

CRITERIA FOR IDENTIFICATION OF BACKWARD SECTIONS AMONG RELIGIOUS MINORITIES

Observations of the commission

41. [T]he existing criteria for identifying the socially and economically backward, whether based on caste or tribe or class, has not been totally satisfactory for several reasons. The reliability of the lists prepared is highly questionable, as it is not based on any scientific data. In the absence of reliable data, a large-scale survey should perhaps have been undertaken before the lists were prepared. Neither in the case of SCs nor of STs was such a survey undertaken either before or after independence. The OBC lists which were prepared by the Mandal Commission and thereafter by the National Commission for Backward Classes and state governments on the basis of limited information relied heavily on subjective assessments. The procedure adopted for 'inclusion' has been unduly easy, especially in the case of OBCs, and has had little to do with the social and economic backwardness of those included. Both at the central level and in states, instances can be cited to establish that political considerations have largely guided inclusions. The dynamics for inclusion suggests that whether it be Jats or Vokkaligas, contingencies arising out of political compulsions have guided inclusion rather than the concern for the backward or the need for reaching out to that segment of the community. The lack of a system to regularly assess the impact on castes, tribes or classes enlisted for schemes and programmes under implementation, to exclude categories either wrongly included in the list or no longer being eligible, has further complicated the situation. Non-exclusion of the ineligible has marginalised the poorest and most backward amongst various categories, including the minorities. It is little wonder therefore that tensions between groups are increasing and the demand for exclusion of the 'creamy layer' is gaining ground amongst all groups.

42. There is a growing dissatisfaction amongst all categories – SCs, STs, OBCs and minorities – with the existing dispensation. Dissensions are growing within communities, since the poorest and most backward in each category, whether included in the list or not, have not been able to benefit from the services and facilities being provided for ameliorating their poverty and enhancing their socio-economic status for various reasons. The better off or socio-economically better have taken advantage of the opportunities provided through programmes. During the tours of the commission to various states, strong views were expressed by government representatives, NGOs and experts that the

need for excluding the creamy layer effectively was urgent, as the benefits from programmes are not percolating to the poor backward, as the creamy layers are accessing them. It was felt that the creamy layer should be excluded from all lists, including that of SCs and STs. There was also a near consensus that 'religion' or 'caste' does not determine 'socio-economic backwardness'. Poverty is not religion or caste-based and the socially, economically backward should be identified on uniformly applicable criteria throughout the country irrespective of caste, creed/religion affirmatives.

43. In fact, questions were often raised on the commitment of the political and executive leadership over the years towards the poorest and not the backward.

45. This commission was informed by the state representatives that in the absence of any authentic survey, a real picture cannot be obtained. It is very difficult to know how many families of a particular caste lived in slums and were deprived of basic needs of drinking water, toilets and electricity. There is no record in the district offices to assess the persons who dropped out of educational institutions and at what levels. Income of the family varies from year to year and there is no mechanism by which it is computed and authenticated. However, the following suggestions were made for determining backwardness:

(a) Religion does not make anyone backward. Separate criteria for identifying poor on the basis of religion are therefore not required.

(b) In India of the 21st century, neither caste nor class is a homogenous unit and therefore family should be considered as a basic unit. The poorest of the poor families should get opportunities for advancement. Those falling in the creamy layer category should be excluded from the lists of backwards.

(c) Family-wise data should be collected and treated as valid for at least 10 years and renewed periodically.

(d) A family which does not have any member with an educational level of high school may be considered educationally backward. Likewise, the level of education of girls in a family may also be taken into consideration.

(e) Social backwardness should include people hailing from geographically isolated and remote areas.

(f) Benefits of reservations should be made time-bound and for one generation only or for not more than 50 years.

(g) Misuse of the benefits by those submitting false/fake certificates should be dealt with seriously.

46. The population of religious minorities in the urban areas is substantial while Sikhs are more or less equally divided between the rural and urban areas; Muslims, Christians, Buddhists and Jains are more urban-based than rural-based. A substantial portion of the population of religious minorities described as other religions and persuasions is rural-based. The majority community of Hindus is more rural-based though almost 76 per cent of them live in the urban areas.

