

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

31. 3. 1998

एस. कृष्णन्
S. KRISHNAN
: 6183190

DO NCBC No. Karnataka 69-87/98

Dear Shri Manavalan,

I am sending herewith the Advice of the National Commission for Backward Classes under Section 9(1) of the NCBC Act, for inclusion of

- (1) Lingayat Kuruba/Kurubaru
- (2) Lingayat Medhar
- (3) Lingayat Kuruhinashetty/Hatagar/Jadaru/Bilimagga
- (4) Lingayat Simpy/Sivasimpy
- (5) Lingayat Bili Jaredaru/Jeda
- (6) Lingayat Neygi/Nekar/Neyge/Neelgar
- (7) Lingayat Agasa/Madivala
- (8) Lingayat Banagar
- (9) Lingayat Gowli/Gauli/Kawadiga
- (10) Lingayat Balegara/Baleshettaru
- (11) Lingayat Jeer/Hugar/Hoogara/Hoogaran/Malgar/Gurav
- (12) Lingayat Ganiga/Ganigar/Sajjan/Sajjanaganigar
- (13) Lingayat Kammara/Badiga/Kammasali/Akkasali
- (14) Lingayat Nayinda/Bajantri/Hadapada/Bandari
- (15) Lingayat Kumbar/Kumbara
- (16) Lingayat Uppara/Sunnagara

in the Central List of Backward Classes for Karnataka,
and for rejection of the Request for Inclusion of

- (1) Lingayat Aradhya/Jangama
- (2) Lingayat Panchacharu/Panchamasali
- (3) Lingayat (ie all Lingayat castes/communities other than the above)

in the Central List of Backward Classes for Karnataka, for necessary
action by the Central Government under Section 9(2) of the Act.

With kind regards,

Yours sincerely

(Signature)

(P.S.KRISHNAN)

Encl: As stated

Shri D.K.Manavalan
Secretary to Govt. of India
Ministry of Welfare
Shastri Bhavan
NEW DELHI

O/C

(Signature)

NATIONAL COMMISSION FOR BACKWARD CLASSES

KARNATAKA BENCH

FINDINGS

Per Shri P.S.Krishnan, Member-Secretary

Case: Requests for Inclusion of certain Lingayat castes/sub-castes/synonyms/communities and of 'Lingayat' in the Central List of Backward Classes for Karnataka

I. Request

This case arises from various representations made to this Commission by the 'All India Veerasaiva Mahasabha', Sri Jagadguru Jayadeva Hostel Building, No.18, Seshadri Road, Bangalore 560 009 (hereafter referred to as 'the Mahasabha') by which the Mahasabha has *inter alia* requested for Inclusion of the following Lingayat castes/sub-castes/synonyms/communities in the Central List of Backward Classes for Karnataka.

- (1) Lingayat Kuruba/Kurubaru
- (2) Lingayat Medhar
- (3) Lingayat Kuruhinashetty/Hatagar/Jadaru/Bilimagga
- (4) Lingayat Simpy/Sivasimpy
- (5) Lingayat Bilijedaru/Jeda
- (6) Lingayat Neygi/Nekar/Neyge/Neelgar
- (7) Lingayat Agasa/Madivala
- (8) Lingayat Banagar
- (9) Lingayat Gowli/Gauli/Kawadiga
- (10) Lingayat Balegara/Baleshettaru
- (11) Lingayat Jeer/Hugar/Hoogara/Hoogaran/Malgar/Gurav
- (12) Lingayat Ganiga/Ganigar/Sajjans/Sajjanaganigar

340 
P. S. KRISHNAN
Member-Secretary
National Commission
for Backward Classes

- (13) Lingayat Kammara/Badiga/Kammasali/Akkasali
- (14) Lingayat Nayinda/Bajandri/Hadapada/Bandari
- (15) Lingayat Kumbar/Kumbara
- (16) Lingayat Uppara/Sunnagara
- (17) Lingayat Aradhya/Jangama
- (18) Lingayat Panchacharu/Panchamasali

In its first "Memorandum" dated 20.06. 1994 the Mahasabha had requested for the inclusion of the entire 'Lingayat' community in the Central List of Backward Classes for Karnataka. Subsequently, the Mahasabha submitted specific Request(s) for inclusion of only the above 18 Lingayat castes/sub-castes/synonyms in the format of the NCBC's 'Questionnaire for Consideration of Requests for Inclusion and Complaints of under-Inclusion in the Central List of Backward Classes'. In the Questionnaire, they have also furnished some data/information regarding the above Lingayat sections/groups. They did not press for the inclusion of any except these 18 castes of Lingayats. The NCBC has also received separate Requests in respect of Lingayat Banagar from Shri M.M.Hooli, Hon.Secretary, Akhil Karnataka Veerashaiva Banagar(Nagalik) Samaj, and also in respect of Lingayat Panchamasali from the Veersaiva Panchamasali Sangha.

II. Public Hearings

2. Apart from Public Hearings prior to the re-constitution, after its re-constitution a Public Hearing was held on 28.4.1997 by the 2-Member Karnataka Bench of the Commission consisting of Hon'ble Justice P.K.Shyamsundar, Chairperson, NCBC and Shri P.S.Krishnan, Hon'ble Member-Secretary, NCBC. During the Public Hearings the State Government was represented by the Director, Directorate of Backward Classes and Minorities Welfare and other officers in the office of the Directorate. The Mahasabha was

represented by S/Shri R.M.B.Aradhya, Shri Virabhadrapa, Advocate and others. The Mahasabha also presented a number of persons from different parts of the State who represented different Lingayat sections like S/Shri Dakshina Murthy (Kuruba/Kurubaru), R.G.Shivakumar (Hatagar/Devanga), Amarapuram Lingaraju (Uppara/Sunnagara), B.T.Umesh (Agasa/Madivala), K.K.Ajjappa (Medhar), M.S.Nataraju (Simpiga), Siddaramaiah Hugar (Hugar). Swami Sivanananda of Beli Matt, Bangalore, also appeared before the Bench. Shri M.M.Hooli who has made a separate Request in respect of Lingayat Banagar also appeared before the Bench. The Veerasaiva Panchamasali Sangha which made a separate Request in respect of Lingayat Panchamasali was represented by its President Shri C.S.Nilugal and others.

