

Maharashtra  
Committee on Reservation  
for Backward Classes  
in the Services

Report.

Chairman: B.D. Deshmukh.



GOVERNMENT OF MAHARASHTRA

**REPORT**  
**OF THE COMMITTEE**  
**ON RESERVATION FOR BACKWARD**  
**CLASSES IN THE SERVICES**  
**MAHARASHTRA STATE**

GENERAL ADMINISTRATION DEPARTMENT

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# REPORT OF THE COMMITTEE ON RESERVATION FOR BACKWARD CLASSES IN THE SERVICES

## CHAPTER I

### PRELIMINARY

The Government of Maharashtra in Government Resolution, General Administration Department, No. BCC. 1061-J, dated 3rd Agrahayana, 1883, corresponding to 24th November 1961, appointed this Committee consequent on a resolution moved by Shri A. G. Pawar in the Legislative Assembly on 17th August 1961. Speaking on the resolution and indicating the views of the Government with regard to the questions discussed on the floor of the House, the Chief Minister, Shri Y. B. Chavan, stated as follows :—

“The principle behind this Resolution is acceptable to me and it is necessary to enquire into this question. The implementation of this principle has to be considered in terms of its working during the past 10/12 years and adequate deliberation and thought must be given to this question. Information available to me indicates that suitable candidates are not available. The reasons for this will have to be found out. While I acknowledge the fact that according to the Constitution, the Backward Classes should have employment reservations and that the prescribed percentage has not been attained, I must make it clear side by side that the judgment of the Supreme Court, according to me, is permissive in nature.

“The Supreme Court had examined the provisions of Article 16 and said we are disposed to take the view that the power of reservation which is conferred on the State under Article 16(4) can be exercised by the State in a proper case not only by providing for reservation in appointments but also by providing for reservation in selection posts. It clearly justifies reservations at the recruitment stage and if the percentage is not reached, it is necessary to consider as to how it should be improved upon. It is, however, doubtful how far efficiency in administration should be maintained if the principle of reservation is applied to promotions.

“I must, therefore, make it clear as to what we accept and what we cannot accept. The principle of providing reservations at the time of recruitment is accepted and must be implemented. If not, steps should be taken to remove bottlenecks in this regard after making due enquiries. But I wish to make it clear that the question of applying the principle of reservations in respect of promotions is not acceptable.”

Resolution No. 159 moved by Shri A. G. Pawar reads as follows :—

“Whereas the percentage fixed for the recruitment of Scheduled Castes, Scheduled Tribes, Buddhists and Other Backward Classes, various posts under Government is neither adequate nor being properly implemented, this Assembly recommends to Government to appoint a committee consisting of the members of the Legislative Assembly and representatives of the aforesaid communities with the following terms of reference :—

(1) to examine whether the percentage is being properly implemented in all cadres. If not, to suggest ways and means for its implementation and

(2) to examine whether this percentage is adequate. If not, to revise the same.

In view of the assurance that a Committee would be appointed to enquire into this question, the resolution was withdrawn by the mover.

The terms of reference of the Committee (Appendix A) were :—

(i) to examine the existing measures taken by the State to ensure satisfactory recruitment of the Backward Classes to the public services of the State, the extent to which they have achieved the object in view and the factors retarding their smooth implementation ;

(ii) whether and to what extent the system of recruitment to the public services from the Backward Classes as carried on in the State is calculated to ensure a fair representation of the Backward Classes in these services and the difficulties under which the Backward Classes labour in the matter of availing of the various concessions and facilities extended to them by the State for entry into the public services ;

(iii) to make recommendations on the steps that should be taken by the State to improve the said system and to remove the said difficulties with due regard to considerations of efficiency and merit and, in particular, to make recommendations on the following matters :—

(a) whether the existing percentages of reservations for the Backward Classes should be modified and if so to what extent ;

(b) whether there should be separate reservations of vacancies in the different categories of the Backward Classes ;

(c) whether for the purpose of reservations of vacancies, the classification of the other Backward Classes should be on the basis of income or on the basis of caste and under what category of the Backward Classes, should, communities like Nav Buddhas, Denotified Tribes, Nomadic and Semi-Nomadic Tribes, be classified ;

(d) whether any special machinery on the analogy of employment exchanges should be devised for ensuring the representation of the Backward Classes in the public services to the maximum extent possible; and

(e) whether and if so, what steps should be taken to guide Backward Class students to take a career where employment potentialities are relatively greater and more remunerative.

The following are the members of the Committee :—

- |  |     |     |                   |
|--|-----|-----|-------------------|
| 1. Shri B. D. Deshmukh   | ... | ... | <i>Chairman.</i>  |
| 2. Shri R. D. Bhandare, M.L.A.   | ... | ... | Member.           |
| 3. Shri R. D. Pawar, M.L.A.  | ... | ... | Member.           |
| 4. Shri Kirtimantrao Bhujangrao, M.L.A.  | ... | ... | Member.           |
| 5. Shri D. S. Pawar  | ... | ... | Member.           |
| 6. Shri M. V. Deo, Additional Secretary, Co-operation and Rural Development Department | ... | ... | Member.           |
| 7. Director of Social Welfare, Maharashtra State, Poona                                | ... | ... | Member-Secretary. |

Shri M. V. Deo resigned from the Committee on 29th June 1963 and Smt. Malati Tambay-Vaidya, Deputy Secretary to Government, Education and Social Welfare Department, was appointed in his place from 29th June 1963.

The Committee held 23 meetings and, in the first instance, obtained from the various Departments of Government of Maharashtra as well as other State Governments information relating to policy, principles, practice and procedure concerning the recruitment of Backward Classes to Government service. Further, the Committee also sought to obtain from various Departments and offices of the Government of Maharashtra statistical details of the actual position with regard to the number of Backward Class candidates in services on an year to year basis from 1950 onwards. The Committee also held discussions with the Director of Public Health, Director of Agriculture, Director of Education, Registrar of Co-operative Societies and Chief Conservator of Forests and their representatives on the problems before the Committee. Thereafter, a questionnaire (Appendix 'B') was issued to officials and non-officials. Out of a total of 1,167 issued, 364 were to officials and 803 to non-officials. Replies were received from 463 officials and 50 non-officials. This discrepancy as to the total number from officials arises out of the fact that some of the recipients circulated the questionnaire to their subordinate offices who returned the answers directly to the Committee.

## CHAPTER II

### BACKDROP

The problem of the depressed classes, it has been stated by the (State) Committee, appointed by the then Government of Bombay to report on the Depressed Classes and Aboriginal Tribes in the Bombay Presidency, as something arising "largely from the peculiar position they are made to occupy amongst the people..... It is not easy to define exactly the position of this large body of people. Notwithstanding the fact that it has the culture of the Hindu community, notwithstanding the fact that it observes the religious rites prevalent in the Hindu community and recognizes the sacred as well as the secular laws of the Hindus, and celebrates the Hindu festivities, yet as a mere touch of the Depressed Classes is held to cause pollution; they were obliged to live in a state of isolation from the rest of the community."

That Committee further pointed out that 'these classes' labour under many disabilities in seeking employment in Government services. It is not only the question of lack of education which stands in their way but also the general prejudice against them. Its view with regard to the treatment of Depressed Classes by Government offices is of historic interest. It was then said "There has been a great improvement in the treatment of the Depressed Classes by Government officers in recent years and complaints that they are kept outside of law Courts or katcheris are now rare. The refusal to hand any paper to or receive it from a member of the Depressed Classes is still fairly common in Government and semi-Government offices. We consider that the time has come for Government to enforce the principle of polite treatment by its officials of all communities and to say that the refusal to take a paper from the hand of a person or to throw it on the ground rather than hand it to him is not polite treatment and will be punished. We believe that the addition of a section to the Government Servants Conduct Rules to the effect that 'a Government officer is not permitted to refuse to take a paper from the hands of a person or to hand it to him on the ground that he belongs to a Depressed Class' would be very helpful and result in a great improvement in the treatment of Depressed Classes in public offices. We consider that unless a person is prepared to do this he should not enter public service."

The search for information with regard to the problem of recruitment to services by this Committee has produced a plethora of facts and statistics which undoubtedly indicate the good intentions and bonafides of Government in this and other States. However, information as regards the extent to which these intentions have been implemented has been either inadequate or not very satisfactory. There would also appear to be a certain amount of



unintentional confusion inasmuch as there has not been a correct appreciation and appraisal of the practice and procedure that is so necessary to implement policies and principles.

The Committee thought it best to classify this information in three broad sections. Firstly, the practice and procedure as laid down by the Government of India in the Ministry of Home Affairs. Secondly, available information concerning the practice and procedure prevailing in other States of India and thirdly the practice and procedure prevailing in the State of Maharashtra.

The subject of reservation in services for Scheduled Castes and Scheduled Tribes under the Government of India is described in a brochure issued on 7th Vaisakha 1884 corresponding to 27th April 1962. Details of these are given in Appendix "C".

The instructions and directions given by the Ministry of Home Affairs are so detailed and complete that it is difficult to understand why the fulfilment of the intentions has lagged so far behind.

According to information received from the various States the general principles underlined in the Home Ministry's brochure have more or less been prescribed with regard to the services in some States. Further in certain States, the reservations in recruitment are based on the figures of population of Scheduled Castes and Scheduled Tribes. Available State-wise details in this respect are given in Appendix "D" series.

The following is a brief summary of the relevant resolutions and circulars issued by the Government :—

#### **Backward communities**

Government published a revised list showing the communities which are to be treated as backward for the purpose of recruitment to services (Government Resolution, Political and Services Department, No. 490/46, dated 1st November 1950).

Other Backward Classes from Marathwada are not entitled to any concessions in the matter of recruitment to Government services (Letter, P. & S. Department, No. BAC-1158/3348/396, dated nil).

#### **Reservation of vacancies**

Percentage of vacancies occurring in various services has been fixed as follows (Government Resolution, Political and Services Department,

No. 490/46, dated 1st November 1950 and G. R., P. & S. D., No. 490/46, dated 24th January 1953) :—

Name of service	Percentage
1. All State services and posts	12 per cent.
2. Class III services—	
(1) Scheduled Castes	6 per cent.
(2) Scheduled Tribes	7 per cent.
(3) Other Backward Communities	9 per cent.
3. Class IV services—	
(1) Scheduled Castes	7 per cent.
(2) Scheduled Tribes	9 per cent.
(3) Other Backward Communities	11 per cent.

The appointing authorities should calculate the vacancies in each category and allocate them suitably to these categories.

The above percentages represent the minimum number of vacancies to be filled in. It is open to the appointing authorities to recruit in excess of these percentages if they are otherwise suitable.

All appointing authorities should earmark the first available vacancy for members of the Backward Classes. If qualified candidates are not available, the vacancies should not be treated as unreserved to them to be filled in from other qualified candidates and when more vacancies are advertised, the vacancies remained unfilled previously should be taken into account for determining the number of vacancies to be reserved for the members of Backward Classes and equal number of vacancies should be made available to them on the next occasion (G.C., P. & S.D., No. 490/46, dated 16th May 1951 and G.L., P. & S.D., No. 490/46-D, dated 9th January 1951).

The number of vacancies to be reserved for the Backward Classes should be calculated and should specifically be mentioned at the time of advertisement. A particular officer should be held responsible for the recruitment to vacancies for ministerial posts in Government Departments and offices in Greater Bombay reserved for the Backward Classes should be dissociated from the ordinary recruitment under the scheme of competitive examination and recruitment to reserved posts should be on the basis of academic qualifications and interview without any written test. (G.C., P. & S.D., No. BAC, dated the 29th March 1954.)

All departments in Greater Bombay should communicate their requirements to the General Administration Department who in turn should communicate the consolidated requirements of new recruits in Greater Bombay

to the Commission. All departments in Greater Bombay should communicate their requirements to the General Administration Department. If the General Administration Department is unable to depute candidates, concerned departments may recruit qualified candidates from the Backward Classes on conditions that they will apply to the Maharashtra Public Service Commission when posts are advertised and take their chance with other candidates. (G.R., P. & S.D., No. Exm. 1154/D, dated 23rd August 1954.)

Non-Backward Class candidates appointed against reserved vacancies (before 23rd August 1954) for want of candidates belonging to Backward Classes should be given to understand that their appointments are purely temporary and are liable to discharge without notice when Backward Class candidates become available. Unless the prescribed percentage is reached, backward class candidates appointed without selection should not be discharged except by appointments of selected Backward Class candidates. With a view to achieving the minimum percentage, all appointing authorities should (a) calculate the number of vacancies existing on 1st November 1950 and vacancies created thereafter. They need not wait till sufficient vacancies arise but all available vacancies should be earmarked for the Backward Classes as and when they arise, till the quota is filled, (b) if vacancies reserved for a particular category are not filled in, they may be filled in by members of other categories and if candidates from other categories are also not available they should be filled in by members of non-Backward Classes. Vacancies should, however, be carried forward and added to the vacancies reserved for the particular category on the next occasion when vacancies are advertised, (c) whenever recruitment is undertaken, reserved posts should be determined and invariably mentioned in the advertisements. (d) If adequate number of candidates belonging to Backward Classes are not available and if the general standard of selection is strictly enforced, standard of selection should be lowered in favour of number of Backward Classes and candidates who are generally considered suitable and conform to the minimum standard for appointment may be selected. Such candidates should be given to understand that their appointment is on trial basis and they would not be confirmed unless they are found suitable and come up to the required standard. (e) Arrangements at (b) should be tried for one year and results communicated to the General Administration Department at the end of the year. (G.C., P. & S.D., No. ASC-1158-J, dated 26th May 1958, and G.C., P. & S.D., No. BAC-1055, dated 5th March 1955.)

Government departments should also exhort the local bodies and other institutions in receipt of grant-in-aid from Government to see that the above orders of the vacancies should be scrupulously followed (L.S.G. & P.H.D., No. ALB-1054, dated 22nd July 1955, and ALB/1954, dated 6th April 1954, G.C., R. H. & B. C., No. RBC-1055-F, dated 18th May 1956).

All appointing authorities should obtain names of suitable Backward Class candidates from the following sources :—

For Class III services ... Director of Social Welfare, Maharashtra State, Poona.

For Class III and IV Social Welfare Officers, Employee services. Exchanges/direct recruit.

(G.C., P. & S.D., No. 4900/46, dated 9th May 1958, G.C., P & S.D., No. BAC 1157/10909-J, dated 30th March 1950.)

Other things being equal, preference should be given to candidates obtained from the above sources. Appointing authorities should not offer appointments to direct applicants, unless efforts have been made to secure candidates as specified (G.C., P. & S.D., No. BAC-1157/10909-J, dated 30th March 1959.)

Appointing authorities to whom lists are forwarded by the Social Welfare officers should communicate on each occasion whether the candidates have been selected and appointed or not (G.C., P. & S.D., No. BAC-1158 76074-J, dated 18th November 1958.)

All appointing authorities should make special efforts to recruit candidates from the above sources till the minimum percentages reserved for Backward Classes are attained (G.C., P. & S.D., No. BAC. 1159/J, dated 5th October 1959).

Sweepers should not be included against the vacancies reserved for Scheduled Castes and in Class IV services (G.C., P. & S.D., No. BAC. 1158/J, dated 27th June 1958).

Return should be submitted to the General Administration Department by the end of January and July every year of all cases of supersession of Backward Class candidates. (G.R., G.A.D., No. BAC-1057/J, dated 7th January 1961.)

When retrenchment is to be effected, backward class candidates in service should not be retrenched though they may be liable according to seniority provided their strength in the cadre has not reached the maximum prescribed percentage of reservation. In their places, an equal number of non backward classes should be retrenched subject to the proviso that between a permanent and temporary Government servant, the temporary Government servant should be retrenched irrespective of the fact that he belongs to backward class.

At the time of retrenchment, the aggregate number of posts to be reserved for all the three sections of Backward Classes should be taken into account. (G.R., P. & S.D., No. BAC-1055-J, dated 15th April 1955.)

### **Forwarding of applications**

In the case of employees belonging to the Backward Classes, every facility should be afforded to them to improve their prospects and as such the discretion given to the appointing authorities for forwarding applications to other departments should be used as far as possible in favour of the employees and withholding their applications should be an exception rather than the rule, and their applications should normally be forwarded except on compelling grounds of public interest. All backward class employees whose applications are forwarded should be given to understand that they will have to resign their appointments under the Government before they accept a new appointment (G.C., P. & S.D., No. SRV. 2251, dated February 1953)

### **General Instructions**

Backward Class candidates who possess academic or technical qualifications for posts higher than the ones in which they are employed should be permitted to register at the Employment Exchange irrespective of the fact whether they are permanent or temporary (G.C., P. & S.D., No. MIS-1059-J, dated 26th June 1959).

Half the prescribed fee for applications for posts under Government should be charged to backward classes (G.R., P. & S.D., No. BAC. 1160-J, dated 26th October 1960).

### **Returns to be submitted to Government**

All heads of departments and heads of offices should submit returns about recruitment of Backward Class persons to all services in the prescribed forms, through the Director of Social Welfare who should consolidate these returns and forward them to General Administration Department with his observations. (G.C., P. & S.D., No. BAC-1158/8834-J, dated 13th May 1958).

### **Concessions in regard to educational qualifications and age for purposes of recruitment to Government service**

Secretariat Departments may consider the feasibility of lowering or relaxing minimum qualifications prescribed for posts advertised through the Maharashtra Public Service Commission in consultation with the Commission wherever candidates belonging to Backward Classes for the reserved posts are not available. (G.C., P. & S.D., No. PSC-1059-D, dated 2nd November 1959).

Qualifications which are not prescribed as essential should not, therefore, be insisted upon in the case of the Backward Class candidates. Whenever clerical vacancies are reported, it should be clearly indicated whether

typing is an essential qualification and whether the post requires clerk-typist, typist or stenographer (G.C., P. & S.D., No. BAC. 1154, dated 19th February 1954.).

### **Relaxation of age limit**

The maximum age limit prescribed for appointment to Class III and IV services should be relaxable by five years in case of Backward Class candidates. (G.R., P. & S.D., No. 490/46, dated August 1952).

The above concessions should also be extended to posts in State Services for which the maximum age limit prescribed is 40 years or less. In respect of other posts where maximum age limit prescribed exceeds 40 years, the relaxation in favour of Backward Class candidates by 3 years or to the extent that their age falls short of 45 years, whichever is more liberal should be conceded, (G.C., P. & S.D., No. BAC. 1955, dated 31st October 1955).

In this connection, the views expressed by the study Group on Social Welfare with regard to the Third Five-Year Plan is of interest. The study Group stated :—

“The Group would also like to make an important suggestion for achieving the objectives of reaching percentages of reservation. It may appear to be a suggestion for more staff but it is not really so, and in our opinion it is an integral part of the scheme itself. The suggestion is to have a Liaison Officer for each division of the State. As at present, the Directorates of Social Welfare and its District Officers seemingly act as Employment Exchanges to secure employment for Backward Classes. Candidates register their names at these offices and these officers in turn send these names on to notifying employers on requisition. There has been no attempt, however, to screen candidates to fix up their qualitative categories or to actively help individuals or groups to secure employment in various public or private services.

“The Education Department have Vocational Guidance Officers posted to each Division, and it is expected that they would be giving vocational and other guidance to candidates in general. Whether the Vocational Guidance Officers will be able to meet the special requirements of the Scheduled Castes and Scheduled Tribe candidates is a matter of experience and is also uncertain. It will be noticed that since Scheduled Castes and Scheduled Tribes would have reservation in posts and educational institutions reserved for them, it becomes necessary to make a special drive to divert the different candidates to appropriate channels in the field of employment or education. The Group, therefore, feels that there is an absolute necessity to have departmental Liaison Officers for this purpose. It is expected that these Liaison Officers would keep contact with the Vocational Guidance Officers and organise a system through the Social

Welfare Officers so that scheduled caste and scheduled tribe candidates at various stages of their education would be given guidance in the matter of their course of studies and placement. These officers would also keep continuous contacts with all types of employers whether Government or private and shall actively make efforts to get these people employed from amongst the list that they maintain in a carefully selected manner.

The Committee also received replies from the various Departments and offices of Government seeking to explain the respective practice and procedure. Some of these which are of relevant interest are reproduced in Appendix 'E' series. Where information has been sketchy or appears to be more or less in line with the details shown in Appendix 'E' series these have not been reproduced.

### CHAPTER III

#### THE PROBLEMS

In the foregoing sections, the Committee has sought to briefly indicate the various decisions and principles on the part of Government authorities towards the constitutional responsibilities on behalf of the Backward Classes. It is indeed a massive maze. Resolutions have been resolved; circulars have been circularised; directives have been directed and orders ordered. As to what action has been taken and what has been achieved, there is precious little awareness or tangible results. Everything seems to have been shrouded in the vertical and horizontal devolution of responsibility for reservation in the services in the absence of any adequate control and enforcement over these entrusted with this ultimate responsibility.

To verify whatever results that have been achieved on the basis of the various decisions and orders of the Government of Maharashtra and its predecessors, the Committee addressed 164 departments and offices all over the State. After repeated reminders and requests, replies giving statistical details were received from 108. The remaining 56 remained impervious even to directives from the General Administration Department—Year-wise statistical data of recruitment since 1950 as received from these officers are given below :—

Year	Total posts	Scheduled Castes	Scheduled Tribes	Other Backward Classes	Total
1	2	3	4	5	6
<b>CLASS I</b>					
1950	205	1	...	3	4
1951	222	...	1	3	4
1952	332	2	...	3	5
1953	310	3	..	3	6
1954	326	3	..	2	5

Year 1	Total posts 2	Schedule Castos 3	Scheduled Tribes 4	Other Back- ward Classes 5	Total 6
1955	351	6	...	2	8
1956	520	4	...	5	9
1957	836	10	...	5	15
1958	888	8	...	6	14
1959	940	10	1	6	17
1960	1,042	11	...	4	15
1961	1,084	16	1	15	32
1962	1,149	24	2	15	41
CLASS II					
1950	599	14	1	4	19
1951	703	14	2	2	18
1952	1,157	11	3	16	30
1953	1,085	15	...	2	17
1954	1,165	18	3	8	29
1955	1,144	19	...	2	21
1956	2,035	25	3	10	38
1957	2,834	29	5	17	51
1958	3,083	31	4	28	63
1959	3,579	46	6	23	75
1960	2,374	39	4	35	78
1961	3,237	50	8	69	136
1962	2,148	40	5	23	68
CLASS III					
1950	53,419	2,344	647	724	3,715
1951	46,017	2,151	669	1,151	3,971
1952	66,292	2,373	659	1,105	4,137
1953	70,259	2,982	685	1,195	4,862
1954	69,957	3,362	855	939	5,156
1955	78,290	3,914	971	1,413	6,298
1956	83,992	4,275	1,204	1,927	7,406
1957	1,29,436	5,841	1,554	3,570	10,965
1958	1,42,273	6,694	1,759	4,578	13,031
1959	1,42,404	7,727	1,782	5,636	15,145
1960	1,16,880	7,289	1,666	4,429	13,384
1961	2,11,884	10,793	1,094	19,584	31,471
1962	74,258	9,962	2,336	7,311	19,609
CLASS IV					
1950	7,817	1,224	95	232	1,551
1951	9,963	1,285	148	333	1,766
1952	13,878	1,316	198	3,329	1,843
1953	15,850	2,022	196	361	2,579
1954	15,669	2,194	194	396	2,784
1955	17,844	2,604	297	460	3,361
1956	20,475	2,616	401	1,014	4,031
1957	30,091	3,286	535	1,453	5,274
1958	32,047	3,898	652	2,049	6,599
1959	36,004	4,279	687	2,064	7,030
1960	25,066	3,801	547	1,699	6,047
1961	35,144	6,164	1,062	2,775	10,001
1962	31,926	6,743	948	3,079	10,770



Figures for 1961 and 1962 are however from the information available with the Directorate of Social Welfare which as usual is incomplete in the absence of response from some of the appointing authorities.

There is an obvious lack of correlation between these figures over the years due to the changes arising from the linguistic re-drawing of maps. Consequently, it would not be quite appropriate to effect any comparisons between the years and draw any conclusions as to whether there has been any improvement or deterioration in the progressive overall situation. Further, it has not been possible to check and verify the accuracy of these figures. Even so, these figures do indicate that while recruitment of Backward Class candidates to Class I and II posts appears to be deplorably low, that of Class III is not unsatisfactory while in Class IV, it is more than satisfactory. Comparatively, however, the position of the Scheduled Tribes particularly in Class I, II and IV is perhaps not too satisfactory.

Thereafter, the Committee drew up a questionnaire and circulated it to the concerned officers and non-officials. Out of 364 Heads of Offices and Departments thus approached, replies were received from 463, including these subordinate officers to whom some recipients had distributed copies of the questionnaire.

The following is a brief analysis of the answers to certain points included in the questionnaire :—

	<i>Yes</i>	<i>No.</i>	<i>Not replied</i>
Are all Backward Class candidates satisfying the minimum required qualifications called for interview ?	387	55	71
Do all Backward Class candidates generally come for interview when called for ?	307	114	92
Do you, when recruiting to these four classes take into account the percentage of Backward Classes already in service in the different scales and cadres that may exist in each class ?	198	41	274
Does your Department/Office entertain Backward Classes for unreserved posts also ?	338	81	94
Does your department maintain up-to-date statistical and other details regarding Backward Class recruitment in order to watch progress in this respect and ensure that shortfalls are avoided ?	299	102	112

	<i>Yes</i>	<i>No.</i>	<i>Not replied.</i>
Could the recruitment of Backward Classes to the public services (non-gazetted) be better ensured if there are suitable representatives of the Backward Classes on selection Boards and Committees?	236	188	89
Is it necessary to have any special machinery :—	187	257	69
(a) similar to the employment exchanges for registration of Backward Class candidates.			
(b) to watch the implementation of Government orders and ensure the enforcement of the same.			
Do you feel that reservation for Backward Classes in vacancies to be filled by promotion would help to make up the existing deficiencies in the Backward Class representation?	194	248	71
Do you consider that the present percentage of recruitment as prescribed to the public services for different categories of the Backward Class is adequate to ensure a fair representation for these categories?	381	77	55
Should the classification of other Backward Classes for purposes of reservation be on the basis of income or on the basis of caste?	264	142	107

Details of the answers reveal that the Employment Exchange is the invariable source of supply, while candidates from the Social Welfare Offices are rarely called for and that, in many cases, in defence to prescribed formalities. It must also be admitted that the Social Welfare Offices have not proved to be an adequate source for qualified candidates. Many are unaware of this facility and prefer registration with the exchanges and consequently, very often the Social Welfare Office is unable to submit suitable applicants. This situation is partly due to the fact that adequate recognition is not given to the Social Welfare Officers by the concerned authorities. Further the Social Welfare Officer is saddled with far too many responsibilities with little qualified and specialised assistance at his

disposal. It would not, therefore, be quite fair to assail the frank replies from some of the recruiting authorities that no references had been made to this source prescribed by Government.

It was also noticed by the Committee that registration of Backward Class candidates with the Social Welfare Department is not accepted as a source for recruitment to any of the Central services. Since there is greater scope for employment in Central services, it is necessary that steps should be taken to co-ordinate such registration as may be with the Social Welfare Department with the Employment Exchange to ensure that Backward Class candidates are not over-looked.

Generally speaking, there exists no thoughtful awareness of the intentions and purpose of Government in reserving posts for the Backward Classes and consequently, the obvious and immediate reasons for the unavailability of suitable candidates are accepted as a matter of course. This state of affairs could have been remedied to some extent if there had been adequate and firm control over and guidance to those to whom powers of recruitment have been delegated. The picture that arises is, therefore, an apparent one of stolid apathy, lack of sympathy, understanding and flexibility in the approach to a social problem. Indeed, it would be correct to say that the problem has yet to be accepted as a social ill and maladjustment stemming from centuries of this type of class distinctions. A bureaucratic machine is least able to cope with such problems and if it has to be so utilised, it has to be guided and checked with care. Normally red tape and the formal observance of rules by 'overworked and overburdened' offices tend to take the easy way out of 'passing the buck'. Years of routine approaches and looking to the formal interpretation of orders and rules have contributed to the elimination of initiative, enthusiasm and thinking which is particularly essential when dealing with problems arising from a social malaise.

From the trend of information available to the Committee, one feature which has to be taken notice of is that the better type of potential employees appear to be receiving adequate and satisfactory employment opportunities in services other than under the State Government. This is particularly so with regard to the Scheduled Castes but not with regard to tribals, both Scheduled and Denotified as well as Nomadic. Apparently, this discloses two possible reasons. Firstly, the terms and conditions of service under the State Government are comparatively less attractive and consequently even those who desire to enter the service are necessarily of poorer calibre. Secondly, with regard to tribals, the demand for service under the State Government is not very great. This is possibly due to the fact that (a) educationally they are still very far behind, and (b) they are not sufficiently

informed of opportunities for service. The very few who are educationally qualified, apparently do not lack employment opportunities.

It would not be out of place to point out that the directions concerning the carrying over of vacancies and to make up the existing shortfalls are either not understood and/or not followed. However, the recent decision of the Supreme Court would justify the failure, if any, to carry over vacancies from year to year. Again, notifications of vacancies obviously do not take into account the total lag in the quota for Backward Classes in any particular cadre or service. There is also no co-relation or co-ordination between vacancies that arise in a number of offices at any given point. It would seem that the introduction of the roster and grouping practice adopted elsewhere would have helped, provided it is carried out intelligently and conscientiously. The present practice of reserving certain percentages of vacancies that arise from time to time on an *ad-hoc* basis is not likely ever to achieve the desired percentage of Backward Class employees in the service. Consequently, it is necessary that at the time of any recruitment, the percentage that has to be reserved for members of the Backward Classes should take due account of the total shortfall in the cadre and/or category. The existing system of submitting periodical returns would also appear to be haphazard, uncontrolled and indifferent. The Director of Social Welfare who is responsible for accepting and consolidating these returns lacks the authority to enforce prompt and correct returns regularly.

Side by side the Committee made an analytical study of the statistics available from the reports of the Public Service Commission. These make very dismal reading. The following are a few excerpts :

In 1950-51, emphasising the 'dearth of well qualified and experienced candidates' the report pointed out 'while the dearth may to some extent be due to the fact that the acquisition of the qualifications required is beyond the means of the class of persons who are likely to be attracted to Government service or to the fact that the terms are not sufficiently attractive ; the main reason for the dearth of candidates of the right type was the absence of any organised attempt to prepare a long term forecast of the needs of Government over a period of years and to give adequate advance publicity to the approximate requirements of Government. A survey of Government's requirements in personnel and an examination of the extent to which these requirements were likely to be met within its own services or by recruitment in the ordinary way would be of great practical value since it would indicate the extent to which it is necessary to assist, in co-operation with the universities and other educational authorities, private industry and research institutions for providing training facilities and attract suitable persons to take advantage of these facilities. In so far as a student does not know

what opportunities are likely to be available to him at the end of his education, he follows a policy of drift and undergoes training which often does not fit him for the particular posts which are available. On the one hand, the student becomes a disappointed and frustrated failure; on the other, Government cannot get officers with the proper training. It is a frequent experience of the Commission to have to reject as unsuitable, candidates possessing training and experience which, though excellent so far as they go, are of little or no value for the particular post which is available. It is essential that to avoid national wastage, our training facilities, which are meagre, should be carefully husbanded by the adoption of a long term policy of training in the desired channels."

The 1951-52 report pointed out that "according to orders issued by Government in November 1950, 12½ per cent. of vacancies in State Services, 20 per cent. of vacancies in Class III service and 25 per cent. of vacancies in Class IV service filled by direct recruitment are reserved for members of the Backward Classes. So far as posts filled on the recommendation of the Commission are concerned, it is the responsibility of the Secretariat Department concerned to inform the Commission of the reservation, if any, to be made for the Backward Classes whenever they are called upon to make recommendation. The reservations, if any, are announced in the advertisements issued by the Commission and are taken into account by the Commission when making their recommendations. In the year under report, out of 534 posts advertised (344 ministerial and 190 others) 77 posts (69 ministerial and eight others) were reserved. The Commission was able to recommend only 25 candidates (23 ministerial and three others) for these posts. It will be seen that there were not sufficient suitable candidates from the Backward Classes even for ministerial posts, where the qualifications were comparatively low and no special requirements regarding experience were laid down. In addition to reservation, the Commission are often instructed by Government to give preference to candidates belonging to the Backward Classes, other things being equal. This is usually done when some special qualifications are required and the main emphasis has necessarily to be laid on the nature and quality of the qualifications. It has been the experience of the Commission that there are hardly any candidates from among the Backward Classes for such posts and the few candidates who do apply generally do not come upto the required standard."

The 1953-54 report states "in respect of posts filled on the results of the competitive examinations, one out of the two posts in Class I and two out of the six posts in Class II service of engineers were reserved for Backward Class candidates. Three appeared and none qualified. Out of 35 posts of Junior Assistants, seven were reserved for Backward Class candidates. Seven out of ten who applied were finally admitted to the examination and were recommended although, on the ranks secured by them, they would not

ordinarily have been entitled to be included in the list of recommended candidates. Out of 545 posts of clerks, typists, etc., 114 were reserved for Backward Classes. Only 98 Backward Class candidates applied of whom 86 were finally admitted to the examination. Thirty-two candidates qualified and were recommended although on the ranks secured by them most of the candidates would not ordinarily have been entitled to be included in the list of recommended candidates."

The 1954-55 report states "as mentioned in the report for the previous year, the Commission had not been able to recommend the full number of candidates required to fill the vacancies reserved for candidates from the Backward Classes at the competitive examinations for ministerial posts in Government offices in Greater Bombay held in 1953. As Government was anxious to see that the deficiency in the recruitment of candidates belonging to the Backward Classes for vacancies reserved for them was made up as quickly as possible, it proposed to the Commission that the vacancies reserved for Backward Class candidates which could not be filled on the results of the open competitive examinations should be temporarily filled by the appointments of candidates obtained through the employment exchanges/the Backward Class Welfare Department and other available sources and candidates so appointed should be allowed to continue till the next open examinations were held, their further continuance in the posts depending on their appearing at and qualifying in those examinations. The Commission pointed out to Government that the candidates who would be available for temporary appointment would generally be of the same calibre as those who had failed to attain the qualifying standard at the last examinations held by the Commission; that it was doubtful whether, with a few exceptions, they would qualify at similar future examinations and that the discharge of those who were unsuccessful after serving for an appreciable period would cause considerable hardship. The Commission also pointed out that, although the low calibre of candidates from the Backward Classes was one of the factors responsible for the deficiency, an equally important factor was the small number of applicants from these classes, and this small number might be due to the deterrent effect of the fees charges and of the necessity of appearing at Bombay for an examination lasting for two or three days. The Commission suggested that any special recruitment of candidates from the Backward Classes which might be made to meet the deficiency arising from the inability of the Commission to recommend the full number of candidates on the results of the last examinations should be dissociated entirely from the ordinary recruitment to be made on the basis of the next competitive examinations, and that separate recruitment be made exclusively from amongst candidates from the Backward Classes on the basis of academic qualifications and an interview, without any written test."

In 1955-56, the Commission said "the result of the Commission's inability to recommend candidates from the Backward Classes reserved for them in all cases was that the percentage of candidates from the Backward Classes in the services to which recruitment was made on the Commission's recommendations continued to be below the prescribed minimum. To accelerate the pace of recruitment of candidates from the Backward Classes, Government proposed that where the Commission were unable to recommend candidates from the Backward Classes for posts reserved for them they might adopt a lower standard of suitability for such candidates and recommend such of them as were considered by the Commission to be *prima facie* suitable for appointment on trial; such candidates would then be appointed on trial and confirmed only if they came upto the standard generally applied. It was already the practice of the Commission in selecting candidates for posts which were reserved for the members of Backward Classes, to apply the minimum standard of suitability at all stages and to recommend candidates from these classes for reserved posts, even when there were available candidates from the non-Backward Classes who on merit were better qualified and more suitable. It was also the practice of the Commission to recommend appointments on trial whenever they found a candidate who might possibly prove suitable, if they were unable to recommend a candidate who was in every way suitable. The main difficulty in securing candidates from the Backward Classes for posts reserved for them was, however, that sufficient qualified candidates were not available. The Commission explained this to Government but assured Government that subject to qualified candidates being available, they would continue to make every endeavour to recommend, either unconditionally or on trial, as many candidates as they possibly could for reserved posts, applying at all stages the minimum standard of suitability. Where recommendations were made on the results of competitive examinations, the Commission undertook to apply to candidates from the Backward Classes, if posts were reserved for them, not the standard applied generally, but such lower standards as they considered suitable having regard to the minimum requirements."

This is more or less the pattern for subsequent years also. The difficulties experienced and enumerated by the Commission must undoubtedly have been felt by all other recruiting authorities, perhaps to a greater extent.

In this connection, it might be of interest to note the total number of vacancies that had been reserved and the actual recruitment to the services as this might be claimed to indicate the opportunities that could not be utilised by Backward Class candidates. According to the published reports of the Maharashtra Public Service Commission from 1950-59 as many as

160 seats in Class I and II services were reserved. The Commission was only able to recommend 47 candidates for various reasons including the non-availability of candidates. This would mean that over these years 113 posts were available but could not be filled in and to that extent opportunities to the Backward Classes had lapsed. In the ministerial and allied cadres, the total number of posts available to Backward Classes during the same period was 1,639, while the Commission was able to recommend only 934. This pattern obviously prevails in all other recruitments also.

Further, these are difficulties that are common to all types of recruitment but are greatly accentuated in the case of recruiting candidates from the Backward Classes. There is no immediate solution or 'short cut' to remedy this situation and it is only natural that subordinate recruiting authorities are non-plussed but are able to take it in their stride by a philosophical acceptance of the inevitable. It is perhaps possible to make even a small beginning if the suggestions made by the Public Service Commission in its 1950-51 report are considered and given effect to by Government at least in regard to the Backward Classes.

It would appear that the publicity given to vacancies in Government service is not sufficient or adequate enough to reach the potential candidates in the districts and in the interior areas of the State. It is therefore necessary to work out a more satisfactory scheme of publicity to vacancies. One suggestion is that apart from advertisements by the recruiting authority, publicity should also be given by the Department or office which needs candidates, and the Directorate of Social Welfare; which is the authority responsible for the welfare of the Backward Classes, should also give publicity to the vacancies so that as many Backward Class candidates as possible are made aware of their opportunities. The possibility of a special bulletin to be issued by the Directorate of Social Welfare that would reach various voluntary agencies like hostels, ashram schools, etc., should be considered. It has also been reported that there are cases where prospective applicants do not receive the relevant application forms for some reason or the other within time. A suggestion to meet this difficulty would be that the advertisement itself should give a *pro forma* which can be used by the candidate for filling in accordance to his requirements, which may be in writing or a transcript from the advertisement. Such applications should not be rejected.

The Committee's discussions with the Director of Public Health and the Joint Director of Agriculture, Poona, disclosed difficulties experienced with regard to recruitment to technical and specialised posts as well as normal posts in the ministerial cadre. Both the Departments stated that as far as technical posts are concerned, the dearth of qualified candidates as a necessity compelled the acceptance of applicants possessing the minimum



prescribed qualifications and yet they are in need of more candidates. With regard to posts in the ministerial cadre, the Joint Director of Agriculture pointed out that while the requisition for employment is sent to both the Employment Exchange and the Social Welfare Officer, the response from candidates has been far from satisfactory. For instance, the Social Welfare Officer, Poona, had forwarded a list of 23 candidates from the Backward Classes for appointment. All 23 candidates were called for interview but only four appeared and all four were given appointment.

The Director of Public Health explained the difficulties of his Department in the search for qualified candidates. According to him, medical graduates do not prefer Government service where emoluments are far too low and even those accepting Government service do not prefer arduous posts that are available with the Public Health Department.

A study of the statistics of recruitment further indicated the very low percentage of employment of candidates from the Scheduled Tribes, Denotified Tribes and Nomadic Tribes. Response and appointments from amongst Scheduled Castes has been comparatively much higher. This emphasises the need for some special measures to assist Scheduled, Denotified and Nomadic Tribe candidates in qualifying for and finding employment.

The Committee would further suggest that students' hostels conducted by Government and Voluntary Agencies could form the nucleus for 'conditioning' and guiding Backward Class students towards employment opportunities. At present the majority of these hostels are no better than cheap boarding and lodging houses, whereas a students' hostel is essentially an educational programme. Government could examine the possibility of having at least one or even two Government hostels in each district for Backward Class students. At these hostels, there should be a programme of well planned tutorial groups, vocational guidance facilities and as the inmates reach towards the end of their academic course, introduce pre-employment training programmes that would include a study of the required languages and of the special needs of services, such as typewriting, stenography, etc. Above all, the programme must include a scheme that would instill confidence, if not a modicum of sophistication, in the candidates, that would enable them to face recruiting authorities without difficulty and with the necessary poise.

The Committee had addressed its questionnaire to a large number of non-officials. Replies were received from only 50. It cannot be over-emphasised that voluntary agencies and non-officials have a great and important part to play if this question that is deep-rooted in an acute social problem has to be solved. And Government, by itself is powerless to solve even a fringe of the problem with all the best will in the world. Serious social ills are

usually solved through voluntary missionary efforts and Government can only lend a helping hand. The various voluntary agencies running students' hostels have a large part to play and hardly have as yet ventured to move in on it. Running a boarding and lodging house is no solution at all.

## CHAPTER IV

### TERMS OF REFERENCE

In the light of the foregoing remarks, the Committee's answers to the matters referred to it would be as follows :—

(1) Whether the existing measures taken by the State to ensure satisfactory recruitment of the Backward Classes to the public services of the State are adequate, the extent to which they have achieved the object in view and what are the factors retarding their smooth implementation ?

The answer is emphatically in the negative. The factors retarding the smooth implementation are :—

- (a) Lack of a uniform and simplified procedure understood by all,
- (b) Lack of any control over and guidance to the recruiting authorities,
- (c) Lack of a carefully drawn up long term plan of Government's needs in the various services,
- (d) Lack of sympathy, understanding and flexibility in interpreting orders and resolutions,
- (e) Lack of awareness on the part of would be applicants of the facilities and concessions available to them,
- (f) Lack of any preparatory programme towards employment opportunities at educational institutions, including hostels,
- (g) Inadequate educational background of the would-be applicants, and
- (h) Absence of any "conditioning" of candidates prior to their approach to job-seeking.

(2) Whether and to what extent the system of recruitment to the public services from the Backward Classes as carried on in the State is calculated to ensure a fair representation of the Backward Classes in these services and the difficulties under which the Backward Classes labour in the matter of availing of the various concessions and facilities extended to them by the State for entry into the public services.

In principle, the policy and the system laid down on paper are calculated to ensure a fair representation. However, the difficulties enumerated above in answer to point (1) prevent the Backward Classes from availing of the various concessions and facilities extended to them.

(3) To make recommendations on the steps that should be taken by the State to improve the said system and to remove the said difficulties with due regard to the considerations of efficiency and merit.

The imperative need is to systematise and streamline the rules and regulations of Government in a manner that would be understood by the recruiting authorities. Consequently it is necessary that there should be effective control and guidance over the recruiting authorities even to the extent of providing adequate deterrants against defaults and failures. Thirdly, there should be adequate control and watch over the implementation of the decisions and intentions of Government by an appropriate and centralised authority equal in status at least to the Secretary of a Department with an adequate machinery to ensure implementation and check shortcomings. Fourthly, it is necessary to draw up a long term plan of recruitment to services alongwith a programme that would prepare Backward Class boys to compete successfully.

(a) Whether the existing percentages of reservations from Backward Classes should be modified and if so to what extent.

The Committee is of the opinion that the percentage of reservations for the Backward Classes should be modified and linked to the population statistics of the State. In so doing, the grouping should be as follows :—

- (i) Scheduled Tribes including those living outside Scheduled Areas ;
- (ii) Scheduled Castes and Nav-Buddhas ;
- (iii) Denotified Tribes and Nomadic Tribes, and
- (iv) Other Backward Classes.

For purposes of the above classification, backwardness has been considered from two aspects. In the first place there is the backwardness that has arisen out of the historic and geographic isolation of groups from the mainstream of "civilisation" and as a result these groups appear as anachronisms on the social fabric. These are the Scheduled Tribes while the Nomadic Tribes and Denotified Tribes may also be placed in a similar category even though their isolation has perhaps arisen from slightly different but parallel causes, having isolated themselves or been isolated from the mainstream because of the nomadic characteristics that are peculiarly theirs. The second criterion is that which arises out of the stigma of "touch". Here, the question of New Buddhas who stem

from the Scheduled Castes has to be given some consideration. Conversions are of two type—firstly, conversion arising out of a genuine change of faith and secondly others. Whatever be the nature of the conversion, at least for the first generation the complexes that govern such individuals and groups prior to conversion are not shed easily and even in their environments these complexes continue to be maintained and recognised even though the new groups desire to eliminate such differentiations particularly that of untouchability. Further, the drawbacks and backwardness that have arisen out of generations of such forcible isolation cannot be overcome at a stroke. Perhaps, the passing of a generation or two would effect the desired purpose of the conversion. Until then, to deprive them of facilities and concessions that would have been theirs on the basis of their social and economic backwardness would not appear to be quite fair.

Under the circumstances, linking of reservation to the population statistics would eliminate much of the criticisms that certain groups and communities have not been receiving their due share in the fixation of percentages.

There should be two distinct fixation of percentages viz. (i) in terms of State level recruitment and (ii) in terms of districtwise recruitment. In all cases, the percentages must be linked to the respective State level and districtwise population statistics.

It is true that in agreeing to the appointment of this Committee, the Chief Minister had specifically emphasised in the Legislative Assembly that the question of promotion would not be included within the purview of the Committee in considering reservations for Backward Classes. Despite this, the Committee is constrained to note that a number of respondents the Committee have requested that this question should be placed before Government for further consideration. The Committee feels that this is an issue which cannot be rejected outright but calls for sympathetic consideration from Government.

(b) Whether there should be separate reservation of vacancies for the different categories of the Backward Classes.

Subject to the above classification, there need not be any further reservation of vacancies.

(c) Whether for the purpose of reservations of vacancies, the classification of the Other Backward Classes should be on the basis of income or on the basis of caste and under what category of the Backward Classes should communities like Nav-Buddhas, Vimukta Jatis and Nomadic and Semi-Nomadic Tribes be classified.

The Committee is of the view that at present it is not opportune to make a complete switch-over from the basis of caste to the basis of income. Government may review and revise periodically the list of other Backward Classes to decide whether any particular community should be deleted or added to the list from time to time. The Committee however feels that for purposes of reservation in services it would be incongruous to apply income as a criterion. Aid and assistance to individuals and groups could be in terms of income and/or economic and other backwardness. But, to prescribe income as standard for recruitment to the services would be far from relevant.

(d) Whether any special machinery on the analogy of employment exchanges should be devised for ensuring the representation of the Backward Classes in the public services to the maximum extent possible.

There is no doubt that there is urgent need for two separate machinery (a) for registration and submission of candidates and (b) to watch the implementation of Government orders.

At present, there is a more or less unsatisfactory system of a registration of backward class candidates both with the employment Exchange and with the offices under the Director of Social Welfare. Experience has shown that the registration with the offices under the Directorate of Social Welfare is comparatively poor. In fact, backward class candidates who have registered with the Employment Exchange are often not registered with the Directorate of Social Welfare. In order to rectify this situation, the registration of backward class candidates should be done at the Employment Exchange but a duplicate list of such backward class candidates with their serial numbers (card-wise) should be furnished and maintained by the district and other offices of the Directorate of Social Welfare. Further, all requisitions, submission and employment reports should be furnished to the relevant district and other offices of the Directorate. The director should further be empowered to investigate any recruitment effected by Government and semi-Government offices in terms of fulfilling the reserved quota for Backward Class candidates. For this purpose, it would be necessary that the Director of Social Welfare should be in a position to exercise ex-officio authority over the Employment Exchange with regard to the recruitment of Backward Class candidates.

With regard to the watching of implementation of Government orders, the Directorate of Social Welfare should have a special cell to which each recruitment effected by any Government or semi-Government authority will be reported promptly from time to time. The Directorate of Social Welfare may investigate and verify such recruitment in terms of the employment position of Backward Class candidates in the respective

Department and in the event of such recruitment not having fulfilled the requirement for completing the reserved quota for Backward Classes, the Director should be empowered to call for explanations with full details as to why the particular recruitment was not utilised towards fulfilling the reserved quota. Any breach of these provisions as would be noticed by the Directorate should be reported to the Chief Secretary for necessary action against the department/office concerned.

Both the registration and implementation watching wings of the Directorate of Social Welfare should be under an officer with adequate authority and status.

(e) Whether and, if so, what steps should be taken to guide Backward Class students to take to a career where employment potentialities are relatively greater and more remunerative.

The Committee is of the opinion that it is necessary to have pre and post employment training programmes for Backward Class students in order to "condition" and guide such candidates. In this respect, the committee feels that even at the University levels, there should be carefully drawn-up tutorial programmes, as indicated in the 1950-51 Report of the Public Service Commission, that would help to overcome short-comings and draw-backs on the part of the Backward Class candidates coming from rural and interior areas. In addition, there should be special cells of the vocational guidance department at all levels to guide Backward Class candidates to take to careers where employment potentialities are relatively greater and more remunerative.

Having answered the references, the Committee would hasten to make it clear that any solution of these issues must primarily depend on a sober realisation and recognition of their existence both by Government and society. Secondly, measures that are to be taken will have to be considered and given effect to in two parts viz. those of a short term nature that would brush and gear up the existing machinery to function more effectively, efficiently and smoothly, and the second would essentially be a long-term approach more or less based on the suggestions discussed by the Public Service Commission in its report for 1950-51. Without the latter, the former would continue to remain a hollow gesture. Further, in regard to all these measures, it must be emphasised, that this is not a problem that can be bereft of emotion. The cold-blooded drawing up of resolutions and orders and routine efforts at compliance would have little effect unless those concerned bring to bear on their efforts, real sympathy and understanding that would enable resolutions and rules to be recognised as means to an end and not the end itself.

## CHAPTER V

## RECOMMENDATIONS

The following recommendations, the Committee feels, should help improve the situation to some extent :—

(1) There should be a simplified, uniform and comprehensive code or manual governing the reservation of posts for Backward Classes.

(2) The code or manual should be in five parts :—

(a) enunciating clearly the policies and principles of Government,

(b) enunciating in clear-cut terms the procedure and practice to be followed by the recruiting authorities,

(c) prescribing the percentages for the different categories of the Backward Classes.

(d) enunciating the procedure for checking and verifying the recruitments effected from year to year, and

(e) prescribing the forms to be maintained by recruiting authorities and the annual returns to be submitted by them.

(3) There should be a single authority of the status of a Secretary to a Government Department for ensuring implementation of the recruitment programme for Backward Classes, assisted by a suitable machinery horizontally and vertically with Liaison Officers at administrative and executive departments and at divisional and district levels.

(4) Percentage reservations should be linked to the population statistics of the entire State for State level recruitment and districtwise for district level recruitment.

(5) For purpose of recruitment, the Backward Classes should be grouped into (a) Scheduled Tribes including those living outside the Scheduled areas (b) Scheduled Castes and Nav Buddhas, (c) Denotified Tribes and Nomadic Tribes and (d) other Backward Classes. All notifications of vacancies should be in terms of each of these four groups.

(6) Further, similar to the practice followed in Assam, the Government of Maharashtra may form advisory councils for the four groups mentioned in recommendation No. 5. These councils, at their periodic meetings, may take up the issue of representation in the services and call for explanations where necessary from the concerned heads of departments who may attend such meetings of the councils by invitation.

(7) While the question of promotion has been specifically excluded from the purview of the Committee, it is felt that since this is an issue over which some feelings have been aroused, Government could consider sympathetically demands in this respect and, if feasible, work out some scheme by which grievances in this regard could be eliminated.

(8) To give effect to reservations as prescribed, every appointing authority should treat vacancies as "reserved" or "unreserved" according to a model roster of a fixed number of points 10, 25, 40, etc., as may be deemed necessary, in terms of their respective population percentages. Detailed instructions for the maintenance of rosters should be given. The procedure prescribed by the Home Ministry, the Bihar and Mysore Governments, reproduced in Appendices C and D may be considered.

(9) In cases of isolated individual posts and small cadres where vacancies may not occur with sufficient frequency, posts in the same class and carrying similar status, salary and qualifications may be grouped together, separately at the State level and district level. Such small cadres, grades or divisions of service consisting of less than 20 posts at the State level and 10 posts at the district level may be treated as "small" for this purpose. Each such group should not normally consist of less than 25 posts.

(10) While the carrying over of vacancies from one year to another is reported to be *ultra vires*, it would still be necessary that Government issues suitable instructions to the recruiting authorities that at any stage or level of recruitment, due consideration must be given in determining the number of vacancies to be reserved for each particular recruitment. This reservation need not be in terms of the total maximum percentage of overall reservation but adjusted at an even higher level to enable more recruitment of backward class candidates to make up the existing shortfall.

(11) There should be prescribed forms for rendering annual returns showing the total number of posts and the number held by the members of the Backward Classes as on 1st January of each year separately for Class I, II, III and IV, and corresponding day-to-day registers.

(12) Deterrent action against failures and defaults in implementation by the recruiting authorities should be indicated.

(13) There should be a special machinery in two parts—(a) for the registration and submission of Backward Class candidates and (b) to watch the implementation of Government orders. In this regard, special



attention and facilities must be made available to the Scheduled Tribes and Denotified Tribes. Backward Class candidates registered with the Social Welfare Department must also be called for in regard to vacancies under or relating to the Central Government services.

(14) There should be a continuing programme of pre and post employment training for Backward Class students, particularly from the Scheduled Tribes and Denotified Tribes, desiring to enter Government Service, in order to 'condition' and guide them towards such employment. This should start at the earliest feasible level in the ladder of education.

(15) As regards specialised posts, there should be a programme of tutorials at the University level which would help Backward Class candidates to compete more effectively at University examination, thus avoiding wastage arising out of failures and the dropping out of students.

(16) There should be a periodic review of progress in the recruitment of Backward Classes in order to enable Government to take suitable action to make improvements and necessary changes.

(17) Recruitments other than of a casual nature should, as far as possible, be through committees on which there should be a representative to watch and safeguard the interests of the Backward Classes. Such representatives need not necessarily belong to the Backward Classes.

(18) Along with the advertisements and notification of vacancies to Employment Exchange, etc., such vacancies should also be brought to the notice of recognised associations and organisations of Backward Classes which should be specifically listed. It would, however, be made clear to such associations and organisations that their function is limited to advising candidates about vacancies and examinations. They must not recommend or press the names of any individuals to the recruiting authority and any attempt at influencing recruitment should be viewed seriously.

(19) There should be adequate publicity of all the concessions and facilities that are available to Backward Classes in the services. Dissemination of information should reach the rural and interior areas as well as to all voluntary agencies, education and hostel institutions.

(20) There should not be a strict insistence on compliance with formalities particularly in the case of applicants from backward and interior areas as regard forms to be filled up, details to be furnished, etc.

In effect, there should be greater flexibility and more consideration and sympathy in dealing with the Backward Class applicants.

From the long term point of view, the Committee would emphasise and recommend the following suggestions to Government :

(21) Government should run one or two well-equipped and well-staffed hostels for backward class students in each district where the purpose is not merely boarding and lodging. These hostels should be the pivot for hostels run by voluntary agencies. The provision for Scheduled Tribes and Denotified Tribes in these hostels would need special consideration since these groups appear to be far below the average standards amongst Backward Classes.

(22) In each of these hostels there should be facilities for a programme of tutorials in terms of languages that are the common communicational media, besides general knowledge that would supplement the normal curricular education.

(23) At each of these hostels, there should be a cell of the Vocational Guidance Centres of Government to progressively and continuously guide backward class students towards and intelligent selection of careers.

(24) For those backward class Government servants who desire to take advantage of special training facilities of longer periods for purposes of advancement in service, adequate extra leave should be given without any break in service in order that they may better equip themselves.

(25) For students at the University levels, particularly on the technical side, these hostels should have special tutorials that would supplement the meagre and inadequate technical knowledge and languages which these students had acquired.

(26) There should be a continuing long-term survey of Government's requirements with regard to personnel, particularly from the Backward Classes, both at the State and district levels so that long before vacancies are notified, a comprehensive picture of the needs is known to the recruiting authorities.

(27) In this programme of guiding and conditioning students Government should enlist the co-operation of Universities and other educational authorities, research institutions and private industry.

