



श्री. एस. कृष्णन्
P. S. KRISHNAN

EL. : 6183190

सदस्य-सचिव
राष्ट्रीय पिछड़ा वर्ग आयोग

भारत सरकार
ट्रिकूट-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

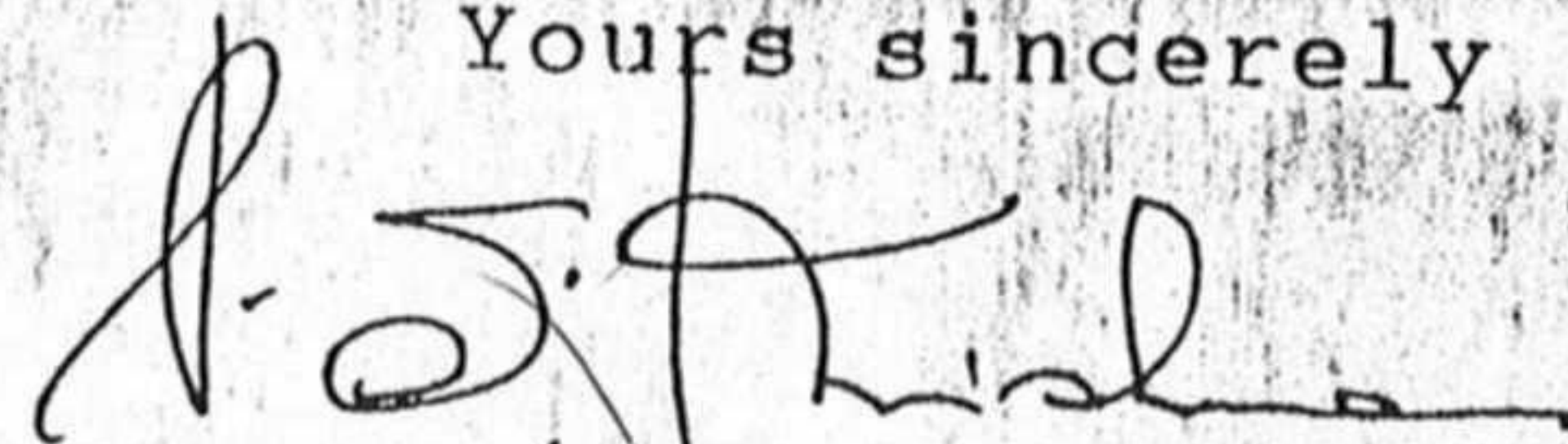
06.01.1999

NCBC Advice No. A.P. 43/99

Dear Shri Manavalan,

I am sending herewith the Advice of the National Commission for Backward Classes under Section 9(1) of the NCBC Act for
(i) the Rejection of the Request for deletion of the names of the two districts, viz., Srikakulam and Visakhapatnam at entry no. 90 of the Central List of Backward Classes for Andhra Pradesh,
(ii) the addition of the name of "Vizianagaram" district at entry no. 90 of the Central List of Backward Classes for Andhra Pradesh, and
(iii) action required to be taken by the Central Government with regard to the problems faced by the genuine migrant members of Backward Classes, including the inter-district migrants of castes/communities who are recognised as BCs in certain district(s) of a State, in getting caste-certificates from their place of migration,
duly authenticated, for necessary action by the Central Government under Section 9(2) of the Act.

Yours sincerely


(P.S. KRISHNAN)

Encl: As stated.

