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भारत सरकार

त्रिकूट-१, भीकाजी कामा प्लेस, नई दिल्ली - ११००६६

Member - Secretary

National Commission for Backward Classes

Government of India

Trikoot - 1, Bhikaiji Cama Place, New Delhi - 110 066

NCBC Advice No. Bihar 28/99

21.04.1999

Dear Shri Manavalan,

I am sending herewith the Advice of the National Commission for Backward Classes under Section 9(1) of the NCBC Act for the Rejection of the Request for Inclusion of "Musahar (Christians)" in the Central List of Backward Classes for Bihar and for modification of the entry no. 121 in the Central List of Backward Classes for Bihar as "Scheduled Caste Converts to Christianity" duly authenticated, for necessary action by the Central Government under Section 9(2) of the NCBC Act.

2. With this, Advices on 600 (312 for Inclusion + 288 for rejection) castes, sub-castes, synonyms etc. have been tendered to the Government by the Commission, after its reconstitution in 1997, of which 594 (306 for Inclusion + 288 for Rejection) are still pending with the Government for Notification.

Yours sincerely

(P.S.KRISHNAN)

Encl: As stated.

Shri D.K. Manavalan
Secretary to Govt. of India
Ministry of Social Justice & Empowerment
Shastri Bhavan
NEW DELHI

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22/4/99

NATIONAL COMMISSION FOR BACKWARD CLASSES

BIHAR BENCH

FINDINGS

Per Shri P.S.Krishnan, Member-Secretary

Case: Request for Inclusion of "Musahar(Christians)" in the Central List of Backward Classes for Bihar

I. Request

This case arises from the Request made to this Commission by Shri Anthony A. Osta, General Secretary, The Christian Welfare Association, "A Bihar Govt. Regd. Organissation", "Magi Kutir", Plot No. 39, Road No. 1, New Pataliputra Colony, Patna, for the Inclusion of "Musahar(Christians)" and "Newar(Christians)" in the Central List of Backward Classes for Bihar. The present Findings/Advice pertains only to "Musahar(Christians)" and the Request in so far as it relates to "Newar(Christians)" is dealt with separately.

II. Public Hearing

2. The two-Member Bihar Bench of this Commission consisting of Shri P.S.Krishnan, Hon'ble Member-Secretary and Prof. Uday Pratap Singh, Hon'ble Member, NCBC held a Public Hearing in respect of this Request at Patna on 9. 01. 1998. At the Public Hearing the State Government was represented by Shri Harun Rashid, Deputy-Secretary, Deptt. of Personnel & Administrative Reforms and other officers. Prof. Rameshwar Prasad Singh, Hon'ble Member, Bihar State Commission for Backward Classes was also present during the Hearing and provided valuable information. Neither Shri Anthony A. Osta who made the Request on behalf of The Christian Welfare Association nor any other representative of this Association nor any member of the community appeared before the Bench to give evidence, inspite of

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P. S. KRISHNAN
Member-Secretary

wide publicity about the Public Hearing through the media and also separate intimation to the Request-maker by the office of the NCBC, as usual.

III. Facts & Findings

3. The Request-maker in his letter of Request has stated that the Musahar people are mostly found in both East & West Champaran districts of Bihar; they are mostly agricultural-labourers on daily wages and are also engaged in piggery; and that "It is said that they were experts in rat-catching and also rat-eaters and consequently called Musahars. They are mostly Hindu and a few are Christians." He has therefore requested for Inclusion of "Musahar" in the Central List of BCs for Bihar in order to benefit "Musahar(Christians)". Though he has also made a mention in a separate letter that there are also Muslims among Musahars, since the Commission is not in receipt of any Request from Muslim section of the community and since the Request-maker has not appeared before the Bench to give evidence, the present Findings/Advice relates only to "Musahar(Christians)".

