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MEMBER-SECRETARY
NATIONAL COMMISSION
FOR BACKWARD CLASSES
GOVERNMENT OF INDIA
NEW DELHI - 110 066

DO NCBC Advice No. Tripura 5/98

20. 05. 1998

Dear Shri Manavalan,

I am sending herewith the Advices of the National Commission for Backward Classes under Section 9(1) of the National Commission for Backward Classes (NCBC) Act, 1993 for rejection of the Request for inclusion of 'Modak' caste/community in the Central List of Backward Classes for Tripura, for necessary action by the Central Government under Section 9(2) of the Act.

Kind regards,

Yours sincerely

Encl: As stated.

(P.S. KRISHNAN)

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

NATIONAL COMMISSION FOR BACKWARD CLASSES

Tripura Bench

Findings

Per Shri Justice P.K. Shyamsundar, Chairperson

Case: Request for Inclusion of "Modak" caste/community in the Central List of Backward Classes for Tripura.

I. Request

This case arises from the Request received in this Commission from the State Government of Tripura for inclusion of "Modak" caste/community in the Central List of Backward Classes for Tripura.

II. Public Hearing

2. The two-Member Tripura Bench of the Commission consisting of Justice P.K. Shyamsundar, Hon'ble Chairperson and Shri P.S. Krishnan, Hon'ble Member-Secretary, NCBC held a Public Hearing in respect of this Request at Agaratala on 06.04.98. At the Public Hearing the State Government was represented by Shri S.C. Das, Secretary SC & ST Welfare Department and other officials. Shri K.R. Das, Chairperson, Shri S. Bhowmik, Member-Secretary and Shri Matilal Sarkar, Member Tripura State Backward Classes Commission were also present at the Public Hearing who gave valuable information. The community was represented by Shri Dipak Modak, Shri Ashok Modak, Hari Dhan Modak and others.

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III. Facts

3. "Modak" is included in the State List at Entry No.30. But it is not included in the Mandal List as well as in the Central List of Backward Classes for Tripura.
4. The Questionnaire filled up by the State Government states that this caste is considered as Backward because of their low social position in the traditional caste hierarchy of Hindu Society and suffer disabilities like free access to public utilities, social discrimination, lack of education resulting in inadequate or no representation in services. Nearly 50% of the members of the caste are educated. Most of the members of this caste are engaged in the profession of preparing and selling of sweet meat and confectionery items. Others are engaged in agricultural and manual work. The members of the caste are scattered all over the State but a larger population is in West Tripura District.
5. The Commission also received Objection to its inclusion in the Central List of Backward Classes from Shri Binu Ranjan Modak, Secretary, Agartala Sweet Dealers Association who appeared before the Tripura Bench of the NCBC during a Public Hearing held before the reconstitution of the Commission stating that the caste is socially, educationally and economically advanced. But the opponent did not appear before the Bench at the Public Hearing on 06.04.98 to support his claim against the inclusion of Modak caste in the Central List of Backward Classes. It was mentioned by other members of the community present that he was present before the sitting of the Bench started but left as he was feeling uneasy and ill.
6. During the Public Hearing, the representatives of the caste stated before the Bench that they make their living by making confectionery items often produced by families of Modak Community in their kitchen and probably on a large scale in shops where they are sold for consumption by the public. To a specific question by the Bench seeking to ascertain whether the Modak was a trading community, they replied that the Modak community is not exactly a trading community although they make and sell

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consumer food items and are particularly known for their preparation of a sweet sold under the name "Modak". The memorialist also maintained that earlier they were part of the Napit community (Barber Community), but when asked by the Member of the Bench Shri P.S. Krishnan whether there was any material or evidence to show that Modaks were equated with Napits, they could not produce any; on the other hand, the representatives of the Nathjogi community present at the Public Hearing asserted that Modaks cannot be equated with Napits in terms of social backwardness and the Modaks occupied a higher status in social hierarchy over and above the Napits. It was made clear to us that the confectionery items produced and marketed by the Modaks was consumed by other castes without any hesitation. In this situation the question arises how a community, which prepares food items and sells them for being consumed by the general people who consume the same without any hesitation be treated as socially backward? But Shri K.R. Das, Chairperson, State Backward Classes Commission who was associated with us at the Hearing, brought to the notice that the community has been included in the State List of Backward Classes because the process of making edible stuff involves manual labour and therefore the members of the Modak community were not exactly looked up to but on the other hand looked down upon. It does appear to the Bench that the community appropriately belongs to the sector of the society which makes a living by pursuing a trade akin to hoteliers. As mentioned by the memorialist, they were renowned makers of a particular sweet namely "Modak" that was consumed alround should itself be a proof of cent percent social acceptability in society. In other words the context does not indicate that the community suffered from any kind of social backwardness. Therefore on the basis of the primary parameter enjoined by Article 16 of the Constitution, the Modak Community does not qualify for inclusion in the Central List of OBCs on grounds of social backwardness.

7. But whether the community is also educationally backward is an aspect to be considered only if and after social backwardness is established; however on that aspect very little light was thrown by the caste representatives who participated in the Hearing. Ordinarily speaking any caste which does not suffer from any kind of social disability and is also fairly well-to-do are not likely to be significantly backward on the educational

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Nathjogi
for Public

front. Therefore, given the chance to participate in society as a community which is socially forward, getting good education should not be a problem subject of course to facilities for education being available in the State of Tripura, in which event this particular community should not encounter any problem in securing access to adequate education. Therefore, in the case of this fairly well-to-do community that can secure access to education without much difficulty deters us from upholding the claim for backwardness on the educational front.

IV. Findings

8. We record this finding based on the normal hypothesis that a socially forward community will not suffer on the educational front so as to qualify for the composite tag of being socially and educationally backward. We must, therefore, hold that the Modak community of Tripura cannot be held to be socially and educationally backward.

Based on the foregoing the Govt. is advised to reject the claim of the Modak community for inclusion in the Central List of Backward Classes for the State of Tripura.

P. K. Shyamsundar
13/5/98
(Justice P.K. Shyamsundar)

P. S. Krishnan
13.5.98
(P.S. Krishnan)

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Member Secretary
National Commission
for Backward Classes

V. ADVICE OF THE COMMISSION

8. The Commission considered and agreed in full with the above Findings of the Tripura 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:-

The Request for inclusion of "Modak" caste/community in the Central List of Backward Classes for Tripura be rejected.

Lidans Debbarma
18/5/98

N.C. Sengupta
13/5/98

P. S. Krishnan
13.5.98

K. S. Sengupta
18.5-98

R. Sengupta
18-05-98

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