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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 - 110 066

NCBC Advice No. AP/55-61/2002

04-07-2002

Dear Shri Reddy,

I am sending herewith the advices of the National Commission for Backward Classes under Section 9(1) of the National Commission for Backward Classes Act (1993), for the rejection of the requests for inclusion of

- (1) "Kapu, Telaga, Baliya, Ontari"
- (2) "All sections of Baliya"
- (3) "Veerashaiva Lingayat / Linga Blaija"
- (4) "Varala, Thogra Baliya, Bholla"
- (5) "Ekili, Ekila, Ekari, Vyakari, Vyakula, Palegar, Tolagiri, Nayaka and Nayanivaru" as synonyms of "Pala-Ekari"
- (6) "Reddy Gandla", and
- (7) "Sondi / Sundi"

castes/communities/sub-castes/synonyms in the Central list of backward classes for Andhra Pradesh, duly authenticated, for necessary action by the Central government under Section 9(2) of the Act.

With regards,

Yours sincerely

(C. T. Benjamin)

Shri C. Gopal Reddy
Secretary to Government of India
Ministry of Social Justice & Empowerment
Shastri Bhavan
NEW DELHI

Encl: As stated.

NATIONAL COMMISSION FOR BACKWARD CLASSES
ANDHRA PRADESH BENCH
FINDINGS

Case: Request for inclusion of "Kapu, Telaga, Baliya, Ontari" in the Central list of backward classes for Andhra Pradesh.

I. Request

This cases arises from the requests made to the Commission for the inclusion of "Kapu, Telaga, Baliya, Ontari" in the Central list of backward classes for Andhra Pradesh by the following individuals/organisations:-

1. Shri M.H. Rao, Co-ordinator, Kapunadu (request dated 26-08-1994)
2. Shri C. Srinivasulu, President, Nellore District Kapu, Baliya, Telaga and Ontari Sangham (request dated 30-09-1994)
3. Andhra Pradesh Telaga Kapu Baliya Sangham (request dated 10. 10. 1994)
4. Andhra Pradesh Kapu Employees Welfare Association (request dated 10.10.1994)
5. Shri B. Narasimha Rao, Kasimkota, Visakhapatnam district (request dated nil, received on 10.10.1994)
6. Andhra Pradesh Kapu Reservation Porata Samiti (30-01-1996)
7. Dr. Gurukula Mitra, President, Telaga Mahasabha, Andhra Pradesh (request dated 29-08-1996)

The above requests were received on varying dates from 26-08-1994 to 29-08-1996. Subsequently, during and after the public hearing held on 08-12-1999 by the Commission in respect of the above requests at Hyderabad , further requests were received from the following individuals/organisations:-

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8. Cuddapah District Balija Sangham, Cuddapah, Andhra Pradesh
9. Kapu, Telaga, Balija, Ontari Officials and Professionals Welfare Association of West Godavari District, Andhra Pradesh
10. Shri P. Hemalalitha, Kapu Mahila Chitanya Samakya, Nallakunda, Hyderabad
11. Shri P. G. Swamy, Mummidivari Street, Surya Rao Peta, Kakinada - 533001
12. Telaga Kapu Balija Association, Bharat Nagar Colony, Hyderabad
13. Greater Hyderabad Kapu Sangala Federation
14. Visakhapatnam District Kapu Hakkula Porata Samiti
15. Shri U. Tataji, Professor of Sociology, Andhra University, Visakhapatnam
16. Rashtra Kapu, Telaga, Balija Samkshema Samiti
17. State Kapu, Telaga, Balija, Ontari Porata Samiti
18. Shri V. Venu, on behalf of Tenali Area Telaga Community
19. Shri G. Chinnayya Dora, Municipal Councilor, Tadepalligudam, West Godavari District, Andhra Pradesh
20. Shri Gatti Umamaheswara Rao

II. Objections

2. The Commission has also received objections to the inclusion of "Kapu, Telaga, Balija, Ontari" from the followings individuals/organisations:-

1. Mrs. Vijaya Lakshmi Naidu, Barkatpura, Hyderabad
2. Andhra Pradesh B.C. Sangham
3. Andhra Pradesh Backward Classes Welfare Association
4. Shri K. Kondala Rao, Vice President for B.C. Affairs, Gowda Officials and Professionals Association, Andhra Pradesh
5. Andhra Pradesh State Backward Classes Employees' Welfare Assn.
6. Gowda Sangham, Andhra Pradesh
7. East Godavari District Settibalija (B.C.) Sangham
8. Shri Baswaraju Saraiah, MLA (Warangal Constituency),

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President, Andhra Pradesh Rajaka Sanghala Committee for Backward Classes

9. Shri C.H. Laxmanrao Yadav, President, All India Yadav Mahasabha, Andhra Pradesh
10. Andhra Pradesh Mudiraj Mahasabha, Ammerpet, Hyderabad
11. Andhra Pradesh Nayee Brahmin Employees Cultural and Welfare Association, Hyderabad
12. Andhra Pradesh Backward Classes Advocates' Association
13. Andhra Pradesh Are-Katika (Surya Vansh) Sangh, Hyderabad
14. Bhavasara Kshatriya Samaj, Adoni, Andhra Pradesh
15. Bhavasara Kshatriya Samaj, Tirupati, Andhra Pradesh
16. Bhavasara Kshatriya Samaj, Pamidi, Anantapur District, Andhra Pradesh
17. Andhra Pradesh Rajaka (Dhobi) Abhivrudhi Samstha, Hyderabad

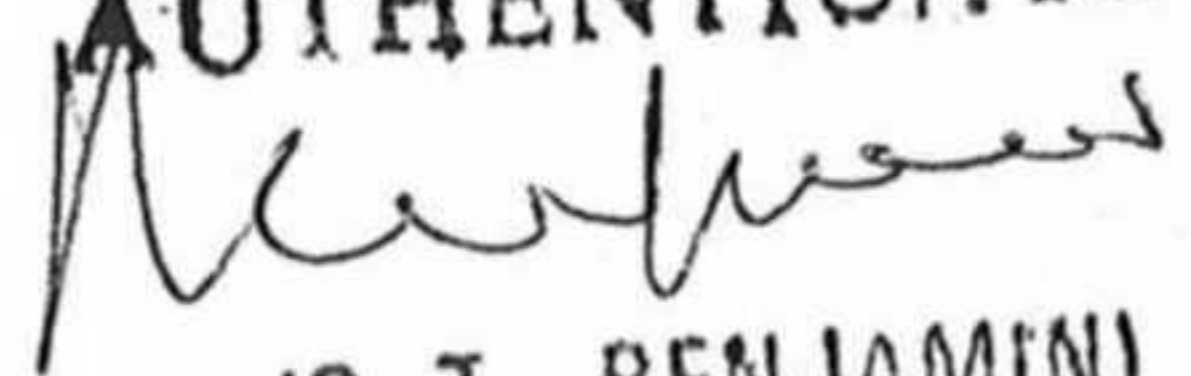
All of the above individuals/organisations made their objection to the inclusion of "Kapu, Telaga, Balija, Ontari" at the time of the public hearing on 08-12-1999, except Mrs. Vijaya Lakshmi Naidu who had sent a representation to the Commission on 20th June 1994 requesting the Commission not to include the Kapu community in the Central list of backward classes for Andhra Pradesh.

III. Relevant entries in different lists:-

3. The following entries in the Mandal, State and Central lists of backward classes for Andhra Pradesh are relevant in the consideration of the present case of request for inclusion of "Kapu, Telaga, Balija, Ontari":-

(1) Mandal List

- "64. Ediga, Gowda (Gamalla, Kalalee), Goundla, Settibalija"
 "146. Lingabalija"

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"159. Manurukapu (Telengana), Munnor-Kapu"

"264. Telega, Kamma"

"270. Turupukapus"

(2) State List

"B. 4. Ediga, Gowda (Gamalla, Kalalee), Goundla, Settibalija of
Visakhapatnam, East Godavari & Krishna district)"

"D. 20. Munnurukapu (Telangana)"

"D. 30. Turupukapus or Gajula Kapus of Srikakulam and Visakhapatnam
districts, who are subject to social customs of divorce and
remarriages among their women"

(3) Central List

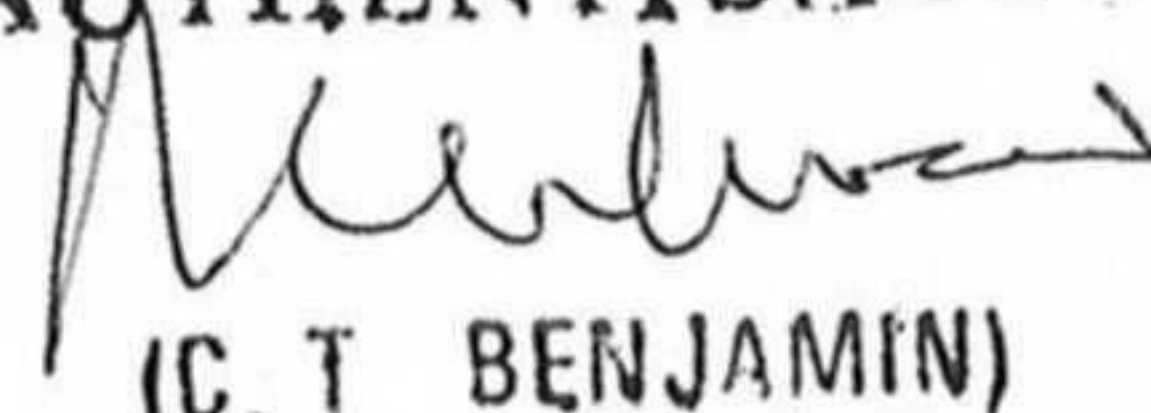
"42. Ediga, Gowda (Gamalla, Kalalee), Goundla, Settibalija (of
Visakhapatnam, East Godavari, West Godavari and Krishna
district"

"80. Munnurukapu (Telengana)"

"90. Turupukapu of Srikakulam & Visakhapatnam Districts, who are
subject to social customs of divorce & remarriage among their
women"

4. "Kapu", "Baliya" and "Ontari" are not included in the Mandal list and State list and therefore it is also not included in the first-phase Central List prepared in 1993 on the basis of the principle of "commonality", i.e, by including in it the castes/communities which were commonly found included in both the Mandal list and the State Government's list, as they did not satisfy the criterion of commonality. "Telaga" is included in the Mandal list, but since it is

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not included in the State Government's list, it did not satisfy the criterion of commonality and therefore is not included in the first-phase Central list.