3. According to the procedure of the Commission, Public Hearings are held after due publicity by publication of Public Notices in the media in which it is specifically mentioned that 'any individual who has or any Association/Organisation which has any view to present in the matter of castes/sub-castes/communities under consideration are requested to appear before the Bench during the Public Hearing'. In response to such publicity, representatives of the 'Karnataka State Backward Classes Federation' [hereinafter referred to as 'the Federation'] appeared before the Bench at the Public Hearing (apart from pre-reconstitution Hearings) and stated their objection to the Request(s) made by the Mahasabha for the inclusion of Lingayat sections/groups in the Central List of Backward Classes for Karnataka. The Federation filed a written 'Statement of Objection' in this regard. Similar objections were also received from a number of associations/organisations representing different non-Lingayat sections of some of the above castes/communities like 'Akhil Bharatiya Vishwakarma Mahasabha', 'Karnataka Rajya Vishwakarma Samaja', 'Karnataka Pradesh Kurubara Sangha', 'Kuruhina Setty Kendra Sangha' and 'Karnataka Madivalara Sangha'. The arguments in support of

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Objection were put forward mainly by Shri C.J.Srinivasan, President, Karnataka State Backward Classes Federation, Prof. Narasimhaiah, and Shri K.Mukudappa, General Secretary, 'Karnataka Pradesh Kurubara Sangha'.

III. Relevant entries in the State, Mandal and Central Lists of Backward Classes for Karnataka

4. Neither the 'Lingayat' community as a whole nor any of its sections including the 18 Lingayat Sections under consideration have been included in the first-phase Central List of Backward Classes for Karnataka apparently because they did not satisfy the criteria of commonality, i.e., being both in the State List as well as in the Mandal Commission's List of Backward Classes for Karnataka.

5. Certain 'Lingayat Sections' have been included in the Mandal Commission's List of Backward Classes at S.No. 187, as follows:-

"187. Lingayat Sections namely Shimpi, Shivashimpi, Neelagar, Koshti, Hatagar, Jeda, Bilijeda, Neygi, Kuruhinashetty, Bilimagga, Nayinda, Navi, Kshourada, Kelasi, Hadapad, Nadig, Mangala, Kummar, Badagi, Agasa, Modivala, Rajaka, Gurav, Tambli, Kumbar, Kambhar, Kulal, Banagar, Nagalika, Gowli (Cowherd), Hugar, Jeer, Malagar, Teligar, Pujar, Matapathis amongst Jangams, Ganigar, Shuddhashiva, Shivarechka, Jhammadi"

The above 'Lingayat Sections' were not included in the State List that existed at the time of the preparation of the first-phase Central List for Karnataka (i.e., the State List issued with State Govt.'s Order No. SWL 66 BCA 86, Bangalore, dated the

19th November 1986). This State List, however, contained the entry 'Veerasaiva-Lingayatha' at S.No. 7 under Group D. The Bench notes that this entry in the State List is not based on any recommendation or Advice of a Backward Classes Commission/Committee. As will be seen in Section V below, the various Backward Classes Commissions/Committee set up by the State Government preceding the preparation of this State List found the 'Lingayat or Veerashaiva' community to be a forward community and therefore did not include it in their respective recommended Lists.

6. In the latest State List (issued with GO No. SWD 150 BCA 94, dated 17.09.1994) apart from the retention of "Veerasaiva-Lingayath" certain 'Lingayat Sub-groups' have been specifically included, as follows:-

"Category III(b)

1. (a) Veerasaiva Lingayath

(b) Lingayath Sub-groups of

Helava, Ambig, Bhoyi, Gangamatha,
Sunagara, Agasa, Madivala, Kumbara,
Kuruba, Bajanthri, Bandari, Hadapada,
Kshaurika, Navalig, Navi, Akkasale,
Badigar, Kammara, Kamsala, Panchal,
Medara, Uppara, Gowli"

This entry is apparently based on the Report of the Chinnappa Reddy Commission, 1990 as no Lingayat caste/sub-caste which has not been recommended by that Commission is included in this entry and all Lingayat castes/sub-castes, except for 'Valmiki', recommended by that Commission, are included in this entry. 'Valmiki' is not included in this entry apparently because of its inclusion in the ST List.

7. It is pertinent to the present case to note that the non-Lingayat counterparts of most of the Lingayat sections under consideration, i.e., except 'Panchacharu/Panchamasali', 'Aradhya/Jangama', and 'Banagar', are included in the first-phase Central List of Backward Classes for Karnataka prepared in 1993 on the basis of the principle of commonality. The relevant entries in the Central List are shown in a Tabular statement below, which also shows the position regarding Lingayat castes/sub-castes under consideration in the State List, Mandal List and Chinnappa Reddy Commission's List.

Table I: Position reg. Lingayat castes/sub-castes/synonyms in the List of recommended By Chinnappa Reddy Commission, State List, Mandal List and relevant entries in the Central List of BCs for Karnataka in respect of non-Lingayat castes/sub-castes/synonyms corresponding to the Lingayat castes/sub-castes/synonyms under consideration.

S.No.	Lingayat sections under consideration	Whether included in Chinnappa Reddy Commission recommended List	Whether included in the latest State List at S.N. 1(b) under Category III(b)	Whether included in the Mandal List at entry no. 187	Relevant entry in the Central List. reg. corresponding non-Lingayat sections prepared in 1993 based on commonality
1	Kuruba/ Kurubaru	Lingayat Kuruba included along with non-Ling. Kuruba	'Kuruba' included	Not included	113. Kuruba, Kurub, Kurab, Kuruban,
	Medhar	Lingayat Medar included along with non-Ling. Medar	Included as 'Medara'	Not included	53. Medari, Burud, Gauriga, Medara
3	Kuruhina-shetty/ Hatagar/ Jadaru/ Bilimagga	Not included	Not included	Hatagar, Kuruhinashetty, Bilimagga included	159. Neygi, Kuruhinashetty, Bilimagga, 158. Devanga, Neikar, Jadar, Hutagar/Hulgar
	Simpy/ Sivasimpy	Not included	Not included	Shimpi, Shivashimpi included	157. Darzi, Simpi, Shimpi, Neelgar
5	Bilijedaru/ Jeda	Not included	Not included	Jeda, Bilijeda included	158. Devanga, Jed,
6	Neygi/ Nekar/ Neyge/ Neelgar	Not included	Not included	Neygi, Neelagar included	159. Neygi, Neiker, 157. Darzi, Neelgar
7	Agasa/ Madivala	Ling. Agasa, Madivala included with non-Ling. sections	'Agasa, Madivala' included	Agasa, Madivala included	55. Agasa, Madivala/ Madivalaru,
8	Banagar	Not included	Not included	Banagar, Nagalika included	Not included
	Gowli/ Kawadiga	Ling. Gowli included along with non-Lingayats	'Gowli' included	'Gowli (Cowherd)' included	22. Golla, Gouli, Gopal, ...
10	Balegara/ Baleshetaru	Not included	Not included	Not included	167. Baliya, Balegara.

