

INDIA'S UNFINISHED AGENDA FOR INCLUSION

A STUDY ON DENIAL OF RESERVATION TO THE TRIBALS IN
THE GOVERNMENT SERVICES AND POSTS



ASIAN CENTRE FOR HUMAN RIGHTS



India's Unfinished Agenda for Inclusion

A study on denial of reservation to the
tribals in the government services and posts



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List of abbreviations and acronyms

Annual Confidential Report	ACR
Bharat Heavy Electricals Limited	BHEL
Bharat Sanchar Nigam Limited	BSNL
Central Board of Direct Taxes	CBDT
Chief Managing Director	CMD
Department of Personnel and Training	DoPT
Food Corporation of India	FCI
Indian Administrative Service	IAS
Indian Foreign Service	IFS
Indian Police Service	IPS
Junior Telecom Officers	JTO
Manipur Police Housing Corporation Ltd	MPHCL
Ministry of Home Affairs	MHA
National Aviation Company of India Limited	NACIL
National Commission for Scheduled Castes	NCSC
National Commission for Scheduled Tribes	NCST
National Crime Records Bureau	NCRB
Office Memorandum	O.M.
Oil and Natural Gas Corporation	ONGC
Other Backward Classes	OBCs
Public Enterprises Selection Board	PESB
Public Sector Enterprises	PSEs
Public Sector Undertakings	PSUs
Right to Information Act	RTI
Scheduled Caste	SC
Scheduled Tribe	ST
Telecom Technical Assistants	TTA
University Grants Commission	UGC

1. Executive summary and recommendations

On 23 May 2013, the Union Cabinet presided by Prime Minister Dr Manmohan Singh approved a Special Recruitment Drive to fill the backlog in reserved vacancies including that for the Scheduled Tribes (STs) by 2013.¹ Earlier on 4 January 2013, the Ministry of Personnel, Public Grievances and Pensions issued instructions to appoint Liaison Officers in each Ministry/Department for enforcement of policy/orders on reservation in posts and services of the Central Government.² This is an acknowledgement of consistent failure of the Government to properly implement the reservation policy.

The Central Government and various State governments do not fill up the vacancies regularly and instead launch special recruitment drives prior to holding of elections. This only provides fodder to those opposing reservations to dismiss such measures as “populist”. This further undermines the extraordinary form of discrimination and violence that the Scheduled Castes (SCs) and the Scheduled Tribes have to endure daily under the caste system. The National Crime Records Bureau (NCRB) under the Ministry of Home Affairs (MHA) reported that a total of 4,40,691 crimes were committed against the SCs and the STs from 2001 to 2012.³ This implies at least 101 caste based crimes are committed every day against the SCs and the STs. The figures of the NCRB are only tip of the iceberg as most crimes against the SCs and the STs are not reported to and/or registered by the police.

The caste system is all about economic, social and political exclusion based on pure and impure, while reservation is all about inclusion of those who from time immemorial have been excluded and subjected to violence. The SCs were accorded the most degrading and inhuman tasks such as manual scavenging. That the Rajya Sabha passed the Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2013 only on 7th September 2013 reflects how far away India is from addressing caste specific tasks and caste based discrimination. Even those who converted into other religions

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1. Government approved Special Recruitment Drive to Fill Backlog Vacancies for SC, ST & OBCs; available at: <http://www.jagranjosh.com/current-affairs/government-approved-special-recruitment-drive-to-fill-backlog-vacancies-for-sc-st-obcs-1369367331-1>
 2. Office Memorandum No.43011/153/2010-Estt.(Res.), Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training), dated 4th January, 2013 available at http://www.gconnect.in/orders-in-brief/reservation_reservation-in-central-government-nomination-of-liaison-officer.html
 3. Please refer to Table 1 and Table 2 containing data from the Annual Reports of the National Crime Records Bureau from 2001 to 2012.

have not been able to escape caste segregation as separate cemeteries are still maintained for the converts from the lower castes.⁴

There is no doubt that reservation in educational institutions, government jobs and political bodies like State Assemblies and Parliament has been the engine to ensure economic, social and political inclusion of the SCs and the STs. Without reservation, the SCs and the STs, who are not allowed to enter houses and villages of the dominant castes, not to mention about the temples and other public places even today, would not have had access to educational institutions, government employment, State Assemblies and parliament. Without reservation, those contesting elections of the State Assemblies and Parliament would have faced violence as being faced by candidates from the SCs and the STs at Panchayat level.⁵ Without reservation, India surely would have remained more divided and fragmented; and the existence of the country would have been more at risks in the face of violence and conflict as a direct consequence of caste based discrimination and exclusion.

At the same time, there have been consistent and serious attempts to undermine India's unfinished agenda for economic, social and political inclusion of the SCs, the STs and Other Backward Classes (OBCs).

First, a string of Supreme Court rulings against reservation including in the case of *Indra Sawhney Vs Union of India* assume that untouchability has indeed been done away with following its abolition as per Article 17 of the Constitution of India, and there is no caste bias among the people in India. More fundamentally, these judgements overlook and undermine extraordinary level of caste violence as reflected in the data of the NCRB.

Second, there are conscious efforts not to fill up the vacancies in the government jobs reserved for the SCs and the STs with the aim to dereserve the seats for

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4. Indian Dalits find no refuge from caste in Christianity, BBC, 14 September 2010 available at <http://www.bbc.co.uk/news/world-south-asia-11229170> last accessed on 6 August 2013 and further see "Dalits in the Muslim and Christian Communities: A Status Report on Current Social Scientific Knowledge", prepared for the National Commission for Minorities, Government of India, 17 January 2008 available at <http://ncm.nic.in/pdf/report%20dalit%20%20reservation.pdf>
 5. Attacks on Dalit Sarpanches are regularly reported. On 26 January 2013, a 24-year-old Dalit woman sarpanch identified as Kamal Gendaji Nanure, Sarpanch of Yelur village in Kandhar taluka in Nanded district of Maharashtra was allegedly prevented from hoisting the national flag during Republic day celebrations. She alleged that the leaders of Maratha community, including the deputy sarpanch, shoved her aside and hoisted the tricolor. See "Prevented from hoisting tricolour on Republic Day, says Dalit sarpanch in Nanded"; The Indian Express, 5 February 2013 available at <http://www.indianexpress.com/news/prevented-from-hoisting-tricolour-on-republic-day-says-dalit-sarpanch-in-nanded/1069580/>

the general category. This comes from the educated class holding positions of power in the government on appointments in posts and services.

According to information provided by the University Grants Commission (UGC) under the Right to Information Act (RTI), 2005 during 2006-2007 to 2010-2011 the representation of the STs have come down from 3.88% to 0.24% in 2010-11 in the post of Professors; from 1.03% to 0.32% in the post of Readers and from 4.43% to 3.63% in the post of Lecturers.⁶

In fact, there is more representation of the STs in the top echelons of the Indian bureaucracy than in the Central universities. During 2010-11, at the level of the Secretary to the Central Government, the representation of the STs was 2.68% while representation of the STs at the level of Professor in the Central Universities was mere 0.24%. At the level of the Additional Secretary and Joint Secretary to the Government of India, the combined representation of the STs was 2.5% while the representation of the STs at the level of Readers in the Central Universities was mere 0.32%.⁷

The data provided by the UGC shows that India's higher educational institutions remain the most casteist, possibly a reflection of the opposition to the reservation policy.

The STs are also the most deprived among those who have been given reservations. As of 8 May 2013, the maximum number of backlog vacancies with the Central Government was for the STs with 12,195 posts, followed by the OBCs with 8,332 posts and the SCs with 6,961 posts.⁸

The officials holding positions of power on appointments in the posts and services of the government have adopted certain modus operandi to deprive the STs and others access to the reserved seats. The posts in the reserved seats are kept vacant for certain years, and later dereserved on the ground of public interest as "no suitable candidates found" even if many ST and other reserved category candidates meet all the eligibility criteria for the specific posts. As the Parliamentary Standing Committee on the Welfare of Scheduled Castes and Scheduled Tribes in its Twenty Fourth Report titled "Reservation for and

6. University Grants Commission (UGC) letter No.FNo. 8-9/2012/ (SCT) dated 16 April 2012

7. SC-STs fail to break caste ceiling, The Times of India, 6 September 2012, available at: http://articles.timesofindia.indiatimes.com/2012-09-06/india/33648907_1_scs-and-sts-sc-officers-backlog-posts

8 . "Vacancies in Government Departments", print release issued by the Ministry of Personnel, Public Grievances & Pensions on 08-May-2013 17:40 IST through the Press Information Bureau; available at: <http://pib.nic.in/newsite/PrintRelease.aspx?relid=95845>

employment of Scheduled Castes and Scheduled Tribes in Central Board of Direct Taxes (CBDT)” presented before the Parliament on 26 November 2012 noted “*every year a good number of SC/ST candidates qualify the examination for promotion but only handful are promoted*” by the CBDT and “*despite having SC/ST candidates who are eligible for promotion posts, the CBDT has been depriving these candidates of rightful promotion.*” While rejecting the contention of the Finance Ministry about “*non-availability of eligible candidates is the major reason for backlog*”, the Parliamentary Standing Committee recommended that “*an enquiry should be initiated for such cases in various Directorates to determine the reasons for keeping promotion posts vacant despite availability of SC/ST candidates, who have already qualified in the examination for promotion*”.⁹

If the seats reserved for the SCs and the STs in the State Assemblies and the Parliamentary Constituencies cannot be dereserved without following rigorous procedures, there is no reason as to why reservation of posts in services under the State in favour of the SCs, the STs and others cannot be given similar protection as “non-availability of candidates”, “no suitable candidates found” have become the modus operandi to dereserve the reserved seats and fill up the same with general category candidates, thereby perpetuating denial and deprivation through sophisticated means.

Asian Centre for Human Rights recommends the following to the Members of Parliament, members of the State Assemblies, National Human Rights Institutions, political parties, civil society organisations etc to urge:

1. the Government of India to:

- Centrally maintain details of vacancy position in respect of reserved posts and details of backlog vacancies and direct the Liaison Officers appointed in each Ministry/Department as per the Office Memorandum No.43011/153/2010-Estt.(Res.), Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training), dated 4th January, 2013 and update the same every three months in the centralized website;
- Issue Office Memorandum by the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training)

9. Twenty Fourth Report of the Parliamentary Standing Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the Ministry of Finance (Department of Revenue) titled “Reservation for and employment of Scheduled Castes and Scheduled Tribes in Central Board of Direct Taxes (CBDT),” presented to the Parliament on 26 November 2012, available at: http://164.100.47.134/lsscommittee/Welfare%20of%20Scheduled%20Castes%20and%20Scheduled%20Tribes/15_Welfare%20of%20Scheduled%20Castes%20and%20Scheduled%20Tribes_24.pdf

instructing each Ministry/Department to provide that reserved seats for the SCs, the STs and others cannot be dereserved under any circumstances;

- Issue Office Memorandum by the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) instructing each Ministry/Department to provide that no reserved seat can be kept vacant on the “ground of no suitable candidates found” if any SC/ST candidate fulfill the basic eligibility criteria for the specific post; and further for keeping a particular post vacant, prior permission be sought from the concerned authorities, among others, by providing details of qualification of each candidate vis-a-vis the eligibility criteria in the previous recruitment process.
- Direct the Human Resources Development Ministry to launch special drives for recruitment of the STs and other reserved categories in the Central Universities and other higher educational institutions run and/or aided by the Government of India; and
- Amend the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 to include non-filling up of reserved seats despite availability of candidates from the SCs and the STs meeting the eligibility criteria as an offence under the Act.

2. the State Governments to:

- launch special recruitment drive to fill up the backlog of vacancies for the SCs, the STs and other reserved categories in a time bound manner;
- Centrally maintain details of vacancy position in respect of reserved posts and details of backlog vacancies and update the information quarterly; and
- Appoint Liaison Officers in each Ministry/Department of the State Government in line with the Office Memorandum No.43011/153/2010-Estt.(Res.), Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training), dated 4th January, 2013 for full implementation of the reservation policy.

Suhas Chakma
Director

2. The context of discrimination and violence

The root cause of discrimination in India is the caste hierarchy, which is unique to Hindu social and religious order. The caste system identifies, segregates, and provides fixed social order linked with specific tasks to be performed by people of different caste based on birth or descent of the people with the sole purpose of exclusion and domination.

The *Sudra* caste, defined as the Scheduled Castes (SCs) in the Constitution and those outside the caste i.e. *Atbi Sudras* (lower than the *Sudras*) i.e. the scheduled tribes who fall outside the caste hierarchy were the worst sufferers as they are considered impure and polluting. The caste system is the oldest social and religious order. Its foundations are so strong that it is the only religious order to have survived since the Pagan period and it has penetrated into other religions in India as separate cemeteries are still maintained for the SCs or the Dalits.¹⁰

During the struggle for independence, Dr B R Ambedkar, a Dalit himself raised the issue of discrimination against the *Sudras* and other depressed communities. His struggle for the lower caste Hindus led to signing of the Poona Pact with Mahatma Gandhi in 1932. The Poona Pact provided reservation of seats in the Provincial Legislatures for the Depressed Classes.

After independence, the Constitution of India with Dr Ambedkar as the Chairman of the Drafting Committee provided for reservation in government jobs and services, educational institutions and political bodies like State Assemblies and Parliament for the SCs and the STs with the sole aim to combat discrimination and ensure social, economic and political inclusion of these excluded and discriminated groups. Without reservation, the SCs and the STs, who are not allowed inside the houses and villages of the upper castes as well as in the temples and other public places even today, would not have been allowed inside the State Assemblies, Parliament and the Government offices. They would have faced unprecedented violence.

