

FACT SHEET

Reservation debate

Quest for Justice and Equality: Dalits and Reservation

Editorial

The Dalits, along with the other service castes at the bottom of the social pyramid, always provided virtually free labour for the upper castes. They never had a choice in the matter. Traditional ritualistic compulsion and coercive oppression ensured compliance and servitude thereby denying them any upward social or economic mobility. The post-independent state in a series of corrective discriminatory and affirmative actions like reservation in education, employment and in the administrative and legislative bodies, sought to create enabling conditions for the upward social mobility of the Dalits.

In the current phase, characterised by the neo-liberal economic model of privatisation and liberalisation, these social groups face an unprecedented situation in which new mechanisms of exploitation and marginalisation make their lives even more difficult. Privatisation and globalisation spell total doom for these sections as their traditional livelihood support systems and the semi-traditional ways of their lives are destroyed. Economic offensives are accompanied by political, ideological and cultural ones threatening their survival. The withdrawal of the state from welfare and public service spheres also has a deleterious impact on these sections. Their food security is affected adversely, their access to health care services and education become more and more restricted. In this situation there is need for the defence of reservation and other proactive measures. The protective policies may not be totally satisfactory or adequate or seriously implemented but they do provide a partial defence in a totally helpless situation. The ideological contours of these policies and their defence can also not be overlooked.

The UPA Government faced with the crisis of rising unemployment especially among Dalits and other backward communities mooted the idea of reservation in the private sector. Though it is recommendative and compliance is voluntary the captains of industry have in the main vociferously rejected it. Since there is an ongoing debate on the issue, this fact sheet is to contribute to the furtherance of this debate.

Background

History shows that inequality manifests itself in a number of discriminatory forms - on the basis of race, colour, caste, creed and gender. In India, discrimination and oppression on the basis of caste has prevailed since millennia with Dalits as the victims. However, history also demonstrates that the quest for justice and equality has been a part of lived reality. As a socially, culturally and economically oppressed community, Dalits in their quest for justice and equality have been struggling for equal opportunities in education, employment and legislature well as representation in services in government institutions. This is only one part of their movement towards emancipation in the struggle against the annihilation of caste system, which is the root cause of their plight. 'Untouchability' has been constitutionally banned but its continued practice manifests in various parts of the country as reported in the media from time to time. As a major human rights issue, caste eradication has been an important agenda in the Dalit liberation struggle.

After Independence, the Constitution of India abolished 'untouchability' and declared it illegal. This gave a new focus to the movement for Dalit empowerment. It led to the emergence of two different approaches. The first was an elitist trickle-down approach led by Gandhi, who believed in the improved status of the Dalits (or, as he called them, Harijans) while retaining elements of the traditional caste system but eradicating the degrading stigma and manifestations of 'untouchability'. The second approach was a radical one led by Dr.B.R Ambedkar (1891-1956), a lawyer and himself an 'untouchable' who believed that only by destroying the caste system could 'untouchability' be destroyed. He

Population of SCs	
Year	% of Total
1961	14.60
1971	14.50
1981	15.50
1991	16.33

Source: Census of India

In India, Dalits comprise 16.48% of the population. Almost 82% of dalits live in villages. Their literacy is little over 30%. Over 75% of them are engaged in agriculture as against 60% of non-dalits. 50% of the dalits engaged in agriculture work as labourers, mostly bonded. In the medium category of the total area 51% dalits own 7% as against 82% by non-dalits. In large land area of 20% dalits own 4% while non-dalits own 86%. (Census of India, 1991)

% of Dalits living below poverty line		
Year	Total Population	Dalits
1977 78	51.2	64.6
1983 84	40.4	53.1
1987 88	33.4	44.7
Source: National Commission for SC, ST Report, 1996-97 and 1997-98		

became the chief spokesman for those 'untouchables' who demanded separate legal and constitutional recognition similar in status to that accorded to Muslims, Sikhs and Christians. However, this was opposed by Gandhi and Ambedkar eventually gave up the demand. Ambedkar stressed the need for political mass movement to gain power at the government level. He believed that political power was an essential prerequisite to improve their socio-economic status. He also launched a movement to give Dalits a better representation in Government jobs. After Independence the reservation for SCs in government employment was fixed at 8%. This was gradually increased to 16% both in state and central government jobs. The percentage of Dalits to the total population also happens to be 16%.

