

*Social Inequalities, Governance and Social
Justice in India*

By

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An egalitarian society is a utopia.² Utopia of egalitarianism was based on the ideal of equality. Equality as a principle of value or social organization became popular only after the French Revolution. In almost all societies present and past, there were inequalities in every sphere of life. This is natural and functional as well.

In 19th and 20th century, there were certain feelings, firstly, it was thought that ‘inequality’ is not natural but is a social creation, which has gained wide acceptance around the world. Secondly, it was felt that social inequality is not universal in nature, which meant that in the past, there were certain social conditions, which treated people according to their profession or occupation. Thirdly, ‘private property’ was the cause of social inequality. Finally, social inequality is anti-human and anti-social and a form of human rights abuse.

Most of the inequalities in a society are socially structured. It is governed by laws and norms. The amount and types of inequalities are also consequential both for whole societies and for the individual members of the societies. People who are unequal in property, power and prestige also differ in their opportunities in life, their institutional patterns of conduct under their life styles or culture patterns, their attitudes, ideology and in their beliefs. *“Infect in all societies there are hierarchy of positions or group of positions called strata that are set from each other by the amount of the property, power and honour they command to that condition, where societies are arranged into hierarchies of positions or strata that command unequal amounts of property, power and honour.”*³ Sociologists gave this term stratification. Indian society is a classic example of the hierarchical society and people being treated according to their caste status.

Before independence the constitute assembly was set to make a viable constitution which could provide the social justice, equality among the people, equal law for every citizen and could be a resemblance of welfare state in nature. After independence, the Constitution of India was adopted by the Constituent Assembly on 26th November 1949. It was enforced on 26th January 1950. India became a Sovereign, Socialist, Secular, Democratic, Republic. The first Prime Minister of India, Pandit Jawaharlal Nehru said, “The service of India meant ... the service of the millions who suffer...we have to build up the noble mansion of free India where all her children may dwell...” The constitution of India spoke of “we, the people of India” and makes a solemn resolve to constitute India into a “Sovereign, Socialist, Secular, Democratic, Republic” securing for all its

² Preet Sagar (1997), *Reservation for Backward Classes: a Perspective*, Delhi: Ashthan Prakasan, pp. V, VI.

³ Tumin, Melvin M. (1994), *Social Stratification the Forms and Functions of Inequality*, New Delhi: Prentice Hall of India Pvt. India, p.1.

citizens Justice, Liberty and Equality which means equality of status and of opportunity.⁴ India will celebrate the 69th Independence Day on 15th August 2016 but it has miles go to achieve the goal of social justice and to make India a casteless and classless society.

The reservation policy is a form of affirmative action in India. The seats are reserved in Parliament, State Legislature, Central Services and State Civil Services, Public Sectors, Central and State Government Departments and in Public Educational Institutions for the Scheduled Castes and Scheduled Tribes. The provision of reservation is the part of Indian Constitution.

The former Prime Minister Mr. Vishwanath Pratap Singh was implemented the recommendations of Mandal Commission in August 1990. Mandal Commission recommended the reservations of seat for Other Backward Classes in Central Government Services and Educational Institutions. At that time government implemented the provisions for reservations of seats in central government services for Other Backward Classes (OBCs) in 1990. But after the Supreme Court verdict and exclusion of 'Creamy Layers' it could enforce in 1993-94 onwards. There was massive protest by students against the implementation of recommendations of Mandal Commission.

Tamil Nadu is the only state, which is following the reservation policy for backward classes since 1921 and now 69 percent seats are reserved for the backward classes.

New Political Regime led by United Progressive Alliance (UPA-I and UPA-II)

2004 to April 2014:

In the 14th Lok Sabha election in 2004, the United Progressive Alliance (UPA) formed a coalition of centre-left political parties. In that election, the ruling Bharatiya Janata Party-led National Democratic Alliance (NDA) won only 169 seats in the 543 members and did not get the majority to form the government at the Centre. The Congress Party led United Progressive Alliance won 222 seats in 14th Lok Sabha election and form the government at the Centre and Dr. Manmohan Singh became the Prime Minister of India.

In 2005, based on the recommendations of an independent panel, the United Progressive Alliance (UPA) government led by Prime Minister Dr. Manmohan Singh, proposed to implement the quota for Scheduled Castes, Schedule Tribes and Other Backward Classes in IITs, AIIMS and IIMs (for both students and faculty).

⁴ Kashyap, Subhash, C. (2002), *Our Constitution: An Introduction to India's Constitution and Constitutional Law*. New Delhi: National Book Trust. p.53.

In April 2006, the Human Resource Development (HRD) Minister Mr. Arjun Singh announced 27 percent reservation for Other Backward Classes (OBCs) in all premier Institutions such as All India Institute of Medical Sciences (AIIMS), Indian Institute of Management (IIMs), Indian Institute of Technology (IITs) and all Central Universities. These recommendations were the part of the Mandal Commission Report, which suggested the reservation of seats for OBCs in government jobs and all educational Institutions. After the passage of 93rd Constitutional Amendment Act, which was essentially an enabling provision, the supporters of the reservation for OBCs demanded the implementation of affirmative action in public funded institutions of higher educational institutions. Once the demand for reservations gathered momentum, the Central government had to implement the provisions of Article 15 (5) in all institutions and universities. The Government decided to implement 27 per cent reserved seats for OBCs in educational institutions. The Government also decided to increase the intake 54 per cent in these institutions. The government decided to give the Rs. 80,00,00,000 (USD 11989200) to Indian Institute of Managements (IIMs) to improve their infrastructure for year 2007-08 and IIMs had to increase 157 seats. At the same time it decided to give a package of Rs. 988 crore (126540898 Euro) to Indian Institute of Technology (IITs) and 576 crore (73772831 Euro) [1 crore = 10 Million]package to Central Universities for the same year. The Supreme Court did not allow the government proposal to implement the reservation policy for OBCs in the all Central Universities and Institutions in current session 2007-08. It also questioned the Government about the non-exclusion of ‘creamy layer’ while implementing the reservations for them.

