



पी० एस० कृष्णन्
P.S. KRISHNAN
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सदस्य-सचिव
राष्ट्रीय पिछड़ा वर्ग
भारत सरकार
त्रिकुट-१, भीकजी कामा प्लेस,
Member-Secretary
National Commission for Backward Classes
Government of India
Trikoot-1, Bhikaji Cama Place,

A.P.

1987

NCBC Advice No.28-33 /97/A.F./
September 9, 1997

Dear Shri Baksi,

I am sending herewith the Advice of the National Commission for Backward Classes under Section 9(1) of the NCBC Act 1993 regarding requests for inclusion of following castes of Andhra Pradesh in the Central List of Backward Classes for Andhra Pradesh for necessary action under Section 9(2) of the Act by the Central Government:-

1. Pala-Ekari
2. Ayyaraka
3. Nagaralu
4. Pondara
5. Lodh, Lodha, Lodhi
6. Kurakula

With kind regards,
Yours sincerely,

(P.S. KRISHNAN)

Encl: As Stated

Shri K.K.Baksi
Secretary
Ministry of Welfare
Shastri Bhavan
New Delhi-110001

NATIONAL COMMISSION FOR BACKWARD CLASSES

Andhra Pradesh Bench

Findings

Per Shri P.S.Krishnan, Member-Secretary

Case: Request for Inclusion of "Pala-Ekari" in the Central List of Backward Classes for Andhra Pradesh

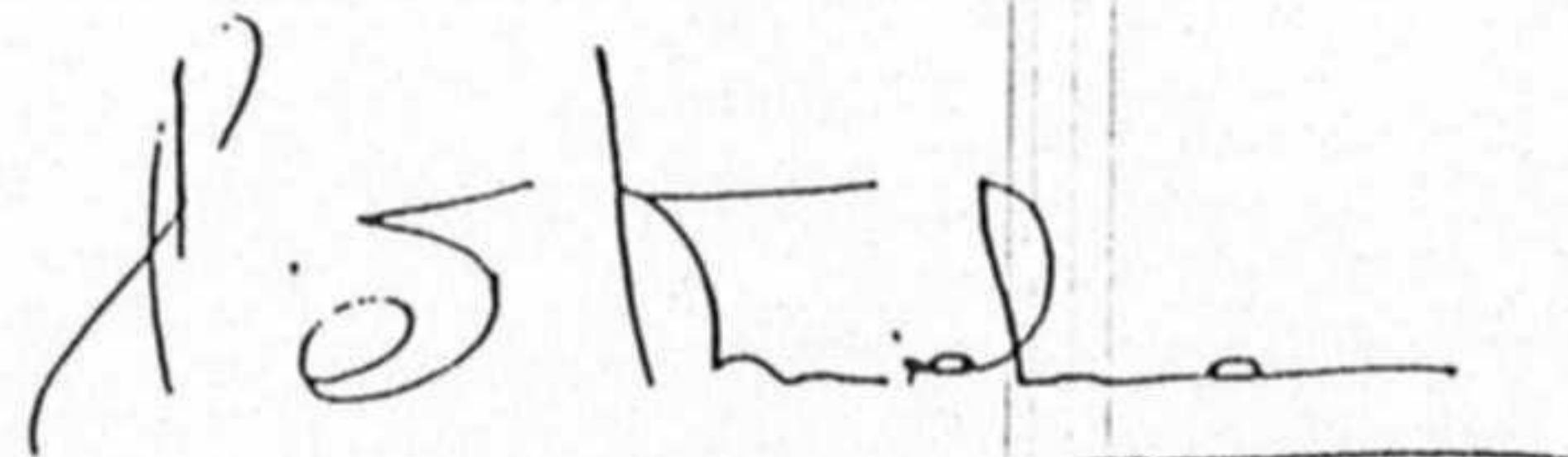
I. Request

This case arises from the Request received in this Commission from the Andhra Pradesh 'Pala-Ekari' Association for the Inclusion of "Pala-Ekari" in the Central List of Backward Classes for Andhra Pradesh.

II. Public Hearing

2. The two-Member Andhra Pradesh Bench of the Commission consisting of Shri P.S.Krishnan, Hon'ble Member-Secretary, NCBC and Shri Sahu Akshay Bhai, Hon'ble Member, NCBC held a Public Hearing at Hyderabad on 24.5.1997 in respect of this request. At the Public Hearing the State Govt. was represented by Shri L.Shafiqiuzzaman, Secretary in charge of Backward Classes Welfare, Shri R. Kodanda Rama Reddy, Commissioner for Backward Classes Welfare, Shri Chandra Sekhara Rao, Joint-Director, Backward Classes Welfare and other officers of the Backward Classes Welfare Deptt. The Andhra Pradesh Pala-Ekari Association was represented by its President Shri P. Balappa and S/Shri A. Manohara, K. Ramanatham, B.Nagaraj, M. Venkataramana and others.

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

III. Facts

3. This caste/community is included in the Mandal Commission's List of Backward Classes at entry no. 200, as follows:-

"200. Palakari"

4. "Pala-Ekari" was not included in the State Government's List of Backward Classes, that existed at the time of the preparation of the first-phase Central List of Backward Classes for Andhra Pradesh on the basis of the principle of commonality. For this reason, it is also not included in the first-phase Central List of Backward Classes for Andhra Pradesh.

5. The State List that existed at the time of the preparation of the first-phase Central List in 1993, was prepared and notified by the State Govt. with GO Ms. No. 1793, Education Dept., dated 23.9.1970, based on the Report of the Andhra Pradesh Backward Classes (Anantaraman) Commission, 1970. The same State List is still continuing with some additional entries of castes/sub-castes/synonyms recommended by the present State Commission for Backward Classes, set up by the State Government pursuant to the directions of the Supreme Court in its judgement in the Mandal case in 1992. In fact, after the Anantaraman Commission and before the setting up of the present State Commission, the State Govt. had appointed a Backward Classes Commission consisting of a single Member Sri N.K.Muralidhara Rao, IAS on 23.1.1982 inter alia to review the existing State List of Backward Classes. The Muralidhara Rao Commission in its Report submitted to the State Govt on 25.9.1982 recommended, among other things, the inclusion of 9 communities including "Pala-Ekari" in the existing State List. One other important recommendation of the said Commission was

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EXHIBIT

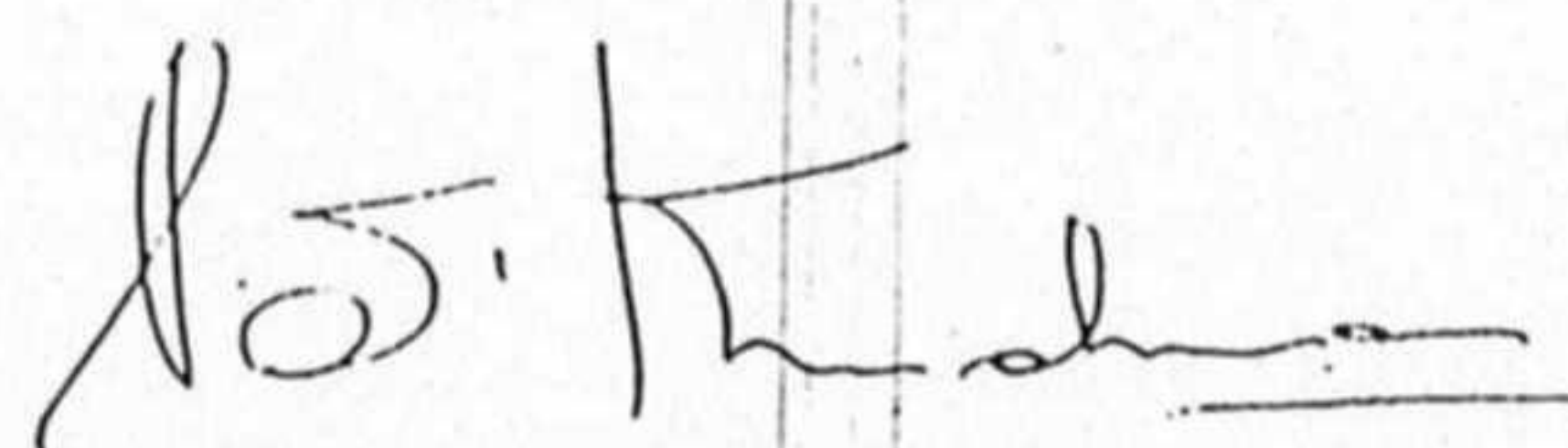
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to raise the extent of reservation for Backward Classes in appointments under the State Govt including Public Undertakings, Corporations, Local bodies, Educational institutions etc. from 25% ther existing to 44%. Based on the recommendations of the Muralichara Rao Commission, the State Government vide its G.O.Ms No. 166, S.W.(P) Detartment, dated 15th July, 1986 included in the State List the 9 communities recommended by the Commission and also raised the reservation for Backward Classes from the existing 25% to 44%.

6. The above GO Ms No. 166, S.W.(P) Department, dated 15th July, 1986 was challenged in the High Court of Andhra Pradesh in a series of Writ Petitions. The High Court in its Judgement dated 5th September, 1986 in "W.P. No. 9457/86 and Batch" inter alia struck down Clauses 13, 14, 15 of said GO relating to the raising of reservation for Backward Classes from 25% to 44%. The High Court did not strike down Clause 5 of the GO relating to the inclusion of 9 new communities including "Pala-Ekari" recommended by the Muralidhara Rao Commission. The State Govt. however discontinued the entire GO. and restore the status quo ante in all respects. Therefore the 9 communities recommended for inclusion in the State List by the Muralidhara Rao Commission including "Pala-Eakari" are yet to be included in the existing State List and are presently under the consideration of the present State Commission for Backward Classes under the Chairmanship of Justice Puttaswamy.

7. The Andhra Pradesh Pala-Ekari Association in its Request has stated that "Pala-Ekari (also spelt as Palakar), Ekari, Ekali, Ekila, Vyakula, Palegar, Nayanivaru, Karali, Tholakari are the synonyms of Nayaka community." It also states that the memebtrs of the community live mostly "near the forest and hill areas" and depend for their livelihood on "the sale of forest produce". In Andhra Pradesh the community is living in Chittoor, Cuddapah and Anantapur districts with a population of 3 lakhs. The Request further states that the community has no

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P. S. SUBRAMANIAN
Member, Commission
for Backward Classes

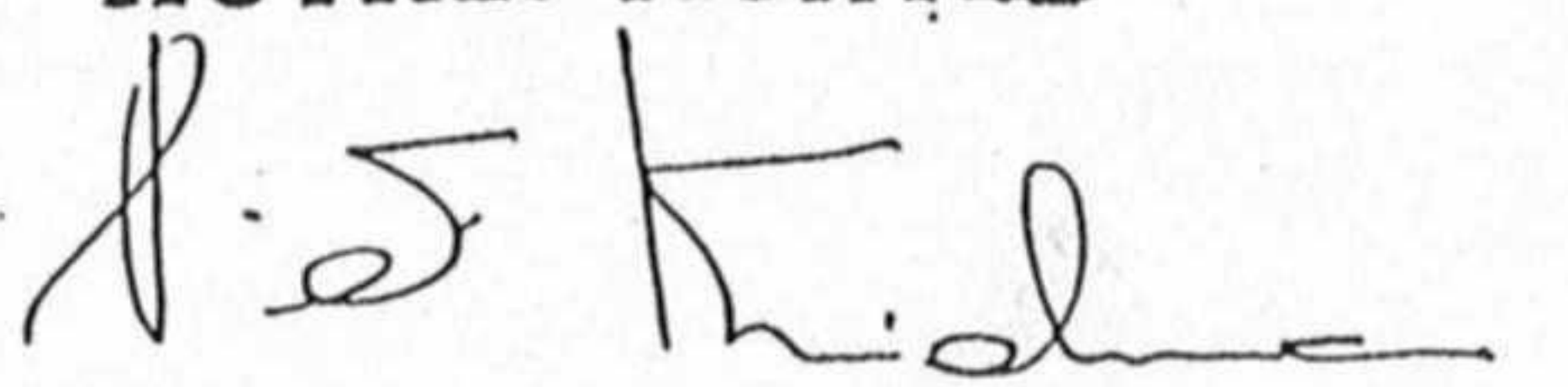
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representation in political field right from Independence to till date. There is not a single office in Class I both in the State and Central Govt. services, "not to speak of IPS or IAS cadres" from the community. The literacy rate of the community is only 1-2%. Not being able to compete with other caste people in securing jobs, the people in the countryside prefer their wards to be settled in their age-old occupation of selling of forest produce and as agricultural labourers.

8. The Questionnaire filled by the Association gives the occupation on which the members of the community mainly depend for their livelihood as "Forest dwellers, depending on Forest produce like firewood, collection of honey, collection of leaves etc., Agricultural labour, watchmen etc." Most of the women of the community are, as a general practice, for their own or for their family's livelihood, engaged in agricultural labour and collection of forest produce. Their children also are, as a general practice, for their family's livelihood or for supplementing their family's low income, engaged in agricultural labour or "supply of food from house to fields".

