

**GOVERNMENT OF TELANGANA
ABSTRACT**

Backward Classes Welfare Department – Inclusion of Orphan and Destitute Children in the list of BCs for the State of Telangana at Serial No.55 in Group-A – Orders – Issued

Backward Classes Welfare (OP) Department

G.O.MS.No. 28

Dated: 29/09/2015

Read the following:-

1. G.O.Ms.No.1793, Edn. Dept., Dt.23.09.1970
2. Govt., Memo.No.40-IV/70-1, Edu., Dept., Dt.10.02.1971
3. Govt., Memo.No.234/VI/72-2, Edu., Dept., Dt.05.07.1972
4. Govt., Memo.No.1279-P1/74-10, Employment & SW (P) Dept., Dt.08.08.1975
5. G.O.Ms.No.149, SW, Dt.03.05.1978
6. G.O.Ms.No.53, SW Dept., Dt.07.03.1980
7. G.O.Ms.No.5, SW Dept., Dt.24.01.1981
8. G.O.Ms.No.124, SW Dept., Dt.24.06.1985
9. G.O.Ms.No.20, BCW (P2) Dept., Dt.19.07.1994
10. G.O.Ms.No.32, BCW (M1) Dept., Dt.23.02.1995
11. G.O.Ms.No.27, BCW (M1) Dept., Dt.23.06.1995
12. G.O.Ms.No.28, BCW (M1) Dept., Dt.24.06.1995
13. G.O.Ms.No.59, BCW (M1) Dept., Dt.16.12.1995
14. G.O.Ms.No.1, BCW (M1) Dept., Dt.6.01.1996
15. G.O.Ms.No.31, BCW (M1) Dept., Dt.11.06.1996
16. G.O.Ms.No.61, BCW (M1) Dept., Dt.05.12.1996
17. G.O.Ms.No.62, BCW (M1) Dept., Dt.10.12.1996
18. G.O.Ms.No.63, BCW (M1) Dept., Dt.11.12.1996
19. G.O.Ms.No.13, BCW (P1) Dept., Dt.20.05.1997
20. G.O.Ms.No.16, BCW (A1) Dept., Dt.19.06.1997
21. G.O.Ms.No.11, BCW (C2) Dept., Dt.13.05.2003
22. G.O.Ms.No.3, BCW (C2) Dept., Dt.09.01.2004
23. G.O.Ms.No.8, BCW (C2) Dept., Dt.28.08.2006
24. G.O.Ms.No.23, BCW (C2) Dept., Dt.07.07.2007
25. G.O.Ms.No.20, BCW (C2) Dept., Dt.04.07.2008
26. G.O.Ms.No.22, BCW (C2) Dept., Dt.04.07.2008
27. G.O.Ms.No.23, BCW (C2) Dept., Dt.04.07.2008
28. G.O.Ms.No.25, BCW (C2) Dept., Dt.04.07.2008
29. G.O.Ms.No.27, BCW (C2) Dept., Dt.04.07.2008
30. G.O.Ms.No.9, BCW (C2) Dept., Dt.09.04.2008
31. G.O.Ms.No.39, BCW (C2) Dept., Dt.07.08.2008
32. G.O.Ms.No.40, BCW (C2) Dept., Dt.07.08.2008
33. G.O.Ms.No.41, BCW (C2) Dept., Dt.07.08.2008
34. G.O.Ms.No.42, BCW (C2) Dept., Dt.07.08.2008
35. G.O.Ms.No.43, BCW (C2) Dept., Dt.07.08.2008
36. G.O.Ms.No.44, BCW (C2) Dept., Dt.07.08.2008
37. G.O.Ms.No.45, BCW (C2) Dept., Dt.07.08.2008
38. G.O.Ms.No.11, BCW (C2) Dept., Dt.19.02.2009