Youth for Equality (YFE):

This led to reactions and massive protests from the student communities particularly IITs, AIIMS and IIMs in India. The students formed an organisation (NGO) called *Youth for Equality*⁵ (YFE) and demanded the withdrawal of government decision to implement the reservation to Other Backward Classes from all Central Universities and Institutions. Nearly 150 students went on hunger strike at AIIMS (Delhi). Within the next few days, students from all IITs joined the protest march. The students protesters were beaten-up brutally in Mumbai and Delhi. The residence Doctors from all over India joined the protests march against the reservation policy. The Government took hard decision against the protesting Doctors, gave them suspension letters, and asked them to vacate the hostels. Some States invoked the Essential Service Maintenance Act (ESMA) and gave notices to the Doctors to return to job within 24 hours failing which legal action had taken against

⁵ Ibid.

them. The Government has put on alert 6,000 men from Rapid Action Force (RAF) to take care of any unwanted incident. However, in most places the protesters remained defiant regarding ESMA. Few students from IIT Delhi wrote letters to the President of India to allow them for committing suicide if the proposed reservation is implemented. The striking protesters have demanded to setup an expert committee of non-political organizations to review the existing reservation policy and find out whether reservation for OBCs is required or not. They also demanded the government to issue the white paper regarding their stand on reservation.

National Knowledge Commission on Reservation Policy:

The National Knowledge Commission (NKC) requested the government to maintain the *status-quo* on reservation. The Human Resource Development (HRD) Minister Mr. Arjun Singh criticised the Knowledge Commission for its stand on reservation. The two members of the Commission, Pratap Bhanu Mehta and Andre Béteille resigned on 22 May 2006. At same time, the media has reported that IIT Delhi, an elite institution is half-hearted about reservation policy; it denied the admission for the top ranking Scheduled Castes students in its post-graduate programme.⁵

Group of Ministers (GOM) on Reservation Policy:

The Group of Ministers (GOM) held a meeting on Saturday and forwarded its report to the Prime Minister's office, a source said. The report favoured implementation of the quota for OBCs as soon as possible. However, it was also recommended increasing the number of seats in educational institutions in a phased manner so that general category seats could not reduce. The government announced for the setting up of new AIIMS-like institutions across the country that would result in more seats for the general category.

The Group of Ministers had worked out a formula to increase the number of seats as well as institutions to ensure that the general category remained unaffected while implementing the quota.⁶

Supreme Court Verdict and Reservation Policy for Backward Class:

On March 29, 2007, the Supreme Court of India, in an interim measures, stayed the law providing for 27 per cent reservation for Other Backward Classes

The Supreme Court reserves its verdict in Other Backward Classes quota in Central Institutions of higher learning passed by Parliament in December last year. A five-judge constitution Bench, headed by Chief Justice of India, Sri K.G. Balakrishnan reserved the pronouncement of the judgement after a grueling 25 days hearing in different phases stretching nearly three months. The Supreme Court bench headed by Sri Balakrishnan and four other judges Arijit Pasayat, C.K.Thakker, R.V. Raveendran and Dalveer Bhandari took the new OBCs reservation Act, 2006 as priority basis as requested by Union Government. The Government team led by 80 years old former Attorney General K. Parasaran, Solicitor General G.V. Vahanvati, Ram Jethmalani, Gopal Subramaniam, and some legal experts, like Fali Nariman, Harish Salve, Mukul Rohtagi, K.K. Venugopal, Rajeev Dhawan and P.P. Rao argued for anti reservationists as requested by Prime Minister Dr. Manmohan Singh to bail the government out of the quota imbroglio.

The petitioners' counsel raised contentious issues like lack of valid data of caste based census and the exclusion of "creamy layer" from the reservation benefit in Central Institutions like IITs, IIMs, AIIMS and Post Graduate Institutes.⁸ But the government lawyers tried to defend its policy of reservation for OBCs in all Central Institutions.

The government lawyers argued that apex court in the Mandal Commission judgement had upheld the validity of 27 per cent reservation for OBCs in government jobs. So there is no need of fresh figure of their population for reservation in educational institutions. On "creamy layer", the government lawyers contended that reservation in government services and admission in central educational institution could not be put together as both are different issues. It is a part of "affirmative action" to achieve the goal of social equality and equal opportunity for oppressed classes, who are suffered from centuries. But the petitioners' counsel said that government policy was fraught with the danger of economically advanced among the OBCs.

On the question of 'creamy layer' the Supreme Court said that without excluding the 'creamy layer' it would not allow the disadvantageous class to come up

and may lead to “clash in the society”. *“Will the creamy layer ever allow the disadvantageous class to come up? They are enjoying the cream. In brief, the creamy layer is like the higher caste who will not allow the really backward to come up,”* a five-judge Constitution Bench headed by Chief Justice of India Sri K.G. Balakrishnan observed.⁹

*“This will lead to clash in the society. That is not the intent of reservation. This (reservation) is meant to bring up the most disadvantageous,”*¹⁰ the Bench which examine the 27 per cent reservation to OBCs in Central Educational Institutions. The court gave the verdict against the case filed by (PMK) Pattali Makkal Katchi to reserve the seat without exclusion of Creamy layer in all Central Universities.

On 10 April 2008 the Supreme Court of India upheld the government's initiative of 27per cent 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. There was mixed reaction to supporting and opposing parties.

There are some criteria to identify the ‘creamy layers’ among the other backward classes to exclude from reservations in educational institution, which are as follows: ¹¹

1. Children of those with family income above ₹ 250,000 (3202 Euro) a year, and then ₹450,000 (5764 Euro) a year as of October 2008 and now ₹ 600,000 (7685 Euro) a year, should be considered creamy layer, and excluded from the reservation quota.

⁹ Creamy Layer won't allow the backward to come up: SC, *Press Trust of India, Indian express*, November 1st, 2007.

¹⁰ www.wikipedia.org, 5th November 2008.