9. Edgar Thurston and Rangachari ["Castes and Tribes of Southern India", Asian Educational Services, New Delhi, Madras, 1993, first published 1909, Vol.II] quotes Mr. H.A.Stuart ["Manual of the North Arcot district; Madras Census Report, 1891] as writing that "Ekaris or Yakarlu are a class of cultivators and village watchmen, found chiefly in the northern taluks of North Arcot, and in the adjoining district of Cuddappa... They are said, in the Nellore Manual, to be hunters and mercenaries, and in Cuddapah, where they are known to some as Boyas and Kiratas, they are classed as a forest tribe.... They returned 74 sub-divisions of which the most important seem to be Dodda(big) and Pala". Under the head "Naik", Thurston and Rangachari further writes that "The word Naik... is used, by the older writers on Southern India, in several

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

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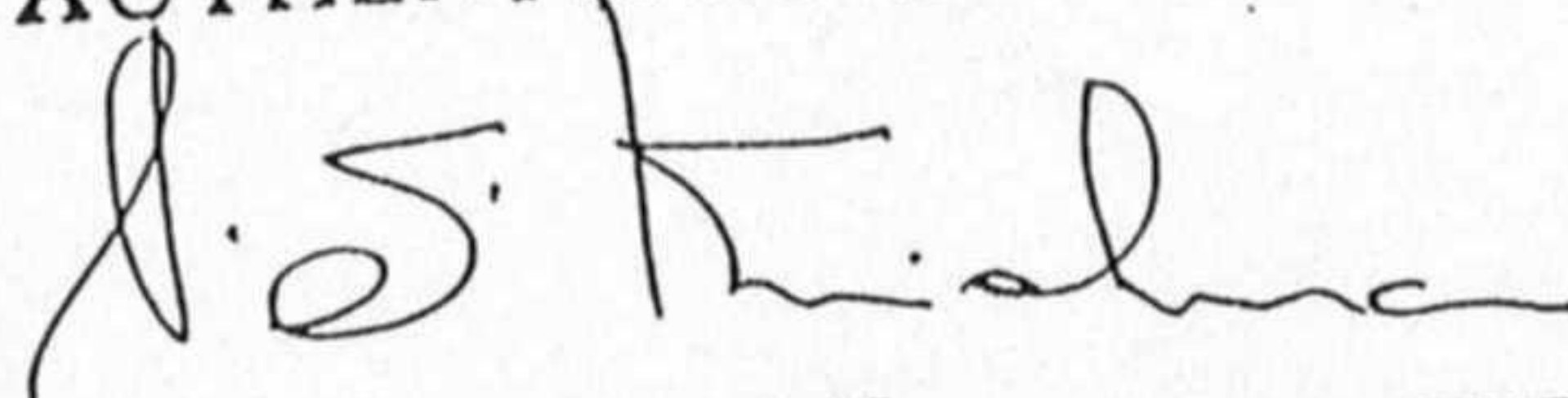
senses....Naik, Naicken, Naicker, Nayak or Nayakkan has been returned, at recent times of census, by the Tamil Pallis, Irulas, and Vedans, and also by various Telugu and Canarese classes, e.g.:-

Telugu -- Baliya, Boya, Ekari, Golla, Kavarai, Muttiriyar, Odde, Tottiyar, and Uppiliyar...."

10. The Report of the Muralidhara Rao Commission states that the Pala-Ekaris "are called "MOURIYA" in Uttar Pradesh and Bihar States and Naicks in Madhya Pradesh, Orissa and Maharashtra States, Pala-Ekari and Palayagaru, in Andhra Pradesh and Tamilnadu States. Their original profession was Military and Police Service. Now this community has lost its past glory and the members of the community are now working in fields as agricultural labourers and gather forest produce for sale in the neighbouring villages. They are therefore looked down in the society and educationally they have not made any progress because of the environment in which the children of the community are brought up. We are informed that the literacy in this community is as low as 2%. Therefore Pala-Ekari caste is socially and educationally backward and the Commission feels that there is every justification for inclusion of this caste in the list of Backward Classes."

11. During the Public Hearing, the representatives of the community said that their community is known as "Nayaka" in Karnataka which has been included in the List of Scheduled Tribes for Karnataka. The Bench has verified the fact that "Nayaka" is included in the List of Scheduled Tribes not only for Karnataka but also for Andhra Pradesh and Maharashtra. The Bench also noted that the community has been included in the Central List of Backward Classes for Pondicherry at entry no. 170 as "Palaekari". During the Public Hearing those present who were from different sections of Society not only did not object to the proposed inclusion of "Pala-Ekari" in the Central

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P. S. KRISHNAN
Member, Commission
for Backward Classes

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List of Backward Classes for Andhra Pradesh, but also supported it.

IV. Findings

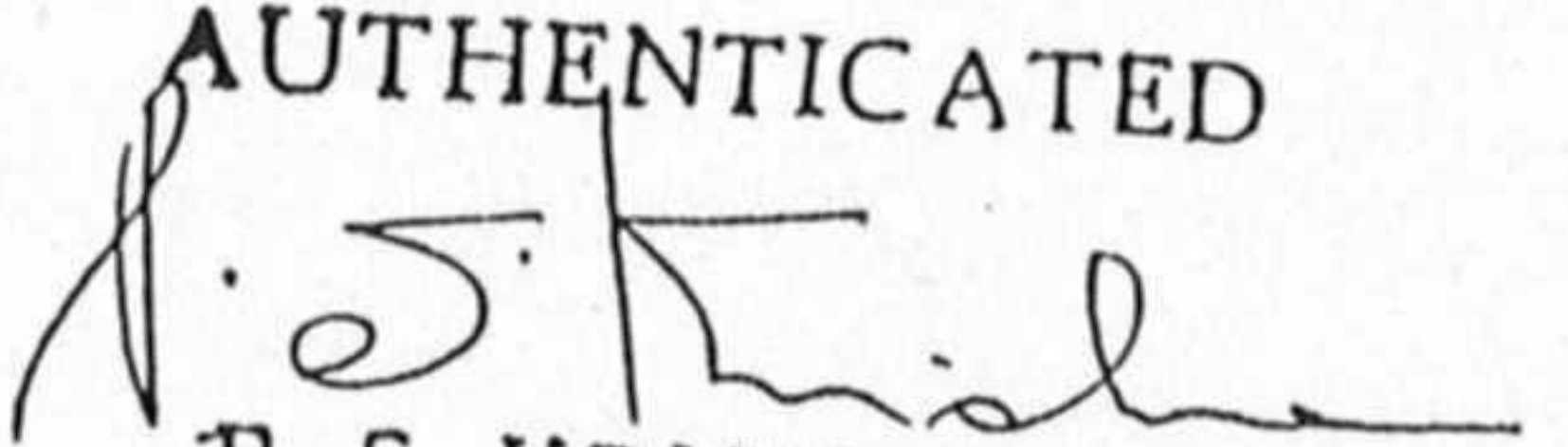
12. From the above evidence it is the Finding of the Bench that "Pala-Ekari" is a Socially and Eudcationally Backward Class and it should therefore be included in the Central List of Backward Classes for Andhra Pradesh at enry no.94 as follows:-

"94. Pala-Ekari"

13. From discussions with the State Commission for Backward Classes, the Bench learnt that under the procedure adopted by that Commission, there is no likelihood of the State Commission being able to complete its enquiry and tender its Advice to the State Government in respect of this or any other caste/community, which are pending with that and this Commission, before December 1998. The Bench is of the view that it is not fair to the Backward Classes or in keeping with the spirit of the NCBC Act to hold up inclusion in the Central List for a long time of this or any other caste/community, in respect of which there is adeqrute evidence of its Social and Educational backwardness, and it is appropriate that the Findings of the Bench are formulated and the Advice of the NCBC to the Central Government is tendered in this, as in other such cases, as soon as adequate data to arrive at conclusions in respect of each case are available.

14. It is observed that in a number of cases, certificate issuing authorities do not issue Backward Class certificates in respect of the period prior to the Central Government's

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

Notification. The process by which a caste/community became Backward is centuries old. Its backwardness did not emerge suddenly on the date of the Notification. The relevance of the date of the Findings or the Advice or the Government's Notification is only that the backwardness of the caste/community, which was already a social reality, was, after enquiry, officially noted and recognised on that particular date. But the benefit of this recognition should be available from the date from which reservation for backward classes in the central services came into effect, i.e., 8.9.1993. Therefore, it is necessary to specify that the notification takes effect from the date from which reservation for backward classes came into effect and the members of the caste/community are eligible for reservation from that date.

Ashayan
08.09.97

P. S. Mishra
4.9.97

V. Advice of the Commission

15. The Commission considered and agreed in full with the above Findings of the Andhra Pradesh 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:-

"Pala-Ekari" be included in the Central List of Backward Classes for Andhra Pradesh at Entry no. 94 as follows:-

"94. Pala-Ekari"

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P. S. Mishra
P. S. MISHRA
Secretary
Commission
for Backward Classes

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JUSTICE P. K. SHYAMSUNDAR

JUSTICE P. K. SHYAMSUNDAR
Chairperson
National Commission For
Backward Classes
Government of India
New Delhi.

Friday 18th 8.

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P. J. Krishna

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NATIONAL COMMISSION FOR BACKWARD CLASSES

Andhra Pradesh Bench

Findings

Per Shri P.S.Krishnan, Member-Secretary

Case: Request for Inclusion of "Ayyaraka" in the Central List of Backward Classes for Andhra Pradesh

I. Request

This case arises from the Requests received in this Commission from the Ayyarakala Sankshema Sankshema Sangham, Parvathipuram, Vizianagaram district and the Andhra Pradesh Rastra Ayyaraka Samskhema Sanmgham, Visakhapatnam for the Inclusion of "Ayyaraka" in the Central List of Backward Classes for Andhra Pradesh.

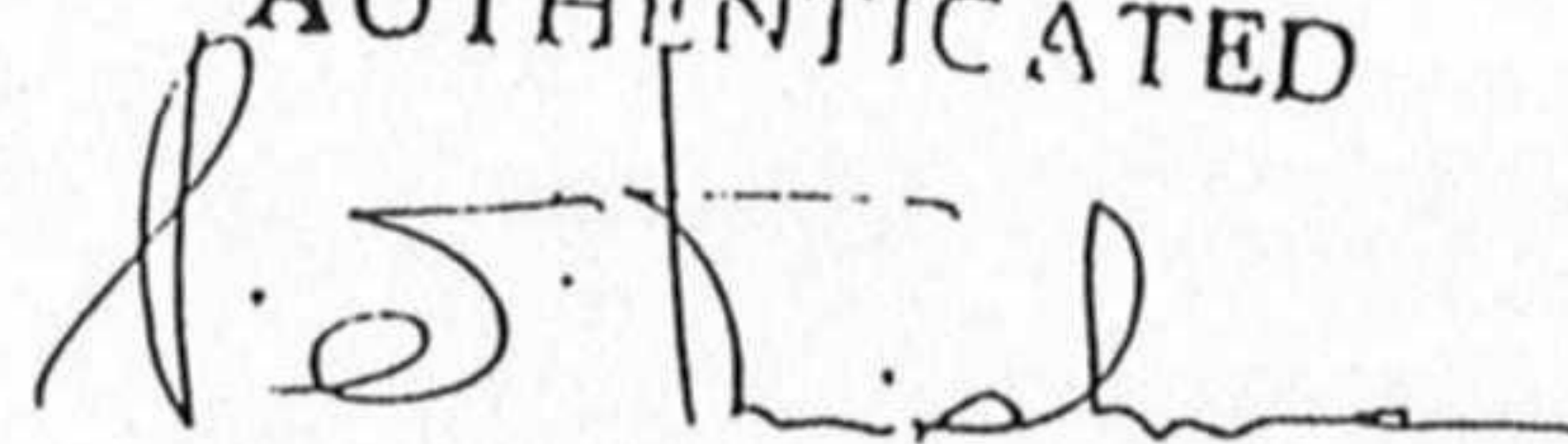
II. Public Hearing

2. The two-Member Andhra Pradesh Bench of the Commission consisting of Shri P.S.Krishnan, Hon'ble Member-Secretary, NCBC and Shri Sahu Akshay Bhai, Hon'ble Member, NCBC held a Public Hearing at Hyderabad on 24.5.1997 in respect of this request. At the Public Hearing the State Govt. was represented by Shri L.Shafiqiuzzaman, Secretary in charge of Backward Classes Welfare, Shri R. Kodanda Rama Reddy, Commissioner for Backward Classes Welfare, Shri Chandra Sekhara Rao, Joint-Director, Backward Classes Welfare and other officers of the Backward Classes Welfare Deptt. The community was represented by Shri P.S.R. Patrulu and Shri D. Satyanarayana, General-Secretary and Secretary respectively of the Andhra Pradesh Ayyaraka Sankshema Sangham.

III. Facts

3. "Ayyaraka" is not included in the Central List of Backward Classes for Andhra Pradesh as it was also not included in both the Mandal Commission's List for Andhra Pradesh and State List of Andhra Pradesh at the time of the preparation of the first-phase Central List of Backward Classes for Andhra Pradesh in 1993 on the basis of the principle of commonality.
4. The State Government's List of Backward Classes that existed at the time of the preparation of the first-phase Central List of Backward Classes for Andhra Pradesh on the basis of the principle of commonality was prepared and notified with GO Ms. No. 1793, Education Dept., dated 23.9.1970, based on the Report of the Andhra Pradesh Backward Classes (Ananatharaman) Commission, 1970. The same State List is still continuing with some additional entries of castes/communities recommended by the present State Commission for Backward Classes, set up pursuant to the directions of the Supreme Court in its judgement in the "Mandal case" in 1992. In fact, after the Ananatharaman Commission and before the setting up the present State Commission for Backward Classes, the State Govt. had appointed a Backward Classes Commission consisting of a single Member Sri N.K.Muralidhara Rao, IAS on 23.1.1982 inter alia to review the existing State List of Backward Classes. The Muralidhara Rao Commission in its Report submitted to the State Govt on 25.9.1982 recommended, among other things, the inclusion of 9 communities including "Ayyaraka" in the existing State List. One other important recommendation of the said Commission was to raise the extent of reservation for Backward Classes in appointments under the State Govt including Public Undertakings, Corporations, Local bodies, Educational

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P. S. KRISHNAN

Member Secretary
Commission

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institutions etc. from 25% then existing to 44%. Based on the recommendations of the Muralidhara Rao Commission, the State Government vide its G.O.Ms No. 166, S.W.(P) Department, dated 15th July, 1986 included in the State List the 9 communities recommended by the Commission including "Ayyaraka" and also raised the reservation for Backward Classes from the existing 25% to 44%.

