



सत्यमेव जयते

पी. एस. कृष्णन्  
P. S. KRISHNAN  
TEL. : 6183190

सदस्य-सचिव  
राष्ट्रीय पिछड़ा वर्ग आयोग 96

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

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

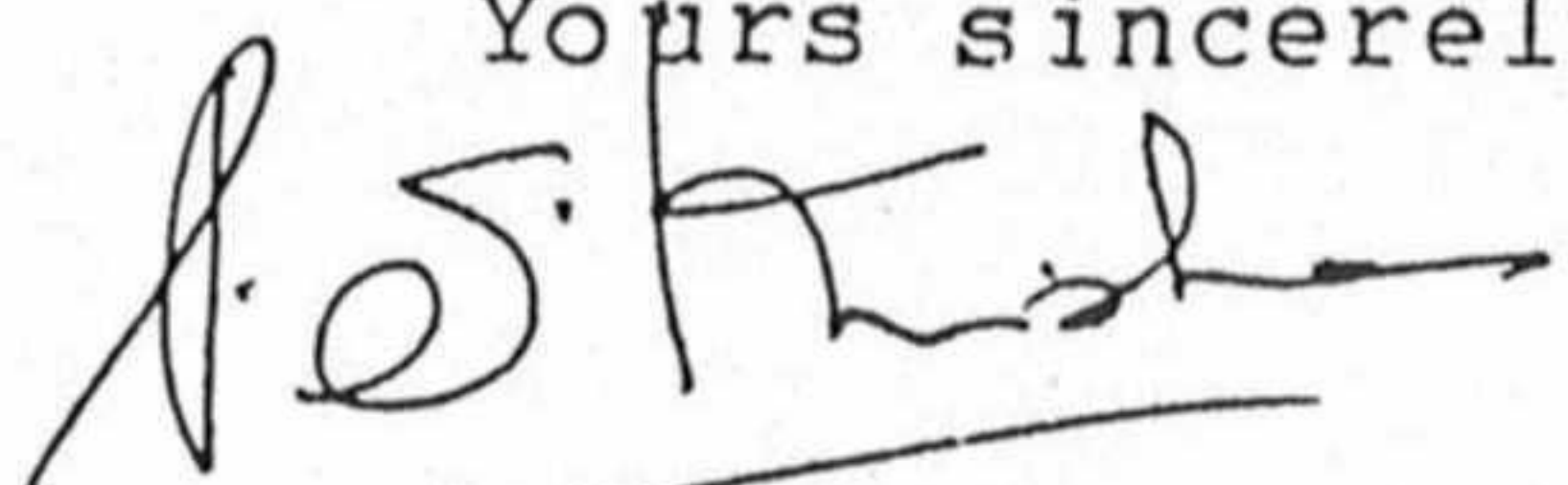
NCBC Advice No. Pondicherry 86/2000

10. 01. 2000

Dear Smt. Das,

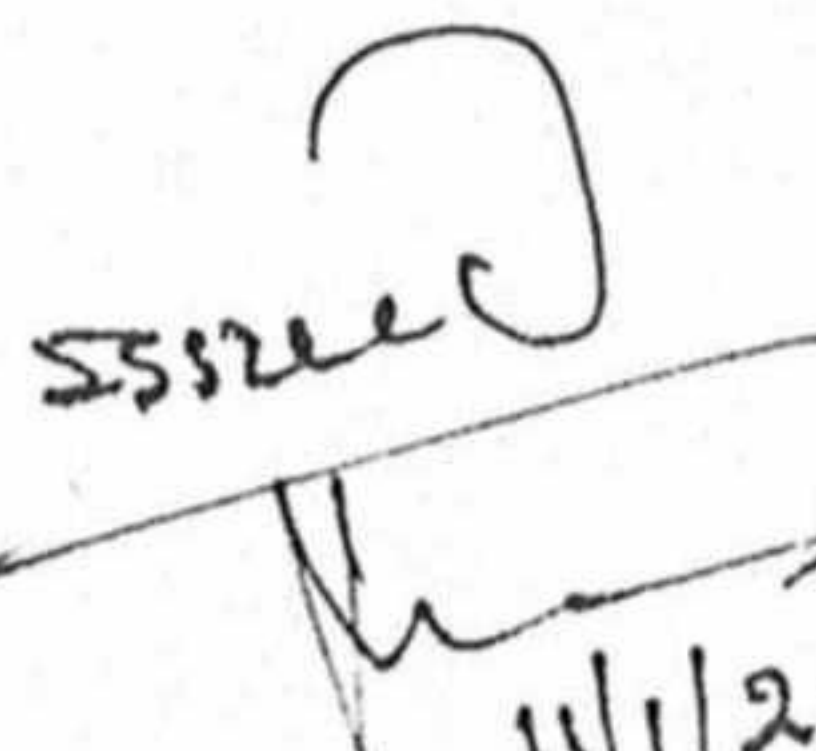
I am sending herewith the Advice of the National Commission for Backward Classes under Section 9(1) of the NCBC Act, 1993 for the Rejection of the Request for Inclusion of "Senaithalaivar Christian" in the Central List of Backward Classes for Pondicherry, duly authenticated, for necessary action by the Central Government under Section 9(2) of the NCBC Act.

Yours sincerely

  
(P.S. KRISHNAN)