10. Indian Dalits find no refuge from caste in Christianity, BBC, 14 September 2010 available at <http://www.bbc.co.uk/news/world-south-asia-11229170> last accessed on 6 August 2013 and further see “Dalits in the Muslim and Christian Communities: A Status Report on Current Social Scientific Knowledge”, prepared for the National Commission for Minorities, Government of India, 17 January 2008 available at <http://ncm.nic.in/pdf/report%20dalit%20%20reservation.pdf>

Undoubtedly, reservation has been the single engine for ensure social, economic and political inclusion of the SCs and the STs. The impact of caste discrimination can only be ignored at India's perils.

The question often asked is whether reservation is still required six and half decades after independence. After all, untouchability has been abolished as per Article 17 of the Constitution of India. However, the practice of untouchability is a reality even today. The national dailies are full of reports of caste violence leading to death for attempting to enter a temple, hoist a national flag on independence-day, riding a cycle or horse in front of the upper castes etc. The matrimonial advertisements in the national dailies or matrimonial websites provide caste preference; and casteism is alive and kicking even in metropolitan India. Caste violence and discrimination continue unabated despite stringent legislation like the Civil Rights Act of 1955 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The Annual Reports of the NCRB are illustrative of the violence faced by the lower castes Hindus.

Table 1: Crimes against Scheduled Castes during 2001-2011 according to the National Crime Records Bureau

Year	Murder	Rape	Kid/ Abd	Dacoity	Robbery	Arson	Hurt	PCRA	POA	Others	Total
2001	763	1316	400	41	133	354	4547	633	13113	12201	33501
2002	739	1331	319	29	105	322	4491	1018	10770	14383	33507
2003	581	1089	232	24	70	204	3969	634	8048	11401	26252
2004	654	1157	253	26	72	211	3824	364	8891	11435	26887
2005	669	1172	258	26	80	210	3847	291	8497	11077	26127
2006	673	1217	280	30	90	226	3760	405	8581	11808	27070
2007	674	1349	332	23	86	238	3814	206	9819	13490	30031
2008	626	1457	482	51	85	225	4216	248	11602	14623	33615
2009	624	1346	512	44	70	195	4410	168	11143	15082	33594
2010	570	1349	511	42	75	150	4376	143	10513	14983	32712
2011	673	1557	616	36	54	169	4247	67	11342	14958	33719
2012	651	1576	490	27	40	214	3855	62	12576	14164	33655
Total	7897	15916	4685	399	960	2718	49356	4239	124895	159605	370670

**Table 2: Crimes against Scheduled Tribes during 2001-2012
according to the National Crime Records Bureau**

Year	Murder	Rape	Kid/Abd	Dacoity	Robbery	Arson	Hurt	PCRA	POA	Others	Total
2001	167	573	67	16	73	108	756	58	1667	2732	6217
2002	189	597	69	37	62	58	788	47	1800	3127	6774
2003	185	551	69	30	46	38	790	37	1340	2803	5889
2004	156	566	79	40	50	33	767	11	1175	2658	5535
2005	164	640	72	27	49	38	767	162	1283	2511	5713
2006	195	699	88	12	29	46	838	49	1232	2603	5791
2007	140	627	89	9	21	54	855	5	1104	2628	5532
2008	128	585	93	14	18	49	873	6	1022	2794	5582
2009	118	583	82	3	24	29	787	2	944	2853	5425
2010	142	654	84	7	5	39	941	5	1169	2839	5885
2011	143	772	137	7	9	24	803	7	1154	2700	5756
2012	156	729	103	5	15	26	816	2	1311	2759	5922
Total	1883	7576	1032	207	401	542	9781	391	15201	33007	70021

3. Reservation in public service & jobs: Constitutional response to combat discrimination and exclusion

Acts of discrimination is illegal and prohibited under law. However, international human rights law allows positive discrimination. Article 1(4) of the International Convention on the Elimination of All Forms of Racial Discrimination provides that “Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.”

Article 16(4) of the Constitution of India empowers the State to make provisions for reservation in appointments or posts in favour of any backward class of citizens, while Article 16(4)(A) gives the State the power to make provisions for reservation in matters of promotion in favour of the STs and the SCs.¹¹

Article 335 of the Constitution provides that the claims of the members of the SCs and the STs shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State. The proviso to this article further empowers the State to make provisions in favour of the members of the SCs and the STs for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters or promotion to any class or classes of services or posts in connection with the affairs of the Union or of a State.

11. “Article 16(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.

(4A) Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion, with consequential seniority, to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State.”

In the Background Note to its Twenty Sixth Report titled “Review of representation of Scheduled Castes and Scheduled Tribes in senior positions in Government of India”, the Parliamentary Standing Committee on the Welfare of SC/ST noted “*If the State has quantifiable data to show backwardness and inadequacy then the State can make reservations in promotions keeping in mind maintenance of efficiency which is held to be a constitutional limitation on the discretion of the State in making reservation as indicated by Article 335.*”¹²

As per the existing policy, the reservation for the SCs is 15%, for STs is 7.5% and OBCs is 27% while reservation at the State level varies according to the proportion of the population.

12. Twenty Sixth Report of the Parliamentary Standing Committee on the Welfare of SC/ST titled “Review of representation of Scheduled Castes and Scheduled Tribes in senior positions in Government of India” on the Ministry of Personnel, Public Grievances and Pension dated 20 March, 2013; available at: http://164.100.47.134/lssccommittee/Welfare%20of%20Scheduled%20Castes%20and%20Scheduled%20Tribes/15_Welfare_of_Scheduled_Castes_and_Scheduled_Tribes_26.pdf

4. Implementation of the reservation policy by the Central Government

The Government of India issued various instructions¹³ to all Ministries/Departments of the Central Government to strictly observe the reservation policy and other orders relating to representation of reserved categories. However, these instructions were not fully complied with. On 4 January 2013, the Ministry of Personnel, Public Grievances and Pensions issued a notification to designate in each Ministry/Department/Attached and Subordinate Office, the Deputy Secretary in charge of administration (or any other Officer at least of the rank of Deputy Secretary) as a Liaison Officer for strict enforcement of the reservation policy. This is an acknowledgement of the non-implementation of the reservation policy.

The Government of India had launched a special recruitment drive in 2008 to fill up the backlog reserved vacancies of SCs/STs/OBCs and further drives continued till 31 March 2012. During the said period, 16,842 vacancies were filled against the identified 29,037 backlog vacancies for the STs till 31 March 2013.¹⁴ A total of 35,589 posts (28,173 posts for direct recruitment and 7,614 for promotion) reserved for STs were lying vacant in 74 Central Government departments as on 30.11.2011.¹⁵

The Lok Sabha was informed on 5 December 2012 that as per information received from various Ministries/Departments, the representation of the STs in posts and services of the Central Government as on 1 January 2011 is 3,732 (4.8 per cent) in Group A posts; 11,357 (6.0 per cent) in Group B posts and 1,74,562 in Group C posts (7.7 percent); 32,791 (6.8 percent) in Group D posts (including Safai Karmacharies).¹⁶ From 0.27% as on 1 January 1965, the representation of the STs in Group A services increased only to

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13. Department of Personnel and Training's Office Memorandum No.36011/5/75-Estt.(SCT) dated 3.5.1975, Office Memorandum No.36022/20/76-Estt.(SCT) dated 8.9.1976 and Office Memorandum No.36011/7/80-Estt.(SCT) dated 1.11.1980
 14. "Vacancies in Government Departments", print release issued by the Ministry of Personnel, Public Grievances & Pensions on 08-May-2013 17:40 IST through the Press Information Bureau; available at: <http://pib.nic.in/newsite/PrintRelease.aspx?relid=95845>
 15. Available at link: <http://164.100.47.132/LssNew/psearch/QResult15.aspx?qref=113561>
 16. Reply of the Ministry of Personnel, Public Grievances and Pensions before Lok Sabha to Unstarred Question No. 1979 Answered on 05.12.2012 available at <http://164.100.47.132/LssNew/psearch/QResult15.aspx?qref=134236>

5.34% as on 1 January 2011 in 45 years.¹⁷ India never fully implemented the reservation policy.

The STs are the most deprived. As of 8 May 2013, the maximum numbers of backlog vacancies of 12,195 posts were for the STs, followed by 8,332 posts for the OBCs and 6,961 for the SCs as given below:¹⁸

Backlog vacancies as of 8 May 2013 with the Central Government

	Direct Recruitment		Promotion		Total		Total pending vacancies
	Backlog	Filled up	Backlog	Filled up	Backlog	Filled up	
SC	10955	7797	13458	9655	24413	17452	6961
ST	11400	7051	17637	9791	29037	16842	12195
OBC	22072	13740	Not applicable	Not applicable	22072	13740	8332
Total	44427	28588	31095	19446	75522	48034	27488

On 23 May 2013, the Union Cabinet presided by Prime Minister Dr Manmohan Singh approved a Special Recruitment Drive to fill the backlog in reserved vacancies by 2013.¹⁹

The representation of the STs in the top echelons of bureaucracy is very negligible. The Central Government informed the Lok Sabha in November 2011 that there were only 4 ST officers out of a total 149 Secretary level officers i.e. 2.68% in the Central Government as of March 2011. At the next rung of additional secretary, there were only 2 out of 108 officers i.e. 1.85% from the STs. Further down, there were only 15 out of 477 joint secretaries i.e. 3.14%. Finally, at the level of the directors, there were only 7 STs out

17. Twenty Sixth Report of the Parliamentary Standing Committee on the Welfare of SC/ST titled "Review of representation of Scheduled Castes and Scheduled Tribes in senior positions in Government of India" on the Ministry of Personnel, Public Grievances and Pension; available at: http://164.100.47.134/lssccommittee/Welfare%20of%20Scheduled%20Castes%20and%20Scheduled%20Tribes/15_Welfare_of_Scheduled_Castes_and_Scheduled_Tribes_26.pdf

18. "Vacancies in Government Departments", print release issued by the Ministry of Personnel, Public Grievances & Pensions on 08-May-2013 17:40 IST through the Press Information Bureau; available at: <http://pib.nic.in/newsite/PrintRelease.aspx?relid=95845>

19. Government approved Special Recruitment Drive to Fill Backlog Vacancies for SC, ST & OBCs; available at: <http://www.jagranjosh.com/current-affairs/government-approved-special-recruitment-drive-to-fill-backlog-vacancies-for-sc-st-obcs-1369367331-1>

of 590 i.e. 1.2%.²⁰ In all India services like Indian Administrative Service (IAS), Indian Police Service and Indian Foreign Service, the proportion of ST Officers was below the prescribed percentage of representation. Out of 3,251 directly recruited IAS officers, ST Officers constituted only 7.3% in September 2012.²¹

With respect to the lack of representation of the STs in the higher bureaucracy, the problem arises when the 'seniority list' for direct IAS recruits is prepared at the Lal Bahadur Shastri National Academy of Administration at Mussoorie. The criterion for selection is based on 80 per cent weightage for marks at civil services entrance examination and 20 per cent for marks during the training period at the Academy. Since the SC/ST merit list is normally below the general merit list, the IAS recruits among the SC/ST, even after a good probation (which is in itself a subjective matter), end up finishing at the bottom of the 'seniority list' every year.²²

The selection of Secretaries, Additional Secretaries and Joint Secretaries is done through an empanelment process. Since 1990, the empanelment process for the Joint Secretary level has been based on a quantifiable scale from zero to 10. This method converts all the annual confidential records of IAS officers into marks and calibrates it on a scale of 10 every year.²³

In 2010, the Department of Personnel and Training (DOPT) changed the policy and decided to mark anybody securing points between 8 and 10 as being under the "outstanding category". But in a batch of 100-150, only 40-45 officers become eligible to work as Joint Secretary. It is from this bunch of 40-45 Joint Secretaries that Additional Secretaries and Secretaries are selected. If, by some chance, no SC/ST figures at the Joint Secretary level, there would be no Secretaries at the end of the spectrum.²⁴

20. SC-STs fail to break caste ceiling, The Times of India, 6 September 2012, available at: http://articles.timesofindia.indiatimes.com/2012-09-06/india/33648907_1_scs-and-sts-sc-officers-backlog-posts

21. SC-STs fail to break caste ceiling, The Times of India, 6 September 2012, available at: http://articles.timesofindia.indiatimes.com/2012-09-06/india/33648907_1_scs-and-sts-sc-officers-backlog-posts

22. Avinash K. Mishra, 'A case for quotas in promotions', The Hindubusinessline.com, 14 September 2012; available at: <http://www.thehindubusinessline.com/opinion/a-case-for-quotas-in-promotions/article3897387.ece>

23. Avinash K. Mishra, 'A case for quotas in promotions', The Hindubusinessline.com, 14 September 2012; available at: <http://www.thehindubusinessline.com/opinion/a-case-for-quotas-in-promotions/article3897387.ece>

24. Avinash K. Mishra, 'A case for quotas in promotions', The Hindubusinessline.com, 14 September 2012; available at: <http://www.thehindubusinessline.com/opinion/a-case-for-quotas-in-promotions/article3897387.ece>

5. Reservation in the Central Universities: India's educated discriminate the most?

The most vociferous proponents against reservation in jobs are the educated upper castes who believe that their jobs are being taken away. They cite equality while manual scavenging by the SCs is still the reality. They do not resort to violence as done in rural India but nullify the reservation policy by keeping the reserved seats vacant and filling up the same with general candidates.

In a written reply to the unstarred question No. 2095 in the Rajya Sabha on 15 March 2013, Mr. Jitin Prasada, Minister of State for the Ministry of Human Resource Development stated, as per “Statistics of Higher and Technical Education” of Ministry of Human Resource Development, the number of teachers in higher education in the country during 2009-10 (Provisional) was 6,52,665. As per the provisional report on the All India Survey on Higher Education, during 2010-11 (Provisional) based on data collected up to 31st July 2012, teaching staff from the STs was only 2.9% while non-teaching staff was 4.0%.²⁵

Information received under the Right to Information Act, 2005 from the University Grants Commission (UGC) revealed extremely low representation of the STs in services/posts of the Central Universities during 2006-07; 2008-09; 2009-10; and 2010-11.

