

श्रीमती चित्रा चोपड़ा
सदस्य सचिव

Chitra Chopra
Member - Secretary



राष्ट्रीय पिछड़ा वर्ग आयोग
सामाजिक न्याय एवं अधिकारिता मंत्रालय
भारत सरकार

NATIONAL COMMISSION FOR BACKWARD CLASSES
MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT
GOVERNMENT OF INDIA
TRIKOOT-1, BHIKAJI CAMA PLACE.
NEW DELHI - 110 066
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NCBC Advice No. 1/Assam/2010

12th October, 2010

Dear *Shri Acharya,*

I am sending herewith the advice of the National Commission for Backward Classes under Section 9(1) of the National Commission for Backward Classes Act 1993, for the inclusion of caste/community "Rajbongshi or Koch" in the Central List of OBCs for the State of Assam, duly authenticated, for necessary action by the Central Government under Section 9(2) of the Act.

With regards,

Yours sincerely,

Chitra Chopra
(Chitra Chopra)

Encls: a/a

Shri K M Acharya
Secretary
Ministry of Social Justice & Empowerment
Shastri Bhavan
New Delhi

NCBC Advice No. 1 /Assam/2010

National Commission for Backward Classes

Justice M.N.Rao, Hon'ble Chairperson
Shri Abdul Ali Azizi, Hon'ble Member
Smt. Chitra Chopra, Hon'ble Member Secretary

Request

This case arises from the request received from Shri Hem Chandra Bora, Assam, for the inclusion of the caste/community 'Rajbongshi or Koch' in the Central List of OBCs for the State of Assam.

Case

2. To restore the OBC status of 'Rajbongshi or Koch' in the Central List of OBCs for the State of Assam.

Facts

3. The caste/community 'Rajbongshi or Koch' was included in the Central List of OBCs for the State of Assam on the basis of principle of commonality in the year 1993. In the year 1996, an Ordinance was issued for inclusion of this caste / community in the list of STs. Thereafter, this caste / community was omitted from the Central List of OBCs for Assam vide then Ministry of Welfare Gazette Notification dated 27.01.1996. Consequent upon the lapse of the Ordinance regarding declaring Rajbongshi or Koches as ST and non-promulgation of new Ordinance, this caste was neither in the STs List nor in the Central List of OBCs.

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Chitra Chopra

MEMBER - Secretary
National Commission for Backward Classes
New Delhi

4. The Commission consisting of Justice MN Rao, Hon'ble Chairman, Shri Abdul Ali Azizi, Hon'ble Member and Smt Chitra Chopra, Hon'ble Member Secretary examined and considered the case.

5. Min of Tribal Affairs vide its DO dt 05 Jan 2010 informed that the Scheduled Tribes are notified by the Presidential Order under Article 342(I) of the Constitution. The Government on 15.06.1999 had laid down the modalities for determining the claims for inclusion in/exclusion from and other modifications in Orders specifying Scheduled Castes and Scheduled Tribes list. As per the modalities only those proposals, which have been justified and recommended by the concerned State Government and the Registrar General of India as well as the National Commission for Scheduled Castes/ Scheduled Tribes are to be considered and legislation amended.

6. The Min of Tribal Affairs had processed the proposal of the State Government of Assam for the inclusion of various communities, including 'Rajbongshi or Koch' in the list of Scheduled Tribes in Assam in accordance with the modalities mentioned above. Accordingly, the Comments of the Registrar General of India dated 20.03.2006 had been forwarded to the State Government of Assam for furnishing of further justification in support of their proposal vide this Ministry's letter dated 10.09.2007. The reply from the State Government of Assam is still awaited. Thus, there is no justifiable proposal from the State Govt for the Rajbongshi or Koch community with the Ministry of Tribal Affairs at this juncture."

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Chitra Chopra

Member - Secretary
National Commission for Backward Classes
New Delhi

7. As per notification No. AD/ST/98/92/212-A dated 05.04.1991 of the Govt of Assam, Deptt for welfare of plains, tribes and backward classes, Guwahati states that "Consequent upon the lapse of the Ordinance regarding Rajbongshi or Koches as ST(P) on 02-04-97 and in view of the fact that no new Ordinance has been promulgated and no bill has been passed in this regard and in pursuance of the orders of Gauhati High Court in CB No. 847/98 and other similar cases, the OBC status of Rajbongshi or Koch is restored in the BC State List of Assam with effect from 03-04-97 till the re-promulgation or passing of the bill declaring them as ST(P). "

8. As brought out in Para 6 above and also in view of Para 7 above, it will be injustice if the status quo of the 'Rajbongshi or Koch' caste/community is not restored in the Central List of OBCs for the State of Assam.

Findings & Advice of the Commission

9. The caste/ community 'Rajbongshi or Koch' which was deleted from the Central List of OBCs for the State of Assam, be restored w.e.f, 03-04-1997 (except for the period when ordinance regarding inclusion of the caste/community 'Rajbongshi or Koch' in the ST list was in force) at Entry No. 18. in the Central List of OBCs for the State of Assam.