(28) There should be a well-thought out and well planned programme of publicity regarding these programmes so that students know well in advance the opportunities that are likely to be available to them at the end of their educational career.

(29) While the definition of 'public services' as indicated to the committee apparently excludes services under statutory and public undertakings from the purview of the committee, in view of the increasing number and development of such organisations, the Committee feels that these principles relating to reservations for Backward Classes should also be applicable to such organisations and bodies.

(30) All these steps enumerated above cannot be carried out in a vacuum of Governmental efforts alone. Society, social agencies and workers must be integrated into the efforts that are organised.

(Signed) B. D. DESHMUKH,  
*Chairman.*

(Signed) C. THOMAS,  
*Member-Secretary,*  
*and*  
*Director of Social Welfare,*  
*Maharashtra State, Poona-1.*

R. D. Bhandare,  
Member.

(Subject to the separate note submitted to the Honourable Chief Minister, Maharashtra State).

R. D. Pawar,  
Member.

D. S. Pawar,  
Member.

Kirtimantrao Bhujangrao,  
Member.

Malati Tambay Vaidya,  
Member.

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**APPENDICES**

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## APPENDIX A.

*Committee.*

Appointment of a — to go into the question of reservation of seats and allied matters relating to the recruitment of Backward Classes in Government services.

## GOVERNMENT OF MAHARASHTRA

## GENERAL ADMINISTRATION DEPARTMENT

Resolution No. BCC-1061-J

Sachivalaya, Bombay, 24th November, 1961  
3rd Agrahayana, 1883.

*Resolution.*—Government is pleased to approve the appointment of a Committee consisting of the following members to inquire into the matters set out in paragraph 2 below :—

- |   |     |     |     |                          |
|---|-----|-----|-----|--------------------------|
| 1. Shri B. D. Deshmukh,   | ... | ... | ... | <i>Chairman,</i>         |
| 2. Shri R. D. Bhandare, M.L.A.  | ... | ... | ... | <i>Member.</i>           |
| 3. Shri R. D. Pawar, M.L.A.   | ... | ... | ... | <i>Member.</i>           |
| 4. Shri Kirtimantrao, Bhujangrao, M.L.A.,   | ... | ... | ... | <i>Member.</i>           |
| 5. Shri D. S. Pawar,  | ... | ... | ... | <i>Member.</i>           |
| 6. Shri M. V. Deo, Additional Secretary, Co-operation and Rural Development Department. |     |     |     | <i>Member.</i>           |
| 7. Shri P. G. Gavai, Director of Social Welfare, Maharashtra State, Poona.              |     |     |     | <i>Member-Secretary.</i> |

2. The Committee should inquire into and report on the following matters :—

(i) The existing measures taken by the State to ensure satisfactory recruitment of the Backward Classes to the public services of the State, the extent to which they have achieved the object in view and the factors retarding their smooth implementation.

(ii) Whether and to what extent the system of recruitment to the public services from the Backward Classes as carried on in the State is calculated to ensure a fair representation of the Backward Classes in these services and the difficulties under which the Backward Classes labour in the matter of availing of the various concessions and facilities extended to them by the State for entry into the public services;

(iii) To make recommendations on the steps that should be taken by the State to improve the said system and to remove the said difficulties with due regard to the considerations of efficiency and merit and, in particular, to make recommendations on the following matters :—

(a) Whether the existing percentages of reservations for the Backward Classes should be modified and if so, to what extent;

(b) Whether there should be separate reservations of vacancies for the different categories of the Backward Classes.

(c) Whether for the purpose of reservations of vacancies, the classification of the Other Backward Classes should be on the basis of income or on the basis of caste and under what category of the Backward Classes should communities like Nav-Buddhas, Vimukta Jatis and Nomadic Tribes and Semi-Nomadic Tribes be classified ;

(d) Whether any special machinery on the analogy of employment exchanges should be devised for ensuring the representation of the Backward Classes in the public services to the maximum extent possible ;

(e) Whether and, if so, what steps should be taken to guide Backward Classes students to take to a career where employment potentialities are relatively greater and more remunerative.

3. The Committees' Headquarters will be in Bombay.
4. The Committee should submit its report to Government before the 1st April, 1962.

By order and in the name of the Governor of Maharashtra,

(Signed) N. T. MONE,  
Chief Secretary to the Government of Maharashtra,  
General Administration Department.

## APPENDIX B

### *Questionnaire.*

What is the general procedure for calling candidates for interview ?

- (a) from the employment exchange,
- (b) from the Social Welfare Department,
- (c) by advertisement,
- (d) direct recruitment other than (a), (b), (c) above.

2. Are all Backward Class candidates satisfying the minimum required qualifications called for interview ?  
Yes/No.

If yes, why is it not possible to fill in the reserved quota ? Please give a separate detailed note which may be attached to your reply.

If not, why not ?

3. Do all Backward Class candidates generally come for interview when called for ?
4. What is the general procedure followed for selecting Backward Class candidates and what are the criteria ?

5. What are the difficulties in the way of achieving the reserved percentage of Backward Class candidates in service ?

Class I

Class II

Class III—

(a) technical.

(b) non-technical.

Class IV—

(a) technical.

(b) non-technical.

6. Do you, when recruiting to these four classes, take into account the the percentage of Backward Classes already in service in the different scales and cadres that may exist in each class ?

If so, what are the results ?

If not, why not ?

7. As Head of Department/Office, what action do you take to ensure adequate efforts to fill in the reserved posts ?

(Please give details separately, if necessary).

8. Does your Department/Office entertain Backward Classes for unreserved posts also ?

If so, please give details of results achieved ?

If not, please give reasons why this is not done ?

9. (a) Does your department maintain upto date statistical and other details regarding Backward Class recruitment in order to watch progress in this respect and ensure that shortfalls are avoided ?

If not, why not ?

If yes, please give the form in which such statistical and other records are maintained.

(b) Are there any prescribed returns for watching the percentage and to ensure compliance with Government directives ?

In case where there is non-compliance in these matters, what is the action taken to insist on compliance ?

10. Considering the existing measures for the recruitment of Backward Classes to the public services could you suggest any additional measures or modifications to attain better results ?
11. (a) What are the difficulties encountered by the Backward Classes in making use of the various facilities available to them for entry into the public services ?  
(b) Could you suggest any remedial measures to remove these difficulties, with due regard to considerations of efficiency and merit ?
12. Could the recruitment of Backward Classes to the public services (non-gazetted), be better ensured if there are suitable representatives of the Backward Classes on Selection Boards and Committees ?
13. Is it necessary to have any special machinery :—  
(a) Similar to the employment exchanges for registration of Backward Class candidates ;  
(b) to watch the implementation of Government orders and ensure the enforcement of the same.
14. Do you feel that reservation for Backward Classes in vacancies to be filled by promotion would help to make up the existing deficiencies in the Backward Class representation ?
15. Do you consider that the present percentage of recruitment as prescribed to the public services for different categories of the Backward Classes is adequate to ensure a fair representation for these categories ?



16. Where suitably qualified Backward Class candidates for scientific or technical posts are not forthcoming, even to fill the reserved quota, what measures would you suggest to attract such Backward Class candidates?
17. (a) Should the classification of Other Backward Classes for purposes of reservation, be on the basis of income or on the basis of caste?
- (b) Under what category should communities like Nao-Buddhists, Vimukta Jatis, Nomadic and semi-Nomadic Tribes be then classified?
18. What steps would you suggest for guiding Backward Class candidates for selecting suitable career?

### APPENDIX C

*Details relating to reservation in services for Scheduled Castes and Tribes under the Government of India.*

#### Statutory requirements.

Article 335 of the Constitution provides that "the claims of the members of Scheduled Castes and 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."

Article 16(4) also permits "reservations 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." However, the Government of India have not declared any class, other than the Scheduled Castes and Scheduled Tribes, as a backward class for purpose of Article 16.

#### *Extent of reservations for Scheduled Castes and Scheduled Tribes.*

With effect from the 26th January 1950, the following reservations are in force in favour of the Scheduled Castes and Scheduled Tribes in filling vacancies in posts and services under the Government of India :—

- (i) Direct recruitment on all-India basis :—

	Scheduled castes	Scheduled Tribes.
(a) By open competition (i.e. through UPSC or by means of open competitive test by any other authority).	12½ per cent.	5 per cent.
(b) Otherwise than at (a) above	16½ per cent.	5 per cent.

- (ii) Direct recruitment to Class III and Class IV posts normally attracting candidates from a locality or a region. As shown in Appendix 1 (generally in proportion to the population of Scheduled Castes and Scheduled Tribes in the respective States/Territories).
- (iii) Posts filled by promotion through departmental competitive examination. 12½ per cent. 5 per cent.

*Note.*—(1) The appointment of a person holding a post to which these rules do not apply, to a post to which these orders do apply, will be treated as direct recruitment.

- (2) The appointment of a person holding a post to another post outside the prescribed line of promotion will be treated as direct recruitment.

In all cases a minimum standard of qualifications will be prescribed and the reservations will be subject to the over-all condition that candidates of the requisite communities possessing the prescribed minimum qualifications and suitable in all respects for the appointments in question are forthcoming in sufficient numbers for the vacancies reserved for them.

The reservations will be applied to each grade or class and to permanent and temporary recruitment in each such grade or class separately.

The reservations will not apply to :—

(i) vacancies filled by transfer or by promotions except to the extent mentioned above.

(ii) temporary appointments of less than 3 months' duration.

(iii) purely temporary establishments such as work-charged staff including the daily-rated and the monthly-rated staff.

#### Exemptions and Exclusions.

As a rule no exemptions from the scope of these orders should be granted. Exceptional cases should, however, be referred to the Ministry of Home Affairs.

#### Roster.

To given proper effect to the reservations prescribed, every appointing authority will treat vacancies as "reserved" or "unreserved" according to a model roster, each consisting of 10 points as described below :—

(i) Recruitment made on an all-India basis.

(a) by open competition i.e., through the UPSC or by means of open competitive test held by any other authority.

(b) otherwise than by open competition.

(ii) Recruitment attracting candidates from a locality or a region according to a roster to be drawn up after taking into account the points reserved for Scheduled Castes and Scheduled Tribes as shown in Appendix 5.

### Annual statements

(i) A statement is prescribed showing the total number of posts and the number held by members of Scheduled Castes and Scheduled Tribes in each class (i.e. Class I, Class II, Class III and Class IV) as on the last January of the year.

(ii) A statement in the prescribed form showing particulars of recruitment made in a calendar year and the number filled by Scheduled Castes and Scheduled Tribes candidates.

(b) Each administrative Ministry will send to the Ministry of Home Affairs a consolidated statement in respect of all offices and establishments under its control including its own.

(c) Each Ministry/Department of Secretariat, etc. will send statements in respect of its own establishment to the Ministry of Home Affairs by the prescribed date.

The Ministry of Home Affairs may, for making a test check call for from the appointing authorities statements maintained by them in respect of up to 10 per cent. of the offices under the control of each Ministry. The names of offices selected for the purpose will be communicated to the Administrative Ministry concerned in December every year. The returns of extracts from the rosters so called for will be forwarded to the Ministry of Home Affairs by the 31st March.

### Grouping of posts

In the case of isolated individual posts and small cadres in which vacancies may not occur with sufficient frequency to ensure adequate representation of Scheduled Castes and Scheduled Tribes, posts in the same class and carrying similar status, salary and qualifications may be grouped to facilitate the application of these orders. A cadre or a grade or a division of a service consisting of less than 20 posts may be treated as a small cadre for this purpose. A group so formed should not ordinarily consist of less than 25 posts.

Proposals for grouping of posts will be referred to the Ministry of Home Affairs for prior approval together with full particulars of posts proposed to be grouped together in the following respects:—

- (i) Designation and number of each post.
- (ii) Class to which the posts belong—(Class I, Class II, Class III or Class IV).
- (iii) Scale of pay of each post.
- (iv) Minimum qualifications prescribed for direct recruitment to each post.

### Carrying over and lapse of reservation

If a sufficient number of suitable candidates eligible for the reserved vacancies is not available from the respective classes in a particular year, such vacancies may be treated and filled as unreserved vacancies during that year. Such under recruitment in the number of Scheduled Castes and Scheduled Tribes will be carried forward up to two subsequent recruitment years before the reservation is finally treated as lapsed.

### Essential steps to be taken before reserving reserved vacancies

The following steps will be taken to bring the reserved vacancies to the notice of members of Scheduled Castes and Scheduled Tribes before they are dereserved:—

(i) Advertisement in newspapers—

- (a) Vacancies in posts and services recruitment to which is made on all India basis should be advertised in the newspapers.

(b) Vacancies in Class III or Class IV recruitment which normally attract candidates from a locality or a region should be advertised in such newspapers as the appointing authority may consider suitable for the purpose if candidates are not likely to be available through the Employment Exchange.

#### Employment Exchanges

(a) All vacancies should be simultaneously notified to the local or the regional Employment Exchange.

(b) Copies of advertisement should also be endorsed to the Regional or local Employment Exchange.

(c) When a local Employment Exchange is unable to nominate any suitable candidates, it will refer the vacancy or vacancies to the Director General of Employment and Training which maintains an all India list of Scheduled Castes and Scheduled Tribes registered with Employment Exchanges.

#### Associations and Organisations of Scheduled Castes and Scheduled Tribes

Simultaneously with the advertisement and notification of vacancies to Employment Exchange, the vacancies should be brought to the notice of the respective organisations. When doing so, it should be made clear to such organisations that their function is limited to advising the candidates belonging to the respective classes about vacancies which are intimated to them or about the examination proposed to be held and that it will not be for them to recommend or press the names of any individuals who should apply to the appointing authority either direct or through the Employment Exchanges as the case may be.

Vacancies in permanent posts should not be dereserved "i.e. a person not belonging to a Scheduled Caste or a Scheduled Tribe should not be made permanent in such posts without the prior concurrence of the Ministry of Home Affairs. In making a reference to the Ministry of Home Affairs, the steps actually taken in that direction should be indicated.

#### Relaxation and concessions for Scheduled Castes and Scheduled Tribes

*Age Limit.*—The maximum age limit prescribed for appointment to a service or posts shall be increased by 6 years in the case of candidates belonging to Scheduled Castes and Scheduled Tribes.

#### Standards of suitability

(a) *Direct recruitment by examination.*—If according to their normal positions in the competition or selection candidates belonging to Scheduled Castes and Scheduled Tribes obtain less vacancies than the number reserved for them, candidates of such castes or tribes who have secured lower position but who have qualified at such examination may be selected by the appointing authority to make up the deficiency.

(b) *Direct recruitment otherwise than by examination.*—The appointing authority may select candidates from the Scheduled Castes and Scheduled Tribes of a lower standard than that of others provided they possess the prescribed minimum education and technical qualifications:—

#### Promotion to non-selection posts

Where promotions are made on the basis of seniority, subject to fitness, cases of persons belonging to Scheduled Castes and Scheduled Tribes may be judged in a sympathetic manner without applying too rigid standard of suitability. Cases of supersession of such candidates, if any, should be decided at a high level. In case of

II posts prior orders should be taken of the Minister or Deputy Minister within a month of the date of this procedure to suit their requirements.

#### Selection posts

of merit of a candidate belonging to Scheduled Caste or Scheduled Tribe for promotion to selection posts and the selection panel should be done sympathetically on the basis of merit. A candidate should not be excluded from the consideration for promotion even on the basis of religion.

Members of Scheduled Castes and Scheduled Tribes are held to be a member of a Scheduled Caste or Scheduled Tribe, if he belongs to a caste or a tribe which is included in the Scheduled Castes Order, 1950, and Constitution (Scheduled Tribes) Part C State Order, 1951, and Constitution (Scheduled Tribes) Part C State Order, 1951 and Scheduled Tribes Lists (Modification) Order, 1956 and Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956 and Constitution (Andaman and Nicobar Islands) Scheduled Tribes Order, 1956.

A person is held to be a Scheduled Caste or a Scheduled Tribe if he is a member of such a caste or tribe.

A person who professes a religion different from the Hindu religion or who is a member of the Scheduled Caste or Scheduled Tribe are independent of his/her religion. A person who ceases to be a member of a Scheduled Caste or a Scheduled Tribe ceases to be so if he converts to another religion. Such a person will not be entitled to any special facilities provided for members of the Scheduled Caste or a Scheduled Tribe. A person who converts to a Scheduled Caste or a Scheduled Tribe will be treated as a Scheduled Caste/Tribe irrespective of the date of conversion.

A person who converts to Hinduism or Sikhism may be accepted as a member of a Scheduled Caste or a Scheduled Tribe if he has been received back and accepted as a member of such a caste or tribe.

In case of any doubt arises whether a person is a Scheduled Caste or a Scheduled Tribe, the matter should be referred to the Ministry of Home Affairs.

The Secretary/Department, the Deputy Secretary in charge (designated for the purpose) will act as Liaison Officer for representation of Scheduled Castes and Scheduled Tribes and services under the administrative control of the Department. The Secretary/Department is responsible for—

to ensure compliance by the subordinate appointments pertaining to the reservation of vacancies for Scheduled Castes and Scheduled Tribes and other benefits ad-

(ii) Collecting and consolidating the annual returns relating to representation of Scheduled Castes and Scheduled Tribes in all establishments and services under the control of the Ministry/Department.

(iii) Sending to the Ministry of Home Affairs the annual consolidated returns from the Ministry as a whole and such returns or extracts from returns in respect of individual offices as may be asked by the Ministry of Home Affairs.

(iv) Acting as a Liaison Officer between the Ministry/Department and the Ministry of Home Affairs for supply of other information, answering questions and queries and clearing doubts in regard to matters covered by these orders.

*Model Roster for posts filled by direct recruitment on all-India basis by open competition.*

Point on the Roster	Whether unreserved or reserved for.	Point on the Roster	Whether unreserved or reserved for
1	Scheduled Castes.	21	Scheduled Tribes.
2	Scheduled Tribes.	22	Unreserved.
3	Unreserved.	23	Unreserved.
4	Unreserved.	24	Unreserved.
5	Unreserved.	25	Scheduled Castes.
6	Unreserved.	26	Unreserved.
7	Unreserved.	27	Unreserved.
8	Unreserved.	28	Unreserved.
9	Scheduled Castes.	29	Unreserved.
10	Unreserved.	30	Unreserved.
11	Unreserved.	31	Unreserved.
12	Unreserved.	32	Unreserved.
13	Unreserved.	33	Scheduled Castes.
14	Unreserved.	34	Unreserved.
15	Unreserved.	35	Unreserved.
16	Unreserved.	36	Unreserved.
17	Scheduled Castes.	37	Unreserved.
18	Unreserved.	38	Unreserved.
19	Unreserved.	39	Unreserved.
20	Unreserved.	40	Unreserved.

*Model Roster for posts filled by direct recruitment on all-India basis otherwise than by open competition.*

Point on the Roster.	Whether unreserved or reserved for.	Point on the Roster.	Whether unreserved or reserved for.
1	Schedule J Tribes.	21	Scheduled Tribes.
2	Scheduled Castes.	22	Unreserved.
3	Unreserved.	23	Unreserved.
4	Unreserved.	24	Unreserved.
5	Unreserved.	25	Scheduled Castes.
6	Unreserved.	26	Unreserved.
7	Scheduled Castes.	27	Unreserved.
8	Unreserved.	28	Unreserved.
9	Unreserved.	29	Unreserved.
10	Unreserved.	30	Unreserved.
11	Unreserved.	31	Scheduled Castes.
12	Unreserved.	32	Unreserved.
13	Scheduled Castes.	33	Unreserved.
14	Unreserved.	34	Unreserved.
15	Unreserved.	35	Unreserved.
16	Unreserved.	36	Unreserved.
17	Unreserved.	37	Scheduled Castes.
18	Unreserved.	38	Unreserved.
19	Scheduled Castes.	39	Unreserved.
20	Unreserved.	40	Unreserved.

*Note.*—In every third cycle of the above roster the 37th point will be treated as unreserved.

Form of register to be maintained to give effect to the roster for reservations for Scheduled Castes/Scheduled Tribes.

Grade or group of posts.

Permanent/Temporary.

Reservations brought forward from previous years			Particulars of recruitment made			
Scheduled Castes	Scheduled Tribes	Recruitment year	Roster and point number	General or reserved for S. Cs./S Ts. according to the roster applicable	Name of the person appointed and date of appointment	Whether he is S. C. /S. T. if not say 'neither'
1	2	3	4	5	6	7
Reservations carried forward			Signature of appointing authority or other authorised officer			Remarks
Scheduled Castes	Scheduled Tribes					
8	9			10		11

*Note.*—Ministeries and Departments have also been directed to maintain statements showing the total number of posts and the number held by members of Scheduled Castes and Scheduled Tribes as on 1st January of each year as well as showing the particulars of recruitment made during the year and the numbers filled by members of Scheduled Castes and Scheduled Tribes. Further, illustration showing the vacancies reserved for Scheduled Castes and Scheduled Tribes but not so filled should be carried forward/lapsed should also be maintained on the following hypothetical illustration :—



## APPENDIX

Hypothetical illustration showing the vacancies reserved for Scheduled Caste and  
(Para. 15).

Grade or Group of posts.

Technical Assistants.

Reservations brought forward from previous years.		Particulars of recruitment made.				
Scheduled Castes.	Scheduled Tribes.	Recruitment year.	Roster and point No.	Unreserved or reserved for Scheduled Castes/ Scheduled Tribes according to the roster applicable.	Name of the person appointed and date of appointment.	Whether he is Scheduled Caste/ Scheduled Tribe if not, say 'Neither'
1	2	3	4	5	6	7
		1957	1	Scheduled Castes	A	Neither
			2	Scheduled Tribes	B	Do.
			3	Unreserved	C	Do.
			4	Do.	D	Do.
			5	Do.	E	Do.
			6	Do.	F	Do.
			7	Do.	G	Do.
			8	Do.	H	Do.
			9	Scheduled Castes	I	Scheduled Tribes
		1958	--	....	..	..
2 of 1957	..	1959	11	Unreserved	K	Neither
			12	Do.	L	Do.
			13	Do.	M	Do.
			14	Do.	N	Do.
			15	Do.	O	Do.
			16	Do.	P	Scheduled Tribes.
			17	Scheduled Castes	Q	Neither
			18	Unreserved	R	Scheduled Castes.
			19	Do.	S	Neither
			20	Do.	T	Do.
			21	Scheduled Tribes	U	Do.
1 of 1957	1 of 1959	1960	22	Unreserved	V	Neither

10.

*Scheduled Tribe but not so filled should be carried forward/lapsed.*

*Permanent/Temporary:*

Reservations carried forward		Signature of appointing authority or other authorised Officer	Remarks.
Scheduled Castes	Scheduled Tribes		
8	9	10	11

2 of 1957

Assuming that no recruitment was made in 1958, that year would not be taken into account for the purpose of carrying forward and lapse of vacancies.

1 of 1957

1 of 1959

Since only 1 Scheduled Caste was recruited, he would be adjusted against one of the reservation brought forward from 1957.

1	2	3	4	5	6	7
			23	Unreserved	W	Neither
			24	Do.	X	Do.
			25	Scheduled Castes	Y	Do.
			26	Unreserved	Z	Do.
			27	Do.	AA	Do.
			28	Do.	BB	Do.
			29	Do.	CC	Do.
			30	Do.	DD	Do.
1 of 1959	1 of 1960	1961	31	Unreserved	EE	Neither
			32	Do.	FF	Scheduled Castes.
			33	Scheduled Castes	GG	Neither
			34	Unreserved	HH	Do.
			35	Do.	II	Do.
			36	Do.	JJ	Do.
			37	Do.	KK	Scheduled Castes
			38	Do.	LL	Neither
			39	Do.	MM	Do.
			40	Do.	NN	Do.
			41	Scheduled Castes	OO	Do.
			42	Scheduled Tribes	PP	Do.

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8	9	10	11
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1 of 1959      1 of 1960

1 reservation of 1957 lapsed after two recruitment years viz. 1959 and 1960.

2 of 1960      1 of 1961

2 Scheduled Castes recruited adjusted against reservation brought forward from 1959 and 1960.

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## APPENDIX D-1

## GOVERNMENT OF ANDHRA PRADESH

In this State, where the Special Rules of a services lay down that the principle of reservation of appointments shall apply to any service, class or category, in a unit of 100 appointments, 17 are reserved combinedly for Scheduled Castes and Scheduled Tribes, 38 for the other Backward Classes and the remaining 45 are filled from Open Competition on the basis of merit. The principle of reservation of appointments will apply to both gazetted and non-gazetted posts, if the Special Rules of these posts provide for it. The services in this State are not divided into classes.

The reservation of Scheduled Castes and Scheduled Tribes is made on the basis of the percentage of population of these communities to the total population of this State as per 1951 Census. The Scheduled Castes and Scheduled Tribes Order, 1950 of the Government of India, as amended from time to time is taken as the basis for determining a particular community as a Scheduled Caste or Scheduled Tribe. The Communities coming under other Backward Classes, for whom there is 38 per cent. reservation are determined by the Government with reference to caste.

Public services in this State do not include services in this State undertakings like Road Transport Corporation, State Electricity Board, etc.

The State Government have issued directives to the Panchayat Samitis and Zilla Parishads and Municipalities to adopt the principle of reservation of appointments for all the three methods of recruitment.

A special Officer of the status of Deputy Secretary to Government has been appointed to collect statistics to show as to how far the principle of reservation of appointments has been followed by the Departments in the State in making appointments and to suggest measures for making up of the deficiency if any. A quarterly return has also been prescribed to review the position at the end of every quarter.

## APPENDIX D-2

## GOVERNMENT OF ASSAM

There are reservations in the services of the State for Backward Classes.

The percentage of reservation for each category of the Backward Classes viz. Scheduled Caste, Scheduled Tribe (Plains and Hills) for all the categories of posts (Class I, II, III, IV) is the following—

General reservation of 5 per cent. of the vacancies for the members of Scheduled castes.

General reservation of 10 per cent. of the vacancies for the members of Scheduled Tribes (Plains).

General reservation of 12 per cent. of the vacancies for the members of Scheduled Tribes (Hills).

There is no reservation for other backward classes in this State.

The above noted percentage has been fixed according to population basis.

The public services do not include the State undertaking.

## APPENDIX D-3

## GOVERNMENT OF BIHAR

*Resolution No. III/3L.6/50-A, dated Patna, the 13th November, 1953*

The Government of Bihar have reviewed their policy in regard to communal representation in the services in the light of the provisions of the Constitution of India, which lay down *inter alia* that with certain exceptions, no discrimination shall be made in the matter of appointments to the services under the State on grounds of race, religion, caste, etc. The exceptions are that special provision shall be made for the representation of the Scheduled Castes and the Scheduled Tribes in the services. On determination of the exact figures of the population of the Scheduled Tribes and the Scheduled Castes on the result of the 1951 Census, the Government of Bihar have decided to make the following reservations in recruitment to services and posts under them :—

(a) In the case of services and posts to which appointments are made by direct recruitment on a State basis, 12½ per cent. of the vacancies shall be reserved for the Scheduled Castes, and 10 per cent. of the vacancies for the Scheduled Tribes.

(b) Vacancies in regional or local cadres, establishments and offices to which appointments are made by an authority subordinate to the State Government, having only regional or local jurisdiction, as for example, Divisional Commissioners, District Magistrates and Superintendents of Police shall be reserved for the Scheduled Castes and Scheduled Tribes as follows, provided, however, that considering the need for maintaining the quality of the public services such reservation shall not extend below the district basis :—

(i) Where the proportion of the population of the Scheduled Castes in the Division, District, or any higher administrative unit than district, is 12½ per cent. or more, 12½ per cent. of the vacancies shall be reserved for the Scheduled Castes and where the proportion of the Scheduled Castes is less than 12½ per cent. the reservation shall be equal to the percentage of the Scheduled Castes in the total population of the Division, District or other administrative unit, as the case may be, correct to the nearest whole number. For population below one per cent. there shall be no reservation.

(ii) Where the population of the Scheduled Tribes exceeds twenty per cent. of the population, the reservation shall be equal to the half of the percentage of such population in the total population of the Division, District, etc. Where the percentage of the Scheduled Tribes in the total population is 10 to 20 per cent. the reservation shall be 10 per cent.; and where it is below 10 per cent. the reservation shall be equal to the percentage of the Scheduled Tribes population. For population below one per cent. there shall be no reservation.

The foregoing orders will, for the present, apply only to recruitment to services and posts of Classes I, II and III. It has been decided that until the members of the Scheduled Castes and the Scheduled Tribes attain the proportion of 12½ per cent. and 10 per cent. respectively in the cadres of Class IV services (which carry a maximum pay of Rs. 35 per month exclusive of the cost of living allowances) the following reservations shall be made for candidates of the Scheduled Castes and the Scheduled Tribes in recruitment to Class IV services and posts :—

(i) In the case of services and posts of Class IV to which direct recruitment is made on a State basis, 25 per cent. of the vacancies shall be reserved for the Scheduled Castes and 20 per cent. of the vacancies for the Scheduled Tribes.

(ii) The following reservation shall be made for candidates of the Scheduled Castes and the Scheduled Tribes in appointment to vacancies in Class IV posts in regional or local cadres, establishments, and offices :—

(a) Where the proportion of the Scheduled Castes to the population of the District, Division, etc., is  $12\frac{1}{2}$  per cent. or less the reservation shall be double the percentage of the population of the Scheduled Castes in the total population. Where the percentage of the Scheduled Castes in the total population is more than  $12\frac{1}{2}$  per cent. the reservation shall be  $12\frac{1}{2} \times 2$  plus the percentage of the Scheduled Castes in the total population in excess of  $12\frac{1}{2}$  per cent.

For instance the population of the Scheduled Castes in the Manbhum District is  $14\frac{1}{2}$  per cent. According to the above formula, the reservation for the Scheduled Castes in Class IV services of that district will be as follows  $12\frac{1}{2} \times 2$  plus  $2\frac{1}{2} = 27$  per cent.

(b) Where the percentage of the Scheduled Tribes in the total population of the District or Division is 10 per cent. or less the reservation shall be double the percentage of the population of the Scheduled Tribes in total population. Where the percentage of the Scheduled Tribes in the total population is more than 10 per cent. reservation shall be—

10 per cent.  $\times 2$  plus the percentage of Scheduled Tribes in excess of 10 per cent.

For instance, the percentage of population of the Scheduled Tribes in the total population in the district of Santhal Parganas is 44.6 per cent. According to the above formula the reservation for the Scheduled Tribes in Class IV services of that district will be as follows :—

$10 \times 2$  plus  $34.6 = 54.6$  per cent.

The orders regarding reservation of vacancies shall not apply to recruitment by promotion.

In all cases, a minimum standard of qualification shall be prescribed and the reservations prescribed shall be subject to the over-riding condition that candidates of the Scheduled Castes and the Scheduled Tribes, possessing the prescribed qualifications and suitable in all respects, are available for vacancies reserved for them.

The maximum age-limits prescribed for appointment to a non-gazetted service or post shall be increased by five years and for a gazetted service or post by three years in the case of candidates belonging to the Scheduled Castes and the Scheduled Tribes. The fees payable by such candidates for admission to any examination or selection shall be one-fourth of those prescribed for other candidates.

For the purposes of these orders a person shall be held to be a member of Scheduled Caste, or of a Scheduled Tribe, as the case may be, if the person belongs to a caste, or a tribe, which, under the Constitution (Scheduled Castes) Order, 1950, or under the Constitution (Scheduled Tribes) Order, 1950, has been declared to be a Scheduled Caste or a Scheduled Tribe for the area in which the person, or the person's family ordinarily reside(s).

Supplementary instructions contained in a Memorandum issued by the Appointment Department of the Government of Bihar directed that :—

(1) *Posts filled by open competition.*—If the candidates of the Scheduled Castes and Scheduled Tribes obtain by competition less than  $12\frac{1}{2}$  per cent. and 10 per cent. of the vacancies, respectively, to be filled by open competition on a State-wise basis the difference shall be made up by nomination of duly qualified candidates of these castes and tribes, i.e., candidates of these castes and tribes who have qualified

at the test, selection etc., held for the purpose, but have secured ranks lower than the candidates of other communities for whom no reservation has been prescribed.

(2) *Roster of Appointments*.—A roster of 40 vacancies will be necessary to give effect properly to the reservations for the Scheduled Castes and the Scheduled Tribes in services and posts to which appointments are made on a State basis and the roster given below should be adopted as a model roster for future appointments :

For Class I, II and III Services.

1. Scheduled Castes.
2. Scheduled Tribes.
- 3—8. Unreserved.
9. Scheduled Castes.
10. Unreserved.
11. Scheduled Tribes.
- 12—16. Unreserved.
17. Scheduled Castes.
- 18—20. Unreserved.
21. Scheduled Tribes.
- 22—24. Unreserved.
25. Scheduled Castes.
- 26—30. Unreserved.
31. Scheduled Tribes.
32. Unreserved.
33. Scheduled Castes.
- 34—40. Unreserved.

For Class IV Services.

1. Scheduled Castes.
2. Scheduled Tribes.
- 3—4. Unreserved.
5. Scheduled Castes.
6. Unreserved.
7. Scheduled Tribes.
8. Unreserved.
9. Scheduled Castes.
- 10—11. Unreserved.
12. Scheduled Tribes.
13. Scheduled Castes.
- 14—16. Unreserved.
17. Scheduled Castes.
18. Scheduled Tribes.
- 19—20. Unreserved.
21. Scheduled Castes.
22. Unreserved.
23. Scheduled Tribes.
24. Unreserved.
25. Scheduled Castes.
- 26—27. Unreserved.
28. Scheduled Tribes.
29. Scheduled Castes.
- 30—32. Unreserved.
33. Scheduled Castes.
34. Scheduled Tribes.
- 35—36. Unreserved.
37. Scheduled Castes.
38. Scheduled Tribes.
- 39—40. Unreserved.

(3) *Posts filled otherwise than by open competition*.—The instructions in paragraphs 1 to 2 above shall be followed also in respect of all services and posts to which direct recruitment is made on a State basis, otherwise than by open competition.

(4) *Local Recruitment*.—In the case of local cadres, establishments and offices to which appointments are made by an authority subordinate to the State Government, appointments in every division and district shall be made in accordance with the rosters.

It will be the responsibility of the Administrative Department to ensure that appointments in the offices subordinate to them are made in accordance with these rosters.



(5) Purely temporary establishments, such as work-charged staff, including the daily-rated and monthly rated staff, shall be excluded from the scope of the orders regarding reservations of vacancies.

(6) (a) As a rule no exemptions from the scope of these orders shall be allowed, but exceptional cases should be referred to the Appointment Department for decision.

(b) If a sufficient number of candidates of the Scheduled Castes and the Scheduled Tribes, who are considered suitable in respects for appointments to the reserved quota of vacancies are not available, the vacancies that remain unfilled will be treated as unreserved and filled by the best available candidates, but a corresponding number of vacancies will be reserved in the following year for the Scheduled Castes and/or Scheduled Tribes, whose vacancies are thus filled in addition to such number as would ordinarily be reserved for them under the orders contained in the Resolution.

(c) If suitably qualified candidates of the Scheduled Castes and the Scheduled Tribes are again not available to fill the vacancies carried forward from the previous year under clause (b), the vacancies not filled by them will be treated as unreserved and the reservations made in those vacancies will lapse.

(d) A vacancy caused by the termination of the services of a probationer should not be treated as a fresh vacancy, but should be treated as (a) unreserved or (b) reserved for (i) the Scheduled Castes or (ii) Scheduled Tribes, according as the vacancy was originally treated as unreserved or reserved.

(7) (a) In order to justify a statement that a sufficient number of suitable candidates of the Scheduled Castes and the Scheduled Tribes is not available and the vacancies should, therefore, be treated as unreserved, the vacancies may, as hitherto, continue to be advertised in the newspapers. It is also necessary to consult other agencies which may be in a position to assist in the matter. As already pointed out in instructions issued from time to time by the State Government appointing authorities should supply information regarding vacancies in ministerial, subordinate and lower-grade posts to:—

(b) Members of the Legislature who represent Scheduled Caste constituencies and Tribal Constituencies;

(ii) The Harijan Sewak Sangh;

(iii) The District Congress Committees;

(iv) The Harijan Welfare Officers; and

(v) Depressed Classes' League.

It should be made clear to these organisations and individuals that their functions are limited to bringing to the notice of suitable candidates the vacancies for which they should apply and to advise the candidates on matters which may be of assistance to them in preparing for admission to examinations held for recruitment to the services and that it shall not be for them to press the claims of any individual candidate, who should submit his application direct to the appointing authorities.

(8) Grouping of posts : When applied to individual posts or to cadres consisting of a few posts, only, the orders regarding communal representation in the services take long to produce the results aimed at, since an isolated post can be held only by a member of one community at a time, and, in the case of a small cadre, vacancies may not occur with sufficient frequency to enable the Scheduled Castes and the Scheduled Tribes to secure adequate representation. To overcome this difficulty, it is necessary to group posts of similar status and to apply these orders to the groups so formed. The services under the State have already been classified as Class I, II and Class III and Class IV and the appointing authorities should utilise this classification for the purpose of grouping.

#### Communal Representation in the Service : Instructions relating to grouping of posts

(1) Whenever a cadre or a grade or division of a service, to which direct recruitment is made, consists of less than twenty posts, steps should be taken to group these posts with similar posts in the service, department or office, which are filled by direct recruitment.

(2) In forming groups, posts in different classes of services should not ordinarily be placed together (e.g. posts belonging to Class I should not ordinarily be grouped with posts belonging to Class II).

(3) A group should not ordinarily consist of less than 25 posts.

(4) Normally posts should be grouped mainly according to status and salary. The qualifications prescribed for direct recruitment may also be taken into consideration.

(5) It is not intended that an isolated post should be grouped only with other isolated posts. Subject to the other conditions in these instructions, there is no objection to the grouping of any isolated post with a cadre, grade or division of service containing more than 20 posts.

(6) After a group has been formed, all vacancies in that group meant for direct recruitments will be filled in accordance with the applicable communal roster irrespective of the actual posts in which the vacancies occur, but subject to duly qualified and suitable candidates being available.

(7) Proposals for grouping of isolated posts, to which appointments are made on a State-wide basis, will require the approval of the Appointment Department and for the purpose, the Departments of Government and Heads of Departments, should report to the Appointment Department the designation and number of all isolated posts in the Department that require to be grouped together in pursuance of these instructions, the scales of pay attached to these posts, the nature of duties and the qualifications prescribed for direct recruits and also suggest methods for conveniently grouping them.

(8) Although there is no reservation of vacancies for members of Backward Classes other than the Scheduled Castes and the Scheduled Tribes, there is persistent complaint that they are not adequately represented even in Class III and Class IV posts. The State Government, therefore, desire that the claims of candidates of Backward Classes mentioned in Annexure 1 to Government Order No. 7079-A, dated

the 25th July, 1951, should receive due consideration at the hands of the appointing authorities in making such appointments so that there may be no reasonable ground for complaint.

There is no overseeing or follow-up machinery in the form of a particularly constituted agency for this purpose. Further, the Appointment Department and the Welfare Department keep constant watch on the appointments made by the various departments of Government by reviewing periodical returns submitted by the appointing authorities and bringing to their notice the deficiencies.

#### APPENDIX D-4

##### GOVERNMENT OF GUJARAT

There are reservations in the services of the State for Backward Classes. The reservations in the services of the Backward Classes are as under :—

##### Old Bombay State Area

###### Class I and II Posts.

(for Scheduled Castes, Scheduled Tribes and 12½ per cent.  
Other Backward Classes).

###### Class III

Scheduled Castes	...	...	6 per cent.
Scheduled Tribes	...	...	7 per cent.
Other Backward Classes	...	...	9 per cent.

###### Class IV

Scheduled Castes	...	...	7 per cent.
Scheduled Tribes	...	...	9 per cent.
Other Backward Classes	...	...	11 per cent.

##### Ex-Saurashtra Area

Gazetted Services (Class I and II Posts)	...	...	...
Scheduled Castes and Scheduled Tribes	...	...	5 per cent.
Class III (for all Backward Classes)	...	...	10 per cent.
Class IV (for Scheduled Castes and Scheduled Tribes)	...	...	6½ per cent.
For Other Backward Classes	...	...	6½ per cent.

##### For Kutch State Area

All Services (for Scheduled Castes)	...	...	12½ per cent.
All Services (for Scheduled Tribes)	...	...	5 per cent.

The orders issued by the former Bombay Government are still in force in this State.

Services in State undertakings like State Transport and Warehousing Corporations etc. are not considered as State Public Services.

As regards Municipalities and District Local Boards, Orders issued by the former Bombay Government are in force in this State.

For watching the fulfilment of the policy of reservation all the heads of Departments and offices are required to furnish the returns in respect of percentage of reservation maintained, to the Director of Social Welfare, who scrutinizes the information and communicate it to the Government.

## APPENDIX D-5

## GOVERNMENT OF KERALA

There is reservation for Backward communities in the Direct recruitments made to the services of this State.

In all direct recruitments into the services of the State 10 per cent. of the vacancies are reserved for Scheduled Classes and Scheduled Tribes and 40 per cent for the 'Other Backward Classes'.

While including the communities in the lists of Backward Classes, their social and educational backwardness and their meagre representation in the services of the State are taken into consideration.

State Transport Department is included in the Public Services of the State but the Kerala State Warehousing Corporation is not included in the Public services, and it has its own staff regulations according to which reservation rules are not being followed while making appointments.

Municipal Councils in this State are governed by three different Municipal Acts and Rules issued thereunder. Under the Madras District Municipalities Act, 1920, and Rules issued thereunder, three out of every 20 vacancies are reserved in the Malabar area for members of Scheduled Castes and Scheduled Tribes. There is no similar provision in respect of the municipalities of the Travancore area but circular establishments of municipalities. In former Cochin area of this State, recruitment instructions have been issued to give due representation to all communities in the was made by the Public service Commission and so the rules regarding reservation of appointments to Government service are strictly followed.

This Government have not created any overseeing or follow up machinery for watching the fulfilments of the policy of reservation.

*General Rules*

Reservation of appointments : Where the special rules lay down that the principle of reservation of appointments shall apply to any service, class or category, appointments thereto shall be made on the following basis :—

(a) The unit of appointment for the purposes of this rule shall be 20 of which two shall be reserved for Scheduled Castes and Scheduled Tribes and 8 shall be reserved for the other Backward Classes and the remaining 10 shall be filled on the basis of merit.

(b) The claims of members of Scheduled Castes and Scheduled Tribes and Other Backward Classes shall also be considered for the appointments which shall be filled on the basis of merit and where a candidate belonging to a Scheduled Caste, Scheduled Tribe or Other Backward Class is selected on the basis of Merit, the number of posts reserved for Scheduled Castes, Scheduled Tribes or for Other Backward Classes as the case may be, shall not in any way be affected.

(c) Appointments under this rule shall be made in the order of rotation specified below in every cycle of 20 vacancies :—

1. Open competition.
2. Other Backward Classes.
3. Other competition.

4. Scheduled Castes and Scheduled Tribes.
5. Open competition.
6. Other Backward Classes.
7. Open competition.
8. Other Backward Classes.
9. Open competition.
10. Other Backward Classes.
11. Open competition.
12. Scheduled Castes and Scheduled Tribes.
13. Open competition.
14. Other Backward Classes.
15. Open competition.
16. Other Backward Classes.
17. Open competition.
18. Other Backward Classes.
19. Open competition.
20. Other Backward Classes.

7. If there is no suitable candidate available for selection from the group of communities classified as Other Backward Classes or from the group of communities classified as Scheduled Castes and Scheduled Tribes in the turn allotted for them in the cycle, the said group shall be passed over in making the selection. But the said group shall get at the earliest possible opportunity the benefit of the turn thus forfeited, if a duly qualified candidate is forthcoming from that group within a period of three years, a corresponding reduction being made in the number of vacancies due to be filled by open competition.

There shall be sub-rotation among major groups of Other Backward Classes but no sub-rotation among Scheduled Castes and Scheduled Tribes.

#### APPENDIX D-6

##### GOVERNMENT OF MYSORE

In accordance with the Article 16(4) of the Constitution which enables the State Governments to make provision for reservations in appointments in favour of Backward Class of Citizens, which in the opinion of the State are not adequately represented in the services of the State Government considered the report of a committee set-up in January 1959, and necessary orders were issued on 14th July 1961. Under this order it was stated that—Order No. GAD-83 SRR 61, dated Bangalore, the 15th July 1961.

The Backward Classes Committee appointed by the Government in January, 1960, for advising them on the criteria to be adopted for determination of Backward Classes in the State for the purposes of Articles 15(4) and 16(4) of the Constitution, submitted its final report in May 1961. Before making its recommendations, the committee has taken into consideration the various suggestions and representations and replied to the questionnaire received from individual and representative institutions. The

Committee has come to the conclusion that in the present circumstances, the only practicable method of classifying the Backward Classes in the State is on the basis of castes and communities and that the following criteria should be adopted for determination of the Backward Classes in the State, not adequately represented in Government Services : —

(i) Social Backwardness of a community should be judged by the status accorded to the Community in general (apart from individuals).

(ii) Educational backwardness of a community should be judged on the basis of the percentage of students of each community in the last three classes of High School in the State during 1959-60, as compared with the State average in those classes for that year.

(iii) A socially and educationally backward community should be considered as not adequately represented in Government service, if it does not have representation in such service in proportion to the percentage of its population in the State.

2. The Committee has also recommended that those communities which are socially and educationally backward and are not adequately represented in Government service, should be considered as the "other Backward Classes" in the State for the purpose of reservation of posts in Government service, under Article 16(4) of the Constitution.

3. The Committee has opined that even amongst the Backward Classes there are some communities which are more Backward than the rest and that in order that the interest of the more Backward Classes are safeguarded, they should be classified separately with a minimum quota of reservation for their own group, besides being eligible to compete for the entire quota reserved for the "other Backward Classes" as a whole. The Committee's view is that those communities whose percentage of students in the last three classes of the High Schools is below the State average should be grouped as Backward Classes while those amongst them whose percentage of students in the said classes is less than 50 per cent. of the State average should be grouped as the "More Backward Classes".

4. Government agree with the Committee that, for the present the only practicable method of classifying the Backward Classes in the State is on the basis of Castes and Communities, Government also consider that the criteria suggested by the Committee for the preparation of the list of Backward Classes, not adequately represented in Government Service, are most equitable and satisfactory in the existing circumstances. While generally accepting the recommendations made by the committee for the preparation of the list of Backward Classes for the purpose of Article 16(4) of the Constitution, Government consider that the following modifications are necessary :—

(i) The Committee has worked out the percentage of the total number of students in the last three classes of High Schools to the total population of State. The percentage of students in each community in the last three classes of High Schools during 1959-60 to the population of that community in the State has been worked out and if the percentage of the students in any community fell short of the percentage of total number of students to the total population of the State, that community has been treated as educationally backward. Government are in agreement with the Committee that this is a proper test for assessing the educational backwardness of communities, subject to the modification that while working out the number of students per thousand of population the figures should not be expressed in decimal points; but should be corrected to the nearest integer as,

in the nature of things, it is not possible to attain absolute mathematical precision in making such assessment which may result in communities requiring protection being denied such protection and for the same reason that those communities which just reach the State average according to the calculations made by the Committee should also be included among the educationally Backward Classes. Calculated on this basis, the number of students in the last three classes of High School belonging to the Lingayat and Ganiga Communities is 7 per thousand of population, which is just equal to the State average. The Lingayats and the Ganigas will, therefore, be included among the educationally Backward Classes.

(ii) The Backward Classes Committee has considered the Ganigas to be socially backward. But as regards the Lingayats the Committee has stated that the entire Lingayat Community is socially forward. Government have given careful consideration to this question and are unable to accept this opinion. It may be noted that the Committee's opinion is not unanimous. A very large percentage of the Lingayats population lives in rural areas and most of them are engaged in agriculture and manual labour and suffer from all the consequences of illiteracy and poverty. Applying the very criterion suggested by the Committee for the classification of socially backward communities Government are of the opinion that the Lingayat Community taken as a whole should be considered as socially backward. The same arguments apply to the Bhunts. Most of the Bhunts live in rural areas and follow their traditional occupation of agriculture and manual labour for earning their livelihood. This has naturally resulted in Social Backwardness. The Bhunts are a sub-section of the Vokkaligas, but the Committee has considered that the Bhunts are socially forward. When the main community is considered as socially backward, it is not correct to carve out a sub-section of that community and classify it as socially advanced. The population of the Bhunts in the State is included among the population of the Vokkaliga Community. The number of Vokkaliga students in the last three classes of High Schools in the State during 1959-60 including the students of the Bhunts Community, is only 6 per thousand. For the reasons stated above the Government are of the considered opinion that the Bhunts should be classified with their parent community, i.e. Vokkaliga and should be included in the list of socially and educationally Backward Classes. Subject to these modifications, the Government accept the list of "Other Backward Classes" furnished by the Committee for the purpose of Article 16(4) of the Constitution.

5. The Committee has expressed the view that if a community does not have representation in Government service in proportion to the percentage of its population, then such community should be considered as inadequately represented in Government service. It appears from the report that they have relied upon the figure of appointments and employees into the State as compiled by the Director of Statistics and worked out a statement indicating which of the communities in the State are inadequately represented in Government service.

6. As regards reservation, the Committee has recommended that reservation for the Backward Classes in Government service should be 45 per cent. and that the division between the two groups A and B of the list of Backward Classes should be 21 per cent. and 24 per cent. respectively. Reservation of 45 per cent. of the posts in Government service for the "other Backward Classes" in addition to the 18 per cent. for Scheduled Castes and Scheduled Tribes, will add to a total reservation of 63 per cent. Such a large percentage of reservation would not be in the larger interests of the State. Accordingly, the Government have come to the

conclusion that the reservation in favour of the "Other Backward Classes" and the Scheduled Castes and Scheduled Tribes should not exceed 50 per cent. of the total number of posts available for direct recruitments to Government service. As regards reservation for the backward classes of citizens in the State, not adequately represented in Government Service, Government consider that it would be reasonable to reserve only 30 per cent. of posts subject to exclusive reservation of 14 per cent. for the more Backward Classes among them. Government also consider that the candidates belonging to the "More Backward Classes" should be eligible to compete for all the seats reserved for Other Backward Classes, besides being eligible to compete for the merit pool.

7. For the aforesaid reasons, Government accept the recommendations of the Backward Classes Committee with the following modifications:—

(i) The Lingayats, Ganigas and Bhunts should be included in the list of Other Backward Classes for the purpose of reservation of posts in Government Service.

(ii) Reservation for "Other Backward Classes" should be only 30 per cent. of the total number of posts available for direct recruitment under Government. This reservation is in addition to the reservation of 15 per cent. and 3 per cent. respectively for Scheduled Castes and Scheduled Tribes. Out of the reserved quota of 30 per cent. for "Other Backward Classes", 14 per cent. should be reserved for "More Backward Classes" and the rest of the posts should be filled up on the basis of merit of candidates belonging to the "Other Backward Classes". The candidates from the More Backward Classes should be eligible to compete for the merit pool as also for the entire quota of posts reserved for the "Other Backward Classes". If any of the posts reserved for candidates belonging to the Scheduled Castes and Scheduled Tribes and Other Backward Classes remain unfilled for want of qualified candidates of those communities the same shall be added on the merit pool.

#### GOVERNMENT OF MYSORE

Official Memorandum No. GAD-144-RSR-58, dated Bangalore, the  
10th August 1960

In order to give effect to the reservations, Government have decided that in supersession of all previous orders on the subject, the following procedure should be adopted in respect of recruitment to Class III and Class IV services:—

(1) All vacancies to which communal reservations are applicable will be classified into (i) "A" or "General" vacancies, which will be filled up by candidates on the basis of merit irrespective of communal considerations, (ii) "B" or "Special" vacancies, open only to Backward Class candidates (iii) "C" or "Reserved-I" vacancies, open only to Scheduled Castes candidates, and (iv) "D" or "Reserved-II," vacancies open only to Scheduled Tribes candidates.

(2) One hundred vacancies will be taken as a Unit for purposes of communal classification and rotation.

(3) Each Unit will have 9 cycles.

(4) Out of 9 cycles, the first 8 cycles will consist of 12 vacancies, while the last cycle will consist of 4 vacancies.

(5) The order of classification and rotation in respect of each cycle will be as indicated in the Annexure.



(6) Vacancies the duration of which does not last beyond three months should be left out of account for purposes of classification. If a candidate appointed to a particular vacancy according to the rules of recruitment does not join duty, or having joined duty, gives up the appointment within 45 days thereafter, the vacancy need not be re-classified but the post may be filled up by the next candidate of the same class from the P. S. C. list or if the selection had been made after advertisement, without fresh advertisement. Vacancies which are temporarily filled up by Local Candidates will not be reclassified for howsoever long the Local Candidates work in such posts and they will be replaced by the candidates of the class for which the posts are reserved, selected according to the rule of recruitment.

2. At present, the Public Service Commission prepares separate list ("A", "B" and "C") of candidates selected on merit, Backward Class candidates, and Scheduled Castes, Scheduled Tribes candidates, respectively, for each kind or category of appointments and issues them to the various Unit Officers of recruitment, who classify the posts and fill them according to the prescribed rotation. It is, however, noticed that under the present system, a Backward Class candidate included in the "A" list may get appointed much later than candidates of lesser merit who are included in the "B" list. As it is anomalous that a Backward Class candidate with sufficient merit as judged from his inclusion in the "A" list, should get his chance of appointment long after other Backward Class candidates, who do not possess sufficient merit to get into the "A" list, it is proposed to discontinue forthwith the preparation of separate lists of candidates belonging to the three categories.

This will not however affect lists already issued by the Public Service Commission which will be made use of in accordance with the prevailing practice.

3. As Government have decided that there should be separate reservation for the Scheduled Castes and Scheduled Tribes, it will not be satisfactory to group together the candidates belonging to the aforesaid castes and tribes.

4. In view of these circumstances, the Public Service Commission, will henceforth prepare for each category of posts, a combined list of candidates arranged solely in the order of merit. But they will indicate therein the category 'B', 'C' and 'D' against the names of the candidates belonging to the Backward Classes, the Scheduled Castes and Scheduled Tribes respectively. The unit officers should adopt the combined list while filling the posts according to the procedure referred to in paragraph 1 above. That is to say, if the post to be filled according to rotation, is classified as 'B', 'C' or 'D', the candidate belonging to this category on the combined list should be selected strictly in the order of seniority and the post filled on that basis. But if the post is classified as 'A', it should be filled by a candidate on the combined list according to seniority irrespective of the category to which he belongs because a general vacancy is to be filled on the basis of merit irrespective of communal consideration.

5. Situations may arise in which candidates of particular classes are not available in sufficient number to fill all the vacancies reserved for them. The procedure to be followed in such circumstances, is indicated below:—

I. (a) *Action to be taken in the event of shortage of Scheduled Castes and Scheduled Tribes candidates.*

(1) In case a sufficient number of scheduled tribes candidates are not available from the list of candidates prepared by Public Service Commission to fill all the

posts reserved for them, the posts which remain over after appointment of all Scheduled Tribes candidates may be regarded as reserved for the 'Scheduled Castes' candidates and filled by 'C' candidates in the Public Service Commission list. Similarly, posts which remain over in the quota reserved for Scheduled Castes after the appointment of all the 'C' candidates in the Public Service Commission list may be filled by Scheduled Tribes candidates in the Public Service Commission list. The appointments made in this manner of Scheduled Castes/Scheduled Tribes candidates in posts reserved for Scheduled Tribes/Scheduled Castes, will not be regarded as 'local' appointments and will be deemed to have been made in accordance with the rules of recruitment. The unit officer should, however, make suitable adjustments in order to see that in a complete unit of hundred vacancies the proportion between Scheduled Castes and Scheduled Tribes candidates is maintained as far as possible.

(2) If even after following the procedure mentioned in the preceding subparagraph, posts reserved for Scheduled Castes and Scheduled Tribes remain unfilled, they should be filled by 'B' candidates in the Public Service Commission list. If even 'B' candidates are not available, the posts should be filled by candidates in the Public Service Commission list on the basis of merit with our reference to communal considerations. The appointments thus made against 'Reserved' vacancies will not be treated as local appointments but will be deemed to have been made in accordance with the rules of recruitment. The vacancy or vacancies so lost to the Scheduled Castes/Scheduled Tribes candidates will be carried forward for a period of three years from the date of occurrence of the vacancy/vacancies concerned, in addition to such number as would ordinarily be reserved for them in these years and set off against the categories to whom the earlier vacancies were assigned.