As per the statistical data provided by the UGC during 2006-2007, there were 46 STs against total of 1,187 professors i.e. 3.88%; 18 STs against total of 1,744 Readers i.e. 1.03%; and 129 STs against total of 2,914 Lecturers i.e. 4.43% in 17 Central Universities across India. The backlog of ST seats during the same period was 174.²⁶

During 2008-09, the number of the STs was only 9 against total sanctioned posts of 1,864 Professors (0.48%); 22 against total sanctioned posts of 3,533 Readers (0.62%); and 207 against total sanctioned posts of 6,688 Lecturers (3.10%) in 24 Central Universities across India. The over-all percentage of

25. Written Reply of Mr. Jitin Prasada, Minister of State in the Ministry of Human Resource Development to Unstarred Question No.2095 in the Rajya Sabha on 15.03.2013; available at: <http://www.gconnect.in/orders-in-brief/reservation/scst-reservation-for-teaching-and-non-teaching-staff.html>

26. University Grants Commission (UGC) letter No.FNo. 8-9/2012/ (SCT) dated 16 April 2012

the STs in posts of Professors, Readers and Lecturers in these 24 Central Universities comprised only 1.96% against the total sanctioned posts.²⁷

During 2009-10, the number of the STs was only 11 against total sanctioned posts of 1,943 Professors (0.57%); 29 against total sanctioned posts of 3,744 Readers (0.77%) and 211 against total sanctioned posts of 7,078 Lecturers (2.98%). The over-all strength of the STs in the post of Professors, Readers and Lecturers in 24 Central Universities during the same period was 2.03% against the total sanctioned posts.²⁸

During 2010-11, the number of the STs was only 4 against total sanctioned posts of 1,667 Professors (0.24%); 10 against total sanctioned posts of 3,155 Readers (0.32%) and 193 against total posts of 5,317 Lecturers (3.63%). During the same period there were backlog vacancies for the STs in 124 posts of Professors; 228 posts of Readers and 208 posts of Lecturers in 25 Central Universities across the country.²⁹

The data of the UGC clearly shows that the representation of the STs have come down from 3.88% in 2006-07 to 0.24% in 2010-11 in the post of Professors; from 1.03% in 2006-2007 to 0.32% in the post of Readers and from 4.43% during 2006-07 to 3.63% in the post of Lecturers.

Even though the ST candidates fulfill qualifying criteria for selection for the various posts, they are often rejected with one line statement “no suitable candidate found”. This has become an alibi to de-reserve the reserve seats for general category.

From the data provided by the UGC, it will not be an understatement to state that higher educational institutions remain the most casteist, possibly a reflection of the opposition to the reservation policy.

27. Ibid

28. Ibid

29. Ibid

6. Implementation of the reservation policy at the State Level

Implementation of reservation policy at the State level is at best half-hearted. Large number of posts meant for the STs and others are either not filled up on time or dereserved and filled with candidates from the general category. In some states the STs do not get reservation benefits in proportion to their population. The poor state of implementation of reservation policy in a few selected States is explained below:

Assam

Hundreds of posts meant for the STs remain unfilled and reserved posts are dereserved and filled with candidates from general category in Assam. According to a Public Interest Litigation (Writ Petition No.2/2011) filed by the All Assam Tribal Sangha before the Gauhati High Court in January 2011, as many as 3,096 posts (1,549 for ST-plains and 1,547 for ST-hills) were lying vacant in various departments under the State government of Assam.³⁰

As per government records, 1,440 backlog posts meant for SC and ST candidates in 32 departments of the Government of Assam have been lying vacant as on 31 March 2013. Official records revealed that *Public Works Department* (Roads) has highest number of SC and ST backlog vacancies of 469, followed by Transport and Tourism Department with 329 vacancies (266 for ST and 63 for SC); Irrigation Department with 165 vacancies (113 for ST and 52 for SC); Finance Department with 94 vacancies (77 for ST and 17 for SC); Labour and Employment Department with 76 vacancies (61 for ST and 15 for SC), Planning and Development Department with 51 vacancies; Soil Conservation Department with 46 vacancies (25 for ST and 21 for SC); Secretariat Administration Department with 44 vacancies (38 for ST and 6 for SC); Department of Food, Civil Supply & Consumer Affairs with 39 vacancies; Cultural Affairs Department with 33 vacancies (21 for ST and 12 for SC), Higher Education Department with 40 vacancies; Sports and Youth Welfare Department with 21 vacancies (20 for ST and 1 for SC); Fishery Department with 20 vacancies (16 for ST and 4 for SC); Department of Welfare of Plains Tribes and Backward Classes with 8 vacancies (4 for ST and 4 for SC); and Science and Technology Department with 5 vacancies (1 for ST and 4 for SC).³¹

30. HC on ST vacancies, The Sentinel, Guwahati, 29 January 2011

31. 1,440 backlog posts meant for SC & ST candidates lying vacant, Sentinel, 1 April 2013

Chhattisgarh

The Scheduled Tribes constitute about 32% of the total population in the State. However, only 20% of the government jobs are reserved for the STs. Numerous representations by the tribal leaders and organizations for 32% reservation for the STs in state government posts failed to yield any result. According to data published by the tribal government employees association, the representation of the STs in highest echelons of state's bureaucracy is absolutely negligible. As of 31 October 2011, across 18 districts of Chhattisgarh there were only two district collectors, one police superintendent and one district judge from the tribal communities while none of the 31 State government boards and bodies was headed by a tribal.³²

Though the Cabinet Sub-committee had submitted its report recommending increase in reservation to the SCs and the STs on the basis of their population in the state in 2010, the Raman Singh Government is yet to take any decision.³³

Karnataka

The STs are given only 3% reservation in government jobs. The cap of 3% has not been revised despite increase in their population. The population of the STs in Karnataka according to the 2011 census is 8% of the state's total population.

The sanctioned posts in the civil services in Karnataka was 8,38,477 as on 31 March 2012. Of these, 6,81,189 posts were filled out of which ST representation was 29,818 as on 31 March 2012.³⁴ There were 24,877 STs employed in 85 departments of the state government as on 31 March 2011. The representation of the STs in Police was 3,577 (4.58%) and Education Department was 10,623 (4.40%).³⁵

32. Rightful share in jobs eludes Chhattisgarh tribals, *The Times of India*, 8 November 2011 available at http://articles.timesofindia.indiatimes.com/2011-11-08/india/30373151_1_chhattisgarh-tribals-kanker-jobs

33. Quota Rules, *The Indian Express*, 19 July 2010; available at: <http://www.indianexpress.com/news/quota-rules/648361/3>

34. Page 35 of the Report on the Representation of Scheduled Castes and Scheduled Tribes in State Civil Services as on 31st March 2012, Directorate of Economics & Statistics, Bangalore (Karnataka), 2013 available at <http://des.kar.nic.in/downloads/Report%20on%20Representation%20of%20Scheduled%20Castes%20and%20Scheduled%20Tribes%20in%20State%20Civil%20Services/SCST2011.pdf>

35. SC/STs well represented in state government jobs, *The Times of India*, 10 September 2012

The total representation of the STs in all groups was 4.61% in 2008, 4.55% in 2009, 4.93% in 2010, 4.52% in 2011 and 4.38% in 2012. While the group-wise representation of the STs employees in state civil services during 2008 to 2012 is as follows: (i) Group A representation of the STs was 4.37% in 2008, 4.21% in 2009, 4.12% in 2010, 4.16% in 2011 and 4.55% in 2012; (ii) Group B representation was 3.83 % in 2008, 3.69% in 2009, 3.46% in 2010, 3.42% in 2011 and 3.87% in 2012; (iii) Group C representation was 4.34% in 2008, 4.32% in 2009, 4.23% in 2010, 4.34% in 2011 and 4.13% in 2012; and (iv) Group D representation was 7.17% in 2008, 6.95% in 2009, 6.29% in 2010, 6.77% in 2011 and 6.98% in 2012.³⁶

While the representation of the STs in the government services in comparison to other States with respect to compliance with 3% reservation for the STs was better, the cap of 3% needs to be increased in the light of the increase of State populations in the State.

Kerala

As of 16 April 2010, there were 612 backlog vacancies reserved for the STs in Kerala. These included 155 gazetted, 332 non-gazetted and 125 last grade posts. According to the General Administration Department's progress report, the largest number of vacancies for the STs was reported from the Health Department (111 vacancies), followed by the Department of Public Instruction (103 vacancies), followed by Higher Secondary Education Department (91 vacancies) and the Agriculture Department (65 vacancies).³⁷

Manipur

In Manipur, the STs have 31 per cent reservation in state jobs and services.³⁸ However, the State Government of Manipur failed to implement the Manipur Reservation of Vacancies in Posts and Services (for Scheduled Castes & Scheduled Tribes) Act, 1976. This led to denial of prescribed jobs to the SCs and the STs.

There was a shortfall of 23 out of total sanctioned quota of 34 employees in the Manipur Police Housing Corporation Ltd (MPHC), a Manipur Government

36. Report on the Representation of Scheduled Castes and Scheduled Tribes in State Civil Services as on 31st March 2012, Directorate of Economics & Statistics, Bangalore (Karnataka), 2013

37. Huge backlog in SC/ST recruitments in State, *The Hindu*, 16 April 2010 available at <http://www.hindu.com/2010/04/16/stories/2010041657770100.htm>

38. Manipur ST has 31 per cent reservation, *Manipur Update*, 12 June 2013; available at: <http://manipurupdate.com/?p=59077>

Undertaking, because of non-implementation of Manipur Reservation of Vacancies in Posts and Services (for Scheduled Castes & Scheduled Tribes) Act, 1976. As on 27 July 2012, there were only 11 ST employees out of total 109 employees in the Manipur Police Housing Corporation Ltd.³⁹ There is shortfall of 67 ST employees in Grade III and IV category posts in the Jawaharlal Nehru Institute of Medical Sciences. As of April 2013, there were only 10 STs out of the total employees of 250 plus in Grade III and IV.⁴⁰ The All Tribal Students' Union Manipur alleged that the state government of Manipur despite receiving numerous complaints and reminders turned a deaf ear in the matter of reservation of posts for the STs in every institution.⁴¹

As of 21 May 2013, there were backlog of 474 posts of constable for the STs in Manipur Police since 10 December 2008.⁴²

Tripura

In Tripura, the STs are provided thirty one percent reservation as per the Tripura Scheduled Castes and Scheduled Tribes Reservation Act, 1991.

As of 1 March 2012, there were 12,063 vacancies for the STs in several departments and Autonomous Bodies under the Government of Tripura. These included - 1150 posts (135 posts of Group A, 12 posts of Group B (Gazetted), 441 posts of Group C and 562 posts of Group D) in the Department of Higher Education;⁴³ 44 posts (4 posts of Group B, 21 posts of Group C and 9 posts of Group D) in the Fisheries department;⁴⁴ 110 posts of Group C in the Department of Land Records and Settlement;⁴⁵ 163 posts (6 posts of Group B, 144 posts of Group C and 13 post of Group

39. MIPRM unhappy with reservation policy, *The Manipur Mail*, 27 July 2012; available at: <http://manipur-mail.com/mtprm-unhappy-with-reservation-policy/>

40. ATSUM raises reservation of ST quota in JNIMS, *The Sangaexpress.com*, 24 April 2013; available at: <http://www.thesangaexpress.com/tseitm-25618-atsum-raises-reservation-of-st-quota-in-jnims/>

41. ATSUM raises reservation of ST quota in JNIMS, *The Sangaexpress.com*, 24 April 2013; available at: <http://www.thesangaexpress.com/tseitm-25618-atsum-raises-reservation-of-st-quota-in-jnims/>

42. KSO appeals to implement agreement on ST reservation, *The Manipur Mail*, 18 July 2013; available at: <http://manipur-mail.com/kso-appeals-to-implement-agreement-on-st-reservation/>

43. Information received under RTI Act from the SPIO, Directorate of Higher Education, Govt. of Tripura in December 2011

44. Information received under RTI Act from Fisheries Deptt., Govt of Tripura vide letter dated 24 December 2011

45. Information received under RTI Act from the Department of Land Records and Settlement, Govt of Tripura vide letter dated 21 December 2011

D) in Department of Education and Youth Affairs & Sports;⁴⁶ 16 posts (14 posts of Group C and 2 posts of Group D) in the Department of Economics and Statistics;⁴⁷ 33 posts (1 posts of Group B, 32 posts of Group C) in the Department of Social Welfare and Social Education;⁴⁸ 210 posts (6 posts of Group B, 156 posts of Group C and 48 posts of Group D) in the Agartala Municipal Council;⁴⁹ 349 posts (9 posts of Group B(G), 336 posts of Group C and 4 posts of Group D) in the Department of Agriculture;⁵⁰ 54 posts (1 post of Group A and 53 posts of Group B in the Department of Education (School));⁵¹ 5 posts of Group D in the Tripura Public Service Commission;⁵² 26 posts (1 post of Group A, 23 posts of Group C and 2 posts of Group D) in the Department of Tribal Rehabilitation and Particularly Vulnerable Group;⁵³ 184 posts in the Department of Animal Resource Development;⁵⁴ 5 posts (3 posts of Group C and 2 posts of Group D) in the Department of Law;⁵⁵ 38 posts (35 posts of Group C and 3 posts of Group D) in department of General Administration (SA);⁵⁶ 158 posts (5 posts of Group B, 102 posts of Group C and 51 posts of Group D) in Tripura Road Transport Corporation;⁵⁷ 116 post (32 posts of Group A and 84 posts of Group C) in the department of General Administration (P &T);⁵⁸ 2 posts of Group D in the Chief Minister

