



Dr. B. R. Ambedkar and reservations of Backward Classes

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Abstract: An attempt is made in this paper to present the contribution of the real hero of the Indian society the SC, ST especially the BCs. Ambedkar is an avatar of India. The framer of the Constitution, Dr. B. R. Ambedkar was himself one of the disaffected persons. It is unfortunate that this malady of caste bias has taken deeper roots than eliminating it. Today any quotas, reservations, privileges, advantages in the name of caste, religion, minorities, grants, subsidies, educational institution admissions, job preferences, scholarships etc have all become a method of exploitation and pride than an opportunity for a deserving and needy to help. The Central Government provides 27% reservation for Other Backward Classes (OBCs) in Central Government services and Central Educational Institutions. The subject matter 'reservation in the particular State/UT' squarely relates to services of State/UT Governments concerned. It is unfortunate that all these Constitutional instruments have been allowed to rot in the theory of the intelligent exercise of their wisdom than putting it to sincere practice to uplift the deserving masses. Besides, many of the people other than the SC/STs are not having awareness about the Dr.B.R.Ambedkar's Immeasurable contribution to the OBCs/BCs who are economically poor. They feel shy to say that facts. But, recently, all the political parties are praising Dr.B.R.Ambedkar due to political stunts.

Key words: avatar, reservations, privileges, advantages

Introduction

Ambedkar is an avatar of India-as the maker of the Indian Constitution, as a spokesman of the Dalits who replaced Congress hacks, as an opponent of Gandhi whom no one else dared to oppose, as the one who burned the Manusmriti and criticized the very foundations of Hinduism, as a campaigner in Tank and temple campaigns. And as a critic of the Congress policy on Muslims which would lead to Pakistan, as a proponent of real democracy, as the only champion of real social justice, not just plans to achieve them. Ambedkar was all this and more amongst the best of the best (Rajeev Dhavan, Supreme Court lawyer)

An attempt is made in this paper to present the contribution of the real hero of the Indian society the SC, ST especially the BCs.

Maker of Constitutional provisions to the backward classes

In perusing the Indian Constitutional provisions regarding the discrimination on the grounds of religion, race, caste, sex or place of birth, the following Articles make it absolutely clear against any such discrimination. The framer of the Constitution, Dr. B. R. Ambedkar was himself one of the disaffected persons. It is unfortunate that this malady of caste bias has taken deeper roots than



eliminating it. Today any quotas, reservations, privileges, advantages in the name of caste, religion, minorities, grants, subsidies, educational institution admissions, job preferences, scholarships etc have all become a method of exploitation and pride than an opportunity for a deserving and needy to help.

Under Article 340 of the Indian Constitution, it is obligatory for the government to promote the welfare of the Other Backward Classes (OBC). Article 340(1) states, " The president may by order appoint a commission, consisting of such persons as he thinks, fit to investigate the conditions of socially and educationally backward classes within the territory of India and the difficulties under which they labour and to make recommendations as to the steps that should be taken by the union or any state to remove such difficulties and as to improve 'their condition and as to the grants that should be made, and the order appointing such commission shall define the procedure to be followed by the commission."

Article 340(2) states, "A commission so appointed shall investigate the matters referred to them and present to the president a report setting out the facts as found by them and making such recommendations as they think proper."

Article 16(4) of the Constitution enables provision of reservation to Backward Class of citizens, who are not adequately represented in the State. Reservation is provided to Scheduled Castes (SCs), Scheduled Tribes (STs) and Other Backward Classes (OBCs) through executive instructions issued from time to time, which has force of law, as held by the Supreme Court in Indira Sawhney

case. As per extant instructions, reservation is provided to Scheduled Castes, Scheduled Tribes and Other Backward Classes at the rate of 15%, 7.5% and 27%, respectively, in case of direct recruitment on all-India basis by open competition. In case of direct recruitment on all-India basis otherwise than by open competition, the percentage fixed is 16.66%, 7.5% and 25.84%, respectively.

Why Ambedkar given resignation to law minister

Dr Ambedkar who was the law minister in Nehru-led government has put in his papers on 27 September 1951. Copy of his resignation speech dated 10 October 1951 is available at "Ambedkar's writing, Volume 14" lists out various reasons for his decision. Besides, highlighting his dissent towards less important portfolio, foreign policy, Kashmir issue and dumping of Hindu code Bill; Ambedkar also cited government's ignorance towards setting up commission of backward classes as the reasons of his resignation.

