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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

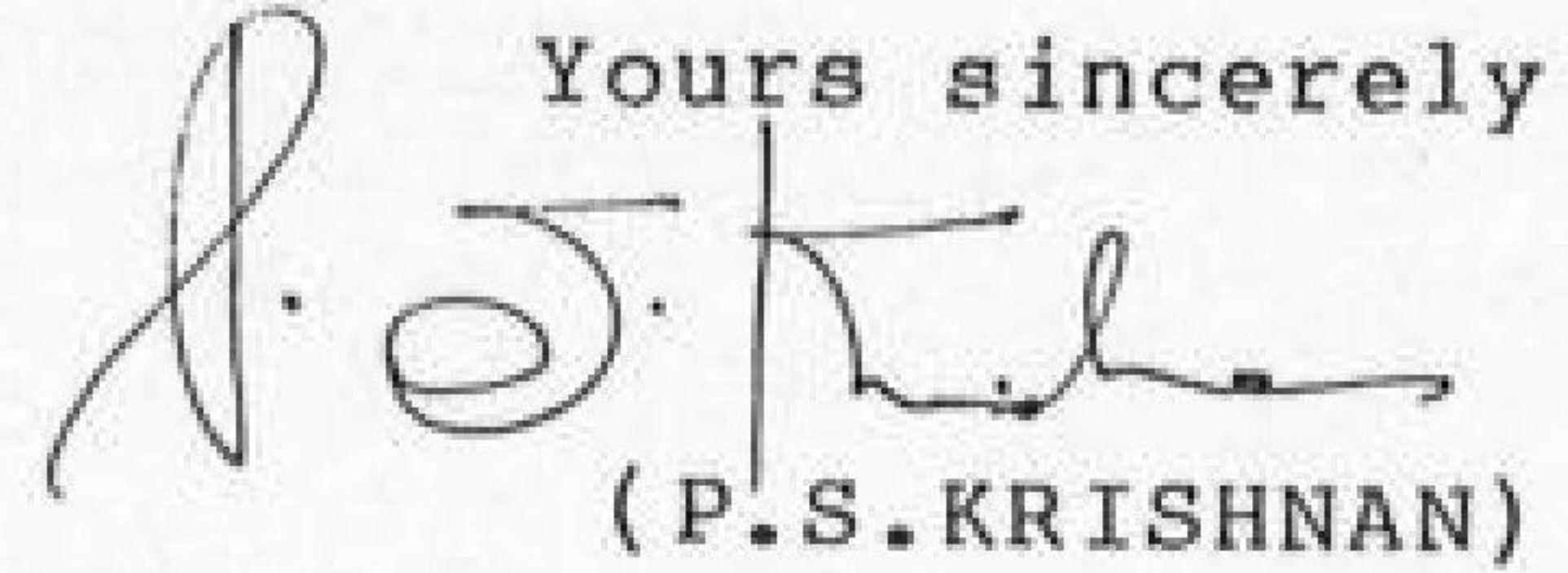
NCBC Advice No. Orissa 58/99

14.06.1999

Dear Smt. Das,

I am sending herewith the Advice of the National Commission for Backward Classes under Section 9(1) of the NCBC Act for the Inclusion of "Scheduled Castes Converts to Christianity and their progeny" 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.