Shri D.K. Manavalan
Secretary to Govt. of India
Ministry of Social Justice & Empowerment
Shastri Bhavan
NEW DELHI

issued
6/1/99

O/C

NATIONAL COMMISSION FOR BACKWARD CLASSES

Andhra Pradesh Bench

FINDINGS

Per Shri P.S.Krishnan, Member-Secretary

Case: Request for extension of reservation facilities to members of Thurpu Kapu caste/community of Srikakulam and Visakhapatnam districts who have migrated to other districts by deleting the names of the two districts of Srikakulam and Visakhapatnam from the entry no.90 in the the Central List of Backward Classes for Andhra Pradesh

I. Request

The Andhra Pradesh Rashtra Thurpu Kapu Vidya Vignana Abhivruddhi Sangham, Eluru-534 002 vide their letter dated 24.05.97 has made a Request to this Commission for deletion of the names of the two districts, viz., Srikakulam and Visakhapatnam from the entry "90. Turupukapu of Srikakulam & Visakhapatnam Districts, who are subject to social customs of divorce & remarriage among their women" in the Central List of Backward Classes for Andhra Pradesh, so that members of the Turupukapu caste/community who have migrated to and settled in other districts in search of livelihood can also avail of reservation facilities.

II. Public Hearing

2. The Two-Member Andhra Pradesh Bench of the NCBC consisting of Shri P.S.Krishnan, Hon'ble Member-Secretary and

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Shri Sahu Akshaya Bhai, Hon'ble Member held Public Hearings inter alia in respect of this caste/community at Hyderabad on 22.8.1997. At the Public Hearing, the State Government was represented by Shri Kodandarama Reddy, Commissioner for Backward Classes Welfare, Shri Chandrasekhara Rao, Joint-Director, BC Welfare and other officers in the office of the Commissioner for Backward Classes Welfare. The Andhra Pradesh Rashtra Thurupu Kapu Vidya Vignana Abhivruddhi Sangham was represented by its President Shri M.K.Mavullaiaha, its General Secretary Shri Alimilli Narasima Rao and others. During the Public Hearing, Shri K.S.Murthy, 43-36-13, Dondaparty Junction, Visakhapatnam-16 submitted a separate Memorandum on behalf of the Turupu Kapu Welfare Associations of Srikakulam, Visakhapatnam Districts and Hyderabad detailing the difficulties experienced by the migrants of the caste/community from the Srikakulam, Vizianagaram, Visakhapatnam districts to other districts and requesting for clear instructions to the State Government to issue caste-certificates to all Turupu caste candidates who have migrated from these three districts to other districts and to "thus help them fro their prospects of education and employment".

III. Facts

3. Relevant entries in different lists of Backward Classes for Andhra Pradesh are as follows:-

(i) State Government's List of BCs

"30. Turupukapus or Gajula Kapus of Srikakulam and Visakhapatnam districts, who are subject to social customs of divorce and remarriages among their women"

(ii) Mandal Commission's List for Andhra Pradesh

"270. Turupukapus"

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(iii) Central List

"90. Turupukapu

of Srikakulam & Visakhapatnam

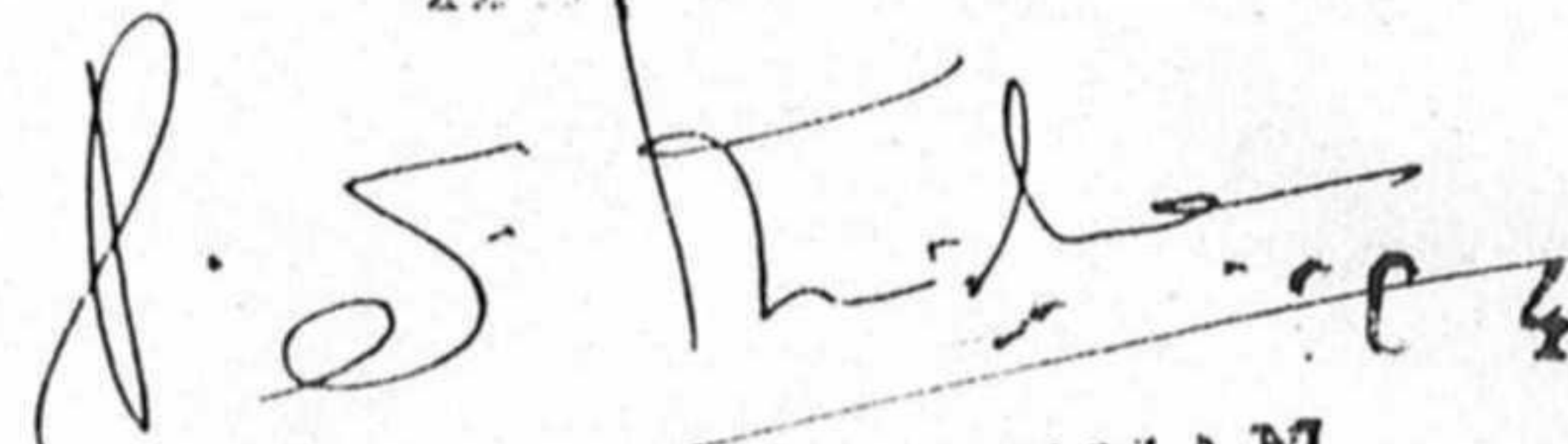
Districts, who are subject to social customs of divorce & remarriage among their women"

