

# **Annual Report**

**1996-97 (Part), 97-98, 98-99 & 99-2000 (Part)**  
(with an overview since inception in 1993)

**National Commission for Backward Classes**  
Trikoot-I, Bhikaiji Cama Place,  
New Delhi-11006

28 February 2000



# CONTENTS

<b>Chapter-I</b>	<b>Retrospect</b>	<b>1-10</b>
<b>Chapter-II</b>	<b>Functions of the Commission</b>	<b>11-29</b>
<b>Chapter-III</b>	<b>Work done by the Commission</b>	<b>30-56</b>
<b>Chapter-IV</b>	<b>First National Conference on Backward Classes</b>	<b>57-87</b>
<b>Chapter-V</b>	<b>The Tasks Ahead</b>	<b>88-91</b>
<b>Chapter-VI</b>	<b>Recommendations &amp; Suggestions</b>	<b>92-121</b>
	<b>Annexures</b>	<b>122-260</b>





## **CHAPTER I --- Retrospect**

### **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 the 29<sup>th</sup> 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 the 30<sup>th</sup> March 1955. It was considered by the Government over the next half-decade but was rejected in 1961. With this rejection was lost an opportunity for the Central government to play its due Constitutional role and provide an integrated framework for the whole of the country for identifying the Backward Classes in a rational, socially realistic and consistent manner as had been done before Independence and continuing after Independence in respect of the SCs and STs, and provide for meaningful State intervention by the Central as well as

the State Governments to remedy the historically inherited iniquitous situation. About what happened in the Central Government during this 5-year period pregnant with tremendous possibility for initiating the process of bringing about social transformation which was thoughtlessly aborted, in 1961, the "Supreme Court" has made the following comments in its Mandal Judgement:-

"No meaningful action was taken after 1956 either for constituting another commission or for evolving a better criteria. Ultimately, on August 14, 1961, the Central Government wrote to all the State Governments inter alia, that 'while the State Governments have the discretion to choose their own criteria for defining backwardness, in the view of the Government of India it would be better to apply economic tests than to go by caste.'" The reference to better criteria in the above is with reference to the faults found by the Government of India in its Memorandum of action appended to the Report of the Kalelkar Commission while placing it on the table of the Parliament on September 3, 1956 in which inter alia the Govt. of India had found fault with certain tests adopted by the Commission for identifying the backward classes as one of the grounds for its rejection.

The "Supreme Court" characterises by the phrase "rather inexplicably" the observations of the Govt. of India in its above letter to all the State that 'even if the Central Government were to specify under Article 338(3) certain groups of people as belonging to other backward classes, it will still be open to every State Government to draw up its own lists for the purposes of Articles 15 and 16. As, therefore, the State Governments may

adhere to their own lists, any All-India list drawn up by the Central Government would have no practical utility.”

In fact, this is what ultimately the Govt. of India did or had to in 1990 and 1993, anticipating the events of the early 1990s. But this delay of more than one- generation- length of time proved very costly not only to Backward Classes but also for the country and its social and political stability based on Social Justice and fair play.

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 the 1<sup>st</sup> 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 the 31<sup>st</sup> December, 1980. The methodology of action , or rather inaction adopted after the Mandal commission's Report was similar to the post-Kalelkar methodology.

The first tangible step for the implementation of the recommendations of the Mandal Commission's Report was taken in 1990. It was on the 6<sup>th</sup> 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 7<sup>th</sup> August 1990. Formal orders were issued thereafter in Office Memorandum No.36012/31/90-Estt. (SCT) dated 13<sup>th</sup> 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 legally 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 , -----an approach that took four decades after the Constitution for acceptance by the Central Government in respect of the SCs and STs and another two years for implementation to commence. It was also laid down that the SEBCs 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. Another Office Memorandum was issued on 25<sup>th</sup> September 1991 reiterating in essence the O.M. of 13th August 1990 and partly modifying it. (Annexure I.2)

Soon after the issuance of the orders there were widespread protests against it, mostly in Northern States, provoked and promoted by short sighted vested interests devoid of patriotism and lacking in loyalty to the

provisions and values of Constitution of India. A number of writ petitions were filed 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.

The Supreme Court in its land-mark judgement dated 16.11.1992 in Writ Petition (Civil) No.930 of 1990, Indra Sawhney etc. Vs. Union of India and Others etc. etc. Popularly known as and here in after referred to as the Mandal Case, held O.M.No.36012/31/90-Est.(SCT) dated 13.8.1990 valid and enforceable subject to the exclusion to 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. 12011/16/93-BCC(c)-Ministry of Welfare dated the 22<sup>nd</sup> 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 the 23<sup>rd</sup> 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 12<sup>th</sup> March 1993 to give its advice to the Govt. of India on the categorisation of Backward Classes, in terms of the observation of the "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 for reasons not known that the Committee was not to proceed with this work and thereafter by letter No. 12011/51/93-BCC © dated 4<sup>th</sup> 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 as the lists contained in the Mandal Commission Report, referred to as 'common list' and to prepare other related lists. This report dated 26<sup>th</sup> June, 1993 was prepared by the Expert Committee to the Ministry of Welfare on 30<sup>th</sup> June 1993. Thus the stage was prepared for the operationalisation of the O.M. of the 13<sup>th</sup> 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 and Training dated 8<sup>th</sup> September 1993, and Resolution No. 12011/68/93-BCC(c), Ministry of Welfare dated the 10<sup>th</sup> September 1993

(Annexure I. 7 and I. 8). The O.M. dated the 8<sup>th</sup> September 1993 incorporated in the O.M. of the 13<sup>th</sup> 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 13<sup>th</sup> August 1990. The order contained in the Resolution dated the 10<sup>th</sup> September 1993 of the Ministry of Welfare notified the first phase lists or common list 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 Backward Classes took effect from the 8<sup>th</sup> 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 reservation roster and issue of certificates. Two orders in this regard dated the 22<sup>nd</sup> of October 1993 and 15<sup>th</sup> of November 1993 were issued (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) and another common list for UT of Chandigarh was issued by Govt. Of India on 11<sup>th</sup> December, 1997 (Annexure I.13).

### **Establishment of the National Commission for Backward Classes**

In the course of the Mandal judgement, views of the Supreme Court with regard to the nature and scope of a 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 section 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 thereof. 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 Supreme Court specified that 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 inquiry. 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 Backward Classes. 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 I. 14) setting up a National Commission for Backward Classes at the Centre. The Act came into effect on the 2<sup>nd</sup> April 1993. The Government of India constituted the Commission by its Notification No. 12011/34/BCC/Pt. I dated 14<sup>th</sup> August, 1993 with the first team of five Members with a tenure of three years .. 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.

After about six months on expiry of term of the Members of the first team, the Second team of Members of the Commission was nominated by the Central Government on 28-2-97. The Members of the Commission are:-

( i ) Justice P.K. Shyamsundar

Chairperson

( ii ) Shri P.S. Krishnan

Member-Secretary  
(who was also Member-Secretary in the 1<sup>st</sup> period)

- |                               |        |
|-------------------------------|--------|
| ( iii ) Shri U.P. Singh       | Member |
| ( iv ) Shri Sahu Akshaya Bhai | Member |
| ( v ) Shri Navtej Puadhi      | Member |

The Commission lost the services of Member Shri Navtej Puadhi on account of his sad, sudden and untimely demise on 16.8.98. The Government appointed Member Shri M.S.Matharoo with effect from 14.7.99 against the vacancy of Member Shri Navtej Puadhi.

## **CHAPTER –II --- Functions of the Commission**

### **Principles and Procedure of the Functioning of the Commission**

The functions of the Commission are laid down in section 9 and section 11 of the Act. Under sub-section (1) of Section 9 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”. “Complaints of Overinclusion” is equivalent to Requests to delete an existing entry from the Central List of Backward Classes.

The term “list” in the above section refers, as defined in clause ( c ) of section 2 and which is the definition section of the Act “ 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”. The term “backward classes” has been defined in clause (a) of the same section to mean 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”.

Under Section 9(2) of the Act, "The advice of the Commission shall ordinarily be binding upon the Central Govt." This mandatory provision is based on and incorporates the directions of the "Supreme Court" in its Mandal Judgement, while directing the Government of India and the State Governments and UTs to constitute a permanent body each, which has taken the shape of a National Commission for Backward Classes and the State Commissions for Backward Classes (in a few cases Committees for Backward Classes) and that the "Advice tendered by such bodies shall ordinarily be binding upon the government" (vide extract of the Judgement at Annexure I.3).

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 sooner, 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 under-taking such revision. The first such revision is due by August 2003. But the preparations for it and generation and collection of relevant data have to start soon in the year 2000 itself, as detailed in the Chapter on Recommendations. 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. Section 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.

As per the statutory procedure of the Commission laid down by it under Sub-Section (2) of Section (8) of the Act, the Advice of the Commission may be formulated unanimously or by consensus or by majority. While there is no unanimity or consensus, the Advice of the majority will be tendered as the Commission's Advice but the dissenting Advice also will be furnished to Government. The rationale behind this is that by this means Govt. will have the facility of knowing both/all views in arriving at its decision, as in rare/minimal cases, it is free to disagree with the Commission's Advice, detailing the reasons. It is a matter of satisfaction and a natural result of the objective and unbiased manner in which the present team of the Commission has addressed its tasks during its tenure from 1997-2000 and the manner in which the Chairperson has led the team that every Advice has been tendered with unanimity. In 1996 towards the end of the tenure of the first team of the Members of the Commission, there was not unanimity of Advices in respect of 31 castes/sub-castes/synonyms/communities, most of which were synonyms of castes

already included in the Central List of Backward Classes and these as well as the few new entries all fell in the fast-track category, i.e. obviously and indisputably socially backward (the castes/synonyms of communities associated with hair-cutting, earth-work, traditional handicrafts/village industries etc.), mostly of Karnataka and a few of Andhra Pradesh and Haryana, as there was one dissent. The Ministry of Welfare (Now Ministry of Social Justice and Empowerment) instead of taking a decision on these Advices, returned all these advices and one more of Gujarat on 4.2.1998 which was an unanimous Advice after a lapse of more than one and half year for 'review and consensus decision'. The Commission, though not bound by statute, in order that the matter may not linger on and in the interest of the genuine Backward Class communities in question examined all aspects of these cases in detail and furnished its views/comments/advices to the Ministry of Social Justice and Empowerment concurring with and reiterating the findings/advices of the then Benches and majority of the then team of Members. These Advices originally tendered in Aug 1996 thus reiterated on 14 Aug 1998 are pending and are yet to be notified by the Ministry. It shows that the concerned officers in the Ministry, inspite of the statutory procedure having been communicated to them again and again have, not appreciated that unanimity of Advice is not laid down in the Act or in the statutory procedure and absence of unanimity cannot be a ground for the returning of any case to the Commission or for the government to desist from taking a decision. This inaction has adversely affected the interest of Backward Classes particularly of those who have become overage for getting Government employment.

The fact that the 31 cases of the first category referred to in pre-para have been returned by the government for review and consensus decision is indicative that some officers of the Ministry have not yet properly appreciated the working system and work-culture of a high quasi-judicial body which is modelled mutatis-mutandis on the working system and work-culture of the "Supreme Court" and High Courts. The Commission therefore, while forwarding its views/comments on these 31 cases on the 14<sup>th</sup> August 1998 once again elucidated important parameters arising from the Constitution, Supreme Court's Judgement in the Mandal case and the NCBC Act and how in their light, Advices need to be dealt with by the Commission and the Government. Briefly recapitulating the important aspects it is stated that the Statutory direction in Sub-Section (2) of Section 9 of the Act, which is based on the "Supreme Court"'s direction that the Advice of the Commission shall be ordinarily binding on the government is applicable whether the Advice is unanimous or by consensus or by majority and equally applicable even when there is a dissent or Dissenting Advice, i.e., dissent or Dissenting Advice by one or two Members. But the Government is free to disagree with any Advice of the Commission even if it is by unanimity in extra-ordinary or unusual situations, on grounds to be set out clearly and in detail in writing.

Once the Commission finds a caste/sub-caste/community or synonym is fit to be included in the Central List of Backward Classes in any State, on the Ground of social backwardness or social and educational backwardness, it is the duty of the government to immediately apply its mind to the facts of the matter and come to a conclusion and decision. Whenever there is a dissent, the Dissenting Advice is also sent to the

government to facilitate it in arriving at its decision. This responsibility of decision-making should not and cannot be shirked or postponed on any ground . Every community has got the Constitutional right to be included in the list without undue delay after it is found to be backward. Any avoidable delay on grounds such as lack of application of mind to the facts and legalities of each case is an infringement of the constitutional rights of members of such classes, apart from the infliction of loss on them, sometimes irreparable loss, as when members of any such class pass the age-limit for examinations, selections etc.

The crucial point is that those who are genuinely backward should be included into the list of BCs and those who are not backward should be kept out of the list. It is the responsibility of the government to ensure this. The statutory Advices of the Commission are an aid to the Government in discharging that responsibility. The Government is not free to take a Wrong decision or to take a mechanical decision without application of mind merely on the ground of the Commission's Advice. If on application of its mind, the Government finds sufficient ground to disagree with any Advice of the Commission, even if unanimous or by consensus or by majority, it should not hesitate to do so, but it will have to spell out cogently, clearly and in detail the reasons for such divergence from the Commission's Advice, as it is justiciable. Nor is government free to avoid or postpone a correct decision justified by facts, on the ground that the Advice of the commission is not unanimous or there is dissent or the Commission for some reason or in some circumstances is not in a position to give its Advice.



In regulating its procedure under Section 8(2), the Commission has been guided by the principles of Objectivity, Transparency and Speed. Soon after the Commission was established, it evolved following steps in 1993 and early 1994 under Section 8(2) of the NCBC Act:-

- (i) Formulation of the procedure for examination of Requests for Inclusion and Complaints of under-Inclusion in the Central List of Backward Classes.
- (ii) Formulation of Guidelines for consideration of Requests for Inclusion and Complaints of under-Inclusion in the Central List.
- (iii) Preparation of Questionnaire based on the Guidelines:

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

This procedure, formulated and prescribed under Section 8(2) of the Act on 23.11.1993, formed Benches of two Members each for each State and Union Territory. With this procedure, it became possible to distribute the work State-wise among the Members who could concentrate on their States and Union Territories. This facilitated speed in the consideration and disposal of Requests. While the Bench conducts inquiries and formulates Findings, the statutory objective of the Advice being tendered by the Commission as a whole is ensured by requiring the Findings of each Bench in each case to be placed before the Full Commission. Apart from meeting

the statutory provision and tendering of Advice, this procedure also facilitates formulation of Advice in an integrated manner by the whole Commission, ensuring consistency in the approach adopted in respect of the Requests while also taking note of peculiar and special features of each State. This is an important consideration in the work of a National Commission. In the case of a large country as India is with a poor society as India's is, it becomes necessary to take note of differential features as well as commonalties from State to State and region to region and formulate Commission's Advice keeping both factors, in view. The procedure of formulation of Findings of Benches followed by the formulation of the Advice by the Full Commission has provided the functional framework to achieve both these objectives. The Bench procedure also facilitates speed in the disposal of Requests because different benches can function simultaneously at the same time. Another procedure evolved in practice to facilitate speed is to formulate Commission's advice by circulation while at the same time retaining the option of discussion at a meeting of the Full Commission wherever the nature of the case is complex and therefore necessitates discussions before finalization. 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 tenders the Majority Advices as the Commission's Advice to the Government along with the dissenting Advice.

The Commission has been making additions and improvements to this procedure from time to time, based on experience and according to needs. The Benches of the Commission formulate Advice on the basis of the wealth

of the information already available from different sources as ethnographic descriptions, Anthropological, Sociological and historical studies, Reports of past Commissions of the Centre and States (including pre-independence Provinces and Princely States) regarding many castes/sub-castes/synonyms/communities etc. without losing time in fresh surveys which would be time-consuming and would cause hardship and loss of opportunity for Members of many undisputably genuine and indisputably Backward Classes. At the same time, the Commission took note of the fact that in respect of certain cases of Requests especially marginal cases or cases with regard to which there is no sufficient material to arrive to a conclusion, it would be necessary to undertake fresh studies. For this purpose, on 10.10.1995, the Commission provided for engagement of appropriate research institution and research scholars of repute, experience and competence, on suitable terms, leaving it to the respective Benches to identify such institutions/scholars. Such commissioning of research institutions/scholars have been kept to the bare minimum, limited only to cases of some complexities and doubts where adequate data are not available with the State Government or any other existing academic study or ethnographic work.

In order to facilitate greater speed, in the light of the experience of the first four years, the Commission, on the 11<sup>th</sup> September 1997 introduced certain new procedures. The most important of them was to provide for single-Member Benches where inclusion is only by correction of spelling and other linked corrections like punctuation, etc. and in the following three type of cases:-

(a) Where inclusion is only by correction of spelling and other similar corrections like punctuations, etc., taking care that in the name of spelling correction, etc., caste/community/sub-caste, which is not really in the relevant Central List, is not given an unintended entry into that List;

(b) Absolute synonyms or synonyms which are coterminous, i.e., names where the boundary denoted by one name is exactly the same as the boundary, by other names,

(c) Fast-Track cases [vide (ii) below], which are already included in the State List;

The Single-Member Benches will also follow the same process of public notice of their hearing [vide (ii) below] and other matters as the existing benches are following.

The details of this Procedure are given in Annexure- II.1

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

These Guidelines for Consideration of Requests for Inclusion and complaints of under-Inclusion (GCRI) in the Central List of Backward Classes were finalized on 14.2.1994. An important part of

the GCRI consists of the Procedural Clarifications on the Guidelines (PCG) . The GCRI subserves the important goal of objectivity and broad uniformity of standards in the main work of the Commission. At the same time, keeping in view the objective of speed to the maximum extent possible, commensurate with the objectives of transparency and objectivity, and in the light of social realities the Commission has introduced in the Guidelines the important concept of "Fast-Track". The fast-track concept, which is an efficient and effective mechanism of speedy identification of a large number of undoubtedly and indisputably genuine backward classes, is based on the social realities of centuries to this day that, in the case of very large number of backward classes, both those already standing included in the lists as well as those which have made or may make requests for inclusion, social backwardness is patent either on account of the nature of the traditional occupation, with which the caste/community is linked in terms of the caste system, or on account of some other patent circumstances like classification as nomadic or semi-nomadic or earlier classification as a "criminal" caste. This category of castes/communities was termed as "fast-track" category and Requests from such castes for inclusion were treated as "fast-track" cases. The fast-track category of castes/communities is covered by any of the four criteria that come under item 2 Social of Part-A of the GCRI, which are extracted below:-

"A. Social

.....  
 .....

- (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 stigmatized;
- (g) Nomadic and semi-nomadic castes and communities;
- (h) Denotified or Vimukta 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 Vimukta Jatis."

Since Guidelines 2(e) and 2(f) refer to certain types of occupations, in order that there may be no doubt or ambiguity about the specific occupation referred to in these two guidelines, paragraph 7 of the PCG, which is part of the GCRI lists these occupations as follows:-

"----- 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 (scavenging); knife grinding; grain roasting; entertaining through song and dance, acrobatics jugglery, snake-charming, acting; begging or mendicancy.”

While the list is sufficiently elaborate, the commission has left the discretion with the Bench/Commission to take into account any other occupation which may be similar to the listed occupations, but only those which are similar. The idea was that no time should be lost in considering Requests of the fast track category and if there is adequate evidence to show that any caste or community fulfils the guideline 2(e) or (f) or (g) or (h) it should be taken as adequate evidence of backwardness unless there is some contrary data/information necessitating further inquiry. The idea was also that, conserving time and energy in respect of a large number of such cases, the Commission should spend a necessary part of its time and energy in going deeper into the cases, which do not come under the “fast track” and which may or may not be socially backward, and which may require more inquiry and evidence. This idea was reflected in paragraph 6 of the PCG which is part of the GCRI, cited below:-

“Wherever a caste or community fulfils 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 come 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 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' (GCRI) proceed to formulate its findings."

At the same time the procedure of inquiry by Benches, incorporated in the PCR and Public Hearings after wide publicity through media as per para 10 of PCG, while subserving the goal of transparency, also enables the Commission to preclude the possibility of any community or caste wrongly passing off as a caste with a traditional occupation of or other features which bring a caste or the community under the fast-track category. The above guidelines also provides for the possibility of instances, howsoever rare they may be and in fact they are, of castes or communities of the fast-track category, having progressed enough in any part of the country to have ceased to be socially backward. This safeguard is ensured by the phrase "being satisfied that there are no sufficient grounds to take a contrary view regarding backwardness of the caste/community", occurring in paragraph 6 of the PCG. This is a socially realistic method of affording speedy relief to a large number of backward classes whose social backwardness has been and cannot be disputed and who have waited for long for a deserved break. The cases which are likely to figure in the fast track category are no more than castes or communities whose caste-bound traditional mode of sustenance or proved means of living was connected with work or occupations, which in the biased and distorted eyes of traditional Indian society



which is stated too much with us, are considered to be low and despicable. This is an example of the concept contained in the legal maxim "Res ipsa Loquitor" which means the thing speaks for itself. This is also justified by Section 114 of Evidence Act which provides for various permissible presumptions.

The adoption of this procedure of fast-track category in fast track cases has enabled the Commission to formulate Advices on a large number of castes/sub-castes/synonyms/communities whose social backwardness is patent, undisputed and indisputable without loss of time in gathering extensive evidence where such evidence is not necessary while ensuring that the minimum essential evidence is available. It has not only helped in deciding the cases of a large number of genuinely backward classes but also helped to conserve the time and energy of the Commission to go deeper into cases which do not come under the fast-track category. The Commission has also prescribed in paragraph 8 & 9 of the PCG a very simple and quick procedure for cases of requests where inclusion has to be made by rectification of apparent "clerical" error or factual mistakes at the stage of the preparation of the common list and in the cases of synonyms/sub-castes/different names of the same caste or community/local variants of the same caste or community.

