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सदस्य-सचिव
राष्ट्रीय पिछड़ा वर्ग आयोग
भारत सरकार

त्रिकूट-१, भीकाएजी कागा 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. Karnatka 61-63/97

04. 11. 1997

Dear Shri Baksi,

I am sending herewith the Advices of the National Commission for Backward Classes under Section 9(1) of the NCBC Act, 1993 for rejection of the Requests of "Maratha", "Arya Maratha" and "Karuneeaka(Kanaka Pillai)" castes/communities of Karnataka seeking their 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

NATIONAL COMMISSION FOR BACKWARD CLASSES

KARNATAKA BENCH

Findings

Per Shri P.S.Krishnan, Member-Secretary

Case: Requests for Inclusion of "Maratha" and "Arya Maratha" in the Central List of Backward Classes for Karnataka

I. Request

These cases arise from the separate Requests received in this Commission from the Karnataka Kshatriya Maratha Parishath, No. 16/A, Miller Tank Bund Road, Vasanthanagar, Bangalore for the Inclusion of "Maratha" and from Mrs. K.Shantha Bai, Wife of Late K.Sheenoji Rao, Jadukatte Miyur Post, Karkala, Dakshina Kannada District for the Inclusion of "Arya Maratha" 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.Shyamsundar, Chairperson, NCBC and Shri P.S.Krishnan, Hon'ble Member-Secretary, NCBC held a Public Hearing at Bangalore on 23.7.1997 to examine this Request. At the Public Hearing 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. S/Shri C.H. Subboji Rao Karmore, A. Ranaji Rao Sathe, H. Bhadrachalapathi Rao and others represented the Karnataka Kshatriya Maratha Parishad. No representative from the "Arya Maratha" community was present.

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III. Facts

3. The Karnataka State List of Backward Classes is divided into a number of groups which underwent modifications from time to time. In the list that existed at the time of the preparation of the first-phase Central List of Backward Classes on the principle of commonality, there were 5 groups, viz., Group-A, Group-B, Group-C, Group D and Group E. In the latest State List which was issued with GO No. SWD 150 BCA 94 dated 17.9.1994 there are again 5 groups, renamed as Categories, viz., Category I, Category II(A), Category II(B), Category III(A) and Category III(B). "Maratha" and "Arya Maratha" are included in the latest State List at s.no. 2 of Category III(B), as follows:-

"Category III(B)"

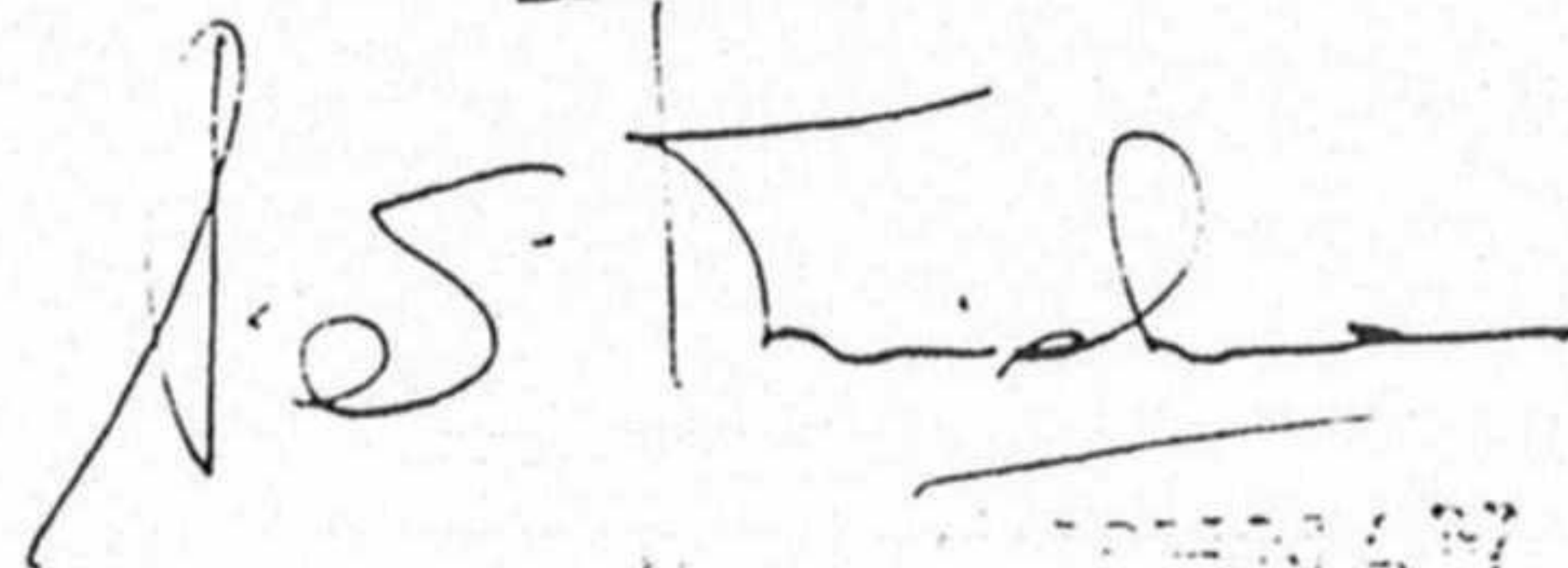
- "2. (a) Maratha, Marata
(b) Are Kshatri, Are Maratha,
Arya Maratha,
(c) Arya, Aryaru
(d) Konkan Maratha
(e) Kshatriaya Maratha
(f) Kulavadi"

The relevant entry in the State List that existed at the time of the preparation of the first-phase Central List of Backward Classes for Karnataka is as follows:-

"Group D"

- "3. (a) Maratha, Marata
(b) Are Kshatri, Are Maratha,
Arya Maratha
(c) Arya, Aryaru
(d) Kshatriya-Maratha
(e) Kulavadi
(f) Konkan Maratha"

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P. S. NARAYAN
Member Secy. 7
National Commission
for Backward Classes

