

अशोक मंगोत्रा
सदस्य सचिव

A. K. Mangotra
Member - Secretary



URGENT (BY HAND)

राष्ट्रीय पिछड़ा वर्ग आयोग
सामाजिक न्याय एवं अधिकारिता मंत्रालय
भारत सरकार

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MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT
GOVERNMENT OF INDIA
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Dated 2nd March, 2015

DO. No. NCBC/MS/1/2015

Dear *Ms Agnihotri,*

Subject:- Sub-Categorization within OBCs.

Kindly refer to Joint Secretary (BC)'s letter No. 1025/14/2011-BC-II dated 13.02.2014 in which the National Commission for Backward Classes (NCBC) was asked to examine the matter of Sub-Categorization within the OBCs in the Central List of OBCs in its total perspective and to send to the Government their recommendations and suggestions indicating the modalities that need to be undertaken for creating Sub-Categorization within the OBCs as well as the number of categories and related issues.

2. The Commission held a series of meetings on this issue and also sought the views of the State Governments on this issue. The matter was also discussed with the respective State Governments wherever the Commission held Public Hearings during this period.

3. The Commission examined various reports, judgements and also the written inputs received from 9 States and after careful consideration and deliberations on the various aspects of this issue, the Commission has prepared a Report relating to the proposal for Sub-Categorization within the OBCs. A copy of the Report is forwarded. The Government is requested to have the report examined and consider the various recommendations made therein.

4. Specifically, the Commission would like to receive the following:-

- (i) A policy decision of the Government to go ahead with this nationwide exercise of Sub-Categorization within the OBCs;
- (ii) An "in principle" approval of the Government for the methodology, the number of sub-categories and other issues related thereto as indicated in the Report; and

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(iii) Agree to provide the necessary funding for undertaking this nationwide project with the help of an Expert Body like the ICSSR.

5. We shall await an early decision of the Government on this issue.

With *Regards.*

Yours *Sincerely,*


(A.K. Mangotra) 2/3/15

Encl: Report (15 pages)

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NATIONAL COMMISSION FOR BACKWARD CLASSES

REPORT RELATING TO THE PROPOSAL FOR THE SUB CATEGORISATION WITHIN THE OTHER BACKWARD CLASSES:

1. The theme of the Constitution is to secure to all citizens of India JUSTICE – social, economic and political; LIBERTY; EQUALITY and FRATERNITY as embodied in the Preamble to the Constitution of India. Under Article 14, State shall not deny to any person equality before the law or the equal protection of the laws. That means that un-equals cannot be treated equally. Measures are required to be taken for the upliftment of un-equals, that is Depressed Socially and Educationally Backward Classes to bring them on par with the advanced classes. Under Articles 16(4) and 15(4) of the Constitution, the State is empowered to make a special provision for the advancement of Socially and Educationally Backward Classes of citizens to have reservations in appointments or posts and admission to educational institutions.

2. Many of the Southern States started implementing the reservations in favour of Backward Classes people in appointments as well as admissions to Educational Institutions prior to and immediately after the Constitution came into force. As the reservations were not provided for such Classes in the Central Government Services and Educational Institutions, the Government of India appointed Mandal Commission under Article 340 of the Constitution of India and the Mandal Commission made recommendation for reservation of 27% in favour of Socially and Educationally Backward Classes in services apart from various other recommendations such as educational concessions, financial assistance, structural changes, etc. The Mandal Commission while submitting the report kept in view the law as declared by the Supreme Court as on that date i.e. with regard to the maximum quantum of reservations for Socially and Educationally Backward Classes under Articles 15(4) and 16(4) and sub-classification within the OBCs. Shri L.R.Naik, one of the members of the Commission recorded a minute of dissent from Vol. VII onwards of the report and as per the dissent note, he expressed the view that the State-wise List of Other Backward Classes should be split into two parts; one pertaining to intermediate backward classes and other depressed backward classes.



Depressed Classes means that compared to the advanced Backward Classes, they are the most backward classes. But the majority members did not accept the opinion of Shri L.R.Naik as per the law existing as on that date laid down in the case of M.R.Balaji Vs. State of Mysore (AIR 1963 SC 649).

