



सत्यमेव जयते

पी. एस. कृष्णन्

P. S. KRISHNAN

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76
सदस्य-सचिव
राष्ट्रीय पिछड़ा वर्ग आयोग : 77

भारत सरकार
त्रिकूट-१, भीकाएजी कामा प्लेस, नई दिल्ली - ११००६६

Member - Secretary
National Commission for Backward Classes
Government of India
Trikot - 1, Bhikaiji Cama Place, New Delhi - 110 066

NCBC Advice No. Pondicherry 80-82, 84/99

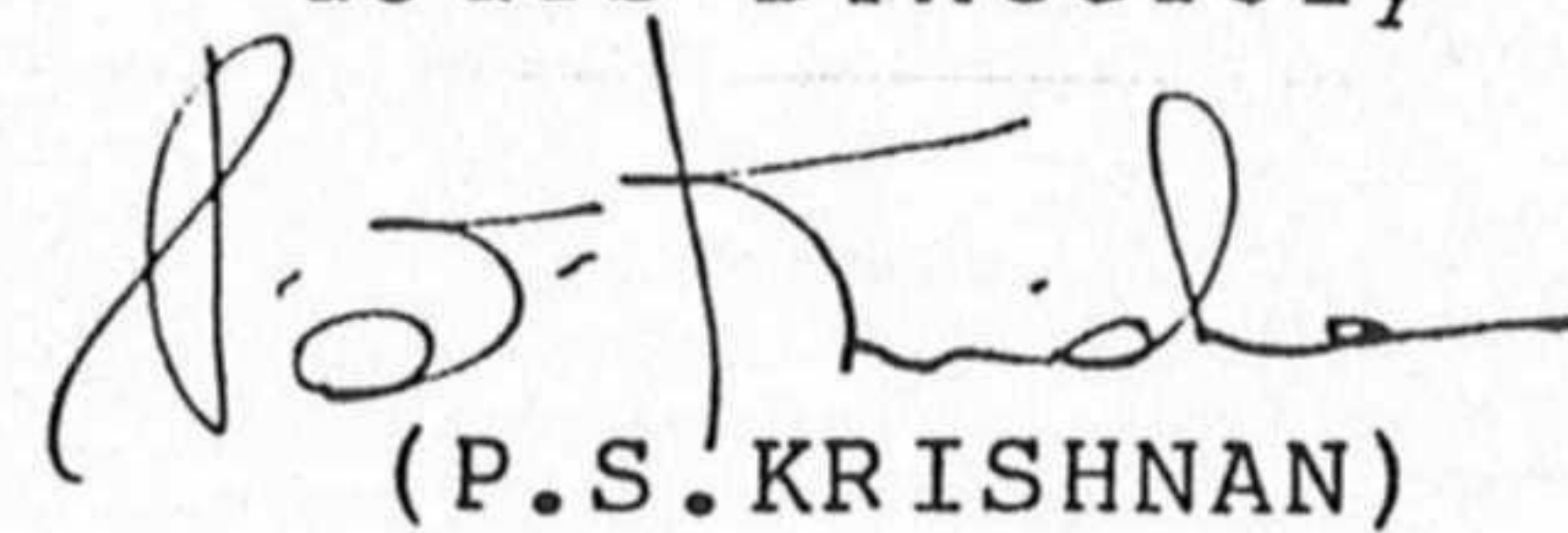
15.11.1999

Dear Smt. Das,

I am sending herewith the Advice of the National Commission for Backward Classes under Section 9(1) of the NCBC Act, 1993 for the Rejection of the Request for Inclusion of "Moopan, Panickar and Illathu Pillaimar, Illavar, Eluvār, Illathar" and "Gounder" caste/community in the Central List of Backward Classes for ~~Orissa~~, duly authenticated, for necessary action by the Central Government under Section 9(2) of the NCBC Act.

2. With this Advices in resepct of the a total of 771 (379 for Inclusion + 392 for Rejection) castes/sub-castes/communities have been tendered by the NCBC after its reconstitution in 1997 of which 633 (241 for Inclusion + 392 for Rejection) are stil pending with the Government for Notification.

Yours sincerely


(P.S. KRISHNAN)

Encl: As stated

Smt. Asha Das
Secretary
Ministry of Social Justice & Emperment
Shastri Bhavan
NEW DELHI

