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सदस्य-सचिव
राष्ट्रीय पिछड़ा वर्ग आयोग - 1

भारत सरकार
त्रिकूट-१, भीकाएजी कामा प्लेस, नई दिल्ली - ११००६६

Member - Secretary
National Commission for Backward Classes
Government of India
Trikoot - 1, Bhikaiji Cama Place, New Delhi - 110 066

NCBC Advice No. Goa 14/99

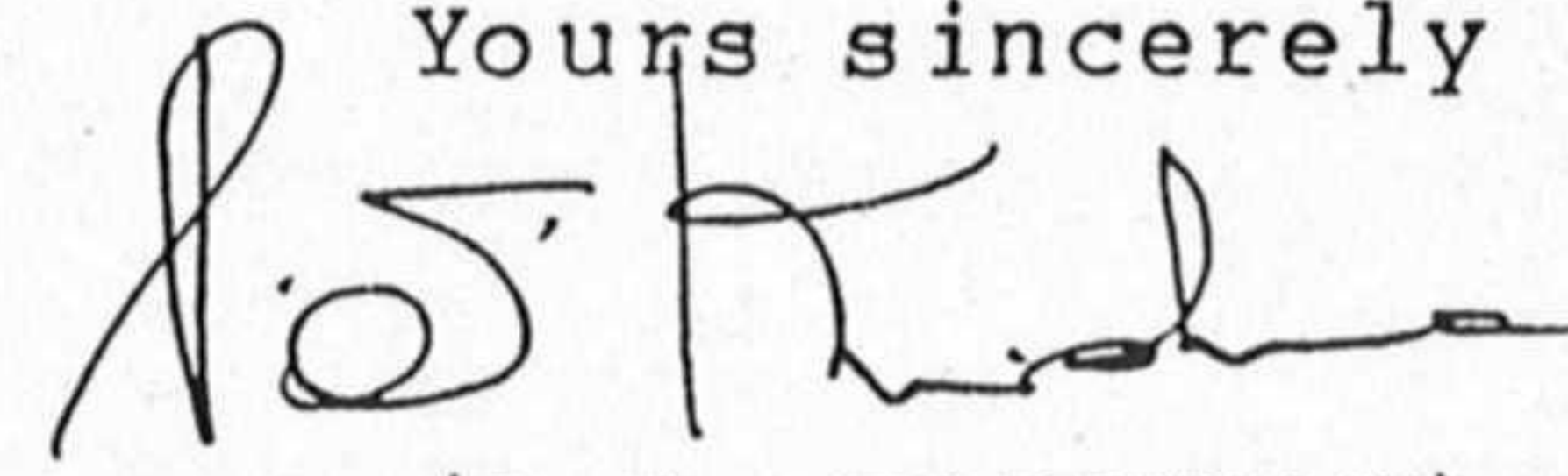
26. 08. 1999

Dear Smt. Das,

I am sending herewith the Advice of the National Commission for Backward Classes under Section 9(1) of the NCBC Act for the Rejection of the Request for Inclusion of "Muslim" in the Central Lists of Backward Classes for Goa, duly authenticated, for necessary action by the Central Government under Section 9(2) of the Act.

2. With this, Advices on 745 (371 for Inclusion + 374 for rejection) castes, sub-castes, synonyms etc. have been tendered to the Government by the Commission, after its reconstitution in 1997, of which 739 (365 for inclusion + 374 for Rejection) are still pending with the Government for Notification.

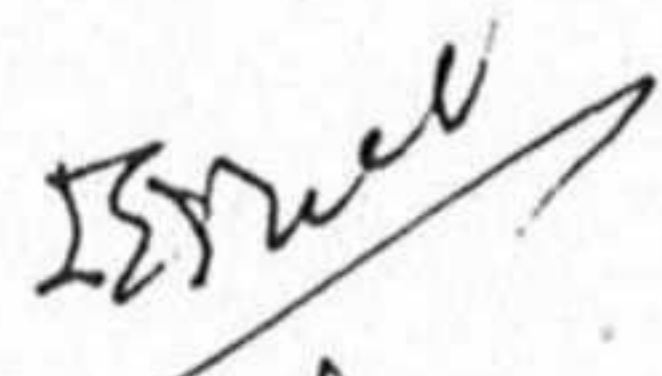
Yours sincerely


(P.S. KRISHNAN)

Encl: As stated.

