

**BEFORE THE NATIONAL COMMISSION FOR  
BACKWARD CLASSES**

(Established under article 338B of the Constitution of India)

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... Petitioner / Complainant

Against

(1). The Vice Chancellor,  
National Law School of India University,  
Nagarbhavi, Bangalore-560072,  
Karnataka, India.

(1). Chief Secretary,  
Govt of Karnataka,  
Room No.321, Vidhana Soudha,  
Bengaluru.

(2). Commissioner.  
BC Welfare Department,  
No 16D, 3rd Floor, Devaraj  
Urs Bhavan, Bengaluru,  
Karnataka 560052,

...Respondents (Karnataka State)

(3). The Vice Chancellor,  
The National Law Institute University  
Kerwa Dam Road,Bhopal-462044  
Madhya Pradesh.

(4). The Vice Chancellor,  
Dharmashastra National Law University,  
Jabalpur, Madhya Pradesh.

(5). Chief Secretary,  
Govt of Madhya Pradesh,  
Plot No. 27 & 28, Jail Rd, Arera Hills, Bhopal

Madhya Pradesh 462004

- (6). Commissioner.  
BC Welfare Department,  
2 nd Floor, Vallabh Bhavan,  
Mantralay Bhopal – 462 004.  
...Respondents (Madhya Pradesh State)
- (7). Vice-Chancellor,  
Dr. BR Ambedker National Law University  
Sonipat, Haryana
- (8). Chief Secretary,  
Government of Haryana,  
Chandigarh
- (9). Welfare of Scheduled Castes and Backward Classes Department,  
SCO 42-44, Sector 17 A,  
Chandigarh - 160017  
Haryana, India.  
...Respondents (Haryana State)
- (10). The Vice Chancellor,  
NALSAR University of law,  
Justice City, Shameerpet,  
Medchal Dist, Hyderabad-500101.
- (11). Chief Secretary,  
Government of Telangana,  
Secretariat, Saifabad,  
Hyderabad.
- (12). Commissioner.  
BC Welfare Department,  
Govt. of TS, Floor, DSS Bhavan,  
Masabtank, Hyderabad.  
...Respondents (Telangana State)
- (13). The Vice Chancellor,  
The West Bengal National University of Juridical Sciences  
Dr. Ambedkar Bhavan, 12, LB Block, SectorIII,  
Salt Lake city, kolkata-700098.
- (14). Chief Secretary,  
Government of Kolkata,

Writers' Buildings,  
West Bengal, India.

- (15). Commissioner.  
BC Welfare Department,  
Administrative Building, SDO Bidhanagar,  
4TH Floor, Dj-4, Salt Lake,  
Sector- II, Kolkata, West Bengal 700091.  
...Respondents (West Bengal State)
- (16). The Vice Chancellor,  
National Law University, Jodhpur  
Nh-65, Nagaur road,  
Mandore, Jodhpur-342304,  
Rajasthan.
- (17). Chief Secretary,  
Government of Rajasthan,  
Secretariat, Jaipur 302005, Rajasthan
- (18). Commissioner.  
BC Welfare Department,  
Secretary Government of Rajasthan  
Department of Minority Affairs Sachivalaya,  
SSO Building, Jaipur – 302 005.  
...Respondents (Rajasthan State)
- (19). The Vice Chancellor,  
Hidayatullah National Law University,  
Atal Nagar, Raipur-492002,  
Chhattisgarh.
- (20). Chief Secretary,  
CM Secretariat,  
D.K.S. Bhawan, Mantralaya,  
Raipur, Chhattisgarh – 492001.
- (21). Commissioner.  
BC Welfare Department,  
Regional Labour Commissioner (Central),  
L-7, Sector I (Extn.), Avanti Vihar,  
Raipur- 492006.  
...Respondents (Chhattisgarh State)
- (22). The Vice Chancellor,

Gujarat National Law University,  
Attalika avenue, knowledge corridor, Koba, Gandhinagar,  
Gujarat-382426.

