



ANNUAL REPORT

1993-94

&

1994-95

**NATIONAL COMMISSION FOR BACKWARD
CLASSES**

**Trikoot - 1, Bhikaji Cama Place, R.K. Puram,
New Delhi - 110 066.**

D.O. No. VIP/CP/NCBC/183/96

GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR BACKWARD CLASSES
TRIKOOT-I, BHIKAJI CAMA PLACE, NEW DELHI-110 066

Justice Ram Nandan Prasad
M.Sc., B.L. VISHARAD

Chairman

(STATUS OF UNION CABINET MINISTER)

February 14, 1996

My Dear Hon'ble Shri Kesari,

I have great pleasure in presenting to you the Annual Reports of the National Commission for Backward Classes (NCBC) for the years 1993-94 and 1994-95. Ever since the Commission was constituted in August 1993, it has had to face, and indeed is still facing, a lot of constraints, which may perhaps be termed the "teething" problems.

For more than two years it had to function in temporary accommodation where there was hardly even sufficient space for sitting and it was only in September, 1995 that we could move in to Trikot-I building (two floors only) which we could get allotted for our permanent office with great endeavour. However even this accommodation is insufficient and the furnishings are still to be completed.

Apart from accommodation, the NCBC has had to face several other constraints, lack of adequate funds, adequate supporting staff and essential working implements e.g. computer, adequate numbers of photo-copiers, telephones, typewriters etc. Its Accounts Section, Record Section, Library and Legal Cell are still to be set up.

I am happy to say that inspite of the constraints, we have made very substantial progress. In the beginning, we applied ourselves to the task of formulating the rules and procedure keeping in view the fact that this Commission, as envisaged by the National Commission for Backward Classes Act 1993, has to function as a quasi Judicial body. Thereafter, we specified the criteria for determining the claims of different castes and communities making requests for inclusion and also formulated a Questionnaire on the basis of which the necessary data and information could be gathered from the State/UT Governments and the party making the request. All this prepared the ground for hearing the cases relating to requests received from all over the country and while doing so we have tried to work in cooperation with the Governments and Backward Classes Commissions of the different States and UTs. We have already sent a large number of "Advices" to the Govt. and we think that inspite of the constraints persisting we can justly claim that it has been a remarkable achievement. However the Notifications to be issued by the Govt. are still awaited.

In the combined reports, besides the statement of relevant facts the Commission has made several recommendations and we hope that the Govt. after due consideration will be able to act upon them as soon as possible.

With highest regards,

Yours sincerely,

Sd/-

(JUSTICE R. N. PRASAD)

Hon'ble Shri Sita Ram Kesari
Minister for Welfare,
Shastri Bhavan,
New Delhi.

(i)

(11)

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D.O. No. VIP/CP/NCBC/188/96

GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR BACKWARD CLASSES
TRIKOOT-I, BHIKAIJI CAMA PLACE, NEW DELHI-110066

Justice Ram Nandan Prasad
M.Sc., B.L. VISHARAD
Chairman

February 28, 1996

(STATUS OF UNION CABINET MINISTER)

SUB : *Annual Report of the National Commission for Backward Classes for the years 1993-94 & 1994-95.*

* * * * *

My Dear Hon'ble Minister Shri Kesari,

All the Members of the National Commission for Backward Classes were keenly desirous that the Annual Reports for the years 1993-94 and 1994-95 may be formerly presented to you as is the convention. However, due to your pressing pre-occupations under the prevailing circumstances, it has not been possible to have the date and time fixed for the aforesaid purpose.

The completed reports have been with us for quite some time and since the time for preparing the subsequent Annual Report i.e. for the year 1995-96 is coming close, the Commission feels that it will not be proper to continue keeping the completed reports with us. The Commission, therefore, in its meeting on 27th February, 1996 has thought it fit proper to forward the report to you and accordingly I am doing so on behalf of the Commission.

With highest regards,

Yours sincerely,

Sd/-

(JUSTICE R.N. PRASAD)

Hon'ble Shri Sita Ram Kesari
Minister for Welfare,
Shastri Bhavan,
New Delhi.

CONTENTS

	PAGE
Section I—Recognition of and Reservation for Backward Classes—Origin	1
Section II—Establishment of the National Commission for Backward Classes	3
Section III—Principle and Procedure of the Functioning of the Commission	5
Section IV—Work done by the Commission	7
Section V—Sugsesstions/Recommendations	9
Annexures	14

SECTION-I

Recognition of and Reservation for Backward Classes—Origin

Reservation in favour of Backward Classes (BCs) was introduced even many years before Independence in most of the area comprising the Presidencies and Princely States south of the Vindhyas. In view of Article 16(4) of the Constitution and in response to demands for reservation and other benefits for Backward Classes in other parts of India and in the Centre, the Govt. of India appointed a Backward Classes Commission under Article 340 of the Constitution on 29th January 1953. The Commission, popularly known as the Kaka Kalelkar Commission, was required "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 difficulties and to improve their conditions." The Commission submitted its report on 30th March 1955. It was considered by the Government over the next half-decade but was rejected in 1961.

The Backward Classes had to wait for nearly two more decades for the next step at the Central level. The Government of India appointed the Second Backward Classes Commission (Mandal Commission) on 1st of January 1979 to investigate the conditions of the Socially and Educationally Backward Classes and recommend the criteria for defining such classes of citizens, steps to be taken for their advancement and examine the desirability or otherwise of making provision for the reservation of appointments or posts in favour of such backward classes of citizens which are not adequately represented in public services and posts in connection with the affairs of the Union or of any State. The Commission submitted its report on 31st December, 1980.

The first tangible step for the implementation of the recommendations of the Mandal Commission's Report was taken in 1990. It was on 6th August 1990 that the Government of India took the historic decision to introduce reservation of 27% for Backward Classes on the basis of the Mandal Commission's recommendations. This was announced in the Parliament by the Prime Minister of India on the 7th August 1990. Formal orders were issued thereafter in Office Memorandum No. 36012/31/90-Estt. (SCT) dated 13th August 1990 (Annexure-I.1) providing reservation for Socially and Educationally Backward Classes (SEBCs) of 27% of the vacancies filled by direct recruitment in civil posts and services under the Central Government and Public Sector Undertakings and Financial Institutions for SEBCs. The said order was to be effective from 7-8-1990. The Constitutionally and socially correct approach of not setting off against the reservation quota of 27% those candidates belonging to SEBCs who were recruited on the basis of the same standards as prescribed for general candidates was laid down right at the outset. It was also laid down that the SEBC would comprise in the first phase the castes and communities which are common to both the lists in the report of the Mandal Commission and the State Governments lists. The Department of Public Enterprises and the Ministry of Finance were required to issue similar instructions to all public sector undertakings and financial institutions.

Soon after the issuance of the orders there were widespread protests against it, mostly in Northern States, provoked and promoted by vested interests. A number of writ petitions were filed in the Supreme Court questioning the said Memorandum along with applications for staying the operation of the Memorandum. The operation of the O.M. was stayed by the Supreme Court. The stay continued in force till 16th November 1992, when the Supreme Court finally disposed of these writ petitions. Another Office Memorandum was issued on 25th September 1991 reiterating in essence the O.M. of 13th August 1990 and partly modifying it (Annexure-I.2).

The Supreme Court in its land-mark judgement dated 16-11-1992 in Writ Petition (Civil) No. 930 of 1990, *Indra Sawhney etc. etc. Vs Union of India & Others etc. etc.*, popularly known as the Mandal Case, held O.M. No. 36012/31/90-Estt. (SCT) dated 13-8-1990 valid and enforceable subject to the exclusion to the socially advanced persons/sections from the notified Backward Classes. It directed that the implementation of the O.M. dated 13-8-1990 shall be subject to the exclusion of the socially advanced members/sections ('Creamy Layer' as it was termed) of the Backward Classes. Another direction of the Supreme Court required the Government of India, and each of the State Governments and Administrations of Union Territories to constitute a permanent body, in the nature of a Commission or Tribunal, for entertaining and advising the respective governments on the Requests for inclusion and Complaints of over-inclusion or under-inclusion in the lists of Backward Classes and also directed that the Advice tendered by such body shall ordinarily be binding upon the concerned Government. The directions of the Supreme Court contained in the Judgement are appended (Annexure-I.3).

In accordance with the direction of the Supreme Court regarding the Socially Advanced Persons/Sections, the Government of India vide its Resolution No. 12011/60/93-BCC(C)-Ministry of Welfare dated the 22nd of February, 1993 (Annexure-I.4) set up an Expert Committee, initially to determine the basis, viz., the criteria for identification of the Socially Advanced Persons/Sections in so far as the Government of India was concerned. The Committee started functioning from 23rd February 1993 and furnished its report on 10-3-93 within the short dead-line prescribed by the Government. Thereafter this Expert Committee on Backward Classes was required by the Govt. of India on 12th March 1993 to give its advice to the Govt. of India on the categorisation of Backward Classes, in terms of observation of Supreme Court, on the basis of relative backwardness among the Backward Classes and the apportionment of the reserved vacancies/posts to such sub-categories of BCs (Annexure-I.5). After it had made substantial progress, it was indicated that the Committee was not to proceed with this work and thereafter by letter No. 12011/51/93-BCC(C) dated 4th June 1993 (Annexure-I.6), the Committee was requested to prepare lists of those castes and communities which figure in the list of Backward Classes contained in the lists of the State Govts. as well the lists contained in the Mandal Commission Report, and to prepare other related lists. This report dated 26th June, 1993 was furnished by the Expert Committee to the Ministry of Welfare. Thus the stage was prepared for the operationalisation of the O.M. of the 13th of August 1990 as upheld by and in accordance with the directions of the Supreme Court.

This stage was set by O.M. No. 36012/22/93-Estt(SCT), Department of Personnel & Training dated 8th September 1993, and Resolution No. 12011/68/93-BCC(C), Ministry of Welfare dated 10th September 1993 (Annexure-I.7 & I.8). The O.M. dated 8th September 1993 incorporated in the O.M. of 13th August 1990 the rule of exclusion of Socially Advanced Persons/Sections from reservation, on the basis of the recommendations of the Expert Committee, thus fulfilling the condition laid down by the Supreme Court for the implementation of the O.M. of 13th August 1990. The order contained in the Resolution dated 10th September 1993 of the Ministry of Welfare notified the first phase lists of Backward Classes for 14 States, on the basis of the recommendations of the Expert Committee on Backward Classes.

On this basis, the reservation for BC took effect from the 8th of September 1993—more than 43 years after the Constitution of India came into force. Indian Society took a decisive, irreversible turn after the series of events in the momentous three-year period from September 1990 to September 1993...

The Govt. of India issued consequential orders pertaining to the roster and issue of certificates. Two orders in this regard dated the 22nd of October 1993 and 15th of November 1993 are appended (Annexure I.9 & I.10). Subsequently, on its own, it also issued Central Lists on 19-10-1994 for 4 States and 3 UTs which came out with their respective State lists after the Mandal Judgement (Annexure I.11). It may be mentioned here that still later, on 24-5-1995 the Govt. of India issued Central Lists for 3 more States and another U.T. (Annexure I.12).

SECTION-II

Establishment of the

National Commission for Backward Classes

In the course of the Mandal judgement the idea of the Supreme Court with regard to the nature and scope of the permanent body, prescribed by it, is elaborated. The Supreme Court envisaged it as a body to which Complaints of wrong inclusion or non-inclusion of groups, classes and sections in the lists of Backward Classes could be made. Such body must be empowered to examine Complaints of the said nature. Its advice should ordinarily be binding upon the Government. Where, however, the Government does not agree with its recommendations/advice, it must record its reasons therefor. Even if any new class/group is proposed to be included among the Backward Classes, such matter must also be referred to the said body in the first instance and action taken on the basis of its recommendation. The body must be composed of experts in the field, both official and non-official, and must be vested with the necessary powers to make a proper and effective enquiry. It was observed that it is equally desirable that each State constitutes such a body, which step would go a long way in redressing genuine grievances. The Court also directed that such a body be constituted both at Central level and at the level of the States within four months from the day it delivered its judgement, and they should become immediately operational and be in a position to entertain and examine forthwith complaints and matters of the nature aforementioned, if any received. The body or bodies so created can also be consulted in the matter of periodic revision of lists of BCs. The Court further directed that there should be a periodic revision of these lists to exclude those who have ceased to be backward or for inclusion of new classes, as the case may be.

In pursuance of this direction of the Supreme Court, the Government of India enacted the National Commission for Backward Classes Act, 1993 (Act No. 27 of 1993) (Annexure-II.1), setting up a National Commission for Backward Classes at the Centre. Section 3 of the Act provides that the Commission shall consist of five members, namely, a Chairperson who is or has been a judge of the Supreme Court or of a High Court; a social scientist, two persons, who have special knowledge in matters relating to backward classes; and a Member-Secretary who is or has been an officer of the Central Government in the rank of a Secretary to the Government of India. The functions of the Commission are laid down in section 9 and section 11 of the Act. Under Section 9(1) of the Act it shall "examine Requests for Inclusion of any class of citizens as a backward class in the lists and hear Complaints of Over-Inclusion or Under-Inclusion of any backward class in such lists and tender such advice to the Central Government as it deems appropriate". Under Section 9(2) of the Act, the advice of the Commission shall ordinarily be binding upon the Central Govt. Another function of the Commission arises from Section 11 of the Act which, in the light of a direction of the Supreme Court, enjoins upon the Central Government to undertake revision of the lists at the expiration of ten years from coming into force of this Act and every succeeding period of ten years, and enables it to undertake such revisions at any time, with a view to excluding from such lists those classes who have ceased to be backward classes or for including in such lists new backward classes. Under sub-section (2) of this Section, the Central Government is required to consult the Commission while undertaking such revision. While performing its functions under Section 9(1) of the Act, the Commission has, by section 10, been vested with all the powers of a civil court trying a suit and in particular, in respect of the summoning and enforcing the attendance of any person from any part of India and examining him on oath; requiring the discovery and production of any document; receiving evidence on affidavits; requisitioning any public record or copy thereof from any court or office; issuing notices for the examination of witnesses and documents; and any other matter which may be prescribed. Section 8(2) empowers the National Commission for Backward Classes to regulate its own procedure. Sections 14 and 15 provide that the Commission shall prepare its annual report for each financial year which together with a memorandum of action taken on the advice tendered by the Commission under Section 9 and the reasons for the non-acceptance, if any, of any such advice and the audit report shall be laid by the Central Government before each House of Parliament.

The Act came into effect on the 2nd April 1993. The Government of India constituted the Commission by its Notification No. 12011/34/BCC(C)/Pt. I dated 14th August, 1993 with the first team of five Members with a tenure of three years (Annexure-II.2). They took charge on different dates from the 15th of August 1993 to 5th of September, 1993.

Setting up of the Office of the Commission

Under Section 5(1), the Central Government shall provide the Commission with such officers and employees as may be necessary for the efficient performance of the functions of the Commission. The

Ministry of Welfare sanctioned 49 posts for the Commission at the outset. But initially they could post only 1 Senior Administrative Officer, 2 Assistants, 4 LDCs and 6 Class IV Employees. The Deputy Secretary was posted later and joined in October, 1993. Many of the posts remained vacant for a long period and some still remain vacant. The post of JS has been vacant except for the period between 17-3-94 and 15-12-94. The post of DS has been vacant for long periods from 15-8-93 to 17-10-93 and 10-8-1994 to 17-1-95.

The Commission selected personnel for a number of sanctioned posts on deputation basis. While a few of them had joined, the rest were yet to join. The clearance of the Ministry of Welfare for the appointment of PS, PA and Class-IV employees on the personal staff of each of the five members, on the basis of the Member's personal selection with co-terminus tenure was received on 3-2-94. The Commission functioned in the period covered by this Report with several of the posts vacant, particularly those of Research Officers and Research Investigators which are important for a Commission of this type and that of the Section Officer which is important for administration. The work of the Commission has been and is still hampered for want of adequate staff. A statement showing the posts sanctioned, filled up and still lying vacant as on 31-3-1995 is at Annexure-II.3. The Commission sent a proposal for the sanction of an Accounts Wing with certain posts on 8-11-93. Sanction of the Government for these posts is still awaited.

The Commission was accommodated in a building which had earlier accommodated the office of the Commissioner for Scheduled Castes and Scheduled Tribes and still accommodates a portion of the office of the National Commission for SC and ST. This building is unsuitable for housing any constitutional-statutory body. It is unfortunate that this situation has continued to this date. In spite of its own difficulties, this Commission spared two rooms for the National Commission for Safai Karamcharis, on the request of Ministry of Welfare and keeping in view the importance of the Commission for one of the weakest sections of Society. After strenuous efforts on the part of the Commission, it was possible to secure the allotment of two-floors of another building named Trikoot-I, from the Ministry of Urban Development on 3-6-94. But the space has to be divided into rooms according to the needs of the Commission and electrification and other works are to be done to make it ready for occupation. The commencement of these works was hampered for want of budgetary grant/release. This became available on 10-2-95 (first instalment) and on 31-3-95 (Second instalment) and the work is in progress.* The Commission hopes to move into the new building in August-1995, after two years of its setting up.

