

CHAPTER FIVE
SCHEDULED CASTES AND
PUBLIC POLICY

5.1 SCHEDULED CASTES AND PUBLIC POLICY :

Scheduled Castes (SCs) represent the most backward and deprived segment of the Indian society. Traditionally they have been the worst victims of the caste system, the most rigid form of social stratification for institutionalising inequality, found anywhere in the world. The dawn of Independence and subsequent inauguration of a new constitution witnessed a member of statutory safeguards and concessions for uplift of depressed peoples of the country, including SCs. The Scheduled Castes policy, like any other public policy emanates from three major interacting and complementary sources viz. the Constitution, the Legislation and the Plans and the plans and programmes. Constitutional provisions relevant to SCs may be classified into two categories viz. general and special. The Preamble to the Constitution, giving expression to its basic approach, enshrines "Justice - Social, Economic and Political - and Equality of Status and Opportunity" as its two guiding principles. These principles are further elaborated in Part III and IV of the Constitution, respectively dealing with fundamental rights and directive principles of State Policy. Most of the special constitutional provisions relating to SCs are dealt with in part XVI of the Constitution, while leaving a few outside. These special stipulations may broadly be grouped into five categories viz. (1) reservations in representative institutions ; (2) safeguards for public employment ; (3) provisions for educational and economic advancement ; (4) provisions for protection of civil rights, and (5) miscellaneous provisions. Canvass of this proper

being limited, what follows is examination of actual working of these special constitutional safeguards falling in first three categories, which together cover major dimensions of the SC problem viz. education, public employment, political participation and economic advancement. Article 330 and 332 respectively, provide for reservation of seats in lower Houses of the Union and the State Legislatures. They do not, however, specify exact number of seats to be reserved but lay down the principle that this number should be in the same proportion as population of SCs. bears to total population of the respective state. Mode of reservation as also actual number of reserved seats are determined from time-to-time by specific legislation of the Parliament and orders of the Delimitation Commission, a quasi-judicial body.

Purpose behind these reservations had been one of enabling SCs to exercise political power on par with others. However, the reservation mechanism as also coverage envisaged for this purpose has been inadequate. Firstly, the legislative reservations are restricted in scope. While the Indian legislative system is bicameral there is no legal provision for reservation of seats for SCs. in the Upper House of the Union and State legislatures, Secondly, there is no provision for reservations in the more crucial political executive viz. the Councils of Ministers. This is an important lacuna since the executive is the real repository of political power. A few SC members however got elected or nominated to the Rajya Sabha or

Bidhan parishads in the past three decades. But the percentage of SCs. in the Rajya Sabha and Bidhan Parishads, having averaged around five and two, did not bear any significant relation to their population strength. Another limitation of provisions for political reservations is that they are transitory in nature. Article 334 originally provide for their automatic lapse one decade after commencement of the Constitution. This time limit was extended thrice in the year 1959, 1969 and 1980, each time for a further period of ten years. The Constitution under Articles 15 and 16, even while granting equality of opportunity, empowers the State to make special provision for preferential public employment of SCs. Thus, the Constitution not only prescribes disabilities traditionally imposed on occupational choices of SCs. but also gives scope for according them a favoured treatment. Substantive provision to this effect is made under Article 335 which exhorts the state to consider claims of SCs. while making appointments to posts under the Union or States, with due regard for maintenance of administrative efficiency. In pursuance of above constitutional provision, number of safeguards and relaxation favouring SCs have been extended by the Government at various levels. Under the Government of India, fifteen and sixteen per cent of the posts are reserved for SCs. to be respectively filled up on the basis of open competition and promotion. Other important safeguards for preferential public employment of SCs. include relaxation in age and academic qualifications, exemption or reduction of

application fee, pre-examination training for brightening recruitment prospects for competitive examinations, etc. Thus, for example, the percentage of SCs in Class IV Central and Public Enterprises Service in 1974 was respectively higher by 3.5 and 11.3 per cent over their population base. Similar was the case with State Services. This higher percentage representation of SCs was mostly on account of the general reluctance of the non-SCs to take up these jobs which are low paid and suffer from the stigma of low public esteem. However, in all the higher and important services such as IAS, IPS and Class I and II services of the Union, State and Public Sector undertakings and percentage of SCs is nowhere near their population proportion. Notably, SCs are under-represented precisely in service which constitute crucial layers of development and regulatory bureaucracy entrusted with vast powers.

There are two important reasons for this under representation. First is educational backwardness of SCs engendered by a long tradition of forced illiteracy, resulting in lack of adequate number of eligible candidates for public service employment. Second is the generally prejudicial and exacting attitude of the non-SC dominated political and bureaucratic elites in implementation of public employment safeguards. Innumerable dubious practices were adopted by the latter for hoodwinking the gullible SCs. Taking recourse to nonadoption of the rule of reservation dereservation of vacancies ad-hoc appointments by transfers so as to circumvent the reservation

compulsion were some of the standard manipulations in this regard. Education and economic advancement are curcial for general improvement in the living conditions of SCs. Interestingly, among all the constitutional provisions those relating to the above two aspects are mostly lukewarn. The only specific safeguard in this regard appearing in Article 46, among the Directive Principles of State Policy requires the State to promote with 'special care' educational advancement relate to reservation of certain percentage of seats (generally in direct proportion to SC population) and relaxation in the eligibility conditions for admission to educational institutions; grand of scholarships; fee exemption; provision of free hostel accommodation; from supply of study and dress material running of special schools, etc. As a result of these measures the literacy levels among SCs started improving appreciably in the post-Independence period. For instance, according to the statistics made available by the Union Ministry of Education, pertaining to 1978-79 the enrolment percentage of all communities in primary stage (Classes I to V) was 84.5 as against 79.0 for SCs. But with a poor retention or high drop out rate the corresponding figures for middle stage (Classes VI to VIII) were 38.1 and 26.5 per cent respectively for general and SC population groups. Enrolment position in college education was even more disparate. SCs as per cent of total students enrolled in all higher educational institutions in the country in 1974-75, were 5.7 as against their 15 per cent share in the country's population.

More wider disparities at the higher levels of education are to be noted in the context that higher educational qualifications are vital for securing jobs in the highly competitive modern employment market. In the absence of adequate number of eligible SC candidates several public service positions requiring higher educational qualifications were dereserved in the pass. For example, during 1976 alone as many as 1763 SC/ST reserved vacancies were dereserved for reasons of non-availability or unsuitability of candidate. (6)

Reasons for this persistent inequality are not difficult to seek. While problems like pressure on SC children for entering labour market to supplement their meagre family incomes, handicap of informal educational support at home due to parental illiteracy need for part-time employment cutting into study time etc., may be cited as individual causative factors a more pervasive cause for all this, however, is general poverty among the SC population. This being so, equalising educational opportunity basically requires a frontal attack on the poverty of SCs. Experience with anti-poverty programmes, as is discussed elsewhere in this paper, shows that progress in this regard was slow and halting in so far as they related to SCs.

The problem of educational inequality may, to some extent, be tackled by offsetting poverty related handicaps in two ways. Firstly, more vigorously pursuing the current approach of providing protective discrimination crutches. Incentives and inducements such as scholarships, free boarding, lodging and

dresses etc. which are presently offered have not proved equal to the task. This points to the need for escalating them to proportions where they become real incentives. Secondly, a more meaningful but drastic measures of nationalisation of the entire education system may be pursued, not merely for the limited purpose of SC education but for the wider object of equalising educational opportunity for all. The literacy and educational attainments within the SC groups are not uniform and there are sharp variations between different segments of SC population across the States, sexes, regions and castes. An interesting aspect of these disparities is that a few segments of SC population have either attained or are close to attaining literacy rates of the general population while some segments here and there have been surpassed them. This policy gap led to two counter productive results. One, it enabled more advanced SCs to corner off a lion's share of scarce preferential benefits and to that extent deprived the more needy from availing the same. Two, over a period of time this process resulted in the emergence of a well marked out elite section within SCs. Lives of SCs are most critically tied to agriculture as a vast majority of them living in rural areas -- 88 per cent as against 77 per cent non SC/ST population (1971 census) -- are dependent on it. Though agriculture, the backbone of the country's economy, is heavily dependent on SCs their current status in this sector is marked by extreme inequality. The weak position of SCs in the rural life is evident from their workforce distribution marked by a low

percentage of cultivators. Since land is the basis for sustenance of SCs. Land distribution to them has been repeatedly emphasised by plan documents and public policy pronouncements. These agrarian reforms efforts may be discerned into three distinct phases viz., tenancy reform, assignment of government held waste lands and imposition of ceilings on agricultural holdings and the distribution of surplus lands. However, some indication is available from an extended field study on Uttar Pradesh which found that only 6 per cent of families as against 55 to 61 per cent of upper and intermediate caste Hindu and Muslim families purchased land during this period i.e. 1951-60. Till August, 1965 a total of 39.16 lakh acres of land was distributed among SCs during this phase.