Smt. Asha Das
Secretary to Govt. of India
Ministry of Social Justice & Empowerment
Shastri Bhavan
NEW DELHI

o/c


for 27/8/99

NATIONAL COMMISSION FOR BACKWARD CLASSES

GOA BENCH

Findings

Case: Request for Inclusion of "Muslim" community in the Central List of Backward Classes for the State of Goa.

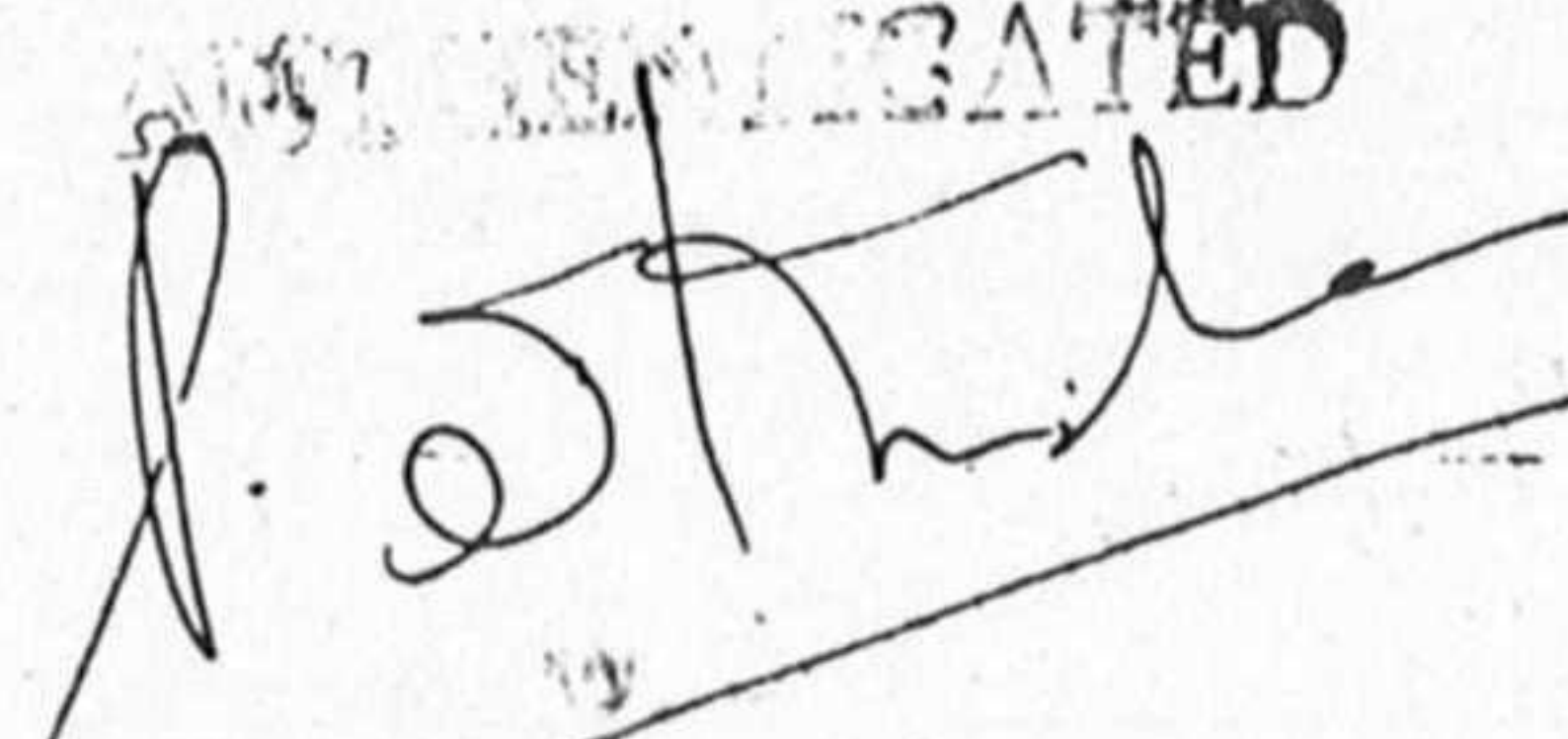
Per Shri Sahu Akshaya Bhai, Member

I. Request:

1. This case arises from the Request received in this Commission from Advocate Ashraf Agha, president, Federation of Goa Muslim Associations & Jamats, Panaji, Goa, for inclusion of 'Muslims' in the Central List of Backward Classes for the State of Goa.