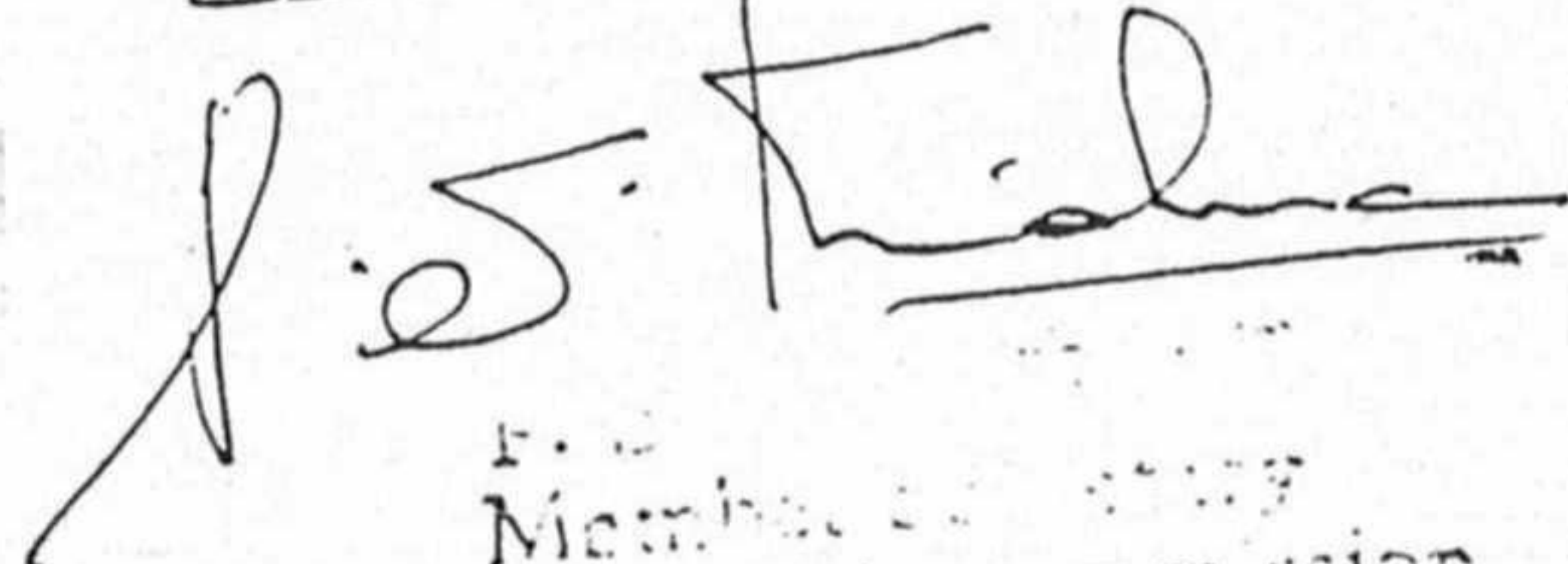
The Mandal Commission's List of Backward Classes for Karnataka contains "Marathi (excluding South Kanara Distt.)" at entry no. 198, but does not contain either "Maratha" or "Arya Maratha". The community entered in the Mandal List is apparently different from the caste under consideration. The Mandal List entry is relatable to entry no. "36. Marati (in South Kanara district)" in the List of Scheduled Tribes of Karnataka. Since Marati is a Scheduled Tribe in the South Kanara district, members of that Tribe in the rest of Karnataka is included in the Mandal List of Backward Classes. There is also an entry no. "35. Maratha (in Coorg district)" in the List of Scheduled Tribes of Karnataka. This is also different from the caste under consideration which is supported by the fact that the Mandal List has not included Maratha as a backward caste in respect of Karnataka excluding coorg district. For the reason that the present caste "Maratha" or "Arya Maratha" is not included in the Mandal Commission's List of Backward Classes, "Maratha" or "Arya Maratha" is also not included in the first-phase Central List of Backward Classes for Karnataka prepared in 1993 on the basis of the principle of commonality.

4. "Maratha" was included in the State Government's List of Backward Classes issued by its GO No.GAD 32 ORR 59 dated 19.7.1959, as follows :-

"4. Mahrata, Marata, Arer, Maratha, Marati"

About this GO, there is a reference in the Order of the High Court of Karnataka dated 9.4.79 in Writ Petition numbers 4371, 5925, 6741, 7772 and 11603/77, pronounced in Somasekharappa and Others Vs. State of Karnataka and the Karnataka Public Service Commission, which inter alia reads as follows:- "By the said

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Order, except Brahmins, Banias and Kayasthas all other castes of Hindu religion as existing in the State were classified as Backward Classes." Since Banias and Kayasthas are not castes of Karnataka, this Order includes virtually all castes except Brahmins. The List of 1959 was quashed by the High Court of Karnataka in Ramakrishna Singh Rama Singh v. The State of Mysore (A.I.R. 1960 Mysore 338) on the ground that it was not in conformity with the Constitution of India.

5. In the list of Backward Classes recommended by the Mysore Backward Classes (Nagan Gowda) Committee which was set up by the State Government in 1960 after the High Court quashed the above mentioned GO dated 19.7.1959, the non-Brahmin Marathas were included at s.no. 34 under Group A as "34. Mahratta(non-Brahmin)", but neither "Maratha" as a whole nor "Arya Maratha" was included in this List. After the Nagan Gowda Committee, the State Government set up three Backward Classes Commissions, i.e., First Backward Classes(Havanur) Commission, the Second Backward Classes (Venkataswamy) Commission and the Third Backward Classes(Chinnappa Reddy) Commission. None of these Commissions included "Maratha" or "Arya Maratha" in the list of Backward Classes respectively recommended by them. Therefore, apparently the inclusion of "Maratha" and "Arya Maratha" in the State List issued with GO No. SWL 66 BCA 86 dated 19.11.1986 (i.e., the State List that existed at the time of the preparation of the first-phase Central List) as well as in the latest State List is not based on the Advice of any Commission.