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46. Information received under RTI Act from the Department of Education and Youth Affairs & Sports, Govt of Tripura vide letter dated 21 December 2011
 47. Information received under RTI Act from the Department of Economics and Statistics, Govt of Tripura vide letter dated 2 January 2012
 48. Information received under RTI Act from the Department of Social Welfare and Social Education, Govt of Tripura vide letter dated 22 December 2011 and 16 February 2012
 49. Information received under RTI Act from the Agartala Municipal Corporation, Govt of Tripura vide letter dated 2 January 2012
 50. Information received under RTI Act from the Department of Agriculture, Govt of Tripura vide letter dated 9 January 2012
 51. Information received under RTI Act from the Department of Department of Education (School), Govt of Tripura vide letter dated 29 December 2011
 52. Information received under RTI Act from the Tripura Public Service Commission, Govt of Tripura vide letter dated 11 January 2012
 53. Information received under RTI Act from the Department of Tribal Rehabilitation and Particularly Vulnerable Group, Govt of Tripura vide letter dated 11 January 2012
 54. Information received under RTI Act from the Department of Animal Resource Development, Govt of Tripura vide letter dated 19 January 2012
 55. Information received under RTI Act from the Department of Law, Govt of Tripura vide letter dated 24 January 2012
 56. Information received under RTI Act from the Department of General Administration, Govt of Tripura vide letter dated 20 January 2012
 57. Information received under RTI Act from the Tripura Road Transport Corporation, Govt of Tripura vide letter dated 25 January 2012
 58. Information received under RTI Act from the Department of General Administration (P &T), Govt of Tripura vide letter dated 30 January 2012

Secretariat;⁵⁹ 658 posts (242 posts of Group A, 416 posts of Group B, 33 posts of Group C and 152 posts of Group D) in the department of Health and Family Welfare;⁶⁰ 44 posts (30 posts of Group B and 14 posts of Group C) in the department of Fire Service;⁶¹ 44 posts (22 posts of Group C and 22 posts of Group D) in the department of Information, Cultural Affairs and Tourism;⁶² 6 posts of Group C in Election department;⁶³ 7 posts (3 posts of Group C and 4 posts of Group D) in the department of Employment Services & Man Power Planning;⁶⁴ 4 posts in the Sarva Shiksha Abhiyan (State Mission);⁶⁵ 2 posts (1 posts of Group C and 1 posts of Group D) in the department of Factories and Boiler Organisation;⁶⁶ 3 posts of Group D in the Governor's Secretariat⁶⁷ and 1 post of Group C in the Tribal Research and Cultural Institute.⁶⁸

The group wise break-up of vacancies comprised 923 vacancies of Group A; 661 vacancies of Group B; 8,341 vacancies of Group C and 2,138 vacancies of Group D.

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59. Information received under RTI Act from the Chief Minister Secretariat, Govt of Tripura vide letter dated 30 January 2012
 60. Information received under RTI Act from the Department of Health and Family Welfare, Govt of Tripura vide letter dated 2 February 2012
 61. Information received under RTI Act from the department of Fire Service, Govt of Tripura vide letter dated 13 February 2012
 62. Information received under RTI Act from the department of Information, Cultural Affairs and Tourism, Govt of Tripura vide letter dated 6 February 2012
 63. Information received under RTI Act from the Election department, Govt of Tripura vide letter dated 9 February 2012
 64. Information received under RTI Act from the department of Employment Services & Man Power Planning, Govt of Tripura vide letter dated 22 February 2012
 65. Information received under RTI Act from the Sarva Shiksha Abhiyan (State Mission), Govt of Tripura vide letter dated 1 February 2012
 66. Information received under RTI Act from the department of Factories and Boiler Organisation, Govt of Tripura vide letter dated 19 December 2011
 67. Information received under RTI Act from the Governor's Secretariat, Govt of Tripura vide letter dated 22 December 2011
 68. Information received under RTI Act from the Tribal Research and Cultural Institute, Govt of Tripura vide letter dated 29 December 2011

7. Implementation of the reservation policy by the Public Sector Undertakings

Representation of the STs in the Public Sector Undertakings (PSUs) of the Government of India continues to be less than the prescribed quota of 7.5% reservation. The inadequacy of representation of the STs is more prominent at the highest level of positions in the PSUs.

In majority of the 206 Public Sector Enterprises (PSEs), the STs and the SCs are not appointed as Member of Board of Directors. As per policy of the Government there is no reservation for Board level posts in the PSEs. In their testimony during the “Review of representation of Scheduled Castes and Scheduled Tribes in senior positions in Government of India” by the Parliamentary Standing Committee on the Welfare of the Scheduled Castes and Scheduled Tribes, the Ministry of Personnel, Public Grievances and Pensions stated that the Public Enterprises Selection Board (PESB) made selection for the Board level appointments in Central Public Sector Enterprises (CPSEs), where there was no provision of reservation for the SCs and the STs and PESB called for applications from eligible candidates. The format of the application prescribed by PESB does not have a column requiring a candidate to mention his/her caste status. The selection of the candidates was made keeping in view the performance of candidates interviewed with special regard to their qualities of managerial capability, leadership, broad vision, track record, available ACRs and inputs given by the Secretary of the concerned Administrative Ministry and CMD of the concerned PSU.⁶⁹

There is no ST member in Board of Directors of the Oil and Natural Gas Corporation (ONGC),⁷⁰ Food Corporation of India (FCI),⁷¹ Indian

69. Twenty Sixth Report of the Parliamentary Committee on the Welfare of the Scheduled Castes and Scheduled Tribes (PCWSCs/STs) titled “Review of representation of Scheduled Castes and Scheduled Tribes in senior positions in Government of India” dated 20 March, 2013

70. First Report of the Parliamentary Committee on the Welfare of the Scheduled Castes and Scheduled Tribes (PCWSCs/STs) titled “Reservation for and employment of Scheduled Castes and Scheduled Tribes in Oil and Natural Gas Corporation Limited” dated 25.11.2009

71. Third Report of the (PCWSCs/STs) titled “Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Food Corporation of India (FCI)”, dated 02.12.2009

Railways⁷²; Bharat Sanchar Nigam Limited (BSNL);⁷³ Bharat Heavy Electricals Limited (BHEL)⁷⁴; National Aviation Company of India Limited (NACIL)⁷⁵; and Central Board of Direct Taxes (CBDT).⁷⁶

Public Sector Banks

Information received from the Department of Financial Services, Ministry of Finance, Government of India on 27 February 2012 in response to an application under the Right to Information Act, 2005 revealed that there was a shortfall of 4,497 ST employees at Officers level; 7,017 ST employees at Clerical level; and 10,630 employees at Sub-staff level in 34 public sector banks as on 01.01.2009.⁷⁷

In 34 public sector banks, out of 2,88,428 officers ST representation was only 17,135 comprising 5.94%; out of 2,96,863 clerks, the ST representation was only 15,247 comprising 5.14%; and out of 1,41,746 sub-staff, ST representation was only 10,070 comprising 7.10%.⁷⁸

Public Insurance Companies

As per the RTI reply provided by the Ministry of Finance on 22 May 2012, there were shortfall of 678 ST employees at Group A level and 669 ST employees at Group B level in the 8 public sector insurance companies. The ST representation was 2,418 out of total 41,283 Group A posts comprising 5.86% and 1,806 out of total 33,000 Group B posts comprising 5.47%.⁷⁹

72. Sixth Report of the (PCWSCs/STs) titled "Reservation for and Employment of Scheduled Castes and Scheduled Tribes in South Western Railway", 11.03.2010

73. Thirty-seventh Report(PCWSCs/STs) titled "Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Bharat Sanchar Nigam Limited (BSNL)", 11.08.2011

74. Sixth Report of the (PCWSCs/STs) titled "Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Bharat Heavy Electricals Ltd. (BHEL)", dated 23.11.2010

75. Twenty-First Report of the (PCWSCs/STs) titled "Reservation for and Employment of Scheduled Castes and Scheduled Tribes in National Aviation Company of India (NACIL)", dated 09.08.2012

76. Twenty-Fourth Report of the (PCWSCs/STs) titled "Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Central Board of Direct Taxes (CBDT)" dated 26.11.2012

77. RTI Reply F.No.22/7/2012-SCT(B) dated 22.05.2012 from the Department of Financial Services, Ministry of Finance

78. RTI Reply F.No.22/7/2012-SCT(B) dated 22.05.2012 from the Department of Financial Services, Ministry of Finance

79. RTI Reply F.No.22/7/2012-SCT(B) dated 22.05.2012 from the Department of Financial Services, Ministry of Finance

Bharat Sanchar Nigam Limited

The Action Taken Report by the Government on the recommendations contained in the Thirty Seventh Report of the Parliamentary Standing Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the subject “Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Bharat Sanchar Nigam Limited (BSNL)” presented to Lok Sabha on 11 August 2010 revealed that there were only 516 ST employees out of total 17,400 Junior Telecom Officers (JTO) i.e. 2.97% and 1,093 ST employees out of total 15605 Telecom Technical Assistants (TTA) i.e. 7% in the BSNL as on 11 August 2009.⁸⁰ There were a shortfall of 789 ST employees at JTO level and 77 ST employees at TTA level.

Ministry of Railways

In the 18th Report on the Ministry of Railways presented to the Parliament on 27 December 2011, the Parliamentary Standing Committee on the Welfare of Scheduled Castes and Scheduled Tribes noted that the South Western Railway was not making enough efforts to fill up hundreds of vacancies. It particularly pointed out that 166 out of 203 ST vacancies in direct recruitment category remained unfilled as on 31 March 2010 even after conducting Special Recruitment Drive in 2008. The Ministry of Railways had not taken concerted efforts to fill up the ST/SC vacancies though the Ministry of Personnel, Public Grievances and Pensions (Deptt. of Personnel and Training) issued instructions to conduct Special Recruitment Drive to fill up backlog vacancies. There were also discrepancies such as not maintaining separate post based rosters for direct recruitment and promotional quota, not reflecting ad-hoc promotions continuing more than 45 days, and the Controlling Officer was not sanctioning actual vacancy and percentage of shortfall for the SC and the ST in the category. The Parliamentary Standing Committee expressed concerns that the Ministry of Railways took such serious negligence and lapses very lightly.⁸¹

80. Report of Action taken by the Government on the recommendations contained in the Thirtyseventh Report (Fourteenth Lok Sabha) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the subject “Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Bharat Sanchar Nigam Limited (BSNL)”, dated 11.08.201

81. Action taken by the Government on the recommendations contained in the Twenty - eighth Report (Fourteenth Lok Sabha) on the Ministry of Railways (Railway Board) on the subject “Reservation for and Employment of Scheduled Castes and Scheduled Tribes in Southern Railway”, available at: http://164.100.47.134/lsscommittee/Welfare%20of%20Scheduled%20Castes%20and%20Scheduled%20Tribes/15_Welfare%20of%20Scheduled%20Castes%20and%20Scheduled%20Tribes_18.pdf

National Aviation Company of India Limited

The Fifteenth Report of the Parliamentary Standing Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the Ministry of Civil Aviation which was presented to the Parliament on 9 August 2012 revealed that as on 1 November 2010, there was shortfall of 11 ST employees at Group 'A' level; 10 ST employees at Group 'B' level; 28 ST employees at Group 'D' (excluding Safai Kamgar) level; and 28 ST employees at Group 'D' (only sweepers) level in the National Aviation Company of India Limited (NACIL), which was formed by merging the national carriers Air India (AI) and Indian Airlines.⁸²

In NACIL-I there was shortfall of 88 ST employees at Group 'A' level; 16 ST employees at Group 'C' level; 29 ST employees at Group 'D' (excluding Safai Kamgar) level; and 11 ST employees at Group 'D' (only sweepers) level as on 1 November 2010.⁸³

Central Board of Direct Taxes

In the Central Board of Direct Taxes (CBDT) in the Ministry of Finance, the total number of backlog vacancies for the STs as on 31.03.2012 were 55 in direct recruitment quota and 719 in promotion quota and 99 posts of stenographer.⁸⁴

In its Twenty Fourth Report, "Reservation for and employment of Scheduled Castes and Scheduled Tribes in Central Board of Direct Taxes (CBDT)" dated 26 November 2012, the Parliamentary Standing Committee on the Welfare of Scheduled Castes and Scheduled Tribes highlighted the deliberate attempt of the CBDT authorities to keep the posts reserved for the STs and the SCs vacant.

The Parliamentary Standing Committee noted that the Ministry was "putting forward lame excuses as non-availability of eligible officers in feeder cadre

82. Reservation for and Employment of Scheduled Castes and Scheduled Tribes in National Aviation Company of India Limited (NACIL); available at: http://164.100.47.134/lsscommittee/Welfare%20of%20Scheduled%20Castes%20and%20Scheduled%20Tribes/15_Welfare%20of%20Scheduled%20Castes%20and%20Scheduled%20Tribes_21.pdf

83. Ibid.

84. Twenty Fourth Report titled of the Parliamentary Standing Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the Ministry of Finance (Department of Revenue) titled "Reservation for and employment of Scheduled Castes and Scheduled Tribes in Central Board of Direct Taxes (CBDT)," presented to the Parliament on 26 November 2012, available at: http://164.100.47.134/lsscommittee/Welfare%20of%20Scheduled%20Castes%20and%20Scheduled%20Tribes/15_Welfare%20of%20Scheduled%20Castes%20and%20Scheduled%20Tribes_24.pdf

for shortfall in promotion". Despite conducting departmental examination meant for promotion to the post of Income Tax Inspector and Income Tax Officers, shortfall in promotion still persists. It is evident that every year a good number of SC/ST candidates qualify the examination for promotion but only handful are promoted. This clearly exhibits the incoherent nature of the reply of the Ministry. The Parliamentary Standing Committee was surprised to note that despite having SC/ST candidates who are eligible for promotion posts, the CBDT has been depriving these candidates of rightful promotion. Further, departmental examinations for promotion are not held in certain Directorates at all.⁸⁵

The Parliamentary Standing Committee, among others, recommended that an enquiry should be initiated for such cases in various Directorates to determine the reasons for keeping promotion posts vacant despite availability of SC/ST candidates, who have already qualified in the examination for promotion; and that the departmental examinations should be held in all the Directorates to facilitate the SC/ST candidates in feeder cadre.⁸⁶

85. Ibid

86. Ibid

8. De-reservation: The modus operandi

On paper, seats reserved for the STs and others cannot be dereserved except in public interest and without following the procedures to prevent abuse. However, these guidelines are twisted and jobs reserved for the STs and others are regularly dereserved.