Then came two rounds of enactments imposing varying levels of ceilings on agricultural land holdings across the States. High hopes were pinned on these laws in regard to availability of surplus lands for distribution among landless poor. Thus, roughly about 4 lakh acres may have been assigned to SCs under this phase. Initial estimates of potential surplus land in the country on the eve of second round ceiling laws varied between 215.1, and 49.9 lakh acres. However, the actual area distributed as on 18-12-1980 was of the order of 17.4 lakh acres. Of this 5.9 lakh acres only was distributed among 4.98 lakh SC Beneficiaries. Thus, all sources of land distribution put together roughly 50 lakh acres was distributed among SC families upto the end of 1980. This figure as per cent of the total net

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acre shown in the country (3408 lakh acres) works out to 1.4 points. On the positive side it may be said that this new found land ownership has invested SCs with a certain measure of status accreditation in the countryside where land rules the roost. This must have also led to some increase in bargaining power for securing more worth for their perennially undervalued labour. In a few isolated cases holding sizes might have even become viable and consequently a few SCs have crossed the limbo of poverty. Deposite some of these small gains the general condition of SCs continue to be bad and their overall occupational structure has not witnessed any positive developments. Further, land allotted in most cases having been small in size, inferior in quality and the assignees being poor and unable to afford necessary agricultural inputs it cannot be said that the allottees had

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become viable farmers. While the contention that land reforms led to significant improvements in SCs economic condition is widely contested, it is generally conceded that they have succeeded in injecting varying degrees of tension into the agrarian front. On the one side SCs have started challenging traditional exploititive practices, a little on the strength of new found land ownership and more due to the awareness generated by powerful propagands unleashed by official agencies. On the other side, the traditional landholding sections were aggrieved either due to loss of land - actual or imagined - and cheap SC labour as a result of land reforms. The latter were joined by the non-SC poor who, rightly or wrongly, developed groups against SCs

on account of feeling that the latter are pampered at their cost. Their anger got manifested in a large number of incidents of violence against SCs centering round land. (13)

Agriculture is a state subject. Consequently, fixation and enforcement of minimum wages for agricultural labour was entrusted to the state governments, subject to regulations laid down in the Minimum Wages Act, 1948 (Part - II of the Schedule to Act) enacted by the Parliament. Most of the states have enacted, specific legislation in pursuance of this Central Law. However, despite several provisions governing fixation, review and enforcement of minimum wages, numerous reports of their violation in respect of SCs come to light from various parts of the country. (14)

There are still areas in the country to which even this legislation is not extended or the concerned State or Union Territory Governments have not fixed the wage rates under its provision. (15) Further, in cases where both these were done yet minimum wages were not ensured effectively for reasons like insufficiency of enforcement staff or inadequacy of budget provision. (16) One important reason, perhaps, for this non-payment of statutory minimum wages was the lack of will on the part of establishment to enforce the provision in right earnest. While basic solution to this problem is to be found only by the direct and organised pressure of the wage labour the Government can, to some extent, mitigate the situation by large scale provision of public works for employment during off season and to offer competitive wages to improve bargaining capacity of labour during

flush season. Another exploitation which SC agriculture labour are subjected to is the practice of bonded labour which has been made illegal by the Bonded Labour System (Abolition) Act, 1976. Despite this, the practice still prevails in one or the other form in many parts of the country. A study jointly undertaken by the Gandhi Peace Foundation and the National Labour Institute found that nearly 22.4 lakh persons were working as bonded labour (17) even as late as in 1978. A very small fraction of this estimated number (1.2 lakhs) only were officially identified as bonded labour and a much less number (0.95 lakhs) were released (18) till November, 1980. The Commission for SCs and STs in this context observed that even the small number of released bounded (19) labours were not properly rehabilitated. Further, there are reports that many among those officially 'released' from bondage have relapsed into it, either due to ineffective rehabilitation or due to the continued hold of vested interests on these hopeless victims.

From the above data three things emerge. One, planning was not used as instrumentality for the SC uplift in any significant way. Two, the major part of Plan expenditure even within the limited allocations came from the State Sector. Three, the plan effort for SC uplift, however, limited, concentrated on the educational aspect and more particularly on higher education that was useful in preparing SCs for middle class or elite positions (20) in the society. In other words, though poverty is the more predominant feature of SC problem it was not given any

significant attention. The limited few among SCs who were recruited to elite positions, willingly or unwillingly, have become one with the establishment. The result has been the unequal progress of various segments of SC population, so much so, a few who were not in real need availed protective benefits time and again, while others, who were extremely depressed, could hardly benefit in the face of the unequal competition from the former. To sum up, the basis argument here is not to deny any improvements in the condition of SCs as a result of the protective discrimination policy. On the country, there have been some definite gains to sections of SC population. (21)

Mondol Commission and Kaka Kaklkar Commission :

In our Indian Constitution makes certain special provisions for the protection and safeguards of SC and ST and Anglo Indian community but the constitution did not identify and definite significant policy in the respect of OBC. In this regard the constitution did not provide any real answer. In this connection according to Article 340 -

(1) The President may by order, appoint a commission consisting of such persons as he thinks fit to investigate the conditions of socially and educationally backward classes within the territory of India and the difficulties under which they labour and to make recommendations as to the steps that should be taken by the Union or any State to remove such difficulties and to improve their condition, and as to the grants that should be made for the purpose by the Union or any State and the conditions

subject to which such grants should be made, and the order appointing such commission shall define the procedure to be followed by the commission. (2) A Commission so appointed shall investigate the matter referred to them and present to the President a report setting out the fact as found by them and making such recommendations as they think proper. (3) The President shall cause a copy of the report so presented together with a memorandum explaining the action taken there on to be laid before each house of Parliament.

The President of Mondol Commission has submitted the report to the president of India and say - "Apprehensions were rightly expressed before us that in case the report of my commission also meets the same fate as that of Kaka Kalakar's Commission, the legitimate hopes and aspirations of the socially and educationally backward classes, which constitute a bulk of the population will be dashed to the ground.

For the enquiry of different problem of DBS and also their development after independence the two commission was set up. Firstly the Kaka Kalekar Commission (1953) and another is B.P.Mondal Commission(1979). In 1955 of 13th March Kaka Kalekar Commission submitted his report that it should be identified on the basis of whole India 2399 community as OBC. In 1963 the State Government of Mysore announced or declared to be reserved for ST (15%), SC(3%) and OBC(50%) for the admission of Government Engineering College and Medical College. So total number of the reservation in the post was position 68%. but the Supreme Court

has given verdict against the demand of the commission that the limitation of reservation should not be ever crossed 50% for there reservation of SC & ST. So the V.P.Government has declared only twenty-seven per cent for the reservation of OBC. Because presently according to Indian Constitution has reserved 22.5% for the SC & ST on the basis of the proportion of population. So the Commissions report was not implemented/denied due to varieties problems arisen. But the recommendation of B.P.Mondol Commission in some state either partially or wholly has accepted its implementation 1973 during the period of Janata Government, when P.M. was M.Deshai. The B.P.Mondal Commission was set up to enquiry and report for the identification of in regarding social, educational and for employment for OBC. In 1980 after Janata Govt. the Congress Party had got absolute majority and after Janata Govt. party had got absolute majority and did not take care any responsibility the report and it was totally not did not take care any responsibility the report and it totally not implemented. in 1989 under the Minority and also coalition Government led by V.P.Singh tremendously tried to implement the Mondol Commission report. But B.P.Government had failed to adopt this policy. Because his Government was minority and coalition and the opposition party had been able to prevent against it. The strong opposition party had done violent movement through cremated, hanged of various young man and woman. Also they suggested that the Commission should not identify any particular castes or community of OBC. But it should be based on economic criteria and cannot make any

discrimination between the citizens on grounds only religion, caste, creed, sex, place of birth.