2/c

25/11/99

16/11/99

80-82
NCBC Advice No. /Pondicherry/99

NATIONAL COMMISSION FOR BACKWARD CLASSES

Pondicherry Bench

Findings

Per Justice P.K.Shyamsundar, Chairperson

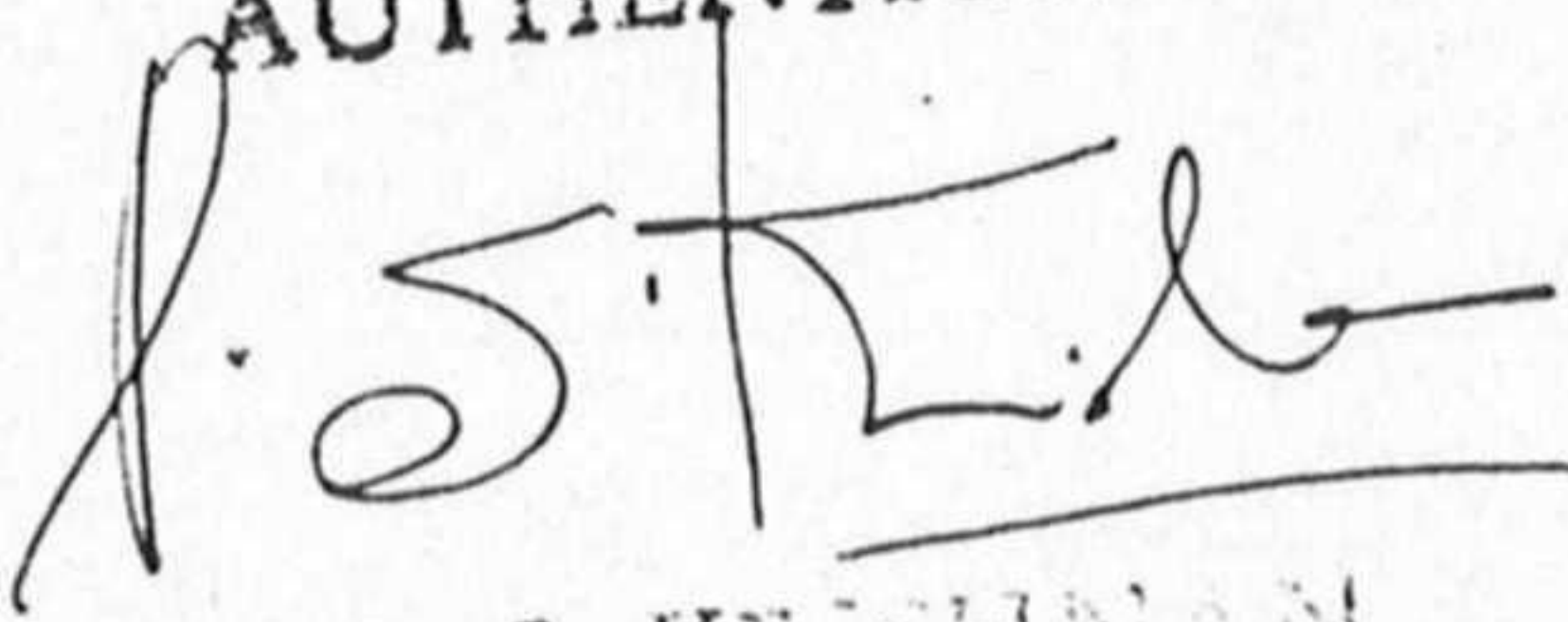
Case: Request for inclusion of "Moopan, Panickar and Illathu Pillaimar, Illavar, Eluvar, Illathar" caste/community in the Central List of Backward Classes for Pondicherry.

I. Request

1. This case arises from the Request received in this Commission from Shri S. Govindaraju, General Secretary, Pirpaduthapattor Nala Sangam, Pondicherry for Inclusion of "Moopan, Panickar and Illathu Pillaimar, Illavar, Eluvar, Illathar" caste/community in the Central List of Backward Classes for Pondicherry.

II. Public Hearing

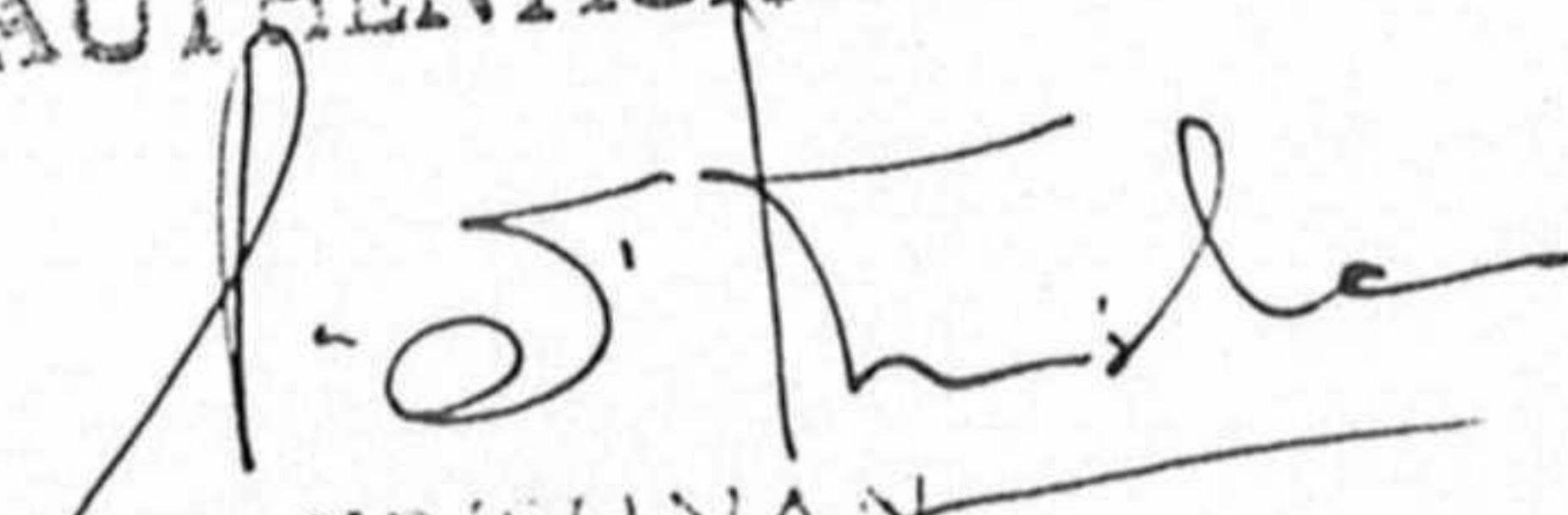
2. A three-Member Bench of the NCBC consisting of Justice Shri P.K.Shyamsundar, Hon'ble Chairman, Shri Sahu Akshya Bhai and Shri U.P. Singh Hon'ble Members held a Public Hearing in respect of this request at Pondicherry on 28/29-4-1998 and 27-8-1998. At the Public Hearing, the U.T. Government was represented by Shri Felix Sequria, Welfare Secretary, Shri A.Salvaraj, Deputy Director, Social Welfare, Shri V. Swaminathan, Research Officer, Social Welfare Deptt. and other Officials.