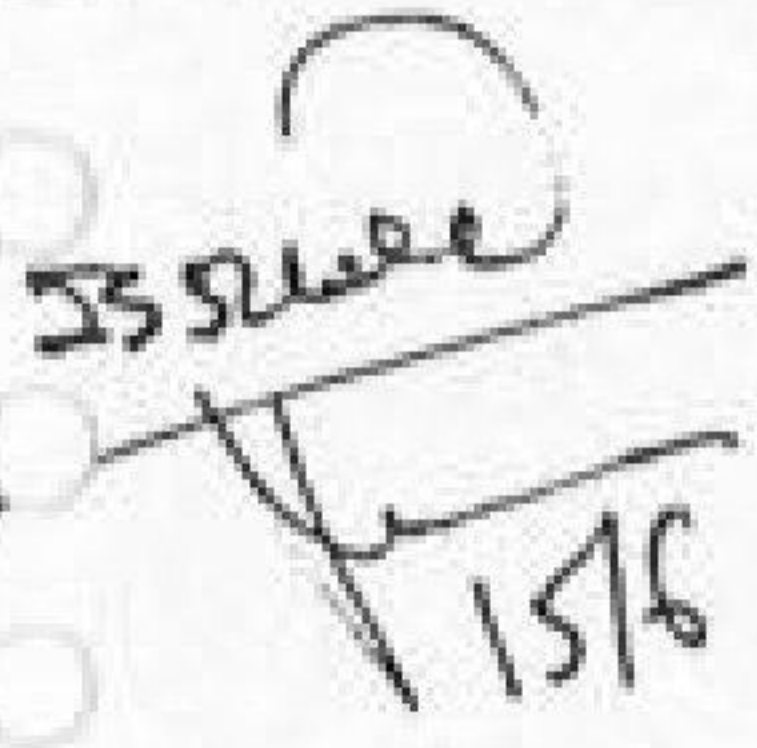
Yours sincerely


(P.S. KRISHNAN)

Encl: As stated.

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




15/6

NCBC Advice No. Orissa 58 /99

NATIONAL COMMISSION FOR BACKWARD CLASSES
ORISSA BENCH
FINDINGS

Case :- Request for inclusion of Harijan Christians (Pano, Dambo, Hadi etc.)
castes/communities in the Central List of Backward classes for Orissa.

Per Shri U. P. Singh, Member

I. Request

1. These cases arise from the request received in this Commission from the following individuals/organisations for inclusion in the Center List of Backward Classes for Orissa:-

- i). Shri Alphonse Balliar Singh, President
Harijan Christian Samitee, Orissa,
Bhubaneswar
- ii). Shri Anup Kumar Takri,
Secretary,
Students, Christian Movement of India (Orissa Area)
Christian Street,
Jeypore

II. Public Hearing

2. The two-Member Orissa Bench of the Commission consisting of Hon'ble Members Shri U. P. Singh and Shri Sahu Akshaya Bhai held a Public Hearing in respect of these requests on 7.1.99 at Bhubaneswar. At the Public Hearing the State Govt. was represented by Shri Gurcharan Patnaik, Joint Secretary and Shri D. C. Pradhan, Under

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Member Secretary
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Secretary Department of Welfare. Nobody appeared on behalf of the castes/communities.

III Facts

3. The relevant entries in respect of these castes/communities in different lists are as below:-

Mandal List

"55. Domb-Andhiya Domb, Audiniya Domb, Chonel Domb, Christian Domb, Mirgani Domb, Oriya Domb, Ponaka Domb, Telaga Domb and Unmia Domb."

State List

"193. Dombo-Christian, Pano-Christian, Ganda-Christian"

Scheduled Castes List

"69. Pan, Pano"

"27. Dom, Dombo, Duria Dom"

"39. Haddi, Hadi, Hari"

"29. Ganda"

4. At the time when the Expert Committee on Backward Classes prepared the first phase Central List of Backward Classes on the basis of the principle of commonality, i.e., by listing castes common to both the Mandal List for each State and the respective State Lists and when, on the basis of the Expert Committee's Report, the Government of India notified the first-phase Central List in 1993, Orissa was one of the States which did not have a State List of its own. Therefore, no Central List of Backward Classes for Orissa was prepared at that stage. It was only after the Supreme Court's Judgement in the Mandal case that the State List for Orissa came into existence in 1994 on the basis of one man (Justice N. K. Das) Commission Report. Thereafter the Central Government vide Ministry of Welfare's Resolution No. 12011/9/94-BCC dated 19.10.94 issued a "Common (Central) List" of Backward Classes for Orissa. Harijan Christians (Pano, Dambo, Hadi etc.) castes/communities were not included in the Central List of

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D. S. K. SINGH
Member Secretary
National Commission
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Backward Classes for Orissa as these were not included in both the Mandal List for Orissa (except Christian Domb) and the State Government's List of Backward Classes existed at that time.

