

# Social Justice for Backward Classes in Uttar Pradesh: An Indian Perspective

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## Abstract

Uttar Pradesh is a populous and important state in India. India has much experience about its public policy to safe guard the interests of backward communities. Since nineteenth century onwards, the preferential treatment for backward classes were one of the important public policy in the British as well as princely states of India and still constituted. The inherent injustices and oppression of our traditional society spanning over many thousands of years necessitated a policy of preferential treatment to raise them to the level of other advanced sections of the society.

The beginning of reservation in public services, it extended the reservation of seats in legislative and educational institutions.

The Backward Class Commission found out 41 most backward castes, which are the 26 per cent of the total population of the State. It was recommended 17 per cent of reservation for them in Government jobs. In his report, he also showed that 12 castes are Upper Backward Castes, which are the 20 per cent of the total population and recommended 10 per cent of reservation for them in jobs. He also suggested 2.5 per cent of reservation for Muslims Backward Castes, which is 6 per cent of the total population in the State.

The Government of India tabled the Constitution (One Hundred and Twenty-Fourth Amendment) Bill, 2019 which provided 10 percent additional quota for the EWS students of upper castes students. The Economic Weaker Section Reservation Bill was tabled in (Lok Sabha), the Lower House of the Indian Parliament on 8th January 2019.

It was passed on the same day. It was 124th Amendment Bill in the Parliament.

**Key Words:** Social Justice, Reservation Policy, Supreme Court, Backward Classes, Economically Weaker Sections.

India is one of the largest democratic countries in the world. India has total 29 states and Uttar Pradesh is one of very important states in India. Uttar Pradesh is the fourth largest state in India in terms of area but in terms of population it stands first. It is the 4th biggest state in terms of land and covers an area of 243,286 sqkm<sup>2</sup> (93,933 sq mi) with an average density of 828 people per square kilometer. Lucknow is the capital of Uttar Pradesh. There are a total of 75 districts, 18 divisions, 915 urban bodies, 8135 Nyaya Panchayats, 13 Municipal corporations, 226 municipal boards, 59163 gram sabhas, 822 development

blocks, 97941 populated villages. The population of the state in 2020 is estimated to be 235 million (23.5 Crores). It is projected to be 233,378,519 as per Aadhar India Unique Identification. It is bounded by Bihar on the east, Haryana and Rajasthan on the west, Nepal and Uttarakhand to the North and Madhya Pradesh to the South. According to census 2011, total literacy rate was 114,397,555 (70.69%). The male literacy rate was 79.20% and female literacy rate was 59.30%.

There are a total of 80 Lok Sabha seats from Uttar Pradesh, 31 seats in Rajya Sabha, 403 in Legislative Assembly and 100 seats in Legislative Council in the state.

Presently Sri Yogi Adityanath is the Chief Minister of Uttar Pradesh. In 2017 election the BJP allies (BJP 312 + Apna Dal 9) won 321, Samajwadi Party won 47 seats, BSP won 19 seats and Congress won 9 seats only.

### **Social Justice Perspective:**

India has much experience about its public policy to safe guard the interests of backward communities. Since nineteenth century onwards, the preferential treatment for backward classes were one of the important public policy in the British as well as princely states of India and still constituted. The inherent injustices and oppression of our traditional society spanning over many thousands of years necessitated a policy of preferential treatment to raise them to the level of other advanced sections of the society.

The beginning of reservation in public services, it extended the reservation of seats in legislative and educational institutions.

The evolution of reservation policy can be traced through three facts, viz.

1. Reservation in Government jobs,
2. Political representation and
3. Educational and economic betterment.

### **Backward Class Commission set up by State Governments:**

The Chief Minister of Uttar Pradesh, Hemwati Nandan Bahuguna established three members` Commission to find out the Backward Classes in the State, in 31<sup>st</sup> October 1975. Sri Chhedi Lal Sathi was the president of the Commission and Malkhan Singh Saini and Sita Ram Nishad was the member of it. The Commission submitted its report on 17th May 1977.