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P. S. KRISHNAN
Member Secretary
National Commission
for Backward Classes

III. Facts

3. The U.T. of Pondicherry had no list of Backward Classes till after the Supreme Court Judgement in the Mandal case, delivered on 16th November, 1992. For this reason,, the Expert Committee on Backward Classes could not, on the basis of the principle of commonality, recommend a Central List of Backward Classes for the U.T. of Pondicherry as it could do for 14 other States, which already had their respective lists of Backward Classes, and therefore, the Central Government also could not issue a Central List of Backward Classes for the U.T. of Pondicherry in 1993. The Government of U.T. of Pondicherry issued its list of Backward Classes by its Notification No. G.O. MS.No.2094-Wel(SW)-II dated 6-7-1994 (pending finalisation of the Backward Classes List). The List issued by the Government of U.T. of Pondicherry is a mechanical repetition in toto of the Mandal Commission's List. All the entries in the Mandal List, except entry at Sl.No. 161 "New Buddhists, Nov Buddhists" appears in the Backward Classes List of U.T. of Pondicherry. Thereafter, the Central Government vide Ministry of Welfare's Resolution No.120119/94-BCC dated 19-10-1994 issued a "Common" (Central) List of Backward Classes for the U.T. of Pondicherry purportedly on the basis of the principle of commonality between the Mandal List and the State List, but which in fact is seen to be a repetition in toto of the U.T. List of Pondicherry, and thus in effect a repetition of the Mandal List except for New Buddhists (it should really be Neo-Buddhists or Nav-Bauddha, who had been included in the list of SCs in the period between the Mandal Report and the drawing up of BC Lists).
4. No member or representatives of the caste/community appeared before the Bench during the Public Hearings held on 28/29.4.1998 and 27.8.1998 inspite

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Member Secretary
National Commission

of the wide publicity given through the media and personal communication sent to the applicant by the Office of the NCBC.

5. During the Public Hearing the representatives of the State Government stated that the State level Committee for Backward Classes (First Report, dated 11th September 1995) has not recommended the castes/communities "**Moopan, Panickar and Illathu Pillaimar, Illavar, Eluvar, Illathar**" for inclusion in the Backward Classes list for the U.T. of Pondicherry as they were not found Socially Backward.
6. As per the information furnished by the Department of Social welfare, the castes/communities like Moopan, Panikar and Illathu Pillaimar, Elluvar, had not presented their representation for inclusion in the list of OBCs. Therefore, it may be presumed that these castes are not existing in Mahe region. Further, the Regional Executive Officer, Mahe has intimated the U.T. Backward Classes Commission that there is no caste/community by the name Panikar included in the List of OBCs for Pondicherry or Kerala. The caste 'Mala Panikar' have been included in the list of other economically backward classes in Kerala but no member of this caste are residing in Mahe. There is another caste 'Kaniyar Panikar', a social group engaged in the practice of astrology, are found in Mahe and have been included in the list of OBC in Pondicherry at Sl.No.97. Further there is a caste by name 'Kalari Panikkar' which is included in the Kerala list of SEBCs, are not found residing in Mahe. No persons belonging to the following castes/communities viz. **Moopan, Panickar and Illathu Pillaimar, Illavar, Eluvar, Illathar** are found in Mahe. Neither they are present in the neighboring districts of Kerala".
7. 'Panikar and Moopan' are titles used by castes/communities, especially in Kerala. In the classic work 'The Tribes and Castes of Cochin', Cosmo

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National Commission
for Backward Classes

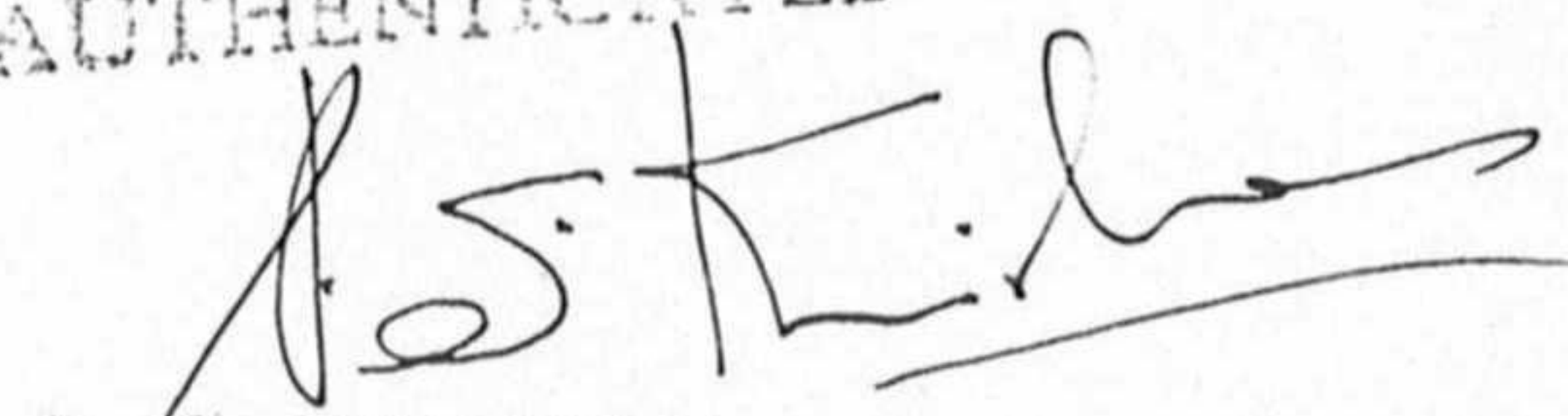
Publications, New Delhi, 1981, first published 1909, by the renowned scholar L.K. Anantha Krishna Iyer, who headed the Ethnographical Survey of the Cochin State in 1902, in the Chapter on Nayers has attested to the use of 'Panikkar' as title by Nayers of Kerala.