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Lingayat sections under consideration	Relevant entry in the Chinna-ppa Reddy Commission's recommended List	Whether included in the Latest State List at S. No. 1(b) under Category III(b)	Whether included in the Mandal List at entry No. 187	Relevant entry in the Central List. reg. corresponding non-Lingayat sections
11 Jeer/Hugar/Hoogara/Hoogaran/Malgar	Not included	Not included	Jeer, Hugar, Malagar included	92. Hoovadiga Hugar, Hoogar, Maalgar, Mali 85. Givav....
12 Ganiga/Ganigar/Sajjans/Sajjana-ganigar	Not included	Not included	'Ganigar' included	164. Ganiga, Teli, Gandla
13 Kammara/Badiga/Kammasali/Akkasali	Lingayat Kammara, Badigar, Kamsala, Akkasale included along with non-Lingayat sections	Akkasale, Badigar, Kammara, Kamsala included	'Kummar' (apparently mistake for Kammar), Badagi included	161. Viswakarma, Akkasale, Aksali, ... Kammar.... Luhar (Kammari), Kamsal, Kamsala, Badagi
14 Nayinda/Bajantri/Hadapada/Bandari	Lingayat Bajanthri, Bandari, Hadapada included along with non-Lingayat sections	Bajanthri, Bandari, Hadapada included	Nayinda, Navi,, Kelasik, Hadapad included	163. Nayinda, Bhandari
15 Kumbar/Kumbara	Lingayat 'Kumbara' included along with non-Lingayat sections	Kumbara included	Kumbhar, Kambhar included	112. Kumbara, Kummara, Kumbhar,
16 Uppara/Sunnagara	Lingayat Uppara, Sunnagara included along with non-Lingayat sections	'Uppara', 'Sunnagara' included	Not Included	146. Uppara 87. Gangakula Sunnagar
17 Aradhya/Jangama	Not included	Not included	Aradhya not included 'Matapathis amongst Jahgam' included	Not included
18 Panchacharu/Panchamasali	Not included	Not included	Not included	Not included

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IV. "Lingayatism" or "Virasaivism" -- An Appraisal based on ethnographic accounts

8. 'Lingayatism' or 'Virasaivism' can be said to be a religio-philosophical faith, the fundamental doctrines and tenets of which are commonly believed to have been originally formulated and propounded by the 12th Century A.D. social reformer Basaveswara. In essence, his teachings constituted a "rejection of many of the chief dogmas of Brahminic-Hinduism". [R.E. Enthoven, The Tribes and Castes of Bombay, Asian Educational Services, New Delhi, Madras, 1990, first edition 1922, Vol. II, p. 344] According to Enthoven, "in its inception, Lingayatism not only rested largely on a denial of the Brahman claim to supremacy over all the castes, but attempted to abolish all caste distinctions" (ibid, p. 344). But it, however, "has gradually reapproximated to the Hindu faith" (ibid, p. 344). "In connection with the attitude originally assumed towards caste distinctions, there has been a very noticeable departure from Basava's teaching" (ibid, p. 345). Enthoven further writes as follows:-

"The Lingayats of the present day are divided into three well defined groups, including numerous true castes,.... With the rise of caste distinctions, numerous other changes occurred in the nature of the Lingayat religion. The ayyas or jangams, the priests of the community, devised in time a ritual and ceremonies in which the influence of the rival Brahman aristocracy can freely be traced." [p. 346]

Enthoven proceeds to describe the social organisation of Lingayats as follows:-

"Broadly speaking, Lingayats appear to consist of three groups of sub-divisions. The first, which for convenience may be named Panchamasalis with full ashtavarna rites, contains the priests of the community known as ayyas or jangams and the leading trader castes or banigs.... The Panchamasalis..... rank considerably above the remaining groups. One of

the writers in the 'Bombay Gazetteer' describes them as True Lingayats.

The next group is that of the non-Panchamsalis with ashtavarna rites. This group contains numerous endogamous sub-divisions which are functional groups, such as weavers, oil-pressers, brick-layers, dyers, cultivators, shepherds and the like.... Members of one sub-division may not pass to another. The names of the sub-divisions are commonly indicative of the calling of the members, and it is of special interest to note here that how the barriers erected by specialization of function have proved too strong for the original communal theories of equality which the Lingayats of early days adopted. It is interesting to observe that considerable diversity of practice exists in connection with the relations of the sub-divisions of this group to the parent Hindu castes from which they separated to become Lingayats. In most cases it is found that, when a portion of an original Hindu caste has been converted to Lingayatism, both intermarriage and interdining with the unconverted members is finally abandoned, and the caste is broken into two divisions, of which one is to be recognised by the members wearing the linga and the other not. But in some instances, e.g., the Jeers of the Belgaum district, the Lingayat members continue to take brides from the non-Lingayat section, though they will not marry their daughters to them.... In other cases the Lingayat and non-Lingayat sections live side by side and dine together at caste functions, intermarriage being forbidden.... This second group or sub-division of the main caste, therefore, differs essentially from the Panchamsalis, though the members also have the ashtavarna rites. It is described in the Bombay Gazetteer as Affiliated Lingayats.

The third group or sub-division is the non-Panchamsalis without ashtavarna' rites. It contains

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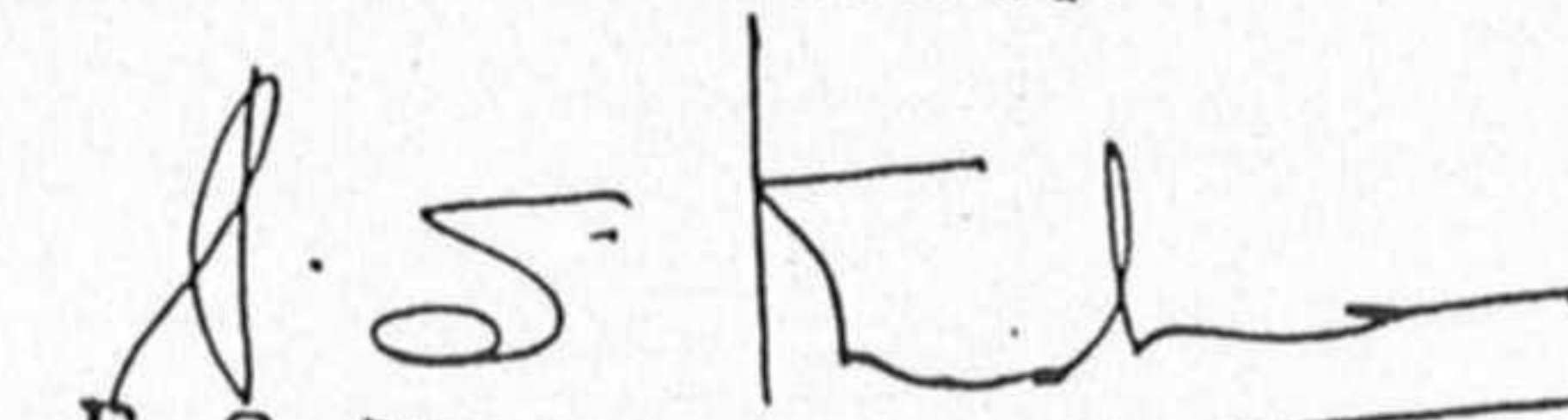
washermen, tanners, shoemakers, fishermen etc., who would rank as unclean castes among the Brahminic Hindus. It is the practice among the Lingayats of the present day to deny that the members of this third group are entitled to be classed as Lingayats at all. They maintain that, since the possession of the full ashtavarna rites is the mark of a Lingayat, these lower divisions, who at most can claim three or four of the eight sacraments, are only the followers or servants of Lingayats.... Yet it seems that these lower orders would be styled Lingayats by the other Hindus of the neighbourhood and would describe themselves as such.... Lingayats of this third description only marry within their sub-division. They are described as Half Lingayats in the Bombay Gazetteer." [pp 352-54]

