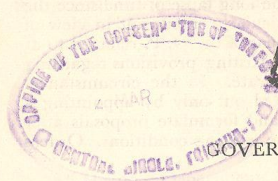


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Kerala Gazette No. 51 dated 19th December 1978.

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PART I



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GOVERNMENT OF KERALA

Abstract

PUBLIC SERVICES—COMMUNAL RESERVATION IN APPOINTMENTS TO PUBLIC SERVICE—RECOMMENDATIONS OF THE BACKWARD CLASSES RESERVATION COMMISSION—ORDERS ISSUED.

GENERAL ADMINISTRATION (SERVICES D) DEPARTMENT

G. O. (P) No. 545/78/GAD. Dated, Trivandrum, 13th December 1978.

- Read:—1. G. O. Ms. No. 387/64/Home dated 29-8-1964.
2. G. O. Ms. No. 343/PD dated 17-10-1967.
3. G. O. Ms. No. 34/68/PD dated 8-2-1968.
4. Notification No. 4111/SD4/68/PD dated 8-2-1968.

ORDER

In its judgment dated 31-1-1967 in O. P. No. 2860/1964, the High Court of Kerala observed that the existing provisions of the General Rules relating to reservation to the Backward Communities for direct recruitment to Government service, were based on obsolete and out-of-date data and that therefore it was desirable that the State should undertake a detailed survey and collect relevant data periodically.

2. In pursuance of the above direction, the Government, in the Government Orders read as the second and third papers above, appointed a Commission, viz., "Backward Classes Reservation Commission", with the late Shri Nettur P. Damodaran, Ex-M. P. as Chairman, to enquire into matters such as what should be the basis for classification of the citizens into 'backward' for the purpose of Article 16 (4) of the Constitution, what should be the quantum of reservation, etc. and to submit a report with specific recommendations. The Commission submitted its report to Government on 3-12-1970. Government have considered the recommendations contained in the Report in detail and also collected extensive data regarding Government Servants, community-wise and category-wise.

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3. Government feel that the data on which the Commission arrived at its findings might not be valid now in view of the long lapse of time since the Commission finalised the Report. This is particularly significant in view of the observation of the High Court in the Judgment of the O. P. referred to at para 1 above, that the statistics on which the existing provisions regarding reservation were based, had ceased to be accurate. In the circumstances Government consider that justice could be meted out only by appointing a new Commission to study the question afresh and formulate proposals after examining the various aspects in the light of the existing conditions. Orders in this regard will issue separately.

4. Government, however, consider that some changes to the existing percentage of reservations are necessary in the light of the data collected by them subsequent to the receipt of the Netti Commission's Report, and are pleased to issue the following orders:—

(i) *For direct recruitment to Class IV posts in different Services:*

The percentage of reservation for Ezhavas will be reduced from the existing 14% to 11%. This is because, it has been found that in Class IV Categories, Ezhavas have fairly adequate representation when compared to the percentage of population and hence a reduction is only appropriate. The percentage of reservation for Muslims in Class IV will continue to be 10%. Latin Catholics and Anglo Indians will form one group and will have a reservation of 4%. Government consider that the Nadar Community (both Nadars presently included in S. I. U. G. and Hindu Nadars) deserve to be treated separately in the matter of reservation and hence they will be allowed a reservation of 1%. The percentage of reservation for the Scheduled Castes, Converts to Christianity will be raised from 1% to 2%. The 22 communities like Asari, Kammalas, Viswakarma etc. given in the Annexure to this order will be grouped together and they will be treated as one group, and given separate reservation. Their reservation will be 2%. The Dheevvara Community will have a separate reservation of 2%. All other backward classes as notified by the Government, excluding those specifically indicated above, will constitute one group and will have a reservation of 8%. The reduction from the existing 10% to 8% for Other Backward Classes is justified in view of the fact that some communities in the Government Notification listing out Other Backward Classes have now been given separate reservation as indicated above.

(ii) *For all direct recruitments other than to Class IV posts:*

The percentage of reservation will be 14% Ezhavas (existing), 12% to Muslims (an increase of 2% is fully justified in view of their inadequate representation), 4% for Latin Catholics and Anglo-Indians, 1% for Nadars (Hindu Nadars and Nadars presently included in S. I. U. C.), 1% for Scheduled Caste converts to Christianity (existing), 3% to the group consisting of Asari, Kammala, Viswakarma etc., listed in the Annexure to this G. O., 1% for Dheevvara and 4% for other Backward Classes, other than those specifically mentioned above.

