

**BRIEF NOTE ABOUT CONSTITUTE /POWERS AND FUNCTIONS/ACITITIES
ETC. OF ASSAM BACKWARD CLASSES COMMISSION**

The Hon'ble Supreme Court of India had passed an historic Judgment in WPC No.930/90 (Indra Sawhney-vs-Union of India), popularly known as Mandal Commission and given the following directions to the Government of India, the State Governments and the Union Territories :-

- A. Each of them shall constitute a permanent body (Commission or Tribunal) for entertaining, examining and recommending upon requests for inclusion and complaints of over-inclusion and under-inclusion in the lists of Other backward Classes of citizens.
- B. Government of India shall specify the basis applying relevant and requisite socio economic criteria to exclude socially advance persons/sections ("creamy layer") from "Other Backward Classes". The implementation of the impugned OM dated 13.09.1990 shall be subject to exclusion of the ***Creamy Layer*** persons/sections.
- C. The States shall also specify such criteria and apply the same to exclude the ***Creamy Layer*** (socially advanced) from the designated OBC

After verdict of Hon'ble Supreme Court, the Assam Government passed an Act which is called "***Assam Backward Classes Commission Act, 1993***" and it came into force in June 1993.

Constitution of the Commission:

- 1) The Government shall, by notification constitute a body to be known as the Assam Backward classes Commission to exercise the powers conferred on, and to perform functions assigned to it under this Act.
- 2) The Commission shall consist of the following members nominated by the Government;
 - (a) A chairperson, who is or has been a Judge of the Supreme Court or a High Court ;
 - (b) A Social Scientist ;
 - (c) Two persons, who have special knowledge in matters relating to backward classes; and
 - (d) A Member-Secretary, who is or has been an officer of the Government in the rank of a Secretary to the Government of Assam.

As per Act, the State Government ***nominated*** the following ***Members*** of ***Assam Backward Classes Commission*** (hereinafter mentioned as ABC Commission) as per Section 3 of the ABC Act, 1993 vide Notification No.**TAD/BC/212/92/Pt.VI/4, dated 31.03.1994 :**

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|-----|---|---|--------------------|
| (1) | Justice Shafiqul Haque
Retired Acting Chief Justice,
Gauhati High Court | - | Chairperson |
| (2) | Dr G C Sharma Thakur
Retired Director, Assam Institute
of Tribal Research & SC | - | Member |
| (3) | Sri Dhruba Narayan Barua
Ex-MLA, President All Assam
OBC Assosication | - | Member |
| (4) | Dr Gileswar Konger, M.SC, Ph.D, | - | Member |

**Ex-Professor, Biotechnology Deptt
Gauhati University**

(5) **Sri Nila Nath Barua, IAS(Retd) - Member-Secretary**

It is to be mentioned here that, though the Commission was constituted on 31st March, 1994, Hon'ble Mr Justice S. Haque assumed charge as Chairperson on 02.08.1994.

The Commission was formally *inaugurated* by *Hon'ble Sri Hiteswar Saikia, the then Chief Minister, Assam on 17th August, 1994* in a meeting held in the Auditorium of Assam Institute of Tribal Research and SC, Assam. *Sri Gomeswar Pegu, the then Minister of State, WPT & BC* was also present.

Member of the Commission, Dr *Gileswar Konger* expired on 19th August, 1994. The Government vide Notification No.TAD/BC/212/92/Pt.VI, dated 04.10.1994 nominated *Smti Priyambada Konger* as *member* of the Commission under Section 4(4) of the Act to fill up the vacancy caused due to sudden demise of Late Dr Gileswar Konger.

Function of the Commission :

- (a) examine requests for inclusion of any class of citizen as a backward class in the lists and hearing complaints of over-inclusion or under-inclusion of any backward class in such lists and tender such advice to the Government as it deems appropriate ;
 - (b) investigate and monitor all matters relating to the safeguards provided for the backward classes under any law for the time being in force or under any order of the State Government and to evaluate the working of such safeguards ;
 - (c) enquire into specific complaints with respect to the deprivation of rights and safeguards of the backward classes ;
 - (d) participate and advice o the planning process of socio-economic development of the backward classes and to evaluate the progress of their development;
 - (e) present to the State Government annually its report on the working of the Commission;
 - (f) make in such reports recommendation, as to the measures that should be taken by the State Government for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the backward classes ;
 - (g) discharge such other functions in relation to the protection, welfare development and advancement of the backward classes as may be referred to it by the State Government.
2. The advice and recommendation of the Commission shall be considered by the Government and the reasons for disagreement, if any, shall be recorded”.