"I will now refer to another matter that had made me dissatisfied with the Government. It relates to the treatment accorded to the Backward Classes and the Scheduled Castes. I was very sorry that the Constitution did not embody any safeguards for the Backward Classes. It was left to be done by the executive government on the basis of the recommendations of a commission to be appointed by the President. More than a year has elapsed since we passed the Constitution. But the government has not even thought of appointing the commission. "



Interestingly, many are citing Ambedkar's resignation letter from Pt Nehru Cabinet in which he served as law minister, as "proof" of the Dalit leader's grave concern for the OBCs as he stated government's lackadaisical approach towards the a policy for the community as one the reasons for his resignation.They also gave credit of OBC reservation to Ambedkar even though it came in 1990 after the recommendations of the Mandal commission."Dr Kaka Kalelkar commission of backward class was set up in 1953 because of Ambedkar's pressure to consider the demand for reservation for socially and educationally backward communities in India other than ST and SC. The commission submitted its report in 1955 recommending 52% quota for the OBCs. It couldn't be implemented as its recommendations were rejected by the Centre."

It is fact that Ambekdar had equally fought for OBCs also," says Congress MLC Hairbhaurathod who had submitted the petition to the state government on behalf of the community. Rathod was a BJP man till few years ago and had even represented the party in the parliament during Vajpayi government (Social justice and special assistance Minister RajkumarBadole).

Status of Reservation of OBC in Various States

As per information received from 71 Ministries/Departments, the representation of Scheduled Castes, Scheduled Tribes and Other Backward Classes in the posts and services under the Central Government as on 01.01.2014 is 17.35%, 8.38% and 19.28%, respectively.

While the representation of Scheduled Castes and Scheduled Tribes is as per the prescribed percentage, the representation of Other Backward Classes is less than the prescribed percentage due to the following reasons:-

- (i) Reservation for Other Backward Classes started only from the year 1993.
- (ii) OBC candidates who are appointed upto 1993, that is before introduction of reservation for OBCs, are not included for counting their representation;
- (iii) There is generally a time gap between occurrence of vacancies and filling up such vacancies, as recruitment is a time consuming process.

Based on recommendations of a Committee headed by the Secretary, Ministry of Social Justice and Empowerment, time bound action plan for filling up backlog reserved vacancies has been intimated to all concerned Departments/Ministries on 20.11.2014 for filling up such vacancies by August 2016. The Action Plan includes study of reasons for non-filling of backlog reserved vacancies, review of prescribed standards, if required; conducting Special Recruitment Drive and conducting pre-recruitment training programmes.

The details of people benefited from reservation system in the country, which was established on the basis of B.P. Mandal Commission for the upliftment of backward classes in India wherein constitutional provision of 27 per cent reservation was made for them is:

Table 1: BCs benefited by reservation

S.No.	Year	OBC
1	2007	196236
2	2008	390286



3	2009	410948
4	2010	447717

The Central Government provides 27% reservation for Other Backward Classes (OBCs) in Central Government services and Central Educational Institutions. The subject matter 'reservation in the particular State/UT' squarely relates to services of State/UT Governments concerned.

Table-2: **Reservation Quota for OBCs in States/UTs**

S. No.	Name State/UT	Reservation Quota for OBCs in States/UTs
1	Andhra Pradesh	Reservation to OBCs in State aided Educational Institutions and in State services is 29%. It is divided among five groups as under: BC-A=7%, BC-B=10%, BC-C=01%, BC- D=07%, BC- E=04%.
2	Arunachal Pradesh	There is no OBC population in the State. Hence there is no reservation for OBCs in the State.
3	Assam	Providing 27% reservation to OBCs in State services.
4	Bihar	The OBCs reservation quota in the State is as follows: BC-II- 12% BC-I – 18% OBCs Women- 03%
5	Chhatisgarh	Providing 14% reservation to OBCs in State services.
6	NCT of Delhi	27% reservation in civil posts and services.
7	Goa	Government of Goa has
		approved enhancement of OBC quota from 19.5% to 27% .
8	Gujarat	Providing 27% reservation to socially and educationally backward class in State services.
9	Haryana	Providing 27% reservation in class III & IV and 10% in class I & II to OBCs in State services.
10	Himachal Pradesh	Providing reservation @ 12% in Class-I & II and 18% in Class-III & IV posts to the persons belonging to OBC category, in the services of the State.
11	J & K	Providing reservation to Socially and Educationally Backward Classes in direct recruitment as under: (i) Weak & Under Privileged Classes (social castes) 2% (ii) Residents of Areas adjoining Line Actual Line of Control (ALC) 3% (iii) Residents of Backward Areas (RBA) 20%. <u>For appointment by promotion as under :</u> Resident of Backward Area – 10% Actual Line of Control (ALC) – 02% Weak and under