Definition Scheduled Caste :

The constitution of India does not define the Scheduled Castes and the Scheduled Tribes. According to Articles 341 and 342 of the Constitution, the President of India may after consultation with the Governor of a State, specify those castes, races of tribes which are considered to be Scheduled Castes and Scheduled Tribes in a State.

Recommendations of the Second Backward Classes Commission(Mandal Report) Reservation for Socially and Educationally Backward Classes in service under the Government of India.

In a multiple undualating society like ours, early achievement of the objective of social justice as enshired in the Constitution is a must. The Second Backward Classes Commission called the Mandal Commission was established by then Government with this purpose in view, which submitted its report to the Government of India on 31.12.80.

Government have carefully considered the report and the recommendations of the Commission in the present context regarding the benefits to be extended to the socially and educationally backwsrd classes as opened by the Commission and are of the clear view that at the outset certain weightage has to be provided to such classes in the services of the Union and their Public Undertakings. Accordingly orders are issued as follows :

(i) 27% of the vacancies in civil posts and services under the

Government of India shall be reserved for SEBC; (ii) The aforesaid reservation shall apply to vacancies to be filled by direct recruitment. Detailed instructions relating to the procedure to be followed for enforcing reservation will be issued separately. (iii) Candidates belonging to SEBC recruited on the basis of merit in an open competition on the same standards prescribed for the general candidates shall not be adjusted against the reservation quota of 27%. (iv) The SEBC would comprise in the first phase the castes and communities which are common to both the list in the report of the Mandal Commission and the State Governments' lists. A list of such castes/communities is being issued separately.

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(v) The aforesaid reservation shall take effect from 7.8.90. However, this will not apply to vacancies where the recruitment process has already been initiated prior to the issue of these orders.

Similar instructions in respect of public sector undertakings and financial institutions including public sector Banks will be issued by the Department of Public Enterprises and Ministry of Finance respectively.

5.2 EVOLUTION OF RESERVATION POLICY :

To be specific, the Indian National Congress in its Annual Session at Calcutta in 1917 passed a resolution to that effect. The focus of the resolution was on the bringing of social justice to the Depressed classes and removing their disabilities forced by retrograde customs.

This was all done under the Presidentship of Dr. Annie Basant.

The First Round Table Conference was given a memorandum by Dr. Ambedkar which covered adequate representation of the Depressed Classes in legislatures, measures against discrimination, adequate reservations in services, right to redressal against prejudiced action or neglecting their interests, formation of special department for taking care of untouchables and representation in Cabinet.

Gandhiji resisted special representation to the untouchables; to this Dr. Ambedkar's reaction was very bitter. He took Gandhiji's opposition to separate representation to untouchables as a war against them. He was also annoyed by the reference made by Gandhiji that the representatives of minority communities were not elected by their communities and that they were merely the nominees of the British Government.

The Congress deprived the untouchables of their seats in the executives. There was fear of injustice to them. In ordinary life there was a problem of security. The policy failed to give protection to them. Nothing was left for the untouchables in all echelons of administration. Dr. Khare, the Prime Minister

in the Congress ministry in Central Provinces exposed the communal attitude of Congress and Gandhiji. Dr. Khare was removed from the administership, because he included an untouchable-Agnbjoj as a minister in his Cabinet. He said openly that he was removed because of indicipline and indiscipline consisted in the inclusion of an untouchables in the ministry.

It was different for the psyche of the leadership, the Congress and the people to recognise the rightful claims of the Depressed Classes. The British Government made some efforts to do it. A section of scholars believed that this was done to create more defection in the Indian society. The Marley - Minto reforms of 1910, the Montague Chelmsford Reforms of 1919, the Government of India Act of 1935 and the Cabinet mission scheme of 1946 were mainly based on the principle of communal division. Initially the Muslims were the recipients of special treatment, further it was extended to the Sikhs, Anglo-Indians and Scheduled Castes and Scheduled Tribe. The reforms of 1909 divided the electorates into four, in 1919 the divisions rose to ten and in 1935 to seventeen. In 1936 he formed the Independent Labour Party. The party in its manifesto combined economic and social programmes. Seeing that the party was not serving the purpose which it was established for, it was transformed into Scheduled Caste Federation.

As events drifted on, a change of having a mutual understanding between the Congress and Ambedkar came on. Particularly when Ambedkar became aware of his organisational limitations and also of the need for independence for realising

the welfare of the untouchable. Also the Congress in course of time owing to some known and unknown reasons sought the help of Dr. Ambedkar.

Minorities and Constitutional Process :

In the process of constitution-making the question of minorities was to be seriously attended to in India when the word "Minorities" is referred to, it has two principal implications (i) religious, and (ii) linguistic. Before dealing with them in the light of constitution-making, it will be helpful to examine the background. The Nehru Report and the Sapru Committee Report deserve attention. In order to settle the communal problem, the Nehru Committee was appointed under the Chairmanship of Motilal Nehru. The Committee assured all non-Hindu and other linguistic minorities of security and protection. The recommendations of the Nehru Report presumed that India was a homogenous country and in an unambiguous manner planned to be a secular one. It gave fundamental rights to all citizens, and guaranteed religious liberty which the minorities were worried about. Disapproving Separate electorates, it recommended joint ones with reservation to the Muslims.

The Cabinet Mission had set a model for the constituent Assembly. It made a mention of three categories (i) General, (ii) Muslims and (iii) Sikhs. Nothing was said to the Scheduled castes, Tribes, Parsis, Anglo-Indian and Christians. The Cabinet Mission recommended 246 seats for the provinces and 93 seats for the princely states. The break-up of the Members of the constituent

Assembly was as follows : Hindu - 163; Muslims - 80; Anglo Indians - 3; Indian Christians - 6; Parsis - 3; Sikhs - 4; Scheduled Castes - 31 and Scheduled Tribes - 6.

A leader of the Scheduled Castes, Dr. Ambedkar, was given the honour to become Chairman of the Draft Committee. All minorities except one or two representatives of the Muslims accepted the safeguards of protection in a fair spirit. The objectives Resolution put by Pandit Nehru, which later on approximately formed the text of the Preamble, guaranteed justice as regards economic, political, social fields and safeguards for the Scheduled Castes, Scheduled Tribes, and other depressed and backward classes in India.

The only creditable work the Congress did was that of assuring special rights in the form of privileges to the Scheduled Castes and Scheduled Tribes - and avoiding the possibility of leaders' following a communal line concerning the nature of state, in spite of several communal elements in itself. As for as other minorities were concerned, take the case of Christian, Sikhs or Parsis, nothing specific was done and an argument that these minorities needed nothing special because their social and economic status was sound, only the Scheduled Castes converted as Sikhs and later on as Muslims were extended the facilities generally provided to the Scheduled Castes.

Designing the Scope of facilities to Minorities :

In the phase which immediately followed the Cabinet Mission, the work of the constitution was to be entrusted to the

Advisory Committee, It was to carry out an exhaustive business. Therefore, it appointed five sub-committees on (i) Fundamental Rights, (ii) Minorities (iii) East Frontier, Tribal Areas (iv) North-West Frontier Tribal Areas and (v) Excluded Areas. Out of these the sub-committee on Minorities consisted of twenty-six members, with Dr. H.C. Mukherjee as the Chairman. For electing views of the committee members a questionnaire was prepared which included the following questions :

(a) what would be the nature and scope of the safeguards for a minority in the new constitution ?