History of reservation

The history of reservation can be traced to the Pune Pact of 1934, which aimed at erasing the historical socio-economic injustices inflicted upon the socially depressed classes. At that time Dr. Ambedkar and Gandhi had agreed that the backward community would get reservation in jobs and educational institutions. "Reservation would not be a burden to anyone but a legitimate right of a backward community", they had agreed. Soon after Independence the Constitution mandated the State to take special care and special measures for the social advancement of the historically oppressed groups who are at the bottom of traditional India's caste hierarchy. These were the Scheduled Castes, Scheduled Tribes and Other Backward Classes or in the Constitutional context the socially and educationally backward classes. The Constitution states that "the state shall not

discriminate against any citizen on grounds of religion, race, birth or any form. In the Directive Principles it is further added "the State shall promote with special care the educational and economic interest of the SC/ST and protect them from social injustice and all forms of exploitation."

In the post-Independence period, the movement for quotas for Other Backward Classes (OBCs) started in the late 1980s. The Janata Dal, which came to power in 1989, re-visited the Mandal Commission's recommendations on caste quotas. Their incremental quota approach to social change brought about the 'silent revolution' in North India. During the 1990s the then Prime Minister VP Singh tried to implement the Mandal Commission Report which recommended that reservation should not only be at the point of recruitment but also at all levels of promotion. This was met with severe opposition from the 'upper castes', with some self-immolations and defeated the whole purpose of the issue. The issue was once again pigeonholed. Subsequent governments took no further action on reservation.

The reservation policy had three important aspects: Reservation in legislatures, in educational

Occupational Classification of Dalits				
Year	Total		SC	
	1981	1991	1981	1991
Cultivators	41.53	39.74	28.17	25.44
Agricultural labourer	25.16	19.66	48.22	49.06
Household industry	3.99	2.56	3.31	2.41
Others	29.32	38.04	20.30	23.08
Source: Census of India				

Category	Percentage
Group A	10.15%
Group B	12.67%
Group C	16.15%
Group D	21.26%
Sweepers	44.34%
Total	17.43

Source: National Commission for SC, ST Report

institutions and in government services and the public sector. This has been further extended to local government bodies. All this is in proportion to the percentage of the population which varies from state to state.

But despite Constitutional guarantees, and all States having formulated measures as a package for Dalit advancement, overall results have been negligible. Census figures show that half the Dalit work force is still landless agricultural labourers compared to 20% of the non-Dalit work force as shown in the above table. Social studies have shown that women make up a large number of professional sex workers, and 90% of those who die of starvation and disease are dalits. Even where reservation has been implemented, it is not uniformly across grades. According to Teltumbde, reservation of SCs in Group A and B category in government offices is between 9.7% and 11.6% and between 15.8% and 20.9% for the C and D category. In public sector undertakings, it is between 6.69% to 9.92% for A and B category and between 16.82 to 23.25% for C and D category. In nationalised banks, the percentage of SC officers is 11.12%, clerks, 14.31% and junior staff 21.97%. Since government policy envisages representation of Dalits in proportion to the population, it means there is a huge backlog of posts that have not been filled. This also becomes clear from the National Commission for SC, ST tables (Tables 1,2,3).

Officers	11.11
Clerks	14.69
Sub Staff	28.49
Total	19.96

Source: National Commission for SC, ST Report

Reservation of scheduled castes in schools also remains largely unfilled. According to Thomas Sowell in "Affirmative Action around the world", the preferential policy benefits only 6% of the dalit families in India. SCs, according to him, continue to be absent from the white-collar jobs. "SCs and STs have not received as much as 3% of the degrees in engineering or medicine though they together add up to nearly one-fourth of the population in India".