Central government procedures

According to the Department of Personnel and Training (DoPT) under the Ministry of Personnel, Public Grievances and Pensions, a vacancy reserved for the SCs, the STs or the OBCs cannot be filled by a candidate other than an SC or ST or OBC candidate, as the case may be. However, a reserved vacancy may be declared unreserved by following certain procedure of dereservation as provided in Office Memorandum (O.M.) No. 36020/2/2007-Est (Res) dated 7 December 2009 of the Ministry of Personnel, Personnel Grievances & Pensions.⁸⁷

The said O.M. provides that there is a general ban on dereservation of reserved vacancies in case of direct recruitment. However, in rare and exceptional cases when a vacancy in a Group 'A' service cannot be allowed to remain vacant in public interest, the administrative Ministry/Department may prepare a proposal for dereservation of the vacancy giving information like (i) Designation of the post; (ii) Pay scale of the post; (iii) Name of the service to which the post belongs; (iv) Duties and responsibilities attached to the post; (v) Educational and other qualifications prescribed for the post; (vi) Efforts made to fill up the post; (vii) Reasons why it cannot be allowed to remain vacant; (viii) Justification for dereservation; and (ix) Any other relevant information.⁸⁸

The O.M. requires that the administrative Ministry shall consult the National Commission for Scheduled Castes in respect of vacancy reserved for the SCs, the National Commission for Scheduled Tribes in respect of vacancy reserved for the STs and the National Commission for Backward Classes in respect of vacancy reserved for the OBCs. After obtaining the comments of the concerned Commission, the administrative Ministry/Department

87. Office Memorandum No. 36020/2/2007-Est(Res) dated 7 December 2009 of the Ministry of Personnel, P G. & Pensions (Department of Personnel & Training); available at: http://ccis.nic.in/WriteReadData/CircularPortal/D2/D02adm/36020_2_2007-Estt.Res-07122009.pdf

88. Ibid

shall place the proposal alongwith the Commission's comments before a Committee comprising of the Secretaries in the Department of Personnel and Training, the Ministry of Social Justice and Empowerment, and the Ministry/Department under which the recruitment is to be made for consideration and recommendation. The recommendation of the Committee shall be placed before the Minister in charge of the Department of Personnel and Training for taking a final decision. If dereservation of the vacancy is approved, it can be filled as an unreserved vacancy.⁸⁹

In respect of dereservation of reserved vacancies to be filled by promotion, the O.M. states that if sufficient number of SC/ST candidates fit for promotion against reserved vacancies are not available, such vacancies may be dereserved and filled by the candidates of other communities. The power to accord approval to dereservation of the reserved vacancies in such cases is delegated to the administrative Ministries and Departments subject to the conditions that- (i) no candidate belonging to the category for which the vacancy is reserved is available within the zone of consideration or extended zone of consideration or eligible for promotion in the feeder cadre(s) specified in the relevant service/recruitment rules/orders; (ii) the proposal for dereservation has been seen and concurred in by the Liaison Officer of the Ministry/Department; (iii) the proposal for dereservation is agreed to at a level not lower than that of Joint Secretary to the Government of India, in the administrative Ministry/Department (proper)concerned; and (iv) in the event of disagreement between the appointing authority and the Liaison Officer, the advice of the Department of Personnel & Training is obtained.⁹⁰

The O.M. requires that before taking a decision to dereserve a vacancy under the delegated powers, the administrative Ministry/Department shall prepare a proposal in the proforma given in the Annexure-I and send one copy thereof each to the Department of Personnel & Training and the National Commission for Scheduled Castes in respect of vacancies reserved for the SCs and to the National Commission for Scheduled Tribes in respect of vacancies reserved for the STs. After sending the proposal, the Ministry/Department shall wait for a period of at least two weeks for the comments of the Department of Personnel & Training and the concerned National Commission. If no comments are received from the Department of Personnel & Training or the concerned Commission within two weeks, the administrative Ministry/Department may presume that the DoPT or

89. Ibid

90. Ibid

the concerned National Commission, as the case may be, do not have any comments to offer and may take a decision regarding dereservation of the vacancy. In case the Ministry/Department receives comments from the DOPT or the concerned Commission within two weeks, the comments so received shall be considered while taking a decision in the matter.⁹¹

In respect of dereservation of vacancies to be filled by the STs by promotion, the NCST in its “Guidelines for dealing with matters received in the Commission”, inter alia, provides as under -

“c) In case of appointment by promotion, if a post reserved for ST cannot be filled due to non-availability of the eligible ST candidate at the time of promotion as also in near future and for the reason that keeping the post vacant for a very long time may adversely affect the functioning of the Ministry/Organisation the competent authority may seek dereservation of the post by sending a proposal, in the prescribed proforma, to the National Commission for Scheduled Tribes and to the Department of Personnel and Training.

d) After approval by DoPT and NCST the vacancy can be dereserved by the competent authority and the dereserved vacancy may be filled by promoting the eligible non-ST candidate as per promotion rules. However, dereservation does not lead to lapse of the point of reservation for Scheduled Tribes and this point has to be carried forward for promotion in the next Recruitment year. The vacancy occurring in the near future or in the next Recruitment year has to be reserved for ST, keeping in view other conditions relating to filling the vacancies in a Recruitment year. In case no eligible ST candidate is available for appointment by promotion against the post reserved against the carried forward from previous year, the competent authority has to seek dereservation again.”⁹²

These guidelines exist only paper. As the Parliamentary Standing Committee on the Welfare of Scheduled Castes and Scheduled Tribes in its Twenty Fourth Report titled “Reservation for and employment of Scheduled Castes and Scheduled Tribes in Central Board of Direct Taxes (CBDT)” dated 26 November 2012 noted “every year a good number of SC/ST candidates qualify the examination for promotion but only handful are promoted” by the CBDT and “despite having SC/ST candidates who are eligible for promotion posts,

91. Ibid

92. “Guidelines for dealing with matters received in the Commission” of the National Commission for Scheduled Tribes, available at: <http://ncst.nic.in/writereaddata/linkimages/Agenda22022010-1590394170.pdf>

the CBDT has been depriving these candidates of rightful promotion.” While rejecting the contention of the Finance Ministry about “non-availability of eligible candidates as the major reason for backlog”, the Parliamentary Standing Committee recommended that “an enquiry should be initiated for such cases in various Directorates to determine the reasons for keeping promotion posts vacant despite availability of SC/ST candidates, who have already qualified in the examination for promotion”.⁹³

State government procedures

Across India, jobs reserved for the STs and others are kept vacant. In one hand, the State governments have adopted stringent procedures against appointment of general candidates in reserved posts including making it an offence punishable with imprisonment for a term of 5 years,⁹⁴ on the other hand, they provide easy way out to de-reserve the seats on the ground of non-availability of suitable reserved candidates despite best efforts. The formalities of obtaining necessary concurrence from the concerned authorities for dereservation have become perfunctory.

The PWD of the State government of Assam dereserved 14 posts of Executive Engineer and filled them up by promoting 14 Assistant Executive Engineer from general category in April 2012 without prior concurrence of the WPT & BC department as required under the Assam SCs and STs (Reservation of Vacancies in Services and Posts) (Amendment) Act 2012.⁹⁵ Similarly, 23 posts of Subject Teachers meant for the STs were filled up with candidates from general category.⁹⁶ During 2005-2011, a total of 409 promotion posts in various government departments reserved for the SCs and the STs were de-reserved by Assam citing lack of eligible SC and ST candidates.⁹⁷

93. Twenty Fourth Report titled of the Parliamentary Standing Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the Ministry of Finance (Department of Revenue) titled “Reservation for and employment of Scheduled Castes and Scheduled Tribes in Central Board of Direct Taxes (CBDT),” presented to the Parliament on 26 November 2012, available at: http://164.100.47.134/lssccommittee/Welfare%20of%20Scheduled%20Castes%20and%20Scheduled%20Tribes/15_Welfare%20of%20Scheduled%20Castes%20and%20Scheduled%20Tribes_24.pdf

94. For example, “The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of vacancies in Services and Posts) Act, 1976” is available at <http://www.anagrasarkalyan.gov.in/htm/reserv-1.html>

95. AATS delegation meets CM, The Sentinel, 2 May 2013 available at <http://www.sentinelassam.com/state1/story.php?sec=2&subsec=2&id=157697&dtP=2013-08-31&ppr=1>

96. Ibid

97. Whither SC, ST welfare notion? - 409 promotion posts in Assam de-reserved, The Sentinel, 2 November 2011

9. Judicial regression on the reservation policy

The Supreme Court of India has given a number of judgments on the issue of reservations and a number of critical judgements have been regressive.

Reservation in promotion

The issue of reservation in promotion has been a bone of contention between the Government and the Supreme Court of India. The Supreme Court of India in its judgement dated 16.11.1992 in the case of *Indra Sawhney versus. Union of India* held that reservation in promotion is *ultravires* but had permitted to continue it for 5 years from the date of the judgement i.e. upto 15.11.1997.

The Government considered that the apex court ruling would adversely affect the interests of the SCs and the STs and in the opinion of the Government, it is necessary to continue the existing dispensation of providing reservation in promotion so far the representation of the Scheduled Castes and the Scheduled Tribes in services in the States have not reached the required level. Guided by this consideration the Government brought the Constitution (Seventy-Seventh Amendment) Act on 31 May 1995 which inserted the following clause after Clause (4) to Article 16 of the Constitution.⁹⁸

“(4A) Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State.”

There is no reservation in promotion by selection within Group “A”. However, instructions contained in Department of Personnel and Training O.M. No.36028/21/2003-Estt. (Res.) dated 29.1.2004 provide that in promotions by selection within Group “A” (Class I) carrying an ultimate salary of Rs.18,300/- (revised) per month or less, the Scheduled Caste/Scheduled Tribe officers, who are senior enough in the zone of consideration

98. The Constitution (Seventy-Seventh Amendment) Act of 1995; available at: <http://indiacode.nic.in/coiweb/amend/amend77.htm>

for promotion so as to be within the number of vacancies for which the select list has to be drawn, would be included in the list provided they are not considered unfit for promotion.⁹⁹

Inclusion of backlog in the upper limit of reservation up to 50%

Prior to 29 August 1997, the vacancies reserved for the SCs and the STs, which could not be filled up by direct recruitment on account of non-availability of the candidates belonging to the SCs/STs, were treated as backlog vacancies. These vacancies were treated as a distinct group and were excluded from the ceiling of fifty per cent reservation.

The Supreme Court in its judgment in the case of *Indra Sawhney versus Union of India* held that the number of vacancies to be filled up on the basis of reservations in a year including carried forward reservations should in no case exceed the limit of fifty per cent. As total reservations in a year for the SCs, the STs and the OBCs combined together had already reached forty-nine and a half per cent and the total number of vacancies to be filled up in a year could not exceed fifty per cent, it became difficult to fill the backlog vacancies and to hold Special Recruitment Drives.

The Supreme Court has completely overlooked the fact that not filling up the vacancies has become a means to deny reservation to the STs and other groups.

In order to over ride the effects of the apex court judgment, the Government had to bring the Constitution (Eighty-First Amendment Act) on 1st May 2000 that inserted clause (4B) in Article 16 to permit the Government to treat the backlog of reserved vacancies as a separate and distinct group, to which the limit of 50 percent ceiling on reservation may not apply.¹⁰⁰

Relaxation in qualifying marks

The members of the SCs/STs had been getting relaxation in qualifying marks and standards of evaluation in matters of reservation in promotion. However,

99. Twenty Sixth Report of the Parliamentary Standing Committee on the Welfare of SC/ST titled "Review of representation of Scheduled Castes and Scheduled Tribes in senior positions in Government of India" on the Ministry of Personnel, Public Grievances and Pension; available at: http://164.100.47.134/lssccommittee/Welfare%20of%20Scheduled%20Castes%20and%20Scheduled%20Tribes/15_Welfare_of_Scheduled_Castes_and_Scheduled_Tribes_26.pdf

100. THE CONSTITUTION (EIGHTY FIRST AMENDMENT) ACT, 2000; available at: <http://indiacode.nic.in/coiweb/amend/amend81.htm>

the Supreme Court in its judgment dated 1.10.1996 in the case of *S. Vinod Kumar Vs. Union India* held that such relaxations in matters of reservation in promotion were not permissible under Article 16(4) of the Constitution in view of the command contained in Article 335 of the Constitution. This led to the government bringing the Constitution (Eighty-Second Amendment) Act on 8 September 2000 to restore the relaxations which were withdrawn in view of the rulings of the apex court in the case of *S. Vinod Kumar Vs. Union India* and *Indra Sawhney versus Union of India*. The Government of India through 82nd Constitution Amendment Act¹⁰¹ incorporated the following proviso to Article 335:

“Provided that nothing in this Article shall prevent in making of any provision in favour of the members of the Scheduled Castes and Scheduled Tribes for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters of promotion to any class or classes of services or posts in connection with the affairs of the Union or of a State.”

Consequential seniority on promotion

The Government servants belonging to the Scheduled Castes and the Scheduled Tribes had been enjoying the benefit of consequential seniority on their promotion on the basis of rule of reservation. However, the judgments of the apex court in the case of *Virpal Singh Chauhan (1995) 6 SCC 684* and *Ajit Singh No. 1 AIR 1996 SC 1189* changed the position adversely affecting the interest of the Government servants belonging to the SC/ST category in the matter of seniority on promotion to the next higher grade.