8. The Bench notes that the applicant has made request for inclusion of all those castes/communities(each of which has been dealt with separately) which are included in the State List of Backward Classes of Tamil Nadu and excluded from the U.T. List of Pondicherry. The NCBC Questionnaire sent to the applicant has not been filled up and returned back. The applicant also did not appear before the Bench at the Public Hearings. In that view of the matter being in mind, the U.T. Governments' view and the ethnographic account, the Bench is of the view that the Request does not deserve inclusion.

IV. Findings

9. From the above materials and facts, it is the finding of the Bench that '**Moopan, Panickar**' are only a title/surname adopted by some castes/communities, especially by the Nairs of Kerala. It is not a caste or social class and therefore, claim for inclusion is totally unmerited. The observations of the U.T. Govt. that the castes/communities '**Moopan, Panickar and Illathu Pillaimar, Illavar, Eluvar, Illathar**' are not found in Mahe and what is more, '**Moopan, Panickar**' being a mere title if included in the list of Backward Classes is very likely to be abused by availment of the same for securing the benefit of reservation by castes/communities not entitled to such a benefit.

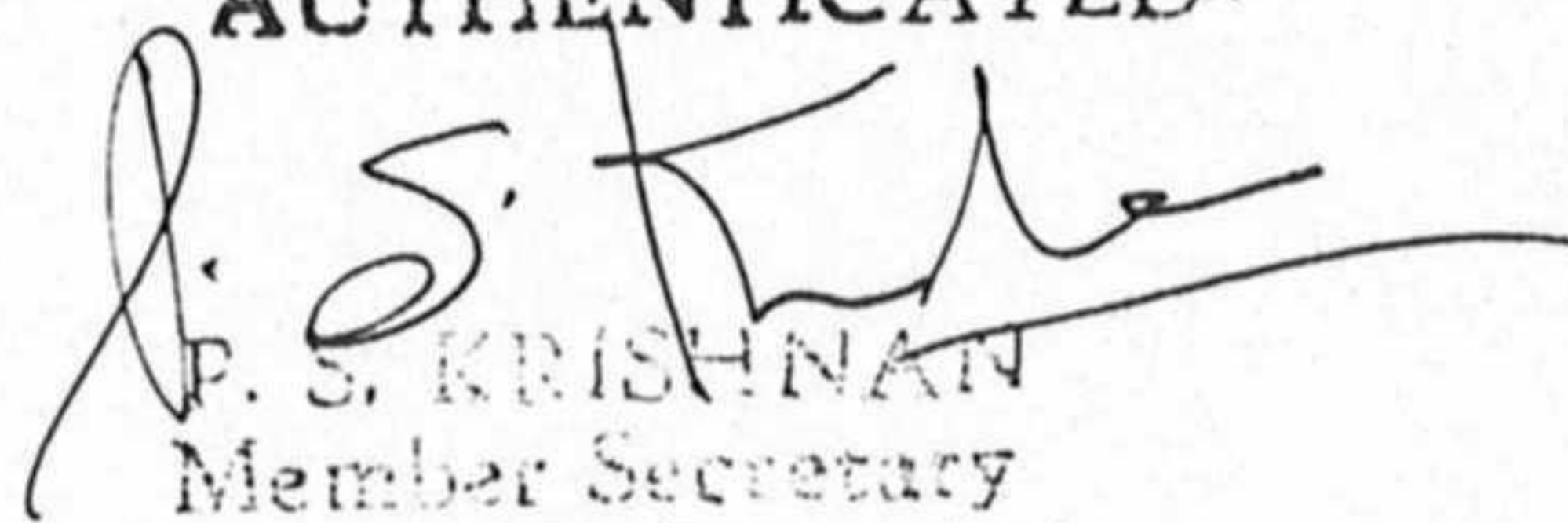
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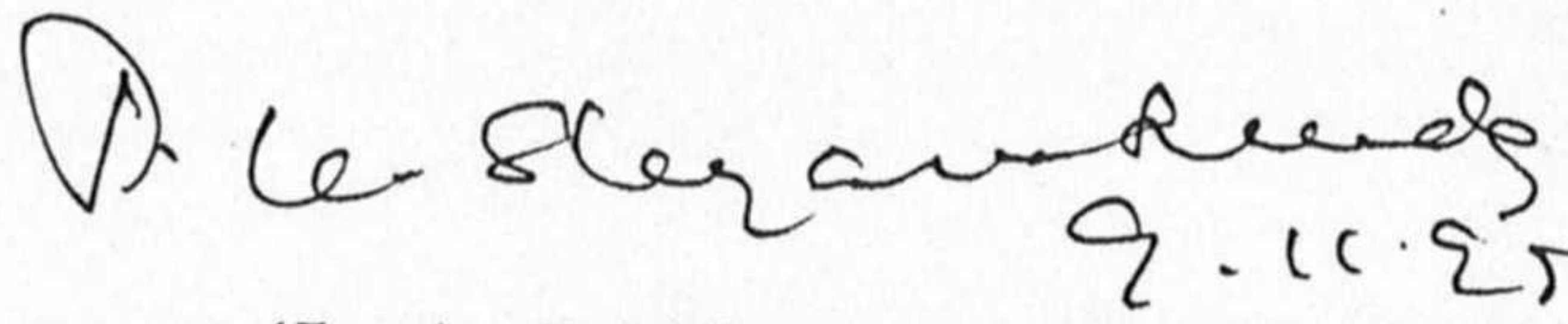
P. S. KRISHNA
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for Backward Classes