Throughout, the philosophy underlined in the GCRI including the PCG, which is the basic document among the three documents formulated by the Commission to guide its functioning (the other two being, the "Procedure for examination of requests for inclusion and

complaints on under inclusion”, which details the formation of Benches, formulation of Bench Findings and formulation of the Commission’s Advices etc., and the “Questionnaire for Consideration of Requests for Inclusion and Complaints of under—inclusion in the Central List of Other Backward Classes” is that justice should be expeditiously rendered to backward classes about which there is prima-facie no scope for doubt about their social backwardness so that the benefit intended for them may not be delayed in their cases. A more elaborate procedure necessitating the collection of more data, more inquiry etc., which would require more time and energy, has been reserved for cases of castes/communities not covered by the Guidelines at 2(e) or (f) or (g) or (h) of the GCRI and paras 6 and 7, or 8 or 9 of the PCG. The logic of this is that some of these non-fast-track communities may be socially backward and some may not be socially backward and hence the need for more inquiry depending on the nature of each case.

In cases, covered by the “fast-track” as described above, what is essentially required is that much of evidence or data as will be adequate to establish that a particular caste/community is identified with the occupations referred to in para 7 of the PCG read with the Guidelines 2(e) and (f) or that much evidence as establishes it to be a nomadic or semi-nomadic, or ex-criminal/de-nonotified/vimukta jati community. Once this much of evidence is available and there is no contrary evidence, it constitutes adequate evidence of backwardness.

This minimal essential information which would enable the Bench/Commission to formulate the Findings and tender Advice can be secured in any manner considered to be reliable by the Bench/Commission. For example, the Criminal Tribes Act, 1924 and the Report of the Criminal Tribes Act Inquiry (Ananthasayanam Ayyanagar) Committee (1949-50) contain lists of communities which were listed earlier as “criminal” tribes and which have been subsequently redesignated as denotified or vimukta jatis on the passing of the Criminal Tribes (Repeal) Act, 1952. As another example, there is considerable wealth of ethnographic material gathered by eminent scholars and scholarly civil servants in the 18<sup>th</sup>, 19<sup>th</sup> and early 20<sup>th</sup> centuries, which provides a basis for arriving at conclusions relating to the traditional occupation, with which a caste/community is identified in terms of the caste system (for example the volumes for different parts of India authored by Thurston & Rangachari, Risley, Crooke, Ibbetson, Rose, Russell & Hira Lal and so on). There are also more recent research studies and publications. The details of the Guidelines and Procedural Clarifications thereon are at Annexure-II.2.

### **(iii) 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. The Questionnaire is an aid to Objectivity along with

other sources of information referred to. With a view to facilitate speedier filling up of the Questionnaire, it is divided into Phase-I and Phase-II. Wherever answers to Phase-I and Phase-II questions can be furnished without loss of time, answers to both phases are required to 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 only 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 of the Act.

As another measure for speeding up Findings, four of the questions viz. 7 to 10 under Sub Heading 'A. Social' of Part II of the questionnaire 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 inquiry into Requests and Complaints, matters would get indefinitely delayed jeopardizing 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. This also helped to put up pressure on the State authorities and others to furnish the Answers to the Questionnaire at least at the time of the Public Hearing in a number of cases.

The Guidelines and the Questionnaire and the Procedure of Inquiry 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 the 16<sup>th</sup> May 1994 of the Member-Secretary addressed to Chief Secretaries (Annexure-II-3). Copies of the Questionnaire were also sent to the State Governments/Associations/Individuals from whom Requests in respect of any caste or community received, in order to give them an opportunity to furnish data for Consideration of requests for inclusion and Complaints of under-inclusion in the Central List of Other Backward Classes and is at Annexure II. 4.

### **CHAPTER-III --- Work done by the Commission**

#### **Overview of the work done by the Commission since inception**

The first team of the five members with a tenure of three years was nominated on the 14<sup>th</sup> August 1993. From its inception up to March-1995, the Commission received Requests regarding 509 castes/sub-castes/synonyms/communities from states/UTs.

Out of Requests of 509 castes/sub-castes/synonyms/communities the Commission tendered Advices in respect of 161 castes/sub-castes/synonyms/communities, to the Central Government in the Ministry of Welfare ( since 14.4.1998 known as Ministry of Social Justice and Empowerment) by 31.3.1995. Of these 129 cases were of "inclusion by correction of error in spelling" etc., while the remaining 32 cases were in other categories like synonyms/sub-castes and new entries, leaving a balance of Requests in respect of 348 castes/sub-castes/synonyms/communities at the beginning of 1995-96. During 1995-96 the Commission received Requests regarding 345 castes/sub-castes/communities from Associations/Organizations/Individuals/State Govts. for inclusion in the

Central list of Backward Classes from different States and UTs. Thus the total number of castes/sub-castes/synonyms/communities for consideration in 1995-96 including the undisposed balance of 1994-95 and new receipts of 1995-96, were 693. Out of them the Commission tendered Advices in respect of only 30 castes/sub-castes/synonyms/communities for inclusion in the Central List of Backward Classes, leaving an opening balance of 663 at the beginning of the year 1996-97. During the year 1996, during the first Team's tenure, Requests in respect of 120 more castes/sub-castes/synonyms/communities were received making a total of 783. Out of these Requests in respect of 783 castes/sub-castes/synonyms/communities, Commission tendered Advices in respect of only 33 castes/sub-castes/synonyms/communities upto 31.7.1996, the period covered by the last Report of tenure of the first team of Members. Thereafter, early in August, 3 Advices in respect of 32 more castes/sub-castes/synonyms, mostly synonyms of existing entries, were tendered.

Of the above 32 Advices, 31 were not unanimous as they had the approval of 4 Members and were tendered to the Ministry with the dissenting Advice of the Chairperson to the Ministry. These Advices were returned by the Ministry to the Commission probably on the erroneous impression that the Advices of the Commission in all cases need to be unanimous. Hence the Ministry requested the Commission to reconsider these Advices and tender consensus Advice. The Commission has had a relook at these Advices and submitted to the Ministry reiterating the earlier Advice i.e. the Advice of the majority according to which these 32 are to be **included.**

The 2<sup>nd</sup> team of the Commission constituted on the 28<sup>th</sup> February 1997 had to start its work with a handicap of Requests pertaining to as large a number as 718 castes/sub-castes/synonyms/communities, many of them pending since 2 or 3 years. In addition, Requests in respect of 156 castes/sub-castes/synonyms/communities were received during its period, i.e. between 1997-2000 (95 in 1997-98, 44 in 1998-99 and 17 in 1999-2000 upto February 2000).

It is a matter for satisfaction that every Member made his full contribution during the period from 1997 and due to unison and single minded purpose of ensuring the quickest possible clearance of castes/sub-castes/synonyms/communities, which are found to be socially backward and rejection of those which are found to be not backward or in some cases even non-existent. As a result, it has been possible to tender Advices in respect of almost the entire lot of requests, both received during its time as well as the many received in the earlier period.

Thus, the work upto this stage has been completed, this is the right stage to take an overview of work of the Advices tendered by the Commission on requests for inclusion or complaints of under-inclusion during the entire period from 1993 till now with focus, of course, on 3 years'



period from 1997-2000 when the bulk of the work was done by the present team of the Members.

Statement - 3.1 gives the number of castes/sub-castes/synonyms/communities in respect of which Advices were tendered from inception till Feb' 2000 year-wise

**Statement-3.1**      **Statement showing number of castes/sub-castes/synonyms/communities in respect of which Advices tendered year-wise from August 1993-94 to 1999-2000 (upto February, 2000)**

Year	Number of castes/sub-castes/ Synonyms/communities in respect of Which Advices tendered during the period	
August, 1993-94. to 1994-95	161	(of which 129 were inclusions by correction of error in spellings, etc.)
1995-96	30	(3 inclusion by correction of error in spellings, etc.)
1996-97 (upto July, 1996)	33	upto period covered by the Annual Report for 1995-1996

1996-97 (early August 1996 )	32	
1997-98	216	including one case of addition of explanation in the List of Bcs for Rajasthan
1998-99	351	(including 5 by correction of error in spellings etc.)
1999-2000 (Upto Feb. 2000)	244	(including 1 by corre- ction in spelling)

\* Covered by the Annual Report for 1995-96.

During the year 1997-98, 1998-99 and 1999-2000 (upto Feb' 2000) the Commission tendered Advices to the Central Government in Respect of 216, 351 and 244 castes/sub-castes/synonyms/communities respectively for inclusion and rejection in the Central List of Backward Classes in 19 States and 2 Union Territories . The State-wise position of Advices in respect of 216 ,351 and 244 castes/sub-castes/synonyms/communities respectively for 1997-98, 1998-99, 1999-2000 (upto Feb' 2000) is given in statement-3.2.

It may be seen that as against Advices in respect of 161 castes/sub-castes/communities/synonyms (129 for inclusion by correction of errors of spellings) tendered by the Commission in 1994-95 , in the years 1995-96 and 1996-97 (upto 31.7.1996) Advices in respect of only 30 and 33 respectively could be tendered. In addition to these, 32 more Advices containing dissenting note of the Chairperson were tendered early in August 1996.

As the second team of the Members inherited huge backlog of the requests, it went all out to clear the pending requests. As loss of time had to be made up in the interest of the genuinely backward communities, the Commission spent all its time and energy in clearing the heavy backlog and the current receipts and felt it desirable to furnish a single meaningful and comprehensive Report for the entire period covering activities of the three years, apart from an overview of the six years' period. The work relating to the examination of the requests for inclusion has almost been completed barring a few disputed and contested cases and a few recent receipts, and the Commission is set to launch itself on the second phase, i.e, examination of Complaints of over-inclusion which means requests for deletion of certain castes/sub-castes/synonyms/communities which find place in the existing lists.

**Statement-3.2** Statement showing State-wise/UT wise number of castes/sub-castes/synonyms/communities in respect of which Advices tendered during 1997-98, 1998-99 and 1999-2000 (upto Feb' 2000)

S.No	Name of the State/UT	No. of castes/sub-castes/synonyms in Respect of which Advices have been Tendered during the period		
		1997-98	1998-99	1999-2000 (upto Feb' 2000)
1.	Andhra Pradesh	9	12	8
2.	Assam	--	1	-
3.	Bihar	--	21	9
4.	Delhi	5	7	5
5.	Goa	3	5	5
6.	Gujarat	2	27	10
7.	Haryana	11	3	3
8.	Himachal Pradesh	--	--	3
9.	Karnataka	54	20	9
10.	Kerala	35	6	1
11.	Madhya Pradesh	16	17	23
12.	Maharashtra	3	17	11
13.	Orissa	4	13	52
14.	Punjab	6	4	--
15.	Rajasthan	16	25	14
16.	Sikkim	1	1	4
17.	Tamil Nadu	15	27	11
18.	Tripura	--	15	4

19.	Uttar Pradesh	21	65	13
20.	West Bengal	10	16	20
		211	302	205
<b>U.T.</b>				
1.	Chandigarh	5	1	---
2.	Pondicherry	---	48	39
	<b>Total</b>	<b>216</b>	<b>351</b>	<b>244</b>

State-wise list of castes/sub-castes/synonyms/communities is annexed at Annexure III.1.

With this almost all the requests received in the Commission under Section 9(1) of NCBC Act for inclusion in the Central List of Backward Classes have been disposed of except for 25 requests for inclusion of different castes/communities, a list of which is available at Annexure III.2. This small residue which consists of a few disputed and contested cases and a few recent receipts can be disposed of without much difficulty early in the ensuing period of three years and at the commencement of this period the next stage of work pertaining to complaints of over-inclusion or requests for deletion of any community from the existing list of BCs has to be attended to, of which there are as at present 9 cases, though more can be expected to be received as it becomes known that the Commission has embarked upon this stage of work. The cases of complaints of over-inclusion or requests for deletion are given in Annexure III.3

Out of the castes/sub-castes/synonyms/communities covered by Advices tendered so far, 397 are for inclusion and 414 are for rejection. The castes/sub-castes/synonyms/communities in respect of which Advices for inclusion have been tendered can be classified into two broad categories, apart from the small number of 7 to be included by correction of spelling etc.

**Inclusion of synonyms(including sub-castes) of castes already standing included in existing Central Lists**

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 first-phase Central or Common List as they were not in the Mandal List and vice versa. 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. This also applies to and covers sub-castes. At the same time abundant care was taken that only the genuine and absolute synonyms which indicate the different names of the same caste/local variants and synonyms actually in vogue and which do not give scope for confusion and consequently for false certificates are included and no others.

The Commission tendered Advices in respect of 102 , 54 and 30 synonyms for inclusion in the Central Lists for the following States in the year 1997-1998, 1998-1999 and 1999-2000 (upto Feb' 2000) respectively, making a total of 186, as detailed in Statement No.3.3.

**Statement-3.3** Statement showing State-wise number of synonyms in respect of which Advices were tendered for inclusion during 1997-98,1998-99 and 1999-2000 (upto Feb' 2000)

S.No	Name of the State/UT	No. of synonyms in Respect of which Advices have been Tendered during the period		
		1997-98	1998-99	1999-2000 (upto Feb' 2000)
1.	Andhra Pradesh	2	2	1
2.	Bihar	--	3	--
3.	Delhi	5	--	--
4.	Gujarat	1	2	2
5.	Haryana	4	--	--
6.	Karnataka	34	7	7
7.	Kerala	9	--	1
8.	Madhya Pradesh	12	5	5
9.	Maharashtra	3	6	1
10.	Orissa	2	2	6
11.	Punjab	2	2	--
12.	Rajasthan	7	8	2
13.	Tamil Nadu	7	2	1

14.	Tripura	--	3	1
15.	Uttar Pradesh	13	10	2
16.	West Bengal	1	--	--
17.	Pondicherry	--	2	1
		102	54	30

Inclusion of new castes/sub-castes/synonyms/communities not previously included in the first-phase Central lists

The Commission tendered Advices in respect of inclusion of 204 new castes/communities for the following States and Union Territories as given in the statement-3.4.

**Statement-3.4** Statement showing State-wise, UT-wise number of New castes/sub-castes/synonyms/communities in respect of which Advices were tendered for inclusion in the Central List of Backward Classes during 1997-98, 1998-99 and 1999-2000 (upto Feb' 2000)

S.No	Name of the State/UT	No. of castes/sub-castes/synonyms in respect of which Advices for inclusion have been tendered during the period		
		1997-98	1998-99	1999-2000 (upto Feb' 2000)
1.	Andhra Pradesh	7	1	3
2.	Bihar	--	3	1



3.	Delhi	---	1	2
4.	Goa	3	3	1
5.	Gujarat	1	12	5
6.	Haryana	4	---	1
7.	Himachal Pradesh	---	---	2
8.	Karnataka	5	4	2
9.	Kerala	8	-	---
10.	Madhya Pradesh	3	6	4
11.	Maharashtra	---	2	5
12.	Orissa	2	1	16
13.	Punjab	1	3	---
14.	Rajasthan	6	2	5
15.	Sikkim	1	1	1
16.	Tamil Nadu	5	1	2
17.	Tripura	---	8	---
18.	Uttar Pradesh	3	14	5
19.	West Bengal	8	13	8
		57	75	63
U.T.				
1.	Chandigarh	4	1	---
2.	Pondicherry	---	1	3
	<b>Total</b>	<b>61</b>	<b>77</b>	<b>66</b>

Most of these castes/communities belong to traditional occupational groups which are low in the general esteem of the society like oil-extraction, hair-cutting, stone-cutting and agricultural communities which for their

livelihood are depending on manual labour. Many of them had been included already in the State List but not included in the Mandal List or included in the Mandal List but were not included in the State List and hence could not be included in the first-phase Central List prepared in 1993 and notified on the basis of principle of commonality on the advice of the Expert Committee constituted by the Ministry and in the case of a few States and the UT of Chandigarh by the Ministry on its own in the years 1994, 1995 and 1997.

**Castes/sub-castes/synonyms/communities in respect of which**  
**Rejection of Requests for inclusion in the Central List of**  
**Backward Classes was Advised**

The Commission tendered Advices in respect of 51, 215 and 148 castes/sub-castes/synonyms/communities for rejection of Requests during 1997-98, 1998-99 and 1999-2000 (upto Feb' 2000), pertaining to the following States and UTs.

**Statement-3.5 Statement showing State-wise, UT wise number of castes/sub-castes/synonyms/communities in respect of which Advices were tendered for rejection for inclusion in the Central List of Backward Classes during 1997-98, 1998-99 and 1999-2000 (upto Feb' 2000)**

S.No.	Name of the State/UT	No. of castes/sub-castes/synonyms in respect of which Advices for rejection have been tendered during the period		
		1997-98	1998-99	1999-2000 (upto Feb' 2000)
1.	Andhra Pradesh	---	9	4
2.	Assam	---	1	---
3.	Bihar	---	14	8
4.	Delhi	---	6	3
5.	Goa	---	2	4
6.	Gujarat	---	13	3
7.	Haryana	3	3	2
8.	Himachal Pradesh	---	---	1
9.	Karnataka	16	8	---
10.	Kerala	18	5	---
11.	Madhya Pradesh	1	3	14
12.	Maharashtra	---	9	5
13.	Orissa	---	10	30
14.	Punjab	1	1	---
15.	Rajasthan	2	15	7
16.	Sikkim	---	---	3
17.	Tamil Nadu	3	24	8
18.	Tripura	---	4	3
19.	Uttar Pradesh	5	41	6

20.	West Bengal	1	3	12
		50	171	113
<b>U.T.</b>				
1.	Chandigarh	1	---	---
2.	Pondicherry	---	44	35
	<b>Total</b>	<b>51</b>	<b>215</b>	<b>148</b>

These castes/communities belong to socially and educationally forward sections of the society like Brahmin, Rajput, Kayasthas or Vaishyas and have applied for inclusion in the Central List for OBC for the various States and UTs apparently in the effort to try their luck. The list of cases/sub-castes/synonyms/communities covered by rejection Advises is available at Annexure III.4

**Inclusion by correction of errors in spelling etc.**

A name spelt or printed wrongly in the list tantamount 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 reservation and other benefits. The general effect of these Advises is to bring spellings correctly, usually in line with the spellings as obtaining in the State List. The Commission tendered Advice in respect of 7 such cases during 1997-98, 1998-99 and 1999-2000 (upto Feb. 2000).

## **PUBLIC HEARINGS**

The different Benches of the Commission held 102 Public Hearings in respect of 1117 castes/sub-castes/synonyms/communities in 20 States and 2 Union Territories during 1997-98, 1998-99 & 1999-2000 (upto Feb' 2000) as detailed in the statement No. 3.6

**Statement 3.6 Statement showing state-wise, date-wise No. of castes/sub-castes/synonym/communities in respect of Public Hearings held in different States during 1997-98, 1998-99 and 1999-2000 (upto Feb. 2000).**

S.No	State/UT	Date of Public Hearings	No. of castes/ sub-castes/ synonyms/ communities in respect of which P.H. held.
	<b><u>STATES</u></b>		
	Andhra Pradesh	1. 24.5.97 2. 21-8-97 3. 22.8.97 4. 5.5.98 5. 6.5.98 6. 19.8.98 7. 7.12.99 8. 8.12.99	9 5 5 4 5 2 2 5 <hr/> 37
2.	Assam	1. 11.11.97	1
3.	Bihar	1. 8.1.98 2. 9.1.98 3. 4.9.98	13 14 3 <hr/> 30

4.	Delhi	1. 2.7.97 2. 24.2.98 3. 26.4.99	12
			6
			4
			22
5.	Goa	1. 5-6.6.97 2. 13.1.98 3. 29.11.99 4. 30.11.99	10
			3
			3
			1
			17
6.	Gujarat	1. 28.8.97 2. 5-6.5.98 3. 5.11.98 4. 6.11.98 5. 16.7.99	19
			17
			6
			5
			4
			51
7.	Haryana	1. 14-7-97 2. 20.7.98	10
			1
			11
8.	imachal Pradesh	1. 5.5.97 2. 27.5.99	1
			3
			4
9.	Karnataka	1. 28.4.97 2. 20.5.97 3. 22-23.7.97 4. 27-28.10.97 5. 22-23.6.98 6. 17.9.98 7. 28.12.98	24
			7
			18
			11
			13
			6
			2
			81
10.	Kerala	1. 17.9.97 2. 19.9.97 3. 23.9.97 4. 4.10.97	5
			10
			7
			14

			36
11.	Madhya Pradesh	1. 24-25.6.97 2. 6.1.98 3. 3.6.98 4. 4.6.98 5. 15.9.98 6. 22.1.99	23 16 10 16 11 10 86
12.	Maharastra	1. 23.4.97 2. 15.1.98 3. 16.1.98 4. 12.12.98 5. 10.8.99 6. 14.12.99	16 7 8 7 3 1 42
13.	Orissa	1. 7.8.97 2. 14-15.5.98 3. 8.10.98 4. 9.10.98 5. 7.1.99 6. 8.1.99 7. 29.6.99	10 31 10 18 8 8 4 89
14.	Punjab	1. 8.4.97 2. 20.7.98	5 3 8
15.	Rajasthan	1. 30-31.5.97 2. 9.6.98 3. 10.6.98 4. 21.1.2000	45 10 13 8 76

16.	Sikkim	1. 18.11.97	6
17.	Tamil Nadu	1. 13.6.97 2. 21.10.97 3. 22.10.97 4. 27.4.98 5. 28.4.98 6. 5.5.98 7. 6.5.98 8. 18.6.98 9. 19.6.98 10. 9.2.99 11. 15.4.99 12. 9.8.99 13. 10.2.2000	17 9 10 18 11 5 5 10 11 29 10 10 1
			146
18.	Tripura	6.4.98	18
19.	Uttar Pradesh	1. 4.7.97 2. 6.10.97 3. 7.10.97 4. 21.4.98 5. 22.4.98 6. 25.5.98 7. 27-28.10.98 8. 24.2.99	20 14 11 20 19 12 30 5
			131
20.	West Bengal	1. 28.6.97 2. 22.9.97 3. 24.9.97 4. 25.9.97 5. 9.9.98 6. 5.5.99 7. 6.7.99 8. 19.11.99	17 13 8 7 8 6 5 4



			68
	<b>Total (I)</b>	<b>94</b>	<b>960</b>
1.	<b><u>II</u> UTs</b>		
	1. Chandigarh	1. 8.4.97 3. 20.7.98	5 1 <hr/> 6
	2. Pondicherry	1. 28-29.4.98 2. 27-28.8.98 3. 9-10.2.99	70 52 29 <hr/> 151
	<b>Total II</b>	<b>8</b>	<b>157</b>
	<b>Grand Total I+II</b>	<b>102</b>	<b>1117*</b>

\* This also includes many castes/sub-castes/synonyms/communities in respect of which Public Hearings were held more than once.

