

GOVERNMENT OF KERALA

Abstract

State list of Other Backward Classes - Retention of Certain Communities in the list - Advice tendered by the Law Department - Accepted & Orders issued.

SCST DEVELOPMENT (F) DEPARTMENT

No. 74/97/SCSTDD Dated, Thiruvananthapuram, 8.3.1997.

- Read:-
1. D.O. letter No. 1367/94 dtd. 11.10.94 from the Director, KIRTIADS.
  2. Government lr. No. 9419/Adv.C2/94/SCARD dtd. 28.7.95.
  3. Letter No. 1184/C1/95/KSCEC dtd. 10.3.97 from the Registrar, Kerala State Commission for Backward Classes.

ORDER

The Government of Kerala have decided to pursue further action on the following points based on the report received with the letter 2nd read above from the Director, KIRTIADS.

- i) To request the Kerala State Commission for Backward Classes to examine and advise Government as to whether the Communities "Boyan" (Malabar area) "Perookada Chetties" and "Sri Pandara Chetties" need be retained in the State OBC list.
- ii) To request the Scheduled Castes & Scheduled Tribes Development Department to examine whether 'Boyan' Community is to be retained in the State Scheduled Castes list.
- iii) To request the National Commission for Backward Classes to take early action to include "24 Manal Chetties" and "Sadhhu Chetties" in the Central list of Other Backward Classes.

On the basis of the above decisions Government requested the Kerala State Commission for Backward Classes vide Government letter read above to examine and advise as to whether the Communities "Boyan" (Malabar area), "Perookada Chetties" and "Sri Pandara Chetties" need be retained in the State Other Backward Classes list.

In their letter dated 10.3.1997 the Commission has pointed out that the Declaration under Section 3(a) of the Kerala State Commission for Backward Classes Act 1995 (Act 16 of 1995) has come into effect on 2.10.1992. Since the reference from Government is subsequent to that, the Commission

Contd....

Government to examine and intimate the Commission whether in the light of the provisions of section 3 and 4 of the above Act, a class can now be excluded from the existing State Other Backward Classes list.

The Law Department was requested to inform whether any re-consideration of the stand already taken by the Government in the matter is necessary at present. The remarks of the Law Department is as follows:-

"In Section 3 of the Kerala State Commission for Backward Classes (Reservation of appointments or posts in the service under the State) Act, 1995, it is declared that there are no socially advanced section in any Backward Classes who have acquired capacity to compete with forward classes, and that the Backward Classes in the State are still not adequately represented in the services under the State and they continue to be entitled to reservation under Clause (4) of Article 16 of the Constitution.

In view of the above declaration it is not legally in order to exclude a class from the OBC list for the present".

On the basis of the advice tendered by the Law Department, Government are now pleased to order that the request made by Government to the Kerala State Commission for Backward Classes to tender their advice as per Government letter No. 9419/Adv.C3/94/P&ARD dtd. 28.7.1995 is withdrawn.

By Order of the Governor,

C. CHANDRAN,  
Secretary to Government.

To  
The Registrar, Kerala State Commission for Backward Classes,  
Nagaparambil building, Plamocdu High Road, Pattom Palace  
P.O., Thiruvananthapuram.

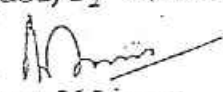
The General Admn. (SC) Department. vide item NO. 1217 dtd.  
6.8.1997.

SF/CC

Copy to:

Private Secretary to Chief Minister.  
Private Secretary to Minister. (B&SC)  
C.A. to Secretary, SC & STDE.  
C.A. to Joint Secretary, SC & STDD.

Forwarded/By Order

  
Section Officer