- (23). Chief Secretary,  
Government of Gujarat  
1st Block, 5th Floor Sachivalaya,  
Gandhinagar – 382010
- (24). Commissioner.  
BC Welfare Department,  
Government of Gujarat Dep. of Social Justice & Empowerment  
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Gandhinagar – 382 010.  
...Respondents (Gujarat State)
- (25). The Vice Chancellor,  
Dr. Ram Manohar Lohiya National Law University,  
Sector-D-1, LDA Colony, Kanpur Road Scheme,  
Lucknow-226012, U.P.
- (26). Chief Secretary,  
Government of Uthar Pradesh  
IV Floor, Vikas Bhawan, Hazratganj,  
Lucknow, Uttar Pradesh 226001.
- (27). Commissioner.  
BC Welfare Department,  
Principal Secretary, Government of Uttar Pradesh  
Minority Welfare & Department 401, Babu Bhawan  
Lucknow – 226 001.  
...Respondents (Uttar Pradesh State)
- (28). The Vice Chancellor,  
Rajiv Gandhi National University of Law, Punjab,  
Sidhuwal, Bhadson Road, Patiala-147006.
- (29). Chief Secretary,  
Government of Punjab  
Room No 28, 6th Floor, Punjab Civil Secretariat,  
Chandigarh-160001, Punjab, India.
- (30). Commissioner.  
BC Welfare Department,  
Government of Punjab Department of SC/BC,

Punjab Civil Secretariat,  
SCO 33-34-35, Sector 34-A Chandigarh.

...Respondents (Punjab State)

- (31). The Vice Chancellor,  
Chanakya National Law University,  
Nyaya Nagar, Mithapur, Patna-800001,  
Bihar, India.

- (32). Chief Secretary,  
Government of Bihar  
7, Circular Road, Near Lokayukta Office,  
Rajbansi Nagar, Patna, Bihar 800022.

- (33). Commissioner.  
BC Welfare Department, Principal Secretary,  
Government of Bihar Department of Minority Welfare Block IV,  
Secretariat Patna – 800 015.

...Respondents (Bihar State)

- (34). The Vice Chancellor,  
National University of Advanced Legal Studies,  
NUALS Campus, HMT Colony P.O., Kalamassery,  
Kochi-683503, Kerela.

- (35). Chief Secretary of Kerela,  
Room No. 357(A) & 358, Main Block  
Secretariat, Thiruvananthapuram,  
Kerala.

- (36). Commissioner.  
Secretary, Government of Kerala  
Department of Minority Welfare Room No. 505, Annex-I Secretariat,  
Thiruvananthapuram – 695 001.

...Respondents (Kerala State)

- (37). The Vice Chancellor,  
National Law University Odisha,  
Kathajodi Campus, Sector 13,  
C.D.A., Cuttack-753015.

- (38). Chief Secretary,  
Government of Odisha  
General Administration Department  
Odisha Secretariat, Bhubaneswar - 751001

- (39). ST & SC Development, Minorities  
& Backward Classes Welfare  
Department  
Odisha Secretariat  
Bhubaneswar-751001  
Odisha,  
...Respondents (Odisha State)
- (40). The Vice Chancellor,  
National University of Study and Research in Law, Ranchi  
AT-Nagri, P.O.-Bukru, Kanke-Pithoria Road,  
Kanke, Ranchi-834006, Jkarkhand.
- (41). Chief Secretary,  
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Ranchi-834004, Jharkhand.
- (42). Commissioner.  
BC Welfare Department,  
Government of Jharkhand  
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...Respondents (Jharkhand State)
- (43). The Vice Chancellor,  
National Law University and Judicial Academy,  
Assam.
- (44). Chief Secretary,  
Assam Sachivalaya, Block C, 3rd Floor, Dispur,  
Guwahati -781006, India.
- (45). Commissioner  
BC Welfare Department of Assam,  
Assam Secretariat, D-Block,  
3rd Floor, Dispur, Assam.  
...Respondents (Assam State)
- (46). The Vice Chancellor,  
Damodaram Sanjivayya National Law university  
“NYAYAPRASTHA”, Sabbavaram,  
Visakhapatnam-531035, A.P., India.
- (47). Chief Secretary,  
Secretary Government of Andhra Pradesh  
Minorities Welfare Department 3 rd Block, 1st Floor,

Room No. 213 , AP Secretariat Office, Velagapudi – 522 503.