In the case of *Virpal Singh Chauhan*, the Supreme Court reiterated the principle affirmed in *Indra Sawhney* that providing reservation in promotion is not warranted by Article 16(4). Further, in the case of *Ajit Singh Januja*, the Supreme Court further concurred with the view in *Union of India vs. Virpal Singh Chauhan*, (supra) that seniority between the reserved category candidates and general candidates in the promoted category shall continue to be governed by their panel position i.e. with reference to their inter se seniority in the lower grade. The rule of reservation gives accelerated promotion, but it does not give the accelerated consequential seniority⁷. If a Scheduled Caste/Scheduled Tribe candidate is promoted earlier because of the rule of

101. THE CONSTITUTION (EIGHTY SECOND AMENDMENT) ACT 2000; available at: <http://indiacode.nic.in/coiweb/amend/amend82.htm>

reservation/roster and his senior belonging to the general category candidate is promoted later to that higher grade the general category candidate shall regain his seniority over such earlier promoted scheduled caste/tribe candidate.

In order to overcome the effects of the rulings of the Supreme Court, the Government brought the Constitution (Eighty-Fifth Amendment) Act on 4 January 2002 to further amend Clause (4A) of Article 16 by substituting the words “*in matters of promotion, with consequential seniority, to any class or classes of posts*” in place of “*in matters of promotion to any class.*” The amended clause read as under:

“(4A) Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion, with consequential seniority, to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State.”¹⁰²

By virtue of the 82nd Constitution Amendment Act, Government servants belonging to the Scheduled Castes and the Scheduled Tribes had been enjoying the benefit of consequential seniority on their promotion.

However, the validity of all the above four amendments i.e. 77th, 81st, 82nd and 85th was challenged in the Supreme Court through various petitions clubbed together in *M Nagaraj & Others vs. Union of India & Others*, mainly on the ground that these amendments altered the basic structure of the Constitution. The Supreme Court upheld these four amendments but stipulated that the concerned state will have to show, in each case, the existence of compelling reasons which include backwardness, inadequacy of representation and overall administrative efficiency, before making provisions for reservation. The court further held that these provisions are merely enabling provisions.¹⁰³

The Government of India introduced the Constitution (One Hundred Seventeenth Amendment) Bill, 2012 and the Rajya Sabha (Upper House) passed it on 17 December 2012. The bill proposes to amend the existing Article 16(4A) in such a manner that it would obviate the need of collection

102. THE CONSTITUTION (EIGHTY-FIFTH AMENDMENT) ACT, 2001; available at :<http://indiacode.nic.in/coiweb/amend/amend85.htm>

103. Twenty Sixth Report of the Parliamentary Standing Committee on the Welfare of SC/ST titled “Review of representation of Scheduled Castes and Scheduled Tribes in senior positions in Government of India” on the Ministry of Personnel, Public Grievances and Pension; available at: http://164.100.47.134/lsscommittee/Welfare%20of%20Scheduled%20Castes%20and%20Scheduled%20Tribes/15_Welfare_of_Scheduled_Castes_and_Scheduled_Tribes_26.pdf

of quantifiable data about adequacy of representation and backwardness of the class for reservation in promotion to the SCs and the STs as required by the apex court ruling in the case of *M Nagaraj & Others vs. Union of India & Others*.¹⁰⁴ However the Lok Sabha (Lower House) has so far failed to pass the bill which was introduced on 20 December 2012.¹⁰⁵

No reservation in faculty posts in speciality and super speciality courses

Though the Parliament of India amended the Constitution in the wake of the *Indra Sawhney judgement*, the Supreme Court once again ruled in July 2013 that there can be no reservation in appointment for faculty posts in speciality and super speciality courses in medical colleges, including All India Institute of Medical Sciences.¹⁰⁶

The string of Supreme Court judgements against reservation including the case of *Indra Sawhney* assume that untouchability has indeed been done away with after its abolition in the Constitution of India, and further there is no caste bias among the people in India. More fundamentally, these judgements undermine extraordinary level of caste violence as recorded by the NCRB despite the refusal of the police to invoke the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 while registering the cases.

The adoption of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2013 by the Rajya Sabha only on 7 September 2013 is a powerful reminder to the Supreme Court that India is far from abolishing untouchability, not to mention about other forms of discrimination and violence against the backward classes including the STs. India is far from addressing the very basis of reservation: exclusion and acts of violence on certain sections of the society based on caste hierarchy.

104. Constitutional Amendment Bill for Reservation in Promotion to SCs and STs; available at: <http://pib.nic.in/newsite/erelease.aspx?relid=90963>

105. LS fails to pass promotion quota bill, The Deccan Herald, 20 December 2012; available at: <http://www.deccanherald.com/content/299762/lr-fails-pass-promotion-quota.html>

106. Judgement of the Supreme Court of India 18 July 2013 in Civil Appeal No. 4500 of 2002 with Faculty Association of AIIMS Vs. *Union of India & Ors with Civil Appeal No. 5119 OF 2002*

Annex – I: Order of the DoPT on Nomination of Liaison Officer and Setting up of Cell in each Ministry/ Department for enforcement of orders of reservations in posts and services of the Central Government

No.43011/153/2010-Estt.(Res.)

Government of India

Ministry of Personnel, Public Grievances and Pensions

(Department of Personnel and Training)

North Block, New Delhi-110001.

Dated the 4th January, 2013.

OFFICE MEMORANDUM

Subject:- Nomination of Liaison Officer and Setting up of Cell in each Ministry/ Department for enforcement of orders of reservations in posts and services of the Central Government.

The undersigned is directed to say that the instructions have been issued by the Department of Personnel and Training from time to time for nomination of Liaison Officers, their roles, duties & responsibilities and setting up of a Special Reservation Cell in each Ministry/ Department under the direct control of the Liaison Officer for enforcement of orders of reservation in posts and services of the Central Government.

2. It is reiterated that in each Ministry/Department/Attached and Subordinate Office, the Deputy Secretary in charge' of administration (or any other Officer at least of the rank of Deputy Secretary) should be designated as a Liaison Officer in respect of Scheduled Tribes the representation of the Scheduled Castes, and Persons with Disabilities. Similarly, instructions provide for nomination of separate Liaison Officer in Ministries/ Departments in respect of matters relating to the representation of the Other Backward Classes.

3. The provisions about Liaison Officer, his role, responsibilities, control etc. and setting up of reservation cell is contained in Annexure.

4. All Ministries/ Departments are requested to bring the contents of this O.M. to the notice of all the attached and subordinate offices under their

control and also ensure that the cells are set up expeditiously in the Ministry/ Department and in Attached/ Subordinate offices under administrative control of Heads of Department.

Sd/-

(Sharad Kumar Srivastava)

Under Secretary to the Government of India

ANNEXURE

RESPONSIBILITIES OF THE LIAISON OFFICER

1. The Liaison Officer is especially responsible for:
 - (i) Ensuring due compliance by the subordinate appointing authorities with the orders and instructions pertaining to the reservation of vacancies in favour of the Scheduled Castes, the Scheduled Tribes and the Persons with Disabilities/ the Other Backward Classes and other benefits admissible to them.
 - (ii) Ensuring timely submission of SC/ST/OBC and PwD Reports I and II by each appointment authority in the Ministry/ Department concerned and ensuring scrutiny and consolidation of the above reports in respect of all establishments and services in and under the control of the Ministry/Department and sending the consolidated reports in the prescribed proforma to the Department of Personnel & Training.
 - (iii) The Liaison officers have to endorse the non-availability of an SC/ST/OBC Officer for being associated in the DPC before actually convening the DPC. Therefore, it will be one of the duties of the Liaison Officers to acquaint themselves well in time about the dates of various DPCs which will be held in future. He should have with him a ready list of officer of various levels belonging to SC/S 1 of a few sister Departments/ Ministries so that whenever requirement arises, an SC/ST officer of appropriate level consistent with the level of the other members of the DPC and the level of appointment for which a DPC is proposed to be convened, can always be associated as a member. Such a list may be prepared by the Liaison Officers by informally consulting the administrative wing of other Ministries/Departments.

- (iv) Ensuring that while making a reference to the Department of Personnel and Training and to the National Commission for Scheduled Castes/the National Commission for Scheduled Tribes for de-reservation of reserved vacancies, full details in support of the proposal for dereservation are given.
- (v) Ensuring the extension of necessary assistance to the National Commission for Scheduled Castes and the National Commission for Scheduled Tribes in the investigation of complaints received by the Commission, in regard to service matters and in the collection of information for their annual reports.
- (vi) Conducting annual inspection of the reservation registers/rosters maintained in the Ministry/ Department/ Offices under the control of the Ministry/Department with a view to ensuring proper implementation of the reservation orders.
- (vii) Acting as Liaison Officer between the Ministry/Department and the Department of Personnel & Training for supply of other information, answering questions and queries and clearing doubts in regard to matters covered by the reservation orders.

RESERVATION CELL:

- 2. Each Ministry/Department is required to set up a Special Reservation Cell within the Ministry/Department under the direct control of the Liaison Officer to assist the Liaison Officer in discharging of his duties effectively.

PRIVILEGES OF THE LIAISON OFFICER:

- 3. Cases of negligence or lapse in the matter of following the reservation and other orders relating to the Scheduled Castes, the Scheduled Tribes, the Persons with Disabilities and the Other Backward Classes coming to the light through the inspections carried out by the Liaison Officer or otherwise, should be reported/submitted by him to the Secretary/Additional Secretary to the Government of India in the respective Ministry/ Department or to the Head of the Department in respect of offices under the Heads of Department, as the case may be. The concerned Secretary/Additional Secretary/Head of the Department shall pass necessary orders on such reports to ensure strict compliance of the reservation orders by the appointing authority concerned.

LIAISON OFFICERS IN PSUs etc.

4. Each Public Sector Undertaking, Statutory and Semi Government Body, Autonomous Body/ Institution including Municipal Corporations, Co-operative Institutions, Universities, Voluntary Agencies receiving grants in aid from the Government connected with appointment and promotion of the SC/ST candidates should appoint Liaison Officer in the same manner as is existing in the. Ministries/Departments.

SPAN OF CONTROL OF LIAISON' OFFICER OF MINISTRIES/DEPARTMENTS:

5. The Liaison Officer of a Ministry/Department has to act as Liaison Officer in respect of the matters relating to the representation Castes/Scheduled Tribes/PWDs and OBCs in all establishments and services under the administrative control of the Ministry/ Department. The instructions issued by the Department of Public Enterprise's provide that each undertaking shall have Liaison Officer with functions similar to that of the Liaison Officer in Ministry/ Department. The appointment of Liaison Officer in the undertaking does not, however, dilute or alter or curtail the responsibilities of the Liaison Officer of the administrative Ministry/ Department in regard to implementation of reservation policy in the Undertaking. Liaison Officers of the Ministries/ Departments have special responsibility to monitor implementation of reservation in their attached & subordinate offices, Autonomous Bodies, PSUs under the administrative control of the concerned Ministry/Department and Voluntary Agencies which are getting substantial grant-in-aid from the Government of India. In order to ensure due compliance of thereservation orders of the Government, the Liaison Officers may periodically visit/ inspect the offices/organizations under them. They should ensure that reservationroster for SCs/STs/OBCs/PHs have been maintained properly and there is no gap in the entries made in the rosters. Liaison Officers should carry out their duties in relation to reservation by calling for the records from them and by convening the meetings of the officer of such organizations who are responsible for ensuring reservation in organizations under their control. If Liaison Officers of Ministries/Departments notice that there is flouting of reservation instructions by any officers or complaint against any officer of harassment or deliberate manipulating things to damage the interests of the weaker sections they should feel free to report such lapses to the Secretary/ Additional Secretary of the Ministry/Department concerned without fear & hesitation of hierarchical disobedience.

Annex – II: Reply of the University Grants Commission (UGC) dated 16 April 2012 on vacancies of ST posts



UNIVERSITY GRANTS COMMISSION
35-FEROZSHAH ROAD
NEW DELHI-110 001

SPEED POST

F.No. 8-9/2012(SCT)

April, 2012

✓ Shri Paritosh Chakma,
C-3/441C, Janakpuri,
New Delhi-110 058

16 APR 2012

Sub-Information sought under Right to Information Act, 2005.

Sir,

With reference to your RTI application dated 27-2-2012 received through Shri S.P. Meena, Assistant Director & APIO, Government of India, National Commission for Scheduled Tribes 6th Floor, 'B' Wing, Loknaya Bhawan, Khan Market, New Delhi-110 003 dated 21.03.2012 on the subject mentioned above, I am directed to inform you as under :-

Point No	Question	Reply of SCT Section
1	Copies of data in regard to representation of Scheduled Tribes in services/posts in Central Ministries/Departments Public sectors, Banks, Insurance companies, Financial institutions and Central Universities since 2006.	A copy of the available statistical data of SCs and STs during the year 2006-07, 2008-09, 2009-10 and 2010-11 are enclosed. Rest of the required information in this regard may be obtained, if so desire, from the concerned Central University.

It is also to inform you that Dr. K.C. Pathak, Joint Secretary, University Grants Commission, 35, Ferozeshah Road, New Delhi -110001 is the 1st Appellate Authority.

Yours faithfully,

Meena Kumari
(Meena Kumari Nirmal)
Section Officer

Encl.: As above.