4. The Thurupua Kapus of Srikakulam and Visakhapatnam districts were included by the State Government in its list of Backward Classes apparently on the basis of the Report of the first Backward Classes (Anantharaman) Commission set up by the Government in 1968. That Commission in its Report describe the "Turupu Kapu" caste/community as follows:-

"This community is found mainly in Srikakulam and Visakhapatnam districts. Their traditional occupation is agriculture. Most of them are working as agricultural labourers or coolies and live in thatched huts. They do not get adequate return for their labour. They are economically very poor. Divorce, remarriage and widow marriages are allowed in some families. They are looked down by other Kapus, as they are poor and subject to the social customs of divorce and remarriage among their women. They are also educationally backward. They do not wield any influence in society. On account of their poverty, unclean occupation and educational backwardness they are not treated with respect by the advanced communities. In view of their low social status and educational backwardness, the Commission considers that this community merits inclusion in the list of Backward classes."

In the list of Backward Classes recommended by the Anantharaman Commission, the "Thurupukapus of Srikakulam and Visakhapatnam districts who are subject to social customs of

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for Backward Classes

divorce and remarriages among them women" were included. The State Government included this community in the State List with the same description as made by the Anantharaman Commission.

5. The erstwhile districts of Srikakulam and Visakhapatnam has since reorganised into three districts, namely Srikakulam, Vizianagaram and Visakhapatnam and in accordance with this the State Government has recently added the name of the Vizianagaram district in the State List entry regarding the Turupu Kapu.

6. During the Public Hearing the representatives of the request-making Sangham stated that the members of thier community who have migrated to other districts are facing difficulty in getting caste-certificates. They also specifically stated that even if the certificates are issued by the district authorities of the districts other than of the Srikakulam and Visakhapatnam Districts, the UPSC is not accepting such certificates on the ground that only the Turupu Kapus of the Srikakulam and Visakhapatnam districts are included in the List. The Sangham has also cited the case of one Shri Jagadesh Appa Rao Vakada, a member of the Thurupu Kapu community who was a candidate for the Civil Service Examination of the UPSC. He had produced a caste-certificate from the West Godavari district to the UPSC but he was directed by the UPSC to produce a fresh certificate regarding his community status in the West Godavari district as 'Turupukapu is not recognised as an OBC in West Godavari district as per the Central list of OBCs for Andhra Pradesh'.

