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सदस्य-सचिव
राष्ट्रीय पिछड़ा वर्ग आयोग
भारत सरकार

त्रिकूट-१, भीकाएजी कामा प्लेस, नई दिल्ली - ११००६६

Member - Secretary
National Commission for Backward Classes
Government of India
Trikoot-1, Bhikaiji Cama Place, New Delhi - 110066

NCBC Advice No. 56/Karnataka/97

11. 08. 1997

Dear Shri Baksi,

I am sending herewith the unanimous Advice of the National Commission for Backward Classes under Section 9(1) of the NCBC Act, 1993 for rejection of the Request of "Urs" caste of Karnataka seeking its inclusion in the Central List of Backward Classes for Karnataka, for necessary action under Section 9(2) of the Act by the Central Government.

With kind regards,

Yours sincerely

P. S. Krishnan
(P.S. KRISHNAN)

Encl: As stated

Shri K.K. Baksi
Secretary
Ministry of Welfare
Shastri Bhavan
NEW DELHI 110 001

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NATIONAL COMMISSION FOR BACKWARD CLASSES

KARNATAKA BENCH

Findings

Per Shri P.S.Krishnan, Member-Secretary

Case: Request for Inclusion of "Urs" caste in the Central List of Backward Classes for Karnataka

I. Request

This case arises from the Request recieved in this Commission from Shri Sugandha Raje Urs, Hon' President, Jayanagarada Urs Yuvakara Abhiruddi Sanga, Hongannur, Channpatna Taluk, Bangalore District, Karnataka for the Inclusion of "Urs" in the Central List of Backward Classes for Karnataka.

II. Public Hearing

2. The two-Member Karnataka Bench of the Commission consisting of Hon'ble Justice Shri P.K.Shyam Sunder, Chairperson, NCBC and Shri P.S.Krishnan, Hon'ble Member-Secretary, NCBC held a Public Hearing at Bangalore on 22.7.1997 to examine this Request. At the Public Hearing the community was represented by S/Shri Sugandha Raje Urs, M.N. Krishna Urs, L. Basava Raj Urs and others. The State Government was represented by Shri K. Narayan, Director, Backward Classes and Minorities Deptt., Shri Krishna Gowda, Joint-Director and other officers of the Backward Classes and Minorities Deptt.

III. Facts

3. "Urs" is not included in the Central List of Backward Classes for Karnataka as it was not included in the Mandal List and the State list that existed at the time of the preparation of the first phase Central List in 1993 on the basis of the principle of commonality. "Urs" is also not included in the latest State List which was issued with the State Government's

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[Signature]
RISHINAN
Secretary
Backward Classes Commission

GO No. SWD 94 dated 17.9.94.

4. This caste was included only in the List of Backward Classes recommended by the first Backward Classes Commission of Karnataka under the Chairmanship of Shri L.G. Havanur for the purposes of Article 15(4) of the Constitution of India, as follows:-

"A. Backward Communities"

"1. Arasu (Urs)"

This caste was not included in the List recommended by the Havanur Commission for the purposes of Article 16(4) of the Constitution.

5. The State Government after considering the recommendations of the Havanur Commission, accepted its Report with certain modifications, but adopted a common list of Backward Classes for purposes of reservation both under Article 15(4) and Article 16(4) with the result that the List prepared by the Commission under Article 15(4) became the list approved by the State Govt. even for the purposes of Article 16(4), besides the addition of certain other castes. This list was notified by the State Govt. with its GO No. SWL 12 TBSd 77 Bangalore, dated 22.2.1997 wherein the entry No. 1 under "A. Backward Communities" reads as follows:-

"A. Backward Communities"

"1. Arasu (Urs)"

6. The above GO of the State Government was challenged in the High Court of Karnataka in a series of Writ Petitions Nos. 4371, 5925, 6741, 7772 and 11603/77 on various grounds. One of the grounds was that even on the parameters employed by the Havanur Commission for classifying the communities or castes as Backward, the Arasus (Urs) community in particular, cannot be

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treated as backward since they have been throughout the ages, occupying a higher social strata in society. In its common Order in these Writ Petitions, pronounced in Writ Petition No. 4371/77 S.C. Somashekarappa and Others Vs. State of Karnataka and the Karnataka Public Service Commission, the Hon'ble High Court of Karnataka set aside the inclusion of Urs caste, along with some other castes, both in respect of Article 16(4) as well as Article 15(4) of the Constitution. In respect of Article 16(4), the Hon'ble High Court observed that the Havanur Commission has not recommended Urs and six other castes under Article 16(4) on the ground that they have been adequately represented in the State Civil services. The statistics collected by the Commission have not been found to be defective, nor the Government has collected any further statistics to justify their inclusion for providing for providing them the reservation in the Civil Service. "It must therefore follow that the Government acted arbitrarily and the inclusion of the said seven communities cannot be justified under Article 16(4).