IV. Grounds/facts mentioned by request-makers in support of their claim for inclusion:-

5. Shri M.H. Rao, Co-ordinator, Kapunadu, in his representation made on 26th August 1994, has stated as follows:-

"The Kapu community constitutes about 25.7% of the State's population. They are known by different names in different areas. For example, in Rayalaseema area, they are referred to as Balijas; in Godavari, Krishna and Guntur districts, they are referred to as Telagas as well as Kapus; in the northern part of East Godavari and Visakhapatnam districts some of them are known as Ontaris; in Visakhapatnam, Srikakulam and Vizianagaram, they are once again referred to as Telagas as well as Kapus."

"Some of the Kapus living in Telengana area are known as Munnur Kapus and those in Srikakulam and Vizianagaram districts are known as Thoorpu Kapus. Munnur Kapus and Thoorpu Kapus have been included in the list of backward classes in the State of Andhra Pradesh even though they are, in fact, nothing but sub-sects of the main Kapu community."

"The Kapu community, for centuries, has been eking out livelihood by agriculture. But over the years, especially in the last 100 years, after canal irrigation has come into existence and agriculture has become intensive, the pressure on land increased. Moreover, the communities who were traditionally engaged in vocations other than agriculture have also taken to agriculture. This has resulted in increase of pressure on land, leading to some of the Kapu community members selling away their land due to indebtedness caused by the expenditure incurred for family functions like marriages and for medical expenses. The increase in the population of the Kapu community over the years resulted in the fragmentation of their landholdings causing steep fall in their per capita income. Now, virtually 80% of the

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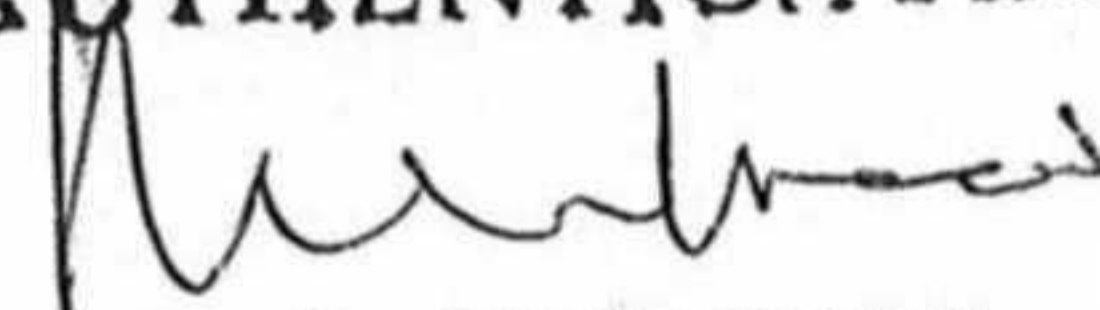
this community is without land. Those who own land are marginal or small farmers. The vast majority are agricultural coolies. A few of them are tenant farmers. The situation is further aggravated by the steep hike in the cost of living, and low increase in wages and static prices of agricultural produce. The members of the community are not able to diversify to other occupations or trades. Therefore, they are being pushed to backwardness continually, losing even their social status in the society. A time has come for the community to seek a helping hand to climb the social ladder"

"When they turned to professions other than agriculture like service sector, they found that they are not sufficient educated or advanced enough in getting a reasonable percentage of clerical jobs. When they migrated to urban centers, they could only become coolies, labourers, rickshaw pullers, masons, railway porters, etc. The situation in this community at present is so serious and alarming that unless they are included in the list of backward classes, they are likely to be attracted to extremism and nihilism."

6. Shri M. H. Rao has furnished copies of a survey report titled "*Kapu, Telaga, Baliya, Ontari in Andhra Pradesh: A Report on Status and Socio Cultural & Economic Analysis*" by Prof. U. Tataji, Dep't. of Sociology, Andhra University. The objective of the report is stated to be "to make an assessment of the socio-economic and political status of Ontari, Kapu, Telaga and Baliya castes from historical and structural perspectives in order to assist the B. C. Commission in considering the question of granting B.C status to the above sub-castes". The report, inter alia, mentions the following points:-

- (1) Traditionally the castes of Telega, Baliya, Kapu, Ontari were **associated with armed forces and land.**
- (2) The name 'Kapu' is said to have originated from their basic occupations of protecting the country as soldiers and of protecting the plantations and working on the land as farmers during peace time.

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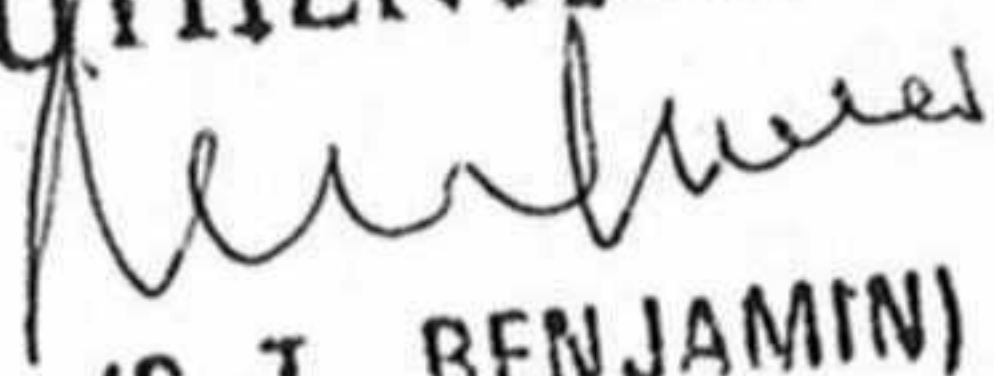
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- (3) A historical analysis of the dynamics of caste hierarchies show that while some castes like Kammas and Reddis could improve their position, the others like Kapu, Telaga, Ontari, Baliya have been experiencing downward mobility and now their status is not superior either to backward classes or to the Scheduled Castes.

Other points mentioned in the report are similar to the points mentioned in the letter of request of Shri M.H. Rao (discussed at para 5 above) and the Andhra Pradesh Telaga, Kapu, Baliya Sangham (discussed at paragraph 7 below).

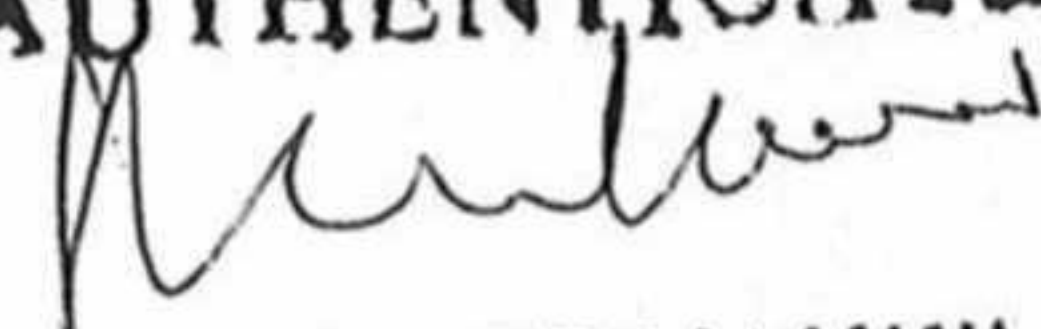
7. **The Andhra Pradesh Telaga, Kapu, Baliya Sangham** in its request has stated the following points:-

- (1) Different families who call themselves by four different names, viz., Telaga, Kapu, Baliya and Ontari, constitute a single homogenous community. They freely intermarry, considering themselves as belonging to one caste.
- (2) Members of the community mostly live in villages, eking out their livelihood as agricultural labourers, or tenants or farm servants of big landlords. Cultivation of land, which is considered to be lowly, is their main occupation. A few of them who have migrated to urban areas eke out their livelihood by engaging themselves there in lowly occupations such as rickshaw pulling, auto-driving, tailoring and the like. Some of the women-folk, because of dire poverty, work as housemaids in the houses of affluent families. A few of the families who were at one time big landlords ceased to be such and are reduced to the position of marginal farmers, thanks to the Agricultural Lands Ceiling Act.
- (3) Most of the families live in thatched huts and their standard of living is very low, compared to that of Reddis or Kammas.

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- (4) The percentage of **literacy among these groups is very low**, the percentage of higher education among them is much lower, compared to the level of higher education among the forward communities like Brahmans, Reddis, Kammas, Vysyas and Kshatriyas.
- (5) The Brahmans, Vysyas and Kshatriyas do not consider Telegas, Kapus, Balijas, who are Sudras, as their equals and they do not socialize with them or eat in their houses.
- (6) In judging the social and educational advancement of the community one must not be carried away by the affluence or the advancement made by a few families of the community or the eminence achieved by a few individuals thereof in the field of business, education and the high positions occupied by a few individuals of that community.
- (7) The Mandal Commission has included "Telega" and it is a matter of common knowledge that Telegas, Kapus, Balijas and Ontaries in AP constitute one and the same community.
- (8) In the year 1963 the then State Govt. by GO Ms. No. 1886 dated 21.6.1963 ordered the inclusion of **Kapus of Circar districts and Setti Balijas of all districts in the State in the list of backward classes**. But a single judge of the High Court by his judgement reported in 1966(1) An W.R. 194, quashed that G.O. on the only ground that no material had been placed before him as to the economic conditions, social status and the educational backwardness of the communities sought to be included in the list of backward classes.
- (9) Our community (Kapus) had neither made any claim before the Anantharaman Commission nor adduced any evidence before it in support of such claim. If only our community had made its voice felt before that Commission, that Commission in all probability would have recommended the inclusion of our community in the list of BCs.
- (10) The Muralidhara Rao Commission did not examine the claim of our community in depth, nor did it bring on record any material that would support or militate against the claim of

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our community. The observations made by that Commission on our community are not based on any data and its reasoning is specious and fallacious.

(11) One of the reasons given by the Muralidhara Rao Commission for rejecting the claim our community is that "already two sects of our community", viz., Munnur Kapus and Toorpu Kapus have been included in the list. We submit that inclusion of those two sects of our community is a circumstance in favour of and not against the claim of our community as the lot of Kapus in the Andhra area is no better than that of Munnur Kapus of Telengana area.