5. The above GO Ms No. 166, S.W.(P) Department, dated 15th July, 1986 was challenged in the High Court of Andhra Pradesh in a series of Writ Petitions. The High Court in its Judgement dated 5th September, 1986 in "W.P. No. 9457/86 and Batch" inter alia struck down Clauses 13, 14, 15 of the said GO relating to the raising of reservation for Backward Classes from 25% to 44%. The High Court did not strike down Clause 5 of the GO relating to the inclusion of 9 new communities including "Ayyaraka" recommended by the Muralidhara Rao Commission. The State Govt. however discontinued the entire GO and restored the status quo ante in all respects. Therefore the 9 communities recommended for inclusion in the State List by the Muralidhara Rao Commission including "Ayyaraka" are yet to be included in the existing State List and are presently under the consideration of the present State Commission for Backward Classes under the Chairmanship of Justice Puttaswamy.

6. The Andhra Pradesh Rastra Ayyaraka Sankshema Sangham in its Request has stated that their community of about 3 lakhs population is spread over the districts of Srikakulam, Vizianagaram, Visakhapatnam, East Godavari, Krishna and Khammam. For their livelihood the members of the community depend upon "agricultural coolie and daily wage labour and cultivation and also urban coolie". The community is educationally backward. Except for a few members who studied upto Intermediate, there is no one from the community who has got higher education. Therefore there are no doctors,

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

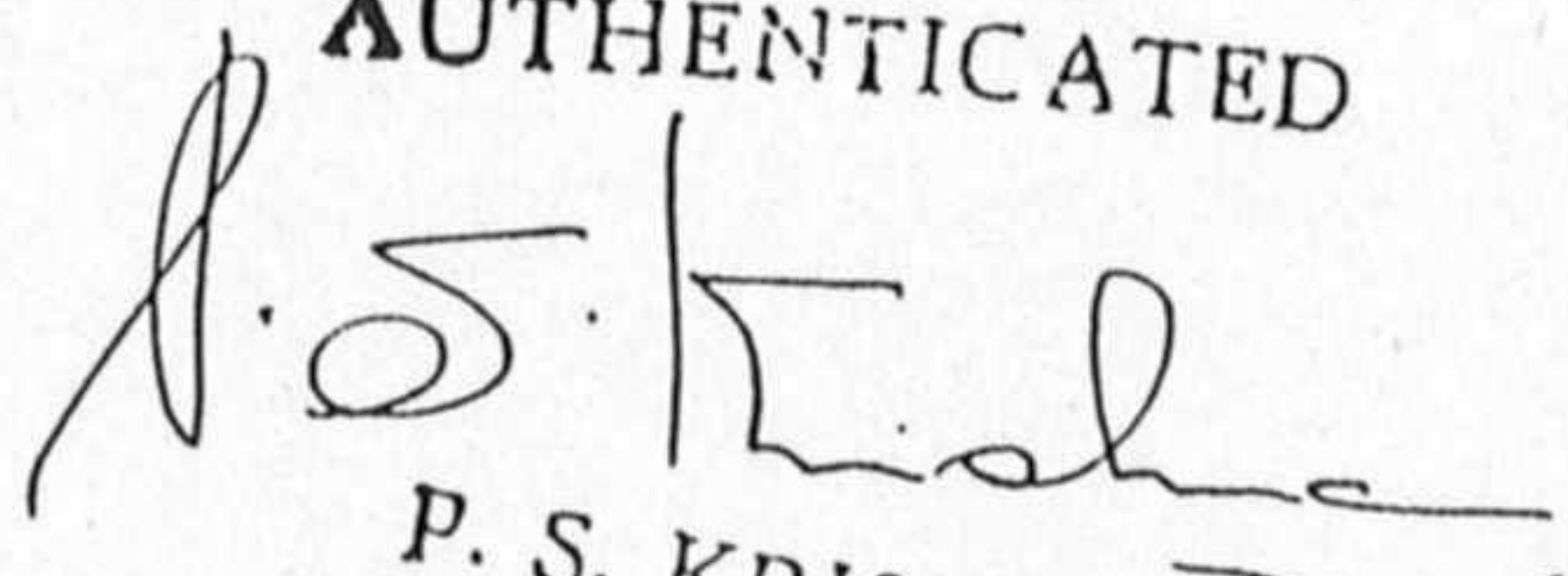
engineers etc. from the community.

7. The NCBC's Questionnaire filled up by the Sangham gives the occupation on which the members of the community mainly depend for their livelihood as "Agricultural labourers and urban coolies". It states that 10% of the members of the community are "small farmers" and out of the remaining 90%, landless agricultural labourers constitute 60% and the rest 10% are "contract labourers". The women of the community are, as a general practice, for their own or for their family's livelihood, engaged in agricultural labour and also in tile factories. Their children, as a general practice, for their family's livelihood or for supplementing their family's low income, work in tile factories, hotels and shops. According to the Questionnaire 90% of the community live in Kachha houses.

8. During the Public Hearing the representatives of the community stated that the majority of the members of the community are agricultural coolies and that out of the total population of 3 lakhs there are only 35 graduates, 10 lawyers, 15 school teachers, and 10 persons in clerical jobs. Those present during the Public Hearing who were from different sections of society not only did not object to the proposed inclusion of "Ayyaraka" in the Central List of Backward Classes for Andhra Pradesh, but also supported it.

9. The Report of the Muralidhara Rao Commission states that the the people of the Ayyaraka community "have no specific vocation of their own. Now most of them are working as labourers. There is a practice of divorce and re-marriage among the women in this community. The social status of this community is very low and they are regarded to be backward socially. The literacy among them is very poor and the percentage of people employed under the Government is also very meagre. The Commission therefore recommends for inclusion of Ayyaraka community in the list of Backward Classes."

AUTHENTICATED


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

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IV. Findings

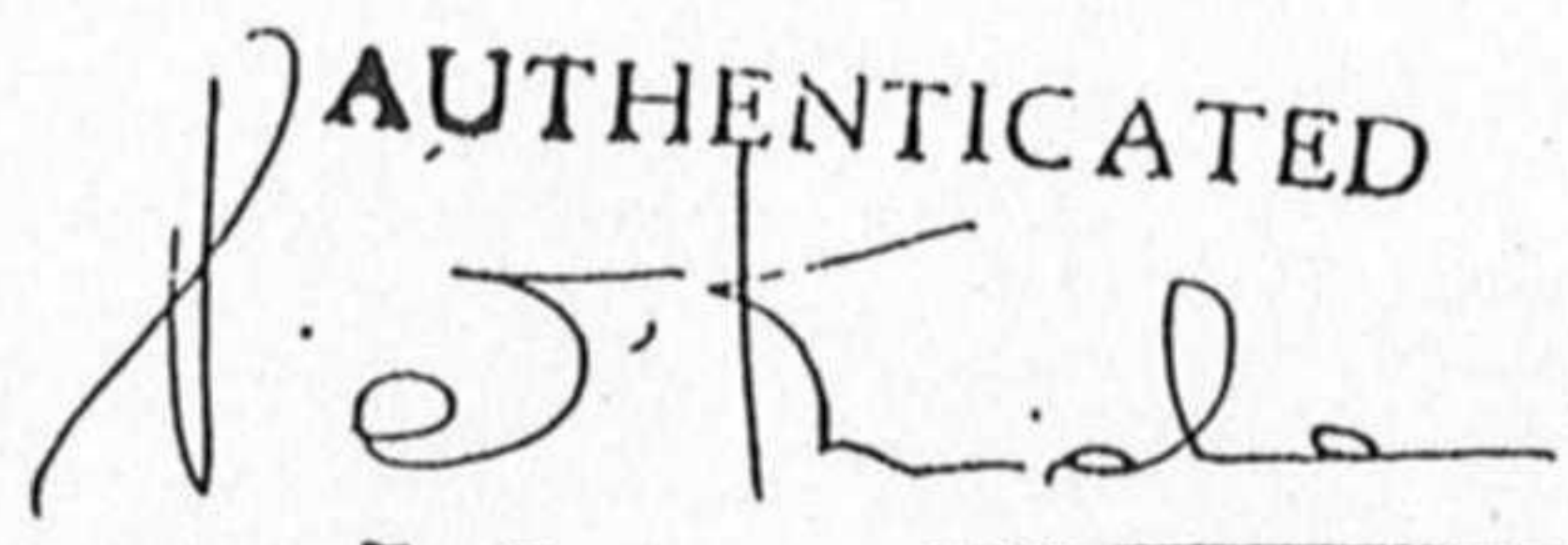
10. From the above evidence it is the Finding of the Bench that "Ayyaraka" is a Socially and Educationally Backward Class and it should therefore be included in the Central List of Backward Classes for Andhra Pradesh at entry no.95 as follows:-

"95. Ayyaraka"

11. From discussions with the State Commission for Backward Classes, the Bench learnt that under the procedure adopted by that Commission, there is no likelihood of the State Commission being able to complete its enquiry and tender its Advice to the State Government in respect of this or any other caste/community, which are now pending with that and this Commission, before December 1998. The Bench is of the view that it is not fair to the Backward Classes or in keeping with the spirit of the NCBC Act to hold up inclusion in the Central List for a long time of this or any other caste/community, in respect of which there is adequate evidence of its Social and Educational backwardness, and it is appropriate that the Findings of the Bench are formulated and Advice of the NCBC to the Central Government is tendered in this, as in other such cases, as soon as adequate data to arrive at conclusions in respect of each case are available.

12. It is observed that in a number of cases, certificate issuing authorities do not issue Backward Class certificates in respect of the period prior to the Central Government's Notification. The process by which a caste/community became

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

Backward is centuries old. Its backwardness did not emerge suddenly on the date of the Notification. The relevance of the date of the Findings or the Advice or the Government's Notification is only that the backwardness of the caste/community, which was already a social reality, was, after enquiry, officially noted and recognised on that particular date. But the benefit of this recognition should be available from the date from which reservation for backward classes in the central services came into effect, i.e., 8.9.1993. Therefore, it is necessary to specify that the notification takes effect from the date from which reservation for backward classes came into effect and the members of the caste/community are eligible for reservation from that date.

R. Shyam
06.09.97

P. S. Krishnan
4.9.97

V. Advice of the Commission

13. The Commission considered and agreed in full with the above Findings of the Andhra Pradesh 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:-

"Ayyaraka" be included in the Central List of Backward Classes for Andhra Pradesh at entry no. 95 as follows:-

"95. Ayyaraka"

13. In view of the difficulties faced by the members of Backward Classes in getting Backward Class certificates for the

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P. S. Krishnan
P. S. KRISHNAN
Member, Commission

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period prior to the Notification, a proviso should be included in the Notification to be issued that "the Notification will take effect from 8.9.1993", the date from which reservation for Backward Classes in the Central Services came into effect.

Ashayan
08.09.97

P. S. Krishnan
4.9.97

Justice P. K. Shyamsundar
4/9

JUSTICE P. K. SHYAMSUNDAR
Chairperson
National Commission For
Backward Classes
Government of India
New Delhi,

Kidambi
8.9.97

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AUTHENTICATED

P. S. Krishnan

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

NATIONAL COMMISSION FOR BACKWARD CLASSES

Andhra Pradesh Bench

Findings

Per Shri P.S.Krishnan, Member-Secretary

Case: Request for Inclusion of "Nagaralu" in the Central List of Backward Classes for Andhra Pradesh

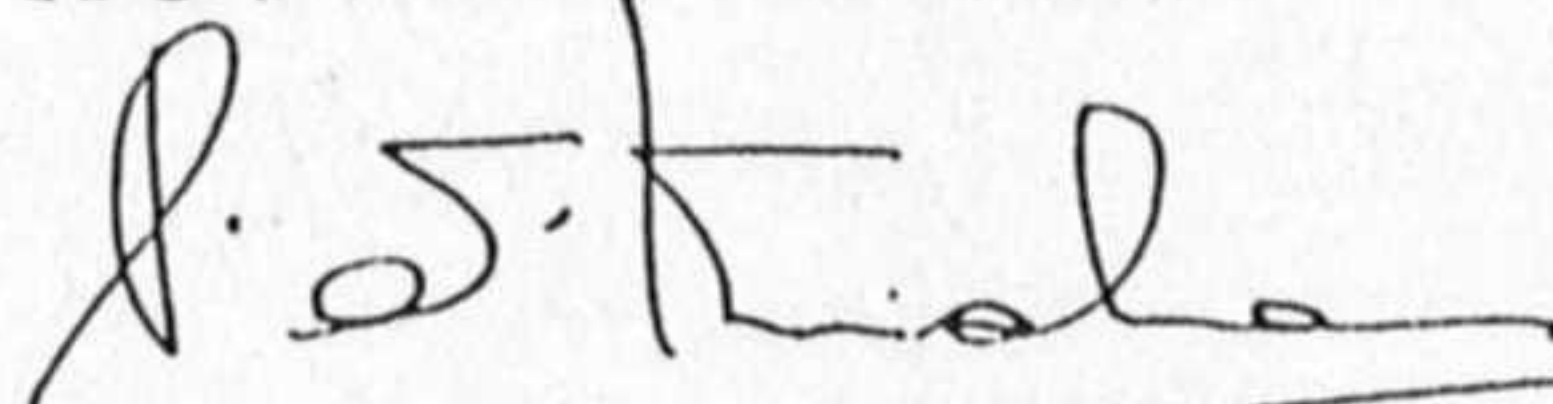
I. Request

This case arises from the Request received in this Commission from the Andhra Pradesh Nagarala Sangham, Vijayawada for the Inclusion of "Nagaralu" in the Central List of Backward Classes for Andhra Pradesh. A similar Request has also been received from Shri P.Ramarao, Vijayawada.