### INCLUSION OF MEMBERS OF THE COMMUNITY PROFESSING ONE OR OTHER MINORITY RELIGION

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.

The NCBC has tendered an Advice to the Central Govt. for adding Explanatory note in the Central list of Backward Classes for Uttar Pradesh which has also been notified as follows:- “Explanation: -- In the above list for all castes linked with traditional hereditary occupations, except those entered with the specific mention of name of religion, are included, irrespective of whether their members follow Hindu, Islam or any other religion.”

As in the case of Uttar Pradesh the Commission also tendered a similar Advice to include an explanatory note in respect of 4 castes of Rajasthan whose majority members follow Hindu religion and found included in the Central List of Backward Classes for Rajasthan while minority of them who follow Islam religion do not get the certificate of backward classes. The Govt. of Rajasthan has already notified an explanatory note in respect of such castes/communities. The NCBC has also tendered its Advice to the Central Govt. giving an explanatory note for Rajasthan State:- “Explanation: -- In the above list, castes, which are known by the name of their respective traditional hereditary occupations and whose members follow different religions, include all members of those castes, irrespective of whether they follow the Hindu religion or Islam or any other

religion.” The NCBC’s explanatory note covers the four castes/communities viz; Gujar, Nai, Mirasi and Lohar and also similar castes, some of whose members follow “minority religions”.

In some cases, whole communities consist of only members following “minority religions”. The NCBC came across the existence of cases where such communities were not included at all. Some of these were instances where their Hindu counterparts were in the list of Scheduled Castes. In respect of such communities, Advices have been tendered for entering the name of the community in the list of Backward Classes with the remarks after its name “other than those included in the list of Scheduled Castes”.

To a lesser extent, the Commission came across instances where certain communities which are clearly socially backward and undisputably belonging to categories which clearly come within the ambit of BCs but being of linguistic minorities have been lost sight and left out. Such communities have also been identified and advised to be brought under the list of Backward Classes on receipt of their Request and examination.

#### **INCLUSION OF CASTES/SUB-CASTES/SYNONYMS/ COMMUNITIES NOT INCLUDED IN THE RESPECTIVE STATE LIST OF BACKWARD CLASSES**

On account of historical factors, unlike in the case of Scheduled Castes and Scheduled Tribes where there is a Central list for each State, which is the basis for reservation in the State services as well as the Central services and for other beneficial programmes of the State as well as the

Centre and in which any modification cannot be made by any State but can be made only by an Act of Parliament, in the case of Backward Classes this is the dichotomy of a Central List of Backward Classes applicable for reservation in Central services and list of Backward Classes of the respective States applicable for reservation in the services of the respective States. The NCBC and the SCBCs tender Advices to the respective governments which are ordinarily binding on those governments only. Thus the NCBC's Advice is binding on the Central Government. Where the National Commission and the State Commission examine Requests for inclusion of the same community, under ideal conditions where uniform criteria are followed, without any bias, a community found to be socially backward by the National Commission is likely to happen to be independently found to be socially backward by the State Commission also and vice-versa. While this has happened in most of the cases, there are a few instances of castes/sub-castes/synonyms/communities which have been advised to be included in the Central List though they were then/are still not in the State List. These include cases where the respective State Commissions had taken or was taking an inordinately long time or indicated that a survey was required, but there was no indication of survey being undertaken or completed in a reasonable time, and the NCBC had sufficient evidence to arrive at a finding. In some cases, the State Commissions were not appointed for a long time and, therefore, it was not reasonable and fair to the backward classes concerned to wait indefinitely, when there was sufficient evidence.

Some State Commissions could not take off because the majority of members were not appointed or their terms were over and the vacancies remained unfilled for indefinite periods.

There are also instances where after completion of an inquiry by the State Commission, and after the State Government had taken a decision of rejection, the NCBC has considered it fair and reasonable to come to a different conclusion, on the basis of the facts available to it including in number of such cases, the facts which had been available with the State Commission and the State Government concerned.

Such divergences between the Central and State Lists are not many and efforts should be made at the time of the first general review due in the year 2003 to remove the divergences to the maximum extent possible, but 100 per cent uniformity may still not be possible.

#### **REJECTION OF CASTES/COMMUNITY FOR INCLUSION IN THE CENTRAL LIST OF BACKWARD CLASSES WHICH ARE ALREADY INCLUDED IN THE STATE LIST**

The Commission found that there were a few castes/sub-castes/synonyms/ Communities which are not socially backward but were socially advanced classes as per ethnographic and other evidence and oral evidence during public hearings held in those States and such

castes/communities had earlier been included in the State list of Backward Classes. Therefore the Commission tendered Advices in respect of such cases for rejection of the Requests for inclusion in the Central List of Backward Classes for those States. In one instance the NCBC even found that a community entered in the existing State List actually did not exist as a separate community and that the name had become a cover for a larger advanced community to get the benefit of reservation. Evidence for this was available in reports of earlier Commissions of that State itself. Obviously the NCBC could not allow this non-existent identity to be transferred into the Central List.

Removal of divergences in this respect also is a matter to be attempted at the stage of total revision laid down by the Supreme Court and stipulated by the NCBC Act, 1993 and first due in 2003, though it may not be possible to remove the divergences for obvious reasons.

### **ORGANISATION OF THE FIRST NATIONAL CONFERENCE ON BACKWARD CLASSES**

The Commission organised a two-day National Conference on Backward Classes on the 25<sup>th</sup> & 26<sup>th</sup> November 1997 which was inaugurated by the Prime Minister and attended to by Chairpersons and Members of the State Commission for Backward Classes and the senior officers from State Departments concerned with the welfare of Backward Classes. The Conference deliberated comprehensively on all aspects like social,

educational and economic which are necessary for the development of the backward classes. The details of the steps suggested for around development and welfare of Backward Classes in the Conference have been discussed in Chapter IV of the report.

### **NOTIFICATION OF INCLUSION OF CASTES/ COMMUNITIES**

As a large backlog of Advices tendered to the government from 1996 onwards had built up, the Commission has been making strenuous efforts to impress upon the government to take a decision on all pending Advices and notify them without further loss of time and take decisions on current Advices promptly so that the benefits to the deserving castes/communities start flowing without any loss of time. It is a matter for satisfaction that the ice was broken in October and November, 1999 by the Government taking a decision for the inclusion of 265 castes/sub-castes/synonyms/communities in the Central Lists of Backward Classes for various States/UTs and notifying these castes/sub-castes/synonyms/communities in October and December 1999. All these were in strict accordance with the Advices of the NCBC which in terms of the Supreme Court's directions as well as the statutory stipulations of the Act, are ordinarily binding on the government. But decision for and notification of inclusion of 126 castes/communities/synonyms in respect of which Advices have been tendered to Government is still pending. Most of these are pending with the

Government since more than 6 months and some even since more than a year. Apart from these, there are 32 castes/sub-castes/synonyms/communities in respect of which Advices were tendered early in August-1996 with one dissent and in respect of which the present team of the Commission on reference from the government had unanimously reiterated in 1998 the earlier majority Advice justifying the inclusion of 32 castes/sub-caste/synonyms/communities. These are thus pending since 3 ½ years

## **NOTIFICATION OF REJECTIONS**

The Government has also conveyed its acceptance of NCBC's Advices for rejection of 391 castes/sub-castes/synonyms/communities out of the 414 in respect of which Advices for Rejection have been tendered. Advices in respect of the remaining 23 are very recent and communication of acceptance by the government are expected to be received soon. However, the Commission is unhappy to record that inspite of repeated Advices to the Government impressing upon it the essentiality of notification of rejection cases on legal and practical grounds, the government is yet to notify the rejection cases.



## **CHAPTER IV --- First National Conference on Backward Classes**

The only task that is entrusted to the NCBC, arising from the Supreme Court's Judgement, is to finalise the list of Backward Classes, examine the Requests for inclusion/under-inclusion and complaints of over-inclusion/Requests for Deletion and tender ordinarily-mandatory Advices to the Government. Obviously it was not the intention of the Supreme Court that nothing more is required for Backward Classes than to be included in the Backward Classes List if they are found genuinely socially backward. Inclusion in the Lists is not the ultimate goal but means to an end—that end being to help the development of backward classes so that in a reasonable time the backward classes cease to be backward along all parameters i.e. social, educational and economic and similarly each backward classes ceases to be backward. Unfortunately in drafting the legislation the Government did not go one step beyond what the Supreme Court had laid down, and omitted aspects which are self-evident and therefore did not require any further direction from them. It is the role of the Central Government to give the lead to the States, especially in new areas of activity. As a matter of fact, the States of UP, MP and Karnataka have gone ahead by entrusting to their respective State Commissions the task of supervising and monitoring progress of schemes of development and welfare for the Backward Classes whereas the Centre still lags behind. On account of the belated recognition of the Backward classes rights by the Central Government and a large number of State Governments as well, the task of development of backward classes has not received the necessary stimuli. In view of its understanding of this self-evident truth of the urgency and importance of the development

and welfare of backward classes, and of focussed attention on related tasks apart from completion of the list, the NCBC organised the First National Conference of State Backward Classes Commissions and Backward Classes Welfare Departments on the 24<sup>th</sup> and 25<sup>th</sup> November, 1997 in New Delhi. The main aim of the Conference was to discuss the role of the National and State Backward Classes Commissions and concerned Departments of States from the point of view of the requirements of Backward Classes Development and Welfare and the need to speed up completion of the list of Backward Classes for different States.

The Chairpersons of State Backward Classes Commissions of 12 States, Members of State Backward Classes Commissions of 14 States, Principal Secretaries, Secretaries and other officers of 14 States participated in this historic event. Of 19 States/UTs, where State Commissions for Backward Classes are in existence, 14 States/UTs were represented in the Conference by the Chairpersons and/or other Members of the State Commissions and/or by State Government officers.

The Agenda of the Conference was:-

- (i) Role of the Backward Classes Commissions from the point of view of the requirements of Backward Classes Development and Welfare.
- (ii) Full, effective and proper implementation of reservation for the Backward Classes.

- (iii) Need to speed up the completion of the lists of Backward Classes
- (iv) Provision for necessary facilities for Backward Classes Commissions to enable them to discharge their functions and responsibilities efficiently and expeditiously and other issues

The agenda Items were discussed in the following three Groups associating representatives in each group at least one from each Commission and State Government:-

Group I	Agenda I	Chairperson: Shri P.S. Krishnan, Member-Secretary, NCBC
Group II	Agenda II	Chairperson: Justice S.N. Khatri, Chairman, Maharashtra State Backward Classes Commission.
Group III	Agenda III & IV	Chairperson: Justice P K Shyamsundar, Chairperson, NCBC

**The Role of the Backward Classes Commissions from the point of view of Requirements of Backward Classes' Development And Welfare**

The Conference considered this issue in the following sequence:-

- ( i ) The initiative taken so far for the development and welfare of Backward Classes and their qualitative and quantitative adequacy or inadequacy;
- ( ii ) The requirements of the Backward Classes for their development and welfare to enable them to expeditiously advance to a level of all-round Social, Educational and Economic Equality and schemes and programmes for the purpose;
- ( iii ) The manner in which the National and State Commissions can help in this process and the manner in which the Central and State Governments can optimally utilise these Commissions for help in the better formulation and implementation of programmes, schemes and measures and in achieving the goal of all-round Equality.

In this context, the Conference took note of the following:

(i) Dalit Manifesto incorporating the Rights and Entitlements of Scheduled Castes, Scheduled Tribes and Backward Classes dated 7.3.1996, adopted by the Government as part of its Common Minimum Programme, and which has got the all-round support of virtually all political parties, and in particular the "Background Note" therein.

(ii) The Interim Report of the Working Group for Backward Classes in the Ninth Plan dated 15.5.1996 furnished to the Planning Commission and the Ministry of Welfare;

(iii) Planning Commission's Approach to "Empowering the Special Groups.....Other Backward Classes" in its Approach Paper to the Ninth Five Year Plan; and

(iv) Ten new Schemes for the welfare and development of Backward Classes cleared in principle by the Planning commission in the Ninth Plan.

The Conference fully agreed with the following paragraphs pertaining to Backward Classes Classes contained in the Background Note of the Dalit Manifesto:-

- (i) In the half century after India's Independence, the nation has registered progress in a number of directions but it is the feeling of the SCs, STs and BCs and of those who are working with them and for them that the benefits of the nation's progress have, in some respects not become available to them at all and, in other respects, have become available to them in a very inadequate measure or truncated manner.
- (ii) A large proportion of the BCs are dependent on their traditional occupations like fishing, a variety of traditional productive industries and of service and so on. While, on the one hand the doors of access to other occupations of their individuals choice have been barred to them, on the other hand opportunities and incomes in the traditional occupations, to which they are largely confined, are also being threatened and truncated by the

organised market and through denial of access to Relevant Technology and to finance an credit. Many of them consequently been pushed into agricultural wage-labour and even bonded labour. Almost all bonded labourers who are not SCs or STs belong to BCs. The problem faced by BCs engaged in traditional occupations is also the fate of those sections of SCs and STs who are dependent on similar traditional occupations. The presence of BCs in the organised modern establishments of government and quasi-governmental bodies is very limited on account of denial of their Constitutional rights to be recognized and accorded reservation and other facilities until 1990-1993 at the Centre and in a number of States. Even now their other entitlements like reservation in education have not been provided for in the Central Sector.

- (iii) Thus as illustrated above, in the life of all those three categories, who together constitute the vast majority of India's population, economic freedom is absent. Consequently, almost all of them dwell below the "Line of Economic Freedom" and the "Line of Self-Respect". An important instrument of progress emphasised by Dr. Babasaheb Ambedkar, viz; education, has not been made available to them either in full quantity or in quality. There is no educational equality for them with the dominant elite minority. In fact the qualitative gap between the educational availability to this majority and the dominant elite minority has been alarmingly widening in the last one or two decades. Thus there is no true equality of

opportunity for them. Indian governance at the Central as well as State level, has not till now addressed itself totally, comprehensively and consistently to measures which would bring economic freedom, educational equality and true equality of opportunities to SCs, STs and BCs in an integrated and comprehensive manner. Developmental assistance has been and is usually sporadic, patchy, truncated and inadequate. Even these are poorly implemented because of the presence of inegalitarians, in large numbers and in crucial positions, both in political as well as administrative governance and the persecution and sidelining, in the decades after Independence to this day, of those in the administrative structure of the country, who are Egalitarians and who bear faith to the Constitutional principle of Socio-Economic Justice.

The Conference took note of the agonising fact that the recognition of Backward Classes as a special social category for focus in developmental efforts at the national level and even at the level of many States was a late starter, in spite of Constitutional provisions requiring such recognition, and the first concrete step in this regard at the national level was taken only very recently in this decade. The Conference felt that this gross delay should not be compounded hereafter by inadequacies or half-heartedness.

The Conference urged and recommended that, for the alround development and welfare of Backward Classes, the following measures be undertaken by the Union and State Government, along with adequate financial, institutional, organisational and other support, without any further

delay, since it is a poignant and agonising fact that the failure of the Union and State Governments with regard to the development of the Backward Classes and their welfare, and in the case of the Union and some of the State Governments the failure even to accord them mere recognition, has already costed the Backward Classes nearly two generations of development and has denied the nation the scope to rise to its potential.

In the light of the foregoing and with particular reference to the deliberations in the groups and the Conference plenum, the house unanimously recommended that the following measures be undertaken by the Central and State Governments expeditiously, as essential requirements of Backward Classes and Welfare and the necessary role of the Commissions in that context.

### **Educational Measures**

The Conference noted that, in the field of education, there is disparity between Backward and the non-Backward sections of the population at every level including the bottomline level of mere literacy. The absence of total parity and absolutely "level playing field" will be fatal to the Right of the Backward Classes to Real Equality of career opportunities part of the Right to Life under Article 21 and Right to Equality under Articles 14, 15 and 16. Yet, educational support to Backward Classes has not been adequate quantitatively and qualitatively, and at the national level not even a beginning has been made. In view of this the following recommendations with regard to the Educational Development of Backward Classes were made:-



( i ) Reservation at the national level for Backward Classes, which has been introduced only in appointments or posts in the services, should be extended to seats in Central educational institutions also.

( ii ) There should be admission of Backward Class students in every good professional institution whether public or private in the same proportion as the percentage of reservation in education and their education and maintenance at full cost by government and for this purpose introduction of post-matric scholarship scheme and other schemes for backward classes with outlays adequate to cover all eligible backward class students to achieve the goal of social justice.

( iii ) One residential school each for boys and girls of Backward Classes in each district from Class VI to Class XII be established including provision of the same facility in private residential schools.

( iv ) In districts where residential schools are not immediately possible, at least one good hostel each for backward class boys and girls should be set up in each place where a high school/higher secondary school or college exists. These hostels should become nuclei for future residential schools.

( v ) A selection grade post of teachers should be created, and selection grade teachers should be appointed only in these residential schools and similar residential schools for other weaker sections.

( vi ) Provisions of scholarships scheme for research scholars at Ph.D and higher levels and enhancing the level of scholarship amount to realistically high level so that the academic and intellectual potential among the Backward Classes may have the full scope for realisation.

( vii ) Government should sent at its full cost, covering fees and other mandatory payments, maintenance and travel cost, Backward Class candidates to good educational institutions of general as well as specialised to good educational institutions of general as well as specialised and professional education in foreign countries, in the same proportion in relation to the general category candidates as the percentage of reservation in education fixed to be fixed for Backward Classes from time to time. This is essential because a sizeable number of students mostly of non-Backward category have qualified and will qualify in future from such foreign educational institutions and it is a reality that candidates passing out from such foreign institution will have a significant career advantage in this country.

( viii ) The Plan for the educational development of Backward Classes should include measures to bring about real equality for Backward Classes in the entire gamut of education so as to bring about parity at all levels, since it is self-evident and universally accepted that education is one of the key instruments of effective development of Weaker Sections. The Ninth Plan for development of Backward Classes should therefore cover the following areas and approaches in addition to ( i ) to (vii) listed above and they should be continued in subsequent Plans until the goal of educational parity for Backward Classes at all levels is achieved:-

- (a) Food for Education for More and Most Backward Classes children of school-going age on a nationwide basis
- (b) Achievement of total functional literacy for Backward Classes
- (c) Removing inhibiting factors in primary and secondary education so as to ensure that the Backward Classes are not handicapped in reaching higher education including, for example, providing good mobile schools for nomadic and seminomadic communities
- (d) Curtailment of the present drop-out problems among More and Most Backward Classes by introducing measures like Food for Education as at (a) above and various effective incentives
- (e) Introduction of Post-metric Scholarship Scheme for More and Most Backward Classes
- (f) Fair sharing of the cost of Post-Metric Scholarships between the Government of India and the State Governments and UTs, so that the States are not deprived of resources for other aspects of planning for the educational development of Backward Classes
- (g) Reservation for Backward Classes should be introduced in educational institutions and in hostel accommodation, wherever they do not exist at present.

- (h) Immediate launching, with adequate financial, infrastructural and other supports, of the five new educational schemes of Overseas scholarships, post-metric scholarships, Pre-metric scholarships, Residential Schools for Boys and Girls, and Hostels for which inadequate or token provisions of Rs 1 lakh each have been made by the Planning Commission for the year 1997-98, with adequate financial provisions.
- (i) Similar immediate launching of the scheme of Pre-examination Coaching, Grant-in-aid to Voluntary Organizations, and Research and Training which have also got partly educational component of contribution.
- (j) It should be laid down that there should be reservation for Backward Classes in the Membership of all selection bodies which make selection in educational institutions, both with regard to teaching posts as well as non-teaching posts. It should also be laid down that there should be at least one representative from Backward Classes among experts nominated by Chancellors to such selection bodies.

The Conference felt that in all these measures there should be focussed attention on the More and Most Backward Classes on girls. The Conference also expressed dismay at the practice of provided token or inadequate provisions for the developmental schemes for BCs and urged that funds required for such schemes should be provided in due measure.

### **Measures for Economic Development**

Disadvantages arising from social backwardness cannot be removed in practice unless every Backward Class family is allowed, enabled and facilitated to become economically self-reliant, according to the specific situation and needs of each Backward Class or similarly placed groups of Backward Classes. For this purpose the following steps are essential:

( i ) Leases, licenses and permits for stone and sand quarries and other sources of raw materials and of other resources required for productive activities, in which many members of artisan castes and similar Backward Classes are engaged, should be given only to them. On this basis, for example, leases, licenses and permits for all stone and sand quarries should be given only to cooperatives/associations (existing or to be established) of actual stone-cutters of social groups who have been traditionally engaged in this occupation, along with all necessary equipment and other facilities and also creche, primary school and other such child-care/health-care/pre-primary and primary schooling facilities; and similarly for claybearing lands to actual potters, and for fishing water bodies to fisher-folk and so on, and with training wherever required to optimise their activity, productivity and income.