7. In respect of Article 15(4), the Hon'ble High Court held that Arasus are not socially backward and that since it is only those classes which are "socially and educationally" backward that could be given the benefit of reservation under Article 15(4), "Urs" caste ought not to have been classified as a backward class or community under Article 15(4). The Hon'ble High Court referred to the following passages from the book by L.K. Ananthakrishna Iyer ("Mysiore Tribes and Castes", Vol.II, Mittal Publications, Delhi, Reprinted 1988):-

"Habitat

The pure Arasus are found mostly in Mysore, and are to some extent connected with the Royal Family. Many of them have their duties to discharge in the palace of His Highness the Maharaja. They live in decent houses of European pattern, and are provided with decent furniture. Habitations of the other divisions are mostly situated in villages, and partake of the character of

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those possessed by other similar classes or people.....

P. S. KRISHNAN
Member
National Commission
for Backward Classes

Occupation

The members of the community who have received Western education are in the Government service, both Civil and Military. The rest are landholders who have their lands cultivated under their supervision or let out on lease... in every village where there is an Arasu he leads the Honeru.

The dietary of the Caste

The Arasus are strictly vegetarians. Both Arasus proper and Kumara Arasus dine in the houses of Brahmans without distinction; But Bada Arasus do not. All except the Brashmans dine in their houses. Arasus proper and Kumara Arasus interdine."

The Hon'ble High Court Observed: "This is, of course, an authoritative text on Tribes and Castes in the State. It is seen therefrom that the Arasus both by their habitat and occupation have had a high degree of social status and when there is one Arasu in any village, he alone leads the 'Honeru'. The Arasus, therefore occupy a class which cannot be said to be socially backward." The Hon'ble High Court further observed that the inference drawn by the Havanur Commission on the basis of the survey sample of 14 families of the caste consisting of 44 males and 29 females out of a population of 21245 "that the entire Arasus population is socially backward cannot, in our opinion, outweigh the authoritative text above referred to."

8. The Commissions set up by the State Government after Havanur Commission, i.e, the Second Backward Classes (Venkata Swamy) Commission and the Third Backward Classes (Chinnappa Reddy) Commission did not include "Urs" caste in their recommended lists either under Article 15(4) or under Article 16(4). About "Urs" caste, the Venkata Swamy Commission held as follows:-

"They are also called, Ars, Arasu and Arsu. This name indicates the title assumed by the ruling class of old Mysore. They are Kshatriyas and have provided a line of Kings as rulers to the Mysore State. They also had taken the title of Wadeyars."

9. The description of "Urs" caste by the Chinnappa Reddy Commission is as follows:-

"The Urs community is a very small but nevertheless an important community in the State of Karnataka. It is the community of the erstwhile Maharaja of Mysore. Its estimated population is only 31,931 (0.0724%)."

10. Venkata Swamy Commission has analysed the socio-economic cum educational status of castes/communities based on 17 Analytical State Level Tables. Out of these 17 indices, Urs caste fare better than the State average in respect of 10 indices, which inter alia shows the above State average performance of Urs caste in respect of percentage of students at SSLC, percentage of employment in Class III and Class II posts, percentage of population having income more than Rs. 20,000, the percentage of population in urban areas etc.

11. As per Chinnappa Reddy Commission's analysis of certain data regarding occupational and educational status of castes/communities, the percentage of students of this caste appeared for SSLC is above the State average and the percentage of SSLC-passed is just below the State average. In regard to admissions to professional colleges and post-graduate institutions, the community was able to secure seats higher than the percentage of their population. The percentage of posts that they were able to secure in the State Government services is also higher than the percentage of their population. The significance of the performance of this caste can be understood when it is remembered that this was achieved without the benefit of reservation.