The Commission found out 41 most backward castes, which are the 26 per cent of the total population of the State. It was recommended 17 per cent of reservation for them in Government jobs. In his report, he also showed that 12 castes are Upper Backward Castes, which are the 20 per cent of the total population and recommended 10 per cent of reservation for them in jobs. He also suggested 2.5 per cent of reservation for Muslims Backward Castes, which is 6 per cent of the total population in the State. The Commission also recommended free education, hostel, scholarship, reservation in educational institutions and government support to establish the small-scale industries as well as

reservation in Lok Sabha, Rajya Sabha, Vidhan Sabha and Vidhan Parishad as well as representation in Government Commissions.

Rajni Kothari said that “If you want to bring caste to an end, provide more reservations for the backwards. Moreover, Kothari extends this argument by asserting that Mandalism is part of “a great secular upsurge”. The OBC group brings together not only all the lower caste but the poor or ‘backward’ of other religions, while at the same time it prevents Hindus from acting as a solid bloc.”<sup>1</sup>

In 1975, the Chhedi Lal Sathi Commission of Uttar Pradesh had found wide differences in socio-economic status of various castes of backward classes. The Karpoori Thakur suggested 8 per cent quota for intermediary OBCs and 12 per cent for the Most Backward Classes (MBCs), The Supreme Court gave his verdict to uphold the 27 per cent reservations for the OBCs and suggested the exclusion of ‘creamy layer’ or economically well-off from reserve seats. According to new law 21 per cent government jobs were reserved for SCs, 2 per cent for STs and 27 per cent for OBCs. Now total 50 per cent government jobs are reserved which followed the Supreme Court decision of November 1992 to strict the reservation up to 50 per cent.

The Uttar Pradesh Public Service (Reservation for SCs, STs and OBCs) Act 1994, has been amended to insert a separate Scheduled III in new law. It enumerated 66 Scheduled Castes in UP and divided them into two parts. In part A the Chamar also known as Dhusia, Jhusia and Jatava and remaining 65 castes come under part B. In part A constitutes 55.70 per cent of the total SC population. It has retained 11.5 per cent of the 21 per cent jobs reserved for all SCs.

The Uttar Pradesh government formed a Social Justice Committee on June 28, 2001 headed by Hukum Singh, Minister of Parliamentary Affairs and two other members were Rampati Shatri Health Minister and Daya Ram Pal member of UP Legislative Council. The Committee was formed to look into the existing government schemes, programmes and facilities for the welfare of SCs, STs and OBCs to achieve the social justice in the state. A ‘Social Justice Week’ was organized from 30<sup>th</sup> July to 6<sup>th</sup> August in the state.<sup>2</sup> It registered the family of 53,000 village panchayats in the state. The committee received and considered 3,233 representations from various interested groups in the state. It also analyses SCs, STs and OBCs groups in the 11,27,311 government posts in UP.<sup>3</sup> The committee submitted 200 pages Report on 31<sup>st</sup> August 2001. The Uttar Pradesh cabinet accepted the report on 13<sup>th</sup> September and in 15<sup>th</sup> September the Uttar Pradesh Public Service Commission (Reservation for SCs, STs and OBCs (Amendment Ordinance 2001) was accepted by the Governor.

There were 66 SCs groups and 79 OBCs groups in Uttar Pradesh. The spirit of reservation is to benefit the all section of society in equitable manner. Then only sprit of social justice could be achieved here. The Social Justice Committee found the share of jobs of SCs and OBCs. It suggested Chamar/Jatava among SCs and Yadava among OBCs occupied maximum share of government jobs.

In the higher education among SCs Jatava occupied 49.54 per cent of reserved seats followed by Koris (12.04 per cent), Pasi (10.04 per cent) and Dhobis (10.04 per cent), Among the Other Backward Classes (OBCs), Yadava occupied 32.37 per cent followed by Kurmis 11.24 per cent. The Chamar and the Yadava also took the advantage of

<sup>1</sup> Kumar Dharma, *The Affirmative Action Debate in India*, Asian Survey, Vol. xxxii, NO.3 March 1992 ,pp.75,76.

<sup>2</sup>Verma, A.K. *UP: BJP's Caste Card*, Economic and Political Weekly, 1<sup>st</sup> Dec. 2001.