(b) what should be the political safeguards of a minority (i) in the Centre and (ii) in the Provinces ?

(c) what should be the safeguards for a minority (i) in the Centre and (ii) in the Provinces ?

(d) what should be religious educational and cultural safeguards for a minority ?

(e) what machinery should be set up to ensure that the safeguards are effective ?

(f) How is it proposed that the safeguards should be eliminated, in what time and under what circumstances ?

The big leaders of the minorities responded to these questions. It meant that they agreed to the scope of the questionnaire which covered almost all the aspects of minority life. Secondly, the leaders had to specify the period how for the facilities be continued for their communities. This particular question was rather over-ambitious in nature. Even if this quest-

ion vis-a-vis question No. 6 in considered it can be said that in the constitution no independent and non-political body was suggested by the minority leaders to evaluate the propriety of continuing the special rights to be given to the minorities and its implementation. When the Government accepted the continuation of these facilities for the period of ten years, it implied that- (a) the Government thought that it could really materialize them in a specified period or (b) the Government knew that if the period in specified constitutionally the minorities might not press the facilities for still longer time and as such it could go on quickly or as slowly as it liked, or (c) Further, if the minorities pressed for a longer period, the Government might oblige them by doing so.

The first impleication is not relevant even if the Government meant it. Poverty, traditionally and illiteracy had so much engulfed the scheduled castes that it was not possible for them to come out of them within a short period of ten years. Considered on the background of the problems, which the Indian Government was then facing, the hope, that it could give justice to the scheduled castes and scheduled tribes was improper Dr. Ambedkar while giving consent to the period of ten years for concession might have thought that in a stipulated period, one generation of scheduled castes would turn capable of competing with others. Unfortunately, his forecast went wrong. The position about the job-reservation till the announcement of the emergency by Mrs. Indira Gandhi in 1975 was disappointing. The Congress

leaders, prior to this, did know better the trend of the newly emerging elites and the mental make-up of the Indian people that they would not accept the progress of the S.C. and that the social and economic upliftment of the scheduled caste and scheduled tribes was beyond the reach even in still longer period. So the Government had nothing to loss in accepting the time-limit for the facilities to be awarded to the scheduled castes.

Need of Gurantee for Facilities :

Dr. Ambedkar submitted a memorandum in which he asserted that political and economic safeguards for the Scheduled Castes and Scheduled Tribes should be guranteed in the constitution. And their representation was to be made on the basis of their population. Dr. Ambedkar preferred separate electorates for the untouchables. Concerning the definition of Scheduled Castes, he insisted that the Government of India Scheduled Caste Order, 1936, under the Government of India Act, 1935 should be used.

The sub-committee on Minorities submitted its report to the Advisory Committee which accepted its recommendations. Further, the Advisory Committee forwarded its report to the President of the Constituent Assembly. Reservations of seats for the Christians, Muslims and Scheduled Castes was accepted. Not only that but the members of the minorities were allowed to contest unreserved seats also. But as far as the seats in the Cabinet were concerned, there was no reservation. Article 238 (1) of the Draft Constitution laid down the provision of the special

officer who was given right to inquire into all the matters concerning privileges to the minorities. Further, according to Articles 300 and 301, a Commission was to be appointed for investigations regarding the backward classes. A leader of the seceduled castes, Nagappas, however, made a criticism that nothing had been said how the leader of the Government would effect different shades of opinion in the Cabinte.

It could be seen that the provision of fundamental rights, along with a special treatment to the Scheduled Castes strengthened their position. Provision of equality in the constitution legally removed social and political restrictions on the Scheduled Caste and Scheduled Tribes and the privileges enabled them to come up to the standard of the other citizens of India. Article 14 of equality before law, at least constitutionally, scratched off injustice done to the bullied People like Scheduled Castes. It further implied a removal of discrimination on the basis of caste, seats and sex etc. and a free access to all citizens of India to public places, shopes, hotels, restaurents, places of entertainment was ensured. The use of public wells, roads, bathing ghats, tanks etc. was thrown open to all. This provision in the constitution is really revolutionary, despite its innocuous implementation.

Article 16 gives an assurance of Equality of Opportunity in public employment, however more significant is the provision made in clausus 4, that reads as follows : "Nothing in this Article shall prevent the state from making any provision

for the reservation of appointments of 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. The clause points out the intention of the Government to cater to the basic needs of the Scheduled Castes. All the clauses relating to the Scheduled Castes and Scheduled Tribes were largely influenced by Dr. Ambedkar. In many of his speeches and writings he made it clear that education, employment and an economically stable life are the pre-conditions of social reforms. This shows Dr. Ambedkar's insight about the future of the Scheduled Castes. He knew that the Scheduled Castes were not capable of accepting social reforms done through constitution and of taking an initiative in social reforms. An economically stable life was thus to perform a two-edged purpose.

It appears that such provision runs against the principle of equality, but many scholars find close relevance between the principle of equality and privileges to the scheduled castes because of the social disabilities inflicted upon them. (24)

Dr. Ambedkar explained "Although theoretically it is good to have the principle that there shall be equality of opportunity, there must at the same time be a provision made for the entry of certain communities which have so far been outside the administration. (25)

Article 46 of the Indian Constitution accorded them a special treatment in respect of education. The committee on untouchability was aware that lack of education had been one of the basic reasons of their poverty therefore, it was suggested by the

committee on untouchability that if poverty was to be removed, it would need exhaustively qualitative educational system. Education was expected to arouse social, economic and political awareness amongst the backward classes.

Removal of Untouchability :

No doubt, the growth of the Indian democratic system was to rest on the principle of equality. The principle is artistically fused with Articles 14, 15, 16, 29(2), 44, 325 and 326. Those provisions have relevance with the British concept of the Rule of Law. Ivor Jennings gives an apt description of this. He says, "Equality before law means that among equals the law should be treated alike"⁽²⁶⁾. In India economic equality was urgently needed. Gandhiji spelt out the meaning of equality. He said, "According to me, the economic constitution of India and, for the matter of that, of the world should be such that no one under it should suffer from want of clothing.....".

Unequivocally classes 3 and 4 of the Articles 15 empower the state to make special provisions for women, Scheduled Castes and Scheduled Tribes. The Clause 4 has been inserted in the constitution because several cases concerning special treatment to the Scheduled Castes and Scheduled Tribes were lodged in the Courts.⁽²⁷⁾ In matters regarding Article 16 that assures equality in making appointments and providing employment, there is an exception embodied in clause 4. It runs - "Nothing in this article shall prevent the state from making any provision for there servation 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, 'The Indian Constitution provides equal opportunity in the field of education through Articles 29(2). It reads - "No citizen shall be denied admission to any educational institution maintained by the state or receiving aid out of the state funds on the grounds of only religion, race, caste language or any of that." Though it is tactily suggested in the Article that the discrimination can be made it criticises. In Madras, the communal G.O.No. 1254 Education allotted seats in professional colleges on the basis of castes. It was challenged in the Madras High Court and ultimately, the Supreme Court confirmed the decision that the matter was untravires.

The clauses relating to equality have a special reference to backward classes. The political system is a complex of different economic, social and political currents. In modern democracies, it is difficult to treat the seperately. Ambedkar once said that political democracy cannot survive in the absence of social democracy. In hisox opinion social democracy assures and implements liberty, equality and fraternity as the principles of life. Dr.Ambedkar made a plea that equality in social and economic context should not be denied. (28)

In almost all his speeches and literature, Ambedkar cautioned the scheduled castes to safeguard their political privileges. He further made an appeal to them that the safest way of protecting their interest was to secure control over the

future executive in self governing India in their own hand and that it could only be realised by means of an adequate representation in the Legislature of the country. Ambedkar declared that it was perfectly within their rights to refuse any change in the constitution if they felt that no guarantee was given to their safeguards.