Encl: As stated

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

  
11/1/2000

**NATIONAL COMMISSION FOR BACKWARD CLASSES**

**Pondicherry Bench**

**Findings**

Per Justice P.K.Shyamsundar, Chairperson

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

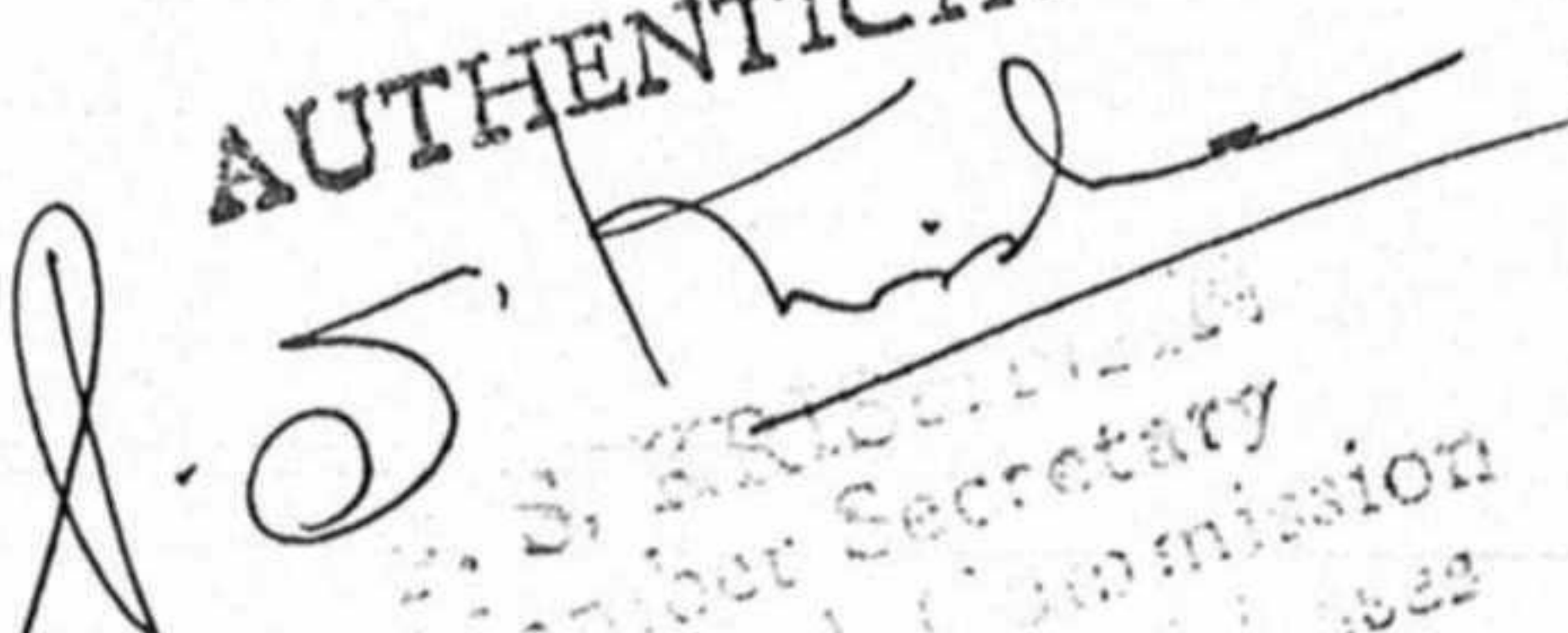
**II. Public Hearing**

- 2 A three-Member Bench of the NCBC consisting of Justice P.K.Shyamsundar, Hon'ble Chairperson, Shri Sahu Akshaya Bhai and Shri U.P. Singh Hon'ble Members held a Public Hearing in respect of this request at Pondicherry on 9.2.1999. 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. No member or representative of the caste/community appeared before the Bench.

8-5-1999  
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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 16<sup>th</sup> 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. During the Public Hearing the U.T. Government stated that "Senaithalaivar Christian" caste/community is not found in Pondicherry and the State Level Committee for Backward Classes have not recommended 'Senaithalaivar Christian' caste/community in the U.T. List of Backward Classes. This was

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also confirmed by the U.T. Govt. vide their letter No.4460/DSW/S&CBC/98-99/859, dated 8<sup>th</sup> April,1999.

5. No member or representative of "Senaithaliva Christian" caste/community appeared before the Bench during the Public Hearings held on 29<sup>th</sup> April,1998 and 9<sup>th</sup> Feb,1999 inspite of the wide publicity given through the media and personal communication sent to the applicant by the NCBC. The NCBC Questionnaire sent to the applicant has also not been filled up and returned back.