The live register of SC job seekers has increased from 41.6 lakh in 1989 to 58 lakh in 1998, an increase of 39.4%. SC job seekers were 14.58% of total job seekers at the end of 1998. Placement of SC job seekers has declined from 47.4 thousand in 1989 to 26.5 thousand in 1998. The progress of the Special Recruitment Drive launched by the Government to fill up reserved vacancies show that they are largely unfilled. (Table 5)

Here again it may be observed that the achievement made under Special Recruitment Drive in 1996 is very inadequate under Central

Category	Percentage
Group A	8.41
Group B	9.68
Group C	19.14
Group D	22.41
Total	18.06
Safaiwala	87.34

Group A and B represent Senior Executives and Executives while Group C to D comprise Supervisory, Supporting and Auxiliary staff.

government as well as banks and public sector undertakings as 88.18% of the total vacancies identified as backlog of SC candidates remain unfilled.

Impact of New Economic Policy on Dalit employment

The economic reforms of the early 1990s in the new liberalised regime have since seriously jeopardised opportunities for Dalit advancement. Liberalisation essentially means cutting the role of the welfare state and move towards free market economy. Moreover, with many Government institutions and public sector units having been sold off through strategies of disinvestment and privatisation, the situation of marginalised groups is all the more precarious. As a result job opportunities for the poor have drastically gone

down. Unemployment is very high especially among the SC/STs. According to Teltumbde, the rate of employment in the organised sector has dropped from more than 1.7% per annum in the late 1980s to 1.2% in 1991-92 and to 0.6% in 1992-93. Creation of jobs in the public sector fell from 11.0 million in the preceding four years to 6.2 million in the succeeding four years of the Reforms. In the Central Government there were 4.03 million jobs on 1st March 1991. This went up next year to 4.14 million the next year, but only to go down 3.97 million and 3.84 million respectively in the next two years. The Dalits and Adivasis are the worst hit because of this. Table 8 shows the steady decline in government jobs through the years.

In fact one of the features of the New Economic Policy appears to be to have minimum government in particularly social welfare, social security and economic control functions. Which again means that new positions will not be created in the public sector to which dalits have access. Also because of categorising of jobs in the public sector, some positions become redundant. Dalits often face the brunt and do not have the ability or access to institutions that can retrain them and put them back on the jobs in emerging areas. As a category, as pointed out by K. S. Chalam, they are affected by displacement, downgrading and technological upgradation in the various sectors. Therefore, the adverse impact of globalisation and the increasing privatisation of public sector companies had also made it an imperative need for reservation in the private sector.

However, it may be pertinent to mention here that a section of the elite Dalits is in favour of globalisation. They are of the opinion that the state has done little for the Dalits. So globalisation could prove to be beneficial for them. They argue that MNCs are interested in talent irrespective of caste. Privatisation favours a very competitive scenario where merit is stressed, and not class or caste.

Backlog	Group A	Group B	Group C	Group D	Total
Recruitment	25.1%	48.6%	44.1%	54.2%	45.6%
Still backlog	74.8%	51.3%	55.8%	45.7%	54.3%
	Recruitment		Backlog		
Bank	54.89%		45.10%		
Public Sector	11.81%		88.18%		
Source: National Commission for SC, ST Report					

Year	SC	ST	Other
1982	1.23%		98.77%
1993	2.38%	0.73%	96.89%
Source: National Commission for SC, ST Report			

Therefore, ultimately it would mean the end of caste discrimination. But then to be able to compete, one would require the eligibility or required educational qualification. How many Dalits would be able to compete in this skill or knowledge-based industry? Only affirmative action could make training and knowledge more accessible and thus give marginalised groups the required eligibility to compete.

