

अशोक मंगोत्रा
सदस्य सचिव

A. K. Mangotra
Member - Secretary



राष्ट्रीय पिछड़ा वर्ग आयोग
सामाजिक न्याय एवं अधिकारिता मंत्रालय
भारत सरकार

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NATIONAL COMMISSION FOR BACKWARD CLASSES
MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT
GOVERNMENT OF INDIA

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NCBC Advice No. 20-35/Himachal Pradesh/2015

04-12-2015

Dear *Ms. Anurag,*

I am sending herewith Advices of the National Commission for Backward Classes (NCBC), under Section 9(1) of National Commission for Backward Classes Act, 1993, regarding the following castes/communities for the State of Himachal Pradesh, duly authenticated, for necessary action by the Central Government under Section 9(2) of the NCBC Act:-

Sl. No.	Name of the Caste / Community	Remarks
1	Entry No.7 'Batehda'	Correction
2	Entry No. 47 'Gaddi (in merged areas only)'	Deletion
3	Entry No.1 'Turi'	Deletion
4	Entry No. 9 'Bharbunha, Bharbhuja or Bharbhunja'	Deletion
5	Entry No. 13 'Changar'	Deletion
6	Entry No. 15 'Dhimer or Dhimar or Dhiwar'	Deletion
7	Entry No. 17 'Daiya'	Deletion
8	Entry No. 28 'Keshap Rajput'	Deletion
9	Entry No. 30 'Prajapati'	Deletion

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10	Entry No. 31 'Kangehra'	Deletion
11	Entry No. 32 'Kanjara, Kanchan'	Deletion
12	Entry No. 41 'Nalband'	Deletion
13	Entry No. 44 'Rechband'	Deletion
14	Entry No. 48 'Gujjar or Gujar (in merged areas only)'	Deletion
15	New Entry No 56 'Populace i.e. Bangahalias residing since time immemorial in Chhota Bhangal and Bara Bhangal area of Kangra District (HP)'	Inclusion
16	New Entry No 57 'Populace living in Malana revenue village of Kullu District (HP)'	Inclusion

With *Regards.*

Yours sincerely,


(A. K. Mangotra)

Encl: as above

Ms. Anita Agnihotri
Secretary to Govt. of India
Ministry of Social Justice & Empowerment
Shastri Bhawan, New Delhi - 110001

NATIONAL COMMISSION FOR BACKWARD CLASSES

Hon'ble Justice V. Eswaraiah, Chairperson

Hon'ble Shri S. K. Kharventhan, Member

Hon'ble Shri A.K.Saini, Member

Hon'ble Dr. Shakeel uz-Zaman Ansari, Member

Hon'ble Shri A.K.Mangotra, Member-Secretary

Case: Deletion with regard to Entry No. 48 'Gujjar or Gujar (in merged areas only)' caste / community from the Central List of OBCs for the State of Himachal Pradesh.

I. REQUEST

1. The Department of Social Justice and Empowerment, Govt. Of Himachal Pradesh vide letter No.SJE-B-F(1)-3/2013 dated 03-02-2014 and Himachal Pradesh State Commission for Backward Classes, Shimla vide letter No. HPSCBC-174/2003-III-614 dated 21-01-2014 and letter No. HPSCBC-174/2003-351 dated 14-12-2005 requested NCBC for deletion **with regard to Entry No. 48 'Gujjar or Gujar (in merged areas only)' caste / community from the Central List of OBCs for the State of Himachal Pradesh.** A Public notice was issued in the local

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Newspapers on 04-07-2015. Accordingly, the NCBC held the Public Hearing at Shimla on 13-07-2015 to consider the request of the State Commission / Government for deletion with regard to Entry No. 48 '**Gujjar or Gujar (in merged areas only)**' caste / community from the Central List of OBCs for the State of Himachal Pradesh.

