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भारत सरकार
नई दिल्ली-110 066
MEMBER SECRETARY
NATIONAL COMMISSION
FOR BACKWARD CLASSES
NEW DELHI-110 066

D.O. Case No. MP-5/95
July 26, 1995

Dear Shri Manavalan,

I am sending herewith the unanimous Advice of the National Commission for Backward Classes under Section 9(1) of the NCBC Act, 1993 that the Request for deletion of the names of various castes and sub-castes of fishermen from S.No. 11 of the Central List of Backward Classes for Madhya Pradesh be rejected, for necessary action under Section 9(2) of the Act by the Central Government.

With kind regards,

Yours sincerely,

P.S. Krishnan
(P.S. KRISHNAN)

Shri D.K. Manavalan
Additional Secretary
Ministry of Welfare
Shastri Bhavan
New Delhi

Encl: NCBC Advice
No. MP-5/95

✓ PS to Hon'ble Chairperson

A D V I C E

O F

THE NATIONAL COMMISSION FOR BACKWARD CLASSES

NEW DELHI

Under Section 9(1) of the NCBC Act 1993

in respect of

MADHYA PRADESH CASE NO. 5/95

DT: 24.07.95

41 (14)
Madhya Pradesh Case No. 5/95 - In - re
Dheemar, Nishad, Kewat etc.
(Case for ex-clusion):

The Madhya Pradesh Bench of the NCBC consisting of the Chairman, Hon'ble Justice R.N. Prasad and Dr. D.S. Yadav held sittings at Bhopal on 24th and 25th April, 1995 for hearing some cases from that State.

The Madhya Pradesh Adivasi Mahasangh and the National Association of Fishermen, Madhya Pradesh Branch filed petitions before the NCBC stating that Manjhi Community has been included in the list of Scheduled Tribes and that various caste groups of Fishermen denoted by Nishad, Dheemar, Mallah etc. are groups or Sub-castes of the Manjhi community hence all these social group should be removed from the OBC list and placed in the ST list.

The original entry No. 12 in the Madhya Pradesh State OBC list is as follows:

"Dhimar, Bhoi, Kahar, Dhiwar, Mallah, Nawda, Turaha, Kewat, (Kashyap, Nishad, Raekwar, Batham) Kir (Excluding Bhopal Raisen and Sehore District) Britiya, Vritiya, Singraha, Jalari (Jalarmalu in Bastar Distt.) Sondhiya, Manjhi"

Manjhi was delected from this list by Madhya Pradesh Government (SC/ST/OBC, Welfare Department) Order No.F-21-6/25-5/91 dated 29th August, 1992.

The entry at Sl. No. 11 of the Central OBC list is as follows:

"Dhimar/Dhimer, Bhoi, Kahar, Dhiwar, Mallah, Nawda, Navda, Turaha, Kewat(Raekwar)
Kir (Excluding Bhopal Raisen and Sehore District), Britiya/Vritiya, Sondhiya"

At the time of hearing only representatives of the Manjhi Adivasi Community were present before the Bench. They contended that all the caste groups of Fishermen denoted by the various names should be treated as ST on par with Manjhi and therefore, included in the ST list and taken out of the OBC list. On enquiry from other people present at the time of hearing it came to light that the tribal Manjhi Community is different from the various castes and sub-castes of fishermen entered in OBC list of the State as well as the centre. In the petition of the National Association of Fishermen, it has been stated that subsequent to the publication of the State OBC list on the basis of the Ramji Mahajan Commission report, the Manjhi caste was deleted from the State OBC list at Entry No. 12 on the ground that this community already stands included in the ST list.

The representatives of the Manjhi Adivasi Community were clearly told by the Bench that the question of including any community in the ST list is not within the jurisdiction of the NCBC. Secondly, they were also clearly told that the different castes and sub-castes as entered at Sl. No. 12 of the Madhya Pradesh State list and Sl. No. 11 of the Central OBC list have not come forward to request that their names should be excluded from the OBC list, and as such the prayer to exclude them from the OBC list on petition by the Manjhi Community could not be entertained.