"Christian Domb" caste/community was included in the Mandal List at entry No. 55 as sub-caste/synonym of Domb, but N. K. Das Commission recommended for deletion of the whole entry No. 55 as he observed (Para 242) that these communities were really SCs. Further in Para 27 of the report it is stated that, "A large number of representations and affidavits have been received from "Pana Christians" and "Harijan Christians". On consideration, the Commission feels that "Pana Christians" and "Harijan Christians" can not be straight way included in the list of O. B. Cs. Their cases are to be considered as per discussion in para 6 and 41 of this report (Judgement & Expert Committee report regarding Non-Hindus). "Moreover they have claimed to be included in the list of Scheduled Castes. Government has to take decision on that aspect."

On Advice of the Orissa State Commission for Backward Classes, the State Government vide Resolution No. OBC-29/96-20325/W dated 22.08.96 included 'Dambo-Christian', 'Pano-Christian' and 'Ganda-Christian' in the State List of BCs at Entry No. 193.

5. The Orissa State Commission for Backward Classes while considering the requests for inclusion of the community 'Scheduled Castes converts to Christianity' in the State List, observed:- "On a careful consideration of the evidence, both oral and documentary, and reports received from M. P., M. L. As. and Tahasildars and from our observations made during local enquiry, we are clearly of the opinion that Scheduled Caste Christians are socially and educationally backward and deserve to be included in the State OBC list." The State Commission was of the opinion that change of religion has not in any way changed the socio-economic conditions of the community and the converts from Scheduled Castes suffer from segregation and social disabilities.

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6. The Harijan Christian Samitee, Orissa, Bhubaneswar, in their request for inclusion of Harijan Christians of Orissa (Pano, Dambo, Hadi, etc.) in the Central List of Backward Classes for Orissa have stated that Harijan Christians (The expression Harijan is misnomer. The approved and recognised term is Scheduled Castes) of Orissa are among the poor communities in the State. They have no economic base to stand on. This is a landless community and constitute a bulk of agricultural, migrants and daily wage labourers under the dominant society of the state. Their socio-economic condition is no way better than the Hindu Harijans and other backward classes. They are socially depressed, economically exploited and live in miserable condition of below poverty line. The Harijan Christians are subjects of discrimination not only in socio-economic sphere but educationally too. They are deprived of the basic social justice, being not provided with the job reservation in the Government Services and other benefits available to the Hindu Harijans. It has been further stated that the Harijan Christians of Orissa were previously treated as other backward classes (OBC) getting facilities as such there on. It is also in their knowledge that in other states like Karnataka, Tamilnadu and Andhra Pradesh, the State Government has enlisted the Harijan Christians in the OBC List.
7. Shri Anup Kumar Takri, Secretary, Student Christian movement of India, (Orissa Area), Jeypore, in his request for inclusion of Scheduled caste Christians in the Central List of Backward Classes, has stated that if considered from the social point of view, Christians of Scheduled caste origin are considered by others as backward. Majority of Scheduled caste Christians are concentrated in villages and more than 25% of them marry at an early age about 15 to 16 years. Unlike women of other forward castes, women belonging to this community depend on manual labour for their livelihood. More than 35% children of this community (in the age group 5 to 15 years) have not been enrolled in schools. In proportion to the State, the number of matriculates in the community is less than 25%. More than 70% of the families of the community live in mud houses. Christians of Scheduled Caste origin have been included in the list of backward classes in the States of Andhra Pradesh, Assam, Bihar, Gujarat, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Punjab and Tamil Nadu.