¹¹ "New Cutoff for OBCs" *The Telegraph*, Calcutta, India 11th April 2008.

2. Children of doctors, engineers, chartered accountants, actors, consultants, media professionals, writers, bureaucrats, defence officers of colonel and equivalent rank or higher, high court and Supreme Court judges, all central and state government Class A and B officials should be excluded.
3. The Court has requested Parliament to exclude the children of Member of Parliament and Member of Legislative Assembly as well.¹²

The court had put sharp questions to the government on its education policy with planning Rs. 36,000 crore (4610801947 Euro) for creating infrastructure in institutions of higher learning to implement the reservation, but the vast majority of children in the country doesn't access to primary and elementary education.¹³

A Division Bench of apex court in its interim order passed in March had stayed the implementation of reservation for OBCs in all Central Universities or institute of high learning and rejected its review petition.

This verdict was not only the setback for the government officials but the students those were looking for entering into golden threshold in premier institutions to achieve the academic excellence.

On 26th June 2008, a major step was taken by United Progressive Alliance I cabinet. It decided to fill-up 28,000 vacant seats in government jobs for other backward classes. It will cross the 50 per cent earlier which was restricted by Supreme Court. In 1997, the Supreme Court ordered that the reserve seats should not cross 50 per cent while recruiting the backlog position for backward class in government jobs. After the cabinet decision, it was cleared the hurdle of recruiting the other backward classes (OBCs) more than 50 per cent in Government jobs.

The Human Resource Development (HRD) minister Mr. Arjun Singh said there is still scope for change in the bill that allows reservation in posts for SCs and STs only at the entry level—assistant professor, earlier called lecturer—in IITs, IIMs and other institutions of national importance. If the change takes place, it would mean reservation in posts of readers and professors also. He said that the Bill-SCs and STs (Reservation in posts and Services) Bill, 2008—was passed in a hurry in Rajya Sabha

¹² "New Cutoff for OBCs" The Telegraph, Calcutta, India 11th April 2008.

¹³ *SC reserves verdict in OBC quota case*, Tribune, New Delhi, November 2, 2007.

in the last session of Parliament and there is scope for change in the Bill.¹⁴ Mr. Arjun Singh was interested to pursue the social justice among the Backward Classes and Minorities in India, and reservations was one of the tools to implement such initiatives.

Reservations for Transgenders:

Transgenders which is known as Hijras, Eunuchs, Kothis, Aravanis, Jogappas,¹⁵ Shiv-Shakthis etc also got the reservations in education and employment in public sector with the National Commission for Backward Classes (NCBC) recommending their inclusion in the central list of Other Backward Classes (OBCs).

The NCBC's decision comes against the backdrop of a Supreme Court order, which has directed the Centre and state Governments to treat transgenders as socially and educationally backward classes to extend reservation in admission in educational institutions and for public appointments.

The matter will now go to the Union Cabinet, which will be required to approve the recommendation to enable the 'Third Gender' to avail of the benefits.

¹⁹ Government of West Bengal, Backward Classes Welfare Department, Annual Administrative Report 2012-13. p. 24.

²⁰ Government of West Bengal, Backward Classes Welfare Department, Annual Administrative Report 2012-13. p. 24.

Special Recruitment Drive for Backward Classes in Central Government Services:

The Special Recruitment Drive was launched in November, In order to provide Constitutional safeguards to the persons belonging to Scheduled Castes and Scheduled Tribes, it was decided in 2008 to fill up the backlog reserved vacancies of SCs, STs and OBCs which was concluded on 31.3.2012. As per information received from the Ministries/Departments, there were a total of 75,522 backlog reserved vacancies as on 1st November, 2008 of which 47,727 have been filled up by the end of March, 2012.²⁶

It is also surprising that government authorities claimed that they had special drive to fill the backlog seats for Scheduled Castes, Scheduled Tribes and Other Backward Classes. One can observe that it is only an eye wash on the part of the government. All the programs and policies were proofed as the paper work only and there was no serious efforts were taken to implement such special drives in due date.

As per data, there is no such increase in the number of Scheduled Castes employees. The total numbers of Schedule Castes employees in Group A services were 9744 on 1st January 2004 but it was reduced and reached 7890 on 1st January 2013. In case of Scheduled Tribes, there were total 3311 employees in group A central government jobs on 1st January 2004 and it reached 3324 employees in 1st January 2013. It added only 13 employees in almost one decade.

²⁶ Government of India, Ministry of Personnel, Public Grievance and Training, New Delhi: Government of India, Annual Report 2012-13. p 18.

It shows the discriminatory nature of top officials against SCs and STs candidates.

Promotion for Scheduled Castes and Scheduled Tribes employees:

The Constitution of India provides impediment free reservation to Scheduled Castes and Scheduled Tribes in promotion. The Government introduced “the Constitution (One Hundred and Seventeenth Amendment) Bill, 2012” in the Rajya Sabha on 5.09.2012, which was passed by Rajya Sabha on 17.12.2012 and is transmitted to the Lok Sabha for consideration to further amend the Constitution of India to provide impediment free reservation to Scheduled Castes and Scheduled

Tribes in promotion. But it could not be passed due to dissolution of Lok Sabha.

Table-1

Representation of SCs, STs and OBCs in the Central Government Group A Services

| Year | Total | SCs | Per cent | STs | Per cent | OBCs | Per cent |
|-----------------|--------------|------------|-----------------|------------|-----------------|-------------|-----------------|
| 1.1.2004 | 80011 | 9744 | 12.2 | 3311 | 4.1 | 3090 | 3.9 |
| 1.1.2005 | 80589 | 9551 | 11.9 | 3448 | 4.3 | 3791 | 4.7 |
| 1.1.2006 | 110560 | 14345 | 13.0 | 4189 | 3.8 | 5940 | 5.4 |
| 1.1.2008 | 91881 | 11446 | 12.5 | 4419 | 4.8 | 5031 | 5.5 |
| 1.1.2010 | 88896 | 10315 | 11.6 | 3998 | 4.5 | 7505 | 8.4 |
| 1.1.2011 | 77455 | 8922 | 11.5 | 3732 | 4.8 | 5357 | 6.9 |
| 1.1.2013 | 65414 | 7890 | 12.06 | 3324 | 5.08 | 5477 | 8.37 |
| 1.1.2014 | 63423 | 8062 | 12.71 | 3486 | 5.5 | 6752 | 10.65 |

Source: Ministry of Personnel, Public Grievance and Training, Government of India, Annual Report from 2004-05 to 2015-16.