Meanwhile, The Government of Assam has designate the Assam Backward Classes Commission as the authority to perform the following functions within the State of Assam as specified in Section 31(1) of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (MS Act, 2013) :

1. To monitor the implementation of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, hereinafter, referred to as the Act ;
2. To enquiry into complaints regarding contravention of the provisions of this Act, and to convey its findings to the concerned authorities with recommendations requiring further action;
3. To advise the State Government for effective implantation of the provisions of this Act; and
4. To take *suo moto* notice of matter relating to non-implementation of the Act.

Power of the Commission :

The Commission shall, while performing its functions under sub-section (1) of Section 9, have all the powers of a civil court trying a suit and in particular, in respect of the following matters, namely :-

- (a) Summoning and enforcing the attendance of any person from any part of Assam and examining him or oath ;
- (b) Requiring the discovery and production of any document;
- (c) Receiving evidence on affidavits ;
- (d) Requisitioning any public record or copy thereof from any court or office ;
- (e) Issuing commissions for the examination of witnesses and documents; and
- (f) Any other matter which may be prescribed.

The Commission had adopted a **General Notice** during its 2nd Meeting to circulate the same for wide publicity vide Notification No.ABC/Esstt/13/94/29, dated 15.09.1994.

“It is for general information that the Assam Backward Classes Commission constituted by the Government of Assam under Section 3(1) of the ABC Commission Act, 1993 vide Notification No.TAD/BC/212/92/Pt.I/4, dated 31.03.1994, in exercise of the power under Section 9 (1) of the said Act, shall examine requests for inclusion of any class of citizens is a backward class in the list and hear complaints of over-inclusion or under-inclusion of any backward class in such list and tender such advice to the Government, as it deems appropriate.

The criteria for inclusion, exclusion or over-inclusion of any class or classes, will be as follows:

The claim petition may be submitted by any class/body/association/person etc. mentioned under:

- i) Any class/classes of people or community;
- ii) District Councils/Autonomous bodies;
- iii) Any association registered under the Societies Registration Act,XXI,1860;
- iv) Any Board/Association recognized by the Government;
- v) Any Service Union recognized by the Government;
- vi) Recognized Trade Unions;
- vii) Gaon Panchayats /Zila Parishads ;
- viii) Municipal and Town Committees ;
- ix) Any individual on behalf of a class or community of the people having authority to the satisfaction of the Commission; and
- x) Any petition forwarded by the Government

- B)
 - i) The criteria for consideration of inclusion of any class or community shall be on the basis of social and educational backwardness of that class or community in the society ;
 - ii) The criteria for consideration of exclusion may be for wrong inclusion of for the conditions already gained by a particular community after being included in the list of backward classes ; and
 - iii) The criteria for consideration of over inclusion of any class/community shall be on the basis of excess inclusion of that class/community already in the list of backward classes.

The ABC Commission has adopted a **Procedure** during its 8th Meeting for disposal of any petition submitted by a class of citizen for inclusion, exclusion or over-inclusion of any class of citizens. The procedure is as follows:

“Claim petition will be received by the Assam Backward Classes Commission with regard to under-inclusion, over-inclusion of any class of citizens as a Backward Class.

The Commission shall, while performing its functions under sub-section (1) of Section 9, have all the powers of a Civil Court praying a suit and in particular, in respect of the following matters viz .-

- a) summoning and enforcing the attendance of any person from any part of Assam and examining him or oath;
- b) requiring the discovery and production of any document ;
- c) receiving evidence on affidavits;
- d) requiring any public record or copy thereof from any court or office;
- e) issuing Commissions for the examination of witnesses and documents; &
- f) any other matter which may be prescribed.

All such claim petition shall be supported by affidavits and other relevant documents etc. On receipt of such claim petition, the Commission will first examine the admissibility of the claim petition and make preliminary enquiries, if required, to ascertain the social and educational backwardness of the claim community. Such preliminary enquiries may include examination of revenue records, demographic pattern, social and educational status of the claim community through Government channel. From time to time, the Commission may use its own official machinery in the form of field enquiry and research works undertaken by its Research and other officers to determine the social and educational backwardness of the claim community. The Commission may also as and when its deems fit take the help of sociological and anthropological experts of the State and other departments of the Government like those undertaking research works on social and educational progress of society, the statistical department for collection of relevant data etc.

On receipt of claim, the Commission, besides undertaking the above mentioned steps will also give wide publicity through the leading newspapers of the State and call in for **objection**, if any from any other Organizations or Associations, especially the All Assam Other Backward Classes Association. Such objections would also have to be supported by affidavits, documentary evidences if any, justifying the reasons for objections.

