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सदस्य सचिव
राष्ट्रीय पिछड़ा वर्ग आयोग 29

भारत सरकार
ट्रिकूट-१, भीकाजी कामा प्लेस, नई दिल्ली - ११० ०६६
Member Secretary
National Commission for Backward Classes
Government of India
Trikoot - 1, Bhikaiji Cama Place, New Delhi - 110 066

DO NCBC Advice No. 22-24/Delhi/2001

19.01.2001

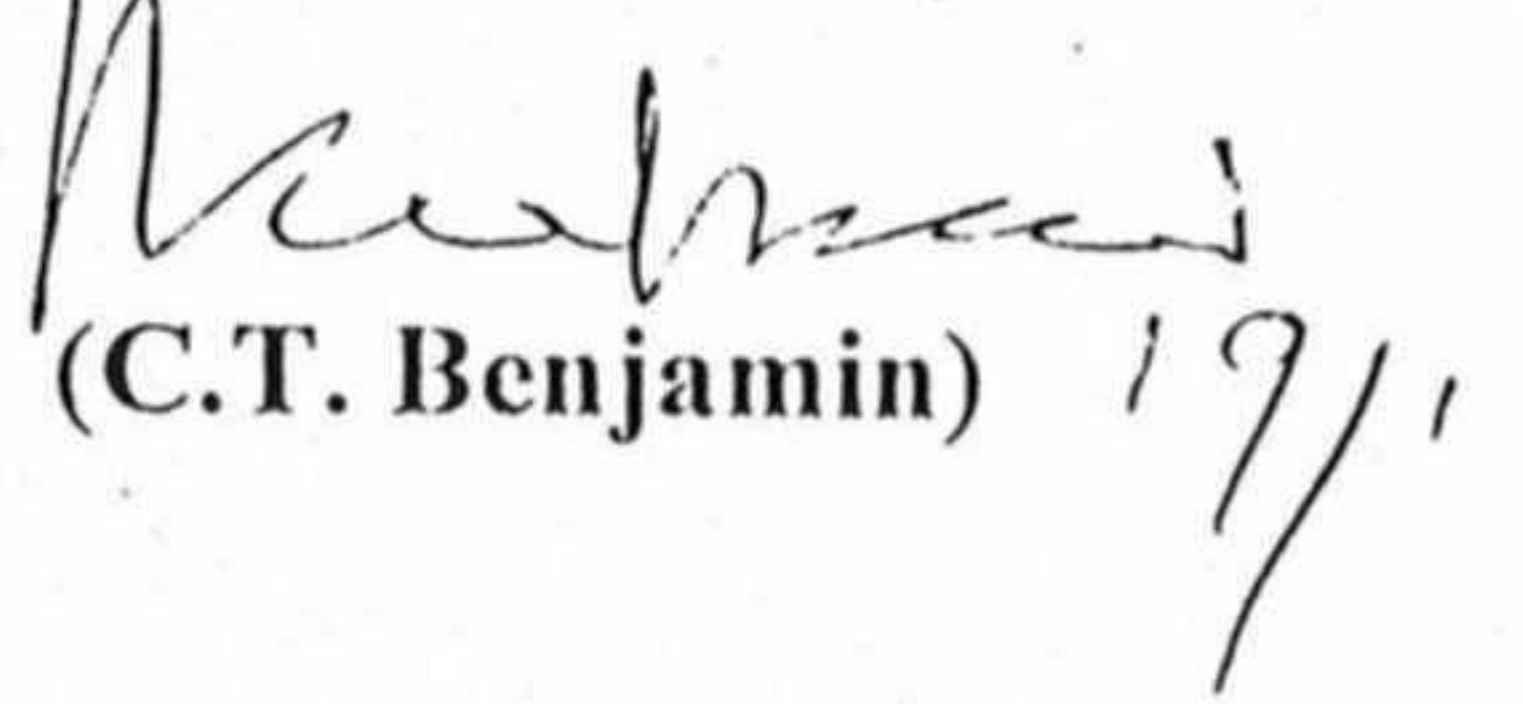
Dear Smt. Asha Das,

I am sending herewith the advices of the National Commission for Backward Classes under Section 9(1) of the National Commission for Backward Classes Act, 1993 for rejection of the requests for inclusion of

- (1) Ezhava/Thiyya
- (2) Rayakwar/Raikwar
- (3) Swami, Vaishnav, Vaishnav Brahmin

castes/communities in the central list of backward classes for the National Capital Territory of Delhi, duly authenticated, for necessary action by the Central Government under Section 9(2) of the NCBC Act.