3. Pursuant to the recommendations of the Mandal Commission, the Government of India issued Office Memorandums No.36012/31/90 Estt (SCT) dated 13th August, 1990 and 25th September, 1991. Office Memorandum dated 13th August, 1990 provides 27% reservations in civil posts and services under the Government of India in favour of Socially and Educationally Backward Classes. By Office Memorandum dated 25th September, 1991, O.M. dated 13th August, 1990 was amended as follows:-

“

- 2(i) Within the 27 per cent 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 per cent 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 reservation.
- (iii) The criteria for determining the poorer sections of the SEBCs of the other economically backward sections of the people who are not covered by any of the existing schemes of reservations are being issued separately.

.....”

4. The aforesaid Office Memoranda of the Government of India are the subject matter of the 9 Judge Bench Judgment of the Supreme Court in Indra Sawhney & Ors. Vs. Union of India & Ors (W.P.(Civil) No.930 of 1990) reported in (1992) Supp 3 SCC 217. About 14 questions broadly discussed in the leading judgment of Shri B.P.Jeevan Reddy, J, some of them are narrated below.

Question No.3 is as follows:

“3.(a) What does the expression ‘backward class of citizens’ in Article 16(4) mean ?

(b) whether backward classes can be identified on the basis and with reference to caste alone ?

(c) Whether the backwardness in Article 16(4) should be both social and educational ?

(d) Whether the ‘means-test’ can be applied in the course of identification of backward classes ? And if the answer is yes, whether providing such a test is obligatory?

(e) Whether a class, to be designated as a backward class, should be situated similarly to the SCs/STs ?

(f) Adequacy of representation in the services under the State

Short Answer to the above Question is as follows:-

(3(a) A caste can be and quite often is a social class in India. If it is backward socially, it would be a backward class for the purposes of Article 16(4). Among non-Hindus, there are several occupational groups, sects and denominations, which for historical reasons, are socially backward. They too represent backward social collectivities for the purposes of Article 16(4) (Paras 746 to 779).

(b) Neither the Constitution nor the law prescribes the procedure or method of identification of backward classes. Nor is it possible or advisable for the court to lay down any such procedure or method. It must be left to the authority appointed to identify. It can adopt such method/procedure as it thinks convenient and so long as its survey covers the entire populace, no objection can be taken to it. Identification of the backward classes can certainly be done with reference to castes among, and along with, other occupational groups, classes and sections of people. One can start the process either with occupational groups or with, other occupational groups, classes and sections of people. One can start the process either with occupational groups or with castes or with some other groups. Thus one can start the process with the castes, wherever they are found, apply the criteria (evolved for determining backwardness) and find out whether it satisfies the criteria. If it does – what emerges is a “Backward class of



citizens" within the meaning of and for the purposes of Article 16(4). Similar process can be adopted in the case of other occupational groups, communities and classes, so as to cover the entire populace. The central idea and overall objective should be to consider all available groups, sections and classes in society. Since caste represents an existing, identifiable social group/class encompassing an overwhelming minority of the country's population, one can well begin with it and then go to other groups, sections and classes (Paras 780 and 785).

(c) It is not correct to say that the backward class of citizens contemplated in Article 16(4) is the same as the socially and educationally backward classes referred to in Article 15(4). It is much wider. The accent in Article 16(4) is on social backwardness. Of course, social, educational and economic backwardness are closely inter-twined in the Indian context (Paras 786-789).

(d) 'Creamy Layer' can be, and must be excluded (Paras 790-793).

(e) It is not necessary for a class to be designated as a backward class that it is situated similarly to the Scheduled Castes/Scheduled Tribes (Paras 794-797)

(f) The adequacy of representation of a particular class in the services under the State is a matter within the subjective satisfaction of the appropriate Government. The judicial scrutiny in that behalf is the same as in other matters within the subjective satisfaction of an authority (Para 798).

Question No.4:

4(a) Whether the backward classes can be identified only and exclusively with reference to economic criteria ?

(b) Whether a criteria like occupation-cum-income without reference to caste altogether, can be evolved for identifying the backward classes ?

Short Answer:

4(a) A backward class of citizens cannot be identified only and exclusively with reference to economic criteria (para 799).

(b) It is, of course, permissible for the Government or other authority to identify a backward class of citizens on the basis of occupation-cum-income, without reference to caste, if it is so advised (para 800).

Question 5:

Whether the backward classes can be further categorized into backward and more backward categories?

Short Answer:

There is no constitutional bar to classify the backward classes of citizens into backward and more backward categories (paras 801 to 803).

Question 10:

Whether the directions made in the second Memorandum between 'poorer sections' of the backward classes and others permissible under Article 16?