39. G.O.Ms.No.12, BCW (C2) Dept., Dt.19.02.2009
40. G.O.Ms.No.13, BCW (C2) Dept., Dt.19.02.2009
41. G.O.Ms.No.14, BCW (C2) Dept., Dt.19.02.2009
42. G.O.Ms.No.1, BCW (C2) Dept., Dt.24.01.2009
43. G.O.Ms.No.4, BCW (C2) Dept., Dt.24.01.2009
44. G.O.Ms.No.6, BCW (C2) Dept., Dt.19.02.2009
45. G.O.Ms.No.7, BCW (C2) Dept., Dt.19.02.2009
46. G.O.Ms.No.8, BCW (C2) Dept., Dt.19.02.2009
47. G.O.Ms.No.9, BCW (C2) Dept., Dt.19.02.2009
48. G.O.Ms.No.10, BCW (C2) Dept., Dt.19.02.2009
49. G.O.Ms.No.16, BCW (C2) Dept., Dt.19.02.2009
50. G.O.Ms.No.12, BCW (C2) Dept., Dt.19.02.2009
51. G.O.Ms.No.14, BCW (C2) Dept., Dt.19.02.2009
52. G.O.Ms.No.22, BCW (C2) Dept., Dt.28.02.2009
53. G.O.Ms.No.7, BCW (C2) Dept., Dt.19.02.2011
54. G.O.Ms.No.11, BCW (C2) Dept., Dt.27.05.2011
55. G.O.Ms.No.12, BCW (C2) Dept., Dt.27.05.2011
56. G.O.Ms.No.21, BCW (C2) Dept., Dt.20.06.2011
57. G.O.Ms.No.3, Backward Classes Welfare (OP) Department, dated.14.08.2014
58. G.O.Ms.No.4, Backward Classes Welfare (OP) Department, dated.30.08.2014
59. G.O.Ms.No.5, Backward Classes Welfare (OP) Department, dated.02.09.2014
60. From the Member Secretary, Commission for Backward Classes, letter No.384/C/2014, dated.25.9.2014.
61. From the Director, B.C. Welfare, Telangana, letter No.E/1066/2014, dated.17.10.2014
62. G.O.Ms.No.2, Scheduled Caste Development (POA.A2) Department, Dt.22.01.2015
63. G.O.Ms.No.16, Backward Classes Welfare (OP) Department, dated.11.03.2015
64. From the Member-Secretary, National Commission for Backward Classes, Ministry of Social Justice & Empowerment, GOI, New Delhi, D.O.No.NCBC/23(13)/RW/TN/2013, dated 13-5-2015
65. Proceedings of the Telangana State Council of Ministers, Council Resolution No.210/2015, Dt.19.09.2015

ORDER:

In the references 57th read with 63rd read above, orders were issued adapting the relevant Government Orders issued in the undivided State of Andhra Pradesh along with the list of (112) castes/communities group wise as Backward Classes with percentage of reservation, as specified therein for the State of Telangana u/s 101 of the Andhra Pradesh Reorganisation Act, 2014.

2. In the reference 64th read above, the Member Secretary, National Commission for Backward Classes (NCBC), Government of India, New Delhi has informed that a proposal from the Government of Tamil Nadu has been

received to consider inclusion of orphans and destitute children in the Central List of Other Backward Classes (OBCs). In the proposal, it is stated that the Tamil Nadu Government has classified orphans and destitute children as Backward Classes provided they meet all these three conditions:-

- (i) Children who have lost both their parents before reaching the age of 10 and are destitute,
- (ii) Children who have nobody else to take care of them either by law or customs, and
- (iii) Children who are admitted to any of the schools/orphanages institutions run by the Government or recognized by the Government.