Section 12(1) of the Act lays down that "the Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Commission by way of grants such sums of money as the Central Government may think fit for being utilised for the purposes of this Act". Under sub-section (2) of this Section, "the Commission may spend such sums as it thinks fit for performing the functions under this Act", which is subject to audit under Section 13. Section 12(1) of the Act is yet to be complied with, in spite of the fact that the matter has been taken up repeatedly with the Ministry of Welfare by the Commission, inter-alia pointing out that the identical statutory provision in the Protection of Human Rights Commission Act, 1993 has been already complied with in respect of the National Human Rights Commission, which was set up after the NCBC.

*Foot Note :—The Commission has since moved into Trikoot-I in September 1995. However it is still handicapped in its functioning owing to the lack of adequate and proper furnishing. Further, half of the portion allotted to the Commission is not yet fully ready for utilisation.

SECTION—III

Principles and Procedure of the Functioning of the Commission

Notwithstanding the constraints, the Commission has, from the outset, addressed itself to its basic task under Section 9(1) of the Act. For this purpose, it evolved the following steps at a series of meetings :—

- (a) Formulation of its procedure for examination of Requests for Inclusion and Complaints of under-Inclusion in the Central List;
- (b) Formulation of Guidelines for Consideration of Requests for Inclusion and Complaints of under-Inclusion in the Central List of Backward Classes;
- (c) Preparation of Questionnaire based on the Guidelines;
- (d) Studies in cases where fresh data-input is required.

(a) Procedure for examination of Requests for Inclusion and Complaints of under-Inclusion.

At its meeting on 23-11-1993, the Commission approved the procedure for examination of Requests and Complaints of under-Inclusion and over-Inclusion, which was evolved during a series of meetings prior to 23-11-1993. A copy of the procedure is in Annexure-III.1. Under this procedure, the Commission formed Benches of two Members each for each State and Union Territory. With this procedure, it became possible to maximise and expedite disposal of work by the Commission. Each Bench places its Findings in each case before the Commission. The Commission thereafter considers the Findings of each Bench and formulates its Advice to the Central Government in each case. A salutary provision in the Commission's procedure is that each Advice is to be formulated unanimously or by consensus or by majority. Where any member differs from the majority, the procedure permits that Member to formulate his dissenting Advice and the Commission will furnish its Advice to the Government along with the dissenting Advice.

In addition to Benches for enquiry, the procedure also provides for detailed background study, monitoring and guidance etc. For this purpose, each State and Union Territory has been entrusted to the special care of Members as listed in Annexure III .2.

(b) Formulation of Guidelines for Consideration of Requests for Inclusion and Complaints of under-Inclusion in the Central List of Backward Classes.

After a series of sessions, the Commission formulated the Guidelines on 14-2-1994 for considering Requests for Inclusion and Complaints of Under-Inclusion under Section 9(1), this being the basic task for which the Commission was created (Annexure-III .3). An important aspect of the Guidelines is the concept of "Fast Track". With the formulation of the "Fast Track", it has become possible for the Benches of the Commission to formulate their Findings and the Commission to formulate its Advice expeditiously in a large number of cases covered by the "Fast Track".

(c) Preparation of Questionnaire

In order to enable the collection of data to examine each case of Request or Complaint, with reference to the Guidelines, a Questionnaire was prepared on 26-4-1994, on the basis of the Guidelines, after a series of sessions (Annexure-III 4). In order to facilitate speedier filling up of the Questionnaire, it is divided into Phase-I and Phase-II. The Guidelines for filling up the Questionnaire provide that wherever answers to both Phase-I and Phase-II question can be furnished without loss of time, answers to both phases may be furnished together. Wherever it is possible to furnish answers only to some of the Phase-II questions without loss of time, they may also be furnished along with answers to Phase-I questions, and answers to other Phase-II questions may be furnished later. Wherever it will take time to furnish answers to any of the Phase-II questions, answers to Phase-I questions may be furnished first at the earliest and answers to Phase-II questions may be furnished later.

The idea is that replies to Phase-I may be generally adequate to formulate Findings of the Benches and the Advice of the Commission on the specific issue of Request for Inclusion or Complaint of Under-Inclusion while answers to Phase-II questions would be required for building up the data-base in preparation for the later work under Section 11.

As another measure for speeding up Findings, four of the questions have been identified as "Fast Track" questions, answers to which may be adequate for disposal of Requests for Inclusion or Complaints of Under-Inclusion in respect of castes/communities under "Fast-Track".

The Commission took note of the fact that if it waited for answers for the Questionnaire before starting enquiry into Requests and Complaints, matters would get indefinitely delayed jeopardising the legitimate interests of castes/communities which are found to be genuinely backward. Therefore, the Benches of the Commission commenced holding of Public Hearings, preceded by individual letters as well as public notices through media, in which the parties as well as the representatives of State Governments were invited to be present, beginning with Public Hearing at Bhubaneswar on 16-8-1994 to 18-8-1994 for cases of Orissa.

The Guidelines and the Questionnaire and the Procedure of Enquiry through Public Hearings together incorporated the triple principles of objectivity, transparency and speed. The Guidelines and Questionnaire were sent to all States with D.O. letter No. NCBC/MS/18/94 of 16th May 1994 of the Member-Secretary (Annexure III.5). Copies of the Questionnaire were also sent to the State Governments/Associations/Individuals from whom Requests in respect of any caste or community had been received, in order to give them an opportunity to furnish data.

The Commission devised the procedure of consideration of Findings by circulation in as many cases as possible reserving the procedure of consideration at meetings only for those cases which required clarifications or discussions, so as to enable the Advices to be communicated with expedition. Even in cases where discussions and clarifications were necessary, because of the Commission's procedure of normally holding meetings at least on two days a month, it has been possible to clear its Advices without delay.

(d) Studies in cases where fresh data input is required.

While a number of cases have been and can be disposed of on the basis of information available in published works, Reports of Commissions, records of the State Governments etc., there are cases where further data are required. To meet the requirement of such cases, the Commission has decided to entrust studies on specific issues pertaining to specific castes/communities to reputed and experienced expert institutions/individuals.

SECTION—IV

Work done by the Commission

From its inception till 31-3-1995, the Commission received Requests regarding 509 castes/sub-castes/communities from Associations/Organisations, Individuals and State Governments for inclusion of castes/communities/sub-castes/synonyms in the Central List of Backward Classes and 18 Complaints of over-inclusion, or requests for exclusion from the existing list of Backward Classes. A State-wise split-up of the castes/sub-castes/communities/sub-communities in respect of which Requests have been received by the Commission is given in Annexure IV.1.

The Benches of the Commission held 12 Public Hearings in various States upto 31-3-95 as per details given below :—

Andhra Pradesh

- (i) Hyderabad (10-10-94)
- (ii) Hyderabad (24-12-94)

Gujarat

- (i) Ahmedabad (29-11-94)
- (ii) Nadiad (30-11-94)

Karnataka

- Bangalore (3-10-94)

Kerala

- (i) Thiruvananthapuram (26-9-94)
- (ii) Thrissur (1-10-94)
- (iii) Kochi (30-11-94)
- (iv) Kozhikode (1-12-94)

Orissa

- Bhubaneswar (18-8-94)

Tamil Nadu

- Madras (13-12-94)

Uttar Pradesh

- Lucknow (21-11-94)

In addition Members paid a number of visits to States for background study, guidance, and preparatory discussions etc. Starting with its first Advice in the case of Kerala and Madhya Pradesh on 28-10-1994, the Commission tendered 161 Advices to the Central Government in the Ministry of Welfare by 31-3-1995. The State-wise position of number of Advices tendered is given below :—

1. Andhra Pradesh	22
2. Karnataka	22
3. Kerala	15
4. Madhya Pradesh	1
5. Tamil Nadu	61
6. Uttar Pradesh	40

161

All these Advices pertain to inclusion and can be classified into the following categories :—

(a) Inclusion by correction of errors in spelling etc.

A name spelt or printed wrongly in the list tantamounts to non-inclusion because an applicant who spells his name correctly will not be able to get a caste certificate and thereby the whole caste/community whose name is wrongly spelt is denied. The general effect of these Advices is to bring spellings correctly in line with the spellings as obtaining in the State List.

(b) Inclusion of synonyms or regional names

Where a caste or community is known by different names, often, but not always, representing regional variations, if any of those synonyms or regional variants are not included, the result would be refusal of caste certificate to candidates applying in the name of such non-included synonyms or regional names. This amounts to non-inclusion of sections of certain backward classes. In many cases, such missing synonyms and regional names are found in the State list but were not included in the Central list as they are not in the Mandal List. Thus, in these cases also, the general effect of inclusion of the synonyms and regional names is to remove hardships faced by certain Backward Classes or sections of them. In certain cases, synonyms and regional names is to remove hardships faced by certain Backward Classes or sections of them.

(c) Inclusion of members of a community professing one or the other minority religion.

This situation occurred in one State—but may be found in some other States also. In the cases of number of castes/communities included in the list—often by occupation-related names—those professing a minority religion, were not getting caste certificates, whereas others belonging to the same caste/community, were receiving certificates. This amounted to virtual exclusion of members belonging to certain castes/communities who followed such minority religions. The Advices covering such cases were to the effect that a note be incorporated in the Central List itself, leaving no scope for any certificate—issuing Authority to refuse certificates to such applicants.

(d) Inclusion of new synonyms sought by certain castes/communities.

These are cases where certain castes/communities have been feeling that their traditional names have some sort of stigma attached to them and therefore sought inclusion of different names adopted by themselves which are considered as more dignified. The Commission recognised the aspirations behind this type of Request and formulated Advices in these cases, with necessary safeguards to ensure that there is no scope for misuse by individuals of castes/communities not intended to be covered. In the same category is the substitution of derogatory descriptions in the case of certain castes. There is only one instance so far where a derogatory description has been substituted by a normal description.

(e) Inclusion of completely new communities not previously included in the list.

Some of these are cases where certain castes/communities following certain traditional occupations are included in the list of Scheduled Castes but their counter-parts are not included in the list of SC because they profess a religion different from the Hindu, Sikh or Buddhist religions. Such castes/communities so far advised to be included are from Uttar Pradesh and follow Islam.

Barring such instances, all other instances covered so far by this category of Advices are cases where the castes/communities are included in the State List but not in the Central List. The cases in which the advices have been tendered by the Commission to the Central Government in the Ministry of Welfare are listed State-wise in *Annexure-IV.2*. A List of the castes/communities/sub-castes/synonyms/regional names etc. covered by these Advices is given State-wise in *Annexure IV.3*.

In the cases which are still pending, the time-lag seems to be because of an understanding on the part of the Ministry that every such case must go to the Cabinet. While the Commission has got no objection to any procedure, it must be pointed out that avoidable delay causes hardship for a number of individuals of the concerned castes/communities. Section 9(2) makes the Advices tendered by the Commission ordinarily binding upon the Central Government. Therefore, an interpretation that only those cases need to go to the Cabinet where the Ministry finds extra-ordinary circumstances to differ from the Advice of the Commission and all other cases should be notified forthwith will help to remove avoidable hardship on account of avoidable delay.

SECTION V

Suggestions/Recommendations

The Commission makes the following suggestions and recommendations for improvement at each stage.

(1) Building up of Data-Base

For considering Requests for Inclusion and Complaints of Under-inclusion and Over-inclusion under section 9(1) of the Act, especially in respect of castes/communities other than those in the "Fast-Track" as defined by the NCBC (vide Section III of this Report), the Commission requires data of population and other data. The Government and the Commission have also to get ready right from now for work arising from Section 11 of NCBC Act. For the purpose of these exercises under section 9(1) as well as Section 11, data along a number of parameters—social, educational, economic—for each relevant caste/community/sub-caste/sub-community have to be gathered without any delay. There is neither requisite infrastructure for this purpose nor adequate awareness about this task either in the Central Government or in most of the State Governments and U.T. Administrations. The Commission has already addressed the Central Government in the Ministries of Welfare, and Personnel as also the State Governments in this regard. The major portion of the data is to come from the States and U.Ts.

The NCBC strongly recommends that comprehensive socio-economic surveys including collection of population data pertaining to each caste/sub-caste/community/sub-community be undertaken by each State Government and U.T. Administration.

Adequate infrastructure will have to be created and manpower of high quality will have to be found for this purpose in each State. The Central Government in the Ministries of Welfare, Personnel and Home will have to establish the systems of collecting and processing data for this purpose on a continuing basis.

All Ministries dealing with employment in the services of the Central government, public sector undertakings and financial institutions will also have to play a role in this. For example, it is necessary to know the proportion of successful candidates both under the merit quota as well as under the reservation quota, Caste-wise and State-wise in order to identify those castes/communities which are not able to get any benefit out of reservation or not able to get a reasonable share of the benefit, so that their specific problems could be identified and attended to. It is also necessary to have data along the same lines in respect of those already in services.

In the above context the Commission emphasises that these data regarding quotas, covering those already in service and cumulatively and continuously updated on an annual basis, referred to in the para above, are required to fulfil the Constitutional criteria prescribed by the latter part of Clause 4 of Article 16, which reads as follows (relevant portion emphasised) :—

"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."

The Commission therefore recommends that for the specific purpose of gathering data on a continuing basis on merit and reserved quotas, as mentioned in the above two paras, a Special Cell be created in the Ministry of Personnel, and in each of the Ministries dealing with employment in the services of the Central government, PSUs and Financial Institutions, with the Cell in the Ministry of Personnel co-ordinating and collating the data of all the Cells and other sources. It is further recommended that similar arrangements be created in all States and U.Ts.

These exercises will also require population data in respect of each caste. The Mandal Commission and many other Commissions have recommended gathering of data caste-wise by the Census of India as is being done in the case of SCs and STs. But for the reasons which are not realistic in Indian conditions, this suggestion has not been favourably entertained by the Ministry of Home Affairs under whom the Registrar of India and Census Commissioner functions. Now a stage has come when this can no more be avoided.

Therefore, the Commission recommends that necessary instructions be given and preparations be made for collection of population data caste-wise/community-wise well in time for the census operations of 2001.

(2) For greater expedition at Pre-Public Hearing stage

In a number of cases, especially those not covered by the "Fast Track", the Benches of the Commission are hampered in their Public Hearing because Questionnaires have not been received back filled up from the State Governments. This in turn is partly at least because the existing machinery in the States does not seem to have been augmented adequately to meet the needs of the new work arising from the principle behind the First Phase Central List, the Mandal Judgement and the NCBC Act. Often, the personnel who have been looking after the work pertaining to SC and ST in the State, and in some States also some other weaker sections, have been entrusted by the governments to undertake the work pertaining to the Backward Classes also. This deficiency needs to be remedied so that Public Hearing in such cases can be taken up more expeditiously.

One of the specific areas, neglected by many States, is the failure to translate the Commission's Questionnaire into the languages of the State, for facility of the people, as requested by the Commission as long back as 16-5-1994. This needs implementation by all such States.

(3) Public-Hearing Stage

In several States, particularly States where the listing of Backward Classes is relatively recent, the requisite amount and quality of information is not made readily available to the Bench during Public Hearings resulting not only in some inconvenience to the Members of the Bench but also delay in the progress of the Enquiry. Even the request of the Commission to send all orders, circulars, notifications, lists of BCs and other connected documents, has not been complied with at all or has been complied with only partially by a number of State governments. This is partly on account of the reason given at (2) above. It is also partly because certain State Governments are yet to apply their mind adequately to various issues pertaining to Backward Classes including being fully equipped to assist the Benches of the Commission at Public Hearings. This deficiency needs to be removed.

(4) Post-Public Hearing Stage

In some cases, after the Public Hearing, the Bench requires some further information from the State Governments, before the Findings of the Bench can be formulated. Partly for the same reason as mentioned at (2) and (3) above, such information is not promptly available, thus causing delay in the Findings. If remedial steps are taken with reference to (2) and (3), they may also improve matters at this stage.

(5) Stage of Findings & Advice

Subject to the above, the Commission and its Benches have been trying to speed up the Findings and Advices, conscious of the fact that any avoidable delay causes avoidable hardships to a number of individuals who belong to the Backward Classes. It will concentrate its efforts further to improve the tempo at the stage of formulation of Findings and Advices to the maximum extent possible.

(6) Post-Advice Stage

There have been considerable delays in the issue of orders by Government after the Commission's Advice in a number of cases is tendered. Such delays cause hardship to the Backward Classes. In view of the mandatory provision in Section 9(2), the Commission feels that there is no justification for such time-lag.

It is therefore recommended that the Ministry of Welfare may examine the matter in the light of the above mandatory provision in Section 9(2) and take steps to ensure issue of orders promptly after receipt of the Commission's Advice in each case.

Further, the Commission considers that it is essential to ensure credibility through transparency in respect of decisions taken on Requests for Inclusion.

For this purpose, the Commission recommends that in notifications of the decisions of the Government in each case, the Government do publish also the Advice of the Commission including the Findings of the Bench.

The Commission has decided to incorporate in its future Annual Reports, the Advice including the Bench Findings in each case on which the Government has taken a decision.