Having outlined the social organisation of the present-day Lingayats as above, Enthoven concludes that, "Once the original notion of universal equality of rank had yielded to the priest a precedence incompatible with such equality, the way was prepared for the introduction of further social gradations, and the older members of the community commenced to claim over the later converts a precedence modelled on that which the priests had established against them. In such manner the essential doctrine of equality became completely undermined, and in the end gave place to certain rites and ceremonies as the test of Lingayat orthodoxy. Thus, when the more recent cases of caste conversion occurred, a section of a Hindu caste became Lingayat, not as the founders of the religion would have wished, by being admitted to a footing of equality on the common ground of the worship of Shiva and of his emblem the linga, but by investiture through certain rites and ceremonies with the linga, retaining their distinctive social status as a functional caste with which other Lingayats would neither marry or dine.... and the Lingayats of to-day present the curious and interesting spectacle of a

religious sect broken in the course of centuries into social fragments, of which the older sections remain essentially sectarian, and the more recent in origin possess the typical attributes of ordinary Hindu castes..." (p. 372, Emphases added).

9. The above account adequately brings out that 'Lingayat' cannot be taken as a homogeneous class, but it consists of many sub-divisions or sub-groups which can be taken as castes or caste-like groups very much comparable to the castes or sub-groups in the traditional Hindu society. Considering the fact that there exist within the Lingayat community gradations among its constituent sub-groups with respect to their ritual status, it can reasonably assumed that there are also gradations with respect to their social status. This stark reality has also been confirmed by more recent studies on various aspects of Lingayatism. For instance, R.Blake Michael in his book "The Origins of Virasaiva Sects" [Motilal Banarsidas Publishers Pvt. Ltd., Delhi, 1992] which analyses an important text of the Virasaiva sect namely the **Sunyasampadane** and reveals the original richness and depth of this religious movement, inter alia, observes that, in an earlier era, many occupations which would be considered polluting by Brahmins were fully acceptable to Lingayats, but that "such egalitarianism holds true for the present is less clear since endogamous occupational groups do now exist among the Lingayatas especially in areas where they constitute a large, diverse, and secure proportion of the population"(Introduction, p.3). These accounts amply make clear that the bane of Indian society that is Caste has proved too strong to be withstood by that section of society whose religious denomination is 'Lingayatism'. In this, Lingayat society is very much like those sections of society in India whose religious affiliation is to Islam and Christianity, who have also, in varying degrees and forms, succumbed to the customs, practices and prejudices of the Indian Caste System.

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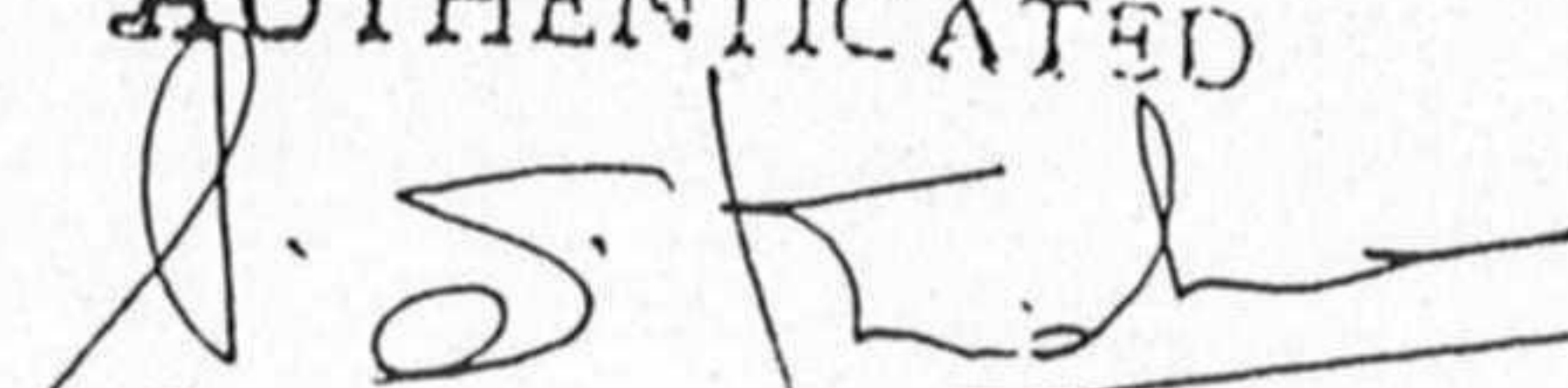
10. In addition to the copious citations supra of ethnographic writers adverting to the cleavage between Pristine Lingayats and the new converts, it would be appropriate to refer to a write up on this topic by the well known journalist of Karnataka Dr. Patil Puttappa. Shri Puttappa contributes a column to a popular Kannada Fortnightly magazine called Taranga. In his column titled Papu Prapancha he has produced a written account of what happened when a barber converted to Lingayatism wanted to invite a Lingayat Guru, a head of a Mutt to his house for a benedictory meal. This proposal, it appears, was opposed by the Pristine Lingayats of that area who felt that a convert Lingayat not being a full Lingayat, was not entitled to the privilege and honour of a Dharma Guru visting his house and accepting his hospitality. This controversy had arisen in the small town of Bagalkot in the district of Bijapur. In order to set at rest this issue, the Lingayat community of Bagalkot it appears, called on the Lingayat Jagat Guru who had his headquarters at the Moorasawara Mutt in Hubli town and sought his advice in the matter. That Guru called the Jagat Guru or the Supreme Guru was also of the view that barber converts to Lingayat religion were not total Lingayats and were therefore not entitled to the privilege and honour of inviting a Dharma Guru to a benedictory meal at their house. In spite of this adverse verdict from some one who was then and even now considered to be the ultimate authority in matters of religious custom observed amongst the Lingayats, some from the community were nonetheless successful later on in inviting and securing the presence of another Lingayat Guru called Rudrakshi Mattaswamy to go to the barber's house at Bagalkot and accept food from his hands. Accordingly, the Rudrakashi Mattaswamy having agreed to visit the house of the barber, did in fact go and eat in his house. It appears, this incident was duly reported to the Hubli Jagat Guru who was so greatly incensed at