II. Public Hearing

2. The two-Member Andhra Pradesh Bench of the Commission consisting of Shri P.S.Krishnan, Hon'ble Member-Secretary, NCBC and Shri Sahu Akshay Bhai, Hon'ble Member, NCBC held a Public Hearing at Hyderabad on 24.5.1997 in respect of this request. At the Public Hearing the State Govt. was represented by Shri L.Shafiqiuzzaman, Secretary in charge of Backward Classes Welfare, Shri R. Kodanda Rama Reddy, Commissioner for Backward Classes Welfare, Shri Chandra Sekhara Rao, Joint-Director, Backward Classes Welfare and other officers of the Backward Classes Welfare Deptt. The community was represented by Shri P.Gopala Rao, Convenor, A.P.Nagarala Sangham, S/Shri

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

Bayana Appulu, Ch.Rambabu, B. Narayana Rao, B. Mahesh, S.Rama Rao and others.

III. Facts

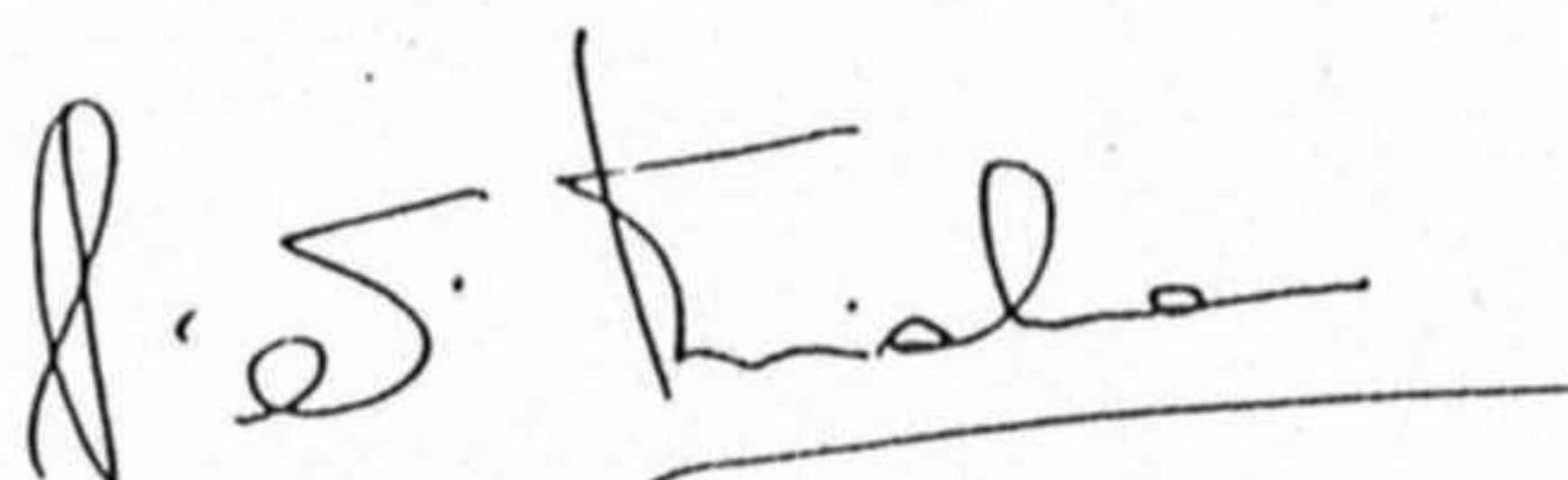
3. This caste/community is included in the Mandal Commission's List of Backward Classes for Andhra Pradesh at entry no. 174 as follows:-

"174. Nagaralu"

4. The State Government's List of Backward Classes that existed at the time of the preparation of the first-phase Central List of Backward Classes for Andhra Pradesh in 1993 on the basis of the principle of commonality was prepared and notified by the State Government with GO Ms. No. 1793, Education Dept., dated 23.9.1970, based on the Report of the Andhra Pradesh Backward Classes (Ananataraman) Commission, 1970. "Nagaralu" was not included in this State List and for this reason it is also not included in the first-phase Central List of Backward Classes for Andhra Pradesh.

5. The above State List is still continuing with some additional entries of castes/sub-castes/synonyms recommended by the present State Commission for Backward Classes set up pursuant to the directions of the Supreme Court in its judgement in the Mandal case in 1992. In fact, after the Ananataraman Commission and before the setting up the present State Commission for Backward Classes, the State Govt. had appointed a Backward Classes Commission consisting of a single Member Sri N.K.Muralidhara Rao, IAS on 23.1.1982 inter alia to review the existing State List of Backward Classes. The Muralidhara Rao Commission in its Report submitted to the State Govt on 25.9.1982 recommended, among other things, inclusion of 9

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

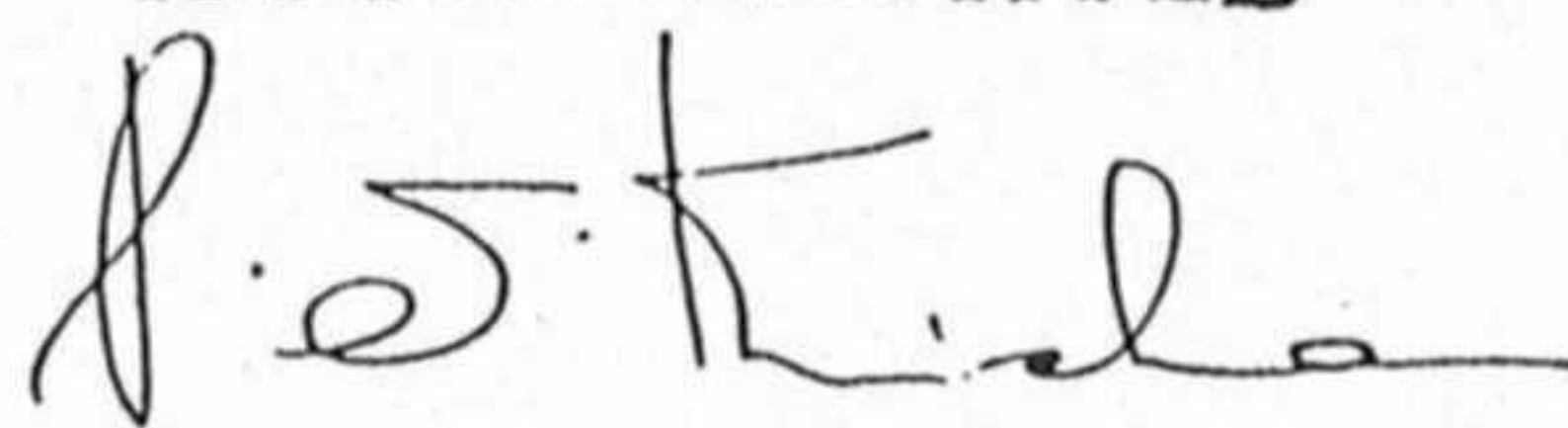
communities including "Nagaralu" in the existing State List. One other important recommendation of the said Commission was to raise the extent of reservation for Backward Classes in appointments under the State Govt including Public Undertakings, Corporations, Local bodies, Educational institutions etc. from 25% then existing to 44%. Based on the recommendations of the Muralidhara Rao Commission, the State Government vide its G.O.Ms No. 166, S.W.(P) Department, dated 15th July, 1986 included in the State List the 9 communities recommended by the Commission including "Nagaralu" and also raised the reservation for Backward Classes from the existing 25% to 44%.

6. The above GO Ms No. 166, S.W.(P) Department, dated 15th July, 1986 was challenged in the High Court of Andhra Pradesh in a series of Writ Petitions. The High Court in its Judgement dated 5th September, 1986 in "W.P. No. 9457/86 and Batch" inter alia struck down Clauses 13, 14, 15 of the said GO relating to the raising of reservation for Backward Classes from 25% to 44%. The High Court did not strike down Clause 5 of the GO relating to the inclusion of 9 new communities including "Nagaralu" recommended by the Muralidhara Rao Commission. The State Govt. however discontinued the entire GO and restored the status quo ante in all respects. Therefore the 9 communities recommended for inclusion in the State List by the Muralidhara Rao Commission including "Nagaralu" are yet to be included in the existing State List and are presently under the consideration of the present State Commission for Backward Classes under the Chairmanship of Justice Puttaswamy.

7. The NCBC's Questionnaire filled up by the A.P.Nagarala Sangham gives detailed data/information about the community as follows:-

- (i) The "Nagaralu" caste is also known as "Nagaram or Nagara".

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

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- (ii) The community is small with a total population of 68,000 as on 1.1. 94 with the districts of Srikakulam, Vizianagaram, Visakhapatnam and Krishna accounting for 66,000 and the rest 2,000 being distributed in the districts of East and West Godavari, Guntur, Khammam, Hyderabad etc.
- (iii) The occupation on which the members of the community mainly depend for their livelihood is "Agricultural labour, and other labour-oriented work like Mutta Coolies, Cart Pullers, masons, carpenters, rickshaw pullers etc." The women of the community, as a general practice, for their family's income or for supplementing their family's income, work as agricultural labourers or in construction activities, mainly as assistants to masons, quarry works and in some cases as maid servants. In the villages their children also, as a general practice, for supplementing their families' low income, are engaged in agricultural labour and in towns they work as assistants to masons, carpenters, as workshop boys and in construction activities.
- (iv) There are no MLAs or MPs from the community, except for a living ex-MLA.
- (v) As on 1.1.94, out of the total population of 68,000 only 8,950 are literate, i.e, only 13% of the total population of the community as against the State average of 45.11%(1991). Only 0.50% of the members of the community are matriculates.
- (vi) 75% of the caste people live in either thatched houses or huts and other cheap form of houses in

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Member, Survey
No. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
for backward classes

slums, 25% of the caste live in pucca houses namely tiled roofing and slab roofings etc.

- (vii) The representation of the members of the community in the State Government services is negligible with "nil" representation in Group-A, 11 in Group-B, 170 in Group-C and 165 in Group-D. There are only 2 teachers from the community and 2 Doctors, 2 Lawyers, 3 Engineers and 1 Chartered Accountant. 3 persons from the community are in Group-C service of the Central Government. Only 6 persons (0.001%) are income tax assesseees.

8. The Report of the Muralidhara Rao Commission states that "....The Collector, Krishna in his letter Rc.NO.G12/311/78 dated 18th July, 1980 addressed to the Director of Backward Classes Welfare has pointed out that most of the people of Nagaralu community are agricultural labour, Mutta coolies, Cart pullers, Masons, Carpenters and Rickshaw pullers. Some of them live in slums and do menial work. He has also observed that Nagaralu community is really backward socially, economically and educationally and recommended for the inclusion of Nagaralu in the list of Backward Classes. The District Collectors of Visakhapatnam, Srikakulam and Vizianagaram have supported the view of the Collector, Krishna.....Literacy is less than 2% in this community. About 1.26% of the population of the community is in Government services. In view of all these facts, Nagaralu community is considered as socially and educationally backward and the Commission recommends for inclusion of this community in the list of Backward Classes."