8. **The Andhra Pradesh Telaga, Kapu, Balija Sangham** has furnished the following information by filling up the NCBC's Questionnaire:-

(1) The caste/community is known by the names Telaga, Kapu, Balija and Ontari. It is not known by any other names. (It has been specifically mentioned in the Questionnaire that **"The Reddis of Rayalaseema districts disclose their community as Kapu. These are to be excluded. Their caste should be treated as Reddi"**)

(2) In coastal districts, they are known as Telagas and Kapus. In Rayalaseema districts and Nellore district they are generally known as Balijas and rarely as Ontaris.

(3) The community is "regarded as socially backward by castes other than Sudras (ie. By Brahmins, Vysyas and Kshatriyas)

(4) The occupation on which the members of the community mainly depend for their livelihood is given as **"Agriculture"**. It is stated that **"An insignificant number"** of the members of the caste are landholders with holdings of more than 50% of the statutory ceiling limit for agricultural lands in the State.

(5) Other than the main occupation of agriculture, their members are engaged in **"milk and vegetable vending and masonry in villages, tailoring, rickshaw pulling, knitting, car and**

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truck driving, very few in Government employment". "Considerable numbers are engaged as landless labourers". The following figures have been given in the questionnaire regarding employment:-

Agricultural labour for wage	10%
Other manual labour for wage	10%
Cultivation of own land	30%
	(Others cultivate land taken on lease)
Clerks, school teachers, other white collar workers etc.	20%

- (6) The women are engaged in "Knitting, milk vending, cooking and as house maids"
- (7) Children are engaged as "servers in hotels, workers in mechanical workshops and motor repair sheds"
- (8) Those who are in Govt. service are "mostly in lower grades & Class IV employment, very few doctors and lawyers are there from the community compared to the overall population of the community".
9. Shri C. Srinivasulu, President, Nellore District Kapu, Baliya, Telaga and Ontari Sangham, in his request has stated the following points:-
- (1) "The above communities [Kapu, Telaga, Baliya, Ontari] played a pivotal role in the founding of Sangam Dynasty (1336-1445) and flourished during the transition from medieval period to modern period."
- (2) Majority of the community members were in the armies of various kingdoms and finally after the fall of the Vijayanagar empire in the later part of the 17th century, the

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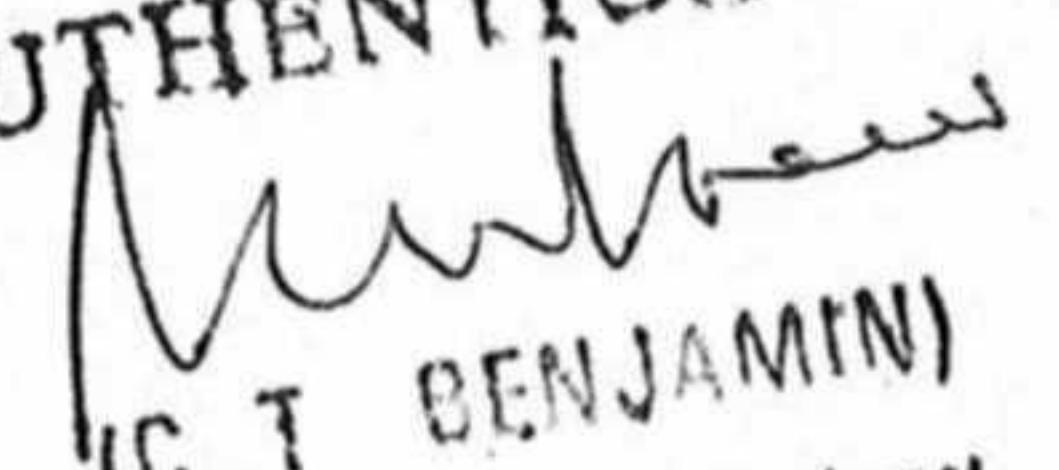
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community people were persecuted and driven away from their homes by the invaders and local people.

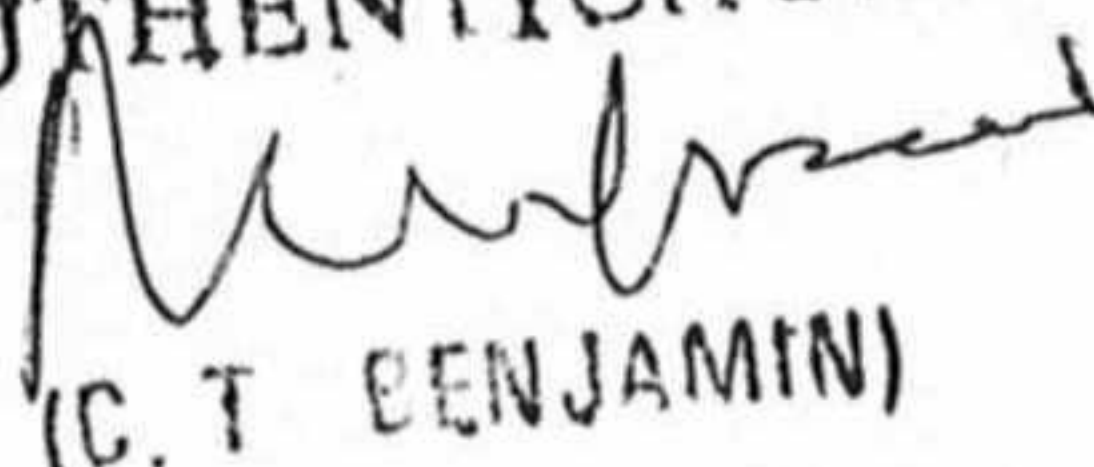
- (3) This, coupled with the continuous droughts in the then Rayalaseema area, forced the people of these communities to migrate towards all regions of the present Andhra Pradesh..... As history points out, a community driven in all directions from their traditional moorings without any social recognition can be called a "Backward Caste" by international norms.
- (4) Unlike "the so-called backward castes", who have fixed occupations with steady income and fixed traditional moorings, the people of Telega, Kapu, Baliya, Ontari temporarily migrate to other areas to do odd jobs, work as farm labourers during harvesting and sowing seasons and participate in a variety of occupations (including unclean and tabooed occupations). The social habits, customs and tradition of these communities are the same as those of the so-called backward castes. As per a random statistical analysis, the Telega, Kapu, Baliya and Ontari community constitute 40 to 60% of agricultural labourers. They also work as coolies in all market places in towns, as migrant industrial labour in production and processing units, a sizeable number as rickshaw-pullers (40 to 60%) in semi-urban and urban area; a large number work as conservancy staff in municipalities and in unclean occupations on par with SC people.
- (5) These communities languish in abject poverty without any financial and economic resources.
- (6) Approximately 80% live in rural areas and work as farm and agricultural labourers.
- (7) Of late, some of them have been forced to migrate to urban areas in search of food, clothing and shelter and are living in slums.

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- (8) Women of the community do not work outside due to Ghosha system and therefore the majority of the families subsist on "single earning".
- (9) Although the people of the community constitute 26% of the State's population, the average per capita income of the Telega, Kapu, Baliya and Ontari communities is much less than one half of the State's per capita income.
- (10) Literacy rate of women is abnormally low and where educated they are without any jobs due to upper caste label.

10. Shri B. Narasimha Rao of Kasimkota, Visakhapatnam district has in his letter of request has requested for the inclusion "Kapu" only. He does not mention the names of Ontari, Telaga and Baliya. According to him, the total population of Kapu caste is 1,70,00,000. Nearly 75% of the Kapu people are agricultural labourers, rickshaw pullers, and small-scale farmers. Literacy among the women is very low. He has also stated that, generally before the elections, the political parties give promise to include the Kapu caste in the list of BCs, but after they come to power they forget their promise and that is why the Kapu caste is not included in the State list so far.

11. The request made by Dr. Gurukula Mitra, President, Telaga Mahasabha, vide his letter dated 29. 8. 1996, is to include the 'Telaga' community in the Central list of BCs for Andhra Pradesh with Kapu, Baliya and Ontari as its sub-castes. He has furnished copies of a survey of Kapus and Telagas conducted by Kapu Mahasabha, later renamed as Telaga Mahasabha, and Kapu Reservation Porata Samiti, in two towns, namely Ramachandrapuram of East Godavari district and Parchuru of Prakasam district. In his representation dated 08-12-1999 he has stated that 'Telaga is originally a name of a caste which inhabited in some places of the northern districts of the State. Telagas are presumably the original inhabitants of the State. Later the same name was attributed to the entire people of the State. This claim is supported by the fact that there were Telaga Doras in Srikakulam district who ruled small areas and that the historians describe Chalukyas as Telagas. Now, the name Telaga is specially heard in Guntur,

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Krishna and Prakasam districts. Kapu is a pure Telugu word meaning a cultivator. Those who do cultivation as their occupation are called Kapus. This name is attributed not only to Kapu community, but also to other cultivating communities such as Reddies and Velamas. This name is prevalent mainly in the Circar districts. Baliyas are spread over in southern districts of the State. Ontaris are of very few families in Vijayanagaram and East Godavari districts. These are different names of one solid community who, under feudal lords, migrated from one place to another as per the necessities of the rulers. All these castes have got internal marital relationships. In the course of time, they lost their profession of soldiership. During their migration from one place to another, they also lost ownership of property and with that they lost their dignity. In the British regime, they were given many police jobs and lived with better status, but now under the rule of the upper castes, they have lost their previous jobs and are doing menial occupations of other menial castes, such as weaving clothes, selling milk and curds, carpentry, beldar work, tailoring and also rickshaw pulling, cycle repairing, fruits and vegetable retail selling, agricultural and industrial labour, etc.

12. Dr. Gurukula Mitra in his subsequent Memorandum dated 25-12-1999 has referred to the report of a survey titled "**Socio-Educational-Economic Survey of Castes & Communities of AP (SEESCCAP)**", conducted by T.V. Hanurav of Statistical Institute of Hyderabad, for and on behalf of the AP State Commission for Backward Classes, and stated that "the ranks obtained by our community in the 'index of forwardness' give ample proof that we have not been making demand for inclusion in OBC list unreasonably by any stretch of imagination". Dr. Mitra after comparing the "index of forwardness" given in the survey for Kapu, Telaga, Balija and Ontari with the 'index of forwardness' obtained by certain castes/communities which are already included in the list of backward classes, states that certain castes/communities which are already included in the list of BCs have got higher rank in "index of forwardness" than the Kapu, Balija, Telaga, Ontari. For example, 'Rangrej', a BC caste, has got the rank of 21 which is higher than the rank obtained by Ontari which is 24 [lower the number higher the rank]. Likewise the BC caste Satani with rank 27 and the BC caste Perika with rank 35 are more forward than Setti Balija of Rayalaseema (rank 36), Kapu of Coastal Andhra (rank 39), Balija of Rayalaseema (rank 48), Balija of Telengana (rank 52), Telega of

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coastal Andhra (rank 54), Balija of coastal Andhra (rank of 59) and Telaga of Telengana. In the light of this, according to Dr. Gurukula Mitra, Ontari, Balija and Setti Balija of Rayalaseema, Kapu, Telaga, Balija and Setti Balija of Coastal Andhra, and Balija, Telaga of Telengana are "fully qualified and deserve to be included in the Central OBC list". About the higher ranks obtained by Setti Balija of Telengana (rank 8), Kapu of Rayalaseema (rank 13) and Kapu of Telengana (rank 17), Dr. Mitra says that this "anomaly perhaps is on account of their migration to these regions from Circar area, where comparatively the properties are at high rate of price. When they migrated to these new regions with meagre amounts, they could establish in a better way than their original position. This shows the imbalance of growth of the regions..... Even if they are slightly rich in a way, it is very clear that the cream of the community is not at all to be considered".