( ii ) Wherever members of any Backward Class are engaged in traditional occupations and are desirous to do so, no outside "entrepreneur" should be given lease, license or permit for such activity, for related raw materials or

other facilities in order not to adversely affect their occupation, production and income, as has happened in recent years in the case of traditional fisher-folk and earlier as well as recently in the case of many other groups of artisans like weavers and similar primary and secondary producers.

(iii) Wherever members of any Backward Class are engaged in a traditional occupation not involving leases, licenses for permits and any members of such class desire to continue to do so, they should be given full financial and other support like shops/space/accommodation in all commercial estates/markets/areas convenient to them at affordable rates, along with training wherever required in order to maintain/step up their activity, productivity and income at optimal level and in order that they may not be exposed to unequal competition with "entrepreneurs" of other groups with superior financial resources and other support and networks.

(iv) While preserving the control of Backward Classes engaged in traditional industries like handloom weaving, pottery and artisanal production like fishing, stone-cutting etc. and providing them training for upgradation of skills and better management and facilities including financial support for attaining economic self-reliance, so long as any members of these Backward Classes desire to continue in their traditional occupations and while not allowing any intrusion in their traditional areas of occupation, members of these classes who desire occupational diversification, especially those belonging to the younger generation, should be given all educational and training facilities and financial and other support to successfully enter new occupational areas on a really "level playing field".

(v) Without going into aspects of the recent macropolicy of Liberalisation, it is obvious that this has resulted in shrinkage of and threat to the employment and income of the Backward Classes and partly to the Scheduled Castes and Scheduled Tribes, including large number of women of these communities, as was demonstrated very recently in the case of fisherfolk, following the issue of numerous licenses for deep-sea fishing to big Indian and foreign companies, and as has been happening to weavers, to cite another example, therefore:-

(a) No macro-economic decision should be taken in future without consulting the authentic representatives of these traditional producer-communities and other experts and social activists empathetic with and knowledge about them ;

(b) No macro-economic decision which may adversely affect them in terms of their employment and income, should be taken without the consent of such representatives, experts and activists ;

(c) All decisions and action of this type taken so far by the State (as defined in article 12 of the Constitution and interpreted by the High Courts and "Supreme Court") should be reviewed and corrective/remedial action taken in consultation with such representatives and experts and activists, immediately, and at rate before the commencement of the Ninth Plan as scheduled now ;

( d ) Where any such macro-economic decision or action is taken after securing their consent as ( b ) above, the policy should contained built-in safeguards against damage to their interests and to ensure that a fair share of the benefit actually goes to them; with built-in mechanism to provide a substantial share and role to such representatives, experts and activists in monitoring and ensuring effective working of these safeguards;

(vi) Representation should be provided for Backward Classes in all important decision-making bodies in all sectors including for example banks and other financial institutions and bodies which deal with exports of goods produced by artisanal classes:

( vii) Promotion of entrepreneurship in all important aspects to bring about occupational diversification and upward mobility among Backward Classes. For this purpose various steps, including, for example, provision to Backward Classes entrepreneurs even in non-backward areas, of facilities which are provided to other entrepreneurs only in backward areas, should be taken.

(viii) Backward Classes should be strengthened in self-employment in all sectors of economic activity through training, education and provision of financial and other facilities including for example, allotment of retail outlets for petrol, gas and the like and representation of Backward Classes in committees taking decisions on such allotments.



( ix) Backward Classes should be promoted in areas like small contracts by evolving a special policy for first generation contractors emerging from traditional labour communities.

### **Planning for the Development of Backward Classes**

The Conference noted that, it is necessary to start with an integrated vision of Indian society and within this frame the vision of the future of the BCs in Indian society, and with a clear understanding of where the BCs have reached after the centuries of India's socio economic history, five decades of independent existence and eight plans of development – which, so far as the Central level is concerned in respect of BCs, have been eight plans of non-development and at the State levels eight plans of marginal and truncated development. The vision of the future of BCs should be framed against this background and on the foundation of the basis Constitutional principles of Justice, Liberty, Equality and Fraternity. This in turn, is to be based on the understanding that the BCs represent as in the past, the unfreedom of Indian society in different forms.

In the economy, they substantially include a large number of castes and communities who were required to produce a variety of goods and provide a variety of services on terms unfair to them, thus constituting different forms and degrees of exploitation. An important aspect of the BCs is the wide and rich variety of their economic activities while they remain

socially backward. On this basis they can be grouped under the following categories:-

- (a) Communities without resources or skills - a good number of castes/communities are indigent and their traditional occupation has been and still is begging, sometimes with religious overtones. Many of them are nomadic or semi-nomadic;
- (b) Artisan castes/communities with traditional skills engaged in various traditional crafts providing a variety goods at family/cottage scale like weavers, potters, black smiths, carpenter etc. These are the original and true manufacturing classes of Indian society who were engaged in secondary production even at a time when many of the major industrial houses of today were money lenders and hundi operators;
- (c) Castes/communities of artisanal producers like fisher-folk, toddy tappers, stone cutters, earth workers etc;
- (d) Castes/communities providing traditional services like hair-cutting and grooming, washing of clothes, safai ("scavenging");
- (e) Castes/communities of poor peasantry of the former Zamindari and other intermediary tenures.

These communities include people who follow different religious sharing the same traditional occupations. But difference of religion does not

make any significant difference in their objective socio-economic conditions.

A free society of equal individuals, enjoying human dignity in the same measure, is not possible unless the harsh conditions in which the BCs live and work are altered so that they are able to secure economic self-reliance in their traditional activities or in other diverse activities, according to their choice (which may have generational differences) and unless, to this end, the full benefit of modern technology, access to finance, control over raw material resources, marketing facilities, etc., on terms which are fair to them are made available, along with facilities for education, health, housing, etc., so that they cease to be placed at a disadvantage in the process of development and they have what is currently often referred to as a truly "level playing field".

Developmental planning, meaningful to the BCs must subsume all these aspects and have as its objective removal of their social and educational backwardness (this necessarily requires creation of economic self-reliance), as experienced by them, leading thereby to the destruction of caste and caste-like barriers and annihilation of caste and similar manifestations in the Indian society.

In view of the four and half decade long abdication of the responsibility for the planned development of the BCs, the Ninth Plan has special significance as the first for BCs development. The Conference also welcomed the constitution of the Working Group for the Development and Welfare of BCs in the Ninth Plan as the first ever Working Group for the

BCs. In this context, the Conference felt that it is extremely important to see that the silence of eight plans is not compounded by adhocism or patchiness in the Ninth Plan and subsequent Plans. It also suggested that the Working Group on Backward Classes should be facilitated to continue its work along the lines envisaged in its Interim Report of 15.5.1996.

Under the circumstances outlined above, there has been an unjustifiable lacuna in the planned development of castes/communities of traditional artisans and other artisanal producers, other traditional workers and skill-less and assetless indigent communities who form the bulk of the BCs. No efforts have been made to conceptualise developmental models for sound, comprehensive and integrated development of such communities, who mostly belong to the BCs (and partly belong to the SCs and STs).

In order to ensure that hereafter their development is undertaken along sound lines and in a comprehensive and integrated manner, both from the point of view of maintaining and promoting their hold and growth in their traditional occupational areas and facilitating their diversification into new and modern occupational areas, the Conference want the Govt. to take the following measures:

- (i) The usual gross gaps between need and plan outlay, between five-year plan outlay and annual plan outlays, between the annual plan outlay and the annual budget should be strictly eschewed in the case of BCs, especially in view of the 45 year lag, after the

commencement of planning, in making a beginning in planning for the BCs;

- (ii) The Working Group on Backward Classes should be facilitated to continue its work along the lines envisaged in its Interim Report of 15.5.1996.
- (iii) The Planning Commission should take note of the special problems of Nomadic and Semi-Nomadic castes/communities among BCs. The two schemes already envisaged for them had only token provisions. Such schemes should be launched on a large scale with adequate provisions. There is also need for the Planning Commission to similarly take note of the special problems of Vimukta Jati communities among BCs, for whom no provision, even token, has been made;
- (iv) There is a misconception with Governments and Planning bodies that all the BCs should be given for their development is loans. There are many requirements of the BCs which are in the nature of infrastructure or micro-infrastructure to be provided for these groups. If they are treated as loanable items, they will become unviable and the interest burden will become unbearable for the BCs. The Government will thereby become the largest and hardest money lender ever seen.

Priority will be given "to strengthening the institutional set up at various levels for the overall development of the OBCs."

But this declaration of intent is yet to be concretised in the shape of comprehensive integrated planning provision of adequate outlays by the Planning Commission. The Conference urged that the Planning Commission should lose any more time in doing this. In this context, the Conferenced noted that the Plan is formulated and outlays allotted sector-wise. So far as sectors in which the BCs are active economically,. They should be formulated as Plans for the people who work in each of these sectors rather than as Sectoral plans. This will make the Plan more relevant to the BCs. For example, instead of Plans for fisheries sector, there should be Plans for fisher people.

The Conference also took note of the “The proposals for the Ninth Plan 1997-2002 and Annual Plan 1997-98” for Backward Classes Welfare sent by the Ministry of Welfare to the to the Planning Commission based on the advice of the Working Group in November 1996. It was happy to find that some of the ideas contained in the Dalit Manifesto and the Interim Report of the Working Group have been reflected in the Schemes proposed. But the Conference expressed dismay at the Planning Commission and government’s practice of providing token or inadequate provisions for the developmental schemes for BCs and urged that funds required for such schemes should be provided in due measure. The Conference resolved that all these schemes, with adequate outlays, should be launched without loss of time. The Ministry should also move the Planning Commission for other Schemes recommended in the Dalit Manifesto and by the Working Group and arising from the ideas contained in them.

The Conference also strongly felt that the Ninth Plan should address itself to the development of traditional artisans, other artisanal producers, other traditional workers and indigent groups many of which belong to Backward Classes.

The Conference also noted that an account of the Govt. of India and the Central Plan under the Planning Commission being late starters with regard to Backward Classes development, the time lost and nearly two generations' loss should be made up now by introduction of requisite schemes, adequate outlays and proper guidance, supervision and monitoring, and thorough and full implementation.

The Conference felt that the National and State Backward Classes Commissions should be meaningfully associated in planning by the Planning Commission and funding and monitoring of the implementation of the Plans.

The Conference noted the problem arising from the Policy refusal hitherto to canvas and publish population and other socio-economic data pertaining to each Backward Class in the Census. In this context, the Conference supported the recommendations of the different State and National Commissions and the Working Group that this should be started without fail in the Census 2001, but at the same time obvious lines of economic educational and other development measures required for BCs should be commenced straightway without waiting for the Census data or finalisation of further exercises as recommended by

the WG. As and when additional data become available the economic, educational and other development measures can be and should be refined.

### **Full, Effective and proper implementation of Reservation for the Backward Classes**

Reservation of appointment or posts in the services under the State – State as defined in Article 12 of the Constitution and as interpreted by the “Supreme Court” from time to time, so as to include public sector undertakings, public financial institutions, etc. --- is one of the important instruments of Social Justice and one of the avenues of upward mobility for Weaker Sections and of giving a share in governance to those who have been denied such share all along. This important mechanism has been made available to the Backward Classes only very recently in the centre and some States. In order to preclude gaps in implementation right from now, the following measures should be taken as a built-in mechanism to ensure full and total compliance with the policy of reservation for Backward Classes and for quick judicial adjudication of complaints and grievances in this regard and related matters:

- (i) Reservation should be brought under the purview of statute by enacting Act to be named as Backward Classes (Reservation of appointments or posts in services and of admission in Educational Institutions) Act, 1997, after expeditiously extending reservation for Backward Classes to seats in educational institutions and hostels. This Act



should provide for all aspects pertaining to reservation for Backward Classes in employment and education;

( ii ) This Act should include provisions to set up Arakshan Nyay Adalats or Tribunal of Justice in Reservation, with its main branch in Delhi and other Branches in every place where the CAT has got Benches with the status of a High Court, and with a provision for appeal lying only to the “Supreme Court”, in order that all complaints and grievances regarding reservation and other related matters may be disposed of expeditiously;

( iii ) The Chairperson, Vice-Chairperson and other Members of this Adalat or Tribunal and its Benches should be appointed from panels of persons who, while possessing the requisite formal qualifications for a High Court level body, should necessarily be persons who have implemented reservation for Backward Classes fully and sincerely in their respective areas of earlier activity:

( iv ) Without going into the question of the merits and demerits of the policy of disinvestment of Government holdings in PSUs, if and when the disinvestment goes to the extent of converting a PSU into a non-PSU, the provision of reservation for Backward Classes should continue to be mandatory applicable and this should be part of the MOU, if any, and also be incorporated in the legislation mentioned at (1) above;

( v ) Every post reserved for Backward Classes should be filled up promptly and should not be allowed to remain vacant or dormant or to lapse

and any failure in this regard should also be covered by the penal provisions in the Act referred to above.

( vi ) There should be representation for Backward Classes in the Member of all institutions/bodies/Committees which select candidates for appointment in services.

( vii ) In some States, on account of the proportion of SC and/or STs in the population being much above the national average, and the consequent large percentage of reservation for SCs and/or STs, there is no scope for providing adequate percentage of reservation for SCs. In such exceptional cases, the Conference felt that the State and Central Governments should not be deterred from making adequate reservation for Backward Classes and should take steps to provide them in a legal manner. The Conference felt that this is legally within the ambit of possibility.

( viii ) Reservation for Backward Classes in educational institutions has not been introduced in some States like Rajasthan, West Bengal and Delhi. It is necessary to introduce reservation in these States also.

**Speeding up completion of Lists of Backward Classes including issue of Exclusion of Socially Advanced Persons and Groups ( "Creamy Layer" ) and entrusting larger role to the National and State Commissions for Backward Classes and providing necessary facilities for the Commissions.**

The Conference felt that speedy measures should be taken to complete the lists of Backward Classes by the National as well as State Commissions

early in 1998 so that this does not become a stumbling block for canvassing Census data in respect of Backward Classes in the Census 2001 and so that flow of reservation and other benefits to genuine Backward Classes among the cases of pending Requests is not delayed.

In the light of the requirements of the Backward Classes, the Conference considered the issue of the manner in which the National and State Commissions can help in the process of fulfilling these requirements and the manner in which the Central Government and State Governments can appropriately utilise these bodies for guiding, supervising and monitoring the various developmental schemes for Backward Classes and for interfacing between the Backward Classes and the Governments and Institutions in achieving the goal of all-round Equality. The Conference noted that consequent upon the direction of the "Supreme Court" in the Mandal case, the Backward Classes Commissions have been entrusted only with the work relating to Inclusion, Under-Inclusion and over-inclusion in the List of Backward Classes and tendering Advice thereon to the respective Governments. The Conference felt that while this work is important and basic, this is not the optimal way of utilising the mature experience in different fields contained in the Commission. Optimal utilisation of their services is the need as well as the right of Backward Classes. The Conference strongly felt that the Central and State Governments should lose no time in making full use of this nation-wide network. From this point of view the Conference appreciated the initiatives taken by the State Governments of Uttar Pradesh and Madhya Pradesh in providing for a role in the development of Backward Classes to the State Backward Classes Commission of these States. The Conference commended for the Central

Government's acceptance the National Commission for Backward Classes' proposal to amend the National Commission for Backward Classes Act inserting Section 9(A) and making a consequential amendment in Section 10 as proposed by the National Commission for Backward Classes without any loss of time and welcomed Hon'ble Minister for Welfare's positive response to it. The Conference also commended to other State Governments this approach and the examples of the State Governments of Uttar Pradesh and Madhya Pradesh. The Conference wanted the Governments to take in the right spirit the offer of senior citizens who are Members of the National and State Backward Classes Commissions to undertake the burden and responsibility of additional work in the interests of Backward Classes and of the Nation at large.

The Conference noted that the NCBC and many State BCCs have got statutory status, but some State BCCs have not got statutory status. The Conference therefore resolved that all Backward Classes Commissions should be given statutory status.

The Conference also resolved that vacancies in the Backward Classes Commissions should be filled up promptly.

Many of the State Commissions have not been provided with adequate facilities and are not accorded the type of treatment due to them. The way the Commissions are treated by the Governments concerned is a reflection of the attention given to them by the respective Governments. In this context, the Conference also noted that there are discriminatory standards between

the Commissions for Backward Classes and other Weaker Sections on the one hand and other commissions on the other. There should be no such discrimination and the Backward Classes Commissions should be given due respect by the Governments concerned as a reflection of the respect the Governments owe to the hardworking and productive population of the BCs.

Some of the governments do not take prompt decisions regarding acceptance and rejections of requests for inclusion after receipt of Advices tendered by respective Commissions. It is in the interest of Backward Classes that Central as well as State Government promptly take decisions on receipt of Advices tendered by the National/State Commissions and notify inclusion and rejections without loss of time.

One of the criteria for exclusion of socially advanced persons and groups (creamy layer) is a monetary limit of Rs. 1.00 lakh in respect of categories which cannot be identified in terms of socially prestigious positions/posts in society—those which could be so identified having been separately dealt with by government on the recommendations of the Expert Committee on BCs. Since the parameter of Rs. 1.00 lakh in the case of Centre and the same or other similar other figures in some other States was fixed in 1993 and it was envisaged by the Expert Committee that it should be revised at least once in three years, a very desirable step to be undertaken at least now without any loss of time.

The Conference also felt that, in the existing task of the NCBC and the State Backward Classes Commissions with regard to Requests for Inclusion and Complaints of under-Inclusion or Over-Inclusion, and with

regard to future tasks, it is necessary to establish close and continuous interaction among the NCBC and the SBCCs, and for this purpose, there is need for a Coordination Council of National and State Commissions for Backward Classes consisting of representatives of the NCBC and at least one representative of each State Backward Classes Commission, leaving it to each SBCC the option of having more than one representative. The Council will ultimately require its own Secretarial set up and facilities which should appropriately be provided by the Central Government. However, until this happens the NCBC offered to provide the office and other initial facilities required for the Council. The offer was welcomed. The Conference resolved that the Coordination Council of National and State Commissions for BCs should start functioning immediately and meet periodically.

### **GENERAL**

The Conference took note of the resentment among the Backward Classes on learning about the humiliating depiction of Shudras in a painting under the ceiling of an important room next to the Cabinet Meeting Hall in the South Block which houses the core of the Government and called upon the Govt. Of India to obliterate it immediately.

A copy of the Proceedings of the Conference was sent to the Central Government i.e. the Ministry of Social Justice and Empowerment and to the Departments concerned for the welfare of Backward Classes in various States/UTs for implementation of the recommendations and to the State

Commissions for Backward Classes for their information and appropriate necessary actions on their part to pursue with the respective State Governments.

The Government does not seem to have applied its mind to the weighty recommendations contained in these Proceedings. It is necessary for the government now to study them carefully and implement them effectively without further delay.

## **CHAPTER V: THE TASKS AHEAD**

Arising from the Supreme Court's Judgement in the case of Indira Sawhney and others Vs. Union of India and others and the consequential NCBC Act-1993, the following tasks arose for being dealt with by the National Commission for Backward Classes:-

- a) Examination of requests for inclusion of any class of citizens as a backward class in the Central lists of Backward Classes and tender such advice to the Central Government as it deems appropriate, which is ordinarily binding on the government.
- b) Examination of complaints of over-inclusion or in other words Requests to delete a caste from the existing Central List for any State and tender such advice to the Central Government as it deems appropriate, which is ordinarily binding on the government.
- c) Decennial Revision of the lists under Section 11 of the NCBC Act, to be undertaken by the government in consultation with the NCBC. The first such revision falls due in the year 2003.



One more task which has not been mentioned in the Act is the task of guiding, supervising and monitoring of the implementation of reservation for the Backward Classes and of the formulation and implementation of Schemes and Programmes for their development and welfare so that BCs as a whole reach and each backward class reaches a level of equality in every respect with the advanced sections of society. The question of the entrustment of this role to NCBC has been taken up with the Government of India in the Ministry of Social Justice and Empowerment as long back as in September 1997 and the decision and action of the government is yet awaited. However, in view of the urgency of this, the NCBC has taken the first step in this direction by organising the First National Conference on Backward Classes, which is the subject of Chapter-IV.

Regarding the three statutory tasks entrusted at present to the Commission, the first one is virtually completed, mostly during the 3 year period of the present team of Members, leaving only a very small residue, mostly of a few disputed and contested cases and a few Requests received relatively recently.

Now the Commission is poised to enter upon the other two tasks. They will have to be undertaken in the next 3-year term of Members. The initiative for tendering Advices on complaints of over-inclusion is with the NCBC, on receipt of such complaints. At present, there are complaints available with it. This number is expected to increase as soon as the Commission embarks upon the said tasks and this comes to be known to the public. Further, this has to be attended to with great sensitivity and with deep understanding of the social situation and of each community

concerned. A lot of data have to be gathered, some of which are yet to be generated by the Central and the respective State Governments though some State Governments like Karnataka and Andhra Pradesh are relatively better in regard to relevant data base. The Centre unfortunately lags far behind in all matters pertaining to Backward Classes hitherto.

In the case of the other tasks, though the first periodic revision falls due only in 2003, preparations for it have to start from now. Here the initiative is with the government. If it does not take necessary steps in time, this exercise will turn out to be a paper exercise and will amount to non-compliance with the Supreme Court's directions and statutory intent.

Both these tasks are required to be attended to carefully and with sensitivity rooted in deep knowledge. No community which is genuinely backward should be allowed to be disturbed and only communities which are capable of standing on their own feet in open competition with the advanced sections of society should be removed but only after careful evaluation.