#### Annexure

Order of rotations of each 100 vacancies.

	<i>Rotation</i>		<i>Classification.</i>
1.	'A' or general	...	Merit.
2.	'A' or general	...	Merit.
3.	'B' or special	...	Backward Classes.
4.	'C' or reserved	...	Scheduled Castes.
5.	'A' or general	...	Merit.
6.	'A' or general	...	Merit.
7.	'B' or special	...	Backward Classes.
8.	'C' or reserved	...	Scheduled Castes.
9.	'A' or general	...	Merit.
10.	'B' or special	...	Backward Classes.
11.	'A' or general	...	Merit.
12.	'A' or general	...	Merit.

Out of 9 cycles of 100 direct recruitment vacancies 8 cycles may be as above, but in the II, V and VIII cycles, every 4th 'C' or reserved vacancy may be earmarked for Scheduled Tribes, the IX cycle being as follows:—

1.	'C' or reserved	...	Scheduled Castes.
2.	'B' or special	...	Backward Classes.
3.	'C' or reserved	...	Scheduled Castes.
4.	'A' or general	...	Merit.

As regards the machinery for watching the fulfilment of the policy of reservation, the following is the summary issued by the Government of Mysore:—

Secretaries to Government have been required to obtain from the Heads of Departments and other appointing authorities under their administrative control, half yearly progress reports in the form prescribed indicating the progress of direct recruitment of candidates of Scheduled Castes and Scheduled Tribes to all classes and categories of service and review the progress with reference to (i) the actual number of Scheduled Castes and Scheduled Tribes candidates recruited during the previous half year in each department, (ii) the extent to which the reservation made in their favour is satisfied under each category of service and (iii) how it is proposed to make good the deficiency, if any, in the coming half year. Besides, Government have prescribed a comprehensive procedure for the registration, classification and reporting of vacancies and appointments made, to the Public Service Commission. Instructions have also been issued to the Unit Officers and appointing authorities in regard to the classification of vacancies and implementations of communal reservations. In order to give effect to the reservation for Backward Classes all vacancies to which communal reservation is applicable will be classified into (1) Open competition, Scheduled Castes, Scheduled Tribes, More Backward Class and Other Backward Class; (2) 100 vacancies will be taken as a Unit, (3) Each Unit will have 4 cycles consisting of 25 vacancies, (4) the order of Government have also issued directions that the Unit Offices at Bangalore should be inspected by the Special Secretary to Government and the other Unit Offices in each division by the Divisional Commissioners concerned to ensure that instructions regarding communal reservations, classification of vacancies, etc. are complied with by the recruiting authorities. The inspections of each office should be done at least once a year and non-compliance of the instructions regarding reservation, classification of vacancies, etc. should be brought to the notice of the Chief Secretary. The Divisional Commissioners and the Special Secretary, General Administration Department (Organisation and Methods) have been instructed to send to Government in the General Administration Department their inspection reports as and when they inspect the Unit Offices. They should also ensure that no Unit office within their jurisdiction remains un-inspected for more than one year. They are also required to send the inspection report in the prescribed form together with their general remarks to the Chief Secretary.

#### APPENDIX D-7

##### GOVERNMENT OF MADHYA PRADESH

Provision for reservation of posts for Scheduled Castes and Scheduled Tribes in Public Services in Madhya Pradesh has been made as under:—

Class I and II posts ...	Scheduled Castes ...	15 per cent.
	Scheduled Tribes ...	18 per cent.
Class III and IV posts ...	Scheduled Castes ...	16 per cent.
	Scheduled Tribes ...	20 per cent.

The percentage of Scheduled Castes and Scheduled Tribes for making reservation of seats has been fixed on the basis of their population.

The State Public Services include the services in the State undertakings.

No directions have been issued by Government to local bodies requiring them to adopt the principles of reservation in favour of Backward Classes in the services under them.

With a view to watch the effective implementation of the Government orders a statement has been prescribed to collect the information from the various Departments of Government. Instructions have also been issued that in order to ensure effective compliance of Government orders in this connection, the appointing authorities should obtain prior orders of the highest authorities concerned before any reserved vacancy is allowed to lapse for want of suitable candidates from Scheduled Castes and Scheduled Tribes.

### APPENDIX D-8

#### GOVERNMENT OF MADRAS

According to the existing rules in force, for every hundred appointments made by direct recruitment to any service, class or category sixteen shall be reserved for the Scheduled Castes and the Scheduled Tribes taken together and twenty-five for the Backward Classes and the rest 59 on the basis of merit. There is no separate representation for each category of Backward Class. The reservation made is for the entire Backward Classes. Appointments to the posts shall be made in the order of rotation specified in the rules in every cycle of 25 vacancies and, if a candidate belonging to the Scheduled Castes, the Scheduled Tribes or the Backward Classes is not available for appointment in the turn allotted for them in the cycle, the turn will lapse and the vacancy shall be filled up by the next turn in the order of rotation. No account shall be taken of any lapsed turns of the Scheduled Castes, the Scheduled Tribes or of the Backward Classes. The rule of reservation is not generally applied in the case of transfer or promotion as it has been considered that once having entered service equal opportunities should be given to all in the matter of further promotion. However, in case of appointments to certain gazetted posts by promotion from the corresponding non-gazetted posts the rule of reservation is followed. The various services of this State are broadly classified into State (gazetted) and Subordinate (non-gazetted) services and there is no other classification in vogue here.

While the reservation in favour of the Scheduled Castes and the Scheduled Tribes has been made on the basis of their population, similar criterion has not been adopted in the case of the Backward Classes.

Personnel in State undertakings like the State Transport Departments are Government employees and public services in this State include them also. Warehousing Corporation is, however, autonomous body and employees of the corporation are not Government servants.

This Government have issued directions to the local bodies like Municipalities to follow the principles of reservation of appointments in making recruitment of personnel. No such directions have, however, been issued to the Corporation of Madras, since it is a quasi-Government body which is competent to frame its own recruitment regulations. The District Boards have been abolished consequent on the constitution of Panchayat Unions and all rules that were applicable to the personnel of the District Boards have been temporarily made applicable to employees in Panchayat Unions also till framing of separate set of rules. The principle of reservation of appointments is, therefore, now followed in making appointments to Panchayat Unions.

There is no overseeing or follow up machinery created in this State for watching the fulfilment of the policy of reservation. However, the position obtaining in this State is explained for information.

Recruitment to almost all State Services and to all important Subordinate Services is made through the agency of the Madras Public Service Commission which is a statutory body discharging the functions assigned to it under the Constitution of India. In sending requisition for candidates to the Madras Public Service Commission, the appointing authorities are required to specify the vacancies in favour of the Backward Classes and the turns in respect of which candidates are to be selected. The Commission as one of its primary functions also sees to it that the recruitment is made in accordance with the rule of reservation and hence it is automatically ensured that the Backward Classes get whatever chances of appointments have been reserved for them subject, however, to availability of suitable candidates. The other appointing authorities also likewise make appointments to posts with which they are concerned, in accordance with the rule of reservation.

Again, to watch the representation of the Backward Classes, in the various services in this State, this Government have prescribed two annual returns. Of the two returns, one relates exclusively to recruitment to the Ministerial Services which constitute the major services and the other relates to recruitment to all other subordinate and State Services. They specify particulars of both permanent and temporary appointment made by the authorities concerned. The returns are reviewed annually by Government to see how far the rule of reservation is fulfilled in actual working with a view to assess the availability or paucity of Backward Class candidates for recruitment.

#### APPENDIX D-9

##### GOVERNMENT OF ORISSA

In the matter of recruitment of public services the State Government have so far followed the principle on selection by merit without reference to the community to which a person belongs. But in order to secure better representation of the Scheduled Castes, the following concessions were extended to the Scheduled Castes candidates in memo No. 29918(8)-A, dated the 31st December 1943 :—

(a) In all appointments made by Government the Public Service Commission will be requested to report on the best qualified candidate of the Scheduled Castes showing how he compares with the lowest candidate recommended so that the question of his appointment may be considered.

(b) In the case of appointments made by authorities other than Government a general direction was given to the authority making the appointment that special consideration is to be given to any member of the Scheduled Caste, who possesses the necessary minimum qualifications and is in the opinion of the appointing authority suitable for appointment.

(c) The State Government have now reviewed their policy in this regard in the light of the provisions of the constitution of India which lay down *inter alia* that with certain exceptions, no discrimination shall be made in the matter of appointments to the services under the State Government on grounds of race, religion caste, etc. The exceptions are that special provisions may be made for the Scheduled Castes and the Scheduled Tribes in all services. The State Government have therefore, decided in supersession of all previous orders on the subject that

the following principles will be observed in the recruitment of candidates of the Scheduled Castes and Scheduled Tribes to the posts and services under the rule making control of the State Government viz. :—

(i) Eighteen per cent. of vacancies in all services shall be reserved for Scheduled Castes and twenty per cent. for the Scheduled Tribes.

(ii) The decision will apply only to new posts and the reservations will be subject to the condition that the candidates possess the minimum educational and other qualifications prescribed for the appointment in question. If the number of these candidates possessing the requisite qualifications is less than the number of vacancies reserved for them, the remaining vacancies will be treated as unreserved and filled by qualified candidates of other communities.

(iii) The maximum age limits prescribed for appointment to a service or post will be relaxed by three years for gazetted posts and by five years for non-gazetted posts for these candidates.

(iv) Such candidates need pay only one-fourth for the fees normally prescribed for admission to any examination or selection.

The list of all the Scheduled Castes and Scheduled Tribes recognised as such by Government are given in the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Tribes) Order, 1950.

The orders regarding the reservation of vacancies in favour of the Scheduled Castes and the Scheduled Tribes will not apply to recruitment by promotion which will continue to be made as heretofore irrespective of communal consideration and on the basis of seniority and/or merit as the case may be.

In respect of services and posts to which appointments are made without consultation with the Orissa PSC a roster of the posts falling vacant in different categories should be maintained by each department. Out of every 5 new posts or vacancies arising in each category (either at one time or from time to time) the first will go to a candidate from the Scheduled Tribes, the second to a candidate of the Scheduled Caste and the last three will remain unreserved. Thus for 5 vacancies whether they occur simultaneously or over a period of time, the order in which they will be filled up will be as follows :—

1. Scheduled Tribe.
2. Scheduled Caste.
3. to 5. Unreserved.

For the 6th and 7th vacancies, the order of the Scheduled Castes and Scheduled Tribes will be changed, that is if in accordance with the above illustration the first post of vacancy was filled up by a candidate of the Scheduled Tribe and the second by a candidate of the Scheduled Caste, the 6th will be filled up by a candidate of the Scheduled Caste and the 7th by a candidate of the Scheduled Tribe. The 8th, 9th and 10th posts of vacancies will be unreserved and the 11th will be given to a candidate of the Scheduled Tribe and the 12th to a candidate of the Scheduled Castes and so on.

Where recruitment to any service or post is made in consultation with the Orissa Public Service Commission, the percentage of reservation, that is 18 per cent. for the Scheduled Castes and 20 per cent. for the Scheduled Tribes will be observed subject to the candidates of the Scheduled Tribes satisfying the minimum standard for appointment to the services and posts :

Provided that where two or more posts exist at least one of the posts will be filled up by a candidate of the Scheduled Caste or Scheduled Tribe irrespective of the fact that the percentage of reservation laid down may not entitle the candidates belonging to castes or tribes to one post. For instance when there are two vacancies, one will be filled by a suitable candidate belonging to the Scheduled Caste or Scheduled Tribe. When three vacancies exist, one will be reserved for a suitable Scheduled Caste candidate and one for suitable Scheduled Tribe candidate. For four or five vacancies, the reservations will be as far as the three vacancies and for six vacancies upwards the 18 per cent. and 20 per cent. reservations will come into force in accordance with paragraph 1(a) above. When there is only one post vacant this provision will not apply. In the event of any reserved vacancies of any year remaining unfilled because no suitable Scheduled Castes or Scheduled Tribe candidate is available it will be filled by appointment of other candidates. The reserved quota so filled up will be carried over and added to the next year's quota. If it is not filled in the second year, it will lapse. For instance if there are three reserved vacancies in 1953 and only one can be filled, the remaining two will be added to the 1954 quota. If the 1954 quota is three, there will be 3 plus 2=5 reserved vacancies. If only one candidate is available the remaining two of the actual 1954 quota will be carried over to 1955, but the 1953, quota of two will lapse.

In respect of all new posts of vacancies in Class III and Class IV services, reservation shall be to the extent of 50 per cent. for the Scheduled Castes and Scheduled Tribes candidates. If during any particular year, a sufficient number of suitable candidates of Scheduled Castes and Scheduled Tribes is not available to fill up the posts to the extent of 50 per cent. of the reserved posts left unfilled shall be filled up by the appointment of other candidates but the reserved quota of the Scheduled Castes and Scheduled Tribes so filled up will be added to the quota reserved for them for the next year, the quota of unreserved posts for that year for the other candidates being proportionately reduced. If, however, even during the second year, sufficient number of suitable candidates of the Scheduled Castes and Scheduled Tribes are not available to avail of this quota, it will lapse as explained in the preceding paragraph.

The percentage of reservation to the extent of 50 per cent. as laid down above will hold good till the actual percentage of officers belonging to the Scheduled Castes and Scheduled Tribes among these categories of Government officers rises to the desired level of 18 per cent., and 20 per cent., respectively.

The reservations provided for are based on provision in the Constitution of India and it is, therefore, absolutely necessary that they should be strictly followed. In order to enable the Government to watch the observance of these orders and to submit report to the Government of India, the appointing authorities are requested to submit to Government in the Home Department at the end of each calendar year reports showing the total number of posts in various cadres under them, the total number held by Scheduled Castes and Scheduled Tribes in each cadre, number of vacancies during the calendar year and the number of Scheduled Castes and Scheduled Tribes appointed during the year. In case the Caste and Tribe candidates are not appointed according to the percentage of reservation, the reasons for not coming upto the reserved percentage should be given.

## APPENDIX D-10

## GOVERNMENT OF PUNJAB

There are reservations in the services of the State for Backward Classes.

The percentage of reservation in services for members of Scheduled Castes/Tribes is 19 per cent. on the basis of their total population in the Punjab. In addition to this, 2 per cent of vacancies have been reserved for members of Backward Classes recognised by Government from time to time.

Percentage of population is the main criterion for reservation of seats for the members of backward classes.

Generally, Government servants are on deputation with the State Undertakings; however, it is for those undertakings to apply Government instructions in this matter as and when they make direct recruitment.

The instructions have been issued to the local bodies such as Municipal Corporations, Municipalities, District Boards, etc.; to adopt the principle of reservation in favour of the Backward Classes in services.

With a view to ensure due representation to the members of Scheduled Castes/Tribes/Backward Classes in Government services, Departments are required, to submit to Government half-yearly statements showing the representation of Scheduled Castes/Tribes/Backward Classes in State services. These statements are checked and if it is found that due representation has not been given to members of these classes, the departments concerned are asked to give reasons for not giving due representation to the members of Scheduled Castes/Tribes and Backward Classes. Apart from this, the Public Service Commission/Subordinate Services Selection Board are required to forward copies of their recommendations made to Government Departments for recruitment to services with the idea to know whether proper recommendation have been made in favour of these castes.

## APPENDIX D-11

## GOVERNMENT OF RAJASTHAN

There are reservations in the Services of the State for Scheduled Castes and Scheduled Tribes.

No reservation has been provided for other Backward Classes in this State. The percentage of reservation for Scheduled Castes/Tribes in the various services is as follows :—

(a) State Services	... 12½ per cent.
(b) Subordinate Services	... 12½ per cent.
(c) Ministerial Services	... 12½ per cent.
(d) Class IV Services	... 15 per cent.

In the matter of combined competitive examinations for Administrative, Police and Accounts Service of the State, the Rajasthan Public Service Commission have been given the discretion to recommend candidates belonging to Scheduled Caste/Scheduled Tribes even though they might have failed to obtain the minimum prescribed marks in the *viva voce* with due regard to maintenance of efficiency of the administration. It



is further under the consideration of the Government that in the matter of recruitment to these services, it should not be necessary for candidates belonging to these communities to obtain the prescribed minimum marks in the *viva voce* part of examination.

A decision has recently been taken by the Government that the vacancies against the reserved quota in the Subordinate Services should invariably be filled in from amongst the members of the Scheduled Castes/Scheduled Tribes adjudging of suitability being restricted to the candidates of these communities alone i.e. reserved vacancies should not remain unfilled merely on grounds of unsuitability of candidates so long as candidates belonging to these classes with requisite qualifications are available.

Rules have been amended to provide that where Service Rules require certain experience in addition to academic qualifications, this experience will not be insisted upon in the case of these candidates.

As regards reservation in the services of the various autonomous State Undertakings, the matter has not yet been considered.

No such directive has been issued to local bodies in regard to adoption of the principle of reservation in favour of the Backward Classes.

All appointing authorities under the State Government have to submit half-yearly returns to the Appointments Department in the Secretariat in regard to recruitment of candidates belonging to Scheduled Castes/Scheduled Tribes during the period in question in order to ensure that due compliance of Government orders is being made.

## APPENDIX D-12

### GOVERNMENT OF UTTAR PRADESH

There is no reservation in the services of this State for the members of backward classes.

There is a 18 per cent. general reservation for members of the Scheduled Castes only in all services and posts under this State Government, appointments to which are made by direct recruitment. Besides this the same percentage of reservation is admissible to them in recruitment to services and posts which are filled by promotion through a competitive examination limited to departmental candidates. There are no Scheduled Tribes in the State, the question of making any reservation for them does not arise.

The State public services include State undertakings also for this purpose.

The State Government have issued directives to the local bodies such as Municipal Corporations, Municipalities, District Boards etc., to adopt the principle of reservation in favour of the Backward Classes.

There is no separate organisation in this State to watch the implementation of the orders of reservation. All the appointing authorities are however required to submit to Government annually reports regarding appointments and promotions made by them during the year showing the number of candidates belonging to Scheduled Castes recruited against the reserved quota.

## APPENDIX E-1

## GENERAL ADMINISTRATION DEPARTMENT

Recruitment to the ministerial posts is made through the Maharashtra Public Service Commission. The Public Service Commission is intimated about the number of Backward Class candidates that will be required after taking into account the total number of persons to be recruited and the percentage that is required to be reserved for Backward Classes. As the recruitment is done through the Public Service Commission this Department does not advertise the posts independently and does not have any Selection Committee for making recruitment.

The following Heads of Departments/offices under the administrative control of this Department are exempt from the purview of the Public Service Commission and recruit persons directly :—

- (1) The Secretary to the Governor.
- (2) The Comptroller of the Household to the Governor.

The Director of Publicity advertise technical posts such as radio repairers, radio-operators etc.

Even though they make direct recruitment, they are expected to maintain the ratio of Backward Classes to the total number of persons recruited. They do not have any selection committee for making recruitment. The recruitment is made by the individual officers.

In the remaining Heads of Departments/Offices under the administrative control of this Department, recruitment is made through the Public Service Commission, except the technical posts of the Director of Publicity mentioned above.

## APPENDIX E-2

## HOME DEPARTMENT

*Appointment of Gazetted Officers*

Recruitment to the gazetted posts in (1) Police Department, (2) Jail Department, (3) Prohibition and Excise Department, (4) Home Guards, (5) A. G. and O. T., Bombay, (6) Examiner of Books and Publications, (7) Forensic Science Laboratories, (8) D. P. P., and (9) Coroner of Bombay, is made by nomination, promotion or transfer. Candidates appointed by nomination are recruited through the Public Service Commission. In accordance with the general orders issued by Government, 12½ per cent. of the vacancies are reserved for backward class candidates. These percentages are the minimum number to be reserved for the backward classes and it is open to the appointing authority to recruit members of the Backward Classes in excess of these percentages if they are otherwise considered suitable for such appointment *vis-a-vis* other candidates. No specific provision is made in the recruitment of candidates belonging to the Backward Classes. So far as appointment by promotion is concerned, no posts have been reserved for members of the Backward Classes. The same applies to appointments by transfers.

*Appointment to non-gazetted posts*

(1) *Office of the A.G. and O.T.—Class III.*—The appointment to the posts of clerks is made from the persons recommended by the Maharashtra Public Service Commission.

The posts of Superintendent Accountant, Second Clerks, Senior Assistants, Accounts Clerks and Assistant Accountant are filled by promotion.

*Class IV.*—Recruitment to Class IV posts is made by the A.G. & O.T., Bombay, from amongst the persons recommended by the Employment Exchange. A required proportion of the Backward Class employees is maintained. The existing proportion is 28.575 per cent.

(2) *Offices of the Police Department.*—In the Police Department, recruitment to the ministerial staff is made in the lowest grade viz. Junior Grade Clerks and the other ministerial posts are filled in by promotion. The ministerial posts in the Police offices in Greater Bombay are filled in from the candidates selected by the Maharashtra Public Service Commission. These candidates are allotted to different offices in the Greater Bombay by the General Administration Department.

The posts of Junior Grade Clerks in the Police Offices in the mofussil are filled in through the Employment Exchange. The Heads of Police Offices viz. The D.I.G. and the Superintendents of Police are the appointing authorities. The candidates recommended by the Employment Exchange are interviewed and suitable candidates are selected by the Heads of Offices having regard to the orders of Government regarding recruitment of Backward Class candidates. Appointments of Class IV servants including peons are made through the Employment Exchange. (Please see in this connection Rules 61 and 70-A of Police Manual, Vol. 1/1959.)

As regards other non-executive posts in this department, attention is invited to rules 60 and 62 of the Police Manual Vol. 1/1959, under which they are filled up.

Other non-executive staff employed in this Department mainly consists of mazdoors, sweepers and such other class IV Government servants. They are ordinarily selected from a panel of names recommended by the Employment Exchange. No selection committee exists for making these appointments which are made by the officers concerned on the basis of the advice given by the Employment Exchanges.

(3) *Office of the Anti-Corruption and Prohibition Intelligence Bureau.*—The recruitment to the ministerial posts and Class IV service only is made by this Bureau from the candidates referred to by the Employment Exchange Officer and the Backward Class Welfare Officer. The selection is not made by individual appointing authority but it is made by a selection committee constituted under instructions of the Inspector General of Police, Maharashtra State, vide his circular No. C/7852, dated the 20th December 1958 and of even No. dated 20th November 1959. The candidates for the ministerial posts are required to undergo a test, before they are interviewed by the Selection Committee.

(4) *Recruitment of Backward Classes in the subordinate Police Service.*—The posts in the subordinate ranks of the Police Force to which direct recruitment is made, the percentage of posts filled by direct recruitment (where recruitment is by promotion) and the percentage reserved for persons belonging to the Backward Classes are as follows :—

Designation of post	Percentage fixed for direct recruits	Percentage of direct recruitment reserved for Backward Classes
1. Police Sub-Inspector.	75 (in Greater Bombay) 50 (Mofussil)	6—for Sch. Castes } in former 7—for Sch. Tribes } B o m b a y 9—for Other } State area. Backward } Classes. } 15—for Sch. Castes } In Vidarbha 15—for Sch. Tribes } area. 18—for Sch. Castes } In Marath- 18—for Sch. Tribes } wada area.
2. Head Constables, Grades I, II and III.	There is no direct recruitment to the cadre of Head Constables, Grade II, I. Direct recruitment to the cadre of Head constables Grade III is made to the extent of 33½ per cent of the vacancies (this is the maximum upto which recruitment is permissible) in the former Bombay State area. There is no direct recruitment to this cadre in the Vidarbha and Marathwada areas.	6—for Sch. Castes } in former 7—for Sch. Tribes } B o m b a y 9—for Other } State area Backward } only. Classes. }
3. Constables	100	6—for Sch. Castes } in former 7—for Sch. Tribes } B o m b a y 9—for Other Back- } State area. ward Classes. } 15—for Sch. Castes } in Vidarbha 15—for Sch. Tribes } area. 18—for Sch. Castes } in Marath- 18—for Sch. Tribes } wada area.

#### Method of Selection of Direct Candidate.

(i) *Police Sub-Inspectors*.—Selection is made on the basis of a competitive examination comprising of (i) written test (ii) physical test and (iii) 'viva voce' (interview) and only those who pass in all the tests are eligible for selection and from amongst them the number required is selected in order of merit. However, in order to encourage the recruitment of Backward Class candidates, order of merit is not observed in their case and they are selected if they only qualify in the three tests and even if other (i.e. non-Backward Class) candidates have done better than them. The tests referred to above are to be given one after the other i.e. written test is held first and those who secure 40 per cent. marks therein become eligible to compete for the physical test, the passing of which is a condition precedent to being eligible to appear for interview. Those who pass the physical test securing 50 per cent. marks are considered qualified for the "viva voce" before the Selection Board. The minimum number of marks required for passing the viva voce test (interview) is 50 per cent.

The Selection Committee consists of four officers selected by the I.P.G. from among the following officers viz. (i) the I. G. P. (ii) the C. of P., Bombay; (iii) the D.I.G.P., C.I.D., (iv) Range Deputy Inspectors General of Police, (v) the D.I.G.P., Headquarters and (vi) the Principal, Police Training College, Nasik.

The method of applying for selection is notified in the *Maharashtra Government Gazette*, the *Police Gazette* and in important newspapers well in advance of each selection. Copies of advertisements calling for applications for the posts of Police Sub-Inspectors are sent to the Employment Exchanges for recommending suitable candidates, if any, on their rolls.

(ii) *Head Constables*.—As stated above, direct recruitment is not made to the posts of Head Constable Grade I and II while direct recruitment to posts of Head Constables, Grade III is made in the former Bombay State area only. The power of recruiting candidates in exceptional cases, in the interest of efficiency has been delegated to the Superintendent of Police, who before selecting an outsider for the post of Head Constable has to report the full reason for doing so to the D.I.G.P. concerned and obtain his sanction. In appointing Head Constables otherwise than from the lower ranks of the Police emphasis is given to education and intelligence as well as physical strength and activity. Subject to this principle, candidates who have passed the Secondary School Certificate Examination are, in really deserving cases, enlisted as Head Constables, Grade III, with a view to encouraging enlistment of educated men in the Police Force. Such recruitment is, however, restricted to 33½ per cent. of the vacancies that may occur. There is no special procedure for recruitment of Backward Class candidates.

*Constables*.—For the purposes of recruitment to the Constabulary, a separate Board of recruitments formed for each District consisting of the Superintendent of Police, the Home Police Inspector and the Reserve Police Inspector or Sub-Inspector. The Board sees that the recruits who fulfill the standards of qualifications are put through a test in writing in general knowledge and simple arithmetic before they are selected.

It is not always that District Superintendents of Police call for applications through advertisements. The universal practice, unless heavy recruitment is to be undertaken, is that the candidates come to Head Quarters Line every Monday/Tuesday and Friday. Their measurements are taken and they are put up before the District Superintendent of Police who attends parade on these days. The District Superintendent of Police, after such scrutiny as he considers necessary, sends them for medical examination. The eligible candidates are kept on the waiting list and calls are sent out as and when necessary according to availability of vacancy, or starting of training courses. The officers of Employment Exchanges are always requested by the District Superintendent of Police to send candidates for enlistment and all other things being equal they are given first preference. If candidates from Employment Exchange are not available vacancies are filled by direct recruitment. There is no special procedure for recruitment of Backward Class candidates and no relaxation in the matter of physical standard prescribed for various posts is made in their case. Age limit is however relaxed in their case to the extent prescribed in accordance with the general orders of Government. The other general orders of Government in regard to reaching the prescribed percentage of recruitment of Backward Class candidates to Government services are also borne in mind in making recruitment to these posts.

(5) *Office of the Forensic Science Laboratory.*—Candidates to Ministerial posts are appointed by Government from the Maharashtra Public Service Commission Examination passed candidates. When such candidates are not readily available, candidates deputed by the Regional Employment Exchange are appointed on a purely temporary basis till Maharashtra Public Service Commission Examination passed candidates become available. Preference is given to backward class candidates. Candidates to other Class III non-executive posts like Technicians, Junior Laboratory Assistants, etc., are appointed by selection by the Director from the candidates deputed by the Regional Employment Exchange. Preference is given to Backward Class candidates. Candidates to Class IV posts are appointed in the same way as explained above. The percentage of Backward Class employees in this category in this Department is about 65 per cent.

(6) *Office of the Director of Prohibition and Excise Department.*—No separate system is followed exclusively for recruitment of members of the Backward Classes to the various categories of posts in the Prohibition and Excise Department. The vacancies of Class III (other than those in the clerical cadre in Bombay city) and Class IV posts are notified to the Employment Exchanges including the vacancies reserved for the Backward Classes which are mentioned specifically, with a request to send suitable candidates against those vacancies, and selection is made from amongst the candidates recommended by the Employment Exchanges. Where the number of candidates recommended by the Employment Exchanges does not exceed the number of vacancies available, such candidates who satisfy the prescribed qualifications are appointed. Where, however, the number of candidates recommended by the Employment Exchanges exceeds the number of vacancies available, the most suitable among them are selected, after interview, for appointment. If the number of Backward Class candidates who are found suitable is more than the number of vacancies reserved for them, they are taken in excess of the vacancies reserved for them. If suitable candidates are not recommended by the Employment Exchanges to which vacancies were notified, such vacancies are advertised in the Newspapers. It may, however, be mentioned that due to the introduction of Prohibition and the transfer of the detection work of the Police Department, there has been no appreciable recruitment in this Department, during the last 12 years. The method of selection followed in respect of different classes of services in this Department is as under :—

Class I  
Class II

Recruitment is made by the Maharashtra Public Service Commission in accordance with the Recruitment Rules for the gazetted posts in this Department, prescribed under Government Resolution, Revenue Department, No. EST. (UNF) 1558-IV-J, dated 20th January 1960. There are no backward class gazetted officers in this Department. Government has been requested that out of the posts proposed to be filled by direct recruitment this year, one post may be reserved for members of the Backward Classes.

Class III

Selection is made by the Maharashtra Public Service Commission. (A demand for suitable candidates belonging to Scheduled Tribes and Other Backward Classes was made with the Government in the General Administration Department but

Government informed that Public Service Commission selected candidates belonging to Backward Classes were not available for allotment.

Class III services (non-gazetted Officers), Clerks (in mofussil constabulary staff, etc.).

Selection of these categories of posts is made by the respective appointing authorities duly assisted by the Advisory Committees constituted under Government Resolution, Revenue Department, No. EST. 3756/52977-G, dated 9th August 1958.

(7) *Office of the Jail Department.*—According to rule 11 of the Bombay Jail Manual (1955), the following vacancies have been reserved for recruitment of the members of the Backward Classes :—

- |                                     |     |     |               |
|-------------------------------------|-----|-----|---------------|
| 1. All State Services and posts     | ... | ... | 12½ per cent. |
| 2. All Class III Services and posts | ... | ... | 22 per cent.  |
| 3. All Class IV services and posts  | ... | ... | 27 per cent.  |

The details of vacancies reserved for the various categories of Backward Classes for Class III and IV are as detailed below :—

	Class III	Class IV
(a) Scheduled Castes	6 per cent.	7 per cent.
(b) Scheduled Tribes	7 per cent.	9 per cent.
(c) Other Backward Communities	9 per cent.	11 per cent.

The recruitment to the posts of "all State Services" is made through the Public Service Commission. Recruitment to the posts of Jailors, Grade III is made by a Departmental Selection Board constituted under Rule 20 of the Bombay Jail Manual. Recruitment to other posts is made by the Inspector General of Prisons through Employment Exchanges, Backward Class Welfare Officers and District Soldiers', Sailors' and Airmen's Board.

The following was the percentage of recruitment of Backward Class candidates in the Jail Department during the year 1960 :—

- |                                 |     |     |                |
|---------------------------------|-----|-----|----------------|
| 1. All State Services and posts | ... | ... | 33½ per cent.  |
| 2. Class III posts—             |     |     |                |
| (a) Scheduled Castes            | ... | ... | 23.4 per cent. |
| (b) Scheduled Tribes            | ... | ... | 3.1 per cent.  |
| (c) Other Backward Classes      | ... | ... | 4.9 per cent.  |

(8) *Offices of the Motor Vehicles Department.*—

(1) Non-gazetted executive posts. The recruitment is made through the Public Service Commission, who advertises the number of posts to be filled in showing the number of posts reserved for Backward Class candidates.

(2) Ministerial posts. In Bombay City, the recruitment is made from the Public Service Commission selected candidates. For this purpose, the number of posts reserved for the Backward Class candidates is communicated to Government in the General Administration Department in advance.

The recruitment in temporary vacancies is, however, made through the Exchanges requesting them to send Backward Class candidates and the required number of Backward Class candidates found suitable, are appointed. The selection of

candidates is done by personal interview by Regional Transport Officer in the Regional Office and by Director of Transport or Deputy Director of Transport in the office of the Director of Transport.

As far as offices outside Bombay City are concerned, the selection is done by Regional Transport Officer or Assistant Regional Transport Officer as the case may be, after calling for Backward Class candidates from the Employment Exchange and the Director of Social Welfare.

Class IV service: The recruitment is made through the Employment Exchange and through the Director of Social Welfare, in the offices in Bombay city as well as in mofussil offices.

For the purpose of recruitment, in all the categories of posts mentioned above, a fixed number of posts is reserved for Backward Class candidates as per percentage prescribed by Government and every effort is made to keep up this percentage in all offices.

(9) (i) *Offices of the Home Guards, (ii) S.P.S Board and (iii) Examiner B. & P.—*  
 (i) Recruitment to Class III and IV services in the Home Guards is made through the local Employment Exchange and the Director of Backward Classes. The candidates sent by the above officers are interviewed by the Recruitment Committee appointed for the purpose under Government, orders and the Committee recommends to the appointing authorities—who are the District Commandants in Districts and Commandant and Commandant General, Home Guards, State of Maharashtra, in Greater Bombay — the suitability or otherwise of the candidates. Final selection of the candidates belonging to the Backward Classes is done bearing in mind the concessions granted to them with regard to age, educational qualifications, etc. In regard to the recruitments and selection for the Class III posts in clerical cadre, in Greater Bombay, the appointments are made temporarily till they are replaced by candidates selected by the Public Service Commission of Maharashtra State.

(ii) The posts of Clerks and Clerk-typists (English) in Stage Performances Scrutiny Board, are filled through Public Service Commission. The post of Clerk-typist (Marathi) has been directed by Government to be filled direct and is filled through Employment Exchange. The posts of peons are filled direct by the Chairman of the Board. Recruitment to the post of Secretary of the Board is made from persons working in the Upper Division of the Home Department.

(iii) The office of the Examiner of Books and Publications makes its recruitment through :—

(a) The Employment Exchange for purely temporary posts;

or

(b) to replace a 'direct' candidate if one has been entertained owing to the urgent nature of the office work; or

(c) the Director of Social Welfare, Poona, for Backward Class candidates possessing necessary qualifications, if available;

and

(d) the Public Service Commission for permanent posts of Translators and Reporters;

and

(e) the General Administration Department for Public Service Commission selected clerks and typists.



(10) *Office of the Maharashtra State, Soldiers' Sailors' and Airmen's Board.*—The Secretary of the State Board is a retired Military Officer of the rank of a Lt. Col. (Rtd.) who was recommended by the Army authorities for this post. No other criterion is laid down for his recruitment.

As regards staff, it is manned by personnel drafted from the Revenue and Finance Departments. No direct recruitment is made. The question of representation of seats allotted to Backward Class members does not arise.

*District Soldiers' Sailors' and Airmen's Board.*—The employees of the Boards are not Government servants but are employees of the Boards. The criterion for their recruitment is that they should be ex-servicemen. Their services are governed by the Districts Soldiers', Sailors' and Airmen's Boards' employees (Condition of Service Rules), 1951.

(11) *Office of the Coroner of Bombay.*—Class III—The appointment to the posts of Clerks is made from the persons recommended by the Maharashtra Public Service Commission and sent by the General Administration Department.

The post of Personal Assistant and Interpreter to the Coroner is filled up by promotion.

*Class IV.*—The office has to deal with dead bodies. It remains open for 24 hours. Sometimes highly decomposed and swollen bodies are brought in the morgue attached to this office and a bad smell due to decomposition of the dead bodies pervades the surroundings of the office. The candidates who are willing to work in these conditions are generally appointed. The peons perform duties by rotation during day and night. All the sweepers working in the Coroners' office belong to Backward Classes.

(12) *Office of the Director of Public Prosecutions.*—The posts of the Superintendent in the office of the Director of Public Prosecutions is filled in by transfer of a clerk from the High Court. A recruitment rule for the posts is being framed. The remaining clerical staff is taken from the select list prepared by the General Administration Department from among those who qualify themselves in the competitive examination held by the Maharashtra Public Service Commission.

Two class IV servants in this office are on deputation from the Home Department.

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## APPENDIX E-3

### REVENUE DEPARTMENT

#### *Gazetted posts under Collectors and Commissioners*

The posts which are required to be filled in by direct recruitment to the cadres of Deputy Collectors and Mamlatsdars/Tahasildars, are filled in through the agency of the Public Service Commission by holding competitive examination and while selecting candidates, the required percentage of posts are reserved for backward classes.

#### *Class III and Class IV posts in the Mofussil.*

So far as the direct recruitment to the Class III and IV posts in Revenue Department in the mofussil areas is concerned the recruitment is generally made through the Employment Exchange, by the advisory committees for selection constituted in each

district, according to the Government Resolution, Revenue Department, No. RCT. R.D. No. 1055/78513-F, dated 9th February, 1959. These committees include Backward Class Welfare Officer also who looks to the interests of backward classes in recruiting backward class recruits to the posts, to the extent of the percentages fixed.

*Appointments in Revenue Department (Secretariat)*

So far as the Revenue Department (Secretariat) is concerned, Revenue Department communicates to the General Administration Department, its requirements of Backward Class personnel according to the reservations made for them; and the Public Service Commission selected candidates allotted by the General Administration Department, are then appointed. Even when temporary appointments are made through the Employment Exchange, pending availability of Public Service Commission selected candidates the Exchange is requested to send Backward Class candidates in case they are short of their prescribed strength in the Department. Suitable persons are then selected for appointment by Assistant Secretary (Establishment) with the approval of the Deputy Secretary (Establishment).

APPENDIX E-4

LAW AND JUDICIARY DEPARTMENT

The following offices are under the control of this Department :—

- (a) The Charity Organisation.
- (b) The Office of the Presidency Law Officers.
- (c) Judiciary.

The recruitment to the posts in the Charity Organisation and the Offices of the Presidency Law Officers under the control of this Department is made as follows :—

Recruitment of Gazetted Officers in the Charity Organisation is done by Government in consultation with Maharashtra Public Service Commission. Recruitment of Junior Clerks, Typists, Steno-typist and Stenographers in offices in Greater Bombay is done in consultation with the Maharashtra Public Service Commission, which takes competitive examination. The posts of Junior Clerks and Typists in the mofussil are filled in through the Employment Exchange and/or Backward Class Officer. The Assistant Charity Commissioner interviews and selects candidates pending final approval of the Charity Commissioner. The posts of Class III category are filled in by promotion or through the Employment Exchange and/or Backward Class Welfare Officer. While selecting the candidates attempts are made to see that suitable backward class candidate is selected so as to maintain the percentage prescribed by Government. Recruitment of Class IV servants is done through the Employment Exchange. The Charity Commissioner is the individual appointing authority so far as his office is concerned and the Deputy Charity Commissioner and the Assistant Charity Commissioner are the appointing authorities for Class IV servants in their offices.

Appointments of Presidency Law Officers, viz., Government Pleader, High Court; Government Pleader, City Civil Court; Public Prosecutor and Government Pleader, Court of Small Causes are made by Government on the recommendations of the Chief Justice, High Court. The Principal Judge, Bombay City Civil and Sessions Court, Greater Bombay and the Chief Judge, Court of Small Causes, Bombay, respectively. These officers are treated as part-time Government servants. Recruitment of Junior Clerks, Typists, Steno-typists and Stenographers in the offices of these officers is made in consultation with the Maharashtra Public Service Commission which takes

competitive examinations. Appointments to other Class III posts are made by promotion. Recruitment to Class IV posts is made through Employment Exchange etc.

The recruitment to the posts of Gazetted Officers of the Judiciary are made either by nomination or promotion. In cases where the appointments are made by nomination they are generally made through the Public Service Commission. For the communities belonging to the Backward Classes etc., 12½ per cent posts are reserved as per general orders issued by this Government and instructions to this effect are given to the Commission while making appointment through the nomination. This reservation is, however, subject to the availability of suitable candidates.

The recruitment to the non-gazetted posts in the subordinate judiciary is made by the Advisory Committee appointed by Government and in accordance with the rules framed in this behalf under Government Resolution, H. D., No. MIS 1055/62546-III, dated 26th December 1957. There are no separate rules for recruitment of Backward Classes in Government services, but the District Judges take into consideration Government orders issued from time to time as regards the facilities and representation to be given to Backward Classes in Government service. With regard to the recruitment to non-gazetted posts in the High Court and offices subordinate to it recruitment is made by the selection committee in accordance with the rules framed by the High Court in this behalf. The appointing authority in the case of the non-gazetted staff on the Original Side of the High Court is Prothonofary and Senior Master, High Court, and that on the Appellate Side of the High Court is Registrar, High Court, Bombay.

Information required by Government as regards the system of recruitment to Class III and Class IV services in the subordinate Judicial Services is contained in the Government Resolution, Home Department, No. MIS. 1055/62546-III, dated the 26th December 1957. The said rules contain information as regards the advisory committee for recruitment, the system of recruitment and the method of selection of candidates. There are no separate rules for recruitment of Backward Classes in Government Services but the District Judges are requested to take into consideration Government orders issued from time to time as regards the facilities and representation to be given to the Backward Classes in Government services.

For recruitment of Clerks in the High Court, applications are invited in the month of October each year from candidates for being placed on the approved list. Rules in this respect provide that "candidates belonging to Scheduled Castes and Scheduled Tribes or other Backward Classes shall get the benefit of the higher age limit as prescribed by Government from time to time" and provide further that the Chief Justice may relax the age limit in any case. Candidates are selected by a Committee for appearing in examinations in prescribed subjects and subject to their obtaining a minimum of 14 per cent marks in each subject, are interviewed. Thereafter, selection is made on a common list in order of merit. However, "in making appointments preference may be given to candidates belonging to the backward classes in order to make up the percentage prescribed by Government for such classes and for this purpose such a candidate from the common list may be appointed out of turn."

As regards Class IV employees, more or less a similar procedure without the examination part is followed.

Government Resolution, Home Department, No. MIS. 1055/62546-III, dated 26th December 1957.

*Recruitment Rules for recruitment to Class III and Class IV services  
in the Subordinate Judicial Service*

- (1) The District Judge shall maintain a list of candidates for Class III and Class IV posts in his district and no candidate whose name is not on that list shall be employed in any civil or criminal courts.
- (2) The list shall contain names of candidates for recruitment to Class III and Class IV posts separately, namely, for (a) Clerks, (b) section-writers, (c) stenographers, (d) bailiffs and (e) peons. Each part of the list shall be a separate one.
- (3) In preparing the list the District Judge shall act upon the advice of a committee known as the Advisory Committee for recruitment to subordinate judicial service in the district.
- (4) The Advisory Committee shall consist of the District Judge as the Chairman, Assistant Judge (for the time being working) in the district, and the Civil Judge, Senior Division (for the time being working) in the district, and if there is no Assistant Judge working in the district, then the Committee shall consist of the District Judge as the Chairman and a Civil Judge, Senior Division. If there is no Assistant Judge or a Civil Judge (Senior Division), the committee shall consist of the District Judge as the Chairman and a Civil Judge (Junior Division) and Judicial Magistrate to be nominated by the Chairman.
- (5) The Advisory Committee shall prepare the list for recruitment to the various categories of the Class III and the Class IV Government servants for the district. The list prepared by the Committee shall be final.
- (6) The number of candidates to be enlisted annually in each category of Class III, and/or Class IV servants shall be such as to make the total number in each category equal to (a) the average temporary vacancies during the last two years plus (b) the expected permanent vacancies for the next year and an addition of 20 per cent of (a) and (b) for wastage.
- (7) Any list prepared by the Advisory Committee shall continue to remain in force till the list is exhausted.
- (8) If the number of candidates required under rule 6 is small the Advisory Committee may, in its discretion, not add to the previous list in any year.
- (9) Every year when the Advisory Committee meets to prepare a list, it shall also scrutinise the previous list in order to strike off persons ineligible for appointment from the said list.
- (10) Additions to each part of the list shall be made annually in August and the number of candidates to be enlisted shall be advertised in the local newspaper of wide publicity and published in the various offices of the Department in the manner prescribed in paragraph 5 of Government Resolution, Finance Department, No. 5011, dated the 26th September 1928. The Advisory Committee shall also call for lists of eligible candidates from the Employment Exchange Officer of the respective division and the Director or Backward Class Welfare Officer, Bombay State, Poona. Upon receipt of the applications and after considering the list sent by the Backward Class Officer and the Employment Exchange Officer, the Committee may select the number

of required candidates after holding a test, if necessary. The final selection, however, shall not be made without an interview.

(11) The necessary educational qualifications which would qualify a candidate for being enlisted in the various parts of the list are as follows :—

*Clerks.*—(i) No person having a qualification lower than the S.S.C. or other examination recognised as equal to the S.S.C.

(ii) A reasonably good speed in typing.

*English Section-writers.*—(i) No person having a qualification lower than the S.S.C. or other examination recognised as equal to S.S.C.

(ii) A reasonably good speed in typing.

*English Section-writers.*—(i) No person having a qualification lower than the S.S.C. or other examination recognised as equal to S.S.C.

(ii) A reasonably good speed in typing.

*Regional Section-writers.*—Not less than the regional language final examination

*Stenographers.*—(i) No person having a qualification lower than the S.S.C. or other examination recognised as equal to the S. S. C.

(ii) A minimum shorthand speed of hundred words per minute and a minimum typing speed of fifty words per minute.

*Bailiffs.*—(i) Regional language final examination.

(ii) Active habits and temperament.

*Peons.*—Ability to read and write with facility the regional language.

(12) The Advisory Committee shall so prepare the list that at any particular time a sufficient number of Backward Class candidates is available for appointment as required by Government Resolution, Political and Services Department, No. 490/46, dated the 1st November 1950, as modified by Government Resolution, Political and Services Department, No. 490/46, dated the 24th January 1953.

(13) (i) *Age-limit.*—(i) The maximum and the minimum age-limit for appointment as clerks and section-writers for Advanced Class candidates is 23 and 18 years and for the Backward Class candidates 28 and 18 years.

(ii) The upper and lower age-limits for appointment as stenographers for Advanced Class candidates are 25 and 18 years and for Backward Class candidates 30 and 18 years.

(iii) The upper and lower age-limits for peons and bailiffs from Advanced Classes is 25 and 18 years and for Backward Classes 30 and 18.

Attention of the appointing authorities is drawn to Government Resolution, Political and Services Department, No. 490/46, dated 30th August 1962, that they have a discretion to relax the age-limit by not more than five years in favour of candidates belonging to Backward Classes while making permanent appointments.

(14) The seniority of the candidates for appointment shall be as fixed in the list at the time of the preparation thereof. Care, however, may have to be taken by the Advisory Committee that in cases of equal merit, the senior in age should be placed above his junior in age. While making additions to the list, the seniority fixed on the previous occasion shall not be disturbed.

(15) It is expected that a candidate will have one or two years' experience of office work before he is confirmed as a clerk.

Before confirmation, however, the clerk will be required to pass the Lower Standard Departmental Examination prescribed by the High Court for this purpose. Failure to pass the Departmental Examination may result in loss of seniority and probably in the eventual removal from service.

(16) If a candidate, who is otherwise fit and qualified, officiates during leave vacancies while within age and becomes age-barred without being appointed in a permanent vacancy, his case shall be reported to Government for relaxation of age-limit.

(17) A confidential sheet shall be maintained for each candidate as in the case of permanent clerks.

(18) The District Judge shall examine the record of each candidate from time to time at least once in every year after calling for reports from the Civil Judges, Civil Judges-cum-Magistrates or Magistrates, and shall remove from the list the name of any candidate who in the opinion of the District Judge is below the average standard of conduct, character or efficiency.

(19) The District Judge may, however, promote any section-writer to the post of a clerk, a clerk or a section-writer to the post of a stenographer, a bailiff to the post of a regional section-writer or a peon to the post of a bailiff, provided they are properly qualified and, in the opinion of the District Judge, fit for promotion to the higher post.

(20) The District Judge shall give a candidate an opportunity of being heard and shall record brief reasons before ordering the removal of his name from the list.

(21) An appeal shall lie from the decision of the District Judge to the High Court in respect of matters connected with the rank in candidates' list, removal from the list or seniority acquired on previous officiating service.

## APPENDIX E-5

### BUILDINGS AND COMMUNICATIONS DEPARTMENT

*Recruitment of gazetted posts.*—Recruitment of gazetted posts is always made in consultation with the Maharashtra Public Service Commission. The Employment Exchanges do not come in the picture. Since all the gazetted posts are within the purview of the Maharashtra Public Service Commission the advertising of the posts is also done by the Maharashtra Public Service Commission. Even the appointments by promotion are made in consultation with the Public Service Commission after taking into account the seniority and the merit. As regards the appointment to gazetted posts by nominations, the prescribed percentages viz 12½ per cent. for reserving vacancies for Backward Class candidates are specified by the Maharashtra Public Service Commission, while advertising the posts and this percentage is adhered to as far as possible. When competitive examinations are held for making direct recruitment to M.S.E. (I) and (II) even lower standards for passing the examinations are prescribed for candidates belonging to the Backward Classes to see that the above percentage is reached.

*Ministerial posts in Greater Bombay Offices.*—The ministerial posts in Greater Bombay Offices are generally filled in through selection by the Maharashtra Public Service Commission. While recruiting the persons, it is for the Maharashtra Public Service Commission to take into consideration the percentages of vacancies reserved for members of Backward Classes. Whenever the tenure of the post is more than a month and which is not required to be filled in by promotion or through the Maharashtra Public Service Commission the posts are filled in through the Employment Exchange. Whenever recruitment is made through the Employment Exchange, Government orders regarding concessions to members of Backward Classes in respect of age, educational qualification etc. are taken into consideration. Whenever recruitment is made by advertising the posts which is made very rarely, the percentage prescribed by Government in respect of Backward Classes is always taken into consideration.

Since the recruitment is generally done by selection through the Public Service Commission in offices in Greater Bombay, the question of selection by individual appointment authority does not arise. However, whenever the persons are recruited otherwise than through Public Service Commission and the Employment Exchange the selection of candidates is done by the heads of offices and heads of departments.

*Recruitment to Class III posts in Sachivalaya.*—Recruitment to Class III posts in the Sachivalaya is made through the Maharashtra Public Service Commission which body also advertises the posts separately reserved for Backward Class candidates and on receipt of the Maharashtra Public Service Commission's recommendation allotment of those candidates is made by the General Administration Department to the respective Departments of the Sachivalaya according to requirements.

*Recruitment to Class IV posts in Sachivalaya.*—Recruitment of Class IV posts is done either through the Employment Exchange or by calling for the candidates from the Backward Class Officers. This Officer is approached only when the required number of Backward Class candidates is not available with the Employment Exchange.

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#### APPENDIX E-6

##### PUBLIC HEALTH DEPARTMENT

So far as recruitment to the posts of Class I and Class II is concerned the same is made by Government in consultation with the Maharashtra Public Service Commission, Bombay, according to the recruitment rules framed for the particular post. In case the post is filled by promotion, the appointment is made in consultation with the Maharashtra Public Service Commission by Government and also according to the seniority of officer in the particular cadre. In case the appointment is to be made by nomination to particular post by Government such posts are generally advertised by the Secretary, Maharashtra Public Service Commission, Bombay, on the advice of Government strictly according to the recruitment rules prescribed for the particular posts. Such advertisements also provide that persons registered with the Sub-Regional Employment Exchanges in Maharashtra may also apply to the Maharashtra Public Service Commission, Bombay, by obtaining application in person at Exchange office. The Maharashtra Public Service Commission, Bombay, also while giving advertisements for a particular post specifically gives an indication in the advertisement issued by them that so many posts are reserved for backward class candidates as also preference will be given to Backward Class candidates, other things being equal. Recently, I am also empowered to appoint

gazetted officers Class II who are medical graduates M.B.B.S. for a period of 4 months only as per terms and conditions mentioned in Government Resolution, Urban Development and Public Health Department, No. PHD. 4558(H) D, of 14th June 1960. Such candidates are usually not available with the Employment Exchange or the Social Welfare officers. Hence while filling such posts, advertisement is being given to local papers, etc., so as to have a good response to the advertisement issued by me and selection of candidates is made by forming usually an Advisory Committee by me with the assistance of Deputy Director of Public Health Services or the Deputy Director of Public Health (M & F) or Assistant Director of Public Health concerned and A. D. P. H. (HQ), Poona. Still the position regarding recruitment to such posts is not so satisfactory and many posts are lying vacant for want of suitable qualified hands.

As regards recruitment to Class III and Class IV services so far as Public Health Department is concerned, Government have issued orders for formation of Advisory Committee for recruitment of Class III and Class IV services *vide* Government Resolution, Public Health Department, No. PHDO-2056-D, dated 10th May 1957 and whenever vacancies of Class III or Class IV officers are to be filled in a list of candidates for the particular post is usually called for from the Employment Exchange and the Social Welfare Officer concerned including Director of Social Welfare, Maharashtra State, Poona, and selection of candidates for the particular post is made by forming a committee of officers as indicated in the above Government Resolution of 10th May 1957. Preference is given to backward class candidates if they are suitable for the post. In the selection of ministerial posts due care is taken to see that required percentage of posts is given to candidates of Backward Class. I may further state that Department being a technical department, services of doctors, Public Health nurses, nurses, Health Visitors, nurse-midwives, etc. are required by this Department. So far as medical personnel is concerned such as M.B.B.S., G.F.A.M., B.A.M.S., etc., candidates are not available with the Employment Exchange or the Social Welfare Office and hence usually advertisement is given in the local papers and selection of candidates made by forming an advisory committee as indicated in the Government Resolution of 10th May 1957. D.M.P. candidates (doctors) who come out successfully from Robertson Medical College, Nagpur, are also appointed by obtaining list of candidates from the College who is the only supplying agency for such posts. As regards Health Visitors, such candidates are appointed out of the successful candidates from the Health Visitors' School, Nagpur, or the Bombay Mothers and Children Welfare Society, Bombay, as they are bonded candidates. Same is the case with nurses, nurse-midwives or Public Health nurse as such candidates are also sent on deputation to Public Health Department, by Medical Department for work for a period of 2 years or so according to the terms of their bond executed by them at the time of training. So also on leprosy side, persons who are trained at Jagdamba Kushta Nivas, Amraoti and who are bonded candidates are appointed to the posts (Class III) by forming an Advisory Committee. It will thus be seen that such types of candidates are not available with the local Employment Exchanges or the Social Welfare Offices concerned.

#### APPENDIX E-7

##### SURGEON GENERAL WITH THE GOVERNMENT OF MAHARASHTRA

1. *Gazetted Medical Officers Class I and II.*—The appointment of the candidates to the above categories of posts is made through the Public Service Commission by the Government.



2. *M.M.S. Class III Officers.*—The qualifications required to fill up the posts of above category are M.B.B.S., L.C.P.S., L.M.P., D.A.S.F., G.A.F.M., etc. The posts are advertised locally whenever vacancies occur. There is no selection committee for appointment of the candidates. The selection and appointments in this category are made by the Regional Officer, keeping in view the Government orders regarding percentage of the vacancies reserved for Backward Class candidates, relaxation of age-limits, etc., other things being equal. The candidates coming from Backward Class are given first preference. If adequate number is not forthcoming all posts are filled in by other than backward class candidates.

3. *Compounders, X-ray and Laboratory technicians, nurses, etc.*—The aforesaid posts are filled up by technical persons who have undergone training and qualified themselves to hold the posts. The posts are advertised locally and candidates coming with the requisite qualifications are recruited in the posts if found suitable. The principles stated in paragraph 2 above for the backward class persons are followed while making appointments.

4. *Clerks.*—The vacancies of the clerks are notified to the Employment Exchange Officer of the District by each head of office. The candidates directed by the local Employment Exchange are interviewed by the individual officer (head of office) in so far as places in mofussil area are concerned. In Greater Bombay, the clerks appointed through the Employment Exchange are replaceable by the candidates selected by the Public Service Commission and allotted by Government in G.A.D. The selection is made on the basis of suitability of particular candidates such as higher percentage of marks, speed in typing etc. The preference is always given to those coming from Backward Classes.