6. Karnataka Kshatriya Maratha Parishath has not filled up the NCBC's "Questionnaire for Consideration of Requests for Inclusion and Complaints of under-Inclusion". The Questionnaire filled up and furnished by Smt. K.S.Shantha in respect of "Arya Maratha" states that "Arya-Maratha" is a sub-caste of the main caste "Maratha". The total population of "Maratha" caste is given as 17,21,640 which is spread all over the State. In respect

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Member
National Commission
for Backward Classes

7. The Report of the Venkataswamy Commission describes the community as follows:-

As a caste name it is open to confusion, as people of various other castes who speak Marathi are grouped as belonging to Maratta caste.

'Maratha, Arer, Gabit, Kunbi & Kulvadi, Kunbi of Khandesh, Kudbi"

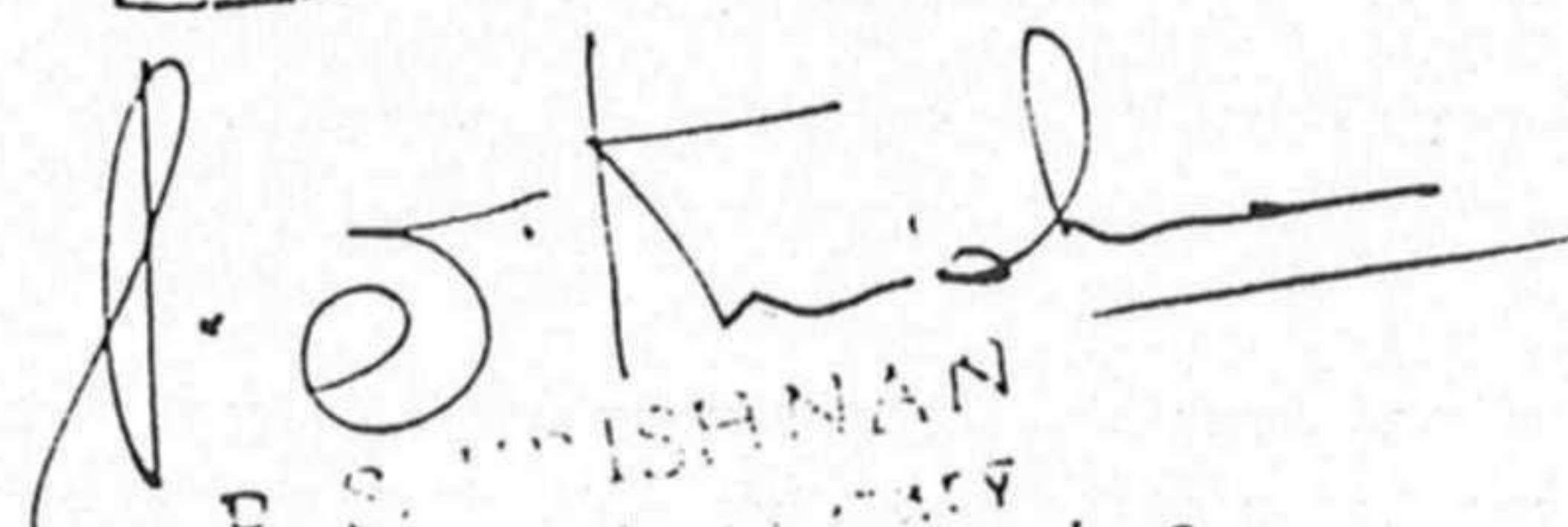
8. The Chinnappa Reddy Commission Report says that The "Maratha caste/community is the next most populous community (pop.12,80,268 = 2.9039% of the State population)", i.e, next to Lingayat or Veerashaiva, Vokkaliga and Kuruba. The account of this caste/community in the Report of the Chinnappa Reddy Commission is as follows:

"Traditionally they are agriculturists and Soldiers. They claim to be Kshatriyas and they follow Brahminical rites and usages and even wear the sacred thread. Nowadays most of them are agriculturists and some have taken to trade and Government

P. S. K. ...
Member ...
National Commission
Backward Classes

Service. There can be no question that their social status is atleast as high as the Vokkaligas.... From the SSLC statistics it is seen that 0.6228% of the caste population appeared at the SSLC examination as against the State average of 0.79% and 0.4240% of the caste populaion passed the SSLC examination as against the State average of 0.39%. In other words, the percentage of candidates that passed the SSLC examination was higher than the State average while the percentage of that appeared at the examination was lower than the State average. I find that the percentage of students of the community appeared at the SSLC examinations who belong to the income group of Rs 1-2500 was 32.49 a comparatively low figure. The test survey of 523 villages shows that while the extent of land held by the members of the community is slightly below the average of all communities, the rate of illiteracy is much lower than the average of all communities (which means the rate of literacy is higher). Either in the matter of admissions to professional colleges and post-graduate institutions or in the matter of recruitment to Services, their performance did not measure up to their population. Their representation in Group-A services under the Government is only 1.0366% and in Groups A and B in Public Sector undertakings it is 0.8458%. These percentages may appear to be low but that is easily explained by the circumstance that until 1986 they never had the benefit of reservation, having always been considered to be an advanced community. The point to be appreciated is that despite no reservation in their favour, they have been able to secure a fair number of seats and posts. There are not sufficient circumstances to justify their transfer to the Socially and Educationally Backward Classes at the present juncture, both the earlier Commissions having refused to include the community among Backward Classes. Having regard to their high social status, high literacy rate and good S.S.L.C. passed percentge

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10. Quoting the Madras Census Report, 1891, Edgar Thurston and Rangachari ["Castes and Tribes of Southern India", Vol. V, Asian Educational Services, New Delhi, Madras, 1993, first published 1909] write under the head "Maratha" as follows:-

South Canara	..	..	..	..	31,351
Salem	..	..	..	..	7,314
Tanjore	..	..	..	..	7,156
Bellary	..	..	..	..	6,311

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P. S. KESAVAN
Member
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for Backward Classes