Note: There is no record of representation of SCs, STs and OBCs in 2007, 2009, 2012, 2015, 2016.

The above data reveal that the representation of Scheduled Castes, Scheduled Tribes and Other Backward Classes in Group A central government services. They are very important positions and they played important role in decision making process in our country. During 2004 to 2014, it is important to know that Schedules Castes employees were highest in 2006 numbering 14,345. It stood 13 per cent at that time. But later on it decreased by 11,446, 10315, 8922, 7890 and 8062 in 2008, 2010, 2011, 2013 and 2014 respectively. There were lowest in number of representation of Scheduled Castes employees in 2013 with total 7890 employees in Group A services. It is 3 per cent less than actual quota of 15 per cent. In 2014, the total Scheduled Castes employees in Group A services were 8062 and which stood 12.71 per cent. It was still less than the exact 15 per cent of actual representation in Group A services.

It is very serious matter because day by day numbers of SCs employees are decreasing. As per the data Scheduled Castes educated unemployed candidates are highest than other castes. So decreasing the number of employees in especially in Group A services is violation the basic constitutional rights of the country. It is against the constitutional provisions, which provides special safe guard to Scheduled Castes and Scheduled Tribes communities. It is a serious discrimination against SCs by the higher authorities. Government is also failure to implement such policy strictly. There is need to take special measure to protect the SCs candidates from any discrimination and secure their jobs with full strength in all departments as well as institutions.

At the same time we find that the representation of Scheduled Tribes in Group A central government services were 4.1 per cent in 2004, it was reached 5.8 per cent in 2013. It increased approximate 1.7 per cent in overall one decade. In 2014, the total Scheduled Tribes employees were 3486 which is 5.5 per cent of total representation. But still it was far away from the 7.5 per cent of actual quota. The total STs were in Group A services were 3311, 3448, 4189, 4419, 3998, 3732, and 3324 in 2004, 2005, 2006, 2008, 2010, 2011, 2013 and 2014 respectively.

On the other hand, we find that representation of Other Backward Classes in Group A services. In Group A services, it was only 3.9 per cent in 2004 and increased almost 5 per cent and reached 8.37 per cent in 2013. In 2014, the total Other Backward Classes employees were 6752 which reached 10.65 per cent of total representation. So OBCs representation is continuously increasing year by year.

The total OBCs employees in Group A services were 3090, 3791, 5940, 5031, 7505, 5357, 5477, 6752 in 2004, 2005, 2006, 2008, 2010, 2011, 2013, 2014 respectively.

Since independence, there are reservations for SCs and STs in government jobs and educational institutions, but still 15 percent for SCs and 7.5 per cent for STs quota were not fulfilled n group A servicers which shows a serious concerned to our policy makers, to our higher authority who are implementing the policy in the country.

It is a clear indication that institutional discrimination persists in the governance after 70 years of independence (15th August 2016), they have not got equality and justice at least

in government jobs and in educational institutions in our country. Most of them are still deprived and not getting the proper position in the government institutions or organizations. The data also reveal that casteist approach is very hard against scheduled Castes and Scheduled Tribes in our bureaucracy. Even reservation policy could not provide the justice for getting the positions in government jobs and educational institutions. They are still facing the discrimination in all aspect of life. The social justice is dream to them. One may questioned, how many centuries they have to wait to get the social justice?

Table-2**Representation of SCs, STs and OBCs in the Central Government Group B Services**

| Year | Total | SCs | Per cent | STs | Per cent | OBCs | Per cent |
|-----------------|--------------|------------|-----------------|------------|-----------------|-------------|-----------------|
| 1.1.2004 | 135409 | 19602 | 14.5 | 6274 | 4.6 | 3123 | 2.3 |
| 1.1.2005 | 139958 | 19194 | 13.7 | 6230 | 4.5 | 3252 | 2.3 |
| 1.1.2006 | 135747 | 19655 | 14.5 | 7092 | 5.2 | 5713 | 4.2 |
| 1.1.2008 | 137272 | 20481 | 14.9 | 7900 | 5.8 | 5420 | 3.9 |
| 1.1.2010 | 173493 | 26495 | 15.3 | 9923 | 5.7 | 10648 | 6.1 |
| 1.1.2011 | 190134 | 28403 | 14.9 | 11357 | 6.0 | 13897 | 7.3 |
| 1.1.2013 | 141305 | 22233 | 15.73 | 8475 | 5.99 | 14156 | 10.01 |
| 1.1.2014 | 173332 | 28586 | 16.49 | 12322 | 7.11 | 20337 | 11.73 |

Source: Ministry of Personnel, Public Grievance and Training, Government of India, Annual Report from 2004-05 to 2015-16.

Note: There is no record of representation of SCs, STs, OBCs in 2007, 2009, 2012, 2015, 2016.

The above data reveal the representation of Scheduled Castes, Scheduled Tribes and Other Backward Classes in Group B central government services from 2004 to 2013. It shows that Scheduled Castes representation in Group B central government services was 14.5 per cent with 19602 employees in 1st January 2004. It reached only 15.73 with total 22,233 employees on 1st January 2013. It increased a little of 1.23 per cent in one decade. In 2014, the total Scheduled Castes employees were 28,586 which stood 16.49

percent in Group B services. This is the only year they cross atleast minimum quota of 15 per cent in Group B services after independence.