7. The State Govt. vide Backward Classes Welfare(A1)Department letter No. 1645/A1/96-2 dated 29.5.1997 has informed the office of the NCBC that the State Government in Memo No. 4030/p3/96-1, Backward Classes Welfare

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(p3) Department, dt. 23.11.1996 "have issued instructions that the Mandal Revenue Officer in whose jurisdiction the individual has migrated should conduct detailed enquiry/investigation with reference to the Caste of the individual, taking into account among others, the old caste certificate issued by the Mandal Revenue Officer from where he has migrated. The Mandal Revenue officer concerned should satisfy himself before issuing the caste certificate. This clarification was issued for the purpose of State Government jobs and admission in State Educational Institutions." In the same letter the State Government requested the NCBC as follows:- "In the circumstances it is, therefore, requested that the same facility may be extended to the OBCs, who are migrated from Districts of Visakhapatnam, Vijayanagaram and Srikakulam Districts in respect of Turupu Kapu who are scattered in the State". The State Government representatives during the Public Hearing expressed the opinion that the deletion of the names of the two districts from the List will open scope for misuse of the entry by some unintended castes/communities. The same opinion was also expressed by some others present during the Public Hearing who apprised the Bench that in fact some members of the "Kapu" community which is at present not included in the list Backward Classes are obtaining caste-certificates in the name of Thurupu Kapus by virtue of the existing entries in the State and Central Lists. It was also stated by the representatives of the State Govt. that appropriate instructions have been already issued to all District Collectors and other certificate issuing authorities for issue of caste-certificates to the members of the Thurupu Kapu community who have migrated to other district from the Srikakulam and Visakhapatnam districts.

8. As the Bench learnt, the State Government had issued in the past from time to time, a number of

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Member Secretary
National Commission
for Backward Classes

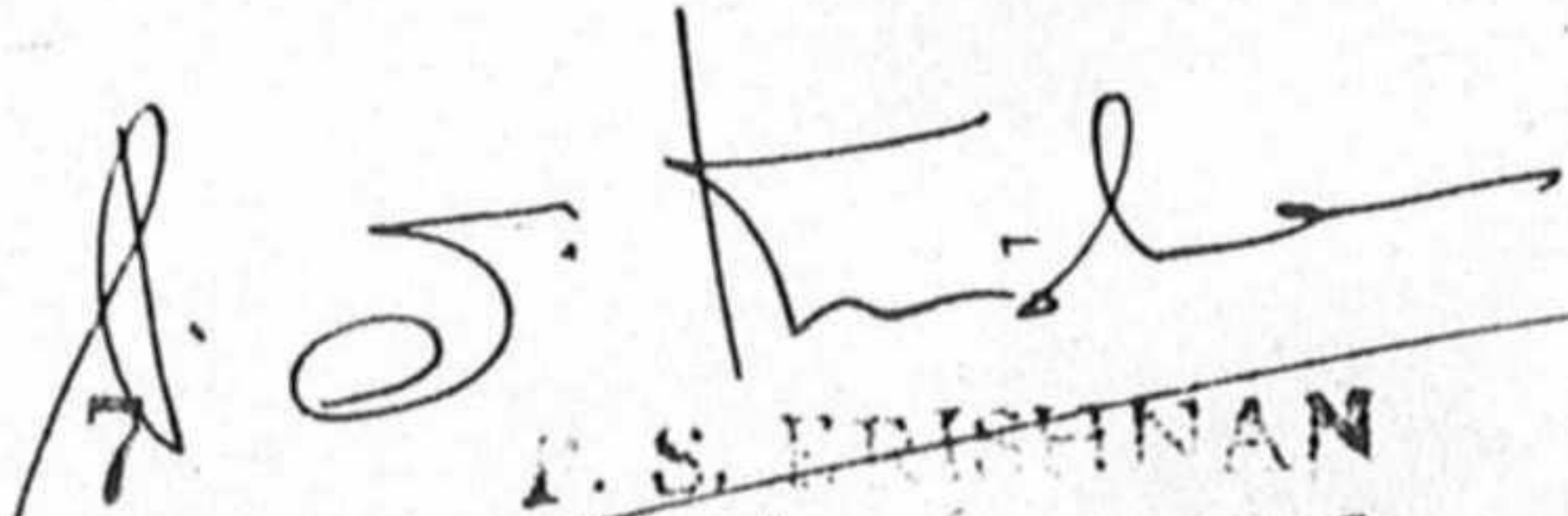
orders/instructions to the District Collectors and others concerned in the matter of issue of caste-certificates to the Thurupu Kapu migrants from the Srikakulam and Visakhapatnam districts to other Districts. It is seen from a copy of the Memorandum No. 1628-U1/72-1 dated 8.1.1973 that the State Government by this Memorandum has, after considering a petition from Palakol Pattana Thurupu Kapu Sangham, issued a clairification to "All Collectors" and others concerned, as follows:-