3. While enclosing a copy of the proposal received from the Government of Tamil Nadu, the Member Secretary, National Commission for Backward Classes (NCBC), GoI, New Delhi further informed that the proposal of Tamil Nadu Government relies heavily on the judgement of the Hon'ble Supreme Court of India in Indra Sawhney V/s Union of India (1992 Supp. (30) SCC 217) which has been extensively referred to in their proposal. He also stated that in the landmark Judgement pertaining to identification of OBCs, the Hon'ble Supreme Court of India (SCI) in the case of Ram Singh & others V/s Union of India & others (Writ Petition (Civil) No.274 of 2014) the Hon'ble Supreme Court has emphasized the criteria for affirmative action to protect the constitutional rights of most deserving people under Articles 15(4) and 16(4) of the Constitution of India. The backwardness is a manifestation caused by the presence of several independent circumstances which may be social, cultural, economic, educational, employment or even political. The Hon'ble Supreme Court in the case of Indra Sawhney Vs. Union of India (popularly known as 'Mandal case') held that the backward class citizens can be identified on the basis of occupation-cum-income without reference to caste. Such occupational groups, communities and classes can be agricultural labourers, daily wage workers, rickshaw pullers, drivers, street hawkers, porters, etc., may well qualify for being designated as backward classes. Therefore, it is permissible to identify the backward class of citizens on the basis of occupation-cum-income without reference to caste. As per the aforesaid judgement of the Supreme Court in Ram Singh Vs. Union of India & Ors., the affirmative action policy that being implemented keeping in minds only historical injustice in favour of certain backward classes affecting most deserving backward class of citizens who are entitled to constitutional rights under Articles 15(4) and 16(4) of the Constitution of India. It is also held that the perception of a self-proclaimed socially backward class of citizens or even the perception of the "advanced classes" as to the social status of the "less

fortunate”, cannot continue to be a constitutionally permissible yardstick for determination of backwardness and on the basis of mathematical formulae evolved by taking into account social, economic and educational indicators as being followed by the National Commission for Backward Classes, determination of the backwardness based on the relative comparison, consideration of the representations of certain classes on the ground that they are socially and educationally backward than many of the existing backward classes who are already in the Central OBC List cannot continue to be constitutionally permissible yardstick for determination of backwardness, both under the context of Articles 15(4) and 16(4) of the Constitution of India. It is also indicated that the new emerging groups shall be discovered as socially and educationally backward class of citizens. The Hon’ble Supreme Court recognized the third gender as a socially and educationally backward class of citizens entitled for affirmative action of the States under the Constitution.

4. Thus, it is held that the most depressed classes shall only be permitted to be included in the Central OBC List. Relevant portion of the Judgement of the Hon’ble Supreme Court in the case of Ram Singh (Writ Petition (Civil) no.274 of 2014) is extracted below:-

“

53. Past decisions of this Court in ***M.R. Balaji Vs. State of Mysore and Janaki Prasad Vs. State of Jammu & Kashmir*** had conflated the two expressions used in Articles 15(4) and 16(4) and read them synonymously. It is in ***Indra Sawhney's*** case (*supra*) that this Court held that the terms "backward class" and "socially and educationally backward classes" are not equivalent and further that in [Article 16\(4\)](#) the backwardness contemplated is mainly social. The above interpretation of backwardness in ***Indra Sawhney*** (*supra*) would be binding on numerically smaller Benches. We may, therefore, understand a social class as an identifiable section of society which may be internally homogenous (based on caste or occupation) or heterogeneous (based on disability or gender e.g. transgender). Backwardness is a manifestation caused by the presence of several independent circumstances which may be social, cultural, economic, educational or even political. Owing to historical conditions, particularly in Hindu society, recognition of backwardness has been associated with caste. Though caste may be a prominent and distinguishing factor for easy determination of backwardness of a social group, this Court has been routinely discouraging the identification of a group as backward solely on the basis of caste. [Article 16\(4\)](#) as also [Article 15\(4\)](#) lays the foundation for affirmative

action by the State to reach out the most deserving. Social groups who would be most deserving must necessarily be a matter of continuous evolution. New practices, methods and yardsticks have to be continuously evolved moving away from caste centric definition of backwardness. This alone can enable recognition of newly emerging groups in society which would require palliative action. The recognition of the third gender as a socially and educationally backward class of citizens entitled to affirmative action of the State under the Constitution in [National Legal Services Authority vs. Union of India](#) is too significant a development to be ignored. In fact it is a path finder, if not a path- breaker. It is an important reminder to the State of the high degree of vigilance it must exercise to discover emerging forms of backwardness. The State, therefore, cannot blind itself to the existence of other forms and instances of backwardness. An affirmative action policy that keeps in mind only historical injustice would certainly result in under-protection of the most deserving backward class of citizens, which is constitutionally mandated. It is the identification of these new emerging groups that must engage the attention of the State and the constitutional power and duty must be concentrated to discover such groups rather than to enable groups of citizens to recover "lost ground" in claiming preference and benefits on the basis of historical prejudice.