5. *Class IV servants.*—The procedure as stated in foregoing paragraphs is followed for this category also.

## APPENDIX E-8

### DEPARTMENT OF FISHERIES.

Class I and Class II posts in this department are filled in through the Maharashtra Public Service Commission, Bombay. While forwarding the requisition for these posts to Government, it is always mentioned that the Backward Class candidates with the prescribed qualifications will be preferred. However, no backward class candidates with the requisite qualifications are forthcoming.

The recruitment to Class III and Class IV posts is made through the Employment Exchange. The candidates recommended by the Employment Exchange are interviewed by a selection committee of three officers of this department. Efforts are made to recruit candidates belonging to backward class as far as possible. It may also be stated that the appointments to clerical posts are made through the Maharashtra Public Service Commission. While forwarding the requisition to the Maharashtra Public Service Commission, requirements of backward class candidates are also intimated.

If the candidates are not available with the Employment Exchange, then only posts are advertised. The applications received in response to the advertisement are scrutinised and candidates with prescribed qualifications are interviewed by the selection committee. It is experienced that candidates with prescribed qualifications are not generally available from the backward classes.

## APPENDIX E-9

## DIRECTOR OF EMPLOYMENT

As regards the State Services, the Gazetted posts which are required to be filled by nomination are referred to the Maharashtra Public Service Commission, which is requested to select and nominate required number of Backward Class candidates in accordance with the percentage prescribed for them.

As regards Class III services, the recruitment to the ministerial posts in offices in Greater Bombay is made through the Maharashtra Public Service Commission. While sending our requirements of Public service Commission selected candidates for these posts, our requirements of Backward Class candidates are always communicated.

As regards Class III posts in the mofussil offices and Class IV posts both in mofussil and in Greater Bombay, candidates including those belonging to Backward Class are obtained from the local Employment Exchanges and/or the Backward Class Officers. The selection is made by the individual officer in charge of the office where there is no Selection Committee or by the Staff Selection Committees wherever they have been set up by Government for this purpose. So far as this department is concerned, the Government has appointed staff Selection Committees for the following offices :—

1. Sub-Regional Employment Exchange, Aurangabad.
2. Sub-Regional Employment Exchange, Nagpur.
3. Sub-Regional Employment Exchange, Poona.
4. Sub-Regional Employment Exchange, Sholapur.
5. Sub-Regional Employment Exchange, Amravati.
6. Sub-Regional Employment Exchange, Nasik.
7. District Employment Exchange, Nanded.
8. District Employment Exchange, Jalgaon.
9. District Employment Exchange, Kolhapur.
10. District Employment Exchange, Thana.
11. District Employment Exchange, Dhulia.
12. District Employment Exchange, Sangli.
13. District Employment Exchange, Akola.
14. District Employment Exchange, Bhandara.
15. District Employment Exchange, Ahmednagar.

The Staff Selection Committees are invariably informed of the posts that are reserved for Backward Class and to make selection accordingly. When suitable candidates of Backward Class communities do not become available locally, the 'clearing machinery' of our Exchange Service is put into gear and attempts are made to secure them from other Exchange areas. In this connection, it may be mentioned that candidates of Backward Class communities are also considered against the unreserved vacancies alongwith the other non-Backward Class candidates.

## COMMISSIONER OF LABOUR

The recruitment to all gazetted posts in this office and the offices under the control of this office is made by the Government in consultation with the Maharashtra Public Service Commission. So far as non-gazetted posts are concerned the recruitment to the posts of (1) Clerk-Typist, (2) Steno-Typist, (3) Stenographers is made through the Public Service Commission. The remaining posts non-gazetted service and all posts in Class IV service are filled up by the candidates selected by the Staff Selection Committees reconstituted by Government *vide* Government Resolution, Industries and Labour Department, No. CLE. 1357/201717-LAB-I; dated 13th September 1960, at various places. However, temporary appointments to the posts of (1) Clerk-Typists, (2) Steno-Typists and (3) Stenographers are also made after selection by the above mentioned committee.

Whenever the staff Selection Committee holds its meeting for Selection of candidates for various posts in this office and invites subordinate offices, this office approached the Employment Exchange, Bombay, Social Welfare Officer, Bombay and Director of Social Welfare office, requesting to send the candidates belonging to Backward Class Community and preference is given to eligible candidates belonging to Backward Class. However, it is further pointed out that whenever this office approached the above mentioned authorities to send the candidates belonging to Backward Class, they sometime reply that suitable candidates belonging to Backward Class community specially Scheduled Caste and Scheduled Tribes are not available. Sometime even if the authorities direct the candidates, the candidates do not come for the interview. Hence the requisite percentage of Scheduled Castes and Scheduled Tribes could not be maintained. The requisite percentage of the other Backward Class candidates is maintained in this office. Non-gazetted posts are advertised on if candidates are not made available by the Employment Exchange or the Director of Social Welfare.

Procedure followed by the Director of Employment as the supplier of candidates :—

Whenever vacancies reserved for such communities are received from Central or State Government employers, the Employment Exchanges take the necessary action to submit such candidates against those vacancies or, in case they are not available, to communicate non-availability to the employers who can then resort to other sources of recruitment. In respect of unreserved vacancies selection of candidates for submission is not confined to non-backward registrants; for such vacancies candidates who are suitable and have sufficient seniority in registration are considered irrespective of their community, thus, the claims of Backward Class registrants are not overlooked while making selections for vacancies which are unreserved. Specifically, the queries raised in your letter are replied and seriatim :—

(a) Only Scheduled Castes candidates are submitted against vacancies notified as reserved for Scheduled Caste candidates; in case such candidates are not available on the registers of the Employment Exchanges, non-availability is communicated to the employer so that he can resort to other sources of recruitment (e.g. advertisement). Non-Scheduled Caste applications are submitted only if the employing establishment desires the vacancy to be treated as unreserved.

(b) Against vacancies not reserved specifically for Backward Class candidates the Exchanges make selections from among non-Backward Class and Backward Class applicants with common seniority i.e. if applicants registered upto, say 31st December 1960, are to be considered for an unreserved vacancy notified

today, then Backward Class applicants as well as non-Backward Class applicants registered upto that date will be considered for submission. In other words, against unreserved vacancies Backward Class registrants are not overlooked but are considered for submission on the basis of merit and seniority. In the example cited by you in your D.O. the Backward Class Registrants at 8th or 9th Place are not submitted in preference to other non-Backward Class registrants who are senior in registration.

(c) Registration cards of Scheduled Caste and Scheduled Tribes applicants are stamped "Scheduled Castes" or "Scheduled Tribes" as the case may be and are arranged in separate drawers of the Registration Cards cabinets so that selections can conveniently be made when vacancies for Scheduled Castes or Scheduled Tribes candidates are notified. Such separate maintenance of the cards also facilitate compilation of statistic in respect of these categories. As pointed out in (b) above the separate maintenance of the cards does not deprive the registrants of being considered for unreserved vacancies.

Under the Central Government vacancies are not reserved as for 'Backward Classes' in general, but they are reserved specifically for "Scheduled Castes" or "Scheduled Tribes" that is also one of the reasons why the registrations of these two categories are maintained in separate drawers at the Exchanges. It must be pointed out however, that cards of registrants from *other* Backward Class are *not* maintained separately; they are filed alongwith those of the non-Backward Class registrants. But they are stamped as "Backward Class" and are considered for submission, whenever State Government vacancies for Backward Class candidates are received, alongwith the Scheduled Castes, and Scheduled Tribes registrants whose cards are filed in separate drawers.

## APPENDIX E-10

### ANIMAL HUSBANDARY DEPARTMENT

In Animal Husbandary Department specialist posts like that of professors, DEPUTY Director incharge Key Village and Artificial Insemination Work, Poona Deputy Director incharge Disease Investigation Section, Poona, etc., in M. A. H. S. Class I, Assistant Professors, Assistant Disease Investigation Officers, etc., in M.A.H.S. Class II are advertised through the Maharashtra Public Service Commission. While filling these posts, it is always notified that backward class candidate will be given preference other things being equal. It is however our experience that hardly any backward Class candidate competes for these posts; as the scope in this Department is limited and as there are no backward class candidates having requisites educational qualifications viz degree in Veterinary Science.

In case of Posts in Class III and Class IV Services it may be mentioned that persons are recruited through the agencies approved by Government. As such the posts are advertised simultaneously to the local employment exchange and Social Welfare Department. The candidates recommended by these agencies are interviewed and selection is made either by individual local officers of this Department or by selection committees, wherever these are constituted.

Instructions have been issued to all the Sectional Officers in this Department to see that percentage of posts fixed by Government for backward classes is maintained by them.

## APPENDIX E-11

## FOREST DEPARTMENT

The following percentages are prescribed for the reservation of vacancies in favour of Backward Classes in all State Services in the different regions of the State :—

*Class I and II Services*

- |                     |     |  |
|---------------------|-----|--|
| 1. West Maharashtra | ... | 12½ per cent. collective reservation for all categories of Backward Classes together.                                |
| 2. Vidarbha         | ... | 15 per cent. in each Class for Scheduled Caste and Scheduled Tribes. No reservation for Other Backward Classes.      |
| 3. Marathwada       | ... | 18 per cent. for Scheduled Castes, Scheduled Tribes together in each class. No reservation for Other Backward Class. |

*Class III Services*

- |                     | Sch. Caste.     | Sch. Tribe.  | O.B.C.      |
|---------------------|-----------------|--|-------------|
| 1. West Maharashtra | ... 6 per cent. | 7 per cent.  | 9 per cent. |
| 2. Vidarbha         | .. 15 per cent. | 15 per cent.   | Nil.        |
| 3. Marathwada       | ...             | 18 per cent. for Schedule Castes and Scheduled Tribes together |             |

*Class IV Services*

- |                     | Sch. Caste       | Sch. Tribes  | O.B.C.       |
|---------------------|------------------|--|--------------|
| 1. West Maharashtra | ... 7 per cent.  | 9 per cent.  | 11 per cent. |
| 2. Vidarbha         | ... 15 per cent. | 15 per cent.   | Nil.         |
| 3. Marathwada       | ...              | 18 per cent. for Scheduled Castes and Scheduled Tribes together. | Nil.         |

Appointments to Class I posts are made by Government by promotions from Class II posts according to Seniority-cum-merit, in consultation with the Maharashtra Public Service Commission.

Recruitment to Class II posts is made by selecting suitable candidates through the Maharashtra Public Service Commission and giving them training at Government cost at the Forest College at Dehra-Dun and also by promotion of Range Forest Officers on the basis of seniority-cum-merit. While making direct recruitment to the Class II posts, the vacancies as per the prescribed percentage of reservation are reserved for the candidates belonging to the Backward Classes and if suitable candidates belonging to Backward Classes are available they are selected. If however suitable candidates belong to Backward Classes to the extent of the vacancies reserved for them are not available, the vacancies are filled in by selecting suitable candidates of non-backward classes and the reserved vacancies which were not filled in for want of suitable candidates belonging to Backward Classes are carried forward to the next selection.

*Class III Service*

Class III services are of two kinds viz. (1) Protective.  
(2) Ministerial.

The protective posts comprise of the posts of Range Forest Officers, Foresters and Forest Guards and the ministerial posts comprise of the posts of clerks.

Recruitment to the posts of Range Forest Officers is made by selection of suitable candidates for training in Rangers' Course at the Southern Forest Rangers College, Coimbatore, conducted by the Government of India, as well as by promotion of Foresters on the basis of Seniority-cum-merit. While making direct recruitment to the posts of Range Forest Officers, the vacancies as per the prescribed percentage of reservation are reserved for the candidates belonging to the Backward Classes and if suitable candidates belonging to Backward Class are available and are considered suitable for the Rangers' posts by the Selection Board comprised of the Chief Conservator of Forests and two senior Conservators of Forests and if they qualify in the qualifying examination conducted by the President, Forest Research Institute and Colleges, Dehra, Dun for admission to the Rangers' Course they are selected for training in Rangers' Course and after successful completion of the Rangers' Course, they are appointed as Range forest Officers. If however, some vacancies reserved for candidates of Backward Class could not be filled in a particular year for want of suitable candidates belonging to Backward Classes, such vacancies are filled in by selecting candidates of non-backward classes and the number of reserved vacancies which are not filled in for want of suitable candidates belonging to Backward Classes are carried forward to the next selection.

As regards the recruitment to the posts of Forests, Forest Guards, Forest Surveyors and to the ministerial posts of clerks and also for the recruitment to Class IV services, Advisory Committees composed of the officers of this Department are prescribed for the Chief Conservator's office as well as for each Circle and for each Division included in the Circles for selection of candidates for appointment from among the candidates recommended by the Employment Exchange Officers and the Social Welfare Officers. While making recruitment to each of the categories of posts referred to above, the candidates belonging to the Backward Class and possessing minimum qualifications, etc., required for the recruitment to the posts concerned are given preference by the Advisory Committees with a view to make recruitment of candidates belonging to the Backward Class.

The following statements give the existing percentage of Backward Classes employed in the Foresters and Guards cadres:—

		A.—FORESTERS		
		Scheduled Castes	Scheduled Tribes.	Other Back- ward Classes.
Thana	...	7.45	9.74	3.39
Amravati	...	11.00	7.00	5.00
Chanda	...	23.8	13.5	21.9
Nasik	...	16.4	7.00	5.3
Poona	...	10.00	6.00	6.00
Nagpur	...	35.50	67.50	32.00
		B—GUARDS		
		Scheduled Castes	Scheduled Tribes.	Other Back- ward Classes.
Thana	...	13.08	17.03	8.28
Amravati	...	6.1	4.1	3.3
Chanda	...	8.6	15.8	9.2
Nasik	...	20.22	13.7	5.24
Poona	...	10.62	2.73	4.8
Nagpur	...	22.25	18.5	22.00

*Proforma showing the dates of Backward Class Recruitment Committee's Meetings.*

- 1st meeting held on 11th January 1962.
- 2nd meeting held on 9th February 1962.
- 3rd meeting held on 5th March 1962.
- 4th meeting held on 20th March 1962.
- 5th meeting held on 2nd April 1962.
- 6th meeting held on 20th August 1962.
- 7th meeting held on 10th September 1962.
- 8th meeting held on 24th September 1962.
- 9th meeting held on 13th October 1962.
- 10th meeting held on 5th November 1962.
- 11th meeting held on 19th November 1962.
- 12th meeting held on 4th March 1963.
- 13th meeting held on 3rd April 1963.
- 14th meeting held on 29th April 1963.
- 15th meeting held on 21st May 1963.
- 16th meeting held on 24th July 1963.
- 17th meeting held on 21st August 1963.
- 18th meeting held on 30th August 1963.
- 19th meeting held on 25th and 26th September 1963.
- 20th meeting held on 14th October 1963.
- 21st meeting held on 12th November 1963.
- 22nd meeting held on 25th November 1963.
- 23rd meeting held on 4th December, 1963.

Statement showing the names of offices who have not submitted part/full information.

H 5168-7

Serial No.	Name of Office	Wanting information		Those who have sent complete information
		Years	Details	
1	2	3	4	5
<i>General Administration Department</i>				
1	General Administration Department	1950-60	.. Class I to IV	.. Public Service Commission.
<i>Revenue Department</i>				
1	Commissioner, Aurangabad Division	.....	.....	Commissioner, Bombay Division.
2	Accommodation Department, (Revenue Department).	1950, 1951	.. Class I to IV	.. Commissioner, Nagpur Division.
3	Collector, Nanded .. ..	1950 to 1960	.. Do.	.. Commissioner, Poona Division.
4	Collector, Osmanabad .. ..	1950 to 1956	.. Do.	.. Collector, Aurangabad.
5	Collector, Bhir .. ..	1950 to 1955	.. Do.	.. Collector, Chanda.
6	Collector, Buldhana .. ..	1950 to 1958	.. Do.	.. Collector, Yeotmal.
7	Collector, Akola .. ..	1950 to 1956	.. Do.	.. Collector, Satara.
8	Collector, Ratnagiri .. ..	1950 to 1956	.. Do.	.. Collector, Sangli.
9	Collector, Kolaba .. ..	1950 to 1957	.. Do.	.. Collector, Jalgaon.
10	Collector, Nasik .. ..	1950, 1951	.. Categorywise information is not given.	.. Collector, Ahmednagar.
11	Collector, Dhulia .. ..	1950 to 1960	.. Class I to IV	.. Collector, Kolhapur.
12	Collector, Poona .. ..	Do.	.. Do.	.. Collector, Thana.
13	Collector, Nagpur .. ..	Do.	.. Do.	.. Collector, Bombay.
14	Collector, Wardha .. ..	Do.	.. Do.	.. Revenue Tribunal, Nagpur.
15	Collector, Bhandara .. ..	Do.	.. Do.	.. ..
16	Collector, Parbhani .. ..	Do.	.. Do.	.. ..
17	Collector, Sholapur .. ..	Do.	.. Do.	.. ..
18	Administrator, Ulhasnagar Township.	Do.	.. Do.	.. ..
19	Secretary to Government Revenue Department.	Do.	.. Do.	.. ..
20	Collector, Amraoti .. ..	Do.	.. Do.	.. ..
21	Settlement Commissioner, and Director of Land Records.	Do.	.. Do.	.. ..



Serial No.	Name of Office	Wanting information		Those who have sent complete information
		Years	Details	
1	2	3	4	5
<i>Finance Department</i>				
1	Under Secretary to Government of Maharashtra, Finance Department	1950 to 1956	.. Class I to IV	.. Maharashtra Sales Tax Tribunal. Bombay.
2	Deputy Director of Accounts and Treasuries, M. S., Nagpur.	1950 to 1957	.. Do.	.. Registrar of Firms, Bombay.
3	Commissioner of Sales Tax ..	1950 to 1956	.. Do.	.. Bureau of Economics and Statistics,
4	Pay and Accounts Officer, Bombay	1950 to 1960	.. Do.	.. Director of Accounts and Treasuries. M S., Bombay.
<i>Home Department</i>				
1	Government Transport Service, Bombay.	1950 to 1954	.. Class I to IV	.. Commandant General, Home Guards, Bombay.
2	General Manager, Maharashtra State Road Transport Corporation.	1950, 1951	.. Do.	.. Director of Prohibition and Excise, M. S., Bombay. Inspector-General of Prisons, Maharashtra State. Inspector General of Police. Commissioner of Police, Bombay. Coroner's Court, Bombay. Examiner of Books and Publication Registrar of Firms. Director of Transport, Bombay. Government Transport Service, Bombay.
<i>Education and Social Welfare Department</i>				
1	Director of Education ..	1950, 1951 and 1960	Class I to IV	.. Sir J. J. School of Arts, Bombay.
2	Director of Social Welfare (C. A. Wing).	1950 to 1953	.. Do.	.. Director of Technical Education.
3	Education and Social Welfare Department.	1950 to 1960	.. Do.	.. Director of Social Welfare, M. S., Poona.
4	Administrator Ulhasnagar Township.	Do.	.. Do.	..
5	Sir J. J. Institution of Applied Arts.	1958 to 1960	.. Do.	..
6	Sir J. J. College of Architecture ..	1950 to 1960	.. Do.	..
7	Director of Archives ..	Do.	.. Do.	..

*Industries and Labour Department*

1	Commissioner of Labour, Bombay.	1950 to 1956	..	Class I to IV
2	Industries and Labour Department.	1950 to 1960	..	Do.
3	Director of Industries .. ..	*Do.	..	Do.
4	Chief Inspector of Factories ..	Do.	..	Do.
5	Chief Inspector of Steam Boilers ..	Do.	..	Do.

.. Director of Geology and Mining Nagpur.  
 .. Commissioner for Workmen's Compensation, Bombay.  
 .. Director of Government Printing and Stationery, Bombay.  
 .. Industries Commissioner, Bombay,  
 .. Director of Employment.

*Co-operation and Rural Development Department*

1.	Co-operation and Rural Development Department.	1950 to 1960	..	Class I to IV
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.. Registrar of Co-operative Societies, Maharashtra State, Poona.

*Buildings and Communication Department*

1	Executive Engineer, Road Project, Division Nasik.	1950 to 1960	..	Class I to IV
2	Superintending Engineer, Designs Circle (B. & C.)	1950 to 1957	..	Do.
3	Superintending Engineer, Control Circle, Poona-1.	1950 to 1954	..	Do.
4	Superintending Engineer, Bombay Circle, Bombay.	1950 to 1960	..	Do.
5	Superintending Engineer, Amravati Circle, Amravati.	Do.	..	Do.
6	Buildings and Communications Department.	Do.	..	Do.

.. Architect to Government.  
 .. Superintending Engineer, DIC-III-Nasik.  
 .. Superintending Engineer, Nasik (B. & C.) Circle, Nasik.  
 .. Executive Engineer, Designs Division No. 1.  
 .. Executive Engineer Dhulia (B. & C.) Division.  
 .. Superintending Engineer, B. & C. Circle, Aurangabad.  
 .. Executive Engineer, Jalgaon Division., Jalgaon.

Chief Ports Officer.

*Irrigation and Power Department*

1	Maharashtra State Electric Board ..	1950 to 1955	..	Class I to IV
2	Executive Engineer, Irrigation Project (C.), Poona.	1950 to 1960	..	Do.
3	Superintending Engineer, Akola Irrigation Circle.	1954 to 1956	..	Do.
4	Irrigation Project Investigation Division, Jalgaon.	1950 to 1960	..	Do.

.. Director of D. D. Chawls.  
 .. Superintending Engineer (Hydro), Bombay.  
 .. Superintending Engineer, Deccan Irrigation Circle, No. 2.  
 .. Executive Engineer, Poona Electric Work, Division.

Serial No.	Name of Office	Wanting information		Those who have sent complete information
		Years	Details	
1	2	3	4	5
<i>Irrigation and Power Department—contd.</i>				
5	Superintending Engineer, Nagpur Irrigation Circle.	1950 to 1957	.. Class I to IV	.. Superintending Engineer, Koyna Tunnels Circle, Koyna.
6	Superintending Engineer, D. I. C. No. I and III.	1950 to 1960	.. Do.	.. Chief Engineer, Koyna.
7	Superintending Engineer, Marathwada Irrigation Project, Aurangabad.	Do.	Do.	.. Superintending Engineer, Koyna Dam and Design Circle.
8	Superintending Engineer, Water Resources Investigation Circle.	Do.	.. Do.	.. Superintending Engineer, Central Designs, Bombay.
9	Superintending Engineer, Vidarbha Irrigation Circle, Nagpur.	Do.	Do.	Erstwhile Public Works Department (Building and Communications Department).
10	Secretary to Government, Irrigation and Power Department.	Do.	.. Do.	..
11	Electrical Engineer to Government	Do.	.. Do.	..
<i>Urban Development and Public Health Department</i>				
1	Controller of Iron, Steel and Cement, Bombay.	1950 to 1960	.. Class I to IV.	.. Superintending Engineer, Western Public Health Circle.
2	Under Secretary to Government of Maharashtra, Urban Development and Public Health Department.	1950 to 1956	.. Do.	.. Halfkine Institute.
3	Public Health Engineer to Government.	1950 to 1960	Do.	Consulting Surveyor to Government, Directorate, Drugs Control Administration.
4	Director of Ayurved	.. 1950 to 1956	Do.	.. Assistant Director of Public Health Poona.
5	Divisional Fire Officer	.. 1950 to 1960	.. Do.	.. Forensic Science Laboratory.
6	Director of Public Health	.. Do.	Do.	Civil Surgeon, Parbhani.
7	Surgeon General with the Government of Maharashtra.	Do.	.. Do.	..

*Zilla Parishads*

1	Chief Executive Officer, Kolaba Zilla Parishad, Alibag.	1950 to 1956	..	Class I to IV	..	Chief Executive Officer, Zilla Parishad, Nasik.
2	Chief Executive Officer, Zilla Parishad, Dhulia.	1950 to 1952	..	Do.	..	Chief Executive Officer, Zilla Parishad, Thana.
3	Chief Executive Officer, Zilla Parishads, Bhir.	1950 to 1954	..	Do.	..	Chief Executive Officer, Zilla Parishad, Jalgaon.
4	Chief Executive Officer, Zilla Parishad, Nanded.	1950 to 1960	..	Do.		
5	Chief Executive Officer, Zilla Parishads, Poona.	Do.	..	Do.		
6	Chief Executive Officer, Zilla Parishad, Satara.	Do.	..	Do.		
7	Chief Executive Officer, Zilla Parishad, Sangli.	Do.	..	Do.		
8	Chief Executive Officer, Zilla Parishad, Sholapur.	Do.	..	Do.		
9	Chief Executive Officer, Zilla Parishad, Kolhapur.	Do.	..	Do.		
10	Chief Executive Officer, Zilla Parishad, Ahmednagar.	Do.	..	Do.		
11	Chief Executive Officer, Zilla Parishad, Ratnagiri.	Do.	..	Do.		
12	Chief Executive Officer, Zilla Parishad, Aurangabad.	Do.	..	Do.		
13	Chief Executive Officer, Zilla Parishad, Parbhani.	Do.	..	Do.		
14	Chief Executive Officer, Zilla Parishad, Osmanabad.	Do.	..	Do.		
15	Chief Executive Officer, Zilla Parishad, Nagpur.	Do.	..	Do.		
16	Chief Executive Officer, Zilla Parishad, Bhandara.	Do.	..	Do.		
17	Chief Executive Officer, Zilla Parishad, Chanda.	Do.	..	Do.		
18	Chief Executive Officer, Zilla Parishad, Wardha.	Do.	..	Do.		
19	Chief Executive Officer, Zilla Parishad, Yeotmal.	Do.	..	Do.		
20	Chief Executive Officer, Zilla Parishad, Amravati.	Do.	..	Do.		

Serial No.	Name of Office	Wanting information		Those who have sent complete information.
		Years	Details	
1	2	3	4	5

*Zilla Parishad—contd.*

21	Chief Executive Officer, Zilla Parishad, Akola.	1950-60	.. Class I to IV	..
22	Chief Executive Officer, Zilla Parishad, Buldhana.	Do.	.. Do.	..

*Judicial Department*

1.	District and Sessions Judge, Aurangabad.	1950 to 1957	.. Class I to IV	.. District Judge, Poona.
2	District and Sessions Judge, Amravati.	1950 to 1955	.. Do.	.. District Judge, Nagpur.
3	District and Sessions Judge, Wardha.	1950 to 1955	.. Do.	.. District Judge, Nanded.
4	District and Sessions Judge, Bhir ..	1950 to 1955	.. Do.	.. District Judge, Sholapur.
5	District and Sessions Judge, Satara.	1950 to 1960	.. Do.	.. District Judge, Kolaba.
6	District and Sessions Judge, Sangli.	1950 to 1960	.. Do.	.. District Judge, Ratnagiri.
7	District and Sessions Judge, Yeotmal.	1950 to 1960	.. Do.	.. District Judge, Akola.
8	District and Sessions Judge, Bhandara.	1950 to 1960	.. Do.	.. District Judge, Buldhana.
9	District and Sessions Judge, Thana.	1950 to 1960	.. Do.	.. District Judge, Wardha.

10	Registrar, High Court ..	..	1950 to 1960	..	Do.	..	District Judge, Chanda.
11	Chief Judge, Court of Small Causes		1950 to 1960	..	Do.	..	District Judge, Parbhani.
12	Advocate General ..	..	1950 to 1960	..	Do.	..	District Judge, Osmanabad.
13	Law and Judicial Department	..	1950 to 1960	..	Do.	..	District Judge, Nasik. District Judge, Dhulia. District Judge, Jalgaon. District Judge, Kolhapur. District Judge, Ahmednagar. Administrator General and Official Trustee. Government Pleader, City Civil Court, Bombay. Chief Presidency Magistrate Bombay. Principal Judge, Bombay City Civil Session Judge, Bombay. Registrar, Industrial Court Pro- thonotary and Senior Master. Official Assignee and office, High Court, Bombay. Commissioner for Taking Accounts, High Court, Bombay. Taxing Master's Office, Bombay. Insolvency Registrar, High Court Bombay. Court Receiver, High Court, Bombay Court Translator and Inspector.

Name of Department 1	Class I					Class II					
	T.P.	S.C.	S.T.	O.B.C.	Total	T.P.	S.C.	S.T.	O.B.C.	Total	
	2	3	4	5	6	7	8	9	10	11	
1. General Administration Department.	...	...	...	...	...	1	...	...	...	...	
2. Home Department	44	...	...	...	...	198	2	...	...	2	
3. Revenue Department	8	...	...	...	...	28	...	...	...	...	
4. Finance Department	...	...	...	...	...	5	...	...	1	1	
5. Building and Communication Department.	6	...	...	...	...	24	...	...	...	...	
6. Irrigation and Power Department.	11	...	...	...	...	8	...	...	...	...	
7. Co-operative and Rural Development Department.	7	...	...	...	...	41	...	...	...	...	
8. Agriculture and Forests Department.	9	...	...	...	...	15	...	...	...	...	
9. Education and Social Welfare Department.	4	...	...	...	...	60	11	1	3	15	
10. Industries and Labour Department.	28	...	...	2	2	36	...	...	...	...	
11. Urban Development and Public Health Department.	19	...	...	...	...	76	...	...	...	...	
12. Law and Judiciary Department.	66	1	...	1	2	97	...	...	...	...	
13. Zilla Parishad	...	3	...	...	...	10	1	...	...	1	
Total	...	205	1	...	3	4	599	14	1	4	19

## 1951

1. General Administration Department.	...	...	...	...	...	1	...	...	...	...	
2. Home Department	41	...	...	...	...	203	2	...	...	2	
3. Revenue Department	7	...	...	...	...	17	...	...	...	...	
4. Finance Department	...	...	...	...	...	6	...	...	...	...	
5. Buildings and Communication Department.	10	...	...	...	...	22	...	...	...	...	
6. Irrigation and Power Department.	8	...	...	...	...	10	...	...	...	...	
7. Co-operation and Rural Development Department.	11	...	...	...	...	51	...	1	...	1	
8. Agriculture and Forests Department.	16	...	...	...	...	19	...	...	...	...	
9. Education and Social Welfare Department.	5	...	...	...	...	28	11	1	2	14	
10. Industries and Labour Department.	28	...	2	2	2	35	...	...	...	...	
11. Urban Development and Public Health Department.	19	...	...	...	...	76	...	...	...	...	
12. Law and Judiciary Department.	69	1	1	2	2	121	...	...	...	...	
13. Zilla Parishad	...	8	...	...	...	114	1	...	...	1	
Total	...	222	1	3	4	4	703	14	2	2	18

1950

Class III					Class IV				
T.P.	S.C.	S.T.	O.B.C.	Total	T.P.	S.C.	S.T.	O.B.C.	Total
12	13	14	15	16	17	18	19	20	21
21		...	...	1	13	2	...	...	2
39,726	1,488	476	451	2,415	1,598	224	32	99	355
4,408	527	48	94	669	1,972	178	19	49	246
133	2	...	5	7	32	3	...	2	5
350	8	2	3	13	241	34	6	2	42
256	3	...	1	4	357	272	...	...	272
1,237	...	5	...	5	573	...	10	...	10
1,467	92	87	55	234	156	35	5	16	56
351	58	1	2	61	260	105	5	4	114
1,072	56	16	68	140	444	19	2	20	41
1,063	24	...	7	31	787	209	...	20	229
3,198	79	8	36	123	1,181	114	10	14	138
135	6	4	2	12	203	19	16	6	41
53,419	2,344	647	724	3,715	7,817	1,224	95	232	1,551

1951

23	1	...	1	2	13	...	...	...	...
29,942	1,513	430	806	2,749	1,967	249	39	112	400
5,332	275	81	82	438	2,536	226	42	58	326
228	4	6	13	23	35	3	...	...	3
354	26	2	22	50	370	41	8	21	70
265	2	...	2	4	450	275	...	..	275
1,274	...	1	...	1	759	...	11	...	11
1,849	107	112	75	294	292	26	2	42	70
145	17	1	4	22	196	40	3	26	69
2,024	60	17	70	147	714	20	4	25	49
1,072	18	...	7	25	855	234	...	20	254
3,282	122	15	67	204	401	152	23	23	198
227	6	4	2	12	475	19	16	6	41
46,017	2,151	668	1,152	3,971	9,963	1,285	148	33	1,766



Name of Department	Class I					Class II				
	T.P.	S.C.	S.T.	O.B.C.	Total	T.P.	S.C.	S.T.	O.B.C.	Total
	1	2	3	4	5	6	7	8	9	10
1. General Admn. Department ...	...	...	...	...	...	1	...	...	...	...
2. Home Department ...	80	...	...	...	...	362	6	...	...	6
3. Revenue Department ...	8	...	...	...	...	20	...	...	...	...
4. Finance Department ...	...	...	...	...	...	5	...	...	1	1
5. Buildings and Communication Department.	7	...	...	...	...	30	...	...	...	...
6. Irrigation and Power Department.	12	...	...	...	...	20	...	...	...	...
7. Co-operation and Rural Development Department.	7	...	...	...	...	48	...	...	...	...
8. Agriculture and Forests Department.	17	...	...	...	...	30	...	...	...	...
9. Education and Social Welfare Department.	85	...	...	...	...	297	4	3	15	22
10. Industries and Labour Department.	29	...	...	...	...	48	...	...	...	...
11. Urban Development and Public Health Department.	19	...	...	...	...	75	...	...	...	...
12. Law and Judiciary Department.	60	2	...	1	3	108	...	...	...	...
13. Zilla Parishad ...	8	...	...	...	...	113	1	...	...	1
<b>Total ...</b>	<b>322</b>	<b>2</b>	<b>...</b>	<b>1</b>	<b>3</b>	<b>1,157</b>	<b>11</b>	<b>3</b>	<b>16</b>	<b>30</b>

## 1953

1. General Administration Department.	...	...	...	...	...	2	...	...	...	...
2. Home Department ...	78	...	...	...	...	359	3	...	...	3
3. Revenue Department ...	6	...	...	...	...	21	...	...	...	...
4. Finance Department ...	...	...	...	...	...	5	...	...	1	1
5. Buildings and Communication Department.	7	...	...	...	...	27	...	...	...	...
6. Irrigation and Power Department.	12	...	...	...	...	12	...	...	...	...
7. Co-operation and Rural Development Department.	7	...	...	...	...	52	...	...	1	1
8. Agriculture and Forests Department.	16	...	...	...	...	21	...	...	...	...
9. Education and Social Welfare Department.	62	1	...	...	1	293	12	...	...	12
10. Industries and Labour Department.	29	...	...	2	2	38	...	...	...	...
11. Urban Development and Public Health Department.	21	...	...	...	...	78	...	...	...	...
12. Law and Judiciary Department.	70	2	...	1	3	166	...	...	...	...
13. Zilla Parishad ...	2	...	...	...	...	11	...	...	...	...
<b>Total ...</b>	<b>310</b>	<b>3</b>	<b>...</b>	<b>3</b>	<b>6</b>	<b>1,085</b>	<b>15</b>	<b>2</b>	<b>17</b>	<b>17</b>

1952

Class III					Class IV				
T.P.	S.C.	S.T.	O.B.C.	Total	T.P.	S.C.	S.T.	O.B.C.	Total
12	13	14	15	16	17	18	19	20	21
24	1	...	1	2	13	3	...	...	3
47,414	1,713	434	718	2,865	5,335	240	62	120	422
5,480	280	77	115	472	2,200	216	49	44	309
139	...	...	6	6	31	2	...	5	7
372	24	3	14	41	283	46	10	26	82
273	3	...	2	5	348	270	...	1	271
1,240	...	1	...	1	546	...	15	...	15
1,855	110	104	86	300	267	39	7	22	68
2,827	19	4	11	34	2,087	74	5	36	115
2,086	65	17	74	156	405	31	10	22	63
1,145	22	...	9	31	821	218	...	20	238
3,207	129	15	66	210	1,365	159	24	27	210
230	7	4	3	14	377	18	16	6	40
66,292	2,373	659	1,105	4,137	13,878	1,316	198	329	1,843

1953

30	1	...	1	2	15	3	...	1	4
50,418	2,244	437	824	3,505	5,964	901	51	115	1,067
5,994	314	76	96	486	2,522	214	54	69	337
126	...	...	5	5	31	1	...	4	5
509	26	4	5	35	396	65	20	31	116
291	8	...	...	8	351	277	...	1	278
1,402	...	16	...	16	670	...	13	...	13
1,841	116	109	82	307	259	30	5	22	57
2,711	36	3	16	55	2,248	76	10	27	113
2,408	79	19	90	188	697	53	1	40	94
1,038	20	...	9	29	914	212	...	20	...
3,268	131	18	62	211	1,513	173	28	25	226
223	7	3	5	15	270	17	14	16	37
70,259	2,982	686	195	4,862	13,850	2,022	196	361	2,579

Name of Department	Class I					Class II				
	T.P.	S.C.	S.T.	O.B.C.	Total	T.P.	S.C.	S.T.	O.B.C.	Total
	2	3	4	5	6	7	8	9	10	11
1. General Administration Department	...	...	...	...	...	2	...	...	...	...
2. Home Department	71	...	...	...	...	384	4	...	3	7
3. Revenue Department	8	...	...	...	...	60	...	...	...	...
4. Finance Department	...	...	...	...	...	6	...	...	1	1
5. Buildings and Communications Development Department.	10	...	...	...	...	43	...	...	...	...
6. Irrigation and Power Department.	16	...	...	...	...	25	...	...	...	...
7. Co-operation and Rural Development Department.	...	...	...	...	...	13	4	...	...	4
8. Agriculture and Forest Department.	16	...	...	...	...	21	...	...	...	...
9. Education and Social Welfare Department.	74	1	...	...	1	305	10	3	4	17
10. Industries and Labour Department.	30	...	...	2	2	39	...	...	...	...
11. Urban Development and Public Health Department.	33	...	...	...	...	86	...	...	...	...
12. Law and Judiciary Department	76	2	...	...	2	169	...	...	...	...
13. Zilla Parishad	2	...	...	...	...	12	...	...	...	...
<b>Total</b>	<b>326</b>	<b>3</b>	<b>...</b>	<b>2</b>	<b>5</b>	<b>1,165</b>	<b>18</b>	<b>3</b>	<b>8</b>	<b>29</b>

## 1955

1. General Administration Department	...	...	...	...	...	2	...	...	...	...
2. Home Department	86	1	...	...	1	375	6	...	1	7
3. Revenue Department	12	...	...	...	...	79	4	...	...	4
4. Finance Department	1	...	...	...	...	23	...	...	...	1
5. Buildings and Communications Department	15	...	...	...	...	78	...	...	...	...
6. Irrigation and Power Department.	22	...	...	...	...	33	...	...	...	...
7. Co-operation and Rural Development Department.	...	...	...	...	...	13	...	...	...	...
8. Agriculture and Forests Department.	15	...	...	...	...	21	...	...	...	...
9. Education and Social Welfare Deptt.	75	1	...	...	1	259	9	...	...	9
10. Industries and Labour Deptt.	29	...	...	2	2	42	...	...	...	...
11. Urban Development and Public Health Department.	21	...	...	...	...	91	...	...	...	...
12. Law and Judiciary Department	73	3	...	...	3	132	...	...	...	...
13. Zilla Parishad	2	1	...	...	1	16	...	...	...	...
<b>Total</b>	<b>251</b>	<b>6</b>	<b>...</b>	<b>2</b>	<b>8</b>	<b>1,144</b>	<b>19</b>	<b>...</b>	<b>2</b>	<b>21</b>

## 105

1954

Class III					Class IV				
T.P.	S.C.	S.T.	O.B.C.	Total	T.P.	S.C.	S.T.	O.B.C.	Total
12	13	14	15	16	17	18	19	20	21
30	1	—	1	2	16	3	1	1	5
51,445	2,689	598	558	3,845	6,568	1,042	46	124	1,212
4,964	277	74	88	439	1,974	179	48	59	286
142	1	....	5	6	37	4	...	4	8
645	15	7	6	28	446	64	18	41	123
659	11	...	3	14	471	277	...	1	278
368	4	...	12	16	185	5	...	31	36
1,779	115	114	74	303	247	32	6	24	62
2,977	57	19	15	91	2,313	86	13	8	107
2,436	83	19	92	194	664	65	4	38	107
1,047	46	...	12	58	958	226	5	16	247
3,178	157	21	66	244	1,453	181	33	31	245
297	6	3	7	16	339	30	20	18	68
69,957	3,362	855	939	5,156	15,669	2,194	194	396	2,784

1955

28	1	—	1	2	39	5	1	2	6
54,669	2,950	711	842	4,503	7,619	1,220	59	106	1,385
8,513	396	73	190	659	2,614	283	107	149	539
730	15	2	8	25	121	7	1	5	13
1,101	30	8	21	59	840	153	42	23	218
742	16	...	14	30	512	291	...	3	294
357	5	...	12	177	184	85	...	28	33
1,795	117	108	82	307	338	29	6	4	39
3,030	62	23	26	111	2,332	95	18	19	132
2,520	107	22	113	242	2,716	79	5	43	127
1,197	43	...	9	52	957	235	6	14	255
3,187	157	21	78	256	1,317	167	31	45	243
421	15	3	17	35	365	35	21	21	77
78,298	3,914	971	1,413	6,298	17,847	2,604	297	460	3,361

1956

Name of Department	Class I					Class II					
	T.P.	S.C.	S.T.	O.B.C.	Total	T.P.	S.C.	S.T.	O.B.C.	Total	
	1	2	3	4	5	6	7	8	9	10	11
1. General Administration Department.	...	...	...	...	...	4	...	...	...	...	...
2. Home Department	94	2	...	...	2	480	3	...	3	6	
3. Revenue Department	18	...	...	...	...	130	3	...	...	3	
4. Finance Department	1	...	...	...	...	38	3	...	...	3	
5. Buildings and Communications Department.	14	...	...	...	...	60	...	...	...	...	
6. Irrigation and Power Department.	65	...	...	...	...	216	...	...	1	1	
7. Co-operation and Rural Development Department.	...	...	...	...	...	15	...	...	...	...	
8. Agriculture and Forests Department.	17	...	...	...	...	20	...	...	...	...	
9. Education and Social Welfare Department.	164	1	...	1	2	688	13	3	5	21	
10. Industries and Labour Department.	34	...	...	2	2	88	3	...	1	4	
11. Urban Development and Public Health Department.	22	...	...	...	...	104	...	...	...	...	
12. Law and Judiciary Department.	89	1	...	1	2	171	...	...	...	...	
13. Zilla Parishad	2	...	...	...	1	21	...	...	...	...	
<b>Total</b>	520	5	...	4	9	2,035	25	3	10	38	

1957

1. General Administration Department.	...	...	...	...	...	4	...	...	...	...
2. Home Department	109	3	...	1	4	583	4	...	5	9
3. Revenue Department	21	...	...	...	...	163	3	...	1	4
4. Finance Department	55	...	...	...	...	134	1	...	1	2
5. Buildings and Communications Department.	32	...	...	...	...	105	...	...	...	...
6. Irrigation and Power Department.	123	...	...	...	...	501	1	...	1	2
7. Co-operation and Rural Development Department.	25	...	...	...	...	106	1	...	...	1
8. Agriculture and Forests Department.	17	...	...	...	...	28	1	...	...	1
9. Education and Social Welfare Department.	183	1	...	...	1	762	14	5	6	25
10. Industries and Labour Department.	153	3	...	3	6	100	3	...	1	4
11. Urban Development and Public Health Department.	33	...	...	...	...	128	...	...	2	2
12. Law and Judiciary Department.	83	3	...	1	4	190	1	...	...	1
13. Zilla Parishad	2	...	...	...	...	30	...	...	...	...
<b>Total</b>	836	10	...	5	15	2,834	29	5	17	51

1956

Class III					Class IV				
T.P.	S.C.	S.T.	O.B.C.	Total	T.P.	S.C.	S.T.	O.B.C.	Total
12	13	14	15	16	17	18	19	20	21
35	1	...	...	1	25	6	3	...	9
55,421	2,916	783	1,225	4,924	8,364	902	122	555	1,579
10,208	531	128	272	931	3,431	367	122	177	666
985	28	12	27	67	173	21	1	12	34
1,122	45	2	13	60	1,893	165	16	35	216
2,826	199	50	26	275	1,157	431	26	2	459
377	5	...	13	198	190	10	...	28	38
2,274	143	160	65	368	290	32	12	5	49
2,515	40	7	28	75	2,303	126	27	37	190
2,808	149	30	137	316	813	107	16	54	177
1,398	30	3	17	50	885	223	4	39	266
3,467	177	25	97	299	1,513	192	32	50	274
556	11	4	67	22	438	34	20	20	74
83,992	4,275	1,204	1,927	7,406	20,475	2,616	401	1,014	4,031

1957

41	1	...	2	3	21	8	3	...	11
70,520	4,038	1,044	2,144	7,226	7,691	995	122	607	1,724
14,585	673	178	588	1,439	4,698	483	120	322	934
2,517	42	6	55	103	704	72	20	10	102
1,796	58	1	14	73	1,229	209	20	40	269
5,873	297	35	98	430	4,359	569	67	130	768
2,364	12	25	...	37	1,216	...	10	...	10
2,403	199	171	132	502	713	55	18	51	124
19,807	90	10	163	263	4,933	159	22	65	226
3,574	185	37	228	450	1,239	241	39	96	376
1,725	41	3	22	66	1,130	279	2	51	332
3,458	187	34	109	330	1,577	166	36	64	266
773	18	10	15	43	581	50	47	17	114
1,29,436	5,841	1,554	3,570	10,965	30,091	3,286	535	1,453	5,274

Name of Department	Class I					Class II				
	T. P.	S. C.	S. T.	O. B. C.	Total	T. P.	S. C.	S. T.	O. B. C.	Total
	1	2	3	4	5	6	7	8	9	10
1. General Administration Department.	...	...	...	...	...	4	...	...	...	...
2. Home Department	115	3	...	1	4	610	3	...	6	9
3. Revenue Department	23	...	...	...	...	194	5	...	...	5
4. Finance Department	66	...	...	1	1	154	1	...	5	6
5. Buildings and Communications Department.	39	...	...	...	...	158	...	...	...	...
6. Irrigation and Power Department.	151	...	...	...	...	580	1	...	2	3
7. Co-operation and Rural Development Department.	26	...	...	...	...	108	...	...	2	2
8. Agriculture and Forest Department.	20	...	...	...	...	34	1	...	...	1
9. Education and Social Welfare Department.	167	1	...	...	1	747	15	3	10	28
10. Industries and Labour Department.	160	3	...	3	6	112	3	...	1	4
11. Urban Development and Public Health Department.	33	...	...	...	...	134	...	1	1	2
12. Law and Judiciary Department.	86	1	...	1	2	203	2	...	1	3
13. Zilla Parishad	2	...	...	2	...	45	...	...	...	...
Total	888	8	...	6	14	3,083	31	4	28	63

## 1959

1	2	3	4	5	6	7	8	9	10	11
1. General Administration Department.	...	...	...	...	...	4	...	...	...	...
2. Home Department	113	2	1	...	3	632	4	...	5	9
3. Revenue Department	21	...	...	...	...	229	9	...	1	10
4. Finance Department	68	...	...	2	2	206	3	...	1	4
5. Buildings and Communications Department.	32	...	...	...	...	176	2	...	...	2
6. Irrigation and Power Department.	176	...	...	...	...	823	3	...	6	9
7. Co-operation and Rural Development Department.	25	...	...	1	1	119	...	1	...	1
8. Agriculture and Forest Department.	13	1	...	...	1	18	...	...	1	1
9. Education and Social Welfare Department.	182	2	...	...	2	799	18	3	6	27
10. Industries and Labour Department.	176	3	...	3	6	128	3	...	1	4
11. Urban Development and Public Health Department.	37	...	...	...	...	166	...	2	1	3
12. Law and Judiciary Department.	95	2	...	...	2	220	4	...	1	5
13. Zilla Parishad	2	...	...	...	...	59	...	...	...	...
Total	940	10	1	6	17	3,579	46	6	23	75

1958

Class III					Class IV				
T.P.	S.C.	S.T.	O.B.C.	Total	T.P.	S.C.	S.T.	O.B.C.	Total
12	13	14	15	16	17	18	19	20	21
48	1	...	3	4	21	8	1	1	1
76,055	4,156	1,093	2,661	7,910	8,863	1,074	143	724	1,941
15,416	724	129	558	1,411	4,909	641	117	483	1,241
2,825	91	10	124	225	801	97	23	34	154
2,235	55	7	35	97	1,473	246	18	60	324
7,468	539	114	207	878	4,372	690	139	223	1,852
2,695	13	12	32	57	1,352	12	5	40	57
2,504	246	141	149	536	396	41	19	64	124
22,911	370	170	378	918	5,696	229	38	115	382
3,384	226	36	241	503	1,430	290	56	105	451
1,836	46	3	41	90	1,114	308	6	58	372
3,898	189	32	140	351	1,187	204	38	115	357
998	18	12	9	39	633	58	49	27	134
1,42,273	6,694	1,759	4,578	13,031	32,047	3,698	652	2,049	6,599

1959

12	13	14	15	16	17	18	19	20	21
48	1	...	3	4	21	8	1	1	10
78,834	4,989	1,040	3,026	9,055	9,445	1,183	108	791	2,082
15,813	776	150	775	1,701	5,271	627	109	453	1,189
2,980	88	16	111	215	813	110	2	51	163
2,583	87	5	55	147	1,729	286	33	111	430
788	489	109	177	775	6,093	791	166	83	1,040
3,504	10	1	14	25	1,590	7	2	61	70
2,711	290	178	211	679	438	52	18	62	132
23,400	493	170	680	1,343	5,807	332	68	164	504
4,537	224	46	278	543	1,254	278	66	130	474
1,765	44	9	32	85	1,421	338	23	35	396
4,174	209	41	234	484	1,502	198	43	90	331
1,267	27	17	40	84	630	69	48	32	149
1,42,404	7,727	1,782	5,635	15,145	36,034	4,279	687	2,054	7,111



1960

Name of Department 1	Class I					Class II				
	T. P.	S. C.	S. T.	O.B.C.	Total	T. P.	S. C.	S. T.	O.B.C.	Total
	2	3	4	5	6	7	8	9	10	11
1. General Administration Department.	...	...	...	...	...	...	...	...	...	...
2. Home Department	103	3	...	...	3	560	6	...	5	11
3. Revenue Department	20	...	...	...	...	195	8	1	...	9
4. Finance Department	75	...	...	1	1	172	...	...	13	13
5. Buildings and Communications Department.	48	...	...	...	...	191	3	...	...	3
6. Irrigation and Power Department.	408	...	...	...	...	366	3	...	5	8
7. Co-operation and Rural Development Department.	39	...	...	...	...	165	...	...	...	...
8. Agriculture and Forests Department.	19	1	...	...	1	37	...	...	...	...
9. Education and Social Welfare Department.	31	2	...	...	2	114	14	1	4	19
10. Industries and Labour Department.	171	3	...	3	6	114	3	...	3	6
11. Urban Development and Public Health Department.	37	...	...	...	...	166	...	...	2	3
12. Law and Judiciary Department	89	2	...	...	2	220	1	1	3	5
13. Zilla Parishad	2	...	...	...	...	70	1	...	...	1
<b>Total</b>	<b>1,042</b>	<b>11</b>	<b>...</b>	<b>4</b>	<b>15</b>	<b>2,374</b>	<b>39</b>	<b>4</b>	<b>35</b>	<b>78</b>

1960

Class III					Class IV				
T.P.	S.C.	S.T.	O.B.C.	Total	T.P.	S.C.	S.T.	O.B.C.	Total
12	13	14	15	16	17	18	19	20	21
45	1	...	1	2	20	5	1	...	6
72,134	4,589	990	2,806	8,385	7,080	951	65	497	1,513
14,241	885	140	335	1,360	5,090	685	106	150	941
3,023	133	9	167	309	844	128	11	57	196
2,820	98	9	32	139	2,073	293	22	94	409
3,482	355	15	209	579	1,927	559	72	108	739
4,065	39	12	35	86	2,122	36	17	14	67
2,570	297	237	102	636	251	39	23	19	81
2,105	272	143	176	591	822	223	32	103	358
4,594	294	43	236	573	1,248	257	54	126	437
1,491	75	1	53	129	1,425	353	24	384	761
4,421	216	45	265	524	1,440	189	45	129	363
1,689	35	22	14	71	724	83	75	18	176
1,16,680	7,289	1,666	4,429	13,384	25,066	3,801	547	1,699	6,047

**THE RESERVATION OF BACKWARD CLASSES**

**in**

**THE PUBLIC SERVICE COMMITTEE**

**MAHARASHTRA STATE**

**A SEPARATE NOTE SUBMITTED TO  
THE HONOURABLE CHIEF MINISTER  
MAHARASHTRA STATE**

**PART II**

*Prepared by*

**Prof. R. D. BHANDARE**

**M.A., LL.B., Bombay**

FROM

Prof. R. D. BHANDARE,  
Member, the Backward Classes Reservation in Services Committee,  
Bombay.

To

The HON'BLE CHIEF MINISTER,  
Maharashtra State, Sachivalaya,  
Bombay.

*Subject.*—A Note on the Committee on Reservation in Services  
for the Backward Classes.

Sir,

1. I take this opportunity in congratulating the Government of Maharashtra and especially Honourable Shri Yeshwantraoji Chavan, the then Chief Minister of Maharashtra for appointing this Committee with quite comprehensive terms of reference. An appointment of such a Committee, to my mind, was long due. I think this is the first Committee of its kind appointed by any Government—Central or State—after the Starte Committee which was appointed by the then Bombay Government to inquire into similar questions and to report on the *Depressed Classes* as to *who they were, what they suffer from and why they should be given special facilities both educational and economic including reservations in services* for these Classes. The Starte Committee tried to define as to who those Depressed Classes were, to determine the place and position they occupy in the Indian Society and to decide the question as to why these "Classes were obligated to live in a State of isolation from the rest of the Community". The Starte Committee then recommended that, on account of the disabilities they suffer both at the hands of the general Communities and also at the hands of the Government Officials, these Classes should be given separate reservations in public services. To my mind the Maharashtra Government has indeed done a wise thing in appointing this Committee to go into the question of recruitment of the Backward Classes into the public services. The Backward Classes are, therefore, very much thankful to the Maharashtra Government and more especially to Honourable Shri Yeshwantraoji Chavan for appointing this Committee.

*Terms of Reference given to the Committee*

2. The terms of reference may be divided into three main divisions :—

(1) The first division pertains (a) to an examination of the existing measures taken by the State to ensure the satisfactory recruitment of the

Backward Classes to the Public Services of the State, (b) the extent to which the existing measures have achieved the object, and (c) also of the factors which retarded their smooth implementation.

(2) The second Division speaks of—

(a) whether and to what extent the present system of recruitment carried on by the State is calculated to ensure the *fair representation* to the public services from the Backward Classes; and

(b) The difficulties experienced by those Classes in availing the various concessions and facilities extended for their entry into the public services.

(3) The Third division calls upon the Committee to make recommendations as to the steps that should be taken by the State :

(a) to *improve the existing system* and

(b) to *remove* the difficulties encountered by the Backward Classes and

(c) to make recommendations on the following matters :—

(1) Whether the existing percentage *should be modified* and if so, to what extent ;

(2) Whether there should be *separate* reservation of vacancies for *different categories* of the Backward Classes ;

(3) Whether for the purposes of reservation, the classification of the other backward classes should be on the basis of income or on the basis of Caste ;

(4) *Under what categories of the backward Classes* should the communities like *Nav Buddhas, Vimukta Jatis, Nomadic Tribes* and *Semi-Nomadic Tribes* be classified ;

(5) Whether any special machinery should be devised for ensuring the representation of the Backward Classes to *the Maximum* extent possible ;

(6) What steps should be taken to *guide the Backward Classes'* students to *take a career* where employment potentialities are relatively greater and more remunerative.

3. These are the terms of reference and they are, I think, quite comprehensive and will give proper and enough scope for the discussion of the question of Reservation in all of its aspects. We shall discuss these terms in the light of information supplied, figures available and experience gained so far.

## CHAPTER I

## THE HISTORICAL NECESSITY

*Grounds of Reservation*

4. We are aware that there is the Reservation in the Public Services for the "Backward Classes". The Reservation as a principle, has been accepted both by the Central Government and the State Governments. On what grounds is the principle of Reservation accepted? There are *two* grounds on which the Reservation has been accepted. These grounds are :—

(I) The ground of the Social Justice ; and

(II) The ground of the Constitutional obligations.