At this stage, the Commission would also make its observations pertaining to the listing of castes as this may be of some guidance for the future.

(a) A good number of errors of spellings, which tantamount to non-inclusion, arise from problems of transliteration from the local language to English and to Hindi. The Central Lists are published only in English and Hindi. This problem can be eliminated or at least minimised if the Lists are published in

the language(s) of each concerned State, in addition to English and Hindi, and it is specifically mentioned in each List that the names as given in the language(s) of the State shall be treated as the original authenticated name in case of any difficulty regarding spelling.

The Commission therefore recommends that the Lists be published in the language(s) of each State in addition to English and Hindi, and in each List the names as given in the language(s) of the State shall be treated as the original and authenticated names.

(b) Efforts of some castes to seek ameliorative synonyms or names in addition to or in substitution of existing names which are felt as stigmatised or derogatory. This is part of their search for self-respect denied to them over the centuries. The Commission has every sympathy with this aspiration of the Backward Classes. At the same time, some of these synonyms and names un-intentionally become a cover for some members of forward castes to grab benefits not intended for them. Therefore, it is necessary to provide certain safeguards in the shape of explanations or note which meet both objectives. While the Commission and its Benches have followed this method in appropriate cases, as, for example, in the cases of "Kalavanthula" and "Pichiguntala" of Andhra Pradesh, and the Commission hopes the Central Government will also appreciate the issue behind this.

(c) The other trend pertains to seeking the inclusion of what may be called "generic" names. These names also can sometimes become a cover for some members of forward castes to secure benefits intended for Backward Classes. It is therefore more appropriate take action under Section 9 in terms of specific names rather than a single generic name.

Further, two important suggestions which will help to improve the functioning of the Commission pertain to the rank/status of the Members other than the Chairperson.

Regarding the procedure for the release of funds in terms of Section 12 of the Act, a copy of the Resolution of the Commission is at ANNEXURE V.1. The Commission is conscious that along with financial autonomy, financial discipline also needs to be observed. Therefore, the Commission has recommended the creation of the post of or the designation of a Financial Adviser under the Commission. Action needs to be taken on these lines under Section 12(1) without any further delay as has already been done in respect of the National Human Rights Commission set up after the NCBC, in terms of the Protection of Human Rights Act which contain an identical provision.

Keeping in view the realities of the situation, including particularly the indifference in many quarters at the national as well as state level, and the consequent constraints, right at the outset the Commission had unanimously recommended to the Government of India that the rank/status of a Union Cabinet Minister be accorded to the Chairperson and that of the Minister of State (Independent Charge) of the Government of India to the other 4 Members. This was not acted upon by the Government of India till the end of the period covered by this Report. But it needs to be mentioned that subsequently the Government of India partly acted upon the unanimous recommendation of the Commission by according the Status of the Union Cabinet Minister to the Chairperson. While this partly removed the constraints referred to above, the constraints in respect of the other Members still remain. A copy of the Resolution passed by this Commission in this regard after the Chairperson was accorded Union Cabinet Minister status is at ANNEXURE V.2. This lacuna needs to be removed without further delay. This will also amount to according appropriate dignity by the Government of India to this important Commission dealing with a major part of the population of the country more than half of the population of the country according to the Mandal Commission.

Representations have been made to the Members of the Commission in the course of their visits to different parts of the country that the castes/communities of BCs are at different levels of social and educational backwardness and economic status, and there are wide disparity among them in this regard. Therefore they sought classification of BCs into categories based on relative degrees and levels of backwardness and apportionment of the total reservation for BCs among those categories so that all castes of BCs may be able to compete only with their equals on reasonably equal terms and all of them may have a level playing field. It was also represented that considering the population of BCs (other than SCs and STs) as a whole the 27% reservation for them is inadequate. It appears that these factors weighed with several State Governments who have classified the BCs (other than BCs and STs) in two or more categories in many of the States and apportioned the total reservation for BCs among these different categories. Such States are Bihar, Tamil Nadu, Andhra Pradesh, Karnataka, Kerala, Maharashtra and Haryana.

Having considered the matter in all its aspects, the National Commission recommends that :—

(i) The BCs (other than SCs and STs) in the Central lists be classified into different categories, based on different degrees and levels of backwardness and the total reservation for such BCs (other than SC and ST) be apportioned among these categories. While making the categories and their apportionment there should be a clear direction that the apportioned percentage of reservation for the lower categories, if not fully utilised by any of them, then the un-utilised portion should be

transferred to the next higher category and so on, such that the total reservation for backward Classes remain.

(ii) The percentage of representation for the BCs (other than SCs and STs) be raised above 27%.

Before concluding, the Commission wishes to mention briefly, certain other measures to be adopted for the social, educational and economic advancement of the Backward Classes.

The Backward communities are set apart in terms of their social and educational backwardness, on the one hand, from castes and communities occupying historically and socially advantageous positions in the traditional social structure and, on the other, from the SCs and STs who still live, in conditions of social and economic deprivation and are often subject to social oppression, educational deprivation and atrocities. In itself, the category of the BCs, comprises of a wide array of socially and educationally backward castes and communities, with varied occupational and economic backgrounds. The policy and programmes for their advancement, therefore, call for a differentiated approach, sensitive to different economic, educational and social needs of communities placed at different levels of social and educational backwardness and economic deprivation.

In economic and occupational terms the BCs, by and large, comprise of peasant and artisanal communities and those who provide various traditional services.

Among the peasantry there are two types of communities : the numerically, large but socially and educationally backward communities of owner-cultivators of small land holdings and those of tenant cultivators and landless labour. Seen in this context, reservations remain only a partial provision which for its fuller utilization will have to be buttressed with other policies and programmes for their advancement. There is urgent need for effectively implementing the policy of land reform, a fair agricultural wage and price policy and providing adequate economic and educational opportunities for the BC through measures like residential schools, scholarships and free hostel accommodation, coaching for competitive examinations and training for self-employment. Although some of these programmes have been taken up in a few States, and have shown promising results, most of these programmes, where started, are starved of resources. The Central Government and State Governments should commit adequate resources for this purpose.

The plight of artisanal communities of the BCs has worsened in the recent years. These are the communities which have preserved and perfected in our society a variety of skills and specialisations for millennia. A great many of these communities, as for example the oil pressers, the potters, the blacksmiths, etc. have wholly or considerably lost their occupations with the advent of mechanised and large scale system of production. Of course, a few enterprising individuals from among these communities have been able to adapt to the change by refining traditional skills and upgrading their production units to meet the requirement of the new production and market system. Some of them have even acquired new skills and education. But by and large members of the traditionally skilled communities are being increasingly dispersed into a variety of small and marginal occupations or have been pushed into casual labour in such industries as construction in the urban areas and landless agricultural labour in the rural areas.

In this context, the erosion and loss of some highly developed skills and crafts preserved by many artisanal communities in our country is a matter of great concern. These crafts and skills have been preserved by these communities over a period of several centuries and at great sacrifice to themselves. It was their craft that has made possible for them to produce a variety of artefacts which are simultaneously aesthetic objects as well as objects of utility in every day life. Their occupational activities as artisans are, therefore, not only a means of livelihood for them, but an integral part of our culture and knowledge-systems which they have kept alive for generations. Illustratively, these include weaving, metal and wood crafts, sculpting, stone-carving, boat building, temple architecture etc. These traditional skills and crafts and indigenous knowledge-systems which have sustained them, will be lost forever, if adequate and timely measures are not taken to protect and promote them. This aspects of the economic and cultural life of artisanal communities should not be lost sight of, in the midst of competing claims and counter claims about securing collective benefits. The Commission feels that special efforts need to be made to identify those artisanal communities which are still preserving such skills and crafts, and devise special programmes for assisting and encouraging such craftsman.

The plight of those communities whose occupations have been taken over by other groups belonging to the upper strata of the society in the process of modernisation is equally bad. In their case, there has been a sharp downward mobility both in economic and social terms. They have lost their traditional means of livelihood and survive today as 'rejects' of the liberalised market. The significant aspect of their deteriorating social and economic conditions is illustrated by the fisher and dhobi communities. The fishing operations have become highly capital intensive with the use of mechanised trawlers. The traditional fishing

communities are being pushed out from their occupation or are reduced to being wage earners on trawlers or at other stages of processing of the seafood. In other words, members of the traditional fishing communities have increasingly become casual wage-earners of the 'fishing industry'. Similarly, the dhobis have lost access to water and open plots for carrying out their occupational operations of washing and cleaning clothes. This activity is being increasingly performed through mechanised laundries, owned usually by the members belonging to communities other than of the dhobis—frequently by the members of the upper castes, with members of dhobi castes as wage-labourers. Similar is the condition of the communities involved in processing leather, in weaving and spinning of cloth etc. A large number of people involved in those occupations are pushed from subsistence-level existence to penury and destitution. They are now swelling the ranks of under employed landless labour. The loss of skills, preserved and developed for centuries in our country is indeed a great loss to the society. All these have resulted in the creation of a mass of 'unemployable' population in the economy, with the hitherto highly skilled populations becoming 'unskilled' and 'unemployed'.

The Central and State Governments will have to devise measures in respect of each of these communities keeping in view their specific requirements. Special programmes of providing credit and subsidies for upgrading their skills and for promoting their ownership of small scale manufacturing and processing units need to be devised centrally and at the States level. Special educational needs of the younger generations of these communities, both in terms of liberal and vocational education will have to be identified and met. Reservations should not become an alibi for not evolving and implementing policies for general economic and social advancement of the peasant and artisanal communities which by and large comprise the category of the BCs.

Recently in several States, the special categories of the nomadic, semi-nomadic and the de-notified tribes have been merged in the BC communities. These communities occupy the bottom most rungs of the OBC category. Their literacy levels are abysmally low, their occupational skills, if any, have only negative relevance in the modern economy. These groups need special recognition and attention both in the implementation of the reservation policy and for their general economic, educational and social advancement. For the children of these communities, to be universally enrolled and kept in schools, a special programme of financial and other assistance to the parents of school-going children of these communities will have to be devised. Also, programmes for developing 'employable skills' of their parents will have to be considered.

For all categories of BCs, occupational mobility is an important need. For this purpose and for the over-all advancement of the BCs, education is recognised as one of the most important means.

In brief, a larger package, over and above Reservations, will have to be devised and implemented for the social, educational and economic advancement of the Backward Classes—a package which is specifically designed to serve the developmental needs of different types of communities comprising the BC category.

G.I., Dept. of Per. & Trg., O.M. No. 36012/31/90-Est. (SCT), dated 13-8-1990

SUBJECT :—27% Reservation for Socially and Educationally Backward Classes in Civil Posts/Services.

In a multiple undulating society like ours, early achievement of the objective of social justice as enshrined in the Constitution is a must. The Second Backward Classes Commission, called the MANDAL COMMISSION, was established by the then Government with this purpose in view, which submitted its report to the Government of India on 31st December, 1980.

2. Government have carefully considered the report and the recommendations of the Commission in the present context regarding the benefits to be extended to the socially and educationally backward classes as opined by the Commission and are of the clear view that at the outset certain weightage has to be provided to such classes in the services of the Union and their Public Undertakings. Accordingly orders are issued as follows :—

- (i) 27% of the vacancies in civil posts and services under the Government of India shall be reserved for SEBC;
- (ii) The aforesaid reservation shall apply to vacancies to be filled by direct recruitment. Detailed instructions relating to the procedure to be followed for enforcing reservation will be issued separately.
- (iii) Candidates belonging to SEBC recruited on the basis of merit in an open competition on the same standards prescribed for the general candidates shall not be adjusted against the reservation quota of 27%.
- (iv) The SEBC would comprise in the first phase the castes and communities which have common to both the lists in the report of the Mandal Commission and the State Governments' lists. A list of such castes/communities is being issued separately;
- (v) The aforesaid reservation shall take effect from 7-8-1990. However, this will not apply to vacancies where the recruitment process has already been initiated prior to the issue of these orders.

3. Similar instructions in respect of public sector undertakings and financial institutions including public sector banks will be issued by the Department of Public Enterprises and Ministry of Finance respectively.

ANNEXURE I.2

G.I., Dept., of Per. & Trg., O.M. No. 36012/31/90-Estt. (SCT), dated 25-9-1991

SUBJECT :—*Amendment to the 27% reservation in service for Socially and Educationally Backward Classes.*

The undersigned is directed to invite the attention to OM of even number, dated the 13th August, 1990, on the above-mentioned subject and to say that in order to enable the poorer sections of the SEBCs to receive the benefits of reservation on a preferential basis and to provide reservation for other economically backward sections of the people not covered by any of the existing schemes of reservation, Government have decided to amend the said Memorandum with immediate effect as follows :—

2. (i) Within the 27% of the vacancies in civil posts and services under the Government of India reserved for SEBCs, preference shall be given to candidates belonging to the poorer sections of the SEBCs. In case sufficient number of such candidates are not available, unfilled vacancies shall be filled by the other SEBC candidates.

(ii) 10% of the vacancies in civil posts and services under the Government of India shall be reserved for other economically backward sections of the people who are not covered by any of the existing schemes of reservations.

(iii) The criteria for determining the poorer sections of the SEBCs or the other economically backward sections of the people who are not covered by any of the existing schemes of reservations are being issued separately.

3. The OM of even number, dated the 13th August, 1990, shall be deemed to have been amended to the extent specified above.

110-401

SECRETARY (P.T.O.)

110-402

SECRETARY (P.T.O.)

110-403

SECRETARY (P.T.O.)

110-404

SECRETARY (P.T.O.)

SECRETARY (P.T.O.)

ANNEXURE I.3

Judgement Writ Petition (Civil) No. 930 of 1990—Indira Sawhney & Others Versus Union of India and others (16-11-1992)

THE FOLLOWING DIRECTIONS ARE GIVEN TO THE GOVERNMENT OF INDIA, THE STATE GOVTS. AND THE ADMINISTRATION OF UNION TERRITORIES

123(A). The Government of India, each of the State Governments and the Administrations of Union Territories shall, within four months from today, constitute a permanent body for entertaining, examining and recommending upon requests for inclusion and complaints of over-inclusion and under-inclusion in the lists of other backward classes of citizens. The advice tendered by such body shall ordinarily be binding upon the Government.

(B) Within four months from today the Government of India shall specify the bases, applying the relevant and requisite socio-economic criteria to exclude socially advanced persons/sections ('creamy layer') from 'Other Backward Classes'. The implementation of the impugned O.M. dated 13th August 1990, shall be subject to exclusion of such socially advanced persons ('creamy layer').

This direction shall not however apply to States where the reservations in favour of backward classes are already in operation. They can continue to operate them. Such States shall however evolve the said criteria within six months from today and apply the same to exclude the socially advanced persons/sections from the designated 'Other Backward Classes'.

(C) It is clarified and directed that any and all objections to the criteria that may be evolved by the Government of India and the State Governments in pursuance of the direction contained in clause (B) of Para 123 as well as to the classification among backward classes and equitable distribution of the benefits of reservations among them that may be made in terms of and as contemplated by clause (1) of the Office Memorandum dated 25th September 1991, as explained herein, shall be preferred only before this court and not before or in any other High Court or other court or Tribunal. Similarly, any petition or proceeding questioning the validity, operation or implementation of the two impugned Office Memorandums, on any grounds whatsoever, shall be filed or instituted only before this Court and not before any High Court or other Court or Tribunal.

124. The Office Memorandum dated August 13, 1990 impugned in these writ petitions is accordingly held valid and enforceable subject to the exclusion of the socially advanced members/sections from the notified 'Other Backward Classes', as explained in para 123 (B).

Clause (i) of the Office Memorandum dated September, 25, 1991 requires—to uphold its validity—to be read, interpreted and understood as intending a distinction between backward and more backward classes on the basis of degrees of social backwardness and a rational and equitable distribution of the benefits of the reservations amongst them. To be valid, the said clause will have to be read, understood and implemented accordingly.

Clause (ii) of the Office Memorandum dated September 25, 1991 is held invalid and inoperative.

The Writ Petitions and Transferred Cases are disposed of in the light of the principles, directions, clarifications and orders contained in this Judgement.

No costs.

Sd/- CJI

(M. H. KANIA)

Sd/- J

(M.N. VENKATACHALIAH)

Sd/- J

(A. M. AHMADI)

Sd/- J

(B. P. JEEVAN REDDY)

NEW DELHI,
November 16, 1992

ANNEXURE I.4

No. 12011/16/93-BCC(C)
GOVERNMENT OF INDIA
MINISTRY OF WELFARE
New Delhi, the 22nd February, 1993

RESOLUTION

The Supreme Court, in its Majority Judgement in Writ Petition (Civil) No. 930 of 1990. Indra Sawhney and Others etc. Vs. Union of India and Others etc., delivered on 16th November, 1992 has, inter-alia, directed that "within four months from today the Government of India shall specify the bases, applying the relevant and requisite socio-economic criteria to exclude socially advanced persons/sections ('creamy layer') from 'Other Backward Classes' and further that the implementation of the impugned O. M. dated 13th August, 1990 shall be subject to exclusion of such socially advanced persons ('creamy layer')".