Short Answer:

The distinction made in the impugned Office Memorandum dated September 25, 1991 between 'poorer sections' and others among the backward classes is not invalid, if the classification is understood and operated as based upon relative backwardness among the several classes identified as Other Backward Classes, as explained in paras 843, 844 of this judgment (para 843-844).

Question 11:

Whether the reservation of 10% of the posts in favour of 'other economically backward sections of the people who are not covered by any of the existing schemes of the reservations' made by the Office Memorandum dated 25-9-1991 permissible under Article 16?

Short Answer:

The reservation of 10% of the posts in favour of 'other economically backward sections of the people who are not covered by any of the existing schemes of the reservation' made in the impugned Office Memorandum dated September 25, 1991 is constitutionally invalid and is accordingly struck down (para 845).

5. Their Lordships have further answered that the expression 'backward class' in Article 16(4) takes in 'Other Backward Classes', SCs, STs and may be some other backward classes as well. The accent in Article 16(4) is upon social backwardness. Social backwardness leads to educational backwardness and economic backwardness. They are mutually contributory to each other and are intertwined with low occupations in the Indian society. A caste can be and quite often is a social class in India. Economic criterion cannot be the sole basis for determining the backward class of citizens contemplated by Article 16(4). The weaker sections referred to in Article 46 do include SEBCs referred to in Article 340 and covered by Article 16(4).

Their Lordships further clarified that there is no constitutional bar to classification of backward classes into more backward and backward classes for the purposes of Article 16(4). The distinction should be on the basis of degrees of social backwardness. In case of such classification, however, it would be advisable – nay, necessary – to ensure equitable distribution amongst the various backward classes to avoid lumping so that one or two such classes do not eat away the entire quota leaving the other backward classes high and dry.

While confirming the Office Memorandum dated 13th August, 1990 and 25-9-1991 with regard to reservation of 27% in favour of Other Backward Classes, subject to excluding the creamy layer by adopting a economic criteria as a measure of social advancement; the Supreme Court directed to 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 and to determine the 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). Clause (i) of the Office Memorandum dated 25th September, 1991 was upheld as valid - 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. Clause (ii) of the Office Memorandum dated 25-9-1991, i.e. 10% reservations in favour of economically backward sections of the people is held to be invalid.

6. While answering Question No.5 as to whether the backward classes can be further categorized into backward and more backward classes,

the Supreme Court in the case of M.R.Balaji Vs. State of Mysore AIR 1963 SC 649 held that the categorization among the backward and more backward is not warranted by Article 15(4). The correctness of the said Judgment was questioned in Indra Sawhney case stating that there is no justification in the principle as held in Balaji case and more so in view of the subsequent judgment of the Supreme Court in the case of K.C.Vasant Kumar Vs. State of Karnataka 1985 Supp SCC 714, wherein the Supreme Court held that there can be a classification of backward classes into backward and more backward classes, if both classes are not merely a little behind, but far behind the most advanced classes. 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 might walk away with all the seats.

In paragraph 802 of the Judgment in Indra Sawhney case, Their Lordships were of the opinion that there is no constitutional or legal bar to a State categorizing the backward classes as backward and more backward. It is also said that they are not saying that it ought to be done but only to answer the question they have said that if such categorization is made, it would be valid. Their Lordships also have given an illustration among the two occupational groups i.e. Goldsmiths and Vaddes (traditional stone cutters) and if both of them are included in one category, Goldsmiths would take away all the reserved posts leaving none for Vaddes. Therefore, State may have to think it possible to make categorization even among other backward classes so as to ensure that 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, a reference has also been 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" and Group 'D' comprises all other classes/communities/groups, which are not included in Groups A, B and C. 25% of the vacancies reserved for the backward classes were also subdivided among them in proportion to their respective population. The said categorization was also justified in State of Andhra Pradesh Vs. U.S.V.Balram (1972) 1 SCC 660. This is merely to show that even among

backward classes, there can be a sub-classification on a reasonable basis. That means 9 Judge Bench Judgment approved the judgment in U.S.V. Balram. Therefore, there cannot be any doubt or hesitation with regard to the legality or otherwise if a reasonable categorization/classification is made even within the Other Backward Classes to distribute the benefits of reservation in proportion to their population within the 27%.