The Commission would also like to impress on the government that the purpose of enlisting BCs is not an end in itself, but is only a means towards removal of backwardness of the BCs as a whole and each backward class so that they reach a level of equality in all respects with advanced sections of society. Many of the measures required for this purpose have been brought out in Chapter IV. They have been communicated to the government, which is yet to focus its attention thereon as seen from the

nil/meagre provisions and outlays made in the Plan. Permitting this type of status quo to preserve will surely result in a stalemate jeopardizing seriously the interest of the Backward Classes, spelling danger to the unity, progress and harmony of the Indian society and Indian nation. We may in this context recall the very apt statement credited to the late Dr. Harold Laski, the renowned sociologist of Great Britain, who had said, "An unequal society always lives under the constant dread of an impending disaster". If the state of affairs prevalent in the country as of now were to continue, it may result in the bursting of this balloon of doom that now rests uneasily on an unequal tripod, i.e., want of care, concern and attention resulting in total chaos, indeed an event that has got to be avoided at any cost.

## **Chapter VI --- Recommendations & Suggestions**

The Commission on the basis of the experience gathered from the numerous representations, Public Hearings at various places and meetings with the enlightened, knowledgeable persons, and those who are devoted to the cause of welfare of the weaker sections in general and BCs in particular, in addition to the recommendations of First National Conference on Backward Classes held in New Delhi on 24-25 Nov. 1997 discussed in Chapter IV of this report makes the following suggestions and recommendations for economic, social and educational development of the Backward Classes, which will enable them to compete with the forward section of the society on equal footing.

### **( i ) Building up of Data-Base and Census 2001**

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 National Commission for Backward Classes (vide Section II 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 National Commission for Backward Classes 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. No less important and of even greater social significance is the economic, educational and social development of the Backward Class and of each B.C. explained in some detail in Section (v) below in this Chapter and in Chapter IV. For this purpose too the above data are essential. 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 Social Justice and Empowerment , 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 but substantially also from the Centre.

The National Commission for Backward Classes strongly recommends that comprehensive socio-educational and 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, without any delay and from the year-2000.

These exercises will also require population data in respect of each caste of the BCs. 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 officers in 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 and there is need to collect data through census of Backward Classes like SCs and STs. Therefore, the Commission recommends that necessary instructions be given and preparations be made for collection of population data caste-wise/community-wise of each B.C. well in time for the census operations of 2001. The Government should not deprive the nation of the opportunity of this Census also. If this is done, essential work pertaining to B.C. referred to above including their development and consequently the work creating national unity will be hampered by another decade.

( ii ) Monitoring of Implementation of Reservation in various categories of Jobs in Central govt. deptts/public sector undertakings.

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 Social Justice and Empowerment , 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 under-takings and financial institutions will also have to play a role in this regard. 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, assess whether those who got the benefit of reservation could sustain it or have slipped. In the above context the Commission emphasise that these data, regarding quotas, covering those already in service is cumulatively and continuously updated on an annual basis, 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, a Special Cell, equipped with modern information technology, 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.

**(iii) Classification of Backward Classes into Most Backward, More Backward and Backward Classes etc.**

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 Backward Classes are at different levels of social and educational backwardness and economic status, and there are wide disparities among them in this regard . Therefore they sought classification of Backward Classes into categories based on relative degrees and levels of backwardness and apportionment of the total reservation for Backward Classes among those categories so that all castes of Backward Classes may be able to compete only with their equals on reasonable equal terms and all of them have a level playing field. It appears that these factors weighed with several State Governments who have classified the Backward Classes (other than Backward Classes and STs) in two or more categories in many of the States and apportioned the total reservation for Backward Classes among these different categories. A few of the examples of such States are Bihar, Tamil Nadu, Andhra Pradesh, Karnataka, Kerala, Maharashtra and Haryana. This has proved a wise step because it has improved the sharing of benefits, though other steps and further improvement are required, and has also kept in check frictions between different communities of the B.C. In 1993 the Ministry of Welfare did entrust this task to the Expert Committee on Backward Classes, but half-way through, while the Committee was working on this, the Ministry called off this exercise.

Such categorisation, carefully worked out, is necessary in the interests of the B.C.s, especially the more, most and extremely backward communities of the BCs, but is also in the interests of the relatively more advanced of the BCs in that this will preclude the growth of resentment against them in the minds of the less advanced BCs on the ground of unequal sharing of reservation benefits.



The National Commission recommends that :-

The Backward Classes (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 Backward Classes (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 unutilised portion should be transferred to the next higher category and so on successively, such that the total reservation for backward Classes remains intact and undiluted and is fully utilised within BCs and is not allowed to spill out to the socially and educationally advantaged category referred to often as the general category.

(iv) Need to provide adequate percentage of reservation for BCs in States

During the tours of Members of the Commission, representations have been received about the provision of inadequate percentage of reservations for BCs. The Mandal Commission had estimated the population of BCs to be 52%. But the Commission pegged down the percentage of reservation to 27% in view of the general trend of Supreme Court Judgements placing the limit of 50% on all reservation. At that time, the Mandal Commission cited the Supreme Court's Judgement in the Balaji case. Subsequently in the Indira Sawhney and others Vs. Union of India and others of 1992, the Constitution Bench of the Supreme Court laid down this percentage as a general ceiling.

Complaints made before the Commission are in respect of two types of States. One type is represented by Tripura, Madhya Pradesh and Orissa which have a high percentage of Scheduled Tribes far above the national average and a percentage of Scheduled Castes which is more or less at par with the national average, both of which have generally been provided reservation in accordance with their proportion of population in the respective States as existing at the time when these percentages were fixed. The balance left within 50% limit as laid down by the Supreme Court is too meagre.

The second type of States are States where within the Supreme Court's limit of 50% , there is still scope, after taking into account the reservation percentage for SCs and STs, to either provide 27% reservation for BCs or even if 27% is not possible, a substantially higher percentage that is justified by the percentage of BCs' population in that State can be provided. The Commission, while deliberately avoiding mention of the names of such States at this stage, feels that such matters should not be left to the biases of individuals in the decision-making process of government to be treated as a *laissez-faire* exercise. The Government of India have a duty to see that there is some dispensation for constructive intervention by an Expert institution of an unbiased nature to identify and indicate the best course in this matter in the circumstances of each State. The National Commission with the type of composition that is laid down by the Supreme Court and the Act automatically suggests itself for this indispensable role. The Commission recommends that it is appropriate and fair that the Govt. of India authorises and empowers the Commission to perform this role so that this issue is sorted out in each State keeping in view the local population percentage and the

directions and guidelines of the Supreme Court, which are not as rigid and inflexible as is often made out to be and provide room for a reasonable flexibility where really justified. Once this role is given to the Commission and the Commission is authorised and empowered, wherever necessary the Govt. of India can also step in to bridge any unavoidable gap which may remain even after the Commission's constructive involvement. Without authorisation and empowerment, the intervention of the Commission has not been able to cut ice. In fact, the Commission has interacted with some of the States in question with practical rational and fair solutions, but unfortunately no satisfactory results have emerged so far on account of this lacuna which the Govt. of India should not leave any longer. National Commissions for other disadvantaged groups like SC and ST, Minorities and Women are already statutorily armed in this regard and the NCBC is the only Commission of this category left like a toothless lion.

(v) **Total and all-round Development of Backward Classes as a whole and each Backward class**

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 exploitation and are often subjected to social oppression, educational deprivation, bonded labour and atrocities and in the case of SCs subjection to intensive agricultural wage labour, scavenging labour and Untouchability and in the case of STs victimisation by cultural aggression and encroachment of and infiltration into their traditional

homelands. In itself, the category of the Backward Classes, comprises of a wide array of socially and educationally backward castes and communities, with varied occupational and economic backgrounds, suffering from varying degrees and types of exploitation, deprivation and humiliation. Some of the BCs exist, labour and travail in conditions comparable to that of SC and ST except for certain special features like untouchability. 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 and types of social, educational and economic backwardness, deprivation, humiliation and exploitation.

In economic and occupational terms the Backward Classes, by and large, comprise of artisan and artisanal communities and those who provide various traditional services and peasant castes. In addition there are also among the BCs a number of indigent castes/communities --- nomadic and semi-nomadic castes, of the Vimukta Jatis and mendicant castes or castes to whom the only occupation left by 'tradition' and 'market' is begging, sometimes invoking religion depending on their religion, as this category of communities, as also other categories of BC, have followers of different religions. These indigent castes are generally small though a few are fairly large, and are extremely helpless and vulnerable.

Seen in this context, reservations remain only a part provision, one of a large package which ought to consist of various policies and programmes for their economic and educational advancement to the level of equality.

The plight of artisan and 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 weavers, the potters, the blacksmiths, oil-pressers etc. have wholly or considerably lost their occupations with the advent of mechanised and large scale systems of production. The fishing communities are now facing a similar squeeze from licensed "entrepreneurs" and illicit operators with superior technology and capital. 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 and entered modern and advanced areas. 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. These 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 devise appropriate well-designed programmes for assisting and encouraging such craftsmen, improving their working and living conditions, enhancing the social prestige of their arts and crafts and skills and thereby also helping to preserve such skills and crafts as valuable reservoirs of our country's unique culture.

The plight of those communities whose occupations have been taken over by other groups belonging to the upper strata of the society, armed with superior technology and capital which could have and ought to have been and now ought to be made available to these communities, in the process of modernisation is equally deplorable. In their case there has been a sharp downward mobility both in economic and social terms. They have lost their traditional sources of livelihood and survive today as 'rejects' of the "liberalised" market. The significant aspect of their reduced social and economic conditions is illustrated by the fisher and dhobi communities. The fishing operations have become highly capital intensive with the use of machinated 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 members belonging to communities other than of the dhobis --- frequently by members of the upper castes armed with superior access to finance and capital, with members of dhobi caste as wage-labourers. Similar is the condition of the communities involved in processing leather (among whom the non-Hindu, non-Sikh, non-Buddhist are BCs), 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 and provision of macro and micro-infrastructure and common facilities wherever necessary, need to be devised centrally and at the States level.

The peasant communities generally consist of small owner cultivators who cultivate their lands with the labour of their own and their family. Some of them are numerically large but there are also numerically small peasant communities. There are considerable numbers of tenant cultivators and landless labourers among them. From their point of view, it is necessary to implement the policy of land reform, tenancy reform, fair agricultural labour wages, etc. It is no doubt true that such measures have been undertaken in all States in the few years after independence but various loopholes have been calculatedly and deliberately planted in these measures and their implementation has been half-hearted,. It is now necessary to reform these reforms and begin implementing them honestly. Some of the peasant communities or limited parts of some of the peasant communities have been able to make some advance on account of irrigation and power in recent times especially after Independence but many of the agricultural communities or a large proportion of them still cultivate under un-irrigated and rain-fed conditions. Vagaries of climate affect their production and economy in a number of years. From their point of view, agricultural development measures which will spread benefits of irrigation and other modern technology, over wide areas through means like common borewells, common tubewells, check-dams and the like are necessary for them.

Not to be forgotten are the indigent communities referred to at the beginning of this Section. They have no "marketable" skills and they have no assets. The moral fibre of India's elite and India's governance will have their ultimate test --- so far they have emerged ingloriously --- in what they do at least hereafter for the unfortunate communities, who need total rehabilitation.



The older generation often does not have occupational choice. They have to be strengthened and economically liberated within their own existing professions in most cases. But the younger generation has choices. But these potential choices can be actualised only if modern education and quality is provided for the younger generation of the different communities of the BCs. They should certainly include measures like residential schools, scholarships, hostels, special coaching and training facilities for employment with particular focus, especially where resources in spite of best efforts are limited, for most and extremely backward castes/communities of BCs. The educational avenues for the younger generation should encompass not only inputs of general education but also more importantly vocational and technological education which have got high employability, career prospects and scope for economic advancement. Although some of these programmes have been taken in a few States, and have shown promising results, most of these programmes, where started, are often not well designed and are starved of resources. The Central Government and State Governments should commit adequate resources for the purpose. Reservations, while important and necessary, should not be made an alibi for not evolving and implementing policies for general economic and social advancement of the artisan, artisanal, traditional service-rendering, cattle-rearing, peasant and indigent communities which by and large comprise the umbrella category of the BCs.

(vi) Early notification of castes/sub-castes/synonyms/communities in the Central List of Backward Classes

There has been considerable delay in the issue of notifications by the government in almost all the cases after the Advice of the Commission is

tendered. Such delay causes hardships and sometimes irreparable loss to the candidates of backward classes appearing in the competitive examinations, who become overaged. In view of the near-mandatory provision in clause (2) of Section 9 of the NCBC Act, the Commission feels that there is no justification for any delay. The government immediately on the receipt of each Advice from the Commission has only to go through it and if there is no prima facie ground for any contrary opinion, they have only to accept the Advice of the Commission forthwith and notify it. The existing procedure of consulting different Ministries and obtaining the Cabinet's approval in each case is not either mandated in the Act which has been enacted by the Parliament in pursuance of the decision of the Supreme Court, or desirable and practical as nothing substantial can be achieved except resulting in delay by following the unwarranted lengthy procedure since none of the Ministries has got any source of knowledge to be able to give any comments of relevance to a particular community being socially backward or not. Typically, as is well-known, in our administrative system mechanical circulation of files is only a means of postponing the evil day of reading the material, applying one's mind and arriving at a decision. Those who resort to this simple expression of mental indolence should remember that they are not only causing harm to the BCs who form the majority of Indians but also create a feeling in them that Indian governance is hostile to their basic Constitutional and human rights and thereby weaken the Indian nation and polity as a whole.

The Commission is happy that after 1996-end, the ice was broken for the first time in October 1999 and then in November-December 1999, some time after the long delay and large pendency was brought to the personal

notice of the Prime Minister by the Commission, but the officers of the Ministry should be able to show their merit by being automatically prompt and not requiring the intervention of the Prime Minister.

The notification of rejection cases is also imperative, in that when the Request of a caste or community is rejected the community as a whole and not only the request maker has the right to know that the Request has been rejected. While a letter from the Commission will give this information to the Request-making individual or Association, this right inheres in the members of the caste or community as a whole. Further when the Request of the community is rejected, there is a right of appeal which, in this case as stated above is to the Supreme Court only. This right of appeal is exercisable not only by the Request-maker but also by any member of the caste or community. Any member who wants to exercise his/her legal option must have information so as to enable him to consider exercising his/her legal option of appeal. It is not possible to issue a letter to each member of the caste or community. The legal way of informing all members of a community and the entirety of all communities is only by notification in the official gazette. The absence of notification of rejection, apart from the adverse consequences mentioned above, also gives a handle to any "clever" member of a caste or a community, whose Request has been rightly rejected because it is not socially or educationally backward. Any such "clever" person can go to the Court months and years later, plead that he had no information about the rejection because Government had not notified it and, therefore, his appeal should be admitted and thus keep the pot constantly and indefinitely boiling. The Commission has sent rejection Advices in a large number of Requests from the castes/communities which are socially forward

and do not belong to backward classes. The government has also invariably accepted these Advices. Some of them applied for inclusion in the list of Backward Classes just to take a chance as if this Constitutional exercise was a mere lottery. It is necessary that this deplorable tendency on the part of some members of indisputably socially-advanced classes is curbed. It is, therefore, imperative that rejection cases are also notified so that the society at large becomes aware of the dubious methods adopted by some individuals/sections of the socially advanced sections of the society to usurp the benefits meant for backward classes and at the same time enjoy the pleasure of posing as "liberals" by condemning the reservation system itself. This will also help to enlighten the persons of the society particularly belonging to the genuine BCs to protect their legitimate interests against unwarranted inclusions. These advantages are in addition to provision of fair opportunity of appeal to the *bona fide* aggrieved and denial of unfair opportunity to unscrupulous elements to throw an unsettling spanner into the works by popping up an appeal at any time, even years later, using it as a handle of failure of government to notify rejections.

There is also one more reason justifying the notification of rejections. It is not only the members of the community whose inclusion has been rejected who have the right to know but also the members of all other communities like genuine backward classes and members of advanced sections who believe in social ethics. If they have this information, they will be able to exercise better vigilance in ensuring that some "clever" members of ineligible communities do not try to secure the inclusion of such communities in the list of backward classes or take false certificates, as has been too often happening.

Apart from Gazette Notification, one more practical measure required to achieve this objective is publication in mass-media in all languages. This is not a substitute for gazette notification, but in addition to it.

There is also a tendency on the part of some sections of the upper strata and socially advanced sections of the society to invent new caste names “camouflaging” such false constructs with the attributes of castes which are socially and educationally backward and seek inclusion of these caste names in the list of backward classes whereas in reality no such caste exists. This tendency needs to be curbed by giving wide publicity and rejecting such requests.

The Commission has pointed this out and tendered this general Advice repeatedly to the government as a whole and to the Ministry specifically. But it is unfortunate that on such an obvious matter such a simple decision has not been taken. The Commission feels that perhaps with the quick changes of personnel at different levels of officers and lower staff, no one in the Ministry has the time, patience or the capacity to build up the requisite knowledge, to apply one’s mind to this important matter. Therefore, the Commission recommends to the government to immediately notify, without any further delay all rejections, already decided on, in the official gazette, and by publicity in the media --- the latter can be done by the Commission also --- and in future promptly notify all decisions of rejections without losing any time on receipt of the Commission’s Advice in each case. There is absolutely

no rational ground for the government to needlessly allow these uncertainties to continue by not notifying rejections in the official gazette.

(vii) **Amendment of NCBC Act 1993 – Utilising NCBC for Guiding and Monitoring Efforts**

The problem of backwardness needs to be tackled on various fronts, including but not only reservation, so that backwardness --- social, education and economic --- is eradicated in respect of BCs as a whole and in respect of each BC caste/community, in a reasonable time-frame in accordance with the Constitutional goals. There is no nodal agency to provide guidance for the formulation and implementation of such programmes and efforts, governmental/institutional as well as voluntary and for their coordination and monitoring. It is, therefore, necessary to entrust the aforesaid task of monitoring the progress of the backward classes on all fronts and coordinating and monitoring of the various programmes and schemes sponsored by Central and State Governments and providing objective and well informed guidance to these efforts to some nodal agency which is well equipped and has a genuine concern for their interests. The NCBC is the only national body which is in a position to undertake this task on behalf of the Government of India and in the larger national interest. Some State Governments have already incorporated a provision entrusting the task of monitoring of all measures and programmes for the BCs, in their respective States to their respective SCBCs. The NCBC has also written to the government nearly two-and-a half years back on the 2<sup>nd</sup> September 1997 offering its services for this task and reiterated this in various high-level discussions, but to no avail.

In order that no more time is lost it is necessary that an Executive Order is issued forthwith followed by an early Ordinance and culminating thereafter in Amendment of NCBC Act in due course. This will help the Backward Classes as well as the Government. There is no other national body which is looking into the whole gamut of the problems of Backward Classes and various schemes of the Central and State Govt. for the benefit of Backward Classes. Therefore, the Commission has suggested to the Ministry of Social Justice and Empowerment on the 2<sup>nd</sup> September 1997 to amend Section 9 of the NCBC Act, 1993 enlarging the functions of the Commission. The objective of the proposed amendment is to guide and monitor progress of social, educational and economic development of Backward Classes. The proposed amendment is as follows :-

**Introduce new Section 9A, to be worded as follows:-**

“9A. It shall be the duty of the Commission

- (a) to advise the Union and States regarding measures undertaken and required to be undertaken for the expeditious social, educational and economic advancement of the Backward Classes and each Backward Class and monitor implementation of such measures and the qualitative and quantitative adequacy of such measures and their implementation and provide guidance for such measures and their implementation.

- (b) to monitor and evaluate the performance of Backward Classes as a whole and each backward class in competitive examinations and other selections at the Union and States levels, both under the reservation quota as well as the merit quota and advise on and guide the measures necessary to expeditiously improve such performance.
- (c) to help ensure provision of support for community and voluntary efforts for the comprehensive and total removal of the backwardness and inequality of the Backward Classes.
- (d) to undertake any other tasks considered by it to be necessary to fulfil the object of enabling the Backward Classes as a whole and each backward class to expeditiously advance socially, educationally, and economically to a level of all-round Equality.

I. Addition in existing Section 10

Add the words "and under Section 9 A and Section 11" after the words "under sub-Section (1) of Section 9"

(viii) Tabling of Annual Reports in Parliament --- Amendment to Section 15 of the NCBC Act

The existing Section 15 reads as follows :-



“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.”

In the process it takes many years before an annual report is laid in the House because it takes a lot of time for the Government to prepare a memorandum of action or action-taken report. It is essential that the Annual Report reaches the people's representatives and the people as early as possible after it is forwarded to the Central Government. The purpose can be achieved by providing for a two-stage operation and amending the Section as follows :-

“15.(1) The Central Government shall cause the Annual Report to be laid before each House of Parliament at their very first session after the annual report is received by the Central Government.

(2) Thereafter as early as possible the Central Government shall cause to be laid before each House of Parliament a memorandum of action-taken on the Advices tendered by the Commission under section 9 and other Advices tendered by the Commission and the reasons for non-acceptance, if any, of any such Advice and the audit report in the earliest session possible.”

- (ix) **Amendment of the definition of “lists” in the Act so that it does not appear to preclude policies and programmes other than reservation in services**

Clause (c) of Section 2 under the Head “Definitions” of the NCBC Act, 1993 defines “lists” as “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. . It looks as though nothing other than reservation is envisaged for the BCs. While there are proposals for extension of reservation to education and for the provision of developmental and welfare programmes for the BCs (vide chapter IV) it is necessary here to take in these necessary wider possibilities. This can be done by the following addition at the end of Clause (c) :-

“and for purposes of making provision for reservation in any other area of activity and for purposes of programmes for the developmental and welfare of backward classes to enable the backward classes as a whole and each backward class to reach a level of equality with the advanced sections of the society.”