For the reasons stated above, the Bench finds that the petitions are not maintainable.

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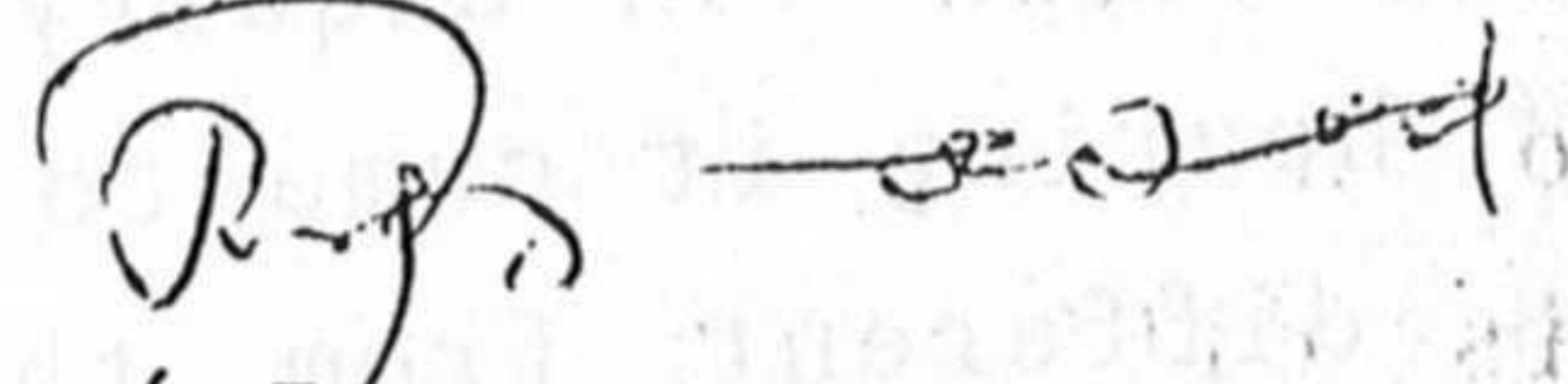
AUTHENTICATED

P. S. Krishna

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The Bench, therefore, recommends to the Commission that the aforesaid petitions be dismissed.