54. The perception of a self-proclaimed socially backward class of citizens or even the perception of the "advanced classes" as to the social status of the "less fortunates" cannot continue to be a constitutionally permissible yardstick for determination of backwardness, both in the context of Articles 15(4) and 16(4) of the Constitution. Neither can any longer backwardness be a matter of determination on the basis of mathematical formulae evolved by taking into account social, economic and educational indicators. Determination of backwardness must also cease to be relative; possible wrong inclusions cannot be the basis for further inclusions but the gates would be opened only to permit entry of the most distressed. Any other inclusion would be a serious abdication of the constitutional duty of the State. Judged by the aforesaid standards we must hold that inclusion of the politically organized classes (such as

Jats) in the list of backward classes mainly, if not solely, on the basis that on same parameters other groups who have fared better have been so included cannot be affirmed.

.....”

5. The Member Secretary, National Commission for Backward Classes, Government of India, New Delhi, further stated that with the future course of action having been illuminated by this Judgement of the Hon'ble Supreme Court, he is requesting the Government of Telangana to examine this issue of categorizing orphans and destitute children as a Backward Class. **The orphans and destitute children who have been abandoned and whose parents are not known and who have lost their parents and who have nobody else to take care of them and who do not have any property and whose caste also is not known and the fact that they are admitted into any schools or Orphanages run by the Government or recognized by the Government can as well be treated as socially and educationally backward classes as they are most deserving and most distressed citizens for their inclusion in the Central OBC List.** Therefore, the Member Secretary, National Commission for Backward Classes (NCBC), GoI, New Delhi has requested Government of Telangana in Backward Classes Welfare Department to formulate an opinion and also requested to have view and suggestions on the process of identification of such orphans/destitute children and also the procedure for issuing such certificates to the really deserving cases so as to prevent misuse of such facility if it is given to such children.

6. Government after careful examination of the matter, have decided “to classify ‘orphans and destitute children’ who satisfy all the three conditions mentioned below as Backward Class for extension of benefits and concessions normally admissible to Backward Classes:

- i) Who have lost both their parents before reaching the age of 10 and are destitute,
- ii) Who have nobody else to take care of them either by law or custom, and
- iii) Who are admitted into any of the schools / orphanages run by the Government or recognised by the Government

7. The orphans and destitute Children shall be conferred with the benefit of reservation as Backward Class ‘in appointments to public services and admissions into educational institutions under the State Government’. The orphans and destitute children shall be included in the list of Backward Classes for the State of Telangana under Group-A, at serial number 55, as was done

by the Government of Tamil Nadu vide their GO Ms.No.534, Social Welfare & Nutritious Meal Programme Department, dated 06.11.1990.

8. The authorities who are competent to issue the certificate to the Backward Classes, namely Tahasildar concerned, shall be competent to issue the certificate for all Orphans and destitute children as Backward Classes.

9. The following entries shall be inserted in Group-A at the end of the existing list.

`55. Orphans and destitute children who have lost their parents before reaching the age of ten and are destitute; and who have nobody else to take care of them either by law or custom; and also who are admitted into any of the schools or orphanages run by the Government or recognised by the Government`.

10. The General Administration (Ser.D) Department shall take necessary action to amend the rule 22 of Telangana State and Subordinate Service Rules accordingly.

11. The Director (FAC), Backward Classes Welfare, Hyderabad, all the District Collectors, the Chief Commissioner of Land Administration, Telangana State and the Director General, Centre for Good Governance, Hyderabad are hereby directed to take necessary action accordingly.

12. A copy of this order is available on the Internet and can be accessed at:-

<http://www.goir.telangana.gov.in/>

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**DR. T. RADHA
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Commissioner, Printing, Stationery and Stores Purchase (Ptg. Wing)
Department, Telangana, Hyderabad with a request to publish it in the
extraordinary gazette and send 10000 copies to this Department
immediately)

The Member-Secretary, National Commission for Backward Classes, Ministry of
Social Justice & Empowerment, GOI, New Delhi

The Chief Secretary to Government, Telangana State

The Advocate General, High Court of Judicature at Hyderabad for the State of
Telangana, Hyderabad