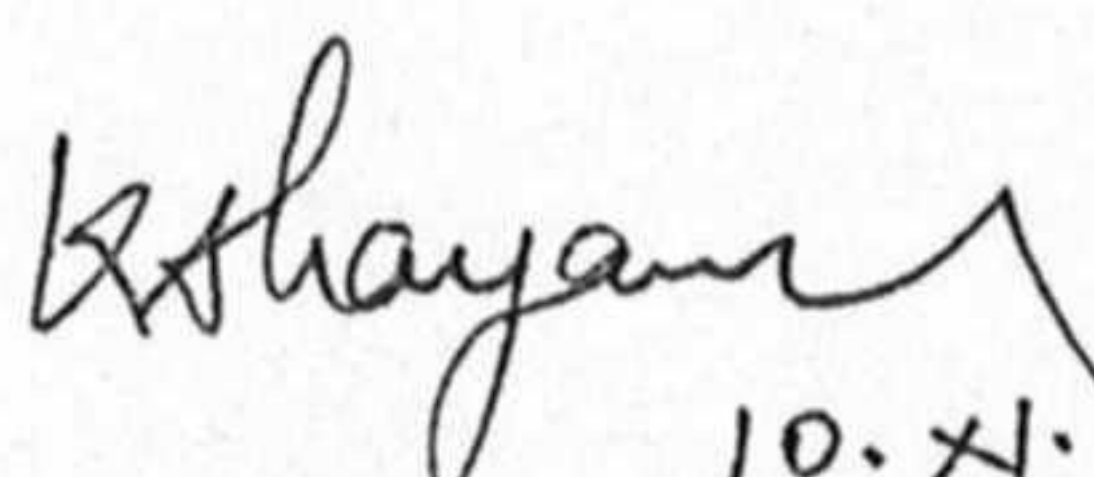
10. 'Illathu Pillaimar, Illavar, Eluvar, Illathar' are names apparently denoting the same or similar caste/community as "Ezhava/Thiyya" caste/community which is originally and mainly of Kerala. While in the Northern part of Kerala or Malabar area of the erstwhile Madras presidency this community is known by the name 'Thiyya', in other parts of Kerala they are mainly known by the name "Ezhava" which has got spelling variants of Izhava, Izhuva, Illuva, Ezhuva etc. The names "Ezhuva/Thiyya" are already included in the Central List of BCs for Kerala. 'Illathu Pillaimar, Illavar, Eluvar, Illathar' are not in the State and Central Lists of BCs for Kerala nor are there requests received by this Commission for inclusion of these names/spelling in the Central List for Kerala. These names, viz 'Illathu Pillaimar, Illavar, Eluvar, Illathar' are found in the State and Central List of BCs for Tamil Nadu. But, there is no evidence adduced before the Bench either by the request-maker, who never turned up before the Bench during Public Hearings, or anybody else belonging to the community, to show the existence of these names in Pondicherry U.T. and specifically in Mahe as synonyms of "Ezhava" or "Thiyya" both of which have already been included in the State and Central List of BCs for Pondicherry. Out of these, "Thiyya" apparently represents members of the community in/from Mahe, which is an enclave within the Malabar area of the erstwhile Madras Presidency which now constitutes northern Kerala where the name "Thiyya" is used by and for the community. In view of this and in view of the testimony by the State Government representatives that nobody had applied for the inclusion of "Illathu Pillaimar, Illavar, Eluvar, Illathar" in the State List and that there are no members known by the names "Illathu Pillaimar, Illavar, Eluvar, Illathar" in the State List and that there are no members known by the names "Illathu Pillaimar, Illavar, Eluvar, Illathar" in Mahe, the Bench is of the view that these names should not be included in the List.