The representation of the Scheduled Tribes in Group B central government services were 4.6 percent with 6,274 employees on 1st January 2004 and it reached 5.99 per cent with total 8,475 employees. It increased 1.39 per cent in one decade, It is also a very low increase in one decade, if we compare with educated unemployed candidates over the period. In 2014, the total Scheduled Tribes employees were 12,322 which stood 7.11 percent in Group B services. This is the only year they cross the minimum quota of 7.5 per cent in Group B services after the independence.

The representations of Other Backward Classes in Group B central government services were 2.3 per cent with total employees 3123 in 2004. It was showing the gradual increase over the years. We can see that the representations of Other Backward Classes reached 10.01 per cent with total employee of 14156 in 2013. In 2014, the total Other Backward Classes (OBCs) employees were 20337 which stood 11.73 percent in Group B services. It increased by almost 12 per cent in one decade. It is showing positive response towards OBCs in central government services.

Table-3**Representation of SCs, STs and OBCs in the Central Government Group C Services**

| Year | Total | SCs | Per cent | STs | Per cent | OBCs | Per cent |
|-----------------|--------------|------------|-----------------|------------|-----------------|-------------|-----------------|
| 1.1.2004 | 2040970 | 344865 | 16.9 | 136630 | 6.7 | 106309 | 5.2 |
| 1.1.2005 | 2036103 | 333708 | 16.4 | 131678 | 6.5 | 119968 | 5.9 |
| 1.1.2006 | 2030923 | 332604 | 16.4 | 139711 | 6.9 | 129867 | 6.4 |
| 1.1.2008 | 1810141 | 284925 | 15.7 | 127074 | 7.0 | 145819 | 8.1 |
| 1.1.2010 | 2070666 | 330167 | 15.9 | 153844 | 7.4 | 306176 | 14.8 |
| 1.1.2011 | 2744629 | 481072 | 17.5 | 207353 | 7.6 | 427901 | 15.6 |
| 1.1.2013 | 2423194 | 424949 | 17.53 | 187898 | 7.75 | 435704 | 17.98 |
| 1.1.2014 | 2450150 | 410774 | 16.77 | 214576 | 8.76 | 506890 | 20.69 |

Source: Ministry of Personnel, Public Grievance and Training, Government of India, Annual Report from 2004-05 to 2015-16.

Note: There is no record of representation of SCs, STs, OBCs in year 2007, 2009, 2012, 2015, 2016.

The above data reveal the representation of Scheduled Castes, Scheduled Tribes and Other Backward Classes in Group C central government services from 2004 to 2014. It shows that Scheduled Castes representation in Group C central government services were 16.9 per cent with 3,44,865 employees in 2004 and 17.53 per cent with 4,24,949 employees in 2013. In 2014, the total Scheduled Castes employees were 410774 which stood 16.77 per cent in Group C services.

The representation of the Scheduled Tribes in Group C central government services

were 6.7 per cent with 1,36,630 employees in 2004 and it reached 7.75 per cent with 187898 employees. It increased only 1 per cent in one decade. In 2014, the total Scheduled Tribes employees were 214576 which stood 8.76 per cent in Group C services, which was above by 1.26 per cent than exact quota of 7.5 percent.

The representations of Other Backward Classes in Group C central government services were 5.2 per cent 1,06,309 employees in 2004. It was showing the gradual increase over the years. We can see that the representations of Other Backward Classes were reached 17.98 per cent with total employees with 4,35,704 in 2013. In 2014, the total Other Backward Classes employees were 506890 which stood 20.69 per cent in Group C services. In one decade, OBCs representation reached by 20.69 per cent. It is showing positive response towards OBCs in central government Group C services. But still they are far behind the actual quota of 27 per cent.

Table- 4

Representation of SCs, STs and OBCs in the Central Government Group D Services (excluding Sweepers)

| Year | Total | SCs | Per cent | STs | Per cent | OBCs | Per cent |
|-----------------|--------------|------------|-----------------|------------|-----------------|-------------|-----------------|
| 1.1.2004 | 802116 | 147212 | 18.4 | 53776 | 6.7 | 26158 | 3.3 |
| 1.1.2005 | 767224 | 140469 | 18.3 | 53032 | 6.9 | 32973 | 4.3 |
| 1.1.2006 | 805059 | 147269 | 18.3 | 56554 | 7.0 | 41364 | 5.1 |
| 1.1.2008 | 696891 | 134907 | 19.4 | 48133 | 6.9 | 34528 | 5.0 |
| 1.1.2010 | 665739 | 123780 | 18.6 | 47702 | 7.2 | 101114 | 15.2 |

Source: Ministry of Personnel, Public Grievance and Training, Government of India, Annual Report from 2004-05 to 2015-16.

Note: There is no record of representation of SCs, STs, OBCs in 2007, 2009, 2011, 2012, 2013, 2014, 2015, 2016 in Group D services.

The above data reveal the representation of Scheduled Castes, Scheduled Tribes and Other Backward Classes in Group D central government services from 2004 to 2010. Later government of India merged the Group D services with Group C services. So there is no data for Group D services available from 2011 onwards.

The above data reveal that Scheduled Castes representation in Group D central government services was 18.4 per cent with 1,47,212 employees in 2004 and 18.6 per cent with 1,23,780 employees in 2010. The employees of SCs did not increase in last 7 years.

The representation of the Scheduled Tribes in Group D central government services were 6.7 per cent (53,776 employees) in 2004 and it reached by 7.2 with 47,702 employees. It increased by less than 1 per cent in 7 years, but it is an interesting fact that the number of STs employees decreased by over the years.

The representations of Other Backward Classes in Group D central government services were 3.3 per cent with total employees 26,158 in 2004. It was showing a gradual increase over the years. We can see that the representations of Other Backward Classes were reached 15.2 per cent with total employees with 1,01,114 in 2013. It was increased by 12 per cent in 6 years. It is showing a positive increase towards OBCs in central government Group D services. But still they are far from 27 per cent proposed reservations in jobs.