V. Grounds/arguments made by the objectors

13. The main grounds/arguments raised by those who have made representations objecting to the inclusion of "Kapu, Telaga, Balija, Ontari" in the list of backward classes are as follows:-

Smt. Vijaya Lakshmi Naidu in her representation dated June 20, 1994 stated that she was 68 years old and she had the privilege to be a freedom fighter in 1945 and 1947. She was also a fighter and torch bearer for the integration of Andhra and Telengana parts into a united Andhra Pradesh State. A member of the Kapu community herself, she has stated that the Kapu community is an "agriculturally propertied and economically well advanced community and it is literally well employed and well settled in public life". It "should never be included as BC either in the lists to be prepared by the National Commission or the AP State BC Commission". The leaders of the community themselves resisted the inclusion of Kapu community in the BC list in 1952-54. After another 40 years, it is nonsense to include them now as OBCs. She has also stated that the Munnuru Kapus, Turupu Kapus and Gajula Balijas are not Kapus. "They cannot join us as equals in material and social life. The Kapus who are distinct and separate from Munnuru people etc. should not be included as BCs. Both the Anantharaman and Muralidhara Rao Commissions did not favour the inclusion of the Kapu community in the BCs.

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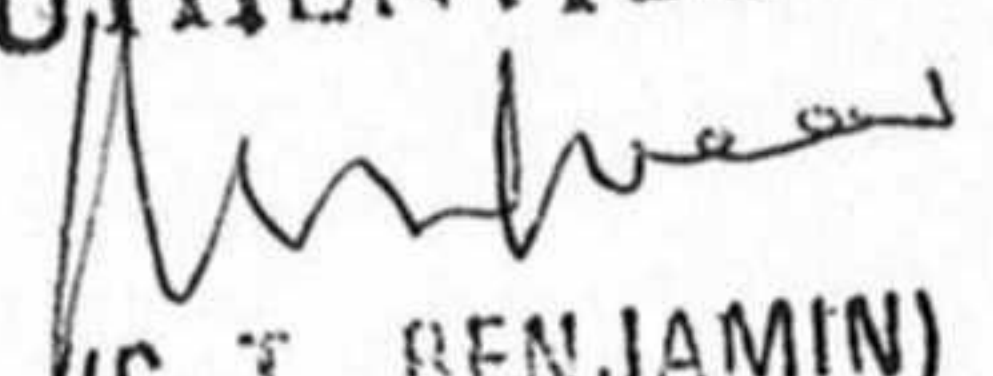
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I would therefore submit that the Commission may kindly examine these two previous reports before arriving at any conclusion”.

14. Shri T. Bala Goud, on behalf of Andhra Pradesh B. C. Sangham and Gowda Sangham, Andhra Pradesh, has stated as follows:-

- (1) Kapus (including Telegas, Balijas and Vontaris) never suffered any social disabilities. They are also not educationally backward. To speak the least they are not below the State average in this regard. Literacy level among Kapus is only next to Brahmins in the pre-independence days and perhaps only next to Brahmins, Reddys and Kammas in the post-independence era.
- (2) Their representation in public employment is also considerable either prior to independence or subsequent thereto. In fact, Kapus are in no way less in the matters of social, educational and public employment compared to Kammas, Reddis, Velamas and Kshatriyas.
- (3) After abolition of Jamindari and introduction of Rytwan, Kapus are one of the few privileged communities to have acquired substantial landholdings. They also have fare share in the fields of trade and industry.
- (4) Their habitation in rural areas had always been along with other developed communities like Brahmins, Kshatriyas, Velamas, Reddys, etc.
- (5) Women folk from Kapus do not work as agricultural labour along with men folk, as the OBC women do.
- (6) Their population quantum in the State is the highest and their participation in political power is much significant.

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- (7) The suffixes in their names "Pedda Kapu" and "Naidu" are symbols of pride, privilege and reverence that they enjoy, which is in contrast to the names of persons from OBCs.
- (8) During the time when Sanjeevaiah was the Chief Minister of AP, Kapus were included in the BC list. When the APPSC arranged for recruitment of certain posts under Government, 95% of the posts reserved for OBCs were secured by a single community, ie., Kapus. Since the purpose of reservation was defeated, the G.O. was challenged in the AP High Court which held that the government order was invalid and also observed that the Kapus cannot be classified as backward. This was confirmed by the Supreme Court.
- (9) When Kapus were held not backward as long as 1963, it is highly paradoxical that they should now claim backward status after about 35 years.
- (10) When reservation was introduced for OBCs in 1990, the Kapus spearheaded the anti-reservation movement and resorted to all objectionable acts including ridicule of occupations of OBCs.

Shri Bala Goud has also mentioned that there are many members of the Kapu community who have held eminent positions like K. V. Reddy Naidu, who was the Governor of Composite Madras state during 1935; his son K. V. Gopalaswamy Naidu who was the Registrar of Andhra University for nearly 25 years; Shri B.V. Tappaiah, ICS who worked as Reserve Bank Governor; Shri Seelam Govinda Rajulu Naidu who was the Principal, Law College, Madras, and Vice-Chancellor, S.V. University and later Director of Public Instruction; Shri K.V. Rangaiah Naidu who was the Inspector General of Police and ex-Home Secretary and ex-Central Minister; Shri I. J. Naidu who was the Chief Secretary of Andhra Pradesh; Shri S.V. Prasad who was Special Secretary to Chief Minister of Andhra Pradesh. He has also listed some more names including the names of ex-Ministers and MLAs and then has stated that "space and ready availability of information are the limitations to enumerate further".

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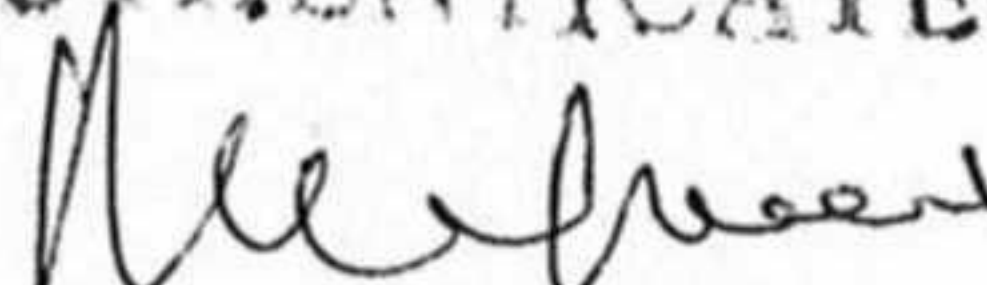
15. Shri K. Kondala Rao in his representation made on behalf of Gowda Officials and Professionals Association, AP, apart from endorsing and supporting the arguments of Shri T. Bala Goud mentioned at para 13 above, has also made the following comment about the report of the "Socio-Educational-Economic Survey of Castes & Communities of AP (SEESCCAP)" prepared by Shri T.V. Hanurav of Statistical Institute of Hyderabad:-

".....While as many as 103 castes have newly represented for inclusion in the OBC list before the State Commission, the triggering point that drove this survey to be undertaken was the sole subject of considering whether Kapus shall be included or not. Behind this contemplation, there was a well known serious history of vehement efforts of Kapus from all possible angles including political pressures.... While the report repeatedly claimed credit for adopting so many parameters in evolving various indices, **it deliberately excluded the parameter of "status of caste" and "association stigma" or "reverence" in the ritual hierarchical caste system in evaluating the social backwardness/forwardness index. The survey also did not adopt "Traditional occupations of castes" as relevant parameter in computing social status index.** Traditional occupations are recognised parameters in various judicial pronouncements. His survey while computing "social status index", totally ignored the caste disabilities and discrimination that the downtrodden millions suffered for nearly more than 3000 years..... The various parameters conceived and adopted by Mr. Hanurav for evolving "social status index" are related solely to "economic capabilities" and "employment levels" and none to reflect "social status" as elaborated in various earlier Commissions."

16. The Andhra Pradesh Backward Classes Welfare Association in their representation dated 8-12-1999 has stated the following in support of the their objection to the inclusion of "Kapu, Telaga, Baliya, Ontari" in the list of BCs:-

- (1) Kapus are a dominant caste in the four coastal districts in AP. They own hundreds of acres of land.

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- (2) Literacy rate of the Kapus is more than 60 percent as against the State average of 45%.
- (3) The past history reveals that the Kapus were well advanced socially. In pre-independence period they received political patronage from alien rulers. Some of the leaders of the community were in the forefront of the freedom struggle. After independence the Reddy caste surpassed the intermediary castes. The Kapus are also having their influence in some pockets of Prakasam, Guntur, Krishna districts. They are in full control in East and West Godavari districts.
- (4) In the Govt. jobs, Kapus have representation 4 to 10 times their caste percentage. There are 60 IAS and IPS cadre officers belong to the Kapu alone.
- (5) Politically the Kapus are well represented. There are 25 MLAs, 4 Ministers, 4 Parliament Members belonging to Kapu community. After independence, politically they are next only to Reddis and Kammas.
- (6) Shri C. Maruthi Rao, Kannawar, the former Chief Minister of Maharashtra, Shri K.V.Reddy Naidu, the former Minister of the erstwhile combined Madras State, Shri Reddappa Naidu, the former Governor of Karnataka and the famous scientists and former Union Minister Shri M.S. Sanjeeva Rao, all belonged to Kapu caste.
- (7) Half of the AP cinema industry is captured by Kapus which involves crores and crores of rupees. To mention a few, Shri Raghupathi Venkaiah Naidu, the stalwart of South Indian filmdom, Shri Chiranjeevi, the mega star, Shri Dasari Narayana Rao, the famous director and actor, Shri SV Ranga Rao, Smt. Vijayanirmala, the actress and the only woman director who topped the world in directing maximum number of films and (he has listed many other names).