(29)

Also, Ambedkar knew that the seats in the legislatures were not the only solution to the removal of deeprooted poverty of the Scheduled Castes. Taking into consideration the general educational standard of the legislatures and the scope left to the administrator, Ambedkar advised the Scheduled Caste people to capture administrative posts. Dr. Ambedkar wanted to shake up to the traditional dominance of the Brahmins in the high echelons of administration. He carried a belief that the people in administration have a class bias and that they live in separation from the common people, with entirely different interests. The high grade officers are many a time enemical to the commoners.

Article 335 was the total effect of the process which is explained just now. It says, "The claims of the Scheduled Castes and Scheduled Tribes shall be taken into consideration. Consistent with the maintenance of efficiency of administration in making of appointments to services and posts in connection with the affairs of the Union or of a State." Difficulties were created in this process by raising a controversy that the said Article 335 was not mandatory when this difficulty came up an opinion of the department of law was invited and its announced that it was not mandatory.

Kaka Sahed Kalukar a prominent leader was appointed as a chairman of Backward Classes Commission (Jan 29, 1953) that was to make recommendations to the government regarding finding out test to judge social and educational backwardness, to investigate the reasons of their backwardness. Eleven members including Chairman, constituted the Commission Kalukar stated, "I am definitely against reservation in Government service for any community for a simple reason that the service are not meant for the servants but for the society as a whole. Administration must have the service of the best men available in the land and these may be found in all communities. Reservation of posts for certain backward communities would be as strange as reservation of patients for particular doctors. The patients are not meant to supply adequate or proportionate clientele to all the doctors, whatever their qualifications. The best policy that could be recommended is that given the same or almost the same qualifications. Candidates or aspirants from the backward classes should be given a decided preference. The Commission, it seems, was convinced that the problem of the backward classes have a reference to all people living in rural India.

(30)

(31)

The Commission was thinking over the possible means for identifying socially and educationally backward classes other than the Scheduled Castes and Scheduled Tribes. It was to make observations under which these classes were working and suggestions regarding the patterns of financial assistance. The Commission identified backward classes on the basis of their

poverty, backwardness in education, lack of the use of the means of communication due to their sheltering in interior areas, state and extent of unemployment, existence of defective education having no link with practical matters. The Commission did not hesitate to accept caste as the basis of backwardness. (32)

The constitutional issue of reservation, as it is related to the concept of social justice which is fused with so many classes in the Indian constitution. Prof. S.K. Agarwala argued that the efficiency was likely to be affected only by an excessive representation in total and not by number of recruited during any one year; and it was presumed that whatever may be the number of seats filled by the member of such communities they would satisfy certain minimum qualifications. (33)

5.3 IMPLEMENTATION OF JOB-RESERVATION POLICY :

Reservation of seats for Scheduled Castes and Scheduled Tribes in Legislatures :-

The Article 330, 332 and 334 make provision of the reservation of seats for the SC and ST in legislatures. Article 334 limits the period of reservation of seats in the legislatures for thirty years from the commencement of the constitution. In the Lok Sabha, 78 seats for SC and 38 seats for ST are reserved. The purpose behind this reservation is amply clear. B.R. Ambedkar gave an advice to the Scheduled Castes that they should not make any compromise over the issue of their reserved seats, because adequate seats in legislatures were a further guarantee of other safeguards. (34)

In the beginning, the Scheduled Castes and Scheduled

Tribes were provided reserved seats and in addition, were permitted to contest open seats also. This created a possibility of their assimilation with the rest of the society. Its consequence does not appear to be heartening. It might be due to the caste politics in India which is pervading all over. The following Table shows this fact.

(35)

General Elections	L o k S a b h a		V i d h a n S a b h a	
	SC	ST	SC	ST
First	5	1	7	4
Second	6	3	9	11
Third	1	2	17	31
Fourth	—	1	6	11
Fifth	1	4	4	14
Sixth	1	2	1	2

The position in the Vidhan Parishads in Seven States as

(36)

it stood in 1977-78, is given below :-

S T A T E S	No. of SC Members		No. of ST Members	
	Elected	Nominated	Elected	Nominated
Andhra Pradesh	6	1	1	2
Bihar	5	1	2	1
J & K	1	1	—	—
Karnataka	2	—	—	—
Maharashtra	5	1	—	—
Tamil Nadu	4	—	—	—
U.P.	4	—	—	—

The representation of seats in Vidhan Parishads it may be concluded is not in proportion to their population, nor does one find a definite criterion for their representation by election or nomination. The list of the candidates elected or nominated mostly depended on the party strategies and the courtesy of the party leaders. The voting pattern of the SC was also largely influenced by the pressure tactics.

Government Measures :

Keeping such instances happening all over India in view, Government took some steps towards removing intimidating forces at the time of elections. Several reports of the commission for SC and ST. In its reports about the Legislative elections 1968-69 the election commission informed that a few stray incidents of intimidation and coercion were received from Bihar and Uttar Pradesh especially western Uttar Pradesh. From Bihar reports of open violence in or near polling stations were also reported. (37) The commissioner for SC and ST expressed a grave concern over the increasing incidents of coercion. He further made a recommendation that every right thinking person, political parties and their leaders without taking a partisan attitude should recognise such incidents as evil and undesirable and try to avoid them at all cost and that strict economic, political and legal, measures may be used. (38)

Steps taken by Election Commission :

Knowing that threats were given to the Scheduled Castes when they went for voting, the Election Commission located polling stations in the neighbourhood of their hutments. The Chief Election Commissioner sent letters to the Chief Ministers and Governors to make adequate "bondobust" at the sensitive areas. (39) Instructions to the Police Department were also given and State Government acknowledged the receipt of instructions and assured to do the needful. (40) In spite of preventive measures, several complaints about the exercise of coercion in the 77's

General Election. The following Table will give a general picture
(41)
about the complaints from several states.

Name of States	Number of Complaints received
Andhra Pradesh	18
Bihar	16
Hariyana	02
Punjab	08
Rajasthan	06
Tamil Nadu	01
Uttar Pradesh	15
Dadra Nagar Haveli	01

In spite of all these measures certain ugly incidents took place. Violence and booth capturing as said by the Commissioner for Scheduled Caste and Scheduled Tribes because a regular feature. The Commissioner for Scheduled Castes and Scheduled Tribes opened that the prescribed punishment under Section 171 F of the I.P.C. for undue influence or personation at an election was not adequate as such it should be made more stringent. He made some recommendations.

- (a) Coercion and intimidation of electors should be made electoral offence.
- (b) Exercising influence and personation should be made punishable with imprisonment and fine.
- (c) Special booth for the weaker sections should be linked up with the nearest police station by wireless.
- (d) Mobile Police Force should visit the places where violent disturbances are likely to occur.

From the time and Indian Constitution began Operating upto 1974-75, the results of the job reservation policy were not promising. The Indian Government have seemed to take untoward

approach regarding the principle of carry forward in promoting Scheduled Castes and Scheduled Tribes employees. The High Power Committee made a recommendation to apply the principle of carry forward in Class I and II services but the Government did not revise the procedure. (43)

In Class III and Class IV, the representation of the Scheduled Castes and Scheduled Tribes was fair but that was not the case with Class I and Class II categories. The position as on 1.1.74. supports this. (44)

CLASS	Total Number including SC and ST	Number of SC	Percentage of SC	Number of ST	Percentage of ST.
I	33672	1094	3.2	192	0.6
II	52343	2401	4.6	258	2.5
III	15,66,796	1,61,775	10.3	33,383	2.1
IV	12,42,548	2,30,203	18.5	47,679	3.8
TOTAL :	28,95,359	3,95,473	13.7	81,812	2.8

The data show that in connection with Class I and Class II recruitment, the quota was not filled. After commenting that the qualified SC and St candidates were not available, particularly in engineering and geology departments, the UPSC rejected several SC and ST candidates. In the Indian Administrative Services, Indian Forest Service, Indian Engineering and Geology Service the percentages of the Scheduled Castes and Scheduled Tribes figure poorly the table below suggested that much is to be done in the field of engineering.