9. Edgar Thurston and Rangachari ["Castes and Tribes of Southern India", Asian Educational Services, New Delhi, Madras, 1993, first published 1909] quotes the Madras Census Report, 1901 as follows:- "Nagaralu means the dwellers in a

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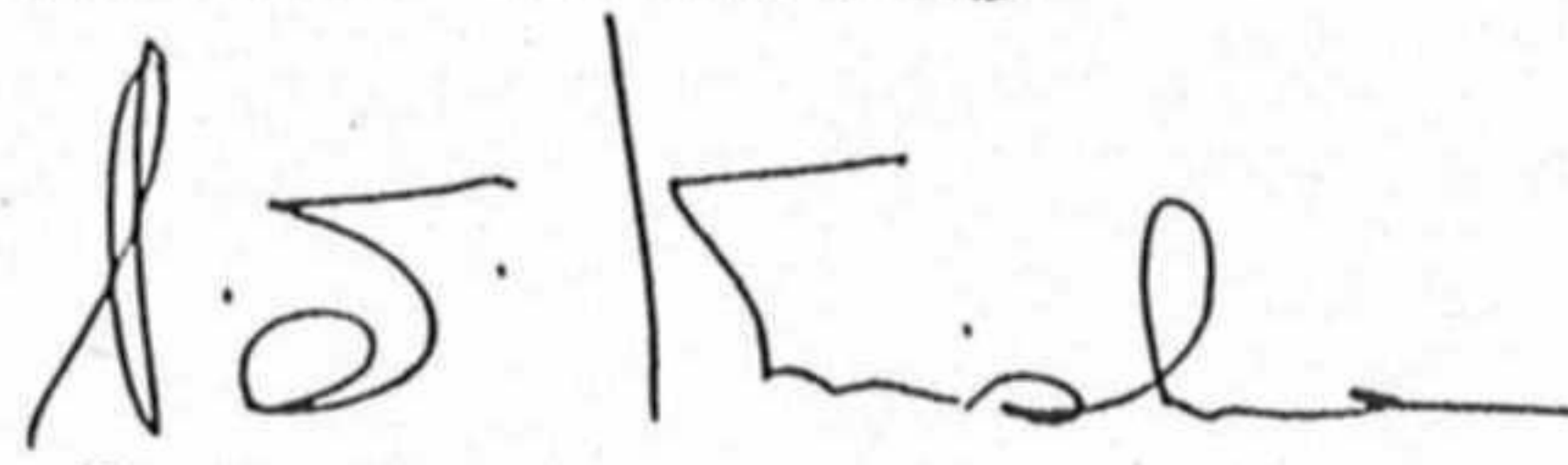
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nagaram or city, and apparently this caste was originally a section of the Kapus, which took to town life, and separated itself off from the parent stock. They say their original occupation was medicine, and a number of them are still physicians and druggists, though the greater part are agriculturists."

10. During the Public Hearing, the representatives of the community agreed that the community is mainly city-oriented, but vehemently discounted any connections with "Kapu" caste/community. They specifically pointed out that "Kapus" will not recognise them as "Kapus". Citing from a booklet by the late Adduri Venkateswara Rao they said that they are neither Vaishya nor Brahmin, but are tribal in origin, hailing from Ganjam and Vizagapatnam districts like, and belonging to the same clan as, the Ronas, the Konda Doras etc. They also cited the Late Shri Gode Murahari, who was Deputy Speaker of Lok Sabha, as supporting the theory that the origin of Nagaralu was tribal. A copy of the letter from Shri Gode Murahari published in the booklet by Adduri Venkata Rao was submitted to the Bench. The letter reads as follows:- "There are different versions about how they came to be known as Nagaralu. From the information available it looks as if they were originally from the bilingual areas of Orissa and came from a class of tribal chieftains who had their clan in that area. Though the origin is tribal, they were classified as Nagaralu, because they had migrated to the Nagars of Visakhapatnam, Vijayanagaram and Srikakulam etc. They seem to have come as mendicants to eke out a living and slowly develop into a separate caste. There are several such tribal castes which have now been classified as non-tribals because of their migration to towns and cities. Nevertheless they suffer from the drawbacks of the tribals as much in cities as elsewhere...."

11. During the Public Hearing, the representatives of the

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Member Secretary
National Commission
for Backward Classes

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community further said that the social and educational backwardness of the community is clear from the detailed data/information provided in the NCBC's Questionnaire. In support of their claim for Inclusion of "Nagaralu" in the Central List of Backward Classes for Andhra Pradesh, they also cited the inclusion of the community in the Central List of Backward Classes for Tamil Nadu as "Nagaram" at entry no. 105. There was no objection raised during the Public Hearing to the proposed inclusion of "Nagaralu" in the Central List of Backward Classes for Andhra Pradesh from those present who were from different sections of society.

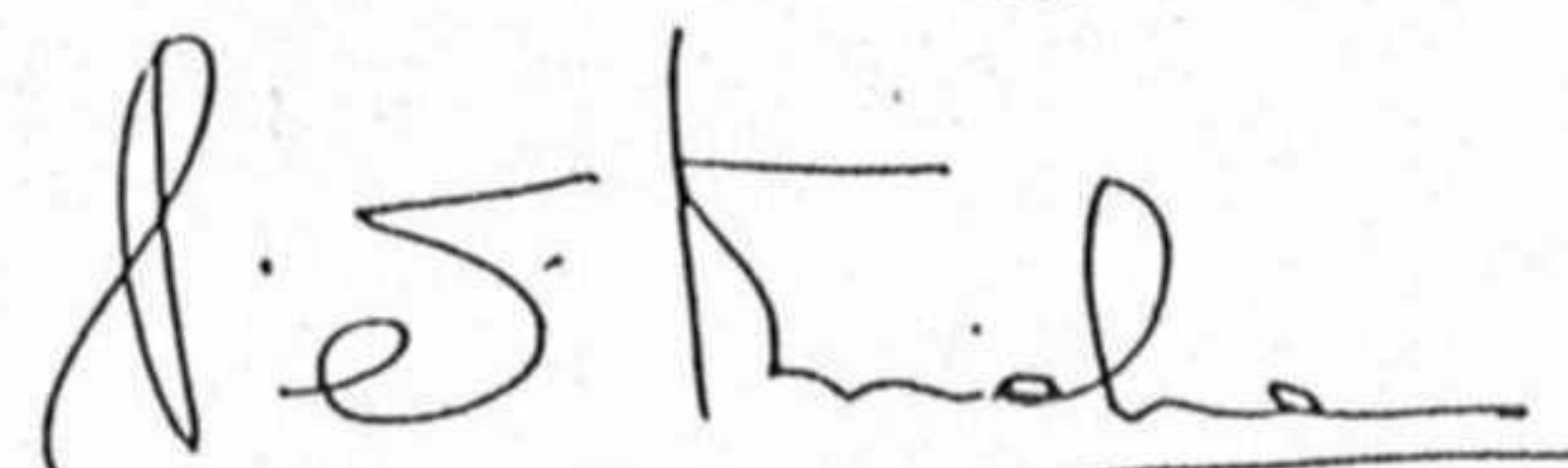
IV. Findings

12. From the above evidence it is the Finding of the Bench that "Nagaralu" is a Socially and Educationally Backward Class and it should therefore be included in the Central List of Backward Classes for Andhra Pradesh at entry no.96 as follows:-

"96. Nagaralu"

13. From discussions with the State Commission for Backward Classes, the Bench learnt that under the procedure adopted by that Commission, there is no likelihood of the State Commission being able to complete its enquiry and tender its Advice to the State Government in respect of this or any other caste/community, which are now pending with that and this Commission, before December 1998. The Bench is of the view that it is not fair to the Backward Classes or in keeping with the spirit of the NCBC Act to hold up inclusion in the Central List for a long time of this or any other caste/community, in respect of which there is adequate evidence of its Social and Educational backwardness and it is appropriate that the Findings of the Bench are formulated and the Advice of the NCBC

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Member Secretary
State Commission
for Backward Classes

to the Central Government is tendered in this, as in other such cases, as soon as adequate data to arrive at conclusions in respect of each case are available.

14. It is observed that in a number of cases, certificate issuing authorities do not issue Backward Class certificates in respect of the period prior to the Central Government's Notification. The process by which a caste/community became Backward is centuries old. Its backwardness did not emerge suddenly on the date of the Notification. The relevance of the date of the Findings or the Advice or the Government's Notification is only that the backwardness of the caste/community, which was already a social reality, was, after enquiry, officially noted and recognised on that particular date. But the benefit of this recognition should be available from the date from which reservation for backward classes in the central services came into effect, i.e., 8.9.1993. Therefore, it is necessary to specify that the notification takes effect from the date from which reservation for backward classes came into effect and the members of the caste/community are eligible for reservation from that date.

R. Shyam
08.09.97

P. S. Krishnan
4.9.97

V. Advice of the Commission

15. The Commission considered and agreed in full with the above Findings of the Andhra Pradesh 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

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

Government under Section 9(2) of the Act:-

"Nagaralu" be included in the Central List of Backward Classes for Andhra Pradesh at entry no. 96 as follows:-

"96. Nagaralu"

16. In view of the difficulties faced by the members of Backward Classes in getting Backward Class certificates for the period prior to the Notification, a proviso should be included in the Notification to be issued that "the Notification will take effect from 8.9.1993", the date from which reservation for Backward Classes in the Central Services came into effect.

B. Thayer
08.09.97

P. S. Krishnan
4.9.97

P. S. Krishnan
4/9

Kidari
8.9.97

JUSTICE P. K. SHYAMSUNDAR
Chairperson
National Commission For
Backward Classes
Government of India
New Delhi.

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AUTHENTICATED

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

NATIONAL COMMISSION FOR BACKWARD CLASSES

Andhra Pradesh Bench

Findings

Per Shri P.S.Krishnan, Member-Secretary

Case: Request for Inclusion of "Pondara" in the Central List of Backward Classes for Andhra Pradesh

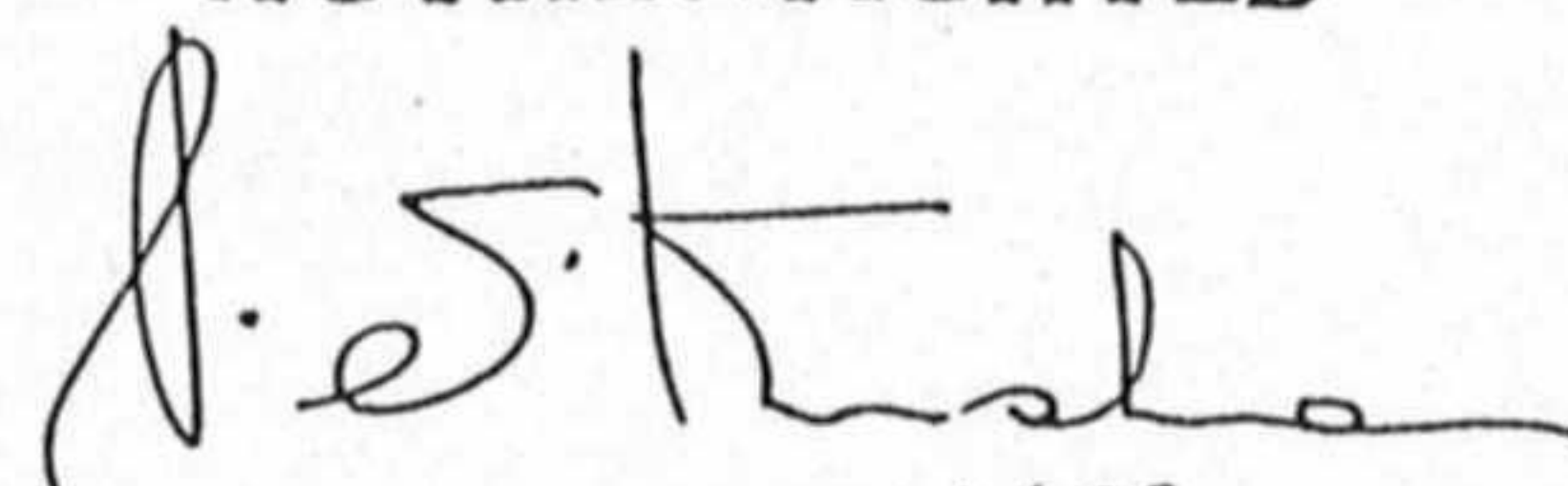
I. Request

This case arises from the Request received in this Commission from the Andhra Pradesh State Pondara Community Welfare Association for the Inclusion of "Pondara" in the Central List of Backward Classes for Andhra Pradesh.

II. Public Hearing

2. The two-Member Andhra Pradesh Bench of the Commission consisting of Shri P.S.Krishnan, Hon'ble Member-Secretary, NCBC and Shri Sahu Akshay Bhai, Hon'ble Member, NCBC held a Public Hearing at Hyderabad on 21.8.1997 in respect of this request. At the Public Hearing the State Govt. was represented by Shri R. Kodanda Rama Reddy, Commissioner for Backward Classes Welfare, Shri Chandra Sekhara Rao, Joint-Director, Backward Classes Welfare and other officers of the Backward Classes Welfare Deptt. The community was represented by Shri A. Neelakantam, General-Secretary, Andhra Pradesh State Pondara Community Welfare Association.

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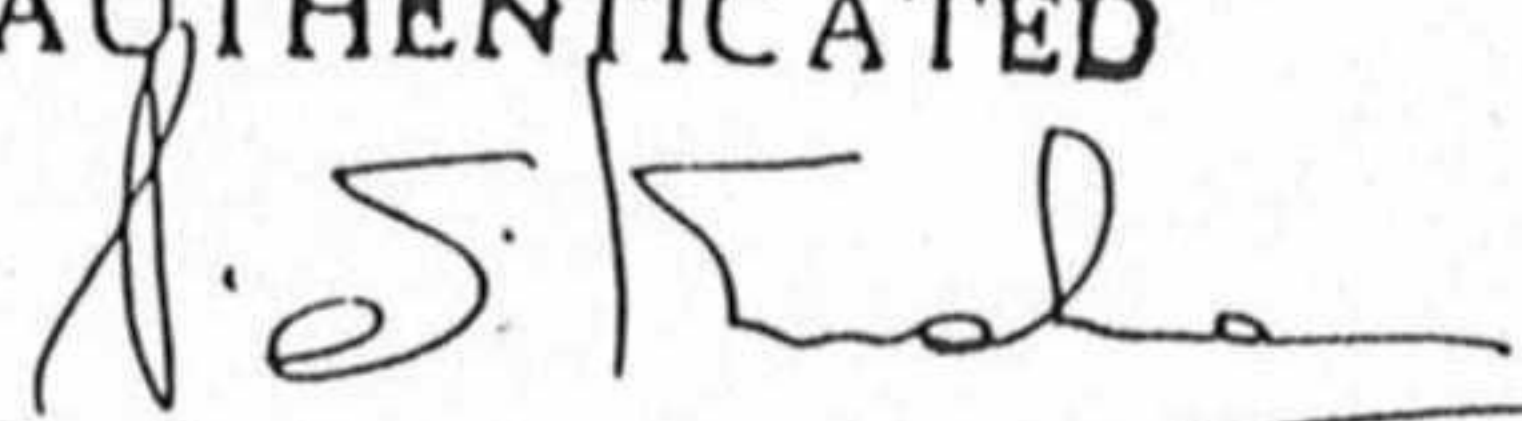
P. S. KRISHNAN
Member-Secretary
National Commission
for Backward Classes

III. Facts

3. "Pondara" is not included in the Central List of Backward Classes Welfare as it was also not included in both the Mandal Commisison's List of Backward Classes for Andhra Pradesh and the State List of Backward Classes that existed at the time of the preparation of the first-phase Central List of Backward Classes in 1993 on the basis of the principle of commonality.