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- (8) In the State, the Kapus are holding a number of key industries also.
- (9) All these years, the Kapus treated BCs as untouchables. In the year 1986, when N.T.R. Government announced 44 percent reservations to BCs and in the year 1990 when the Mandal Commission Report was accepted by the Government, the Kapus led the anti-reservation agitation. The same Kapus are now demanding inclusion in the list of BCs. Is there any ethics? If the Kapus, who are well advanced in all the fields, are included in the list of BCs, it would be like thrusting jackals in the herd of sheep.

17. The East Godavari District Settibalija (B.C.) Sangham, Kakinada, AP has in their objection representation dated 08-12-1999 has, inter alia, stated that "The Hindu Kings, the Muslim and British rulers, interested in their kingdoms, but not in the general welfare of the people, appointed Kapus as Villages munisifs (village headmen) who jointly with the village Karnam and Village "Pujari" (priest) held sway over the society, as village gods (*Gramadevatalu*) and enforced caste system mercilessly, subjecting the backward castes, such as washermen, barbers, fishermen, and so on to all sorts of social humiliations and insults." The Sangham has cited some statistics regarding the population of Kapus and their representation in Parliament, Assembly, Presidentship of different political parties etc. to show that "the Kapus are over represented in relation to their population". The Sangham has also stated that the Kapu women claimed a honourable position and status in society and they would never come to the fields to perform such low functions as transplantation of paddy, cutting and harvesting operations. It is further stated that when the Kapus were once included in the BC list of BCs in the State of AP, the Kapu community people all over the State agitated for immediate exclusion of Kapus from the BC list on the ground that it is social degradation to include them in the list of BCs.

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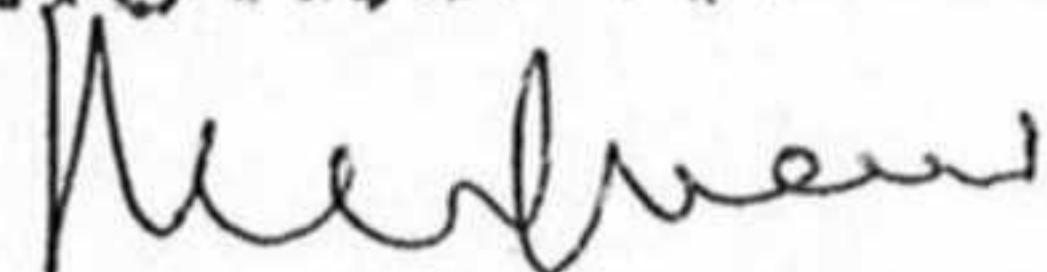
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VI. Public Hearings

18. The Commission under our predecessor Members had held a public hearing on 8th December, 1999 at Hyderabad and heard the arguments put forward by both the supporters and objectors to the inclusion of "Kapu, Telaga, Baliya, Ontari" in the Central list of BCs for Andhra Pradesh. In fact all the objections except that made by Smt. Vijay Lakshmi Naidu were received at this public hearing. The earlier Commission however could not take a decision in the matter before the three year term of the Members of the Commission was completed at different dates during February to April, 2000. Another public hearing was held by a bench of the present Commission, consisting of Justice B.L. Yadav, Chairperson, Shri C.T. Benjamin, Member-Secretary, Shri M.S. Matharoo and Dr. B.M. Das, Members of the Commission, on 5th February 2002 at Hyderabad, after due publicity in the local media of Andhra Pradesh. Smt. Neera Shastri, who is also a member of the AP bench of the Commission could not attend the public hearing. All the request-makers as well as those who made objections were separately intimated about the public hearing by letters sent by the office of the Commission, requesting them to appear before the Bench at the time of the public hearing to give evidence.

19. At the public hearing the "Kapu, Telaga, Baliya, Ontari" community was represented by Shri Sode Setty Balaji, Shri Nagabhusan Rao, Shri B. Gopal Krishna, Shri Surya Narayana, Shri A.P. V. Subbaiah, Dr. Gurukula Mitra, President Telaga Mahasabha, Shri N.V.R. Naidu, Convener, A.P. Kapu Reservation Porata Samiti, Dr. S. Venkateswara Rao, District President, Cuddapah District Baliya Sangham, Prof. U. Tataji, Shri Nalla Suryachandra Rao, Shri P. Madhava Rao, Ms. P. Hema Lalita and others. Shri R. Krishnaiah, President, Andhra Pradesh Backward Classes Welfare Association; Shri Kondala Rao, Shri A. Ramalinga Rao, Shri Satyamurthy and others appeared before the Bench and stated their objection to the inclusion of "Kapu, Telaga, Baliya, Ontari" in the list of Backward Classes. The State Government was represented at the public hearing by Shri Ragotham Rao, Principal Secretary, Backward Classes

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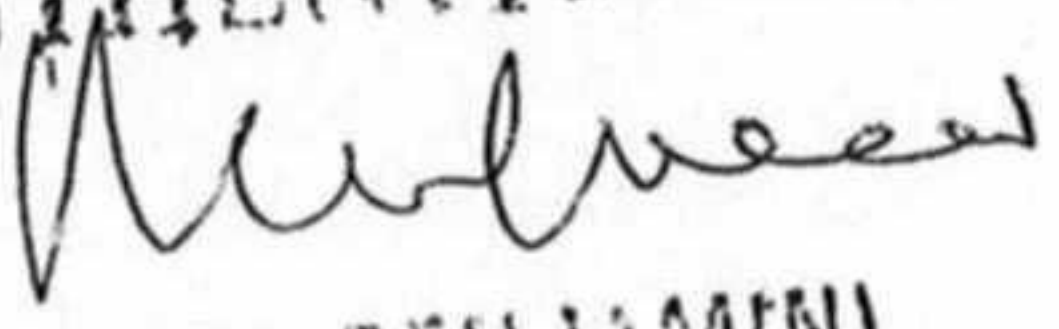
Welfare Deptt., Shri Sundar Kumar, Commissioner for Backward Classes Welfare and other officers in the office of the Commissioner for Backward Classes Welfare.

A. Points raised at the public hearing by the supporters of inclusion of 'Kapu, Telaga, Balija, Ontari' in the list of BCs

20. At the public hearing, the points raised by representatives of the "Kapu, Telaga, Balija, Ontari" community were more or less similar to the points mentioned by the request-makers in their representations (paras _ to _ above). They on the whole reiterated that the community is educationally and economically backward and therefore they are also socially backward. Shri Sode Setti Balaji said that about 89% of the members of the community live below the poverty line and lead a miserable life. They are mostly agricultural coolies, rickshaw pullers, industrial and other manual wage labourers etc. It is the single largest community in the State and it is being discriminated against by not including it in the list of BCs. Shri Nagabhushan Rao, from Krishna district, stated that the community is suppressed in all respects, it is socially not developed. Without support from the State and Central Governments, the community will not be able to develop educationally and economically and, therefore, it should be included in the list of BCs.

21. Shri B. Gopala Krishna, from Anantapur district, said that there are matrimonial alliances between the Kapus and Balijas who are not included in the list of BCs with those Kapus and Balijas, namely, Munnuru Kapus, Turupu Kapu, Gajula Balijas etc. who have been included in the list of BCs. This shows that they are one and the same community and therefore all Kapus and Balijas should be included in the list of BCs. He also said that many of the castes included in the list of BCs are enjoying a higher social status than the Kapus and Balijas and this is evident from the survey report (SEESCCAP) of Shri Hanurav.

22. Dr. Gurukula Mitra, President, Telaga Mahasabha, stated that the Telaga Mahasabha represents Kapu, Balija, Ontari, Gajula Balija, Gajula Kapu, Munnuru Kapu, Toorpu Kapu, Setti Balija of Rayalaseema, Yellapu, Hajari and Turupu Chalukya Kapu which are all local

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names of Telaga community. That they constitute one and the same community is evident from the fact of their having similar marriage and death ceremonies and that there are marital relations among them. Munnuru Kapus of Deccan have been recognised as BCs. The same community is called in Sarkar areas as Telagas or Kapus. Why has the Government recognised only Munnuru Kapus of Telengana districts as backward and not the Kapus of coastal districts? He referred to the observation of the Supreme Court in the Mandal judgment that "identification of backward classes can be done with reference to castes along with other occupational groups, communities and classes. We did not say that this is the only permissible method. Indeed, there may be some groups or classes in whose case caste may not be relevant at all. For example, agricultural labourers, rickshaw pullers/drivers, street hawkers etc. may well qualify for being designated as Backward Classes", and said in view of this observation of the Supreme Court also the Telagas can be considered as a backward class as the majority of Telaga community are agricultural labourers, rickshaw pullers, street hawkers, and in other petty occupations. He also reiterated the point that the State Commission's survey report has brought out that Telaga/Kapu communities are worse than some other communities who are included in the list of BCs like Gouds.

23. Prof. U. Tataji, reading out from his written representation, said that as per Hanurav's report as many as 11 castes enjoying higher ranking in the index of forwardness (ranks 21, 27, 30, 31, 33, 35, 37, 38, 41, 42; lower the number higher the status) than the Kapus and Balijs of different regions and Ontaris (ranks 24, 36, 39, 48, 54, 59, 67) are included in the list of backward classes. Then, he asked, why not Kapus, Telaga, Balijs and Ontaris? He also said that keeping Kapu, Telaga, Balijs & Ontari castes in the same group which includes highly forward castes such as Brahmin, Vysya, Khastriya, Kamma, Padmanayaka Velama and Reddy would be like keeping the predator and the prey in the same cage as the highly forward castes listed above would corner all the benefits of development at the cost of Kaapu, Telaga, Balijs & Ontari.