- (48). Commissioner.  
BC Welfare, Government of Andhra Pradesh,  
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VR Siddharth engineering college, Tadigadapa,  
Vijayawada-521134, Amaravathi.  
...Respondents (Andhra Pradesh State)
- (49). The Vice Chancellor,  
Tamil Nadu National Law University,  
Dindigul Main Road, Navalurkuttappattu,  
Tiruchirappalli, Tamil Nadu-620027.
- (50). Chief Secretary,  
Secretary Government of Tamil Nadu.  
Director of Information and Public Relations  
Ex-officio Deputy Secretary to Government.  
Secretariat, Fort St. George,  
Chennai 600 009, Tamil Nadu, India.
- (51). Commissioner.  
BC Welfare Department Tamil Nadu.  
No-130(N), 212(O),, Ramakrishna Mutt Rd,  
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...Respondents (Tamil Nadu State)
- (52). The Vice Chancellor,  
Maharashtra National Law University Mumbai,  
2<sup>nd</sup> & 6<sup>th</sup> Floor, CETTM-MTNL Building, Hiranandani Gardens,  
Powai, Mumbai-400076.
- (53). The Vice Chancellor,  
Maharashtra National Law University, Nagpur  
Moraj Design and Decorators(DnD) Building,  
Adjacent to Mihan Flyover, Near OIL Depot,  
Wardha Road, Khapri, Nagpur-441108.
- (54). The Vice Chancellor,  
Maharashtra National Law University, Aurangabad,  
Government B.ED. College Campus,  
Padampura, Aurangabad-431005(MS).
- (55). Chief Secretary,

Secretary Government of Mumbai  
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- (56). Principal Secretary Minorities Development Department,  
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...Respondents (Maharashtra State)
- (57). The Vice Chancellor,  
Himachal Pradesh National Law University,  
P.O. Shakrah, Sub-Tehsil-Dhami,  
District-Shimla171014,H.P.,
- (58). Chief Secretary,  
Secretary Government of Shimla,  
Chief Electoral Office Block No. 38 SDA Complex Kasumpti,  
Shimla, Himachal Pradesh 171009
- (59). Commissioner.  
BC Welfare Department of Shimla,  
HP Secretariat, Shimla, Himachal Pradesh.  
...Respondents (Himachal Pradesh State)

(If any of the National Law Universities, their Vice-Chancellors, Chief Secretaries, Officers of BC Welfare Departments are missed or addresses wrongly presented, may kindly add/correct them as relevant at the time of proceedings by the NCBC)

**PETITION / COMPLAINT FILED UNDER ARTICLE 338B(5) OF THE  
CONSTITUTION OF INDIA**

Hon'ble Member Secretary,

1. I, Ramesh Babu Vishwanathula S/o Rama Chary Aged about 50 years  
Occ: Advocate & Legal Practitioner office at 42-839, 2<sup>nd</sup> Floor,  
MeghanaAkash Arcade, Moulali, Hyderabad – 500040, Telangana. do  
hereby solemnly affirm and state as follows:



2. The Petitioner herein is an educated professional being a Senior Legal Practitioner in various High Courts and Supreme Court of India and who emanates from Backward Caste Community in the state of Telangana.
3. It is respectfully submitted that this petition/complaint is against the blatant & deliberate violation of rules, G.Os, provisions and thereby not providing any reservation to the Socially & Educationally Backward Communities by the Government established National Law Universities in different states while taking-up admissions for various courses.
4. This petition is filed to direct the respondents under sub-clause (a) & (b) of clause (5) of Article 338B of the Indian Constitution to immediately implement the reservation for the Socially and Educationally Backward Communities in the upcoming admissions for the year 2019 (for some colleges admissions through CLAT-2019) and for all future admissions.
5. It is respectfully submitted that the petitioner is relying on various documents, G.Os, rules as available and NCBC may permit to refer and submit various other documents and rules as applicable at the time of oral submissions / further submissions.
6. The Reservation system was introduced in India by Dr.B.R. Ambedkar, Chairman Drafting Committee of India after the independence. The main concern behind introducing this system was to help the deprived section of the society-the Scheduled Tribes, Scheduled Castes and the Other Backward Castes people, to provide them with better education, and equal opportunities as compared to the other sections of the society.
7. The constitution makers made the reservation as a policy of the democratic government in order to lift up the downtrodden sections of our society. The idea of launching reservation system in India was to raise quality of life of lower classes of the society to abolish illiteracy and lead India towards the path of development.
8. The reservation system or quota in context of Indian higher education system basically means that a set percentage of seats will be reserved in all universities and colleges for students who belong to socially and educationally backward categories or belong to different castes such as SC, ST and OBC.