State's agenda for reservation in private sector

Today the reservation issue has come to the forefront in the wake of the defeat of the NDA government with intense pressure for reservation in the private sector. In fact it is not so much as reservation but the idea of affirmative action that is being put forward by the government. What is being proposed is that if industry can on its own come forward and employ members of marginalised groups who are qualified and eligible, then the issue of legislation would not need to be discussed.

With increasing pressure from the Left parties, the UPA government has urged private sector representatives to come forward for a meaningful dialogue. The Prime Minister has constituted a Group of Ministers to examine initiating affirmative action in the private sector for Dalits and Adivasis. The GOM is a follow-up to the commitments in the UPA's Common Minimum Programme. It is mandated to go into all aspects of the issue, including reservation. The Government has dispatched a letter to as many as 71 Chambers of Commerce stressing the need for affirmative action for SC/STs and also sought their views on how they think the same could be carried out.

Industry's response

Predictably, the Indian industry has reacted almost violently to this demand. The very idea of affirmative action in private sector becoming a reality has created panic in the private sector. FICCI (Federation of Indian Chambers of Commerce and Industry) has been at the forefront of the campaign against reservation in the private sector. It has come out with a statement that reservation in the private

Year	Percent
1978 79	7.08%
1995 96	23.31%

Source: National Commission for SC, ST Report

sector is ill conceived. Rahul Bajaj, Chairman and MD, Bajaj Auto, according to the Times of India (21.9.04) noted that those appointed on the basis of reservation are incompetent and that merit should be given paramount importance. Other industrialists have added that if reservation had to be there, it should be on economic and not caste basis. All agree that in a competitive scenario, only performance and merit should matter. Not a word is expressed about the miserable state of affairs of the whole country dominated as it is by upper castes! "All the presumed sins of inefficiency and corruption are said to be bound up with reservation". One may also comment on this peculiar present-day stance of willingly accepting charity and doles but rigidly refusing to give in to the rights and entitlements of the victims of history.

The powerful anti-reservation lobby within the private sector views that in this fiercely competitive global situation, companies must hire personnel on merit only. Reservation, or affirmative action for that matter, on the other hand, would only mean compromise on quality and efficiency and therefore erode India's position in the market.

The response to this Government move has been almost negative. Most business houses and organisations are opposed to the idea of quotas. While some have flatly declined saying such a move could split up the country, others have asked

for tax breaks and incentives for taking this up. Some have suggested that the informal quota should not be more than 10% while others have said this could be applied only to Class 3 and 4 levels and not managerial positions. But FICCI has come up with the suggestion that companies who would employ a certain percentage of SCs and STs would get preferential treatment.

ASSOCHAM (Associated Chambers of Commerce) on the other hand is in favour of training SCs and STs, but opposed to reservation. (Indian Express, Mumbai, 30.1.05) However, a handful of industries in the private sector have come forward to have reservation for Dalits in their firms. Like Videocon followed by the TATA group of industries.

- ❖ It is argued that reservation in the private sector will adversely affect Indian industry's competitive edge in the global market.
- ❖ It is also argued that reservation is at the cost of merit and efficiency and is ill-advised, inappropriate and suicidal for the economy
- ❖ Another argument put forward by the industry is that reserving jobs in the industry for SCs or Dalit candidates denies opportunities to more deserving and meritorious non-SC

	1999	2000
Group A	14.32	15.12
Group B	15.97	14.33
Group C	14.77	14.36
Group D	15.77	15.51
Safaiwala	70.37	62.85
Total (excluding safaiwala)	15.17	14.82

Source: Indian Labour Year Book, 2001

Reservation Vs Affirmative Action

The term 'reservation' or more commonly 'quota' has been in use in India since Independence. It essentially means positive steps taken by the Government to improve the status of a group to remedy the cumulative effect of discrimination against them. So privileges are given to Scheduled castes and Scheduled tribes or Dalits and Adivasis in proportion to their representation in the population in education and employment. In contrast to this, 'affirmative action' is a term in vogue mostly in the West and used in a broader sense to denote proactive action taken by the government to raise employment opportunities of a certain group to ensure non-discrimination. The measure would counteract the effects of discrimination in employment. And it would also mean access to training as well as education, which would equip the marginalised groups better to face the job market. In the US affirmative action as a programme was taken up after the Civil Rights movement of the 1950s and 1960s to remove economic discrimination against the Blacks. This meant promoting employment of minorities in the private sector as well and aiding minority businesses and professions. Also introduced was representation of minorities in private-run colleges and universities.