5. There will be two parts of this Chapter. The first part will deal with such questions as :—

(I) *Why* and *when* the principles of the social justice were accepted, and

(II) *To what extent* these principles were implemented by the Bombay Government.

The second part will deal with such questions as :—

(I) What are the Constitutional obligations, and

(II) To what extent these obligations have been fulfilled.

## PART I

## SOCIAL JUSTICE

*The principles of Social Justice*

6. It need not be mentioned that long before engrafting and incorporating the principle of reservation in our Constitution, this principle of reserving certain posts and employments for the "Backward Classes" was accepted on the ground of the principles of Social Justice both by the Bombay Government and the Central Government.

(A) Bombay Government-Starte Committee :

The problem of "depressed classes", as is stated by the Starte Committee appointed by the then Bombay Government under an I.C.S. Officer Mr. Starte, arises "largely from the peculiar position they are made to occupy amongst the people..... It is not easy to define exactly the position of this large body of people. Notwithstanding the fact that it has the

culture of the Hindu Community, notwithstanding the fact that it observes the religious rites prevalent in the Hindu Community and recognises the sacred and as well as the secular laws of the Hindus and celebrates the Hindu festivities, yet as a mere touch of the Depressed Classes is held to cause pollution; they were obliged to live in a state of isolation from the rest of the Community."

7. From this quotation of the Report of the Starte Committee, it can easily be seen that the Starte Committee thought that the problem of the "depressed Classes" rested on two factors, namely, the First, the factor of "pollution" and the Second the factor of "Isolation".

#### *An Institution based on Pollution and Isolation*

8. These two factors of pollution and isolation created an altogether a new and a separate Institution unheard of and unknown to any other country in the world. Even though the Depressed Classes have the same culture as that of the Hindu Community, observe the same religious rites as are prevalent in the Hindu Community and recognise the sacred and as well secular laws of the Hindus and celebrate the Hindu festivities, they are considered to be outside and beyond '*the pale of the Hindu Community*'. Because of these factors and under this Institution based on '*Pollution*' and '*Isolation*', these classes suffer many difficulties and disabilities both at the hands of the General Community and at the hands of the Government Officials.

9. Because of these difficulties and disabilities from which the Depressed Classes suffered the Starte Committee suggested that these Classes should be given some special facilities, educational and economic, including the reservation in the recruitment to the public services. The recommendations in regard to the reservation in the public services for this class of people was accepted by the then Bombay Government. *Though there was no constitutional obligation and no political pressure*, the Bombay Government accepted this principle of reservation purely *as measure of Social Justice*. I need not mention that Dr. Ambedkar who was a member of the Starte Committee played an important roll in the work of this Committee.

(B) India Government.

#### *I. The acceptance of the principle of Reservation*

10. The Government of India accepting the principles of Social Justice, acknowledged the *necessity of securing a fair degree of representation in public services for the Scheduled Castes*. The Government, therefore, issued instructions in the month of July 1934 to the "effect that duly qualified candidates from these Classes should not be deprived of fair opportunity,

merely because they could not succeed in an open competition." Because of the educational backwardness of these people, however, it was not considered necessary at that time to reserve a definite percentage of vacancies for them.

## II. *The implementation of the principle of the reservation*

11. When Revered Dr. Babasaheb Ambedkar joined the Government of India as an Honourable Member, the position of the Scheduled Castes was re-considered and reviewed in 1942 in order to see how far the principle of the social justice was implemented in the case of the Scheduled Castes. Due to the incessant efforts of Dr. Babasaheb the Government of India agreed to grant more concessions and facilities, educational and economic, including the reservation in services to these Castes. In fact when the position regarding the implementation of the principle of reservation was reviewed, it was revealed that, inspite of the fact that the necessity of reservation in services was acknowledged and accepted in 1934 and the various measures were adopted since then to secure increased representation of the Scheduled Castes in public services, the results obtained were not substantial and appreciable. The Government of India, therefore, felt that "the *reservation of a definite percentage of vacancies* to which these people were entitled to 12.75 per cent on their population basis, might provide the necessary stimulus to candidates of these Castes to equip themselves with better qualification and thus become eligible for various Government posts and service". But since there was no sufficient number of qualified candidates available at that time, the Government issued orders in August 1943, reserving 8.75 per cent of vacancies for them and further "*proposed to consider the question of raising this percentage* as soon as a sufficient number of qualified candidates were found to be available". The other concessions such as relaxing the age-limit, reduction in the admission fees etc. were also given to the Scheduled Castes.

## III. *Percentage raised in proportion to population*

12. In June, 1946, the Government of India again reviewed the position of these Castes regarding the reservation of vacancies for them and raised the percentage from 8½ per cent to 12½ per cent to correspond to the percentage of population of Scheduled Castes in the country which population was 12.75 per cent.

## IV. *Independence and reservation*

In August 1947 on the attainment of Independence of our country the rules of the communal representation in public services were revised. The revised orders provided "in so far as recruitment made by open competition,



reservation for communities other than the Scheduled Castes be withdrawn, and that in the case of the Scheduled Castes the then existing percentage of reservation of 12½ per cent be continued”.

*What lesson do we derive from the past history?*

13. The question may be asked what is the use of telling and repeating the past history which is the common knowledge of everybody? But let me explain that I have a definite purpose in view in repeating this past history. To my mind there are three clear lessons we can derive from the study of this past history of reservations. They are :

(1) That the reservation and facilities are based on the principles of social justice.

(2) That the reservation and facilities were exclusively meant for those who were outside and beyond the “pale of the General Community”.

(3) That both the India Government and Bombay Government accepted the principle of social justice in favour of those who suffer from social disabilities and difficulties.

*I. The first lesson: Why reservation?*

14. It was observed that a sizeable and definite body of the people suffered from the vast array of disabilities and difficulties on account of their place, position and status in the Indian society. These people were unable to enjoy the benefits and blessings of life on account of disabilities they suffer from. Special considerations, concessions and facilities were, therefore, intended to be given to them over and above those given to the general community. In other words, the scale of social justice was allowed to tilt in favour of such people very much against the desire of the general community. The principles of social justice were, therefore, sought to be made applicable to them. They were, therefore, given special concessions and facilities. This can clearly be seen from the policy enunciated by the Starte Committee and adumbrated by the Government of India from 1934. In other words reservation and facilities were based on the principles of social justice.

*II. The second lesson: For whom these facilities?*

15. These facilities and reservation were meant for those who were “beyond the pale of the General Community”. Only to them whose place and position in society was decided and determined because of the stigma of “Pollution” and “Isolation”, the facilities were intended and given.

*III. The third lesson: Both the Government of India and the Bombay Government accepted the principles of social justice*

16. It is further clear from the past history that both the Central Government and the Bombay Government accepted the principles of social justice.

The Bombay Government appointed the Starte Committee of which Dr. Ambedkar, who too belonged to the people who were beyond the 'pale of the general community', was a prominent member who played an important part in the findings and conclusion, and making recommendations of the said Starte Committee. This Committee enunciated the principles of social justice. The Bombay Government accepted the principle of giving special facilities and reservation. The India Government too enunciated a policy of reservation based on the principles of social justice and had accepted the same.

· UNDER SOCIAL JUSTICE—INJUSTICE DONE

*The principles different from practice*

17. It is invariably the experience with mankind that an acceptance of principles is found to be different in practice. We also find that the pronouncement is different from its practice. The Bombay Government, in accepting the recommendations of the Starte Committee, accepted the principles of social justice. But at the same time it started *doing injustice to the Scheduled Castes and Scheduled Tribes.*

*How injustice to the Scheduled Castes*

18. Let us see how injustice is done to the Scheduled Castes and Scheduled Tribes. In order to understand the nature and extent of injustice done to the S. C. and S. T. let us go to the fundamental question itself.

*Who are "Backward Classes" and why the S. C. and S. T. are tied with them?*

19. I am aware of the fact that this Committee is appointed to deal with the representation in services of the "Backward Classes". The words used here are "Backward Classes". The term "Backward Classes" includes :

- (i) The Scheduled Castes,
- (ii) The Scheduled Tribes, and
- (iii) The other Backward Communities.

I am quite alive to this position. But what I would like to ask, in all seriousness, is this : Who are these "Other Backward Communities" with whose destinies, the destinies of the Scheduled Castes and the Scheduled Tribes are tied ? What has been the criteria adopted to judge, whether they are "Backward" or not ? What has been the test that is applied to test their "Backwardness" ? What is meant by "Backwardness" ? These are very ticklish and baffling questions. I would certainly deal with them but not just now. I would certainly deal with them when I shall deal with the term of "the basis of classification of the *other Backward Classes*". What I am concerned with here, is the question as to why the Scheduled Castes

and Scheduled Tribes are tied together with the Other Backward Classes. Can we find such a phenomenon in any other State? Whatever may be the reason as to why the Scheduled Castes and Scheduled Tribes are 'dumped' together with the Other Backward Classes, one fact remains, and that fact is that the Scheduled Castes and Scheduled Tribes have suffered much.

*What is the result of putting these Communities together?  
Injustice done to the Scheduled Castes and Scheduled  
Tribes by the Bombay Government*

20. The purpose of raising these points is, that the Bombay Government, even though it accepted the principle of social justice, and the principle of reservation has never done full justice to the principle of social justice, and therefore to the principle of reservation in public services. The Bombay Government *did not reserve any separate and specific percentage* in the recruitment *either for the Scheduled Castes or for Scheduled Tribes alone*. It has always tied *two communities to the chariot-wheel of the three-wheeled chariot of the Backward Classes with a devastating effect on the interest, progress and lives of the Scheduled Castes and Scheduled Tribes* for whom special concessions and facilities were originally MEANT. It will, therefore, be seen that the recruitment of the Scheduled Castes and Scheduled Tribes in the public services was not according to the principles of social justice.

*Not against the Other Backward Classes*

21. Let me make one point clear lest the simpleton may misunderstand and the rogue may mislead. I am not at all against a separate reservation for the Other Backward Classes. My point is why should the Scheduled Castes and Scheduled Tribes be allowed to suffer by tying them all "together".

*Comparison of reservation in different States*

22. In order to draw a correct picture, let me compare the reservation kept in the public services by the Central Government and by other States and also by the Bombay State. Let me make one point clear before I go to the comparison. I have neither the time nor is there any necessary material at my disposal to know as to how and when different provinces accepted the principle of reservation and to what extent they have succeeded in implementing it. Whatever material I possess I possess only the Reports of the Commissioner for the Scheduled Castes and Scheduled Tribes and information supplied to this Committee, various measures taken and the procedure followed by different States. I know no other means of knowing to what extent different States have implemented the principles of reservation in actual practice in their respective public services.

*The position before the Constitution of India both at the Central and other Provinces.*

23. We have seen the position of the Reservation kept for these classes by the Central Government, *before 25th January 1950*. We shall see the position of Reservation in other States *before 25th January, 1950*.

TABLE NO. 1

Serial No.	State	Scheduled Castes	Scheduled Tribes	Other Backward Classes.
(1)	(2)	(3)	(4)	(5)
1	Central Government	12½ P. C. Population basis	5 P. C.	Nil.
2	Assam	.. 5 P. C.	.. (a) 10 P. C. S.T. belonging to the plain area. (b) 12 P. C. S. T. belonging to the Hills Area.	Nil
3	Bihar	.. 13 P. C.	.. 11 P. C.	.. Nil.
4	Madhya Pradesh	.. No reservation. Some preference to the S. C. and S.T. in appointment.		.. Nil.
5	Madras	.. <u>S. C. and S. T.</u> 15 P. C.		.. 5 P. C.
6	Orissa	.. No specific P. C. but preference is given to S. C. & S. T. in appointment.		.. Nil
7	Punjab	.. 15 P. C.	.. Nil	.. Nil
8	Uttar Pradesh	.. 10 P. C. with minimum qualifying students.	Nil	Nil.
9	West Bengal	.. 15 P. C.	.. Nil.	.. Nil.
10	Hyderabad	.. <u>S. C. and S. T.</u> 12.5 P. C.		Nil.
11	Madhya Bharat	.. 10 P. C. and 25 P. C. } for Inferior Services. }	For S. C. and S. T.	.. Nil.
12	Pepsu	.. 12½ for S. C. and other Backward Classes.		

(1)	(2)	(3)	(4)	(5)
13	Rajasthan	.. I. All state services and posts 12½ P. C. for S. C. & S. T.		.. Nil.
14	Saurashtra	.. (1) 12½ P. C. for S. C. & O. B. C. (2) In Class IV Services and Posts 6½ P. C. for S.C. and 6½ P. C. for O. B. C.		
15	Ajmer	.. 12½ P. C.	.. 5 P.C.	.. Nil.
16	Coorg	.. 18 P.C. for S. C. and S. T.		
17	Delhi	.. 16 P.C.	.. 8 P. C.	.. Nil.
18	Kutch	.. 12½ P.C.	.. 5 P.C.	.. Nil

### Analysis

24. This is the position of these 18 places. But what is the analysis ?

(I) There was reservation exclusively for the Scheduled Castes and Scheduled Tribes and no reservation for the O.B.C. except three States.

(II) In pepsu the reservation is 12½ P. C. for the S. C. and O.B.C. No reservation for S.T.

(III) In *Saurashtra* 12½ P. C. for the S. C. and O.B.C. and also in case of Peons 6½ P. C. for S. C. and 6½ P. C. for O.B.C.

(IV) In *Madras* 15 P. C. for S. C. and S. T. and 5 P.C. for O.B.C.

25. This analysis will disclose that—

(a) In no Province or place which neglected the Scheduled Castes altogether.

(b) In two places, namely in Pepsu and Saurashtra S.C. and O.B.C. are combined together for the purpose of reservation.

(c) In Madras S.C. and S.T. combined and O.B.C. is kept separate.

(d) There is more P.C. in favour of S.C. & S.T. than that of reserved for O.B.C.

What was the picture in Bombay Province before 25th January 1950.

*No Separate Reservation for S.C. & S.T.*

26. In Bombay Province "No separate reservation was made for the Scheduled Castes and Scheduled Tribes. Following reservation in services was made in case of direct recruitment for all Backward Classes :

- (I) All State services and posts 12½ P.C.
- (II) All Class III services and posts 20 P.C.
- (III) All Class IV services and posts 25 P.C.

This was the position up to the 25th January 1950.

27. This state of affairs continued right from 1931, from the inception of the Backward Classes Board; up to 1953. This Backward Class Board used to look after the Backward Classes including the Scheduled Castes and Scheduled Tribes. It is because of this combination of all three classes together the Commissioner for Scheduled Castes and Scheduled Tribes has remarked on the Page 161, Appendix XVIII as follows :

"The Bombay Government has dumped together Scheduled Castes and Scheduled Tribes and other Backward Classes and have granted them concessions like reservation in posts, educational facilities, training facilities etc."

*Other Backward Classes out-number the Scheduled Castes and Scheduled Tribes*

28. The result of 'dumping' these classes together has been very much adverse to the interest of the Scheduled Castes and Scheduled Tribes. This conclusion may shock many and more especially the State Government. But let us see the reason and wisdom of my conclusion. It is both instructive and educative to note that there are altogether 322 Castes or Communities included in the 'Backward Classes'. Out of these 322 number of communities only 24 Castes or Communities belong to the Scheduled Tribes and 36 Castes belong to the Scheduled Castes Communities. The rest of the Castes belong to the other Backward Communities. This means there are altogether 162 Castes belonging to the Other Backward Communities which means, in other words, 100 Communities more than those of the Scheduled Castes and Scheduled Tribes.

*Two authorities support this conclusion*

29. If my reading is incorrect and the conclusion is wrong then I would have been the first person to be more than happy. But there are many persons who concur with my views and conclusions. I like to quote only two authorities in support of my conclusion:—

(1) The first is the Commissioner for the Scheduled Castes and Scheduled Tribes ; and

(2) The second is the Directorate of the Social Welfare Department of Bombay Government itself.

30. The Report of the Commission for the year 1952, on the page 70 says :—

“(a) Bombay—I am glad to note that the Government of Bombay have now provided for separate reservation for the Scheduled Castes and Scheduled Tribes in Class III and IV services. I hope that *they will revise their policy with regard to recruitment to Gazetted posts as well. I feel that unless separate reservation of Scheduled Castes and Scheduled Tribes is made, it will not be possible for them to have their due share in Government services. Candidates belonging to other Backward Classes are comparatively better qualified, and therefore, it is not generally possible for the Scheduled Caste and Scheduled Tribe candidates to compete with them at the time of selection.*”

This is what the Commissioner for the Scheduled Castes and Scheduled Tribes has to reflect upon the “Dumping together” of the Scheduled Castes and Scheduled Tribes with the Other Backward Communities.

31. The Second authority which supports my conclusion is the Social Welfare Department of the Government itself. It in ‘the Compendium of orders and directions issued by the Government in respect of Backward Classes’ published by the Directorate of Social Welfare on page 113, says as follows :

“These percentages represented the minimum number of vacancies to be filled by the appointment of members of the Backward Class. The combined *reservation* for the Backward Class was not found helpful to the interest of the Scheduled Castes and Scheduled Tribes because of their *comparative greater illiteracy and Backwardness and most of the posts reserved for all the 3 categories of the Backward Class, were filled up by the persons belonging to the Categories of ‘Other Backward Communities’*”.

This is what the Government which has ‘dumped’ these Classes together has to say :

*Enormous and irreparable loss to the Scheduled Castes and Scheduled Tribes Communities*

32. Does my statement require further elucidation and support? But it is not enough to have support to what I say—what is important to note and to assess is as to what has been the loss and damage suffered by the Scheduled Castes and Scheduled Tribes on account of this faulty policy pursued by the Bombay State. That these two Communities must have suffered an enormous and irreparable loss, no prophet is necessary to tell. It is so clear and so obvious that it needs no further support and no other authority.

*Injustice on both the grounds*

33. The Bombay Government has not only done injustice to the Scheduled Castes and Scheduled Tribes under Social Justice but has also done injustice to them under the Indian Constitution itself.

I have given two grounds on which the principle of reservation rests. The *first* is the *moral* and the *second* is the *constitutional*. The Bombay Government accepted both, but has, in actual practice, neither fulfilled the moral obligation arising out of the acceptance of the principles of Social Justice, nor has it satisfied the Constitutional obligation arising under the Constitution of India. This will be clear from the information and study of facts available as to how the Central Government and other State Governments have fulfilled both moral as well as Constitutional obligations and how the Bombay Government has failed and flouted both the obligations moral as well as Constitutional.

## PART III

## THE CONSTITUTIONAL OBLIGATIONS

*The Constitutional Obligation. What is it?*

34. Before we go to the question as to how far the Bombay Government has fulfilled the Constitutional obligations, let us see as to what is meant by the Constitutional obligations. To understand as to what the Constitutional obligations are, we have to read *two Articles* of the Constitution of India. These Articles are :

- (1) The Article 335, and
- (2) The Article 16(1) (2) (4).

35. The Article 335 reads as follows :—

“The claims of the members of the Scheduled Castes and 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.”

36. This provision of the Constitution of India *imposes an obligation* both on the Union as well as the States to *take into consideration the claims of the Scheduled Castes and Scheduled Tribes* in the making of appointment to the public services both of the Union and the States. In this connection, I would like to draw a pointed attention to one important fact which has escaped the attention of the many that this article imposes an obligation on the States in the case *only of the Scheduled Castes and Scheduled Tribes*. The Union Government has accepted this constitutional liability



in fixing the percentage in recruitment in the case only of the Scheduled Castes and Scheduled Tribes.

37. The Article 16 lays down that—

“ 16. (1) There shall be equality of opportunity for all citizens in matter relating to employment or appointment to any office under the State.

(2) No citizen shall, on grounds only of religion, race, castes, descent, place of birth, residence or *any of them*, be ineligible for, or discriminated against in respect of, any employment or office under State.

(4) Nothing in this article *shall prevent* the State from making any 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.

*What does this Article lay down?*

38. This article lays down *three principles* of (a) the *Constitutional importance* and (b) *Social Democracy*. They are :

(1) *The principle of equality*.—It lays down, in the first place, that there ought to be equality of opportunity in the matters of employment or appointment to any office under State.

(2) *The principle of 'no discrimination'*.—It lays down, in the second place, that the State shall not discriminate on any ground whatever against any citizen, in the matter of appointment and employment.

(3) *The principle of reservation*.—It lays down that nothing shall prevent the State from making *any provision* for reservation for the backward class of citizens in the matter of appointments.

*The basis of these three principles.*

39. Why are these principles engrafted in the Constitution? What are their basis? What is the philosophy behind them? These are very important questions for the purpose of understanding the philosophy behind the framing of the Constitution, which philosophy, the Founding Fathers thought it wise to lay down the foundation of reconstruction of the new Indian society.

40. These principles are accepted with a specific and definite objective. They speak of Democracy :

(a) The First principle lays down the foundation of Political Democracy ;

(b) The Second principle lays down the foundation of the Constitutional Democracy ; and

(c) The Third principle lays down the foundation of both Economic and Social Democracy.

*What is the explanation?*

41. I need not explain the implication and the purpose of each of the principles mentioned above. The time and space do not permit me to do so elaborately. But for the purpose of understanding them, I must explain them to some extent. The first principle is quite in conformity with the principles underlying the Article 14 which aims and envisages the (a) establishment of the Political Democracy. The Article 16(1) joins in the chorus raised by the article 14 and adds and speaks of equality in the matters of appointment and employment to the State offices.

(b) The second principle is intended to act as a check and a curb on the discretionary and arbitrary exercise of powers by the Executive. It speaks of that all persons are equally entitled to the State offices and there must not be any discrimination on any ground whatever. In the eyes of Law all are entitled to any State office. It, therefore, speaks of the Constitutional Democracy in the sense that any person discriminated against can have the Constitutional power and authority on his side against arbitrary exercise of the power and authority of the Executive.

(c) The third principle speaks of the *reservation* in favour of any backward class of citizens for the purpose of adequate representation in the public services. In other words, it speaks of the adequate representation of the backward class of citizens in the State offices.

I shall deal with the reason and rationale of reservation for the purpose of Representation when I shall deal with the Second Division of Terms of Reference which deals with the system of recruitment for the purpose of representation of the backward classes. It would be enough for the present purpose to mention that the third principle which underlies the Article 16(4) speaks of laying down the *foundation of the Social Democracy*. Because this article 16(4) raises the question of reservation for the purpose of representation of this class of people. I, therefore, maintain that the *third* principle speaks of the Social Democracy.

*These provisions—mandatory or declaratory?*

42. There has been so much misunderstanding and confusion regarding the proper place and position in the Constitution, of the Article 16(4), prevailing in the minds of the Constitutional lawyers that there is no unanimity as to the real scope and purpose of it. But let me make this point clear that the provision as is laid down under the article 16(4) is quite mandatory. It is not a declaratory in the sense that it is left up to the State to implement it or not. The State *must* reserve adequate percentage in the recruitment of these classes in the public services to *give adequate representation* to these people. The matter is not left to the sweet will of any State.

## PART IV

## UNDER THE CONSTITUTION ITSELF—INJUSTICE DONE

*Has our State accepted the Constitutional obligations?*

43. We have already seen how far the moral obligation was accepted by the Central as well as other States and to what extent the moral obligation was thrown overboard by the Bombay State. Let us now see how far our State has followed this mandatory provision. Has it reserved an adequate percentage in the public services for the backward classes? We shall study as to what dispensation the Backward Class as a whole has been able to get under our State.

*Position at the time Constitution came into force*

44. In order to see how far the Bombay Government accepted the Constitutional obligations under the Indian Constitution, let us see what was the position at the time when the Constitution came into force.

The following was the percentage fixed by the then Bombay Government :—

- (I) All State Service 12½ per cent ;
- (II) All Class III Service 20 per cent ;
- (III) All Class IV Service 25 per cent.

This clearly shows two things :

- (1) There was no separate percentage reserved for each of the categories of the Backward Classes.
- (2) The percentage was not fixed on the population basis.

*What is the improvement effected by the Bombay Government after 25th January, 1950?*

45. Now let us study what the Bombay Government has done in the matter of reservation in favour of the Scheduled Castes and Scheduled Tribes as well as other Backward Classes.

Percentage of vacancies occurring in various services has been fixed under Government Resolution, Political and Services Department, No. 490/46, dated 24th January 1953 :

Name of service	Percentage
1. All State Services and posts ...	12½ per cent.
2. Class III Services—	
(1) Scheduled Castes ...	6 per cent.
(2) Scheduled Tribes ...	7 per cent.
(3) Other Backward Communities ...	9 per cent.
3. Class IV Services—	
(1) Scheduled Castes ...	7 per cent.
(2) Scheduled Tribes ...	9 per cent.
(3) Other Backward Communities ...	11 per cent.

*How do these two compare?*

46. This will clearly show that there is no change and no improvement made by the Bombay Government even after the acceptance of the Constitutional obligations. It would further be seen that the Bombay Government was so static that it was not prepared to move. It is, in fact, perpetuating the injustice done to the Scheduled Castes and Scheduled Tribes which was done before the coming into force of the Constitution.

*What about the Central Government and other States?*

47. For the purpose of studying how far the Bombay Government lagged behind other States, let us study what percentage was fixed both by the Central Government and other States.

TABLE NO. 2  
After 25th January 1950

Serial No.	State	Scheduled Castes	Scheduled Tribes	Other Backward Classes
1	Central Government—			
	(a) By open Competition	12-1/2 P.C.	5 P.C.	
	(b) Otherwise than at (a) above	16-2/3 P.C.	5 P.C.	
	(c) Post filled by promotion through Departmental Competitive Examination	12-1/2 P.C.	5 P.C.	Nil.
2	Bihar	12-1/2 P.C.	10 P.C.	Nil.
3	Madhya Pradesh—			
	Class I and II	15 P.C.	18 P.C.	Nil.
	Class III and IV	16 P.C.	20 P.C.	Nil.
4	Madras	16 P.C.	28 P.C.	
		For Scheduled Castes and Scheduled Tribes		
5	Orissa	18 P.C.	20 P.C.	Nil.
6	Punjab	19 P.C. For S. C. and S. T.		Nil.
7	Uttar Pradesh	18 P.C.	Nil.	Nil.
8	Rajasthan—			
	(i) State Services	12-1/2 P.C.	} For S. C. and S. T.	Nil.
	(ii) Subordinate Services	12-1/2 P.C.		
	(iii) Ministerial Services	12-1/2 P.C.		
	(iv) Class IV Services	15 P.C.		
9	Andhra Pradesh	17 P.C. For S. C. and S. T.		38 P.C.

This is how the other States have accepted the Gospel of the reservation under the Constitution of India.

*What is the Improvement made by other States ?*

48. Let us see how much improvement is made by these States over the position of percentage in the Reservation kept by them before 26th January, 1950.

TABLE No. 3.

Serial No.	State	Before 25th January 1950		After 26th January 1950	
		S.C.	S.T.	S.C.	S.T.
1	Central Government	12 P. C.	5 P. C.		
	(a) Open Competition			12-1/2	5 P. C.
	(b) Other than at (a) above.			16-2/3 P. C.	5 P. C.
2	Assam	5 P. C.	(a) 10 P. C. for S. T. belonging to Plain Area (b) 12 P. C. for S. T. belonging to the Hills Area.	Same position	
3	Bihar	13 P. C.	11 P. C.	12-1/2	10 P. C.
4	Madhya Pradesh	No reservation but some preference to the S. C. and S. T. at the time of appointment.		Class I & II 15 P. C. 18 P. C. Class III & IV 16 P. C. 20 P. C.	
5	Madras	15 P. C. For S. C. and S. T.		16 P. C. For S. C. and S. T.	
6	Orissa	No specific percentage But preference is given to S. C. and S. T. in appointment		18 P. C.	20 P. C.
7	Punjab	15 P. C.	Nil.	19 P. C. For S. C. & S. T.	
8	Uttar Pradesh	10 P. C. with minimum qualifying Students	Nil.	18 P. C.	Nil.
9	West Bengal	15 P. C.	Nil.	Same position	
10	Hyderabad	12.5 P. C. For S. C. and S. T.		17 P. C. For S. C. & S. T.	
11	Madhya Bharat	For Inferior Service 10 P. C. 25 P. C.			
12	Pepsu	12-1/2 P. C. For S. C. and S. T.			

TABLE NO. 3—*contd.*

Serial No.	State	Before 25th January 1950		After 26th January 1950		
		S. C.	S. T.	S. C.	S. T.	
13	Rajasthan	(I) All state Services and posts 12 1/2 P. C. for S. C. and S. T. (II) Class IV Services and posts 15 P. C. for S. C. and S. T.	..	(I) State services 12½ P. C. for S. C. and S. T. (II) Subordinate Services 12½ P. C. for S. C. and S. T. (III) Ministerial Services 12½ P. C. for S. C. and S. T. (IV) Class IV Services 15 P. C. for S. C. and S. T.	..	
14	Saurashtra	(1) 12½ P. C. (2) In case of Peon. 6½ P. C.	..	Nil.	..	Same position .

This is what the picture emerges after 1950 i.e. after the acceptance of the Constitutional obligation.

*What does the analysis reveal ?*

49. The analysis of this improvement reveals that—

(1) *The Central Government* has, in the case of recruitment other than by open competition fixed 16½ P.C. in favour of the Scheduled Castes.

(2) *Madhya Pradesh* had no reservation before 25th January 1950, fixed for class I and II 15 P.C. and for Class III and IV 16 P.C. in favour of the Scheduled Castes.

(3) *Madras* increased one per cent. in favour of both the Scheduled Castes and Scheduled Tribes.

(4) *Orissa* had no specific reservation before 1950. But it has fixed 18 P. C. in favour of the Scheduled Castes and 20 P. C. in favour of Scheduled Tribes.

(5) *Punjab* increased the percentage from 15 to 19 in favour of the Scheduled Castes as well as in favour of the Scheduled Tribes on their population basis.

(6) *Uttar Pradesh* increased the percentage from 10 to 18 in favour of the Scheduled Castes.

(7) *Andhra (Old Hyderabad)* increased the percentage from 12 to 17.

(8) *Rajasthan* too to some extent improved and fixed in the case of Ministerial services 12½ P. C. both for the Scheduled Castes and Scheduled Tribes.

*What is the basis of fixing of this Percentage in 1950?*

50. That it was not proper, fair and just to dump and huddle the Scheduled Castes, Scheduled Tribes and Other Backward Communities together is a fact deplored and decried by everybody including the Commissioner for Scheduled Castes and Scheduled Tribes and the Bombay Government itself. That there is no specific formula evolved as yet to decide and determine as to who should be characterised and classified as "Backward Class" is also a fact accepted by all other States and more especially by the Union Government. (I need not explain that Kaka Kalelkar's Report on "Backward Classes" was not accepted by the Union Government on the ground of vagueness of definition of these classes). That as to what was the basis accepted by the Bombay Government to include 162 Castes under the other Backward Classes is a fact, the Bombay Government has failed to explain satisfactorily. (I need hardly argue that, had it been scientific basis, the same would have adopted both by the Central Government and other States). If these facts are beyond challenge, am I not entitled to ask and to know as to what was the basis and what was the criteria that was taken in consideration by the Bombay Government in effecting a revision and issuing the fresh orders in 1953? What were factors that were taken into consideration in fixing the new percentage?

*Population or Ad-Hoc basis*

51. What was the object of the Bombay Government in revising the previous order regarding the fixation of the percentage? The object of revising the percentage was to give proper and fair representation to each of the categories included in the Backward Classes as was suggested and insisted by the Commissioner for the Scheduled Castes and Scheduled Tribes. If this was the object, has it been achieved? What do we see in actual practice? The same percentage which was before the revision was fixed in *all State Services and posts*. What was the reason in not effecting any revision in respect of the All State Services for each of the categories of the Backward Classes? Was perpetuation of the injustice calculated to achieve the object of ensuring the satisfactory recruitment of these classes to the public services?

52. What was the basis of fixing 6 P. C. for the Scheduled Castes, 7 P. C. for the Scheduled Tribes and 9 P. C. for the other Backward Communities in Class III services and 7 P. C. for the Scheduled Castes, 9 P. C. for the Scheduled Tribes and 11 P. C. for the other Backward Communities in Class IV services? Was it the population or was it an *ad hoc* basis that was taken into consideration? On what factors did the *ad-hoc* basis

the population of the each of the categories of the Backward Community or was the place, position and status in the society of each of the Community that was taken into consideration? Was it the *disabilities and difficulties* of each of the category taken into consideration or was it something else?

*Conclusion—Injustice under the Constitution*

53. From the study of this position, it will easily be inferred that Scheduled Castes and Scheduled Tribes have suffered and continue to suffer grave injustice even under the Constitution of India.

*Tragedy of Great magnitude*

54. Is it not a reflection on the Maharashtra which produced social reformers like Gopal Hari Deshmukh, who had shaken the very foundation of the conservative society, Mahatma Fule, who opened the portals of education for the down-trodden of these Country and laid down foundation stone for Social Reform, Agarkar, Ranade, Gokhale, who have been considered to be the pioneers of social revolt, political revolutionaries like Lokamanya Tilak, constructive workers like Rao Bahadur S. A. Bole, A. V. Thakkar Bappa and the Imancipator and Liberator of the down-trodden of this Country like Dr. Ambedkar who drafted the Constitution of India and showed a clear vision and dream of the New Indian Society? That Justice should be denied to these Classes of people in the very land of these Great Men is, indeed a tragedy which finds no parallel in the history of the World. But this happened and continues to happen in our *State*.

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CHAPTER II

**AN EXAMINATION OF EXISTING MEASURES AND THE EXTENT TO WHICH THEY HAVE ENSURED SATISFACTORY RECRUITMENT OF THE BACKWARD CLASSES.**

*The Problems to be studied.*

55. In the last chapter we have seen as what an amount of harm and damage done to the interests of the scheduled Castes and Scheduled Tribes both on the grounds of Social Justice and the Constitution. Let us now examine the present measures taken by the State and how far they have achieved the object of ensuring the satisfactory recruitment of the Backward Classes as a whole in the public services.

56. Under this chapter we shall have to study the following:—

(i) An examination of the existing measures taken by the State to ensure satisfactory recruitment of the Backward Classes in the public services ;



- (ii) How far they are actually implemented ;  
 (iii) How far these measure have achieved the object of ensuring the satisfactory recruitment of these Classes.  
 (iv) The factors which retard the smooth implementation of these measures.

## PART I

### EXISTING MEASURES

57. Our State has taken the following measures :—

(A) *The percentage fixed for Western Maharashtra.*—Under the Government Resolution, Political and Services Department, No. 490/59, dated the 11th January, 1953, the following percentage is fixed :—

(I) For all State Services and posts : 12½ P.C.

(II) For Class III Services :

(a) Scheduled Castes : 6 P.C.

(b) Scheduled Tribes : 7 P.C.

(c) Other Backward Communities : 9 P.C.

(III) For Class IV Services :

(a) Scheduled Castes : 7 P.C.

(b) Scheduled Tribes : 9 P.C.

(c) Other Backward Communities : 11 P.C.

(B) *For Vidarbha Region.*—For Class I, II, III and IV Services and posts :—

(a) Scheduled Castes : 15 P.C. for each of category of services.

(b) Scheduled Tribes : 15 P.C. for each of category of services.

(c) Other Backward Communities : Nil.

(C) *Marathwada Region.*—For Class I, II, III and IV Services and Posts :—

(a) Scheduled Castes : 18 P.C. for each of category of services.

(b) Scheduled Tribes : 18 P.C. for each of category of services.

(c) Other Backward Communities : Nil.

(2) *Priority Fixd.*—Under the Government Circular Memo, Political and Services Department, No. 490/46, dated the 16th May 1951, the necessity of giving priority to these classes was fixed.

(3) *Heads of Departments and Officers to be personally liable.*—Under the Government Circular, Political and services Department No. 490/46, dated 28th June, 1952.

(4) Relaxation of age limit.

(5) *The Minimum Qualification.*—The personal liability was fixed on the heads of Department, so long as the prescribed percentage remains to be filled in, the Backward Class candidates "with minimum qualifica-

tion" should be appointed in the preference to the non-Backward class candidates.

(6) Rules of Retrenchment in favour of the Backward Classes.

(7) *Exemption from payment of fees.*—These classes were exempted from the application fees and competitive examination fees.

(8) *Annual Return.*—It must be submitted to the Political and Services Department.

(9) *Promotion.*—The promotion should be given to the members of the Backward Classes who are already in the services and posts.

### *Two Classifications*

58. These different measures which are taken to ensure the satisfactory recruitment of these classes, may be classified into two classifications :

- (i) The classification of measures fixing the percentage, and
- (ii) The classification of measures which deal with other concessions and facilities.

### *Two Infirmities*

59. These measures appear to be very attractive on their face. But as we will continue to study as to how far they are adequate and sufficient to ensure satisfactory recruitment, we will notice that they suffer from two infirmities :—

- (1) They suffer from the ground of inadequacy for the want of fixation of basis or criteria in fixing the percentage, and
- (2) They also suffer from the want of their non-implementation.

The sum total result of these two infirmities are :

- (1) They do not achieve the object in view ; and
- (2) They give rise to a number of factors which has retarded the progress of their smooth implementation.

## **PART II**

### **MEASURES INADEQUATE FOR WANT OF POPULATION BASIS**

#### *Measures Inadequate — No Investigator Necessary*

60. That these Measures which have fixed the percentage in recruitment for the Backward Classes in the All State Services and for each of the Category of the Scheduled Castes and Scheduled Tribes and the Other Backward Communities in the Class III and the Class IV Services are quite inadequate and insufficient, no investigator is necessary to tell, and no professor to explain. The existing percentage speaks for itself. It is, therefore, so clear and obvious.

*On What factors does an adequacy depends*

61. A counter question may be asked as to "what measures, according to you, may be taken to ensure the satisfactory recruitment? In other words, what is the concept of adequacy or inadequacy of the measures? Is there any specific standard, or measurement to measure the adequacy or inadequacy?" These questions, vague as they are, are likely to create a mist and a fog to confuse the minds which are not well trained. But I have a positive answer and an explanation.

*What should be the basis?*

62. The adequacy or inadequacy of measures depends on the acceptance of the *Factor of the Population Basis*. It is needless to mention that the India Government accepted the basis of population of these Classes, for the purpose of fixing the percentage in the Services. The analysis of information obtained reveals further that the majority of States have also the basis of population for the purpose of taking measures to give adequate, proper and fair representation in the public services for these people. It is also clear that both the India Government and other States have accepted population as the basis both on the Social Justice and the Constitutional Provisions. But unfortunately our State has not accepted the population basis either on Social Justice or Constitutional ground.

*What is the basis accepted by the India Government?*

63. We have already seen that the Government of India renewed the position regarding the reservation in 1942, when it felt that "the reservation of a definite percentage of vacancies to which *these people* were entitled to viz. 12.75 P.C. on their population basis, might provide the necessary stimulus to candidates of these Castes to equip themselves with better qualification and thus become eligible for various Government posts and services." This will clearly show that the India Government accepted the population as the basis for reservation. It was done purely on the moral ground. Has the Bombay State accepted the basis of population? What is the answer?

### PART III

#### CONSTITUTIONAL OBLIGATION — ACCEPTANCE OF POPULATION BASIS BY UNION AND OTHER STATES

##### *Acceptance of population basis — India Government*

64. It is the common knowledge that immediately after the coming in force of the Constitution of India, the India Government on 13th September 1950, passed the Resolution No. 42/21/49-NGS (Gazette of India dated 16th September 1950 Part I) regarding Reservation of Services for Scheduled Castes and Tribes and Anglo-Indians and accepted the population

of these people as the basis for fixing the percentage of vacancy in the public services. But did the Bombay Government accept the population as the basis for fixing the percentage in services to fulfil the Constitutional obligation? What is the answer?

*Acceptance of population basis by other States*

65. It is quite interesting and instructive to note that it is not only the India Government alone that has accepted the population as the basis of reservation. There are quite a large number of other States too which have accepted the population as the basis of reservation in order to fulfil the Constitutional Obligation. The following are the States which have accepted population as the basis of reservation. They are : (1) Andhra Pradesh, (2) Assam, (3) Bihar, (4) Mysore, (5) Madhya Pradesh, (6) Madras, (7) Orissa, (8) Uttar Pradesh and (9) Punjab. These States have accepted the basis of population to fulfil the Constitutional Obligation. But has the Bombay State accepted it? What is the answer?

*What does the acceptance of population basis reveal?*

66. If we are to scrutinise these figures of percentage fixed by different States on the strength of the population of these Classes and also the figures of percentage not fixed on the population basis, we notice a different picture altogether of the dispensation of Backward Classes get under these different States. Where the percentage is based on the strength of the population, the Backward Classes get more percentage in their favour in the services reserved for them. But where the percentage is not fixed according to the basis of population, the Backward Classes get less percentage fixed for them in the public services. This will be quite clear from the following analysis :

PERCENTAGE ON POPULATION BASIS  
TABLE No. 4

Serial No.	State	Before 25th January 1950	After 26th January 1950
1	Andhra Pradesh	.. 12.5 p. c. for S. C. and S. T.	17 p. c. for S. C. and S. T.
2	Madhya Pradesh	.. No reservation ..	.. Class I and II 15 p. c. for S. C. 18 p. c. for S. T. Class III and IV 16 p. c. for S. C. 20 p. c. for S. T.
3	Madras	.. 15 p. c. for S. C. and S. T. ..	16 p. c. for S. C. and S. T.
4	Orissa	.. No reservation ..	.. (i) 18 p. c. for S. C. (ii) 20 p. c. for S. T.
5	Punjab	.. 15 p. c. for S. C. and S. T. ..	19 p. c. for S. C. and S. T.
6	Uttar Pradesh	.. 10 p. c. for S. C.	.. 18 p. c. for S. C.

*How much was the increase according to population basis.*

67. Let us see there is how much increase in the percentage in the services on account of acceptance of the population basis :—

(1) Andhra Pradesh	...	5 P.C.	
(2) Madhya Pradesh	...	(i) 15 P.C. for S.C.	for the Class I and II. In Class III and IV Services.
		(ii) 16. P.C. for S.T.	
		(iii) 16 P.C. for S.C.	
		(iv) 20 P.C. for S.T.	
(3) Orissa	...	(i) 18 P.C. for S.C.	
		(ii) 20 P.C. for S.T.	
(4) Punjab	...	4 P.C. for S.C. and S.T.	
(5) Uttar Pradesh	...	8 P.C. for S.C.	
(6) Madras	...	1 P.C. for S.C. and S.T.	

#### PART IV

CONSTITUTIONAL OBLIGATION — CONTINUES : HAS OUR STATE  
ACCEPTED POPULATION BASIS ?

*What is the position in our State ?*

68. Let us now see the position obtainable before the revision and after the revision effected in January 1953. In this connection two things are worth nothing. They are :—

(I) The Bombay Government in November, 1950 i.e. after coming in force of the Constitution fixed the following percentage of vacancies reserved for the Backward Classes :

- (i) All the State Services and Posts : 12-1/2 P.C.
- (ii) All Class III services and Posts : 20 P.C.
- (iii) All Class IV Services and Posts : 25 P.C.

(II) The question is on what basis this percentage was fixed. There is no explanation. But let us see the position after the revision of the previous orders effected in January, 1953.

Percentage of vacancies occurring in various services has been fixed under G. R., Political and Services Department No. 490/46, dated 24th January 1953.

Name of Service.	Percentage.
1. All States Services and Posts	... 12½ P.C.
2. Class III Services—	
1. Scheduled Castes	... 6 P.C.
2. Scheduled Tribes	... 7 P.C.
3. Other Backward Communities	... 9 P.C.

Name of Service.	Percentage.
3. Class IV Services—	
1. Scheduled Castes	... 7 P.C.
2. Scheduled Tribes	... 9 P.C.
3. Other Backward Communities	... 11 P.C.

This revision was also not made according to the population. I need not mention that the figures of the population of the Backward Classes were available in 1953. The figures of the population of each of the categories of classes were also available. Why was then the basis of population not taken into consideration at the time of fresh revision in 1963? What is the answer?

#### *The figures of the Population*

69. What was the population of the Backward Class? Let us see the figures of the population of Backward Classes as a whole and also each of the category included in this Class :

(I) The population of the Backward Classes was 10,851,933 i.e. 1.08 crores according to the 1951 Census Report and constituted 30.18 P.C. of the total population of the then Bombay State.

(II) In the category of the Scheduled Castes were included 32 Communities with a population of 30,03,024 according to the 1951 Census. Its percentage was 8.4 P.C.

(III) In the category of the Scheduled Tribes were included 24 Communities with population of 33,59,505 according to the 1951 Census. Its percentage was 9.4 P.C.

(IV) In the category of the O.B.C. were included 162 Communities with the population of 44,89,594. Its percentage was 12.6 P.C.

70. This will clearly show that according to this population figures, the reservation should have been 30 P.C. for the Backward Classes as a whole, 8.4 P.C. for the Scheduled Castes, 9.4 P.C. for the Scheduled Tribes and 12½ P.C. for the O.B.C.

## PART V

### JUGGLERY OF POPULATION FIGURES

#### *Are the Census figures correct?*

71. I need not challenge the figures of the population of these classes given according to the 1951 Census. That would make the confusion worse confounded. I, therefore, do not want to challenge these figures. But the fact remains that the figures of the Scheduled Castes and Scheduled Tribes cannot be taken as correct. There is a political and historical reason behind what I say. The Scheduled Castes have for a long time

been demanding the separate share and representation, in the political life of the country in proportion to the strength of their population. There has been, therefore, a cooking of the census figures.

*Dr. Babasaheb Ambedkar's view*

72. It is both instructive and interesting to note the views of Dr. Ambedkar regarding the Decennial Census of India. He says :—

“The Decennial Census in India was at one time a very simple and innocent operation which interested only the Malthusians. None else took interest in it. To-day the Census is a matter of a first rate concern to everybody. Not only the professional politician but the general public in India regards it as a matter of very grave concern. *This is so because Politics in India has become a matter of numbers.* It is numbers which give political advantage to one community over another which does not happen anywhere else in the world. The result is that the Census in India is deliberately cooked for securing political advantages which numbers give. In this cooking of the Census the Hindus, the Muslims and the Sikhs have played their part as the chiefs of the kitchen. The Untouchables and the Christians, who are also interested in their numbers, have no hand in the cooking of the Census, for the simple reason that they have no place in the administrative services of the country which deal with the operations of the Census. *On the other hand the Untouchables are the people who are quartered, cooked and served by the Hindus, Muslims and the Sikhs at every Decennial Census.* This has happened particularly in the last Census of 1941. *The Hindus on their part carried on a campaign that nobody should declare his or her caste in the Census return.* A particular appeal was made to the Untouchables. It was suggested to them that it is the name of the Caste that proclaims to the world that they are Untouchables and if they did not declare their caste name but merely said that they were Hindus, they would be treated just like other Hindus and nobody would know that they were really Untouchables. The Untouchables fell a victim to this stratagem and decided not to declare themselves as Untouchables, in the Census return but to call themselves merely as Hindus. The result was obvious. It reduced the number of Untouchables, and swelled the ranks of the Hindus. To what extent the cooking of the Census has taken place it is difficult to say. But there can be no doubt that the degree to which cooking was resorted to was considerable. The Census has been cooked all over. But it is the Untouchables who have suffered most from the cooking of the Census. That being so, the Census figures regarding the total population of the Untouchables in British India cannot be accepted as giving

a correct total. But one cannot be far wrong if it was said that the present number of the Untouchables in British India is round about 60 Million people."

*Evidence in support of this view*

73. If the evidence is needed, I am prepared to produce ample evidence in support of that view expressed by Dr. Ambedkar.

(I) The Census Commissioner in 1921 gives what he described as 'minimum number' of the 'Depressed Classes'; a total of 52,680,000 (Census of India, 1921, Vol. I, part I, para. 193).

(II) The Census report of 1931 gave a rough figure of 6 crores.

(III) The Census report of 1941 gave the figure as 4,38,34,000.

(IV) The Determination of the Population Order, 1950-51 has given this population as 4,98,27,000.

(V) The Census Report of 1951 gave this figure as 5,21,46,175. That is 14.8 P.C.

(VI) The Scheduled Castes and Scheduled Tribes orders of 1950 and 1951 gave this figure as 5,22,04,649 (14.8 P.C.).

(VII) The S.C. and S.T. population (Modification) order 1956 raises this figure of S.C. population to 5,53,27,021 (15.32 P.C.).

74. These different figures are quite baffling, astounding and phenomenal. What is the conclusion one can draw? There could be only one conclusion that could be drawn. The conclusion is that *the Scheduled Castes have become a pawn in the game of power politics*. Because as Dr. Ambedkar has said, "That politics in India has become a matter of numbers".

*This Discussion useful to determine on what representation be based*

75. It may appear that this discussion is irrelevant and out of place. But let me explain that this discussion will be useful for the purpose of dealing with the term of reference which refers to the 'system of recruitment'. It will, then be very useful indeed.

*What was the correct figure of Population of the Scheduled Castes in the Bombay State*

76. Since we are discussing the adequacy or otherwise of the measures taken by the Bombay State for the purpose of ensuring the satisfactory recruitment of the Backward Classes, it will be very useful to see as to



what the figure of population of the Scheduled Castes and Scheduled Tribes shown in the Census Report and other documents :

(i) The Census 1951 gives 30,03,024 as the population of the Scheduled Castes and 35,59,305 as the population of the Scheduled Tribes.

(ii) According to the Determination of Population Orders of 1950 and 1951 the population of the Scheduled Castes is shown as 51,30,245 (10.62 P.C.) and that of the Scheduled Tribes is shown as 36,71,686 (7.60 P.C.).

(iii) The Modification of the 1950-51 Order, the Order 1956 gives the figure of the population of the Scheduled Castes as 52,02,077 (10.78 P.C.) and that of the Scheduled Tribes as 37,43,408 (7.76 P.C.).

77. These figures further reveal to what extent the measures taken in fixing the percentage for the Scheduled Castes and Scheduled Tribes are inadequate and insufficient. Had the population been accepted as the basis for fixing the percentage what would have been the picture. In that event we would have seen the following picture of percentage, namely :—

- (I) There would have 10.62 P.C. reserved for the S. C. and
- (II) 7.60 P.C. for the Scheduled Tribes.

#### *A legitimate question*

78. If this was the picture of the percentage of the population of the Scheduled Castes and Scheduled Tribes, am I not entitled to ask a legitimate question as to why these percentages of the population at the time of revising the previous orders in 1953 January were not taken into consideration ?

### PART VI—CONCLUSIONS

- (1) *The Measures are not adequate.*
- (2) *The Indian Constitution Flouted.*

#### Conclusion No. 1

79. *The Measures are not adequate.*—From the figures available there can be no other inference drawn except that the existing measures are not adequate to ensure the satisfactory recruitment of the Backward Classes to the public services. What are the conclusions which we can draw from the study of the position obtainable under existing measures taken by the State? Following are the conclusion we can draw, namely :—

(I) That the Bombay Government has not accepted the basis of population even though the Constitution enjoins on all the States to do so.

(II) That because of the non-acceptance of the population basis, the percentage is very low.

(III) That when percentage of the Backward Classes is 30·8 P.C. out of the total population of the State, reservation of 12½ P.C. of vacancies for these Classes in the All State services and posts is comparatively negligible i.e. 18 P.C. less than what these people are entitled to.

(IV) When the percentage of the Scheduled Castes is 10·62 P.C. reservation of 6 P.C. for them reflects :

(a) the shortfall of 4·62 P.C. in Class III services ; and

(b) the shortfall of 3·62 P.C. in Class IV services.

(V) The existing measures do not, therefore, ensure satisfactory recruitment of these people to the public services.

(VI) There is therefore, under-representation of these Backward Classes in the public services.

### Conclusion No. 2

80. *The Indian Constitution Flouted.*—In the conclusion it will be clear that our State has not observed the Constitutional Obligations. It is the Constitutional Obligation to adopt such measures as would give adequate representation to the Backward Classes in the public services under the State. For the purpose of deciding or judging the adequacy or otherwise, the basis of the population of these Classes should be taken into consideration. From the above discussion it is more than clear that our State has not taken into consideration the population basis for fixing the percentage. What is, therefore, the Conclusion ? The Conclusion is that our State has flouted the Indian Constitution—our sacred and fundamental Law of the Land. Can there be any other Conclusion logically and legitimately drawn ? What is the answer ?

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## CHAPTER III

### EVEN INADEQUATE MEASURES NOT PROPERLY IMPLEMENTED—REASONS—ATTITUDE

81. We have seen in the last Chapter that our State has not, as yet, accepted the population basis for taking adequate measures in order to ensure satisfactory recruitment of the Backward Classes to the public services of the State. The Committee had no means of knowing the reasons. I have, therefore, not been able to understand and appreciate the *mind and wisdom behind the policy of our Government* in not adopting the Constitutional provisions with regard to the reservation in services *based on the population basis*. Whatever may be the reason, the fact remains

that our State has not taken adequate measures in this behalf. But let us now see as to what extent the measures so far taken by the State have actually been implemented. It is really very interesting to note and worthwhile to examine the actual position as far as the implementation of existing measures are concerned.

*An appreciation of an effort*

82. Before I proceed to the examination of the implementation side of the measures taken by the State, I must express my sense of appreciation of the efforts done by the State to give other concessions and facilities such as laying down the condition of "Minimum Qualification" relaxing the age limit, and reduction of fees, insisting on the giving of "priority" to the candidates of the Backward Classes at the time of appointments and also insisting on the giving of promotion, etc. I am quite aware that the Government has, from time to time passed Resolutions, issued Orders, Instructions and Directions for the purpose of giving concessions and facilities. I give due credit to the Government for these efforts.

PART I

AN ATTITUDE OF MIND

83. Having seen the reluctance of the Government to accept population basis, the Constitutional obligation, let us see the attitude of two other agencies towards the problem of representation of the Backward Classes in the State public services.

These agencies are :—

- (I) Heads of Government Departments and other Appointing Authorities ; and
- (II) The Public Service Commission of the State.

*What is effect of those orders and directions*

84. It is true that the Government issued various G. Rs. and Directions for the purpose of impressing on the minds of the Heads of various Departments, and Appointing Authorities. But what has been the effect of those G. Rs., Orders and Instructions on those to whom they were concerned? Have the Heads of the Departments and Officials understood the Constitutional position of the measures taken by the State and the necessity of implementing these measures and have they, at least, appreciated the efforts of Government in giving these people special concessions and facilities? I would give an answer to these questions in the language of the Main Report of this Committee. The Majority of members of this Committee in their Report, Chapter II, page 10 say :

"There is precious little awareness or tangible results. Everything seems to have shrouded in the vertical and horizontal devolution of

responsibility for reservation in the services in the absence of any adequate control and enforcement over those entrusted with this ultimate responsibility."

*The Sources of Information should have been tapped*

85. We would have been able to understand, I think, as to why this happened so, from the mouth of the Government *Secretary-in-Charge of Services and Reservations* in Services for the Backward Classes. But the Committee knowing full as to what is the fountain of information in this respect refused to draw material from that fountain to resolve some of the knotty problems which have baffled the Committee as to why such "thing has happened", inspite of the various Government circulars and orders. It has deprived itself of an opportunity of examining the Secretary-in-Charge of the Services and Reservations. It should have examined him to get necessary information.

*Herculian efforts to collect data*

86. The Committee, in order to get the necessary information as to what extent the measures taken by the State have been implemented in actual practice and also to see what extent the percentage prescribed by the Government, has been filled in, made Herculian efforts. In order to get the correct data of implementation of the measures taken by the Government of Maharashtra and the erstwhile Bombay Government, the Committee had addressed as many as 164 Departments and Officers all over the State. How was the response? The result was quite disheartening and dismaying. Out of 164 Departments and Officers only 108 gave the statistical information. 56 Departments have not even cared to give replies to those letters of the Committee appointed by the Maharashtra Government, inspite of the S. O. S. from the General Administration Department. I do not know whether they are even aware that there was such a Committee appointed by the Maharashtra Government "to inquire into and report on the problem of the recruitment of the Backward Classes to the public services and to make recommendations as to steps to improve the present position". These Departments, had they been aware of the appointment of this Committee, would have certainly thought that, in absence of information, the Committee would not be in a position to assess the correct situation and draw the correct picture. It would have, surely, occurred to those Departments that in absence of the correct data, it would be next to impossibility for this Committee to evaluate and to make a report and make the necessary recommendations. How careless are such Departments, to the question of recruitment of these Classes is revealed in all of its glaring aspects. How much havoc they must be playing with the poor and needy

candidates of the Backward Classes, we leave to the imagination of the Government. I do not know whether such Departments are aware that recruitment of the Backward Classes in the public services is not a matter of their choice entirely depending on their sweet will and desire, but is a matter of the Constitutional Obligation which ought to be fulfilled at all costs.