Constitute the 2nd Commission (1997-2000)

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|-----|--|---|-------------------------|
| (1) | Justice Shafiqul Haque
Retired Acting Chief Justice,
Gauhati High Court | - | Chairperson |
| (2) | Prof B.M. Das | - | Member |
| (3) | Dr. S. Gohain | - | Member |
| (4) | Sri Ratul Borah | - | Member |
| (5) | Sri M.C. Jauhari, IAS | - | Member-Secretary |

Constitute of the 3rd Commission (2000-2003)

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|-----|--|---|------------------------------------|
| (1) | Justice Shafiqul Haque
Retired Acting Chief Justice,
Gauhati High Court | - | Chairperson |
| (2) | Dr. G.C. Sharma Thakur | - | Member |
| (3) | Smti Priyambada Konger | - | Member |
| (4) | Dr. Subhash Ch. Dey, | - | Member (not assumed charge) |

- (5) Sri S. Nath, IAS - Member-Secretary

During the period, Sri **B B Hagjer, IAS** was *appointed* as *Member-Secretary* of the Commission due *to transfer of Sri S. Nath, IAS*.

Constitute of 4th Commission (2003-2006)

- (1) Justice Shafiqul Haque - Chairperson
Retired Acting Chief Justice,
Gauhati High Court

No *Members had been nominated* for the Commission during the period 2003-2006 besides the Chairperson.

Constitute of 5th Commission (2006-2009):

- 1) Justice Shafiqul Haque - Chairperson
Retired Acting Chief Justice,
Gauhati High Court
- 2) Sri Tiken Das - Member
Retired Professor
Nalbari College
- 3) Sri Gajen Hazarika, - Member
Retd. Principal, Borholla
College, Titabor
- 4) Sri B N Dutta, IAS, - Member-Secretary

Constitute of 6th Commission (2013-2016) :

1. Hon'ble Mr Justice K N Saikia - Chairperson
Retired Judge, Supreme Court of India
2. Dr J N Phukan, Retd Professor, Head of - Member
History Deptt, Gauhati University
3. Dr Melvil Victor Pereira, Director, North - Member
East Research Development Centre
4. Sri Jiten Borgoyari, IAS - Member-Secretary

Sri Jiten Borgoyari, IAS (Retd) tendered his resignation as Member-Secretary of the Commission on 01.05.2014. Thereafter Sri P K Hazoari, ACS, was nominated as Member Secretary of the Commission.

Constitute of 7th Commission (2016-2018)

- 1) Sri Rajib Kr Bora, IAS - Chairperson
- 2) Sri K Hazoari, ACS - Member-Secretary
- 3) numbers of members are yet to be nominated.

THE FOLLOWING CLASSES NUMBERING 1 TO 31 ARE OTHER BACKWARD CLASSES (OBC) VIDE
WELFARE OF PLAINS TRIBES & BACKWARD CLASSES DEPARTMENT
O.M.NO.TAD/BC/268/75/37, DATED 27.11.1995 , NO. TAD/OBC/128/2000/19, DATED
01.03.2001 AND NO. TAD/BC/126/2006/Pt.I/76, DATED 02.11.2012.

1. AHOM
2. BARIA
3. BARUI
4. BAROI
5. BARJUBI
6. CHUTIA
7. CHOUNDANG
8. GANNAK IN CACHAR ONLY
9. GHOSE, GOP, GUWALA
10. KUMAR, RUDRA PAUL OF CACHAR
11. KUPADHAR KASHIARI PARTH
12. MAHISYA EAS, MAHISYA
13. MANIPURI INCLUDING
MANIPURI BRAHMINS &
MANIPURI MUSLIMS.

**(This Serial number has been corrected vide
Govt Corrigendum No.TAD/OBC/92/94/Pt/3
Dated 18.03.1996 of Govt of Assam, WPT &
BC Department).**

14. MORAN AND MOTAK
15. MUKHI
16. NAPIT
17. NEPALI(i.e. THAPA, GURUNG, LAMA,
MAGM,NEWAR, LOHAR, DAMI, GAINE, RAI,
CHETRY, LIHU AND SARKI i.e. COBBLER)
18. RAJBONGSHI OR KOCH
19. SUDRA DAS OR DEY
20. SALOI
21. SUT
22. S.C. COVERED TO CHRISTIANITY
23. TANTRUPAL, TANTI, TANTRI
24. TEA GARDEN LABOURERS OR TRIBES
25. EX-TEA GARDEN LABOURERS OR TRIBES/
I.E. GONDS, MUNDAS, KHSUND, SANTHALS,
SEVERN, PANS, ORAONG
26. TELI
27. YOGI (NATH)
28. MAIMALS(MUSLIMS FISHERMEN)
29. MORIA(MUSLIMS)
30. KIRAN SHEIKH COMMUNITY OF BARAK VALLEY
INCLUDING PATIKAR, BAJNI & HAZAM

(This Serial number has been included vide Govt O.M.