7. With regard to the subject matter of sub-categorization of Other Backward Classes in the Central List of OBCs, the Ministry of Social Justice & Empowerment, Department of Social Justice, B.C.II Division by their Letter F.No.12015/14/2011 BC.II dated 13th February, 2014, invited the attention of the NCBC with regard to sub-categorization of other backward classes in the Central List of Other Backward Classes as the matter of sub-classification is receiving the attention of the Government. In order to examine the matter in total perspective, the NCBC was requested to arrange deliberations on the issue and send to the Government recommendations of the Commission including the modalities that need to be undertaken for creating the sub-categorization as well as number of categories and related issues. The Joint Secretary of MoSJ&E addressed another D.O. letter No.12015/14/2011-BC-II dated 13th March, 2014 to the Member-Secretary of NCBC requesting the Commission to examine the issue and apprise the Ministry about the progress of the said sub-categorization and also addressed another letter dated 22nd April, 2014 to take urgent action. Pursuant to the said letters, the Commission in its meeting held on 29th April, 2014 directed the Research Wing to call for the reports from the State Governments where sub-categorization has been made and is being implemented in the matter of reservation in employment and admission so as to consider the issue of sub-categorization within the OBCs in the Central List of OBCs.

8. Pursuant to the D.O. letter of the Chairperson, NCBC dated 28th May, 2014 with regard to the categorization of OBCs among other issues, the Ministry of Social Justice & Empowerment requested the NCBC to send the suggestions including the modalities that need to be taken for creating sub-categorization as well as number of categories and related issues and reminders are being sent from time to time. The NCBC also expressed its concern by addressing D.O. letter of Chairman dated 20-5-2014 to the Hon'ble Minister of Social Justice & Empowerment as well as Hon'ble Prime Minister of India vide D.O. letter dated 10th June, 2014 about the need of classification within the OBCs indicating that as there is no classification among different OBCs in the Central List, the more

advanced among OBCs are availing most of the benefits available to the OBCs to the detriment interest of the really depressed and downtrodden amongst the OBCs. Hence an exercise needs to be undertaken for classification within OBCs so that the better off OBCs do not corner the rights and facilities meant for the more deserving categories of OBCs.

9. The NCBC addressed letters dated 7-5-2014, 5-9-2014, 20-10-2014 and 7-1-2015 requesting the State Governments to send their views/suggestions and recommendations on the issue of sub-categorization within OBCs. Pursuant to the aforesaid letters and reminders written to the States where sub-categorization have already been made and put into practice or not, the reply from some States is that the issue is still pending under consideration at their level and in respect of some other States, no positive response have been received so far. The NCBC has also been holding discussions on this subject with all the State Governments/Commissions where Public Hearings are being held. The opinion received with regard to sub-categorization within OBCs from some of the States who have responded is as follows:

S.No.	State/UT	Received from	Sub-categorization made		
			Group	No. of castes	% Reservation
1	Andhra Pradesh and Telangana	Principal Secretary, Backward Classes Welfare Department has forwarded the information pertaining to Andhra Pradesh	A- Aboriginal Tribes	51	7
			B- Vocational Group	27	10
			C- SC converted to Christianity and their progeny	1	1
			D- Other Groups	45	7
			E- Socially and Educationally Backward among Muslims	14	4
			Total	138	29
			2	Puducherry	Member Secretary, State

		Commission	Other Backward Classes (OBC)	56	20
			Backward Classes Muslims (BCM)	3	
			Most Backward Classes (MBC)	11	13
			Extreme Backward Classes (EBC)	1	
			Backward Tribes (BT)	5	1
			Total	76	34
3	Karnataka	Member Secretary, State Commission	Group	No. of castes	% Reservation
			Category I	95	4
			Category-II (A)	102	15
			Category-II (B)	1	4
			Category-III (A)	3	4
			Category-III (B)	6	5
			Total	207	32
4	Haryana	Principal Secretary, Welfare of Scheduled Castes and Backward Classes Department	Group	No. of castes	% Reservation
			Block A	71	16
			Block B	6	11
			Total	77	27
			Special Backward Castes	5	10% over and above 27%
5	Jharkhand	Deputy Secretary, Department of Personnel, Administrative Reforms & Rajbhasha	Group		% Reservation
			Extremely Backward Classes		8
			Backward Classes		6
			Total		14
6	West Bengal	Joint Commissioner, Backward Classes Welfare	Group	No. of castes	% Reservation
			A-More Backward	66	10