24. Prof. U. Tataji also mentioned certain discrepancies in the Hanurav's survey report, as follows:-

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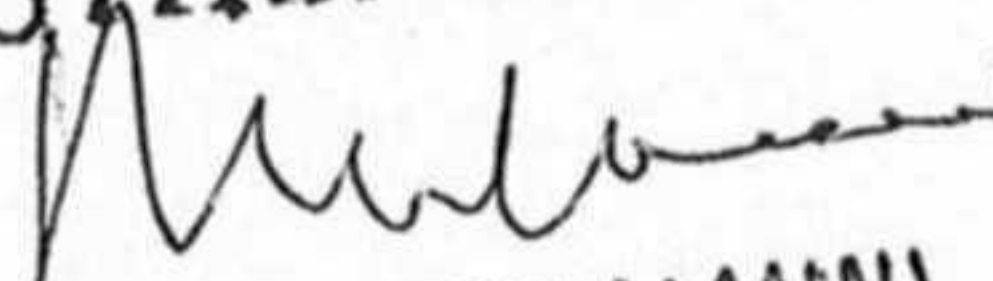
(1) "Kaapus in Coastal Andhra" and "Telagas in Coastal Andhra" are shown in the report as separate categories. This is not correct because in most of these districts these two names are used interchangeably and synonymously. The people living in Srikakulam, Visakhapatnam, Vijayanagaram, East Godavari, West Godavari, Krishna, Guntur and Prakasam districts of coastal Andhra treat the Kaapus and Telagas as one and the same. They intermarry. In most families wife may be a Telaga and husband may be a Kaapu or vice versa. Because they are shown as different categories the indices of status and forwardness are given differently. If the data on these two groups are combined, the results would be different from what are reported in the report.

(2) The Reddy castes like Motati Reddy and Gonati Reddy should also include 'Kaapus' of Rayalaseema and their migrants to Telengana and should be clubbed as one and the same since they are endogamous and have the suffix 'Reddy' at the end of their names. They are thus different from Kaapus of Coastal Andhra. Tradition and custom do not permit their intermarriages. This report's categorization of Kaapus of Rayalaseema as separate from other Reddys, therefore, leads to erroneous conclusion on this point.

(3) "The Setti Balijas of Coastal districts of Andhra Pradesh are a sub-caste of Goudas and have no relationship with Setti Balijas of Rayalaseema region. Except Setti Balijas of coastal region all other sub-castes of Balijas are same as Kaapu of coastal areas, Telaga, Balija and Ontari castes. This point should be noted."

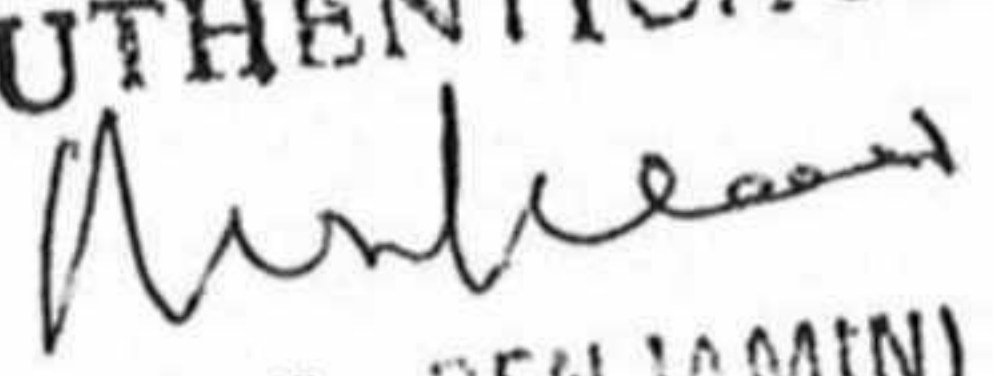
B. Points raised by the objectors at the public hearing

25. The points raised by the objectors were also more or less similar to the points mentioned in the written representations mentioned at paras 13 to 17 above. However, to restate some important points, Shri R. Krishnaiah, President, Andhra Pradesh Backward Classes Welfare Association, stated that the Kapu is a dominant community in the four districts of the State where they own hundreds of acres of land. They are also an educationally

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advanced community with a literacy of more than 60%. Their representation in Government service is 4 to 10 times higher than their population percentage. They are not only not backward, but they are forward among forwards. The political representation index in Hanurav's survey report is faulty because it did not take into account the representation in power positions of MLAs, MPs and Ministers and considered only representations in zilla panchayats and other local representative bodies. The earlier Commissions, viz., Anantharaman and Muralidhara Rao Commissions rejected their request for inclusion in the BC list. Various court judgements also had gone against them.

26. Similar arguments were raised by Shri Kondala Rao, Shri A. Ramalinga Rao, Shri Satyamurthy and others. Shri Kondala Rao has additionally stated that the Kapus have been claiming to be included in the list of BCs for more than four decades. They have been adopting all sorts of means including open political pressure for realizing their claim. The GO M.S. No. 30 dated 25-8-1994 issued by the State Government under political pressure, declaring "Kapus" along with 14 other castes/communities as backward classes for certain purposes was disputed in AP High Court and later referred to the Swamy Commission for its decision. More earlier, the AP High Court in P. Sukhadev vs. Govt. of Andhra Pradesh struck down GO MS No. 1886 Health dated 21-6-1963 which among others included (1) Telagas, (ii) Kapus of Circar districts, (iii) Settibalijas of all districts of Rayalaseema and the districts of Nellore and Guntur (He has submitted a copy of this judgment as reproduced in the Andhra Weekly Reporter). The information contained in the various census reports upto 1931, both of the Nizam State as well as those of the Government of India, indicate that Kapus have been a comfortably settled landholding agricultural community and they were enumerated as Reddy with very high social status and respect. All the available authorities like Kitts, Siraj-ul-Hassan, Edgar Thurston's 'Castes and Tribes of Southern India' and the 'People of India' series published by the Anthropological Survey of India, amply testify that the "Kapus" occupy a very high social status on par with the "Reddy", "Kamma" and "Velama" castes and these have also been quoted approvingly and discussed in the AP High Court judgement mentioned above. The recent authorities on "caste" and "class" in India also confirm the above observations regarding their social development as well as their substantial participation and share in various

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fields such as (1) education, (2) employment, (3) trade and business, (4) landholding, (5) political power, etc. In this regard, Shri Kondala Rao has furnished to the Bench two books in original titled "Caste and Class in India" edited by K.L. Sharma and "Collective Violence in a Provincial City" authored by D. Parthasarathy.

VII. Position of "Kapu, Telaga, Balija, Ontari" in different BC Commission Reports of Andhra Pradesh

(I) Anantharaman Commission (1968-1970)

27. The present State list of backward classes was originally prepared on the basis of the Anantharaman Commission's report. **Kapu, Telega, Balija and Ontari** are not included in the list of BCs recommended by this Commission. No mention or discussion is contained about these castes/communities in this Commission's report. Apparently, the community did not approach this Commission for inclusion of their caste/community. "**Munnur Kapu**" and "**Turupu Kapu**" are included in the list recommended by this Commission and hence they are also included in the present State List.

(II) Muralidhara Rao Commission (1982)

28. This Commission, which reviewed the recommendations of the Anantharaman Commission and the implementation thereof, discussed the "**Kapu, Vantari, Balija, Telaga**" caste/community in its report as follows:-

"This community is found in almost all the districts in the State. In the coastal districts it is known as **Kapu, Vantari and Telaga** while in Rayalaseema districts it is known as **Balija**. **Kapus of Visakhapatnam, Srikakulam and Vizianagaram districts** are known as **Turpu Kapus** and are recognised as backward **Kapus of Telengana** are known as **Munnuru Kapus** and they are also recognised as a backward class. There are MLAs, MPs and Zilla Parishad Chairmen among **Kapus** in several districts. They are

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landowners and enjoy social status in the villages. They are already politically conscious and socially forward. On the educational side also Kapus are not backward as students belonging to them are considerable in number, in the educational institutions in the State. The literacy in this community is higher than the State average. There is good representation for Kapu community in the employment under the State Government, semi-Government and local bodies. The two sects among Kapus which are already recognised as backward classes are Munnuru Kapu and Turupu Kapus. This Commission thinks that it is not necessary to disturb the reservations already given and does not propose to recommend other Kapus or Baliyas as backward class since they are not socially and educationally backward."

VIII. Position of "Kapu, Telaga, Baliya, Ontari" in the ethnographic and other literature

29. Thurston and Rangachari discuss the "Telaga" caste/community in the book "Castes and Tribes of Southern India" [Asian Educational Services, New Delhi, Madras, 1993, first published in 1903], as follows:-

"Telaga.— 'The Telagas,' Mr. H.A. Stuart writes [in the Madras Census Report, 1891], 'are a Telugu caste of cultivators, who were formerly soldiers in the armies of the Hindu sovereigns of Telingana. This may perhaps account for the name, for it is easy to see that the Telugu soldiers might come to be regarded as the Telugus or Telagas *par excellence*. The subdivisions returned under this name show that there has been some confusion between the Telagas proper, and persons who are members of other Telugu castes. Their customs closely resemble those of the Kapus. ... They are usually farmers now, but may still serve as soldiers, through their further recruitment has recently been stopped. Their common titles are Naidu and Dora.

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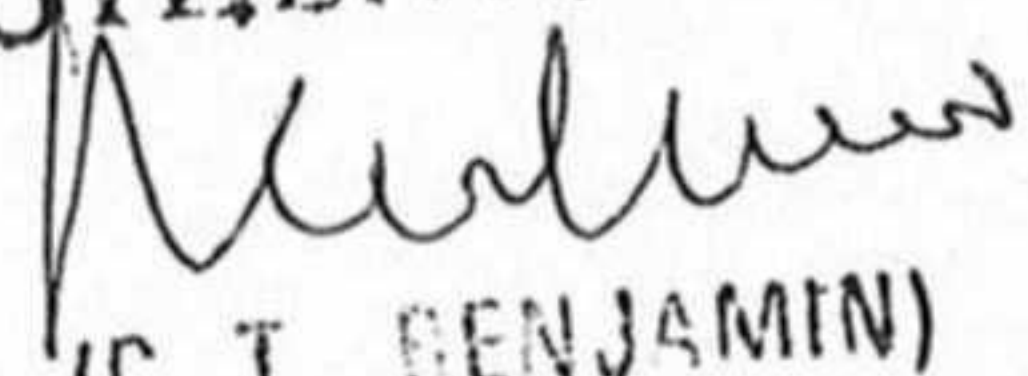
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In a note on the **Telagas and Vantaris** (strong men), it is suggested that they should be classed with the Kapus, of which caste they are an offshoot for the following reasons:— (1) Members of the three classes admit that this is so; (2) a collation of the ... septs shows that the same names recur among the three classes; (3) all three interdine, and intermarriage between them is not rare. A poor Telaga or Vantari often gives his daughter in marriage to a rich Kapu. The Telagas and Vantaris are highly Brahmanised, and will have a Brahman for their guru, and get themselves branded at his hands. A Kapu is generally content with a Satani or Jangam. Though they do not differ in their marriage and funeral rites from the Kapus, they usually marry their girls before puberty, and widow remarriage and divorce are disallowed. **A Kapu is invariably a cultivator; a Vantari was in olden days a sepoy, and, as such, owned inam (rent-free) lands.** Even now he has a prejudice against ploughing jirayati (ordinarily assessed) lands, which a Kapu has no objection to do. Similarly, a Telaga takes pride in taking service under a Zamindar, but, unlike the Vantari, he will plough any land. Kapu women will fetch their own water, and carry meals to the fields for their fathers and husbands. The women of the other classes affect the gosha system, and the men carry their own food, and fetch water for domestic purposes, or, if well-to-do, employ Kapus for these services. It may be added that rich Kapus often exhibit a tendency to pass as Telagas."

