



# புதுச்சேரி மாநில அரசிதழ்

## La Gazette de L'État de Poudouchéry The Gazette of Puducherry

### PART - I

சிறப்பு வெளியீடு

EXTRAORDINAIRE

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#### GOVERNMENT OF PUDUCHERRY SOCIAL WELFARE SECRETARIAT

(G.O. Ms. No. 15/SWS/2019-20, Puducherry, dated 7th August 2019)

#### NOTIFICATION

Whereas, the Hon'ble High Court of Madras by its Order, dated 22-04-2010 in W.P. No. 7359/2010 filed by the Puducherry Poorviga Kudimakkal Urimai Padhukappu Peravai represented by its Secretary, was pleased to direct the Government of Puducherry to consider the representation, dated 09-03-2010 of the Petitioner Association which was submitted to this Administration and to pass appropriate orders.

And whereas, the Petitioner Association in their representation, dated 09-03-2010 has requested the Government to fix the crucial date for determination of origin/ migrant Other Backward Classes (OBCs) as 01-11-1954, being the dated *De-facto* Merger or 16-08-1962, being the date appointed in the Puducherry Administration Act, or 05-03-1964 as applicable to the Puducherry Scheduled Caste people by virtue of

the Notification of the Constitution (Pondicherry) Scheduled Caste Order, 1964 and to extend the Other Backward Class (OBC) beneficiary such as education, employment opportunities to the wards of the people who domiciled in the former French Establishment;

And whereas, pursuant to the formation of the State Level Commission for Backward Classes Puducherry for the purpose of providing reservations to Other Backward Classes (OBCs) in this Administration, the Government of Puducherry superseding all the earlier notifications in connection with reservation of Other Backward Classes (OBCs), had issued a fresh notification *vide* G.O. Ms. No. 9/2001-Wel(SW-II), dated 19-2-2001, notifying 49 castes/communities, as Other Backward Classes in the Union territory of Puducherry and in furtherance nine notifications were issued on various dates, thereby, including 25 castes/communities, so as to provide reservation benefits for the Other Backward Classes (OBCs);

And whereas, the Ministry of Social Justice and Empowerment *vide* letter No.12017/1/2201-BCC, dated 25-11-2002 had addressed to all the States/ Union Territories, wherein, under paragraph 2 of the letter it was clearly stated as follows:

“Further, it may be clarified that in the case of migrant Other Backward Classes (OBCs), the crucial date for determining the Other Backward Class (OBC) as migrant or origin should be taken as the date of issue of notification applicable in the case of beneficiary. Similarly, in the case of persons born after the date of issue of the relevant notification, the place of residence for the purpose of acquiring Backward Classes status is the permanent abode of their parent at the time of the issue of the notification under which they claim to belong to such a caste/community.”

And whereas, this Administration has proposed to adhere to the directions of Ministry of Social Justice and Empowerment, New Delhi issued *vide* letter, dated 25-11-2002 *i.e.*, date of relevant notification is taken as crucial date for determining the Other Backward Classes (OBCs) as origin/migrant in case of beneficiaries;

And whereas, the proposal was submitted before the Council of Ministers on 18-08-2010 by the Welfare Secretariat and the Cabinet had resolved *vide* Resolution No. 2010/M.23/196, dated 18-08-2010 to get the advice of the National Commission for Backward Classes and also the Government of India in this regard for arriving a decision considering the fact that fixing a cut-off date for Other Backward Classes (OBCs) and also to seek the Hon'ble High Court of Madras for extension of more time for filing reply. Accordingly, the views/advice of the National Commission for Backward Classes and Ministry of Social Justice and Empowerment, New Delhi, has been obtained;

And whereas, the National Commission for Backward Classes, New Delhi *vide* its reply, dated 19-11-2010 had advised this Administration to comply with the order of the Hon'ble High Court while observing that the Government of Puducherry cannot rely upon the advise of the outside agency in order to form its own views in the matter.

And whereas, the proposal was re-submitted by the Welfare Secretariat before the Cabinet and the Council of Ministers *vide* “Resolution No. 2016/M.02/9, dated 05-07-2016” had resolved to adopt ‘19th February, 2001’ as the crucial date for determining the status of origin/migrants Other Backward Classes (OBCs) in the Union territory of Puducherry;

And whereas, assailing the Resolution, dated 05-07-2016 of the Council of Ministers and the corresponding communication, dated 06-09-2016, the Petitioner Association has filed another petition in W.P. No. 389/2017. The Hon'ble Bench of the Hon'ble High Court, Madras, was pleased to direct the Petitioners with liberty to file their objection before the Central Government and to agitate the issue after obtaining the decision of Central Government, observing that the Resolution as regards fixation of cut-off date is pending for approval from the Central Government.

And whereas, the Ministry of Social Justice and Empowerment, Government of India, New Delhi *vide* its letter, dated 28-02-2013 had informed that intervention of the said Ministry is not called for in the matter of deciding the nativity of the origins of Other Backward Classes (OBCs) in Puducherry, in terms of the Government of India (Allocation of Business) Rules, 1961.

And whereas, with reference to the representation, dated 10-02-2017 of the Petitioner Association addressed to the Secretary, Ministry of External Affairs, Government of India, New Delhi, read with the Order, dated 06-01-2017 of the Hon'ble High Court, Madras, in W.P. No. 389/2017, the Ministry of Social Justice and Empowerment, New Delhi, has reiterated that the Government of India (Allocation of Business) Rules, 1961 does not provide any mandate to the Ministry of Social Justice and Empowerment, Government of India, New Delhi, in the matter of fixing of the cut-off date for determining the status of origin/migrant Other Backward Classes (OBCs) of any State or Union Territory. Although, the Government of Puducherry has apprised the Hon'ble High Court about the earlier communication sent to the Ministry of Social Justice and Empowerment, Government of India, New Delhi, on 21-07-2016. The reply dated 07-10-2016 of Ministry of Social Justice and Empowerment, Government of India, New Delhi, was not submitted before the Hon'ble High Court, Madras. Therefore, the Ministry of Social Justice and Empowerment, Government of India, New Delhi, has advised the Government of Puducherry to get the said Resolution approved by the concerned Authority, which is competent to approve the resolutions passed by the Council of Ministers and inform the Petitioner Association accordingly.

And whereas, the Administrator of Puducherry decided to get the approval of the Ministry of Home Affairs, Government of India *vide* letters, dated 06-12-2017 and 26-07-2019. Accordingly, the Ministry of Home Affairs, Government of India has agreed to the proposal of Government of Puducherry for fixing the cut-off date as 19-02-2001 for determining the status of origin/migrant Other Backward Class (OBC) in the Union territory of Puducherry.

Now, therefore, in compliance with the instructions of Ministry of Social Justice and Empowerment, Government of India, New Delhi, the Lieutenant-Governor, Puducherry, is pleased to approve the proposal of the Social Welfare Secretariat as resolved by the Council of Ministers and for the said purpose hereby declares the date "19th February, 2001" as the cut-off date for determining the status of the origin/migrants Other Backward Classes, in the Union territory of Puducherry.

(By order of the Lieutenant-Governor)

**K. SARANGAPANI,**

Under Secretary to Government (Social Welfare).

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