2. Having regard to the fact that a lot of specialised inputs would be needed to determine the bases viz. socio-economic criteria for identification of the 'creamy layer', it has been decided to set up an Expert Committee consisting of :

- | | |
|--|------------------|
| 1. Justice Ram Nandan Prasad (Retd.)
High Court Patna | Chairman |
| 2. Shri M.L. Sahare (Social Scientist)
Former Chairman, U.P.S.C. | Member |
| 3. Shri P.S. Krishnan,
Former Secretary (Welfare)
Govt. of India | Member |
| 4. Shri R.J. Majithia, former Chairman
Revenue Board,
Government of Rajasthan. | Member-Secretary |

to make recommendations to the Govt. of India, in regard to the said socio-economic criteria. The Committee will also give recommendations on such other matters relating to the implementation of the judgement of the Supreme Court, as the Government of India may consider necessary.

3. The Headquarters of the Committee will be located at Delhi.
4. The Committee will devise its own procedures in the discharge of its functions. All the Ministries and Departments of the Government of India will furnish such information and documents and provide such assistance as may be required by the Committee. It is hoped that the State Governments and Union Territory Administrations and others concerned will extend their fullest cooperation and assistance to the Committee.
5. The Committee shall submit its Report on the socio-economic criteria for exclusion of the 'creamy layer' from Other Backward Classes latest by 10th March, 1993

Sd/-
(M. S. PANDIT)
Jt. Secy. (M&BC)

ORDER

ORDERED that a copy of the resolution be communicated to all Ministries/Departments of the Government of India/State Governments and U.T. Administrations.

ORDERED also that the resolution be published in the Gazette of India for general information

Sd/-
(M. S. PANDIT)
Jt. Secy. (M&BC)

No. 12011/24/93-BCC(C)

GOVERNMENT OF INDIA
MINISTRY OF WELFAREShastri Bhawan, New Delhi
Dated the 12th March, 93

OFFICE MEMORANDUM

The Supreme Court has in its majority judgement dated 16-11-1992 in the Mandal case, held that the distinction made in the office memorandum dated 25th September, 91 between "poorer sections" and others among the backward classes would not be invalid, if the classification was understood and operated as based upon relative backwardness among the several backward classes identified as other backward classes. It had further held that it shall be open to the government to notify which classes among the several designated other backward classes are more backward for the purposes of clause (2) of the office memorandum dated 25th September, 91 and the apportionment of reserved vacancies/posts among 'backward' and 'more backward' classes. Upon such notification the said clause of the OM of 25-9-91 would become operational.

2. In the context of the above observation, the matter placed before the Expert Committee for their advice on the categorisation of backward classes and the apportionment of the reserved vacancies/posts in backward and more backward classes as indicated in the majority judgement of the Supreme Court.

3. It is requested that the Report of the Expert Committee on this issue may kindly be given as early as possible.

Sd/-
(M. S. PANDIT)
Joint Secretary

Justice R.N. Prasad (Retd.),
Chairman, Expert Committee

Copy to :

Mr. M.L. Sahare, Member
Mr. P.S. Krishnan, Member
Mr. R.J. Majithia, Member-Secretary

No. 12011/51/93-BCC(C)

GOVERNMENT OF INDIA
MINISTRY OF WELFARE

New Delhi, the June 4, 1993.

To

Shri R.J. Majithia,
C-28, Jagan Path,
Chomu House,
Jaipur-302 001.

Sir.

It has been decided to extend the term of the Expert Committee upto 22-6-1993 for the task of finalisation of the list of OBCs. During the extended period the Committee shall attend to

- (a) Preparation of lists of those castes and communities which figure in the list of OBCs contained in the lists of the State Government, as well as the lists contained in the Mandal Commission Report.
- (b) The lists of OBCs (castes/communities) which figure in the State Government lists but do not figure in the Mandal List and vice-versa, the lists of OBCs which figure in the Mandal List but not in the State Lists.
- (c) Lists of variations in spelling, singular/plural, area restrictions, etc. and the correct position in respect of these, consistent with the principle of commonality between the State Lists and the Mandal List.

2. It is requested that the report of the Expert Committee on the issues mentioned above may kindly be submitted by 18th June, 1993.

Yours faithfully,

Sd/-
(M. S. PANDIT)

Joint Secretary to the Government of India

G.I., Dept. of Per. & Trg., O.M. No. 36012/22/93-Estt. (SCT), dated 8-9-1993

SUBJECT : *Reservation for Other Backward Classes in Civil Posts and Services under the Government of India—Regarding.*

The undersigned is directed to refer to this Department's O.M. No. 36012/31/90-Estt. (SCT), dated the 13th August, 1990 and 25th September, 1991, regarding reservation for Socially and Educationally Backward classes in Civil Posts and Services under the Government of India and to say that following the Supreme Court judgement in the Indira Sawhney and other v. Union of India and others case [Writ Petition (Civil) No. 930 of 1990], the Government of India appointed an Expert Committee to recommend the criteria for exclusion of the socially advanced persons/sections from the benefits of reservations for Other Backward Classes in civil posts and services under the Government of India.

2. Consequent to the consideration of the Expert Committee's recommendations, this Department's Office Memorandum No. 36012/31/90-Estt. (SCT), dated 13-8-1990, referred to in para (1) above is hereby modified to provide as follows :—

- (a) 27% (twenty-seven per cent) of the vacancies in civil posts and services under the Government of India, to be filled through direct recruitment, shall be reserved for the Other Backward Classes. Detailed instructions relating to the procedure to be followed for enforcing reservation will be issued separately.
- (b) Candidates belonging to OBCs recruited on the basis of merit in an open competition on the same standards prescribed for the general candidates shall not be adjusted against the reservation quota of 27%.
- (c) (i) The aforesaid reservation shall not apply to persons/sections mentioned in column 3 of the Schedule to this office memorandum. (See Appendix 1.)
(ii) The rule of exclusion will not apply to persons working as artisans or engaged in hereditary occupations, callings. A list of such occupations, callings will be issued separately by the Ministry of Welfare.
- (d) The OBCs for the purpose of the aforesaid reservation would comprise, in the first phase, the castes and communities which are common to both the lists in the report of the Mandal Commission and the State Governments' Lists. A list of such castes and communities is being issued separately by the Ministry of Welfare.
- (e) The aforesaid reservation shall take immediate effect. However, this will not apply to vacancies where the recruitment process has already been initiated prior to the issue of this order.

3. Similar instructions in respect of public sector undertakings and financial institutions including public sector banks will be issued by the Department of Public Enterprises and by the Ministry of Finance respectively effective from the date of this office memorandum.

To

All Ministries/Departments of Government of India.

Copy :

1. Department of Public Enterprises, New Delhi. }
2. Ministry of Finance (Banking and Insurance Divisions), New Delhi. }

It is requested that the said instructions may be issued in respect of PSUs, Public Sector Banks and Insurance Corporations.

APPENDIX 1

PERSONS/SECTIONS EXCLUDED FROM RESERVATION

[Schedule to G.I., Dept. of Per. & Trg., O.M. No. 36012/22/93-Estt. (SCT), dated 8-9-1993]

Description of category	To whom rule of exclusion will apply
I. Constitutional Posts	<p>Sons and daughter(s) of—</p> <ul style="list-style-type: none"> (a) President of India; (b) Vice-President of India; (c) Judges of the Supreme Court and of the High Courts; (d) Chairman and Members of UPSC and of the State Public Service Commission; Chief Election Commissioner; Comptroller and Auditor-General of India; (e) Persons holding constitutional positions of like nature.
II. Service Category	
A. Group 'A'/Class I officers of the All India Central and State Services (Direct Recruits).	<p>Son(s) and daughter(s) of—</p> <ul style="list-style-type: none"> (a) parents, both of whom are Class I officers; (b) parents, either of whom is a Class I officer; (c) parents, both of whom are Class I officers, but one of them dies or suffers permanent incapacitation; (d) parents, either of whom is a Class I officer and such parent dies or suffers permanent incapacitation and before such death or such incapacitation has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc., for a period of not less than 5 years; (e) parents, both of whom are Class I officers die or suffer permanent incapacitation and before such death or such incapacitation of the both, either of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years; <p>Provided that the rule of exclusion shall not apply in the following cases :—</p> <ul style="list-style-type: none"> (a) Sons and daughters of parents either of whom or both of whom are Class I officers and such parent(s) dies/die or suffer permanent incapacitation; (b) A lady belonging to OBC category has got married to a Class I officer, and may herself like to apply for a job.
B. Group 'B'/Class II officers of the Central and State Services (Direct Recruitment).	<p>Son(s) and daughter(s) of—</p> <ul style="list-style-type: none"> (a) parents both of whom are Class II officers; (b) parents of whom only the husband is a Class II officer and he gets into Class I at the age of 40 or earlier; (c) parents, both of whom are Class II officers and one of them dies or suffers permanent incapacitation and either one of them has had the benefit of employment in any International Organisation UN, IMF, World Bank, etc., for a period of not less than 5 years before such death or permanent incapacitation; (d) parents of whom the husband is a Class I officer (direct recruitment or pre-forty promoted) and the wife is a Class II officer and the wife dies; or suffers permanent incapacitation; and

Description of category	To whom rule of exclusion will apply
C. Employees in Public Sector Undertakings, etc.	<p>(e) parents, of whom the wife is a Class I officer (Direct Recruit or pre-forty promoted) and the husband is a Class II officer and the husband dies or suffers permanent incapacitation;</p> <p>Provided that the rule of exclusion shall not apply in the following cases :—</p> <p>Sons and daughters of—</p> <p>(a) Parents both of whom are Class II officers and one of them dies or suffers permanent incapacitation.</p> <p>Sons and daughters of—</p> <p>(a) Parents, both of whom are Class II officers and both of them die or suffer permanent incapacitation, even though either of them has had the benefit of employment in any international Organisation like UN, IMF, World Bank, etc., for a period of not less than 5 years before their death or permanent incapacitation.</p>
III. Armed forces including Paramilitary Forces (Persons holding civil posts are not included).	<p>The criteria enumerated in A and B above in this category will apply <i>mutatis mutandis</i> to officers holding equivalent or comparable posts in PSUs, Banks, Insurance Organisations, Universities, etc., and also to equivalent or comparable posts and positions under private employment, pending the evaluation of the posts on equivalent or comparable basis in these institutions, the criteria specified in Category VI below will apply to the officers in these Institutions.</p> <p>Son(s) and daughter(s) of parents either or both of whom is or are in the rank of Colonel and above in the Army and to equivalent posts in the Navy and the Air Force and the Paramilitary Forces;</p> <p>Provided that—</p> <p>(i) If the wife of an armed forces officer is herself in the armed forces (i.e., the category under consideration) the rule of exclusion will apply only when she herself has reached the rank of Colonel;</p> <p>(ii) the service ranks below Colonel of husband and wife shall not be clubbed together;</p> <p>(iii) if the wife of an officer in the armed forces is in civil employment, this will not be taken into account for applying the rule of exclusion unless she falls in the service category under item No II in which case the criteria and conditions enumerated therein will apply to her independently.</p>
IV. Professional class and those engaged in Trade and Industry	<p>(i) Persons engaged in profession as a doctor, lawyer, chartered accountant, income tax consultant, financial or management consultant, dental surgeon, engineer, architect, computer specialist, film artists and other film professional, author, playwright, sports person, sports professional, media professional or any other vocations of like status.</p> <p>Criteria specified against Category VI will apply</p> <p>(ii) Persons engaged in trade, business and industry.</p> <p>Criteria specified against Category VI will apply.</p> <p>EXPLANATION.—</p> <p>(i) Where the husband is in some profession and the wife is in a Class II or lower grade employment, the income/wealth test will apply only on the basis of the husband's income.</p>

Description of category	To whom rule of exclusion will apply
V. Property owners	(ii) If the wife is in any profession and the husband is in employment in a Class II or lower rank post, then the income/wealth criterion will apply only on the basis of the wife's income and the husband's income will not be clubbed with it.
A. Agricultural holding.	<p>Son(s) and daughter(s) of persons belonging to a family (father, mother and minor children) which owns—</p> <p>(a) only irrigated land which is equal to or more than 85% of the statutory ceiling area, or</p> <p>(b) both irrigated and unirrigated land, as follows :—</p> <p>(i) The rule of exclusion will apply where the pre-condition exists that the irrigated area (having been brought to a single type under a common denominator) 40% or more of the statutory ceiling limit for irrigated land (this being calculated by excluding the unirrigated portion). If this pre-condition of not less than 40% exists, then only the area of unirrigated land will be taken into account. This will be done by converting, the unirrigated land on the basis of the conversion formula existing, into the irrigated type. The irrigated area so computed from unirrigated land shall be added to the actual area of irrigated land and if after such clubbing together the total area in terms of irrigated land is 85% or more of the statutory ceiling limit for irrigated land, then the rule of exclusion will apply and disqualification will occur).</p> <p>(ii) The rule of exclusion will not apply if the land holding of a family is exclusively unirrigated.</p>
B. Plantations.	<p>(i) Coffee, tea, rubber, etc.</p> <p>Criteria of income/wealth specified in Category VI below will apply.</p> <p>(ii) Mango, citrus, apple plantations, etc.</p> <p>Deemed as agricultural holding and hence criteria at A above under this category will apply. Criteria specified in Category VI below will apply.</p>
C. Vacant land and/or buildings in urban areas or urban agglomerations.	<p>EXPLANATION:—Building may be used for residential, industrial or commercial purpose and the like two or more such purposes.</p>
VI. Income/Wealth Test.	<p>Son(s) and daughter(s)—</p> <p>(a) Persons having gross annual income of Rs. 1 lakh or above or possessing wealth above the exemption limit as prescribed in the Wealth Act for a period of three consecutive years.</p> <p>(b) Persons in Categories I, II, III and V-A who are not disqualified to the benefit of reservation but have income from other sources of wealth which will bring them within the income/wealth criteria mentioned in (a) above.</p>
	<p>EXPLANATION:—</p> <p>(i) Income from salaries or agricultural land shall not be clubbed ;</p> <p>(ii) The income criteria in terms of rupee will be modified taking into account the change in its value every three years. If the situation, however, so demands, the interregnum may be less.</p>
	<p>EXPLANATION.—Wherever the expression "permanent incapacitation" occur in this schedule, it shall mean incapacitation which results in putting an officer out of service.</p>

MINISTRY OF WELFARE

RESOLUTION

New Delhi, the 10th September, 1993

No. 12011/68/93-BCC(C).—The Government of India have had under consideration the judgement of the Supreme Court dated 16-11-92 in the case of Indira Sawhney and Others Vs. Union of India and Others (No. 930 of 1990) relating to reservation of 27% vacancies in civil posts and services under the Government of India in favour of Other Backward Classes OBCs.

2. The OBCs for the purpose of the aforesaid reservation as per orders of the Government of India issued vide O.M. No. 36012-22-93-Estt. (SCT) of 8th September, 1993 by the Ministry of Personnel, Public Grievances & Pensions (Department of Personnel & Training), would comprise, in the first phase, the castes and communities which are common to both the lists in the report of the Mandal Commission and the State Governments' Lists.

3. The Expert Committee on 'Creamy Layer' headed by Justice (Rtd.) R.N. Prasad, was commissioned to prepare the Common Lists in respect of the following States which had notified the list (Appendix Allahabad) of OBCs for the purpose of reservation in State Services as on the date of judgement of the Supreme Court ;

1. Andhra Pradesh
2. Assam
3. Bihar
4. Goa
5. Gujarat
6. Haryana
7. Himachal Pradesh
8. Karnataka
9. Kerala
10. Madhya Pradesh
11. Maharashtra
12. Punjab
13. Tamil Nadu
14. Uttar Pradesh

4. The Common Lists prepared by the Committee have been accepted by the Government. The Government has decided to notify the annexed list of the Other Backward Classes in the context of implementation of the aforesaid O.M. The lists shall be deemed to have taken effect from 8th Sept., 1993.

5. The National Commission for Backward Classes, set up under the provisions of the National Commission for Backward Classes Act, 1993 in pursuance of the direction of the Supreme Court in the aforesaid case, shall entertain, examine and recommend upon requests for inclusion and complaints of over-inclusion and under-inclusion in the lists of Other Backward Classes of citizens.

ORDER

Ordered that a copy of the resolution be communicated to all State Governments, UT Administrations, Ministries/Departments of Government of India.

Ordered also that the resolution be published in the Gazette of India for general information.

M.S. PANDIT, *Jt. Secy.*

G.I., Dept. of Per. & Trg., O.M. No. 36012/22/93-Estt. (SCT), dated 22-10-1993

Subject :—Reservation for Other Backward Classes in Civil Posts and Services under the Government of India—Regarding.

The undersigned is directed to refer to this Department's OM of even number, dated the 8th September, 1993, on the above subject and to say that in accordance with the Supreme Court Judgment in the Indira Sawhney case, the reservations contemplated in clause 4 of Article 16 should not exceed 50%. For the purpose of applying the rule of 50 %, an year should be taken as the unit and not the entire strength of the cadre, service or the unit as the case may be. This position would also apply in the case of carry forward vacancies. Therefore, the Ministries/Departments are requested to ensure that the reservations provided to SC/ST/OBCs put together do not exceed 50 % of vacancies arising in an year.