II. Public Hearing

2. The three Member Bench of the Commission for Goa consisting of Hon'ble Members S/Shri Sahu Akshaya Bhai, U.P. Singh and Navtej Puadhi held a Public Hearing at Panaji, Goa on 13.1.1998 to examine the request in respect of this community. The State Commission for Backward Classes and the State Government were represented by Shri Kewal Sharma, Secretary to the Govt. and Member-Secretary to the State Commission and Shri Subhash Shirodkar, Director, Social Welfare. The community was represented by Mr. Gaus Khan Usman Khan Farooque, Mr. B. Abdul Khadar, Sayed Manzoor A. Kadri and Mr. Abdul Wahab.

APPROVED


III. Facts

3. 'Muslim' community is neither included in the Mandal List nor in the State List of Backward Classes for Goa.
4. The Federation of Goa Muslim Associations & Jamats have requested for inclusion of Muslims of Goa in the Central List of Backward Classes for Goa being socially, educationally and economically backward. They have stated that there is not a single Goan Muslim bureaucrat in 1st or 2nd class in the administration. Hardly there are a few engineers and advocates to be counted on fingers. There is a complete dearth of Goan Muslim doctors. Their social status is negligible hardly felt in social circles. Due to economic backwardness the rate of dropouts of Muslim students is greater as compared with other communities at primary and secondary level. Due to their overall backwardness most of the Muslims of Goa are employed in the category of peon, driver. The Muslims of Goa are not pursuing any specific occupation on hereditary basis such as Butcher, Barber and Weavers in North India and hence classifying them as OBC on the basis of their occupation is out of Question in the Goan context. In Karnataka and Kerala muslims as a community or class are identified as backward class and hence on the same lines the muslims of Goa be included in the list of Backward Classes.
5. The Association of All Goa Muslim Jamats, Panaji vide their statement submitted at the time of Public Hearing have stated that in Goa Muslim community is neglected and denied benefits that should have rightfully come to them for example proper representation in Government employment, reservation at technical and medical colleges, socially upliftment schemes, grants for development of downtrodden educationally and socially etc. According to them as per Census, 1991 the population of Muslims in Goa is 5.25% of total population of the State but in Government Services their representation is below 1%.

AUTHENTICATED
[Signature]
Commissioner

6. The Commission has received objections about inclusion of Muslims in the Central List of Backward Classes for Goa from the following individuals/organisations:-

- (i) Shri Subhash Velinkar,
Convenor, Samajik Samrasata Manch,
63, Dr. Dada Vaidhya Road, Panaji.
- (ii) Shri Sanjay Usgaonkar,
Convenor, Janadhikar Samiti
F-3, Sandeep Apartments
Dada Vaidya Road, Panaji.
- (iii) Subhash Salkar
Secretary, Bharatiya Janata Party
F-5, Samadhan Building,
Dr. Pssurlekar Road, Panaji.

In the similar representations submitted by them, it is stated that Muslims in Goa is no backward society and are enjoying full freedom and are entitled for all the fundamental and natural rights. Inclusion of any community in the Central List of backward classes, on the basis of religion will be contradiction to the secular foundations of our Constitution.