Yours sincerely


(C.T. Benjamin) 17/1

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

Encl: As stated



NCBC. Advice No. 22/Delhi/2000

NATIONAL COMMISSION FOR BACKWARD CLASSES

Delhi Bench

FINDINGS

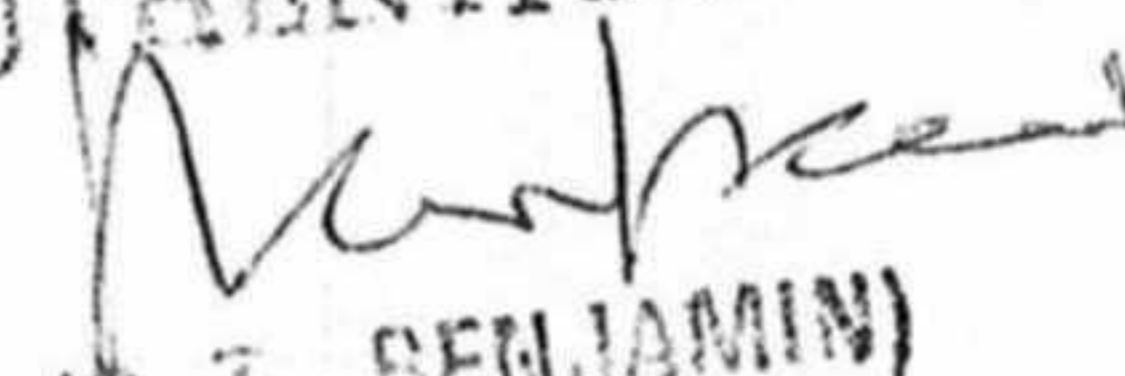
Case:- Request for inclusion of "Ezhava/Thiyya" in the central list of backward classes for the National Capital Territory of Delhi.

I. Request

1. This case arises from the request received in this commission from Shri S.Thankachan, Secretary, SNDP Yogam, New Delhi Sakha No.3934, 110C, Sector.2, Pocket 2, Dwarka, New Delhi-110045 for inclusion of "Ezhava/Thiyya" in the central list of backward classes for the NCT of Delhi.

II. Public Hearing

2. A full-member Bench of the commission, consisting of Justice B.L. Yadav, Hon'ble Chairperson, Shri C.T. Benjamin, Hon'ble Member-Secretary, Shri M.S.Matharoo, Smt. Neera Shastri and Dr. B.M. Das, Hon'ble Members of the National commission for backward classes held a public hearing at New Delhi regarding the requests received in this commission from/on behalf of this caste/community, for their inclusion in the central list of backward classes for the NCT of Delhi on 16th November, 2000. At the public hearing, the state Government was represented by Shri Rajinder Singh, Member Secretary, backward classes commission, NCT of Delhi and Shri