Reservations in Promotion, Supreme Court Judgements and Remedial Action by Government:

In Clause (4) of Article 16 of the Constitution of India enables the State to make provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State. Clause (4A) of the same Article enables the State to provide reservation for the members of the Scheduled Castes and Scheduled Tribes in the matter of promotion. Article 335 provides that the claims of the members of the

Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration in the making of appointments to services and posts in connection with the affairs of the Union or of a State. The Article empowers the State to make any provision in favour of the members of the Scheduled Castes and Scheduled Tribes for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters of promotion to any class or classes of services or posts in connection with the affairs of the Union or of a State.²⁷

Reservation to SCs, STs and OBCs, in case of direct recruitment, is available in all groups of posts. When direct recruitment is made on all India basis by open competition, reservation for SCs, STs and OBCs is respectively 15, 7.5 and 27 per cent; and when direct recruitment is made on all India basis otherwise than by open competition it is 16.66, 7.5 and 25.84 per cent respectively.²⁸

In case of direct recruitment to Groups 'C' and 'D' posts normally attracting candidates from a locality or a region, percentage of reservation for SCs and STs is generally fixed in proportion to the population of SCs and STs in the respective States/Union Territories and reservation for OBCs fixed 27 per cent and total reservation for SCs, STs and OBCs could not exceed the limit of 50 per cent.²⁹

Reservation in promotion by non-selection method is available to SCs and STs in all groups of services at the rate of 15 per cent and 7.5 per cent respectively. In case of promotion, there is no provision of reservation for OBCs.³⁰

The Supreme Court in the case of M. Nagaraj vs. Union of India & Others has observed that the state has to show in case the existence of the compelling reasons,

²⁷ Government of India, Ministry of Personnel, Public Grievance and Training, Annual Report 2009-10. p-57.

²⁸ Government of India, Ministry of Personnel, Public Grievances and Pensions, New Delhi: Government of India. Annual Report 2009-10. p.58

²⁹ Government of India, Ministry of Personnel, Public Grievances and Pensions, New Delhi: Government of India. Annual Report 2009-10. p-57.

³⁰ Government of India, Ministry of Personnel, Public Grievances and Pensions, New Delhi: Government of India. Annual Report 2009-10. p.57.

namely backwardness, inadequacy of representation and overall administrative efficiency before making provision for reservation. The impugned provision is an enabling provision. The state is not bound to make reservation for Scheduled Castes/ Scheduled Tribes in matter of promotions. If they wish to exercise their discretion and make such provision, the state has to collect quantifiable data showing the backwardness of the class in public employment in addition to compliance of Article 335.³¹

Earlier the Hon'ble Supreme Court in the matter of Rajesh Kumar vs. Uttar Pradesh Power Cooperation Limited has struck down reservation in promotion in services of the State of Uttar Pradesh for the reason that the conditions laid down in M.Nagaraj's case were not complied with.

We cannot ignore the corruption and nepotism, which is spread like cancer in our bureaucratic set-up in our country. So it is quite natural to get a better position or appointment in cream department on the basis of nepotism or by corrupt practices.

The policy of liberalization and globalization could not help the backward castes to achieve the good positions in governance. People from deprived sections are mostly working in unorganized sectors for the livelihood and serving their family members. It shows the lack of government policy for the betterment of the people particularly deprived sections of the society. The government institutions could not create more jobs, but the shrinking the job market day by day. It is the failure of the policy makers in this country, which is highly dominated by so called upper castes of the society. It puts the question marks on their caliber, attitudes, efficiency and their commitment towards poor or deprived sections of the society. It also put the question marks on higher authority of various government institutions who are recruiting such inefficient people for the important posts in this country. It seems to be fully biased while selecting the candidates for important posts or possibility of nepotism, corruption or favoritism, which played an important role in selection procedure or appointment in different position. Last but not the least; the injustice is any where is threat to justice everywhere.

³¹ Government of India, Ministry of Personnel, Public Grievances and Pensions, New Delhi: Government of India. Annual Report 2013-14. p.47

References:

- Abrahamsson, Bengt (2000), *Bureaucracy of Participation: The Logic of Organisation*, Beverly Hills: Sage Publications.
- Agarwal, Bina (2006), *Capabilities, freedom and equality: Amartya Sen's Work from Gender Perspective*, New Delhi: Oxford
- Agrawal, S.P. (1991), *Educational and Social Uplift of Backward Classes*, New Delhi: Concept.
- Ahmad, Imtiaz (eds.) (1972), *Caste and Social Stratification Among the Muslims*, Delhi: Manohar Publication.
- Alam, Javeed (1996), *Is Caste Appeal Castism? Oppressed Caste in Politics*, in Surender S. Jodhka (eds.), *Community and identities: Contemporary Discourse on Culture on Culture and Politics in India*, New Delhi: Sage Publication.
- Alam, Javeed (2004), *Who Want Democracy*, New Delhi: Orient Longman.
- Ambedkar, B.R. (1946), *Who Were The Sudra? How They Came to be the Fourth Varna in the Indo-Aryan Society*, Bombay: Thacker & Co., Ltd.
- Atkinson, A.B. (1983), *Social Justice and Public Policy*, Sussex: Wheatsheaf.
- Austin, Granville (1986), *The Indian Constitution: The Cornerstone of a New Nation*, New Delhi: Oxford University Press.
- Austin, Granville (1999), *Working a Democratic Constitution: The Indian Experience*, New Delhi: Oxford University Press.
- Bains, Ravindra Singh (1994), *Reservation Policy and Anti Reservationists*, Delhi: B. R. Publishing.
- Barthwal, C.P. (1998), *Social Justice in India*, Lucknow: Bharat Book Centre.
- Bayly, Susan (1999), *Caste, Society and Politics in India from the Eighteenth Century to the Modern Age*, United Kingdom: Cambridge University Press.
- Berreman Gerald D. (1979), *Caste in India and United States*, in Gerald D. Barreman (eds.) *Caste and Other Inequalities*, New Delhi: Manohar Publication.
- Berrenman, Gerald Duane (2000), *Caste and Other Inequalities: Essays on Inequality*, New Delhi: Manohar Book.
- Beteille, Andre (1969), *Caste: Old and New Essay in Social Structure and Social Stratification*, New York: Asia Publishing House.
- Beteille, Andre (1981), *The Backward Classes and The New Social Order*, New Delhi: Oxford University Press.
- Beteille, Andre (1994), *The Backward Class in Contemporary India*, New Delhi: Oxford University Press.
- Bhambhri, C.P. (2006), *Sonia in Power, UPA Government-2004-2006*, Delhi: Shipra Publications.
- Bhatnagar, S. (ed.) (1987), *Social Justice and Equality in India*, New Delhi: Ess Ess.
- Bhatt, Anil (1989), *Development and Social Justice: Micro Action by Weaker Sections*, New Delhi: Sage.
- Brown, Richered and Philip Abrams (1987), *UK Society: Work Urbanism and Inequality*, London: Weidenfeld and Nicolson.
- Burman, Roy B.K. (1992), *Beyond Mandal and After: Backward Classes in Perspective*, New Delhi: Mittal Publications.

