

As we saw in SA, the question of who were the Scheduled Castes was debated and roughly, settled before Independence within the executive and without the participation of the courts. But who are the Backward Classes is a post-Independence question which the constitutional re-cognition of the category made one of all-India scope. The Constitution left the matter with the executive at the state level with an option for the Centre to unify it. When the executive at the centre first failed and then declined to provide a resolution, the question reverted to the states. In the wake of the Janata victory in the 1977 elections, the Backward Classes returned to the national political agenda. Pursuant to its electoral promise,\* the Janata Government appointed a new Backward Classes Commission in February 1978.\*\* Northern state governments under Janata control substantially enlarged the preferences for Other Backward Classes, leading to massive violence in Bihar. In its declining days, the Janata caretaker government came close to instituting job reservations for Backward Classes in central government service.\*\*\*

---

\*The 1977 election manifesto of the Janata party called for an end to caste distinctions and promised the establishment of an independent and autonomous civil rights commission "competent to ensure that the minorities, scheduled castes and tribes, and other backward classes do not suffer from discrimination or inequality." It promised a radical reduction of disparities by a "policy of special treatment" in favour of the "weaker sections of our society." In connection with the provision of "preferential opportunities for education and self-employment to these sections" the party promised to "reserve between 25 and 33 percent of all appointments to Government service for the backward classes, as recommended by the Kelkar (sic) Commission.... The Party will formulate a special program within the framework of the five-year plans for the substantial advancement of the scheduled castes and tribes and other backward classes and will provide adequate funds for the purpose ..... Special machinery will be set up to implement the programme and assure fulfillment of the relevant Constitutional guarantees" (from Commerce, Feb 19, 1977)

\*\*The new five-member commission was established in December 1978 under the chairmanship of B.P. Mandal M.P. and instructed to report by the end of 1979. Its terms of reference, reminiscent of those of the 1953-55 Backward Classes Commission (I BCC 2) with the addition of a specific inquiry about reservation of government posts, were (i) "to determine the criteria for defining the socially and educationally backward classes; (ii) to recommend steps to be taken for the advancement of the socially and educationally backward classes of citizen so identified; (iii) to examine the desirability or otherwise of making provision for the reservation of appointments or posts in favour of such backward classes of citizens which are not inadequately represented in the services of both the Central and State Government/Union Territory Administrations; and (iv) present a report setting out the facts as found by them and making such recommendations as they think proper." When asked under what authority this Commission was constituted, the Minister of State for Home Affairs replied that it was "constituted under Article 340 of the Constitution" [RSD Vol. 107, No. 23, cols. 171-73 (21 Dec. 1978)].

\*\*\*It is reported that a few weeks before the 1980 elections, the coalition government headed by Charan Singh proposed to reserve 25% central government jobs for Backward Classes. This proposal was dropped after the President objected that it violated an agreement that the caretaker government would refrain from taking policy decisions which might amount to electoral initiatives (Overseas Hindustan Times? Dec. 27, 1979).