<sup>3</sup>Verma, A.K. *UP: BJP's Caste Card*, Economic and Political Weekly, 1<sup>st</sup> Dec. 2001.

land holdings and other benefits. Due to that SCs have been divided into Chamar versus 65 per cent sub castes of non Chamar. Among 21 per cent government jobs for SCs 10 per cent reserved for SCs and 11 percent for non-Chamar.

At the same time, OBCs group divided into three groups like A, B and C. The Yadavas/ Ahirs are placed into group A, Sonar, Jat, Kurmi, Giri, Gujar, Gossain, Lodh and Kamboj in Group B, and the remaining 70 castes (viz, Kahar, Kevat, Koeri, Kumhar, Gaderia, Teli, Lohar etc. included in group C.<sup>4</sup> According to social justice committee the reservation for OBCs raised by 27 to 28 per cent in government jobs. The 5 percent reserved for group A, 9 per cent for group B and 9 per cent for group C.

### Estimated Reservation for Other Backward Classes

The Hukum Singh Committee estimated that the population of OBCs in Uttar Pradesh increased from 41.13 per cent in 1991 to 54.05 per cent in 2001. It shows the 12.92 per cent increased in a decade. The number of backward caste also increased from 55 in 1991 to 79 in 2001. The 24 new castes included in the list of backward caste.

**Table-1.**

**Population of Backward Classes in Uttar Pradesh 1999-2000**

Distribution of estimated population by social category (1999-2000)						
Region	Hindu Upper Caste	Hindu SC/ST	Hindu OBC	Muslim	Other Regions	Total
Rural	22.42	25.94	37.50	13.36	0.67	100.00
Urban	32.82	15.27	21.96	28.67	1.37	100.00
Total	24.53	23.77	34.35	16.47	0.81	100.00

**Source:** Computed from NSSO 55<sup>th</sup> Round (Employment/ Unemployment)<sup>5</sup>

The above data reveal the population of Backward Classes in rural and urban areas in Uttar Pradesh. The Hindu OBCs are 37.50 per cent (highest) in rural and 21.96 per cent in urban areas. The Hindu SCs/STs are second highest in rural areas with 25.94 per cent and 15.27 per cent in urban areas. The Hindu Upper Castes are 22.42 per cent in rural and 32.82 per cent which is highest then other community residing in urban areas. The Muslims are 13.36 per cent and 28.67 per cent in rural and urban areas respectively. It reveals that Hindu OBCs are highest in rural areas and Hindu upper caste is highest in urban areas.

As per 2011 census, Scheduled Castes and Scheduled Tribes constitute 21.1percent of Uttar Pradesh population. Mallah community is divided in 27 sub-castes. Other Backward Classes (OBCs) constitute 40 percent of total population of Uttar Pradesh. Yadavs form the single largest group amongst the OBCs, with around 9-11 percent population in the state. In Uttar Pradesh, Muslims are divided into 68 castes and sub-

<sup>4</sup>Ibid, pp.4452.

<sup>5</sup>Human Development Report 2003, Uttar Pradesh, *Planning Department*, Government of Uttar Pradesh.P.95.

castes, 35 of them are OBCs. Upper castes constitute around 18-20 percent of Uttar Pradesh population, in which Brahmins are 12-14% and Thakurs are 7-8 percent.

**Table-2.**

**Percentage of Population by Social Category and Poverty Class in UP in 1999-2000.  
(Rural- Urban)<sup>6</sup>**

Poverty Class	SC/ST Hindu	OBC Hindu	Other Hindu	Muslim	Other Religious Group	Total
Very Poor	14.52	8.82	4.73	10.90	6.86	9.48
Less poor	28.71	24.15	9.80	24.09	6.44	21.53
Just Above Poverty line	23.75	24.08	16.49	23.66	17.01	22.01
Well Above Poverty line	33.02	42.95	68.98	41.35	69.68	46.98
Total	100	100	100	100	100	100