(x) **All members to have co-terminuous term**

Under existing provisions every member shall hold office for three years from the date he assumes office. In actual practice different members join on different dates and, therefore, their term comes to an end at different dates. Towards the end, this comes in the way of continuance of activity. To facilitate continuance of activity till the last day Section 4 may be amended whereby the three-year term of every Member shall be counted from the date of notification nominating the Members for each term of the Commission. It is presumed that all Members would assume office immediately after the notification and in fact should do so. But if any Member fails to join promptly his effective period will get reduced to the extent of the number of days taken by that Member.

(xi) **Avoidance of confusion in possible future litigations as in the past**

The first two decades after the Constitution was taken up with a lot of litigation about the identification of the BCs and the principle of caste-based identification of BCs, starting with the case of Champakam Dorairajan and Venkatramana in 1951 till the Minor Rajendran case of 1968. Existing list of BCs and new lists of BCs were struck down by the High Courts and Supreme Court. The only good thing that happened for the backward classes in these two decades was the Amendment of the Constitution to introduce Clause 4

of Article 15. Parallel to and in continuation of this, was the executive dereliction of duty to the BCs by keeping the Kaka Kalelkar Commission's Report in cold storage, laced by simulated action and then dropping its recommendations followed by long silence before the Mandal Commission was appointed in 1979 and thereafter another period of confinement of the Mandal Report to the cold storage and simulated action for a decade till 1990. Thereafter there were three years' interruption by Writ Petitions filed in different High Courts challenging the decision to provide reservation for BCs. At that time, on the prayer of the Government of India through the Attorney General, the Supreme Court wisely gathered to itself all the Writ Petitions in all the High Courts and directed that any future Writ Petition on the subject shall be moved only in the Supreme Court and no High Court shall entertain any Writ Petition on that issue. After the landmark Mandal Judgement of the Supreme Court in 1992, the Govt. of India took almost another one year to actually set the process of reservation in motion and also to set up the statutory machinery for examining requests for inclusion in the list of Backward Classes not included in the first phase Central List of 1993. It has taken six years thereafter and now in another four years the decennial revision in accordance with the directions of the Supreme Court and Section 11 of the NCBC Act falls due. No developmental programmes and outlays of significance for the BCs have yet been provided even after 7 years of the Supreme Court's Judgement validating government's decision to identify BCs in terms of castes and providing reservation for them. Whatever has been provided is neither comprehensive nor adequate. Whatever limited provision is made is also largely lapsed.

At this state the Commission is anxious about one more potential source of instability in the BC area. It has been the duty of the Commission to reject the Requests for inclusion of castes/communities which are not found to be socially backward. It is natural that some persons feel aggrieved by this. They may seek to go to courts. This is their Constitutional right and the Commission has got nothing to say about this. But this should not be allowed to result in another period of confusion, instability and chaos with regard to identification of BCs. A number of castes in India occur in more than one State. If each of them goes to different High Courts and conflicting Judgements emerge, there will be confusion and chaos about the identity and composition of BCs. Keeping this in view, the Supreme Court had directed at the end of Clause (C) of para 123(A) of its majority Judgement in the Mandal Case that “..... any petition or proceeding questioning the validity, operation or implementation of the two impugned Office Memorandums, on any grounds whatsoever, shall filed or instituted only before this Court and not before any High Court or other Court or Tribunal.”

According to this Commission's understanding and interpretation, this direction especially with the inclusion of the words “operation or implementation” covers the examination of Requests, the Findings arrived at and Advices tendered to the government in favour of inclusion or rejection of Requests and similarly with regard

to the future task of complaints of over-inclusion (which means requests for deletion of any existing entry) and the decisions of the government on receipt of the Commission's Advice in each case. And therefore, any petition or proceeding on any Advice of this Commission or decision of the Government shall be filed or instituted only before the Supreme Court and not before any High Court or other Courts or any Tribunal. This direction of the Supreme Court is obviously framed carefully not only with the benefit of hindsight of the past muddled story but also with foresight of future potential for mischief and confusion. The Commission has taken the stand of exclusive jurisdiction of Supreme Court in specific cases of Writ Petitions which have been filed in certain High Courts. Therefore, it would be desirable for the government to take the initiative and suitably move the Supreme Court to ensure that any Writ Petition on the findings and Advices of the Commission and the decision of the government shall be filed only in the Apex Court, to seek directions of the Supreme Court that all pending Writ Petitions in all High Courts are called to the file of the Supreme Court and to issue appropriate directions to the High Courts and to take other steps to publicise them so that on account of ignorance of the directions of the Supreme Court at the end of Clause (c) of para 123(A) of the Mandal Judgement referred to, Writ Petitions may not be filed in different High Courts and the apprehended confusion may not arise.

This will also be in line with the action taken by the Supreme Court in terminating multifariousness of Writ Petitions after the Mandal decision of the government in 1990 and calling all of them to

itself and barring High Courts from entertaining Writ Petitions on the Mandal decision.

**(xii) False Certificates --- Prevention and Punishment**

During the visits of Benches of the Commission in various States/UTs, it came to the notice of the Members that some shortsighted individuals belonging to different non-backward castes unfortunately resort to seeking and securing false caste-certificates, sometimes taking advantage of similarities in caste-names, and in the context of the well-known qualities of India's administrative system, elements are not rare which entertain such requests and deliberately issue false caste-certificates. This menace, like different forms of corruption, has become more and more threatening. At the same time genuine members of genuine backward classes often experience difficulty in getting caste certificates promptly. In view of this, it is desirable that the Central Government as well as the State Governments take the following statutory and systemic measures:-

- (a) Provide a statutory base for the process and machinery of caste-certification, which should be fully transparent, either as an Independent Act or as a Chapter included in the relevant Acts already existing in some States, covering different aspects of reservation, with the twin-objective of expeditiously issuing caste-certificates to the genuine members of Backward Classes without any scope for harassment or delay and effective prevention and

detection of false claims and nipping such claims in the bud and if, in rare cases, false claimants escape vigilance at entry point, providing for the earliest subsequent detection and severe penalties both for holders and beneficiaries and for issuers of false certificates; this should also suitably find place in a Central Act on Reservation for Backward Classes. The Central and State Acts should inter alia provide for publication of application for caste certificates and names of applicants and caste as per the application through public media and by affixing in certain public places (eg. Panchayat office of the village).

- (b) The Central Government and the respective State Governments should encourage setting up of Committees of various castes/communities for a watch and ward system of internal vigilance and safeguards within the community,;
- (c) The Central Government and the respective Governments should guide and ensure that such statutory systems are established in each State/UT and, thereafter, the Central Government should guide and monitor such statutory systems in each State/UT so as to ensure their effective and continuous functioning without any deterioration.



- (d) There seems to be some loopholes in the names as given in the lists in some cases, partly because some of the backward castes, in their effort to upgrade caste status through psycho-semantic means have adopted caste names similar to that of upper castes. This gives greater handle to those seek and issue false caste-certificates. This and the question of how the caste names should be listed in the lists should be carefully studied and preventive measures incorporated. While this exercise will have to be taken up even now, it will have to be taken up in a thorough manner at the time of the first revision of the lists.

**(xiii) Other suggestions**

In addition to the important recommendations contained in this Chapter, the Commission also recommends that the various other recommendations contained in and referred to Chapter IV be expeditiously implemented.

**(Justice P K Shyamsundar)**  
**Chairperson**

**( P S Krishnan )**  
**Member-Secretary**

**( U P Singh )**  
**Member**

**( Sahu Akshay Bhai )**  
**Member**

**( M S Matharoo )**  
**Member**

## ANNEXURE – I.1

**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 31<sup>st</sup> 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 are 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-Est. (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 13<sup>th</sup> 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 13<sup>th</sup> August, 1990, shall be deemed to have been amended to the extent specified above.

**Annexure- I.3**

**Judgement Writ Petition (Civil) No.930 of 1990 – Indira Sawhney  
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 13<sup>th</sup> 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 25<sup>th</sup> 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 order 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 22<sup>nd</sup> 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 16<sup>th</sup> 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/section (‘creamy layer’) from ‘Other Backward Classes’ and further that the implementation of the impugned O.M. dated 13<sup>th</sup> 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.)<br>High Court Patna                             | Chairman         |
| 2. Shri M.L. Sahare (Social Scientist)<br>Former Chairman, U.P.S.C.                  | Member           |
| 3. Shri P.S. Krishnan,<br>Former Secretary (Welfare)<br>Govt. of India               | Member           |
| 4. Shri R.J. Majithia, former Chairman<br>Revenue Board,<br>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 10<sup>th</sup> 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)



**Annexure – I.5**

No.12011/24/93-BCC(C)  
GOVERNMENT OF INDIA  
MINISTRY OF WELFARE  
-----

Shastri Bhavan, New Delhi  
Dated the 12<sup>th</sup> March, 1993

**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 25<sup>th</sup> 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 25<sup>th</sup> 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

## Annexure – I.6

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-302001

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 list 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 18<sup>th</sup> June, 1993.

Yours faithfully,

Sd/-

(M.S. PANDIT)

Joint Secretary to the Government of India

**Annexure – I.7**

**G.I., Dept. of Per. & Trg., O.M. No.36012/22/93-Est. (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 13<sup>th</sup> August, 1990 and 25<sup>th</sup> 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	}	It is requested that the said instructions may be issued in respect of PSUs, Public Secor Banks and Insurance Corpo rations.
	}	
2. Ministryof Finance (Banking and Insurance Divisions), New Delhi	}	
	}	

**Annexure – I.8****MINISTRY OF WELFARE**

New Delhi, the 10<sup>th</sup> September, 1993

**RESOLUTION**

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 8<sup>th</sup> 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 lists 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 8<sup>th</sup> September, 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.



**Annexure – I.9**

**G.I., Dept. of Per. & Trg., O.M. No.36012/22/93-Est. (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 8<sup>th</sup> September, 1993, on the above subject and to say that in accordance with the Supreme Court Judgement in the Indira Sawhney case, the reservation 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 8<sup>th</sup> 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 10<sup>th</sup> September, 1993, published in the Gazette of India Extraordinary Part I—Section I dated 13<sup>th</sup> 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 Stipendiary 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-Est. (SCT),  
dated the 15<sup>th</sup> 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.

**Annexure – I.11****MINISTRY OF WELFARE****RESOLUTION**

New Delhi, the 19<sup>th</sup> 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 8<sup>th</sup> 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: 10<sup>th</sup> September, 1993 and published in the Gazette of India Extraordinary-Part I—Section-I No.186, New Delhi, Monday, September, 13<sup>th</sup>, 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 8<sup>th</sup> 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<sup>th</sup> 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 8<sup>th</sup> 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 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 aforesaid O.M. dated the 8<sup>th</sup> 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 10<sup>th</sup> September, 1993 and published in the Gazette of India—Extraordinary--Part I, Section I, No.186, New Delhi, Monday, September, 13<sup>th</sup>, 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 19<sup>th</sup> October, 1994, for inclusion in the Central List of OBCs in the context of implementation of the aforesaid O.M. dated the 8<sup>th</sup> 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 8<sup>th</sup> 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 WELFARE

RESOLUTION

New Delhi, dated the 11<sup>th</sup> December, 1997

No.12011/99/94-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 the 8<sup>th</sup> 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 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 aforesaid O.M. dated the 8<sup>th</sup> 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 10<sup>th</sup> September, 1993 and published in the Gazette of India—Extraordinary--Part I, Section I, No.186, New Delhi, Monday, September, 13<sup>th</sup>, 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 19<sup>th</sup> October, 1994, for inclusion in the Central List of OBCs in the context of implementation of the aforesaid O.M. dated the 8<sup>th</sup> 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. Subsequently, the common lists of OBCs in respect of 3 States and 1 Union Territory, namely Jammu and Kashmir, Manipur, Sikkim, and the



National Capital Territory of Delhi were also notified vide Ministry of Welfare's Resolution No.12011/7/95-BCC dated 24<sup>th</sup> May, 1995, for inclusion in the Central Lists of OBCs in the context of implementation of the aforesaid O.M. dated the 8<sup>th</sup> September, 1993, and published in the Gazette of India—Extraordinary Part-I, Section I, No.88, New Delhi, Thursday, May 25<sup>th</sup>, 1995/Jyaistha, 4,1917.

5. The Government of India have now drawn up the common lists of OBCs in respect of the Union Territory of Chandigarh, and have decided to notify the annexed common lists in respect of the above mentioned Union Territory for inclusion in the Central List of OBCs in the context of implementation of the aforesaid O.M. dated the 8<sup>th</sup> September, 1993 of the Department of Personnel and Training. This list shall take effect from the date of issue of this Resolution.

Dr. M.S. AHMAD, Jt. Secy.

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

*New Delhi, the 2<sup>nd</sup> April, 1993/Chaitra 12, 1915 (Saka)*

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

**THE NATIONAL COMMISSION FOR BACKWARD CLASSES ACT, 1993**  
**No.27 of 1993**

[2<sup>nd</sup> 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 1<sup>st</sup> 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.

3. *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.
- (4) 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 succession 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. MOHANPURIA  
Secy. to the Govt. of India

## Annexure –II.1

## 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.T.s 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 detailed 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.

**Extract of the Meeting of the Commission  
Held on 11<sup>th</sup> September, 1997 Amending the Procedure  
Under Sub-Section (2) of Section 8 of the NCBC Act, 1993  
(Act No.27 of 1993)**

---

.....the Commission prescribed the following procedure under Sub-Section (2) of Section 8 of the National Commission for Backward Classes Act, 1993 (Act No.27 of 1993) in continuation of/in amendment of the procedure laid down earlier with immediate effect :-

1. Examination of and Public Hearing in respect of the following types of Requests and Complaints under Section 9(1) of the Act and formulation of the Bench findings may be done by single-Member Benches :-
  - a) where inclusion is only by correction of spelling and other similar corrections like punctuations, etc. taking care that in the name of spelling correction, etc., a caste/community/sub-caste, which is not really in the relevant Central List, is not given an unintended entry into that List.
  - b) Absolute synonyms or synonyms which are co-terminous, i.e., names where the boundary denoted by one name is exactly the same as the boundary denoted by other name(s) and where one or more of these name(s) is/are in the relevant Central List and the Request is for the inclusion of the other name(s);
  - c) Fast Track cases, which are already included in the State List;
  - d) The Single-Member Benches will follow the same process of public notice of their hearings and other matters, as the existing Benches are following.
2. The Chairperson may nominate the Member for each such Single-member Bench.
3. Where necessary, the Chairperson may also add to or otherwise modify the composition of any of the Benches of the Commission.

**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 Vimukta 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 Vimukta 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 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 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 Class-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

1. 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.
2. 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.

3. 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 state 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 not in the Mandal List or included in the Mandal list but not in the State list, or included in neither.

**Annexure – II.3**

**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 16<sup>th</sup> 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 judgement 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 arrangement 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-II indicated above, are required to be filled up by the respective State Governments.

7. In addition, the Commission also required 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

Sd/-  
(P.S. KRISHNAN)

---

---

## **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	170
<b><u>PART – I</u></b>	
General Descriptive Data of the State	173
<b><u>PART – II</u></b>	
General Data of the Caste/Community Under Consideration	178
<b><u>Data Relating to Social and other Factors</u></b>	
A. Social	180
B. Educational	185
C. Economic	188
D. Representation in the Services of Central Government	190
E. Miscellaneous	192



## 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 General Descriptive Data of the  
Caste/Community**

**Questions 6,7,8 and 10**

B.	Educational	Questions 2,4 and 6.
C.	Economic	Questions 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-II A.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 fulfillment 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 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 :  
 (a) State list  
 (b) Mandal list  
 (c) Common list
21. Particulars of Commissions/Committees appointed in the State up-to-date:  
 (a) Name of the Commission/Committee  
 (b) Chairperson  
 (c) Number of Members including Chairperson  
 (d) Date of appointment  
 (e) Date of Report  
 (f) Whether the Report has been accepted by the Government or not  
 (g) Any other important information
22. Particulars of Commission/Committee appointed pursuant to the Mandal judgement of the Supreme Court :  
 (a) Whether statutory or not  
 (b) Names of the Chairperson and other Members  
 (c) 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
- (i) Group A/Class I :  
 (ii) Group B/Class II :  
 (iii) Group C/Class III:  
 (iv) 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.
- 3.
- 4.

—  
—

- (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)

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

- 1.
- 2.
- 3.
- 4.

—

—



## 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 the 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 land-holders 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 Denotified 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 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 year of reference

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

Specify 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 year of reference

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

Specify 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 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 the 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 number 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 Accountant

(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 the 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				Year of Reference
A/I	B/II	C/III	D/IV	

1.

2.

3.

4.

-

*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 :

Group A :  
 Group B :  
 Group C :  
 Group D :

Year of reference

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

Group A :  
 Group B :  
 Group C :  
 Group D :

Year of reference

### 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- III.1**

**Statewise list of Castes/sub-castes/synonyms/communities covered by the Advices of the NCBC**

**Andhra Pradesh**

- 1 Viswakarma
- 2 Devathilakula
- 3 Pala-Ekari
- 4 Ayyaraka
- 5 Nagaralu
- 6 Pondara
- 7 Lodh, Lodha, Lodhi
- 8 Kurakula
- 9 Kasi Kapadi
- 10 Gajula Baliya (who are traditionally associated with selling of bangles)
- 11 Karuneegar
- 12 Sistakaranam
- 13 Agamudiyar including Thuluva Vellala
- 14 Bondili (Rajput)
- 15 Jetty



- 16 Velama
- 17 Adi-Velama
- 18 Turupu Kapu
- 19 Thiyya/Ezhava
- 20 Bukka Ayavar
- 21 Salivahana
- 22 Are-Maratha, Maratha, Are-Vellu, Are-Kapu, Are-Kshatriya
- 23 Vannia, Vanniar, Vannikula-Kshatriya
- 24 Jaiswal/Kalwar
- 25 Sarollu
- 26 Yellapu/Yellapondur
- 27 Are, Are Vallu, Arollu
- 28 Isai Vellalar
- 29 Atirasa

**Sub-total - 29**

**ASSAM**

- 30 Saifi

**Sub-total - 1**

**Bihar**

- 31 Kalwar, Kalal, Eraqui (Kalwar already in CL under Bania, but advised for shifting it to a separate entry)
- 32 Jaiswal
- 33 Kasaudhan
- 34 Barhai
- 35 Tomar
- 36 Rastogi
- 37 Lohani
- 38 Ayodhyavasi
- 39 Baig vaishya
- 40 Jain vaishya
- 41 Gaud vaishya
- 42 Bais vaishya
- 43 Kath Bania and /or Kaithal vaishya
- 44 Bangia vaishya (Bangali Bania)
- 45 Saifi
- 46 Gangai (Nagesh)  
(inclusion by correction of spelling error in the existing entry)
- 47 Kewat,

- 48 Murawari
- 49 Kulahiya
- 50 Shershahbadi
- 51 Sukiya
- 52 Buranwal
- 53 Kamlapuri Vaishya
- 54 Poddar
- 55 Musahar (Christians)
- 56 Newar (Christians)
- 57 Tili
- 58 Adrakhi
- 59 Nagar
- 60 Gandh Banik

**Sub-total - 30**

### **DELHI**

- 61 Ramgarhia, Panchal, Dheeman
- 62 Saifi
- 63 Kanu
- 64 Qassar
- 65 Teli-Malik

- 66 Kalwar
- 67 Jaiswal
- 68 Rajkumar Kshatriya or Rajkumar
- 69 Kayastha
- 70 Rauniyar Vaishya
- 71 Kesarvani Vaishya
- 72 Poddar
- 73 Kamlapuri Vaishya
- 74 Arak, Arakvanshiya
- 75 Raya-Tanwar
- 76 Vishwakarma Maithil Brahman
- 77 Rai-Sikh (Mahtam)

**Sub-total - 17**

**GOA**

- 78 Kumbhar
- 79 Teli
- 80 Shimpi
- 81 Mahar (excluding those who are already included in SC List)
- 82 Pagui

- 83 Satarkar
- 84 Suvarnakar (Sonar)
- 85 Velip
- 86 Muslim
- 87 Beri Muslim/Beri
- 88 Khan Farooque/Kan Muslims
- 89 Kalaikar
- 90 Bhandari

**Sub-total - 13**

## **GUJARAT**

- 91 Teli, Modh Ghanchi
- 92 Mali
- 93 Kumbhar (Prajapati, Varia)
- 94 Bardai Brahmin
- 95 Lakhara/Lakhwara/Laxkar
- 96 Sindhi
- 97 Ansari
- 98 Koshti
- 99 Swakul Sali/Sali

- 100 Gadaria
- 101 Kalal
- 102 Vanza(Darji), Darji/Sai-Suthar
- 103 Mistri (Suthar/Sutar)
- 104 Luhar/Lohar/Panchal
- 105 Suttar as spelling variation of Suthar/Sutar
- 106 "Luvar/Lavar" as spelling variation of Luhar/Lohar
- 107 Mahia(Maiya)
- 108 Nadoda Rajput
- 109 Rajbhar, Bhar
- 110 Chhipa
- 111 Rajput
- 112 Purabia Kshatrya Rajput
- 113 Brahmin
- 114 Kadva Patel
- 115 Anjana (Patel, Choudhary, Desai)
- 116 Modh Patel or Modh Patidar
- 117 Baloch Muslim
- 118 "Marada or Marwada Waghari" and  
"Vaghri - Gamicho, Vedu Churalia, Jakhudia (where  
they are not STs)"

