



सत्यमेव जयते

ANNUAL REPORT

2010-2011

(1st April, 2010 to 31st March, 2011)

*National Commission for Backward Classes
Trikot-1, Bhihaji Cama Place,
New Delhi-110066*

ANNUAL REPORT

2010

(A Report on the Work of the Board)

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 1. The Hon. Mr. Justice G. D. C. ...

 2. The Hon. Mr. Justice ...

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Chapter-I

INTRODUCTION

Reservation and the task of listing of castes/communities have had a long history, which started from the early period of our history with Manu. Medieval chronicles contained a description of communities located in various parts of the country. Listings in the colonial period were undertaken on an extensive scale, after 1806. The process gathered momentum in course of the censuses from 1881 to 1941. The Backward Classes movement first gathered momentum in South India particularly in Tamil Nadu where reservation was introduced much before Independence.

Reservation in favour of Backward Classes (BCs) was introduced even many years before Independence in most of the area comprising the Presidencies and Princely States south of the Vindhyas. In view of Article 16(4) of the Constitution and in response to demands for reservation and other benefits for Backward Classes in other parts of India and in the Centre, the Govt. of India appointed a Backward Classes Commission under Article 340 of the Constitution on 29th January 1953. The Commission, popularly known as the Kaka Kalelkar Commission, was required "to investigate the conditions of socially and educationally backward classes within the territory of India and the difficulties under which they labour and to make recommendations as to the steps that should be taken by the Union or any State to remove difficulties and to improve their conditions." The Commission submitted its report on 30th March 1955. It was considered by the Government over the next half-decade but was rejected in 1961.

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

The first tangible step for the implementation of the recommendations of the Mandal Commission's Report was taken in 1990. It was on 6th August 1990 that the Government of India took the historic decision to introduce reservation of 27% for Backward Classes on the basis of the Mandal Commission's recommendations. This was announced in the Parliament by the Prime Minister of India on the 7th August 1990. Formal orders were issued thereafter in Office Memorandum No. 36012/31/90-Estt. (SCT) dated 13th August 1990 (Annexure-I) 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 Institution for SEBCs. A number of writ petitions were filed in the Supreme Court questioning the said Memorandum along with applications for staying the operation of the Memorandum. The operation of the O.M. was stayed by the Supreme Court. The stay continued in force till 16th November 1992, when the Supreme Court finally disposed off these writ petitions. Another Office Memorandum was issued on 25th September 1991 reiterating in essence the O.M. of 13th August 1990 and partly modifying it (Annexure-II). The Supreme Court in its land-mark judgement dated 16-11-1992 in Writ Petition (Civil) No. 930 of 1990, Indra Sawhney etc. etc. Vs Union of India & Others etc. etc., popularly known as the Mandal Case held OM. No. 36012/31/90-Estt. (SCT) dated 13-8-1990 valid and enforceable subject to the exclusion of the socially advanced persons/sections from the notified Backward Classes. It directed that the implementation of the O.M. dated 13-8-1990 shall be subject to the exclusion of socially advanced members/section ('Creamy Layer' as it was termed) among Backward Classes. The Supreme Court struck down reservation

in favour of economically weaker section. 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-III).

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 22nd February, 1993 (Annexure-IV) set up an Expert Committee, initially to determine the basis, *viz.*, the criteria for identification of the Socially Advanced Persons/Sections in so far as the Government of India was concerned. The Committee started functioning from 23rd February 1993 and furnished its report on 10.3.93.

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

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-VII), setting up a National Commission for Backward Classes at the Centre. Section 3 of the Act provides that the Commission shall consist of five members, namely, a chairperson who is or has been a judge of the Supreme Court or of a High Court, a social scientist, two persons who have special knowledge in matters relating to backward classes and a Member-Secretary who is or has been an officer of the Central Government in the rank of a Secretary to the Government of India. The functions of the Commission are laid down in section 9 and section 11 of the Act. Under Section 9(1) of the Act it shall "examine requests for Inclusion of any class of citizens as a backward class in the lists and hear Complaints of Over-Inclusion or Under-Inclusion of any backward class in such lists and tender such advice to the Central Government as it deems appropriate". Under Section 9(2) of the Act, the advice of the Commission shall ordinarily be binding upon the Central Govt. Another function of the Commission arises from Section 11 of the Act which, in the light of a direction of the Supreme Court, enjoins upon the Central Government to undertake revision of the lists at the expiration of ten years from coming into force of this Act and every succeeding period of ten years, and enables it to undertake such revisions at any time, with a view to excluding from such lists those classes who have ceased to be backward classes or for including in such lists new backward classes. Under sub-section (2) of this Section, the Central Government is required to consult the Commission while undertaking such revision. While performing its functions under Section 9(1) of the Act, the Commission has, by section 10, been vested with all the powers of a civil court trying a suit and in particular, in respect of the summoning and enforcing the attendance of any person from any part of India and examining him on oath; requiring the discovery and production of any document; receiving evidence on affidavits; requisitioning any public record or copy thereof from any court or office; issuing notices for the examination of witnesses and documents; and any other matter which may be prescribed. Section 8(2) empowers the National Commission for Backward Classes to regulate its own procedure. Sections 14 and 15 provide that the Commission shall prepare its annual report for each financial year which together with a memorandum of action taken on the advice tendered by the Commission under Section 9 and the reasons for the non-acceptance, if any, of any such advice and the audit report shall be laid by the Central Government before each House of Parliament. The Act came into effect on the 2nd April 1993. The Government of India constituted the Commission by its Notification No. 12011/34/BCC/(C)Pt. I dated 14th August, 1993 with the first team of five Members with a tenure of three years (Annexure-VIII).

Review of Income Criteria

The first review of the income criteria to exclude socially advanced persons/sections among OBCs was entrusted to the NCBC on 6th December, 2003. The Commission submitted its report on 23rd January, 2004 and recommended that the income limit to determine the socially advanced persons/sections among OBCs be raised from Rs.1 lakh to Rs. 2.5 lakhs. The recommendation contained in the Report were accepted by the Government along with the recommendation that the task of future Periodic Review of the Income criteria should be taken up every three years or earlier, if the situation demands. The Government of India notified the above *vide* DOP&T O.M.No. 36033/3/2004-Estt.(Res.) dated 9th March, 2004, raising the income limit to Rs. 2.5 lakhs.

Having regard to the fact that the period of three years have since elapsed from the date of issue of O.M. dated 9th March, 2004, raising the income limit to Rs. 2.5 lakhs, the Government of India, the Ministry of Social Justice & Empowerment, *vide* Office Order No. 12015/13/2007-BCC dated December, 2007, have entrusted the task of review of the income criteria to this Commission. The Commission has also been asked to give suggestions/recommendations on some other issues relating to the creamy layer criteria. The terms of reference given to the Commission are as follows:—

- (I) To review the existing ceiling of income/wealth to determine the 'Creamy Layer' amongst OBCs as notified *vide* Department of Personnel & Training (DOPT) OM No. 36012/22/93-Estt. (SCT) dated 8th September 1993.
- (II) To evolve and suggest formulae through which the periodic revision of income ceiling/criteria in terms of quantum or rupee be fixed so that the income ceiling for determining the 'Creamy Layer' amongst OBCs is revised from time to time as per formulae.

The Commission also received hundreds of representations requesting to review and enhance the existing Rs. 2.5 lakhs. Many of the representationists also sought the removal of creamy layer criteria, on the ground that the same is not applied to the Scheduled Castes and Scheduled Tribes and that the Backward Classes have not reached the level of creamy layer, as the Central recognition to the list and reservations came into operation after 46 years of independence. There have also been suggestions for simplification of the existing order and avoid ambiguities and anomalies, causing hardship to the Backward Class candidates, who are made to run from pillar to post for securing caste and income certificates. The need for raising the income limit of Rs. 2.5 lakh was also expressed by the public during the visit of the Commission to various States/Uts for the public hearings.

In view of the very short period given to the Commission for giving its suggestions/recommendations, the Commission issued Public Notices through leading national and regional newspapers throughout the country seeking views and suggestions of general public in the matter, especially those of the Backward Classes and their associations and organizations. The Commission also sought the views and suggestions from the State Governments and Union Territories by separately writing to the respective Chief Secretaries/Secretaries in charge of Backward Classes Welfare Ministries/Departments. The Commission also addressed the State Backward Classes Commissions and the Commissions or Committees in the Union Territories seeking their valuable views in the matter and forward any report compiled by them in this regard.

In response to the public notice, a large number of representations were received from individuals, associations and organizations from backward communities. Many of the views expressed were on specific aspects relating to enhancing the income limit (Creamy Layer) and others relating to simplification, anomalies and ambiguities in the existing Creamy Layer criteria. There have been demands from the public, especially from the members and associations/organization of Backward Classes to raise the income limit of Rs. 2.5 lakh to a reasonable level taking into account devaluation of rupee and increase in the overall price index, GDP, pay revision etc.

The Commission organised a meeting of Chairpersons of States/UT Backward Classes and Secretaries in Charge of the Backward Classes of State/UTs on 11th June, 2008, together their views and suggestions regarding review of income criteria. After receiving all informations, data and interacting with the Government agencies/ Departments concerned, the Commission had finalised the report and submitted it to the Government on 01st July, 2008.

The recommendation contained in the Report were accepted by the Government of India and notified *vide* DOP&T O.M. No. 36033/3/2004-Estt.(Res.) dated 14th October, 2008 raising the income limit to Rs. 4.5 lakhs (Annexure-IX).

Entries in Central List of OBCs

States/UTs	No. of entries in Central List
A & N Islands	1
A.P.	107
Assam	27
Bihar	132
Chandigarh	59
Chattisgarh	64
D & N	10
Daman & Diu	44
Delhi	54
Goa	16
Gujarat	100
HP	52
Haryana	74
J & K	21
Jharkhand	119
Karnataka	184
Kerala	81
MP	65
Maharashtra	222
Manipur	4
Orissa	194
Pondicherry	47
Punjab	66
Rajasthan	65
Sikkim	10
T.N	180
Tripura	42
UP	75
Uttrakhand	1
W.B	56



Kasai Caste/Community



Komarant Caste/Community



CHAPTER-II
FUNCTIONS OF THE
COMMISSION

CHAPTER II
FUNCTIONS OF THE
COMMISSION

Chapter-II

FUNCTIONS OF THE COMMISSION

The functions of the Commission are laid down in Section 9 and Section 11 of the NCBC Act. Under sub-section (1) of Section 9 of the Act 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". The term "list" in this section refers to "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 the 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 section 2 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 Government". This mandatory provision is based on and incorporates the directions of the Supreme Court in the Mandal Judgement, which directed the Government of India and the State Governments/Union Territories to constitute a permanent body, in the shape of a National Commission for Backward Classes and the State Commissions 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-III).

Section 11 of the Act enjoins upon the Central Government to undertake revision of the lists of backward classes at the expiration of ten years after the Act came into force and thereafter every succeeding period of ten years, and enables it to undertake such revision at any time, with a view to exclude 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. While performing its functions under Section 9(1) of the Act, the Commission has 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 Commission to regulate its own procedure. Sections 14 and 15 provide that the Commission shall prepare its annual report for each financial year which together with a memorandum of action taken on the advice tendered by the Commission under Section 9 and the reasons for the non-acceptance, if any, of any such advice and the audit report shall be laid by the Central Government before each House of Parliament.

As per the procedure laid down by the Commission under sub-Section (2) of Section (8) of the National Commission for Backward Classes Act, 1993 the advice of the Commission may be formulated unanimously or by consensus or by majority. Where 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. In regulating its procedure under Section 8(2) of the Act, the Commission has been guided by the principles of objectivity, transparency and speed. In fact soon after the Commission was established, it took the following steps under Section 8(2) of the NCBC Act, 1993:—

- (i) Formulated the procedure for examination of requests for inclusion in the lists and complaints of over-inclusion or under-inclusion in the Central list of Backward Classes.

(ii) Formulated guidelines for consideration of requests for inclusion and complaints of under-inclusion in the Central list.

(iii) Prepared questionnaire for obtaining data in respect of requests for inclusion of castes/communities.

The Commission has been making additions and improvements to this procedure from time to time, based on experience and according to needs.

In matters concerning Other Backward Classes (OBCs) in regard to complaints, safeguards, socio-economic development and other related grievances, the National Commission for Backward Classes (NCBC) has no role to play. It can neither investigate nor report about any injustice done to an OBC. All these powers which are specifically enumerated in clause (5) of Article 338 of the Constitution are vested in the National Commission for Scheduled Castes by virtue of clause (10) of Article 338. Necessarily, the NCBC has to forward all the complaints received from the OBCs for appropriate action to the National Commission for Scheduled Castes. The NCBC has not been informed till now as to what happened to all such requests. The NCBC therefore is not in a position to state the steps taken to ensure that the benefits conferred by law have been availed of by the OBCs.

During the period upto April, 2010, the NCBC has forwarded large number of complaints (received from the OBCs) for appropriate action to the National Commission for Scheduled Castes, but the latter had returned the entire bunch stating that "the Commission in its 28th Meeting held on 22.4.2010, had discussed the matter and decided not to take up the matters relating to the OBCs."

Entries in State List of OBCs

State/UTs	No. of entries
A& N Islands	5
A.P.	128
Assam	30
Bihar	138
Chandigarh	60
Chattisgarh	91
D&N	13
Daman & Diu	47
Delhi	65
Goa	19
Gujarat	137
H.P.	48
Haryana	74
J&K	23
Jharkhand	147
Karnataka	207
Kerala	79
M.P.	91
Maharashtra	430
Manipur	4
Orissa	209
Puducherry	80
Punjab	69
Rajasthan	82
Sikkim	12
T.N.	253
Tripura	42
U.P.	79
Uttrakhand	84
W.B.	108



Vishwakarma Cast/Community



Lohar Caste/Community



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CHAPTER-III
COMPOSITION OF THE
COMMISSION

CHAPTER-III
COMPOSITION OF THE
COMMISSION

Chapter-III

COMPOSITION OF THE COMMISSION

In accordance with the directions of the Supreme Court, the Government of India enacted the National Commission for Backward Classes Act, 1993 (Act No. 27 of 1993) on 2nd April 1993 for setting up the National Commission for Backward Classes at the Centre. Section 3 of the Act provides that the Commission shall consist of five Members, comprising 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. Every Member of the Commission shall hold office for a term of 3 years from the date he assumes office. The Govt. of India constituted the Commission by its Notification No 12011/34/BCC/Pt. I dated 14 August 1993. The details regarding the composition of the Commissions are as under:

A. From 18.8.1993 to 17.8.1996

- | | |
|---------------------|----------------------------|
| 1. Chairperson | Justice (Retd.) R N Prasad |
| 2. Member-Secretary | Shri P S Krishnan |
| 3. Member | Dr. Dhirubhai L Seth |
| 4. Member | Dr. Dinesh Singh Yadav |
| 5. Member | Dr. Prasannan |

B. From 28.2.1997 to 27.2.2000

- | | |
|---------------------|---|
| 1. Chairperson | Justice (Retd.) Shyam Sunder |
| 2. Member-Secretary | Shri P S Krishnan |
| 3. Member | Shri Akshay Bhai Sahu |
| 4. Member | Prof. Uday Pratap Singh |
| 5. Member | Shri Navtej Singh Puadhi
(expired while in harness on 16.8.1998) |
| | Shri M S Matharoo
(joined on 14.7.1999) |

(While Members from sl. nos. 1-4 completed their 3-year tenure on 27.2.2000 Shri M S Matharoo continued till 13.7.2002 when he completed 3- year term)

C. From 28.7.2000 onwards

- | | |
|---------------------|--|
| 1. Chairperson | Justice (Retd.) B L Yadav
(died in harness on 24.3.2002) |
| 2. Member-Secretary | Shri C T Benjamin
(6.4.2000 to 31.7.2000 as Secretary)
(1.8.2000 to 31.7.2003 as Member Secretary) |

3. Member Shri M S Matharoo
(14.7.1999 to 13.7.2002)
4. Member Dr. B M Das
(28.8.2000 to 27.08.2003)
5. Member Smt. Neera Shastri
(03.9.2000 to 02.9.2003)

D. From 13-8.2002 to 12.08.2005

1. Chairperson Justice (Retd.) Ram Surat Singh
(13.8.2002 to 12.8.2005)
2. Member Secretary Smt. Chitra Chopra, Secretary
(04.8.2003 to 30.7.2004)
Shri S.K. Purkayastha
(9.8.2004 onwards)
3. Member Shri M S Matharoo
(19.8.2002 onwards)
4. Member Smt. Neera Shastri
(29.9.2003 onwards)
5. Member Dr. B Babu Rao Verma
(6.10.2003 onwards)

E. From 14-8.2006 to 13-8-2009

1. Chairperson Justice (Retd.) S Ratnavel Pandian
(14.8.2006 to 13.8.2009)
2. Member Secretary Shri S.K. Purkayastha
(9.8.2004 to 8.8.2007)
Shri Lakshmi Chand
(18.8.2007 to 05.7.2008)
Smt. Chitra Chopra
(11.11.2008 onwards)
3. Member Shri Yogeshwar Prasad Yogesh*
(10.3.2006 to 31.05.2007)
Shri Ram Awadesh Singh
(08.06.2007 onwards)
4. Member Smt. Neera Shastri
(29.9.2003 to 28.09.2006)
Dr. Subbha Somu
(28.03.2007 to 27.03.2010)
5. Member Dr. B Babu Rao Verma
(6.10.2003 to 5.10.2006)
Shri Abdul Ali Azizi
(15.10.2007 onwards)

Note: *Shri Yogeshwar Prasad Yogesh died in harness on 31.05.2007.

F From 07.06.2010 onwards

1. Chairperson Justice (Retd.) M.N. Rao
(07.06.2010 onwards)
2. Member-Secretary Smt. Chitra Chopra
(11.11.2008 onwards)
3. Member Shri S.K. Kharventhan
(03.11.2010 onwards)
4. Member Shri Ram Awadhesh Singh
(8.6.2007 to 7.6.2010)
Shri Deepak Katole
(12.10.2010 onwards)
5. Member Shri Abdul Ali Azizi
(15.10.2007 to 14.10.2010)

CHAPTER-IV
WORK DONE BY THE
COMMISSION

CHAPTER 7
WORK DONE BY THE
COMMISSION

Chapter-IV

WORK DONE BY THE COMMISSION

I. Overview of the work done by the Commission since beginning

Since its inception, the Commission has tendered **1154** Advices in respect of cases of castes/communities/sub-castes/synonyms for inclusion/rejection of Other Backward Classes in the Central List for various States and Union Territories from time to time under section 9(1) of the NCBC Act, 1993 and for further necessary action by the Ministry of Social Justice & Empowerment under section 9(2) of the Act.

II. Work done during April 2010 to March 2011

Under sub-section (1) of Section 9 of the National Commission for Backward Classes Act, the Commission examines requests for inclusion of any class of citizens as a Backward Class in the lists and hear complaints if over-inclusion or under inclusion of any Backward Class in such lists and tender such advice to the Central Government as it deems appropriate, While the Commission processes the requests received from various Organisation, it is only those cases in respect of which advices are furnished and sent to the Government are reflected in the Report. The advice of the Commission are finalized in formal meetings of the Commission for which date and time are fixed by the Chairman.

During the year 2010-11, the Commission held **11 meetings** upto March 2011 and **12 advices** relating to inclusion/rejection of castes/communities/sub-castes/synonyms have been considered & approved were sent to the Ministry of Social Justice & Empowerment.