9. The reservations have been an integral part of the Indian higher education system. Over the years, since independence, many students who belong to reserved categories, Scheduled Caste (SCs), Scheduled Tribe (STs), and Other Backward Classes (OBCs), have been admitted in reputed universities and colleges of India on the basis of quota.
10. The population of OBCs, which includes both Hindus and non-Hindus, was around 52 per cent of the total population in India according to the Mandal Commission. The number of backward castes and communities was 3,743 in the initial list of Mandal Commission set up in 1979-80. The number of backward castes in Central list of OBCs has now increased to 5,013 (without the figures for most of the Union Territories) in 2006 as per National Commission for Backward Classes.
11. It is respectfully submitted that 27% of reservation was recommended by Government(s) owing to the legal constraint that the total quantum of reservation should not exceed 50 percent. States that have already introduced reservation for OBC exceeding 27% will not be affected by this recommendation.
12. It is respectfully submitted that on 10 April 2008 the Supreme Court of India upheld the government's initiative of 27% OBC quotas in government-funded institutions. The Court has categorically reiterated its prior stand that those considered part of the "Creamy layer" should be excluded by government-funded institutions and by private institutions from the scope of the reservation policy.
13. It is respectfully submitted that in Indian higher education institutions, 15% and 7.5% seats are reserved for SC and ST category candidates, respectively. Apart from that, 27% seats are reserved by the government for OBC category students. It says that a total percentage of reservation in Indian colleges and universities is up to 49.5%, leaving 50.5% seats available for General category candidates.
14. The "University Grants Commission" through their letter No. F-1-5/2006(SCT) dated 25<sup>th</sup> August 2006 and through Letter F.No. 59-6/2012(CU) dated 03<sup>rd</sup> June 2016 has circulated the "Central Educational Institutions (Reservation and Admission) Act, 2006 (Gazette Notification dated 04-01-2007) and as amended in 2012 (Gazette Notification dated 20-06-2012), called for strict adherence to the Central

Reservation Policy in all the Central Universities, State Universities, Deemed to be Universities and Others.

15. It is respectfully submitted that following Central Act and orders of UGC, all the Central Universities, Deemed Universities are required to implement the Central Reservation Policy in admissions and all State Universities are required to follow the percentage of reservations prescribed by the respective State Government or as per Central UGC Notification (Central Reservation Act)
16. It is respectfully submitted that almost all the States in the country have released the list of Backward Classes and their percentage of reservation in the Government funded Educational Institutions. All the State Government administered colleges are following the reservation policy for SC, ST & BC Communities as per their State Policies/Laws.
17. However, it is respectfully submitted that most of the National Law Schools (State Universities) established under the State Acts are neither following the Backward Class reservation of Central Government nor their State Government reservation policy in their admissions. That such a top class law universities of Law in various states are not implementing the Backward Class Reservation at the time of admissions, whereby the BC Community atlarge are losing the opportunities provided to them through various Laws.

### **Establishment & About National Law Schools**

18. In India, autonomous law schools are the law schools founded pursuant to the second-generation reforms for legal education sought to be implemented by the Bar Council of India. The first such autonomous law school was the National Law School, Bangalore which admitted its first batch in 1987. Since then a number of other national law schools have been established all over India and various other States are also considering options to establish such schools.
19. Traditionally legal education in India was conducted through the medium of non-specialized universities of India which granted law degrees like any other graduate degree. These Universities referred and taught the curriculum prescribed by the Bar Council of India but since they were under the overall control and supervision of the University

Grants Commission and therefore it was not possible for the Bar Council to effectively pursue reforms in legal education.