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the behaviour of the junior Swamy of Rudrakshi Matt that he immediately ordered rustication of three disciples of that Swamy. He did not stop at that but ordered one of his own disciples to go and cut off the small toe of one of the legs of the Rudrakshi Matt Swamy so that he would not be able to undertake visits thereafter to the house of any devotee. This sanctioned act of cruelty, it would appear, was in fact carried out resulting in a small toe of the junior Swamy being actually incised and removed, thereupon the victim who felt aggrieved, is stated to have lodged a complaint with the Raja of Sangli, in whose holding the town of Hubli was then comprised of. Upon receipt of that complaint, the Raja of Sangli, it appears, immediately issued an arrest warrant for seizing and detaining the Jagatguru in custody. Upon learning of this development and sensing the imminence of his incarceration the Jagatguru wilting under the prospect of the great humiliation, he was about to suffer, it appears, committed suicide by drinking a poisonous potion. This incident cannot be doubted at all since it has been recorded in the Government gazetteer as adumbrated in the write up. In any view of the matter, the above account of what happened may be not in the recent past, but also not in the too distant past, is a clear indication of the disdainful and callous attitude of the Lingayats in the higher rung towards those in the lower rungs. What is more, it also clearly demonstrates the cleavage between those claiming to be pristine Lingayats and the converts to the lingayat religion who were mainly attracted by the teachings of Basaveshwara assuring equal treatment to all which however did not happen always. We have referred to this real life incident depicting the scornful treatment meted out to the Lingayat converts by others standing out as indubitable proof of the intolerance displayed by the so called pristine Lingayats towards those who had embraced their religion in the hope of acquiring some respectability in society which apparently has remained a mirage even now. (Reference: Column titled 'Papu Prapancha', written by Dr. Patil Puttappa, Pancha-Vishvamani Kurichanarami Circle, Hubli" (copy enclosed as Annexure-I).

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V. Facts regarding Lingayats and Lingayat castes/sub-castes in the Reports of various Backward Classes Commissions/Committees

11. The Lists of Backward Classes for the purposes of Sections 15(4) and 16(4) of the Constitution recommended by the Mysore Backward Classes Committee, set up by the Govt. of Karnataka in 1960 under the Chairmanship of Dr. R.Nagan Gowda, did not include 'Lingayat' or any Lingayat castes/sub-castes. According to the Report, this Committee "is of the opinion that the entire Lingayat community is socially forward." A perusal of the Report reveals that the Committee considered the entire Lingayat community as a single unit and did not make any distinctions between the different castes/sub-castes within the Lingayat community.

12. The Karnataka Backward Classes Commission set up by the Government in 1972 under the Chairmanship of L.G.Havanur did not recommend the inclusion of "Lingayat" for the purposes of Article 16(4) as well as Article 15(4). No Lingayat caste/sub-caste is found specifically included in the List of BCs recommended by this Commission. But from the observations made by the Commission regarding "Veerasaivas (Lingayats)" in the chapter entitled "Remarks on Evidence" in its Report (Vol. I, Part 1), it can reasonably be presumed that the different entries in the recommended List of the Commission relating to such occupational castes/sub-castes as Neygi, Agasa, Kuruba etc covered both the non-Lingayat as well as Lingayat sections of such communities. The observations made by that Commission in this regard are as follows:-

"The representatives of the Veersaiva community who gave evidence before the Commission were not unanimous as to whether their community was a part of Hindu society, or it was a non-Hindu community... Although the representatives were indefinite and divided in their opinion, the Commission considered the provisions of various Parliamentary enactments on Hindu Law, Untouchability (Offences) Act, 1955, and court decisions

which made it clear that Lingayats or Veerashaivas are a religious denomination of the Hindu community. That this is so is supported by the fact that Census authorities have clubbed the population of Lingayats with Hindus, though efforts in the past were made by the Veerashaivas for their categorisation as a separate religious community.

Though, in principle, Lingayats or Veerashaivas do not accept the principle of caste amongst their groups, there are, in fact, groups based on their traditional occupations. The basic principle adopted by the Commission for ascertainment of the social backwardness of a Hindu caste, tribe or community, or a non-Hindu group being its economic backwardness based on occupational and residential backwardness the said principle was applied uniformly to all."(pp 266-67)

The Report of the Commission also states that,

"Having accepted that the entire community cannot be taken as a unit to be considered backward or forward, but only certain 'sections' who would satisfy the test of 'backwardness --- social, educational and economic', the Commission has found out certain sections of Lingayats as socially, educationally and economically backward, such as barbers, washermen, oil-pressers, weavers, etc."(p 271)

Considering the fact contained in the Report that "the Commission has found out certain sections of Lingayats as socially, educationally and economically backward" and also the fact that the List recommended by the Commission does not specifically include any Lingayat caste or sub-caste, it can reasonably be taken that all entries in the List which relates to caste-specific occupational groups include both Lingayat and Non-Lingayat sections. This is also clear from the following extract from the chapter entitled "Findings" in the Report:-

"We have gone on multiple tests such as economic,

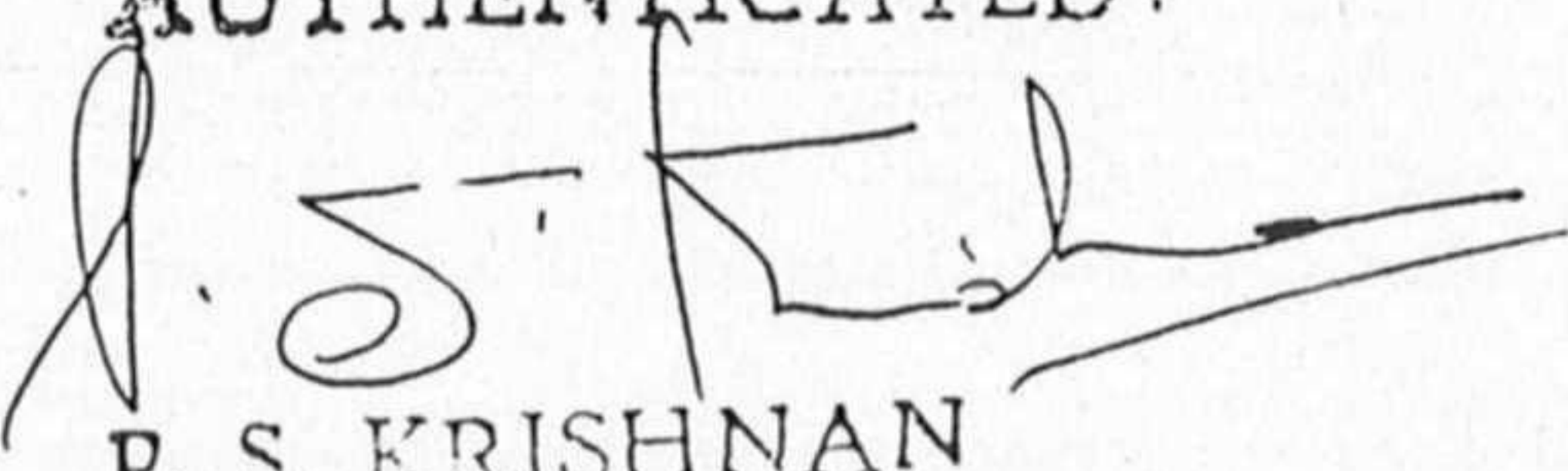
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P. KRISHNAN
Member Secretary
National Commission
for Backward Classes

residential and occupational, in deciding social backwardness of castes and communities. In the social hierarchy, some of the castes and communities specified by us as backward classes occupy higher status in the conventional sense known to Hindu society. And yet, eschewing the principle of status -- principle of caste -- we have determined their backwardness on criteria other than caste. For instance, the traditional occupation of Ambalavasis is temple management, and that of Satanis is performing Pooja in public temples.... We found those sections to be socially backward because we applied tests other than that of caste. Castes and communities who occupy a low status in the hierarchy of castes have been excluded if they have shown economic and educational advancement. Here again, we may cite instances of Bhunts and some sections of Lingayats who, being Shudras, and therefore low in the conventional sense, came to be excluded." (pp 307-308)