Table 11 : Position of Teaching Staff in Universities / Institutions (University Teaching Departments) (2006-2007)

S.No	University	Professor						Reader						Lecturer									
		In position		Out of position		S.Stren.		In position		Out of position		S.Stren.		In position		Out of position		As per Roster Req.		Back log		Vac. Post	
		SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
Central Universities																							
1	Hyderabad	75	71	4	0	126	114	1	0	117	101	20	7	18	9	9	-2	2	16				
2	Maulana Azad National Urdu	19	17	0	1	38	35	0	0	84	78	11	3	13	6	2	3	8					
3	Assam	28	19	0	0	61	41	0	0	118	103	15	7	18	9	3	2	15					
4	Tezpur	23	15	0	0	32	27	1	1	63	53	7	5	9	5	2	0	10					
5	Jamia Millia Islamia	100	80	0	0	170	136	0	0	417	344	29	9	63	31	34	22	73					
6	Jawaharlal Nehru	134	89	0	0	220	187	0	0	215	190	20	10	32	16	12	6	25					
7	M.G.Antarrahitya Hindi Vishwavidyalaya	9	5	1	0	9	5	1	0	26	22	4	1	4	2	0	1	4					
8	Manipur	28	6	0	0	67	43	2	0	120	94	2	3	18	9	16	6	26					
9	North Eastern Hill	79	57	0	0	111	95	0	0	149	139	3	13	22	11	19	-2	10					
10	Mizoram University	161	106	7	45	43	19	0	1	27	10	0	4	4	2	4	-2	17					
11	Nagaland	28	14	4	0	54	44	1	15	95	66	1	37	14	7	13	-30	29					
12	Aligarh Muslim	173	276	0	0	363	436	1	0	857	401	0	0	129	64	129	64	456					
13	Allahabad	330	262	11	0	149	82	2	0	59	16	0	0	9	4	9	4	43					
14	Babasaheb Bhimrao Ambedkar, Lucknow	16	6	1	0	23	11	3	0	47	22	10	2	7	4	-3	2	25					
15	Banaras Hindu	257	109	0	0	540	327	6	1	1035	770	62	16	155	78	93	62	265					
16	Visva Bharati	53	40	0	0	112	92	0	0	490	420	44	9	74	37	30	28	70					
17	Pondicherry	30	15	0	0	66	50	1	0	117	87	16	3	18	9	2	6	30					
Total		1848	1187	23	15	216	174	19	1	313	214	229	105	307	155	155	129	605					

Table 14 : Category wise : University-wise : Distribution of Non-Teaching Post in Universities: UTD: (2006-2007)

Sl No	University	Group A						Group B						
		Sanct. Strength		In POSITION		Vacant Posts	Sanct. Strength	General		In POSITION		Total	Vacant Posts	
		General	SC	ST	Total			SC	ST	SC	ST			
Central Universities														
1	Hyderabad	73	48	14	4	66	7	103	82	15	2	99	4	4
2	Maulana Azad National Urdu	42	34	3	0	37	5	40	35	1	0	36	4	4
3	Assam	21	17	1	1	19	2	30	21	2	0	23	7	7
4	Tezpur	31	22	0	0	22	9	14	9	1	1	11	3	3
5	Jamia Millia Islamia	64	54	2	0	56	8	14	0	0	0	0	0	0
6	Jawaharlal Nehru	102	41	13	1	55	47	141	97	14	4	115	26	26
7	M.G. Antarrastriya Hindi Vishwavidyalaya	9	6	3	0	9	0	4	4	0	0	4	0	0
8	Manipur	34	25	3	1	29	5	33	27	1	2	30	3	3
9	North Eastern Hill	67	32	0	29	61	6	120	69	17	8	94	26	26
10	Tizoram University	23	2	0	16	18	5	13	0	0	5	5	8	8
11	Wagaland	28	5	0	15	20	8	31	10	0	15	25	6	6
12	Aligarh Muslim	183	145	1	0	146	37	375	328	2	0	330	45	45
13	Allahabad	9	6	0	0	6	3	9	3	0	0	3	6	6
14	Babasaheb Bhimrao Ambedkar, Lucknow	16	6	5	1	12	4	5	3	2	0	5	0	0
15	Banaras Hindu	238	153	19	2	174	64	292	197	36	9	242	50	50
16	Visva Bharati	88	54	6	0	60	28	109	84	11	4	99	10	10
17	Pondicherry	50	36	6	1	43	7	24	17	4	1	22	2	2
Total		1078	686	76	7	693	245	1357	986	106	51	1443	200	200

STATEMENT OF TEACHING STAFF STRENGTH OF CENTRAL UNIVERSITIES AS ON 31.3.2010 INDICATING NUMBER OF POSITIONS FILLED UP AGAINST SC AND ST QUOTA

Sl. No.	Name of University	Sanctioned Posts						Existing Strength						No. of SC Positions						No. of ST Positions												
		P	R	L	O	TOTAL	F	R	L	O	TOTAL	P	R	L	O	TOTAL	F	R	L	O	TOTAL	P	R	L	O	TOTAL						
1	AJMERI MUSLIM UNIVERSITY	175	356	853	373	1755	358	478	178	182	340	1486	0	0.00	1	0.28	0	0.00	0	1	0.06	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	
2	BANARAS HINDU UNIVERSITY	347	680	1368	0	2395	635	555	0	300	0	1490	0	0.00	0	0.00	0	83	6.07	0	83	3.47	0	0.00	0	0.00	0	21	1.54	0	21	0.88
3	DELHI UNIVERSITY	307	654	691	50	1702	124	296	0	349	23	792	0	0.00	0	0.00	0	43	6.22	0	43	2.53	0	0.00	0	0.00	0	15	2.17	0	15	0.48
4	HYDERABAD UNIVERSITY	106	221	214	0	541	161	145	19	32	0	357	1	0.84	10	4.52	3	13	7.48	0	27	4.99	0	0.00	1	0.45	5	2	3.27	0	8	1.48
5	JAMIA MILLIA DELHIA	113	176	434	47	770	170	166	72	195	35	658	1	0.88	0	0.00	0	47	10.88	0	48	6.32	0	0.00	0	0.00	0	14	3.23	0	14	1.82
6	JAWAHARLAL NEHRU UNIV.	165	397	271	5	728	223	195	0	67	5	490	6	3.64	8	2.79	4	13	6.27	0	31	4.26	3	1.82	4	1.39	0	7	2.58	0	14	1.92
7	NORTH EASTERN HILL UNIV.	87	133	186	0	406	96	124	28	50	0	298	1	1.15	1	0.75	0	4	2.15	0	6	1.48	1	1.15	5	3.76	0	13	6.99	0	19	4.68
8	PONJICHERI UNIVERSITY	69	138	213	0	460	79	96	0	83	0	258	0	0.00	5	3.62	2	22	9.49	0	29	6.30	0	0.00	1	0.99	1	9	3.95	0	10	2.17
9	VISHVA BHARATI	62	128	359	163	712	131	151	61	119	138	600	4	6.45	8	6.25	17	18	9.75	11	58	15.5	0	0.00	1	0.78	0	14	3.90	5	20	3.51
10	IGOUIN UNIVERSITY	32	94	109	0	325	45	61	18	152	0	296	0	0.00	5	5.32	2	26	14.07	0	33	10.15	0	0.00	0	0.00	0	11	5.53	0	11	3.38
11	TREZVAI UNIVERSITY	48	64	110	0	232	34	45	20	52	0	151	0	0.00	2	3.13	0	10	8.33	0	12	5.17	0	0.00	0	0.00	0	5	4.17	0	5	2.16
12	MADHANSI UNIVERSITY	32	59	120	5	216	25	34	16	62	0	137	0	0.00	0	0.00	0	6	5.00	0	6	2.78	0	0.00	0	0.00	0	4	3.83	0	4	1.85
13	MADRAS UNIVERSITY	43	67	228	0	338	22	44	10	137	0	213	0	0.00	0	0.00	0	14	6.14	0	14	4.14	0	0.00	0	0.00	0	10	4.39	0	10	2.96
14	B.B.U.U.	22	43	65	0	130	12	20	0	43	0	75	0	0.00	3	6.98	0	7	10.77	0	10	7.69	0	0.00	0	0.00	0	3	4.62	0	3	2.31
15	M.A. AL-AMDU UNIVERSITY	35	58	155	91	339	18	31	0	79	29	159	0	0.00	1	1.72	0	11	7.10	1	13	3.83	1	2.86	0	0.00	0	4	2.18	2	7	2.65
16	M.A. HINDI VISHWANATHARA	16	10	43	0	69	9	6	0	28	0	43	1	6.35	1	10.00	0	4	9.30	0	6	8.70	0	0.00	0	0.00	0	2	4.65	0	2	2.90
17	UNIVERSITY OF ALLAHABAD	70	167	534	0	771	98	143	0	79	0	310	2	2.86	11	6.59	0	35	6.55	0	48	6.23	1	1.43	5	2.99	0	18	3.17	0	24	3.11
18	MAHAPUL UNIVERSITY	35	81	141	0	257	50	63	0	54	0	167	2	5.71	3	3.70	0	5	3.55	0	10	3.89	0	0.00	0	0.00	0	6	4.26	0	6	2.33
19	MALVI GANSHI UNIVERSITY	16	31	95	0	142	15	24	0	56	0	95	0	0.00	0	0.00	0	1	1.05	0	1	0.70	2	12.50	7	22.58	4	23	28.42	0	36	23.35
20	THE ENGLISH & FOREIGN LANGUAGES UNIVERSITY	32	60	145	0	237	52	52	0	78	0	182	1	3.13	5	8.83	0	14	9.66	0	20	8.44	1	3.13	1	1.67	0	9	6.21	0	11	4.64
21	TRIPURA UNIVERSITY	16	27	54	0	97	17	26	13	19	0	75	0	0.00	2	7.41	0	5	9.28	0	7	7.22	0	0.00	1	3.70	0	8	14.81	0	9	9.28
22	M.A.R. GARHWAL UNIVERSITY	29	55	235	8	317	100	101	16	41	7	369	1	3.45	2	3.64	1	9	4.28	0	13	3.98	0	0.00	0	0.00	0	0	0.00	0	0	0.00
23	GURU GUNDEAS VIDYANATHALAYA	38	63	137	0	238	14	27	0	44	0	85	5	13.16	9	14.29	0	20	14.60	0	34	14.29	2	5.26	4	6.35	0	10	7.30	0	16	6.72
24	DR. HARSHDEVI GOUR VIDYANATHALAYA	50	92	178	7	327	71	56	0	16	1	186	0	0.00	2	2.17	1	12	7.30	0	15	4.59	0	0.00	0	0.00	0	3	1.69	0	3	0.92
25	ACOS	29	40	115	117	296	64	35	0	52	70	221	0	0.00	1	2.50	0	8	6.98	5	14	4.73	0	0.00	0	0.00	0	1	0.87	3	4	2.36
26		1972	3784	7193	861	13832	2627	297	551	2379	650	9073	25	1.37	80	2.11	30	430		17	582	4.21	11	0.56	29	0.77	10	212	3.09	10	272	3.04

Category-wise Position of Teaching Posts in Universities Teaching Departments : Central Universities : 20010-11														
S.No	Code	University	Number Sanctioned	Number Filled	Out of total filled					Number resigned as per Central Policy 15% SC, ST of Posts Sanct.			Back-log ST	Vacant Posts
					General	SC	ST	OBC	PWD	SC	ST			
LECTURER														
1	4	Hyderabad	215	150	101	24	9	10	6	32	16	8	7	65
2	16	Assam	199	189	125	28	11	23	2	30	15	2	4	10
3	20	Tezpur	120	93	51	19	6	16	1	18	9	0	3	27
4	84	Guru Ghasidas	166	59	39	7	9	3	1	29	15	22	6	137
5	36	University of Delhi	691	334	257	43	16	10	8	104	52	61	36	357
6	38	Jamia Millia Islamia	453	404	321	20	3	8	68	34	16	14	4	49
7	39	Jawaharlal Nehru	271	189	159	18	9	0	3	41	20	23	11	82
8	457	Central University of Gujarat	30	21	15	2	2	2	0	5	2	3	0	6
9	482	Central University of Haryana	21	6	2	0	0	4	0	3	2	3	0	15
10	459	Central University of Himachal Pradesh	24	0	0	0	0	0	0	4	2	4	2	24
11	461	Central University Of Jharkhand	31	0	0	0	0	0	0	5	2	5	2	31
12	462	Central University of Karnataka	28	0	0	0	0	0	0	4	2	4	2	28
13	83	Dr.Hari Singh Gaur	173	100	79	10	3	6	0	26	13	16	10	73
14	179	M.G.Amzrahtriya Hindi Vishwavidyalaya	44	37	16	8	1	11	1	7	3	0	2	7
15	112	Manipur	141	116	91	8	8	9	0	21	11	13	3	25
16	113	North Eastern Hill	186	145	125	4	13	3	0	28	14	24	1	41
17	212	Mizoram University	228	165	131	16	10	7	1	34	17	18	7	63
18	114	Nagaland	69	32	20	7	5	0	0	10	5	3	0	37
19	468	Central University of Rajasthan	24	4	2	1	0	1	0	4	2	3	2	20
20	473	Central University of Tamil Nadu	0	0	0	0	0	0	0	0	0	0	0	0
21	144	Tripura	125	69	40	8	11	10	0	19	9	11	0	56
22	148	Babasaheb Bhimrao Ambedkar, Lucknow	65	45	24	7	3	11	0	10	5	3	2	20
23	149	Banaras Hindu	1368	929	790	98	26	13	2	205	103	107	77	459
24	174	Visva Bharati	358	304	226	44	17	15	2	54	27	10	10	55
25	177	Pondicherry	256	212	139	30	14	29	9	38	19	8	5	44
Central Universities Total			5317	3603	2753	434	193	186	44	799	399	367	208	1714
READER														
1	4	Hyderabad	221	162	158	3	0	0	1	33	17	30	17	59
2	16	Assam	94	85	72	9	1	3	0	14	7	5	6	9
3	20	Tezpur	64	40	36	2	0	0	0	10	5	8	5	24
4	84	Guru Ghasidas	88	16	15	1	0	0	0	13	7	12	7	72
5	36	University of Delhi	654	293	0	0	0	0	0	98	49	98	49	361
6	38	Jamia Millia Islamia	181	162	151	0	0	0	1	27	14	27	14	19
7	39	Jawaharlal Nehru	287	195	186	6	-	0	1	43	22	37	20	92