During the period from April 2010 to March 2011, the Commission held **2 public hearings in 1 State and 1 Union Territory** for considering the requests for inclusion of castes/communities in the Central List of OBCs for the respective State/UT as per details indicated below:—

Public Hearings held during April 2010-March 2011

S.No.	State/UT	Date	Place	Castes/Communities
1.	Puducherry	22-11-2010	Puducherry	1. Kanakkupillai 2. Marudha Naidu 3. Palayapattu Naidu 4. Vandayar 5. Vellala Chettiar 6. Kudumbi 7. Ediga 8. Chettiar, Pattinava Chettiar, Vadabalija 9. Senai Thalaivar
2.	Goa	24-02-2011	Panaji	1. Teli (including Christian Telis) 2. Shimpi (including Christian Shimpis) 3. Christian Renders 4. Komarpant 5. Chari/Mesta as Synonym of Vishwakarma 6. Nadaf, Pinjar, Mansoori 7. Quraishi, Kasab, Kasai 8. Thakar

During the period under report, the Commission tendered 12 advices for inclusion/rejection/deletion in the Central List of OBCs, in respect of castes/sub-castes/communities/synonyms of 14 States and 1 UTs to the Central Government as per the details given below:—

Advices tendered to Government of India during

April, 2010 to March, 2011

Uttarakhand

NCBC Advice No. 5/Uttarakhand/2010 dated 27th August, 2010

- (1) Aheria/Aheriya
- (2) Ahir, Yadav
- (3) Arakh, Arakvanshiya
- (4) Atishbaz, Darugar
- (5) Bairagi
- (6) Banjara, Mukeri, Rankis, Mokrani
- (7) Barhai, Badhai, Viswakarma, Ramgarhia
- (8) Bari (Those who are not SCs)
- (9) Bind
- (10) Biyar
- (11) Bhand
- (12) Bhar
- (13) Bhathiara
- (14) Bhurji, Bharbhujja, Bharbhunja, Bhooj, Kandua
- (15) Bot (does not include 'Bhotia' who are already in the List of ST)
- (16) Chhipi, Chhipe
- (17) Chikwa, Kasab, Quraishi, Kasai, Qassai, Chak
- (18) Dafali
- (19) Darzi
- (20) Dhivar, Dhiver
- (21) Dhobi (other than those who are already included in the list of SCs.)
- (22) Dohar
- (23) Faqir
- (24) Gaderia
- (25) Gaddi, Ghosi
- (26) Giri
- (27) Gosain
- (28) Gujar
- (29) Hajjam (Nai), Salmani, Nai, Sain (Nai)

- (30) Halalkhor, Hela, Lalbegi (other than those who are included in the list of SCs.)
- (31) Halwai
- (32) Jhoja
- (33) Jogi
- (34) Kachhi, Kachhi-Kushwaha, Shakya
- (35) Kahar, Tanwar, Singhariya
- (36) Kalal, Kalwar, Kalar
- (37) Kasgar
- (38) Kasera, Thathera, Tamrakar, Kalaikar
- (39) Kewat or Mallah
- (40) Khumra, Sangtarash, Hansiri
- (41) Kisan
- (42) Koeri, Koiri
- (43) Koshta/Koshti
- (44) Kumhar, Prajapati
- (45) Kunjra or Rayeen
- (46) Kurmi, Kurmi-Sainthwar/Kurmi-Mall
- (47) Kuthaliya Bora (Belonging to Almora, Pithoragarh, Bageswar and Nainital Distts.)
- (48) Lodh, Lodha, Lodhi, Lodhi-Rajput
- (49) Lohar, Luhar, Saifi
- (50) Lonia, Noniya, Luniya, Gole Thakur, Nunere
- (51) Madari
- (52) Mali, Saini, Baghban
- (53) Manihar, Kacher, Lakher, Lakhera (Excluding Lakhera sub-caste of Brahmans in Tehri Garhwal region), Churihar
- (54) Marchha
- (55) Mewati, Meo
- (56) Mirasi
- (57) Mochi (excluding those who are included in the list of SCs.)
- (58) Momin, Ansar, Ansari, Julaha
- (59) Murao or Murai, Maurya
- (60) Muslim Kayastha
- (61) Naddaf, Dhunia, Mansoori, Behna, Kandere, Kadere, Pinjara
- (62) Nalband, Sais

- (63) Naqqal
- (64) Nayak
- (65) Nut (excluding those who are included in the list of SCs.)
- (66) Patwa, Patua, Pathar (excluding Agarwala, Deobansi, Kharewal or Khandelwal who are sub-castes of Baniya and Kharwar who claim to the rank of Rajput), Tatwa
- (67) Rai Sikh (Mahatam)
- (68) Raj (Memar)
- (69) Rangrez, Rangwa
- (70) Saqqa-Bhisti, Bhisti-Abbassi
- (71) Sheikh Sarvari (Pirai), Peerahi
- (72) Sonar, Sunar
- (73) Tamoli, Barai, Chaurasia
- (74) Teli, Samani, Rogangar, Teli Malik (Muslim), Teli Sahu, Teli Rathore
- (75) Unai Sahu

Delhi

NCBC Advice No. 26/Delhi/2010 dated 27th August, 2010

- (1) Julaha, Julaha-Ansari (whose traditional occupation is weaving, excluding those in SCs) (Amendment in the entry)

Jharkhand

NCBC Advice No. 3/Jharkhand/2010 dated 10th August, 2010

- (1) Agariya
- (2) Kaura
- (3) Kawar
- (4) Kumarbhag Pahadia

Andhra Pradesh

NCBC Advice No. A.P./73/2010 dated 27th September, 2010

- (1) Nakkala

Bihar

NCBC Advice No. A.P./73/2010 dated 27th September, 2010

- (1) Agariya
- (2) Kumarbhag Pahadia
- (3) Kawar
- (4) Tharu

Goa

NCBC Advice No. A.P./73/2010 dated 27th September, 2010

- (1) Kunbi
- (2) Gawda
- (3) Velip

Himachal Pradesh

NCBC Advice No. A.P./73/2010 dated 27th September, 2010

- (1) Beda

Karnataka

NCBC Advice No. A.P./73/2010 dated 27th September, 2010

- (1) Medari, Gauriga, Burud
- (2) Haranshikari

Orissa

NCBC Advice No. A.P./73/2010 dated 27th September, 2010

- (1) Koda, Kuda

Sikkim

NCBC Advice No. A.P./73/2010 dated 27th September, 2010

- (1) Limboo
- (2) Tamang

West Bengal

NCBC Advice No. A.P./73/2010 dated 27th September, 2010

- (1) Tamang

Gujarat

NCBC Advice No. 45/Gujarat/2010 dated 27th September, 2010

- (1) Charan Gadhvi, Charan (where they are not STs) (regarding insertion of words "where they are not STs")

Tamil Nadu

NCBC Advice No. 111/Tamil Nadu/2010 dated 27th September, 2010

- (1) Viswakarma (amendment regarding spelling correction)

Tamil Nadu

NCBC Advice No. 112/Tamil Nadu/2010 dated 12th October, 2010

- (1) Kurumba Gounder (The caste/sub-caste 'Kurumba Gounder' be removed from the Entry No. 73 and inserted at entry No. 84 alongwith 'Kurumba')

Jharkhand

NCBC Advice No. 4/Jharkhand/2010 dated 12th October, 2010

- (1) Sudi
- (2) Halwai
- (3) Roniyar
- (4) Pansari
- (5) Modi
- (6) Kasera
- (7) Kesarwani
- (8) Thathera
- (9) Patwa
- (10) Sinduriya-Bania
- (11) Mahuri-Vaishya
- (12) Awadh-Bania/Adrakhi
- (13) Agrahari-Vaishya

Puducherry

NCBC Advice No. 95/Puducherry/2010 dated 12th October, 2010

- (1) Khatriyas (amendment regarding spelling correction)

Delhi

NCBC Advice No. 27/Delhi/2010 dated 25th November, 2010

- (1) Jat

Karnataka

NCBC Advice No. Karnataka/203/2010 dated 11th February, 2011

- (1) Bhavasar Kshatriya (amendment regarding spelling correction)

Madhya Pradesh

NCBC Advice No. M.P./59/2010 dated 11th February, 2011

- (1) Lodhi, Lodha, Lodh (amendment regarding spelling correction)

Entries in Central & States List of OBCs

States/UTs	Central List	State List
A & N Islands	1	5
A.P.	107	128
Assam	27	30
Bihar	132	138
Chandigarh	59	60
Chattisgarh	64	91
D & N	10	13
Daman & Diu	44	47
Delhi	54	65
Goa	16	19
Gujarat	100	137
H.P.	52	48
Haryana	74	74
J & K	21	23
Jharkhand	119	147
Karnataka	184	207
Kerala	81	79
M.P.	65	91
Maharashtra	222	430
Manipur	4	4
Orissa	194	209
Puducherry	47	80
Punjab	66	69
Rajasthan	65	82
Sikkim	10	12
T.N.	180	253
Tripura	42	42
U.P.	75	79
Uttrakhand	1	84
W.B.	56	108
	2172	2866

Table 1. Summary of the data set.

Country	Year	Population	GDP	Urbanization	Healthcare
USA	2000	280	10000	75	95
USA	2001	282	10200	75	95
USA	2002	284	10400	75	95
USA	2003	286	10600	75	95
USA	2004	288	10800	75	95
USA	2005	290	11000	75	95
USA	2006	292	11200	75	95
USA	2007	294	11400	75	95
USA	2008	296	11600	75	95
USA	2009	298	11800	75	95
USA	2010	300	12000	75	95
USA	2011	302	12200	75	95
USA	2012	304	12400	75	95
USA	2013	306	12600	75	95
USA	2014	308	12800	75	95
USA	2015	310	13000	75	95
USA	2016	312	13200	75	95
USA	2017	314	13400	75	95
USA	2018	316	13600	75	95
USA	2019	318	13800	75	95
USA	2020	320	14000	75	95
USA	2021	322	14200	75	95
USA	2022	324	14400	75	95
USA	2023	326	14600	75	95
USA	2024	328	14800	75	95
USA	2025	330	15000	75	95
USA	2026	332	15200	75	95
USA	2027	334	15400	75	95
USA	2028	336	15600	75	95
USA	2029	338	15800	75	95
USA	2030	340	16000	75	95
USA	2031	342	16200	75	95
USA	2032	344	16400	75	95
USA	2033	346	16600	75	95
USA	2034	348	16800	75	95
USA	2035	350	17000	75	95
USA	2036	352	17200	75	95
USA	2037	354	17400	75	95
USA	2038	356	17600	75	95
USA	2039	358	17800	75	95
USA	2040	360	18000	75	95
USA	2041	362	18200	75	95
USA	2042	364	18400	75	95
USA	2043	366	18600	75	95
USA	2044	368	18800	75	95
USA	2045	370	19000	75	95
USA	2046	372	19200	75	95
USA	2047	374	19400	75	95
USA	2048	376	19600	75	95
USA	2049	378	19800	75	95
USA	2050	380	20000	75	95
USA	2051	382	20200	75	95
USA	2052	384	20400	75	95
USA	2053	386	20600	75	95
USA	2054	388	20800	75	95
USA	2055	390	21000	75	95
USA	2056	392	21200	75	95
USA	2057	394	21400	75	95
USA	2058	396	21600	75	95
USA	2059	398	21800	75	95
USA	2060	400	22000	75	95
USA	2061	402	22200	75	95
USA	2062	404	22400	75	95
USA	2063	406	22600	75	95
USA	2064	408	22800	75	95
USA	2065	410	23000	75	95
USA	2066	412	23200	75	95
USA	2067	414	23400	75	95
USA	2068	416	23600	75	95
USA	2069	418	23800	75	95
USA	2070	420	24000	75	95
USA	2071	422	24200	75	95
USA	2072	424	24400	75	95
USA	2073	426	24600	75	95
USA	2074	428	24800	75	95
USA	2075	430	25000	75	95
USA	2076	432	25200	75	95
USA	2077	434	25400	75	95
USA	2078	436	25600	75	95
USA	2079	438	25800	75	95
USA	2080	440	26000	75	95
USA	2081	442	26200	75	95
USA	2082	444	26400	75	95
USA	2083	446	26600	75	95
USA	2084	448	26800	75	95
USA	2085	450	27000	75	95
USA	2086	452	27200	75	95
USA	2087	454	27400	75	95
USA	2088	456	27600	75	95
USA	2089	458	27800	75	95
USA	2090	460	28000	75	95
USA	2091	462	28200	75	95
USA	2092	464	28400	75	95
USA	2093	466	28600	75	95
USA	2094	468	28800	75	95
USA	2095	470	29000	75	95
USA	2096	472	29200	75	95
USA	2097	474	29400	75	95
USA	2098	476	29600	75	95
USA	2099	478	29800	75	95
USA	2100	480	30000	75	95

CHAPTER-V
REQUESTS MADE TO THE
GOVERNMENT

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The Ministry of Social Justice and Empowerment in its communication dated 18th August, 2010 addressed to the NCBC stating in clear terms "that the matter regarding dealing with the grievances of OBCs may be dealt with by the National Commission for Scheduled Castes as mandated by Article 338(10) of the Constitution of India". After the Supreme Court judgment in the Mandal Commission case, there seems to be no justification at all in entrusting to the National Commission for Scheduled Castes the responsibility of looking into the grievances of Socially and Educationally Backward Classes, commonly called OBCs. Therefore, the Chairperson has sent a representation to the Hon'ble Prime Minister requesting to consider conferring Constitutional status on the NCBC with functions and powers similar to those now exercised by the National Commission for Scheduled Castes. Copy of the representation dated 9th September, 2010 addressed to the Hon'ble Prime Minister with its Annexures are enclosed.

Copies of the Notes sent by the Chairperson to the Hon'ble Minister for Social Justice and Empowerment concerning the following matters are enclosed herewith.

- (1) Note on OBCs Caste-wise Enumeration dated 18th June, 2010;
- (2) Note on reservation in promotions in favour of Scheduled Castes and Scheduled Tribes dated 8.7.2010. Supreme Court Judgment in *M. Nagaraja Vs. Union of India* (2006) 8 SCC 212 - difficulties in implementing reservations;
- (3) Note dated 19.7.2010 containing certain suggestions concerning classification of backward classes and appointment of a Commission under Article 340;
- (4) Note on the sub-classification of OBCs dated 4th October, 2010;
- (5) D.O. letter dated 9th August, 2010 requesting to confer power on NCBC with powers similar to those exercised by the U.P. State Commission.

The Full Commission has considered the report of Justice Ranganath Mishra Commission—National Commission for Religious and Linguistic Minorities and found certain inaccuracies therein and therefore the NCBC placed on record its views/comments about certain aspects on Justice Ranganath Mishra Commission Report. The NCBC sent its comments to the Hon'ble Minister of Social Justice & Empowerment on 4th March, 2011, a copy of which is enclosed.

TEL: 26183152 FAX: 011-26182388, 26183227

न्यायमूर्ति एम. एन. राव

अध्यक्ष

(पूर्व प्रधान न्यायाधीश उच्च न्यायालय हिमाचल प्रदेश)

Justice M. N. Rao

Chairperson

(Former Chief Justice High Court of Himachal Pradesh)



सत्यमेव जयते

राष्ट्रीय पिछड़ा वर्ग आयोग
सामाजिक न्याय एवं अधिकारिता मंत्रालय
भारत सरकार

ट्रिकूट-1, भीकाजी कामा प्लेस, नई दिल्ली-110 066

NATIONAL COMMISSION FOR BACKWARD CLASSES
MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT
GOVERNMENT OF INDIA

TRIKOOT-1, BHIKAJI CAMA PLACE, NEW DELHI - 110 066
TEL. : 26183152 FAX : 011-26182388, 26183227

9th September, 2010

Respected Prime Minister,

I am grateful for the opportunity given to me to call on you to apprise you of the working of the National Commission for Backward Classes of which I have taken charge as Chairperson on 7th June, 2010. During this short period of my incumbency, I have noticed several aspects of the functioning of the National Commission for Backward Classes, some of which I am bringing to your kind notice in the form of a note annexed herewith.

I would be grateful if the issues mentioned in the note could receive your kind consideration.

*With high personal regards,
Yours Sincerely,*

M.N. Rao
(M.N. Rao)

A NOTE ON THE NATIONAL COMMISSION FOR BACKWARD CLASSES

The National Commission for Backward Classes (for short NCBC) was constituted by a parliamentary enactment—The National Commission for Backward Classes Act 1993. Besides the Chairperson it consists of four other Members of whom one is Member-Secretary. The present Chairperson is Justice M.N. Rao, the former Chief Justice of the High Court of Himachal Pradesh and a fairly well known senior Advocate in the Supreme Court of India for nearly 12-years. The NCBC has only two functions as per section 9 of the Act.

1. To examine the requests for inclusion of any class of citizens as a Backward Class in the Lists of Backward Classes; and
2. To hear complaints regarding over-inclusion or under-inclusion of any class of citizens in the Lists of Backward Classes.

In regard to the above two functions, the NCBC tenders appropriate advice to the Central Government. Under the Act as per Section 11 at the end of ten years from the coming into force of the Act and thereafter for every ten years the Central Government is required to undertake revision of the Lists of Backward Classes. When such revision is taken up by the Central Government, the NCBC has to be consulted as per sub-section (2) of section 11.

There are four other important Commissions now functioning in the Country;

The following are the details regarding the enactments under which the Commissions are setup and the relevant statutory provisions dealing with the functions of those Commissions.

Name	Act	Relevant provisions dealing with the functions
The National Commission for Women	20 of 1990	Section 10
The National Commission for Minorities	19 of 1982	Section 9
The National Commission for Scheduled Castes	Article 338	Clause (5) of Article 338 of the Constitution of India
The National Commission for Scheduled Tribes	Article 338A	Clause (5) of Article 338A of the Constitution of India

Under the relevant provisions indicated above the Commissions are clothed with powers, to investigate and examine all matters concerning safeguards provided to the persons covered by the relevant Act, to enquire into complaints and suggest remedial action. The relevant sections dealing with the functions and powers of the above four Commissions and also the NCBC are enclosed herewith. (Annexure-1, 2, 3, 4, 5)

As is evident from the nature of the functions to be discharged and the powers conferred upon the above five Commissions, the only Commission without any effective power is the NCBC. It is commonly believed that 60% of the country's population belongs to OBCs and the only statutory body in existence dealing with OBCs at the national level is NCBC. Very frequently complaints are received in the NCBC from affected persons all over the country highlighting grievances faced and injustices suffered by reason of either deliberate non-compliance with the provisions of the Constitution and several enactments and rules which are intended for the protection of the OBCs.

Clause (10) of Article 338 of the Constitution was originally Clause (3) and renumbering was effected in the Constitution (Sixty-fifth Amendment) Act, 1990, (with effect from 12.3.1992). At the time the original Constitution was being enacted the Founding Fathers felt that a National Commission for Scheduled Castes and for Scheduled Tribes was necessary and accordingly they provided for the same in Article 338. In 2003 by virtue of the Constitution (Eighty-ninth Amendment) Act, 2003, (with effect from 19.2.2004) Article 338A was inserted under which a separate National Commission was constituted for Scheduled Tribes.

The Founding Fathers felt that a separate Presidential Commission should investigate the conditions of "socially and educationally Backward Classes" which necessarily mean other than Scheduled Castes and Scheduled Tribes and accordingly provision were made in Article 340 Clause (1). This Article contemplates a Presidential Commission not only to investigate the conditions of socially and educationally Backward Classes, but also to make recommendations to remove the difficulties faced by them and as to the grants to be made in that regard. As it would take some time for such a Presidential Commission to come into being and make recommendations, the Founding Fathers thought, as a purely temporary measure, to entrust to the National Commission for Scheduled Castes with the responsibility of looking into the grievances of socially and educationally Backward Classes and take steps for the protection of the safeguards existing in their favour.

The Mandal Commission was appointed in 1979 by the President of India under Article 340 Clause (1). The Mandal Commission's recommendations were considered by the Government of India and an order was passed reserving 27% of the posts in Government offices and seats in educational institutions. In Indra Sawhney case (1992) Supp. 3 S.C.C. 215 the Supreme Court upheld the order of the Government of India and also suggested the appointment of a Commission for purposes of inclusion and exclusion of Backward Classes in the lists maintained by the Government. After the Supreme Court judgment in the Mandal Commission, there seems to be no justification at all in entrusting to the National Commission for Scheduled Castes the responsibility of looking into the grievances of socially and educationally Backward Classes, commonly called OBCs. A temporary measure cannot attain permanency by any stretch of reasoning, at any rate when the existing situation does not warrant the continuation of that practice. What is most important is the National Commission for Scheduled Castes is not inclined to take-up matters concerning OBCs. The National Commission for Scheduled Castes in its communication Dt. 24th May, 2010 addressed to the Ministry of Social Justice emphatically stated that complaints regarding the grievances of the OBCs.

"may be sent back to the NCBC and the NCBC should take up this issue with the Ministry of Social Justice and Empowerment." (copy enclosed) Annexure-6.

But the Ministry of Social Justice and Empowerment negated this in its communication Dt. 18 Aug., 2010 addressed to the NCBC stating in clear terms

"that the matter regarding dealing with the grievances of OBCs may be dealt with by the National Commission for Scheduled Castes as mandated by Article 338(10) of the Constitution of India." (copy enclosed) Annexure-7.

Added to this no Commission for Scheduled Castes is functioning now.

In this situation it is absolutely necessary to amend the National Commission for Backward Classes Act 1993 conferring on the NCBC powers similar to those exercised by the National Commission for Scheduled Castes since that body is supposed to exercise the same powers in relation to OBCs by virtue of Article 338(10). This is an immediate necessity since OBCs, it is commonly believed, constitute 60% of the country's population.

The NCBC cannot be treated at a level lower than the National Commission for Scheduled Castes and National Commission for Scheduled Tribes, which enjoy Constitutional status. It is, therefore, necessary to take steps to amend the Constitution by deleting Clause (10) from Article 338 and incorporate a suitable provision in Article 340 making the National Commission for Backward Classes a creature of the Constitution.

The NCBC is in an utterly helpless position even to ascertain the details about the grievances of and injustices suffered by many persons. What is noteworthy is that in several states (for e.g.,—Karnataka, Uttar Pradesh and Andhra Pradesh), the relevant enactments confer powers upon the concerned State Backward Class Commissions to enquire into the grievances in order to ensure effective implementation of the

safeguards given to OBCs. Quite paradoxically the NCBC despite being the national body doesn't have any power at all in this regard. This oddity must be set right immediately by conferring Constitutional Status on the NCBC and empower it with functions and powers analogous to those exercised by the National Commission for Scheduled Castes.

If there is going to be any delay in conferring Constitutional status on the NCBC with functions and powers as stated above, it is suggested that an order by the President of India under Clause (1) of Article 340 may be issued appointing the present NCBC as the Commission with the powers specified in Clause (2) of Article 340 and supplementing the same by executive rules/instructions covering the functions and powers similar to those now exercised by National Commission for Scheduled Castes.

safeguards given to OBCs. Quite paradoxically the NCBC despite being the national body doesn't have any power at all in this regard. This oddity must be set right immediately by conferring Constitutional Status on the NCBC and empower it with functions and powers analogous to those exercised by the National Commission for Scheduled Castes.