12. Under the head Arasu or Rajpinde", Edgar Thurston and Rangachari ("Castes and Tribes of Southern India", Vol. I, Asian

Educational Services, New Delhi, Madras, 1993, first published 1909), cite Mr. Lewis Rice ("Mysore and Coorg Gazetteer, 1876-78) as giving an account on this caste as follows:-

"This caste.... are relatives of or connected with the Rajahs of Mysore. They are employed chiefly under Government and in agriculture, most of the former being engaged in the palace at Mysore. Rajpindes are both Vishnavites and Sivites, and their priests are both Brahmans and Lingayat Waders."

13. During the Public Hearing, on a specific question by the Bench, the representatives of the community frankly admitted that their caste is not a Socially Backward class.

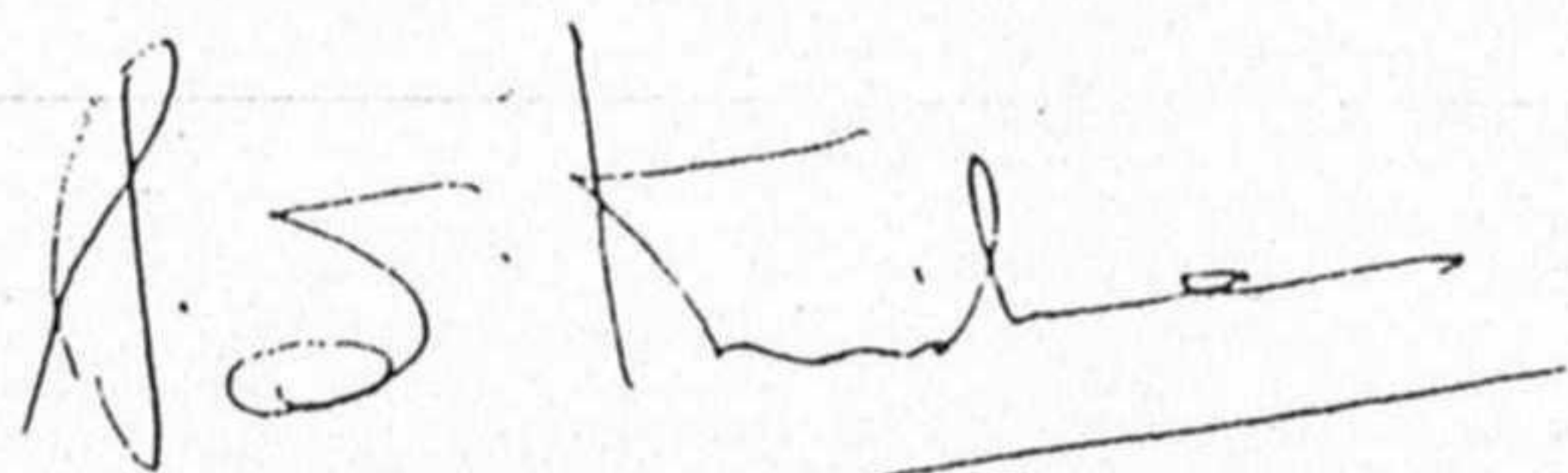
IV. Findings

14. From the above evidence it is the Finding of the Bench that "Urs" is neither Socially nor Educationally a Backward Class and therefore the present Request for Inclusion of "Urs" caste in the Central List of Backward Classes for Karnataka should be rejected.

7.8.97

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P. S. KRISHNAN
Member, Secretary
National Commission
for Backward Classes

V. Advice of the Commission

15. The Commission considered and agreed in full with the above Findings of the Karnataka Bench and decided to tender the following Advice to the Central Government under Section 9(1) of the NCBC Act, 1993:-

The case of Request for Inclusion of "Urs" caste in the Central List of Backward Classes for Karnataka be rejected.

H. S. Kishan
7.8.1997

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11.8.97

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Note: The above Advice has been subscribed to by all Members of the Commission except Shri N.S.Puadhi, Member, who is presently abroad on leave. Under the circumstances, in accordance with the general decision of the Commission, the omission in this behalf of Shri Puadhi's signature being attributable to his physical absence from the country, will otherwise also not affect the Advice in view of Section 7 of the NCBC Act.

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H. S. Kishan

For the Commission
for Backward Classes