20. This system continued for more than two decades with the overall legal education supervision by the Bar Council, since its establishment in terms of the Advocates Act, 1961. However, there were calls for reforms from all quarters of the country in general because of the falling standards of the bar and there were mounting pressures over the Bar Council of India to bring forth change in the way in which legal education was imparted in India.
21. The first concrete decision to this end was taken in 1984 when various proposals to modernize legal education were considered and approved by the "Legal Education Committee" of the Bar Council, in an attempt to improve legal education throughout India. One of the major proposals was the decision to establish specialized institutions to impart legal education in an integrated and diversified manner. The aim was to revitalize the legal profession by making law as an attractive profession and making it competitive to attract talent, which was hitherto diverted to other professional areas such as Medicine, Engineering, etc.
22. Following the NLS model, various other States also passed legislation in their respective State Legislative Assemblies to establish national law schools. While these essentially differ from NLS in terms of modalities etc., the structure and model of imparting legal education in these later law schools has remained the same. In the order of their date of establishment, these law schools are;
  1. National Law School of India University, Bangalore
  2. National Law Institute University, Bhopal
  3. NALSAR University of Law, Hyderabad
  4. The West Bengal National University of Juridical Sciences, Kolkata
  5. National Law University, Jodhpur, Jodhpur
  6. Hidayatullah National Law University, Raipur
  7. Gujarat National Law University, Gandhinagar
  8. Dr. Ram Manohar Lohia National Law University, Lucknow
  9. Rajiv Gandhi National University of Law, Patiala
  10. Chanakya National Law University, Patna
  11. National University of Advanced Legal Studies, Kochi
  12. National Law University, Delhi
  13. National Law University Odisha, Cuttack
  14. National University of Study and Research in Law, Ranchi

15. National Law School and Judicial Academy, Assam, Guwahati
  16. Damodaram Sanjivayya National Law University, Visakhapatnam
  17. Tamil Nadu National Law School, Trichy
  18. Maharashtra National Law University, Mumbai
  19. Maharashtra National Law University, Nagpur
  20. Himachal Pradesh National Law University, Shimla, Himachal Pradesh
  21. Maharashtra National Law University, Aurangabad
  22. Dharmashastra National Law University, Jabalpur, Madhya Pradesh
  23. Dr. B.R. Ambedkar National Law University, Sonapat, Haryana
  24. Indian Law Institute Delhi (Deemed University)
  25. Rajiv Gandhi School of Intellectual Property Law, IIT Kharagpur
23. Admission to LLB and LLM in most of the autonomous National law schools in India is based on performance in the highly competitive Common Law Admission Test (CLAT), and the Law Schools admissions based on CLAT are as follows:
1. National Law School of India University, Bangalore
  2. NALSAR University of Law, Hyderabad
  3. The West Bengal National University of Juridical Sciences, Kolkata
  4. National Law Institute University, Bhopal
  5. National Law University, Jodhpur, Jodhpur
  6. Gujarat National Law University, Gandhinagar
  7. Dr. Ram Manohar Lohia National Law University, Lucknow
  8. National Law School and Judicial Academy, Assam, Guwahati
  9. Rajiv Gandhi National University of Law, Patiala
  10. Hidayatullah National Law University, Raipur
  11. National Law University Odisha, Cuttack
  12. National University of Advanced Legal Studies, Kochi
  13. Chanakya National Law University, Patna
  14. National University of Study and Research in Law, Ranchi
  15. Tamil Nadu National Law School, Srirangam
  16. Damodaram Sanjivayya National Law University, Visakhapatnam
  17. Maharashtra National Law University, Mumbai
  18. Maharashtra National Law University, Nagpur
  19. Maharashtra National Law University, Aurangabad, Maharashtra
  20. Himachal Pradesh National Law University, Shimla, Himachal Pradesh
  21. Dharmashastra National Law University, Jabalpur, Madhya Pradesh

24. The number of such law colleges have increased in such a manner, in the last 5 years or so, that the country has been flooded in a manner and the quality of students who get in these elite colleges has dropped tremendously. With almost every State in India having a National Law University under their respective State Acts, it has become increasingly difficult to adjudge the standard of education imparted to the law graduates from these colleges.
25. Nevertheless, law schools without state domiciled reservations have been successful in churning out quality law graduates. That such a top class law universities of Law in various states are not implementing the Backward Class Reservation at the time of admissions, whereby the BC Community at large are losing the opportunities provided to them through various Laws.
26. It is respectfully submitted these National Law Schools are blatantly & deliberately violating the rules, G.Os, provisions and not providing any reservation to the Socially & Educationally Backward Communities for the nation wide allotted seats or for the State reserved seats in different states while taking-up admissions for various courses.
27. It is submitted that as per the Para 7(b) of “UGC Guidelines for Strict Implementation of Reservation Policy of the Government In Universitties, Deemed to be Universitites, Colleges and other Grant-In Aid Institutions and Centres”, all these National Law Universities are required to implement the reservation system.  
  