If there is going to be any delay in conferring Constitutional status on the NCBC with functions and powers as stated above, it is suggested that an order by the President of India under Clause (1) of Article 340 may be issued appointing the present NCBC as the Commission with the powers specified in Clause (2) of Article 340 and supplementing the same by executive rules/instructions covering the functions and powers similar to those now exercised by National Commission for Scheduled Castes.

Annexure-1

THE NATIONAL COMMISSION FOR WOMEN ACT, 1990

Section 10: Functions of the Commission—

(1) The Commission shall perform all or any of the following functions, namely:—

- (a) investigate and examine all matters relating to the safeguards provided for women under the Constitution and other laws;
- (b) present to the Central Government, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;
- (c) make in such reports recommendations for the effective implementation of those safeguards for improving the conditions of women by the Union or any State;
- (d) review, from time to time, the existing provisions of the Constitution and other laws affecting women and recommend amendments thereto so as to suggest remedial legislative measures to meet any lacunae, inadequacies or shortcomings in such legislation;
- (e) take up the cases of violation of the provisions of the Constitution and of other laws relating to women with the appropriate authorities;
- (f) look into complaints and take *suo moto* notice of matters relating to—
 - (i) deprivation of women's rights;
 - (ii) non-implementation of laws enacted to provide protection to women and also to achieve the objective of equality and development;
 - (iii) non-compliance of polity decisions, guidelines or instructions aimed at mitigating hardships and ensuring welfare and providing relief to women, and take-up the issues arising out of such matters with appropriate authorities;
- (g) call for special studies or investigations into specific problems or situations arising out of discrimination and atrocities against women and identify the constraints so as to recommend strategies for their removal;
- (h) undertake promotional and educational research so as to suggest ways of ensuring due representation of women in all spheres and identify factors responsible for impeding their advancement, such as, lack of access to housing and basic services, inadequate support service and technologies for reducing drudgery and occupational health hazards and for increasing their productivity;
- (i) participate and advice on the planning process of socio-economic development of women;
- (j) evaluate the progress of the development of women under the Union and any State;
- (k) inspect or cause to inspected a jail, remand home, women's institution or other place of custody where women are kept as prisoners or otherwise and take up with the concerned authorities for remedial action, if found necessary;
- (l) fund litigation involving issues affecting a large body of women;

- (m) make periodical reports to the Government on any matter pertaining to women and in particular various difficulties under which women toil;
 - (n) any other matter which may be referred to it by Central Government.
- (2) Central Government shall cause all the reports referred to in clause (b) of sub-section (1) to be laid before each House of Parliament along with memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any such recommendations.
- (3) Where any such report or any part thereof relates to any matter with which any State Government is concerned, the Commission shall forward any copy of such report or part to such State Government who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any such recommendations.
- (4) The Commission shall, while investigating any matter referred to in clause (a) or sub-clause (i) of clause (f) of sub-section (1), 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 or office;
 - (e) issuing commissions for the examination of witnesses and documents; and
 - (f) any other matter which may be prescribed.

Annexure-2

THE NATIONAL COMMISSION FOR MINORITIES ACT, 1992

Section 9. Functions of the Commission—

- (1) The Commission shall perform all or any of the following functions, namely:—
 - (a) evaluate the progress of the development of Minorities under the Union and States;
 - (b) monitor the working of the safeguards provided in the Constitution and in laws enacted by Parliament and the State Legislatures;
 - (c) make recommendations for the effective implementation of safeguards for the protection of the interests of Minorities by the Central Government or the State Governments;
 - (d) look into specific complaints regarding deprivation of rights and safeguards of the Minorities and take up such matters with the appropriate authorities;
 - (e) cause studies to be undertaken into problems arising out of any discrimination against Minorities and recommend measures for their removal;
 - (f) conduct studies, research and analysis on the issue relating to socio-economic and educational development of Minorities;
 - (g) suggest appropriate measures in respect of any Minority to be undertaken by the Central Government or the State Governments;
 - (h) make periodical or special reports to the Central Government on any matter pertaining to Minorities and in particular the difficulties confronted by them; and
 - (i) any other matter which may be referred to it by the Central Government.
- (2) The Central Government shall cause the recommendations referred to in clause (c) of sub-section (1) to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance. If any, of any of such recommendations.
- (3) Where any recommendation referred to in clause (c) of sub-section (1) or any part thereof is such with which any State Government is concerned, the Commission shall forward a copy of such recommendation or part to such State Government who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendation or part.
- (4) The Commission shall, while performing any of the functions mentioned in sub-clauses (a), (b) and (d) of sub-section (1), 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 of affidavits;
 - (d) requisitioning any public record or copy thereof from any court or office;
 - (e) issuing commissions for the examination of witnesses and documents; and
 - (f) any other matter which may be prescribed.

Annexure-3

THE NATIONAL COMMISSION FOR BACKWARD CLASSES ACT, 1993

Section 9: Functions of the Commission—

- (1) The Commission shall examine requests for inclusion of any class of citizens as a backward class in such 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.

Section 10: Powers of the Commission—The Commission shall, while performing its functions under sub-section (1) of Section 9, have all the power 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 or office;
- (e) issuing commission for the examination of witnesses and documents; and
- (f) any other matter which may be prescribed.

Section 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.

Annexure-4

THE NATIONAL COMMISSION FOR SCHEDULED CASTES

Article 338: National Commission for Scheduled Castes—

- (1) There shall be a Commission for the Scheduled Castes to be known as the National Commission for the Scheduled Castes.
- (2) Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of a Chairperson, Vice-Chairperson and three other Members and the conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members so appointed shall be such as the President may by rule determine.
- (3) The Chairperson, Vice-Chairperson and other Members of the Commission shall be appointed by the President by warrant under his hand and seal.
- (4) The Commission shall have the power to regulate its own procedure.
- (5) It shall be the duty of the Commission—
 - (a) To investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;
 - (b) To inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes;
 - (c) To participate and advise on the planning process of socio-economic development of the Scheduled Castes and to evaluate the progress of their development under the Union and any State;
 - (d) To present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;
 - (e) to make in such reports recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Castes; and
 - (f) To discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Castes as the President may, subject to the provisions of any law made by Parliament, by rule specify.
- (6) The President shall cause all such reports to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations.
- (7) Where any such report or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations.

- (8) The Commission shall, while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of clause (5), 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 of 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 or office;
 - (e) Issuing commissions for the examination of witnesses and documents;
 - (f) Any other matter which the President may, by rule, determine.
- (9) The Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Castes.
- (10) In this article, references to the Scheduled Castes shall be construed as including references to such other backward classes as the President may, on receipt of the report of a Commission appointed under clause (1) of article 340, by order specify and also to the Anglo-Indian community.

Annexure-5

THE NATIONAL COMMISSION FOR SCHEDULED TRIBES

Article 338A: National Commission for Scheduled Tribes

- (1) There shall be a Commission for the Scheduled Tribes to be known as the National Commission for the Scheduled Tribes.
- (2) Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of a Chairperson, Vice-Chairperson and three other Members and the conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members so appointed shall be such as the President by rule determine.
- (3) The Chairperson, Vice-Chairperson and other Members of the Commission shall be appointed by the President by warrant under his hand and seal.
- (4) The Commission shall have the power to regulate its own procedure.
- (5) It shall be the duty of the Commission—
 - (a) to investigate and monitor all matters relating to the safeguards provided for the Scheduled Tribes under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;
 - (b) To inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Tribes;
 - (c) To participate and advise on the planning process of socio-economic development of the Scheduled Tribes and to evaluate the progress of their development under the Union and any State;
 - (d) To present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;
 - (e) to make in such reports recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Tribes; and
 - (f) To discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Tribes as the President may, subject to the provisions of any law made by Parliament, by rule specify.
- (6) The President shall cause all such reports to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any such recommendations.
- (7) Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations.

- (8) The Commission shall, while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of clause (5), 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 or office;
 - (e) Issuing commissions for the examination of witnesses and documents; and
 - (f) Any other matter which the President may, by rule, determine.
- (9) The Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Tribes.

Annexure-6

No. 12/2/NCSC/2010-C. Cell Government of India

National Commission for Scheduled Castes

(A constitutional body under the article 338 of the Constitution of India)

5th Floor, Lok Nayak Bhawan,
Khan Market, New Delhi
Dated the 24th May, 2010

The Secretary
Ministry of Social Justice Empowerment
Shastri Bhawan, New Delhi.

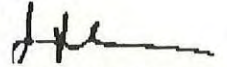
[Kind Attention: Shri Sanjeev Kumar, J.S. (SCD)]

Sub: Fresh order of Ministry of Social Justice & Empowerment asking NCSC to entertain the complaints/representations of members of the OBCs.

Sir,

The issue regarding representations belonging to OBCs to be entertained by NCSC was discussed in detail in the 28th Meeting of the Commission and it was decided that the Ministry of SJ&E should empower the National Commission for Backward Classes to look into the grievances of the OBCs. It was also decided by the Commission that complaints/petitions OBCs received from NCBC directly or through the Ministry of SJ & E or from the petitioners directly may be sent back to the NCBC and the NCBC should take up this issue with the Ministry of Social Justice & Empowerment.

Yours faithfully,



(K.P. Harikumar)

Dy. Secretary to the Government of India

Tele: 24631361

Copy for information and necessary action to: The Secretary, NCBC, Trikot I, Bhikaji Cama Place, RK Puram, New Delhi. Accordingly, the representations received so far as per the list enclosed are returned herewith.

Dy. Secretary to the Government of India

संख्या/No. 7154 & 55

जारी किया/Issued-28-5-2010

Annexure-7

No. 20012/33/2009-BC-II

**Government of India
Ministry of Social Justice & Empowerment**

Shastri Bhawan, New Delhi
Dated the 18th August, 2010

To


The Joint Secretary,
National Commission for Scheduled Castes,
Lok Nayak Bhawan,
New Delhi

Sir,

I am directed to refer to your letter No. 12/2/NCSC/2010-C. Cell dated 24.5.2010 and to say that the competent authority has desired that the matter regarding dealing with grievances of OBCs may be dealt with by the NCSC as mandated by Article 338(10) of the Constitution of India.

2. In view of the above, you are requested to take necessary action on the complaints/representations received from the members of OBCs.

Yours faithfully,



(P.P. Mitra)

Joint Secretary to the Govt. of India

न्यायमूर्ति एम. एन. राव
अध्यक्ष

(पूर्व प्रधान न्यायाधीश उच्च न्यायालय हिमाचल प्रदेश)

Justice M. N. Rao

Chairperson

(Former Chief Justice High Court of Himachal Pradesh)



सत्यमेव जयते

राष्ट्रीय पिछड़ा वर्ग आयोग
सामाजिक न्याय एवं अधिकारिता मंत्रालय
भारत सरकार

ट्रिकूट-1, भीकाजी कामा प्लेस, नई दिल्ली-110 066

NATIONAL COMMISSION FOR BACKWARD CLASSES
MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT
GOVERNMENT OF INDIA

TRIKOOT-1, BHIKAJI CAMA PLACE, NEW DELHI - 110 066
TEL. : 26183152 FAX : 011-26182388, 26183227

18th June, 2010

Dear *Shri Wasnikji*,

Please find enclosed my note about caste-wise enumeration of O.B.Cs, which in the present context is very relevant. As Chairperson of the NCBC, a statutory body charged with the responsibility of scrutinising the lists of socially and educationally backward classes to enable them enjoy the benefits under articles 15(4) and 16(4) of the Constitution of India it is my duty to bring it to your kind notice the correct factual and legal position.

*With high personal regards,
Yours Sincerely,
M.N. Rao*

Justice M.N. Rao)
Chairperson, NCBC

To,

Shri Mukul Wasnik Ji,
Hon'ble Minister,
M/o Social Justice and Empowerment,
Shastri Bhawan,
New Delhi-110001

NOTE ON OBC'S CASTE WISE ENUMERATION

The Mandal Commission was set up by the Govt. of India under article 340(1) of the Constitution of India pursuant to the statement made by the then Hon'ble Prime Minister of India on the floor of the Parliament. The Mandal Commission was required "to determine the criteria for defining the socially and educationally backward classes" and "to recommend steps to be taken for the advancement of the socially and educationally backward classes so identified". One of the biggest problems faced by the Commission was the absence of caste enumeration figures after 1931 census. The last census based on caste enumerations was in 1931 and the Mandal Commission projecting the figures in the 1931 census determined the population of OBCs at 52% of the total population. Shri B.P. Mandal while submitting the report of the Commission to the Hon'ble President of India Specifically pleaded in para 10 of his letter dated 31.12.1980 that the Govt. should reconsider their view about not carrying out caste enumeration.

Para 10 of the aforesaid letter reads:

"We had to face enormous difficulties in the absence of caste enumerations figures after the 1931 Census. To avoid such difficulties in the future, a reference was made by me in my letter of 15th June, 1979 and 18th August, 1979, addressed to S/Shri H.M. Patel and Y.P. Chawan, respectively. I had also requested Giani Zail Singh, Home Minister to this effect in my letter of 31st March, 1980. I was informed that it had been decided that caste enumeration will not be carried out during the 1981 Census and that the present policy of not having enumeration of caste in Indian Census, will be continued, which need reconsideration."

On the basis of the Mandal Commission report, the Govt. of India issued an office memorandum referencng 27% of the posts under the State in favour of the OBCs. By a majority judgement the Supreme Court upheld that order in Indira Sawhney case (1992 AIR SCW 3682).

In the decision of the Constitution Bench of the Supreme Court of India speaking for the majority Justice B.P. Jeevan Reddy on the question of identification of Backward Classes in the context of examining the validity of the Mandal Commission Report has observed:

"Coming back to the question of identification, the fact remains that one has to begin somewhere—with some group, class or section. There is no set or recognised method. There is no law or other statutory instrument prescribing the methodology. The ultimate idea is to survey the entire populace. *If so, one can well begin with castes, which represent explicit identifiable social classes/groupings, more particularly when Art. 16(4) seeks to ameliorate social backwardness.* What is unconstitutional with it, more so when caste, occupation, poverty and social backwardness are so closely intertwined in our society? (emphasis added).

.....Any authority entrusted with the task of identifying backward classes may well start with the castes. It can take caste 'A', apply the criteria of backwardness evolved by it to that caste and determine whether it qualifies as a backward class or not. If it does qualify, what emerges is a backward class, for the purposes of clause (4) of Art. 16. The concept of 'Caste' in this behalf is not confined to castes among Hindus. It extends to castes, wherever they obtain as a fact, irrespective of religious sanction for such practice.

.....The effort should be to consider all the available groups, sections and classes of society in whichever order one proceeds. Since caste represents an existing, identifiable, social group spread over an overwhelming majority of the country's population, we say one may well begin with castes, if one so chooses, and then go to other groups, sections and classes. We may say, at this stage, that we broadly commend the approach and methodology adopted by Justice O. Chinnappa Reddy Commission in this respect."

In Ashok Kumar Thakur case [(2008) 6 SCC 1], Pasayat J. Speaking for himself and Thakkar J. in their separate but concurrent judgment agreeing with the majority, while stating the fact about the absence of data to support the view that 52% of the population in this country belong to OBCs, observed in paragraph 325 at page-592:

"It is to be noted that the foundation for fixing 27% appears to be the view that 52% of the population belong to OBC. *There is no supportable data for this proposition.* In fact, different commissions at different points of time have different figures. It is the stand of the respondents that no commission has fixed the percentage below 52% and, therefore, there is nothing wrong in fixing the percentage at 27%. This is not the correct approach. It may be that in no case the percentage of persons belonging to OBC is less than 27% but supposing in a given case considering the fact that the actual percentage is 40% a figure less than 27% should have been fixed. (emphasis added).

....The Commission (NCBC) set up pursuant to the directions of this court seems to have acted on the petitions filed by the people claiming exclusion or inclusion. That was not the real purpose of this Court's decision to direct appointment of Commission. *The very purpose was to identify the classes.* This was the exercise which was to be undertaken apart from considering the applications for inclusion or exclusion as the case may be. As has been conceded at the beginning of the case affirmative action is not under challenge. Affirmative action is nothing but a crucial component of social justice in the constitutional dispensation but at the same time it has to be kept in view that the same does not infringe the principles of equality of which it is a part and/or unreasonably restraint or restrict other fundamental freedoms and that it does not violate the basic structure of the Constitution." (emphasis added).

Explaining certain observations in the majority judgement in Indira Sawhney (Mandal case) case Justice Pasayat highlighted the aspect:

"Therefore, the emphasis was on beginning with castes which represent explicitly identifiable social classes or groupings. Again in para 783, it has been stated that in a vast country like India it is simply not practicable to fix the test for identifying backward classes. In that background it was held that if the real objective is to discover and locate the real backwardness and if such backwardness is found in a caste it can be considered as backward. Similarly if it is found in any other group, section or class they too can be treated as backward. *The intention therefore is clear that if caste is found to be backward it can certainly be treated as backward. To give any other meaning would be adding or subtracting to what has been specifically stated in the decision.*" (emphasis added)

It is, therefore, fairly clear that in the absence of necessary data regarding OBCs, their population and their social and educational status coupled with other relevant factors it will be almost impossible to support in any future litigation the reservation in favour of the OBCs. Any law containing special benefits for OBCs in order to stand judicial scrutiny must be supported by clear and acceptable data.

Looking at from another point of view, census regarding OBCs appears to be very necessary. When special provisions are made for certain classes it is incumbent upon the Govt. to have clear data about the population of those classes, their living conditions, percentage of literacy, level of employment in order to determine their social and educational backwardness to qualify for the benefits under articles 15(4) and 16(4) of the Constitution. Every subjective satisfaction must be based on objective facts. Therefore, the logical corollary to the making of special provisions in favour of OBCs is the existence of objective data about those classes. It was held in Indira Sawhney case that if a caste as a whole is socially and educationally backward, it can be treated as a backward class for purpose of article 15(4) and 16(4) of the Indian Constitution.

There is a real risk of the special provisions made for the OBCs being struck down by the Judiciary on the ground of absence of data. It is, therefore, my considered view as Chairperson of this Commission that data about OBCs caste-wise for determination of their population is imperative.



(M.N. Rao)

18th June, 2010

न्यायमूर्ति एम. एन. राव
अध्यक्ष

(पूर्व प्रधान न्यायाधीश उच्च न्यायालय हिमाचल प्रदेश)

Justice M. N. Rao

Chairperson

(Former Chief Justice High Court of Himachal Pradesh)



सत्यमेव जयते

राष्ट्रीय पिछड़ा वर्ग आयोग
सामाजिक न्याय एवं अधिकारिता मंत्रालय
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त्रिकूट-1, भीकाजी कामा प्लेस, नई दिल्ली-110 066

NATIONAL COMMISSION FOR BACKWARD CLASSES
MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT
GOVERNMENT OF INDIA

TRIKOOT-1, BHIKAJI CAMA PLACE, NEW DELHI - 110 066
TEL. : 26183152 FAX : 011-26182388, 26183227

8th July, 2010

Dear *Shri Wasnikji*,

Although the National Commission for Backward Classes of which I am the Chairperson, in stricto sensu, is not concerned with reservations in promotions relating to SCs and STs, still as the above aspect falls squarely within the domain of social justice, I consider it my duty to bring to your notice the glaring impasse surfacing as a result of the Constitution Bench Judgment of the Supreme Court in *M. Nagaraja Vs. Union of India* reported in (2006) 8 SCC 212 in implementing the policy of the State in respect of reservations in promotions in favour of SCs and STs. In this regard, I have prepared a brief note which is enclosed herewith and the same may kindly be seen by your goodself for further necessary action in the matter.

*With high personal regards,
Yours Sincerely,
M.N. Rao*

(Justice M.N. Rao)
Chairperson, NCBC

To,

Shri Mukul Wasnik Ji,
Hon'ble Minister,
M/o. Social Justice and Empowerment,
Shastri Bhawan,
New Delhi-110 001.

RESERVATION IN PROMOTIONS IN FAVOUR OF SCHEDULED CASTES AND SCHEDULED TRIBES — SUPREME COURT JUDGEMENT IN M. NAGARAJA VS. UNION OF INDIA (2006) 8 SCC 212 — DIFFICULTIES IN IMPLEMENTING RESERVATIONS — A NOTE

In *Indra Sawhney Vs. Union of India* (1992) Suppl. 3 SCC 217, the Supreme Court struck down promotions in reservations in favour of Scheduled Castes and Scheduled Tribes but as a temporary measure had allowed the policy to continue for a period of 5 years, even though *Indra Sawhney* case had nothing to do with the reservations in promotions in favour of Scheduled Castes and Scheduled Tribes. To overcome the judgements of the Supreme Court in *Indra Sawhney* and certain other cases viz., *S. Vinod Kumar Vs. Union of India* 1996 (6) SCC 580 and *Ajit Singh III Vs. State of Punjab* 2000 (1) SCC 430, the Parliament had enacted the following amendments to the Constitution:—

- (1) The Constitution (Seventy seventh) Amendment Act, 1995 — which inserted clause (4A) in Article 16 with effect from 17.6.1995 providing for reservations in favour of Scheduled Castes and Scheduled Tribes in matters of promotions which in the opinion of the States are not adequately represented in the services of the State.
- (2) The Constitution (Eighty fifth) Amendment Act, 2001 — further amending Article 16 (4A) with effect from 17.6.1995 providing for consequential seniority in the promotional post for which reservation is made.
- (3) The Constitution (Eighty first) Amendment Act, 2000 — inserting clause (4B) in Article 16 with effect from 9.6.2000 treating the reserved vacancies at the promotional level as separate category to be filled up in subsequent years without treating those vacancies so filled up falling within the ceiling limit of 50%.
- (4) The Constitution (Eighty second) Amendment Act, 2000 with effect from 8.9.2000 introduced the proviso to Article 335 conferring power on the State to relax qualifying marks in any examination or lowering the standards for evaluation in respect of reservation in promotions.