7. D.N. Supner, under the Title Muslim(Sunni) (People of India-Goa Volume XXI, General Editor : K.S. Singh, Anthropological Survey of India, Popular Prakashn Pvt. Ltd., Bombay, 1993) has written as below :
- "Muslims are mostly concentrated in Sattari, Bicholim, Sanguem, Ponda and Vasco of Goa..... The Muslims are divided into two sects, Sunni and Shia. It is reported that in Goa, a large number of Muslims belong to the Sunni sect. The Sunnis have seven endogamous sub-divisions: Khan, Syed,

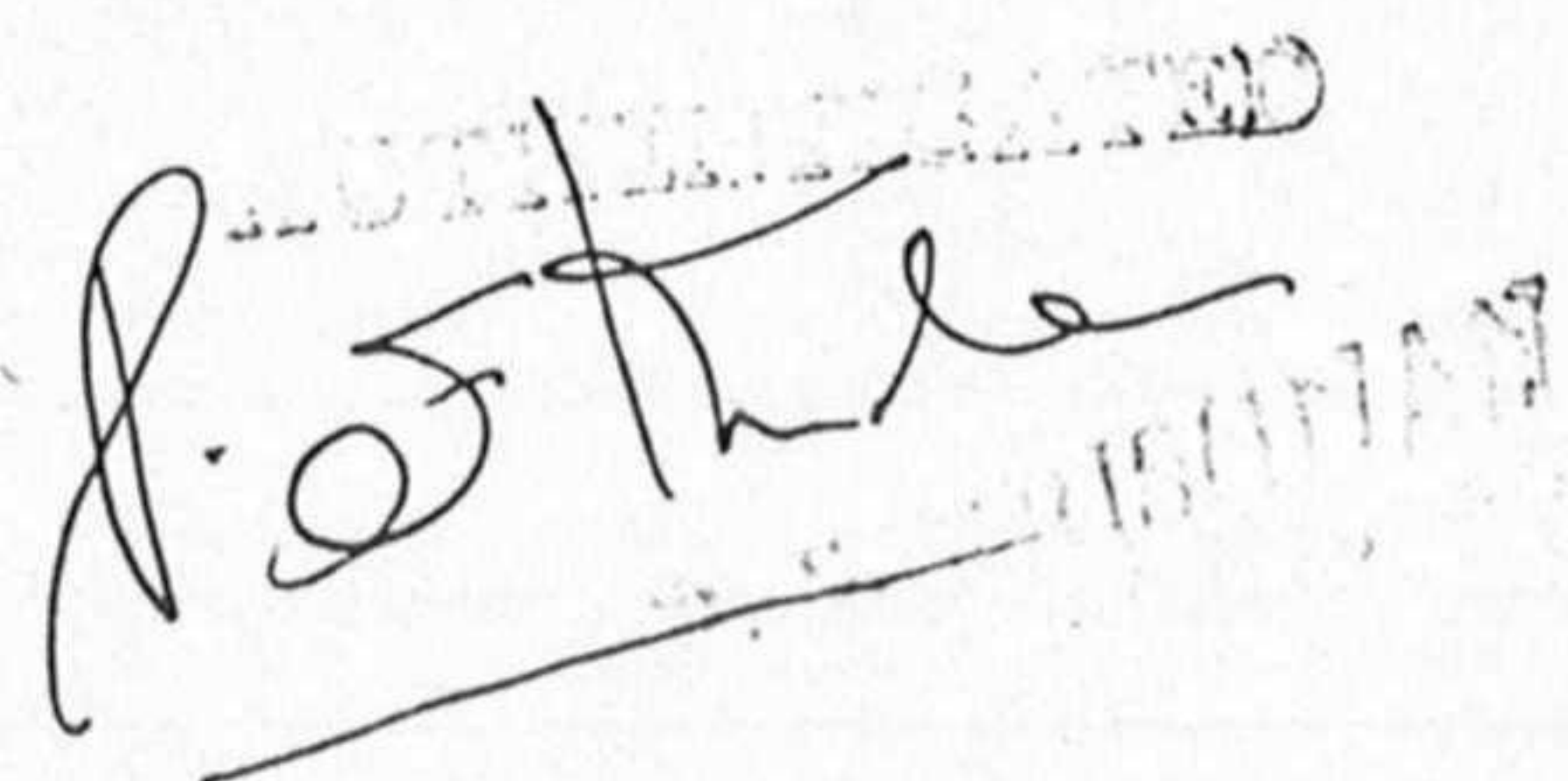
AUTHENTICATED
P. S. KRISHNAN
Secretary

Khwaja, Aga, Baig, Mirza and Fakir..... Agriculture is the main occupation of the Goan Muslims. They have their own land. Some of them are engaged in Government service. They are petty traders. Some of their family members are settled in the Gulf countries. There is no bonded labour in their society. The children sometimes assist their father in the agricultural fields. The labourers get their wages in cash. At some places, the landowner pays the wages in kind."

