

**GOVERNMENT OF INDIA
SOCIAL JUSTICE AND EMPOWERMENT
LOK SABHA**

STARRED QUESTION NO:562
ANSWERED ON:07.05.2013
RESERVATION IN EDUCATION AND EMPLOYMENT
Sudhakaran Shri K.;Tirkey Shri Manohar

Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state:

- (a) the time since when reservation for SCs/STs and OBCs in education and employment has been introduced in the country;
- (b) whether the reservations for the above classes are commensurate with their actual population in the country;
- (c) if so, the details thereof and if not, the reasons therefor;
- (d) whether requests have been received from the State Governments for inclusion of more castes in the lists of SCs, STs and OBCs; and
- (e) if so, the details thereof and the action taken by the Union Government thereon?

Answer

MINISTER OF SOCIAL JUSTICE AND EMPOWERMENT (KUMARI SELJA)

(a) to (e) : A Statement is laid on the Table of the House.

Statement referred to in reply to Parts (a) to (e) of the Lok Sabha Starred Question for 7.5.2013 raised by Shri Manohar Tirkev and Shri K. Sudhakaran regarding 'Reservation in Education and Employment'

(a): Instructions were issued by the Government on 21.9.1947 providing for reservation in vacancies for Scheduled Castes. On promulgation of the Constitution, the Government issued a Resolution on 13.09.1950 providing for reservation for Scheduled Tribes also. The Government introduced reservation for Other Backward Classes in direct recruitment in the civil posts and services under the Government of India on 8.9.1993. Reservation has been extended in stages since 1957 to different modes of promotion. Pursuant to the 93rd Constitution (Amendment) Act, the Central Educational Institutions (Reservation in Admission) Act, 2006 was passed by the Parliament on 3rd January, 2007 which provides for reservation of students belonging to the Scheduled Castes (SC) /Scheduled Tribes (ST) and Other Backward Classes (OBC) to certain Central Educational Institutions (CEIs) established, maintained or aided by the Central Government.

(b)& (c): Article 16(4) of the Constitution states that the State can make provision for 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. The Supreme Court in the matter of Indra Sawhney and Ors V/s Union of India and Ors has, inter alia, held that clause (4) speaks of adequate representation and not proportionate representation. The Supreme Court opined that it is not possible to accept the theory of proportionate representation.

As per the CEI (Reservation in Admission) Act, 2006, out of the annual permitted strength in each branch of study or faculty, 15% of seats shall be reserved for the SCs, 7.5% for the STs and 27% for the OBCs subject to the proviso to section 3 of the CEI (Reservation in Admission) Act, 2006.

(d) & (e) : The details of requests received from various State Governments for inclusion in the lists of SCs, STs and OBCs and the status of action thereon is appended.