"At present, the Thurupu Kapus of Srikakulam and Visakhapatnam districts alone who are subject to social customs of divorce and remarriage among their women have been included in the list of Backward Classes.... It has been represented to the Government that the Thurupu Kapus of the Srikakulam and Visakhapatnam districts, who migrated to other Districts may be treated as Backward Classes. It is hereby clarified that the Thurupu Kapus of Srikakulam and Visakhapatnam districts who are subject to social customs of divorce and remarriage among their women, when they migrate to other districts shall be treated as Backward Classes"

9. Another communication Rc. No. Endt.1696/80-D1 dated 16.7.1980 from the Office of the Director of Backward Classes Welfare, Andhra Pradesh Hyderabad to all District Social Welfare Officers, District Educational Officers and District Collectors read as follows:-

"He is requested to implement the instructions issued strictly in case of 'Thurupu Kapus of Vizag and Srikakulam who have migrated to West Godavari District, who are subject to social customs of Divorce and remarriage of their women'. In case of such persons who produce caste certificates with the wording that they are 'Thurupu Kapus of Vizag and Srikakulam who are subject to social customs of divorce and remarrigate among their women and who have migrated from Srikakulam and Vizag' they may be treated as Backward Classes

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Member
National Commission
for Backward Classes

and benefits may be extended to them."

10. From the copy of yet another communication from the State Government (Social Welfare(P) Department) to all District Collectors, i.e, Memo. No.103-P1/85-2, dated 11.4.1985, it is seen that the Thurupu Kapu Vidya Vignana Abhivrudhi Sangham had made a complaint to the State Government that "the Tahsildars have been insisting for migration certificates for the issue of community certificates and that there is no need of the migration certificate for issuing caste certificates. The President of the Association has therefore requested for the issue of Caste certificates based on the certificates issued by their Registered Associations." This Memorandum further states that "The Request of Thurupu Kapu Sangham has been examined and it is considered that it is not desirable to agree to the request of the Sangham as it is likely to lead to spurious claims of caste certificates. It is therefore considered to restrict the power to issuing 'Thurupu Kapu' community certificates to Revenue Officers, not lower than the rank of Tahsildars instead of all Gazetted officers as is obtaining now. It is also considered that the Revenue authorities should not insist for production of migration certificates and issue caste certificates if they verify with their counterparts and satisfy themselves that the person belongs to Thurupu Kapu community, migrated from Srikakulam and Visakhapatnam Districts."

11. The question of deletion of the names of the two districts from the relevant entry in the State List was considered by the Second Backward Classes (Muralidhar Rao) Commission of Andhra Pradesh on receipt of representations in that regard from the Turupu Kapu community. After examining the issue, that Commission came to the conclusion that the deletion of the names of the two districts "will not be in

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MEMBER
National Commission
for Backward Classes