2. In the light of the reservations provided to other backward classes, it is necessary to revise the existing reservation rosters. In respect of direct recruitment on All India basis by open competition where there is a reservation for 15 % for SC and 7½ % for ST, the existing 40-point roster has been revised into a 200-point roster as in the model indicated in Annexure A (see Appendix 4). The revised roster will come into effect immediately. Vacancies filled on or after 8-9-1993, should be shown in the new roster now prescribed in Annexure A. The old roster shall be deemed to have been closed from this date. The reservations which had to be carried forward in the previous roster shall now be carried forward to the new roster.

3. There is no change in the existing reservation rosters in so far as promotion is concerned, as there is no reservation for OBCs in promotion.

4. No other relaxation/concession is admissible to OBCs. There is no provision for any relaxed standard to be applied in the case of OBCs.

5. In para 2(d) of this Department's OM of even number, dated the 8th September, 1993, it has been stated that a list of castes and communities for the purpose of the reservation for OBCs is to be issued separately by the Ministry of Welfare. The Ministry of Welfare have since notified the said list, vide their Resolution No. 12011/68/93-BCC(C), dated the 10th September, 1993, published in the Gazette of India Extraordinary, Part I-Section 1, dated the 13th September, 1993. For the purpose of verification of the castes/communities the certificate from the following authorities only will be accepted :—

- (a) District Magistrate/Additional District Magistrate/Collector/Deputy Commissioner /Additional Deputy Commissioner/Deputy Collector/Ist Class Stipendary Magistrate/Sub-Divisional Magistrate/Taluka Magistrate/Executive Magistrate/Extra-Assistant Commissioner (not below the rank of I Class Stipendiary Magistrate).
- (b) Chief Presidency Magistrate/Additional Chief Presidency Magistrate/Presidency Magistrate.
- (c) Revenue Officer not below the rank of Tehsildar; and
- (d) Sub-Divisional Officer of the area where the candidate and/or his family normally resides.

ANNEXURE-I.10

G.I., Dept. of Per. & Trg., O.M. No. 36012/22/93-Estt. (SCT), dated the 15th November, 1993

Subject: —Reservation for Other Backward Classes in Civil Posts and Services under the Government of India regarding.

The undersigned is directed to refer to paragraph 5 of this Department's OM of even number, dated 22-10-1993, wherein the authorities competent to issue certificate for the purpose of verification of the castes/communities have been indicated for the purpose of giving the benefit of reservation to Other Backward Classes in Civil Services and Posts under the Government of India. It has now been decided that the same authorities which are notified as competent to certify OBCs status should also be authorised to certify that the candidate in question does not belong to the persons/section (creamy layer) mentioned in column 3 of the Schedule to this Department's OM of even number, dated 8-9-1993. A model form of certificate to be furnished by the candidates from the authorities mentioned at para 5 of OM, dated 22-10-1993, is enclosed at Annexure A (see Appendix 3). This certificate may be accepted by the Ministries, Departments, etc., for the purpose of giving the benefit of reservation to Other Backward Classes.

MINISTRY OF WELFARE

RESOLUTION

New Delhi, the 19th October, 1994

No. 12011/9/94-BCC.—The Government of India, *vide* the Ministry of Personnel, Public Grievances & Pensions (Department of Personnel and Training) O.M. No. 36012/22/93-Estt. (SCT) dated; 8th September, 1993 have reserved 27% of vacancies in civil posts and services under the Central Government in favour of the Other Backward Classes (OBCs). This O.M. also specifies that the OBCs for the purpose of aforesaid reservation would comprise, in the first phase, the castes and communities which are common to both the lists in the Report of the Mandal Commission and the State Governments lists.

2. The Common Lists of OBCs in respect of 14 States, namely, Andhra Pradesh, Assam, Bihar, Goa, Gujarat, Haryana, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Punjab, Tamil Nadu and Uttar Pradesh, in the context of implementation of aforesaid O.M. were notified in the Ministry of Welfare Resolution No. 12011/68/93-BCC(C) dated : 10th September, 1993 and published in the Gazette of India Extraordinary-Part I—Section-I No. 186, New Delhi Monday, September, 13th, 1993/Bhadra 22, 1915.

3. The Government of India have also now prepared the Common Lists of OBCs in respect of the following 4 States and 3 Union Territories :—

1. Orissa
2. Rajasthan
3. Tripura
4. West Bengal
5. Dadra and Nagar Haveli
6. Daman and Diu
7. Pondicherry.

The Government have decided to notify the annexed Common Lists in respect of the above mentioned 4 States and 3 Union Territories in the Central List of OBCs in the context of implementation of the aforesaid O.M. dated 8th September, 1993 of the Department of Personnel and Training. These lists shall take effect from the date of issue of this Resolution.

Sd/—

GANGA DAS, *Jt. Secy*

ORDER

Ordered that a copy of this Resolution be communicated to all State Governments, Union Territory Administrations, Ministries/Departments of the Government of India.

GOVERNMENT OF INDIA
MINISTRY OF WELFARE

New Delhi, dated the 24 May, 1995/3 Jyaistha, 1917

RESOLUTION

No. 12011/7/95-BCC—The Government of India, *vide* the Ministry of Personnel, Public Grievances & Pensions (Department of Personnel and Training) O.M. No. 36012/22/93-Estt.(SCT), dated the 8th September, 1993, have reserved 27 per cent of vacancies in civil posts and services under the Central Government, to be filled through direct recruitment, in favour of the Other Backward Classes (OBCs). This O.M. also specifies that the OBCs for the purpose of the aforesaid reservation would comprise, in the first phase, the castes/communities which are common to both the lists in the Report of the Mandal Commission and the State Governments' lists of OBCs.

2. The common lists of OBCs in respect of 14 States, namely, Andhra Pradesh, Assam, Bihar, Goa, Gujarat, Haryana, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Punjab, Tamil Nadu and Uttar Pradesh, in the context of implementation of the aforesaid O.M. dated the 8th September, 1993, were notified as the Central List of OBCs in the Ministry of Welfare's Resolution No. 12011/68/93 BCC(C) dated the 10th September, 1993 and published in the Gazette of India—Extraordinary—Part I, Section I, No. 186 New Delhi, Monday, September 13th, 1993/Bhadra 22, 1915.

3. Subsequently, the common lists of OBCs in respect of 4 States and 3 Union Territories, namely, Orissa, Rajasthan, Tripura, West Bengal, Dadra and Nagar Haveli, Daman and Diu and Pondicherry were also notified in the Ministry of Welfare's Resolution No. 12011/9/94-BCC dated the 19th October, 1994, for inclusion in the Central List of OBCs in the context of implementation of the aforesaid O.M. dated the 8th September, 1993, and published in the Gazette of India—Extraordinary—Part I, Section I, No. 163, New Delhi, Thursday, October 20, 1994/Asvina 28, 1916.

4. The Government of India have now drawn up the common lists of OBCs in respect of the States of Jammu and Kashmir, Manipur, Sikkim and the National Capital Territory of Delhi, and have decided to notify the annexed common lists in respect of these three States and one Union Territory for inclusion in the Central List of OBCs in the context of implementation of the aforesaid O.M. dated the 8th September, 1993 of the Department of Personnel and Training. These lists shall take effect from the date of issue of this Resolution.

Sd/-

(BHAGWATI PARSHAD)

Joint Secretary to the Government of India

ORDER

Ordered that a copy of this Resolution be communicated to all State Governments, Union Territory Administrations, Ministries/Departments of the Government of India.

Ordered also that this Resolution be published in the Gazette of India for general information.

Sd/-

(BHAGWATI PARSHAD)

Joint Secretary to the Government of India

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 2nd April, 1993/Chaitra 12, 1915 (Saka)

The following Act of Parliament received the assent of the President on the 2nd April 1993, and is hereby published for general information :—

THE NATIONAL COMMISSION FOR BACKWARD CLASSES ACT, 1993

No. 27 of 1993

[2nd April, 1993]

An Act to constitute a National Commission for Backward Classes other than the Scheduled Castes and the Scheduled Tribes and to provide for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. Short title extent and commencement.—(1) This Act may be called the National Commission for Backward Classes Act, 1993.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall be deemed to have come into force on the 1st day of February, 1993.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “backward classes” means such backward classes of citizens other than the Scheduled Castes and the Scheduled Tribes as may be specified by the Central Government in the lists;

(b) “Commission” means the National Commission for Backward Classes constituted under section 3;

(c) “lists” means lists prepared by the Government of India from time to time for purposes of making provision for the reservation of appointments or posts in favour of backward classes of citizens which, in the opinion of that Government, are not adequately represented in the services under the Government of India and any local or other authority within the territory of India or under the control of the Government of India;

(d) “Member” means a Member of the Commission and includes the Chairperson;

(e) “prescribed” means prescribed by rules made under this Act.

CHAPTER II

THE NATIONAL COMMISSION FOR BACKWARD CLASSES

3. Constitution of National Commission for Backward Classes.—(1) The Central Government shall constitute a body to be known as the National Commission for Backward Classes to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.

(2) The Commission shall consist of the following Members nominated by the Central Government :—

(a) a Chairperson, who is or has been a Judge of the Supreme Court or of a High Court;

(b) a social scientist;

(c) two persons, who have special knowledge in matters relating to backward classes; and

(d) a Member-Secretary, who is or has been an officer of the Central Government in the rank of a Secretary to the Government of India.

4. Term of office and conditions of service of Chairperson and Members.—(1) Every Member shall hold office for a term of three years from the date he assumes office.

(2) A Member may, by writing under his hand addressed to the Central Government, resign from the office of Chairperson or, as the case may be, of Member at any time.

(3) The Central Government shall remove a person from the office of Member if that person—

(a) becomes an undischarged insolvent ;

(b) is convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude;

- (c) becomes of unsound mind and stands so declared by a competent court;
- (d) refuses to act or becomes incapable of acting;
- (e) is, without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission; or
- (f) has, in the opinion of the Central Government, so abused the position of Chairperson or Member as to render that person's continuance in office detrimental to the interests of backward classes or the public interest.

Provided that no person shall be removed under this clause until that person has been given an opportunity of being heard in the matter.

(4) A vacancy caused under sub-section (2) or otherwise shall be filled by fresh nomination.

(5) The salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and Members shall be such as may be prescribed.

5. *Officers and other employees of the Commission*—(1) The Central Government shall provide the Commission with such officers and employees as may be necessary for the efficient performance of the functions of the Commission.

(2) The salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed.

6. *Salaries and allowances to be paid out of grants*—The salaries and allowances payable to the Chairperson and Members and the administrative expenses, including salaries, allowances and pensions payable to the officers and other employees referred to in section 5, shall be paid out of the grants referred to in sub-section (1) of section 12.

7. *Vacancies, etc., not to invalidate proceedings of the Commission*—No act or proceedings of the Commission shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Commission.

8. *Procedure to be regulated by the Commission*—(1) The Commission shall meet as and when necessary at such time and place as the Chairperson may think fit.

(2) The Commission shall regulate its own procedure.

(3) All orders and decisions of the Commission shall be authenticated by the Member-Secretary or any other officer of the Commission duly authorised by the Member-Secretary in this behalf.

CHAPTER III

FUNCTIONS AND POWERS OF THE COMMISSION

9. *Functions of the Commission*—(1) The Commission shall examine requests for inclusion of any class of citizens as a backward class in the lists and hear complaints of over-inclusion or under-inclusion of any backward class in such lists and tender such advice to the Central Government as it deems appropriate.

(2) The advice of the Commission shall ordinarily be binding upon the Central Government.

10. *Powers of the Commission*—The Commission shall, while performing its functions under sub-section (1) of section 9, have all the powers of a civil court trying a suit and in particular, in respect of the following matters, namely :—

- (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court of office;
- (e) issuing commissions for the examination of witnesses and documents; and
- (f) any other matter which may be prescribed.

11. *Periodic revision of lists by the Central Government*—(1) The Central Government may, at any time, and shall, at the expiration of ten years from the coming into force of this Act and every succeeding period of ten years thereafter, undertake revision of the lists with a view to excluding from such lists those classes who have ceased to be backward classes or for including in such lists new backward classes.

(2) The Central Government shall, while undertaking any revision referred to in sub-section (1), consult the Commission.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT

12. *Grants by the Central Government*—(1) The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Commission by way of grants such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.

(2) The Commission may spend such sums as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

13. *Accounts and audit*—(1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Commission shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

14. *Annual report*—The Commission shall prepare, in such form and at such time, for each financial year, as may be prescribed, its annual report giving a full account of its activities during the previous financial year and forward a copy thereof to the Central Government.

15. *Annual report and audit report to be laid before Parliament*—The Central Government shall cause the annual report, together with a memorandum of action taken on the advice tendered by the Commission under section 9 and the reasons for the non-acceptance, if any, of any such advice, and the audit report to be laid as soon as may be after they are received before each House of Parliament.

CHAPTER V

MISCELLANEOUS

16. *Chairperson, Members and employees of the Commission to be public servants*—The Chairperson, Members and employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

17. *Power to make rules*—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely :—

(a) salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and Members under sub-section (5) of section 4 and the officers and other employees under sub-section (2) of section 5;

(b) the form in which the annual statement of accounts shall be prepared under sub-section (1) of section 13;

(c) the form in, and the time at, which the annual report shall be prepared under section 14;

(d) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form to be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

18. *Power to remove difficulties*—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient, for removing the difficulty;

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

19. *Repeal and saving*—(1) The National Commission for Backward Classes Ordinance 1993 (Ord. 23 of 1993) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of this Act.

K.L. OHANPURIA
Secy. to the Govt. of India

GOVERNMENT OF INDIA
MINISTRY OF WELFARE

No. 12011/34/BCC(C)/Pt. I

New Delhi, the 14th August 1993

NOTIFICATION

In exercise of powers conferred by section 3 of National Commission for Backward Classes Act, 1993 (27 of 1993) the Central Government hereby constitutes the National Commission for Backward Classes as follows :

- | | |
|---|--|
| (i) Justice (Retd.) R.N. Prasad
Former Judge,
Patna High Court | Chairperson |
| (ii) Dr. Dhirubhai L. Seth,
Senior Fellow and Professor
Centre for the Study of
Developing Societies,
New Delhi | Member
(Social Scientist) |
| (iii) Dr. Dinesh Singh Yadav
Former Principal,
Dayanand College,
Ajmer, Rajasthan | Member
(Person having special knowledge in matters
relating to backward classes) |
| (iv) Dr. R. Prasannan,
Member, Kerala State
Backward Classes Commission,
Trivandrum, Kerala. | Do. |
| (v) Shri P.S. Krishnan,
Secretary (Retd.)
Govt. of India | Member-Secretary |

2. Chairperson and every member shall hold office for a term of 3 years from the date he assumes office.

sd/-

(M. S. PANDIT)

Joint Secretary to the Govt. of India

Statement showing the posts sanctioned, filled up and still lying vacant in NCBC as on 31-3-1995

Name of Post	No. of posts sanctioned	No. of posts filled up	No. of posts lying vacant
1. Joint-Secretary	1	—	1
2. Deputy Secretary	1	1	—
3. Senior Administrative Officer	1	1	—
4. Research Officer	2	—	2
5. Section Officer	1	—	1
6. Assistant	2	2	—
7. Private Secretary	6	5	1
8. Private Assistant	6	4	2
9. Research Investigator	4	—	4
10. UDC	2	2	—
11. Stenographer	1	1	—
12. LDC	4	4	—
13. Driver	5	5	—
14. Daftry	2	2	—
15. Peon	9	9	—
16. Farash	1	1	—
17. Sweeper	1	1	—
	49	38	11

ANNEXURE III-I

NATIONAL COMMISSION FOR BACKWARD CLASSES

Under sub-section (2) of Section 8 of the National Commission for Backward Classes, 1993 (Act No. 27 of 1993), the National Commission prescribes the following procedure :

I. Procedure for examination of requests for inclusion in the lists and hearing of complaints of over-inclusion or under-inclusion in such lists.

1. (i) Examination of requests and hearing of complaints under Section 9(1) of the National Commission for Backward Classes Act (hereinafter referred to as the Act) shall generally be done by a bench of 2 Members.
- (ii) The benches shall be as per Annexure-I.
- (iii) All cases of requests and complaints pertaining to a State or U.T. shall stand, referred to the bench indicated against that State.
- (iv) The Chairperson may, if he so desires, associate with any of the other benches in addition to his benches for the specific States and U.Ts. lists in Annexure-I.
- (v) Whenever exigencies of work-load require, the Commission may create additional benches for any State or U.T.
2. (i) The bench will place its findings in each case before the Commission.
- (ii) In case of difference of opinion between the two members of a bench, each Member of the bench may place his findings separately before the Commission.
- (iii) In case of difference of opinion between the 2 Members of a bench or under any other circumstances deemed necessary by the Commission, the Commission may expand a bench by adding a third Member to it and the Members of this expanded bench may place their findings jointly or separately to the Commission.
3. (i) The Commission will consider the findings of each bench and formulate its advice to the Central Government.
- (ii) The advice may be formulated unanimously or by consensus or by majority.
- (iii) Where any Member differs from the majority he may formulate his dissenting advice.
- (iv) Where necessary, the Commission may request any bench to examine any further aspects and review its findings in that light, and thereafter again furnish its findings for the Commission's consideration.
4. (i) The Commission will furnish its advice to the Government along with the dissenting advice, if any.