Here, according to the Report, it is seen that only "some sections of Lingayats" have been excluded from the List. Since there is no mention at any of the entries in the recommended List regarding the exclusion of the 'Lingayat section' of the caste/community mentioned in the entry, it can reasonably be presumed that not only those Lingayat sections found to be not backward by the Commission but also their counter-part non-Lingayat sections have also not been included in the recommended List and also that all occupational caste/sub-castes/communities listed by the Commission include both Lingayat and non-Lingayat sections.

13. In this context it is pertinent to refer to the Order of the High Court of Karnataka in Somasekhar Veerappa B. Murgod, Petitioner V. The State of Karnataka and another, Respondents (AIR 1980 Karnataka 62). In this case the petitioner who was an applicant for admission to 1st Year M.B.B.S. Course in any one

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

of the Medical Colleges in the State prayed for issue of a writ of mandamus directing the Selection Committee to select him for 1st Year M.B.B.S. course. The issue that arose before Justice M.Rama Jois, who delivered the Order, was as follows:-

"Whether such of the persons who belong to Kuruhina Setty Community, who had become Lingayats are entitled to the benefit of special provisions made in favour of educationally and socially backward classes according to which 'Kuruhina Setty' is declared as one of the Backward Communities?"

As seen from the Order, the petitioner claimed admission against seat reserved for Backward Communities as per the Government Order dated 18.5.1977, on the basis that he belongs to Kuruhina Setty community, which is one of the Backward Communities, set out in appendix-I to the said Govt. Order in which the State Govt. directed reservation of seats in favour of Backward Communities. Since the said Govt. Order was based on the recommendations of the Havanur Commission, the Order of Justice M. Rama Jois made a reference to the findings of the Havanur Commission and held that "the Selection Committee was not right in rejecting the claim of the petitioner on the mere ground that the petitioner was a lingayat.... I hold that every person who belongs to Kuruhina Setty community whether a Lingayat or not belongs to Backward community for the purposes of the Government Order, and can claim the benefit of special provisions subject to the income test prescribed in the Government order...."

14. It is important to note that the conclusion reached by the High Court on the case supra that a person belonging to Kuruhinasetty community, irrespective of whether he/she is a Lingayat or not, will belong to a Backward community is arrived at inspite of the fact that the relevant entry in the Govt. Order showed only 'Kuruhinasetty' and did not specifically mention whether it included both Lingayat and non-Lingayat

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

sections.

Though this judgement and the interpretation contained in it is specifically applicable to members of the Kuruhinasetty community who are Lingayats, obviously it is applicable also to the Lingayat members of any caste/community, which is found in the list of Backward Classes, and also to any caste/community, which, even though not yet included in the list of Backward Classes, is found to be Socially Backward and is to be included hereafter. In other words, on the basis of this judgement, if any caste/community is found to be Socially Backward, the finding covers not only the non-Lingayat members of that caste/community but also the Lingayat members of that community. The *raison d'être* of the judgement covers 16 out of the 18 castes/communities under consideration as, except for Aradhya/Jangama and Panchacharu/Panchamasali, all other castes/communities, without the pre-fix 'Lingayat', are found included in the State as well as Central Lists of Backward Classes for Karnataka, but for 'Banagar' which, though included in both the latest State List of 1994 and the Mandal List, is not included in the Central List only because it was not included in the State List at the time of the preparation of the Central List in 1993 on the basis of the commonality.

15. Like the Havanur Commission, the Report of the Karnataka Second Backward Classes (Venkataswamy) Commission also has recognised castes and sub-castes among Lingayats. The Report (Vol III) writes as follows: "As reflected in our Survey, it is seen that almost all the major Hindu castes have been reflected under Lingayatha group as sub-castes". (p42) The Commission has also listed out 61 Lingayat sub-groups. But despite this recognition, the Venkataswamy Commission also did not specifically include any lingayat caste/sub-caste in its recommended List of BCs under Article 16(4) as well as 15(4). In the 17 Analytical Tables appended to the Report which analyse the socio-economic and educational status of castes/communities, no separate figures are shown for each of the constituent 'Lingayat' groups.

16. The Karnataka State Third Backward Classes (Chinnappa

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Commission
for Backward Classes

Reddy) Commission mainly based its findings regarding backwardness or otherwise of castes/communities on a 'test Socio-Economic and Educational Survey of 253 villages'. After analysing the figures from this test survey, the Commission came to the conclusion in respect of 'Lingayat' community that "...only one conclusion is possible and that is that the Lingayat community cannot be classified as a Socially and Economically Backward Class though undoubtedly a large section of the community is poor like large sections of all other communities." (Vol I, p118) "However", the Report of the Commission further states, "the Lingayat community presents a peculiar problem. Though Veerashaivism denounces caste distinction, the pernicious caste system of the Hindus has undoubtedly polluted the followers of other religious faiths like Christianity in our country... The Veerashaiva, despite the anti-caste and egalitarian philosophy of Sri Basaveswara, have not been able to wholly free themselves from the Hindu caste culture. It may not be too much to say that many of the Hindu caste groups are reflected among the Veerashaivas also.... The Havanur Commission and the Venkataswamy Commission have also noticed this phenomenon but unfortunately, while declaring that the Lingayat community as such could not be declared socially and educationally backward they failed to consider whether any sections of the community should be identified and included among the socially and educationally backward classes...." (Vol.I, p118)

In the Report, Chinnappa Reddy further states as follows:

"My own personal observation when I visited some villages in some of the districts, my impressions of the people who made representations to me on behalf of the various groups and Associations of Veerasaiva and the evidence gathered by me lead me to the conclusion that despite conversion to Veerashaivism the lot of the caste-groups among the Veerashaivas at the lower level continues to be the same as that of their Hindu counterparts at that level and that whatever applies to

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S. KRISHNAN
Secretary
Commission
1953

the latter is also applicable to the former.... Later when I list the socially and educationally backward classes identified by me, I will add the words whether "Hindu or Lingayat" wherever the Lingayat sub-group occupies the same position as the corresponding Hindu caste...."(p 120)

17. Keeping in view the above findings, the single list recommended by Chinnappa Reddy for the purposes of Article 15(4) and Article 16(4) specifically lists a number of Lingayat sub-groups, in the following manner:-

"Catetory-I

4. Bavaji with Synonyms Bavaji, Atit,.....
....., Helva (including the Lingayat sub-group),.....
5. Bestha with Synonyms Bestha, Ambiga(including the Lingayat sub-group),....., Bhoyi(including the Lingayat sub-group),.....
Gangamatha(including the Lingayat sub-group),..... Sunagara (including the Lingayat sub-group)
31. Medar with synonyms Medar (including the Lingayat sub-group),.....
47. Uppara with synononyms Uppara (including the Lingayat sub-group),... Sunnagara (including the Lingayat sub-group),.....