**No.TAD/OBC/128/2000/19, dated 01.03.2001 of Govt of
Assam, WPT & BC Department .)**

31. **Bishnupriya Manipuri
(This Serial Number has been included vide Govt OM No.
TAD/BC/126/2006/Pt.I/76, dated 02.11.2012.**

THE FOLLOWING TEA GARDEN AND EX-TEA GARDEN TRIBES NUMBERING 1 TO 91 ARE MORE OTHER BACKWARD CLASSES VIDE WELFARE OF PLAINS TRIBES & BACKWARD CLASSES DEPARTMENT O.M.NO.TAD/BC/268/75/37, DATED 27.11.1995 AND NO. TAD/OBC/128/2000/19, DATED 01.03.2001.

1.	Arya Mala	56.	Lodhi	(20)	Gorra
2.	Asur	57.	Madari	(21)	Gahirwar
3.	Basphor	58.	Mohai	(22)	Ghitura
4.	Bhokta	59.	Mohli	(23)	Ghritlahre
5.	Bowri	60.	Mahato	(24)	Sungdre
6.	Bhuyan	61.	Malpaharia	(25)	Jaltha
7.	Bhumij	62.	Manki	(26)	Jogibanshi
8.	Bedia	63.	Mirdhar	(27)	Jolmoni
9.	Belder	64.	Majwar	(28)	Khute
10.	Bharuk	65.	Nonia	(29)	Khuteria
11.	Bhatta	66.	Ragtansi	(30)	Kacharia
12.	Basor	67.	Nagnsin	(31)	Kathulia
13.	Baiga	68.	Pasi	(32)	Kharbandha
14.	Baijara	69.	Paidi	(33)	Laki
15.	Bhil	70.	Panika	(34)	Kurro
16.	Bhonda	71.	Parja	(35)	Kherwar
17.	Binjia	72.	Patratanti	(36)	Laxmi
18.	Birhar	73.	Pradhan	(37)	Lahre
19.	Biriji	74.	Rajwar	(38)	Mahilang
20.	Beddi	75.	Sawar	(39)	Monohar
21.	Chowdhori	76.	Sahora	(40)	Machmi
22.	Chera	77.	Turi	(41)	Maroy
23.	Chick Babuk	78.	Chamar	(42)	Miri
24.	Dandari	79.	Barhai	(43)	Nirshig
25.	Dandasi	80.	Ahir-Goala	(44)	Nirala
26.	Dused	81.	Jolha	(45)	Nowranga
27.	Dhanwar	82.	Modi	(46)	Purena
28.	Ganda	83.	Telegnga	(47)	Pare
29.	Gonda	84.	Tassa	(48)	Pandy
30.	Ghansi	85.	Bauri	(49)	Parwari
31.	Gorait	86.	Tantuhai	(50)	Rowtia
32.	Ghatowar	87.	Kalihandi	(51)	Ratnakar
33.	Hari	88.	Nath	(52)	Sonwani
34.	Holora	89.	Teli	(53)	Sarkam
35.	Keot	90.	Tanti	(54)	Sut
36.	Kuiri	91.	Satnami(65-sub-titles)	(55)	Tandon
37.	Khonyor	(1)	Ahir	(56)	Tulsi
38.	Kurmi	(2)	Agarwala	(57)	Khousal
39.	Kowar	(3)	Adwani	(58)	Kachim
40.	Karmali	(4)	Ahiraj	(59)	Chandania
41.	Korwa	(5)	Banjare	(60)	Boibansh
42.	Kol	(6)	Bhardowaj	(61)	Aaigali
43.	Kalahandi	(7)	Barma	(62)	Lasha
44.	Kotwal	(8)	Bhatpahari	(63)	Ahirwar
45.	Kharia	(9)	Bairagi	(64)	Chaitandan
46.	Kumhar	(10)	Bindi	(65)	Sarjeji.
47.	Kherwar	(11)	Bundi		
48.	Khodal	(12)	Batgan		
49.	Koya	(13)	Baghel		
50.	Kondpan	(14)	Chandil		
51.	Kohor	(15)	Chaturchujan		
52.	Karmakar	(16)	Chandrakar		
53.	Kashan	(17)	Daharia		
54.	Lahar	(18)	Dhewri		
55.	Lodha	(19)	Das		

(Serial number No.91 has been included vide Govt O.M.

No.TAD/OBC/128/2000/19, dated 01.03.2001 of Govt of Assam, WPT & BC Department .)

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