4. The State Government's List of Backward Classes that existed at the time of the preparation of the first-phase Central List of Backward Classes for Andhra Pradesh in 1993 on the basis of the principle of commonality was prepared and notified by the State Govt. with GO Ms. No. 1793, Education Dept., dated 23.9.1970, based on the Report of the Andhra Pradesh Backward Classes (Ananataraman) Commission, 1970. The same State List is still continuing with some additional entries of castes/sub-castes/synonyms recommended by the present State Commission for Backward Classes set up pursuant to the judgement of the Supreme Court in the "Mandal case" in 1992.. In fact, after the Ananataraman Commission and before the setting up the present State Commission for Backward Classes, the State Govt. had appointed a Backward Classes Commission consisting of a single Member Sri N.K.Muralidhara Rao, IAS on 23.1.1982 inter alia to review the existing State List of Backward Classes. The Muralidhara Rao Commision in its Report submitted to the State Govt on 25.9.1982 recommended, among other things, the inclusion of 9 communities including "Pondara" in the existing State List. One other important recommendation of the said Commission was to raise the extent of reservation for Backward Classes in appointments under the State Govt including Public Undertakings, Corporations, Local bodies, Educational institutions etc. from 25% then existing to 44%. Based on the recommendations of the Muralidhara Rao

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

Commission, the State Government vide its G.O.Ms No. 166, S.W.(P) Department, dated 15th July, 1986 included in the State List the 9 communities recommended by the Commission including "Pondara" and also raised the reservation for Backward Classes from the existing 25% to 44%.

5. The above GO Ms No. 166, S.W.(P) Department, dated 15th July, 1986 was challenged in the High Court of Andhra Pradesh in a series of Writ Petitions. The High Court in its Judgement dated 5th September, 1986 in "W.P. No. 9457/86 and Batch" inter alia struck down the Clauses 13, 14, 15 of the said GO relating to the raising of reservation for Backward Classes from 25% to 44%. The High Court did not strike down Clause 5 of the GO relating to the inclusion of 9 new communities including "Pondara" recommended by the Muralidhara Rao Commission. The State Govt. however discontinued the entire GO and restored the status quo ante in all respects. Therefore the 9 communities recommended for inclusion in the State List by the Muralidhara Rao Commission including "Pondara" are yet to be included in the existing State List and are presently under the consideration of the present State Commission for Backward Classes under the Chairmanship of Justice Puttaswamy.

6. The NCBC's Questionnaire filled up by the Andhra Pradesh State Pondara Community Welfare Association gives the occupation on which the members of the community mainly depend for their livelihood as "Leafy vegetable sellers". The women of the community, as a general practice, for their own or their family's livelihood, collect leafy vegetables and sell them in the villages. The children of the community, as a general practice, help their parents in collecting vegetables. About 50% of the community members (males and females taken together) are engaged in "selling of leafy vegetables" which, according to the Questionnaire, is also the traditional or hereditary occupation of the community. The total population of the

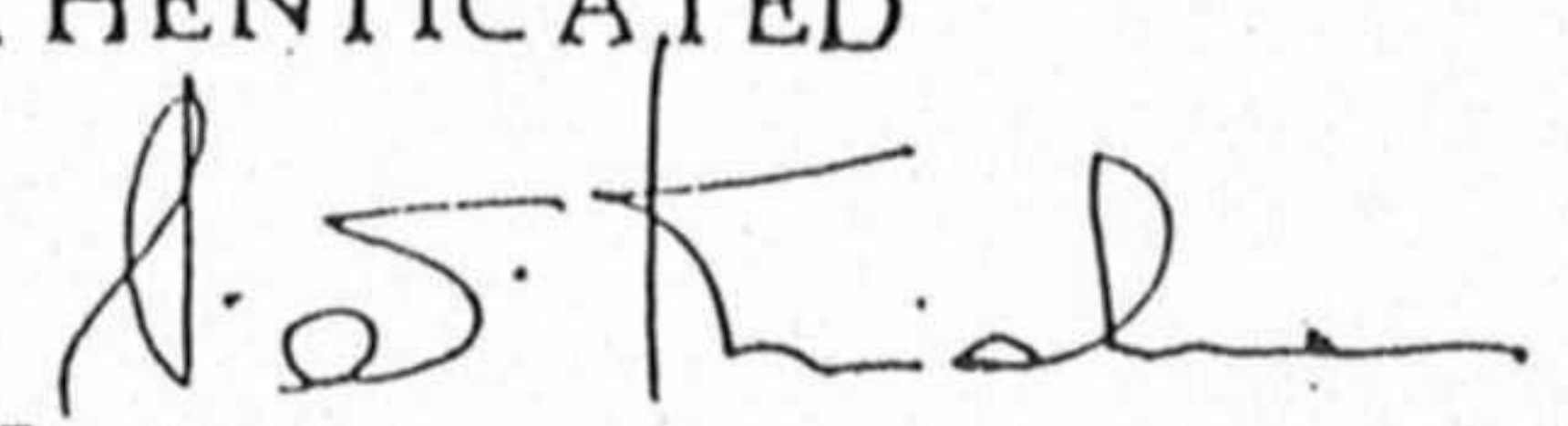
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Member Secretary
National Commission
for Backward Classes

community is given as 46,000. Not even one percent of the members of the community own land. 99 percent of the community live in Kaccha houses. The literacy rate of the community is given as 0.01 percent as against the 44.09 per cent total literacy rate of the State(1991). There is not a single graduate from the community so far. About their representation in various Govt., Public and Private Sector and Professional services the Questionnaire says that 5 persons are teachers, 4 Clerks and 10 Railway gangmen. About their political representation, the Questionnaire states that there is not a single MLA or MP from the community and "no Pondara person was elected as the member of the Panchayat Board so far and there are no possibility of their election unless some seats are particularly reserved to the caste."

7. During the Public Hearing the representative of the community said that "Pondara" is an Oriya-speaking linguistic minority community found only in Srikakulam, Vizianagaram and Visakapatnam Districts. Though their traditional occupation of "selling of leafy vegetables" is the same as that of "Kurakula" caste/community, they do not have any connections with the latter; there is no inter-marriage between them. The representative of the community further said that the number and proportion of land-owning members in the community is insignificant and most of the the members who cultivate leafy vegetables do so on leased-in land. No member of the Kalinga, Thurupu Kapu or Koppula Velama communities will work as labourers in the lands leased-in by Pondaras, while there are Pondaras who work as labourers in the lands of Kalingas, Thurupu Kapus and Koppula Velamas who are included in the Central as well as State List of Backward Classes, indicating that Pondaras are regarded as socially inferior to the other three. This was confirmed by Shri D.Suryanarayana, a representative from the Koppula Velama caste. On a specific enquiry from the Bench, Shri Suryanarayana said that "Pondaras"

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

are in no way more advanced than "Koppula Velama" and therefore the inclusion of the "Pondara" in the list of Backward Classes will only be justified. All those present during the Public Hearing who were from different sections of society not only did not object to the proposed inclusion of "Pondara" but also supported it.

8. The Report of the Muralidhara Rao Commission states that the "Pondara community people mostly live in Srikakulam district (Population 40,000). The main profession of this community is vegetable growing. They suffer from stigma of social status and educationally also they are backward. Literates are less than 1% of the population. They stated that there is not a single graduate in their community so far. They have no political representation in any elected bodies. They are also economically poor. After enquiry, the Commission thinks that Pondara community should be included in the list of Backward Classes."

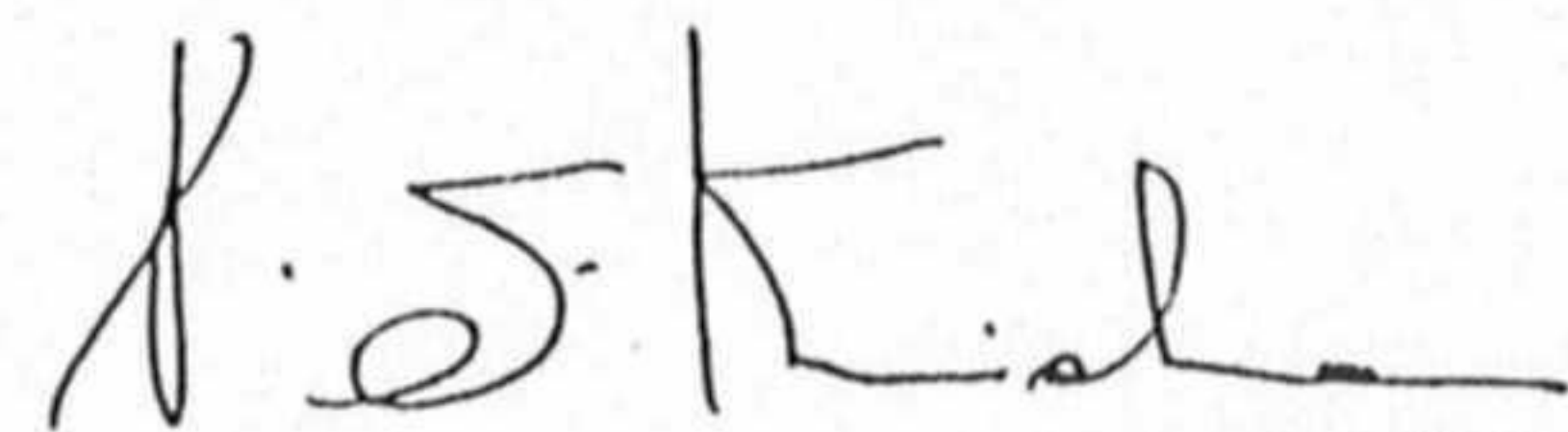
9. Edgar Thurston and Rangachari ["Castes and Tribes of Southern India", Asian Educational Services, New Delhi, Madras, 1993, first published 1909] describe "Pondra" caste as a sub-division of Mali. It has to be noted that "Mali" caste/community has been included in the Central List of Backward Classes for many States.

IV. Findings

10. From the above evidence it is the Finding of the Bench that "Pondara" is a Socially and Educationally Backward Class and it should therefore be included in the Central List of Backward Classes for Andhra Pradesh at entry no.97 as follows:-

"97. Pondara"

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

11. From discussions with the State Commission for Backward Classes, the Bench learnt that under the procedure adopted by that Commission, there is no likely hood of the State Commission being able to complete its enquiry and tender its Advice to the State Government in respect of this or any other caste/community, which are now pending with that and this Commission, before December 1998. The Bench is of the view that it is not fair to the Backward Classes or in keeping with the spirit of the NCBC Act to hold up inclusion in the Central List for a long time of this or any other caste/community, in respect of which there is adequate evidence of its Social and Educational backwardness, and it is appropriate that the Findings of the Bench are formulated and the Advice of the NCBC to the Central Government is tendered in this, as in other such cases, as soon as adequate data to arrive at conclusions in respect of each case are available.

12. It is observed that in a number of cases, certificate issuing authorities do not issue Backward Class certificates in respect of the period prior to the Central Government's Notification. The process by which a caste/community became Backward is centuries old. Its backwardness did not emerge suddenly on the date of the Notification. The relevance of the date of the Findings or the Advice or the Government's Notification is only that the backwardness of the caste/community, which was already a social reality, was, after enquiry, officially noted and recognised on that particular date. But the benefit of this recognition should be available from the date from which reservation for backward classes in the central services came into effect, i.e., 8.9.1993. Therefore, it is necessary to specify that the notification takes effect from the date from which reservation for backward classes came into effect and the members of the caste/community are eligible for reservation from that date.

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P. S. KRISHNAN

Secretary
Commission
for Backward Classes

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P. S. Krishnan

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NATIONAL COMMISSION FOR BACKWARD CLASSES

Andhra Pradesh Bench

Findings

Per Shri P.S.Krishnan, Member-Secretary

Case: Request for Inclusion of "Lodh, Lodha, Lodhi" in the Central List of Backward Classes for Andhra Pradesh

I. Request

This case arises from the Request received in this Commission from the "Lodh Kshatriya Sadar Panchayat", H.No.13178, Dhoolpet, Hyderabad for the Inclusion of "Lodh, Lodha, Lodhi" in the Central List of Backward Classes for Andhra Pradesh.