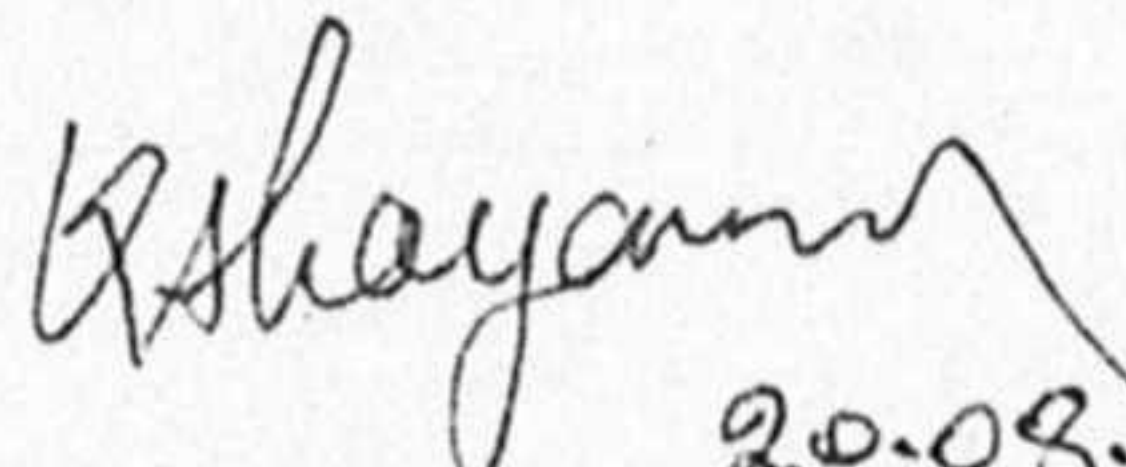
8. At the Public Hearing, the representatives of the community stated that the members of this community are engaged in different occupations and are socially and educationally backward. The Bench stated that Muslim is a religious group and not a caste or class. The people who have faith in Islam are called Muslims. There are different occupational groups within the followers of Islam religion. The representatives stated that in Goa also, Muslim community is further divided in different sub-divisions like Khan, Syed, Baig, Mirza etc. The bench stated that all the followers of one religion can not be included in the List of Backward Classes, however requests for different social/occupational communities, irrespective of their religion can be considered. The representatives agreed with the view of the Bench and submitted two fresh requests for inclusion of Khan Faooque/Kan Muslim and Beri-Muslims in the Central List of Backward Classes for Goa.