(b). Without prejudice to the provisions contained in the clause (a) above, in all the educational institutions refereed to in clause (a) above, and functioning within any State shall follow the percentage of reservation prescribed by the respective State Government.
28. In central-government funded higher education institutions, 22.5% of available seats are reserved for Scheduled Caste (SC) and Scheduled Tribe (ST) students (7.5% for STs, 15% for SCs). This reservation percentage has been raised to 49.5% by including an additional 27% reservation for OBCs. This ratio is followed even in Parliament and all elections where a few constituencies are earmarked for those from certain communities (which will next rotate in 2026 per the Delimitation Commission).

29. For example issue relating to the NALSAR University of Law at Hyderabad which is a State University of Telangana has to implement the reservation policy as per the Telangana Government. As per G.O. Ms. No. 3 of Government of Telangana dated 14-08-2014 the BC reservation earmarked in the professional colleges is 29% as tabulated below. This is also confirmed by the amended G.O. No. 16 of Government of Telangana dated 11-03-2015 for the BC reservation earmarked in professional colleges is 29%. This reservation is not at all followed and simply getting ignored where many students are deprived of their right guaranteed.

G.O. No. 16 of Govt. of TS for strict implementation			
Sl.No.	Group	Sl.No	Percentage of Reservation
1	A	1 to 54	7%
2	B	1 to 28	10%
3	C	1	1%
4	D	1 to 47	7%
5	E	1 to 14	4%
TOTAL			29%

30. In the State of Karnataka, reservations were in force since a few decades prior to the advent of the Constitution and were being continued even thereafter. The State of Mysore issued an order under Article 15(4) of the Constitution declaring all the communities except the Brahmin community as socially and educationally backward and reserving a total of 75 per cent seats in Educational Institutions in favour of SEBCs and SCs/STs. Such orders were being issued every year, with minor variation in the percentage of reservations. Later a similar order was issued wherein 68 per cent of the seats in all Engineering and Medical Colleges and Technical Institutions in the State were reserved in the favour of the SEBCs, SCs and STs. SEBCs were again divided into two categories- backward classes and more backward classes.
31. As per the information available the following is the percentage of Reservations following in various states for higher education as per their Government orders. The exact percentages vary from state to state or with the latest orders.
- In Haryana, the reservation is 20% for SCs, 16% for backward class A, 11% for backward class B, 10% special backward class, 10% economically backward in open caste and 3% for physically handicapped (70% total), based on local demographics.



- In Tamil Nadu, the reservation is 18% for SCs, 1% for STs, 30% BC and 20% MBC (69% total) based on local demographics
- In Jharkhand, the reservation is 11% for SCs, 27% for STs and 22% OBC (60% total) based on local demographics.
- In Maharashtra, the reservation is 13% for SCs and 7% for STs, 32% OBC, Maratha Caste 16% (68% total) based on local demographics
- In Karnataka, the reservation is 15% for SCs and 3% for STs, 32% OBC (50% total) based on local demographics
- In Kerala, the reservation is 8% for SCs and 2% for STs, 40% OBC (50% total) based on local demographics
- In Uttar Pradesh, the reservation is 21% for SCs and 2% for STs, 27% OBC (50% total) based on local demographics
- In Bihar, the reservation is 15% for SCs and 1% for STs, 34% OBC (50% total) based on local demographics
- In Madhya Pradesh, the reservation is 16% for SCs and 20% for STs, 27% OBC (63% total) based on local demographics
- In Rajasthan, the reservation is 16% for SCs and 12% for STs, 26% OBC (54% total) based on local demographics
- In Northeast India, especially in Arunachal Pradesh, Meghalaya, Nagaland and Mizoram, reservation for ST in State Govt. jobs is 80% with only 20% unreserved. In the Central Universities of NEHU (shillong) and Rajiv Gandhi University, 60% of seats are reserved for ST students.
- In Andhra Pradesh, 27% of educational institutes and government jobs are reserved for OBCs, 33.33% for women, 15% for SCs, 6% for STs.
- In Telangana, 29% of educational institutes and government jobs are reserved for OBCs.
- In West Bengal, 35% of educational institute seats and government jobs are reserved for SC, ST, and OBC (22% SC, 6% ST, 7% for OBC A & B<sup>[27]</sup>). In West Bengal there is no reservation on religious basis but some economically and educationally backward Muslim castes (basis surnames pertaining to different profession e.g. cobbler, weaver etc.) have been included along with their Hindu counterparts in OBC list namely OBC A and OBC B, in both lists caste from both communities are there. But in higher educational institutes, till now there is no reservation for the OBC community but there is reservation in regard to admission in primary, secondary and higher secondary studies.



