

# 1. Appointment, terms of reference and tenure of the Commission

1.1 The Government of Kerala appointed the Commission to study and report on the adequacy or otherwise of representation of the Backward Classes in the services under the State Government, Public Sector Undertakings, Autonomous Bodies and Institutions under the State Government including the Universities, by notification dated 11<sup>th</sup> February, 2000. The notification published in Kerala Gazette Extraordinary No.269 dated 11<sup>th</sup> February, 2000 reads:-

"S.R.O. No.136/2000 - WHEREAS, Government of Kerala are of opinion that it is necessary to appoint a Commission of Inquiry for the purpose of making an inquiry into a definite matter of public importance namely, a study and report on the adequacy or otherwise of representation of the Backward Classes in the services under the State Government, Public Sector Undertakings, Autonomous Bodies and Institutions under the State Government including the Universities.

Now, THEREFORE, in exercise of the powers conferred by Section 3 of the Commissions of Inquiry Act, 1952, (Central Act 60 of 1952), the Government of Kerala hereby appoint a three member Commission of Inquiry consisting of Shri. Justice K.K. Narendran, Retired Judge of the High Court, Kerala as Chairman and Shri. K.V. Rabindran Nair, former Chief Secretary to Government of Kerala and Shri. Savankutty, former Chairman, Kerala Public Service Commission as Members.

The terms of reference of the Commission of Inquiry shall be as follows:-

- (i) To study and report on the adequacy or otherwise of representation of the backward classes in the services under the State Government, public sector undertakings, autonomous bodies and institutions under the State Government including the Universities.
- (ii) Any other matter incidental thereto.

The Commission shall complete the enquiry and submit its report with its conclusions to Government within six months from the date of publication of this notification.

The Government are of the opinion that having regard to the nature of the inquiry to be made and other circumstances of the case, all the provisions of sub-sections (2), (3), (4) and (5) of section 5 of the Commissions of

Inquiry Act, 1952 (Central Act 60 of 1952) should be made applicable to the Commission, and therefore, the Government hereby direct under sub section (1) of the said section 5 that all the provisions of the aforesaid Act shall apply to the Commission."

1. 2 The Chairman and the two Members assumed charge in the third week of February. The Commission held its first sitting on 28-2-2000. At its second sitting on 29-2-2000, the Commission had a discussion with the Secretary to Government, SC & ST Development Department and Secretary to Government, Finance (Expenditure) Department regarding the minimum requirements for the commencement of work of the Commission. It was decided to convert the office of the 'Creamy Layer Commission' functioning in the office building of the Kerala State Backward Classes Commission at Plamood Junction, Thiruvananthapuram-4 as the office of this Commission also. It was also decided that the existing staff of the 'Creamy Layer Commission' would continue as the staff of the Commission for the time being. Proposals were also made for some additional staff in view of the workload of the Commission. The Secretary was directed to write to the Government for necessary sanctions regarding the above matters.

1. 3 On 29-2-2000 itself, the Chairman wrote a letter to the Chief Secretary to Government pointing out the nature and volume of work entrusted to the Commission and seeking the co-operation of the Government at all levels.

1. 4 Government sanctions for additional staff and other related matters was issued towards the end of May 2000. However, the Commission did not operate all the posts. Work was managed with the minimum possible staff keeping vacant some posts like the post of Joint Secretary, Court Officer, etc.

1. 5 At its sitting on 13-3-2000 the Commission took a decision to write to the Kerala Public Service Commission for a factual note on the Scheme of Reservation and to request the Public Service Commission to inform the Commission the longest period for which the Public Service Commission will be able to furnish the data regarding the

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recruitments made from time to time. The draft of the proforma for collecting the data and the instructions for filling up the proforma to be sent along with the proforma were discussed at its sittings held on 11-4-2000 and thereafter. It was decided that the proforma and the instructions for filling up the proforma need only be sent to the Secretaries to Government and the Secretaries to Government will be the officers responsible for furnishing the data to the Commission. The letter to the Kerala Public Service Commission was sent on 9-5-2000. The Commission had a discussion with the Secretary, Kerala Public Service Commission in the sitting held on 28-6-2000. The draft of the proforma and the instructions for filling up the proforma were approved and despatched to the Secretaries to Government on 28-6-2000.

1. 6 It was obvious that a lot of time and effort would be required in collecting the data sought in these communications. The number of employees involved is around five lakhs and data had to be built up from the very lowest level of Government offices. Hence the Commission decided that, instead of merely waiting for the receipt of data from Secretaries to Government, active follow up would be done by the Commission to ensure expeditious collection of the data. The details of the work done by the Commission in this regard have been narrated later in chapter 4 of this report.

1. 7 On 30-6-2000, a request was made to the Government to extend the term of the Commission till 31-3-2001. This was on the assumption that if the data from Secretaries to Government and Kerala Public Service Commission became available by the specified date viz. 31-12-2000, Commission would require three months to standardise, compile and analyse the data and prepare the report. A copy of the letter dated 30-6-2000 is at *Annexure 1*. However as per notification number 13732/F3/2000/SC ST DD dated 29-8-2000, extension for a period of six months with effect from 11-8-2000 was ordered by Government.

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1. 8 On the expiry of the last date specified by the Commission (31-12-2000) for receipt of data from Government and Public Service Commission, the matter was reviewed by the Commission. The data received from Secretaries till then covered only about twenty percent of the employees. Some of the Secretaries to Government had written to the Commission seeking extension of time for collecting the data. Data from Public Service Commission also got delayed. It was therefore obvious that, in spite of the best efforts of the Commission and co-operation from Secretaries to Government, work would not be completed by 10-2-2001 when the first six months extension would run out. Hence in letter number 30/2000.KKNC dated 11-1-2001 Commission sought extension for six more months explaining clearly that the second extension was necessitated because of reasons beyond the Commission's control. A copy of the letter dated 11-1-2001 is at *Annexure 2*. Government responded with grant of extension up to 31-3-2001 only. Chairman of the Commission wrote to Chief Secretary to Government on 20-2-2001 explaining why the six month's extension sought by the Commission was unavoidable. A copy of that letter is at *Annexure 3*. As per notification no.789/F3/2001/SC ST DD dated 31-3-2001, Government allowed extension up to 10-8-2001.

1. 9 As the receipt of full data from Public Service Commission and Government Secretaries took more time, Commission was compelled to ask for another extension. The circumstances in which Commission was left with no option other than seeking such a short further extension for three months was explained in letter number 30/2000/KKNC dated 5-7-2001 addressed to Government. A copy of that letter is at *Annexure 4*. Government allowed that extension as per notification No.11198/F3/2001/SC ST DD dated 4.8.2001.

1. 10 The Commission held, in total, 51 sittings for discussing the arrangements of work, its progress and later for analysing the data and formulating views on the basis

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of such analysis. Three sittings were held (Kozhikode, Kochi and Thiruvananthapuram) for taking evidence from the public and organisations. Two discussions were held with the Hon'ble Chief Justice of Kerala. One discussion was held with Chairman, Kerala Public Service Commission, following an earlier discussion with the Public Service Commission Secretary. Besides, 8 discussions were held with senior functionaries of Government like Secretaries. In addition, there were a number of occasions when different functionaries had to be contacted over phone or met for clarification of specific points. Apart from this, a series of discussions were held by the Secretary to the Commission with Nodal Officers of different Secretariat Departments and the Chairman and members participated in some of those.

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