Category II

1. Agasa with synonyms Agasa (including the Lingayat sub-group),....., Madivala (including the Lingayat sub-group),...
2. Beda with synonyms.....Valmiki (including the Lingayat sub-group)
4. Golla with synonyms.... Gowli(including the Lingayat sub-group),...
6. Kumbara with synonyms Kumbara(including the Lingayat sub-group).....
7. Kuruba with synonyms Kuruba (including the Lingayat sub-group)
8. Nayinda with synonyms.... Bajanthri (including the Lingayat sub-groups), Bandari(including the Lingayat sub-group),...
Hadapada(including the Lingayat sub-group),... Kshaurika (including the Lingayat sub-group),... Navaliga(including the Lingayat sub-group), Navi(including the Lingayat sub-group),....

NOTENTICATED
P. S. KRISHNAN
Member Secretary
Central Commission
for Backward Classes

11. Viswakarma with their synonyms... Akkasale (including the Lingayat sub-group),... Badigar(including the Lingayat sub-group),... Kammara(including the Lingayat sub-group),... Kamsala(including the Lingayat sub-group),... Panchal(including the Lingayat sub-group),...."

As noted earlier, all the Lingayat sub-groups recommended by Chinnappa Reddy Commission, except 'Valmiki', are found included in the latest State List at a single entry no. 1(b) under Category III(b). During the Public Hearings, the Bench had asked from the representatives of the State Govt. the reasons for not including these Lingayat sub-groups separately along with their respective non-Lingayat sections as recommended by the Chinnappa Reddy Commission. A clarification from the State Govt. in this regard has not yet been received. Except for this difference and the omission of 'Valmiki'(apparently because of its inclusion, after Chinnappa Reddy, in the ST List), the State Govt. has followed the recommendation of Chinnappa Reddy in respect of Lingayat sub-groups.

VI. Analysis of Objections

18. The Karnartaka State Backward Classes Federation in its 'Statement of Objection' sent to this Commission by fax on 13.08.1996 states that "Lingayat is a socially and educationally forward caste....Therefore, it will be incorrect to include in the list of Backward Classes". The Federation refers to the Reports of Nagan Gowda, Havanur, Venkataswamy and Chinnappa Reddy Commissions as supporting their above contention. Specifically referring to the inclusion of certain Lingayat sub-groups along with respective Non-Lingayat castes/groups in the recommended BC list of Chinnappa Reddy Commission, the Federation states that "even to such an inclusion, we have filed objection before the Karnataka State Permanent Backward Classes Commission". It further states that the "so-called sub-castes of Lingayathas do not deserve any consideration", because "they

AUTHENTICATED
S. KRISHNAN
Member Secretary
Backward Classes Commission
for Karnataka

have joined Lingayath caste centuries back most of them served them in connection with age-old caste professions... the recent claim of theirs is only to claim the benefits given to the real backward classes. Shri C.J. Srinivasan, President of the Federation stated that "Basaveswara was one who stood against hierarchical caste system and wanted social equality. Therefore, there should not be any differentiation among Lingayats as it goes against the basic philosophy." In fact the arguments in support of Objection mainly revolved around this theme. Shri Mukudappa representing the non-Lingayat Kuruba caste/community stated that "there is a clear difference between Lingayat Kurubas and non-Lingayat Kurubas...Lingayat Kurubas are most advanced and most educated... and therefore Lingayat Kurubas should not be included in the BC List." The representatives of non-Lingayat Savitha caste/community stated that the Lingayat-Savithas "have been elevated socially as a result of the social reformation". Shri S.Siddappa, Vice-President Karnataka Madivalara Sangha stated that there are no Lingayat-Madivalas at all in the State. He also contended that "if any one converts to any other religion to get over oppression in his original community, it will be his fault if even after conversion his position does not improve." A similar argument was also raised by Shri M.Neelakantan, Working President, Akhil Bharatiya Vishwakarma Mahasabha and other representatives of this organisation, who also stated that, "We emphatically deny the existence of Lingayat Kammara/Badiga, Kammasali/Akkasali. These are all synonyms of Viswakarma community. Vishwakarmas worship Shiva, Vishnu, Brahma as Gods created by Lord Vishwakarma, the creator of the Universe... It does not mean that all those who worship Lord Shiva are Lingayats and all those who worship Lord Vishnu are Vaishnavites...." Shri C.J.Srinivasan also stated that if Lingayat sub-castes are included in the List they will take away all the benefits of reservation and the "non-Lingayat sections will not get even 1%." This argument was also raised by the

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Commission
Backward Classes

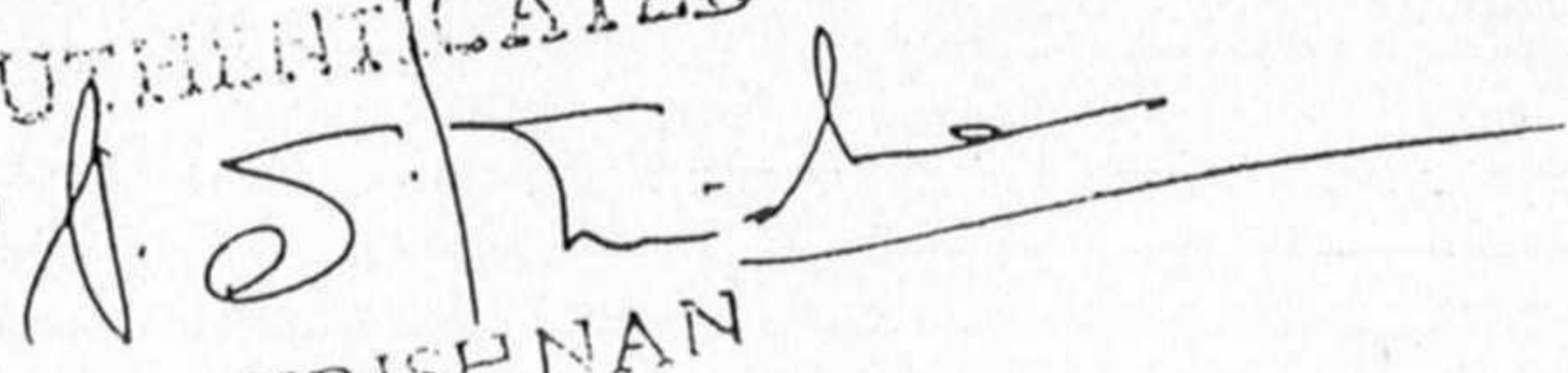
representatives other Organisations/Associations.