All the above amendments to the Constitution were challenged in a batch of Writ Petitions in the Supreme Court and a Constitution Bench (the Judges who constituted the Bench were Hon'ble Mr. Justice Y.K. Sabharwal, Chief Justice, Hon'ble Mr. Justice K.G. Balakrishnan, Hon'ble Mr. Justice S.H. Kapadia, Hon'ble Mr. Justice C.K. Thakker and P.K. Balasubramanyan) had upheld the constitutionality of the above enactments in *M. Nagaraja Vs. Union of India* 2006 (8) SCC 212. The Judgement of the Constitution Bench was delivered by Justice S.H. Kapadia (the present Chief Justice).

It is undoubtedly accepted without any controversy that in order to make any provision for reservation of any posts in favour of any backward classes of citizens, the following tests must be satisfied:

- (i) The class must be socially and educationally backward;
- (ii) There is no adequate representation for that class in the services under the State.

In *Indra Sawhney's* case, the majority judgement recognized the fact that there are various castes in this Country which are socially and educationally backward and all those Castes are backward classes with the exclusion of affluent individuals (creamy layer) from those classes. It was never understood that the test for socially and educationally backwardness applies to Scheduled Castes and Scheduled Tribes. In fact, Article 15(4) which relates to power of the State to make any special provision specifically mentions socially and educationally backward classes of citizens or Scheduled Castes and Scheduled Tribes. Those socially and educationally backward classes are treated as a separate class from SCs and STs and a clarification in this regard was issued by Dr. B.R. Ambedkar in the Constituent Assembly. Article 16(4) merely uses the expression backward class of citizens and the only rider is absence of adequate representation for that class in the services

under the State. Article 16(4) relates to reservation of appointments and posts whereas Article 15(4) is a general one encompassing power to make any special provision for the advancement of Backward Classes and Scheduled Castes/Scheduled Tribes. In order to provide benefits to SCs and STs, there was no requirement at all of examining the social and educational backwardness of SCs and STs. The fact that they are included in the Schedules as per Articles 341 and 342 as SCs and STs is itself recognition of the fact of their social and educational backwardness.

The only requirement, therefore, while considering reservation in promotions concerning SCs and STs is their inadequate representation in the public services. The question whether the SCs or STs are socially and educationally backward for the purpose of conferral of the benefit of reservation in promotions would never arise at all. But paradoxically the Supreme Court in Nagaraja's case has laid down the following tests in paragraph 110. Para 110 reads:—

"Tests to judge the validity of the impugned State Acts.

110. As stated above, the boundaries of the width of the power, namely, the ceiling limit of 50% (the numerical benchmark), the principle of creamy layer, the compelling reasons, namely, backwardness, inadequacy of representation and the overall administrative efficiency are not obliterated by the impugned amendments. At the appropriate time, we have to consider the law as enacted by various States providing for reservation if challenged. At that time we have to see whether limitations on the exercise of power are violated. The State is free to exercise its discretion of providing for reservation subject to limitation, namely, that there must exist compelling reasons of backwardness, inadequacy of representation in a class of post(s) keeping in mind the overall administrative efficiency. It is made clear that even if the State has reasons to make reservation, as stated above, if the impugned law violates any of the above substantive limits on the width of the power the same would be liable to be set aside".

Earlier in the judgement in para 86 while upholding Article 16(4A) it was held at Pg. 262-263 as follows:—

"..... The State has to form its opinion on the quantifiable data regarding adequacy of representation. Clause (4-A) of Article 16 is an enabling provision. It gives freedom to the State to provide for reservation in matters of promotion. Clause (4-A) of Article 16 applies only to SCs and STs. The said clause is carved out of Article 16(4). Therefore, clause (4-A), will be governed by the two compelling reasons — "backwardness" and "inadequacy of representation" as mentioned in Article 16(4). If the said two reasons do not exist then the enabling provision cannot come into force. The State can make provision for reservation only if the above two circumstances exist. Further, in *Ajit Singh (II)* this Court has held that apart from "backwardness" and "inadequacy of representation" the State shall also keep in mind "overall efficiency" (Article 335). Therefore, all the three factors have to be kept in mind by the appropriate Government in providing for reservation in promotion for SCs and STs".

After upholding the constitutionality of the three enactments, the Constitution Bench has remanded the individual cases for consideration by the concerned Benches observing in para 117 that—

"..... However, the question still remains whether the State concerned has identified and valued the circumstances justifying it to make reservation. This question has to be decided casewise. There are numerous petitions pending in this Court in which reservations made under State enactments have been challenged as excessive. The extent of reservation has to be decided on the facts of each case. The Judgement in *Indra Sawhney* does not deal with constitutional amendments. *In our present judgement, we are upholding the validity of the constitutional amendments subject to the limitations.* Therefore, in each case the Court has got to be satisfied that the State has exercised its opinion in making reservations in promotions for SCs and STs and for which the State concerned will have to place before the Court the requisite quantifiable data in each case and satisfy the Court that such reservations became necessary on account of inadequacy of representation of SCs/STs in a particular class or classes of posts without

affecting general efficiency of service as mandated under Article 335 of the Constitution". (emphasis added)

Although the above paragraph does not speak of the requirements as to the backwardness and inadequacy of representation, having regard to the specific language employed in paragraph 110, while laying down the tests for judging the validity of the impugned State Acts by which reservation in promotions were provided, it cannot be readily assumed that the Court while examining the validity of each of the Acts providing for reservations in promotions will consider only the question of inadequacy of representation leaving side the other criteria mentioned in para 110 of the Judgement. In fact that words in the underlined sentence "..... we are upholding the validity of the constitutional amendments subject to the limitation" are clearly referable to the limitations mentioned in para 110, namely creamy layer, backwardness, inadequacy of representation and the over all administrative efficiency. If the above tests were legally required to be satisfied providing reservation in promotions for SCs and STs, it would become almost impossible to give effect to the three Constitutional Amendments already referred to.

It is relevant to note that the Constitution Eighty-second Amendment Act, 2000, by which the proviso was inserted in Article 335 does not mention about inadequate representation.

In view of the foregoing, I would suggest that the Union of India should take the matter back to the Supreme Court by way of filling a Review Petition after obtaining the opinion of the learned Attorney General of India.



(M.N. Rao)
8th July, 2010

न्यायमूर्ति एम. एन. राव
अध्यक्ष

(पूर्व प्रधान न्यायाधीश उच्च न्यायालय हिमाचल प्रदेश)

Justice M. N. Rao

Chairperson

(Former Chief Justice High Court of Himachal Pradesh)



सत्यमेव जयते

राष्ट्रीय पिछड़ा वर्ग आयोग
सामाजिक न्याय एवं अधिकारिता मंत्रालय

भारत सरकार

ट्रिकूट-1, भीकाजी कामा प्लेस, नई दिल्ली-110 066

NATIONAL COMMISSION FOR BACKWARD CLASSES
MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT
GOVERNMENT OF INDIA
TRIKOOT-1, BHIKAJI CAMA PLACE, NEW DELHI - 110 066
TEL. : 26183152 FAX : 011-26182388, 26183227

19th July, 2010

Shri Mukul Wasnik Ji,
Hon'ble Minister,
Ministry of Social Justice & Empowerment,
Government of India,
Shastri Bhawan,
New Delhi-110 001

Dear *Shri Wasnikji*,

Please find enclosed a short note by me containing certain suggestions concerning classification of backward classes and appointment of a Commission under Article 340, for your kind consideration.

*With high personal regards,
Yours Sincerely,
M.N. Rao*

(M.N. RAO)

Encl.: Note

NOTE

The official list of Backward Classes prepared by the Government of India after examining the Mandal Commission's Report was upheld by the Supreme Court in Indra Sawhney case (1992) Supp. 3 SCC 215. The basis for the official list was the principle of commonality (*i.e.* when the backward classes mentioned in the Mandal Commission's Report also figure in the several State lists). A backward caste minus its creamy layer is a backward class as ruled by the Supreme Court. The Judgment of the Supreme Court in Indra Sawhney case was delivered on 16-11-1992. The Mandal Commission Report was submitted to the President of India on 31st December, 1980. Apart from identifying the socially and educationally backward classes, the Mandal Commission has made several recommendations for the progress of the backward classes. One of the important recommendations of the Mandal Commission as found in para 13.40 is that the Commission's recommendation should be reviewed after 20 years. The Mandal Commission itself was appointed by the President of India under Article 340 of the Constitution of India for the purpose of investigating the conditions of backward classes, the difficulties they were facing and to make recommendations as to the steps that should be taken by the Union and the States to remove the difficulties and improve their conditions as well as the grants to be made by the Union and the States for their welfare.

In Indra Sawhney case, the Supreme Court while upholding the method adopted by the Mandal Commission for ascertaining the backward classes observed that there should be a Commission at the National level and separate Commissions at the level of each State to examine over inclusion of Castes in the list of backward classes and also to deal with exclusion of castes from such list. In compliance with those observations, the Union Parliament enacted the National Commission for Backward Classes Act, 1993. Section 11 of the Act contemplates that ten years after the expiry of the coming into force of the Act and thereafter once in ten years the Central Government shall revise the list of backward classes and while undertaking this revision, the Central Government shall consult the NCBC.

Although 17 years have elapsed, there has been no revision of the lists. An embarrassing situation might arise if any one were to question the validity of the existing lists on the ground that the statutory duty enjoined by Section 11 of the Act had not been complied with by the Central Government. At the same time, the review of lists is a gigantic task involving thorough enquiry into the social and educational backwardness of all the Castes in the list, the extent of progress they have achieved and the adequacy of their representation in the services. The nature of the work would be akin to that of Mandal Commission which was appointed by the President of India under Article 340.

It is relevant in this context to note that at present there is no statutory authority in the Country to examine as to whether the safeguards provided for the backward classes have been implemented, whether the complaints emanating from those castes have been enquired into and whether their grievances have been addressed at all. The National Commission for Scheduled Castes was supposed to take care of the interests of the backward classes also by virtue of clause (10) of Article 338 of the Constitution of India but it may be noted that clause (10) which was earlier clause (3) and the renumbering was done by the Constitution Sixty-fifth Amendment Act, 1990, long before the NCBC Act was enacted. In the Constitution, there is no provision for appointment of a Commission apart from Article 340 to enquire into and take care of the interests of the backward classes and that is why it was felt that the same could be entrusted to the National Commission for Scheduled Castes. But realistically speaking the National Commission for Scheduled Castes could not take up any complaints concerning backward classes, and on the other hand the Commission had informed the Government that the same task may be entrusted to the NCBC.

There is a general feeling among the real backward classes in the Country that by reason of absence of Classification of backward classes the benefits are not reaching them. In the existing Central list of OBCs, there are several Castes which have comparatively achieved greater progress socially and educationally apart from gaining economic strength. The classes that are crying and need help are those belonging to professions which are generally considered to be unclean like washermen, fishermen, barbers, birdcatchers, etc. It is, therefore, my humble view that the existing list of OBCs should be redrawn into two categories (1) Most Backward Classes and (2) Backward Classes. The list of Most Backward Classes should contain the Castes pursuing the professions which are considered as unclean. Whenever the State resorted to such classification, the same was found to be valid by the Courts. In fact, in Indra Sawhney case, Justice Jeevan Reddy speaking for the majority had actually suggested such a course. (paras 800—802 ps. 728—730). From the legal point of view, therefore, there is no impediment in taking up the aforesaid exercise.

Other Backward Classes (OBCs) are not a homogenous class. The extent of social backwardness present among these Castes is so vast that there is no possibility of treating them as one homogenous class. This fact has been recognized by the judgement in Mandal Commission's case. One can also say in this regard that the principle of equality implies that like should be treated alike but not all alike. Treating un-equals as equals is not legally permissible. Though at this moment, as far as OBCs are concerned, this question has not come up for consideration directly but in one case reported in (2006) 6 SCC 718, the Supreme Court held as invalid the action of State Government without any enquiry in amalgamating the erstwhile Most Backward Classes with the regular backward classes.

In Ashok Kumar Thakur case (2008) 6 SCC 1, the Supreme Court in strong language commented about there not being any exclusions from the Central lists of OBCs so far, and impliedly doubted the effectiveness of reservations if none of the listed OBCs has registered any advancement socially and educationally so as to deserve exclusion from the lists. The Court said:—

"Admittedly, there is no deletion from the list of Other Backward Classes. It goes on increasing. Learned counsel for the respondents (Union of India) have stated that in large number of cases where applications were made for inclusion they have been turned down. But that is no answer to the question as to why and how there has been no exclusion. It is that backwardness has increased instead of decreasing? If the answer is "yes", as contended by the respondents (Union of India), then one is bound to raise eyebrows as to the effectiveness of providing reservations or quotas". (Ps. 549-550)

The nature of the work visualized by the revision of Central lists being almost in several respects similar to that of the Presidential Commission under Article 340 of the Constitution of India. I would request the Government of India to appoint a Presidential Commission under Article 340 to take up the matters mentioned in that Article and in addition undertake revision of the existing Central lists of backward classes. As both the functions are interlinked it is my considered view that the present NCBC with necessary changes may be entrusted with the responsibilities conferring on it the status of Presidential Commission.



(M.N. Rao)
19th July, 2010

श्रीमती चित्रा चोपड़ा
सदस्य सचिव



राष्ट्रीय पिछड़ा वर्ग आयोग
सामाजिक न्याय एवं अधिकारिता मंत्रालय
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Smt. Chitra Chopra
Member-Secretary

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DO No. NCBC/RW/2010

4th October, 2010

Dear *Shri Acharya*,

Please find enclosed a note on the sub-classification of OBCs notified in the Central List of OBCs.

The Commission considered and discussed the note on sub-classification of OBCs in the VIth/4th Meeting of the Commission held on 21.09.2010. In this context, attention was drawn to the Office Memorandum dated 12th March, 1993 issued by then Ministry of Welfare wherein *w.r.t.* Supreme Court Judgement dated 16-11-1992 in the Mandal case, the Ministry had sought the advice/report from the Expert Committee on the categorization of Backward Classes and Most Backward Classes.

The Commission was of the view that since the Government had already issued the aforesaid Office Memorandum earlier seeking Report of the Expert Committee on the categorization of BCs, a note on sub-classification of OBCs notified in the Central List of OBCs, as approved by the Commission be forwarded to the Ministry for appropriate action.

With regards,
Chitra Chopra

(Chitra Chopra)

Shri K.M. Acharya,
Secretary,
Min. of Social Justice & Empowerment
Shastri Bhavan,
New Delhi.

NOTE ON THE QUESTION OF SUB-CLASSIFICATION OF OTHER BACKWARD CLASSES AND FOR PROVIDING SEPARATE QUOTA ON THE BASIS OF RELATIVE BACKWARDNESS

1. The Supreme Court in *E.V. Chinniah vs. of Sate A.P.*, reported in (2005) 1 SCC 394 while dealing with the question of sub-classification of Scheduled Castes held that they are "one class for the purpose of the Constitution" (at pg. 412) and that "A uniform yardstick must be adopted for giving benefits to the members of the Scheduled Castes for the purpose of the constitution" (pg. 418). But this is not the case with regard to Other Backward Classes who stand on a different footing.

2. A large number of castes have been included in the list of Other Backward Classes by the Mandal Commission. The extent of backwardness among these castes is so vast that all of them collectively cannot be called a homogenous group. Depending upon the nature of the occupation the social backwardness varies and accordingly the educational backwardness also varies. Merely because all these castes collectively fall under the category "Socially and Educationally Backward Classes", the same yardstick cannot be applied for judging the degree of backwardness of each of these castes. Reservations in admissions to educational institutions and appointments to public services are not percolating down to the real backward sections for the obvious reason that the benefits are cornered by the more advanced castes among these Other Backward Classes. Backward Classes are nothing but castes characterized by social backwardness. This was explained with telling effect by Dr. Ambedkar while introducing clause (4) to Article 15 of the Constitution in the Parliament:—

"Every Hindu has a caste—he is either a Brahmin or a Maratha or a Kurmi or a Kumbhar or a Carpenter. There is no Hindu—that is the fundamental proposition—who has no caste. Consequently, if you make a reservation in favour of what are called Backward Classes which are nothing else but a collection of certain castes those who are excluded are person who belong to certain castes. Therefore, in the circumstances of this country, it is impossible to avoid reservation without excluding some people who have got a caste".

3. Some of the backward castes are at the lowest, the members of which are subjected to social indignities and their plight is almost akin to that of scheduled castes. Persons following the caste based traditional occupations like fishing, hunting, sheep rearing, washing (Dhobi), hair cutting, scavenging, birdcatching etc. come under this category. Paradoxically certain castes the members of which are far more advanced socially and engaged in callings like jewellery making (goldsmith) and agriculture also are included in the list of backward classes. A backward class is nothing but a backward caste excluding its creamy layer as per the judgement of the Supreme Court in *Indra Sawhney Vs. Union of India & Ors.*, reported in (1992) Supp. 3 SCC 215. It is a well known fact that equality can be predicated among equals only but not unequals: like can be treated alike, but not all alike. This aspect has been highlighted in the majority judgment in *Indra Sawhney* case which examined the legality of reservations in favour of other backward classes based upon the Mandal Commission Report:—

"Extract from Hon'ble Mr. Justice Jeevan Reddy's Judgement—

Question No. 5: Whether Backward Classes can be further divided into backward and more backward categories?

802. We are of the opinion that there is no constitutional or legal bar to a State categorizing the backward classes as backward and more backward. We are not saying that it ought to be done. We are concerned with the question if a State makes such a categorization, whether it would be invalid? We think not. Let us take the

criteria evolved by Mandal Commission. Any caste, group or class which scored eleven or more points was treated as a backward class. Now, it is not as if all the several thousands of castes/groups/classes scored identical points. There may be some castes/groups/classes which have scored points between eleven and thirteen. It cannot reasonably be denied that there is no difference between these two sets of castes/groups/classes. To give an illustration, take two occupational groups viz. goldsmiths and vaddes (traditional stone cutters in Andhra Pradesh) both included within Other Backward Classes. None can deny that goldsmiths are far less backward than vaddes. *If both of them are grouped together and reservation provided, the inevitable result would be that goldsmiths would take away all the reserved posts leaving none for vaddas.* In such a situation, a State may think it advisable to make a categorization even among other backward classes so as to ensure that the more backward among the backward classes so as to ensure that the more backward among the backward classes obtain the benefits intended for them. Where to draw the line and how to effect the sub classification is, however, a matter for the Commission and the State and so long as it is reasonably done, the Court may not intervene. In this connection, reference may be made to the categorization obtaining in Andhra Pradesh. The Backward Classes have been divided into four categories. Group A comprises "Aboriginal tribes, Vimukta Jatis, nomadic and semi nomadic tribes etc.". Group B comprises professional group like tappers, weavers, carpenters, ironsmiths, goldsmiths, kamsalins etc. Group C pertains to "Scheduled Castes converts to Christianity and their progeny", while Group D comprises all other classes/communities/groups, which are not included in Group A,B and C. The 25% vacancies reserved for backward classes are sub-divided between them in proportion to their respective population. This categorization was justified in Balram. This is merely to show that even among backward classes, there can be a sub-classification on a reasonable basis. 803, there is another way of looking at this issue. Article 16(4) recognizes only one class viz., "backward class of citizen". It does not speak separately of Scheduled Castes and Scheduled Tribes, as does Article 15(4). Even so, it is beyond controversy that Scheduled Castes and Scheduled Tribes are also included in the expression "backward class of citizens" and that separate reservations can be provided in their favour. It is a well accepted phenomenon throughout the country. What is the logic behind it? *It is that if Scheduled Tribes, Scheduled Castes and Other Backward Classes are lumped together, OBCs will take away all the vacancies leaving Scheduled Castes and Scheduled Tribes high and dry.* The same logic also warrants categorization as between more backward and backward. We do not mean to say-we may reiterate-that this should be done. We are only saying that if a State chooses to do it, it is not impermissible in law" (emphasis added).