IV. Findings

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spelling in English between an ST community and a non-ST community, an SC community and a non-SC community, and a BC community and a non-BC community. In some cases, though differences in names can be clearly distinguished in regional languages, the problem arises when the names are transliterated into English language, and as often happens the English version is treated as the original. Some times the name is common and the difficulty arises only account of a prefix, or, less commonly, a suffix of which present case of Turupu Kapus is an instance. "Kapu" is the name of two different communities in Andhra Pradesh. On the one hand, it is the name of a peasant caste/community which is concentrated in the East Godavari and West Godavari districts and also, to some extent, in Visakhapatnam district of Coastal Andhra Pradesh. In some other districts of coastal Andhra Pradesh as well as other regions of Andhra Pradesh, some communities with names like Telega, Ontari and Baliya are considered to be the same or related to this Kapu community. But there is a totally different community which is also known as "Kapu", viz. the Reddy community. The inability to distinguish between these two different communities is seen even in Thurston & Rangachari's 'Tribes and Castes of Southern India'. The error has been repeated by some other scholars and writers. Coming back to the Kapus other than the Reddis, there are three groups which are considered to be inter-related and which has got "Kapu" as their core name. One is the "Kapu" of the East Godavari and West Godavari districts mentioned above. Another is "Munnur Kapu", meaning "Three Hundred" Kapus, of the Telengana area and the other is "Turupu Kapu" which literally means Eastern Kapus of the northern coastal Andhra Pradesh. Munnur Kapus of Telengana and Turupu Kapus of the three north coastal districts are included in the list of Backward Classes, but not the "Kapu" of the East Godavari and West Godavari districts which was included in the list of BCs in the State

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for one year at the beginning of the '60s, but was deleted within a year after that. They have been seeking inclusion since then and their Request for inclusion in the BC List is pending with the State Commission as well as this Commission. This is a highly contested case with a history of Writ Petitions, and at this stage it will not be possible to say what would be the conclusion. Telega, Ontari and Baliya are also not in the list of BCs and their case too is under consideration along with Kapus. Turupu Kapus are called so because the area of their original habitation takes an eastward turn along the coast of the Bay of Bengal. It is to preclude or minimise the scope for false-certificates by some members of the Kapus who are, as at present, not in the List, that a protective fence has been constructed in the list by mentioning the specific social features of Thurupu Kapus and by specifying an area restriction. Area restriction is an important instrument of protection of the interest of the listed castes/communities. The hasty removal without deep thought and adequate homework of area restrictions in the case of SCs and STs with regard to some States has resulted in a flood of false-certificates to the serious detriment of the genuine SCs and STs. Some of these cases have figured before the High Courts and the Supreme Court. The flooding of false-certificates is in part due to the lack of seriousness and the consequent failure on the part of the Central Government and the State Governments to efficiently identify false-certificate holders and deal with them severely as in the manner recently proposed by the Law Commission in the case of the corrupt by confiscating their and their families' illegally acquired properties. A number of false-certificate holders are known to have gained positions in Government, got accelerated promotions by virtue of their false-certificates, and retired with honour. Without going into the details of these cases, there is a priori and a posteriori reasons for not rushing in to break down the

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"90. Turupu Kapu
of Srikakulam, Vizianagaram &
Visakhapatnam districts,
who are subject to social customs of
divorce & remarriage for their women"

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arise though if and when the State Governments and the Central Government begin to do their duty and think of giving these children a level playing field, they may also face this problem. At present, the problem is faced only by the educated migrants. This problem should have been and still has to be faced efficiently and effectively. The remedy is not to pull down the protective fence, and if that is done the remedy may turn out to be worse than the problem. The remedy lies in identifying migrant individuals who originally belonged to the area within the State where they are identified to be Backward and originally resident. Thereafter, there should be an efficient system whereby such individuals are given certificates. The numerous orders of the State Government which have been listed and extracted above show this correct approach. The Government of India in the Ministry of Social Justice & Empowerment (the Ministry of Welfare as it then was) vide letter F.No.12011/11/94-BCC(C) dated 8th April 1994 has also written to all the State Governments in the matter of issuing caste-certificates to those persons belonging to OBCs who have migrated from one State to another for the purpose of employment, education etc. In this letter it is stated that "...it has been decided that the prescribed authority of a State/U.T. Administration in terms of the DOPT letter no. 36012/22/93-Estt.(SCT) dated 15th November, 1993 may issue the OBC certificate to a person who has migrated from another State on the production of a genuine certificate issued to his father by the prescribed authority of the State of his father's origin except where the prescribed authority feels that a detailed enquiry is necessary through the State of origin before the issue of the certificate." The letter further states that "The certificate will be issued irrespective of whether the OBC candidate in question is included in the list of OBC pertaining to the State/UT to which the person has migrated. The facility does not alter