19. The representatives of the All India Veerasaiva Mahasabha said that though Basaveswara's philosophy denounces caste-system and professes social equality for all, it is the unfortunate fact that castes do exist among Lingayats. Some of these castes, they said, have the same names as their non-Lingayat counterparts, many of whom have also been included in the List of Backward Classes. Such Lingayat and non-Lingayat communities have the same socio-occupational profile and there is the same case for the inclusion of the former as of the latter. They further said that the non-inclusion of such Lingayat castes/communities in the list of Backward Classes in the list of BCs will amount to discrimination against the Lingayats. They, however, admitted and agreed that some of the Lingayat castes are not Socially Backward and, in view of this, they did not they also stated that they are not pressing for the inclusion of any of the Lingayat castes/communities other than the 18 castes/communities listed in para 1.

20. It seems to be the argument that, because Lingayatism denounces caste-system and professes social equality for all, no Lingayat caste or sub-caste should therefore be included in the BC List. This argument is not valid because, as has been shown in Section IV, inspite of the egalitarian philosophy of 'Lingayatism', it is an accepted fact that castes or caste-like groups exist among Lingayats. It is also a fact that many of those who converted to the faith belonged to lower castes of the traditional Hindu society who were traditionally associated with various caste-specific occupations such as weaving, oil-pressing, brick-laying, shepherding, shoe-making, fishing etc. These facts were cited by the representatives of the All India Veerasaiva Mahasabha in response to the arguments of Objection. Swami Sivananda of Beli Matt, Bangalore in particular apprised the Bench that most of the converts to Lingayat Dharma belonged

AUTHENTICATED
S. KRISHNAN
Member Secretary
National Commission
for Backward Classes

to 'lower castes' and though Lingayat Dharma succeeded in inculcating in them healthy and invigorating spiritual and cultural attitudes, the socio-economic conditions of theirs remained much the same as before the conversion. The fact that different occupational groups, which are castes or caste-like, within the fold of Islam, Christianity and Sikhism -- other religions which profess equality of humanity --- have been recognised and included in the List of Backward Classes is an important point. The Bench is also of the view that except for the argument that if Lingayat sections are included in the BC Lists, the non-Lingayat sections will be deprived of reservation benefits, the other arguments raised in support of Objection are not valid and are contrary to facts recorded by ethnographic and socio-historic accounts and Commission reports. It is the feeling of the Bench that some of the arguments raised in support of Objection, like the one which stated that if any member of a caste/community converts to a different religion from his original one and if even after the conversion his social position remains the same it will be his own fault, suggest a bit of sectarian antipathy towards those who have converted to a new religion. We think that such a suggestion of antipathy in their statements was in fact not meant to be expressed but were unwittingly let out and behind such statements was their deeper and possibly reasonable apprehension and fear, which was also sometimes openly expressed, that they will not be in a position to avail of or retain the benefit of reservation if the Lingayat sections of their communities, who in their view enjoy a competitive edge, are also to be included in the BC List along with them. Even if, such an apprehension is actually founded on the reality that the Lingayat sections are in fact comparatively more advanced, on which the Bench expresses no view at this stage, it is of the opinion that those Lingayat castes/sub-castes, which fulfil the criteria of Backwardness, cannot be kept out of the List of Backward Classes. The solution to the problem of comparative advantages

AUTHENTICATED

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

and disadvantages and differential levels of Backwardness, existing among Backward Classes, will be the appropriate categorisation of Lists of Backward Classes and appropriate apportioning of reservation and other benefits to such categories, as done by many of the States, and which has been held by the Supreme Court in the Mandal judgement to be Constitutionally permissible. But this does not justify non-inclusion of any caste/community which satisfies the criteria of Backwardness even if it is less backward than some others. In view of the above facts, the Bench is of the considered opinion that the above objections raised by the Karnataka Backward Classes Federation and other Organisations/Associations have to be rejected.

21. One more apprehension in the minds of the objectors, which found some expression, though not fully, was the fear that, if some castes of Lingayats are included in the List of Backward Classes on their being held to fulfil the criteria of Backwardness, that will provide a convenient avenue for some forward castes of Lingayats to obtain false certificates in the name of listed Lingayat backward classes. The Bench pointed out to the representatives of the Mahasabha that this apprehension has arisen and has been strengthened by the widespread malpractice indulged in by many members of the forward Lingayat Aradhya/Jangama community of obtaining false caste certificates in the name of Beda Jangam or Budga Jangam, who have rightly been included in the List of Scheduled Castes. This matter has also attracted the adverse notice of the High Court of Karnataka. The representatives of the Mahasabha were therefore asked to propose from their side, measures for preventing such kind of malpractices, in addition to the action that has to be taken by the Government to prevent such instances. They admitted the existence of this malpractice and assured that they would evolve a system of internal vigilance and safeguards within the community to prevent the repetition of such malpractices. Later on, the Mahasabha has communicated in their letter dated 09.09.1997 that "we, as the representative body of

the community, have constituted a Committee to keep watch and ward on such events and see that there will not be any misuse of the benefits. The Committee also gives wide publicity to give public warning. If at all any misuse is found, it will be dealt with appropriate action. The Committee consists of a convenor and four members representing four Revenue Divisions. We assure that the Committee meets periodically and reviews the reports from different parts of the State."

22. While it is hoped that the community will ensure the effective functioning of the internal system devised by it, it is the duty of the Government to see that its machinery for issuing caste-certificates and detection of false claims are fully tightened so that there is no scope for false caste-certificates. In order to remove the genuine apprehensions of the Backward Classes and to preclude the losses inflicted on the genuine members of Backward Classes by holders and issuers of false certificates, it is necessary to provide a statutory base for the process and machinery of caste-certification and this process should be made fully transparent. It should have the twin-objective of expeditiously issuing caste-certificates to genuine members of Backward Classes without any scope for harassment of any type and effectively detecting false claims and nipping in the bud all such claims. If at all, in rare cases, false claimants escape vigilance at the entry point, there should be provisions for the earliest subsequent detection and severe penalties both for holders and beneficiaries and for issuers of false certificates. Such a statutory system could be either by an independent Act or could be inserted in a chapter of the relevant Acts already existing in some States including Karnataka covering different aspects of reservation.

23. Thus, overruling the objections of the Objectors the Bench proposes to consider the case for inclusion or otherwise of the 18 Lingayat castes/sub-castes on the basis of the merits of each

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