

NATIONAL COMMISSION FOR BACKWARD CLASSES

Justice M. N. Rao, Chairperson

Shri. S. K. Kharventhan, Member

Shri. Deepak Katole, Member

Smt. Chitra Chopra, Member Secretary

Case: Request for Inclusion of "EAST INDIAN/ EAST-INDIAN CHRISTIAN/ EAST-INDIAN CATHOLIC" in the Central List of Other Backward Classes for State of Maharashtra.

I. Request:

1. The Government of Maharashtra has requested the NCBC for inclusion of "East Indian/ East-Indian Christian/ East-Indian Catholic" caste/community in the Central List of Other Backward Classes for the State of Maharashtra. The same was considered by the NCBC during the Public Hearing held at Mumbai on the 30th May & 1st June 2011.

II. Findings:

2. The State Government of Maharashtra has requested the NCBC for inclusion of East-Indian/East-Indian Christian/ East-Indian Catholic in the Central List of OBCs for the State of Maharashtra. The Maharashtra State Commission for Backward Classes in its advice

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tendered to the State Government has recommended inclusion of East-Indian/East-Indian Christian/ East-Indian Catholic for inclusion in the State List of Backward Classes. The reasons that propelled the State Commission for coming to that conclusion in the words of the Commission itself are: "the community suffers from social, educational and economic backwardness. They are eking out their livelihood as daily wage labours (true translation)". The disability of social and educational backwardness coupled with the disadvantage of inadequate representation in the public services suffered by the community, the State Commission has not stated. As per the majority judgment in Indra Sawhney case, social backwardness should be the predominant factor in addition to educational backwardness and inadequate representation in public services, for inclusion in the List of Backward Classes. We cannot agree that people residing in a particular area can be classified as a backward class ignoring the fact that in that particular territory persons belonging to different castes and religions are living. This would allow the SEB status to all the persons inhabiting a particular region and that is not what is contemplated in Article 15(4) and 16(4) of the Constitution. The State Commission has not stated any reasons in support of its conclusion.

3. Besides the advice of the State Commission for Backward Classes, the State Government has not chosen to place any material whatsoever before the NCBC in support of its request for inclusion of the aforesaid community in the Central List of OBCs for the State of Maharashtra. In the circumstances, the request of the State Government is rejected.

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III. Advice of the Commission

4. The Commission considered all the aspects 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 NCBC Act:-

"EAST INDIAN/ EAST-INDIAN CHRISTIAN/ EAST-INDIAN CATHOLIC" be rejected as they are not socially and educationally backward communities.

MNRao
19-7-11

(Justice M. N. Rao)

Chairperson

S. K. Kharventhan
(S. K. Kharventhan)

Member

Deepak Katole
(Deepak Katole)

Member

Chitra Chopra
(Smt. Chitra Chopra)
Member-Secretary

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Chitra Chopra

National Commission for Backward Classes
New Delhi