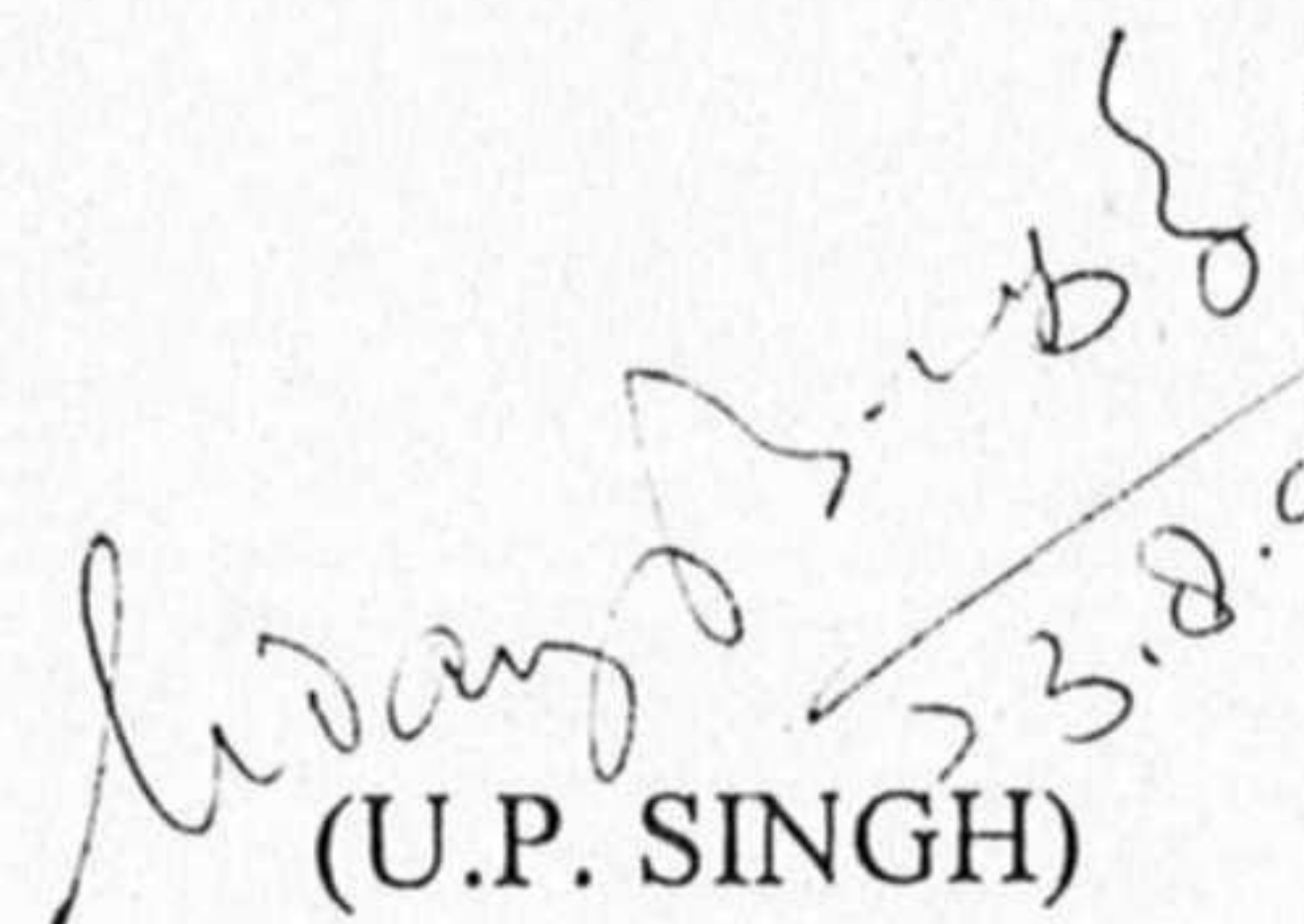
IV. Findings

9. From the foregoing, the Bench holds that 'Muslim' is not a caste or class but a religion. Within the 'Muslims' there are many social and occupational groups some of which are socially and educationally forward and some other are socially and educationally backward. Accordingly, different castes/communities irrespective of the religion of their members are included in Central Lists of Backward Classes for different States including Goa, if shown to be socially backward. Two requests for inclusion of communities