Engineering Service:

SCHEDULED CASTES				SCHEDULED TRIBES		
Y	No. of Vacancies	Appeared	Recommended	No. of Vacancies	Appeared	Recommended
1	2	3	4	5	6	7
1970	47	102	17	28	10	1
1971	57	96	14	29	6	1
1972	77	148	38	49	8	1
1973	63	158	16	40	10	-
1974	92	138	30	63	7	1

Engineering Electronics:

SCHEDULED CASTES				SCHEDULED TRIBES		
Y	No. of Vacancies	Appeared	Recommended	No. of Vacancies	Appeared	Recommended
1	2	3	4	5	6	7
1970	15	4	2	03	-	-
1971	29	11	4	15	1	1
1972	49	9	2	22	-	-
1973	21	19	7	10	1	1
1974	62	17	2	22	-	-

In 1977-78 the overall position regarding the employment of the Scheduled Castes was hopeful. The following information indicates this fact.

NAME OF SERVICES	Percentage of Scheduled Castes 1976	1977-78.
IAS	8.56	9.41
IPS	8.16	8.96
IFS	6.57	10.31
ISS	2.75	3.25
Central Engineering Service (Roads Gr.A.)	4.57	4.46

The percentage of Scheduled Castes and Scheduled Tribes in the Engineering Department never exceeded 5 percent upto 1973. Almost the same is the case with categories Class I and Class II. In 1977, the percentage of Scheduled Castes in Class I was 4.16, which in the next year, rose upto 4.49 and in Class II slightly increased from 6.07 to 6.33. In the Indian Foreign Service only the position of Scheduled Caste was satisfactory. The Commissioner for Scheduled Castes and Scheduled Tribes smelled something wrong in rejecting the Scheduled Castes and Scheduled Tribes candidates on account of inadequate qualifications.

Another injustice was done to the Scheduled Castes by refusing them a promotion in the Class I category. When this question had come up, it was referred to the cabinet. Secretariat Department of personnel and Administrative Reforms. The Secretariat rejected promotion to the Scheduled Castes on the reservation basis, on the ground of maintaining efficiency in administration. The superior officers have been trusted in execute policy. The plea of the commissioner for Scheduled Castes and Scheduled Tribes was really convincing that when the reservation policy is accepted in the direct recruitment to all posts and appointments, there should not have been a bar to promoting Scheduled Castes (45) lower grade officers to higher ones within Class I.

The device of deservation was severally used against Scheduled Castes. A preventive measure against it was necessary. As such it was recommended by the Commissioner of Scheduled Castes and Scheduled Tribes that if the reserved posts were to be filled

openly, approval of the Ministry of Home Affairs was to be sought. Fortunately, the Government accepted this suggestion. Further, some recommendations were made by the Government. The recommendations are :

(a) Proposal for dereservation be sent to the Commissioner for Scheduled Castes and Scheduled Tribes and after his countenance approval be given.

(b) In such cases full details are to be submitted as early as possible.

(c) Details of purely temporary posts should also be supplied to the Commissioner for Scheduled Castes and Scheduled Tribes.

(d) Files regarding the dereserved posts should be submitted to the Liason Officers for concurrence.

(e) Dereservation should not be effected unless it is endorsed by the Commissioner for Scheduled Castes and Scheduled Tribes.

(f) Principle of Dereservation be used very cautiously especially in Class III and Class IV categories, taking the permission of the Department of personnel and Administrative Reforms. Overall picture in the States and Union Territories was that the representation of the Scheduled Castes and Scheduled Tribes in Class I and Class II was just below even 50% of the posts reserved for them. Gujrat and Rajasthan were the respectable exception. The Commissioner clearly stated that the State Government failed to extend co-operation and assis-

(47)

nce. The Commissioner for Scheduled and Scheduled

Tribes commented, there is no reason to believe that Scheduled
(48)

Castes and Scheduled Tribes persons are not adequately
educated or trained to become eligible for these services. It is
felt that sincere efforts should be made to fully utilize the
vacancies reserved in various services by the Scheduled Castes
(49)

and Scheduled Tribes. The Government of India gave instruct-
ions about the relaxation of qualifications of the Scheduled
Castes and Scheduled Tribes. In Railways, the actual percentage
for the Scheduled Castes fell short of its target. The volume of
complaints received regarding injustice to the Scheduled Castes
in this department shows that it was not adopting the proper
(50)

policy.

The seats in the army have not been reserved for Scheduled
Castes and Scheduled Tribes. The Commissioner for Scheduled Caste
and Scheduled Tribes marked it as against the letter and spirit
of the Indian Constitution. He made a comment that unless there
is compulsion that a specified number of Scheduled Castes and
Scheduled Tribes has to be recruited no improvement is expected
in the representation of Scheduled Castes and Scheduled Tribes in
near future. The position as on 1.1.78, as compared to on 1.1.77
(51)
gives a dismal picture. The following Table shows this fact.

Arm of Service.	Category	Percentage of increase/ decrease in number of persons belonging to Sch- eduled Castes as on 1.1.77 as compared to the number of persons as on 1.1.77.
ARMY	Service Officers.	- 00.58
	JODS/OOS	- 03.68
	NOCs/OR	- 02.02
	Recruits	- 18.57
	NCSE	+ 20.99
	Boys	- 91.84
NEVY	Civilian Gazetted	+ 13.33
	Service Officers	0.00
	Sailors	+ 04.50
	Civilian Gazetted	+ 42.90
AIR FORCE	Civilian non-Gazetted	+ 04.40
	Service Officers	+ 07.70
	Cadets	- 66.00
	Airmen	- 03.50
	Civilian non-Gazetted	+ 01.64

This indicates that in all the three arms of the service, there has been a fall in the number of Scheduled Castes except a few Categories of the civilian Gazetted and Civilian Non-Gazetted. In the category of Sailors there is a small increase, however, the fall in the category of Boys (Army), Cadets (Indian Air Force) is awful. As such introduction of reservation policy in Army was insisted upon.

(52)

The Government has been trying to improve the job opportunities and service conditions of the Scheduled Castes and Scheduled Tribes. Though the Government did not accept to make reservation for the Scheduled Castes and Scheduled Tribes in the deputed services it agreed to give fair representation to them. The Railways started implementing reservation in promotions. Special instruction were given by the Government to the Employment.

Exchanges to maintain register for the Scheduled Castes and Scheduled Tribes jobseekers.

On the recommendation of the Commissioner for Scheduled Castes and Scheduled Tribes the Government relaxed the upper age limit by two years. This applied to all Gazetted as well as non-Gazetted posts. The Scheduled Castes and Scheduled Tribes enjoy facility in paying the application fees. It is reduced to the extent of 25 percent. Not only that, but the Government accepted the recommendation of the Commissioner for Scheduled Castes and Scheduled Tribes for giving relaxation in the standard necessary for posts. In the departmental and competitive examinations for promotion the standard was relaxed. The reservations of posts were to be exempted in exceptional cases of highly technical type.

* Railway Services:

The situation of the Scheduled Castes in Railway employment is improving. But here also the improvement particularly in Class I and Class II was not very hopeful. For comparison the figures of Scheduled Castes employment in 1974 and 1975 are given below: (53)

C L A S S	Year 1974 in percentage Scheduled Castes.	Year 1975 in percentage Scheduled Castes.
I	4.31	4.75
II	3.91	5.00
III	8.99	9.32
IV	17.69	17.48

In the case of Scheduled Castes, the position in Class II and Class III has improved by one percent and a little more. Even in the Class IV the percentage of Scheduled Castes fell down from

17.69 to 17.48 being aware of this, The Railway Board took the following measures to remedy the situation.

(a) A special cell under two Senior Officials and two Advisors (one each from Scheduled Castes and Scheduled Tribes) to inspect intensively the roster registers for recruitment and promotion.

(b) Anomalies and discrepancies be rectified and reported by the Chief Personnel Officers.

(c) While filling the posts, every consideration should be given to the Scheduled Castes and Scheduled Tribes candidates.