30. Under the head "Kapu", Thurston and Rangachari in the same book writes that "**Kapu or Reddi**" is "the largest caste in the Madras Presidency, and are the great caste of cultivators, farmers, and squireens in the Telugu country. In the Gazetteer of Anantapur they are described as being the great land-holding body in the Telugu districts, who are held in much; respect as substantial, steady-going yeomen, and next to the Brahmans are the leaders of Hindu society."

31. Under the head "Kapu", Thurston and Rangachari also refers to the sub-divisions of Kapu as recorded by Mr. Stuart in the Manual of the North Arcot district and one of the sub-divisions mentioned is "**Baliya**" which is described as follows:-

"**Baliya.** The Chief Telugu trading caste. Many of the Baliyas are now engaged in cultivation, and this accounts for so many having returned Kapu as their main caste, for Kapu is

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a common Telugu word for a ryot or cultivator. It is not improbable that there was once a closer connection than now between the Kapus and Balijas."

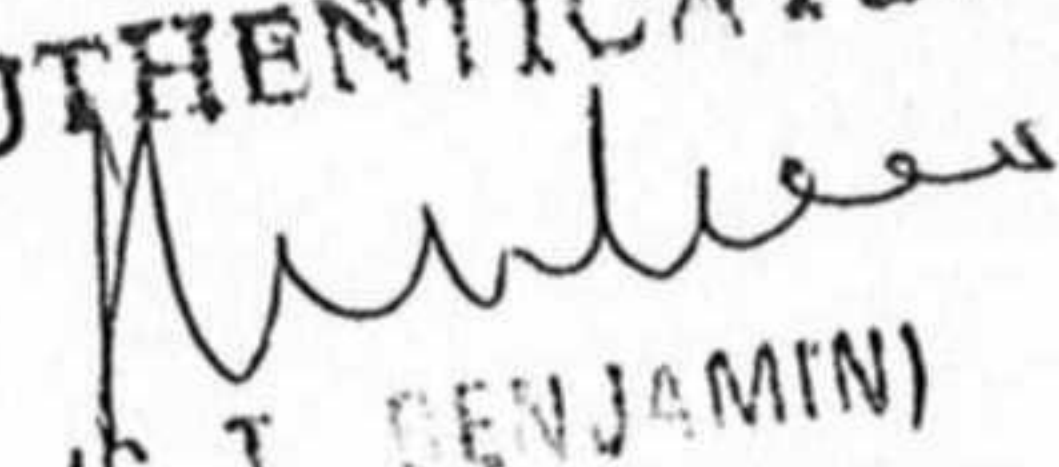
32. It appears that while the community described by the name "Telaga" in Thurston and Rangachari's book is the same as the "Telaga" referred to by the request-makers in the present case, their account under the head "Kapu" refers in fact to two castes/communities; one is "Kapu or Reddy", which in fact, as the request-makers have stated, is not the same as the other one, viz., "Kapu" which is known by the different names of "Telaga, Ontari and Baliya" in different areas and which is covered by the present request.

33. Thurston and Rangachari also give a separate account of "Baliya", which reads as follows:-

"Baliya.- The Balijas are described by Mr. Francis (Madras Census Report, 1901) as being 'the chief Telugu trading caste, scattered throughout all parts of the Presidency. It is said to have two main sub-divisions, Desa (or Kota, a fort) and Peta (street). The first of these includes those, whose ancestors are supposed to have been the Baliya (Nayak) kings of Madura, Tanjore and Vijaynagar, or provincial governors in those kingdoms; and to the second belong those, like the Gazulu (bangle sellers) and Perike (salt-sellers), who live by trade.

Mr. H.A. Stuart (Madras Census Report, 1891) writes, '..... Concerning the origin of this caste several traditions exist, but the most probable is that which represents them as a recent offshoot of the Kapu or Reddi caste. The bulk of the Balijas are now engaged in cultivation, and this accounts for so many having returned Kapu as their main caste, for Kapu is also a common Telugu word used for a ryot (farmer). In their customs there is very little difference between the Kapus and Balijas.'

This account also mentions "Telugu or Telaga" as "A synonym for Baliya in the Northern Circars".

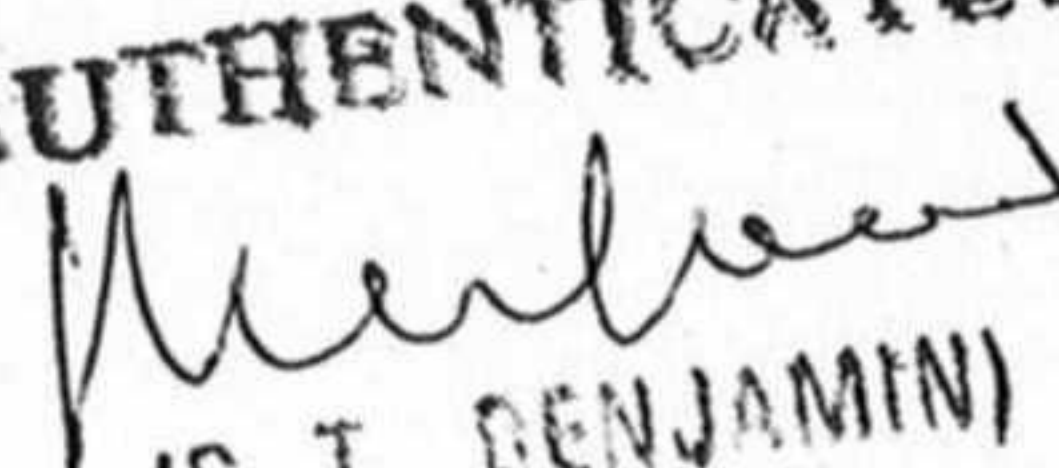
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34. In 'The Castes and Tribes of H.E.H. The Nizam's Domains', Syed Siraj Ul Hassan writes about 'Telagas' as particularly denoting to "the aggregate of individual units derived by crossing between members of different castes, and united together by bonds of mutual interest and sympathies." The author mentions 13 groups of Telagas, viz., Racha Telaga, Hajari Telaga, Bobbili Telaga, Telaga Chetti, Telaga Tota Baliya, Chalka Telaga, Chambu Telaga, Sevak Munnur, Kase Telaga, Telaga Uppara, Munnur Telaga, Mutrasi Telaga, Sanaivad. Regarding their social status, it is stated in this account that, "the social status of the Telagas admits of no precise definition. As a general rule amongst themselves, it varies with the degree of ceremonial purity and the standard of ceremonial observances which each particular group is believed to have prescribed for itself...." Regarding their occupation, it is written that, "The wealthy and educated members of the community are known as Naidu, who follow learned professions and have distinguished themselves in all branches of the Government service. The great majority of Telagas are cultivators and hold all sort of land tenures. Some, however, earn their livelihood as landless day labourers. Members of this caste do not wear the sacred thread."

35. Anthropological Survey of India's 'People of India' series volume titled "India's Communities" (Volume VI) contain a discussion of "Telaga" which is in part based on the accounts by Thurston and Rangachari and Siraj-ul-Hassan, and is as follows:-

"In Andhra Pradesh, the Telaga are often referred to as Kapus, Naidus or Doras. But in some parts, they claim to be superior to the Kapus. Naidu and Dora are the titles suffixed to their personal names in some areas. They inhabit the coastal districts of East Godavari, West Godavari, Krishna and Guntur of Andhra Pradesh. The Telaga are mainly a landowning community with considerable members in government, private and defence services. Participation in the field of education is high for both boys and girls."

36. Coming to the recent academic and other accounts on caste and class, the following excerpts from A. Nagaraja Naidu's article "Caste and Land in Colonial South India" (in *Caste*

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and Class in India, edited by K.L. Sharma, Rawat Publications, Jaipur and New Delhi, 2001) are relevant to the present case:-

“At the end of the eighteenth century, throughout South India, a variety of titles were borne by ‘superior’ landholders: mirasider, Reddi, **kapu**, dora, patel, kadim, ... Such people, the elite of their villages invariably, were of high and clean caste, either Brahmins or more often, Yeoman warriors, who stood between the government and the rest of the village which was composed of lesser cultivators and labouring people of lower castes.”

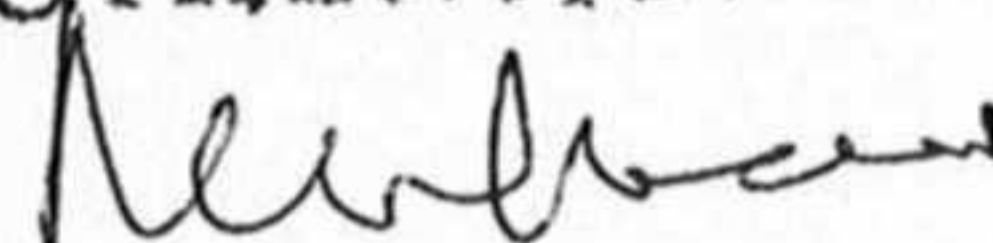
“Frykenberg says: ‘In various villages different local Brahmin castes (chiefly Niyogis) tended to monopolise positions requiring clerical skill while local warrior castes, such as Rajus, Kammas, Velamas, Kapus, and Telagas dominated military occupations. Below these castes were arranged the trading, artisan and les cultivating castes.’”

“....The post-colonial ... agrarian legislation thus laid the basis for the rural rich to emerge as the main landholding class. In caste terms, it consisted primarily of the Kamma, Kapu, Velama and Reddy castes. The various village surveys conducted during the post-independence years indicate that a significant section of landholders from among the Kamma, Kapu and Reddy castes emerged as the dominant peasantry. ... In areas where the Kapus and Balijas were numerically strong, they emerged as the dominant castes. It has been pointed out that as far as the Kapu caste was concerned, “their economic position, social standing and the numerical strength have made it the dominant caste in the village.”