32. It is respectfully submitted that considering the “The Central Educational Institutions (Reservation in Admission) Act, 2006 and as per Section 3 (iii) provides that “out of the annual permitted strength in each branch of study or faculty, twenty-seven percent seats shall be reserved for the Other Backward Classes”.
33. It is respectfully submitted that taking a look of the admission process for the year 2019 as released by various National Law Schools in the country, the reservation policy is tabulated. The tabulated results shows that some of these National Law Schools are not at all reserving any seats for Backward Communities and some are following their own reservation system in their admissions without any proper base.
34. It is herewith submitted a tabulated column of particulars of the National Law Schools which are following the State Reservation Policy or Reservation prescribed at the time of their enactment for the seats reserved only for the State and not for the All India Quota seats. This is a grave injustice to All India BC community and loss of opportunities provided by the Constitution of India (Annexure-1).
35. It is herewith submitted with a surprise that the top two National Law Colleges in India namely NLUI, Bangalore and NALSAR, Hyderabad along with other Law Schools established under their respective State Laws are not at all following the Backward Class Reservation at the time of admissions neither in the All India Quota nor in the State Quota. This is a grave injustice to the All India BC Community including the State BC Community and loss of opportunities provided by the Constitution of India. (Annexure-2).
36. These National Law Schools are themselves functioning as independent Universities / Private Universities as through they are not concerned with the Reservation Policy of the Central or State. Some Universities gives a meager percentage of reservation to BC without any basis and some other doesn't follow any reservation policy and have not reserved any seats for BCs.
37. These National Law Schools established under the respective State Acts are required to be investigated, monitored to safeguard the rights of the Backward Classes guaranteed under the Constitution of India. National Commission for Backward Classes is vested with the Powers through the Indian Constitution under sub-clause (a) & (b) of clause (5) of Article

338B of the Indian Constitution to direct them to implement the reservation for the Socially and Educationally Backward Communities in the upcoming admissions for the year 2019 (for some colleges admissions through CLAT-2019) and for all future admissions.

38. In the light of the various laws enacted in this country for the Backward Class reservations in the Educational Institutions, it is the duty of the State Governments to safeguard such rights established under the Constitution of India. Some of the State Governments have already formed committees, commissions and brought Orders to implement these reservations in the Higher Education. However, monitoring such reservations implementations is also the duty of the State Governments, which is lacking due to the high mounted pressure on them with other works. In this regard, it is required to summon the State Governments represented by their respective Chief Secretaries to monitor & safe guard the rights guaranteed to the Backward Class students.
39. In continuation to the above paragraph, several State Governments have also formed BC Welfare Departments etc., to safe guard their rights. It is also required to summon the Heads of these Departments of State Governments to seek explanation as to their monitoring & safe guarding the rights guaranteed to the Backward Class students in their States.