II. Procedure for detailed background study, monitoring, guidance, etc.

5. (i) For purposes of detained background studies, monitoring, guidance etc., all the States and U.Ts. shall be entrusted to the special care of a Member as listed in Annexure-II
- (ii) The Chairperson and other Members may, in addition, tour any other State or U.T. for purpose of comparative understanding of situations and systems, etc.

III. Tours

6. (i) The Members may undertake tours of States in the light of the work allocation made by the Commission under I & II above.
- (ii) The members will mark copies of their tour schedule to the Chairperson, Member-Secretary and other Members.
- (iii) Important findings and observations arising from the tours may be intimated to the Office of the Commission (hereinafter referred to as the Office) for incorporation in the Annual Report under Section 14 of the Act.

IV. Meetings

7. (i) The Commission will normally hold its regular meetings twice a month.
- (ii) The regular meetings will be held at the Commission's Office in Delhi.
- (iii) The Commission may hold additional meetings as and when necessary.
- (iv) The agenda items and agenda notes for and the minutes of the meetings will be prepared and circulated by the Member-Secretary.
- (v) Any Member may propose items for inclusion in the agenda leaving ordinarily a period of 15 days.
- (vi) Quorum for all meetings shall be 3.

V. Staff Car

- (i) For use of staff car, each Member is allowed upto 600 litres of petrol per quarter including official & non-official purposes.
- (iii) Keeping in view the exigencies of work, until a staff car is made available for office, the Joint Secretary/Deputy Secretary may take car on hire on daily basis.

LIST OF BENCHES FOR WORK U/S 9

Name of State		Constitution of Bench
I. 14 Phase-I States		
1. Bihar	Shri R.N. Prasad J.	Dr. Dinesh Singh Yadav
2. Madhya Pradesh	Shri R.N. Prasad J.	Dr. Dinesh Singh Yadav
3. Uttar Pradesh	Dr. Dinesh Singh Yadav	Shri P. S. Krishnan
4. Haryana	Shri P.S. Krishnan	Dr. Dinesh Singh Yadav
5. Himachal Pradesh	Dr. R. Prasannan	Shri P.S. Krishnan
6. Punjab	Shri R.N. Prasad J.	Prof. Dhirubhai Sheth
7. Goa	Prof. Dhirubhai Sheth	Shri P.S. Krishnan
8. Gujarat	Shri R.N. Prasad J.	Prof. Dhirubhai Sheth
9. Maharashtra	Shri R.N. Prasad J.	Prof. Dhirubhai Sheth
10. Andhra Pradesh	Shri P.S. Krishnan	Prof. Dhirubhai Sheth
11. Karnataka	Shri P.S. Krishnan	Dr. R. Prasannan
12. Kerala	Dr. R. Prasannan	Shri P. S. Krishnan
13. Tamil Nadu	Shri R.N. Prasad J.	Dr. R. Prasannan
14. Assam	Shri R.N. Prasad J.	Dr. Dinesh Singh Yadav
II. Populous States without Phase-I List		
1. Rajasthan	Dr. Dinesh Singh Yadav	Dr. R. Prasannan
2. Orissa	Shri R.N. Prasad J.	Prof. Dhirubhai Sheth
3. West Bengal	Shri P.S. Krishnan	Dr. Dinesh Singh Yadav
III. Less Populous States without Phase-I List		
1. Manipur	Shri R.N. Prasad J.	Shri P. S. Krishnan
2. Meghalaya	Shri R.N. Prasad J.	Dr. Dinesh Singh Yadav
3. Sikkim	Dr. R. Prasannan	Prof. Dhirubhai Sheth
4. Tripura	Shri P.S. Krishnan	Prof. Dhirubhai Sheth
5. Mizoram	Benches to be set up if and when necessary	
6. Nagaland		
7. Arunachal Pradesh		
IV. Union Territories		
1. Andaman & Nicobar Islands	Dr. R. Prasannan	Shri P.S. Krishnan
2. Chandigarh	Dr. Dinesh Singh Yadav	Dr. R. Prasannan
3. Dadra & Nagar Haveli	Prof. Dhirubhai Sheth	Dr. R. Prasannan
4. Daman & Diu	Shri R.N. Prasad J.	Prof. Dhirubhai Sheth
5. Delhi	Prof. Dhirubhai Sheth	Dr. Dinesh Singh Yadav
6. Lakshadweep	Dr. R. Prasannan	Dr. Dinesh Singh Yadav
7. Pondicherry	Shri R.N. Prasad J.	Shri P.S. Krishnan

Bench for J & K will be constituted if and after the Act is extended to that State.

ALLOCATION OF STATES FOR SPECIAL CARE

Name of State allocated	Member to whose special care allocated
I. 14 Phase-I States	
1. Bihar	Shri R.N. Prasad J.
2. Madhya Pradesh	Shri R.N. Prasad J. & Dr. Dinesh Singh Yadav
3. Uttar Pradesh	Shri P.S. Krishnan & Dr. Dinesh Singh Yadav
4. Haryana	Dr. Dinesh Singh Yadav
5. Himachal Pradesh	Dr. R. Prasannan
6. Punjab	Shri R.N. Prasad J.
7. Goa	Shri P.S. Krishnan
8. Gujarat	Prof. Dhirubhai Sheth
9. Maharashtra	Shri R.N. Prasad J. & Prof. Dhirubhai Sheth
10. Andhra Pradesh	Shri P.S. Krishnan & Prof. Dhirubhai Sheth
11. Karnataka	Shri P.S. Krishnan
12. Kerala	Dr. R. Prasannan
13. Tamil Nadu	Dr. R. Prasannan
14. Assam	Shri R.N. Prasad J.
II. 3 Populous States without Phase-I List	
1. Rajasthan	Dr. Dinesh Singh Yadav & Dr. R. Prasannan
2. Orissa	Prof. Dhirubhai Sheth
3. West Bengal	Shri P.S. Krishnan
III. Less populous States without Phase-I list	
1. Manipur	Shri P.S. Krishnan
2. Meghalaya	Shri R.N. Prasad J.
3. Sikkim	Dr. R. Prasannan
4. Tripura	Shri P. S. Krishnan
5. Arunachal Pradesh	Dr. Dinesh Singh Yadav
6. Mizoram	Dr. R. Prasannan
7. Nagaland	Shri R.N. Prasad J.
IV. Union Territories	
1. Andaman & Nicobar Islands	Shri P.S. Krishnan
2. Chandigarh	Dr. Dinesh Singh Yadav
3. Dadar & Nagar Haveli	Prof. Dhirubhai Sheth
4. Daman & Diu	Prof. Dhirubhai Sheth
5. Delhi	Dr. Dinesh Singh Yadav
6. Lakshadweep	Dr. R. Prasannan
7. Pondicherry	Shri R.N. Prasad J.

J & K will be allocated to a Member for special care if and when the Act is extended to the State.

P.S. KRISHNAN
TEL : 6886820

Member-Secretary
National Commission
For Backward Classes
Government of India
New Delhi-110066

DO No. NCBC/MS/18/94

Dated the 16th May, 1994

Dear Shri

As you are aware, the National Commission for Backward Classes (NCBC) was recently established under a special statute, viz., the National Commission for Backward Classes, 1993, pursuant to the Supreme Court's judgment in what is commonly known as the Mandal case.

2. The immediate task of this Commission, under Section 9(1) of the Act, is to examine the requests for inclusion of any class of citizens as a backward class in the Central list of Backward Classes and hear complaints of under-inclusion of any backward class in such list and tender such advice to the Central Government as it deems appropriate, such advice being, under Section 9(2), ordinarily binding upon the Central Government. Section 9(1) also provides for hearing of complaints of over-inclusion, but this may be taken up at a later stage and communication in this regard will follow after some time. Certain tasks also devolve upon the Commission from Section 11. This too will come at a slightly later stage.

3. Most urgent at this stage is the task of formulating advice on each request for inclusion and complaint of under-inclusion in the Central list of Backward Classes. This task is to be performed objectively as well as expeditiously. From this point of view, the Commission has framed Guidelines and in its light designed a *questionnaire* to elicit responses and secure data for consideration of each case of request for inclusion and complaint of under-inclusion.

4. At the same time, the Commission is sensitive to the need to expeditiously formulate its advice. From this point of view, the Commission has devised, as part of its Guidelines, a "*fast-track*", which is expected to cover a major part of the castes/communities in respect of which requests for inclusion or complaints of under-inclusion are received. The questions are also divided into Phase-I and Phase-II. These are meant to secure data expeditiously and are explained clearly in the "*Guidelines for Filling up Questionnaire*".

5. The State Governments are requested to kindly help by filling up the *questionnaire* in toto wherever possible and, wherever it is not possible without loss of too much time, in phases as explained in the "*Guidelines for Filling up Questionnaire*" at the earliest so that the case of castes/communities deserving to be included may be attended to with the maximum possible speed. The State Governments may also consider making special arrangements for furnishing answers to the *questionnaire* in respect of all requests for inclusion and complaints of under-inclusion pertaining to the State, as the existing set-up for Backward Classes' Welfare may not be adequate for this purpose.

6. The questions in Section D (*Representation in the Services of Central Government*) of Part-II are to be filled up by the Central Government. The Ministry of Personnel, Public Grievances and Pension and the Ministry of Welfare are being addressed for this purpose with the request to furnish answers to this part at the earliest. The State Government is also requested to furnish answers to this part to the extent they have information. The answers to the rest of the *questionnaire*, i.e., whole of it except Section 'D' of Part-I indicated above, are required to be filled up by the respective State Governments.

7. In addition, the Commission also requires answers to the *questionnaire* from or on behalf of the castes/communities concerned. To this end, the State Governments are requested to publicise the *questionnaire* and make it known to the public in general and in particular to the castes/communities in respect of which requests for inclusion and complaints of under-inclusion have been made and are being made, and make arrangements to supply copies of the *questionnaire* from designated sources in the State to these castes/communities and to such other members of the public who are interested in furnishing information in the *questionnaire*. State Governments may also inform them that they may obtain copies of the *questionnaire* from these designated sources in the State and furnish responses in quadruplicate, one copy to the State Govt. and three to the Commission. The State Governments are also requested to get the *questionnaire* translated into the languages in the State and make available the translated versions of the *questionnaire* to the interested parties.

With best wishes !

Yours sincerely,
(P.S. KRISHNAN)

**GUIDELINES FOR CONSIDERATION OF REQUESTS FOR INCLUSION
AND COMPLAINTS OF UNDER-INCLUSION IN THE
CENTRAL LIST OF OTHER BACKWARD CLASSES**

The Commission, after studying the criteria/indicators framed by the Mandal Commission and the Commissions set up in the past by different State Governments and other relevant materials, formulated the following guidelines for considering requests for inclusion in the list of Other Backward Classes :—

A. SOCIAL

1. Castes and communities, generally considered as socially backward.
2. (a) Castes and communities, which mainly depend on agricultural and/or other manual labour for their livelihood and are lacking any significant resource base.
(b) Castes and communities, which, for their livelihood, mainly depend on agricultural and/or other manual labour for wage and are lacking any significant resource base.
(c) Castes and communities, the women of which, as a general practice, are for their/family's livelihood, engaged in agricultural and/or other manual labour, for wage.
(d) Castes and communities, the children of which, as a general practice, are, for family's livelihood or for supplementing family's low income, mainly engaged in agricultural and/or manual labour.
(e) Castes and communities, which in terms of the caste system, are identified with traditional crafts or traditional or hereditary occupations considered to be lowly or undignified.
(f) Castes and communities, which in terms of the caste system, are identified with traditional or hereditary occupations considered to be 'unclean' or stigmatised.
(g) Nomadic and semi-nomadic castes and communities.
(h) Denotified or Vinukta Jati castes and communities.

Explanation : This term refers to castes/communities which had been categorised as Criminal Tribes under the Criminal Tribes Act, 1924, Act No. VI of 1924, passed by the Indian Legislature and repealed by the Criminal Tribes (Repeal) Act, 1952, Act No. XXIV of 1952 and subsequently referred to as Denotified or Vinukta Jatis.

3. Castes and communities, having no representation or poor representation in the State Legislative Assembly and/or district-level Panchayati Raj institutions during the ten years preceding the date of the application.

Explanation : This is only intended to measure, as an indicator, the presence of a caste or community in these bodies.

The term "poor representation" may be taken to refer to a caste or community whose presence in the body is less than 25% of its proportion in the population.

B. EDUCATIONAL

1. Castes and communities, whose literacy rate is at least 8% less than the State or district average.
2. Castes and communities of which the proportion of matriculates is at least 20% less than the State or district average.
3. Castes and communities, of which the proportion of graduates is at least 20% less than the State or district average.

C. ECONOMIC

1. Castes and communities, a significant proportion of whose members reside only in Kaccha houses.
2. Castes and communities, the share of whose members in number of cases and in extent of agricultural lands surrendered under the Agricultural Land Ceiling Act of the State, is nil or significantly low.

3. Castes and communities, the share of whose members in State Government posts and services of Groups A & B/Classes I & II, is not equal to the population-equivalent proportion of the caste/community.

Illustration :

Population—equivalent proportion

Population of a State	10,00,000
Population of the caste/community under consideration in the State	1,00,000
Proportion of the population of the caste/community under consideration to the total population of the State	10%
Number of posts in Class-I in the State	1,000
Therefore, population equivalent proportion of Class-I posts in the State in respect of the caste/community under consideration	100

Explanation 1 : In the case illustrated above, if members belonging to the caste/community under consideration hold 100 Class-I posts or more, its share is equal to or more than its population-equivalent proportion.

In that case that caste/community will not be considered to have fulfilled this indicator of backwardness.

In the case illustrated above, if the members of the caste/community under consideration have 99 Classes-I posts or less, its share is less than its population-equivalent proportion and will, therefore, be considered to have fulfilled this criterion of backwardness.

Explanation 2 : This guideline is only an indicator to assess backwardness or its absence and has no relation to the condition of inadequacy under Article 16(4).

Explanation 3 : The population-equivalent proportion of posts may be composed of posts secured through merit only or through reservation only or through both—figures need to be furnished separately for posts secured through merit/posts secured through both—figures need to be furnished separately for posts secured through merit/posts secured through reservation.

- D. In addition to the above, arising from Article 16(4) the following condition has also to be fulfilled :—

Castes and communities, which are not/are inadequately represented in the Central Government posts & services of

Groups A & B.

Each Group/Class should be taken separately.

PROCEDURAL CLARIFICATION ON GUIDELINES

- The above social, educational and economic guidelines for consideration of requests for inclusion in the list of Other Backward Classes are intended to aid the Bench/Commission to identify Castes and communities which deserve to be included in the list of OBC in terms of the National Commission for Backward Classes Act and not to fetter due exercise of discretion by it.
- The term 'local', wherever used, is intended to mean State level or intra-State regional level or district level, as appropriate, in the light of the demographic distribution of the caste/community concerned.
However, wherever the Bench/Commission has adequate reasons, the sub-district level positions may be taken into account.
In some guidelines State or local, or State or district have been given as alternatives. In such instances the appropriate alternative may be chosen depending on the circumstances such as demographic distribution, ready availability of data etc.
- Some of the guidelines are capable of quantification but data are not available in every State. In respect of States, where such data are readily available (e.g. specific percentage figures), the Bench/Commission may examine the cases before it in terms of such quantifiable data and their own observations as well and other relevant materials that may be available to it. In respect of States where such quantifiable data are not available, the Bench/Commission may consider castes/communities on the basis of their own observations and other relevant materials that may be available to it.