**Source:** Computed from NSS 55<sup>th</sup> Round (Consumption scheduled)( what is NSS??)

The above data reveal the percentage of population by social category and poverty class in Uttar Pradesh in rural and urban areas in 1999-2000. It reveals that 8.82 percent Hindu OBC were very poor, 24.15 percent less poor, 24.08 percent just above the poverty line, 42.95 per cent well above the poverty line in Uttar Pradesh during 1999-2000. It explores that 14.52 percent SCs/STs Hindus were very poor followed by Muslim 10.90 per cent, then OBC Hindu 8.82 percent, followed by other religious group 6.86 percent and other Hindu is 4.73 per cent (least poor) than other social group. The overall very poor people in Uttar Pradesh is 9.48 per cent. The above poverty line among other religion group is highest as 69.68 per cent followed by other Hindu 68.98 per cent, 42.95 per cent among OBC Hindu, 41.35 per cent Muslim, and 33.02 least among Hindu SC/ST. The overall above poverty line social group is 46.98 per cent in Uttar Pradesh during 1999-2000.

The above National Sample Survey organization (NSSO) report reveals that after 50 years of implementation of reservation policy, the Scheduled Castes could not improve the socio-economic condition in Uttar Pradesh . They are still deprived in their socio-economic status.

<sup>6</sup>Human Development Report 2003, Uttar Pradesh, Planning Department, Government of Uttar Pradesh.P.101.



Table-3. .

Land ownership by Social Category in Rural UP, 1999-2000.<sup>7</sup>

Social Category	Percentage of House holds	%Land Owned	Average land Owned (Acres)
Hindu- other	22.38	38.17	1.2
Hindu- SCs/STs	27.69	13.26	0.34
Hindu-OBCs	36.83	38.43	0.74
Muslim	12.29	8.09	0.46
Other Religions	0.81	2.24	1.94
Total	100	100.00	0.71

**Source:** Computed from NSSO 55<sup>th</sup> Round (Employment/Unemployment)

The above data reveals the different social group in Rural Uttar Pradesh. Hindu households are 22.38 per cent and it (those) occupied 38.17 per cent land. The Hindu SC/ST households are 27.69 per cent which occupied only 13.26 per cent land followed by Muslim house hold 12.29 per cent occupied 8.09 per cent.

It is important to notice that only 22.38 per cent Hindu (other) occupied 38.17 per cent land, which is higher than any other communities in the state. In Indian society, land is one of the powerful sources, which helped to gain the respect, power and position in the region. But it is unfortunate that backward classes which is highest in population but occupied less land in the state. It shows its deprivation, exploitation and lack of power in the state.

The following data reveal some facts regarding the educational status among the SCs and OBCs in Uttar Pradesh during 1999-2000.

Table- 4.

OBCs in Government jobs in Uttar Pradesh<sup>8</sup>

Group	Total seats	Total employed persons	Total OBCs employed in jobs	Percentage of OBCs candidate employed in Jobs
Group A	11924	10161	7814	6.25
Group B	35539	28945	4409	15.23
Group C	839647	696995	189345	27.17
Group D	300201	2558849	73217	28.62
Total	1187311	991950	267606	26.98

**Source:** Social Justice Committee, 2001.

<sup>7</sup>Human Development Report 2003, Uttar Pradesh, Planning Department, Government of Uttar Pradesh.p.104.

<sup>8</sup>Government of Uttar Pradesh (2001), *Social justice Committee Report*, Lucknow.P.37.

The above data show that OBCs representation in government jobs such as Group A, Group-B, Group-C and group-D. In Group A, OBCs representation is only 6.25 per cent; in Group B, 15.23 per cent; in Group C, 27.17 per cent; and Group D, 28.62 per cent. It shows that in Group A and Group B there representation in government jobs is less than as recommended by the Supreme Court of India. But the overall representation of Other Backward Classes was 26.98 per cent. It is the matter of concern that neither SCs nor OBCs' proper representation in decision making bodies in governance.

### **Reservation for Economically Weaker Sections (2019):**

The Economically Weaker Section was introduced on a subcategory of people belonging to the General Category or upper castes. They should have an annual family income less than ₹8 lakhs and who does not belong to any reserved category such as SCs, STs or OBCs.