6. The Bench is of the view that since the U.T. Government officials have stated that "Senaithalivar Christian" caste/community do not exist in Pondicherry and the State Level Committee on Backward Classes have not recommended these caste/community in the U.T. List of Backward Classes, besides the applicant has neither filled up the NCBC Questionnaire nor appeared at the Public Hearings, the representation for inclusion of this caste/community should be rejected on the ground that the physical existence of the caste/community is not iprofacto established leading to the inference that the aforesaid is not established to exist in U.T. of Pondicherry.

#### IV. Findings

7. From the above facts and material, it is the finding of the Bench that Request for inclusion of 'Senaithalaivar Christian' caste/community in the Central List of Backward Classes for the U.T. of Pondicherry should be rejected on the ground that 'Senaithalaivar Christian' do not exist in the U.T. of Pondicherry.

*Akshaya Bhai*  
10.01.2000  
(Sahu Akshaya Bhai)

*U.P. Singh*  
10.1.2000  
(U.P. Singh)

*P. K. Shyamsundar*  
7.1.2000  
(Justice P.K. Shyamsundar)

AUTHENTICATED  
*[Signature]*

### III. 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 “Senaithalaivar Christian” caste/community in the Central List of Backward Classes for the U.T. of Pondicherry be rejected on the ground that “Senaithalaivar Christian” caste/community do not exist in the U.T. of Pondicherry.”

P. C. Stearns  
7. 1. 2000

7. 1. 2007

10.01.2000

10.01.2000

Lidano with G  
 10.1.2000

10.1.2002

~~Due 24<sup>th</sup> Jan~~  
10.1.2000

10.1.2000

A. S. Kishore  
10/12/2000

10.12.2000

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