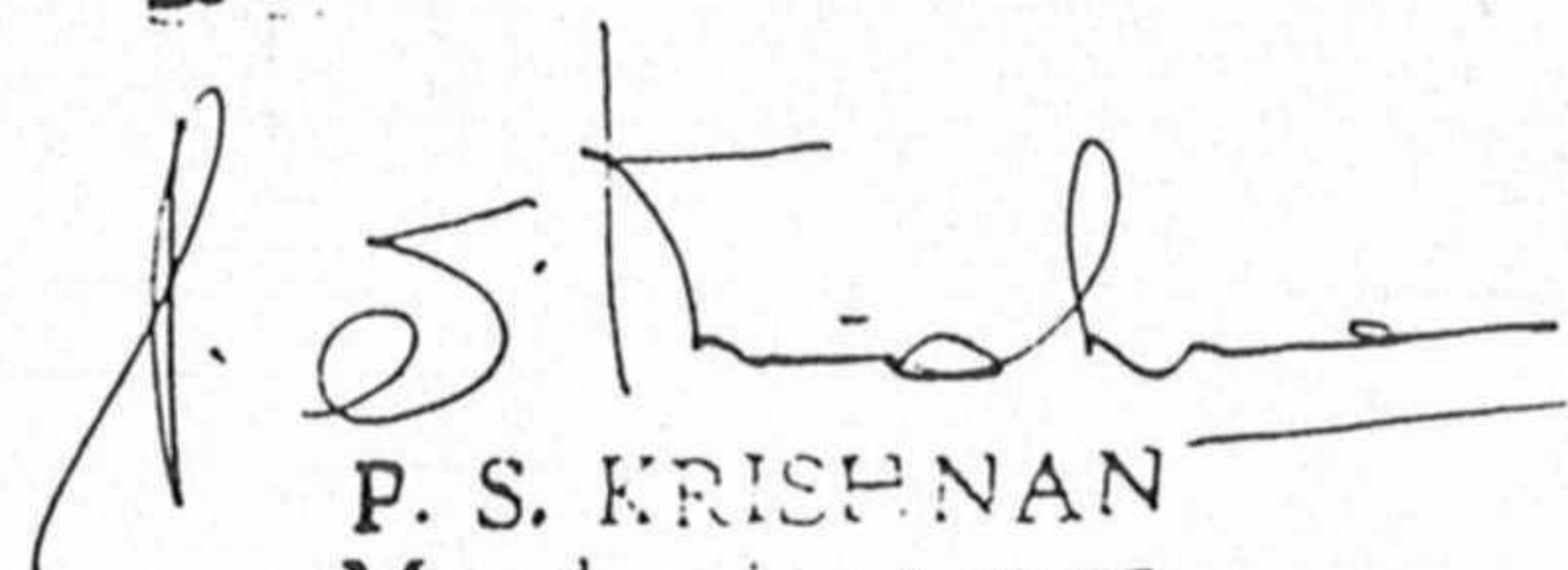
It is recorded, in the Madras Census Report, 1891, that 'the term Marathi denotes the various Marathi non-Brahman castes, who came to the south either as soldiers or camp followers in the armies of the Marathi invaders; but in the South Canara, in which district the caste is most numerous, it appears to be the same as Are, a class of Marathi cultivators. Of the total number of 65,961, as many as 40,871 have returned Marathi as both caste and sub-division. The number of sub-divisions returned by the rest is no less than 305, of which the majority are the names of other castes....'"

They also quote Mr. H.A. Stuart as writing, in the South Canara Manual, that

"Marathi, as a caste name, is somewhat open to confusion, and it is probable that many people of various castes, who speak Marathi, are shown as being of that caste. The true Marathi caste is said to have come from Goa, and that place is the headquarters.... Marathis are either farmers, labourers, or hunters... They speak either the ordinary Marathi or the Konkani dialect of it."

According to L.K.A. Iyer ["The Mysore Tribes and Castes", Vol-4, Mittal Publications, Delhi, 1988], the "Mahrattas are land owners, soliders and agriculturists. Some are traders, many are in the army or in other branches of the Government service.... As a class, the Mahrattas are said to be simple, frank, independent, liberal, courteous, and when kindly treated, trustworthy. They are a manly and intelligent community, proud of their former greatness, fond of show, and careful to hide poverty.... They say war is their profession, and some of the Mahrattas of good family are however well educated...." L.K.A. Iyer also mentions that "Of these Mahratta Proper", "that is those who have lost their Kunbi sub-caste name and have

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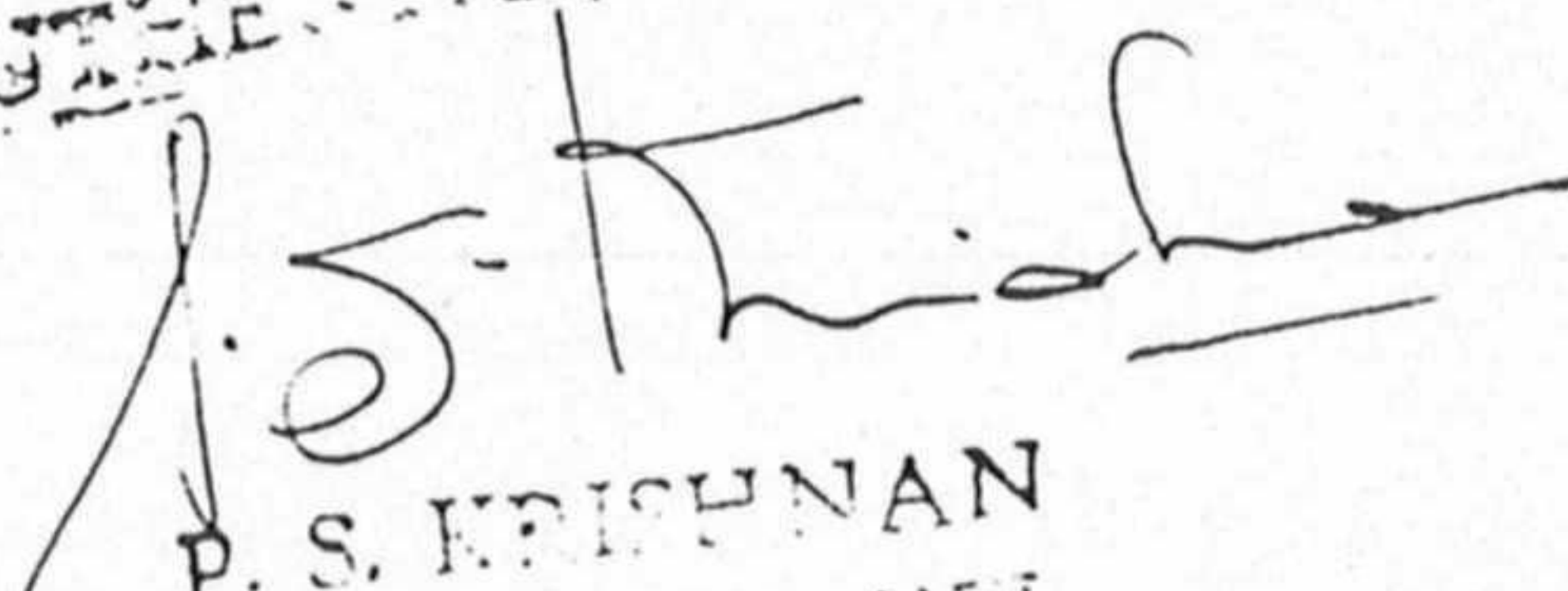
P. S. KRISHNAN
Member Secretary
National Commission
for Backward Classes