### *Attitude of mind*

87. *IF THIS IS THE attitude towards the Committee appointed by the Maharashtra State in order to implement the assurance given by the then Honourable Chief Minister on the floor of the Maharashtra Legislature, what must have been the attitude of such and similar Departments and Officials towards the problems of the Backward Classes? Because, I need not even mention this aspect that it is the "attitude" which "is the key" to the proper and speedy solution of the problems of those who have suffered from the countless difficulties and disabilities for ages together. It is this factor of attitude which retards the progress to a great extent of the solution of the problems of the Backward Classes and more especially the question of recruitment of these classes to the public services. We shall now see to what extent this attitude of the Officials and Officers have come in the way of the implementation of the measures adopted by the Government.*

## PART II

### AN ATTITUDE OF OFFICIALS

#### THE PICTURE—HOW PERCENTAGE IMPLEMENTED

##### *Is it a scathing criticism?*

88. It may appear that my criticism is misplaced and that I am uncharitable to the majority of Departments and officials who have supplied the information to this Committee, for the faults and failings of the few, in levelling a such criticism towards them. If I appear to be uncharitable, let us go to the year-wise statistical data itself, as supplied by these Departments, of the recruitment since 1950 and see what picture emerges of the implementation of the percentage prescribed by the Government itself. The Table No. 5 reveals the picture. (The Table No. 5 is given on page Nos. 35 and 36).

TABLE No. 5  
Class I

Year	Total Posts	Scheduled Castes	P. C.	Scheduled Tribes	P. C.	Other Backward Classes	P. C.	Total	P. C.
1950	205	1	0.49	...	...	3	1.47	4	1.96
1951	222	...	...	1	0.45	3	1.35	4	1.80
1952	332	2	0.60	...	...	3	0.90	5	1.50
1953	310	3	0.96	...	...	3	0.96	6	1.92
1954	326	3	0.92	...	...	3	0.62	5	1.55
1955	351	6	1.71	...	...	2	0.57	8	2.28
1956	520	4	0.77	...	...	5	0.96	9	1.81
1957	836	10	1.20	...	...	5	0.60	15	1.80
1958	888	8	0.90	...	...	6	0.67	14	1.57
1959	940	10	1.06	1	0.11	6	0.64	17	1.81
1960	1,042	11	1.06	...	...	4	0.38	15	1.44
1961	1,084	16	1.48	1	0.09	15	1.39	32	2.96
1962	1,149	24	2.09	2	0.17	15	1.30	41	3.56

## Class II

1950	599	14	2.34	1	0.16	4	0.66	19	3.17
1951	703	14	1.96	2	0.28	2	0.28	18	2.52
1952	1,157	11	0.95	3	0.26	16	1.38	30	2.59
1953	1,085	15	1.49	...	...	2	0.18	17	1.67
1954	1,165	18	1.54	3	0.26	8	0.69	28	2.49
1955	1,144	19	1.66	...	...	2	0.17	21	1.83
1956	2,035	25	1.22	3	0.14	10	0.48	38	1.84
1957	2,834	29	1.02	5	0.17	17	0.60	51	1.79
1958	3,083	31	1.00	4	0.13	28	0.91	63	2.04
1959	3,579	46	1.29	6	0.17	23	0.64	75	2.10
1960	2,374	39	1.65	4	0.17	35	1.48	78	3.30
1961	3,237	50	1.82	8	0.25	69	2.14	136	4.21
1962	2,148	40	1.86	5	0.23	23	1.07	63	3.16

TABLE No 5 (contd).

## Class III

Year	Total Posts	Scheduled Castes	P. C.	Scheduled Tribes	P. C.	Other Backward Classes	P. C.	Total	P. C.
1950	53,419	2,344	4.38	647	1.21	724	1.36	3,715	6.95
1951	46,017	2,151	4.78	669	1.45	1,151	2.50	3,971	1.62
1952	66,292	2,393	3.86	659	1.00	1,105	1.74	4,137	6.24
1953	27,92	2,982	42.2	685	0.97	1,195	1.71	4,862	6.82
1954	60,957	3,362	4.80	855	1.22	939	1.34	5,156	7.36
1955	78,290	3,914	5.00	971	1.24	1,410	1.80	6,298	8.05
1956	83,992	4,275	5.09	1,204	1.43	1,927	2.30	7,406	8.70
1957	1,29,436	5,841	4.52	1,554	1.20	3,570	2.76	10,965	8.55
1958	1,42,273	6,694	4.72	1,759	1.24	4,578	3.23	13,031	9.25
1959	1,42,404	7,727	5.45	1,782	1.25	4,536	4.00	15,145	10.70
1960	1,16,680	7,281	6.26	1,666	1.43	4,429	3.79	13,384	11.40
1961	2,11,884	10,793	5.10	1,094	0.51	19,584	9.25	31,471	14.80
1962	74,258	9,962	13.40	2,336	3.14	7,311	9.82	19,609	26.40

## Class IV

1950	7,817	1,224	15.6	95	1.21	232	2.97	1,551	19.00
1951	9,963	1,285	12.90	148	1.48	333	3.33	1,766	17.70
1952	13,878	1,316	9.50	198	1.42	3,329	2.40	1,843	13.20
1953	15,850	2,022	12.70	196	1.24	361	2.28	2,579	16.30
1954	15,669	2,194	14.00	194	1.23	396	2.52	2,784	17.80
1955	17,844	2,604	14.60	297	1.67	460	2.58	3,361	18.90
1956	20,475	2,616	12.8	401	1.96	1,014	4.92	4,031	19.70
1957	30,091	3,286	11.10	335	1.78	1,453	4.84	5,274	17.58
1958	32,047	3,898	12.50	652	2.04	2,049	6.40	6,599	20.60
1959	36,004	4,279	11.90	687	1.91	2,064	5.72	7,030	19.50
1960	25,066	3,801	15.20	547	2.08	1,699	6.80	6,047	24.2
1961	35,144	6,164	17.50	1,062	3.02	2,775	7.92	10,001	28.50
1962	31,926	6,743	21.00	948	2.96	3,079	9.7	10,770	39.09

*What is the analysis ?*

89. Let us now analyse the figures given in the Table No. 5 to see whether the quota of the percentage reserved for each of the categories of the Backward Classes is filled or not :—

(a) The Table No. 6 "A" given below shows the percentage filled in with respect of the Scheduled Castes.

(b) The Table No. 6 "B" shows the percentage of the Scheduled Tribes.

(c) The Table No. 6 "C" shows the percentage of O. B. C.

TABLE NO. 6 "A"

## Scheduled Castes

Year.	Class I		
	Total	S.C.	P.C.
1950	205	1	0.49
1957	836	10	1.20
1960	940	10	1.06
1961	1,084	16	1.48
Class II			
1950	599	14	2.34
1957	2,834	29	1.02
1960	2,374	39	1.65
1961	3,223	50	1.82
Even in 1962	2,148	40	1.86
Class III			
1950	53,419	2,344	4.38
1957	1,29,436	5,841	4.57
1960	1,16,680	7,289	6.23
1961	2,11,884	10,793	5.10
Class IV			
1950	7,817	1,224	15.89
1957	30,091	3,286	11.10
1960	25,066	3,801	15.20
1961	35,144	6,164	17.50

TABLE NO. 6 "B".

## Scheduled Tribes

*Class I*

Year.	Total	S.C.	P.C.
1950	205	Nil	Nil
1951	222	1	0.49
1957	836	Nil	Nil
1961	1,084	1	0.09

*Class II*

1950	599	1	0.116
1957	2,834	5	0.17
1960	2,374	4	0.12
1961	3,237	8	0.25

*Class III*

1950	53,419	647	1.21
1957	1,29,436	1,554	1.20
1960	1,16,680	1,666	1.43
1961	2,11,884	1,094	0.51

*Class IV*

1950	19,900	95	1.21
1957	3,00,091	535	1.57
1960	52,066	547	2.08
1961	35,144	1,062	3.02

TABLE NO. 6 "C".

## Other Backward Classes

*Class I*

Year	Total	O. B. C.	P.C.
1950	205	3	1.47
1957	836	5	0.60
1960	1,042	4	0.38
1961	1,092	15	0.39

*Class II*

1950	599	4	0.66
1957	2,834	5	0.17
1960	2,374	35	1.48
1961	2,337	69	2.14



Year	Class III		
	Total	O. B. C.	P. C.
1950	53,419	724	1.369
1957	1,29,436	3,570	2.76
1960	1,16,680	4,429	3.79
1961	2,11,884	19,584	9.25

Class IV			
1950	7,817	232	2.97
1957	30,091	1,453	4.84
1960	25,066	1,699	6.80
1961	35,144	2,775	7.72

*What does the analysis show ?*

90. This analysis of the implementation of the percentage shows :—

(A) What is the position of the Scheduled Castes ?

(I) (a) That in the Class I Services and Posts, there is some improvement from 1950 to 1961 which is from 0.49 to 1.48 per cent. But what is an improvement ? The improvement is only 0.99 per cent.

(b) There is the increase of more than 5 times in the total posts. But there is no appreciable improvement in the case of appointment of the candidates of the Scheduled Castes.

(II) (a) That in the Class II Services and Posts there is the decrease in percentage from 1950 to 1961 which decrease is from 2.34 to 1.82 per cent.

(b) There is an increase of 5 times in the total posts.

(III) (a) That in the Class III Services there is a slight improvement to the extent of 0.28 per cent. from 1950 to 1961.

(b) There is 5 times the increase in the total posts filled in.

(IV) (a) That in the Class IV Service, we find some improvement in 1961 over 1950 position. But how much is it ? It is only 1.39 per cent.

(b) There is 5 times an increase in the total posts.

(B) Now what is the position of the S. T. ?

The following is the pitiable picture of the S. T. namely :

(I) That, while there was nobody in the Class I Service in 1950, there is 1 belonging to the S. T. in 1961. What is the improvement ? It is only 0.09 per cent.

(II) That, while there was in 1950 only 1 in the Class II, there were 8 in 1961. An increase of 0.25 per cent. in the Class II Service.

(III) There were 647 in the year 1950 in the Class III Service. It increased to 1,094 in 1961. But what is the increase in the percentage? It was only 0.51—A definite decrease is noticeable.

(C) What is the picture of the O. B. C. ?

The percentage of the O. B. C. in the Class I Service was 1.47 per cent. in 1950 the percentage in 1961 was only 0.39 per cent. Is it an increase or decrease in the percentage? It was only in the Class II, III and IV Services we find an increase in the percentage of the other Backward Communities.

*What is the sum total picture?*

91. What does the sum total picture reveal from the data supplied? Does it reveal an improvement or reveal something else? That there is no noticeable and appreciable over-all improvement, can be proved beyond any doubt and beyond suspicion. I, therefore, cannot, with due difference to my colleagues on the Committee, agree with them when they said in the main body of the Report on page 11, that "It would not be quite appropriate to effect any comparison between the years and draw any conclusions in the progressive overall situation". I maintain that I cannot be blind to the real picture which emerges out of this analysis of figures given by the different Departments.

92. *The picture is not complete.*—It must also not be forgotten that these figures and data are not complete. A number of Departments have not supplied the figures. But whatever figures and informations that is available, is not complete and "*it has not been possible to check and verify the accuracy of these figures*". (Main body of the Report, page 11).

*Can there be any other conclusion?*

93. From the study of these figures available and their analysis it is but natural for me to draw conclusion that though the existing measures are not adequate, (i) they have not been properly implemented and that to whatever extent they have been implemented, (ii) they are implemented haltingly and half-heartedly. That this is the only logical conclusion that can legitimately be drawn, every body will agree.

*What was the position before 1950?*

94. Before I conclude on this point let me mention one important point which deserves consideration. As to what was the position of these Classes

in the public service before 1950, we have no information. That we have no information, because no information is forth-coming. It is, therefore, *very difficult to know how much the Backward Classes have suffered before 1950 on account of the non-implementation of the percentage of vacancies reserved for them.* We have no other means of knowing the real position.

95. Need I give more instances of the careless attitude, if not antagonistic, to say the least, of the Heads of Departments and other Appointing Authorities?

### PART III

#### AN ATTITUDE OF THE PUBLIC SERVICE COMMISSION

##### *A "Paucity" — A False Cry*

##### *A cry of "Paucity" is not New*

96. It may be argued as to what could be done if there is a paucity of suitable and qualified candidates? Who is to be blamed if there are no qualified candidates and if they do not come forward? How could any Department or for that matter any person be criticised and blamed? Have we not heard the incessant complaints, from the Public Service Commissions, both Union and States to the effect that "the suitable candidates do not come forward", "the Scheduled Castes and Scheduled Tribes candidates do not possess requisite qualification", "No suitable and eligible candidates found", etc.? We hear these complaints so often and *ad nauseam* that one gets sick of them. But this is not a new complaint. We have been hearing this cry of the "suitability" "paucity" of candidates ever since the Backward Classes and more especially the Scheduled Castes showed their desire and aspirations for holding the "key" posts positions in the Government services. It will, therefore, be seen that it is not a new slogan. Let us, therefore, see the truth or otherwise in this cry for "suitable" "qualified" candidates. Let us study this problem of paucity with certain amount of detachment.

7300

##### *What is the truth in this cry of Paucity of Candidates :*

97. I do not think that there is much truth in this cry of "paucity of suitable candidates". It is a cry, I feel, intended either to silence the critics who maintain that no sufficient number of candidates are recruited to the public services inspite of the reservation made in their favour, or to mislead the gullible. This may astound and stun some of those who raise this cry of "paucity". Let us, therefore, see how much truth lies in this slogan of paucity and how much truth in my statement, that "there is no truth in this slogan."

*Four authorities supporting*

98. In support of my proposition that there is no much truth in the cry 'dearth of suitable' or 'paucity of candidates', I rely on.

- (I) The State Public Service Commission itself.
- (II) Figures available from the Employment Exchange ;
- (III) The Commissioner for the Scheduled Castes and Scheduled Tribes, and
- (IV) The statements made by the Social Welfare Department. We shall deal with the information given by these authorities one by one.

99. *The State Public Service Commission—thanked for giving information.*—I must thank the Public Service Commission for whatever information sought by this Committee, supplied by the Commission. The Public Service Commission has not only given the copies of various Circulars, Orders and Resolutions passed by the Government from time to time for making the necessary recruitment of these Backward Classes to the public services, but also given the *Resume* of the efforts done by the Public Service Commission itself.

*What is the Picture ?*

100. From the information supplied, what is the picture revealed ? That the picture revealed is that even though the large number of candidates were called for interview for various services and posts, a few were selected or a negligible number was selected and the rest was rejected. These Classes have lost many posts reserved for them on account of the rejection of a large number. In support of my statement, I propose to give in the Table No. 7 on page 61, figures supplied by the Public Service Commission to show how many were called and how many were rejected.

*The Figures Speak for Themselves*

In this table I have given :—

1. In the first column the years of filling the posts.
2. In the Second, the nature of the posts or service to be filled.
3. In the third, the total posts to be filled.
4. In the fourth column the number of posts reserved.
5. In the fifth the percentage of reserved posts to the total posts to be filled.
6. The number of candidates called for interview.
7. In the seventh, percentage to the reserved posts of candidates called.
8. In the eighth, the candidates actually selected and
9. In the ninth, the percentage of the selected candidates to the total posts filled.

Year	Nature of posts selected	Total posts to be filled	Reser- vation	P. C.	Candidates called for interview	P. C.	Actually selected	P. C.
1951-52	Clerical Typist ...	25	5	20	5	20	Nil	Nil
	Typist ...	50	12	24	60	120	Nil	Nil
	Engineer Assistant ...	7	1	14.3	1	1.43	1	1.43
	Assistant Custodian ...	1	1	100	7	700	Nil	Nil
1953-54	Administrative Bombay Education Service Class I.	7	1	14.3	7 applications received one called for.	Nil	Nil	Nil
	Lecturer Mathematics	1	1	...	1	...	Nil	Nil
	Full time professor of Law.	2	1	50	1	...	Nil	Nil
	Engineers Class I ...	2	1	50	3	Nil	Nil	Nil
	Engineers Class II ...	6	2	...	6	...	Nil	Nil
1954-55	Judges in small causes Court.	3	1	33	Out of 3, 2 were called for interview.	...	Nil	Nil
	Superior Officers Service Course.	...	...	...	1	...	Nil	Nil
1955-56	Lecturer Chemistry ...	1	1	100	2	200	Nil	Nil
1956-57	Judges of small causes Court.	3	1	33.3	5	166	Nil	Nil
1957-58	Assistant Marketing Officers.	2	1	50	1	...	Nil	Nil
	Civil Judges Class II ...	130	8	6.2	8 out of 9 were called for.	6.9	2	1.5
	Bombay Medical Service Class II.	34	3	8.8	7	2	2	5.9

### Further evidence

101. If further proof is needed let us see the following figures :—

Serial No.	Designation of the posts	Year	Number of posts	Numbers of candidates recommended	P. C.
1	Clerk typists .. ..	1955-56	40	4	10 1.40
		1957-58	70	1	
		1958-59	75	6	
2	Typist .. ..	1955-56	74	4	5 4
		1957-58	45	..	
		1958-59	75	3	
3	Steno-typist .. ..	1955-56	6	..	.. .. ..
		1957-58	6	..	
		1958-59	15	..	
4	Stenographers (in offices other than the Secretariat and allied Offices).	1955-56	3	..	..
5	Higher Scale Lower Scale .. ..	1957-58	3	..	.. ..
		1958-59	15	1	

*Why called and rejected*

102. I have not been able to understand the reason why these candidates were called for appointment for high offices and posts and were rejected. Let me analyse the position which is obtained from these figures :

Below is the analysis :—

*(A) In 1951-52—*

(1) *For the Clerical typist and typists Posts.*—60 candidates were called for interview for 17 posts but none was selected.

(2) For one post of an Assistant Custodian, 7 were called but non-selected.

*(B) In 1953-54—*

(1) For 1 post reserved in the Bombay Education Class I Service, there were 7 applicants, but none were even called.

(2) For the post of 1 Lecturer in Mathematics was reserved, 1 was called for an interview, but was not selected.

(3) For 1 post of the Full Time Professor of Law, 1 was called for interview, but was not selected.

(4) For the 8 Posts of Engineers, 3 reserved in the Class I and II posts, 9 were called for interview but none was selected. *This is clear case of non-paucity of candidates for the Class I and II posts.*

*(C) In 1954-55—*

(1) For 3 posts of Judges in the Small Causes Court, 1 was reserved. Out of 3 applicants, 2 were called, but none selected.

(2) For the Superior Officers, Forest Service Course, 1 was called, but not selected.

*(D) In 1955-56—*

One post of a Lecturer in Chemistry was reserved, 2 were called, but none selected.

(E) *In 1956-57—*

Three posts of Judges in the Small Causes Court, 1 was reserved, 5 were called but not one was selected.

(F) *In 1957-58—*

Out of 130 posts of Civil Judges Class II, 8 posts were reserved, 8 were called but 2 were selected. Only 1.5 P.C. was filled in.

*Why then, were they called and rejected*

103. The question, therefore, arises as to why these candidates were called and rejected. If they had no requisite "minimum" qualification, why were they at all called for an interview? This raises another question. Who gives a call for interview to the candidates? The answer is: "Surely, the Employment Exchange or the Social Welfare Department sends a call to the candidates to go and give an interview." If this is a fact, can we say and construe that the Employment Exchange Officers or the Social Welfare Officers are so ignorant as to send these candidates without 'requisite qualification' up for the interview for a post in the Class I or Class II? Let me give an illustration. Let us suppose that two posts of Engineers are reserved in the Class I or Class II service for the Scheduled Castes. Can we, by stretch of imagination, say that the candidates without the B. E. degree were sent up for an interview? Take another illustration of a post of a Lecturer in Chemistry. Can the Employment Exchange Officer send up a non-matriculate or an Arts Graduate for the interview for that post? Take the third illustration—an absurd illustration if you like. A post of a Judge in the Small Causes Court is reserved and three candidates are sent up for interview. Can we say that all of them were rejected on the ground that one of them was a non-matriculate, another was an under graduate and a third one was with only B.Sc. degree. Surely all three must be Law Graduates with a minimum standing qualified themselves for sending them up for interview. In other words I cannot imagine a situation, were the Employment Exchange Officer or the Social Welfare Officer, in his proper frame of mind, would send candidates for the Judge's post without such qualifications and the Public Service Commission would interview such candidates without the "requisite" qualifications. This will clearly show that candidates with requisite minimum qualification were not selected on "some other" grounds than the grounds of 'non-qualification', 'suitability' or any other similar grounds.

104. I, therefore, maintain that the bogey of 'paucity', 'unsuitability' or 'non-qualified' is a false bogey intended to silence the critics and to mislead

the gullible. But I am quite sure that inquisitive minds cannot be misled and cannot be confused.

105. It may be said that I am casting asperation of the Employment Officers or the Social Welfare Officers and challenging the *bona fides* of the Members of the Public Service Commission. Let me explain at once that I have no intention to do so to the slightest degree. But, if somebody wants to accuse me I am prepared to ask a counter-question, why then, so many well qualified candidates were called and rejected when 'a minimum qualification' is laid down.

106. *The Members of the Public Service Commission should have themselves been interviewed.*—What I have not been able to understand is that as to why the Committee did not feel it necessary to interview the members of the Public Service Commission to get a real picture. In view of the above-mentioned information given and figures supplied, the Committee should have probed into this question a bit deeper. In view of the absence of the knowledge as to how the mind of the Public Service Commission works, am I wrong if I draw the conclusion from the figures available that even the Public Service Commission has either not understood the Constitutional propriety of the reservation in recruitment to the public services of these Backward Classes or has not developed as yet, the necessary and requisite sympathetic attitude. I do not go to the length of saying that it has developed a sort of apathy towards the problems of the Backward Classes even though I would be justified in saying so.

#### PART IV

#### "CRY OF PAUCITY" — FALISIFIED

##### *Employment Exchanges Speak*

An attitude of apathy—The Employment Exchange speaks out

107. A question may be asked as to why I say that I would be justified in saying that the Public Service Commission has developed an attitude of apathy towards the problems of recruitment of the Backward Classes in the Public Services. I have a strong evidence in support of my statement. Let us only go to the Employment Exchanges and hear what they have to say. Let us simply see the figures of the number of applicants registered at the Employment Exchanges from year to year only from 1955 to 1960 and the figures of the applicants 'placed' in Employment during these years and see what conclusion can be drawn. The Table No. 9 will give the clear picture. Let us go to that Table itself : (I have collected these figures from the Appendices attached to the Reports of the Commissioner for the Scheduled Castes and Scheduled Tribes from year to year.)



TABLE No. 9

Year	No. of applicants registered during the year.	No. of applicants placed in employment during the year.	No. of applicants remaining on Live Registrar at the end of the year.	No. of applicants submitted to employers during the year.	Central Government Departments.	State Government Departments.	All Other employers.	Total.
1955 S. C. ...	24,560	3,075	10,214	15,690	805	18	14	837
S. T. ...	2,860	310	1,287	1,605	341	33	11	385
1956 S. C. ...	32,744	3,935	13,912	20,792	1,944	109	152	2,205
S. T. ...	3,624	501	1,587	3,007	1,321	22	22	1,365
1957 S. C. ...	33,874	4,389	16,349	27,310	1,542	47	47	1,636
S. T. ...	4,625	737	2,294	4,473	1,276	31	14	1,321
1958 S. C. ...	39,023	4,215	20,930	29,980	1,496	150	20	1,666
S. T. ...	5,600	714	2,963	6,145	1,097	22	13	1,132
1959 S. C. ...	49,937	4,701	30,791	32,402	1,638	125	16	1,779
S. T. ...	6,388	664	3,166	5,629	1,162	66	6	1,234
1960 S. C. ...	39,841	3,860	24,216	29,096	1,124	94	51	1,269
S. T. ...	3,802	472	1,549	4,452	965	16	25	1,006

### The analysis of this Information

107. The following is the analysis .—

(1) The number of Applicants registered is increasing day by day.

(2) The number of applicants placed in the employment is, instead of increasing in that proportion, decreasing. *This shows there is neither the dearth or nor is there any paucity as is complained.*

(3) There is also no dearth of well qualified candidates. What does these figures show? These figures lay down very *shocking* and bewildering proposition, namely that the number of the applicants registered is showing an ascending order while the figures of "Placement" in Employment showing a descending order.

108. *Qualified Persons possessing requisite qualification.*—It may be argued that the figures of the applicants registered and placed in the Employment shows the number of applicants belonging to all categories namely educated and uneducated, qualified and non qualified. It may further be said that what guarantee there can be that qualified candidates were also available. If such and similar questions are raised, I must give an explanation. I, therefore, simply give the Table Nos. 10 to 15 which will clearly reveal as to how the number of the qualified applicants is increasing. This table is taken from the Reports of the Commissioner for the S. C. and S. T. Table showing the applicants possessing requisite qualification for the years 1952, 1955, 1957, 1958, 1959 and 1960. Let us go through them one by one very carefully.

TABLE NO. 10

Statement showing by occupational Categories and Qualifications the number of Scheduled Castes and Scheduled Tribes applicants on the Live Register of Employment Exchanges as on 30th November 1952  
The year 1952

Occupational Category.	Educational Qualifications.										
	Non-Matriculates		Matriculates		Graduates (holding one or more Bachelors' degree)		Persons possessing Master's or higher degree		Total		
	S. C.	S. T.	S. C.	S. T.	S. C.	S. T.	S. C.	S. T.	S. C.	S. T.	
Doctors	...	...	1	...	...	...	...	...	1	...	
Engineers	...	...	4	...	3	...	...	...	7	...	
Typists	...	12	4	62	10	...	...	...	74	14	
Stenographer	...	1	...	2	...	221	11	12	1	...	
Assistants	...	...	...	...	...	...	...	...	233	12	
Clerks	...	249	41	3,385	209	...	...	...	3,834	250	
Teachers	...	260	51	26	12	3	2	4	293	65	
Technician	...	3,542	197	72	7	...	...	...	3,614	204	
Unskilled Office Worker	...	9,058	628	18	...	...	...	...	9,076	628	
Unskilled Labour other than Office Workers	...	17,219	930	...	...	...	...	...	17,219	930	
Others	...	4,453	245	9	3	42	6	11	4,515	254	
Total	...	34,994	2,096	3,579	241	269	19	27	1	38,869	2,357

TABLE NO. 11

Statement showing the number of Scheduled Castes and Scheduled Tribes applicants who remained on Live Register of Employment Exchanges seeking employment assistance on 31st December 1955, classified according to occupations and educational Qualifications.  
The year 1955

Occupational Category	Number of Scheduled Castes applicants on Live Register classified according to educational qualifications.						
	Non-Matrics		Matriculates		Graduates		Total
Doctors	.. (S. C.)	...	1	...	11	5	17
	(S. T.)	..	....	..	1	....	1
Engineers	.. (S. C.)	..	....	..	1	6	7
	(S. T.)	..	....	..	....	....	....
Typist	(S. C.)	..	....	..	76	1	84
	(S. T.)	..	....	..	....	....	....
Stenographers	(S. C.)	..	7	..	36	2	38
	(S. T.)	..	....	..	....	....	....
Assistants/Clerks	.. (S. C.)	..	277	..	6,051	301	6,629
	(S. T.)	..	119	..	328	14	461
Teachers	.. (S. C.)	..	661	..	170	13	844
	(S. T.)	..	249	..	27	2	278
Technicians	.. (S. C.)	..	3,968	..	120	4	4,092
	(S. T.)	..	267	..	9	1	277
Unskilled Office Workers	(S. C.)	..	16,970	..	164	....	17,134
	(S. T.)	..	2,147	..	2	....	2,149
Unskilled Labour other than Office Workers	.. (S. C.)	..	29,780	..	3	....	29,783
	(S. T.)	..	3,684	..	....	....	3,684
Others	(S. C.)	..	10,140	..	174	93	10,407
	(S. T.)	..	335	..	4	5	344
Total	.. (S. C.)	..	61,804	..	6,806	425	69,035
	(S. T.)	..	6,801	..	371	22	7,194

TABLE No. 12.

Statement showing the number of Scheduled Castes and Scheduled Tribes applicants who remained on Live Register of Employment Exchanges seeking employment assistance on 31st December 1957, classified according to occupations and educational Qualifications.

The year 1957

Occupational Category	No. of Scheduled Caste applicants on Live Register classified according to educational qualifications			
	Non-Matrices	Matriculates	Graduates	Total
Doctors .. (S. C.) ..	....	4	7	11
(S. T.) ..	....	....	....	....
Engineers .. (S. C.) ..	....	5	5	10
(S. T.) ..	....	....	1	1
Typists (S. C.) ..	9	125	....	134
(S. T.) ..	5	4	2	11
Stenographers .. (S. C.) ..	....	9	....	9
(S. T.) ..	....	....	....	....
Assistants/Clerks .. (S. C.) ..	365	9,717	525	10,607
(S. T.) ..	49	583	35	667
Technician .. (S. C.) ..	4,673	99	8	4,780
(S. T.) ..	619	24	1	644
Teachers .. (S. C.) ..	1,142	507	16	1,665
(S. T.) ..	310	95	4	409
Unskilled Office Workers (S. C.) ..	27,388	182	1	27,571
(S. T.) ..	3,564	17	....	3,581
Unskilled Labour other than Office Workers. (S. C.) ..	31,912	18	....	31,930
(S. T.) ..	14,458	1	....	14,459
Others - (S. C.) -	15,814	165	236	16,215
(S. T.) -	467	5	20	492
Total . . . (S. C.) ..	81,303	10,831	798	92,932
(S. T.) ..	19,472	729	63	20,264

TABLE No. 13.

Statement showing the number of Scheduled Castes and Scheduled Tribes applicants who remained on Live Register of Employment Exchanges seeking employment assistance on 31st December 1957, classified according to occupations and educational Qualifications.

The year 1958

Occupational Category		No. of Scheduled Caste and Scheduled Tribes applicants on Live Register classified according to educational qualifications				
		Non-Matrices	Matriculates	Graduates	Total	
Doctors	.. (S. C.)	..	....	....	11	11
	.. (S. T.)	..	....	....	....	....
Engineers	.. (S. C.)	..	....	....	6	6
	.. (S. T.)	..	....	....	2	2
Typists	.. (S. C.)	..	4	157	5	16
	.. (S. T.)	..	2	6	....	....
Stenographers	.. (S. C.)	..	....	13	....	13
	.. (S. T.)	..	....	1	....	1
Assistants/Clerks	(S. C.)	..	307	12,446	894	13,647
	(S. T.)	..	31	741	49	821
Teachers	.. (S. C.)	..	1,608	597	33	2,238
	.. (S. T.)	..	468	64	3	535
Technicians	.. (S. C.)	..	5,468	151	3	5,622
	.. (S. T.)	..	863	37	1	901
Unskilled Office workers	.. (S. C.)	..	38,390	736	54	39,180
	.. (S. T.)	..	4,265	26	....	4,291
Unskilled Labour other than Office Workers	(S. C.)	..	52,640	108	....	52,748
	.. (S. T.)	..	24,544	20	....	24,564
Others	.. (S. C.)	..	15,340	470	158	15,968
	.. (S. T.)	..	623	21	50	694
Total ..	(S. C.)	..	1,13,757	14,678	1,164	1,29,599
	(S. T.)	..	30,796	916	105	31,817

TABLE No. 14.

Statement showing the number of Scheduled Castes and Scheduled Tribes applicants who remained on Live Register of Employment Exchanges seeking employment assistance on 31st December 1959, classified according to occupations and educational Qualifications.

The year 1959

Occupational Category		No. of Scheduled Castes and Scheduled Tribes applicants on Live Register classified according to Educational Qualifications			
		Non-Metrics	Matriculates	Graduates	Total
Doctors	(S. C.)	....	....	4	4
	(S. T.)	....	....	....	....
Engineers	(S. C.)	....	1	4	5
	(S. T.)	....	....	1	1
Typist	(S. C.)	28	310	1	339
	(S. T.)	10	11	....	21
Stenographers..	(S. C.)	....	20	....	20
	(S. T.)	....	3	....	3
Assistants/Clerks	(S. C.)	698	1,021	805	19,515
	(S. T.)	44	1,073	65	1,182
Teachers	(S. C.)	1,899	939	14	2,852
	(S. T.)	666	126	3	1,795
Technician	(S. C.)	5,864	322	5	6,191
	(S. T.)	745	110	....	855
Unskilled Office Workers	(S. C.)	50,772	651	....	51,423
	(S. T.)	5,668	7	....	5,675
Unskilled Labour other than Office Workers	(S. C.)	61,775	58	....	61,833
	(S. T.)	10,240	....	....	10,240
Others	(S. C.)	28,483	353	277	29,113
	(S. T.)	938	43	15	996
Total ..	(S. C.)	1,49,519	20,666	1,110	1,71,295
	(S. T.)	18,311	1,373	84	19,768

TABLE No. 15.

*Statement showing the number of Scheduled Caste and Scheduled Tribe applicants who remained on Live Register of Employment Exchanges seeking employment assistance on 31st December 1960, classified according to occupations and educational Qualifications.*

The Year 1960

Occupational Category	No. of Scheduled Castes and Scheduleds Tribe applicants on Live Register classified according to educational Qualifications			
	Non-Matrices	Matriculates	Graduates	Total
Doctors .. .. (S.C.)	....	3	5	8
(S.T.)	....	....	....	....
Engineers .. .. (S.C.)	....	7	13	20
(S.T.)	....	....	2	2
Typists .. .. (S.C.)	19	547	2	568
(S.T.)	4	37	....	41
Stenographers .. .. (S.C.)	1	16	....	17
(S.T.)	....	1	1	2
Assistanst/Clerks .. .. (S.C.)	971	20,301	955	22,227
(S.T.)	98	1,494	53	1,645
Teachers .. .. (S.C.)	2,110	1,158	35	3,300
(S.T.)	698	162	8	868
Technicians .. .. (S.C.)	6,100	611	7	6,718
(S.T.)	1,052	185	....	1,237
Un-skilled Office Workers .. (S.C.)	43,599	711	....	44,310
(S.T.)	6,668	83	....	6,751
Unskilled labours other than Office Workers. .. (S.C.)	66,676	334	....	67,010
(S.T.)	9,535	49	....	9,584
Others .. .. (S.C.)	31,789	2789	245	34,823
(S.T.)	1,294	67	15	1,376
Total .. (S.C.)	1,51,265	26,477	1,262	1,79,004
(S.T.)	19,340	2,078	79	21,506

## PART V

## NO PAUCITY

1. The Commissioner for Scheduled Castes and Scheduled Tribes.
2. The Social Welfare Department speak the conclusion — no Paucity.

## The Third Authority

## The Commissioner for Scheduled Castes and Scheduled Tribes.

*Lamentation from year to year of the Commissioner for the Scheduled Castes and Scheduled Tribes—Over under representations.  
Deplorable is the Story of under representation.*

110. If these figures are not enough to show the number of "the qualified" Candidates on the 'Live' Register of the Employment Exchanges, who are not "selected", though called, let us hear the lamentation of the Commissioner for the Scheduled Castes and Scheduled Tribes. So pathetic are the lamentation of the Commissioner and so much apethetic is the attitude of the States towards his lamentations that I am powerless to describe and explain. I simply give 'quotations' from the Report of the Commissioner for the years 1959-60, 1960-61 and 1961-62. The lamentations of the Commissioner appear to me to be a cry in the wilderness. Following are the remarks of the Commissioner :—

- (1) The report of, the Commissioner for the year 1959-60 page 146 :

## "EMPLOYMENT EXCHANGES"

"21. The statistics furnished by the Employment Exchanges at appendix XLVIII (*vide* statements 1-6 attached) are an index of the educational advancement that is being achieved from year to year amongst the Scheduled Castes and Scheduled Tribes and their general employment position. The figures for the year 1959 indicate the position as under :—

*Scheduled Castes.*—A comparative study of the figures will show that the number of registrations with the Employment Exchanges throughout the country is steadily going up, which is indicative of the Educational advancement that is being achieved from year to year. *The figures of placement, however, are showing a downward trend continuously* for the last three years in so far as the Central Government Departments are concerned. This is possibly due to the fact that the Government of India have imposed a ban on fresh recruitment in the various Ministries and their attached and subordinate offices as a measure of economy. Non-

availability of suitable candidates possessing the required qualifications for the posts can also be the other reason for this continuous set back in their placement under the Central Government. The figures of placements under the State Governments and other employers are, however, progressive but not very encouraging. The number of Scheduled Castes that remained on the Live Register of Employment Exchanges as on the 31st December, 1959, was 1,71,295 out of which 1,110 were graduates, 20,666 Matriculates and 1,49,519 Non-matrics.

*Scheduled Tribes.*—During the year 1959, there is a sudden and rapid downfall in the number of registration with the Employment Exchanges. There is decrease in the number of registration with the Employment Exchanges. The decrease in the number of registration is nearly 60 per cent. less than the last year. The reason for this downward trend have not been explained by the Directorate General of Resettlement and Employment. They have, however, stated that the registrations at the Employment Exchanges being purely voluntary the question of arresting the fall in registrations at the Exchanges on the part of the Employment Exchange Organisations does not arise. The figures of placements show a downward trend under the Central Government Departments and other Employers while there is slight increase under the State Governments. The number of Scheduled Tribe candidates who remained unabsorbed on the Live Register of Employment Exchanges, as on the 31st December, 1959 was 19,768 out of which 84 were graduates, 1,373 Matriculates and 18,311 Non-matrics.”

#### EMPLOYMENT EXCHANGE

“35. The eight statements at Appendix LVIII of the report for 1960-61 indicate the recruitment and unemployment position of Scheduled Tribes and Scheduled Castes. A study of these statements will show their position as in paras 36 and 37 below.

36. *Scheduled Tribes.*—During 1960, a slight increase in the number of registrations with the Employment Exchanges, which is nearly 2 per cent. more than that of last year, is noticeable. The figures of placements have also recorded a corresponding increase over the figures of the last year in so far as Central Government and State Government Departments are concerned. There is, however, a slight decrease under other employers. The number of Schedule Tribe candidates who remained on the Live Registers of the Employment Exchanges as on 31st December 1960 was 21,506 out of which 79 were graduates, 2,078 Matriculates and 19,349 non-Matrics.



As regards reserved vacancies 3,780 vacancies were notified for Scheduled Tribes during 1960, out of which only 991 vacancies were filled.

37. *Scheduled Castes*.—The number of registrations of the Scheduled Castes with the Employment Exchanges throughout the country is steadily going up. This is no doubt an indication of educational advancement amongst the Scheduled Castes. The figures of placement, however, show a continuous downward trend in so far as the Central Government Departments are concerned, excepting that figures of placement for 1960 show a slight improvement in this respect over the last year. The figures of placements under the State Governments and other employers are progressive but not very encouraging under the other employers. The number of Scheduled Caste candidates who remained on the Live Registers of the Employment Exchanges as on the 31st December, 1960 was 1,79,004 out of which 1,262 were graduates, 26,477 Matriculates and 1,51,265 non-Matrices."

(3) The Report of the Commissioner for the year 1961-62, Page 141.

#### EMPLOYMENT EXCHANGES

19.38. The six statements at Appendix XXXIV indicate the registration and employment position of the Scheduled Castes and the Scheduled Tribes. It will be noticed that there is an increase in the registration of the Scheduled Caste candidates for employment and also in their placement, during the year 1961. During that year, 3,56,037 Scheduled Caste applicants were registered throughout the country, as against 3,32,499 during 1960. The number of the Scheduled Castes placed in employment during the year 1961 was 49,976, as against 42,071 during 1960. In case of the Scheduled Tribes also there has been similar increase, their registration being 51,334 during 1961, as against 41,538 during 1960 and their placements 6,835 during 1961, as against 5,067, during 1960.

19.39. The increase in registration for employment of the Scheduled Castes and the Scheduled Tribes from year to year can be attributed to their advancement in the field of education. But the increase in their number of placements is proportionately insignificant. At the end of the year 1961, as many as 7,81,893 Scheduled Caste and 1,11,641 Scheduled Tribe candidates were available with the Employment Exchanges in the country, awaiting employment. On the one hand, there are numerous posts reserved for them for which, it is said, that candidates belonging to these communities are not available, and on the other hand, there is no dearth of the candidates. What is, apparently, needed is to make them fit for the various types of posts reserved for them, by giving them necessary training.

I am very much against the bogey of the 'paucity' of candidates, because there is reason for it. If we accept the argument of paucity it gives a scope to bypass the candidates of the Backward Classes, under that plea that 'candidates are not suitable'. I find that there are not a few to take disadvantage of this slogan to the detriment of the interest of Backward Classes. Under this slogan these classes have suffered much. How long they should be allowed to suffer is a question of questions which every thinking person must answer.

*The Fourth Authority—The Social Welfare Department*

111. Even the Social Welfare Department says that it has not proved an adequate source of the qualified candidates, because the qualified candidates get themselves registered with the Employment Exchange. Many of these candidates are not even aware that they can get services through the Social Welfare Department. The Committee is of the view that "Registration of Backward Class candidates with the Social Welfare Department is not accepted as a source of recruitment to any of the Central Services". This will clearly show that even the Welfare Department is aware of the fact that the qualified candidates are available but the Registration of Backward Class candidates is not accepted as a source of recruitment. To what extent the Public Service Commission and the Other Departments and other Appointing Authorities, take the Social Welfare Department seriously, is a matter of conjecture.

*These Authorities support my preposition*

112. From the study of the information and figures given by (I) The Public Service Commission, (II) The Employment Exchange, (III) The Commissioner for Scheduled Castes and Scheduled Tribes, and (IV) The Social Welfare Department, it will clearly be established that there is no so much dearth of qualified candidates as is represented by many. I do not, however, thereby imply by any stretch of imagination, that there is no need for all round improvement in the case of the Backward Classes and more especially of the Scheduled Castes and Scheduled Tribes who are even to-day at the down rung of the society. Much has to be done and achieved in the field of education and also the improving the tone and standard of the Scheduled Castes and Scheduled Tribes candidates in all walks of life including in the matter of recruitment. But by itself this does not establish a fact that "no qualified candidates are coming forward". It is, therefore, no use raising the cry of "paucity of candidates"

*What is the fear?*

113. I am very much against the bogey of the 'paucity' of candidates, because there is reason for it. If we accept the argument of 'paucity', it gives a scope to bypass the candidates of the Backward Classes under that

plea. I find that there are not a few to take disadvantage of this slogan to the detriment of the interest of the *Backward Classes*. Under this slogan these classes have suffered much. How long they should be allowed to suffer is a question of questions which every thinking person must answer.

## PART VI

### 1. THE OBJECT IS NOT ACHIEVED

### 2. THE FACTORS ENUMERATED

*Is the objective achieved?*

114. From the study of the information and figures of the State Public Service Commission, the Employment Exchanges and the Social Welfare Department following clear and glaring facts are established.

They are :—

(1) That the Government has not accepted the population as the basis of reservation in recruitment of the Backward Classes in the public services. There is, therefore, *no adequate* and enough percentage reserved for these classes to ensure their satisfactory recruitment in the public services.

(2) *That the different Departments and Officials, to whom the duty of recruitment of these classes to the public service is entrusted, have not performed their duty properly and with the necessary care, and precaution in implementing the percentage inadequate as it is in the recruitment of these classes.* There is, therefore, no proper and full implementation of the percentage kept by the Government.

(3) That the *Public Service Commission has not shown sympathetic and broad attitude in giving effect to the measures intended to ensure the satisfactory recruitment of these classes to the public services, in spite of the fact that Government have tried, from time to time, to impress on the minds of the members of the Public Service Commission, and the Heads of Departments and Appointing Authorities by issuing different circulars, orders, etc. of the necessity of adopting the liberal attitude to ensure satisfactory recruitment of these classes in the public services and in spite of the fact that there were a number of concessions and facilities announced in favour of these Classes including prescribing the minimum qualifications and relaxing age limits etc.*

(4) *The Social Welfare Department has proved itself quite powerless and helpless in insisting upon the different Departments and Officials to fill the percentage in recruitment of these people.*

*What is the effect and result?*

115. The sum total effects and results of these facts are that the object in view of keeping reservation to ensure the satisfactory recruitment of these classes is not achieved to any appreciable and tangible extent.

*What are the factors retard smooth implementation ?*

116. This discussion will also bring out the factors which retard the smooth implementation of the measures taken by the State. These factors are :

(1) *Failure on the part of the different Departments and Officials to understand the principle of social justice and the Constitutional Obligations underlying the Reservation in recruitment for these classes and consequent inawareness and carelessness on their part to implement the percentage kept by the Government.*

(2) *Unsympathetic and unliberal attitude on the part of the Public Service Commission shown in filling the percentage reserved for these classes and also entertaining a false sense of "paucity" "unsuitability" etc.*

(3) *Helplessness on the part of the Social Welfare Department in helping the candidates of these Classes both in not registering, not sending them up for interview in a large number and not adopting any measures to train and to make them "suitable" for the posts and services.*

(4) *Helplessness on the part of these Backward Classes themselves to get what is intended for them under the Constitution of India.*

*The result*

117. In conclusion these are the factors which have retarded the progress of the smooth implementation of the measures taken by the Government, with the result that the existing measures do not ensure satisfactory recruitment of the Backward Classes to the public services and therefore, do not achieve the object in view of the reservation in services, the satisfactory recruitment. There are two main factors which retard the progress of implementations of the measures taken by Government. They are : (1) The unsympathetic and careless, at times antagonistic attitude on the part of the Selection as well as the Appointing Authorities, and (2) Helplessness on the part of the Backward Classes themselves to assert their right.

**CHAPTER IV**

**THE SYSTEM OF RECRUITMENT AND DIFFICULTIES EXPERIENCED**

*Second Division of Terms of Reference*

118. The second division of the terms of reference refers to two very fundamental questions :

(I) The first question that it raises is : Whether and to what extent the present system of recruitment as carried on by the State is calculated

to ensure the fair representation from Backward Classes in the public service ?

(II) The Second question that it raises is : *What are the difficulties under which the Backward Classes labour in availing of the concessions and facilities extended for their entry into the Public Services ?*

119. In order to understand the importance and implications of these questions we have to study such problems as :

(1) Why the system of recruitment accepted and what is its purpose and object ?

(2) To what extent the system has *actually ensured fair representation* from these Classes to the Public Services ?

(3) Under what difficulties these Classes labour in getting entry into Public Services ?

(4) *Why do they labour* under such difficulties even though they are given *concessions* and facilities to *facilitate* their entry into the Public Services ? These problems raise questions of political, constitutional, social and economic importance.

120. The first problem of the objects and utility of the system of recruitment leads us to the study of origin of the system itself. Under what circumstances the system of recruitment was accepted ? What was the necessity of giving fair representation to these Classes ? These are the two questions which deal with the political and constitutional conditions prevailing in our country.

121. In this chapter we will study the system of reservation and the object it achieved in actual practice. In the next Chapter we will study what difficulties and disabilities the Backward Classes suffer from and, why do they suffer such disabilities.

## PART I

(A) POLITICAL PROBLEM.

(B) SOCIAL PROBLEM.

(C) RESERVATION, ONLY A WEAPON.

### (A) Political Problem

*Reason and Rationale of Reservation.*

*Democracy—a Rule by consent.*

122. We have accepted Democracy as the basis of the New Indian Society. Democracy is a Rule based on the consent of the people and not on their coercion. The core and kernel of Democracy is that the consent of the people must be reflected in all the functions of the State.

123. Because the modern State is a function state. We have heard of the slogan raised by the English people against the power and authority of their Kings that "There could be no taxation and legislation without the consent of the people". We have read the history of the constitutional struggle of the English people for their rights and privileges against the Prerogatives of the King. Ever since the English people won the battle of their rights and privileges against their King, the principle that "There can be *no legislation, no taxation and administrative action*" without the consent of the people, has become the ruling passing of all the people of the world. In fact this principle has become the fundamental bulwark of Democracy. In order to enable those who were denied rights and privileges, the necessity was felt and accepted to give such people special representation by way of reservation so that they could (a) *give consent to the Democratic Rule* and (b) *take part in the Administration of the Country*.

**(B) Social Problem—Why Reservation**

*People divided by the Caste System.*

124. When we talk of the consent of the people, we talk of the "People" as a unit inhabiting a particular territory, however, diverse it may be, "by the community of interest and purpose, by the loyalty to the public ends and mutuality of sympathy". They must have some common social, political and economic and cultural bonds to keep them together. But when we find a society in which some communities are so much advanced as they alone are in a position to enjoy all the benefits and joys of life and some communities are so backward, educationally, socially and economically that they are not in a position to enjoy the benefits of life, the question arises as to how to create conditions where all the Communities will enjoy the benefits of life in equal proportion. But when we find a society such as the Indian Society where there are :—

(i) some Communities which are so advanced that they alone are in a position to enjoy all the benefits and joys of life,

(ii) some Communities which are so backward because of their backwardness, they are not in a position to enjoy the benefits of life ; and

(iii) also where there are some Communities which are not only 'denied', but 'forbidden' to enjoy the benefits and blessings of life, then, a problem for Democracy arises.

125. Under such circumstances the question, therefore, arises as to what should be done, what methods and measures should be devised to remove those 'denials' and 'prohibition'. The problem for Democracy also arises as to how the wishes, desires, aspirations and ambitions of such people could be made to reflect in every piece of legislation, every measure of taxation and every administrative action. In other words, how the free consent of all the people including the people 'forbidden' could be obtained.

*Measures depend on Two things*

126. What devices should be found out and what measures adopted depends on *two factors*. Firstly, the *realisation* of the fact that *some communities are 'denied' and 'prohibited'* even the ordinary necessities of life, and benefits of normal social cultural life, by the social philosophy, norms, customs, usages and taboos accepted rightly or wrongly as the very foundation of the society and secondly, the existence of a *desire arising out of the new awakening, new impact, political, educational and cultural to create conditions for such a people to come up to the level from where they can get for themselves education, political, economical and cultural*. If the society has accepted certain basic principles and fundamental values of life, then that society would, *without hesitation and without mental reservation, go to any extent to remove those difficulties and barriers* which come in the way of such communities suffering from a countless difficulties and disabilities. Such a society will brook no arguments, entertain no notions and tolerate no nonsense which contribute, to the slightest degree, for the maintenance and preservation of those barriers, which divides the Society, as ours, into different water-tight compartments of the caste system denying even the Social justice. In order to *remove those barriers of caste system* we have *accepted some devices* such as giving of special concessions and facilities, reservations and even weightages in matters, political, educational and economic including the reservation in public services. These are reasons and rationale why we have accepted reservation as means of *uplifting* the communities which suffer from disabilities and difficulties.

**(C) Reservation—A Weapon***Reservation a method and means of changing Society.*

127. Reservation is only a mean, but we raised it to the level of principle because we want to impress upon the minds of the uninformed and the sceptical. The reservation is only a weapon to break the social barrier so that the members of the Scheduled Castes and Scheduled Tribes can stand on their own legs and find their representation in the Legislature and the Executive also in the Administration which is the machinery of the Government. This is based on the principles of Social justice, Political expediency and the Constitutional propriety.

**PART II****CONSTITUTIONAL PROVISIONS***Two Questions*

- (1) *Representation, and*
- (2) *Fair and Adequate Representation.*

128. I need not mention now that since we have accepted the Democratic form of Government based on the Written Document, we have *engrafted the principles of Social justice and Political expediency as a social and political necessity in the Indian Constitution itself*. The system of giving representation to the Scheduled Castes and Scheduled Tribes is, therefore, incorporated *in the Constitution itself*. The system of Reservation in Recruitment to the public services has, therefore, three aspects namely,—

- (i) The first aspect is of *giving representation*.
- (ii) The second aspect is *giving adequate and fair representation*; and
- (iii) The third aspect is of the basis of population for the purpose of giving representation which ought, not only to be adequate, but fair:

*The question not left to any State*

129. Let me at the outset, make one *point clear* that the acceptance of giving Representation and keeping Reservations in favour of the Scheduled Castes and Scheduled Tribes is not now left to the sweet will and desire of any individual State. All States must accept this *system of Representation and Reservation* for these Classes of people under the Constitution itself. Let there be no discussion and no argument, no suspicion and confusion on this question. It is, therefore, now a matter of the Constitutional obligations.

*I owe an Explanation*

130. If this is my stand a number of counter-questions may be hurled at me "Why is it that the Policy of the Government is attacked for not accepting the population basis for the purpose of reserving specific percentage in the Public Service for the Backward Classes? Is it fair to make a blistering attack on the Government Policy merely on the moral grounds? Is it absolutely necessary for the Government to accept the population basis for the purpose of reservation? *What are the Constitutional provisions for making reservation for the purpose of giving fair representation for these Backward Classes according to their population?*"

131. I admit that these are quite natural and legitimate questions that can be asked. I, therefore, must give satisfactory answers to these counter-questions raised. Since the whole of my attack on the policy of the Government is buttressed on "The non-acceptance of the population basis" by the Government, I owe a duty to explain the Constitutional position.

PART III

CONSTITUTIONAL FOUNDATION

A—Reservation for Representation.

B—Adequate Representation.

C—The Population Basis—Read the Articles of the Constitution of India.



132. For the purpose of understanding the Constitutional foundation of 'representation', 'adequate representation' and 'the population basis', we have to refer to the Part XVI of the Constitution of India which deals with the "Special Provisions Relating to certain Classes" and more especially to the Articles 330, 332 and 335 and 16(4) and also the Article 46 of the Constitution of India. For the purpose of understanding the Constitutional propriety of Representation, its adequacy and of the population basis we have constantly to bear in mind these "Special Provisions".

### Why "Special Provisions"?

133. In order to understand how the "Special Provisions" found the special place in the Indian Constitution, we have to remember and bear in mind the social and cultural, economical and political and historical back-ground. That some of the Communities suffer from a number of difficulties and disabilities on account of their place and position and status in the Indian Society, requires no mention and no repetition. That some of the Communities are so backward, educationally and economically which are not in a position to enjoy the life as other communities do, requires no separate describing. Because while discussing the foundation of Democracy, we have already referred to them in the First Part of this Chapter. For these two classes of people, it was thought by the Founding Fathers of the Indian Constitution to make some "Special Provisions".

### Representation in—

- (i) The Legislature,
- (ii) The Executive; and
- (iii) In the Administration.

### With what questions 'Special Provisions' deal?

134. To understand with what question these "Special Provisions" deal, let us open the Part XVI of the Constitution-itself and read Articles 330, and 332. Let us read the Articles 330 and 332 first. What do they say?

(1) Article 330 speaks of two things :

I. It speaks, in the first place, of *Reservation of Seats* for the Scheduled Castes and Scheduled Tribes in the House of the People.

II. It speaks, in the second place, of reservation of seats *in proportion to the population* of the Scheduled Castes and Scheduled Tribes.

(2) Article 332 speaks again of two things :

(i) It speaks of reservation of seats in the Legislative Assemblies of the State.

(ii) It speaks of the reservation of seats in proportion to the population of the Scheduled Castes and Scheduled Tribes.

*Importance of Principles for the Constitutional, Political  
and Social grounds*

135. But for what purpose should *Seats* be reserved for these people, both in the *Lok Sabha*, and in the Legislative Assemblies in the States? It does not require any efforts to answer. It is for the purpose of *giving Representation* to these people, the seats are reserved. It will, therefore, be quite clear that both these two articles lay down Three fundamental principles of the *Constitutional* and *Political* and *Social importance*. These principles are :

(i) They lay down the principle of Representation which ought to be given to these people ; and

(ii) They lay down that the seats must be reserved both in the Indian Parliament, the highest Legislature of the country and in the Legislative Assemblies of the States.

(iii) They also lay down that the *Seats should be reserved in proportion to the population of these people* so that they can get adequate, fair and proper representation, in the Legislature.

137. These principles hardly require any further explanation and elaboration from the point of view of the people who have suffered from disabilities for centuries together.

**COROLLARY**

*Representation in the Executive*

138. As a corollary of the acceptance of the principle of Representation in the Legislature it follows that the principle of Reservation in the Executive is also accepted under these Articles. It is so clear and simple, but logical that it requires no explanation and elucidation.