Extract from Hon'ble Mr. Justice P.B. Sawant's judgment:

"524. It may be point out that in Vasanth Kumar, Chinnappa Reddy, J. after referring to the aforesaid view in Balaji observed that the propriety of such test may be open to question on the facts of each case but there was no reason why on principle there cannot be a classification into Backwards and More Backwards if both classes are not merely a little behind, but far far behind the most advanced classes. He further observed that in fact, such a classification would be necessary to help the more backward classes, otherwise those of the backward classes who might be a little more advanced than the more backward classes, would walk away with all the seats just as if reservation was confined to the more backward classes and no reservation was made to the slightly more advanced of the backward classes, the backward classes would gain no seats since the advanced classes would walk away with all the seats available for the general category. With respect, this is the correct view of the matter. Whether the backward classes can be classified into Backward and More Backward, would depend upon the facts of each case. *So long as both backward and more backward classes are not only comparatively but substantially backward than the advanced classes and further, between themselves, there is a substantial difference in backwardness, not only it is advisable but also imperative to make the sub-classification if all the backward classes are to gain equitable benefit of the special provisions under the Constitution.* To give an instance, the Mandal Commission, has, on the basis of social, educational and economic indicators evolved 22 points by giving different values to each of the three facts, viz social, educational and economic. Those social groups which secured 22 points or above have been listed there as "socially and educationally backward" and the

rest as "advanced". Now, between 11 and 22 points some may secure, say, 11 to 15 points while others may secure all 22 points. The difference in their backwardness is, therefore, substantial. Yet another illustration which may be given is from Karnataka State Government order dated October 13, 1986 on reservations issued after the decision in Vasanth Kumar where the backward classes are grouped into five categories. viz., A, B, C, D and E. In category A. fall such castes or communities as that of Bairangi, Banjari and Lambadi which are nomadic tribes, and Bedaru, Ramoshi which were formerly stigmatized as criminal tribes whereas in category D fall such castes as Kshatriya and Rajput. To lump both together would be to deny totally the benefit of special provisions to the former, the later taking away the entire benefits. On the other hand, to deny the status of backwardness to the latter and ask them to compete with the advanced classes, would leave the latter without any seat or post. In such circumstances, the sub classification of the backward classes into backward and more or most backward is not only desirable but essential. However, for each of them a special quota has to be prescribed as is done in the Karnataka Government order. If it is not done, as in the present case and the reserved posts are first offered to the more backward and only the remaining to the backward or less backward, the more backward may take away all the posts leaving the backward with no posts. The backward will neither get his post in the reserved quota nor in the general category for want of capacity to compete with the forward 525. Hence, it will have to be held that depending upon the facts of each case, sub-classification of the backward classes into the backward and more or most backward would be justifiable provided separate quotas are prescribed for each of them". (emphasis added).

4. One of the members of the Mandal Commission Shri L.R. Naik in his note of dissent has strongly pleaded for classification of backward classes into backward classes and depressed backward classes. He has also given very cogent reasons why such classification is absolutely essential in order to render social justice to the really depressed sections of the society whose position is almost similar to that of the scheduled castes. The Chairman of the Mandal Commission Shri B.P. Mandal while submitting the report of the Commission to the President of India on 31st December, 1980 referred to Shri Naik's views and stated that because of the prevailing legal position as found in the judgment of the Supreme Court in *M.R. Balaji vs. State of Mysore* reported in AIR 1963 SC 649, which held that there cannot be any sub-classification among other backward classes on the basis of comparative backwardness, expressed the disinclination of the Commission to accept Shri Naik's views while at the same time admitting that "the Commission sees the point of Shri Naik's contention, the acceptance of his approach will result in a situation which is repugnant to Article 15(4) of the Constitution". (emphasis added).

"12. Shri Naik's main contention is that the State-wise list of Other Backward Classes should be split into two parts; one pertaining to Intermediate Backward Classes and other to Depressed Backward Classes. Under Depressed Backward Classes, he has grouped those castes which according to him, constitute the most deprived and under privileged sections of the Backward Classes. His contention is that they should be treated as a separate entity for purposes of benefits and concessions recommended in the Report. Clubbing these two categories, he feels, will not result inequitable distribution of benefits to these two groups.

13. Whereas the Commission sees the point of Shri Naik's contention, the acceptance of his approach will result in a situation which is repugnant to Article 15(4) of the Constitution. In the case of *Balaji vs. State of Mysore*, the Supreme Court has clearly held "in introducing two categories of Backward Classes what the impugned order, in substance, purports to do is to devise measures for all the classes of citizens who are less advanced compared to the most advanced classes in the State, and that, in our opinion, is not the scope of the Article 15(4)". This observation has been repeated in a number of other cases and, by now, it has become established case-law. In view of this, the Commission did not find it possible to agree to Shri Naik's view of dividing other backward classes into two categories.

14. Further, the population figures of the so-called depressed backward classes, worked out by Shri Naik, are also very arbitrary and based on pure conjecture".

5. In the State of Andhra Pradesh, The Anantharaman Commission had examined the question of identification of backward classes and has classified the backward classes into four categories viz. A, B, C & D. That classification was questioned in the Supreme Court on the ground that same was contrary to The law laid down by the Supreme Court in *Balaji Vs. State of Mysore*. The Supreme Court in the State of Andhra Pradesh and Ors. *Vs. U.S.V. Balram, etc.*, reported in (1972) 1 SCC 660 rejected the contention holding that—

"Regarding the criticism that the Commission has divided classes into more backward and less backward, in our opinion, this is not also well founded. On the other hand, what the Commission has recommended was the distribution of seats amongst the reserved classes in proportion to their population. This is not a division of the Backward Classes as more backward and less backward as was the case which was dealt with by this Court in *M.R. Balaji and others v. State of Mysore (supra)*".

6. What is really required is sub-classification of other backward classes on the basis & relative backwardness. More advanced among the backward castes cannot be clubbed with those who are at the bottom. This exercise was not done effectively by Shri L.R. Naik who submitted a separate list of "Depressed Backward Classes". The Mandal Commission commented that the population figures of the depressed backward classes worked out by Shri Naik are arbitrary and based on conjectures. It may be stated that for the purpose of Sub-classification based on relative backwardness, population figures are relevant for fixing percentages for each of the sub-classified groups. In 1980 when the Mandal Commission was examining the identification of backward classes, the main difficulty confronted by it was the absence of caste-wise census. The last caste-wise census was done in 1931 and the Mandal Commission by projecting the 1931 figures roughly worked out the total strength of the backward classes in the Country as 52%. The policy of the Government of India since 1951 has been not to have caste-wise census and this was mentioned by Shri B.P. Mandal in his letter to the President of India and requested the Government of India to reconsider its policy. Now in view of the Supreme Court's observations in *M. Ashok Kumar Thakur Vs. Union of India & Ors.* Reported in (2008) 6 SCC 1, *M. Nagaraja & Ors. Vs. Union of India & Ors.*, reported in (2006) 8 SCC 212 and Order dated 13-7-2010 in Writ Petition (Civil) No. 259 of 1994 (*S.V. Joshi & Ors. Vs. State of Karnataka & Ors.*), it is imperative to collect caste-wise data.

7. The official list of Other Backward Classes for the purpose of reservation of posts under the Central Government as contained in the Official Memorandum dated 13th August 1990 is based upon the report of Justice R.N. Prasad who followed the principle of commonality in identifying the backward classes. As already several States had separate lists of Backward Classes, Shri R.N. Prasad compared the castes found in the report of the Mandal Commission with the Castes mentioned in the various States Lists and prepared the Central Lists of castes which are found in both the Lists. This was on the basis of the judgement of the Supreme Court in *Indra Sawhney case*.

8. The list of Depressed Backward Classes prepared by Shri L.R. Naik does not reflect the correct picture about the extent of social backwardness of the various castes included therein. For example, in the case of A.P. in the list prepared by Shri L.R. Naik, certain backward classes subjected to social backwardness by reason of their traditional occupations like washermen, fishermen, barbers etc. are not included. There may be several lapses like this in respect of the lists relating to other States as prepared by Shri L. R. Naik. A fresh exercise, therefore, is necessary to finalise the list of Most Backward Classes and the Other Backward Classes.

9. The absence of sub-classification is resulting in grave injustice to relatively more Backward Classes. The sub-classification adopted by the Anantharaman commission in the state of Andhra Pradesh received the approval of the Supreme Court in state of Andhra Pradesh *Vs. U.S.V. Balram* 1972 (1) S.C.C 660 and this judgment was approvingly referred into *Indra Sawhney case*, which dealt with Mandal Commission report. The Anantharaman Commission was also faced with the difficulty of absence of Caste-wise cases. It, therefore, estimated the figures of various castes by projecting the Caste-wise census figures of 1921 and 1931.

10. In the present situation of non-availability of Caste-wise census the same approach adopted by Anantharaman Commission can be followed in order to render immediate and effective justice to the relatively more backward people among the OBCs. The National Commission for Backward Classes has no independent power under the NCBC Act 1993 to take up *Suo-motu* the task of sub-classifications of OBCs. Section 9 of the 1993 Act, confers power on the National Commission for Backward Classes only when—

- (i) Requests are received from any class of people for inclusion as a backward class; and
- (ii) Enquire into complaints of over-inclusion or under-inclusion of any backward class in the lists of OBCs. In the light of the enquiry in respect of the above two aspects the National Commission for Backward Classes has to render appropriate advice to the Central Government.

11. Under section 11 of the Act, the Central Government is bound to take up the revision of the lists of OBCs once in ten years and when such work is taken up the National Commission for Backward Classes must be consulted. In view of the above statutory position, in the absence of specific request from the Government of India the National Commission for Backward Classes cannot take up the work of Sub-classification of OBCs.

न्यायमूर्ति एम. एन. राव
अध्यक्ष

(पूर्व प्रधान न्यायाधीश उच्च न्यायालय हिमाचल प्रदेश)

Justice M. N. Rao

Chairperson

(Former Chief Justice High Court of Himachal Pradesh)



सत्यमेव जयते

राष्ट्रीय पिछड़ा वर्ग आयोग
सामाजिक न्याय एवं अधिकारिता मंत्रालय
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NATIONAL COMMISSION FOR BACKWARD CLASSES
MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT
GOVERNMENT OF INDIA

TRIKOOT-1, BHIKAJI CAMA PLACE, NEW DELHI - 110 066
TEL. : 26183152 FAX : 011-26182388, 26183227

CP/NCBC/MISC./2010

9th August, 2010

Dear *Shri Wadhvani*,

I have been receiving several complaints from persons belonging to OBCs alleging serious injustices both with regard to admissions to educational institutions and appointments to posts in Government and public corporations. Many of the complaints appear to be *prima-facie* genuine. But unfortunately neither I individually nor the NCBC as an Institution is in a position to take up their cases, enquire into the same and render proper justice. This is for the obvious reason that this Commission is not vested with any powers even to ascertain the grievances of the members of the OBCs, let alone redressing those grievances. It needs no mention that other National Commissions like National Commission for Scheduled Castes, National Commission for Scheduled Tribes, National Commission for Minorities are in a far better position to enquire into the complaints received from the affected individuals since the enactments by which they have been set up confer necessary powers on them.

There are several Backward Commissions set up in the States like A.P., U.P., Karnataka, etc. which are vested with powers to call for reports concerning the implementation of the safeguards in favour of the OBCs and also initiate suitable action if any lapses are noticed. For example, Section 9, clauses (a) to (g) of the U.P. State Commission for Backward Classes Act, 1996 confer comprehensive powers on the Commission. It reads:—

"Functions and powers of the Commission.

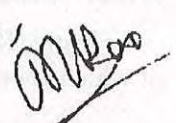
9(1). The Commission shall perform all or any of the following functions, namely:—

- (a)
- (b) to investigate and monitor all matters relating to the safeguards provided for the backward classes under any law for the time being in force or under any order of the State Government and to evaluate the working of such safeguards;
- (c) to enquire into specific complaints with respect to the deprivation of right and safeguards of the backward classes;
- (d) to participate and advice on the planning process of socio-economic development of the backward classes and to evaluate the progress of their development;
- (e) to present to the State Government annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;
- (f) to make in such reports recommendations, as to the measures that should be taken by the State Government for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the backward classes; and

- (g) to discharge such other function in relation to the protection, welfare, development and advancement of the backward classes as may be referred to it by the state Government".

One embarrassment I have noticed is this. When people approach the State Commission for social justice and when the State Commission takes up the matter and initiates action to redress the grievances, the people naturally look upon the State Commission as the real and effective protector of their rights. But quite strangely when the National Commission for Backward Classes is approached with grievances and when told that the Commission has no power to enquire, the affected people are left with the feeling that at the National level there is no organization even to entertain their complaints. This may create adverse impression on the minds of the people with regard to the powers of the Central Government. They may even wonder about the incongruity of State Commissions having wider powers and the National Commission having no powers at all. Viewed from another perspective, this causes concern: the positive effect the functioning of the State Commissions create on the affected persons and the frustration and disappointment faced by the public who approach the NCBC.

May, I therefore, request your good-self to see that this oddity is removed and the NCBC is vested with powers similar to those exercised by the U.P. State Commission.

With high personal regards,
Yours Sincerely,

(M.N.RAO)

Shri Mukul Wasnik Ji,
Hon'ble Minister
Ministry of Social Justice & Empowerment,
Government of India,
Shastri Bhawan,
New Delhi-110001

न्यायमूर्ति एम. एन. राव

अध्यक्ष

(पूर्व प्रधान न्यायाधीश उच्च न्यायालय हिमाचल प्रदेश)

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सत्यमेव जयते

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TEL. : 26183152 FAX : 011-26182388, 26183227

4th March, 2011

Dear *Shri Wasnikji*,

Sub: Report of the National Commission for Religious and Linguistic Minorities (Justice Ranganath Misra)—certain inaccuracies—legal and factual—comments of NCBC.

Justice Ranganath Misra Commission was appointed by the Government of India and the terms of reference of which are as follows:—

- (a) to suggest criteria for identification of socially and economically backward sections among religious and linguistic minorities;
- (b) to recommend measures for welfare of socially and economically backward sections among religious and linguistic minorities, including reservation in education and government employment; and
- (c) to suggest the necessary constitutional, legal and administrative modalities required for the implementation of its recommendations.

Justice Ranganath Misra Commission has made certain observations which are sweeping in nature and contrary to the constitutional mandate concerning SCs, STs and OBCs. The NCBC, therefore, has met and considered in detail the report of Justice Ranganath Misra Commission and recorded its views. I am sending a copy of the same for your perusal.

With high personal regards,
M.N.Rao

(M.N.RAO)

Encl: As above.

Shri Mukul Wasnik Ji,
Hon'ble Minister
Ministry of Social Justice & Empowerment,
Government of India,
Shastri Bhawan, New Delhi

**COMMENTS ON JUSTICE RANGANATH MISHRA COMMISSION REPORT—
NATIONAL COMMISSION FOR RELIGIOUS AND LINGUISTIC MINORITIES**

Relevant portion from the Report of Justice Ranganath Mishra Commission	Comments of NCBC
<p>Para 24 at Page 60</p> <p>24. Pursuant to the Indra Sawhney Judgement, the National Commission for Backward Classes was set up under the National Commission for Backward Classes (NCBC) Act, 1993 to investigate the conditions and the difficulties faced by the socially and educationally backward classes and to make appropriate recommendations. The NCBC have formulated the following guidelines for considering requests for inclusion in the list of other Backward Classes:</p> <p>Social</p> <ol style="list-style-type: none"> (1) Castes and communities generally considered as socially backward. (2) (i) Castes and communities, which mainly depend on agricultural and/ or other manual labour for their livelihood and are lacking any significant resource base. (ii) 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. (iii) Caste 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. (iv) Castes and communities, the children of which, as a general practice, are, for family's low income, mainly engaged in agricultural and/ or manual labour. (v) 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. 	<p>The observations that the NCBC was set up to investigate the conditions and the difficulties faced by the socially and educationally backward classes and to make appropriate recommendations are factually wrong. The Act does not say so.</p>

(vi) Castes and communities, which in terms of the caste system, are identified with traditional or hereditary occupations considered to be 'unclean' or stigmatized.

(vii) Nomadic and semi-nomadic castes and communities.

(viii) De-notified or Vimukta Jati castes and communities.

(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).

Educational:

(4) Caste and communities, whose literacy rate is at least 8 percent less than the State or district average.

(5) Castes and communities of which the proportion of matriculates is at least 20 percent less than the State or district average.

Economic:

(7) Castes and communities, a significant proportion of whose members reside only in Kutcha houses.

(8) 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.

(9) 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.

(10) 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

<p>posts & services of Groups A & B. Each Group/Class should be taken separately.</p>	
<p>Para (ii) at Page 62</p> <p>(ii) The norms of caste-based criteria were not suited to non-Hindus. Uniform parameters which were both religion and caste—neutral should have been identified to ensure that the socially, educationally and economically backward of all communities irrespective of religion, caste etc. are equally included.</p>	<p>Not possible to agree with the second sentence. Social backwardness is peculiar to Hindu religion. Article 15(4) speaks of socially and educationally backward classes; economic backwardness was never treated as a criterion. In Indra Sawhney case, 10% reservation in favour of economically weaker sections was struck down by the Supreme Court as unconstitutional.</p> <p>Justice Ranganatha Misra Commission has not taken the above aspects into consideration and therefore its recommendation has to be ignored. The Commission saying that "uniform parameters both religion and caste neutral should have been identified to ensure that the socially, educationally, and economically backward of all communities irrespective of religion, caste etc., are equally included" appears to be strange viewed in the context of the specific terms of reference for the Commission—</p> <p>“(a) to suggest criteria for identification of socially and economically backward sections among religious and linguistic minorities;</p> <p>(b) to recommend measures for welfare of socially and economically backward sections among religious and linguistic minorities, including reservation in education and government employment; and</p> <p>(c) to suggest the necessary constitutional, legal and administrative modalities required for the implementation of its recommendations”.</p> <p>It is the duty of the Commission to identify such sections among the religious minorities, although it may not be relevant so far as linguistic minorities are concerned. But the Commission has not determined the criteria for identification of socially and educationally backward sections among religious and linguistic minorities.</p>
<p>Para (iii)(a) at Page 62</p> <p>(iii) Indices that are unstable, unscientific and difficult to implement and for which no firm</p>	<p>In the Hindu Society, social inequality had been institutionalized for over three thousand years, the</p>

<p>data available:</p> <p>(a) Castes/classes considered backward by others the criteria are subjective and not scientific.</p>	<p>society having been hierarchically organized, backwardness is always determined as to how certain communities are viewed by the rest. Social backwardness is always associated with the professions assigned to the castes. Indra Sawhney case has recognized this by stating that from social backwardness educational backwardness flows and the cumulative effect of both is economic backwardness. The Judgment recognizes that certain backward castes in India are socially and educationally so backward that they constitute backward classes. As there are economically advanced segments even among these castes the Supreme Court held that after excluding the affluent segments (creamy layer) from the existing backward classes, the residue are to be treated as backward class.</p>
<p>Para 38 at Page 65</p> <p>38. It is apparent from the modifications carried out in the SC, ST and OBC lists, that Government gave weightage for inclusion of communities rather than excluding them. The task of inclusion and exclusion of communities has not been evenly balanced and the additions to the lists have been increasing though they should have been on the decrease due to large scale investments for these categories. This trend has been going on marginalizing the deprived and the poor. Unfortunately, the benefits available have led to communities perceiving a stake in 'backwardness'. The people at the bottom of Indian society have remained isolated even after nearly six decades of independence of our country. It would be difficult to justify increase in the number of 'backward classes' after decades of concerted action for improving their lot through interventions for their development. It is apparent that in making additions to this category, the causes have been other than their social and economical backwardness. Vested interests and political consideration have been responsible for inclusion.</p>	<p>The inclusion or exclusion is done on the basis of the recommendations of the concerned Commissions—NCBC and State Commissions. The observation that increase in the list is resulting in marginalizing the deprived and poor is without any objective data. The other observation that political considerations and vested interests are responsible in making inclusions to the lists of Backward Classes is a sweeping criticism lacking in particulars and without any objectively verifiable data. Both these observations have to be ignored.</p>
<p>Para 40 at Page 65</p> <p>Inclusion as a Class/Group/Caste/Tribe.</p> <p>40. Additionally, the inclusion of an entire caste, tribe or class in the list, is contrary to the principle of social justice. No 'caste', or class or tribe suffer from</p>	<p>Wrong observations. After excluding creamy layer only, the rest of the Castes are treated as Backward Classes.</p>

social, economic and educational deprivations as a whole. The last 60 years have seen substantial changes in terms of exposure and development in rural and urban areas. Access to education, health and other services, market economy due to developmental initiatives, industrialization and spread of communications networks have bridged the gaps between these areas and reduced the differences between various categories of people. They have also accentuated differences within communities, castes, tribes to an extent that it is no longer possible to identify any group or class as a homogenous group in terms of social, economic and educational backwardness on the basis of criterion adopted for identifying them. Class or caste or tribe as a criterion identifying the socio-economic backward has become totally irrelevant. The only option is to identify families that are socially and economically backward and devise criteria that are implementable.

Observations about the identification cannot be accepted. In our country, there are hundreds of backward castes and tribes suffering from social and educational backwardness for whose upliftment Articles 15(4) and 16(4) have been incorporated in the Constitution of India. Indra Sawhney case recognizes this.

Para 41 at Pages 65-66:

Observations of the Commission.

41. From the foregoing it is apparent that the existing criteria for identifying the socially and economically backward whether based on caste or tribe or class has not been totally satisfactory for several reasons. the reliability of the lists prepared is highly questionable as it is not based on any scientific data. In the absence of reliable data, a large scale survey should perhaps have been undertaken before the lists were prepared. Neither in the case of SCs, nor of STs such a survey was undertaken either before or after independence. The OBC lists which were prepared by the Mandal Commission and thereafter by the NCBC and State Governments on the basis of limited information and relied heavily on subjective assessments. The procedure adopted for 'inclusion' has been unduly easy specially in the case of OBCs and has had little to do with the social and economic backwardness of these included. Both at the Central level and in States instances can be cited to establish that political considerations have largely guided 'inclusions'. The dynamics of inclusion suggests that whether it be 'Jats' or Vokkalingars contingencies arising out of political compulsions have guided inclusion rather than the concern for the backward or the need for reaching out to that segment of the community. The lack of a system to regularly assess

The NCBC is awaiting the order of the Central Government for revision of the existing lists of OBCs which must be done once in ten years as per Section 11 of the NCBC Act.

the impact on castes, tribes or classes enlisted of schemes and programme under implementation, to exclude categories either wrongly included in the list or no longer being eligible, has further complicated the situation. Non-exclusion of the ineligible has marginalized the poorest and most backward amongst various categories including the minorities. It is little wonder, therefore that the tensions between groups are increasing and the demand for exclusion of the 'creamy layer' is gaining ground amongst all groups.

