



# Kapu Community Reservation

## Why in News

Recently, the **Andhra Pradesh government has announced 10% reservation for the Kapu community and other Economically Weaker Sections (EWS)** for appointments in the initial posts and services in the State government.

- This reservation is extended in accordance with the [Constitution \(103<sup>rd</sup> Amendment\) Act, 2019](#).

## Key Points

### ▪ About Kapu Community:

- The Kapus are primarily an **agrarian community based in the Andhra-Telangana region**.
- It is believed that they **migrated from the Gangetic plains**, probably from Kampilya (near Ayodhya) thousands of years ago.
- They entered what is present-day Telangana and, after clearing the forests along the **banks of the Godavari, settled down to farming**.
- The Kapu community is **demanding inclusion in the 'Backward Castes' category** "like they were before independence".
- The first major protest for the inclusion of the **Kapus in the 'Backward Castes' was held in 1993**.
  - A government order was then issued for their inclusion in 'Backward Castes'. However, it was not honoured.

## Other Backward Classes

- Other Backward Classes (OBC) is a collective term used by the Government of India to classify castes which are educationally or socially disadvantaged.
- It is one of several official classifications of the population of India, along with General Class, Scheduled Castes and Scheduled Tribes (SCs and STs).
- The OBCs were found to comprise 52% of the country's population by the Mandal Commission report of 1980, and were determined to be 41% in 2006 when the National Sample Survey Organisation took place.
- **National Commission for Backward Classes** is a constitutional body under Article 338B of the Constitution under the Ministry of Social Justice and Empowerment.
- **Guidelines for EWS Reservation:**
  - Persons who are **not covered under the existing scheme of reservations** for SCs, STs and Socially and Educationally Backward Classes and whose **gross annual family income is below Rs 8 lakh** are to be identified as EWS for the benefit of reservation.
  - The **income includes income from all sources** i.e. salary, agriculture, business, profession etc. for the financial year prior to the year of application.

- The term **family** for this purpose will include the person who seeks benefit of reservation, his or her parents and siblings below the age of 18 years as also his or her spouse and children below the age of 18 years.
- **103<sup>rd</sup> Constitutional Amendment Act:**
  - It **introduced an economic reservation (10% quota) in jobs and admissions** in education institutes for Economically Weaker Sections (EWS) by amending **Articles 15 and 16.**
    - It inserted Article 15 (6) and Article 16 (6).
  - It was enacted to promote the welfare of the poor not covered by the 50% reservation policy for SCs, STs and Socially and Educationally Backward Classes (SEBC).
  - It **enables both Centre and the states** to provide reservation to the EWS of society.
- **Status of EWS Reservation:**
  - 10% EWS reservation breaches the 50% limit to reservation in employment opportunities (set by **Indra Sawhney case 1992**) by the Central Government.
  - Government's stand is that though ordinarily 50% is the rule but same **will not prevent the amendment of the Constitution itself** in view of the existing **special circumstances** to uplift the members of the society belonging to economically weaker sections.
  - Currently, **the matter is in the Supreme Court**, where it recently referred the petitions challenging the 103<sup>rd</sup> Constitutional Amendment Act, 2019 to a five-judge constitution bench, saying it involves '**substantial questions of law**'.
  - According to **Article 145 (3) of the Constitution**, at least five judges need to hear cases that involve 'a substantial question of law as to the interpretation' of the Constitution, or any reference under Article 143, which deals with the power of the President of India to consult the Supreme Court.
  - The Supreme Court bench consisting of at least five judges is called the **Constitution bench.**

**Source: TH**

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