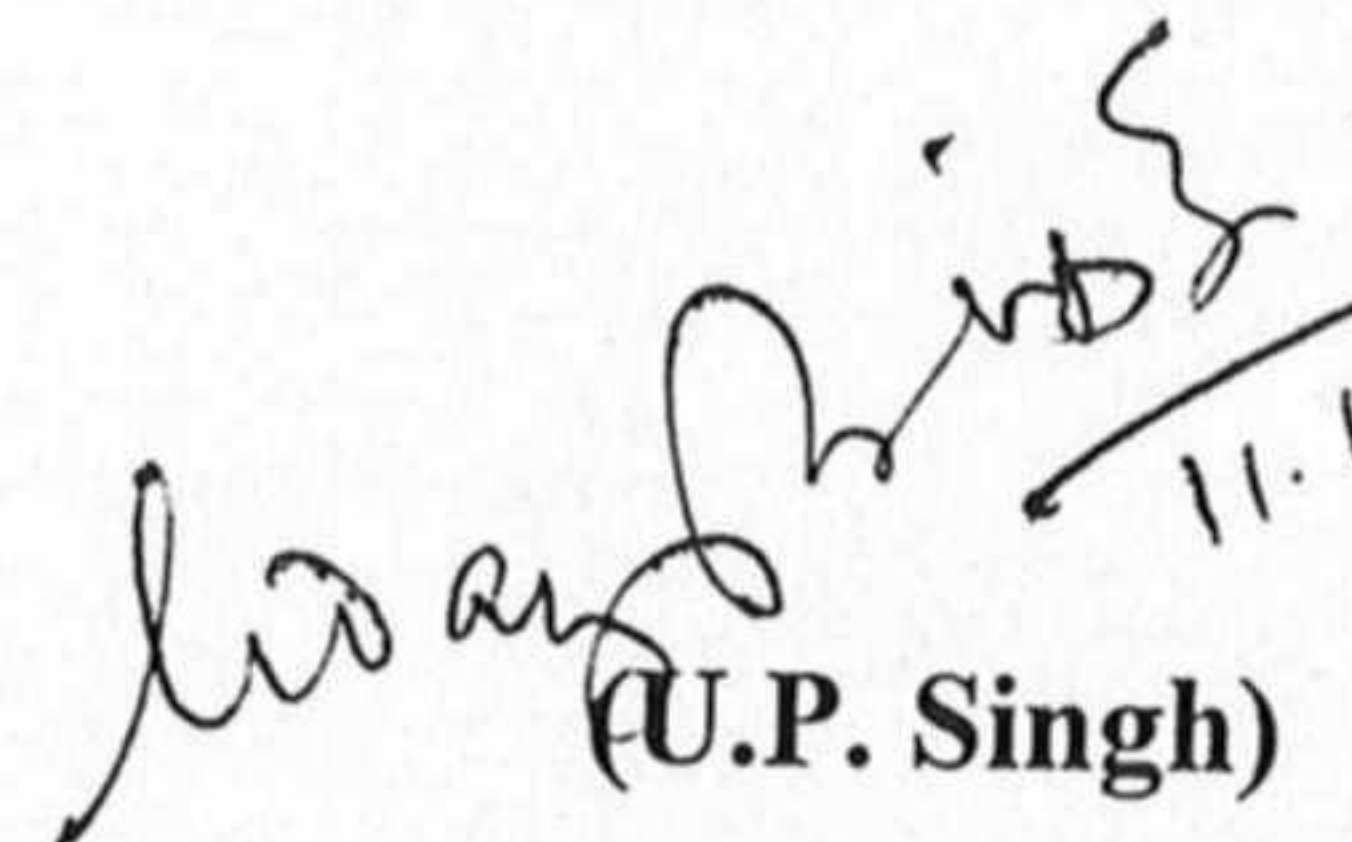
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Member Secretary
National Commission
for Backward Classes

11. In view of the above facts and position, the Request for inclusion of 'Moopan, Panickar and Illathu Pillaimar, Illavar, Eluvar, Illathar' in the Central List of Backward Classes for the U.T. of Pondicherry be rejected.


(Justice P.K. Shyamsundar)


10.11.99
(Sahu Akshay Bhai)

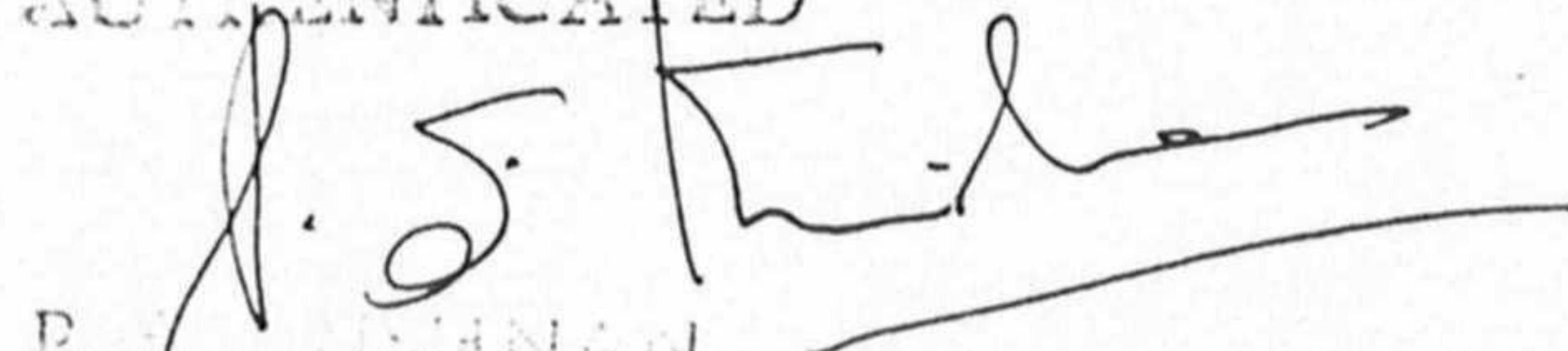

11.11.99
(U.P. Singh)

V. Advice of the Commission

10. The Commission considered and agreed in full with the above Findings of the Pondicherry Bench and decided to tender the following Advice to the Central Government under Section 9(1) of the NCBC Act, 1993 for action by the Central Govt. under Section 9(2) of the Act:-

The Request for inclusion of 'Moopan, Panickar and Illathu Pillaimar, Illavar, Eluvar, Illathar' in the Central List of Backward Classes for the U.T. of Pondicherry be rejected as 'Moopan, Panickar' are only titles/surnames and also that these and other names mentioned above are not in vogue in Mahe or in the rest of the Pondicherry U.T. as castes/sub-castes/communities/synonyms and inclusion of such names will give

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P. S. SRINIVASAN
Member Secretary
National Commission
for Backward Classes

scope for false certificates in favour of those who do not deserve Backward Class certificate.