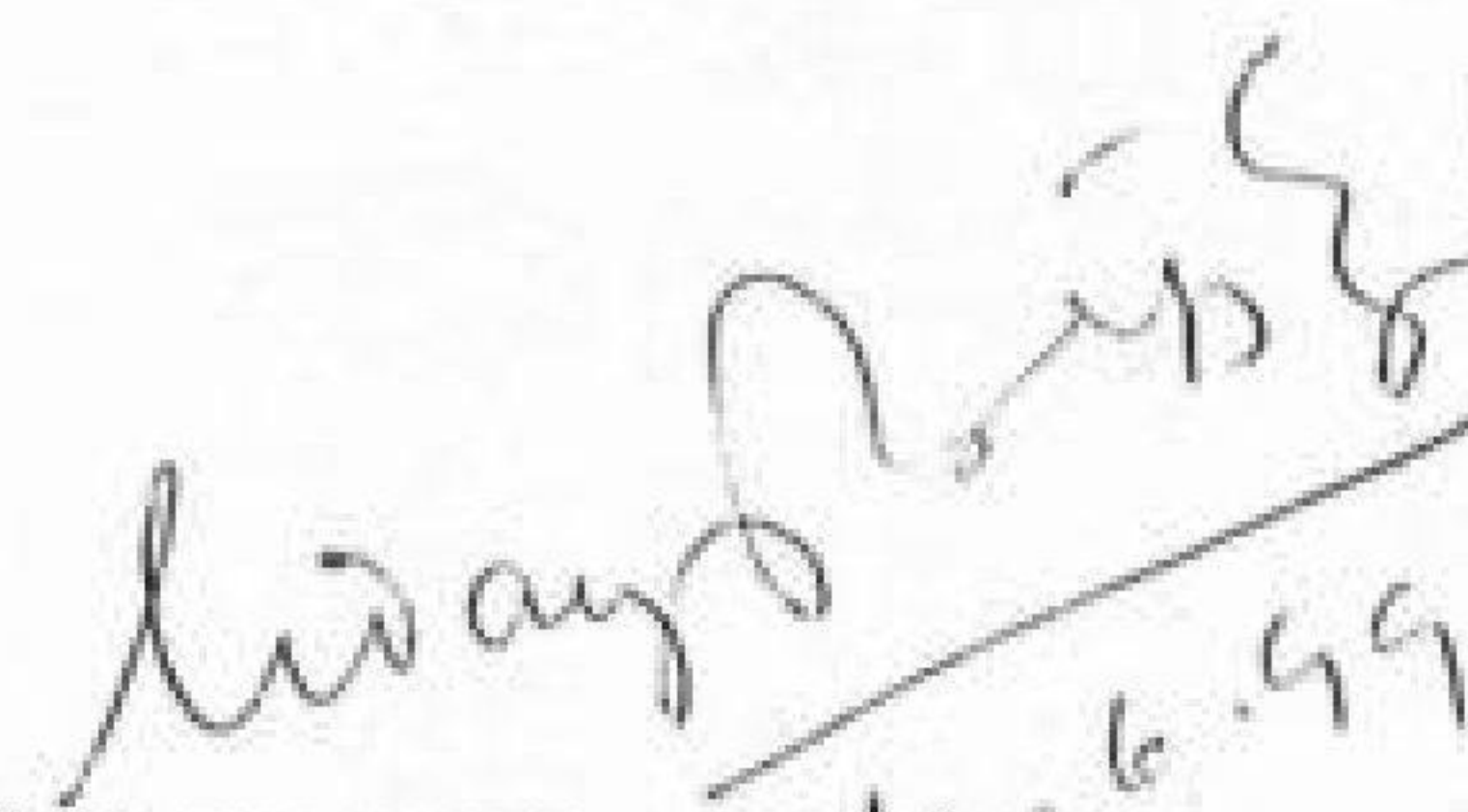

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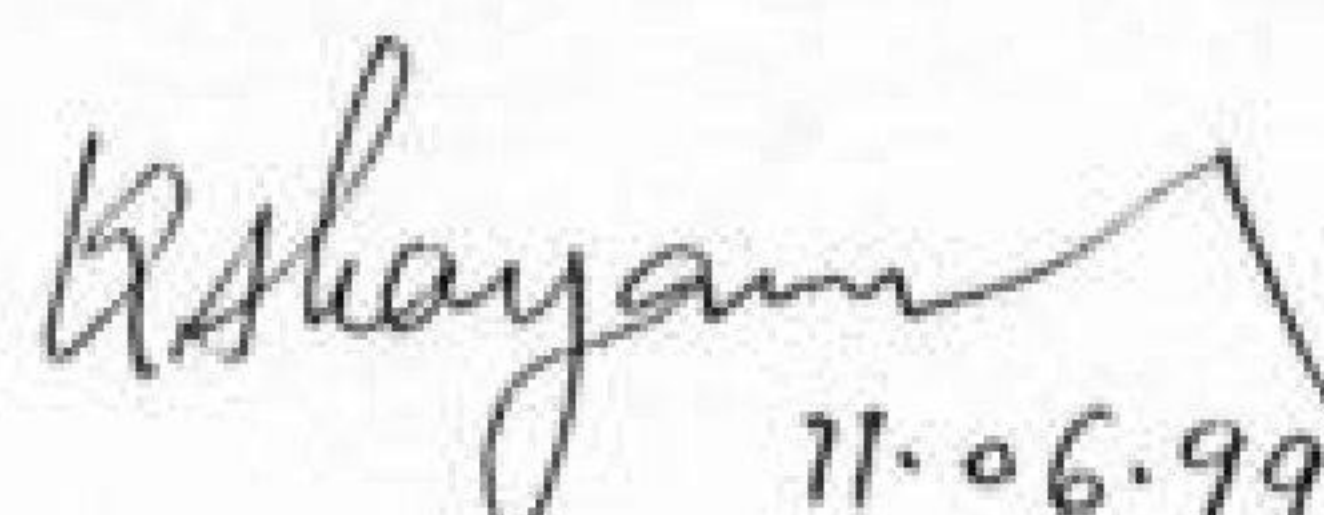
9. At the Public Hearing no representative of the community appeared before the Bench, people belonging to different castes/communities, who were present at that time stated that 'Scheduled Castes converts to Christianity' are socially, educationally and economically backward. Nobody opposed their inclusion in the Central List of Backward Classes for Orissa.

III. Findings

10. From the foregoing, the Bench agrees with the opinion of the Orissa State Commission for Backward Classes that change of religion has not in any way changed the socio-economic conditions of the scheduled castes in Orissa. They still suffer from segregation and social disabilities. The Bench finds that the 'Christian converts from Scheduled castes' are socially and educationally backward. As the members of different Scheduled Castes like Dambo, Pano, Hadi, Ganda etc., converted to Christianity in Orissa, The Bench feels that instead of writing different Caste names, all the Scheduled Castes converts to Christianity be included as one entry. The Scheduled Castes converts to Christianity have been included in the Central List of Backward Classes for different States. Therefore, the Bench recommends that Scheduled Castes Converts to Christianity be included in the Central List of Backward Classes for Orissa as a new entry at Sl. No. 187 as below :-

"187. Scheduled Castes converts to the Christianity and their progeny"


(U.P. Singh) 16-6-99


(Sahu Akshaya Bhai) 11.06.99


Member
National Commission
for Backward Classes

V. Advice of the Commission

14. The Commission considered and agreed in full with the findings of the Bench for Orissa 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:

'Scheduled castes converts to Christianity' be included in the Central List of Backward Classes for Orissa as a new entry at SL No. 187 as under:-

"187. Scheduled Castes Converts to Christianity and their progeny"

On account of the unfortunate demise of one of the Members Shri Navtej Puadhi on 16.08.98, 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
10.6.99

Bishayam
11.06.99

A. Le. S. G. S. S. S.
11.6.99

P. S. Thakur

14.6.99

P. S. Thakur

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