Table 8
Employment in the Public Sector
(million persons as on March 31)

	1997	1998	1999	2000	2001
Central Govt.	3.30	3.25	3.31	3.27	3.26
State Govts.	7.49	7.46	7.46	7.46	7.43
Quasi Govts.	6.54	6.46	6.35	6.33	6.19
Local bodies	2.24	2.25	2.26	2.26	2.26
Total	19.56	19.42	19.42	19.31	19.14

Source: Economic Survey: 2002-2003, GOI

candidates. There have been protests in society over reverse discrimination. There are allegations that a non-dalit with 90% marks cannot get a seat/job while a dalit with lower marks gets one.

- ❖ Also often alleged is that reservation in the public sector is choking job opportunities.
- ❖ Those not in favour of quota also argue that if the Government has not been able to fulfil the allotted Constitutional quota of reservation (15%) for SCs after so many years, what is the reason for imposing this policy onto the private sector?

Arguments for reservation

With liberalisation, and state public sector units being sold off and increasing privatisation, unemployment is going up. This has especially hit the Dalits as job opportunities for them have gone down. The unemployment rate of SCs is especially high.

- ❖ The Dalit viewpoint is that without reservation their entry into government service would have been doubtful. Reservation exists in government services, insurance, public sector undertakings, and educational institutions among the students and faculty and also in public housing. Finance corporations also give loans to SC/STs for starting business. All this has benefited a lot of people. The Central Government alone has 14 lakh employees. The proportion of SCs in Class III and IV is well above the quota of 16% and Class I and II is 8 to 12%. Therefore, the government policy of reservation has undoubtedly played an important role in the process of advancement of the dalits.
- ❖ Dalits feel that the public sector has failed to generate enough job opportunities. Employment in the government has stagnated since the 1990s and is showing a decline in

“Of the total 1 billion people of the world who are subjected to discrimination and other hardships, the Dalits – over 250 million - are the largest segment.”¹⁷

Yogesh Varhade

the last two years. With opportunities shrinking in the public sector, the dalits are the worst hit. So only the private sector can come forward and generate job opportunities. As Kancha Ilaiah says, “Should not the industry take some responsibility of ensuring the development of all?”

- ❖ As for the allegation that reservation in the private sector will adversely affect Indian industry’s competitive edge, they argue that in spite of liberalisation and privatisation, India’s share in the world trade in 2001 was only 0.67% and is expected to touch 1% by 2007. The Indian industry needs to look for profits; it must turn modern and must try to expand its consumer base. Reservation in this respect is crucial and the industry must adopt this for its own benefit. This will expand the consumer base. If dalits got jobs, they would get converted into consumers and the immediate beneficiary would be the private sector.
- ❖ Also often alleged is that reservation in the public sector is choking job opportunities. Why then is there such a backlog? Tables given earlier explain the backlog that exists in recruitment of SC candidates. As pointed out by KSR Murthy, effective reservation in government and public sector is hardly 15% of which 10% is in the category of attendants, drivers, watchmen and clerks. Only 5% are in the higher echelons of service like IAS or IPS. So there is no question of choking job opportunities
- ❖ As for the merit and efficiency allegation, Justice Chinappa Reddy says this is the result of the elitist approach to the question of reservation, the conflict between the meritorious principle and the compensatory principle. “The conflict is actually between those who are in, wanting to keep those who are out. And the consequences of the so-called merit principle on the vast majority of the undernourished, poverty-stricken, barely literate and vulnerable weaker section of the people is too obvious to be stated.”