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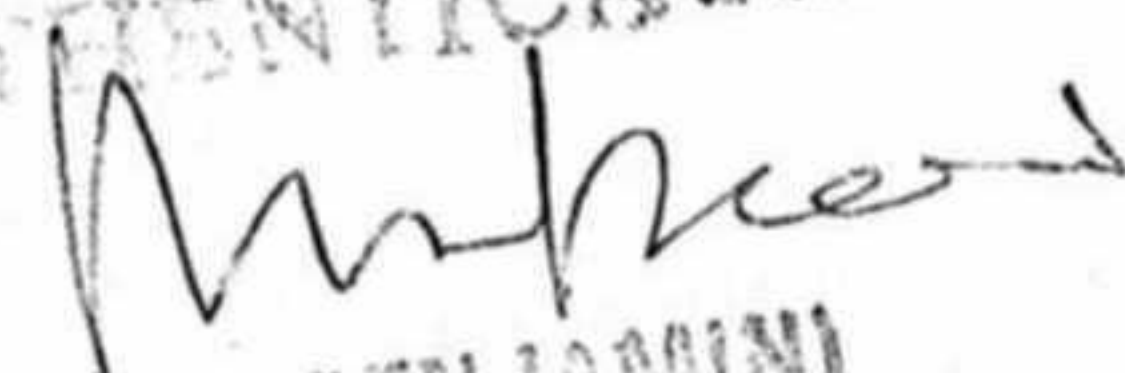
Brahmanand, Deputy Director, Directorate for the Welfare of Scheduled Castes and Scheduled Tribes. The community was represented by Shri T.P.Maniappan, President, Shri S.Thankachan, Secretary, SNDP Yogam and others.

III. Facts

3. The NCT of Delhi 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 NCT of Delhi 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 NCT of Delhi in 1993. The Delhi Government by its Notification No. F.28(93)91-92/SCST/P&S dated 7.1.1995 issued a state list of BCs, based on the advice of the backward classes commission of N.C.T of Delhi. Thereafter, the central Government vide Ministry of Welfare's resolution No. 12011/7/95-BCC dated 24.5.1995 issued a "common" (central) list of backward classes for the NCT of Delhi.

4. 'Ezhava/Thiyya' is not included in the central list of backward classes for NCT of Delhi prepared and notified in 1995 on the basis of the principle of commonality (i.e. inclusion in the central list, those castes/communities which were found included in both the Mandal commission's list as well as the state Government's list) as it was not included in Mandal list & state list and therefore did not satisfy the criterion of commonality.

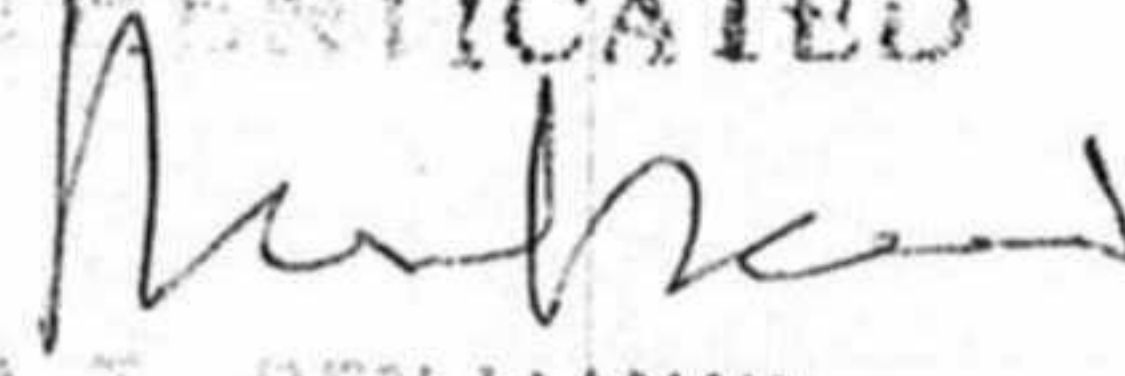
5. In their request for inclusion of 'Ezhava/Thiyya' caste/community in the central list of BCs for Delhi, they have stated that a large number of their community people who came in search of employment are settled in Delhi. They are recognised as OBC in Kerala, Tamil Nadu and Karnataka. The children belonging to these castes born, brought

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up and educated in Delhi are unable to get the benefit of reservation in central service because their caste/community is not included in the central list of BCs for Delhi state. As these children are ordinarily residents of Delhi they cannot get such benefit in the state of Kerala also as they are not able to get the caste certificate from that state. In the 19th century they were considered untouchables, not allowed to mingle with upper castes, forbidden to study in the schools where upper castes studied and not given jobs due to untouchability. They were only allowed to do their traditional occupation of toddy tapping. The situation has changed a little on account of the social transformation brought about by the great saint Sree Narayana Guru. The community people who are settled in Delhi too are socially, educationally and culturally backward. Their representation in Govt. service and other organised sectors is meagre.

