

2. Historical background of the system of reservation in recruitment to public services

2.1 The prevailing position of representation of backward classes in public services in the state is the result of two types of recruitment viz. recruitment through normal merit system and recruitment through the system of reservation. Therefore, before proceeding to assess the present level of representation for these communities, it will be relevant to attempt a brief review of the historical background of reservation in the recruitment.

2.2 Public Services in the erstwhile princely States and British Provinces was the monopoly of a microscopic minority of the population till the end of the nineteenth century. In the erstwhile State of Travancore, public services was almost a forbidden land even for powerful sections of the sons of the soil. This led to the Malayali Memorial of 1891. The Malayali Memorial was followed by an Ezhava Memorial of 1896. It was quite natural that the forward classes among the people who were more educated and more powerful gradually got more and more representation in public services. This was the state of affairs throughout the country. This led to a hue and cry that the backward classes among the population are not getting their due share in the appointments to the public services.

2.3 It was in the erstwhile Malabar district which was part of the erstwhile Madras State that reservation for backward classes in the public services was first introduced. In 1921 the Government of Madras took steps for higher representation of non-Brahmins in Government services. Thereafter in 1927 the Madras Government classified all communities of the state into 5 categories and earmarked separate quota for each group for recruitment to Government services. In 1947 the Government of Madras revised the representation and a separate quota was fixed for backward Hindus also. This scheme of reservation was struck down by the Supreme Court of India. Thereafter the Government decided in 1951 that henceforth reservation should be there for scheduled

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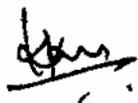
castes and backward classes only. This was the position in the erstwhile Malabar district when it became part of the State of Kerala as a result of the States Re-organisation on 1st November, 1956.

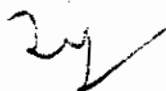
2.4 In the erstwhile State of Travancore the monopoly of Tamilians in public services was on the decline after the Malayali Memorial. Gradually an impression was created that a few sections of the people of the State were gaining something like a monopoly in the public services and that the others belonging to different sections of the people are denied their due share in the appointments. This led to the 'abstention movement' in the Nineteen Thirties by those sections of the people who were practically denied entry into public services. In January, 1935, a Public Service Commissioner was appointed to make selection for appointment to public services observing reservation for Backward Classes. Thirty five percent of the posts were reserved for the Backward Classes.

2.5 In the erstwhile State of Cochin a Staff Selection Board was constituted in 1936 to select candidates for appointments to the public services, observing the principle of reservation for Backward Classes and Scheduled Castes. In 1947 the Staff Selection Board was replaced by the Cochin Public Service Commission.

2.6 On the integration of the erstwhile States of Travancore and Cochin on 1st July, 1949, the Travancore-Cochin Public Service Commission was constituted by an Ordinance issued by the Government. This Public Service Commission became a constitutional authority from 26th January, 1950 with the advent of the Constitution of India.

2.7 As a result of the States Re-organisation in 1956 the State of Kerala was formed comprising the erstwhile State of Travancore-Cochin (except the present Kanyakumari district) and the erstwhile Malabar district of the State of Madras. Naturally







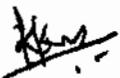
the Kerala Public Service Commission came into being. With certain modifications the reservation for Backward Classes and the Scheduled Castes and Scheduled Tribes continued in the appointments to the public services.

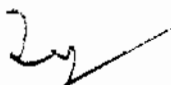
2.8 Soon after the formation of the state of Kerala the Kerala Public Service Commission (Consultation) Regulations, 1957 was issued. These regulations published in Kerala Gazette dated 9-4-1957 excluded the jurisdiction of the Kerala Public Service Commission in the matter of filling up of certain posts and appointments of handicapped persons, appointments of dependants of defence personal, temporary appointments through Employment Exchange etc.

2.9 In 1958 the Kerala State and Subordinate Services Rules, 1958 was issued under Article 309 of the Constitution of India. These rules came into force from 23-12-1958. These rules among other things insist on the reservation of appointments for Backward Classes and Scheduled Castes and Scheduled Tribes and the rotation to be followed in filling up posts (Rule 14 to 17 Part II).

2.10 The Kerala Public Services Act, 1958 was enacted to regulate the recruitments and conditions of service of persons appointed to public services and posts in connection with the affairs of the State. The Act which came into force on 16-9-1968 empowered the Government to make rules to regulate the recruitments and conditions of service of persons recruited to public services. The existing rules framed under Article 309 of the Constitution of India were allowed to continue.

2.11 The Kerala Public Service Commission (Additional Functions) Act 1963 which came into force on 1st October 1966 empowered the Public Service Commission to make recruitments for the Kerala State Electricity Board. The Kerala Public Service Commission (Additional Functions as Respects the Kerala State Road Transport Corporation) Act, 1970 was enacted to empower the Public Service Commission to make







recruitments to the Kerala State Road Transport Corporation. This was followed by the Kerala Public Service Commission (Additional Functions as Respects certain Corporations and Companies) Act, 1970 which came into force on 29-11-1970. This empowered the Public Service Commission to make recruitments to some posts in certain Corporations and Boards constituted by the Government and the Kerala Water Authority. Then the Kerala Public Service Commission (Additional Functions as Respects the services under Local Authorities) Act, 1973 was enacted. This Act came into force on 1-4-1978. This was followed by the Kerala Public Service Commission (Additional Functions as Respects certain Societies) Act, 1996. This Act which came into force with effect from 26-3-1996 empowered the Kerala Public Service Commission to make recruitments for certain Co-operative Societies registered under the Kerala Co-operative Societies Act, 1969 and certain Societies registered or deemed to have been registered under the Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act, 1955 and the Societies Registration Act, 1860.

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