		Department	B-Backward	77	7
			Total	143	17
7	Bihar	MoSJE	Group		% Reservation
			BC-II		12
			BC-I		18
			OBCs Women		3
			Total		33
8	Maharashtra	MoSJE	Group		% Reservation
			Special Backward Category		2
			Other Backward Classes		19
			Total		21
9	Tamil Nadu	MoSJE	Group		% Reservation
			Backward Classes		26.5
			Backward Classes Muslims		3.5
			Most Backward Classes/Denotified Community		20
			Total		50

10. The NCBC in its meeting held on 18th February, 2015 passed the following resolution:

“Discussed in detail and principally accepted to categorize the sub-classification within OBCs into 3(three) categories. Work out the mechanism, criteria, norms and parameters to be specified to include the castes/communities in the respective categories. For that purpose, Members are requested to put forth their views. The Member-Secretary and the Chairperson will make a draft proposal and circulate the same for the next meeting to be held on 27th February, 2015. Further discussion will be taken up in the next meeting”.

11. In Andhra Pradesh, pursuant to the Anantharaman Commission's report dated 20-6-1970, initially the backward classes have been divided

into 4 Groups viz., 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" and Group 'D' comprises all other classes/communities/groups. Apart from dividing the backward classes into four groups, the Anantharaman Commission has recommended for taking several measures for removal of the backwardness and for economic developments.

In Group 'A', 37 castes whose traditional occupation is begging, pig-rearing, fishing, washing, religious mendicants, watchmen at burial ground, agricultural labourers, carriers and labourers, Bamboo workers, bird catchers, snake charmers, Drum beaters, hunters and labourers, basketmakers, toddy-tappers, earthworkers, etc, were originally included. Thereafter some more castes were included in Group 'A' and presently there are 52 castes/communities in Group 'A' but still there is anomaly having the difference within the 52 castes/communities.

In Group B, Vocational Groups such as makers of brushes for weaving looms and dyers, painting and doll making, weavers, toddy-tappers, cotton jinning, oil pressing, silk-weavers, potters, sheep-rearing and cumbli-weaving, earth work, jute weaving and gunny bag making, toddy tappers and labourers, goldsmiths, brassmiths, blacksmiths, carpenters, stone carving, etc., consisting of 21 castes were included and later 5 more castes were included and presently there are 26 castes. Group C Harijan converts i.e. Scheduled Castes converted into Christianity and their progeny is shown as a special class. In Group D, all other castes were included viz. agricultural labourers, butchers, weavers and daily wagers, basket making, hunters, beggars, saddlery, fishing, agriculture and weaving, gardening, dancers and singers, petty traders in kumkum, agriculture, agricultural labour, gardening, cultivators, agriculture and dyeing, petty dealers in beads, needles, etc., dyers and tailors, jute weaving, temple servants, drum beaters, earth workers, cultivators and labourers, sheep rearing, etc. Originally 33 castes were there and later 13 castes were included and now the number of castes in Group D is 46 castes/communities. In 2007, 14 Muslim castes were included as Group 'E' in the OBC List providing 4% reservation.

12. To consider the sub-categorization of 3 Groups/Categories of OBCs, it is useful to look at the categorization made by the Andhra Pradesh State. If all the four groups of Andhra Pradesh are carefully

looked into, there is wide disparity among the Groups. Similar professions in Group 'A' are also found in Group 'D' alongwith other different professions and therefore even today the aboriginal tribes, Vimukta jatis, nomadic and semi-nomadic tribes are not really getting any benefits of reservation and therefore, there should be a scientific approach, mechanism and consideration for laying down the principles, criteria, norms and parameters. If three different Groups are to be divided i.e. (1) Group 'A' consisting of Extremely Backward Classes such as aboriginal tribes, vimukta jatis, nomadic and semi-nomadic tribes, etc., (2) Group 'B' consisting of Vocational Groups, etc. (3) Group 'C' consisting of agricultural and business communities among the Backward Classes, etc. For the aforesaid purpose of sub-categorization of OBCs into three different Groups, whole Country-wide categorization requires to be undertaken for placing the castes/communities in their appropriate category. Before the actual allotment of castes in their respective category is made, a tentative principle has to be evolved. If the suggestion of the NCBC in principle to divide the OBCs into three categories for availing the reservations in proportion to their population is accepted by the Government, the next issue indicating the methodology and modalities can be suggested to the Government. Therefore, the Commission is of the opinion that even to have the scientific approach for sub-categorization of OBCs into three groups, the NCBC may have to engage the services of an Expert Body like ICSSR to study the State-wise Lists keeping in views various factors relating to their traditional occupation/occupation, social, educational and economic backwardness, etc., relevant material and reports available for various castes and sum up with a draft parameters of sub-categorization into three categories in the respective Central List of OBCs. Unless the principle of sub-categorizing OBCs into three categories is approved by the Ministry, it may not be desirable to take up the next exercise of actual division of castes into the three proposed categories. Therefore, the MoSJE may be requested to take a policy decision and convey an 'In Principle' approval for sub-categorizing the OBCs into three categories as per the following proposed criteria/methodology:-