- 119 Patani, Kamaliya (Vagholiya), Halari,  
Chunwalia, Jhalori, Kankudia, Salatiya,  
Pomna, Vadhiyari, Uttamiya, Ghanghaliya, Sansoriya  
(Lakadiya), Kachhi, Bavari, Modhakiya, Vansadiya,  
Bhoiya and Madiya
- 120 Fool Mali, Marathi Mali, Kach Mali, Jire Mali
- 121 Kachchia, Kachhi, Kachhi - Kushwaha, Maurya-Koiri
- 122 Sorathia Mali, Saini Mali, Moria, Kushwaha, Rami
- 123 Bhandari
- 124 Teli-Sahu, Teli-Rathod, Teli-Rathore
- 125 Jaiswal Teli, Jaiswar Teli, Gupta Teli, Chaudhary Teli,  
Tailik,  
Modi Teli, Vaishya Teli, Vaniya Teli, Mahajan Teli,  
Rajput Teli,  
Maratha Teli
- 126 Gugali Brahman
- 127 Bhadbhunja
- 128 Bagban, Rayeen
- 129 Kathi

**Sub-total - 39**

### **Haryana**

- 130 Sain
- 131 Khewat, Mehra, Nishad
- 132 Bhar, Rajbhar

- 133 Salmani
- 134 Saifi
- 135 Rangrez, Nilgar, Leelgar, Lallari
- 136 Gramini
- 137 Jaiswar
- 138 Jat
- 139 Jat- Sikh
- 140 Gosain/Goswami
- 141 Udasin
- 142 Charaj (Mahabrahman)
- 143 Ror
- 144 Swamy Sadh
- 145 Dawala, Soni (Dawala), Nyaria
- 146 Vishwakarma Maithil Brahman

**Sub-total - 17**

**Himachal Pradesh**

- 147 Tarkhan
- 148 Julaha, Ansari (other than those included in the list of SCs)
- 149 Khatri



**Sub-total - 3****KARNATAKA**

- 150 Lonari
- 151 Chittara, Chittari
- 152 Kumara panth, Komarpanth, Komarpaik"
- 153 Yakalara
- 154 Yekkali
- 155 Vanniya
- 156 Vanniyar
- 157 Vannia Gounder
- 158 Gounder/Gownder
- 159 Padayachi,
- 160 Kander
- 161 Sadhu Chetty and its spelling variants
- 162 Telugu Chetty and its spelling variants
- 163 Telungupatti Chetty  
24 Manai Telugu Chetty and its spelling variants
- 164 Salaparu and its spelling variants
- 165 Janapar, Janapan  
Janapachetty, Janapashetty, Janapasetty

- 166 Gonichetty, Gonigamane
- 167 Galadakonkani
- 168 Kotari, Kottari, Kotary, Kottary
- 169 Thiyan, Tiyan, Ezhava, Thiyya
- 170 Urs
- 171 Kamma
- 172 Namdhari Nagartha
- 173 Bunt alias Nadava
- 174 Nairy
- 175 Maratha
- 176 Arya Maratha
- 177 Karuneeka(Kanaka Pillai)
- 178 Vaishya Brahmin
- 179 Vaishya Vani
- 180 Vani
- 181 Kunchitiga
- 182 Koyava
- 183 Agamudi
- 183 Mala Hegde
- 185 Lingayat Kuruba/Kurubaru

- 186 Lingayat Medhar
- 187 Lingayat Kuruhinashetty/Hatagar/Bilimagga/Jadaru
- 188 Lingayat Simpy/Sivasimpy
- 189 Bilijedaru/Jeda
- 190 Lingayat Neygi/Nekar/Neyge/Neelgar
- 191 Lingayat Agasa/Madivala
- 192 Lingayat Banagar
- 193 Lingayat Gowli/Gauli/Kawadiga
- 194 Lingayat Balegara/Baleshettaru
- 195 Lingayat Hugar, Hoogarta, Hoogaran, Gurav, Malgar, Jeer
- 196 Lingayat Ganiga/Ganigar/Sajjan/Sajjanaganigar
- 197 Lingayat Kammara/Akkasali/Kammasali/Badiga
- 198 Lingayat Nayinda/Bandari/Bajantri/Hadapada
- 199 Lingayat Kumbar/Kumbara
- 200 Lingayat Uppara/Sunnagara
- 201 Aradhya/Jangama
- 202 Panchacharu/Panchamasali
- 203 Lingayat'
- 204 Reddy
- 205 Munnur Kapu

- 206 Uppar
- 207 Teluru
- 208 Balyaya
- 209 Banajiga
- 210 Bale Banajiga
- 211 Dasa Banajiga
- 212 Telugu Banajiga
- 213 Setty Banajiga
- 214 Halakshatriya
- 215 Somakshatriya
- 216 Bhandari
- 217 Siddi
- 218 Baghban, Bagban, Bagwan
- 219 Pandara, Pandar, Pendara, Pendari, Pindari
- 220 "Other Muslims excluding Cutchi Memon,  
Navayat, Bohra  
or Bhora or Borah, Sayyid, Sheik, Pathan, Mughal,  
Mahdivia  
/Mahdavi, Konkani or Jamyathi Muslims."
- 221 Poladavaru
- 222 Gouda Saraswath Brahmin
- 223 Uppina Kolaga Vokkaliga

- 224 Rama Kshatriya
- 225 Ramaraja Kshatriya
- 226 Servegara (South Kanara)
- 227 Serugara (North Kanara)
- 228 Koteyar
- 229 Kotegara
- 230 Kotegar/Kotekar
- 231 Kumbri Maratha (belonging to Uttar Kannada District)
- 232 Kulavadi (Sudra) Marati (belonging to Uttar Kannada District)

**Sub-total - 83**

### **KERALA**

- 233 Sadhu Chetties
- 234 24 Manai Telugu Chetties
- 235 Peroorkada Chetty
- 236 Thachan
- 237 Kalthachan
- 238 Kamsala
- 239 Kannan
- 240 Aduthon

- 241 Vettuva Navithan
- 242 Kongu Navithan
- 243 Thachar
- 244 Poopandaram/Maalapandaram
- 245 Jangam
- 246 Gurukkal/Kurukkal
- 247 Chetty Chettiar
- 248 Pappada Chetty
- 249 Pandaram & Pandaran
- 250 Vairavi
- 251 Vairagi
- 252 Matapathi
- 253 Yogi Gurukkal
- 254 Poojari
- 255 Ambalakaran
- 256 Lingayat
- 257 Andi/Andi Pandaram
- 258 Odde (in Malabar District)
- 259 Boyan (in Malabar district.....)
- 260 Vellala including Nanjinadu Vellala', 'Pondi Vellala

- 261 Saiva Vellala
- 262 Pankavakulam
- 263 Jews
- 264 Kallan Mooppan or Kallan Mooppar
- 265 Mukari alias Moovari
- 266 Vaishnava Gowder
- 267 Saraswat Non-Brahmin
- 268 Arya Vaishya
- 269 Ezhuva and some other synonyms/spelling variants of  
Ezhava
- 270 Vania Vaishya
- 271 Kumara Kshatriya
- 272 Maran/Maranmar
- 273 Nair
- 274 Nadar belonging to Christian religions denominations  
other than  
the S.I. U. C. (South India United Churches)

**Sub-total - 42**

### **MADHYA PRADESH**

- 275 Ghoshi
- 276 Raine

- 277 Meo
- 278 Koyari/Koiri
- 279 Shakya
- 280 Murai
- 281 Panara/Panhara, Sonkar
- 282 Nai(Barber)
- 283 Pinjara(Hindu)
- 284 Saifi and Nagauri Luhar
- 285 Jat
- 286 Rajwar
- 287 Sain, Savitha Shrivastava
- 288 Patidar
- 289 Kulami, Kulmi, Kulambi, Kumbhi
- 290 Gaver, Gabhe
- 291 Kahra
- 292 Panika
- 293 Mahapatra
- 294 Gehlot Mewara
- 295 Halwai (Modanwal)
- 296 Gaddri



- 297 Gadaria
- 298 Gayari
- 299 Dhuri or Dhoori
- 300 Agharia
- 301 Kalaigar
- 302 Pemdi
- 303 Salmani
- 304 Nalband
- 305 Mirdha
- 306 Mansoori
- 307 Julaha-Ansari, Momin-Ansari
- 308 Nat
- 309 Multani Lohar
- 310 Niyargar, Niargar-Multani, Niyaria
- 311 Usmani
- 312 Nagavamsam
- 313 Kamlapuri Vaishya
- 314 Chippa-Sindhi-Khatri
- 315 Thath
- 316 Mahobia

- 317 Bawarchiyan
- 318 Bhisti-Abbasi
- 319 Agrahari Vaishya
- 320 Rawat
- 321 Yaduvanshi
- 322 Qureshi
- 323 Quresh
- 324 Tanti
- 325 Hammal/Palledar
- 326 Gaddi
- 327 Sodhi, Sodi, Sundi, Sondi
- 328 Sondik and Behra-Sondik
- 329 Mukeri, Makrani
- 330 Kaurav, Kawnra, Kaunrae

**Sub-total - 56**

**Maharashtra**

- 331 Julahar-Ansari, Momin-Ansari
- 332 Christian Koli, Chumble, Gabit, Panbhare, Son Koli
- 333 Banka Mali, Gase Mali, Kosare Mali, Marar, Maral, Savta Mali, Van Mali

- 334 Agrahri Vaishya
- 335 Asati Vaishya
- 336 Vaishya Vani
- 337 Kulwant Wani
- 338 Saifi
- 339 Khatik ( other than those who are included in the list of SCs for Maharashtra), Kasai, Karai-Qureshi
- 340 Pahad, Pahadi
- 341 Billawa (Poojary)
- 342 Lonia,Lunia,Nunia
- 343 Kachhi
- 344 Rayeen/Bagban
- 345 Ahir Koki
- 346 Pan Koli
- 347 Bari
- 348 Mitna
- 349 Lodhi, Lodha, Lodh
- 350 Komarpant/Kumara Panth
- 351 Kalal, Kalar, Sav Kalar
- 352 Jain Kalar, Kosare Kalar, Lad Kalar, Shivhare Kalar, Zariya Kalar,

Suryavanshi Kalar, Marthe Kalar, Matthe Kalar,  
Choukase Kalar,  
Rai Kalar, Dharwal Kalar, Malviya Kalar, Jaiswar  
Kalar

- 353 Kohli
- 354 Dare Gujar or Dode Gujar
- 355 Gujar, Leva or Reve Gujar, Dale Gujar, Gahi Gujar,  
Kadava Gujar,  
Analas, Londari Alias Bad Gujar, Khapra Gujar
- 356 Teli-Lingayat, Teli-Sahu, Teli-Rathod
- 357 Other sub-castes/synonyms of Teli
- 358 Ganiga and Sapaliga
- 359 Ezhava/Thiyya
- 360 Gujarati Dhobi
- 361 Maratha *alias* Kumbi

**Sub-total - 31**

### **Orissa**

- 362 Dera, Devanga, Kosta, Salia, Patsalia, Buna, Bunkar/  
Bunkara
- 363 Thoria/Thodia/Thudia/Thuria
- 364 Kalanji/Kalinji/Kalingi
- 365 Bangali Tanti/Bangiya Tanti
- 366 Khadura, Kharuda

- 367 Mahla/Mahlar
- 368 Malla
- 369 Goudiapatara
- 370 Banka
- 371 Rout
- 372 Jena
- 373 Sahu
- 374 Patayat
- 375 Swain
- 376 Parida
- 377 Pradhan
- 378 Padhan
- 379 Kamila
- 380 Astalohi
- 381 Astalohi Karmakar
- 382 Sunari, Sunaree, Viswabrahman
- 383 Swarnkar/Swarn Silpi
- 384 Bania
- 385 Vaishya/Vaishya Bania/Vaishya Banika
- 386 Sunari Bania/Sunaree Bania

- 387 Sunari Banik
- 388 Subarna Bania/Subarna Banik
- 389 Putuli Bania/Putuli Bandha Bania/Putuli Bandha  
Vaishya
- 390 Gandh Bania/Gandha Banik/Gandha Banika
- 391 Podar Bania
- 392 Achari Bania
- 393 Chinera
- 394 Goldsmith
- 395 Matibansa Tanti
- 396 Asina Tanti, Aswina Tanti, Ashani Tanti, Aswina Tanti
- 397 Baisakhi
- 398 Goudia
- 399 Bhanja Puran
- 400 Kandha-Kumbhar
- 401 Liyari
- 402 Matibansa Ojha/Khitibansa Abadhan
- 403 Ojha
- 404 Ekadash Teli
- 405 Koppula Velama

- 406 Kalanga
- 407 Odachasa, Banayat Odiya
- 408 Oda Pradhan and Odra Pradhan
- 409 Scheduled Castes convert to Christianity and their progeny
- 410 Kalwar
- 411 Jaiswal
- 412 Byahut Kalwar
- 413 Byahut Bania
- 414 Arua
- 415 Hatua
- 416 Baisya Karan
- 417 Tambuli, Tamali
- 418 Tamuli (Baisya)
- 419 Telugu, Telanga, Telenga, Telugu Kachara
- 420 Shudra
- 421 Alia
- 422 Raju
- 423 Kalandi Baishnaba
- 424 Sagua
- 425 Gopal Baishnab

426 Muni and Raula (Raula of Ganjam District only)

427 Khandayat

428 Mahanayak/Mahanayak Sudra

429 Dalapati/Daula

430 Rajasri Balasi/Balasi

**Sub-total - 69**

### **PUNJAB**

431 Ramgarhia, Turkhan

432 Bhar, Rajbhar

433 Saifi

434 Rahbari

435 Mair Rajput

436 Sunar, Swarnkar

437 Saini

438 Gosain

439 Sain

440 Kachhi, Kachhi-Shakya, Kachhi-Maurya,  
Kachhi-Kushwaha

**Sub-total - 10**



**RAJASTHAN**

- 441 Kansara, Bharawa
- 442 Wazir
- 443 Tamboli (Chaurasia, Kurmi Kumrawat)
- 444 For addition of the following Explanation in the  
Central List of  
BCs for Rajasthan:  
Explanation: --" In the above list, castes, which are  
known by the name of their respective traditional  
hereditary occupations and whose members follow  
different religions, include all members of those caste,  
irrespective of whether they follow the Hindu or Islam  
or  
any other religion"
- 445 Saini, Bagwan
- 446 Dhobi (other than Those who are included in the list of  
Scheduled Castes for Rajasthan)
- 447 Kharadi
- 448 Manihar
- 449 Sakka-Bhishti, Saqqa-Bhishti, Bhishti-Abbasi
- 450 Mochi (Other than those who are included in the list  
of scheduled castes for Rajasthan)
- 451 Mansoori
- 452 Lodh
- 453 Rangrez, Nilgar

- 454 Jat (except in Bharatpur and Dhaulpur District)
- 455 Gaur Brahman
- 456 Chungar
- 457 Sirvi
- 458 Bari
- 459 Panchal Brahmin
- 460 Vishwakarma and Sharma
- 461 Saifi
- 462 Bhavsar
- 463 Kayastha
- 464 Yati
- 465 Jachak, Jaga
- 466 Ander Kotiyan, Ander Kot
- 467 Adi Gaur Brahman
- 468 Sain
- 469 Bairagi
- 470 Faqir/Faquir (Kadiris, Chistis and Naqshbandias are  
not  
included)
- 471 Kumawat along with Kumhar (Prajapati)
- 472 Kachhi-Kushwaha, Kachhi-Shakya

- 473 Shah, Sai
- 474 Baid Nai
- 475 Baragaon Brahman
- 476 Rangad (Muslim)
- 477 Rao Rajput
- 478 Joshi
- 479 Sunar, Soni
- 480 Sipahi (Muslim)
- 481 Vachet Paliwal
- 482 Daroga- Rajot
- 483 Kasai
- 484 Hammal, Palledar, Kassab and Qureshi
- 485 Rayee/Rayeen, Kunjra
- 486 Bisyadi
- 487 Machuara
- 488 Gaddi
- 489 Kalbi
- 490 Rai-Sikh
- 491 Kayamkhani (Muslim)
- 492 Guru, Garu, Garg Brahman

493 Bhatiyara

494 Sheikh Farooqui

495 Bishnoi

**Sub-total - 55**

**SIKKIM**

496 Thami

497 Sanyasi

498 Newar

499 Chettri

500 Bahun

501 Jogi

**Sub total -6**

**TAMIL NADU**

502 Agasa

503 Madivala

504 Ekali

505 Battu Turkas

506 Devagudi Talayari

507 Mangala

- 508 Pronopakari
- 509 Moopanar, Nainar
- 510 Thoraiyar, Badaga Thoraiyar of Nilgiris
- 511 Nangudi Vellalar
- 512 Pulavar
- 513 Vellala
- 514 Devendra Kula Vellalar
- 515 Podikara Vellalar
- 516 Reddy(Ganjam)
- 517 Pandaram
- 518 Thambiran
- 519 Bakthar
- 520 Lingayat
- 521 Removal of area restriction in repect of Veerasaiva
- 522 Reddy/Reddiyar
- 523 Orugunta Reddy
- 524 Kaniyala Vellalar
- 525 O.P.S. Vellalar
- 526 Arunattu Vellalar
- 527 Paiyurkotta Vellalar

- 528 Moondrumanadi Embathunalu, (84) Ur. Sozhiya Vellalar
- 529 Kudikara Vellalar
- 530 Oottruvalainattu Vellalar
- 531 Velar
- 532 Sheik
- 533 Syed
- 534 Ansar
- 535 Kasukkara Chettiar
- 536 Karpooora Chettiar
- 537 Agaram Vellalar Chettiar
- 538 Sundaram Chetty
- 539 Urikkara Nayakkar
- 540 Ukkirakula Kshatriya Naicker
- 541 Servai
- 542 Rowthar
- 543 Kuga Vellalar
- 544 Ayira Vaisyar
- 545 Arya Vaishya
- 546 Bhattachar
- 547 Pooluva Gounder

- 548 Kongu Vaishnava
- 549 Padmanabar, Mukkulava
- 550 Chowdry
- 551 Kannadiya Naidu
- 552 Kallar Kula Thondaman
- 553 Thiyya
- 554 Jain Nainar

**Sub-total - 53**

**TRIPURA**

- 555 Kuri
- 556 Modak
- 557 Heledas/Halladas/Haluadas
- 558 Shil
- 559 Painak
- 560 Bishnupriya Manipuri
- 561 Pangal
- 562 Rai (Oriya)
- 563 Raily
- 564 Telenga
- 565 Bangshi

- 566 Kumar
- 567 Giri
- 568 Saha
- 569 Acharjee (Ganak)
- 570 Rajbhar
- 571 Adhikari
- 572 Banik
- 573 Muslim

**Sub-total - 19**

### **UTTAR PRADESH**

- 574 Mewati, Meo
- 575 Saqqa-Bhisti, Bhisti-Abbassi
- 576 Koshta/Koshti
- 577 Arakvanshiya
- 578 Samani, Rogangar
- 579 Saifi
- 580 Jat
- 581 Lodhi, Lodhi-Rajput
- 582 Teli Malik (Muslim)



- 583 Kacher, Lakher
- 584 Ansari
- 585 Qureshi
- 586 Gole Thakur
- 587 Visthapit Rajput (Rej)
- 588 Barber
- 589 Carpenter
- 590 Turk
- 591 Yadav
- 592 Noniya, Nurnere
- 593 Kasai, Quraishi
- 594 Julah
- 595 Pinjara
- 596 Behna
- 597 Dhunia
- 598 Kadere, Kandere
- 599 Dhunkar-Karan
- 600 Khumra, Sangtrash, Hansiri
- 601 Nayata
- 602 Nagori

- 603 Lakhera (excluding Lakhera a sub-caste of Brahmans in Tehri Garhwal Region)
- 604 Churihar
- 605 Patwa, Patua, Pathar (excluding Agarwala, Deobassi, Kharewal, or Khandelwal who are sub-caste of Baniya and Kharwal claim to the rank of Rajput)
- 606 Nand/Nandvanshi
- 607 Sheikh Farooq
- 608 Hashmi, Masoodi
- 609 Atishbaz, Darugar
- 610 Madari
- 611 Nalband, Sais
- 612 Bhand
- 613 Mochi (excluding those who are included in the list of SCs of UP)
- 614 Rajput Sikh
- 615 Bhatra/Bhatt Brahman
- 616 Muslim Bhatt/Kaviraj/Ray
- 617 Teli-Sahu
- 618 Teli-Rathore
- 619 Tatwa
- 620 Verma/Sonar/Sunar

- 621 Gautam Brahman
- 622 Jaiswar
- 623 Ramgarhia
- 624 Kunjara
- 625 Raj (Memar)
- 626 Thabai
- 627 Rajgir
- 628 Shilpkar
- 629 Vishwakarma
- 630 Dhakad
- 631 Aheria/Aheriya
- 632 Shaikh Sarvari (Pirahi), Peerahi
- 633 Bot (Does not include Bhotia who are already in S.T.  
list for U.P.)
- 634 Kamboj
- 635 Choudhary
- 636 Khagi, Kharagvanshi
- 637 Tanwar-Singhariya
- 638 Charaj (Mahabrahman)
- 639 Mukeri

- 640 Ror
- 641 Alwi
- 642 Sosar, Shah
- 643 Pindara/Pindari/Kankar
- 644 Sah/Choudhary
- 645 Khas Rajput
- 646 Muslim Jat
- 647 Kalal/Kalwar/Kalar
- 648 Agrahari Vaishya
- 649 Kamlapuri Vaishya
- 650 Roniyar Vaishya
- 651 Vaishya Samaj
- 652 Gulhare Vaishya
- 653 Bania
- 654 Umar Bania
- 655 Baranwal
- 656 Kesarwani
- 657 Kasaudhan
- 658 Dohar
- 659 Jaiswar Rajput