47. The population of religious minorities living below the poverty line (BPL), available from the 55th round collected by NSSO in July 1999-2000, is also indicative of the backwardness and poverty of various communities. While in the rural areas, the percentage of families below the poverty line is approximately the same for Hindus and Muslims, it is higher for Muslims in the urban areas. As against 21.66 per cent Hindus living below the poverty line, 36.92 per cent of Muslims living in urban areas belong to the BPL group. More Christians (19.82 per cent) are poor in the rural areas as against the urban (11.84 per cent). There are few Sikhs (2.95

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per cent) living below the poverty line in the rural areas though almost 11 per cent of their population living in urban areas forms a part of the BPL group. Of the other religions, 33 per cent who live below the poverty line are in rural areas and 18.5 per cent below the poverty line are in the urban areas.

48. The causes for poverty and socio-economic backwardness vary between the rural and urban areas. These differ on account of type of trade and activities which are pursued by families as also due to access to services, opportunities for self-employment, etc. For example, urban areas offer greater opportunities for self-employment and wage employment as also in the services sector. In the rural areas, the families depend more on agriculture-related activities and the poverty line is determined by assets owned by way of land, etc or otherwise. The cost of living also varies between the rural and urban areas on account of various factors. It is therefore necessary to have different scales for identifying the socially and economically backward in the rural and urban areas. While the criteria applied in rural areas is determined by the social and economic status in the areas, in urban areas the determinants have to be more economic than social.

49. It is apparent from the above that the criterion for identifying the socially and economically backward should satisfy the following norms:

(i) Religion, caste or class do not determine 'backwardness' and therefore there is a need for evolving a uniform criterion.

(ii) Caste, religion, class, are no longer homogenous groups. They include both the backward and forward cat-

egories, literate and illiterate, socially and economically advanced and backward also. Hence the socially and economically backward amongst all categories should be identified on the basis of uniform criteria.

50. We have already examined the criteria adopted for identifying the OBCs on the basis of class/caste and pointed out the contradictions and anomalies that hinder the identifications of the socially and economically backward of all categories, including the minorities. The existing criteria for identifying the backward classes among the minorities based on the criteria suggested by the National Commission for Backward Classes is therefore not suitable or appropriate. No separate criteria have been laid down for identifying the minorities amongst the backward communities. The Government of India has however followed a multi-pronged policy. While ensuring access to social, economical and educational programmes to the minorities through general schemes, greater thrust for accelerated growth is provided through special programmes for educational and economic development which are implemented through specialised agencies for the socially and economically backward amongst them. They are selected on the same criteria as is applied to similarly placed other groups.

51. Recognising the fact that the special programmes for SC/ST/OBCs and minorities may still not reach the poor amongst these categories, the Constitution under Article 46 provides that the state shall promote with special care the educational and economic interests of all the weaker sections. The weaker sections are caste and religion-neutral.

52. In order to reach out to the weak and poor, government evolved a strategy of identifying people living below the poverty line. The aim is to identify the poor on the basis of social, educational and economic determinants for backwardness with a view to improve their economic status.

64. For evolving criteria for identifying both urban and rural poor and the socially and economically backward irrespective of caste, class and creed, etc, different norms will have to be evolved keeping in view the social, economic and educational status of the households and the local conditions. This can only be evolved by an expert committee representing different disciplines, on the basis of evaluation study which must first be undertaken to assess the adequacy and suitability of the existing criterion.

65. In view of the foregoing, it is apparent that all lists (SC/ST/OBC) have been prepared without any scientific basis (no database, as no surveys undertaken); the anomalies in 'identification' and 'inclusion' of castes, tribes, classes, have arisen from subjectivity and political considerations which have denied benefits of 'schemes' and programmes approved for their upliftment to the really backward. In order to ensure that 'benefits' reach the poorest and weakest, it is necessary that those who have reaped advantage from government programmes are excluded on a regular basis and criteria evolved which takes into account the local conditions, the family's social and economic status and responsibilities and in no way either encourages a stake in backwardness or adversely impacts on an individual or household's initiative or investments necessary for enhancing status.