		privileged Classes – 01%			government employment and 5% reservation in educational institutions.
12	Jharkhand	Providing 14% reservation to OBCs.			
13	Karnataka	Providing 32% reservation to OBCs for the purpose of admission to Educational Institutions and in Employment in State Civil Services and Government of Karnataka Undertakings.	23	Rajasthan	Providing 21% reservation to OBCs in State services.
14	Kerala	Providing 40% reservation to OBCs.	24	Sikkim	Reservation in posts and services to be filled up by direct recruitment by OBCs under the State Govt. & Public Sector Undertaking is 21%.
15	Madhya Pradesh	Providing 14% reservation to OBCs in the State.	25	Tamil Nadu	Providing reservation to OBCs in the State level Services as under: Backward Classes 26.5% Backward Muslim Classes 3.5% Most Backward Classes/Denotified Community 20%.
16	Maharashtra	Providing reservation to OBCs in State services as under: Special Backward Category 2% Other Backward Classes 19%	26	Tripura	There is no reservation quota for OBCs in the State.
17	Manipur	Providing 17% reservation for OBCs in the State.	27	Uttar Pradesh	Providing 27% reservation to OBCs.
18	Meghalaya	No community has been recognized as OBCs.	28	Uttarakhand	Providing 14% reservation to OBCs in State level services.
19	Mizoram	There is no OBC in the State. Hence making reservation for OBC in the State does not arise.	29	West Bengal	17% of the vacancies are reserved for OBCs in services and posts under the Govt. of West Bengal.
20	Nagaland	State of Nagaland does not have OBC.	30	A & N Islands	Providing 38% reservation to OBCs.
21	Odisha	Provision for reservation of 27% for Socially and Educationally Backward Classes in the posts and services in the State.	31	Chandigarh	Providing 27% reservation to OBCs in State services.
22	Punjab	Providing 12% reservation to Backward Classes in direct recruitment in	32	Daman & Diu	Providing 27% reservation to OBCs in



		State services.
33	Dadra & Nagar Haveli	Providing 5% reservation to OBCs in State services.
34	Lakshadweep	There is no OBC population in this Union Territory because entire population is Muslim Scheduled Tribe. Hence Nil.
35	Puducherry	Providing reservation to OBCs in State services as under : Most Backward Classes (MBCs) 20% Other Backward Classes (OBCs) 13% Backward Tribes (BT) 1% Total Backward Classes 34%

grand celebration of Ambedkar's birth anniversary. To compensate, they have now organised a grand event on April 30 in Mumbai to mark Ambedkar's 125th birth anniversary where they would "highlight" his efforts for the backward community. Wherever we travelled in the state and even in Mumbai, we noticed that Ambedkar's birthday was being celebrated at grand level but everywhere it remained a celebration for Dalits only. Only Dalit leaders had presided in these events while OBCs were totally ignored. This was despite the fact that when asked why the community leaders were silent all these years and whether they have come forward now when Ambedkar is being glorified by the BJP governments at the Centre and the state, Rathod said, "Even we were unaware of the fact that Ambedkar had resigned because of the then Central government's no action on OBC reservation."

This information was given by the Minister of State for Social Justice and Empowerment, Shri Sudarshan Bhagat in a written reply to a question in Rajya Sabha on 14-August-2014 16:22 IST

Conclusions

It is unfortunate that all these Constitutional instruments have been allowed to rot in the theory of the intelligent exercise of their wisdom than putting it to sincere practice to uplift the deserving masses. Besides, many of the people other than the SC/STs are not having awareness about the Dr. B. R. Ambedkar's immeasurable contribution to the OBCs/BCs who are economically poor. They feel shy to say that facts. But, recently, all the political parties are praising Dr. B. R. Ambedkar due to political stunts. The OBC leaders are also unhappy for the reason that they were ignored and even sidelined in the

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