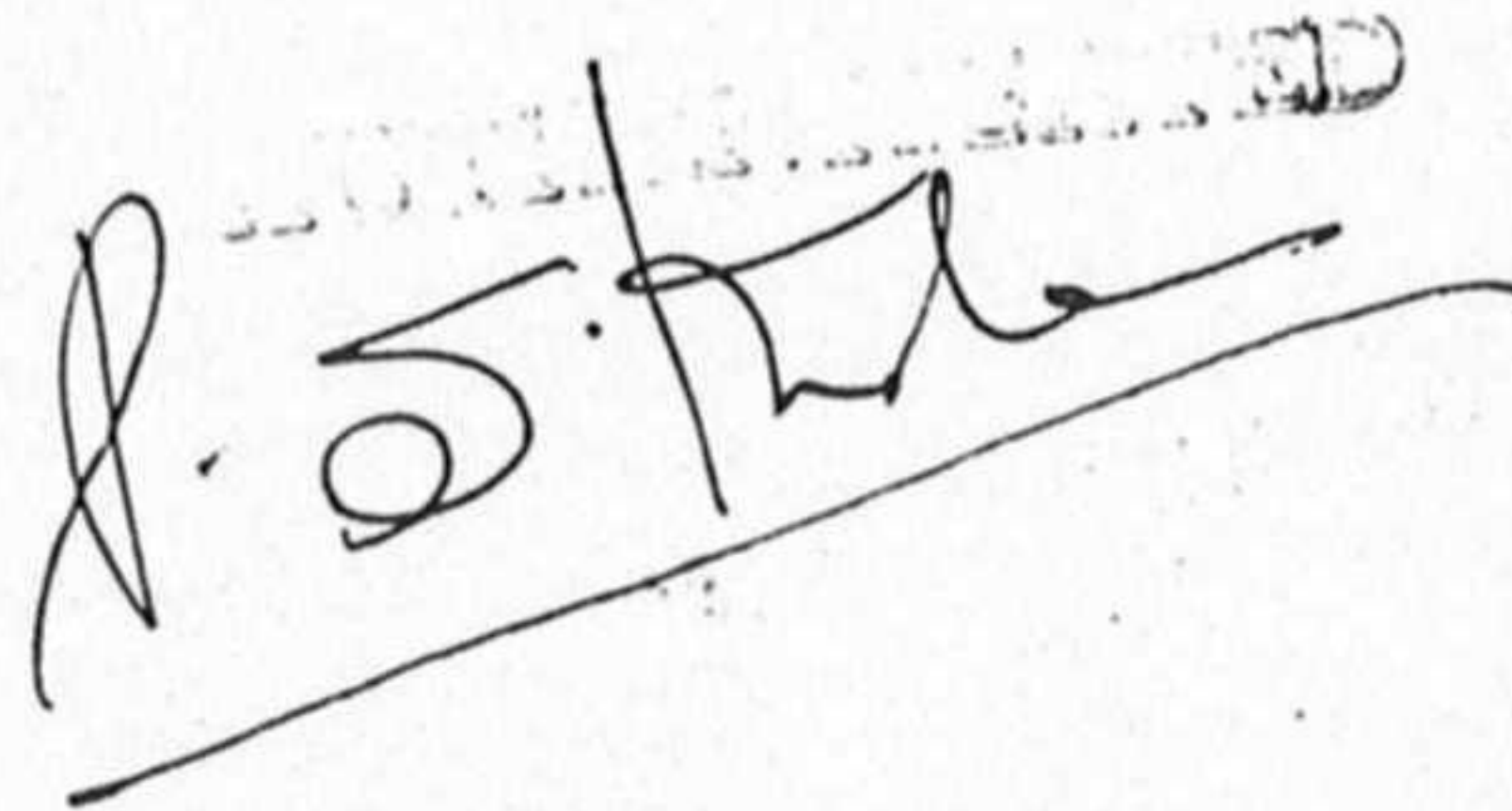
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whose members are followers of Islam, in the Central List of Backward Classes for Goa is under consideration of the Commission. Muslims do not constitute a single social-class, as they consist of different social-classes, and unless a group is established to be a single social-class, the question of its being a socially backward class does not arise. Therefore, the Bench recommends for rejection of the request for inclusion of 'Muslims' as a whole in the Central List of Backward Classes for the State of Goa :


20.08.99
(SAHU AKSHAYA BHAI)


23.8.99
(U.P. SINGH)

As one of the Member of the Bench, Shri Navtej Puadhi unfortunately passed away on 16.08.1998, subsequent to the public hearing, the Findings are formulated and signed only by two Members, including the coordinating member of the Bench.



V. Advice Of The Commission

10. The Commission considered and agreed in full with the above Findings of the Goa Bench and decided to tender the following Advice to the Central Government under Section 9(1) of the National Commission for Backward Classes Act, 1993 for necessary action by the Central Government under Section 9(2) of the Act :-

"The request for inclusion of 'Muslims' in the Central List of Backward Classes for Goa be rejected, as they do not constitute a single social-class, a condition to be fulfilled before it can be a socially backward class."

Kshayam
20.08.99

for and with
23.8.99

[Signature]
23/8/99

P. J. Thakur
25.8.99

P. Lealganday
25/8/99

P. J. Thakur