become members of a general community", "those who have migrated to South India claim that they consist of seven clans of the so called Mahrattas who are the descendants and associates of the Mahratta army. The seven clans claim descent from the Lunar dynasty (Soma Vamsa), and profess to have had connections with the Rajputs. They formed the aristocratic section that tried to keep up the rites and observances of the Rajputs, such as the wearing of the holy thread, having infant marriage, enforced widow-hood, and withholding alliances with the 96 clans (matrimonial). They are also called Are by the people of Mysore. They form the bulk of the military caste of the Mahratta country. At the beginning of the last century, a large body of the Mahrattas entered Goa, and proceeded thence to the Mysore State. They are found mostly in the districts of Shimoga, Bangalore and Tumkur."

IV. Findings

11. From the above evidence it is the Finding of the Bench that "Maratha" and "Arya Maratha" are not Socially Backward. The inclusion of such castes/communities in the list of Backward Classes is not only counter to the facts and social realities, but also deprives the classes which are genuinely Socially Backward of their due and thus seriously distorts the Constitutional and National policy on Backward Classes. The inclusion of such Advanced castes/communities in the list of Backward Classes also confers on them an un-Constitutional and un-conscionable advantage over other Advanced castes/communities who are, correctly, not included in the list of Backward Classes and with whom the former ought to compete on equal terms.

AGREED


P. S. KRISHNAN

Member
National Commission
for Backward Classes

Therefore, the Requests for Inclusion of "Maratha" and "Arya Maratha" and "Arya Maratha" in the Central List of Backward Classes for Karnataka should be rejected.

P. S. Kishan
15.10.97

P. L. S. Kishan
15.10.97

V. Advice of the Commission

12. 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, for action under Section 9(2) of the Act:-

The Requests for Inclusion of "Maratha" and "Arya Maratha" in the Central List of Backward Classes for Karnataka be rejected as they are not Socially Backward.

P. S. Kishan
15.10.97

P. L. S. Kishan
15.10.97

Madan B. K. S.
20.10.97

Harish B. K.
20.10.97

Kishan
20.10.97

P. S. Kishan

NATIONAL COMMISSION FOR BACKWARD CLASSES
KARNATAKA BENCH

Findings

Per Shri P.S.Krishnan, Member-Secretary

Case: Request for Inclusion of "Karuneeka (Kanaka Pillai)" in the Central List of Backward Classes for Karnataka

I. Request

This case arises from the Request received in this Commission from the Karnataka Karuneeka Sangha, No. 13, Chakravarty Iyengar Layout, 1st Main Road, Seshadripuram, Bangalore-560 020 for the Inclusion of "Karuneeka (Kanaka Pillai)" 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.Shyamsundar, Chairperson, NCBC and Shri P.S.Krishnan, Hon'ble Member-Secretary, NCBC held a Public Hearing at Bangalore on 23.7.1997 to examine this Request. At the Public Hearing 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. The Karnataka Karuneeka Sangha was represented by its President Shri K.Chandrasekhar and its General Secretary Shri R.K.Vadivelu, Shri A.M. Surya Prakash and Prof. A.Sudhakar

III. Facts

3. The Karnataka State List of Backward Classes is divided into

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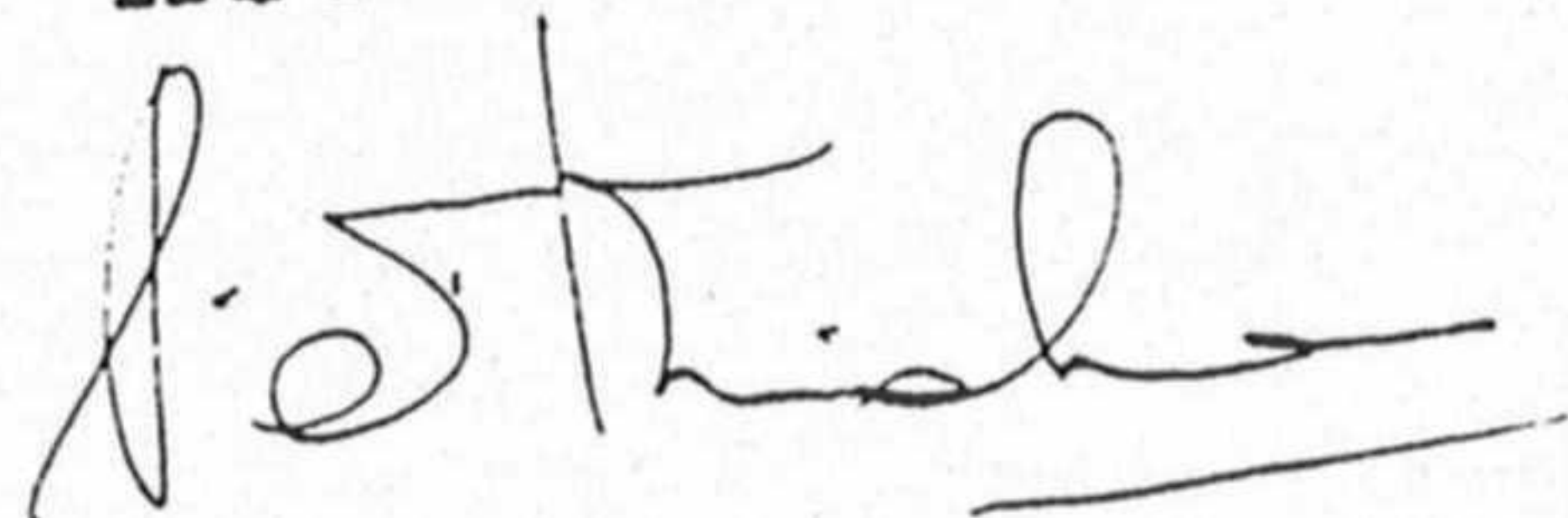
P. S. Krishnan