- Chalam, K.S. (2007), *Caste-based Reservations and Human Development in India*, New Delhi: Sage Publication.
- Chandran, E. (1990), *Issue in Reservations: Caste Verses Economic Status*, New Delhi: Cosmos Bookhives Pvt. Ltd.
- Chandran, E. (1990), *Reservation: for OBCs Mandal Commission Report*, New Delhi: Archana Publication.
- Chatterjee, P.C. (1996), *Reservation: Theory and Practice*, in *Social Change and Political Discourse in India: Structure of Power, Movements of Resistance*, ed. T.V. Sathyamurthy, Delhi: Oxford University Press.
- Chatterjee, Partha (ed.) (1997), *Themes in Politics: State and Politics in India*, New Delhi: Oxford University Press.
- Choudhary, S.N. (1999), *Power- Independence Relation: Struggle for Hegemony in Rural Bihar*, New Delhi: Har Anand.
- Desai D.A. (1998), *Social Justice: A Dialogue*, (ed.) by Ghanshyam Shah, Jaipur: Rawat Publications.
- Desai, I.P. (ed.) (1985), *Caste, Caste Conflict and Reservations*, Delhi: Ajanta.
- Deshpande, Satish (2003), *Contemporary India: A Sociological View*, Delhi: Viking Penguin.
- Dirks, Nicholas B.(2002), *Caste in Mind: Colonialism and Making of Modern India*, Delhi: Permanent Black.
- Dube- Bannerjee, Ishita (2007), *Caste in History*, New Delhi: Oxford University Press.
- Dubey, S.C. (2000), *Indian Society*, New Delhi: National Book Trust.
- Dumont, Louis (1970), *Homo Hierarchus: The Caste System and Its Implications*, Chicago: University of Chicago Press.
- Dutta, Nalini Kanta (1991), *An X-Ray on Reservation Provisions*, New Delhi: Anmol Publication.
- Edwards, John (1987), *Positive Discrimination, Social Justice Social Policy: Moral Scrutiny of a Policy Practice*, London and New York: Tavistock Publications.
- Enginner, Asgar Ali (1991), *Mandal Commission Controversy*, Delhi: Ajanta Publications.
- Frankel, Francine R. and M.S.A. Rao (eds.) (1989), *Dominance and State Power in Modern India: Decline of Social Order*, Delhi: Oxford University Press.
- Galanter, Marc (1984), *Competing Equalities: Law the Backward Class- India*, New Delhi: Oxford University Press.
- Galanter, Marc (2002), *The Long Half-life of Reservations in India's Living Constitution: Ideas, Practice, Controversies*, (eds.) Zoya Hasan, E. Sridharan and R. Sudarshan, , New Delhi: Permanent Black.
- Gupta, C. Dwarkanath (1999), *Socio-Cultural History of an Indian Caste*, New Delhi: Mittal Publication.
- Gupta, Dipankar (2000), *Interrogating Caste: Understanding Hierarchy and Difference in Indian Society*, New Delhi: Penguin Book.
- Gupta, Dipankar (ed.) (2007), *Social Stratification*, New Delhi: Oxford Publication.
- Hasan, Zoya (1998), *Quest for Power: Oppositional Movements & Post Congress Politics in Uttar Pradesh*, New Delhi: Oxford University Press.
- Hasan, Zoya (2002), *Parties and Parties Politics in India*, New Delhi: Oxford University Press.