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the OBC status of the person in relation to the one or the other State/UT. The OBC person on migration from the State/U.T. of his origin to another State/U.T. where his caste is not in the OBC list is entitled to the concessions/benefits admissible to the OBCs from the State of his origin and Union Government but not from the State where he has migrated." The *raison d'être* of the instructions contained in the above letter should also apply in the case of those members of Thurupu Kapu caste/community answering the description in the List who have migrated to other Districts of the State. If, however, inspite of these instructions the members of the community face problems in getting caste-certificates and, even if they do get certificates, if such certificates are not accepted by the UPSC and the like bodies, as complained by the Sangham, obviously there is serious lacuna in the entire mechanism of procedures for issuing caste-certificates. The Government should address this problem seriously and urgently by evolving an efficient and fool-proof mechanism to ensure that migrant members of Backward Classes, including inter-district migrants of such castes/communities who are recognised as BCs only in certain district(s) in a State, get caste-certificates from the competent certificate-issuing authorities in the place of their migration without any difficulty. Cross-verification from district to district should be an internal administrative matter and the applicant should not be driven from pillar to post and so far as he/she is concerned there should be a single window for receipt of application and delivery of certificate. There should also be proper and efficient communication/coordination between the Central Government and the bodies like UPSC in the matter of procedures for issuing caste-certificates so that the UPSC and other such bodies are in the knowledge of the procedures the lack of which can result in avoidable difficulties and losses for the members/candidates of Backward Classes. Where

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 for the Secretary

necessary, the State Government should depute a suitable high-level officer to discuss with the officers of the UPSC to see that there is no hardship for genuine BC candidates. The Central Government not only in the Ministry of Social Justice & Empowerment but also in the Deptt. of Personnel and Training should also render full and active support to the State Government in its efforts.

Ashayan
23.11.98

P. S. Krishna
22.12.98

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, for necessary action by the Central Government under Section 9(2) of the Act:-

(1) The Request for deletion of the names of the two districts, viz. Srikakulam and Visakhapatnam at entry no. 90 of the Central List of Backward Classes be rejected.

(2) In view of the reorganisation of the erstwhile two districts of Srikakulam and Visakhapatnam into three districts, namely, Srikakulam, Vizianagaram and Visakhapatnam, the Central List entry no. 90 should be amended as follows:-

"90. Turupu Kapu
of Srikakulam, Vizianagaram &
Visakhapatnam districts,
who are subject to social customs of
divorce & remarriage for their women"

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(3) The Central Government should evolve an efficient and fool-proof mechanism for prompt issue of caste-certificates to the genuine migrant members of Backward Classes, including the inter-district migrants of castes/communities who are recognised as BCs only in certain district(s) of a State, and the procedures thus evolved should be promptly communicated to the UPSC and such bodies in order to avoid any difficulties or losses to the members/candidates of Backward Classes. In case difficulty persists, suitable senior officers should be deputed by the State Government to the UPSC and other such bodies to explain the position and the Central Government not only in the Ministry of Social Justice & Empowerment but also in the Deptt. of Personnel & Training should also render full and active support to the State Government in its efforts.

16. On account of the unfortunate demise of one of the Members Shri Navtej Puadhi on 16.8.1998, 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.

Ashwari
23.11.98

Madhavi Singh
20.12.98

P. S. Krishna

22.12.98

K. S. Srinivasan
6.1.99

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