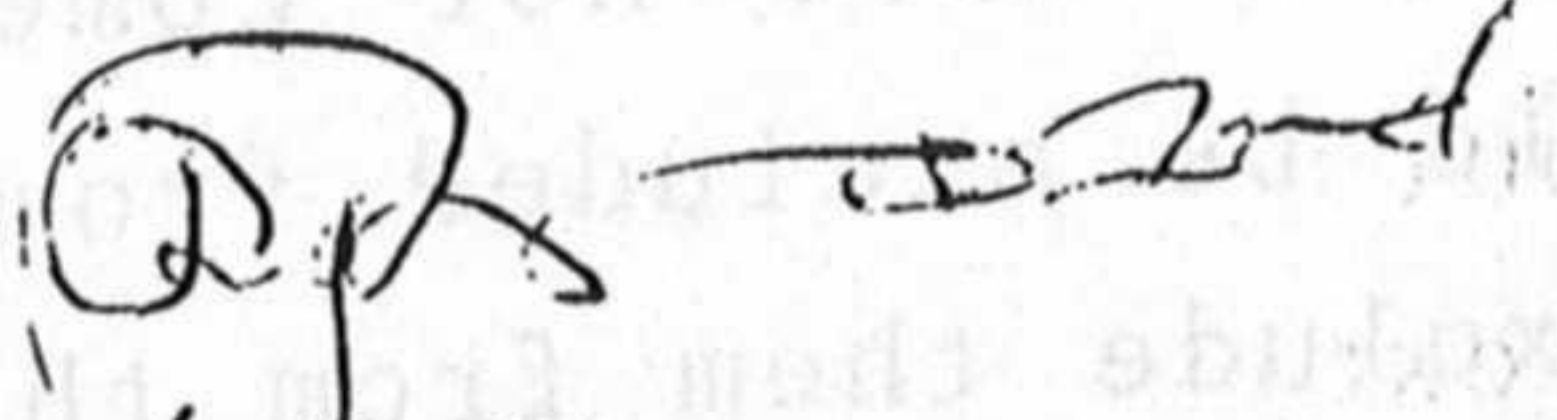

(Dr. D.S. YADAV)
MEMBER

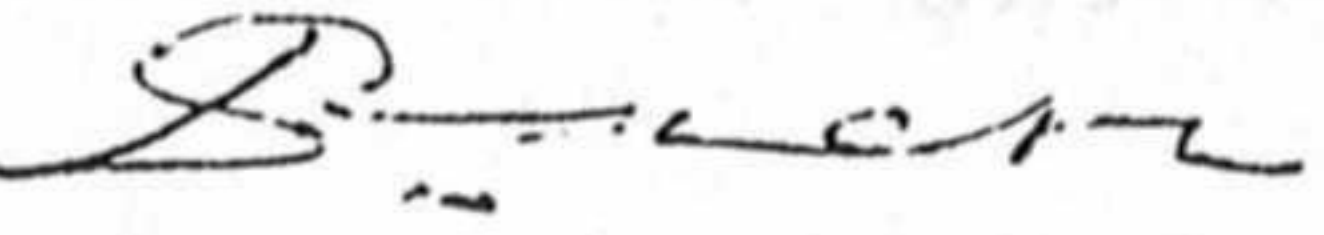

(R. N. PRASAD)
CHAIRMAN
26.6.95

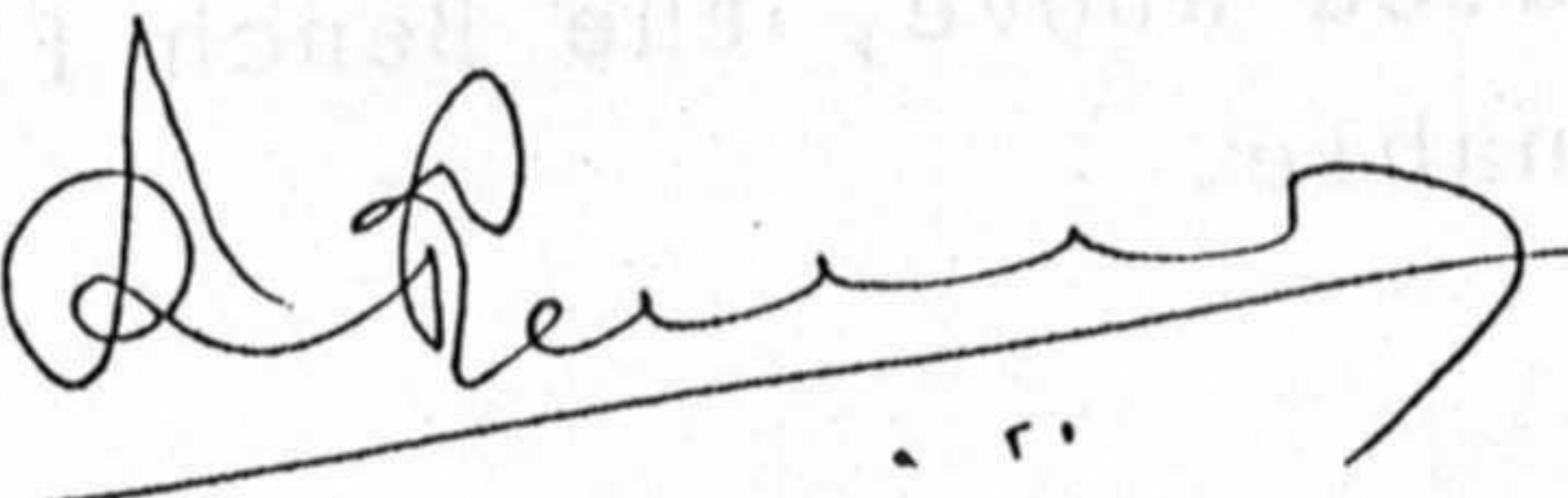
Advice of the NCBC

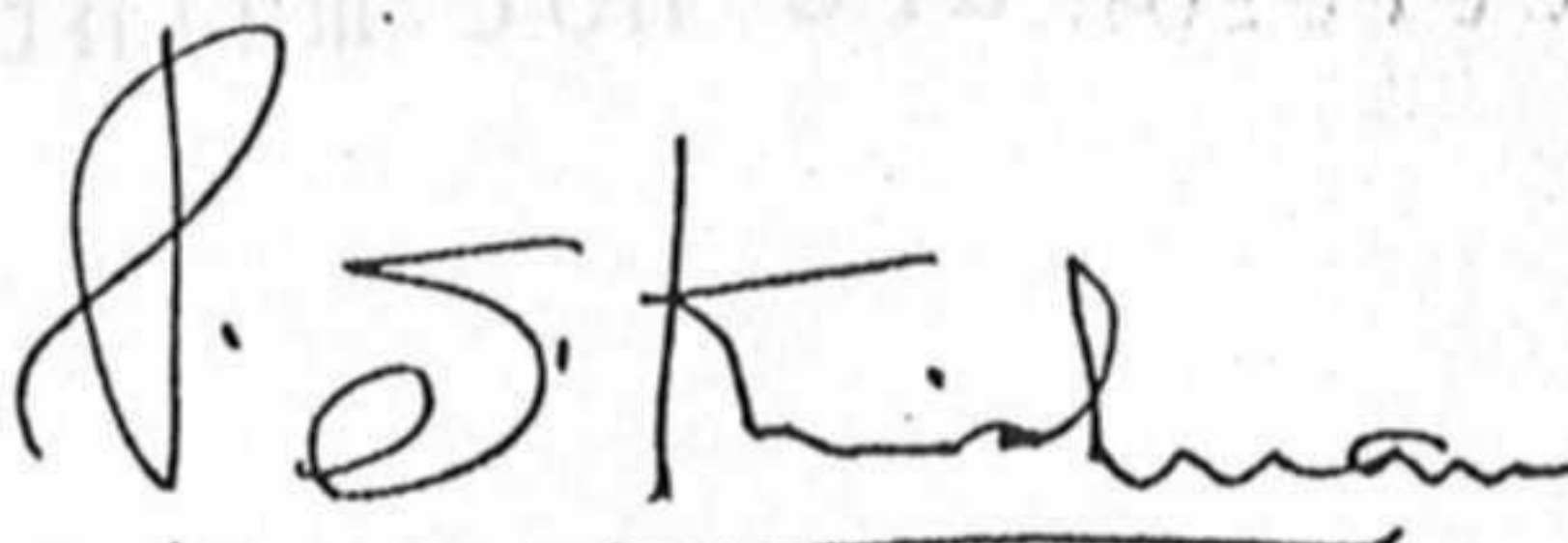
All Members of the NCBC considered the findings of the two Member Bench and the Commission accepts the finding and advises the Central Govt. that the request of the Manjhi Community praying to delete the names of various castes and sub-castes of fishermen from Entry No. 11 in the Central OBC list be rejected.


(Dr. D.S. YADAV)
MEMBER


(R.N. PRASAD)
CHAIRMAN
24.7.95


(PROF.D.L.SHETH)
MEMBER


(Dr. R. PRASANNAN)
MEMBER


(P.S. KRISHNAN)
MEMBER

AUTHENTICATED