Para 42 at Page 66

42. On account of the inherent deficiencies in the existing lists and the yardsticks adopted and applied in implementing programmes for backward castes and classes, the efforts made through planned developmental initiatives for improving the socio-economic status of socially, educationally and economically backward segments of society has not been achieved uniformly and leaves much to be desired. There is a growing dissatisfaction amongst all categories — SCs, STs, OBCs and minorities with existing dispensation. Dissensions are growing within communities since the poorest and most backward in each category whether included in the list or not have not been able to benefit from the services and facilities being provided for ameliorating their poverty and enhancing their socio-economic status for various reasons. The better off or socio-economically better have taken advantage of the opportunities provided through programmes. During the tours of the Commission to various States, strong views were expressed both by Government representatives and NGOs, and experts that the need for excluding the creamy layer effectively was urgent as the benefits from programmes are not percolating to the poor backward as the creamy layers are accessing them. It was felt that creamy layer, should be excluded from all lists including that of SCs and STs. There was also a near consensus that 'religion' or 'castes' do not determine 'socio-economic backwardness'. Poverty is not religion or caste based and the socially, economically backward should be identified on uniformity applicable criterion throughout the country irrespective of caste, creed/ religion affirmatives.

Creamy layer amongst Backward Castes is excluded and the rest are termed backward classes for the benefits under Articles 15(4) and 16(4) of the Constitution. So far as SC/STs are concerned, there is no exclusion of creamy layer. This aspect does not cover the terms of reference of the Commission.

<p>Para 45(c) at page 67</p> <p>(c) Family-wise data should be collected and treated as valid for at least ten years and renewed periodically.</p>	<p>That is why caste census is necessary.</p>
<p>Para 45(e) at Page 67</p> <p>(e) Social backwardness should include people hailing from geographically isolated and remote areas.</p>	<p>Supreme Court rejected this.</p>
<p>Para 49 at Page 67-68</p> <p>49. It is apparent from the above (suggestions) that the criterion for identifying the socially and economically backward should satisfy the following norms:—</p> <p>(i) Religion, caste or class do not determine 'Backwardness' and therefore, there is a need for evolving a uniform criterion.</p> <p>(ii) Caste, religion, class are no longer homogenous groups. They include both the backward and forward categories literate and illiterate, socially and economically advanced and backward also. Hence, the socially and economically backward amongst all categories should be identified on the basis of a uniform criteria.</p>	<p>The norms prescribed by the Commission are all contrary to the existing Judgments of the Supreme Court. Economic backwardness as per the Supreme Court Judgment cannot be the basis for determining social and educational backwardness.</p> <p>(ii) Uniform criteria cannot be evolved for the reason that different considerations come into play in determining the social backwardness among SCs/STs and OBCs. SCs are those who suffered the indignity of "untouchability". Large sections of STs are far removed from civilization. OBCs suffer from social backwardness.</p>
<p>Para 50 at Page 68</p> <p>50. We have already examined the criteria adopted for identifying the OBCs on the basis of class/ caste and pointed out the contradictions and anomalies that hinder the identifications of the socially and economically backward of all categories including the minorities. The existing criteria for identifying the backward classes among the minorities based on the criteria suggested by the National Commission for Backward Classes is therefore, not suitable or appropriate. No separate criteria has been laid down for identifying the minorities amongst the backward communities. The Government of India has, however, followed a multi pronged policy. While ensuring access to social, economical and educational programmes to the minorities through General schemes, greater thrust for accelerated growth is provided through special programmes for educational and economic development which are implemented through</p>	<p>The observation is factually wrong. See page 64 of the Mandal Commission Report. For non-Hindus, separate criteria was evolved.</p>

<p>specialized agencies for the socially and economically backward amongst them. They are selected on the same criteria as is applied to similiary placed others groups.</p>	
<p>Para 51 at Page 68:</p> <p>51. Recognizing the fact the special programme for SC/ST/OBCs and Minorities may still not reach the poor amongst these categories. The Constitution under Article 46 provides that the state shall promote with special care the educational and economic interests of all the weaker sections. The weaker sections are caste and religion neutral.</p>	<p>Observation that weaker sections have nothing to do with caste or religion is factually incorrect.</p>
<p>Para 58 at Page 69:</p> <p>58. The criteria for identifying the Below Poverty Line families is better for identifying the socially and economically backward than any other existing criteria adopted for identifying the backwards either on the basis of Caste/Tribes, or that adopted for identifying the Other Backward Classes. Some of the reasons for this are:</p> <ol style="list-style-type: none"> (1) The Parameters adopted are religion and caste neutral and identify families which are socially and economically backward on a uniform scale. It is, therefore, more rational and just. (2) The identification is better because it is based on household survey which takes into account the status of each family. It is, therefore more focused on the socially and economically poor and deserving. (3) The coverage under the programme is better and all inclusive as a large percentage of Below Poverty Line families constitute other than Scheduled Castes and Scheduled Tribes as it apparent from the Table 6.1 prepared only with reference to States from which information is available. The large percentage of Non SC/ST Below Poverty Line Families indicates that the Minorities are <i>inter-alia</i> covered under the programme. (4) The procedure is more scientific, rational and transparent as it provides for 	<p>The Observations are contrary to Mandal Case Judgement (Indra Sawhney case). Social backwardness is the primary cause barring access to education and the effect is economic backwardness.</p>

corrections. It is based on house to house survey and makes provision for dealing with complaint regarding exclusion and inclusion at the field level.

- (5) It provides for regular revision of the list every five years, which would automatically exclude families which may have risen above poverty line and include those that may need special support.
- (6) In the absence of data with regard to income etc. especially in rural areas, the procedure adopted for obtaining approval of the Gram Sabha, reduces chances of abuse to a minimum. It, therefore, provides for checks and balances which fix responsibility and accountability at the level at which knowledge about status of all families is maximum.

Para 65 at page 71:

65. In view of the foregoing, it is apparent that all lists (SC/ST/OBC) have been prepared without any scientific basis (no data base as no surveys undertaken), the anomalies in 'identification' and 'inclusion' of castes, tribes, classes have arisen from subjectivity and political consideration which have denied benefits of 'schemes' and programmes approved for their upliftment to be really backward. In order to ensure that benefits reach the poorest and weakest, it is necessary that those who have reaped advantage from Government programmes are excluded on a regular basis and criteria evolved which takes into account the local condition, the family's social and economic status and responsibilities and in no way either encourages a stake in backwardness or adversely impacts on an individual or households's initiative or investments necessary for enhancing status.

The conclusion is not in consonance with the existing judgements.

Page 124:

Table 8.5: Total employment in the Central Government and Representation of SCs, STs & OBCs therein

Year As on 1st Jan.	Total Employees in Central Govt. Services Including SC, ST & OBCs	Scheduled Castes		Scheduled Tribes		Other Backward Classes	
		No. of Employees	Percentage Representation	No. of Employees	Percentage Representation	No. of employees	Percentage Representation
1974	2895359	395473	13.66	81475	2.81	—	—
1984	33.03	527573	15.97	149391	4.52	—	—
1994	3567112	602670	16.90	195802	5.49	—	—
1999	3544740	591740	16.70	218653	6.17	—	—
2004	3058506	521423	17.05	199991	6.54	138580	4.53

Figures about OBCs — Lower than SCs and STs. This shows that OBC's are in real need of special benefits in order to catch up with the rest of the society.

Page 125:

Table 8.6: Representation of the SCs, STs & OBCs in Central Government Services

As on 1st Jan.	Group A			Group B			Group C			Group D			Total		
	SC	ST	OBC	SC	ST	OBC	SC	ST	OBC	SC	ST	OBC	SC	ST	OBC
1965	1.64	0.27	-	2.82	0.34	-	8.88	1.14	-	17.75	3.39	-	13.17	2.25	-
1970	2.36	0.40	-	3.84	0.37	-	9.27	1.47	-	18.09	3.50	-	13.09	2.4	-
1975	3.43	0.62	-	4.98	0.59	-	13.44	3.16	-	19.46	5.38	-	15.67	3.99	-
1980	4.05	1.06	-	8.54	1.29	-	13.44	3.16	-	19.46	5.38	-	15.67	3.99	-
1985	7.3	1.73	-	10.03	1.57	-	14.87	4.2	-	20.8	5.70	-	16.83	4.66	-
1990	8.64	2.58	-	11.29	2.39	-	15.19	4.83	-	21.48	6.73	-	16.97	5.33	-
1995	10.15	2.89	-	12.67	2.68	-	16.15	5.69	-	21.26	6.48	-	17.43	5.78	-

Figures about OBCs in Central Government Services.

2001	11.42	3.58	-12.82	3.70	-	16.25	6.46	-	17.89	6.81	-	16.41	6.36	-	
2002	11.09	3.97	-14.08	4.18	-	16.12	5.93	-	20.07	7.13	-	16.98	0.11	-	
2003	11.93	4.18	-14.32	4.32	-	16.29	6.54	-	17.98	6.96	-	16.52	0.46	-	
2004	12.20	4.10	3.91	14.50	4.50	2.30	16.90	0.70	5.20	18.40	6.70	3.30	17.05	6.54	3.65

Para 6.9 at Page 126:

Representation of OBCs in Different Sectors of Economy

6.9 Data provided by NSSO in its 1999-2000 survey results show that Other Backward Classes have a much higher percentage of representation in different sectors of economy *vis-a-vis* their share of 27 per cent agreed to. Further, comparing the share in jobs of other communities with SCs, STs, OBCs, as given in the Table 8.12, it is seen that excepting in professional and managerial jobs where OBCs have a share which is close to the percentage of reservation agreed to for them, in other categories of jobs such as services and production, OBCs have higher percentage share than the Hindus. In fact, in almost all major jobs identified in the Table, OBCs are present in reasonable numbers.

Last five lines—percentage—comparison of OBCs with Hindus—Observation is wrong. OBCs lists overwhelmingly consist of *backward castes* who are Hindus. Among non-Hindus, there are no *backward castes*, but there are *backward classes*.

Para 14.6. at Page 137:

Since the existing Lists of SC, ST, OBC have not been scientifically prepared with proper survey and data on the socio-economic status of a particular caste or class, the entire system of reservation also of the SC, ST, OBC Lists needs to be overhauled. Since, BPL Lists are being prepared on the basis of social/educational and economic criteria, these are more scientific. Changes/revisions are possible periodically in this as they are prepared after a regular survey which is not the case of SC, ST, OBC categories. This should be taken in to account for making any recommendations regarding criteria/reservation benefits for backward sections.

For revision of Lists of SCs, STs, and OBCs, poverty cannot be the sole criterion as suggested by the Commission. Below poverty line and social backwardness are not inextricably intertwined. The Commission has not noticed the most important fact that the problems of SCs/STs and OBCs spring from different causes warranting different solutions.

Page 144—Recommendations and Modalities for their implementation.

The recommendations are wrong.

Para 3 at Page 144-145: Despite the initiative taken by the Government through policies of positive discrimination and affirmative action through reservation, special schemes and programmes for social, educational and economic development, it was noted that there is a wide spread perception by both policy formulators and implementers of programmes as also the target groups that the flow of benefits to them has not been uniform and the poorest amongst them have by and large been left out. While reviewing the policies and programmes, the Commission has consciously tried to identify the causes for such wide spread belief regarding unequal treatments. The Commission is of the view that a uniform approach towards socially and economically backward needs to be evolved which should not be based on caste, class or religion so that social justice and equity can be guaranteed to all. The criterion, therefore, should be uniform based on social, educational and economic indices equally applicable to all. Those educationally and economically backward are, by and large, also socially backward.

The economic backwardness suggested is not correct. The observations are wrong and contrary to the Mandal Case Judgement.

Para 14 at Page 148-149:

14. Reservation as a measure of affirmative action has been discussed in detail in Chapter No. 8. The Commission considered various view-points brought before it during the visits to States as also during interaction with governmental authorities, NGOs social scientists etc. The Commission was of the view that ideally the criteria for reservation should be socio-economic backwardness and not religion or caste. Further, Article 16(4) should be the basis for providing reservation benefits to minority groups who are socially and economically backward. Reservation should be provided only as a short term, time-bound measure for enabling greater participation, both in education and employment. As we have mentioned earlier, the lists of SC/ST and OBC have not been scientifically prepared either on the basis of a proper survey or reliable data on socio-economic status of a particular caste or class. Therefore, the entire system of reservation, including that for SCs/STs and OBCs needs to be overhauled. Reservation as available to SCs and STs is open-ended as it is available to all belonging to the category irrespective of income, educational and economic

Revision of the Lists of SCs/STs and OBCs overhauling is beyond the purview of the terms of reference of the Commission. BPL Lists do not take into account the social backwardness. B.P.L. lists cannot be the basis for identifying the SCs/STs and OBCs.

<p>status, OBCs enjoy 27 percent reservation in employment, though creamy layer is excluded. The norms and methodology adopted, as pointed out in Chapter VIII is full of anomalies and hence amenable to large scale abuse. For this reason, the better off among the groups take advantage of reservation at the cost of the socially and economically backward and deprived. It is, therefore, necessary to limit benefits of reservation to the socially and economically backward only. Since BPL lists are prepared on the basis of social/ educational and economic criteria, they are more scientific. They are also revised periodically, BPL lists should, therefore, be made eligible for grant of reservation without distinction on caste, class, group or religion basis.</p>	
<p>Para 16.1.1 at Page 148:</p> <p>In our considered opinion the ultimate goal should be the evolution of a uniform pattern of criteria for identifying the backward, which should be based only on the educational and economic status of people and not on their caste or religion, and its application equally to all sections of the citizens irrespective of their caste or religion. And, we do suggest that overall efforts should be directed towards gradually leading the Nation to that goal.</p>	<p>Basis for reservation—educational and economic status of people and not on their caste or religion not correct.</p>
<p>Para 16.1.5 at Page 148-149:</p> <p>We recommend that in the matter of criteria for identifying backward classes there should be absolutely no discrimination whatsoever between the majority community and the minorities, and, therefore, the criteria now applied for this purpose to the majority community—whatever that criteria may be—must be unreservedly applied also to all the minorities.</p>	<p>Uniform criteria for Backward Classes not possible. Criteria are different.</p>
<p>Para 16.1.9 at Page 149:</p> <p>16.1.9. We also recommend that those groups among the minorities whose counterparts in the majority community are at present covered by the net of Scheduled Tribes should also be included in that net; and also, more specifically, members of the minority communities living in any Tribal Area from pre-independence days should be so included irrespective of their ethnic characteristics.</p>	<p>STs generally are not allowed with any particular religion. STs are not confined to Hindu Religion exclusively. Many tribal societies follow their own traditions and customs which do not fit into any religion.</p>

Para 16.2.2 at Page 150:

We have a convinced opinion that backwardness—both social and economic—actually emanates from educational backwardness. We are, therefore, making certain measures for the educational advancement of the religious minorities—especially the Muslims and the Neo-Buddhists—who were identified under the National Education Policy of 1986 as educationally most backward among all the religious communities of the country. At the same time we are also recommending some measures for the economic betterment of the backward sections among the religious minorities.

Observation about social and economic backwardness arises from educational backwardness is wrong. When several sections of society have no access to education because of social backwardness flowing from birth in castes. By reason of the traditional occupations (considered as impure) of certain castes they remained at the bottom of the society.

Para 16.2.7 at Page 150:

As by the force of judicial decisions, the minority intake in minority educational institutions has, in the interest of national integration, been restricted to about 50 percent, thus virtually earmarking the remaining 50 percent or so for the majority community—we strongly recommend that, by the same analogy and for the same purpose, at least 15 percent seats in all non-minority educational institutions should be earmarked by law for the minorities as follows:—

- (a) The break up within the recommended 15 percent earmarked seats in institutions shall be 10 percent for the Muslims (commensurate with their 73 percent share of the former in the total minority population at the national level) and the remaining 5 percent for the other minorities.
- (b) Minor adjustments *inter se* can be made in the 15 percent earmarked seats. In the case of non-availability of Muslim candidates to fill 10 percent earmarked seats, the remaining vacancies may be given to the other minorities if their members are available over and above their share of 5 percent; but in no case shall any seat within the recommended 15 percent go to the majority community.
- (c) As is the case with the Scheduled Castes and Scheduled Tribes at present, those minority community candidates who can

Articles 29 and 30 only speak of protection and rights of minorities. Unless a Section of a minority is socially and educationally backward falling within the ambit of Article 15(4) and 16(4) it will not be eligible for the benefits contemplated therein. By being a minority either linguistic or religious cannot be a valid cause for claiming the benefits under Article 15(4) and 16(4).

<p>compete with others and secure admission on their own merit shall not be included in these 15 percent earmarked seats.</p>	
<p>Para 16.2.8 at Page 151:</p> <p>As regards the backward sections among all the minorities, we recommend that the concessions now available in terms of lower eligibility criteria for admission and lower rate of fee, now available to the Scheduled Castes and Scheduled Tribes, should be extended also to such sections among the minorities. Since women among some minorities—especially the Muslims and Buddhists—are generally educationally backward, we recommend the same measure for them as well and suggest that other possible measures be also initiated for their educational advancement.</p>	<p>New Class of OBCs is sought to be created. Backward section of Minorities are already treated as Backward Classes, there cannot be a separate list for them.</p>
<p>Reservation</p> <p>Para 16.2.16 at Page 152:</p> <p>Since the minorities—especially the Muslims—are very much under-represented, and sometimes wholly unrepresented, in government employment, we recommend that they should be regarded as backward in this respect within the meaning of that term as used in Article 16(4) of the Constitution—notably without qualifying the word 'backward' with the words 'socially and educationally'—and that 15 percent of posts in all cadres and grades under the Central and State Governments should be earmarked for them as follows:—</p> <ul style="list-style-type: none"> (a) The break up within the recommended 15 percent shall be 10 percent for the Muslims (commensurate with their 73 percent share of the former in the total minority population at the national level) and the remaining 5 percent for the other minorities. (b) Minor adjustment <i>inter se</i> can be made within the 15 percent earmarked seats. In the case of non-availability of Muslims to fill 10 percent earmarked seats, the remaining vacancies may be given to other minorities if their members are available over and above their share of 5 percent; but in no case shall any seat within the recommended 15 percent go to the majority community. 	<p>The recommendation seeks to rewrite Article 16(4) of the Constitution of India.</p>

<p>Para 16.3.3 at Page 153-154:</p> <p>16.3.3. We recommend that the caste system should be recognized as a general social characteristic of the Indian society as a whole, without questioning whether the philosophy and teachings of any particular religion recognize it or not—since the Indian brands of certain faith traditions like Christianity and Islam have never assimilated many puritan principles of those religions, posing this question in respect of the caste system only and singling out for a differential treatment is unreasonable and unrealistic.</p>	<p>Contrary to the observations at Pages 147 and 148 on the question of Castes.</p>
<p>Para 16.3.5 at Page 154:</p> <p>16.3.5. In view of what has been said above, we recommend that para 3 of the Constitution (Scheduled Castes) Order 1950—which originally restricted the Scheduled Caste net to the Hindus and later opened it to Sikhs and Buddhists, thus still excluding from its purview the Muslims, Christians, Jains and Parsis, etc.—should be wholly deleted by appropriate action so as to completely delink the Scheduled Caste status from religion and make the Scheduled Castes net fully religion-neutral like that of the Scheduled Tribes.</p>	<p>The Constitution (Scheduled Castes) Order, 1950, which originally restricted the Scheduled Castes net to the Hindus and later extended it to Sikhs and Buddhists excluding Muslims, Christians, Jains and Parsis, etc.</p>
<p>Para 20 at page 168:</p> <p>20. In view of the preceding discussion with reference to the issues mentioned in para 3 of the note my views are as follows:</p> <ul style="list-style-type: none"> (i) There is no justification for inclusion of SC converts to Christianity or SC converts to Islam as Scheduled Castes. (ii) The Constitution (SC) Order 1950 issued under Article 341 of the Constitution read with Article 15(4) is religion based. Therefore, the condition of 'religion' from para 3 of the order should not be deleted. (iii) The ceiling of 50 percent of reservation should continue as has been adjudicated by the Supreme Court. (iv) As SC converts to Christianity/Islam do not qualify for inclusion as SCs, they should continue to form part of OBCs and avail of facilities and reservations given to the OBCs until a comprehensive list of SEB's is prepared. 	<p>The dissenting view of Smt. Asha Das, Member Secretary—correctly reflects the legal position.</p>

ANNEXURES

ANNEXURES

ANNEXURES

No. 36012/31/90-Estt. (SCT)

Government of India
 Ministry of Personnel, Public Grievances & Pensions
 (Department of Personnel & Training)

New Delhi, the 13th August, 1990.

