

NCBC Advice No.113-120/Orissa/2011

21/06/2011

Dear

I am sending herewith the Advice No. 113-120 of the National Commission for Backward Classes, under Section 9 (1) of the NCBC Act 1993 for the inclusion of the following castes/communities in the Central List of OBCs for the State of Orissa:

1. Kaliji, Kalinga
2. Segidi, Srisayan
3. Dewangulu, Kusta/ Kustha/ Kostha, and Amila Tanti
4. "Astolohi Kamar" as a synonym of "Kammara, Kamara, Kamar, Kammara, Muli, Lohuru, Loharo"
5. "Baladia" as a synonym of "Teli, Telli, Kubara/Kubera, Talakar, Sahu/ Sahoo, Bahaldia"
6. Majjula
7. Bhopa
8. Saunties as synonym of Nagavasan, Khandal, Khandual as synonym of Khandals, and Teloga

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

Yours sincerely,



(Chitra Chopra)

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

Encl.: As above

NATIONAL COMMISSION FOR BACKWARD CLASSES

Justice M. N. Rao, Chairperson

Shri. S. K. Kharventhan, Member

Shri. Deepak Katole, Member

Case: Request for Inclusion of "Kaliji, Kalinga" in the Central List of Other Backward Classes for State of Orissa.

I. Request:

1. The Government of Orissa has requested the NCBC for inclusion of "Kaliji, Kalinga" caste/community in the Central List of Other Backward Classes for the State of Orissa. The same was considered by the NCBC during the Public Hearing held at Bhubaneswar on the 26th of April 2011.
2. At the time of Public Hearing no one came forward to represent on behalf of these two communities in spite of the fact that wide publicity was given.

II. Findings:

3. The decision of the "Orissa State Commission for Backward Classes dated 10-7-1996" was rendered by a bench of two members - one administrative member and the other a social scientist and the Commission recommended for inclusion of these two communities in the Orissa State List of SEBCs.

AUTHENTICATED



4. NCBC has gone through the decision of the State Commission. It does not disclose the details of social and educational backwardness of these two castes and their inadequate representation in the services. The State Commission, it appears has accepted what was contained in the affidavit filed by Kintala Vishnumurty, Chairman, Parlakhemundi Panchayat Samiti. The State Commission in support of the conclusion that these two communities suffered from social backwardness has stated that "the higher caste Hindus particularly Brahmins treat them as inferior in social status i.e. as sudras. The Brahmins do not take food and water from them". It is undoubtedly true that Brahmins being at the top of the social hierarchy generally treat everybody else as inferiors and do not enter others houses. That does not mean that all the classes other than Brahmins should be treated as socially and educationally backward.

5. The report given by the Research Officer of the State Government at the time of public hearing refers to the view of Thurston regarding the status of these communities. They were described as priests and cultivators. Among the Kalingas of Orissa, some function as temple priests and they have marital relations with other Kalingas. Their main occupation is agriculture and they also engage in business and service in private and Government organisations was the view expressed by Mr. Singh, a sociologist.

6. It is needless to mention that unless a community suffers from social and educational backwardness coupled with inadequate representation in public services, it cannot be included in the list of OBCs for the purpose of reservation under Article 15(4) and 16(4) of the Constitution of India. Although in Indra Sawhney case (1992) 3 Supp SCC 217, the majority judgment has expressed the view that social and educational backward classes falling within the ambit of Article 15(4) need not necessarily be the same as the backward classes falling under Article 16(4), so far as the present two communities are concerned, there is nothing on record warranting the inference that they fall either under Articles 15(4) or 16(4) of the Constitution of India. We could not find social backwardness afflicting these two communities nor is there any acceptable evidence as to the educational backwardness or inadequate representation in services. In the circumstances the request of the Orissa State Government to include these two communities '**KALIJI**' AND '**KALINGA**' in the Central List of OBCs for the State of Orissa is rejected.

AUTHENTICATED



MEMBER SECRETARY
National Commission for Backward Classes
New Delhi

III. Advice of the Commission

7. 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:-

Request for inclusion of "KALIJI" and "KALINGA" be **rejected** as they are not socially and educationally backward communities.



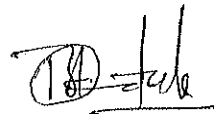
(Justice M. N. Rao)

Chairperson



(S. K. Kharventhan)

Member



(Deepak Katole)

Member

Note: At the public hearing held in Bhubaneswar on 25th and 26th April, 2011, the Chairperson Justice M.N. Rao and two other Members Hon'ble Shri S. K. Kharventhan and Hon'ble Shri Deepak Katole alone were present. Hon'ble Member- Secretary Smt. Chitra Chopra was availing of leave and so could not be present. The advice is therefore signed only by the above three.

AUTHENTICATED