#### **National Commission for Backward Classes**

40. The Supreme Court of India in its Judgment dated 16.11.1992 in Writ Petition (Civil) No. 930 of 1990 – Indra Sawhney & Ors. Vs. Union of India and Ors., reported in (1992) Supp. 3 SCC 217 directed the Govt. of India, State Governments and Union Territory Administrations to constitute a permanent body in the nature of a Commission or Tribunal for entertaining, examining and recommending upon requests for inclusion and complaints of over-inclusion and under-inclusion in the list of OBCs.
41. Pursuant to the direction of the Supreme Court, the Government of India enacted the National Commission for Backward Classes Act, 1993 (Act No. 27 of 1993) for setting up a Commission at National Level viz. “National Commission for Backward Classes” as a permanent body.
42. Now National Commission for Backward Classes is a constitutional body (123rd constitutional amendment bill 2018 and 102nd amendment in

constitution to make it constitutional body) (Article 338B of the Indian Constitution) under India's Ministry of Social Justice and Empowerment.

43. The National Commission for Backward Classes have the same powers as a Civil Court. Initially National Commission for Backward Classes was not empowered to look into the grievances of persons of Other Backward Classes, now with 123rd Constitutional Amendment Act and the insertion of Article 338B, National Commission for Backward Classes is the competent authority to look into all the grievances, rights and safeguards relating to Backward Classes all over the country.
44. The constitutional provisions empowering the NCBC is as below:

Article 338B(5):

It shall be the duty of the Commission—

(a) to investigate and monitor all matters relating to the safeguards provided for the socially and educationally backward classes under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;

(b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the socially and educationally backward classes;

Article 338B(8):

The Commission shall, while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of clause (5), have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

(e) issuing commissions for the examination of witnesses and documents;

(f) any other matter which the President may, by rule, determine.

45. It is submitted that the NCBC is vested with all such powers required to “investigate”, “monitor” and “safeguard” the rights of the Backward Classes in this country. The Constitutional amendment has widened the scope of the Commission to take all necessary steps to reach the above standards.
46. It is submitted that the NCBC can investigate, monitor and safeguard the rights provided under the Constitution of India or under any law for the time being in force. Any law for the time being in force include the laws, rules, G.Os enacted by the state governments in their respective states.
47. It is further submitted that with the facts of the case submitted above and the documents placed on record, the commission is requested to take this petition/complaint on record immediately to safeguard the rights of the Students of Backward Classes in this Country.
48. The Commission may permit me to submit oral arguments as and when required and also permit me to submit further affidavits, documents, pleadings etc., in the interest of justice.

#### **PRAYER**

49. It is respectfully prayed that Commission may investigate [338B(5)(a)] into the reservation system adopted by these National Law Schools in India and further monitor all process of the admission in these schools to safeguard the reservation guaranteed under the Constitution of India, Central reservation Act for Higher Education, States Reservation Policy for Backward Classes, rules, G.Os etc.,
50. It is respectfully prayed that the Commission may summon and enforce the attendance of the National Law Universities, Chief Secretaries, Officers of Backward Class Welfare Departments of the respective States [338B(8)(a)] to seek explanation as to why Backward Class reservation is not followed at the time of admission in these National Law Schools and issue commission to implement the reservation for Backward Classes in all their admissions immediately.

51. It is respectfully prayed that the Commission may safeguard the rights of the socially and educationally backward classes as guaranteed under the Constitution of India [338B(8)(a)] by streamlining the BC reservation in the seats earmarked for All India Seats and State Reserved Seats at the time of admission in these National Law Schools and issue commission to implement the reservation for Backward Classes in all their admissions immediately.
52. It is respectfully prayed that Commission shall direct the respondents under sub-clause (a) & (b) of clause (5) of Article 338B of the Indian Constitution to immediately implement the reservation for the Socially and Educationally Backward Communities in the upcoming admissions for the year 2019 (for some colleges admissions through CLAT-2019) and for all future admissions for All India Seats and State Specific Seats.
53. It is respectfully prayed that the Commission may pass any further relevant orders, any further orders, interim directions, instructions to safe guard the rights of the Backward Classes in the interest of justice.

Solemnly sworn and signed on this the  
Dated this on

DEPONENT

### **VERIFICATION**

I, Sri Ramesh Babu Vishwanathula S/o Rama Chary respectfully submit that the contents of paragraphs of the affidavit from 1 to 46 are true to the best of my knowledge and the contents of paragraphs of Affidavit from 47 to 53 (including all other paragraphs in the Affidavit) are believed by me to be true on the basis of the information received by me.

Verified on this  
At Hyderabad

DEPONENT