OFFICE MEMORANDUM

Subject:—Recommendations of the Second Backward Classes Commission (Mandal Report)—
 Reservation for Socially and Educationally Backward Classes in services under the Government of India.

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 Class 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 31.12.1980.

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 list 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.

Sd/-

(Smt. Krishna Singh)
 Joint Secretary to the Govt. of India.

To,

All Ministries/Departments of Govt. of India

Copy to:

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

It is requested that similar instructions may be issued in respect of public sector undertakings, public sector banks and insurance corporations.

No. 36012/31/90-Estt. (SCT)

Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)

New Delhi, the 25th September, 1991.

OFFICE MEMORANDUM

Subject:—Recommendations of the Second Backward Classes Commission (Mandal Report)—Reservation for Socially and Educationally Backward Classes in services under the Government of India.

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

2. (i) Within the 27% of the vacancies in civil posts and services under the Government of India reserved for SEBCs, preference shall be given to candidates belonging to the poorer sections of the SEBCs. In case sufficient number of such candidates are not available, unfilled vacancies shall be filled by the other SEBC candidates.
- (ii) 10% of the vacancies in civil posts and services under the Government of India shall be reserved for other economically backward sections of the people who are not covered by any of the existing schemes of reservations.
- (iii) The criteria for determining the poorer sections of the SEBCs or the other economically backward sections of the people who are not covered by any of the existing schemes of reservations are being issued separately.

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

Sd/-

(A.K. HARIT)
DEPUTY SECRETARY TO THE GOVERNMENT OF INDIA

To,

All Ministries/Departments of Govt. of India.

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 ADMINISTRATION OF UNION TERRITORIES

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

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

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

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

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

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

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

The Writ Petitions and Transferred Cases are disposed of in the light of the principles, directions, clarifications and other 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

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

RESOLUTION

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

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

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

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

3. The Headquarters of the Committee will be located at Delhi.

4. The Committee will devise its own procedures in the discharge of its functions. All the Ministries and Departments of the Government of India will furnish such information and documents and provide such assistance as may be required by the Committee. It is hoped that the State Governments and Union Territory Administrations and others concerned will extend their fullest cooperation and assistance to the Committee.

5. The Committee shall submit its Report on the socio-economic criteria for exclusion of the 'creamy layer' from Other Backward Classes latest by 10th March, 1993.

Sd/-

(M.S. PANDIT)
Jt. Secy. (M&BC)

ORDER

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

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

Sd/-

(M.S. PANDIT)
Jt. Secy. (M&BC)

ANNEXURE-V

No. 36012/22/93-Estt. (SCT)

Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)

New Delhi, the 8th September, 1993

OFFICE MEMORANDUM

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

The undersigned is directed to refer to this Department's O.M. No. 36012/31/90-Estt. (SCT), dated the 13th August, 1990 and 25th September, 1991 regarding reservation for Socially and Educationally Backward Classes in Civil Posts and Services under the Government of India and to say that following the Supreme Court judgement in the Indra Sawhney and others Vs. 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 person/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 13.8.90 referred to in para (1) above is hereby modified to provide as follows:

- (a) 27% (twentyseven percent) 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.
(ii) The rule of exclusion will not apply to persons working as artisans or engaged in hereditary occupations, callings. A list of such occupations, calling 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 Government's 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.

Sd/-
(Smt. Sarita Prasad)
Joint Secretary to the Government of India.

No. 36012/22/93-Estt. (SCT)

Government of India
 Ministry of Personnel, Public Grievances & Pensions
 (Department of Personnel & Training)

New Delhi, the 8th September, 1993

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Sd/-
 (Smt. Sarita Prasad)
 Joint Secretary to the Government of India.

No. 36012/22/93-Estt. (SCT)

Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)

New Delhi, the 8th September, 1993

OFFICE MEMORANDUM

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

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- (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.

Sd/-
(Smt. Sarita Prasad)
Joint Secretary to the Government of India.

ANNEXURE-V

No. 36012/22/93-Estt. (SCT)

Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)

New Delhi, the 8th September, 1993

OFFICE MEMORANDUM

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

The undersigned is directed to refer to this Department's O.M. No. 36012/31/90-Estt. (SCT), dated the 13th August, 1990 and 25th September, 1991 regarding reservation for Socially and Educationally Backward Classes in Civil Posts and Services under the Government of India and to say that following the Supreme Court judgement in the Indra Sawhney and others *Vs.* 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 person/sections from the benefits of reservations for Other Backward Classes in civil posts and services under the Government of India.

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- (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.

Sd/-

(Smt. Sarita Prasad)

Joint Secretary to the Government of India.

To

All Ministries/Departments of Government of India.

Copy:

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

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

SCHEDULE

1	2	3
I.	<i>CONSTITUTIONAL POSTS</i>	<p>Son(s) and daughter(s) of</p> <p>(a) President of India;</p> <p>(b) Vice President of India;</p> <p>(c) Judges of the Supreme Court and of the High Courts;</p> <p>(d) Chairman & Members of UPSC and of the State Public Service Commission; Chief Election Commissioner; Comptroller & Auditor General of India;</p> <p>(e) persons holding Constitutional positions of like nature.</p>
II.	<p><i>SERVICE CATEGORY</i></p> <p><i>A. Group A/Class I officers of the All India Central and State Services (Direct Recruits)</i></p>	<p>Son(s) and daughter(s) of</p> <p>(a) parents, both of whom are Class I officers;</p> <p>(b) parents, either of whom is a Class I officer;</p> <p>(c) parents, both of whom are Class I officers, but one of them dies or suffers permanent incapacitation.</p> <p>(d) parents, either of whom is a Class I officer and such parent dies or suffers permanent incapacitation and before such death or such incapacitation has had the benefit of employment in any international Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years.</p> <p>(e) parents, both of whom are class I officers die or suffer permanent incapacitation and before such death or such incapacitation of the both, either of them had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc, for a period of not less than 5 years:</p> <p>Provided that the rule of exclusion shall not apply in the following cases:</p> <p>(a) Sons and daughters of parents either of whom or both of whom are Class-I officers and such parent(s) dies/die or suffer permanent incapacitation.</p>

B. *Group B/Class II officers of the Central & State Services (Direct Recruitment)*

(b) A lady belonging to OBC category has got married to a Class-I officer, and may herself like to apply for a job.

Son(s) and daughter(s) of

- (a) parents, both of whom are Class II officers.
- (b) parents of whom only the husband is a Class II officer and he gets into Class I at the age of 40 or earlier.
- (c) parents, both of whom are Class II officers and one of them dies or suffers permanent incapacitation and either one of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years before such death or permanent incapacitation;
- (d) parents of whom the husband is a Class I officer (direct recruit or pre-forty promoted) and the wife is a Class II officer and the wife dies; or suffers permanent incapacitation; and
- (e) parents, of whom the wife is a Class I officer (Direct Recruit or pre-forty promoted) and the husband is a Class II officer and the husband dies or suffers permanent incapacitation:

Provided that the rule of exclusion shall not apply in the following cases:

Sons and daughters of

- (a) Parents both of whom are Class II officers and one of them dies or suffers permanent incapacitation.
- (b) Parents, both of whom are Class II officers and both of them die or suffer permanent incapacitation, even though either of them has had the benefits of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years before their death or permanent incapacitation.

C. *Employees in Public Sector Undertakings etc.*

The criteria enumerated in A & B above in this Category will apply *mutatis mutandi* to officers holding equivalent or comparable posts in PSUs, Banks, Insurance Organisations, Universities, etc. and also to equivalent or comparable posts and positions under private employment, Pending the evaluation of the posts of equivalent or comparable basis in these

III. *ARMED FORCES INCLUDING PARAMILITARY FORCES*
(Persons holding civil posts are not included)

institutions, the criteria specified in Category VI below will apply to the officers in these Institutions.

Son(s) and daughter(s) of parents either or both of whom is or are in the rank of Colonel and above in the Army and to equivalent posts in the Navy and the Air Force and the Para Military Forces:

Provided that:—

- (i) if the wife of an Armed Forces Officer is herself in the Armed Forces (*i.e.*, the category under consideration) the rule of exclusion will apply only when she herself has reached the rank of Colonel;
- (ii) the service ranks below Colonel of husband and wife shall not be clubbed together;
- (iii) If the wife of an officer in the Armed Forces is in civil employment, this will not be taken into account for applying the rule of exclusion unless she falls in the service category under item No. II in which case the criteria and conditions enumerated therein will apply to her independently.

IV. *PROFESSIONAL CLASS AND THOSE ENGAGED IN TRADE AND INDUSTRY*

- (I) *Persons engaged in profession as a doctor, lawyer, chartered accountant, Income-Tax consultant, financial or management consultant, dental surgeon, engineer, architect, computer specialist, film artists and other film professional, author, playwright, sports person, sports professional, media professional or any other vocations of like status.*

Criteria specified against Category VI will apply:

- (II) *Persons engaged in trade, business and industry.*

Criteria specified against Category VI will apply:

Explanation:

- (i) Where the husband is in some profession and the wife is in a Class II or lower grade employment, the income/wealth test will apply only on the basis of the husband's income.
- (ii) If the wife is in any profession and the husband is in employment in a Class II or lower rank

post, then the income/wealth criterion will apply only on the basis of wife's income and the husband's income will not be clubbed with it.

V. *PROPERTY OWNERS*

A. *Agricultural holdings*

Son(s) and daughter(s) of persons belonging to a family (father, mother and minor children) which owns.

(a) only irrigated land which is equal to or more than 85% of the statutory area, or

(b) both irrigated and unirrigated land, as follows:

(i) The rule of exclusion will apply where the pre-condition exists that the irrigated area (having been brought to a single type under a common denominator) 40% or more of the statutory ceiling limit for irrigated land (this being calculated by excluding the unirrigated portion). If this pre-condition of not less than 40% exists, then only the area of unirrigated land will be taken into account. This will be done by converting the unirrigated land on the basis of the conversion formula existing, into the irrigated type. The irrigated area so computed from unirrigated land shall be added to the actual area of irrigated land and if after such clubbing together the total area in terms of irrigated land is 80% or more of the statutory ceiling limit for irrigated land, then the rule of exclusion will apply and disentitlement will occur.

(ii) The rule of exclusion will not apply if the land holding of a family is exclusively unirrigated.

B. *Plantations*

(i) *Coffee, tea, rubber, etc.*

Criteria of income/wealth specified in Category VI below will apply.

(ii) *Mangó, citrus, apply plantations etc.*

Deemed as agricultural holding and hence criteria at A above under this Category will apply.

C. *Vacant land and/or buildings in urban areas or urban agglomerations*

Criteria specified in Category VI below will apply.
Explanation: Building may be used for residential, industrial or commercial purpose and the like two or

VI. INCOME/WEALTH TEST

more such purposes.

Son(s) and daughter(s) of

- (a) Persons having gross annual income of Rs. 1 lakh or above or possessing wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three consecutive years.
- (b) Persons in Categories I, II, III and V. A who are not disentitled to the benefit of reservation but have income from other sources of wealth which will bring them within the income/wealth criteria mentioned in (a) above.

Explanation:

- (i) Income from salaries or agricultural land shall not be clubbed;
- (ii) The income criteria in terms of rupee will be modified taking into account the change in its value every three years. If the situation, however, so demands, the interregnum may be less.

Explanation: Wherever the expression "permanent incapacitation" occur in this schedule. It shall mean incapacitation which results in putting an officer out of service.

**MINISTRY OF WELFARE
RESOLUTION**

New Delhi, the 10th September

No. 1201/68/93-BCC(C)—The Government of India have had under consideration the judgement of the Supreme Court dated 16-11-92 in the case of Indira Sawhney and Others *Vs.* Union of India and Others (No. 930 of 1990) relating to reservation of 27% vacancies in civil posts and services under the Government of India in favour of Other Backward Classes OBCs.

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

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

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

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

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

ORDER

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

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

M.S. PANDIT,
Jt. Secy.

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

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

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

THE NATIONAL COMMISSION FOR BACKWARD CLASSES ACT, 1993

No. 27 of 1993

[2nd April, 1993]

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

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

CHAPTER I

PRELIMINARY

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

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

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

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

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

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

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

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

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

CHAPTER II

THE NATIONAL COMMISSION FOR BACKWARD CLASSES

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

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

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

(b) a social scientist;

- (c) two persons, who have special knowledge in matters relating to backward classes; and
- (d) a Member-Secretary, who is or has been an officer of the Central Government in the rank of a Secretary to the Government of India.

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

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

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

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

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

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

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

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

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

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

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

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

(2) The Commission shall regulate its own procedure.

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

CHAPTER III
FUNCTIONS AND POWERS OF THE COMMISSION

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

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

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

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

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

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

CHAPTER IV
FINANCE, ACCOUNTS AND AUDIT

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

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

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

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

(3) The Comptroller and Auditor General and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor General generally has in connection with 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 paper 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 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 session 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-VIII

**GOVERNMENT OF INDIA
MINISTRY OF WELFARE**

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

New Delhi, the 14th August 1993

NOTIFICATION

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

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

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

sd/-
(M.S. PANDIT)
Joint Secretary to the Govt. of India

No. 36033/3/2004-Estt. (Res.)

Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block, New Delhi.
Dated: 14th October, 2008.

OFFICE MEMORANDUM

Subject: Revision of Income Criteria to exclude socially advanced persons/sections (Creamy Layer) from the purview of reservation for Other Backward Classes (OBCs).

The undersigned is directed to invite attention to this Department's O.M. No. 36012/22/93-Estt.(SCT) dated 8th September, 1993 which *inter alia* provided that sons and daughters of persons having gross annual income of Rs. 1 lakh or above for a period of three consecutive years would fall within the creamy layer and would not be entitled to get the benefit of reservation available to the Other Backward Classes. The limit of income for determining the creamy layer status was raised to Rs. 2.5 lakh *vide* this Department's OM of even number dated 9.3.2004. It has now been decided to raise the income limit from Rs. 2.5 lakh to Rs. 4.5 lakh per annum for determining the creamy layer amongst the OBCs. Accordingly the following entry is hereby substituted for the existing entry against Category VI in the Schedule to the above referred O.M:

Category	Description of Category	To whom the rule of exclusion will apply
VI	INCOME/WEALTH LIST	<p>Son(s) and daughter(s) of</p> <p>(a) Persons having gross annual income of Rs. 4.5 lakh or above or possessing wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three consecutive years.</p> <p>(b) Persons in Categories I, II, III and V. A who are not disentitled to the benefit of reservation but have income from other sources of wealth which will bring them within the income/wealth criteria mentioned in (a) above.</p> <p><i>Explanation.</i></p> <p>Income from salaries or agricultural land shall not be clubbed.</p>

2. The provisions of this Office Memorandum take effect from the 3rd October, 2008.

3. All the Ministries/Departments are requested to bring the contents of this Office Memorandum to the notice of all concerned.

Sd/-
(K.G. Verma)
Director

To

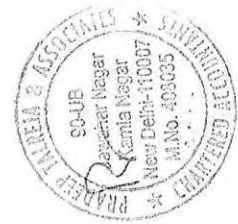
1. All the Ministries/Departments of the Government of India.
2. Department of Economic Affairs (Banking Division), New Delhi.
3. Department of Economic Affairs (Insurance Division), New Delhi.
4. Department of Public Enterprises, New Delhi.
5. Railway Board.
6. Union Public Service Commission/Supreme Court of India/Election Commission/Lok Sabha Secretariat/Rajya Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission/President's Secretariat/Prime Minister's Office/Planning Commission.
7. Staff Slection Commission, CGO Complex, Lodi Road, New Delhi.
8. Ministry of Social Justice and Empowerment, Shastri Bhavan, New Delhi.
9. National Commission for SCs and STs, Lok Nayak Bhavan, New Delhi.
10. National Commission for Backward Classes, Trikot-I, Bhikaji Cama Place, R.K. Puram, New Delhi.
11. Office of the Comptroller and Auditor General of India, 10, Bahadurshah Zafar Marg, New Delhi-110002.
12. Information and Facilitation Centre, DOPT, North Block, New Delhi (110 copies).
13. Spare Copies—400.

Copies forwarded to:

The Chief Secretaries of the States/UTs for information and necesasary action.

National Commission for Backward Classes
Trikoot-I, Bhika Ji Kama Place, New Delhi-110066
Receipts and Payment Account of the National Commission of Backward Classes for the year ending 31st March 2011

Receipts	Plan		Non-Plan		Total Amount		Previous Year		Payment		Total Amount		Previous Year	
	2	3	3	4	4	5	6	7	8	8	8	8	8	(Non-Plan)
1 OPENING BALANCE														
a. Cash in Hand														
b. Cash at Bank														
i. State Bank of India														
ii. State Bank of Patiyala														
c. Cheques-in-hand														
2 Grant-in-aid From the M/o Social Justice & Empowerment														
a. Recurring														
b. Non-Recurring														
3 Revenue received by the Commission														
L. Plan-Recurring														
(a) Investments														
1. Each value or investments encashed.														
2. Interest on investments.														
3. Interest on Bank Account and Short term Deposit														
(b) Revenue Receipts														
1. Miscellaneous Receipts.														
2. Fees if any, charged by the Commission (RTI)														
3. Sale of Publications.														
4. Honorarium Receipt														
5. Interest Receipts for advance to Employees														
(c) Debt/Deposit Receipts														
i. House Building Advance														
ii. Motor Car Advance.														
iii. Motor Car/Scooter Advance.														
iv. Other Advances.														
a. Computer Advance														
b. Festival Advance														
c. LTC Advance														
d. TA Advance														
e. Interest on HBA														
f. Interest on MCA														
g. Interest on SCA														
Total of														



S. Sharma
 Director / Secretary
 National Commission for Backward Classes
 Ministry of Social Justice & Empowerment
 Government of India
 New Delhi

Kamla Nagar

Cont.....

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Total by/	26,463,968.00	26,463,968.00	29,892,777.00	19,544,458.00	19,544,458.00	25,371,160.00
2. Recovery of contingent Advance i. Advances to CPWD. ii. Advances to DGS & D. iii. Advances to Suppliers. iv. Other Advances. 3. Other Deposits i. Security Deposits. ii. Earnest Money Deposits. (d) Remittance Receipts i. GPF/CPF etc. recoveries from Deputationist ii. Licence Fee iii. Income Tax On Salary On Non-salary iv. Central Govt. Health Scheme. v. Postal Life Insurance. vi. Central Govt. Employees Group Insurance Scheme vii. Defined Pension Contribution II. Non-Recurring.	-	-	-	-	-	-
(c) Provident Funds & Other Contribution 1. Pension & Gratuities (including commutation of pension & LSFC) 2. Deposit Linked Insurance Scheme 3. Interest on GPF 4. GPF Advances/Final payment 5. CGESIS/CGEIS. (d) Grant-in-aid to Other organisation 1. Expenditure in litigation and Special Studies 2. Promotional and Educational Research (e) Investments Investments. (details to be shown in Schedule) (f) Contingent Advance 1. Advances to CPWD. 2. Advances to DGS & D. 3. Advances to Suppliers. 4. Other Advances. (g) Advances to Staff 1. House Building Advance 2. Motor Car Advance 3. Motor Car/Scooter Advance 4. Other Advances. a. Computer Advance b. Festival Advance c. LTC Advance d. TA Advance e. Interest On HBA g. Interest On MCA h. Interest On SCA (h) Other Adjustments (Remittances) 1. GPF/CPF etc. recoveries from Deputationist 2. Licence Fee. 3. Income Tax. On Salary On Non-salary 4. Central Govt. Health Scheme. 5. Postal Life Insurance. 6. CGESIS/CGEIS. 7. Defined Pension Contribution	-	-	-	-	-	-
Total c/f	26,463,968.00	26,463,968.00	29,892,777.00	19,544,458.00	19,544,458.00	25,371,160.00

Cont.....

Shera
 Member Secretary
 Dr. Shivam Agarwal
 27-11-22
 सचिव / Secretary

W. K. Khande
 Member Secretary
 Dr. Shivam Agarwal
 27-11-22
 सचिव / Secretary

National Commission for Backward Classes
 राष्ट्रीय आयोग
 Ministry of Social Justice & Empowerment
 भारत सरकार / Govt. of India
 New Delhi / New Delhi

Kamal Kumar



Classes

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Total b/f	27,340,069.00	27,340,069.00	31,827,240.00	Total b/f	20,636,369.00	20,636,369.00	27,518,601.00
				II. Non-Recurring			
				(a) Other Establishment Charges			
				1. Land	-	-	-
				2. Buildings	-	-	-
				3. Furniture & Fixtures	-	325,038.00	-
				4. Machinery & Equipment	-	366,282.00	370,033.00
				5. Motor Vehicles	-	608,920.00	605,561.00
				6. Publications	-	-	-
				7. Mobile Phone	-	20,000.00	9,300.00
				8. Computer Software	-	365,905.00	145,888.00
				9. Air Conditioner	-	123,081.00	19,250.00
				10. Books	-	23,345.00	4,600.00
				(b) Deposits			
				1. Security Deposit	-	-	-
				2. Earnest Money Deposit	-	-	-
				(c) Closing Cash Balance			
				1. Cash in Hand	-	-	-
				2. Cheques in Hand	-	10,421.00	10,010.00
				3. Cash at Bank	-	-	-
				i. State Bank of India	-	-	2,997,311.00
				ii. State Bank of Patiala	-	-	146,686.00
Total :	27,340,069.00	27,340,069.00	31,827,240.00	Total :	20,636,369.00	27,340,069.00	31,827,240.00

Compiled from the Books of Accounts produced before us.