4. Entry no. 18 in the List of Scheduled Castes for Bihar by the President of India vide The Constitution (Scheduled Castes) Order, 1950, reads as follows:-

"18. Musahar"

By virtue of Clause 3 of the above Presidential Order that "no person who professes a religion different from the Hindu or the Sikh or the Buddhist religion shall be deemed to be a member of a Scheduled Caste", members of the same community who profess religions other than those mentioned in the above Clause are not deemed to belong to Scheduled Castes. Therefore, Musahar(Christians), who do actually exist in the State of Bihar both according to the Request-maker as well as the independent information gathered by the Bench from reliable sources, are not

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Secretary
National Commission
Scheduled Castes

deemed to belong to a Scheduled Caste.

5. Musahar(Christians) of Bihar are covered by the entry "120. Christian Converts from Scheduled Castes" in the first-phase Central List of Backward Classes for Bihar, prepared and notified by the Government of India in 1993 on the basis of the principle of commonality (ie., inclusion in the Central List for each State of castes/communities which were found included both in the respective State Government's List of BCs and in the Mandal Commission's List of BCs for that State). According to the Mandal Commission's criteria for identifying non-Hindu communities, "All untouchables converted to any non-Hindu religions" can be identified as OBCs.

6. By virtue of the entry "120. Christian Converts from Scheduled Castes" in the Central List of Backward Classes for Bihar, those members of the Musahar community who follow Christianity should, without any difficulty, get Backward Class caste-certificates and the consequential benefits including reservation for Backward Classes. According to the information available to the Bench, Musahars are but only a small section among the Christian Converts from Scheduled Castes in Bihar. There are also a number of other Scheduled castes a section of whose members follow Christianity, particularly Chamars. In view of the above, the Finding of the Bench is that since Musahar(Christians) are already included in the Central List of BCs for Bihar under the entry "121. Christian Converts from Scheduled Castes", the Request for specific inclusion of Musahar(Christians) in the Central List of BCs for Bihar should be rejected.

7. The Bench also found that the communities covered by the present entry are included in the List of Backward Classes primarily because of the fact that they belong to the castes which are included in the list of Scheduled Castes but this particular group of people cannot be treated as Scheduled Castes only because they profess Christianity, ie., a religion different from the Hindu, Sikh or Buddhist. In view of this background, it would be more

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S. KRISHNAN

appropriate to describe them as "Scheduled Caste Converts to Christianity" rather than as "Christian Converts from Scheduled Castes". "Scheduled Caste Converts to Christianity" is the type of entry which is prevalent in the BC Lists in most of the Southern States and it is also in line with the major part of the entries in the Mandal List for different States. Therefore, it is the considered view of the Bench that while rejecting the specific Request under consideration, the entry no. 121 in the Central List of Backward Classes for Bihar should be modified as "121. Scheduled Caste Converts to Christianity".

Madan Mohan Singh
21.4.99

P. S. Krishnan
20.4.99

IV. Advice of the Commission

8. The Commission considered and agreed in full with the above Findings of the Bihar Bench and decided to tender the following Advice to the Central Government under Section 9(1) of the NCBC Act, for necessary action by the Central Government under Section 9(2) of the Act:-

(I) Request for Inclusion of "Musahar(Christians)" in the Central List of Backward Classes for Bihar be rejected as they are already covered by the existing entry "121. Christian Converts from Scheduled Castes" in the Central List of Backward Classes for Bihar.

(II) Entry No. 121 in the Central List of Backward Classes for Bihar be modified as "121. Scheduled Caste Converts to Christianity".

9. On account of the unfortunate demise of one of the Members,

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Secretary
National Commission
Backward Classes

shri Navtej Puadhi on 16.8.1998, this unanimous Advice of the Commission does not bear the signature of that Member. The validity of the Advice, notwithstanding the vacancy caused by the demise of the aforesaid Member, is protected by Section 7 of the NCBC Act, 1993.

Navtej Puadhi
21.4.99

P. S. Krishnan
20.4.99

Asst. Secretary
21.4.99

Kshayan
21.04.99

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