*The Institution of Cabinet*

139. Since we have accepted the Cabinet System which means the Parliamentary Executive under the Articles 74 and 75 of the Constitution, it need not be explained, that the appointment, existence and continuance of 'the Cabinet' rests on the *command and the confidence* of the majority

in the Lok Sabha or the State Legislative Assemblies. When we talk of the majority, we talk of the number and the proportion of the representatives of the people. Will it, therefore, be wrong to infer that the existence and continuance of any Cabinet must also depend on the elected Representatives of the Scheduled Castes and Scheduled Tribes. This discussion leads to the establishment of the most important proposition that *the proper, adequate and fair Representation must be given to these people in the Executive too in proportion to their population.*

## PART IV

### RESERVATION IN SERVICES

#### *Foundations of—*

- (1) Political Democracy,
- (2) Social Democracy, and
- (3) Economic Democracy.

#### *What is the Provision for Reservation on population basis?*

140. I am quite sure that somebody is bound to lose patience with me and say "What is the use of dealing with these matters? Though they are of the Constitutional and Political Importance what they have to do with the system of Recruitment carried on by the State? When Terms of Reference given to us are of limited nature specifically confined to "whether and to what extent the existing system of recruitment is calculated to ensure the fair recruitment from these people to the public services", what is the use of raising irrelevant discussion? What has these Articles of the Constitution to do with the Terms of Reference given to this Committee? Where is the Provision which lays down that *the population basis must be taken into consideration in fixing the Percentage?*" I quite understand the feelings behind these and similar questions if they are raised. Let me, therefore, crave indulgence of every body to have patience and to bear with me for some time to allow me to explain the real position.

#### *Constitutional position of the basis of Population*

141. For the purpose of understanding the Constitutional propriety of the *population basis*, we have to read Articles, 335, 16(4), 46, 330 and 332 of the Constitution of India. Let us read and analyse those Articles mentioned above one by one. What do we find? We find the following points :—

(1) The Article 335 lays down that "The claims of the members of the Scheduled Castes and Scheduled tribes shall be taken into consideration in the making of appointments to services and posts in connection with the affairs of the Union or of a State". In other words it lays down a simple proposition that the *Claims* of the Scheduled Castes and the Scheduled Tribes will be taken into consideration in the making of appointments to the posts and services.

(2) The Article 16(4) elaborates this proposition laid down under the Article 335 in favour of the Scheduled Castes and Tribes. It says that "nothing shall prevent the State from *making any provision for reservation* of appointments or posts in favour of *any backward class of citizens* which is not adequately represented in the services under the State". In other words it speaks, in fact, of two things. In the first place it speaks of (1) the exercise of power and authority not only inherent, but specifically given to the State under the "Special provisions" of the Part XVI of the Constitution of India and in the second place it speaks that (2) such exercise of power and authority shall not be construed and considered as the exercise of power discriminating in between a citizen and citizen. It is, therefore, clear that the Article 16(4) elaborates the simple proposition laid down under the Article 335 that "the claims of the Scheduled Castes and Scheduled Tribes must be taken into consideration in the making of appointment". It in fact speaks of *three* things, namely :

(1) It speaks of "*any backward class of citizen*".

(2) It speaks of "*Adequacy*"; and

(3) It speaks of the *Representation*.

It has in fact, elaborated and expanded the simple proposition laid down under Article 335 with regard to :

(i) The taking into consideration the *Claim*.

(ii) *Of any backward class* of citizen, and

(iii) Who are *not adequately represented* in the public services under the State.

#### *A Proposition of fundamental importance*

142. If we read these two Articles together, what position do we get? We get another proposition of fundamental importance, namely, "That the State shall take into consideration; the *Claims* of the members of the Scheduled Castes and Scheduled Tribes and shall for that purpose, make reservation for appointments and posts in favour of any backward

*Class of citizens which is not adequately represented in the services under the State".* That this is the real position under these two Articles, I am quite sure, everybody would accept and none will challenge. These two Articles, therefore, lay down, according to my judgment, the Constitutional proposition of fundamental importance. It is of fundamental importance because, it lays down two things :—

1. It lays down, in the first place, that the claims in the services will be taken into consideration, and

2. It lays down, in the Second place, that reservation ought to be made for the purpose of giving adequate representation to the Backward Class of citizens who are not adequately represented in the Public Services.

*"The Article 46"*

143. It may be argued that while the Article 16(4) speaks of the 'Backward Class of Citizens', the Article 335 speaks of the Scheduled Castes and Scheduled Tribes. How are these two positions to be reconciled? Let us therefore, read the Article 46 so that the doubt and confusion may be removed. *The Article 46 reads as follows :—*

*"The State shall promote with special care the educational and economic interest of the weaker sections of the people and in particular, of the Scheduled Castes and Scheduled Tribes, and shall protect them from Social injustice and of forms of exploitation".*

The Article speaks of :

(I) The promotion and protection of the weaker sections and in particular, the Scheduled Castes and Scheduled Tribes.

(II) It speaks of the weaker section of the people.

*Are the two positions reconcilable*

144. My answer is that the reading of the Article 335, Article 16(4) and Article 46 gives us the same result obtainable under the fundamental proposition which we have established under the Articles 335 and 16(4).

*What about the Population basis.*

145. Let us read Articles 330, 16(4) and 335 :

1. The Article 335 lays down that the claims of the Scheduled Castes and Scheduled Tribes should be taken into consideration in making appointment to the public service.

2. As to what should be the basis of representation of these people, is laid down under the Article 330. *The Population basis* should be the foundation for Reservation for the purpose of Representation is laid under this Article 330.

3. I need not repeat the Article 16(4) which speaks of the *reservation* for the purpose of *adequacy of representation* of these people.

#### *Matter of Interpretation*

146. It may be argued that the Article 335 does not speak of the representation on the population basis. It only speaks of taking into consideration "The Claims" but does not lay down any basis of that "Claim". In other words, it appears that it may be argued that the Article 335 speaks of only as to "whose" claim should be taken into consideration and does not speak on what "this claim" should be based. If this argument is accepted, it is clear that the very foundation of the proposition which I established would be shattered into pieces :

But let us try and study the constitutional position before we conclude against the proposition established by me. If any doubt is raised regarding the position taken by me let us go to the Rules of Interpretation of any Statute. I need not mention here that the same Rules apply in interpreting the provisions of the Constitution too.

Let me make the position clear by laying down these propositions—

(1) The "Special Provisions" are intended to show some *Special and extraordinary latitude* towards the Scheduled Castes and Scheduled Tribes.

(2) The Articles 330 and 332 lay down the provisions for making Reservation and further that the said reservation ought to be based on the population basis.

(3) The Article 16(4) lays down that, at the time of *making reservation the inadequacy of the Representation* in the public services of these people, *should be taken into consideration*. The conclusion is therefore, that the reservation must be based on the basis of population of these people to ensure fair Representation in the public services for these people.

### RULES OF INTERPRETATION OF THE CONSTITUTION

#### (1) *The Rule of Expressed Intention*

147. The most fundamental Rule of interpretation is that a statute should be construed according to the intent of the Parliament which

passed the law. "Maxwell, Interpretation of Statues, 9th Edition, Page 1, (Sussex Prerage Case 1844). This "Intent" could be gathered from reading of the Chapter XVI which deals with "Special Provision".

### (2) *The Technical Meaning*

148. If the words have acquired a technical meaning either by usage or judicial decisions, they should in the first instant be taken as used by the Legislature in that technical sense.

The words "Reservation", Reservation in "recruitment" and "Representation" and "adequate representation" should be taken in the same technical sense which they have acquired in India by usage, convention and understanding.

### (3) *Statute must be read as a whole*

149. The Third important Rule of interpretation is that a Statute must be read as a whole.

For the purpose of understanding the "*basis of Population*" we must read the "Special Provisions" the Articles 330, 332, 335, 16(4) and the Article 46 of the Constitution of India.

(4) The Constitution likewise must be read as a whole.

(5) Another important Rule of Interpretation is that *A Constitution does not mean one thing at one time and another subsequently.* (Cooley, Constitutional Law, page 427). These Rules of Interpretation will clearly show that the purpose and scope of the "Special Provision" as are laid down in the Part XVI in favour of the Scheduled Castes and the Scheduled Tribes and Backward Classes in Article 340 and the words and terms used therein have the same meanings and connotations throughout the *Constitution*.

### *What does these Rules signify?*

150. What do these Rules of Interpretations and the Articles 330, 332, 335, Article 16(4) and the Article 46 signify. They signify one thing, and one thing alone, namely, that *the Reservation for the purpose of Representation of the Scheduled Castes and Scheduled Tribes must be based on the Population basis alone and that there could be no other measure and criteria adopted to gauge and to judge the "adequacy or otherwise", "fairness or otherwise", "satisfactory" or otherwise of the reservation in recruitment for the purpose of giving fair and adequate representation to the Backward Classes.*

*Purpose behind the Part XVI*

151. What is the purpose behind these Special Provisions? The reading of the Part reveals that it proposes to lay down the foundations :

1. Political Democracy,
2. Social Democracy, and
3. Economic Democracy.

*Political Democracy*

152. Articles 330 and 332 speak of giving the representations to the Scheduled Castes and Scheduled Tribes in the Legislature and Executive. I need not explain as to what is the purpose of giving the representation to these people. Because I have done it very elaborately in the Parts I and II of the Chapter III. Since Democracy is a Rule by consent, consent of these people is absolutely necessary for successful working of Democracy. It is, therefore, clear that these two Articles lay down the foundation of Political Democracy.

*Social Democracy*

153. Since the Scheduled Castes and Scheduled Tribes have been deprived of the benefits and blessings of life and have, therefore, suffered from disabilities and difficulties for centuries together, the Framers of the Indian Constitution thought it wise to make some "Special Provisions", of giving concessions and facilities which have been engrafted in the Part XVI of the Constitution. The object of *these provisions* is, therefore, to allow these people to raise themselves up in the Social Scale and come up to the level of others. It will be seen, therefore, the purpose of these "Special Provisions", is to lay down the foundation for Social Democracy.

*Economic Democracy*

154. The Articles 335, 16(4) and 46 are intended to give some Special means by way of Reservations in the public services under the State to these people, so that they can *occupy economic position and status in Life along with the others*. I need not explain so simple a fact that whoever, irrespective of the caste, or religion or sex, is employed in the public posts and services, must get an *equal pay and, therefore, equal economic position and status* by virtue of his getting employment and post. The Reservation in services is mainly intended for the Backward Classes to give economic equality, at least in the sphere of public services under the State. I, therefore, maintain that these "Special Provisions" have been adumbrated in the Constitution in order to lay down a foundation for Economic Democracy.



### *Failure of the Government*

156. In the ordinary course of events I would have expected that everybody would have realised the importance, and implications and also the real purpose of these "Special Provisions" of the Constitution. But I am sorry to reflect that I do not find any trace of evidence that, at least the Government has realised it. This is one of the most important ingredient or the factor found absent in the System of Recruitment calculated to give fair Representation to these Backward Class of people.

1. *Critics Silenced.*

2. *Light Thrown on the System.*

157. *Critics of the Reservation.*—I may be accused that I am adopting a doctrinaire attitude towards the problem of the reservation. But let me make the point clear as to why I have raised this discussion of the principles of Social Justice and the Constitutional Obligation. There has been a new trend developed in some quarters that the reservation as weapon of raising the downtrodden communities has out-lived its utility. "These downtrodden Communities", thus they argue, "have so much improved their lot, are so much advanced and the advanced Communities are so much lagged behind that there is no difference of any kind in between them". "These Backward Communities now occupy so much an enviable position in society that they require no concessions, no special facilities and no reservation". Some of the critics of reservation have gone to such a length of pleading that they say, if the reservation, if at all it is to be given, should be made in favour of the advanced Communities which are lagging behind. There are not a few who hold a view that "The reservation and facilities are instead of helping removal of caste barriers, actually helping preservation and the persons, belonging to Backward Classes are out to maintain the Caste ridden society for the sake of getting reservations and facilities.

#### *Critics Silenced*

158. We shall see the truth or otherwise in what these critics say. These critics may belong to either of the two Classes. They might either belong to the Class of simpleton or they might belong to the Class of a clever lot. Those who belong to the Class of simpleton, to say the least, do not understand the actual *State of affairs* prevailing in the Indian Society. They might either be carried away by the false propaganda, that the caste-ridden society has vanished and the Scheduled Castes are trying to maintain it or they might be frightened by the ghost of an argument that their rights and privileges are jeopardised because of the reservation in favour of the Backward Classes alone. It might be, who knows that such

simpletons might be a casualty of a clever ruse intended to rouse the feelings of antagonism and animosity towards those who either demand or fight for the retention of the special facilities and reservation. Whatever may be the reasons, the simpletons are misled and therefore misunderstand the real situation. But a little they know, how much the Scheduled Castes and Scheduled Tribes suffer for want of proper fair and adequate representation in all walks of life, including that of the public services.

The rogues are interested in raising the ghost of the 'Communal representation' so that the Scheduled Castes and Scheduled Tribes may be frightened, and should give up reservation in order to appear to be ultra radicals and revolutionaries. But I hope that wise among them will not fall a prey to such propaganda and guard against the clever machinations of the rogues.

Because of this development of trend and an existence of prejudicial attitude towards the question of reservation there have been many an enemy and a few friends of the reservation. There have, therefore, been many an enemy and a few friends of the reservation itself and also of those who try to retain and increase the facilities and reservation. This attitude could be found both in the Government officials and non-officials.

159. *Be on Guard.*—I am afraid as to what would happen to the improvement in the conditions and advancement, however little there may be, of the Backward Classes achieved because of the Reservation, if this attitude develops and takes possession of the minds of those who are in power and authority. It passes all my comprehension and imagination as to what will happen to the Indian Society itself which is heading towards the concept of Welfare State and Democratic Socialism. I hope that every thinking person will guard against the development of such an attitude.

160. *Democracy a way of life.*—Those who think that Democracy is not only a form of Government but a way of life, I am certain, will not fall a prey to such a propaganda, will not allow their minds and attitude to change towards the principle of Reservation. Because nobody should forget the warning given by Dr. Ambedkar, the main Architect of the Indian Constitution, who in his "Ranade, Gandhi and Jinnah" on page 36 says :

"A Democratic form of Government presupposes a Democratic form of Society. The formal frame-work of Democracy is of no value and would indeed be a misfit if there was no social democracy. The politicals never realised that Democracy was not form of Society. It may

not be necessary for a Democratic Society to be marked by unity, by community of purpose, by loyalty. But it does unmistakably involve two things. The first is an attitude of mind, an attitude of respect and equality towards their fellows. The second is a social organization free from rigid social barriers. Democracy is incompatible and inconsistent with isolation and exclusiveness, resulting in the distinction between the privileged and the unprivileged”.

This will clearly show that the existence of Democracy itself depends on the attitude of mind and conception of egalitarian social organisation.

## PART VI

### CONCLUSION OF DISCUSSION

#### *What was the purpose of this discussion*

161. The purpose of this lengthy discussion is to answer the first part of the Second Division of Term of Reference, namely whether *the system of Recruitment to the Public Services from the Backward Classes is calculated to ensure fair Representation of the Backward Classes in these services*. In order to answer this term of reference I have raised and discussed the questions *why of the Reservation and what of the reservation as a system*. I am confident that these questions I have been able to answer to the satisfaction of everybody.

#### *To what extent it has actually helped*

162. The second part of the second Term of reference, namely, to what extent it has helped these Classes in ensuring the fair representation is a matter of opinion. But this opinion cannot be whimsical, sceptical or an opinion expressed for the sake of expression. It must be expressed without fear or favour. It must be expressed in all seriousness and must be based on the study of facts and figures. In other words the opinion must be enlightened opinion shorn of prejudice or praise.

I have already expressed my views when I dealt with the first term of reference. When I studied the facts and figures and informations regarding the existing measures taken by the Government.

I have, therefore, come to the following conclusions namely :—

1. The measures taken are not adequate and sufficient.
2. They are not properly implemented.

162A. If these are my conclusions based on an examination of the existing measures and study as to what extent they are implemented, what

other conclusion there can be on the question as to what extent the present system of recruitment has ensured fair representation from these Classes, to the public Services. But let me express myself again :

1. That the present system of recruitment is not based on an understanding of the problem why special reservation in the services for these Classes was made. Had it been based on the proper understanding, the system would have taken into consideration the population basis. There would have been, in the event, not only an appreciation of the principles underlying the reservation in Recruitment, but fixation of percentage on the basis of the population of these people.

2. In absence of the appreciation of the basic principles of Reservation, there has *not been proper translation of these principles* into action and practice. The system is therefore, faulty.

3. The faulty system can, therefore, never in actual practice ensure *fair representation* as is envisaged and contemplated by the Democratic form.

4. The system is based on the misconception. It has not in actual practice brought any *adequate and fair Representation* from these Classes to the public services under the State as is laid down under the Constitution.

5. The whole system which is followed at present must, therefore, be changed and it should be so changed as (I) to be in tune with the Democratic form of Government, (II) to be in conformity with the provisions of the Indian Constitution itself.

## PART VII

### DIFFICULTIES AND DISABILITIES SUFFERED.

The second part of the Second division of Terms of Reference deals with the difficulties under which the Backward Classes labour in the matter of availing of various concessions and facilities extended to them by the State for their entry in the Public Services. To understand this part of the Terms of Reference we have to raise two questions in order to understand why the Backward Classes labour under the difficulties and disabilities even though, they have been given special facilities and concessions. These questions which we may raise as follows :—

1. As to who are the people who suffered from difficulties and disabilities would be the first question, and

2. As to why they suffered from the difficulties and disabilities would be the second question.

2. The understanding of the implications of these two questions will give rise to another two questions, namely :—

1. What are the difficulties and disabilities these people suffered from, and

2. Why they suffered from those difficulties and disabilities inspite of the fact that (i) they have been given Reservations of political, social and economic importance and (ii) they have been given special concessions and facilities to facilitate and to enable them to enjoy fruits and benefits arising out of reservations and concessions made in their favour in Public Services.

## PART VII 'A'

### SCHEDULED CASTES

#### *Who are the people who suffered?*

3. It is the common knowledge within the reach of every student of Sociology that in every Society some Communities which are well advanced and some Communities which are not advanced. Because of this fact we find the Society stratified into three strates namely, (1) Advanced Classes, (ii) Middle Classes and (iii) Lower Classes. We find this phenomina all over the world. But we can never find such a stratagem as is in India adopted and given philosophical, religious and tabooed sanctity for the division of Society based on Casteism. We find the stratagem contemplated and aimed at the creation of a Society based on the principle of Graded Inequality.

#### *What Sort of graded inequality*

4. It is quite instructive from the point of view of the study of Sociology to note that the principle of graded inequality divided in fact the Indian Society into three divisions namely, the First division into Advanced Communities, the Second division into Backward Communities and the third, Communities beyond and outside 'the pale of' first two divisions of Communities. This will clearly show that the inequality which was aimed at for the third division of Communities was sort of an inequality which threw some Communities beyond and outside the pale of the general communities.

#### *Various Names*

5. It is a matter of historical interest to know that the third division of Communities is known by various names. These Communities were known by the names such as :

(1) The Untouchables.

- (2) the outcaste,
- (3) the exterior caste,
- (4) the depressed classes, and
- (5) now, the Scheduled Caste.

6. Because of these various names given to these communities the Starte Committee stated that "it is not easy to define exactly the position of this large body of people". If the Starte Committee failed to define and characterize with precision and exactitude the position of "this large body of people", it is much more difficult for me to do so.

*Note based on religion*

7. It may surprise and bewilder many a student of sociology and religions that the place, position and status of these "untouchables", "outcaste", "Depressed Classes", "Exterior Caste" or "Scheduled Caste" — call them by any name you like—was not based on the Hindu religion at all. Shocking and surprising as it may appear, the facts remain, that the division of these communities was not based, in fact, on the Hindu religion. If proof is needed in support of my proposition I am prepared to give it. I will adduce three sets of evidence. I will simply quote the paragraph from the Starte Committee's report. The Starte Committee report speaks as follows :—

"Notwithstanding the fact that it has the culture of the Hindu community, notwithstanding the fact that it observes the religious rites prevalent in the Hindu Community and recognizes the sacred as well as the secular laws of Hindus, and celebrates the Hindu festivities, yet as a mere touch of the Depressed Classes is held to cause pollution, they were obliged to live in a state of isolation from the rest of the community."

This will clearly show that the untouchables or the Scheduled Castes, even though they followed Hindu religion in all of its entirety, were kept outside "the pale of" the Hindu society. In fact they were considered to be outcastes, meaning thereby thrown beyond the boundary line of the Hindu castes.

II. If further evidence is needed in support of my proposition, I may quote a few lines from the Report of the Census Superintendent of Assam, 1921. The Census Superintendent of Assam in order to define and determine the place and position of the Depressed Classes or the Exterior Class raised the following questions :—

"What are they outside? The answer is that they are *outside the social pale of Hindu Society*, that they are 'below the salt'; that they are on the other side of a barrier which prevents them from moving upwards."

III. I would add one more piece of evidence in support of my proposition which is the subject-matter of the knowledge of everybody.

The term *A-Varna*, meaning thereby 'without Varna' or 'outside the four Varnas' is often used for the purpose of describing these people.

8. One point which I want to make clear is this when I talk of these people that they were outside and beyond the pale of the Hindu Castes they were within the boundary lines of *the Hindu Social System*.

*Position based on pollution and isolation*

9. A question will arise as to why they were considered outside the pale of the general community. Their place and position was based on two factors, namely, (i) the factor of pollution and (ii) the factor of isolation. In fact these two factors of pollution and isolation created a new institution along with and side by side of the Hindu Caste System. This institution is commonly known as the Institution of UNTOUCHABILITY. This institution gave rise to the Law of Segregation which has played and even to-day continues to play the role for keeping these people outside the pale of general community. To what extent this law of segregation is playing a havoc with the lives of the people would be seen and experienced from the sufferings of the new converts to other religions, more especially to Buddhism. I will deal with this point more fully and elaborately when I would deal with the question of new converts to Buddhism, new movement started by my Revered Leader Dr. Babasaheb Ambedkar.

10. In this connection, I would like to make my position quite clear with regard to the law of segregation. I have not used the term the law of segregation in the same sense as is understood in America and Africa. The American law of segregation is essentially and fundamentally based on racialism. It is the race and the colour which are at the base of law of segregation in those countries. It is on the factors of race and colour in case of negroes the law of segregation is founded. When I talk of the Indian law of segregation I do not, therefore, mean to refer to the race or the colour. Because I am aware that the old theory of Aryan and non-Aryan races had already been exploded and given decent burial by the historians and theoreticians.

*Why these people suffered from the difficulties and disabilities?*

11. These people suffered from countless difficulties and disabilities because of the Institution of Untouchability and the social law of segregation both of which were based on the factors of pollution and isolation and were sanctified by "Shastras" and "smrutis", by philosophy, social norms, customs, usages and taboos.

12. As to what were the difficulties and disabilities, time and space will not permit me to count and enumerate them. But it would be enough for our present purpose to classify them into two main classifications. They may be classified into (i) religious disabilities and (ii) civil disabilities.

(I) *Religious disabilities*

13. "Pollution" and "prohibition" into temple entry and more especially the entry into the sanctuaries etc. are the disabilities belonging to the first classification.

(II) *Civil disabilities*

14. Prohibition to use roads, wells, public schools, Dharmashalas etc. are the disabilities belonging to the second classification.

PART VII "B"

SCHEDULED TRIBES

*Who are the Scheduled Tribes People?*

15. As in the case of Scheduled Castes so also in the case of Scheduled Tribes it is very difficult to define and to determine who these people are. To the ordinary and the common mind these people mean the "folk living in hills and jungles". To the student of sociology and anthropology these Scheduled Tribes are the people who belong to the primitive society. These difficulties of defining and determining as to who these people are arise, because the Constitution of India has not defined the word "Tribes". Whatever may be the difficulty in defining the term "Tribe" and the "Tribal" people we know who they are and what they are. It is their "Habitat" that determines their place and position in society. Because of their place or "Habitat" they suffer from thousands of difficulties and disabilities.

16. As in the case of Scheduled Castes so also in the case of Scheduled Tribes the 'Special provisions' for giving them reservations, facilities and concessions have been engrafted in the Constitution. For the purpose of Articles 330, 332, 335, 46 and 16(4) they are treated as persons who should be given special reservations, facilities and concessions.

PART VII "C"

CONCLUSION

*Under what difficulties these people suffered from and why they suffered from?*

17. From the discussion above it is clear that the Backward Classes suffered from the difficulties and disabilities because of the factors of pollution and isolation which gave rise to an institution of untouchability



and the law of segregation. I now give below the following reasons as to why these people in whose favour concessions and facilities are given to facilitate their entry into public services, suffer even to-day :—

(i) Since there has not been any appreciable change in the abolition of institution of untouchability and also there is no change in the law of segregation, these people continue to labour under various difficulties and disabilities.

(ii) Since the institution of untouchability and the law of segregation created a particular and specific attitude of mind and since there is no change in that attitude of mind in the Heads of the Departments and other appointing and selecting authorities these people continue to labour under difficulties and disabilities as before even though the system of recruitment gives them special concessions and facilities to enable them to facilitate their entry into public services.

(iii) Since the Backward Classes have been suffering from various difficulties and disabilities for ages together, they have become so helpless and powerless to take benefit of the present system of recruitment as is carried on by the State. Unless the conditions are changed radically, there will be no benefit accruing to these people to the same extent as is contemplated and envisaged under the Constitution of India.

## CHAPTER V

### THE PROBLEM OF BUDDHISTS : WHAT CATEGORY ?

#### *An expression of sense of appreciation and gratitude*

163. I consider it to be a matter of great privilege and relief to the new converts to Buddhism to be included in the Terms of Reference given to the Committee for the purpose of making a recommendation as to under what category of Backward Classes they should be classified.

164. Ever since the new movement of conversion to Buddhism for resurrection and regeneration was started by our Revered Leader Dr. Babasaheb Ambedkar, it has been received with mixed feelings of appreciation and of askance and doubt. It was a matter of great regret and pain for the new converts to Buddhism that those who are in power and authority completely misunderstood and misinterpreted this new movement. They did not appreciate this new rise of the movement of liberation of the soul and spirit. That it is new movement for new life, but essentially old culture and civilisation of old India, a very few people could realise. In fact a majority of them failed to understand the implications and far-reaching effect that such a conversion movement would produce on the life and culture of the Indian society itself. They could not foresee and discern to what extent it would contribute to the creation of the New

India Society based on the principles of Justice, Liberty, Equality and Fraternity. That it was a new way of life that these people wanted to carve out based on the Prajnya, Karuna and Sheel, a very few could understand and appreciate. In fact some of the persons in power and authority had gone to the extent of adopting a positive attitude of antagonism and animosity towards this New Movement of the Conversion to Buddhism.

165. It was only the Government of Maharashtra, headed by the Honourable Chief Minister, Shri Yeshwantraoji B. Chawan, on the eve of the birth of New Maharashtra State which could make some special provisions and give some concessions and facilities, however limited they might be, for these New Converts to Buddhism. This was too done by the Maharashtra Government after a great deal of persuasion and explanation. I, therefore, take this opportunity for expressing my sense of appreciation and gratitude for whatever has been done by the Maharashtra State towards, the New Converts to Buddhism and also for referring their question to this Committee.

166. The third Division of the Terms of Reference speaks of the making of Recommendations as to under which category of the Backward Classes the New Converts to Buddhism be included for the purpose of reservation of vacancies. I, therefore, now deal with the problem of the New Converts to Buddhism.

## PART I

### THE PROBLEM OF NEW CONVERTS TO BUDDHISM

167. The problem of New Converts to Buddhism has become a problem for agitation on the part of the Buddhists and, therefore, for the cogitation and consideration for the rest of the world. The New Converts to Buddhism, since they belonged to the Scheduled Castes before their conversion, used to get benefits, rights and privileges arising both under the principles of Social Justice and under the Constitutional Obligations. A Question has, therefore, arisen whether the New Converts to Buddhism should be given and/or allowed to continue to enjoy those benefits arising out of the principles of Social Justice and more especially arising out of the "Special Provision", incorporated in the Part XVI of the Constitution of India. To understand the problem of the New Converts, I need not explain here the scope and the purpose of these, "Special Provision" because I have dealt with them elaborately while dealing with the philosophy of Reservations and the fundamentals of Democracy. But to understand and to suggest a permanent solution to the permanent problem of the Buddhists, we have to remember certain historical and Social backgrounds.

We have to remember the following :—

(I) Firstly, as to who are those who got themselves converted to Buddhism ; and

(II) Secondly, as what benefits, concessions and facilities, Political, Social, Economic and Educational — they used to get ; and

(III) Thirdly, as to for what purpose or with what objective they were given the special reservations, concessions and facilities.

If we can study this background and problems arising out of it, we will be in a better position to suggest the solution to this problem of the New Converts.

*They were Scheduled Castes before the Conversion*

168. It is a matter of common knowledge that, barring a very few and far between individuals, these New Converts to Buddhism belonged to the Scheduled Castes Community before their conversion. As the Scheduled Castes they used to suffer from countless difficulties and disabilities. They occupied a very peculiar position in the Hindu Social System. Even though they observed "the religious rites prevalent in the Hindu Community and recognised the sacred as well as the secular laws of Hindus and celebrated the Hindu festivities, yet as a mere touch of the Depressed Class held to cause Pollution". Even though they had the same culture as that of the Hindu Community, worshipped Gods and Goddesses of the Hindus, held in the high reverence, the scriptures and other Hindu Religious Books, they were forced and "obliged to live in a state of isolation from the rest of the community". In fact because of the factors of Pollution and Isolation there have been two villages in every village, one belonging to the Scheduled Castes and the other belonging to the rest of the communities. We can find these phenomena of two villages existing in the same village everywhere even at this juncture.

*Untouchability acquired two meanings*

169. It requires no separate mentioning and explaining that the Untouchables or the Scheduled Castes were forced and obliged to live outside the boundry line of the village which belonged to the general community because of the two factors of Pollution and Isolation. It is also not necessary to repeat in recording and in recounting the difficulties and disabilities suffered by the untouchables because of these two factors. These factors have not only created a separate place, position and status in the Hindu Social system for the untouchables but these factors have created a new Institution of Untouchability in the Hindu Social System. This Institution was sanctified by the 'Shastras' and 'Smrutis' by philosophy and social

Norms, by customs and taboos. In other words, since the Institution of Untouchability was sanctified by Philosophy and Religion including the social norms and taboos 'Untouchability' pervaded and permeated not only in the minds of the people, but in the literature and the scripture of the people themselves. It, therefore, acquired two meanings, namely :—

- (i) the first *Literal* meaning ; and
- (ii) the second the *Notional* meaning.

170. The study of the Hindu Holy Books, history and other literature and the Hindu Social System itself will clearly reveal that both these meanings were embodied in them and were deeply embedded themselves in the life of Indian people both in its Philosophical aspect and the Practical aspect. In other words, both these meanings became the foundations of the Hindu Social System and the Hindu life itself. Because of this phenomenon, it needs no separate mentioning that these two meanings — literal and notional — became the bedrock of the Institution of Untouchability. It happened as it could happen in the natural course of events. But at what stage of the history of India these events had occurred and how long it took to complete the process of this occurrence no scholar and no historian is in a position to tell. In fact no sufficient light has been thrown as yet on this aspect of the Ancient Indian History.

How far there is change in these two meanings in respect of the New Converts to Buddhism ? Have these two meanings ceased to be applied to the New Converts to Buddhism ? Have these two meanings — literal and notional — lost all their significance and connotation ? What is the Position ?

#### *How far Untouchability vanished ?*

171. It may be argued that I am digging out of the past when there is no necessity to do so. Let me make my position quite clear that I do not want to sing and repeat the Hymn of Hatred and Antagonism by repeating the past history. What I want to do here is this. I want to see and to study as to what extent and how far Untouchability has been abolished or is vanished. I am quite aware of the Constitutional position. We have accepted in the Constitution, the Article 17 which speaks that — "Untouchability is abolished and its practice in any form is forbidden". I am also quite aware of the various efforts made to loosen the shackles of the Institution of Untouchability. But what I want to know is, that how far Untouchability is removed in both in its Literal sense and Notional sense. In order to study this problem of abolition of Untouchability a little bit dispassionately and faithfully, we shall have to see in what directions we have moved to abolish and to destroy the canker of Untouchability from the

body politic of the Indian Social system. There have been so far three-forged efforts done in this direction. I shall now deal with the efforts, one by one.

#### *Various efforts*

172. What are the efforts made so far? I now give, below the efforts made, namely :—

(1) All-out social efforts were first started by Mahatma Phule. Thereafter there have been many worthy names including those of Mahatma Gandhi and Dr. Babasaheb Ambedkar in this field.

(2) The giving of the reservations both in the Central Assembly and the Provincial Assemblies was intended to give some special political rights, privileges and weightages and also concessions and facilities, more especially educational and economic and fixing the percentage in the services. The decisions of giving reservations, etc., were found, before the framing of the Indian Constitution on the principles of Social Justice. The Indian Constitution has thereafter accepted two schemes for abolishing and destroying the Institution of Untouchability.

(I) The one scheme is dealt with under the Article 17 of the Indian Constitution, which announces to the world that 'Untouchability is hereby abolished and its observance in any shape or forms is forbidden.' It envisages exploding and shattering to pieces the very foundation of the Institution of Untouchability.

(II) The second scheme is dealt with under the "Special Provisions". Both these schemes are intended to give a stunning and crushing blow to the Institution of Untouchability.

(3) The third effort is that of Conversion movement started by our Revered Leader Dr. Babasaheb Ambedkar intended for a complete spiritual and cultural emancipation and liberation of the untouchables out of the tentacles and bondage of the Institution of Untouchability.

#### *Social efforts*

173. The time and space do not permit me to take the whole resume of the efforts started by Mahatma Phule and by the social revolutionaries including the great men like Mahatma Gandhi and Dr. Babasaheb Ambedkar. I would confine myself more particularly to the examination of the last two kinds of efforts, namely, the Constitutional and Conversional efforts to study how far the Institution of Untouchability is demolished.

#### *Constitutional efforts*

174. It would be matter of some repetition, if I am to deal with the Constitutional devices or schemes directed to the abolition of Untouchability.

175. Long before the framing of the Indian Constitution a device or rather a scheme for the Reservations was accepted on the principles of Social Justice to enable the Scheduled Castes and Scheduled Tribes for their upliftment and elevation in the Social Scale.

176. As to what was the Rationale and Reason of engrafting the Part XVI, dealing with the Special provisions in the Constitution? The 'Special Provisions' have been incorporated in the Constitution for the purpose of laying down the foundations of :

- (1) Political Democracy,
- (2) Social Democracy, and
- (3) Economic Democracy.

177. I have already mentioned in the Chapter IV of this note as to what with these special provisions deal while dealing with the *Philosophy of Reservations*.

These "Provisions" deal with the following :—

(a) The Articles 330, 332 are incorporated in the Constitution, for the purpose of laying down the foundation and the establishment of Political Democracy.

(b) The Articles 330, 332, 335, 16(4) and 46 for the purpose of laying down the foundation and the establishment of Social Democracy.

(c) The Articles 335, 16(4) and 46 accepted in the Constitution for the purpose of laying down the foundation and the establishment of Economic Democracy.

#### *Social efforts and their results*

178. More than a century has passed since Mahatma Jyotiba Phule and others started their efforts towards the abolition and destruction of Untouchability. Four scores of years have passed, since the Great Men like Mahatma Gandhi and others have directed their efforts and energies towards the abolition of Untouchability. But what has been the result? Has there been any change in its Literal and Notional meaning of the term untouchability.

#### *Constitutional efforts and their results*

179. Thirteen years have passed since the Constitution has come into force. Thirteen years have passed since we have accepted the Gospel of Political, Social and Economic Democracies. Thirteen years have passed since we have made these three Democracies as the Article of Faith of our Life. In other words, thirteen years have passed since we have framed the Constitution, given it unto ourselves and accepted the Democracy, not only

as a Form of Government but *the way of Life* envisaging the construction of the new Indian Society based on the principles of—

“Justice—Social, Economic and Political.

Liberty of thought, Expression, Belief, Faith and Worship.

Equality of Status and of Opportunity, and to promote among them all Fraternity assuring the dignity of the individual and the unity of the Union”, and the Nation.

*What is the result*

180. But what has been the result? Has the Institution of Untouchability crumbled and vanished? Is there any noticeable and appreciable change in the out-look and attitude of the people towards the Institution of Untouchability? What is our experience? Need I give any proof in support of the fact that there is no noticeable, appreciable change in the Institution of Untouchability? If need be, I am prepared to give the views expressed by no less an Authority than the Commissioner for Scheduled Castes and Scheduled Tribes — a Constitutional Authority created and functioning under the Constitution itself. I would give only two illustrations:—

1. I am quoting the para. 5 on page 32, section 5 of the Report of the Commissioner for Scheduled Castes and Scheduled Tribes for the year 1958-59.

*Observance of Untouchability*

5. The Study Team on Social Welfare and Welfare of Backward Classes set up by the Committee on Plan Projects conducted a survey with regard to the practices of untouchability in order to gauge the pace at which untouchability was disappearing. The findings of the Team are as follows:—

“(a) As many as 56.75 per cent. Harijan respondents experienced discrimination in public life particularly in regard to seating arrangements and use of common utensils;

(b) 56.8 per cent. of Harijan respondents expressed hesitation in visiting public places because of resentment of caste Hindus;

(c) 31.4 per cent. respondents would not visit public places because of their economic dependence on the Caste Hindus;

(d) the religious isolation of Harijans still persists in a considerable degree which is obvious from the comparatively smaller percentage of non-Harijans associating the Harijans in religious activities;

(e) the degree of awareness of Untouchability (Offences) Act has been found to be higher among non-Harijan respondents i.e.

77.7 per cent. as compared to the Harijan respondents among whom it was found to be 66.6 per cent.; and

(f) the evil of untouchability exists among the untouchables themselves and 18.3 per cent. respondents admitted practising untouchability against lower castes."

2. I am also referring to a few lines of the paragraph 2 on page 25, section IV of the Report of the Commissioner for Scheduled Castes and Scheduled Tribes for the year 1960-61.

"2. .... In pursuance of the recommendation of the Indira Gandhi Committee the Prime Minister recently (September 28 to October 1, 1961) called a National Integration Conference to which representatives of all major political parties, educationists, scientists and social workers were invited. In spite of these important measures the popular mind is apt to comprehend and interpret the problem in a very narrow sense — that the problem mainly concerns adjustment among communities professing various faiths or speaking different languages. I believe that the most important aspect of the problem of national integration are the integration of the Scheduled Castes with the caste Hindu society and that of the tribals with the general population of the country. Untouchability is an extreme form of casteism and, therefore, quickest ways have to be devised to do away with both simultaneously. It was in the fitness of things that the Vice-President Dr. Radhakrishnan emphasised this aspect of the problem in his inaugural address to the National Integration Conference. Casteism and untouchability are formidable barriers to emotional integration of the country. Casteism has spread its tentacles over all walks of life and has also pervaded the Muslim and the Christian communities in India.

*No change in the Notional meaning*

181. I am prepared to say that there is some change in the attitude towards 'Untouchability' in its literal sense but one has to, perforce agree with what Dr. Babasaheb Ambedkar, who on page 204 of his Note submitted to the Indian Franchise Committee, Vol. I of Indian Franchise Committee's Report 1932, says regarding the literal and notional meaning of the term untouchability. He says as follows:—

"If this is a correct statement of the facts of the life, then the difference between untouchability in its literal and notional sense is a distinction which makes no difference to the ultimate situation, for as (the extract from the Census report, 1921, of Bihar and Orissa) shows untouchability in its notional sense persists even where untouchability in its literal sense has ceased to obtain. This is why I insist that the test of untouchability must be applied in its notional sense."



182. It may be asked as to why is it that this quotation of Dr. Babasaheb Ambedkar is given? I have given this quotation because Dr. Babasaheb Ambedkar himself has given an answer to a similar question raised long before. He says in his Note of Dissent submitted to the Indian Franchise Committee as follows :—

“The system of the Caste and the system of untouchability form really the steel frame of the Hindu Society. This division cannot easily be wiped out for the simple reason that it is not based upon rational, economic and racial grounds.

On the other hand the chances are that untouchability will endure far long into the future than the optimist reformer is likely to admit on account of the fact that it is based on religious dogma.”

Page 204 of the Note, he further continues to say,

“Based on religion the ordinary Hindu only relaxes the rules of Untouchability where he cannot observe them. He never abandons them for the abandonment of untouchability to him involves a total abandonment of the basic religious tenets of Hinduism as understood by him and by the masses of the Hindus. Based on religion, Untouchability will persist as all other religious notions have done.”

*What is the result of the acceptance of Constitutional Provisions?*

183. There is no change in the place, position and status of the Scheduled Castes even after the Special guarantees and concessions, facilities and reservations given to these people. We can see and experience these facts, in actual life. This is because the Institution of Untouchability is based on the factors of Pollution and Isolation giving rise to the two meanings of the term Untouchability namely the Literal and the Notional. I do admit that the rigors of Pollution have been loosened and lessened. This has happened under the Modern conditions but this does not mean that untouchability in its notional aspect is changed to any extent at all.

*Why Conversion—Philosophy of Conversion*

184. Now let us see what has been change in mind and manners of both who converted themselves to Buddhism and also those who have not converted themselves. But before we go to this aspect let us see the propelling force behind conversion. Dr. Babasaheb Ambedkar converted himself to Buddhism because of his genuine desire and urge for the spiritual and cultural resurgence and regeneration. He surrendered himself to Lord Buddha and to his Dhamma with a higher and noble idea of creating the conditions for these people, free from social stigma, religious bondage and taboos. He wanted his people so to change themselves both outwardly

and inwardly and more especially spiritually, that they can cultivate and develop their minds and attitude towards life in such a manner that they would create a Society based on Pragnya, Karuna and Sheel. In simple language, he laid his people into the light of the Enlightened. We can notice and experience a notable and appreciable and radical change, not only in the out-look but in the mind and manners of the New Converts to Buddhism. That there is a great awakening, both, spiritual and cultural in the lives of these people, could easily be seen and experienced by everybody. That these people are making a supreme effort to change their out-look on the life, is also realised and accepted by everybody. That both Dr. Ambedkar and his followers have been congratulated for their conversion to Buddhism, is a fact which is within the knowledge of every individual.

#### *Result of conversion*

185. But is there any change in the outlook and the attitude in those who have been observing untouchability in both the senses of the term literal as well as notional? I am really very sorry to reflect on the mind, manners and attitude of those who have been observing untouchability for centuries together. The New Converts to Buddhism have been experiencing very bitter experience at the hands of such people. I need hardly mention that the New Converts to Buddhism are treated in the same manners as before. They have been taken to be the same persons belonging to the Scheduled Castes Community. The same prejudice continues. The same treatment, therefore, also continues. The same injustice and same ill-treatment have been meted out to them. It is really shocking and surprising to record that the New Converts to Buddhism continue to suffer from both factors of Pollution and Isolation as before their Conversion.

#### *Conclusion*

186. From the above discussion, it is clear that the Exterior Castes or the Scheduled Castes or even the New Converts to Buddhism continue to suffer from countless difficulties and disabilities. In spite of the fact that (1) The Social Reformers and revolutionaries directed their energies and efforts to change the place, position and status of these people, (2) The "Special Constitutional Provisions" are made in their favour to enable them to lift themselves up in the Social Scale, and (3) The conversion to Buddhism was intended to deliver them from the clutches and bondage of Untouchability.

## **PART II**

### **MAGNITUDE OF PROBLEM**

#### *The Magnitude of Problem—Its Nature*

187. We have seen and studied the position of the Buddhist in the Indian Society. Because of this state of affairs prevailing the problem of New

Converts to Buddhism has arisen. I shall now state the nature of problem of Schedule Castes first to understand the problem of the New Converts to Buddhism in the following terms :—

(1) That the New Converts to Buddhism are the people who belong to Scheduled Caste Community before their conversion.

(2) That the place, position and status of the Scheduled Castes in the Indian Society were decided and determined by the two factors of Pollution and Isolation.

(3) That because of these two factors, the Scheduled Castes were kept outside and beyond the "pale of general Community".

(4) That because of these two factors they were compelled and forced to live outside the boundary lines of the village occupied by the general Community.

(5) That because of these two factors they suffer from countless difficulties and disabilities.

(6) That because of their difficulties and disabilities they suffer from, they had to live the life of misery and poverty. Because of poverty and misery they had to depend for a piece of bread and jar of water entirely on the general Community.

(7) That because of this fact they could make out their living through the mercy and sufferance of the general Community.

(8) That because of their complete dependence on the mercies and sufferance of the general Community, they owed their very existence to the sweet will and desire of general Community. The general Community would, if it so desired, could destroy and annihilate them at any time they like.

(9) That because of this situation in which they were placed they had become completely helpless and hapless.

(10) That because of their helplessness and haplessness they had lost all sense of their prestige and self-respect, honour and freedom.

188. Now let us see and take into consideration the nature of the problem of New Converts to Buddhism as is found and obtained in actual practice :

(1) That, barring the question of a few and far between individuals who live in urban areas and also of those who are educated and therefore, employed in Government services and of those who are employed in the small Industrial places the New Converts to Buddhism occupy the same place, position and status in Indian Society and life.

(2) That, in fact, their place, position and status in the Indian Society is decided and determined by the two factors of Pollution and Isolation even after their conversion as is in the case of the Scheduled Castes.

(3) That, because of these two factors they were kept even after their conversion, outside and beyond the "pale" of the general Community as in the case of Scheduled Castes.

(4) That, because of these two factors the New Converts are compelled and forced to live outside the boundary line of the village occupied by the general Community as is happened in the case of the Scheduled Castes.

(5) That because of these factors the New Converts to Buddhism suffer from countless difficulties and disabilities as the Scheduled Caste Community does.

(6) That because of the difficulties and disabilities they suffer from, the New Converts to Buddhism have to live the life of misery and poverty as the Scheduled Caste Community does.

(7) That because of their misery and poverty the New Converts to Buddhism have entirely to depend for piece of bread and a jar of water entirely on the general Community.

(8) That, because of a very few New Converts to Buddhism have land of their own, a large number of them are landless and have no other means of living. They have, therefore, to eke out their living somehow, they have to live on the mercy and sufferance of the general Community as is in the case of the Scheduled Castes.

(9) That because of the complete dependence of the New Converts to Buddhism on the mercies and sufferance of the general Community, they have to owe their very existence to the sweet will and desire of the general Community. The general Community would, if it so desires, can destroy and annihilate the New Converts to Buddhism, at any time the general Community likes, as it would happen in the case of Scheduled Caste Community.

(10) That because of this situation — situation of living outside of the village, complete dependence on the sweet will of general Community — the New Converts to Buddhism have become completely helpless and hapless.

(11) That, because of their helplessness and haplessness, New Converts to Buddhism are likely to lose of all sense of prestige and self-respect and also freedom.

*Sum total effect*

189. What is the sum total effect of the propositions laid down for judging the nature and character of the problems of the New Converts to Buddhism? The sum total effect of these propositions is that :

(1) The New Converts to Buddhism have not changed their place, position and status which they occupied before their Conversion in the Indian Society.

(2) Even though they are spiritually changed in their mind and manners, there is no material change in their Social Status. They continue to be despised and disgraced as if they continue to suffer from stigma of Untouchability.

(3) There is no change whatsoever, in their economic position and status because the Conversion is mainly intended for spiritual and cultural elevation and not for any material benefit or gain.

(4) Their political position is worst than that of the Scheduled Castes because of the wrong construction, and understanding of the real nature, scope and purpose of the 'Special Provisions' incorporated in the Constitution of India and also the basic principles underlying the principles of Social Justice.

#### *Magnitude of Problem—Population*

190. What is the magnitude of the problem of the New Converts to Buddhism? Is it so insignificant and negligible that it could easily be bypassed and neglected? Let us take into consideration the factor of population first. I need not dwell here at length for the purpose of analysis of the population of the Backward Classes as a whole. According to the Census for the year 1951—

(1) The population of the Scheduled Castes was 30,03,024. Its percentage was 8.4 P. C. to the total population.

(2) The population of the Scheduled Tribes was 3,35,905. Its percentage was 9.4 P. C. to the total population.

(3) The population of the Other Backward Communities was 44,89,594. Its percentage was 12.6 P. C. to the total population.

191. What is now the population of the—

(1) Scheduled Castes,

(2) Scheduled Tribes, and

(3) New Converts to Buddhism,

according to the Census of 1961? The total population of the Maharashtra State is 3,95,53,718.

(1) The total population of the Scheduled Castes is 22,26,914. Its percentage to the population is 5.62 P. C.

(2) The population of the Scheduled Tribes is 23,97,159. Its percentage is 6.06 P. C. to the total population,

(3) The population of the New Converts to Buddhism is 27,89,501. Its percentage to the total population is 7.05 P. C.

192. Look at the figure and let us see whether the population of the New Converts to Buddhism is negligible and insignificant. The figures of the population of the Buddhists is such that it is bound to attract the attention of even of the blind man and prejudiced mind. Can we, therefore, say that the problem of the New Converts to Buddhism, is not enormous and big enough purely from the point of view of its Number? From the Social point of view it is, I am quite sure, bound to baffle even the most informed and the sceptical minds as it has done before in the case of the Scheduled Castes.

*What would be the result?*

193. What would be the result, if the situation as we have described under the propositions laid above, would continue for a long time? That because of their helplessness and haplessness they are likely to lose all courage and spirit arising out of the New Conversion Movement which was mainly intended for the reconstruction of new Society. These people are likely to lose and forget, in course of time, whatever change and awakening that is there, in their minds and manners, because of the conversion. I cannot imagine the loss and the damage not only to the new Converts to Buddhism themselves, but to the whole of the country and to the world large, which would suffer on account of it, if the New Converts relapse into the darkness and the abyss of Untouchability. This is really a problem every thinking and reasonable man must think of and ponder over.

194. I must also mention here that this is not for the first time that I am expressing my fear. I have expressed it, while speaking in the Bombay Assembly on the Governor's address, on the 25th February 1958, in the following language :—

“ Sir, when I came to the house, the thought which was agitating and oppressing my mind was the thought about the policy of the new Congress Government. I was wondering all along as to what would be the fate of the newly converted Buddhists since it was declared that the facilities which they were getting previously had been withdrawn. Sir I am referring to a particular philosophy of Buddhism, which is aimed at creating conditions to establish a society based on equality, liberty, justice and fraternity. We consider ourselves to be the spear-head of a movement intended to create those conditions, and the facilities are considered necessary notwithstanding this change in faith. Largely on account of the efforts of our revered leader Babasaheb Ambedkar, the Community has joined this force and momentum despite the lack of educational facilities

to them, and I think it would have been an impossible task to achieve for any other person of a lesser Calibre and Capacity. So, Sir, the thought about the facilities to the Buddhists was haunting my mind all along."

(Bombay Legislative Assembly Debates Vol. 5, No. 7, page 318).

As it was and still it is, in case of Scheduled Castes so also in case of the new converts to Buddhism is it not likely to defy all solutions? In other words the enormity of the problem of the New Converts to Buddhism is so big and baffling that its magnitude and dimension cannot simply be measured and gauged.

*The Nature of Problem — Is it temporary or permanent?*

195. We have seen the nature of the problem of the New Converts to Buddhism. We have also seen its magnitude and dimension. We shall now see whether the problem of these New Converts is a temporary one or a permanent one.

196. I will only quote what I said in the Bombay Assembly on the 25th February 1958 in connection with this problem. I said as follows:—

"I am glad that the Department of Government ultimately came out with a Resolution, extending the necessary facilities to neo-Buddhists. While appreciating this action on the part of Government, I fail to understand why Government is not prepared to come out with a permanent policy in this respect. Buddhism has come to stay in this country and we, the neo-Buddhists, are not likely to retrace our step. *It has, therefore, become a permanent question which requires a permanent solution.* If, therefore, the matter is left to the sweet will of any particular department of Government, or, for that matter to the Cabinet of any particular time, I am afraid this problem will never be solved permanently and in the manner in which it should be done. We shall all the while, be left to the mercy of Government. I, therefore, reiterate that a permanent solution must be found out for the welfare of the neo-Buddhists, and until that is done, we shall continue to agitate."

(Bombay Legislative Assembly Debates Vol. 5, No. 7, Page 519).

Will it be, therefore, wrong on my part to urge here for the permanent solution for this permanent problem of the great magnitude and dimension?

### PART III

#### SOLUTION OF THIS GIGANTIC PROBLEM

##### *A Solution suggested*

197. What should be the solution of such an enormous problem? I do not want to raise this question by way of a Riddle. For the purpose of

attracting the minds of every thinking and reasonable man with some amount of public interest, Social, Educational, Economic, Cultural, at heart, that I have raised this question by way of a Riddle.

198. My solution is that, since these New Converts to Buddhism, because of their social, economic and educational backward conditions, continue to suffer difficulties and disabilities as before their conversion they should be allowed to continue to enjoy the same benefits which they used to enjoy before their conversion. In other words they should be allowed to have :

(1) Réservations, Political, Social and Economic which contemplated and given under the Special Provisions of the Constitution of India and also.

(2) Other concessions and facilities to enable them to derive benefits arising out of those Réservations and concessions and facilities.

*Is it surprising and shocking ?*

198. I am quite sure that it may shock and surprise many if I suggest that the New Converts to Buddhism should be given, not only concessions and facilities but the Réservations and safeguards contemplated and adumbrated in the Special Provisions of the Constitution of India. Some of the critics may go to the length of jumping at my throat in order to ask me a counter question : " Why is it that you are asking the giving of Special Concessions and Facilities which are intended mainly for the Scheduled Castes, Scheduled Tribes ? Do you want to suggest in all seriousness that the New Converts to Buddhism should also be included in the category of Scheduled Castes for the purpose of reservations ? Do you want to carry Castes into Budhhist Religion by asking concessions and facilities exclusively mean for the Scheduled Castes ? Do you want to despoil and defile the Buddhist Religion for the sake of a few facilities and concessions ? What answers do you like to give to these questions ? "

199. I will not be surprised if these and similar other questions are asked to me. These questions may appear to be cogent and rational but to my mind these questions are so shallow that they have no depth and no reasoning behind them. Why is it what I say so ? I say so because those who raise such questions *do not know the real reason and rational, behind Réservations* and other safeguards including the concessions and facilities. Let me, therefore, explain. For the purpose of understanding the reason and wisdom behind my suggestion that the safeguards and Reservation should be given to the Buddhists, let me give the historical background as to whom the Reservation and safeguards were intended to be given originally.



*Reservation was not based on Religion*

200. I have maintained a proposition that the Reservation was not based on Religion. I have already dealt with this point elaborately while dealing with the place, position and status of the Scheduled Castes in the Hindu Social system. I have already mentioned that, though the Untouchables or the Scheduled Castes "Observed the religious rites prevalent in the Hindu Community and recognised the sacred as well as the secular laws of the Hindus, celebrated the Hindu Festivities", had the culture of the Hindu Community, they were compelled and obliged to live in a State of Isolation from the rest of the Community." They were in fact outside and beyond the pale of the Hindu Community. Even though they were within the steel frame work of the Hindu Social system; they were treated for all theoretical and practical purposes, Exterior Castes meaning thereby *A-Varnas*-A question may be raised why was it that the facilities and concessions were given to the Scheduled Castes only? I have got a very simple answer and the answer is that, *because they suffered from countless disabilities and difficulties* they were given facilities. That this was the criteria and measurement adopted for the purpose of making Reservations and giving safeguards and facilities even an ordinary mind will agree. That the *difficulties and disabilities* encountered by these people *were made a foundation for giving Reservations and safeguards*, would be found out from the history of Reservations and safeguards itself. This is my explanation *as to why and to whom the Reservations and safeguards were given* in the beginning. I, therefore, maintain a proposition that the Religion was not the basis of giving Reservation, facilities and concession. They were mainly and exclusively intended for those suffered from disabilities and difficulties, on account of the factors of Pollution and Isolation.

*What is the position of Buddhists?*

201. We have already seen and studied the facts of life of the Buddhist Community that they continue to suffer from the disabilities and difficulties on account of those two factors. That even though they have changed the Religion and broken the shackles of the Institution of Untouchability, unfortunate as they are, they are treated in the same way as before, continue to suffer from disabilities and difficulties as before and are obliged and compelled to live in a state of Isolation and segregation and are, therefore, quite powerless and miserable.

*Is it a wrong suggestion and recommendation?*

202. If these are the facts of life, would it be wrong on my part if I suggest that the New Converts to Buddhism should be allowed to enjoy and derive all benefits and facilities under the special Provisions of the Constitution which are mainly intended to establish political, Social and Economic Democracies.