4. Under each of the categories A, B & C, of guidelines, there are 3 or 4 guidelines. They are not necessarily cumulative. Cumulative data would no doubt be advantageous. But where data-base does not readily permit, each caste or community may be considered in terms of such of the guidelines under each of the categories A, B & C as are practicable.
5. Regarding the condition at D, till information regarding the position of each caste in the Government of India's services becomes readily available, it may be presumed that this factor is fulfilled by a caste/community/sub-caste/synonym/sub-entry, in case it is found that it fulfills the guideline in C 3.
6. Wherever a caste or community fulfills the guidelines 2(e) or (f) or (g) or (h), the Bench/Commission may take it as adequate evidence of backwardness. In such cases, the Bench shall take into account such other data/information that may be made available to it or comes to its notice, and it may make such further inquiry as it deem proper and necessary. Having done so and being satisfied that there are no sufficient grounds to take a contrary view regarding the backwardness of the caste or community making the request, the Bench may, after examining the matter of inadequacy of representation as indicated in D, proceed to formulate its findings.
7. Occupations mentioned at guideline 2(e) and 2(f) may include traditional artisanal crafts; fishing hunting, bird-snaring; agricultural labour on the lands of others; earth work, stone-breaking, salt manufacturing, lime-burning; toddy-tapping; animal rearing; butchery; hair-cutting; washing of clothes; ferrying by boat; safai (i.e. "scavenging"); knife grinding, grain roasting; entertaining through song and dance, acrobatics jugglery, snake-charming, acting; begging or mendicancy.
Explanation : This refers only to castes or communities which traditionally depended on begging or mendicancy in the past i.e. until it was prohibited by law.
 The Bench/Commission may take into account any other occupation which may be similar to these occupations.
8. In respect of any case of request, found to be one of apparent "clerical" error, or factual mistakes at the stage of preparation of the common lists and if there is no contrary view expressed and data furnished before or otherwise available to/in the notice of the bench/Commission such castes/communities may be included and findings/advice formulated to that effect.
9. In case of synonyms/sub-castes/different names of the same caste or community/local variants of the same caste or community, if and after it is established that, they are, in fact, such synonyms/sub-castes/different names of the same caste/local variants, etc. and if there are no contrary views expressed and data furnished before or otherwise available to/in the notice of the Bench/Commission and the Bench/Commission does not find any ground to take a contrary view, such synonyms/sub-castes/different names of the same caste/local variants of the same caste, such cases may be included, and findings/advice formulated to that effect.
10. In all cases, publicity regarding the date and venue of the sitting of the Commission's bench and the castes/communities etc. to which the sitting pertains may be made through mass media and all those who have any views to express or data to furnish to the bench may be invited to do so, in addition to addressing the State Governments and applicants to furnish all material and data in their possession.
11. These guidelines of identification and procedure will be applicable to all categories of States/UTs and all categories of castes/communities whether included in the State list but in the Mandal List or included in the Mandal list but not in the State list, or included in neither.

**NATIONAL COMMISSION FOR BACKWARD
CLASSES**

QUESTIONNAIRE FOR CONSIDERATION OF REQUESTS FOR INCLUSION
AND COMPLAINTS OF UNDER-INCLUSION IN THE CENTRAL LIST OF
OTHER BACKWARD CLASSES

CONTENTS

	PAGE
Guidelines for Filling up Questionnaire	47
PART-I	
General Descriptive Data of the State	49
PART-II	
General Data of the Caste/Community Under Consideration	53
<i>Data Relating to Social and other Factors</i>	
A. Social	54
B. Educational	57
C. Economic	59
D. Representation in the Services of Central Government	61
E. Miscellaneous	63

GUIDELINES FOR FILLING UP QUESTIONNAIRE

1. This Questionnaire is issued by the National Commission for Backward Classes (NCBC) to elicit necessary information and data which will enable the Commission to consider the requests for inclusion and complaints of under-inclusion in the Central list of Other Backward Classes (OBC). The Questionnaire is required to be filled up in every case by the State Government as also the party (individual, association, institution etc.) making the request/complaint. Experts/expert institutions may also be invited to furnish data on the Questionnaire or any part thereof by the NCBC or the State Government.
2. Separate Questionnaire is to be filled up in respect of each caste/community/sub-caste/sub-community/social group under consideration.
3. The Questionnaire consists of two Parts. Both Parts are expected to be filled up by the State Government, and by or on behalf of the caste/community making the request or complaint.
4. Part-I of the Questionnaire relates to General Descriptive Data of the State. After it is filled up once, it obviously will not have to be filled up again and again by the State Government and a copy of the same can be attached to the responses to the Questionnaire in respect of every caste/community under consideration, in that State.
5. Part-II of the Questionnaire is designed to secure a complete and comprehensive profile of each caste/community in respect of which a request for inclusion or a complaint of under-inclusion in the Central list of Other Backward Classes is received. The data furnished in response to Part-II will not only help the Commission to formulate its advice on the requests for inclusion and complaints of under-inclusion, but also help in building up a data-base for continuous monitoring which is essential for helping each backward caste/community in a substantive and meaningful manner over time. However, in order that the immediate task of inclusion of deserving castes/communities in the Central list of OBC is speeded up to the maximum extent possible, the following procedure may be followed :—

- (i) The questions have been categorised in two phases. Phase-I consists of questions to which answers are necessarily required for consideration of requests for inclusion and complaints of under-inclusion. Phase-II consists of questions, answers to which will be helpful but are not indispensable for the immediate purpose, and are essential for building up a sound data-base required for periodic monitoring and for formulating measures for securing the progress of the OBC. The Phase-II questions are the following :

Part-I	General Descriptive Data of the State	Questions 4, 5, 6, 13, 14, 15, 16(e), 16(f) 23(b)(iii), 23(b)(iv), 23(c), 23(d)(iii), 23(d)(iv) 23(e)(iii), 23(e)(iv), 23(f), 23(g).
Part-II	A. General Descriptive Data of the Caste/Community	Questions 6, 7, 8 and 10
	B. Educational	Questions 2, 4 and 6.
	C. Economic	Question 3 Group C/Class III, Group D/ Class IV, Question 4 Question 5
	D. Representation in the Services of Central Government	Question 1 Group C & Group D Question 2 Group C & Group D Question 3 Group C & Group D Question 4 Group C & Group D Question 5 Group C & Group D

All the questions, which are not listed above as Phase-II questions, are Phase-I questions.

Wherever answers to both Phase-I and Phase-II questions can be furnished without loss of time, answers to both phases may be furnished together. Wherever it is possible to furnish answers only to some of the Phase-II questions without loss of time, they may also be furnished along with answers to Phase-I questions, and answers to other Phase-II questions may be furnished later. Wherever it will take time to furnish answers to any of the Phase-II questions, answers to Phase-I questions may be furnished first at the earliest and answers to Phase-II questions may be furnished later.

- (ii) As another measure for speeding up findings, the Commission has devised a "fast-track". Questions 7, 8, 9 and 10 of 'Part-IIA. Social' pertain to the "fast-track". Answers to these "fast-track" questions may be furnished on topmost priority basis to facilitate the process of expeditiously clearing this category of cases.

6. Whenever information or data is supplied against any question, the source of such information and data may be indicated as also the basis for its authenticity.
7. Some of the questions require answers in terms of quantitative data. Wherever up-to-date and precise quantitative data are not readily available, information may first be furnished on the basis of the best possible approximation (specifying and explaining the basis of the approximation) and thereafter, as early as possible, up-to-date and precise quantitative data may be gathered and furnished.
8. Those filling up the Questionnaire will no doubt be aware that supplying of incorrect information or data will affect credibility.
9. The Commission or its Bench may call for any further particulars as and when necessary.
10. Wherever necessary please add additional sheets or annexures with suitable referencing in the main Questionnaire form.
11. In the Questionnaire at a number of places, year of reference has been asked for. Wherever this has been asked for the data pertaining to the latest year for which data is available may be furnished, specifying the year.

QUESTIONNAIRE

PART I

General Descriptive Data of the State

1. Name of the State
2. Population of the State
3. Population of the State as percentage of All India Population
4. Population of OBC in the State
5. Percentage of OBC population to the total State population
6. Percentage of the State OBC population to the All India OBC population
7. Scheduled Caste population in the State
8. Percentage of Scheduled Caste population to the total State population
9. Percentage of Scheduled Caste population to the All India Scheduled Caste population
10. Scheduled Tribe population in the State
11. Percentage of Scheduled Tribe population to the total State population
12. Percentage of Scheduled Tribe population to the All India Scheduled Tribe population
13. Total population of Backward Classes (SCs+STs+OBC) in the State
14. Percentage of Backward Classes population to the total State population
15. Percentage of total Backward Classes population of the State to the All India Backward Classes population
16. (a) When was reservation for OBC in the services of the State started ?
 (b) What was the percentage of such reservation for OBC then ?
 (c) Furnish changes if any, in respect of reservation for OBC and its percentage, made from time to time
 (d) What is the present percentage of reservation for OBC ?
 (e) Furnish statistical data of the quota of reservation for OBC and its fulfilment year-wise for the last ten years indicating shortfalls, if any
 (f) Reasons for shortfalls and remedial measures taken
17. Has the State government set up any machinery/cell for monitoring the implementation of the reservation scheme for the OBC in the State ? If so, furnish particulars

18. What steps has the State government taken and proposes to take for helping and enabling the OBC to successfully compete and secure appointments in the Central Services (services under Govt. of India, Public Sector Undertakings, Financial Institutions etc.)

19. Literacy rate of the state :

(in percentage)

	All (Male+Female)	Male	Female
State Literacy			
Total (Rural+Urban)			
Rural			
Urban			
Scheduled Castes			
Total (Rural+Urban)			
Rural			
Urban			
Scheduled Tribes			
Total (Rural+Urban)			
Rural			
Urban			
OBC			
Total (Rural+Urban)			
Rural			
Urban			

20. Number of entries of castes/sub-castes etc. included in :
- State list
 - Mandal list
 - Common list
21. Particulars of Commissions/Committees appointed in the State up-to-date :
- Name of the Commission/Committee
 - Chairperson
 - Number of Members including Chairperson
 - Date of appointment
 - Date of Report
 - Whether the Report has been accepted by the Government or not
 - Any other important information
22. Particulars of Commission/Committee appointed pursuant to the Mandal judgment of the Supreme Court :
- Whether statutory or not
 - Names of the Chairperson and other Members
 - Whether any report has been presented by such Commission/Committee and if so, what action has been taken on the same by the Government
23. (a) Total number of posts in services under the State Government
- Year of Reference
- Group A/Class I :
 - Group B/Class II :
 - Group C/Class III :
 - Group D/Class IV :

- (b) Out of the total number of posts number of posts held by the members of all OBCs

Year of Reference

(i) Group A/Class I :

(ii) Group B/Class II :

(iii) Group C/Class III :

(iv) Group D/Class IV :

- (c) Out of the total number of posts, number of posts held by each caste/community included in the list of OBCs of the State, separately in the following format :

Name of caste/community	Group/Class of Posts				Year of Reference
	A/I	B/II	C/III	D/IV	
1.					
2.					

- (d) Out of the total number of posts, number of posts held by SCs :

Year of Reference

(i) Group A/Class I :

(ii) Group B/Class II :

(iii) Group C/Class III :

(iv) Group D/Class IV :

- (e) Out of the total number of posts, number of posts held by STs :

Year of Reference

(i) Group A/Class I :

(ii) Group B/Class II :

(iii) Group C/Class III :

(iv) Group D/Class IV :

- (f) Number of posts held by the single OBC caste/community accounting for the largest number/percentage of the posts held by all OBC castes/communities

Year of Reference

(i) Group A/Class I :

(ii) Group B/Class II :

(iii) Group C/Class III :

(iv) Group D/Class IV :

(g) Number of castes/communities among the OBC not holding any post—(specify names of such castes/communities)

Group/Class of Posts Year of Reference

Name of caste/community

A/I B/II C/III D/IV

1.

2.

3.

4.

(d) Out of the total number of posts, number of posts held by OBCs

Year of Reference

(i) Group A/Class I :

(ii) Group B/Class II :

(iii) Group C/Class III :

(iv) Group D/Class IV :

(e) Out of the total number of posts, number of posts held by OBCs

Year of Reference

(i) Group A/Class I :

(ii) Group B/Class II :

(iii) Group C/Class III :

(iv) Group D/Class IV :

(f) Out of the total number of posts, number of posts held by OBCs

PART II

General Data of the Caste/Community Under Consideration

1. Name of the caste/sub-caste/community/Social group/synonym in respect of which the request for inclusion or complaint of under-inclusion has been made.
2. Name and address of the individual/organisation/representative making the request or the complaint
3. Is it the main caste/community ? If not, give the name of main caste/community
4. Give the names of other sub-castes/sub-communities, synonyms etc.
5. Is the caste/community/sub-caste/known by any other name ?
6. Population in the State of the caste/sub-caste/community/sub-community/synonym etc. in respect of which the request or complaint has been made.
7. (a) Percentage of the population of the caste/sub-caste under consideration to the total OBC population of the State
(b) If the caste/community under consideration is a sub-caste/sub-community, then give the percentage of this sub-group to the total population of the main caste/community in the State
8. Percentage of the population of the caste/sub-caste etc. to the total State population
9. Whether the caste/community/sub-caste/social group is spread all over the State or largely concentrated in some districts of the State ? In case of the latter position, give the names of the districts where there is large concentration.
10. Give district-wise population figures of the caste/sub-caste etc. under consideration. Also furnish the total population of each such district
11. Whether the caste/sub-caste etc. is included in :
(a) the State List (if included, give its serial number in the State list, with date of its inclusion)
(b) the Mandal List for the State (if included, indicate the serial number in the Mandal list)
12. Is the caste/sub-caste etc. listed as a backward class in any other State(s).
If yes, give the name(s) of the State(s) and the serial number(s) in the State list(s)
13. Specify the religion/faith/sect if any which members of the caste/community/sub-caste etc. (on whose behalf request/complaint has been made) follow
14. Date of request/complaint

Data relating to Social and Other Factors

A. Social

1. Whether the caste/community under consideration is generally regarded as socially backward or socially not backward
2. (a) What is the occupation on which the members of the caste/community mainly depend for livelihood? Specify the occupation
 (b) Indicate whether the occupation is agricultural or non-agricultural
 (c) If agricultural, what proportion (approximately) of the members of the caste/community are landholders with holdings of more than 50% of the statutory ceiling limit for agricultural lands in the State
 (d) (i) If agricultural :
 Do the activities of their occupation mainly involve manual labour or do not mainly involve manual labour
 (ii) If agricultural activities involve manual labour, whether it is manual labour rendered for wage or manual labour on own land
 (e) (i) If not agricultural :
 state which occupation are the members engaged in
 (ii) Do the activities of the above mentioned occupation mainly involve manual labour or does not mainly involve manual labour
 (iii) If the above-mentioned occupation involves manual labour, whether it is manual labour rendered for wage or manual labour rendered on own works
 (iv) has the caste or community got or acquired significant resource base in the form of
 (a) Infrastructure such as land, buildings, workshops, quarries, etc.
 (b) Machines and equipment necessary for carrying out the occupation. Are the machines and equipment traditional or are they modern?
3. Whether there are any occupations other than the main occupation referred to at 2(a), on which substantial numbers of members of the caste/community depend for livelihood. If so, specify such occupations
4. (a) Whether or not the women of the caste/community, as a general practice, are, for their own or for their family's livelihood, engaged in agricultural labour for wage
 (b) Whether or not the women of the caste/community, as a general practice, are, for their own or for their family's livelihood engaged in any other manual, i.e., non-agricultural labour for wage
 If so, specify the type/nature of manual labour :
5. (a) Whether or not children of the caste/community, as a general practice, are, for their family's livelihood or for supplementing their family's income, engaged in agricultural labour

(b) Whether or not the children of the caste/community, as a general practice, are, for their family's livelihood or for supplementing their family's low income, engaged in any other manual, i.e., non-agricultural, labour

If so, specify the type/nature of the manual labour

6. What percentage of the population of the caste/community etc. (male, female, children taken together) are landless manual (both agricultural and non-agricultural) labourers ?

Explanation : The term "landless" includes those who have not more than 1 hectare of unirrigated land and have no irrigated land at all

7. Whether the caste/community is, in terms of the caste system, identified/linked with any traditional craft

If so,

(a) Specify which traditional craft are they identified/linked with ?

(b) The percentage (approximately) of the population of the adult members (males and females taken together) of the caste/community, actually engaged in that craft.

(c) Of the adult members of the caste/community who are actually not engaged in that craft, what proportion (approximately) are engaged in :—

- (i) agricultural labour for wage
- (ii) other manual labour for wage (specify which)
- (iii) cultivation of own land
- (iv) other occupations [like services (clerical/supervisory/managerial/academic) in Government, Public Sector, Universities, Colleges & Schools, organised private sector, trade/commerce/contracts/entrepreneurial manufacture, professions (lawyer, doctor, consultancy etc.)]

Specify the occupation(s) :—

8. (a) Whether the caste/community is, in terms of the caste system, identified/linked with any other traditional or hereditary occupation, (i.e., other than traditional crafts).

If so, specify which occupation(s)

(b) Whether such traditional or hereditary occupation is, in terms of the caste system, regarded to be lowly, undignified, unclean or stigmatised ?

(c) The proportion (approximately) of the adult members (males and females taken together) of the caste/community actually engaged in that occupation

(d) Of the adult members of the caste/community who are actually not engaged in that occupation, what proportion (approximately) are engaged in :—

- (i) agricultural labour for wage
- (ii) other manual labour for wage (specify which kind of manual labour)
- (iii) cultivation of own land

(iv) other occupations [like services (clerical/supervisory/managerial/academic) in Government, Public Sector, Universities, Colleges & Schools, organised private sector/trade/commerce/contracts/entrepreneurial manufacture, professions (lawyer, doctor, consultancy etc.)]

Specify the occupation(s)

9. (a) Is the caste/community categorised as :—

(i) Nomadic caste/community/tribe ?

if so,

name the Commission(s)/Committee(s)/Report(s) which has so categorised it

(ii) Semi-nomadic caste/community/tribe ?

if so,

name the Commission(s)/Committee(s)/Report(s) which has so categorised it

(b) If the answer to (i) or (ii) is yes, What is the present occupation(s) of the members of the caste/community ?