- Hooda, Sagar Preet (2001), *Contesting Reservations*, New Delhi: Rawat Publication.
- Illaiah Kancha (1996), *Why I Am Not Hindu? A Sudra Critique of Hindutava Philisophy, Culture and Political Economy*, Kolkata: Samya.
- Iyer, V.R. Krishna (1991), *Ambedkar Centenary: Social Justice*, New Delhi: B.R.
- Jadhav, K.S. (1982), *Dr Lohia on Reservation Policy*, in B.A.V. Sharma and K. Madhusudan Reddy, (ed.), *Reservation Policy in India*, New Delhi: Light and Life Publishers.
- Jaffrelot, Christophe (2003), *India's Silent Revolution the Rise of the Low Castes in North Indian Politics*, New Delhi: Permanent Black.
- Jaffrelot, Christophe and Jasmine Jarmine – Brotel et al (2002), *The BJP and Rise of Dalits in Uttar Pradesh* in R. Jeffrey (ed.) Uttar Pradesh- 2000. Delhi: Manohar.
- Kaviraj, Sudipta (1997), *Sociology of Political Parties*, In Politics in India (ed.) S. Kaviraj, Delhi: Oxford University.
- Khairmode, Changdev Bhagwanrao (1952), *Dr. Bhimrao Ramji Ambedkar*, Vol.1, Pune: Sugave Publication. Reprint.2002.
- Kothari, Ragini, (1982), *Politics – India*, New Delhi: Orient Language.
- Limaye, Madhu (1992), *Supreme Court Decision on Backward Class Resevation*, New Delhi: Freedom Movement (Phase-III).
- Lohia, Rammanohar (1964), *The Caste System*, Hyderabad: Navahind.
- Lopreato, Joseph, Lawrence E. Hazelrigg (2005), *Class, Conflict, and Mobility: Theories and Studies of Class Structure*, New Delhi: Rawat Publications.
- Lowton, Denis (1977), *Education and Social Justice*, London: Sage.
- Mahajan, Gurpreet (1998), *Democracy, Difference and Social Justice*, Delhi: OUP.
- Maheswari, S.R. (1990), *Mandal Commission and Mandalisation*, Delhi: Concept Publicity Company.
- Maheswari, Sriram (1995), *Mandal Commission Revisited: Reservation Bureaucracy in India*: New Delhi: Jawahar Publication and Distributors.
- Maheu, Lowis (ed.) *Social Movement and Social Classes – The future of Collective Action*, Delhi: Lender Publication.
- Majeed, Akthar (ed.) (2001), *Constitutional National Building: Half a Century of in India's success*, New Delhi: Manak Publication.
- Mehra, Arjun K. D. D. Khanna and Gert W. Kueck (2003), *Political Parties and Party Systems*, New Delhi: Sage Publications.
- Mehta, Haroo Bhai and Hasmuk Patel (ed.) (1985), *Dynamic of Reservation Policy*, New Delhi: Patriot Publication.
- Michael, S.M. (ed.) (1999), *Dalits in Modern India: Vision and Value*, by Shrirama, *Untouchability and Stratification in Indian Civilization*, New Delhi: Vistaar Publication.
- Mishra, Jitendra (1996), *Equality versus Justice*, New Delhi: Deep & Deep Publications.
- Namboodiri, E.M.S. (1990), *Reservation-Why and How*, New Delhi: National Book Centre.
- Nesaiah, Devanesan (1999), *Discrimination with Reason? The Policy of Reservations in the United States, India and Malaysia*, New Delhi: Oxford University Press.
- Prasad Anirudh (1992), *Reservation Justice to the Other Backward Classes; Theoretical and Practical Issues*, New Delhi: Deep and Deep.
- Prasad, Anirudh (1995), *Reservation Policy and Practice in India*, New Delhi: Atlantic Publishers.
- Prasad, Ishwari (1986), *Reservation Action for Social Equality*, New Delhi: Criterion Publications.
- Rao, M.S.A (1984), *Social Movement and Social Transformation a Study of to Backward Classes Movement in India*, New Delhi: Manohar Publications.
- Rao, M.S.A (ed.) (1979), *Social Movements in India: Peasant and Backward Classes Movements*, Vol-1, Columbia: South Asia.

- Reddy, K. Madhusaran, *Reservation Policy in India*, New Delhi: Light & Life Publishers.
- Rupa, C. (1992), *Reservation Policy; Mandal Commission and After*, New Delhi: Sterling Publishers Private Limited.
- Shah, Ghanshyam (1990), *Social Movements in India: A Review of Literature*, New Delhi: Sage Publication.
- Shah, Ghanshyam (2001), *Dalit Identity and Politics: Cultural Subordination and the Dalit Challenges (ed.)*, New Delhi: Sage Publication.
- Shah, Ghanshyam (ed.) (2002), *Caste and Democratic Politics in India*, New Delhi Permanent Black.
- Sharma, Arvind (2005), *Reservation and Affirmative Action: Mode of Social, Integration in India and United States*, New Delhi: Sage Publications.
- Sharma, B.A.V. and K. Madhusudan Reddy (1982), *Reservation Policy in India*, New Delhi: Light and Life Publication.
- Sharma, C.L (1997), *The State of Backward Classes and Social Justice in India, in Pathak, (ed.) Social Justice and Development of Weaker Sections*, New Delhi: Inter India Publication.
- Sharma, Hiralal and Gopal Singh (1995), *Reservation Politics in India Mandalisation of the Society*, New Delhi: Deep and Deep Publication.
- Sharma, K.L. (ed.) (1986), *Social Stratification in India*, New Delhi: Manohar Publication.
- Sharma, K.L. (ed.) (1994), *Caste and Class in India*, New Delhi: Rawat Publication.
- Singh, Gopal and Harilal Sharma (1995), *Reservation Politics in India: Mandalisation of the Society*, New Delhi: Deep and Deep Publications.
- Singh, Parmanand (1985), *Equality, Reservation and Discrimination in India: A Constitutional Study of Scheduled Castes, Scheduled Tribes and Other Backward Classes*, New Delhi: Deep and Deep Publications.
- Singh, Parmanand and Vinay Chandra Mishra (1991), *Reservation Crisis in India: Legal and Sociological Study on Mandal Commission Report*, Delhi: The Bar Council of India Trust and Universal Book Traders.
- Singh, S.N. (1996), *Reservation Policy for Backward Classes*, New Delhi: Rawat Publications.
- Singh, Yogendra (1992), *Modernization of Indian Tradition*, New Delhi: Rawat Publication.
- Singh, Yogendra (2002), *Social Stratification and Change in India*, New Delhi: Manohar Publishers & Distributors.
- Sowell, Thomas (2004), *Affirmative Action Around the World*, New Haven: Yale University Press.
- Srinivas, M.N. (1992), *Strategies for Removal of Social Inequalities*, Delhi: Oxford University Press.
- Srinivas, M.N. (ed.) (1997), *Caste: Its Twentieth Century Avatar*, New Delhi: Penguin Book India.
- Tumin, Malvin M. (1994), *Social Stratification the Forms and Functions of Inequality*, New Delhi: Prentice Hall of India Pvt.
- Venugopal, P. (1992), *Social Justice and Reservation*, Madras: Emerald Publishers.
- Vijayan, P. P. (2006), *Reservation Policy and Judicial Activism*, Delhi: Kalpa 2 Publications.
- Yadav, K.C. (1994), *India's Unequal Citizens: A Study of Other Backward Classes*, New Delhi: Manohar.