*What is the foundation of the suggestion*

203. A question may be asked. It is alright for the Maharashtra Government or for that matter, any other Government to give facilities and Concessions to the New Converts to Buddhism but will not be thought it to be simply a 'favour and an indulgence' shown to the New Converts to Buddhism? How long any Government can allow this 'favour' and 'indulgence'?

204. I am aware of such a question raised and agitated upon ever since the Movement for Conversion to Buddhism is started. I must, therefore, give an answer for the purpose of resolving all doubts and difficulties which may be raised in future in connection with the question of giving Reservation and facilities to the New Converts to Buddhism. I must, also, give such an answer which would be in conformity with the principles of Social Justice and the Constitutional obligations. I have two foundations for my suggestion, namely :

- (A) The foundation of the Principle of Social Justice ; and
- (B) The foundation of the Constitutional obligation.

205. *Social Justice*.—That the principles of the Social Justice were made the foundation of the system for giving of Reservations and safeguards, concessions and facilities, I need not explain it elaborately. Because I have already done with that question at some other place of this note. I would, however, go deep down to the foundation *as to whom and for which people* the Reservations and safeguards were intended and given in the beginning.

206. It may appear that I am simply repeating the same matter over again but let me explain that it is not my intention simply to repeat. I have raised this fundamental question for two reasons.

I have raised it, in the first place, because it deals with the very *basis and essence of the principles of Reservations*. I have raised it, in the second place, because I want to go to the *very basic question* as to why the Article 46 accepted and engrafted in the Indian Constitution itself.

*Genesis and Origin of Reservation*

207. I will now answer the first question first. I will go to the genesis and the origin of the Reservation. The question of Reservation *as to why and to whom* it should be given was raised for the first time in its fundamental aspect by my Revered Leader Dr. B. R. Ambedkar before the Simon Commission in his Note of Dissent attached to the Report of Simon Commission. In that Note of Dissent Dr. Babasaheb Ambedkar says "There will be a general agreement that the needs of the minority for the political protection are commensurate with the *Power it has to*

*protect itself in the Social struggle.* That power obviously depends upon *the educational and economic status of the minorities.* The higher the educational and economic status of a minority of being politically protected. On the other hand *the lower the educational and economic status of a minority, the greater will be the need for its political protection.*

208. From this Note of Dissent it will be quite clear and beyond any shadow of doubt that the Reservations and safeguards were given to those people-castes, communities or minorities call what you like, who were *not in a position to protect themselves in the Social Struggle.* That the *power and ability of a particular community to protect itself in the Social Struggle was the criterion and a test* applied and taken into consideration for the purpose of giving reservations and safeguards, is so clear and obvious that it requires no further explanation and elucidation. *That the fact of ability to protect oneself in the Social Struggle is the foundation of Reservations,* I am sure, none will dispute and none will challenge. For the purpose of judging whether that power and ability to protect itself in the Social struggle was possessed by a particular community or not, two factors were taken into consideration. They were :

I. The Educational status ; and

II. The Economic status of a particular community.

That this is the genesis and origin of the Reservations is a historical fact which only the ignorant and the fool alone will deny.

209. What do we see from this discussion ? We find from this discussion that the Reservation and facilities were given :

(1) To the Community which was powerless, helpless, hapless *to protect itself* in the Social struggle ; and

(2) To the Community whose educational, economic and Social *status and position* was so backward and low, that it was quite helpless and hapless.

210. It will, therefore, be seen that two criteria, namely :

(1) Enability to protect in the Social Struggle, and ;

(2) Educational, Economic and Social status, were made the foundation of the principles of Social Justice.

*What is the status and position of the New Converts to Buddhism ?*

211. It is quite clear and beyond dispute that the New Converts to Buddhism :

(1) are quite powerless and helpless to protect themselves in the Social Struggle, and

(2) their status, Economic, Educational and Social is quite backward as to be helpless and hapless.

212. It will further be clear that on both criteria or tests namely,

- (1) Enability to protect in the Social struggle, and
- (2) The Education, Economic and Social status, the, *principle of Social Justice* should be made applicable in case of New Converts to Buddhism.

213. I, therefore, conclude that on both these criteria mentioned above, and also the principle of Social Justice, they are entitled to Reservations and safeguards, concessions and facilities.

#### PART IV

##### THE CONSTITUTIONAL FOUNDATION OF SUGGESTION

###### *What is the Constitutional Position*

214. Having heard my argument that the principle of Social justice is the foundation of my suggestion it may argued against me that : "It is alright to talk of Social Justice and of all sorts of moral obligations for making Reservation and giving facilities in favour of the New Converts to Buddhism. But is there any Constitutional and legal duty imposed on the State to make any Reservation for these people? Is there any Constitutional Obligation? Is there any Constitutional foundation for making a suggestion that the Reservations and facilities should be declared in favour of the New Converts? What is the answer and what is the explanation? I am aware of the fact that such and similar arguments may be advanced against my suggestion to silence and to destroy it. I, therefore, must explain as to what the Constitutional position is.

###### *The Article 46 of the Constitution*

215. Let us see as to why the Article 46 is engrafted in the Constitution. In other words, let us find out the genesis and the origin of the fundamental principle underlying the Article 46 of the Constitution. In order to understand the genesis of the principles accepted under the Article, let us read this Article itself. It reads as follows :

"The State shall *promote* with *special care* the *Educational* and *Economic* interest of the *WEAKER SECTION* of the People, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall *protect them* from *Social injustice* and all forms of *exploitation*."

216. Let us now analyse the Article. What do we find? We find :

- (1) That it speaks of the *PROTECTION*.
- (2) That it speaks of the protection of *WEAKER SECTION* of the people.

(3) That it speaks of the *protection from all the SOCIAL INJUSTICE.*

(4) That it speaks of the protection from all *FORMS OF EXPLOITATION.*

217. In other words it speaks of the *protection of the Weaker Section,* from Social injustice and exploitation in any form or shape. It would be of some interest to the students of the Constitutional Law to know that, no where in the Constitution of any other country, that we find such similar provision or even analogous provision as is found in the Indian Constitution except in the Constitution of Burma, 1948. The Article 35 of the Constitution of Burma speaks as follows :

“The state shall promote with special care the *Educational and Economic interest* of the Weaker and less *advanced sections,* of the people and shall *protect them from Social injustice and all forms of exploitation.*”

218. Except the Constitutions of these two countries—India and Burma no other Constitution speaks of the *Protection* of the weaker and less advanced people from Social injustice and all forms of exploitation. But why such provision is incorporated in the Constitution itself? Let us find out the background.

#### *What is the difference between the two*

219. Now, let us find out as to what difference is between the “Protection Clause” of the Note of Dr. Babasaheb and “*Protection Clause*” of the Article 46. A careful study will reveal that there is no difference between these two “Protection Clauses”.

220. What is the difference between these two protection clauses and the “Protection Clause” as is found in the Constitution of Burma. The study of these three “Protection Clauses” discloses complete unanimity and uniformity. It is clear that all those *three clauses* speak with *one Voice* and with *one mind.*

#### *What must be Reasons*

221. It is really very interesting and instructive to find out the reason and the background as to why there is complete unanimity and uniformity. Why is it so? I have my own reasoning, which is as follows :—

#### *Personality of Dr. Ambedkar*

(1) That it was Dr. Babasaheb Ambedkar who drafted the said Note of Dissent. In other words it was Dr. Babasaheb who was the author of the Note prepared in 1928.

(2) That it was Dr. Babasaheb Ambedkar who is the main Architect and the Author of the Constitution of India.

(3) That it was Sir B. N. Rao who was the Constitutional Advisor to the Drafting Committee of the Constitution of India.

(4) That it was Sir B. N. Rao who was also the Constitutional Advisor to the Drafting Committee of the Burmese Constitution.

222. I need not, therefore, emphasise that it must have been the Master mind of Dr. Babasaheb who was also the Master Artist and Architect of the Constitution of India, which is completely and thoroughly reflected in the "Protection Clauses" of the Constitution of India and Burma. It is, therefore, clear that the powerful personality of Dr. Babasaheb who had the emancipation and liberation of the "Untouchables" as the Mission of his life must have created a powerful impression and impact on the Article 46 itself.

#### *Impact of Circumstances*

223. The second contributing factor for the unanimity and uniformity we find in the "Protection Clauses" is the impact of circumstances. Why was the "Protection" Clause incorporated by Dr. Babasaheb in his Note of Dissent? The reason is so obvious and so clear that it needs no explanation. But any explanation is needed, let us study the following circumstances.

#### *Mission of Life of Dr. Babasaheb*

224. Dr. Babasaheb whose Mission of life was to emancipate and liberate his people, wanted to get some special means, weapons, and devices in the shape and form of Reservations and Safeguards, concession and facilities for his people. As to what were his efforts and endeavours is a matter of historical interest and importance. It is for the Student of History to investigate and to research. It is enough for my purpose to mention here that Dr. Babasaheb Ambedkar not only pleaded for the *acceptance* of the "Protection Clause" but made supreme efforts in 1928-29 for its recognition and incorporation in the future Constitutional frame work by the then Rulers. When the task of framing the Constitution was entrusted to him by no less a Personality than Mahatma Gandhi himself it was, therefore, but natural for Dr. Babasaheb to take this opportunity to engraft and incorporate the "Protection Clause" which was his own creation in Constitution of India. This clause we find reflected in the Article 46.

#### *The Position in 1927-28*

225. Dr. Babasaheb wanted the "Protection Clause" to be accepted and incorporated in the future Constitution of India, because he found that the untouchables or the Depressed Classes, as they were then called, were *Powerless and helpless to protect themselves in the Social struggle in 1927*. He found that the place, position and status educationally, economically

and Socially of his people were so hopelessly backward that they were powerless and helpless to protect themselves in *the Social struggle*.

*Was there any change in 1948-49*

226. Was there any change in the place, position and status educational, economic or Social at the time when the Constitution of India was being framed? To understand and appreciate this question let us read the Article 46 itself. It speaks of :

- (1) the protection from *Social injustice and exploitation*;
- (2) of the Scheduled Castes and the Scheduled Tribes, and;
- (3) of the other weaker sections of the people, besides the Scheduled Castes and the Scheduled Tribes.

*What is the inference?*

227. From reading of this protection Clause, what is the inference that we can draw? The only inference that we can draw is that there are some weaker sections of the people and in particular the Scheduled Castes and the Scheduled Tribes who are so powerless and helpless that :

- (1) They are not in a position to protect themselves in the Social Struggle; and
- (2) They, therefore, require Special protection from *Social injustice and exploitation*.

*The Discussion reveals that—*

228. This discussion will clearly reveal as to why there is complete unanimity and uniformity in between these three "Protection Clauses". This unanimity and uniformity will further reveal as to :—

- (1) Why the Article 46 is engrafted in the Constitution of India, and
- (2) What is the genesis and origin of the fundamental principle under the Article 46.

The origin and genesis of the Article 46 will clearly show that this "Protection" clause is engrafted for the purpose of :

- (1) giving protection to the weaker Section of the people;
- (2) who are in need of protection from Social injustice and exploitation; and
- (3) which people are powerless and helpless to protect themselves *in the struggle for life and existence*.

*What is the Position of New Converts ?*

229. That the New Converts to Buddhism are quite powerless and helpless to protect themselves in the Struggle for life and existence, is now beyond doubt and beyond suspicion. Because we have already seen and studied as to what difficulties and disabilities they suffer and encounter on account of their place, position and status even after their conversion. They are completely and hopelessly powerless to protect themselves in the Social struggle. They, therefore, need protection from Social injustice and exploitation. It is, therefore, clear that the Article 46 and principles underlying it must be completely and fully made applicable to them.

*What is the Conclusion ?*

230. The conclusion of this discussion is that under the Article 46 the Constitutional duty and an obligation is thrown on the State to make provision for them for Reservation, and safeguards, Concession and special facilities as is done in the case of the Scheduled Castes and Scheduled Tribes. Because there is no change whatsoever in between the place, position and status of the New Converts to Buddhism and that of the Scheduled Caste and Scheduled Tribes.

*Constitutional Position of the Directive Principles*

231. By reading my argument that the State is under the Constitutional Obligation to make Reservations, Political, Social, economical and educational, in favour of the New Converts to Buddhism, an objection is bound to be raised. It may be objected that I have taken shelter and based my argument for seeking the Reservations and safeguards, Concessions and facilities for these people under Article 46 of the Constitution. What is the use of talking of Article 46 which is not *Justiciable*. In fact, the whole Chapter on the Directive Principles deals only with the State policy and that none of the Articles from the Chapter of the Directive Principles is justiciable? How can we therefore suggest that the State is under the Constitutional obligation under the Article 46 to make Reservation and give facilities in favour of the New Converts to Buddhism? I can quite understand the basis of such an objection, if taken. But let me make my position clear. I am not taking any shelter under the Directive Principles. My stand is based on the firmer and solid ground of the Constitutional provisions to which I shall refer to presently.

232. But before I go to those Constitutional provisions, let me clear the point as to the place and position, the Scope and the purpose of the Directive Principles under the Constitution.



*Scope and purpose of the Directive Principles*

233. What is the Scope of these Directive Principles under the Constitution? It has been often said and repeated *ad nauseum* that the Directive Principles are not justiciable. I do not want to dwell at length on the importance and the scope and purpose of the Directive Principles.

*Views of Dr. Ambedkar*

234. I will simply quote Dr. Babasaheb Ambedkar to describe these Directive Principles as "*Instrument of Instructions*". In fact, he has warned that whoever captures power will not be free to do what he likes with it. In the exercise of it, he will have to respect these Instrument of instructions which are called "Directive Principles". In view of the expression of such weighty view of Dr. Babasaheb Ambedkar, can it be seriously suggested that these Instruments have no utility and no value. If need be, I would give the words of Dr. Ambedkar again :

"In enacting this Part of the Constitution, the Assembly is giving certain directions to the future legislature and the future executive to show in what manner they are to exercise the legislative and the executive power they will have. Surely it is not the intention to introduce in this Part these principles as mere pious declarations. It is intention of the Assembly that in future both the legislature and the executive should not merely pay lip service to these principles but that they should be made the basis of all legislative and executive action that they may be taking hereafter in the matter of the governance of the country."

(C. A. D. Vol. VII, Page 476).

This is the evaluation of the Directive Principles made by Dr. Babasaheb who is the main Architect of the Constitution itself. Can we brush aside his views as of no significance?

*The Supreme Court Views*

235. I need not cite here different cases decided by the Supreme Court in which cases it has given its own evaluation of the Directive Principles. Our Supreme Court has, in fact, helped and aided implementation of the Directive Principles in substantial manner in different cases.

236. *Unique and singular position.*—Limited as my knowledge is; I am of the opinion, as a Student of the Constitutional Law that these Directive Principles occupy very unique and singular position in our Constitution, the parallel of which we find in no other Constitution. In fact, the unique nature of the Directive Principles has made a contribution to the science of Government as the Federal Principle under the American Constitution has done. Let us, therefore, not treat these Directive Principles lightly and light-heartedly and dismiss them contemptuously, saying that these Directive Principles are not justiciable.

*Other Provisions — Foundation of my proposition*

237. I would now deal with the Constitutional Provisions under which the State is under the Constitutional obligation to make Reservation and safeguards in favour of the New Converts to Buddhism. I shall cite and rely on the Articles 46, 15(4), 16(4), 330 and 335 in support of my proposition.

(1) *Article 46.*—This Article speaks of—

(i) the giving of the protection to the weaker sections of the people from the Social injustice and exploitation in any shape or form.

(ii) it also speaks of *Promoting* with a special care the educational and economic interest of the weaker sections of the people.

(2) Article 15(4) speaks of that it would be open to the State to make special provisions for the advancement of any Society and educationally, Backward Classes of Citizens or for the Scheduled Castes and Scheduled Tribes.

238. What proposition of the Constitutional obligation these two Articles lay down? The reading of these two Articles clearly and unambiguously lay down the following propositions. That the State shall make special provisions for the promotion and advancement of any socially and educationally, backward classes of citizens or weaker Sections of the people or for the Scheduled Castes and Scheduled Tribes.

*The Article 46 gives direction*

239. (1) to promote with special care the educational and economic interest of the *weaker sections* of the people and the Scheduled Castes and the Scheduled Tribes and ;

(2) also to *protect* the weaker sections of people from *social injustice* and all forms of Exploitation.

240. Article 15(4) speaks of the exercise of the power and authority by the State for making any special provisions for the advancement of any

socially and educationally Backward Classes of citizens, or the Scheduled Castes and Scheduled Tribes. In other words it speaks of (1) the exercise of power and authority not only inherent, but specifically given to the State under the "Special Provisions" of the Part XVI of the Constitution of India and in the second place it speaks that (2) such exercise of power and authority shall not be construed and considered as the exercise of power discriminating against any citizen.

*What is the similarity between these two Articles?*

241. Following are the points of similarity :—

(1) The Article 46 uses, the words "*Special care*" the Article 15(4) uses the word "*Special Provisions*".

(2) Article 46 uses the words "*Educational and Economic interest of the Weaker Section*".

Article 15(4) uses the words "*advancement of socially and educationally Backward Classes of Citizens.*"

*What is the difference between them?*

242. (1) Article 46 speaks of giving of direction to the State.

The Article 15(4) speaks of the *exercise of power and authority* by the State, given to it under the Constitution itself.

(2) The Article 46 uses the word "promote" the Article 15(4) uses the words "for the advancement".

(3) The Article 46 speaks of *weaker sections* of the people.

The Article 15(4) speaks of *Backward Classes of Citizens*.

(4) Article 46 speaks of giving of direction to *protect* from Social injustice and exploitation. Article 15(4) speaks of the *exercise of powers for advancement*.

*What is the sum total effect of the points of similarity and dissimilarity?*

243. Whatever may be the points of difference in between them there is greater and more similarity than dissimilarity in between them. Because of the similarity both of them lay down one and the only one proposition and that is "The State shall promote with special care, the educational and economic interest of the weaker sections of the people and will exercise its power and authority in making special provisions for the advancement of any socially and economically backward classes of citizens, and the Scheduled Castes and Scheduled Tribes". That this is the proposition we derive from the reading of these two articles, none will deny and a few will challenge.

*Article 16(4)*

244. The Article 16(4) speaks of the exercise of the power and authority by the State for "making any provision for the Reservation of appointments or posts in favour of *any backward class of citizens*, which is not adequately represented in the services under the State." In fact it speaks of (1) the exercise of power and Authority not only inherent but specifically given to the State under the "Special Provisions" of the Part XVI of the Constitution of India and in second place it speaks that (2) such exercise of power and authority shall not be construed and considered as the exercise of power discriminating in between a citizen and citizen. In other words it lays down the Provision for making a provision for Reservation of appointments and posts for the purpose of representation in the services in favour of any backward class of citizens.

*What is the difference between Article 15(4) and 16(4)*

245. I want to advance two points, namely :—

(1) To my mind, the only difference appears to be that the Article 15(4) speaks of the exercise of powers by the State in making of special provision for the advancement of any socially and educationally backward class of citizens or for the Scheduled Castes and Scheduled Tribes, the Article 16(4) also speaks of the exercise of powers by the State for the purpose of making provision for Reservation in public services for the adequate representation of any backward class of citizens.

(2) While the Articles 46 and 15(4) add the words "the Scheduled Castes and Scheduled Tribes" to the words "Weaker Section of the people" in the Article 46, and the words "any socially and educationally backward classes of citizens" in the Article 15(4) for the purpose of promotion and advancement of educational and economic interest of the educationally and economically backward classes of citizens or the weaker sections of the people, the Article 16(4) does not, any where in its body, use the words "The Scheduled Castes and Scheduled Tribes" for the purpose of making Reservation for adequate representation in the Services.

*Why is it so?*

246. Why does the Article 16(4) not make any mention of "the Scheduled Castes and Scheduled Tribes for the purpose of Reservation and adequate representation"? The reason is quite clear. The reason is, that the Article 335 makes a mention of taking into consideration the claims of the Scheduled Castes and Scheduled Tribes at the time of making of appointment in the public services.

247. If this is the position we derive after reading these Articles, the problem for consideration arises. The problem for consideration, therefore, is whether the Articles 46, 15(4), 16(4) on the one hand and the Articles 330 and 335 on the other, are mutually exclusive and collectively exhaustive or all of them are collectively exhaustive but mutually not exclusive. What is the answer? To my mind and according to my judgment, the Articles 330 and 335 are not mutually exclusive to the Articles 46, 15(4) and 16(4). But all of them are mutually in agreement in respect of the Reservation for adequate representation of these Classes namely, the economically and socially Backward Class of citizens or Weaker Section of the people or Scheduled Castes and Scheduled Tribes.

#### *The Conclusion*

248. The reading of these Articles together do, therefore, support my proposition that *all these Articles throw Constitutional responsibilities on the State to make some Special Provisions for Reservations and also for giving special facilities to the New Converts to Buddhism.*

249. Reading my conclusion, counter question is bound to be raised. It may be in the following terms. Are the terms "Weaker Section of the people", "The socially and educationally Backward Classes of citizens" or "any Backward Class of citizens", "The Scheduled Castes and the Scheduled Tribes" mean one and the same thing? What is the answer? To my mind these terms are not mutually exclusive and collectively exhaustive. They do, according to my study, *these terms mean one and the same thing for the purpose of making reservation, political, educational, Social and economical.* My reason is, that we must not forget for the purpose of understanding this Constitutional, the fundamental principles underlying the Protection Clause of the Article 46.

250: A doubt may be raised as to what is the basis for such an inference? This doubt could be resolved and removed if we only study the meaning and connotation of the terms "educationally and economically Backward Classes of citizens", "The Weaker Sections of the people" and the Scheduled Castes and Scheduled Tribes. But what is the basis for my argument?

#### *Meaning of the term "Backward Classes"*

251. Let us, therefore, try to understand the definition of the term "educationally and Socially backward Classes of the Citizens".

What is meant by "Backward Classes"? Let me, at the outset make one point, clear, namely, that word "Backward Class" is no where defined in the Constitution of India. It is not only not defined in the Constitution of India, but its meaning and connotation is not, as yet, determined, at all.

It is, therefore, used in various and different Articles of the Constitution of India, though they lead to the same conclusion. But some of the Students of the Constitution assign various meanings to the word "*Backward Classes*". The following are the meanings assigned to that word :

(I) Our Prime Minister, Pandit Nehru observed that, "Socially includes economically". (Basu on the Constitution of India — Commentary Vol. I Page No. 469).

(II) "All backwardness is primarily due to the economic insufficiency". (Basus Commentary).

(III) "Backward" means economic backwardness.

(IV) Backward "Classes" means the *Weaker Section of the people* including the Scheduled Castes and Scheduled Tribes. (Dr. Babasaheb Ambedkar's speech made in Parliament on 18th May 1951).

Because of these meanings, there has been complete chaos and confusion as to the real meaning of the word Backward Classes. And, therefore, problem as to why different words are used in different Articles.

#### *Conclusion*

252. What is the Conclusion as to the meaning of the word "Weaker Section" and "Backward Classes". According to Dr. Babasaheb weaker sections meant the backward Classes and such other Classes *who were for the moment "unable to stand on their own feet"*. This means, that test of "*ability or inability to stand on their feet*" or *the powerlessness or inability to protect in the Social Struggle*" is the test that should be applied to judge as to who are the backward Class or the weaker section of the people.

#### *New Converts — Their Position*

253. If we adopt the tests of "ability to stand on their own legs" and "ability to protect in the Social Struggle" it could easily and fittingly be applied to the New Converts to Buddhism who are not in position to protect themselves in "the Social Struggle" for life and not in a position to stand on their legs.

#### *The Constitutional obligation must be fulfilled*

254. If this is the test then it should be made applicable to these New Converts for the purpose of giving them the Reservation for the purpose of their adequate Representation. Because of this Constitutional position obtainable and under the Articles 46, 330, 335, 15(4) and 16(4) that I have advanced the proposition and made the suggestion in all seriousness, that "the New Converts to Buddhism should be allowed to enjoy and to have all the benefits and concession and facilities and the Reservation, Social,

Political, Economic and educational, so that they can be the spear head of the *New movement for creating the conditions for the establishment of the New Indian Society based on the principles of Justice, Liberty, Equality and Fraternity* an ideal and a dream envisaged and adumbrated in the PREAMBLE of the Constitution of India.

## CHAPTER VI

### OTHER BACKWARD CLASSES AND THE DENOTIFIED TRIBES AND THE NOMADIC AND SEMI-NOMADIC TRIBES

#### *The Problem of the Other Backward Classes*

254A. The problem of the Other Backward Classes is of an enormous size and dimension. It is the problem which assumes importance, because the Constitution of India has thrown some special responsibilities on the State for the purpose of giving to these Other Backward Classes; some special concessions and considerations. These Other Backward Classes have also become a problem of problems.

#### PART I

##### WHAT SHOULD BE CRITERIA

##### *The Problem of Problems*

255. The Problem of the Backward Classes has become the problem of problems. Because this problem has given rise to the following knotty problems namely :—

- (1) What is definition of the term "Backward Class".
- (2) who should be considered as of "Socially and economically Backward Class of citizens ?
- (3) What should be the Criteria that should be adopted to determine the "Backwardness" of the Backward Classes ?
- (4) What should be facilities and concessions which should be given to them ?

It may be noted that, simple as these problems may appear to be they have baffled many minds and have, therefore, defied all solutions so far.

##### *No Definition*

256. It is really a matter of great surprise that no where in its body the Constitution has defined the term "Backward Class". The Constitution has not defined it, in spite of the fact, that this term has found place in various articles of the Constitution itself. A reference may be made to the following Articles :

(1) *The Article 340*

The Article 340 speaks of the appointment of the Backward Classes Commission "to investigate the Conditions of *socially and educationally Backward Class* and the difficulties under which they labour and to make recommendations as to what steps should be taken to remove those difficulties and to improve their conditions".

This Article is quite comprehensive and of such a scope that it contemplates to deal with the life of these people in all of its aspects and with steps that should be taken to improve their conditions and remove difficulties encountered by them. It should be profitable to remember that this article belongs to "the Special Provisions" under the Part XVI of the Constitution.

(2) *The Article 15(4)*

The article 15(4) speaks of the exercise of powers by the State for the purpose of "making any Special provisions for the advancement of any *Socially and educationally Backward Classes of Citizens* or for the Scheduled Castes and Scheduled Tribes.

This Article speaks of the power of the State to make special provision for making any provision for this Class of Citizens.

(3) *Article 16(4)*

The Article 16(4) speaks of making of provision, *for the reservation of any Backward Class of Citizens* for their adequate *representation* in the services under the State.

This Article speaks of making provision for the reservation in services.

257. What do these articles lay down? These Articles lay down that the State must make special provision for the *advancement and reservation in services* and for the removal of *difficulties* encountered by the *Socially and economically and educationally backward Classes*. But no *definition* of the Backward Classes is given and *no Criteria* laid down for the purpose of defining and determining as to what Classes should be called as "Backward Class". A baffling problem has, therefore, arisen.

*Various efforts*

258. Because there is no definition and no Criteria laid down in the Constitution to determine as to what Classes should be called the Backward Classes various States including the Union State made various efforts to define them. But there is, it appeared to be, no unanimity as to the definition or as to the Criteria which should be taken into consideration. With the result the Backward Classes Commission had to be appointed.



*The Backward Classes Commission*

259. Finding that different States adopted different definitions and Criteria to decide as to who should be called the "Backward Classes" under the article 340, the President of India, appointed under Order No. 70/53, Pub., dated 29th January 1963, the Backward Classes Commission under the Chairmanship of Kakasaheb Kalelkar with the following terms of reference :—

"(a) determine the criteria to be adopted in considering whether any sections of the people in the territory of India (in addition to the Scheduled Castes and Scheduled Tribes specified by notifications issued under Articles 341 and 342 of the Constitution) should be treated as socially and educationally backward classes; and, in accordance with the criteria, prepare a list of such classes setting out also their approximate numbers and their territorial distribution;

(b) Investigate the conditions of all such socially and educationally backward classes and the difficulties under which they labour; and make recommendations:

(i) as to the steps that should be taken by the Union or any State to remove such difficulties or to improve their conditions, and

(ii) 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.

(c) investigate such other matters as the President may hereafter refer to them; and

(d) present to the President a report setting out the facts as found by them and making such recommendations as they think proper."

260. This Commission reported to the President of India in 1955. But the Government of India thought that the Recommendations made by the Backward Classes Commission in determining the criteria as to, who were the Backward Classes were too wide and besides the mark. The Union Government therefore did not accept them with the result that different States follow different methods and the Chaotic conditions in this respect continue to prevail under the Constitution itself.

## PART II

### REAL CRITERIA

261. The Various suggestions have been made as to the Criteria that should be taken into consideration in order to decide as to who should be classified as "Backward Classes". I need not bother with other criteria suggested by the other States. I would like to suggest my own.

I suggest that the following three Criteria should be taken into consideration to resolve all controversy and to settle all disputes once for all over the definition of the Backward Classes :—

These Criteria should be :

- (1) Social Backwardness ;
- (2) Educational Backwardness ; and
- (3) Economic Backwardness.

That these are the tests which should be taken into consideration none will, I hope, challenge. Why ? Because I have my own reasons—and cogent reasons too.

#### *Reasons for the Suggestion*

262. Let us read the Articles 340, 15(4), 16(4) and 46. What do we find ? The combined reading of these Articles clearly reveal that these Articles themselves speak in these three terms, namely :—

(I) “ *Socially and educationally Backward Classes* ”—under the Article 340 ;

(II) “ *Socially and educationally Backward Classes of Citizen* ”—under the Article 15(4) ;

(III) “ *Any Backward Class of Citizens* ” under the Article 16(4) ;

(IV) “ *Educational and economic interests of the Weaker Sections of the people* ” under the Article 46.

If any doubt arises let me give the observation of our Prime Minister, Pandit Nehru who had observed that the term “ *Socially* ” includes, “ *Economically* ”.

These are my reasons. The meaning of my suggestion, in other words is that :—

- (1) “ *Social Backwardness* ” is based on the Caste ;
- (2) “ *Educational Backwardness* ” is based on the historical background, and
- (3) “ *Economic Backwardness* ” is based on the status, place and position of these people and they, therefore, should be taken into consideration.

*Sanguine Desire*

263. I am quite sanguine and hopeful that this will be the *criteria* which will be accepted by all, because it is based not only on reason and wisdom, but on the Constitutional provisions themselves.

## PART III

## DENOTIFIED TRIBES AND NOMADIC AND SEMI-NOMADIC TRIBES

*What Category they should be included?*

264. I can understand the problems of :

- (1) The Scheduled Castes, and
- (2) The Scheduled Tribes, and
- (3) The Other Backward Communities.

They could be classified and characterised according to some well recognised factors.

265. The problems of the Scheduled Castes and the New Converts to Buddhism is based on two factors :

- (1) The factor of Pollution and Isolation, and
- (2) The factor of their inability and powerlessness to defend and protect themselves in the Social Struggle.

266. The problem of the Scheduled Tribes, is mainly based on two factors :

- (1) Their habitat in forests and in jungles.
- (2) Their being away from the main stream of Civilization.

267. The problem of the Other Backward Communities is based on their social, economic and educational position, place and status in the Indian Society.

268. But it is very difficult to understand the problems of the De-Notified Tribes, and Nomadic and Semi-nomadic Tribes.

269. On what factors their place, position and status should be determined in the Society, is a question of questions. I would, therefore, leave this matter entirely to the Research students. It is really speaking, a very good subject for the thesis for any research student. It would be enough for my present purpose to mention that, at least, there is an awareness of the problem on the part of Union and the States to the effect that there does exist the problem of De-Notified, Nomadic and Semi-Nomadic Tribes.

270. It is also gratifying to note that the Sub-Committee constituted by the Central Advisory Board, for Tribal people in, 1958, has made the

report. I hope that the States will implement their recommendations for the welfare and upliftment of these tribes.

*Suggestion*

271. I suggest, therefore, that the De-Notified, Nomadic and Semi-Nomadic Tribes should be classified under one Category for the purpose of the Reservation in the public services and that the percentage for them should be fixed according to their population.

CHAPTER VII

TERMS OF REFERENCE ANSWERED

272. In the light of forgoing discussion and the examination and enquiry into the problems for the Reservation for Backward Classes in the Public Services, I want to answer now the matters referred in the Terms of Reference. My answers are as follows :

*First Term of Reference*

273. With a reference to the First term of Reference my answer is emphatically in the negative. I entirely agree with the main report of the committee so far as this terms of Reference is concerned with some more important additions. *My reasons for additions are :—*

1. That, since the State has not taken into consideration the population basis of the Backward Classes as a whole for the purpose of fixing the percentages in Reservation for these Classes, it cannot be therefore said that the State has taken adequate and sufficient measures to ensure the satisfactory recruitment of the Backward Classes in the public services.

2. As a Corrollary of the first proposition it follows that :

(a) Since the population of the Scheduled Castes is not taken into consideration for fixing the percentages in Reservation, it cannot be said, that the State has taken adequate and sufficient measures to ensure the satisfactory recruitment of the Scheduled Castes in public services.

(b) Since the State has not taken into consideration the population of the Scheduled Tribes for the purpose of fixing percentage in Reservation for the Scheduled Tribes, it cannot therefore be said that the State has taken adequate and sufficient measures to ensure the satisfactory recruitment of these people.

(c) Since the population of the Other Backward Communities has not been taken into consideration for the purpose of fixing the percentage in Reservation, it cannot be said that the State has taken adequate and sufficient measures to ensure the satisfactory recruitment of Other Backward Communities in public services.

3. Since the State has not taken sufficient and adequate measures for the purpose of Reservation in recruitment of the Backward Classes, it cannot be said that *the object for which the reservation in public services is made under the Constitution for the Backward Classes and more especially the Scheduled Castes and the Scheduled Tribes has been achieved.*

4. That since the State has dumped the Scheduled Castes, Scheduled Tribes, Other Backward Communities together for the purpose of fixing percentage in the Class I and II services and Posts, it cannot be said :

(i) that the measures are adequate, and

(ii) that they are likely to ensure the satisfactory recruitment in public services.

274. *What are the factors which retarded the smooth implementation of the existing measures ?*

There are a number of factors which retard even the implementation of whatever measures taken by the State for the purpose of ensuring the satisfactory recruitment of the Backward Classes to the public service. The following are the other factors :—

(a) The failure on the part of the Appointing and Selecting Authorities to understand the reason and rationale underlying the principles of Reservation made in favour of these Classes in the Constitution in the services under the State.

(b) The failure on the part of the Appointing and Selecting Authorities to develop an attitude of sympathy towards the Candidates belonging to these Communities.

(c) The lack of sympathy on the part of the Appointing and Selecting Authorities, at times amounts to apathy and even to antagonism.

(d) The failure on the part of the Appointing and Selecting Authorities even to understand the implications of the policy underlying various resolutions passed, orders issued, circulars circulated and Government Rules made by the Government in giving special concessions and facilities in favour of these people.

(e) The existence of a tenancy in the Appointing and Selecting Authorities to call and to reject the qualified candidates belonging to these Classes.

(f) I add to the list of factors enumerated in the Main body of the report under the clauses (a) to (h) to referred to, while dealing with the first term.

*Second Term of Reference*

275. For the purpose of understanding implications of this term of Reference we have to divide it into two parts—

- (i) The First part deals with system of Recruitment.
- (ii) The Second part deals with the difficulties and disabilities under which these Classes labour.

I shall now deal with the first part of the second term of Reference and assign the following reasons.

*System of Recruitment*

276. (1) The failure on the part of Government to understand the implications and real purpose of the "Special Provisions" of the Constitution that the system of recruitment has become quite defective.

(2) The defective system of recruitment is bound to fail to ensure the fair representation of the Backward Classes in the public services and also bound to fail to have sufficient recruitment in the public services from Backward Classes.

(3) The result of this faulty system is that the Constitutional provision laid down under the articles 16(4) and 335 are not observed. This is against the Constitutional Obligations imposed on the State under the Constitution. I may be permitted to say that this is nothing but a fraud on the Constitution itself.

(4) Since the system is based on the misconception and misunderstanding of the Constitutional provisions it cannot bring any fair and adequate representation in the Services from the Backward Classes.

(5) The whole system which is followed at present must, therefore, be modified in such a manner as to be—

- (i) in tune with the Democratic form of Government, and
- (ii) in conformity with the Provisions of the Indian Constitution itself.

*Difficulties and Disabilities*

277. (I) Since there is no change, in the place, position and status Social, Educational and Economic of the Backward Classes they continue to suffer from the same difficulties and disabilities as before, inspite of the fact, that they have been given special concessions and facilities to enable them to get entry in the public services under the system of recruitment.

(II) Since there is no change in the attitude on the part of the Appointing and Selecting Authorities towards these people, they, unfortunate as they are, continue to suffer from the same difficulties and disabilities inspite of the fact that they have been given various concessions and facilities under the system of recruitment.

(III) Because there is a lack of facilities for training the candidates belonging to these Classes for the Competitive examinations, the Backward Classes, continue to suffer from considerable difficulties in getting an into the public services.

(IV) Because there is complete lack of the Central agency at Secretariat level to look after the interests of these Classes and the proper enforcement of the system of Recruitment, these Classes continue to labour under considerable difficulties in getting their entry in the public services.

(V) Because of a default on the part of the Appointing Authorities to understand the system of recruitment and also various orders and circulars issued by the Government, these helpless Classes continue to suffer from difficulties and disabilities.

(VI) Because of the Place, position and Status in the Society these people have become so powerless and helpless that they continue to suffer from the same difficulties and disabilities as before, for, they are not in a position to enjoy and take advantage of the concession and facilities given to them to facilitate their entry into public services.

#### *The Third Term of Reference — Recommadatory Terms*

278. (1) The third term of Reference speaks of the making of recommendations as to what steps should be taken to :—

1. Improve the system of Recruitment, and
2. Remove the said difficulties suffered by the Backward Classes in availing of the various concessions and facilities which are intended to facilitate their entry into the public services.

#### *Improvement in System*

279. (1) What steps should be taken to improve the system of Recruitment? I suggest the following steps :—

1. The system should be changed in such a manner that the new system should take into consideration the population of each of the categories included in the Backward Classes and the percentage should be fixed according to the population of each of the categories.

2. The system followed by the Central Government should be adopted in its modified but liberal form for the purpose of giving effect to the principle of the fair and adequate Representation to these people in the public services.

3. The system should be so changed and adopted as to create conditions to ensure fair and proper representation to these people in the public service.

4. All the good points from the system of Rajasthan, Bihar, Assam and Orissa should be taken into consideration for the purpose of improving the system.

(3) I also agree here with the suggestion made in the last paragraph on page 20 of the Main body of the Report of this Committee.

*Steps to remove difficulties*

*The following steps should be taken*

280. (1) The important and first step that should be taken to remove the difficulties encountered by these people is to create conditions so that these people can take advantage for their advancement in effecting their effective entry in the public services.

(2) We should take such steps which will change the attitude of the Appointing and Selecting Authorities so that they will not hamper the entry of these people in the public services.

(3) We should create such conditions which will shake off the fear and the fear-complex from the minds of the Candidates of these Classes.

(4) These are my suggestions on the matters under reference to improve the system and to remove the difficulties encountered by these people.

(A) *To what extent the existing percentage should be modified—*

(5) The existing measures should be so modified as would be based on the population of each of the following categories :—

(I) The Scheduled Tribes including those living outside the Scheduled Areas.

*Explanation*

281. It has been the demand of the awakened element from the Scheduled Tribes that 'whoever is a member of the Scheduled Tribes should be treated to all theoretical and practical purposes as a member belonging to the Scheduled Tribes' whatever may be his place of residence and further that he should be allowed to take benefits of reservation and facilities given to the Scheduled Tribes. Our State has realised and appreciated this demand of these people. It should be implemented, at least, in our Maharashtra State.

(II) The Scheduled Castes,

(III) The New Converts to Buddhism.



*Explanation*

282. Since (a) the difficulties and disabilities of the Converts to Buddhism suffer are, the same as before and (b) the proportion of the population of these New Converts is 7.05 P.C. to the total population of the State, the percentage should be fixed in proportion to their population and facilities and concession should be given in their favour commensurate with the difficulties and disabilities they suffer.

(IV) Denotified Tribes and Nomadic and Semi-Nomadic Tribes.

(V) Other Backward Communities.

283. My explanation is four fold—

*Explanation I*

I. The *Other Backward Classes* should be called as "*Other Backward Communities*." They should not be called "*Other Backward Classes*". My reason is that for the purpose of determining their "*backwardness*", the criteria, (i) their *Social* backwardness (ii) Their Educational backwardness should be taken into consideration.

*Explanation II*

II. The second explanation is that the Maharashtra State has taken another *welcome step* for the purpose of giving *educational facilities* to those students whose parents are poor. *The parents income is taken into consideration*. For such people their "*backwardness*" is based on *economic* factor. These people, therefore, may be called as the *economic. "Backward Classes"* irrespective of their Caste or Religion. They therefore, should not be mixed with the "*Other Backward Communities*".

*Explanation III*

The third explanation is that—

If the population basis of each of the Categories of these people is taken into consideration, the such of the criticism leveled against our State for following a wrong system of Recruitment of dumping these Classes together will be eliminated. The population of *each* of the Categories of the Communities should be made the foundation of the giving reservations.

*Explanation IV*

284. The proportion of the population to the total population should also be taken into consideration in giving promotion to those who are already in services or posts.

(B) *Whether there should be separate Reservation for each of the Categories of the Backward Classes*

285. There should be separate Reservation based on their population each of the following Categories :—

- (1) The Scheduled Tribes including those of the members of the Scheduled Tribes who reside outside the Scheduled Area.
- (2) The Scheduled Castes ;
- (3) The New Converts to Buddhism ;
- (4) Denotified Tribes and Nomadic and Semi-Nomadic Tribes ; and
- (5) Other Backward Communities.

*Explanation.*—The population basis of each of the Category should be made, the basis of the fixation of the percentage of Reservation.

(C) *Classifications (CI)*

*What should be the basis of Reservation for the O. B. C.*

286. The basis of the Reservation for the Other Backward Communities should be both :

- (1) Their castes, and
- (2) Their Economic Backwardness.

*Explanation.*—There should be separate Classifications of the Other Backward Classes into :

1. The Other Backward Communities ;
2. The Economic Backward Classes.

*Reasons*

I have already given my reason. I therefore need not repeat those reasons. Three criteria should be taken into consideration in the case of the Other Backward Communities for the purpose of Reservation. Those criteria which I have suggested are :

1. Social backwardness.
2. Educational backwardness ; and
3. Economic backwardness.

287. I have also explained that for the purpose of giving educational facilities and concession as is done by the Maharashtra State, Income basis should be taken into consideration. Such people should be classified as the Economic Backward Classes. I, however, leave the question entirely to the Maharashtra State to decide whether the reservations in services should also be given to the Economic Backward Classes or not.

### C-2. *New Converts to Buddhism*

The New Converts to Buddhism should be classified separately. I have assigned my reasons elaborately in the Chapter V on the *NEW CONVERTS TO BUDDHISM*.

### C-3. *Classification of Denotified and Nomadic Tribes*

288. I have already explained and given my reason as to why the Denotified Tribes—Vimukta Jatis, and Nomadic and Semi-Nomadic Tribes should be Classified into one classification and why they should be given separate reservation in proportion.

#### (D) *Whether there should be separate Machinery*

289. In order to make special and concentrated efforts for the purpose of implementing the measures and the successful working of the system of Recruitment to the public services from the Backward Classes to ensure a *fair representation* of these classes in the public services and also to remove and to eliminate all the difficulties and disabilities encountered by these people in effecting an entry into the public services, there is an urgent and imperative need of devising a separate machinery. This machinery should be devised and created with all the *PLENARY POWERS* not only for the Registration and submitting the names of the candidates of these classes, but also with authority to watch and implement the system and policy underlying the Recruitment and Reservation itself.

#### Separate Training

290. There is a great need and a necessity for the separate Training facilities for the candidates for preparation of the employment in public service. The following steps should be taken :—

(1) There should be tutorial classes at all stages including at the university level for giving necessary training and equipping them for the Recruitment to the public services. The training should be two fold :—

(i) It should be before their Recruitment and ;

(ii) It should also be after their recruitment with necessary salary or allowance. These training centres must be for all categories of Class of employment and services, for which these candidates are chosen and selected.

## CHAPTER VIII

## RECOMMENDATIONS

I now make the recommendations for the purpose of :—

(I) *Improving the system of Recruitment* to the public services from the Backward Classes so that it can ensure the fair and adequate representation of these Classes in the public services under the State ;

(II) *Increasing the measures* which the State should take in order to ensure satisfactory recruitment of these Classes to the public services ;

(III) *Changing the practice and method of implementation* of the system and the measures adopted and taken by the State ; and

(IV) *Helping the Backward Classes* to remove difficulties and disabilities under which these Classes suffer and also improve the present situation prevailing in the matters of the Recruitment of these Classes to the Public Services so that they can get fair and adequate representation as is contemplated under the Constitution of India.

These recommendations are as follows :—

*Regarding system*

1. In order to ensure and to give fair and adequate representation to these Backward Classes in the recruitment of the public services as is contemplated under the Articles 335 and 16(4), the percentages in the Reservations of appointment and posts for these *Classes must be linked with populations of these Backward Classes.*

2. The following should be the Classification of the Categories of or the Communities which are included in the Backward Classes for the purpose of making reservation in their favour :—

(1) *The first Classification—*

The Scheduled Tribes living both in the Scheduled areas and outside of such areas.

(2) *The second Classification—*

The Scheduled Castes.

(3) *The third Classification—*

The New Converts to Buddhism.

*Explanation*

I have to suggest and to recommend that there should be separate Classification of category of the New Converts to Buddhism on the following grounds :—

(I) They suffer from the same difficulties and disabilities which they suffered before their Conversion. Because even though they have left the Hindu fold they continue to remain with the Steel frame of the Indian Social System which is based on the principles of graded inequality.

(II) There is no change whatever in the place, position and status of these New Converts in the Indian Society.

(III) There is no change in the mental attitude and the Social and religious Notions entertained by the general Community towards the New Converts.

(IV) The problem of the New Converts is of an enormous magnitude and dimension because of the *population*.

(1) The population of the Scheduled Castes is only 5.65 per cent.

(2) The population of the Scheduled Tribes is 6.06 per cent.

(3) But the population of the New Converts to Buddhism is 7.05 per cent. which is more than any of the either Communities according to the Census of 1961.

(V) The problem of the New Converts to Buddhism is not of temporary nature. It is permanent and perennial which requires a permanent and satisfactory Solution.

(4) *The fourth Classification—*

Denotified and Nomadic and Semi-Nomadic Tribes.

(5) *The fifth Classification—*

The Other Backward Communities.

3. The population of each Category mentioned above should be made the foundation for fixing separate percentage in favour of each category mentioned above.

4. There should be separate reservation in each Class or Category of services or posts in favour of each category of Class of the Backward Class based on their population.

5. Over and above this percentage fixed, the State should study the question whether a higher percentage of reservation in certain categories of services and certain Departments should be fixed for any of the categories of the Backward Classes such as the Scheduled Tribes.

6. There should be reservation in promotion fixed and also the method of giving of promotion should be liberalised in order to fill the percentage fixed for each of the categories of the Backward Classes in the Class I, II and III Services and posts.

7. The system of keeping Roster of appointments must be made obligatory for all categories of services and in all departments in terms of their respective population of each of the categories of the Backward Classes. (I agree with the recommendation No. 8 on the page 25, made in the main body of the Report of this Committee).

#### *Advisory Council*

8. There should be an Advisory Council to aid and advise for the purpose of associating with every appointment or selecting in the case of local recruitment, on which council the representative of each of the categories of the Backward Classes should be given.

#### *Selecting Committee*

9. There should be a Selection Committee to aid and advise the Appointing and Selecting Authorities. On such Selecting Committee a representative of each of the categories of the Backward Classes must be taken.

#### *The permanent Machinery*

10. There should be permanent Machinery with *Plenary Powers* for —

(I) the purpose of Registration and submission of the candidates ; and  
(II) for the purpose of proper implementation of the system of recruitment and all the measures taken by the State ; and

(III) to inquire into and review the cases of suppression of vacancies, suppression of officers belonging to these classes and also the suppression of giving promotions and supersession of such officers. On such a Machinery there ought to be members belonging to these categories of the Backward Classes armed with necessary powers to watch and implement the system necessary so that the fair and proper and also adequate representation could be given to these people in the public services under the State.

#### *Adequacy of Measures*

11. The State must fix percentage for each of the Categories or Classifications of the Backward Classes according to their *population* in each of the Categories or Classes of Services and posts for the purpose of ensuring their fair and adequate and satisfactory representation in services and posts.

### *A Code of Manual*

12. There should be simplified, uniform and comprehensive Code or Manual governing the Reservation of posts and Services for the Backward Classes. The Code should be divided into the following parts :—

(I) incorporating the principles of the Reservation and the Constitutional provisions with regard to the Reservation for the Backward Classes.

(II) enunciating clearly the principles and policies of Government in regard to the Reservation.

(III) enunciating in clear — cut terms the procedure and practice to be followed by the Recruiting and selecting authorities including the Public Service Commission.

(IV) prescribing the percentage for the each of the Categories of the Backward Classes for each of the categories of Services and posts.

(V) prescribing the forms to be maintained by the recruiting or Appointing and selecting authorities and the Annual Returns to be submitted by them.

(VI) enunciating the procedure for checking and verifying the recruitment effected and percentages filled from each of the Categories of Backward Classes for each of the Categories of services and posts from year to year, and

(VII) enunciating the forms of punishment intended to be meted out for the failure or lapse in following this Code or Manual.

13. *Coaching, pre-examination and recruiting.*—If a vacancy reserved for these classes is not filled at any time owing to the non-availability of a suitable candidate, it should be kept open for *two years* and if within that period no suitable candidate is available, the Government should get a candidate who is near enough to the prescribed qualification, he may be given *Coaching* for a time, re-examined and recruited if he is found to have made satisfactory progress. (This recommendation is based on the Recommendation made by the Scheduled Area, and Scheduled Tribes Commission in its Report).

*The Personality Tests and Oral Interviews should be abolished.*

14. My reasons are based on two grounds :—

(1) The attitude of the selecting or appointing authorities is not helpful.

(2) *The Fear Complex* which comes in the way at the time of interviews, of majority of the candidates belonging to these Classes. I simply give below the views of the Commissioner for the Scheduled Castes and Scheduled Tribes expressed in paragraph 19.4 on page 130 of his report for the year 1961-62 in support of this recommendations.

"19.4. It is common knowledge that results of the personality tests, or oral interviews, are not always dependable. There is every likelihood of an examiner arriving at incorrect results on account of his predilections. As rightly printed out by the Scheduled Areas and Scheduled Tribes Commission, " *viva voce* tests are conducted by persons who may not have adequate knowledge of the conditions in the tribal areas and, therefore, of the handicaps under which the tribal is working, and this is one of the causes for deficiency in recruitment". Similarly, the possibility of an appointing authority being influenced by prejudices against the Scheduled Castes cannot always be ruled out. *In any case, with a view to rendering social justice* to these communities, the need for holding oral interviews, at least for junior posts like clerks, computers, overseers, etc., ought to be done away with for some time and the results watched. For such posts, insistence should be only on the requisite educational and technical qualifications or, at the most, on written tests; and the results of the written tests should invariably be assessed on the basis of relaxed standards, in the case of these weaker sections of the population."

(Report of the Commissioner for Scheduled Castes and Scheduled Tribes for the year 1961-62 (Eleventh Report) Part I, Page 130, para. 19.4).

*"Paucity of suitable Candidates"*

15. The "Paucity of suitable candidates" should not be accepted as a valid and cogent ground unless the Minister in charge of the Social Welfare, personally comes to that conclusion. Because the "Paucity Ground" has been misused to the great disadvantage and to the detriment interest of these Classes. This is not only my conclusion based on my own study but this is also invariably the experience of the Commissioner for the Scheduled Castes and Scheduled Tribes as will be found from Pages 130-131 of the Report for the year 1961-62.

*Readvertise the Vacancies*

16. If, at any time, the suitable candidates are not available for the reserved posts, the same should be readvertised and the applications only from the candidates of these Classes should be invited and interviewed, and then, best from among them should be appointed. This is a method which will help taking more intake of these Backward Classes. (This practice is followed by Rajasthan State).

*Annual Return*

17. The insistence must be made on the Annual Return showing the total posts reserved, applicants called and interviewed and selected and rejected and assigning the reasons for their rejection.



### *Punishment*

18. The deterrent action amounting, at times, to the dismissal for the failures and defaults in implementing by the Recruiting authorities should be prescribed and indicated.

The following recommendations made in the Main Body of the Report, I commend them for their acceptance:—

1. Further, similar to the practice followed in Assam, the Government of Maharashtra may or advisory councils for the four groups in recommendation No. 5. These councils, at their periodic meetings may take up the issue of representation in the services and call for suggestions where necessary from the concerned heads of the departments. They may attend such meetings of the councils by invitation.
2. To give effect to reservations as prescribed, every appointing authority should treat vacancies as "reserved" or "unreserved" according to a model roster of a fixed number or points — 10, 25, 40, etc., as may be deemed necessary, in terms of their respective population percentages. Detailed instructions for the maintenance of rosters should be given in the procedure prescribed by the Home Ministry, the Bihar and West Bengal Governments reproduced in Appendices C. & D may be considered.
3. There should be a continuing programme of *pre* and *post* employment training for Backward Class students, particularly from the Schedule Tribes and Denotified Tribes, desiring to enter Government service in order to 'condition' and guide them towards such employment. This should start at the earliest feasible level in the ladder of education.
4. As regards specialised posts, there should be a programme of tutorials at the University level which would help Backward Class candidates to compete more effectively at University examinations, thus avoiding wastage arising out of failures and the dropping out of students.
5. There should be a periodic review of progress in the recruitment of Backward Classes in order to enable Government to take suitable action to make improvements and necessary changes.
6. Along with the advertisements and notification of vacancies to Employment Exchange, etc., such vacancies should also be brought to the notice of recognised associations and organisations of Backward Classes which should be specifically listed. It should, however, be made clear to such associations and organisations that their function is limited to advising candidates about vacancies and examinations. They must not recommend or press the names of any individuals to the recruiting authorities and any attempt at influencing recruitment should be viewed seriously.

7. There should be adequate publicity of all the concessions and facilities that are available to Backward Classes in the services. Dissemination of information should reach the rural and interior areas as well as to all voluntary agencies, education and hostel institutions.

8. There should not be a strict insistence on compliance with formalities particularly in the case of applicants from backward and interior areas as regards forms to be filled up, details to be furnished, etc. In effect, there should be greater flexibility and more consideration and sympathy in dealing with the Backward Class applicants.

9. Government should run one or two well-equipped and well-staffed hostels for backward class students in each district where the purpose is not merely boarding and lodging. These hostels should be the pivot for hostels run by voluntary agencies. The provision for Scheduled Tribes and Denotified Tribes in these hostels would need special consideration since these groups appear to be far below the average standards amongst Backward Classes.

10. In each of these hostels there should be facilities for a programme of tutorials in terms of languages that are the common communicational media, besides general knowledge that would supplement the normal curricular education.

11. At each of these hostels, there should be a cell of the Vocational Guidance Centres of Government to progressively and continuously guide backward students towards an intelligent selection of careers.

12. For those backward class Government servants who desire to take advantage of special training facilities of longer periods for purposes of advancement in service, adequate extra leave should be given without any break in service in order that they may better equip themselves.

13. For students at the University levels, particularly, on the technical side, these hostels should have special tutorials that would supplement the meagre and inadequate technical knowledge and languages which these students had acquired.

14. There should be a continuing long-term survey of Government's requirements with regards to personnel, particularly from the Backward Classes, both at the State and district levels so that long before vacancies are notified, a comprehensive picture of the needs is known to the recruiting authorities.

15. In this programme of guiding and conditioning students, Government should enlist the co-operation of Universities and other educational authorities, research institutions and private industry.

16. There should be a well-thought out and well planned programme of publicity regarding these programmes so that students know and advance the opportunities that are likely to be available to them at the end of their educational career.

17. While the definition of 'public services' as indicated to the committee apparently excludes services under statutory and public undertakings from the purview of the committee, in view of the increasing number and development of such organisations, the Committee is of the opinion that the principles relating to reservations for Backward Classes should be applicable to such organisations and bodies.

(Signed) R. D. BHANDARI

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11th January 1964.