10. The Commission considered the above case and decided to tender the following Advice to the Central Government under 9(1) of the NCBC Act 1993 for action by the Central Government under section 9(2) of the Act.

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Chiranjit Choudhary

Member-Secretary
National Commission for Backward Classes
New Delhi

The entry after restoration of caste/community 'Rajbongshi or Koch' w.e.f, 03-04-1997 (except for the period when ordinance regarding inclusion of the caste/community 'Rajbongshi or Koch' in the ST list was in force) at Entry No. 18, will be as under :

<u>S.No.</u>	<u>Caste/community</u>
18.	Rajbongshi or Koch
	 (Justice MN Rao) Chairman
(Abdul Ali Azizi) Member	 (Chitra Chopra) Member Secretary

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Member-Secretary
National Commission for Backward Classes
New Delhi

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NCBC Advice No. 2/Assam/2011

19/09/2011

Dear *Shri Acharya*,

I am sending herewith the Advice No. 2 of the National Commission for Backward Classes, under Section 9 (1) of the NCBC Act 1993 for the correction of spelling of the caste "Rajbongshi or Koch" to "Koch-Rajbonshi" at Entry No.18 in the Central List of Backward Classes for the State of Assam.

The Advice has been duly authenticated for necessary action by the Central Government under Section 9 (2) of the NCBC Act.

With regards,

Yours sincerely,

Chitra Chopra
(Chitra Chopra)

Shri K. M. Acharya
Secretary,
Ministry of Social Justice & Empowerment,
Shastri Bhawan,
NEW DELHI.

NATIONAL COMMISSION FOR BACKWARD CLASSES

Justice M. N. Rao, Chairperson

Shri S. K. Kharventhan, Member

Shri Deepak Katole, Member

Dr. Shakeel-uz-Zaman Ansari, Member

Case: Correction of spelling of caste/community "Rajbongshi or Koch" in NCBC Advice No.1/Assam/2010, dated 12th of October 2010.

Request:

1. The State Government of Assam has requested correction in spelling of the caste/community from "Rajbongshi or Koch" to "Koch-Rajbonshi".
2. The same was considered by the NCBC during the Commission VIth /15th Meeting held on the 18th of August 2011.

Findings:

3. The caste/community 'Rajbanshi Koch' was included in the Central List of OBCs for the State of Assam on the principle of commonality as the caste/community was found in the State List as well as the Mandal List. In 1996 an Ordinance was issued including the above caste/community in the List of ST. As the Ordinance was not replaced

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by legislation, the same lapsed with the consequence that the status of caste/community as ST was lost.

4. The State Government of Assam restored OBC status to the community with effect from 03.04.1997 vide government Notification No.TAD/ST/98/92/212 dated 07.04.1998.

5. The Commission vide NCBC Advice No.1/Assam/2010, dated 12th of October 2010 tendered the following advice to the Government of India:

"The entry after restoration of caste/community 'Rajbongshi or Koch' w.e.f, 03-04-1997 (except for the period when ordinance regarding inclusion of the caste/ community 'Rajbongshi or Koch' in the ST list was in force) at Entry No. 18, will be as under:

<u>S. No.</u>	<u>Caste/community</u>
18.	Rajbongshi or Koch"

6. The Government of Assam, Department for Welfare of Plain Tribes and Backward Classes, issued a Corrigendum No. TAD/BC/98/92/390 dated the 3rd August 2011 stating:

"Please read as KOCH-RAJBONSHI in place of RAJBONSHI or KOCH appeared in SL. No. 18 of this Department's Notification No.TAD/BC/268/75/37 dated 27/11/1975 listing the Other Backward Classes in the State of Assam."

7. Now the Government of Assam has requested NCBC vide its letter No. TAD/BC/98/92/397 dated of August 2011 to enlist "Koch-Rajbonshi" instead of "Rajbongshi or Koch" community in the Central List of OBC.

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8. The request of the State Government is accepted and the following advice is tendered and the same is being sent to the Ministry:

"The entry at Entry No. 18 (NCBC Advice No.1/Assam/2010, dated 12th of October 2010) be changed from 'Rajbongshi or Koch' to 'Koch-Rajbonshi'."

Advice of the Commission:

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

The entry after restoration of caste/community 'Koch-Rajbonshi' w.e.f, 03-04-1997 (except for the period when ordinance regarding inclusion of the caste/ community 'Koch-Rajbonshi' in the ST list was in force) at Entry No. 18, will be as under:

"18. **Koch-Rajbonshi**"



(Justice M. N. Rao)
Chairperson



(S. K. Kharventhan)
Member

(Deepak Katole)
Member



(Dr. Shakeel-uz-Zaman Ansari)
Member

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