(d) On the Board of promotion, suitable persons should be taken and if such persons are not available, Scheduled Castes and Scheduled Tribes persons who have retired from ministerial service or as an Officer be taken.

(e) A separate register for complaints should be maintained.

(f) Relaxation in the minimum physical standard for the posts of Rakshakas or Sub-Inspectors should be provided to the Scheduled Castes and Scheduled Tribes Candidates

The Ministry of Home Affairs considered this also, and started several pre-examination training centres. The following Table furnishes the information about the Scheduled Castes candidates who availed of the facility.

(54)

Location of Centre	Sanc- tioned Seats.	Number of Candidates trained.	Number of candidates who appeared for examination.	Number of candidates finally selected for	
				IAS	IPS
Allahabad	80	41	36	1	-
Madras	60	25	25	1	2
Patiala	50	37	32	2	4
Ran's study Circle					
Delhi	30	15	15	3	4
Jaipur	NA	41	41	-	1

The results of training centres are not quite promising because at about 16 per cent candidates succeeded in getting jobs in the IAS and IPS Cadets. The reasons for this were not found and either by the Government or by the Commissioner for Scheduled Castes and Scheduled Tribes. It might be mainly due to two reasons.

(a) The training centres might not have performed satisfactory;

(b) The Scheduled Castes and Scheduled Tribes candidates might have failed to exploit the facilities. Certain other general difficulties were also pointed out. Orissa and Madhya Pradesh were practically unrepresented. Trainees mostly came from eastern States. The Commissioner for Scheduled Castes and Scheduled Tribes suggested that the Department of Home Affairs should find out from the applications whether Scheduled Castes and Scheduled Tribes from other States have applied for training programme or not.

The low representation from Orissa, Madhya Pradesh and Gujrat was due to far distance of centres from these States. (55)

The Government attempted to increase the employability of Scheduled Castes candidates. Several coaching-cum-guidance centres were started at Delhi, Jodhpur, Kanpur and Madras. As regards the seats for apprenticeship in all States 81,355 seats were created of which 80359 were actually filled. The Scheduled Castes candidates filled 4582 (57%) seats.

With the passage of time some hopeful results are emerging. In the engineering training centre at Tiruchirapalli, out of 31 Scheduled Castes candidates undergoing training, 22 candidates appears for the examination 8 were eventually selected but they did not intimate their acceptance. The information about the position at other centres is given in the following Table. Three centres, in spite of frequent reminders, did not furnish information.

C E N T R E	Number of Candi- dates trained.	Number of SC candidates appeared.	Number of SC candidates finally selected
Allahabad	48	37	N.A.
Bangalore	111	62	N.A.
Cuttack	14	Course is continuing	Exam. not held
Delhi *	231	81	23
Ernakulam	33	33	14
Bhopal	26	22	N.A.

(* The information relates only 6 courses out of 10)

The planning commission provided Rs. 4.95 lakhs to a scheme under half a million job programme. 1100 applicants from the employment exchanges were included. After completing three phases the scheme has been continued further. Under craftsmen training scheme, Scheduled Castes candidates were given representation on the basis of their population. The percentage of

trained Scheduled Castes in the engineering trades was 12.4 while
(59)
in the non-engineering trades it was 13.1.

* ROLE OF EMPLOYMENT EXCHANGES

The role of Employment Exchanges in this context will be useful to evaluate the performance of the Government to improve the socio-economic conditions of the Scheduled Castes. The Job Employment Exchange did was not fair.

	1974	1975	1976	1977
1. No. of registrations made	579840	631574	696418	637372
2. No. of placements effected	58425	59659	76685	68973
3. Percentage of placements to registration.	10.1	9.45	11.01	10.82
4. No. of reserved vacancies notified.	36849	45593	62524	57960
5. No. of reserved vacancies filled.	19445	24703	33122	31961
6. Percentage of reserved vacancies filled	52.7	54.18	52.97	55.15
7. No. on the Live register at the end of the year.	857429	1011600	1137031	1281881

The data right from 1974 to 1977 indicate that though enough number of Scheduled Castes candidates was available their rights absorption is to the limit of 55 per cent only. The Government of India decided to appoint a committee to inquire into the causes of this plight. It was also brought to the notice of the Government that there was a huge number of Scheduled Castes people on living register. This indicates lack of co-ordination between the employment exchange and employers. Realising a need for proper co-ordination the Government appointed Employment Officers who visit place to place to collect information about the Scheduled Castes and Scheduled Tribes job seekers. The

Officers were to find suitable jobs for them. Rajasthan arranged for mobile camps to carry out the same. The following information on the visits by these officers throws light on the situation.

TERRITORY	Number of visit paid	Number of Scheduled Castes Employment seekers.
1. Bihar	17	85
2. Chandigarh	24	54
3. Gujrat	46	425
4. Himachal Pradesh	17	68
5. Karnataka	95	480
6. Kerala	20	183
7. Lakshadweep	NA	NA
8. Madhya Pradesh	136	418
9. Manipur	3	-
10. Meghalaya	5	-
11. Orissa	163	217
12. Pondicherry	6	11
13. Tamil Nadu	23	24
14. Tripura	16	5
15. Uttar Pradesh	76	2002

Public Undertakings :

Some technical formalities also remained to fulfil for instance, to apply the principle of reservation to oil and Natural Gas Commission, and amendment of parliament Act was necessary. However, in 1974 and 1975 the progress in employing Scheduled Castes and Scheduled Tribes candidates in public sector was not satisfactory. In 120 enterprises out of 124 the information of employed Scheduled Castes and Scheduled Tribes was available. It is given below.

Category of Classes.	Total employers	Representation of Scheduled Castes	Percentage of Representation
I	62,121	894	1.44 (1.19)
II	55,182	1,667	3.02 (2.96)
III	7,61,217	1,04,538	13.73 (13.18)
IV	4,52,259	1,19,043	52.29 (26.20)

(In the column of percentage, the figures in the brackets indicate the percentage corresponding to the previous year 1974). It is clear from the above table that the progress is unsatisfactory, particularly in Class I and Class II categories.

The position in the nationalised Banks was not satisfactory in 1974-75. In 11 institutions out of 13, the percentage of the employment of the Scheduled Castes in the Officers grade was less than 1 per cent. The information given below shows this.

* Percentage of Scheduled Castes in Nationalised Banks

Name of the Bank	Officers	Clerks	Subordinate Staff.
1. Central Bank of India	0.15	1.68	9.21
2. Bank of India	1.62	6.08	15.39
3. Punjab National Bank	0.35	5.45	19.56
4. Bank of Baroda	0.22	4.71	9.65
5. United Commercial Bank	0.84	2.03	7.12
6. Canara Bank	0.19	4.37	9.78
7. United Bank of India	0.64	2.27	7.30
8. Dena Bank	0.08	7.67	4.43
9. Syndicate Bank	0.13	4.47	19.06
10. Union Bank of India	0.76	4.17	12.24
11. Allahabad Bank	1.05	2.54	14.79
12. Indian Bank	1.76	10.45	13.27
13. Bank of Maharashtra	0.15	1.39	4.81
14. Reserve Bank Of India	1.03	8.31	15.84
15. Indian Overseas Bank	1.15	7.32	20.94
16. Indian Financial Corporation	2.00	4.04	22.13
17. State Bank of India	0.43	3.55	18.88

The figures given in the Table made the Commission for Scheduled Castes and Scheduled Tribes say. "It is, therefore, desirable that all Banks may be advised to make special efforts to identify the short falls in various categories and try to clear the same latest by the year 1977".

(61)

* Percentage of Scheduled Castes in various categories

Banking Category	Officers	Clerks	Subordinate Category.
14 Nationalised Banks	1.01	5.92	14.29
Reserve Bank	1.12	9.39	17.33
State Bank of India	0.57	4.47	18.75

As compared to the figures of 1974, there seems to be no notable improvement in the employment of Scheduled Castes in Banking. When the Finance Minister was discussing the Banking Service Commission (Repeal) Bill, 1977, he announced the abolition of the centralised commission for recruitment in all the Banks and establishing region boards. The year 1978 witnessed an improvement in the employment of the Scheduled Castes candidates. The position of Scheduled Castes and Scheduled Tribes together is given in the Table.