“In a delta village of East Godavari district, the dominant castes (Kapus and Balija) contributed around seventy-nine per cent of the capital formation in 1961.”

“Detailed survey of a village in West Godavari district over a period of 50 years is made in Census of India, 1961 ‘Changes in the ownership of land was responsible for the shift in the economic power from the Brahmins to Kammas and Kapus.”

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37. A discussion on "Kapu" community is also found in the book "Collective Violence in a Provincial City" by D. Parthasarathy, which is an academic study "to explain the endemic violence between different kinds of groups in Vijayawada". In this book some of the important castes of Andhra Pradesh are briefly discussed in a chapter titled 'Evolution of status of Caste Groups'. The discussion on Kapu caste is as follows:-

"Kapus, like Kammas are an agricultural caste with martial origins. The term Kapu used to be a general term to refer to peasant communities in Andhra. Census reports, reporting on castes upto 1931 did not differentiate between the Kapus and the Reddies – a peasant dominant caste numerically strong in the Rayalaseema and Telengana areas of the state.

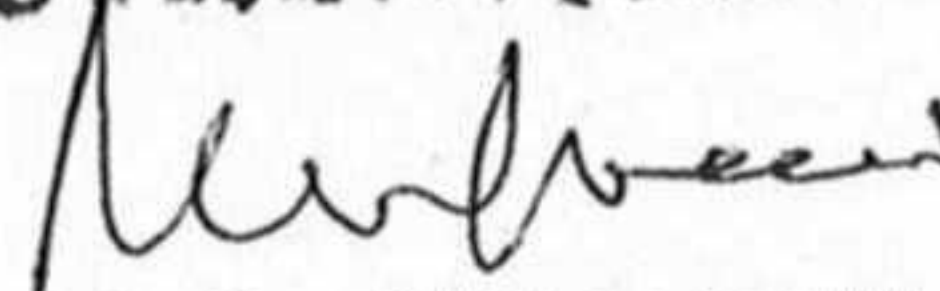
Kapus are lower in the caste ranking compared to Kammas.... In Krishna district, the numerical strength of the community equals that of the Kammas, but their economic status is much lower. They are mainly small and marginal farmers. In the Dodavari delta they are the numerically largest caste. Many Kapus here are big landholders and businessmen.

The Kapu caste as currently referred to by the Kapunadu movement includes several castes – Telaga, Ontari, Baliya and Kapu besides other minor sects. Baliya is an endogamous group and were originally traders who settled down by the nineteenth century as cultivators. Telaga, Ontari and Kapu are usually classed as a single unit, even though Kapu was originally lower in rank compared to the other two."

In a chapter titled "Economic Structure" (of the Vijayawada city), a study in 1971 is quoted to show that among the industrialists in the city the largest proportion were Kammas, 28.20 per cent, followed by the Kapus, 17.94 per cent and Brahmins at 7.69 per cent. A later study found that Kammas and Kapus each owned around seventeen per cent of the units.

The book describes the original dominance of Kammas and Brahmins in the caste network of the city of Vijayawada and how in this background Kapus mobilized themselves against Kammas in sectarian violence in the course of their protest against caste networks. It is noted in the book that the Kapus migrated to the city from Godavari and Krishna districts and initially worked in unskilled and semi-skilled jobs, but their second generation took up petty trading,

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skilled jobs, and low-paid white-collar jobs. Later they emerged as a powerful caste giving tough fight against the Kammas, the most powerful community in all social fields. "Kapunadu" is described in the book as "a conglomeration of several castes who came together and began calling themselves Kapus. The term was first used to denote an assembly of Kapus in 1985 when members of Kapu, Ontari and Baliya castes came together for a conference in Vijayawada. Kapunadu held a number of meetings throughout Andhra in 1988 and put forth demands pertaining to greater representation in politics, education and employment.

IX. Findings

38. All the evidence in the various ethnographic accounts suggests that the 'Kapu, Telaga and Ontari' is a group of castes/communities which historically had close connections. Historically they appear to have started as a warrior class with all the privileges attached to such a class including ownership of land in the form of *inam etc.* granted by the erstwhile local rulers, and later they evolved into cultivators. Baliyas were originally a trading class. Later they also became cultivators. There is no evidence to suggest that this group of communities has ever suffered from any social backwardness comparable to the backwardness of the numerous backward castes/communities which were traditionally associated with lowly, menial and undignified occupations and menial services. Their social position in the post-independence period seems to have only improved as many of those among them who were tenant cultivators also got the ownership of land with the help of the agrarian legislations.

39. The claim of the request-makers that the community members have gradually lost their property due to division of land and other socio-economic factors like other castes entering into the field of cultivation and that consequently majority of them are now agricultural coolies or manual workers, rickshaw pullers etc. cannot be a valid ground for treating them as socially backward because, even if their claim was true, the division of property and the phenomenon of "proletarianisation" is not limited to their caste/community, but cut across all castes/communities. The profile of the community obtaining from the fact that there are among them many landowners, industrialists and eminent personalities in various fields like

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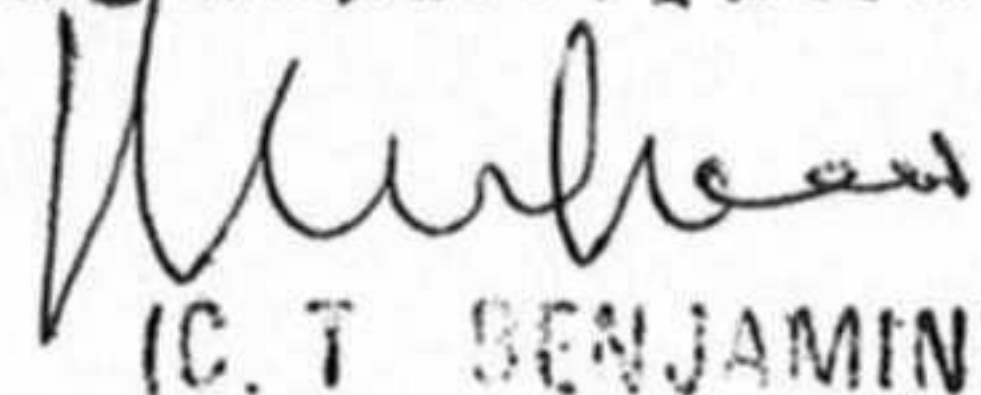
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politics, administration, cinema industry etc – a fact specifically pointed out by the objectors at the public hearing and which was not denied by the representatives of the community --, is not that of a socially backward community but, on the contrary, is of a developed community. The other claim of the community that they are socially, educationally and economically below the Brahmins, Kshatriyas, Kammas and Reddies cannot be a ground for their being considered a backward class because they are only just below the above mentioned forward communities and they are not comparable to members of backward classes.

40. The claim of the request-makers that there are marital relations between the Munnuru Kapus and Turupu Kapus, which are included in the backward classes and the Kapus, Telagas, Balijas and Ontaris and hence they should be considered as one and the same community and all should be included in the list of backward classes, cannot be agreed to because this claim runs contrary to the evidence contained in the past Commission reports of Andhra Pradesh, viz., Anantharaman and Muralidhara Rao Commission reports, which have recognised the specific social identities of Munnuru Kapus and Turupu Kapus and the various ethnographic accounts also characterise them as distinct communities.

41. Some of the request-makers have claimed that since as per the report of survey conducted by T. V. Hanurav, for and on behalf of the State Commission, some of the castes/communities which are included in the Central and State lists of BCs are more forward than the Balijas of Rayalaseema, Telengana and Coastal Andhra, Kapu of coastal Andhra, Telaga of coastal Andhra, Telega of Telengana, they also deserve to be included in the list of BCs. Here, without going into the merits of the said survey report, we would like say that we do not see any reason why in the said survey the Kapus, Balijas and Telegas of the three geographical regions of Andhra Pradesh were taken as separate categories and given separate ranks in the index of social status, index of educational status, index of economic status, in the index of political status and in the composite index for forwardness. The lacuna in this regard has also been pointed by Prof. U. Tataji, who appeared before the Bench at the public hearing in support of the inclusion of the Kapu, Telaga, Balija, Ontari in the list. The objections raised by Shri R. Krishnaiah and Shri Kondala Rao with respect to the index of political status and to

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the parameters selected for the survey for arriving at social status index also appear to be valid. Even with these obvious lacunae, it is seen that the Setti Baliya of Telengana and Kapu of Telengana and Ontari have got higher ranks than any of the listed backward classes. Only the obviously forward communities of Brahmins, Anglo Indians, Kshatriya, Kamma, Sikh (as a single community), different sections of Reddy community, Jain and Karuneegar have got higher ranks than the Settibalija of Telengana. The ranks obtained by the forward communities of Marwari, Padmanayak Velama, Velama, Vaisya are in fact below that of the Setti Baliya of Telengana. In view of this, the claim of the request-makers based on this survey report cannot be accepted. The claim cannot be accepted also because, even if some castes/communities which are presently included in the BC list have got higher ranks in this survey than some regional sections of Telagas or Kapus or Baliyas, the reason for that may perhaps be that they have attained some progress since their inclusion in the list of BCs. But this will have to be verified at the time of the revision of the BC lists on the basis of reliable data and information.

42. In view of the foregoing facts and evidence, the Bench is of the considered view that the request for inclusion of Kapu, Telaga, Baliya, Ontari castes/communities in the Central list of backward classes for Andhra Pradesh should be rejected as they are not socially backward but, on the contrary, are advanced castes/communities.

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P.S.: The bench met on 14-03-2002 and unanimously took the decision to reject the request for inclusion of "Kapu, Telaga, Baliya, Ontari" in the Central list of backward classes for Andhra Pradesh. However, on account of the unfortunate demise of Chairperson Justice B.L. Yadav on 24-03-2002 the findings of the bench do not bear the signature of the Chairperson.

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X. Advice of the Commission

42. Based on the above findings of the Andhra Pradesh bench, the Commission tenders the following advice to the Central Government under Section 9(1) of the NCBVC Act, 1993, for necessary action by the Central government under Section 9(2) of the Act:-

The request for inclusion of "Kapu, Telaga, Baliya, Ontari" castes/communities in the Central list of backward classes for Andhra Pradesh be rejected as they are not socially backward.

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