are described as "socially and educationally backward classes", and the Government of India is enjoined to ensure their social and educational development — for example, the OBCs are entitled to 27% reservations in public sector employment and higher education. The list of OBCs maintained by the Indian Ministry of Social Justice and Empowerment is dynamic, with castes and communities being added or removed depending on social, educational and economic factors. In a reply to a question in Lok Sabha, Union Minister Jitendra Singh informed that as on January 2016, the percentage of OBCs in central government services is 21.57% and has shown an increasing trend since September, 1993.^[5] Likewise, in 2015, at educational institutes, funds meant for OBC students under the reservation policy were not used properly or were underused in cases of upgrading infrastructure as well as in violation of faculty recruitment of OBCs according to the 49% reservation policy.^[6]

Until 1985, the affairs of the Backward Classes were looked after by the Backward Classes Cell in the Ministry of Home Affairs. A separate Ministry of Welfare was established in 1985 (renamed in 1998 to the Ministry of Social Justice and Empowerment) to attend to matters relating to Scheduled Castes, Scheduled Tribes and OBCs.^[7] The Backward Classes Division of the Ministry looks after the policy, planning and implementation of programmes relating to social and economic empowerment of OBCs, and matters relating to two institutions set up for the welfare of OBCs, the National Backward Classes Finance and Development Corporation and the National Commission for Backward Classes.



Obligation of the government

Under Article 340 of the Indian Constitution, it is obligatory for the government to promote the welfare of the OBCs.

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 labour and to make recommendations as to the steps that should be taken by the union or any state to remove such difficulties and as to improve their condition and as to the grants that should be made, and the order appointing such commission shall define the procedure to be followed by the commission. ... A commission so appointed shall investigate the matters referred to them and present to the president a report setting out the facts as found by them and making such recommendation as they think proper.

— *Article 340 of the Indian Constitution*

A 1992 decision of the Supreme Court of India resulted in a requirement that 27% of civil service positions be reserved for members of OBCs.^[8] In a reply to a question in Lok Sabha, Union Minister Jitendra Singh informed that as on January 2016, the percentage of OBCs in central government jobs is 21.57%.^[5] This difference between proportion of different communities in higher educational institutions is mainly because of difference in primary school enrollment. Political parties in India have attempted to use these communities as votebanks.^[citation needed]

Demographics

First Backward Classes Commission

Below is the distribution of population of each religion by caste categories, obtained from merged sample of Schedule 1 and Schedule 10 of available data from the National Sample Survey Organisation 55th (1999–2000) and National Sample Survey Organisation 61st Rounds (2004–05) Round Survey.^[9]

Distribution of Population of each religion by caste categories

Religion/Caste	<u>SCs</u>	<u>STs</u>	OBCs	<u>General/Others</u>
<u>Hinduism</u>	22.2%	5%	42.8%	26%
<u>Islam</u>	0.0%	0.5%	39.2%	59.5%
<u>Christianity</u>	0.0%	23.8%	41.3%	39.7%
<u>Sikhism</u>	19.1% ^[10]	0.9%	2.4%	77.5%
<u>Jainism</u>	0.0%	2.6%	3.0%	94.3%
<u>Buddhism</u>	89.5%	7.4%	0.4%	2.7%
<u>Zoroastrianism</u>	0.0%	15.9%	13.7%	70.4%
Others	2.6%	82.5%	6.25	8.7%
Total	19.7%	8.5%	43.1%	28.8%

The First Backward Classes Commission was established by a presidential order on 29 January 1953 under the chairmanship of Kaka Kalelkar, and submitted its report on 30 March 1955. It had prepared a list of 2,399 backward castes or communities for the entire country, of which 837 had been classified as the "most backward". Some of the most notable recommendations of the Kalelkar commission were:

1. Undertaking caste-wise enumeration of population in the census of 1961;
2. Relating social backwardness of a class to its low position in the traditional caste hierarchy of Indian society;
3. Treating all women as a class as "backward";
4. Reservation of 70 per cent seats in all technical and professional institutions for qualified students of backward classes.
5. Reservation of vacancies in all government services and local bodies for other backward classes.

The commission in its final report recommended "caste as the criteria" to determine backwardness. However, the report was not accepted by the government, which feared that the backward classes excluded from the caste and communities selected by the commission might not be considered, and those in most need would be swamped by the multitudes, thus receiving insufficient attention. ^[citation needed]