All the Other Backward Classes/Castes/communities/Sub-castes/Synonyms are proposed to be divided into the following three categories:-

(i) Extremely Backward Classes (Group 'A'):

In this Category, the OBC Lists will be screened with the objective of identifying those castes/sub-castes/communities which are extremely

backward classes, socially as well as educationally and economically even within the OBCs. This would be Aboriginal Tribes, Vimuktha Jatis, nomadic and semi-nomadic tribes, wandering classes, etc., whose traditional occupation is/was begging and pigrearing, snake-charming, bird catching, game-sneakers, religious mendicants, drum beaters, bamboo workers, hunters and labourers, making mats from date leaves, basket making, agricultural labourers, earth workers, boatmen, etc.

(ii) More Backward Classes (Group 'B'):

Vocational Groups such as whose traditional occupation is/was making of brushes for weaving looms and dyers, painting and doll-making, weavers, toddy tappers, cotton-jinning, oil pressing, silk-weavers, potters, sheep-rearing and comby-weaving, earth-workers, jute-weaving and gunny bag making, butchers, tailoring, fishing, gardening, dancers and singers, barbers, petty traders in kumkum and bangles, dyeing, petty dealers in beads, needles etc., sheep-rearing, Scheduled Castes converted into Christianity and their progeny, washermen, etc..

(iii) Backward Classes (Group 'C'):

While exercising of the first and second phases of identifying the Extremely Backward Classes and More Backwardness, the next simultaneous step would be identifying the comparative forward among the OBCs. This would include the land-owning, cultivating castes, agriculturists, business and trading castes/communities and comparatively advanced castes/communities, within the notified Other Backward Classes, etc.

13. Exercise has to be conducted for categorization of OBCs into three Groups simultaneously as indicated above. Even for submitting the proposal of sub-categorization into three Groups/categories of OBCs., the expert opinion of an Expert Body like Indian Council of Social Sciences Research (ICSSR) is required to be obtained for finalization of the indicators, criteria, norms and methodology, etc. among the OBCs. After the approval of the aforesaid proposal of sub-categorization of OBCs into three categories by the Ministry, the next phase of work may be undertaken for actual division of castes according to their eligibility and entitlement into an appropriate category.


14. After the first phase is over, for identifying the respective castes/communities/sub-castes/synonyms and to put them into their deserved category either as Extremely Backward Classes or More Backward Classes or Backward Classes, it is again proposed to utilize

the services of an Expert Body like the Indian Council for Social Sciences Research (ICSSR) who would be requested to undertake a countrywide exercise and prepare state-wise lists of OBCs as per the indicators and methodology proposed above in the respective categories.


15. For undertaking the first and second phase of exercise, MoSJ&E would be requested to provide special funds to undertake this mammoth task and for this the ICSSR would be requested to set up an Expert Group consisting of those experts who are well-acquainted with the Backward Class profile of each of the concerned States. The ICSSR would be requested to draw up a time-bound project for implementation and also to submit a financial proposal for getting the necessary funds sanctioned from MoSJ&E.

16. After the ICSSR exercise is over, the NCBC will consider the draft recommendations of the ICSSR and examine the same in the light of their own expertise and with the help of other experts to finalize the State-wise List making whatever modifications is felt necessary. Public Hearings may also be held to arrive at a clear demarcation between Extremely Backward Classes, More Backward Classes and Backward Classes. Based on the approval of the Commission on the Sub-categorization lists so finalized, formal recommendations/advice will be sent to the MoSJ&E for approval and issuing necessary instructions.


(Justice V.Eswaraiah)
Chairperson


(S.K.Kharventhan)
Member


27.02.2015


(A.K.Saini)
Member

27/2/2015

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(Shakeel-uz-Zaman Ansari)
Member

27/02/15


(A.K.Mangotra)
Member-Secretary

27/2/15

New Delhi

Dated: 27th February, 2015