10. (a) Is the caste/community categorised as De-notified or Vimukta Jati caste/community/tribe [in terms of Criminal Tribes (Repeal) Act, 1952, Act No. XXIV of 1952]

(b) If the answer is yes, what is the present occupation(s) of the members of the caste/community ?

11. Was the caste/community subject to bonded labour ? If so, since when ? Is it still being so subjected ?

12. (a) Number of MLAs belonging to the caste/community on the date of application and their proportion to the total strength of the Legislative Assembly

(b) Furnish separately the number of MLAs belonging to the caste/community during the twenty-five years preceding the date of application

13. (a) State the number of members of the caste/community elected to the elective bodies at the district level, i.e., panchayati raj institutions—Zilla Parishad, Zilla Panchayat, District Council etc. Give the figures for the ten years preceding the date of application

(b) Give the total number of elected members in the State in such district level elective bodies during the above period

B. Educational

1. (a) (i) Number of literates of the caste/community in the State
(ii) Literacy rate of the caste/community in the State

Specify year of reference

- (b) (i) Total number of literates in the State
(ii) Total Literacy rate of the State

Specify the year of reference

Where the caste/community is not spread over in the entire State but is largely concentrated in one or a few districts, also furnish the following information.

- (c) (i) Number of literates of the caste/community in the district
(ii) Literacy rate of the caste/community in the district

Specify the year of reference

- (d) (i) Total number of literates in the district
(ii) Total literacy rate of the district

Specify the year of reference

2. Out of the total number of literates of the caste/community in the State, please furnish the total number of female literates of the caste/community

Specify the year of reference

3. (a) Number of Matriculates (or equivalent High School Examination) among the members of the caste/community in the State

Specify the year of reference

- (b) Proportion of matriculates of the caste/community to the total population of the caste/community in the State

- (c) Total matriculates in the State :

Specify the year of reference

- (d) Proportion of total matriculates in the State to the population of the State

Where the caste/community is not spread over in the entire State but is largely concentrated in one or a few districts, also furnish the following information

- (e) No. of matriculates among the members of the caste/community in each of the concerned districts

Specify the year of reference

- (f) Proportion of matriculates of the caste/community in the district to the total population of the caste/community in the district

- (g) Total number of matriculates in the district

Specify the year of reference

- (h) Proportion of total matriculates in the district to the total population in the district

4. Out of the total, number of matriculates of the caste/community in the State, please furnish the total number of female matriculates among the members of the caste and community in the State.

Specify the year of reference

5. (a) Total number of all graduates (in arts, commerce, law, management, science, applied, technological, technical, professional etc. fields) among the members of the caste/community in the State

Specify the year of reference

- (b) Proportion of total number of graduate of the caste/community to the total population of the caste/community in the State

- (c) Total number of graduates in the State

Specify the year of reference

- (d) Proportion of total number of graduates in the State to the total population of the State

Where the caste/community is not spread over the entire State but is largely concentrated in one or a few districts, furnish also the following information

- (e) Number of graduates among the members of the caste/community in the district

Specify the year of reference

- (f) Proportion of graduates of the caste/community in the district to the total population of the caste/community in the district

- (g) Total number of graduates in the district

Specify the year of reference

- (h) Proportion of total number of graduates in the district to the total population in the district

6. Out of the total number of graduates of the caste/community in the State, specify how many among them are female graduates (arts, science, all other graduates taken together)

Specify the year of reference

C. Economic

1. What percentage (approximately) of the families of the caste/community in the State live in the type of houses indicated below :

Kaccha houses

(including huts and sheds)

Pucca Houses

(including Chawls)

Where the caste/community is not spread over the entire State but is largely concentrated in one or a few districts, then the above information may also be separately furnished districtwise in respect of the districts where the population is concentrated

2. (a) Total number of cases of surrender of agricultural land in the State under the Land Ceiling Act of the State
- (b) Out of this, the number of cases pertaining to the caste/community
- (c) The total area (in hectares or acres) involved in the cases at (a)
- (d) Out of this, the area pertaining to the members of the caste/community

Where the caste/community is not spread over the entire State but is largely concentrated in one or a few districts, the following information may be further furnished :

- (e) Number of cases of surrender of agricultural land in each district under the Land Ceiling Act of the State
- (f) Out of this, the no. of cases pertaining to the caste/community
- (g) The total area (in hectares or acres) involved in the cases at (e)
- (h) Out of this the area pertaining to the members of the caste/community
3. Number of posts in the services of the State Government held by the members of the caste/community under consideration

Year of reference

Group A/Class I :

Group B/Class II :

Group C/Class III :

Group D/Class IV :

4. Besides State Government Services, state how many persons of the caste/community under consideration are engaged in the following areas of employment and professions
- (a) State level Public Undertakings, autonomous/semi-autonomous establishments
- (b) (i) Teachers in colleges and universities
- (ii) Administrative Personnel in Colleges and Universities
- (c) Doctors
- (d) Lawyers
- (e) Engineers and Architects
- (f) Chartered Accountants

(g) Income Tax, financial and management consultants

(h) Media professionals

(i) Defence services

(Major in the Army and above, equivalent ranks of Navy and Air-force)

(j) Any other important fields of employment or profession

(Specify the fields)

5. State what percentage of the members of the caste/community is income-tax assessee on account of trade/business

D. Representation in the Services of Central Government

1. Total number of posts under the Central Government :

Year of reference

Group A :

Group B :

Group C :

Group D :

2. (a) Number of posts held by all OBC in the present Central List (Common List)

Year of reference

Group A :

Group B :

Group C :

Group D :

(b) Number of posts held by each caste/community in the Central List (Common List) separately (Serial Number as given in the Central List may be indicated)

	Group/Class of Posts			
	A/I	B/II	C/III	D/IV
1.				
2.				
3.				
4.				
—				
—				

Year of reference

Explanation : As and when any caste/community is added to the list, the data against Q. 2(a) and 2(b) may be updated

3. Number of posts held by SCs :

Year of reference

Group A :

Group B :

Group C :

Group D :

4. Number of posts held by STs :

Year of reference

Group A :

Group B :

Group C :

Group D :

5. Number of posts held by the caste/community under consideration :

Year of reference

Group A :

Group B :

Group C :

Group D :

1.

2.

3.

4.

5.

6.

7.

8.

9.

10.

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15.

16.

17.

18.

19.

20.

21.

22.

23.

24.

25.

E. *Miscellaneous*

1. (a) What are the main reasons on account of which the caste/community consider itself to be backward
- (b) What are the main reasons on account of which the caste/community is considered backward or not backward by the State Govt.
- (c) Has there been any improvement in the condition of the caste/community during the last twenty years ? If so, in what respects ?
- (d) Has there been any deterioration in the condition of the caste/community during the last twenty years ?

If so, in what respects ?

NOTE : Support your reasoning with authentic evidence as far as possible

2. (a) Furnish the names of two castes/communities (whether from among the backward or forward castes/communities) at a level immediately higher than the caste/community under consideration

Give reasons

(b) Furnish the names of two designated backward castes/communities in the State, along with serial number in the State List, which are more or less at the same level as the caste/community under consideration

Give reasons

3. Any other points besides those covered by the questionnaire above which need to be mentioned in respect of the request or complaint

ANNEXURE IV-1

*State-wise number of Requests for Inclusion and complaints of Under-Inclusion or over-Inclusion of Castes/
sub-castes/communities/sub-communities in the Central List of Backward Classes received from
Associations/Organisations, individuals and State Governments*

Sl. No.	State/UT	Requests for Inclusion	Requests for Exclusion
1.	Andhra Pradesh	49	
2.	Bihar	27	
3.	Goa	12	
4.	Gujarat	7	
5.	Haryana	6	
6.	Himachal Pradesh	1	
7.	Karnataka	88	
8.	Kerala	35	2
9.	Madhya Pradesh	33	
10.	Maharashtra	15	
11.	Orissa	31	
12.	Punjab	1	
13.	Rajasthan	45	2
14.	Tamil Nadu	77	14
15.	Tripura	1	
16.	West Bengal	4	
17.	Uttar Pradesh	77	
Total		509	18

State-wise number of Advices sent to the Government of India

ANNEXURE IV-2

S. No.	Name of the State	Inclusion by correction of error in spellings etc.	Inclusion of synonyms or regional names	Inclusion of members of the community professing one or the other minority religion	Inclusion of members of the community professing majority religion whereas the members of the same caste/ community professing one or the other minority religion already stand included	Inclusion of new synonyms sought by certain castes/ communities	Inclusion of completely new communities not previously included in the list	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	Andhra Pradesh	17	3	—	—	2	—	22
2.	Karnataka	22	—	—	—	—	—	22
3.	Kerala	10	—	—	—	—	5	15
4.	Madhya Pradesh	1	—	—	—	—	—	1
5.	Tamil Nadu	61	—	—	—	—	—	61
6.	Uttar Pradesh	18	—	18	1	1	2	40
		129	3	18	1	3	7	161

*State-wise List of castes/communities/Sub-castes/ synonyms/regional names etc.
Covered by the Advices of the NCBC*

Andhra Pradesh

1. Nayi-Brahmin (Mangali)
2. Rangarez or Bhavasara Kshatriya
3. Nayyala
4. Pallireddi
5. Chunduvallu
6. Mondepatta
7. Nokkar
8. Odde, Oddilu, Vaddi, Vaddelu
9. Yata
10. Gamalla
11. Gandla, Telikula, Jandra
12. Kaikolan
13. Karnabhakhthulu
14. Perike Balija
15. Thogati
16. Thogata Sali
17. Vadla
18. Krishnabalija Chattadasrivaishnava
19. Chattadasri Vaishnava
20. Dasari (formerly engaged in Bhikshatana)
21. Surya Balija (Kalavanthula), Ganika
22. Nagavamsa

Karnataka

1. Chapparband
Chapparbanda
2. Kunchi
3. Pichuguntala
4. Medara
5. Kansar
6. Kuruba
7. Mudhar
8. Mukkavan
9. Vokkaliga
10. Sappaliga
11. Naikamakkalu
12. Talwar
13. Modikar
14. Full-Mali
15. Bhavin, Binapatta
16. Bogodi
17. Chunchar, Digwan, Jingar
18. Giddidki
19. Karuva
20. Kusavan
21. Uppunador
22. Kalal

Kerala

1. Mukaya, Mogaveera
2. Devadiga
3. Ganika
4. Thattan, Pandithattan
5. Perumkollan
6. Kannadiyan
7. Kavudiyaru
8. Koteyar
9. Veerasaiva
10. Vilakkithalavan
11. Valan
12. Bovi Mukayar
13. Nulayan
14. Valinjar
15. Paniakkal

Madhya Pradesh

1. Kurami, Kurmi

Tamil Nadu

1. Kalari Kurup
2. Kalari Panicker
3. Kalveli Gounder
4. Twenty Four Manai Telugu Chetty
5. Thacher
6. Viswabrahmin
7. Kanisu
8. Dasapalanjika
9. Tirumudi Vellalar
10. Koppala Velama
11. Koteyar
12. Namdev Mahratta
13. Sembanad Maravar
14. Christian Gramani
15. Naikkar
16. Perumkollar
17. Senaithalaivar
18. Senaikudiyar
19. Illaivanian
20. Sozha Vellalar
21. Kodikalkarar
22. Keeraikarar
23. Uppillia
24. Kappiliya
25. Jambuvanodai
26. Mutlakampatti
27. Chattada Srivaishnava
28. Thottiya Naicker
29. Velakkathalanair

30. Golla
31. Gorrela Dodda Boya
32. Koottappal Kallar
33. Piramalai Kallar
34. Periasooriyur Kallar
35. Anuppa Gounder
36. Karumar
37. Seer Karuneegar
38. Sri Karuneegar
39. Valaiyar
40. Gandarvakottai Koravar
41. Kala Koravar
42. Kalinji Dabikoravar
43. Attur Melnad Koravar
44. Attur Kilnad Koravar
45. Isaivellalar
46. Kurhini Chetty
47. Sembadavar
48. Saranga Palli Koravar
49. Katesar
50. Telugupatty Chetty
51. Salavai Thozhilalar
52. Kerala Mudali
53. Mooppan
54. Pattariyar
55. Yogeeswarar
56. Thalli Koravar (in Salem District)
57. Kaikatti Karuneegar
58. Mathuvazhi Kanakkar
59. Sozhi Kanakkar
60. Sunnambu Karuneegar
61. Telugu Chetty

Uttar Pradesh

1. Prajapati
2. Saini
3. Halalkhor
4. Nai
5. Rangrez
6. Kunjra or Rayeen
7. Teli
8. Banjara
9. Gaddi
10. Gujar
11. Bhathiara
12. Manihar
13. Lohar
14. Halwai
15. Barhai
16. Nut (excluding those who are included in Scheduled Castes)

17. Momin (Ansar)
18. Kassab
19. Mirasi
20. Hajjam (Nai)
21. Faqir
22. Naddaf (Dhunia)
23. Dhobi
24. Kachhi
25. Kisan
26. Kasgar
27. Kunjra or Rayeen
28. Gaddi
29. Giri
30. Kassab
31. Dafali
32. Nut (excluding those in SC)
33. Bind
34. Bhar
35. Bharbhuj
36. Bhathiara
37. Murao or Mura
38. Muslim Kayastha
39. Naddaf
40. Marchha

NATIONAL COMMISSION FOR BACKWARD CLASSES

Resolution passed by the NCBC in its Meeting held on the 25th and 27th July, 1994

Payment of Grants to the Commission by the Central Government.

The commission after considering the matter in detail resolved as follows :—

Section 12(1) of the NCBC Act, 1993 requires that the Central Government, after due appropriation made by Parliament by law in this behalf, *shall* pay to the Commission by way of grants such sums of money as the Central Government may think fit for being utilised for the purpose of this Act.

It needs no emphasis that the statutory provisions of Section 12(1) of the Act are mandatory and required to be acted upon without any delay. The contents of this Section are both substantive and procedural and neither require nor permit any procedural modifications or interpositions in the matter of payment of the grant by the Central Government to the Commission.

The Commission was constituted by the Notification dated 14th August, 1993. All this while, the Commission considered that the provisions of Section 12(1) of the Act would be duly taken note of by the Government (Ministry of Welfare) and the payment of the grant would be made, but when after waiting even for about 10 months the Commission found that steps for compliance with the provisions of Section 12(1) had not taken place, the Commission had to bring this matter to the notice of the Ministry as in the absence of the release of the grants in accordance with the statutory provision, the Commission's work is not only hampered but greatly dislocated.

Section 32 of the Protection of Human Rights Act, 1993 and Section 11 of the National Commission for Women Act, 1990 contain provisions for grant by the Central Government which are identical to Section 12 of the NCBC Act.

Accordingly, Govt. of India, Ministry of Home Affairs, has by their Order No. 13026/130/93-HR dated the 7th June, 1994 released the first instalment of Grant-in-Aid to the National Human Rights Commission—promptly after appropriation made by Parliament in the budget session. Similar practice is also seen in respect of the National Commission for Women which was earlier looked after by the Ministry of Welfare and subsequently transferred to the Ministry of Human Resources Development.

Since it has been possible to promptly release lump sum grant to the National Commission for Human Rights set up after this Commission was set up, it should pose no problem for the Ministry of Welfare to start implementing the statutory provision in Section 12 of the NCBC Act and release lump sum grant to this Commission without any further delay and without any procedural interpositions.

The Commission therefore requests the Ministry of Welfare to release to the NCBC by way of grant, the amount appropriated in the Budget for 1994-95 by the Parliament for the National Commission for Backward Classes, without any further delay.

RESOLUTION

Passed by the National Commission for Backward Classes at its Meeting on the 12th June, 1995

The Commission welcomed the recent decision of the Government of India according to the Rank of Cabinet Minister of the Union to the Chairperson of the Commission. While this partially removes the functional constraints, which had been pointed out in an earlier resolution of the Commission communicated to the Govt. (copy enclosed), recommending the rank of Cabinet Minister of the Union to the Chairperson and the Rank of Minister of State (Independent Charge) of the Union for the other four Members, the same constraints in respect of the other four members remain.

2. The functions of all the five members including the Chairperson in respect of the Commission's basic statutory task of examining requests for inclusion and complaints of under-inclusion or over-inclusion in the Central List of BCs are similar. In the course of their functioning, they have to interact with similar persons including Central Ministers and State Chief Ministers and Ministers and also with Central and State-level institutions. It is an important fact that the work of each of the Members of the Commission concerns the foundational aspect pertaining to the Backward Classes, from which all policies and programmes for Backward Classes, who form about half the population of the country, follow.

3. The above Rank for the other four Members automatically and with obvious logic follows from the rank conferred on the Chairperson. Further, the National Commission for Backward Classes Act, 1993 does not envisage a significant gap in the rank between the Chairperson and the other four Members.

4. The Commission, therefore, resolves to request the Government to issue the terms and conditions of all the five Members without further delay in the same Notification incorporating the Rank of Cabinet Minister of the Union for the Chairperson and Minister of State (Independent Charge) of the Union for each of the other four Members.