Sl. No.	Institution	Number Sanctioned	Number Filled	Out of total filled						Number required in per Centre			Back-log ST Posts	Vacant Posts	
				General	SC	ST	OBC	PWD	SC	ST	Back-log SC	Back-log ST			
															SC
8	457 Central University of Gujarat	20	0	0	0	0	0	0	0	0	3	2	3	2	20
9	482 Central University of Haryana	14	2	0	0	0	0	0	0	0	2	1	2	1	12
10	459 Central University of Himachal Pradesh	16	0	0	0	0	0	0	0	0	2	1	2	1	16
11	461 Central University Of Jharkhand	20	0	0	0	0	0	0	0	0	3	2	3	2	20
12	462 Central University of Karnataka	18	3	2	0	0	1	0	0	3	1	3	1	3	15
13	83 Dr. Hari Singh Gaur	92	42	38	2	0	2	0	0	14	7	12	7	7	50
14	179 M.G. Antarrastriya Hindi Vishwavidyalaya	12	8	6	1	0	1	0	0	2	1	1	1	1	4
15	112 Manipur	81	55	52	3	0	0	0	0	12	6	9	6	6	26
16	113 North Eastern Hill	133	96	90	1	5	0	0	0	20	10	19	5	37	37
17	212 Mizoram University	67	41	40	1	0	0	0	0	10	5	9	5	5	26
18	114 Nagaland	27	5	4	0	0	0	0	0	4	2	4	2	2	22
19	466 Central University of Rajasthan	16	0	0	0	0	0	0	0	2	1	2	1	1	16
20	473 Central University of Tamil Nadu	0	0	0	0	0	0	0	0	0	0	0	0	0	0
21	144 Tripura	58	26	23	2	1	0	0	0	9	4	7	3	3	32
22	148 Babasaheb Bhimrao Ambedkar, Lucknow	43	19	16	3	0	0	0	0	6	3	3	3	3	24
23	149 Banaras Hindu	682	408	408	0	0	0	0	0	102	51	102	51	51	274
24	174 Visva Bharati	128	110	101	8	1	0	0	0	19	10	11	9	9	18
25	177 Pondicherry	139	104	92	12	0	0	0	0	3	21	10	9	10	35
	Central Universities Total	3155	1872	1494	54	10	7	6	472	238	418	228	1283	1283	
	PROFESSOR														
1	4 Hyderabad	106	84	82	2	0	0	0	0	16	8	14	8	2	22
2	16 Assam	32	27	26	0	0	0	0	0	5	2	5	2	5	5
3	20 Tezpur	49	36	35	1	0	0	0	0	7	4	6	4	3	13
4	84 Guru Ghasidas	45	10	9	0	0	0	0	0	7	3	7	3	3	35
5	36 University of Delhi	307	134	0	0	0	0	0	0	46	23	46	23	173	173
6	38 Jamia Millia Islamia	116	90	88	1	0	0	0	0	17	9	15	9	26	26
7	39 Jawaharlal Nehru	165	101	88	6	3	2	2	2	25	12	19	9	64	64
8	457 Central University of Gujarat	10	5	5	0	0	0	0	0	2	1	2	1	5	5
9	482 Central University of Haryana	7	2	2	0	0	0	0	0	1	1	1	1	1	8
10	459 Central University of Himachal Pradesh	8	0	0	0	0	0	0	0	1	1	1	1	1	8
11	461 Central University Of Jharkhand	10	0	0	0	0	0	0	0	2	1	2	1	10	10
12	462 Central University of Karnataka	9	3	2	1	0	0	0	0	0	1	0	1	6	6
13	83 Dr. Hari Singh Gaur	50	9	9	0	0	0	0	0	8	4	8	4	4	41
14	179 M.G. Antarrastriya Hindi Vishwavidyalaya	16	11	10	1	0	0	0	0	2	1	1	1	1	5
15	112 Manipur	35	7	5	2	0	0	0	0	5	3	3	3	3	28
16	113 North Eastern Hill	87	60	58	1	0	0	0	0	13	7	12	6	6	6
17	212 Mizoram University	43	20	20	0	0	0	0	0	6	3	6	3	6	6

Information and Statistics Bureau Analysis - 3

S.No	Code	University	Number Sanctioned	Number Filled	Out of total filled						Number required as per Central Policy 15% SC, 7.5% ST of Posts Sanct.			Back-log ST	Back-log SC	Vacant Posts
					General	SC	ST	OBC	PWD	SC	ST	SC	ST			
18	114	Nagaland	31	2	2	0	0	0	0	0	5	2	5	2	29	
19	468	Central University of Rajasthan	8	1	1	0	0	0	0	0	1	1	1	1	7	
20	473	Central University of Tamil Nadu	0	0	0	0	0	0	0	0	0	0	0	0	0	
21	144	Tripura	39	8	8	0	0	0	0	0	6	3	6	3	31	
22	148	Babasaheb Bhimrao Ambedkar, Lucknow	22	11	11	0	0	0	0	0	3	2	3	2	11	
23	149	Banaras Hindu	345	171	171	0	0	0	0	0	52	26	52	26	174	
24	174	Visva Bharati	62	50	48	2	0	0	0	0	9	5	7	5	12	
25	177	Pondichery	65	37	36	1	0	0	0	1	10	5	9	5	28	
		Central Universities Total	1667	879	716	18	4	3	6	250	128	232	124	788		

S.No	Code	University	Number Sanctioned	Number Filled	Out of total filled						Number required as per Central Policy 15% SC, 7.5% ST of Posts Sanct.			Back-log SC	Back-log ST	Vacant Posts
					General	SC	ST	OBC	PWD	ST	SC	ST				
													General			
3	20	Tezpur	43	39	28	3	1	5	2	6	3	2	4			
4	84	Guru Chasidas	0	0	0	0	0	0	0	0	0	0	0			
5	36	University of Delhi	546	455	393	54	4	0	4	82	41	28	37	91		
6	38	Jamia Millia Islamia	59	51	47	2	2	0	0	9	4	7	2	8		
7	39	Jawaharlal Nehru	256	176	125	32	7	11	1	38	19	6	12	80		
8	457	Central University of Gujarat	4	2	2	0	0	0	0	1	0	1	0	2		
9	482	Central University of Haryana	13	2	2	0	0	0	0	2	1	2	1	11		
10	459	Central University of Himachal Pradesh	6	1	1	0	0	0	0	1	0	1	0	5		
11	461	Central University Of Jharkhand	15	2	2	0	0	0	0	2	1	2	1	13		
12	462	Central University of Karnataka	9	2	2	0	0	0	0	1	1	1	1	7		
13	83	Dr.Hari Singh Gaur	143	107	97	9	1	0	0	21	11	12	10	36		
14	179	M.G.Antarashtra Hindi Vishwavidyalaya	9	8	6	1	0	1	0	1	1	0	1	1		
15	112	Manipur	25	20	18	0	2	0	0	4	2	4	0	5		
16	113	North Eastern Hill	183	150	57	1	92	0	0	27	14	26	0	33		
17	212	Mizoram University	81	36	36	0	0	0	0	12	6	12	6	45		
18	114	Nagaland	19	13	10	1	2	0	0	3	1	2	0	6		
19	468	Central University of Rajasthan	5	0	0	0	0	0	0	1	0	1	0	5		
20	473	Central University of Tamil Nadu	0	0	0	0	0	0	0	0	0	0	0	0		
21	144	Tripura	24	17	11	3	3	0	0	4	2	1	0	7		
22	148	Babasaheb Bhimrao Ambedkar, Lucknow	8	7	4	2	0	1	1	1	1	0	1	1		
23	149	Benaras Hindu	297	203	161	28	12	1	1	45	22	17	10	94		
24	174	Visva Bharati	119	98	80	11	5	1	0	18	9	7	4	21		
25	177	Pondicherry	130	114	89	21	4	0	2	20	10	0	6	16		
Central Universities Total			2228	1714	1336	201	143	25	11	334	167	135	104	514		
GROUP - C																
1	4	Hyderabad	426	389	275	58	16	29	11	64	32	6	16	37		
2	16	Assam	154	149	80	27	11	31	0	23	12	0	1	5		
3	20	Tezpur	106	85	43	13	6	20	3	16	8	3	2	21		
4	84	Guru Chasidas	371	221	91	33	23	68	6	56	23	5	150			
5	36	University of Delhi	1282	647	552	61	9	17	8	192	96	131	87	635		
6	38	Jamia Millia Islamia	645	590	557	30	4	0	1	97	48	67	44	55		

Information and Statistics Bureau Analysis - 3

S.No	Code	University	Number Sanctioned	Number Filled	Out of total filled							Number required as per Central Policy 15% SC, 5% ST of Posts Sanct.			Back-log SC	Back-log ST	Vacant Posts
					General	SC	ST	OBC	PWD	P	D	SC	ST				
														General			
7	39	Jawaharlal Nehru	560	456	316	86	29	26	7	84	42	0	13	104			
8	457	Central University of Gujarat	16	5	2	1	0	2	0	2	1	1	1	11			
9	482	Central University of Haryana	14	8	4	1	0	2	1	2	1	1	1	6			
10	459	Central University of Himachal Pradesh	23	3	3	0	0	0	3	2	1	3	2	20			
11	461	Central University Of Jharkhand	44	9	6	0	1	1	1	7	3	7	2	35			
12	462	Central University of Karnataka	13	12	6	1	0	5	0	2	1	1	1	1			
13	83	Dr.Hari Singh Gaur	458	282	247	25	10	0	0	69	34	44	24	176			
14	179	M.G.Antarrahtriya Hindi Vishwavidyalaya	45	37	23	3	1	10	0	7	3	4	2	8			
15	112	Manipur	236	186	148	7	28	0	3	35	18	28	0	50			
16	113	North Eastern Hill	456	359	109	2	248	0	0	68	34	66	0	97			
17	212	Mizoram University	383	242	139	0	100	0	3	57	29	57	0	141			
18	114	Nagaland	130	76	36	0	39	0	1	20	10	20	0	54			
19	469	Central University of Rajasthan	34	5	4	0	0	1	0	5	3	5	3	29			
20	473	Central University of Tamil Nadu	0	0	0	0	0	0	0	0	0	0	0	0			
21	144	Tripura	60	57	34	8	15	0	1	9	5	1	0	3			
22	149	Babasaheb Bhimrao Ambedkar, Lucknow	53	47	35	6	1	4	1	8	4	2	3	6			
23	149	Banaras Hindu	3127	2098	1802	138	48	96	14	469	235	331	187	1029			
24	174	Visva Bharati	684	550	448	70	21	11	2	103	51	33	30	134			
25	177	Pondicherry	251	201	162	31	8	0	4	38	19	7	11	50			
Central Universities Total			9571	6714	5122	601	618	323	66	1436	719	841	435	2857			
GROUP - D																	
1	4	Hyderabad	559	397	241	105	32	15	4	84	42	0	10	162			
2	16	Assam	73	71	27	11	5	26	2	11	5	0	0	2			
3	20	Tezpur	73	71	42	6	3	18	2	11	5	5	2	2			
4	84	Guru Chhasidas	188	95	28	16	21	30	0	28	14	12	0	93			
5	36	University of Delhi	1068	681	439	141	16	70	15	160	80	19	64	387			
6	38	Jamia Millia Islamia	385	538	352	17	2	0	1	58	29	41	27	-153			
7	39	Jawaharlal Nehru	476	437	258	108	17	46	8	71	36	0	19	39			
8	457	Central University of Gujarat	13	16	5	6	2	3	0	2	1	0	0	-3			
9	482	Central University of Haryana	7	1	1	0	0	0	0	1	1	1	1	6			
10	459	Central University of Himachal Pradesh	7	0	0	0	0	0	0	1	1	1	1	7			

S.No	Code	University	Number Sanctioned	Number Filled	Out of total filled						Number required as per Central Policy 15% SC, 7.5% ST of Posts Sanct.			Back-log SC	Back-log ST	Vacant Posts
					General			SC	ST	PWD	SC	ST				
					General	SC	ST									
11	461	Central University Of Jharkhand	0	0	0	0	0	0	0	0	0	0	0	0	0	
12	462	Central University of Karnataka	0	0	0	0	0	0	0	0	0	0	0	0	0	
13	83	Dr.Hari Singh Gaur	442	351	198	120	26	7	0	66	33	0	7	91		
14	179	M.G.Antarrathriya Hindi Vishwavidyalaya	24	24	7	3	0	14	0	4	2	1	2	0		
15	112	Manipur	102	67	53	2	12	0	0	15	8	13	0	35		
16	113	North Eastern Hill	318	241	79	0	162	0	0	48	24	48	0	77		
17	212	Mizoram University	0	0	0	0	0	0	0	0	0	0	0	0		
18	114	Nagaland	144	115	64	0	46	4	1	22	11	22	0	29		
19	468	Central University of Rajasthan	0	0	0	0	0	0	0	0	0	0	0	0		
20	473	Central University of Tamil Nadu	0	0	0	0	0	0	0	0	0	0	0	0		
21	144	Tripura	45	41	23	8	10	0	0	7	3	0	0	4		
22	148	Babasaheb Bhimrao Ambedkar, Lucknow	25	22	11	6	0	5	0	4	0	0	2	3		
23	149	Banaras Hindu	3021	2328	1191	320	93	711	13	453	227	133	134	693		
24	174	Visva Bharati	827	460	263	142	39	13	3	124	62	0	23	367		
25	177	Pondicherry	212	201	148	40	13	0	8	32	16	0	3	11		
Central Universities Total			8009	6157	3430	1051	499	962	57	1202	602	296	295	1852		

Asian Centre for Human Rights is dedicated to promotion and protection of human rights and fundamental freedoms in the Asian region by:

- providing accurate and timely information and complaints to the National Human Rights Institutions, the United Nations bodies and mechanisms as appropriate;
- conducting investigation, research, campaigning and lobbying on country situations or individual cases;
- increasing the capacity of human rights defenders and civil society groups through relevant trainings on the use of national and international human rights procedures;
- providing input into international standard setting processes on human rights;
- providing legal, political and practical advice according to the needs of human rights defenders and civil society groups; and
- by securing the economic, social and cultural rights through rights-based approaches to development.



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