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9.11.25

11.11.99

Bhayanur
10.11.99

~~Don't know~~
11/21/99

P. S. Krishna
15.11.99

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P. S. KRISHNAN
Member Secretary
National Commission
for Backward Classes

NCBC Advice No. 8/4/Pondicherry/99

NATIONAL COMMISSION FOR BACKWARD CLASSES

Pondicherry Bench

Findings

Per Justice P.K.Shyamsundar, Chairperson

Case: Request for inclusion of "Gounder" caste/community in the Central List of Backward Classes for Pondicherry.

I. Request

This case arises from the Request received in this Commission from Shri S. Govindaraju, General Secretary, Pirpaduthapattor Nala Sangam, Pondicherry for Inclusion of "Gounder" caste/community in the Central List of Backward Classes for Pondicherry.

II. Public Hearing

2. A three-Member Bench of the NCBC consisting of Justice Shri P.K.Shyam sundar, Hon'ble Chairman, Shri U.P. Singh and Shri Akshya Bhai Sahu held a Public Hearing in respect of this request at Pondicherry on 28/29-4-1998 and 27-8-1998. At the Public Hearing, the U.T. Government was represented by Shri Felix Sequeira, Welfare Secretary, Shri A.Salvaraj, Deputy Director, Social Welfare, Shri V. Swaminathan, Research Officer, Social Welfare Deptt. and other Officials.

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[Handwritten Signature]

P. K. SHYAMSUNDAR
Chairman
National Commission
for Backward Classes

III. Facts

3. The U.T. of Pondicherry had no list of Backward Classes till after the Supreme Court Judgement in the Mandal case, delivered on 16th November, 1992. For this reason,, the Expert Committee on Backward Classes could not, on the basis of the principle of commonality, recommend a Central List of Backward Classes for the U.T. of Pondicherry as it could do for 14 other States, which already had their respective lists of Backward Classes, and therefore, the Central Government also could not issue a Central List of Backward Classes for the U.T. of Pondicherry in 1993. The Government of U.T. of Pondicherry issued its list of Backward Classes by its Notification No. G.O. MS.No.2094-Wel(SW)-II dated 6-7-1994 (pending finalisation of the Backward Classes List). The List issued by the Government of U.T. of Pondicherry is a mechanical repetition in toto of the Mandal Commission's List. All the entries in the Mandal List, except entry at Sl.No. 161 "New Buddhists, Nov Buddhists" appears in the Backward Classes List of U.T. of Pondicherry. Thereafter, the Central Government vide Ministry of Welfare's Resolution No.120119/94-BCC dated 19-10-1994 issued a "Common" (Central) List of Backward Classes for the U.T. of Pondicherry purportedly on the basis of the principle of commonality between the Mandal List and the State List, but which in fact is seen to be a repetition in toto of the U.T. List of Pondicherry, and thus is in effect a repetition of the Mandal List except for New Buddhists (it should really be Neo-Buddhists or Nav-Bauddha, who had been included in the list of SCs in the period between the Mandal Report and the drawing up of BC Lists).
4. No member or representatives of these caste/community appeared before the Bench during the Public Hearings held on 28/29.4.1998 and 27.8.1998 inspite of the wide publicity given through the media and personal communication sent to the applicant by the Office of the NCBC.

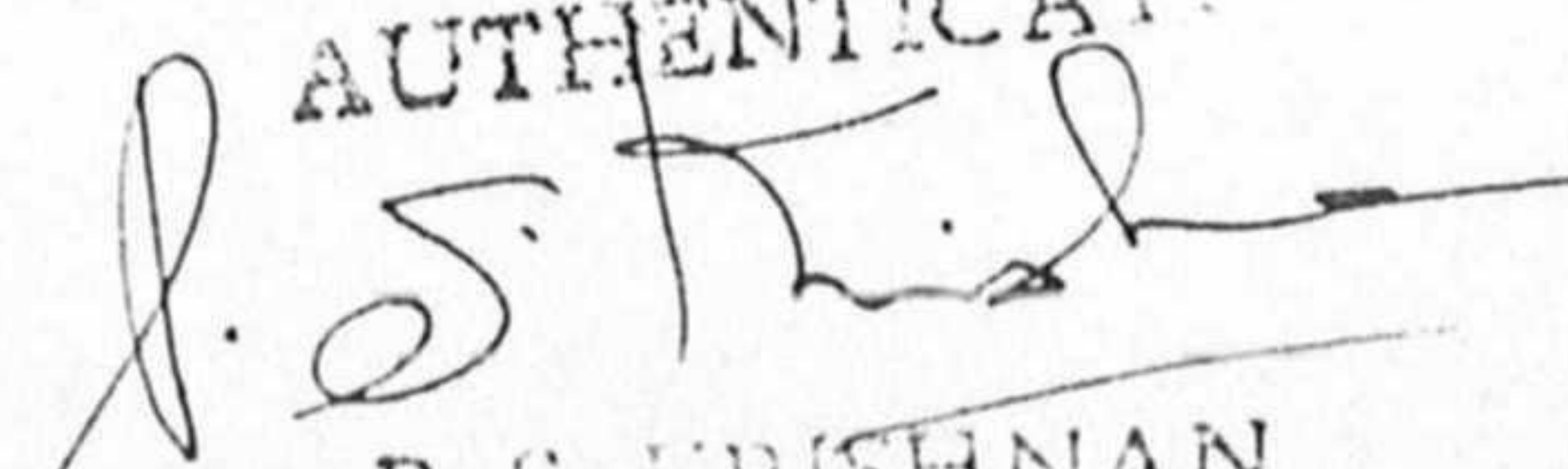
8.5.1998
P. S. KRISHNAN
Member
for the
Commission