6. During the public hearing the representatives of the community stated that the Ezhava/Thiyya is a socially, educationally and economically backward community. They are migrants from Kerala. In south Kerala, the community is known as Ezhava and in the north Kerala, they are known as Thiyya. Till a few decades ago, Ezhavas/Thiyyas were considered untouchable and prevented from public appearance, use of public places, entry in temples and study with upper caste people. Their traditional occupation is toddy-tapping. There are about 1 lakh persons belonging to their community in Delhi. Because of their backwardness, they are not able to secure admission in colleges and Govt. services. They cited the example of four schools and temples run by Keralites in Delhi. They said that their community does not have any representation in the management of these schools and temples. Further they stated that there are hardly 2-3 teachers in these schools from their caste/community due to discrimination. In the central and in Delhi Govt. services there is no representation of the community except in clerical grades. The community is looked down upon by upper caste Malayalees of Delhi. On a specific query from the Bench, as to whether they are not an educationally advanced section in Delhi, they stated that educational and social advancement is a time consuming historical process. Though their community was enjoying the benefits of reservation for the last 70 years in Kerala their present

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representation in state Govt. is well below the proportion of their population. They stated that present job seekers among their community in Delhi are children of first-generation migrants who, unlike the upper caste Malayalee migrants, were not an educated section. There were few graduates among them. Unless benefit of reservation is available to these children of first-generation migrants, there is little scope for their educational and social advancement. On specific query from the Bench as to whether they are being discriminated against by other castes/communities in Delhi, it was stated that they have very cordial relations with other communities and are not discriminated against by them.

7. The representatives of the state Government who were present stated that the request for inclusion of Ezhava/Thiyya in the state list of backward classes is under consideration of the state commission.

8. The Bench is of the view that it would not be appropriate to classify as backward, a caste/community which is socially backward in its native state automatically in a state of their migration unless there is evidence to show that they are socially and educationally backward. The inclusion of their community in Tamil Nadu and Karnataka does not justify inclusion of their community in the central list of backward classes for Delhi. The inclusion of this community in Tamil Nadu and Karnataka lists is obviously on account of the fact that these states are contiguous to Kerala and contain territories which before the reorganisation of the states, formed part of the then Kerala state and therefore the population of such territories naturally included castes/communities which belong mainly to the present Kerala State. But in the case of Delhi, the members of the Ezhava/Thiyya community are relatively recent migrants and are not in anyway following their traditional occupation of toddy-tapping. It can be presumed that it is the more affluent and educated members of the community that migrated to Delhi in search of employment and business. From the submission made it is clear that this community has cordial relations with other communities and they are not discriminated against by other communities in Delhi. The fact that they are being discriminated against by the upper caste Malayalees does not mean that they occupy a low position in the social

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hierarchy. They admit the fact that in Delhi, Malayalees have a good reputation of being well educated and being sincere workers and employers give preference to them. In view of the fact that Ezhava/Thiyya caste/community is not given a treatment different from that accorded to the other Malayalees residing in Delhi, which has also been attested to by the representatives of the community who were present and the fact that they are in no way socially backward as brought out by the evidence produced during the public hearing, the Bench is not in a position to accept the contention that the Ezhava/Thiyya community is socially and educationally backward in Delhi.

IV. Findings

9. From the above evidence, it is the findings of the Bench that 'Ezhava/Thiyya' caste/community in Delhi is not socially and educationally backward. Therefore, the request for inclusion of 'Ezava/Thiyya' caste/community in the central list of backward classes for the NCT of Delhi should be rejected.

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V. Advice of the Commission

10. The commission considered and agreed in full with the above findings of the Delhi 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 Government under section 9(2) of the Act:

"The request for inclusion of "Ezhava/Thiyya" in the central list of backward classes for the NCT of Delhi be rejected as they are not socially and educationally backward.

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