II. Public Hearing

2. The two-Member Andhra Pradesh Bench of the Commission consisting of Shri P.S.Krishnan Hon'ble Member-Secretary, NCBC and Shri Sahu Akshay Bhai, Hon'ble Member, NCBC held a Public Hearing at Hyderabad on 22.8.1997 in respect of this request. At the Public Hearing the State Govt. was represented by Shri R. Kodanda Rama Reddy, Commissioner for Backward Classes Welfare, Shri Chandrasekhara Rao, Joint-Director, Backward Classes Welfare and other officers of the Backward Classes Welfare Deptt. The community was represented by Shri L. Shanker Singh, President, Lodh Kshatriya Sadar Panchayat, S/shri Prabhu Singh, Ram Prasad Singh, Ganesh Singh and others.

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Member-Secretary
National Commission
for Backward Classes

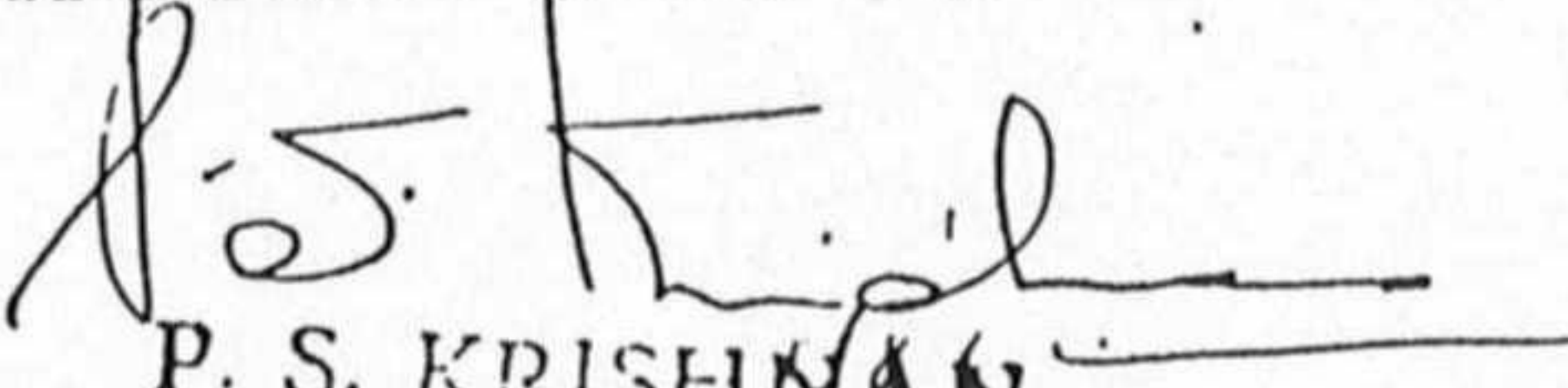
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III. Facts

3. "Lodh, Lodha, Lodhi" is not included in the Central List of Backward Classes Welfare as it was also not included in both the Mandal Commission's List of Backward Classes for Andhra Pradesh and the State List of Backward Classes that existed at the time of the preparation of the first-phase Central List of Backward Classes in 1993 on the basis of the principle of commonality.

4. The NCBC's Questionnaire filled up by the Lodh Kshatriya Sadar Panchayat states that this caste/community of about 1 lakh population is concentrated in the Hyderabad and Rangareddy districts. The Questionnaire gives the occupation on which the members of the community mainly depend for their livelihood as "Murthi-making, agricultural labour, illicit-liquor making, Murthi Kalakar Labour, Petty business, Kite-making". The women of the community, as a general practice, for their own or their family's livelihood, render their labour in Moorti-making and also engage in making distilling of illicit liquor and pappad-making. Their children, as a general practice, for supplementing their family's low income, do labour work in cycle-shops and tea shops. 95 percent of the families of the community live in Kaccha houses. The Questionnaire gives the literacy rate of the caste/community as 1 percent. Their representation in Class I and Class II posts under State Government services is given as "Nil", while a few of the members of the community are in Group III and Group IV posts. Regarding professional services, the Questionnaire states that there are only 4 lawyers, 1 doctor and 2 Engineers. Not a single member of the community is an income-tax assessee on account of trade/business.

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Member Secretary
National Commission
for Backward Classes

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5. During the Public Hearing the representatives of the community stated their ancestors came to Andhra Pradesh from the Bundelkhand region of North India about 350 years back with the armys of the Mughals. The members of the community speak Hindi language at home. Their main concentrations are Dhoolpet in Hyderabad city and Golconda fort area in Ranga Reddy district. A majority of the members of the community, are engaged in making of idols of Gods and Goddesses with the idols of Ganesh as speciality. They said that this profession of theirs is very old and generation after generation is engaged in this job. Large groups of them sit on the pavements to display and sell the idols made by them. The community is also engaged in selling of "busa", kulfi-making, and kite-making (mostly by women and children and seasonal in nature). They said that as in other parts of India, In Andhra Pradesh also their community is socially as well as educationally backward and therefore should be included in the Centreal List of Backward Classes for Andhra Pradesh. They further stated that the present State Commission for Backward Classes in its interim Report has recommended the inclusion of their community in the State List, but the State Government is yet to take action in this regard. The representatives of the State Government informed that the State Commission's Report has been received in the government, but they were not in a position to reveal its contents. The Bench put it across to the representatives of the State Government that in case the claim of the representatives of the community that its inclusion has been recommended is not contradicted by the State Government, the Bench will take it that the claim of the community in this regard is factually correct. Upon this the representatives of the State Government did not contradict the claim and at the same time pleaded inability to confirm it or to reveal the contents of the State Commission's Report at this stage. The

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

representatives of the community also cited the inclusion of their community in the Central List of Backward Classes for many States like Uttar Pradesh, Madhya Pradesh, Rajasthan, Delhi etc. Those present during the Public Hearing who were from different sections of Society not only did not object to the proposed inclusion of "Lodh, Lodha, Lodhi" in the Central List of Backward Classes for Andhra Pradesh but also supported it.

6. W. Crooke ["The Tribes and Castes of the North Western India" Vol. III, Cosmo Publications, Delhi, 1975, originally published under the title 'The Tribes & Castes of the North Western Province & Oudh', Calcutta, 11896] describes "Lodha" as "an agricultural and labouring caste very widely distributed through the North-West Provinces and Oudh". He further writes as follows:- "Under the name of Lodhi they are found widely spread throughout the Central Provinces; in some places they have a reputation for turbulence and defiance of the law; they seem all to be comparatively recent immigrants from the direction of Bundelkhand. In Jhansi they say that Narwar was the original seat of the tribe after their immigration from Ludhiana in the Panjab, and they they came thence to Bunhdelkhand about a thousand years ago.... They may possibly be an off-shoot from the great Kurmi tribe and it is certain that physically they are more allied to the lower or so-called aboriginal section of the population than to any of the higher castes."

7. "Lodh, Lodha, Lodhi" caste/community has been included in the Central List of Backward Classes for different States, as follows:-

S.NO.	Names of the State/UT	Relevant entry
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1.

Delhi

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"35. Lodhi

Lodha

Lodh

Maha-Lodh"

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2.	Gujarat	"39. Lodha"
3.	Haryana	"39. Lodha/Lodha"
4.	Madhya Pradesh	"44. Lodhi Lodha Lodh"
5.	Rajasthan	"32. Lodhi (Lodha)"

IV. Findings

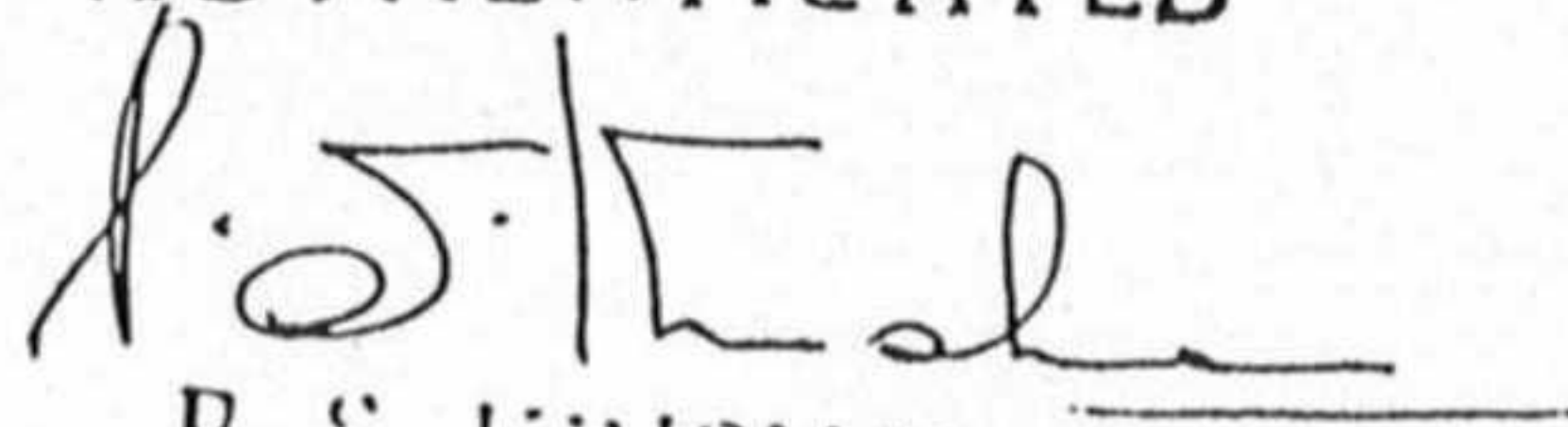
8. From the above evidence it is the Finding of the Bench that "Lodh, Lodha, Lodhi" is a Socially and Eudcationally Backward Class and it should therefore be included in the Central List of Backward Classes for Andhra Pradesh at entry no.98 as follows:-

"98. Lodh, Lodha, Lodhi"

9. From the fact that the State Government representatives did not contradict the claim of the representatives of the community that the State Commission of Backward Classes had recommended the inclusion of this community in the State List of Backward Classes, though they were also not in a position to confirm it, the Bench takes it that in fact the State Commission has given its Advice to the State Government in favour of the inclusion of this community in the State List of Backward Classes.

10. It is observed that in a number of cases, certificate issuing authorities do not issue Backward Class certificates in respect of the period prior to the Central Government's Notification. The process by which a caste/community became Backward is centuries old. Its backwardness did not emerge

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

suddenly on the date of the Notification. The relevance of the date of the Findings or the Advice or the Government's Notification is only that the backwardness of the caste/community, which was already a social reality, was, after enquiry, officially noted and recognised on that particular date. But the benefit of this recognition should be available from the date from which reservation for backward classes in the central services came into effect, i.e., 8.9.1993. Therefore, it is necessary to specify that the notification takes effect from the date from which reservation for backward classes came into effect and the members of the caste/community are eligible for reservation from that date.

B. Shyam
08.09.97

P. S. Krishnan
5.9.97

V. Advice of the Commission

11. The Commission considered and agreed in full with the above Findings of the Andhra Pradesh 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:-

"Lodh, Lodha, Lodhi" be included in the Central List of Backward Classes for Andhra Pradesh at entry no. 98 as follows:-

"98. Lodh, Lodha, Lodhi"

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P. S. Krishnan

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

NATIONAL COMMISSION FOR BACKWARD CLASSES

Andhra Pradesh Bench

Findings

Per Shri P.S.Krishnan, Member-Secretary

Case: Request for Inclusion of "Kurakula" in the Central List of Backward Classes for Andhra Pradesh

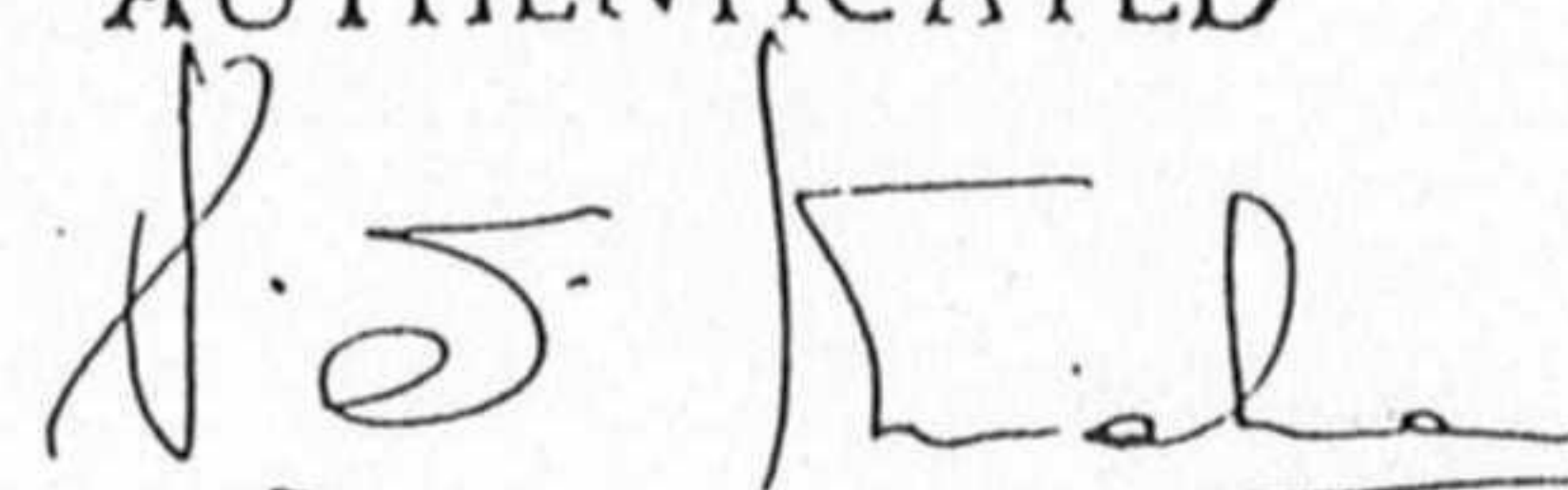
I. Request

This case arises from the Request received in this Commission from the Vizianagaram & Srikakulam Districts Kurakula Union for the Inclusion of "Kurakula" in the Central List of Backward Classes for Andhra Pradesh.