P. S. KRISHNAN

a number of groups which underwent modifications from time to time. In the list that existed at the time of the preparation of the first-phase Central List of Backward Classes on the principle of commonality, there were 5 groups, viz., Group-A, Group-B, Group-C, Group D and Group E. In the latest State List which was issued with GO No. SWD 150 BCA 94 dated 17.9.1994 there are again 5 groups, renamed as Categories, viz., Category I, Category II(A), Category II(B), Category III(A) and Category III(B). "Karuneeka (Kanakanak Pillai)" caste/community is not included in the latest State List. It was also not included in the State List that existed at the time of the preparation of the first-phase Central List of Backward Classes for Karnataka as well as in the Mandal Commission's List of Backward Classes for Karnataka. For this reason, it is also not included in the first-phase Central List of Backward Classes for Karnataka prepared on the basis of the principle of commonality in 1993.

4. The State Government of Karnataka had issued a List of Backward Classes in 1959 by its GO No. GAD 32 ORR 59 dated 19.7.1959. About this GO, there is a reference in the Order of the High Court of Karnataka dated 9.4.79 in Writ Petition numbers 4371, 5925, 6741, 7772 and 11603/77, pronounced in Somasekharappa and Others Vs. State of Karnataka and the Karnataka Public Service Commission, which inter alia reads as follows:- "By the said Order, except Brahmins, Banias and Kayasthas all other castes of Hindu religion as existing in the State were classified as Backward Classes." Since Banias and Kayasthas are not castes of Karnataka, this Order includes virtually all castes except Brahmins. "Karuneeka (Kanakanak Pillai)" was not included even in this virtually all-inclusive list of Backward Classes. The List of 1959 was quashed by the High Court of Karnataka in Ramakrishna Singh Rama Singh v. The State of Mysore (A.I.R. 1960 Mysore 338) on the ground that it was not in conformity with the Constitution of India.

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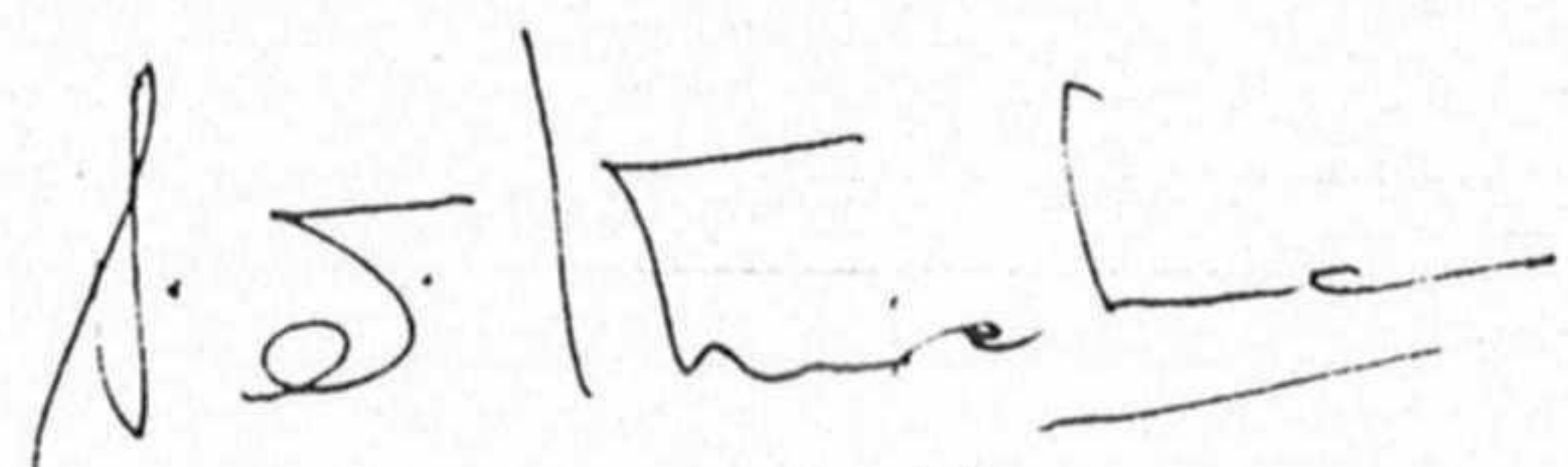


P. S. KRISHNAN
Member Secretary
National Commission
for Backward Classes

5. "Karuneeka (Kanaka Pillai)" was not included in the list of Backward Classes recommended by the Mysore Backward Classes (Nagan Gowda) Committee which was set up by the State Government in 1960 after the High Court quashed the above mentioned GO dated 19.7.1959. After the Nagan Gowda Committee, the State Government set up three Backward Classes Commissions, i.e., First Backward Classes(Havanur) Commission, the Second Backward Classes (Venkataswamy) Commission and the Third Backward Classes(Chinnappa Reddy) Commission. None of these Commissions included "Karuneeka (Kanaka Pillai)" in the list of Backward Classes respectively recommended by them. Therefore, "Karuneeka (Kanaka Pillai)" is not found included in the List of Backward Classes issued by the State Governemnt from time to time.