* The position of Scheduled Castes and Scheduled Tribes together is given in the Table

Name of Bank	Officers		Clerks		Subordinate Staff	
	Total	SC/ST %	Total	SC/ST %	Total	SC/ST %
1. Reserve Bank of India	4,769	90-1.88	16,119	2174-13.49	4761	1462-21.82
2. State Bank of India & its subsidiaries.	31,210	324-1.36	82,214	8518-10.36	43762	9433-21.56
3. Nationalised	56,229	1016-1.80	1,32,036	15566-11.79	59006	11696-19.82

* University Teaching :

The teaching profession in India has been a prestigious profession, as such it was indeed very necessary for building confidence among the backward people - to take them up in the

teaching line. The University Grants Commission of India strongly recommended that seats in the institutions and particularly in the institutions of higher learning should be reserved for them. It was also an overdue demand made by the commission for (63) Scheduled Castes and Scheduled Tribes. It was made obligatory that these educational institutions run by the Government should follow the reservation policy. On 14-15 July, 1975, the U.G.C. agreed in principle to give effect to reservation, and the decision was communicated to all the Universities and Colleges. A Warning was to be given that the Universities or the Colleges that fail to make the prescribed appointment would not be given grants. However, this warning was not consistent with the University Act, and the warning of withholding grants would fall outside the orbit of University Act. The promise that the U.G.C. would try to make the Colleges and Universities fall in line with Government Policy was an empty one. No adequate number of posts like Professor, Readers and Lecturers went in favour of Scheduled Castes and Scheduled Tribes. It was expected that the Teachers belonging to the Scheduled Castes and Scheduled Tribes would be in better position to let the students know the hardships the economically weak sections have to face and this would help create a society fused with a sense of mutual understanding. Till the preparation of the report for Scheduled Castes and Scheduled Tribes for 1977-1978, no provision for reservation was made.

When the pressure of the demand for reservation in University teaching increased, the Universities were advised to

modified the rules of making appointments. The Education Ministry was urged to bring the Universities either on the pattern followed by the Centran Government or by the State Government. Out of some 63 States Universities, 49 complied to followed the (64) guidelines.

Also the Government is facing the constitutional challenges, modifying the details of policy, displeasing some interests and inviting misance which is putting more stress and strain on its capability to maintain law and order. The outcome of any public policy is conditioned by the goodness or badness of its executors. The factor of the political personality of the people should also be considered in this analysis. The people have become reactionary to the policy of reservation when they are passive to so many other economic problems actually existing. They are not moved by rising prices, rampart corruption, rioting, exploitation at the hands of so many groups, but even a layman in countryside is annoyed by the reservation policy. (65)

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2. Report of Commissioner for SCs and STs, 1978-79, part - II, pp.23-25.
3. As in the case of combat forces in defence services, Universities, Judicial Services, etc.
4. In 1974 as many as 1235 vacancies were dereserved in the Central Services alone (Report of the Commissioner for SCs and STs, 1975-76 & 1976-77, part I, p.50).
5. Cited in Second Report of the Commission for SCs and STs., 1979-80, p.146.

6. First Report of the Commission for SCs and STs, p.145.
7. Report of the Commissioner for STs and SCs, Part - II, 1978-79, p.11.
8. Baljit Singh and Sridhar Misra : A Study of Land Reforms in Uttar Pradesh, Honolulu, East-West Press, 1965, p.123-31.
9. Report of the Commissioner for SCs and STs, 1974-75, p.146.
10. National Sample Survey, 26th Round, 1971-72.
11. Official estimates as reported to the Union Ministry of Rural Reconstruction.
12. India : A reference Annual, 1968, p.221.
13. Report of the Commissioner for SCs and STs, 1977-78, Part - I, p.90.
14. As per a Union Home Ministry Survey, covering 12 States and Union Territories for the period 1974-76, about 26% of the cases of violence on SCs were on account of economic factors relating to land disputes (cited in Report of Commissioner for SCs and STs, 1977-78, Part - I, p.90).
15. Second Report of the Commission on SCs and STs, 1979-80, p.81.
16. The Minimum Wages Act was not extended to the State of Sikkim while wage rates have not been fixed Jammu and Kashmir, Arunachal Pradesh and Mizoram (Report of Commissioner for SCs and STs, 1978-79, Part-II, p.128).
17. Second Report of the Commission for SCs and STs, 1979-80, p.84.
18. Cited in the Second Report of the Commission for SCs and STs, 1979-80, p.65.
19. Ibid.
20. First Report, 1978-79, p.34.
21. A larger part of spending of SCs education was consumed by schemes like post-matric Scholarship, construction and maintenance of College Hostels, Scholarship for education abroad etc.

22. Dop Om No.36012/31/90-Estt.(SCT), dt. 13-08-90. MF (DR) F.No. 12/113/90-Coord, dt. 04-09-90 (Cir. 173/90).
23. Wadha Kamalesh Kumar : Minority Safeguards in India (Delhi) Thomson Press India (Ltd.) Publication Division 1975, p.48.
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25. CAD,Vol. VII, p.701.
26. Jennings Ivor, Law of Constitution, University of London, 1938, p.49.
27. The State of Madras Vs.Champkam Dorairajan Venkata Ramana VS. the State of Madras.
28. Deep D.Ambedkar, Life and Mission (Popular Prakashan, Bombay, 2nd Edition. p.412.).
29. Speech at the Indian Depressed Class Congress at Pune, August, 1930.
30. Report of the Backward Classes Commissioner, Vol. I, p.VIII.
31. Ibid., p.55.
32. Op.cit., p.57.
33. Sadha n. 8, p.115.
34. Delimitation of Parliamentary of Assembly Consituencies Order, 1976.
35. Reports of the Commissioner for Scheduled Castes and Scheduled Tribes 1978-79, p.35.
36. 25th Report of the Commissioner for Scheduled Castes and Scheduled Tribes (Part I) p.10-11.
37. Report of Commissioner for Scheduled Castes and Scheduled Tribes 1975-76 and 1976-77 (Part-I), p.21.
38. Report of Commissioner for Scheduled Castes and Scheduled Tribes 1975-76 and 1976-77 (Part-I), p.21.
39. Ibid., p.22.

40. The States were Assam, Bihar, Himachal Pradesh, Jammu and Kashmir, M.P., U.P., Delhi, West Bengal, Punjab, Rajasthan.
41. Report of the Commissioner for Scheduled Castes and Scheduled Tribes, 1978-79, No.9, p.22.
42. Commissioner's report for Scheduled Castes and Scheduled Tribes, 1978-79, p.35.
43. Twenty third Report of the Commissioner for Scheduled Castes and Scheduled Tribes (1975-76), p.81.
44. Ibid., p.82.
45. This was also made clear in General Manager Southern Railway VS K,Rangachari that reservation Policy was valid in making all appointments.
46. Twenty-sixth Report of the Commissioner for Scheduled Castes and Scheduled Tribes (1978-79), p.55.
47. Twenty-fifty Report of the Commissioner for Scheduled Castes and Scheduled Tribes, p.41.
48. Twenty-sixty Report of the Commissioner for Scheduled Castes and Scheduled Tribes, p.22.
49. Twenty-fourth Report of the Commissioner for Scheduled Castes and Scheduled Tribes, p.44.
50. Twenty-fifty Report of the Commissioner for Scheduled Castes and Scheduled Tribes, p.23.
51. Ibid. p.23.
52. Twenty-sixty Report of the Commissioner for Scheduled Castes and Scheduled Tribes, p.54.
53. Twenty-third Report of the Commissioner, p.100.
54. Twenty-third Report of the Commissioner for Scheduled Castes and Scheduled Tribes, p.89.
55. Twenty-fourth Report of the Commissioner for Scheduled Castes and Scheduled Tribes, p.53.
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 64. Twenty-sixty Report of the Commissioner for Scheduled Castes and Scheduled Tribes, p.61
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