II. Public Hearing

2. The two-Member Andhra Pradesh Bench of the Commission consisting of Shri P.S.Krishnan, Hon'ble Member-Secretary, NCBC and Shri Sahu Akshay Bhai, Hon'ble Member, NCBC held a Public Hearing at Hyderabad on 24.5.1997 in respect of this request. At the Public Hearing the State Govt. was represented by Shri R. Kodandarami Reddy, Commissioner for Backward Classes Welfare, Shri Chandrasekhara Rao, Joint-Director, Backward Classes Welfare and other officers of the Backward Classes Welfare Deptt. The community was represented by Shri Kota Peda Ramulu, President, Vizianagaram & Srikakulam Districts Kurakula Union, S/shri Kari Krishnanna, Kota Dasu, Jami Appala Swamy, Boddane Ganapathi and others.

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111. Facts

3. "Kurakula" caste/community is included in the Mandal Commission's List of Backward Classes for Andhra Pradesh at entry no. 140 as follows:-

"140. Kurakula"

4. "Kurakula" was not included in the State Government's List of Backward Classes that existed at the time of the preparation of the first-phase Central List of Backward Classes for Andhra Pradesh in 1993 on the basis of the principle of commonality. For this reason, it is also not included in the first-phase Central List of Backward Classes for Andhra Pradesh.

5. The State Government's List of Backward Classes that existed at the time of the first-phase Central List of Backward Classes for Andhra Pradesh in 1993 was prepared by the State Government, based on the Report of the Andhra Pradesh Backward Classes (Anantaraman) Commission, 1970, and notified with GO Ms. No. 1793, Education Dept., dated 23.9.1970. The same State List is still continuing with some additional entries of castes/sub-castes/synonyms recommended by the present State Commission for Backward Classes set up pursuant to the directions of the Supreme Court in its judgement in the Mandal case in 1992. In fact, after the Anantaraman Commission and before the setting up the present State Commission for Backward Classes, the State Govt. had appointed a Backward Classes Commission consisting of a single Member Sri N.K.Muralidhara Rao, IAS on 23.1.1982 inter alia to review the existing State List of Backward Classes. The Muralidhara Rao Commission in its Report submitted to the State Govt on 25.9.1982 recommended, among other things, inclusion of 9 communities including "Kurakula" in the existing State List. One other important recommendation of the said Commission was to raise the extent

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of reservation for Backward Classes in appointments under the State Govt including Public Undertakings, Corporations, Local bodies, Educational institutions etc. from 25% then existing to 44%. Based on the recommendations of the Muralidhara Rao Commission, the State Government vide its G.O.Ms No. 166, S.W.(P) Department, dated 15th July, 1986 included in the State List the 9 communities recommended by the Commission including "Kurakula" and also raised the reservation for Backward Classes from the existing 25% to 44%.

6. The above GO Ms No. 166, S.W.(P) Department, dated 15th July, 1986 was challenged in the High Court of Andhra Pradesh in a series of Writ Petitions. The High Court in its Judgement dated 5th September, 1986 in "W.P. No. 9457/86 and Batch" inter alia struck down Clauses 13, 14, 15 of the said GO relating to the raising of reservation for Backward Classes from 25% to 44%. The High Court did not strike down Clause 5 of the GO relating to the inclusion of 9 new communities including "Kurakula" recommended by the Muralidhara Rao Commission. The State Govt. however discontinued the entire GO and restored the status quo ante in all respects. Therefore the 9 communities recommended for inclusion in the State List by the Muralidhara Rao Commission including "Kurakula" are yet to be included in the existing State List and are presently under the consideration of the present State Commission for Backward Classes under the Chairmanship of Justice Puttaswamy.

7. The NCBC's Questionnaire filled up by the Vizianagaram and Srikakulam Districts Kurakula Union gives "vegetable growing" as the traditional hereditary occupation of the caste. It also gives the present occupation on which the members of the caste/community mainly depend for their livelihood as "vegetable cultivation, Stand Khalasi, Market labourer, Agricultural labourers, Ryoth Kooli, Demanded Labour etc." The total population of the community is given as 2,05,000. The

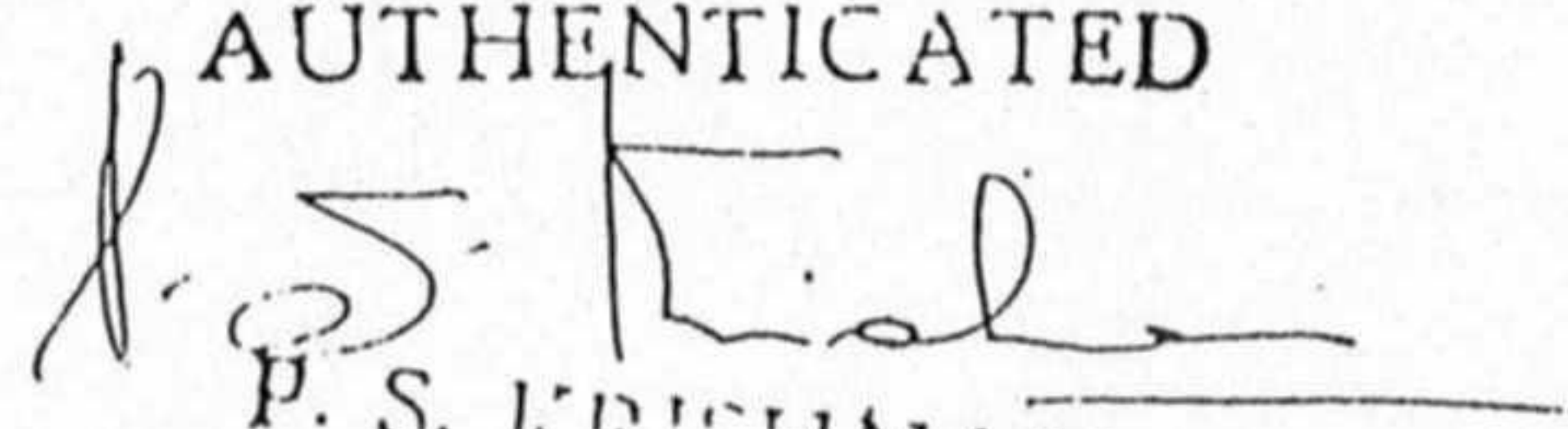
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P. S. KRISHNAN
Member
for Backward Classes

community is concentrated in the districts of Srikakulam, Vizianagaram and Visakapatnam. Only 5% of the members of the caste do vegetable cultivation in their own lands. The rest 95% are manual labourers for wage. 85 percent of the families of the community live in Kuccha houses. The literacy rate of the community is given as 1% as on 1.1.94. Regarding their representation in the State Government services, the Questionnaire states that there is "nil" representation in Group-I and Group-II posts and the total number of persons in Group-C and Group-D put together is only 40. There is not a single person from the community in professional services like Doctors, Engineers, Lawyers etc.

8. During the Public Hearing the representatives of the community said that their community is Socially and Educationally backward. Economically also they are backward. The 5 percent of the community members who own land have only small holdings. Other members of the community who cultivate vegetables do so on leased-in lands. They traced the name of the community to Kura(vegetable)+Akula(leaf). They said that they constitute a caste specialised in intensive cultivation of vegetables and people of other castes who may also grow vegetables are not called "Kurakula". They also said that most of the vegetable growers of this caste sell their vegetables in exchange for other articles required by them and earn very little cash income and that the community is generally looked down upon by the mainstream society; no member of the Velama, Thurupu Kapu or Koppula Velama communities work or will work as labourers in the lands of Kurakula community and "Kurakula" is certainly more backward than "Koppula Velama" or "Thurupu Kapu" which have already been included in the Central List of Backward Classes for Andhra Pradesh. One representative of the State Government who had served in Srikakulam district, Shri Chandrasekhara Rao said from his personal knowledge that he is aware of this community and also confirmed that the community

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P. S. KRISHNAN
Member
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IV. Findings

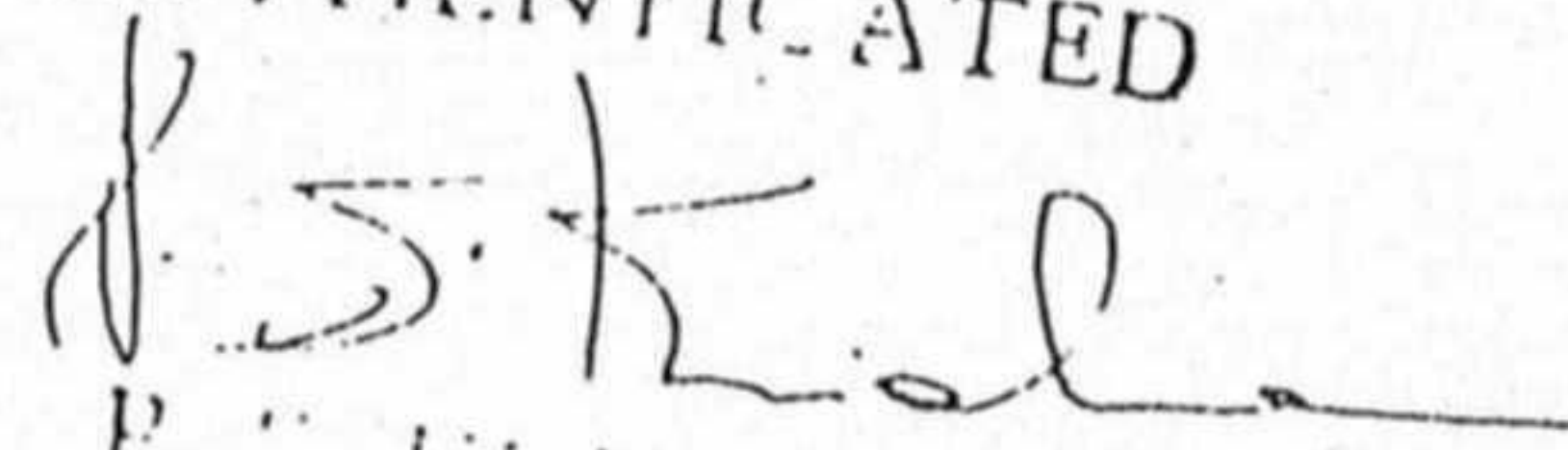
12. From the above evidence it is the Finding of the Bench that "Kurakula" is a Socially and Educationally Backward Class and it should therefore be included in the Central List of Backward Classes for Andhra Pradesh at entry no.99 as follows:-

"99. Kurakula"

13. From discussions with the State Commission for Backward Classes, the Bench learnt that under the procedure adopted by that Commission, there is no likelihood of the State Commission being able to complete its enquiry and tender its Advice to the State Government before December 1998 in respect of this or any other caste/community, which are now pending with that and this Commission. The Bench is of the view that it is not fair to the Backward Classes or in keeping with the spirit of the NCBC Act to hold up inclusion in the Central List for a long time of this or any other caste/community, in respect of which there is adequate evidence of its Social and Educational backwardness and it is appropriate that the Findings of the Bench are formulated and the Advice of the NCBC to the Central Government is tendered in this, as in other such cases, as soon as adequate data to arrive at conclusions in respect of each case are available.

14. It is observed that in a number of cases, certificate issuing authorities do not issue Backward Class certificates in respect of the period prior to the Central Government's Notification. The process by which a caste/community became Backward is centuries old. Its backwardness did not emerge suddenly on the date of the Notification. The relevance of the date of the Findings or the Advice or the Government's

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P. S. K. REDDY
Member, NCBC
for
Commission
Andhra Pradesh

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Notification is only that the backwardness of the caste/community, which was already a social reality, was, after enquiry, officially noted and recognised on that particular date. But the benefit of this recognition should be available from the date from which reservation for backward classes in the Central services came into effect, i.e., 8.9.1993. Therefore, it is necessary to specify that the notification takes effect from the date from which reservation for backward classes came into effect and the members of the caste/community are eligible for reservation from that date.

R. Shayan
08.09.97

A. S. Mishra
5.9.97

V. Advice of the Commission

15. The Commission considered and agreed in full with the above Findings of the Andhra Pradesh 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:-

"Kurakula" be included in the Central List of Backward Classes for Andhra Pradesh at entry no. 99 as follows:-

"99. Kurakula"

16. In view of the difficulties faced by the members of Backward Classes in getting Backward Class certificates for the

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period prior to the Notification, a proviso should be included in the Notification to be issued that "the Notification will take effect from 8.9.1993", the date from which reservation for Backward Classes in the Central Services came into effect.

K. Shyam
08.09.97

K. S. Krishna
5.9.97

Justice P. K. Shyamsundar
5/9

JUSTICE P. K. SHYAMSUNDAR
Chairperson
National Commission For
Backward Classes
Government of India
New Delhi.

K. S. Krishna

K. S. Krishna

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K. S. Krishna

P. S. KRISHNAN
Secretary
National Commission
for Backward Classes