6. The NCBC's "Questionnaire for Consideration of Requests for Inclusion and Complaints of under-Inclusion" filled up by the the Karnataka Karuneeka Sangha states that their caste/community of about one lakh population is largely concentrated in the Bangalore, Kolar, Mandya, Mysore and Chickmagalur districts. Regarding the occupation of the caste, the answer given in the Questionnaire is "No Caste Profession, the members took to whatever profession they get to hand." While the Questionnaire filled up by the Sangha gives "Karuneeka" as the main caste and Seer Karuneegar, Sir Karuneegar, Sarathu Karuneegar, Kaikatti Karuneegar, Methuvashi Karuneegar, Soshi Karuneegar and Sunnambu Karuneegar as sub-castes/sub-communities, according to the Questionniare filled up by the State Government "Karuneegar" is a sub-caste of Mudaliyar caste/community. To the rest of the questions in the Questionnaire including the question on the occupation on which the members of the caste/community mainly depend for their livelihood and the question whether the caste/community is generally regarded as socially backward or not, the answer furnished by the State Government in the Questionniare is as "Not Known".

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

7. In the Report of the Havanur Commission, the "Karuneeka" caste/community is summed up as follows:-

"The mother-tongue of Karuneeka caste is Tamil, but they are educated in Kannada. They have no traditional occupation as such, but they are engaged mostly in industrial establishments and petty trade.

In the official records Karuneekas have gone as Mudaliars and as Pillais. They are Sudhras.

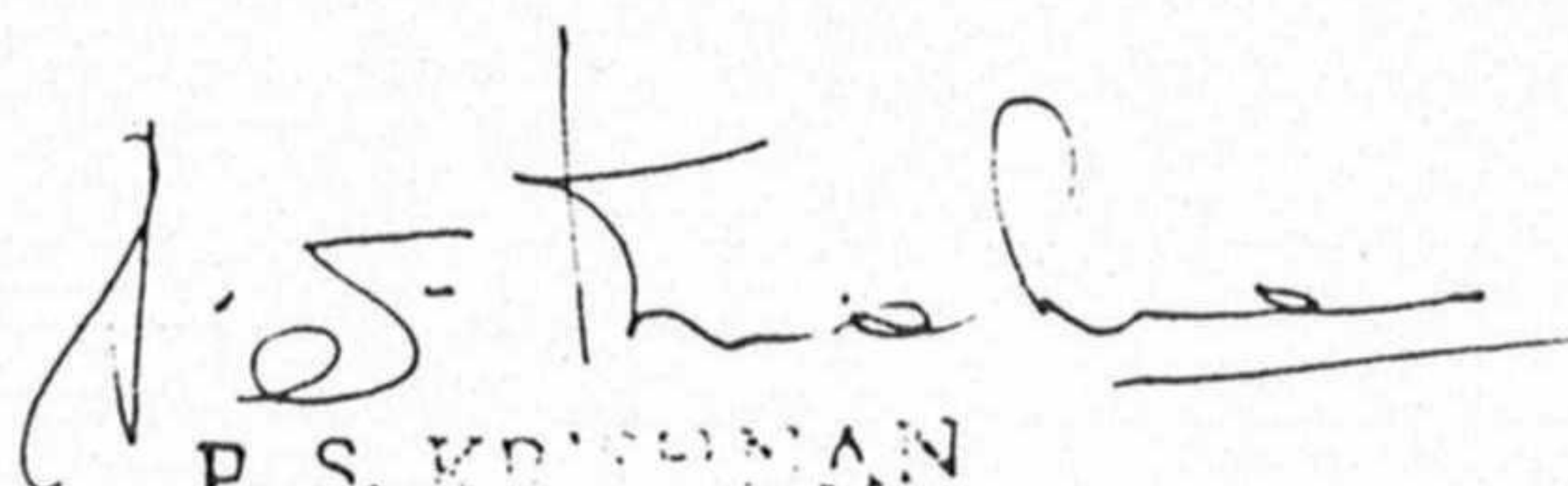
The caste Karuneeka does not find a mention in any of the treatises on castes and tribes or in the Census Reports. Karuneekas have been included amongst Mudaliars which is not correct. Even in the School Registers they go as "Mudaliars".

8. Reports of the Venkataswamy and Chinnappa Reddy Commissions do not describe the "Karuneeka" caste/community separately, but, under the head "Mudaliyar", the Report of the Venkataswamy Commission mentions "Karunika Pillai" as a sub-caste of "Mudaliyar".

9. Under the head "Kanakkan", Edgar Thurston and Rangachari ["Castes and Tribes of Southern India", Vol. III, Asian Educational Services, New Delhi, Madras, 1993, first published 1909] write about this caste/community as follows:-

"Kanakkan is a Tamil accountant caste, corresponding to the Oriya Korono. In an account thereof, in the North Arcot Manual, Mr. H.A. Stuart writes that they are 'found chiefly in the districts of North Arcot, South Arcot, and Chingelput. The name is derived from the Tamil word kanakku, which means an account. They were employed as village accountants by the ancient kings. In the inscriptions the word Karanam or Kanakkan occurs very often, and their title is invariably given as Velan, which is

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for Backward Classes

possibly a contracted form of Vellalan.... The caste is said to have four divisions, Sir(Sri), Sarattu, Kaikatti, and Solia.... The members of the four divisions cannot intermarry. In their customs the caste is somewhat peculiar. They wear the thread, disallow liquor-drinking, flesh-eating, and widow remarriage. Most of them worship Siva, but there are some who are Vaishnavites, and a very few are Lingayats.' Their title is Pillai....