For National Commission for Backward Classes

For PRADEEP TALREJA & ASSOCIATES
Chartered Accountants
80-JB
Kamla Nagar
(PRADEEP TALREJA) Kamla Nagar
New Delhi-110007
Prop. M.NO. 498035
* CHARTERED ACCOUNTANTS *
SINCE 1954

Shankar 21.11.12
Member Secretary
डा. श्याम अग्रवाल / Dr. Shyam Agarwal
सचिव / Secretary

National Commission for Backward Classes
राष्ट्रीय आयोग
संविधान के अंतर्गत अतिरिक्त वर्ग के लोगों
के सम्बन्ध में समाज न्याय और सशक्तिकरण
विभाग, भारत सरकार / Ministry of Social Justice & Empowerment
नया दिल्ली / Govt. of India
नई दिल्ली / New Delhi

Kamla Kumar

Khanda

राष्ट्रीय आयोग
संविधान के अंतर्गत अतिरिक्त वर्ग के लोगों
के सम्बन्ध में समाज न्याय और सशक्तिकरण
विभाग, भारत सरकार / Ministry of Social Justice & Empowerment
नया दिल्ली / New Delhi

Place :- New Delhi
Date :- 16th November 2011

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National Commission for Backward Classes
 Receipts and Payment Account-Provident Fund & Group Insurance Scheme ETC. For The period ending 31st March 2011

Receipts		Payments	
1	2	3	4
A. General Provident Fund (a) Opening Balance (b) Subscription (c) Recovery of Advance (d) Interest	- 2,542,416.00 108,450.00 -	A. General Provident Fund (a) Advance/withdraw/final Payment (b) Remittances (c) Investment of Balance (d) Closing Balance-Cheque-in-hand B. Group Insurance Scheme (a) Payment for insurance cover (b) Payment for saving fund (c) Investments (d) Closing Balance-Cash at Bank	- 2,650,866.00 - - - - - - 2,650,866.00
Total:		Total:	Total:
	2,650,866.00	2,650,866.00	2,650,866.00

Compiled from the Books of Accounts produced before us.

For PRADEEP TALREJA & ASSOCIATES
 Chartered Accountants
 90-UB
 Jawahar Nagar
 Yamina Nagar
 (PRADEEP TALREJA) New Delhi-110007
 Prop. M.No. 408035

Place - New Delhi
 Date - 16th November 2011

For National Commission for Backward Classes

Sohani 2.1.12
 Member Secretary
 Dr. Shyam Agarwal
 स. श्याम अग्रवाल
 स. श्याम अग्रवाल / Secretary
 राष्ट्रीय आयोग के सदस्य
 National Commission for Backward Classes
 स. श्याम अग्रवाल, स. श्याम अग्रवाल भवन
 Ministry of Social Justice & Empowerment
 न. श्याम अग्रवाल / Govt. of India
 न. श्याम अग्रवाल / New Delhi

Kamala Kumar

Secretary
 National Commission for Backward Classes
 Ministry of Social Justice & Empowerment
 Government of India
 New Delhi

National Commission for Backward Classes
Trikoot-I, Bhika Ji Kama Place, New Delhi-110066
Income and Expenditure Account for the year ended 31st March 2011

Expenditure	Plan	Non-Plan	Total Amount	Previous Year(Non-Plan)	Income	Plan	Non-Plan	Total Amount	Previous Year(Non-Plan)
	2	3	4	Year(Non-Plan)	5	6	7	8	
I Recurring									
(a) Establishment charges									
1 Salaries (Chairperson and Members)	-	5,124,569.00	5,124,569.00	6,487,080.00		-	23,016,597.00		28,200,000.00
2 Salaries (Officers and Establishment)	-	9,276,715.00	9,276,715.00	13,251,621.00		-	2,779,480.00		937,051.00
3 Honorarium	-	1,500.00	1,500.00	65,900.00		-	1,832,571.00		1,127,848.00
4 Payment for Professional & Special Services	-	255,060.00	255,060.00	1,109,728.00		-	-		-
5 Travel Expenses	-	522,505.00	522,505.00	76,745.00		-	-		-
6 Tuition Fees	-	237,417.00	237,417.00	100,166.00		-	-		-
7 Bonus	-	93,258.00	93,258.00	216,368.00		-	-		-
8 DA Arrears	-	293,720.00	293,720.00	156,544.00		-	-		-
9 Leave Salary & Pension Contribution	-	18,527.00	18,527.00	243,768.00		-	-		-
10 Leave Encashment	-	368,835.00	368,835.00	113,051.00		-	-		-
11 Leave Travel Concession	-	43,667.00	43,667.00	76,870.00		-	125,908.00	125,908.00	47,761.00
12 Medical Reimbursement	-	201,000.00	201,000.00	-		-	-		-
(b) Other Establishment Charges									
1 Wages	-	47,300.00	47,300.00	44,694.00		-	392.00	392.00	47,761.00
2 Office Expenses	-	1,170,948.00	1,170,948.00	1,206,278.00		-	-		-
3 Rent, Rates and Taxes	-	-	-	-		-	-		-
4 Advertisement & Publicity	-	246,703.00	246,703.00	-		-	-		-
5 Hospitality Expenses.	-	36,408.00	36,408.00	50,850.00		-	-		-
6 Publications	-	4,560.00	4,560.00	208,017.00		-	-		-
7 Repairs and Maintenance	-	171,514.00	171,514.00	246,191.00		-	-		-
8 Repair of Furniture & Fixture	-	46,731.00	46,731.00	106,887.00		-	-		-
9 Repair of Machinery and Equipment	-	246,079.00	246,079.00	197,165.00		-	-		-
10 Maintenance of Vehicles	-	310,562.00	310,562.00	342,171.00		-	-		-
11 Petrol, Oil and Lubricants	-	427,530.00	427,530.00	435,240.00		-	-		-
12 Conference and Seminars	-	-	-	428,164.00		-	-		-
13 Telephone Charges	-	276,355.00	276,355.00	-475,629.00		-	-		-
14 Other Charges.	-	34,215.00	34,215.00	5,000.00		-	-		-
15 Legal Charges	-	-	-	91,880.00		-	-		-
16 Audit Fees	-	-	-	31,333.00		-	-		-
17 Professional Fees	-	91,780.00	91,780.00	113,409.00		-	-		-
18 Over-Time Allowance	-	150.00	150.00	-6,326.00		-	-		-
19 Bank Commission & Charges	-	-	-	-		-	-		-
Total of		19,547,608.00	19,547,608.00	24,923,165.00	Total of			19,673,908.00	24,970,926.00



Kamal Kumar

Shree

Cont... Page-2

Dr. Rajendra Prasad Chyavan Agarwal
Secretary / Secretary
National Commission for Backward Classes
Ministry of Social Justice & Empowerment
Govt. of India

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	Total b/f	19,547,608.00	19,547,608.00	24,923,165.00	Total b/f	19,673,908.00	24,970,926.00
(c) Provident Fund & Other Contribution	-	-	-	-	-	-	-
1 Pension & Gratuities (Including Committed value of Pension & LSPC)	-	-	-	-	-	-	-
2 Contribution to CPF.	-	-	-	-	-	-	-
3 Deposit Linked Insurance Scheme	-	-	-	-	-	-	-
4 Interest on CPF.	-	-	-	-	-	-	-
5 Interest on GPF.	-	-	-	-	-	-	-
6 Group Insurance Scheme. (a) Insurance Fund. (b) Saving Fund.	-	-	-	-	-	-	-
(d) Assistance to other Organisations Special studies and Expenditure on Litigation Promotional & Educational Research	-	-	-	-	-	-	-
Excess of Income over Expenditure.	-	126,300.00	126,300.00	47,761.00	-	-	-
Total :	-	19,673,908.00	19,673,908.00	24,970,926.00	Total :	19,673,908.00	24,970,926.00

Compiled from the Books of Accounts produced before us. For National Commission for Backward Classes



For PRADEEP TALREJA & ASSOCIATES
Chartered Accountants
Pradeep Talreja
(PRADEEP TALREJA)
Prop.
Place :- New Delhi
Date:- 16th November 2011

Member Secretary, D. Shivam Agarwal
National Commission for Backward Classes
Ministry of Social Justice & Empowerment
New Delhi / Govt. of India

Chaudhary
Secretary, National Commission for Backward Classes
Ministry of Social Justice & Empowerment
New Delhi

Kamla Kumar

National Commission for Backward Classes
Trikoot-I, Bhikaji Kama Place, New Delhi-110066
Balance Sheet as on 31st March 2011

Liabilities	Sch.	Amount	Assets	Sch.	Amount
(A) Capital Assets Fund	1	4,825,398.00	(A) Fixed Assets	A	4,471,758.00
(B) Excess of Income Over Expenditure	2	204,942.00	(B) Investments	B	-
(C) Current Liabilities and Provisions	3	40,016.00	(C) Contingent Advances & Advances	C	164,367.00
i. Remittances	4	-	(D) Security Deposit / Earnest money	D	-
ii. Provident Funds etc.	5	4,436,898.00	(E) Provident Funds etc.	E	-
iii. Sundry Creditors and other liabilities			(F) Sundry Debtors	F	-
			(H) Closing Balance		10,421.00
			a. Cash in Hand		
			b. Cash at Bank		
			i. State Bank of India		47,14,572.00
			ii. State Bank of Patiyala		1,46,136.00
Total		9,507,254.00	Total		9,507,254.00

Compiled from the Books of Accounts produced before us.

For National Commission for Backward Classes

For PRADEEP TALREJA & ASSOCIATES

Chartered Accountants

Pradeep Talreja
(PRADEEP TALREJA)
Prop.

Prop.

Place:- New Delhi

Date:- 16th-November'2011

Scholar
Member Secretary
Dr. Shyam Agarwal
Secretary
National Commission for Backward Classes
Ministry of Social Justice & Empowerment
Govt. of India
New Delhi

Kamran

Wanda
Member Secretary
National Commission for Backward Classes
Ministry of Social Justice & Empowerment
Govt. of India
New Delhi

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Natioanl Commission for Backward Classes
Trikoot-I, Bhika Ji Kama Place, New Delhi-110066

Schedule-"1"

CAPITAL ASSET FUND

S.N o.	Description	Opening Balance	Addition	Amount written Off	Closing Balance
1	Land	-	-	-	-
2	Building	-	-	-	-
3	Furniture & Fixtures	681,853.00	325,038.00	-	1,006,891.00
4	Machinery & Equipment	20,000.00	366,282.00	-	386,282.00
5	Vehicles	1,321,338.00	608,920.00	-	1,930,258.00
6	Publications	-	-	-	-
7	Gifted/Donated Assets	-	-	-	-
8	Mobile Phones	-16,701.00	20,000.00	-	3,299.00
9	Office Equipment	393,584.00	-	-	393,584.00
10	Electricals	215,430.00	-	-	215,430.00
11	Computer System & Software	296,555.00	365,905.00	-	662,460.00
12	Air Conditioners	71,350.00	123,081.00	-	194,431.00
13	Books	9,418.00	23,345.00	-	32,763.00
Total:		2,992,827.00	1,832,571.00	-	4,825,398.00

For National Commission for Backward Classes



Kamal Kumar

Shyam
Member-Secretary
डा. श्याम अगवाल / Dr. Shyam Agarwal
 रा. जातीय
 National Commission for Backward Classes
 सामाजिक न्याय मंत्रालय
 Ministry of Social Justice & Empowerment
 भारत
 नई दिल्ली / New Delhi

W. Chandra

National Commission for Backward Classes
 Ministry of Social Justice & Empowerment
 New Delhi, New India

(39)

Natioanl Commission for Backward Classes
Trikoot-I, Bhika Ji Kama Place, New Delhi-110066

Schedule-"2"

EXCES OF INCOME OVER EXPENDTIURE

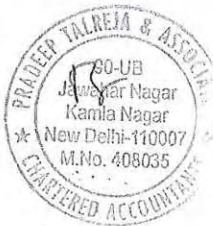
S.No.	Description	Amount
1	Balance as per last Balance Sheet	78,642.00
2	Exess of Income over Expenditure	126,300.00
3	Others	
Total		204,942.00

Schedule-"3"

REMITTANCES

S.No.	Description	Opening Balance	Addition	Amount Remitted	Closing Balance
1	General Provident Fund etc. recovery of Staff on deputation	-	-	-	-
2	Licence Fee	-	69,656.00	69,656.00	-
3	Income Tax	422.00	572,450.00	572,872.00	-
4	Central Govt. Health Scheme	-	81,800.00	81,800.00	-
5	Postal Life Insurance	-	-	-	-
6	Central Govt. Employees Group Insurance Scheme	-	12,804.00	12,804.00	-
7	Computer Advance Recovery	-	-	-	-
8	General Provident Fund Subscription	-	1,774,402.00	1,774,402.00	-
9	HBA Advance Recovery	-	58,150.00	58,150.00	-
10	Interest On HBA Recovery	-	-	-	-
11	Interest On MCA Recovery	-	5,200.00	5,200.00	-
12	Interest on SCA Recovery	-	3,525.00	3,525.00	-
13	SCA Advance Recovery	-	9,835.00	9,835.00	-
14	MCA Advance Recovery	-	16,020.00	16,020.00	-
15	TDS Payable	-	40,686.00	40,691.00	-5.00
16	Defined Pension Contribution	8,974.00	98,705.00	67,658.00	40,021.00
Total		9,396.00	2,743,233.00	2,712,613.00	40,016.00

For National Commission for Backward Classes



Kamraj Kumar

Shyam
 Member-Secretary

श्री. श्याम अगुवाल / Dr. Shyam Agarwal
सचिव / Secretary
राष्ट्रीय पिछड़ा वर्ग आयोग
National Commission for Backward Classes
सामाजिक न्याय और अधिकारिता विभाग
Ministry of Social Justice & Empowerment
भारत सरकार / Govt of India
नया दिल्ली / New Delhi

W. Chandra

National Commission for Backward Classes
 सामाजिक न्याय और अधिकारिता विभाग
 Ministry of Social Justice & Empowerment
 New Delhi

PROVIDENT FUND Etc.

S.No.	Description		Amount
(A) General Provident Fund			
	1. Opening Balance	-	
	2. Subscription	-	
	3. Recovery of Advance	-	
	4. Interest	-	
	Less:- Advance/Final payment/Investments	-	
Sub Total:		-	-
(B) Group Insurance Scheme			
(a) Saving Fund			
	1. Opening Balance	-	
	2. Subscription	-	
	3. Interest	-	
	Less:- Payment/Investments	-	
Sub Total:		-	-
(b) Insurance Fund			
	1. Opening Balance	-	
	2. Subscription	-	
	3. Interest	-	
	Less:- Payment/Investments	-	
Sub Total:		-	-
Total:		-	-

Schedule-"5"

SUNDRY CREDITORS/OTHERS LIABILITIES

S.N o.	Description	Opening Balance	Addition	Amount written Off	Closing Balance
1	Security Deposits	-	-	-	-
2	Earnest Money Deposits	-	-	-	-
3	Sundry Creditors	-	-	-	-
4	Other Liabilities	-	-	-	-
	i. Unutilised Grant	2,779,480.00	23,016,597.00	21,380,179.00	4,415,898.00
5	Professional Fees Payable	17,850.00	21,000.00	17,850.00	21,000.00
6	Salary Payable	-	11,130,699.00	11,130,699.00	-
7	Expenses Payable	-	53,499.00	53,499.00	-
Total:		2,797,330.00	34,221,795.00	32,582,227.00	4,436,898.00

For National Commission for Backward Classes



Leamae Kumar

Shyam
Member-Secretary
का. श्याम अग्रवाल / Dr. Shyam Agarwal
सचिव / Secretary
राष्ट्रीय उन्नत वर्ग आयोग
National Commission for Backward Classes
सामाजिक न्याय और अधिकारिता मंत्रालय
Ministry of Social Justice & Empowerment
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi

National Commission for Backward Classes
Trikoot-I, Bhika Ji Kama Place, New Delhi-110066

(41)

Schedule-"A"

ASSETS FUND

S.No	Description	Opening Balance	Addition	Amount written Off	Closing Balance
1	Land	-	-	-	-
2	Building	-	-	-	-
3	Furniture & Fixtures	749,447.00	325,038.00	-	1,074,485.00
4	Machinery & Equipment	28,608.00	366,282.00	-	394,890.00
5	Vehicles	979,976.00	608,920.00	-	1,588,896.00
6	Publications	-	-	-	-
7	Gifted/Donated Assets	-	-	-	-
8	Mobile Phones	15,387.00	20,000.00	-	35,387.00
9	Office Equipment	379,511.00	-	-	379,511.00
10	Electricals	345,086.00	-	-	345,086.00
11	Computer System & Softwar	89,070.00	365,905.00	-	454,975.00
12	Air Conditioners	49,802.00	123,081.00	-	172,883.00
13	Books	2,300.00	23,345.00	-	25,645.00
Total:		2,639,187.00	1,832,571.00	-	4,471,758.00

Schedule-"B"

INVESTMENT

S.No.	Details	Amount
1	Fixed Deposits with Bank (s)	-
	(a) Opening Balance	-
	(b) Investments Made	-
	(c) Investments Encashed	-
	(d) Closing Balance	-
Total:		-

For National Commission for Backward Classes



Leena Kumar

Sshere
Member-Secretary

डा. श्याम अग्रवाल / Dr. Shyam Agarwal
सचिव / Secretary
राष्ट्रीय पिछड़ा वर्ग आयोग
National Commission for Backward Classes
सामाजिक न्याय और शक्ति विभाग, भारत सरकार / Ministry of Social Justice & Empowerment, Government of India
नई दिल्ली / New Delhi

W. Prasad

CONTINGENT & OTHER ADVANCES

S.No.	Description	Opening Balance	Addition	Recoveries	Closing Balance
(A)	Contingent Advance				
	(a) Advance to CPWD	-	-	-	-
	(d) Advance to DGS&D	-	-	-	-
	(c) Advance to Suppliers	-	-	-	-
(B)	Advance to Employees				
	(a) House Building Advances	-	-	-	-
	(b) Motor Car Advance	-	-	-	-
	(c) Motor Car/Scooter Advance	-	-	-	-
	(d) Advances for Mobile Phone	10,000.00	10,000.00	10,000.00	10,000.00
	(e) Advances to Staff	29,167.00	-	-	29,167.00
	(f) Festival Advance	31,800.00	15,000.00	36,000.00	10,800.00
	(g) LTC Advance	-	138,700.00	26,800.00	111,900.00
	(h) TA Advance	14,034.00	-	11,534.00	2,500.00
(C)	Other Advances	-	-	-	-
Total:		85,001.00	163,700.00	84,334.00	164,367.00

Schedule-"D"

SECURITY/EARNEST MONEY DEPOSIT

S.No.	Description	Opening Balance	Addition	Amount written Off	Closing Balance
1	Security Deposit	-	-	-	-
2	Earnest Money Deposit	-	-	-	-
Total:		-	-	-	-

For National Commission for Backward Classes



Manoj Kumar

Shyam
Member-Secretary

डा. श्याम अग्रवाल / Dr. Shyam Agarwal
सचिव / Secretary

राष्ट्रीय अग्रणी वर्ग आयोग
National Commission for Backward Classes
सचिवालय, भिका जी कामा प्लेस, नई दिल्ली-110066
Ministry of Social Justice & Empowerment
New Delhi

W. Chawla

(43)

National Commission for Backward Classes
Trikoot-I, Bhika Ji Kama Place, New Delhi-110066

Schedule-"E"

PROVIDENT FUND ETC.

S.No.	Description	Opening Balance	Addition	Amount written Off	Closing Balance
1	General Provident Fund	-	-	-	-
	Opening Balance	-	-	-	-
	Add: Investment made during the year	-	-	-	-
	Less: Investments encashed	-	-	-	-
	Amount of Balance in Cash	-	-	-	-
2	Group Insurance Scheme	-	-	-	-
	(a) Saving Fund	-	-	-	-
	Opening Balance	-	-	-	-
	Add: Investment made during the year	-	-	-	-
	Less: Investments encashed	-	-	-	-
	Amount of Balance in Cash	-	-	-	-
3	(b) Insurance Fund	-	-	-	-
	Opening Balance	-	-	-	-
	Add: Investment made during the year	-	-	-	-
	Less: Investments encashed	-	-	-	-
	Amount of Balance in Cash	-	-	-	-
Total:		-	-	-	-

Schedule-"F"

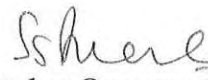
SUNDRY DEBTORS

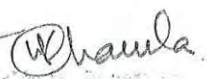
S.No.	Description	Opening Balance	Addition	Amount written Off	Closing Balance
		-	-	-	-
		-	-	-	-
		-	-	-	-
		-	-	-	-
Total:		-	-	-	-

For National Commission for Backward Classes



Pradeep Pareja


 Member-Secretary
 Dr. Shyam Agarwal
 सचिव / Secretary
 राष्ट्रीय पिछड़ा वर्ग आयोग
 National Commission for Backward Classes
 सामाजिक न्याय और अधिकारिता विभाग
 Ministry of Social Justice and Empowerment
 भारत सरकार / Government of India
 नई दिल्ली / New Delhi


 Member-Secretary
 Dr. Shyam Agarwal
 सचिव / Secretary
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