This myth also reflects the strong bias and prejudice against the so-called “low caste” people. The very possibility of merit and capability in them is dismissed. The presence of Blacks in American industry has not made it less productive. Therefore, keeping Dalits

Reservation outside India

The concept of reservation or affirmative action in industry is not new to many countries. The private sector in the US has started sharing its assets with excluded categories. The US has been using affirmative action and quota for its minorities like Blacks, Latinos and Asians in the private sector. The Affirmation Policy was started in 1964 after the enactment of the Civil Rights Act. IBM believes in recruiting minorities. Out of their total workforce 21.56% belong to racial/ethnic minorities. In the management category minorities account for 14.66% as also in the professional category. Even a company like Microsoft has implemented affirmative action. It has created a Minority Diversity Recruitment Group which has linkages with key black ethnic organisations for supply of black unemployed youth for Microsoft. Funds are also given to black/ethnic students for training and education. They have also adopted a policy decision to buy material from black/ethnic suppliers/contractors.⁹ It is a similar story for Northern Ireland, Malaysia and South Africa today.

In Malaysia minorities like the Malays or Bhumiputras were also discriminated against. In the 1970s when the Malays came to power through a democratic process they introduced a comprehensive Affirmative Action Policy not only for employment and education but also land ownership. A large chunk of land was reserved for the Malays. Reservation there also includes share capital and equity done through national trust that gives money to private corporations to treat it as equity capital on behalf of the Malays. The Malay's stake in the company's share capital has increased from 2% to 30%.⁷

out will not make Indian industry any more productive. How is it that many private sector companies are making losses in spite of not having any reservation? There can be efficient and inefficient people in every caste and community.

- ❖ As for the myth about reverse discrimination, one has to accept that SC students go through various difficulties because of lack of opportunities or scope. They have been facing discrimination in society for ages. Therefore these measures are necessary at the present age for their advancement. As Ambedkar himself had remarked: "If all these communities are to be brought up to the level of equality, then the only remedy is to adopt the principle of inequality and to give favoured treatment to those who are below the level."

"It is an important element of affirmative action that merit alone is insufficient. A policy based on merit would not recognise past and continuing injustices and disadvantages. Therefore, it is necessary that some positions be awarded to those who would be disqualified if relative merit were the only criterion."

(Indiatogether editorial; www.indiatogether.org)

This denial of opportunities on part of the private sector is bound to affect dalit advancement. If Dalits are not brought into the "mainstream", not given better representation in jobs, social equality will never be achieved and this will affect our democratic set-up. Since the government supports

preferential treatment in industry, the industry should come forward and join in the effort. It must accept its social responsibility and make necessary adjustments. Only then can India move ahead.

The Government's policy of reservation in employment has without doubt played an important role in the advancement of Dalits. The policy envisages Dalit representation in proportion to their population in all public services, which includes the government, public sector, schools and colleges, autonomous bodies and institutions that receive grant-in-aid from the government. The growth in literacy becomes clear from the table given below. Thus, reservation has given a means

Percentage of Growth Rate of Literacy				
	1961	1971	1981	1991
Total Population	24.00	29.45	36.23	52.21
SCs	10.27	14.67	21.30	37.41
Source: Census of India				

of livelihood and social prestige to a large number of Dalit population. But this could be complemented with affirmative policy initiatives by the private sector which would involve voluntary training and recruitment practices for the benefit of dalits and other marginalised groups. Affirmative action would therefore be a more diverse form of reservation where programmes could be self-regulated and implemented in good faith.

Of course, reservation or affirmative action is not the only answer or the final solution to the uplift of the Dalits. If anything, it has led to a lot of controversies in our caste-ridden society. But it has certainly ensured the first step towards equality for the Dalits, which is access to work. The main aim of reservation in industry therefore would be to help and integrate the socially excluded to participate in society.

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