II. PUBLIC HEARING

2. The Commission consisting of Justice V. Eswaraiah, Hon'ble Chairperson and Shri A. K. Saini Hon'ble Member held Public Hearing at Shimla, on 13-07-2015 for consideration of this case. The entire matter has been placed before the Full Commission on 03-09-2015 for discussion and consideration and after analyzing the Report of the State Commission and also going through submissions put forward by the representatives of the State Government/State Commission and also the representatives of concerned castes/communities at Public Hearing, the opinion of the Commission in respect of this caste/community has been arrived at.

III. FACTS

3. In the State List of Other Backward Classes at Sl.No.(B)(3), the caste/community 'Gujjar' in merged areas only was included vide Notification No.Kalyan-CH(10)-8/80 dated 28-03-1981 and

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vide Notification No.Kalyan-Ch(10)-8/80 dated 30th June/2nd July, 1982 the caste/community 'Gujjar' was retained at Sl.No.B(3) in merged areas only. Subsequently vide Notification No.WLF.F(1)-1/94 dated 24-10-1994, the caste/community 'Gujjar' was continued at Sl.No.47(3) in the State List of Backward Classes. In the subsequent Notification No.WLF-P91)-1/94 Loose dated 13-07-2001 also the caste/community 'Gujjar' was included in the State List of Backward Classes at Sl.No.(B)(3) in merged areas only.

4. In the Central List of OBCs for the State of Himachal Pradesh at Entry No.48, the caste/community 'Gujjar or Gujar (in merged areas only)' is included vide Resolution No.12011/68/93-BCC(C) dated 10-09-1993 and Resolution No.12011/21/95-BCC dated 15-5-1995.

5. The Secretary to the Government, Social Justice & Empowerment, Government of Himachal Pradesh submitted that the State Commission for Backward Classes vide its Recommendation dated 27th March, 2003 recommended exclusion of 'Gujjar' community from the List of Other Backward Classes as notified by the State Government. The State Commission has found that this community also stands included in the List of Scheduled Tribes as notified under Scheduled Castes & Scheduled Tribes Order and Act No.108 of 1976 in relation to Himachal Pradesh at Sl.No3 of the List. Since 'Gujjar' community has been

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included in the List of Scheduled Tribes as notified by the Government of India and the State Government is not competent to make any changes in the List of Scheduled Tribes as notified by the Government of India, the State Commission recommended to the State Government to exclude the community from the List of Other Backward Classes of the State Government and accordingly the State Government deleted this caste/community from the State List of Backward Classes. Thereafter the State Government/State Commission for Backward Classes requested the NCBC to delete this caste from the Central List of OBCs for the State of Himachal Pradesh.

6. At the time of Public Hearing, no one representing this caste/community was present.

IV. FINDINGS

7. In view of the fact that 'Gujjar' caste/community is included in the Scheduled Tribes List of Himachal Pradesh at Sl.No.3 and deleted from the State List of OBCs of Himachal Pradesh, the NCBC accept the request of the State Government/State Commission and recommends to **delete** 'Gujjar or Gujar' (in merged areas only)' caste/community notified at Entry No.48 from the Central List of OBCs for the State of Himachal Pradesh

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V. ADVICE OF THE COMMISSION

8. The Commission in view of the above findings has decided to tender the following Advice to the Central Government under Section 9(1) of the NCBC Act for necessary action:-

"Request for deletion of caste/ community 'Gujjar or Gujar (in merged areas only)' from the Central List of Other Backward Classes for the State of Himachal Pradesh be accepted and the NCBC recommends deletion of Entry No. 48 'Gujjar or Gujar (in merged areas only)' from the Central List of OBCs for the State of Himachal Pradesh."


(Justice V. Eswaraiah)
Chairperson


(S. K. Kharventhan)
Member


(A. K. Saini)
Member


(Dr. Shakeel-Uz-Zaman Ansari)
Member


(A. K. Mangotra)
Member-Secretary

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