The Government of India tabled the Constitution (One Hundred and Twenty-Fourth Amendment) Bill, 2019 which provided 10 percent additional quota for the EWS students of upper castes students. The Economic Weaker Section Reservation Bill was tabled in (Lok Sabha), the Lower House of the Indian Parliament on 8th January 2019.

It was passed on the same day. It was 124th Amendment Bill in the Parliament.

It was decided by the cabinet that this would be over and above the existing 50 percent reservation. The EWS Bill was passed by (Rajya Sabha), the Upper House of the Indian Parliament on 9th January 2019. The President approved the Bill on 12 January 2019. The Economic Weaker Section Reservation Bill Article 15(6) and Article 16(6) which ensured 10 percent reservations to the poor people in upper castes people. Gujarat became the first state to enact this law on 14 January 2019.

The Uttar Pradesh Public Services Bill, 2020 envisaging 10 percent reservation to economically weaker sections among the upper castes passes in the Assembly. However, the Supreme Court had opinion that an increase in reservations could compromise the merit. As a consequence of the 10 per cent EWS quota, the merit quota will now shrink by 10 per cent to 40.5 per cent in Uttar Pradesh.

### **The Backward Classes Welfare Department:**

The Backward Classes Welfare Department was established in Sept. 1995 for improving the level of literacy, education and welfare of backward classes. The five posts of Deputy Director at divisional level and 46 posts of District Backward Classes Welfare Officer at district level have been formed in the state. Later 46 posts of District Backward Classes Welfare Officers have been sanctioned and 24 districts were under consideration. It is universally accepted that lack of education leads to backwardness. The education is one of the important aspects for development of the weaker sections in the society.

In the 10<sup>th</sup> Five Year Plan (2002-2007) the financial assistance was established for backward class students with book bank and hostel facilities for them. In the budget, 2004-2005 Rs. 56720.00 was provided for the target group of

backward classes in the state. The Uttar Pradesh Pichhara Varg Vitta Evam Vikash Nigam 1989 with a share capital Rs.10 crore and now 30 crore provided for the betterment of OBCs in their social, economic and educational development.<sup>9</sup> It provided the loan to backward classes, unemployed youth, BPL families etc in easy terms and condition as well as interest.

The other backward classes are 54 per cent of the total population of the state. They are socially, educationally and economically backward. The government took the initiative to protect from social injustice and exploitation. The government provides the scholarships up to class VIII to enhance the enrollment at primary level. The scholarship also extended for class IX and X students whose parents annual income up to Rs. 30,000 to reduce the dropout rate.<sup>10</sup> The post matric students are also getting the scholarships to encourage them for higher studies. The hostel facilities are also provided to solve their accommodation problems.

The Uttar Pradesh Backward Classes Finance and Development Corporation are providing the economic assistance by the way of margin money, educational loan, micro finance etc for their economic development and social reliance.<sup>11</sup> The state government took the initiative to include 16 more backward caste in Scheduled Castes (SCs) for their betterment. In 2006-07 an outlay of Rs. 560 crore provided for the welfare of backward castes in the state.<sup>12</sup> It helped to reduce the poverty in the state.

Last but not the least; Uttar Pradesh is one of highly populated states in India. The socio-economic deprivations of the backward classes are the major challenges before the government. The reservation policy is one of the important tool to provide certain preferential treatment to the deprive sections of the society. The social justice is only way to rectify the discrimination in the society. The initiatives of the government are important to bring back them in the mainstreams and they could be a part of the nation-building process. It will help them to overcome with the problem of poverty, exploitation, discrimination and different social stigma. It will provide the weaker sections the equal rights and justice for further growth.

The reservation policy will help to minimize the poverty ratio not only in backward classes but also to economically weaker sections among the poor upper caste families. The low literacy rate is also one of the important causes for their backwardness. The government took some initiatives towards the welfare of the weaker sections of the society to reduce the poverty as well as strengthen the social justice. The welfare programs will help for overall development of the state further.

<sup>9</sup>Human Development Report 2003, Uttar Pradesh, Planning Department, Government of Uttar Pradesh.P.270.

<sup>10</sup> Government of Uttar Pradesh, Annual Plan 2006-07. Vol-1, Planning Commission, Nov 2005.p. 267.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.p.267.



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