It is laid down in the Village Officers' Manual that 'the Karnam, who is entrusted with the keeping of village accounts, is subordinate to the Head of the village. He should help and advise the Head of the Village in every way. He is the clerk of the head of the village in his capacity of village munsif and magistrate. He has to prepare reports, accounts, statements, etc., which it is necessary to put in writing.' When sudden or unnatural death takes place within the limits of a village, the Karnam takes down in writing the evidence of persons who are examined, and frames a report of the whole proceedings. He keeps the register of those who are confined, or placed in the stocks by the Head of the village for offences of a trivial nature, such as using abusive language, or petty assaults or affrays. It is the Karnam who keeps the revenue accounts, and registers of the price of all kinds of grain, strangers passing or re-passing through the village, births and deaths, and cattle mortality when cattle disease, eg., anthrax or rinderpest exists. Further, it is the duty of the Karnam to take proper care of Government survey instruments, and, when revenue survey is being carried out, to satisfy himself that the village and field boundary marks are properly erected."

10. During the Public Hearing, the representatives of the community said that their community is not a part or sub-caste of Mudaliyar community. The Bench however asked them to furnish detailed data/information regarding the distinct identity of the community and its social backwardness within a week's time,

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which the representatives of the community have not been able to furnish even after 12 weeks have passed.

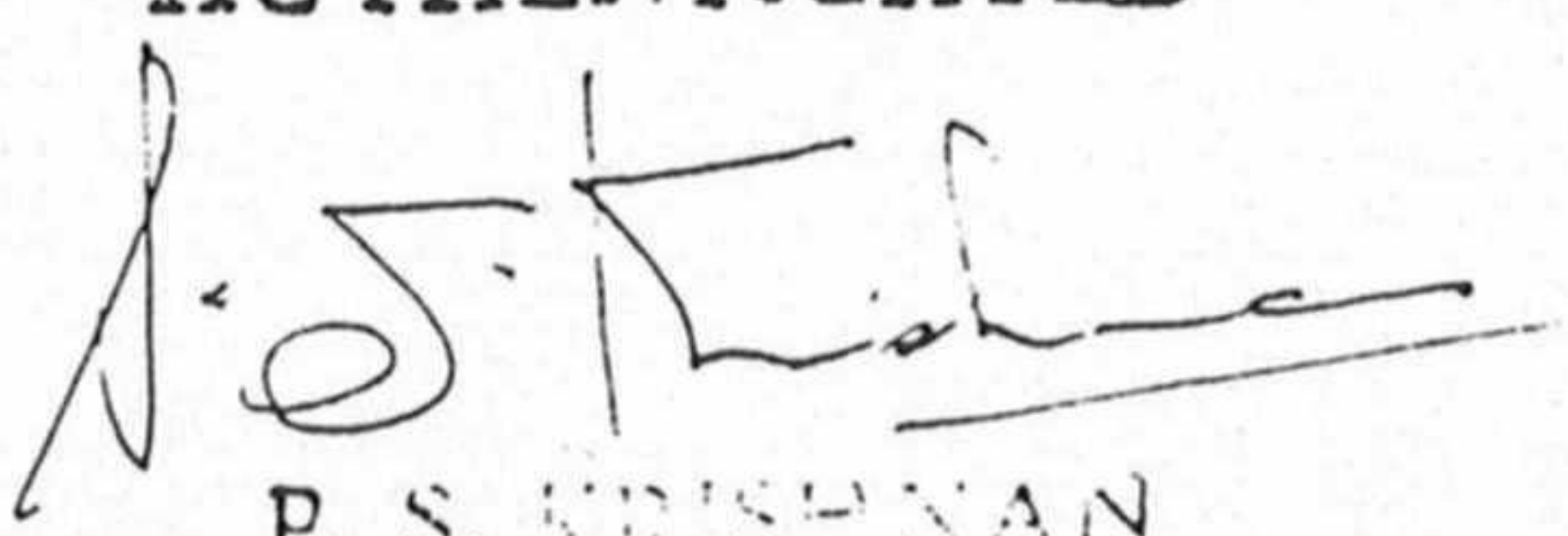
IV. Findings

11. It is the view of the Bench that "Karuneeka or Kanaka Pillai" is the same as "Kanakkan" or "Karanam" or "Korono" referred to by Thurston and Rangachari. Thus, "Karuneeka (Kanaka Pillai)" is obviously a Tamil accountant caste, accountants particularly of village acconts, which is a source of strength for the castes to which such traditional accountants belong. Such castes are not socially backward. Though they do not have this occupation in Karnataka to which State they have migrated from Tamil Nadu, their social status is influenced by the status of members of that community across the State border. Even in Karnataka their occupations as mentioned by one of the Commissions like employment in industrial establishments and petty trade are not occupations normally part of the profile of Backward Classes. Obviously this is why every list of Backward Classes recommended by Commissions and ordered by the State Government keeps this community out.

12. From the above evidence it is the Finding of the Bench that "Karuneeka (Kanaka Pillai)" is not Socially Backward. The inclusion of such castes/communities in the list of Backward Classes is not only counter to the facts and social realities, but also deprives the classes which are genuinely Socially Backward of their due and thus seriously distorts the Constitutional and National policy on Backward Classes. The inclusion of such Advanced castes/communities in the list of Backward Classes also confers on them an un-Constitutional and un-conscionable advantage over other Advanced castes/communities

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P. S. KRISHNAN
Member
National Commission

who are, correctly, not included in the list of Backward Classes and with whom the former ought to compete on equal terms. Therefore, the Request for Inclusion of "Karuneeka (Kanaka Pillai)" in the Central List of Backward Classes for Karnataka should be rejected.

P. S. Krishna
15.10.97

P. Le. Nagarajendra
15/10/97

V. Advice of the Commission

12. 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, for action under Section 9(2) of the Act:-

The Request for Inclusion of "Karuneeka (Kanaka Pillai)" in the Central List of Backward Classes for Karnataka be rejected as it is not Socially Backward.

P. S. Krishna
15.10.97

P. Le. Nagarajendra
15/10/97

K. S. Srinivas
20.10.97

L. S. Srinivas
20.10.97

R. Srinivas
20.10.97

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