- 660 Bismali
- 661 Tadvī
- 662 Pemdi
- 663 Muslim Tawaif
- 664 Hammal
- 665 Kasera, Thathera, Tamrakar
- 666 Kalikar
- 667 Mukeri, Ranki, Mekrani
- 668 Kuthaliya Bora
- 669 Uttarakhand area
- 670 Sain
- 671 Hela, Lalbegi (Muslim Bhangi)  
(other than those who are included in the list of SCs of U.P.)
- 672 Rai Sikh (Mahatam)

**Sub-total - 99**

### **WEST BENGAL**

- 673 Chitrakar
- 674 Pallav-Gope, Ballav, Gope, Yadav Gope, Ahir and Yadav
- 675 Fakir, Sain

- 676 Bhujel
- 677 Jogi
- 678 Dhunia
- 679 Nembang
- 680 Churihar
- 681 Turha
- 682 Mangar (Thapa, Rana)
- 683 Kahar
- 684 Betkar (Bentkar)
- 685 Thami
- 686 Sampang
- 687 Bungchheng
- 688 Sukli (excluding solanki Rajputs who claim themselves to be sukuli)
- 689 Dhimal
- 690 Bhar
- 691 Lakhera/Laahera
- 692 Rangwa
- 693 Newar
- 694 Kasai-Quraishi
- 695 Kalwar

- 696 Jaiswal
- 697 Hawri,Dhobi (Other than those included in the List of SC)
- 698 Salmani and Sain
- 699 Raniwar
- 700 Gandhbanik
- 701 Kamlapuri Vaishya
- 702 Gorkha
- 703 Tamboli/Tamali
- 704 Tili
- 705 Saha
- 706 Tamang
- 707 Khami
- 708 Khera
- 709 Khen
- 710 Chamling
- 711 Scheduled Castes converts to Christianity and their progeny
- 712 Sunuwar
- 713 Agrahari
- 714 Rayeen (Kunjra)

715 Chasi-Kaibartta/Hele/Halia

716 Das-Kaibartta

717 Mahishya

718 Khandait

**Sub-total - 46**

**Chandigarh**

719 Bhar, Rajbhar

720 Ramgarhia

721 Gujjar

722 Saini

723 Gosain/Goswami

724 Sunar/Swarnakar

**Sub-total - 6**

**PONDICHERRY**

725 Ansar

726 Agaram vellan Chettiar

727 Dombs

728 Donga Dasari

729 Kaladi



- 730 Kaliar Kula Thondama
- 731 Kalveli Gounder
- 732 Kamber
- 733 Kannadiya Naidu
- 734 Karpura Chettiar
- 735 Katesar
- 736 Patlamkatti
- 737 Malayar
- 738 Ovachar
- 739 Paiyur Kotta vellalar
- 740 Panar
- 741 Panisaivan
- 742 Panirandam Chettiar
- 743 Podikara vellalar
- 744 Pooluva Gounder
- 745 Salivagana
- 746 Savalakarar
- 747 Ukkirakula Kshatriya Naicker
- 748 Urikkara Nayakar
- 749 Vellan Chettiar

- 750 Yavana
- 751 Punnam Nettuva Gounder
- 752 Valaiyar
- 753 Reddy/Reddiar
- 754 Ayira vaisya Chetty
- 755 Sozhia vellalar
- 756 Sozhia Chetty
- 757 Kannadiyar/Kannada Saineegar
- 758 Kongu vellalar
- 759 Karuneegar
- 760 Sadhu Chetty, Telugu Chetty, Telugupatty Chetty,  
24-Manai Telugu Chetty
- 761 Reddy (Ganjam)
- 762 Navithar
- 763 Sheik
- 764 Syed
- 765 Kaniyala vellalar
- 766 Kasukkara Chetty
- 767 Sundaram Chetty
- 768 Vallambar

- 769 Chowdry
- 770 Servai
- 771 Thattar, Porkollar, Thachar, Kalthachar, Kollar,  
Karumar
- 772 Karuvan by correction of spelling error
- 773 Meenavar-Sembadavar, Meenavar-  
Pattanavan, Meenavar-Chinna Pattanavan,  
Meenavar-Peria Pattanavan, Meenavar-  
Parvatharajakulam
- 774 Yorukula by correction of spelling error
- 775 Gurukkal alias Archakar
- 776 Bhattacharyas
- 777 Purohits
- 778 Brahmin Iyer
- 779 Franco Indian (Creole)
- 780 Nathamar Udayar
- 781 Malayamar Udayar
- 782 Surdhimar Udayar
- 783 Kamma Naidu
- 784 Baliya Naidu
- 785 Kaikolan Mudaliar
- 786 Konaimuthous Adidravidar

- 787 Sorukattai Adidravidar
- 788 Sowrashtra
- 789 Archakarai Vellalar
- 790 Bagasalai Vellalar
- 791 Karukatha Vellalar
- 792 Thuluva Vellalar
- 793 Kanjam Reddy
- 794 Kokanad Reddiar
- 795 Band Reddiar
- 796 Thelungu Reddiar
- 797 Konda Reddy
- 798 Devanger Chettiar
- 799 Vaniya Chettiar
- 800 Seda Chettiar
- 801 Meenava Chettiar
- 802 Lingayat
- 803 Vokkaliga
- 804 Dekkani Muslim
- 805 Moopan
- 806 Panickar

807 Illathu Pilaimar, Illavar, Eluvar, Illathar

808 Gounder

809 Namdev Maratha

810 Senaithalaivar Christian

811 Christian Nadar

**Sub-total - 87**

**Grand Total - 811**

**Annexure- III.2**

**Statewise list of castes/sub-castes/synonyms/communities for which requests have been received by the Commission for inclusion in the Central list of Backward Classes and are pending with the Commission**

**Andhra Pradesh**

1. Muslim
2. Kapu, Telaga, Baliya, Ontari
3. All Sections of Baliya including Setti Baliya
4. Veerasaiva Lingayat, Linga Baliya
5. Varala, Thogra, Bholla, Baliya
6. Gajala Kapu as synonym of Thurupu Kapu

**Bihar**

7. Bakho
8. Saikalgar (Sikaligar)
9. Kurmi

**Karnataka**

10. Gowda
11. Namdhari Gowda
12. Telugu Gowda
13. Vokkaliga (Urban Area)

**Orissa**

14. Ezhava
15. Dumat Gonda
16. Pandara Mali
17. Maahaanta/Maahaata
18. Gajula Kapu/Gajula Kampa
19. Kampo/Kapu
20. Reddy (Reddi)

**Punjab**

21. Parjapatra Ghumiya

**Tripura**

22. Teli

**Rajasthan**

23. Chobadar
24. Kakri/Krekani
25. Silawat

**Annexure – III.3**

**Statewise list of castes/sub-castes/synonyms/communities  
for which requests have been received by the Commission  
for exclusion from the Central List**

**Andhra Pradesh**

1. Kintali Kalinga
2. Reddi-ka

**Kerala**

3. Latin Catholics other than Mukkuva
4. S.I.U.C.
5. Peruvannan

**Madhya Pradesh**

6. Dhimar, Kewat, Mallah, etc.

**Punjab**

7. Kamboj

**Rajasthan**

8. Damami, Nagarchi
9. Charan



**Annexure III.4**

**Statewise list of castes/sub-castes/synonyms/communities for which Advices have been tendered to the Govt. for Rejection and are pending for Notification**

**Andhra Pradesh**

1. Karuneegar
2. Sistakaranam
3. Agamudiyar including Thuluva Vellala
4. Bondili (Rajput)
5. Jetty
6. Velama
7. Adi-Velama
8. Turupa Kapu
9. Thiyya Ezhava
10. Are-Maratha, Maratha, Are-Vellu, Are-Kapu, Are-Kshatriya  
as synonyms of Arekatika
11. Jaiswal/Kalwar
12. Are, Are-Kshatriya, Are Vallu, Arollu as synonyms of  
Aryakshatriya
13. Issai Vellalar

**Assam**

14. Saifi

**Bihar**

15. Jaiswal
16. Kasaudhan
17. Barhai
18. Tomar
19. Rastogi
20. Lohani
21. Ayodhyavasi
22. Baig vaishya
23. Jain vaishya
24. Gaud vaishya
25. Bais vaishya
26. Kath Bania and /or Kaithal vaishya
27. Bangia vaishya (Bangali Bania)
28. Saifi
29. Buranwal
30. Kamlapuri Vaishya
31. Poddar
32. Musahar (Christians)
33. Newar (Christians)
34. Tili
35. Adarakhi
36. Gandh Banik

**Delhi**

37. Jaiswal
38. Rajkumar Kshatriya or Rajkumar
39. Kayastha
40. Rauniyar Vaishya
41. Kesarvani Vaishya
42. Poddar
43. Kamlapuri Vaishya
44. Raya-Tanwar
45. Vishwakarma Maithil Brahman

**Goa**

46. Satarkar
47. Suvarnkar (Sonar)
48. Muslim
49. Beri Muslims/Beri
50. Khan Farooque/Kan Muslims
51. Bhandari

**Gujarat**

52. Bardai Brahmin
53. Sindhi

54. Suttar as spelling variation of Suthar/Sutar
55. Luvar/Lavar as spelling variation of Luhar/Lohar
56. Nadoda Rajput
57. Rajput
58. Purabia Kshatriya Rajput
59. Brahmin
60. Kadva Patel
61. Anjana (Patel, Choudhary, Desai)
62. Modh Patel or Modh Patidar
63. Baloch Muslim
64. "Patani, Kamaliya (Vagholiya), Halari, Chunwalia, Jhalori, Kankudia, Salatiya, Pomna, Vadhiyari, Uttamiya, Ghanghaliya, Sansoriya (Lakadiya), Kachhi, Bavari, Modhakiya, Vansadiya, Bhoiya and Madiya" as synonyms of "Waghari".
65. Sorathia Mali, Saini Mali, Moria, Kushwaha, Rami as Synonyms of Mali
66. Jaiswal Teli, Jaiswar Teli, Gupta Teli, Chaudhary Teli, Tailik, Modi Teli, Vaishya Teli, Vaniya Teli, Mahajan Teli, Rajput Teli and Maratha Teli as sub-castes/synonyms of Teli
67. Gugali Brahman

### **Haryana**

68. Jat
69. Jat-Sikh
70. Gosain/Goswami

71. Udasin
72. Charaj (Mahabrahman)
73. Ror
74. Swamy Sadh
75. Vishwakarma Maithil Brahman

### **Himachal Pradesh**

76. Khatri

### **Karnataka**

77. Urs
78. Kamma
79. Namdhari Nagartha
80. Bunt alias Nadava
81. Maratha
82. Arya Maratha
83. Karuneeka (Kanaka Pillai)
84. Vaishya Brahmin
85. Vaishya Vani
86. Vani
87. Kunchitiga
88. Agamudi
89. Mala Hegde

90. Lingayat Aradhya/Jangama
91. Lingayat Panchacharu/Panchamasali
92. Lingayat
93. Reddy
94. Munnur Kapu as a synonym of Baliya
95. Uppar
96. Teleru
97. Halakshatriya as a synonym of Idiga
98. Somakshatriya
99. Poladavaru
100. Goud Saraswath Brahmin

### **Kerala**

101. Peroorkada Chetty
102. Gurukkal/Kurukkal,
103. Chetty, Chettiar
104. Pappada Chetty
105. Pandaram & Pandaran
106. Vairavi
107. Vairagi
108. Matapathi
109. Yogi Gurukkal as synonyms of Veerasaiva
110. Poojari
111. Ambalakaran
112. Lingayat
113. Andi/Andi Pandaram as synonyms of Jangam

- 114. Vellala including Nanjinadu vellala and Pondi Vellala
- 115. Saiva Vellala
- 116. Parkavakulam
- 117. Jews
- 118. Vaishnava Gowder
- 119. Arya Vaishya
- 120. Vaniya Vaishya
- 121. Kumara Kshatriya
- 122. Maran/Maranmar
- 123. Nair

### **Madhya Pradesh**

- 124. Jat
- 125. Mahapatra
- 126. Gahlot Mewara
- 127. Halwai (Modanwal)
- 128. Usmani
- 129. Nagavamsam
- 130. Kamlapuri Vaishya
- 131. Thath as a synonym of Teli (Rathore, Sahu)
- 132. Mahobia
- 133. Bawarchiyan
- 134. Agrahari Vaishya
- 135. Rawat
- 136. Yaduvanshi
- 137. 'Quresh' as a synonym of Kasai

- 138. Tanti
- 139. Hammal/Palledar
- 140. Sondik and Behra-Sondik as a synonyms/sub-castes of  
Sondhi, Sodi, Sundi, Soni
- 141. Kaurav, Kawnre, Kaunrae

### **Maharashtra**

- 142. Agrahari Vaishya
- 143. Asati Vaishya
- 144. Vaishya Vani
- 145. Kulwant Wani
- 146. Saifi
- 147. Billawa (Poojary)
- 148. Mitna as synonyms of Koli
- 149. Lodhi, Lodha, Lodh
- 150. Komarpant/Kumara Panth
- 151. Jain Kalar, Kosare Kalar, Lad Kalar, Shihhare Kalar,  
Zariya Kalar, Suryavanshi Kalar, Marthe Kalar etc.,  
as sub-castes/synonyms of Kalal/Kalar
- 152. Gujar, Leva or Reve Gujar, Dale Gujar, Gahi Gujar,  
Kadava Gujar, Analas, Londari Alias Bad Gujar,  
Khapra Gujar



- 153. Other sub-castes/synonyms of Teli
- 154. Ezhava/Thiyya
- 155. Maratha *Alias* Kunbi

### **Orissa**

- 156. Malla
- 157. Banka
- 158. Rout
- 159. Jena
- 160. Sahu
- 161. Patayat
- 162. Swain
- 163. Parida
- 164. Pradhan
- 165. Padhan
- 166. Bania
- 167. Vaishya/Vaishya Bania/Vaishya Banika
- 168. Sunari Bania/Sunaree Bania
- 169. Sunari Banik
- 170. Subarna Bania/Subarna Banik
- 171. Putuli Bania/Putuli Bandha Bania/Putuli Bandha Vaishya
- 172. Gandh Bania/Gandha Banik/Gandha Banika
- 173. Podar Bania
- 174. Achar Bania
- 175. Chinera

176. Goldsmith
177. Baisakhi
178. Goudia
179. Liyari
180. Matibansa Ojha/Khitibansa Abadhan
181. Ojha
182. Ekadash Teli as a synonym of Teli
183. Oda Pradhan and Odra Pradhan
184. Jaiswal as a synonym of Kalwar
185. Byahut Kalwar as a synonym of Kalwar
186. Byahut Bania as a synonym of Kalwar
187. Baisya-Karan
188. Tamuli (Baisya) as a synonym of Tambuli, Tamali
189. Raju
190. Sagua
191. Gopal Baishnab
192. Khandayat
193. Mahanayak/Mahanayak Sudra
194. Dalapati/Dalua
195. Rajasri Balasi/Balasi

### **Punjab**

196. Mair Rajput as synonyms of Dhaula or Soni
197. Gosain

**Rajasthan**

198. Tamboli (Chaurasia, Kurmi Kumrawat)
199. Gaur Brahman
200. Panchal Brahmin
201. Vishwakarma and Sharma
202. Saifi
203. Kayastha
204. Yati
205. Ander Kotiyan, Ander Kot
206. Adi Gaur Brahman
207. Bairagi as a synonyms of Sad, Swami
208. Shah, Sai
209. Baragaon Brahman
210. Rangad (Muslim)
211. Rao Rajput
212. Joshi
213. Sipahi (Muslim)
214. Vachet Paliwal
215. Hammal, Palledar, Kassab and Qureshi
216. Bisayati
217. Machuara
218. Kayamkhani (Muslim)
219. Guru, Garu, Garg Brahman
220. Sheikh Farooqui
221. Bishnoi

**Sikkim**

222. Newar

223. Chetri

224. Bahun

**Tamil Nadu**

225. Vellala

226. Devendra Kula Vellalar

227. Reddy (Ganjam)

228. Pandaram,

229. Thambiran,

230. Bakthwr

231. Lingayat

232. Veerasaiva.

233. Reddy Reddiyar

234. Orugunta Reddy

235. Kaniyala Vellalar

236. O.P.S. Vellalar

237. Arunattu Vellalar

238. Paiyurkotta Vellala

239. Moondrunauadi Embathunalu, Sozhiya Vellalar

240. Kudi Kara Vellalar

241. Qttruvalainattu Vellalar

- 242. Sheik
- 243. Syed
- 244. Ansar
- 245. Kasukkara Chettiar
- 246. Karpooora Chettiar
- 247. Agaram Vellalar Chettiar
- 248. Sundaram Chetty
- 249. Urikkara Nayakkar
- 250. Ukkirakula Kshatriya Naicker
- 251. Servai
- 252. Ayira Vaishya
- 253. Arya Vaishya
- 254. Bhattachar
- 255. Kongu Vaishnavar
- 256. Padmanabar Mukkulava as synonyms of  
Christain Meenavar
- 257. Chowdry
- 258. Kannaidiya Naidu
- 259. Jain Nainar

### **Tripura**

- 260. Modak
- 261. Heledas/Halladas/Haluadas
- 262. Saha
- 263. Acharjee (Ganak)
- 264. Adhikari (the Brahmans of Namasudra community)

- 265. Banik
- 266. Muslim

**Uttar Pradesh.**

- 267. Jat
- 268. Visthapit Rajput
- 269. Barber
- 270. Carpenter
- 271. Turk
- 272. Dunkar-Karan
- 273. Nayata (Synonym of Teli)
- 274. Nagori (Synonym of Lohar)
- 275. Nand/Nandvanshi
- 276. Sheikh Farooq
- 277. Hashmi, Masoodi
- 278. Rajput Sikh
- 279. Bhatra/Bhatt Brahman
- 280. Muslim Bhatt/Kaviraj/Ray
- 281. Verma/Sonar/Sunar
- 282. Gautam Brahman
- 283. Jaiswar
- 284. Kunjara
- 285. Thabai
- 286. Rajgir
- 287. Shilpkar
- 288. Vishwakarma

289. Dhakad
290. Kamboj
291. Choudhary
292. Khagi, Kharagvanshi
293. Charaj (Mahabrahman)
294. Mukeri (Synonym of Kasai)
295. Ror
296. Alwi
297. Sosar, Shah
298. Pindara/Pindari/Kankar
299. Sah/Choudhary
300. Khas Rajput
301. Muslim Jat
302. Agrahari Vaishya
303. Kamlapuri Vaishya
304. Roniyar Vaishya
305. Vaishya Samaj
306. Gulhare Vaishya
307. Bania
308. Umar Bania
309. Baranwal
310. Kesarwani
311. Kasaudhan
312. Jaiswar Rajput
313. Bismali
314. Tadvi
315. Pemdi

- 316. Muslim Tawaif
- 317. Hammal
- 318. Uttarakhand area

### **West Bengal**

- 319. Mangar (Thapa, Rana)
- 320. Newar
- 321. Jaiswal
- 322. Salmani and Sain
- 323. Roniwar
- 324. Gandhbanik
- 325. Kamlapuri Vaishya
- 326. Gorkha
- 327. Tili
- 328. Saha
- 329. Khami
- 330. Khera
- 331. Sunuwar
- 332. Agrahari
- 333. Mahishya
- 334. Khandait

### **Chandigarh**

- 335. Gosain/Goswami



**Pondicherry**

- 336. Ansar
- 337. Agaram Vellan Chettiar
- 338. Dombs
- 339. Donga Dasari
- 340. Kaladi
- 341. Kaliar Kula Thondama
- 342. Kalveli Gounder
- 343. Kamber
- 344. Kannadiya Naidu
- 345. Karpura Chettiar
- 346. Katesar
- 347. Patlamkatti
- 348. Malayar
- 349. Ovachar
- 350. Paiyur Kotta Vellalar
- 351. Panar
- 352. Panisaivan
- 353. Panirandam Chettiar
- 354. Podikara Vellalar
- 355. Pooluva Gounder
- 356. Salivagana
- 357. Svalakarar
- 358. Ukkirakula Kshatriya Naicker

359. Urikkara Nayakar
360. Vellan Chettiar
361. Yavana
362. Punnam Nettuva Gounder
363. Valaiyar
364. Reddy Reddiar
365. Ayira Vaisya Chetty
366. Sozhia Vellalar
367. Sozhia Chetty
368. Kannadiyar/ Kannada Saineegar
369. Kongu Vellalar
370. Karuneegar
371. Reddy (Ganjam)
372. Sheik
373. Syed
374. Kaniyala Vellalar
375. Kasukkara Chetty
376. Sundaram Chetty
377. Vallambar
378. Chowdry
379. Servai
380. Gurukkal alias Archakar
381. Bhattacharyas
382. Purohits
383. Brahmin Iyer
384. Franco Indian (Creole)
385. Nathamar Udayar

386. Malayamar Udayar
387. Surdhimar Udayar
388. Kamma Naidu
389. Baliya Naidu
390. Kaikolan Mudaliar
391. Konaimuthous Adidraavidar
392. Sorukattai Adidraavidar
393. Sowrashtra
394. Archakarai Vellalar
395. Bagasalai Vellalar
396. Karukatha Vellalar
397. Thuluva Vellalar
398. Kanjam Reddy
399. Kokanad Reddiar
400. Band Reddiar
401. Thelungu Reddiar
402. Konda Reddy
403. Devanger Chettiar
404. Vaniya Chettiar
405. Seda Chettiar
406. Meenava Chettiar
407. Lingayat
408. Vokkaligar
409. Moopan
410. Dekkani Muslim
411. Panickar
412. Illathu Pillaimar, Illavar, Eluvar, Illathar

413. Gounder

414. Senaithalaivar Christian