5. During the Public Hearing the representative of the State Government stated that "Vanniar-Gounder, Vanniar-Padayatchi, Vanniar-Vanniyakula Kshatriyar" caste/community is found in Pondicherry and has recommended for inclusion in the U.T. List of Backward Classes by the State level Committee for Backward Classes (First Report, dated 11th September 1995). These castes/communities is already included in Central List of Backward Classes for the U.T. of Pondicherry. Further added that the Committee has not recommended ' **Gounder**' as a separate entry or with the existing entry. They also pointed out that generally the title 'Gounder' is used by Vanniyakula Kshatriyar and they are getting certificate as Vanniyakula Kshatriya, as such there is no need for a separate entry as Gounder.
6. People of India, Pondicherry, Vol. XXXVI, General Editor K.S. Singh, Anthropological Survey of India, Affiliated East-West Press Pvt. Ltd., Madras, New Delhi, Bangalore, Hyderabad (First Published 1994) under the head "Vanniyar" describes it as under:

The Vanniyar or Vanniyan are Tamil agriculturalists, who prefer to call themselves Vanniyakula Kshatriya, Agnikula Kshatriya and Pallis. Others refer to them as **Gounders**, Padayachis and Pallis. **They suffix the titles Gounder, Naicker and Palli to their names.**

7. Castes and Tribes of Southern India, Edgar Thurston & Rangachari, Asian Educational Services, New Delhi, Madras, 1993, under the head 'Goundan' writes as under:

"It is noted, in the Salem Manual, that 'some of the agricultural classes habitually append the title Goundan as a sort of caste nomenclature after their names but the word applies, par excellence, to the head of the village, or Ur Goundan as he is called.' As examples of castes which take Goundan as their title, the **Pallis, Okkiliyans, and Vellalas** may be cited. A planter or other when hailing a Malayali of the Shevaroy hills, always calls him Goundan."

AUTHENTICATE

P. S. KRISHNAN

8. Report of the Tamil Nadu Second Backward Classes Commission, 1985 also mentions about the use of '**Gounder**' as a title by the members of the caste/community '**Agamudaiyar** of Southern Tamil districts belonging to Mukkulathors, **Agamudayar/ Thozhu or Thuluva Vellala** of Northern Tamil districts and **Kongu Vellala** .
9. The Bench notes that the applicant has made request for inclusion of all those castes/communities(which have been delt separately) which are included in the State List of Backward Classes of Tamil Nadu and which are excluded from the U.T.List of Pondicherry. The NCBC Questionnaire sent to the applicant has not been filled up and returned back. The applicant also did not appear before the Bench at the Public Hearing. In view of this, the U.T. Governments' view and the ethnographic account that members of the Vanniyakula Kshtriya are referred to by other community people by the title 'Gounder', also that Vanniyakula Kshtriya is already included in the Central List of BCs for Pondicherry, the Bench is of the view that the case do not deserve inclusion.

IV. Findings

10. From the above materials and facts, it is the finding of the Bench that "Gounder" is only a title/surname adopted by some castes/communities, especially by the Vanniyakula Kshtriya, Agamudaiyar, Kongu Vellala etc. It is not a caste and therefore, claim for inclusion is totallyunmerited, besides inclusion of a mere title will be abused by adoption for securing the benefit of reservation by castes/communities not deserving such a benefit. Therefore, the Request for

ATTESTED
J. S. K. S. K.
SECRETARY
TAMIL NADU COMMISSION

inclusion of "Gounder" in the Central List of Backward Classes for the U.T. of Pondicherry be rejected.

P. K. Shyamsunder
9.11.99
(Justice P.K. Shyamsunder)

Ashayam
10.11.99
(Sahu Akshay Bhai)

U.P. Singh
11.11.99
(U.P. Singh)

V. Advice of the Commission

11. The Commission considered and agreed in full with the above Findings of the Pondicherry Bench and decided to tender the following Advice to the Central Government under Section 9(1) of the NCBC Act, 1993 for action by the Central Govt. under Section 9(2) of the Act:-

The Request for inclusion of "Gounder" in the Central List of Backward Classes for the U.T. of Pondicherry be rejected as "Gounder" is only a title/surname used by different communities and not a caste, and this does not signify a specific social class.

P. K. Shyamsunder
9.11.99

U.P. Singh
11.11.99

Ashayam
10.11.99

P. S. Krishna
11/11/99

P. S. Krishna
15.11.99

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P. S. KRISHNAN
Secretary
National Commission