The Chief Commissioner of Land Administration, Telangana State

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The Principal Secretary to Government, Department for Women, Children,
 Disable and Senior Citizen, Telangana State
 The Principal Secretary to Government, Finance Department, Telangana State
 The Principal Secretary to Government, Revenue Department, Telangana State
 The Secretary to Government, Higher Education Department, Telangana State
 The Principal Secretary to Government, Scheduled Castes Development
 Department, Telangana State
 The Principal Secretary to Government, BC Welfare Department, Telangana
 State
 The Principal Secretary to Government, Tribal Welfare Department, Telangana
 State
 The Principal Secretary to Government, Minorities Welfare Department,
 Telangana State
 The Secretary to Government, Law Department, Telangana State (with a
 request to communicate to all the Courts in the State of Telangana)
 The Registrar (Administration), High Court of Judicature at Hyderabad for the
 State of Telangana, Hyderabad
 The Chairman, State Council of Higher Education, Telangana State, Hyderabad
 The Secretary to Government, Intermediate Education Department, Telangana
 state
 The Secretary to Government, School Education Department, Telangana State
 The Secretary to Government, HM&FW Department, Telangana State
 The Secretary to Government, Technical Education
 Department, Telangana State
 The Secretary to Government, Agriculture and Co-Operation Department,
 Telangana State
 The Secretary to Government, Animal Husbandry and Fisheries Department,
 Telangana State
 The Prl. Secretary to Government, PR & RD Department, Telangana State
 The Prl. Secretary to Government, General Administration Department
 Telangana State
 All the Secretaries/Prl.Secy/Spl. CS of the Government of Telangana State
 All the HoDS, Government of Telangana State(including Director General of
 Police, Telangana State, Commissioner of Police, Hyderabad and
 Rangareddy, Principal, Chief Conservator of Forests, Telangana State with
 a request to communicate this order to all the HoDs under their control,
 District Officers, Division Level Officer, SHOs etc.)
 All the District Collectors/ Superintendent of Police, Telangana State
 All the Registrars of Universities in Telangana State
 The Registrar, High Court of Judicature at Hyderabad
 The Secretary APAT, Hyderabad
 The Secretary Telangana Public Service Commissioner TS,
 The Director (FAC), Backward Classes Welfare, Telangana, Hyderabad
 All The Special Chief Secretary's/Principal Secretary's/
 Secretary's to Government of Telangana State
 All the Telangana State Pubic Sectors undertakings
 The Secretary, GA (Cabinet) Department

Copy to:-

The Commissioner of I&PR, Telangana State (publicitycell@gmail.com,
Jwala99@gmail.com , Vadanrv@gmail.com, lefttelana@gmail.com)
 P.S. to all Cabinet Ministers, MLAs, MPs, MLCs in the Telangana

P.S. to the Principal Secretary to CM
 P.S. to the Additional Secretary to CM
 P.S. to the Advisor of scheduled caste development department
 P.S. to Principal Secretary (Higher Education)
 P.S. to Principal Secretary (TW)
 P.S. to Principal Secretary, Fin. (Expr.SW) Dept
 P.S. to Principal Secretary (SW)
 P.S. to Principal Secretary (BCW)
 P.S. to Principal Secretary (Minorities Welfare)
 P.S. to Principal Secretary (Disabled Welfare)
 P.S. to Principal Secretary (School Education)
 The Commissioner of Higher Education TS, Hyderabad
 The Commissioner of Intermediate Education, TS, Hyderabad
 The Commissioner of School Education, TS, Hyderabad
 The Commissioner of Technical Education, TS, Hyderabad
 The Commissioner of College Education, TS, Hyderabad
 The Commissioner, Agriculture and Co-Operation, TS, Hyderabad
 The Commissioner of Social Welfare, TS, Hyderabad
 The Secretary, TSWREIS, TS, Hyderabad
 The Commissioner of Tribal Welfare, TS, Hyderabad
 The Commissioner of B.C. Welfare, TS, Hyderabad with a request to mail
 a copy this GO to all the Colleges/Institutions/Schools which are
 availing Post-Matric Scholarship for information and necessary action
 The Commissioner of Minorities Welfare, TS, Hyderabad
 The Director of Medical Education, TS, Hyderabad
 The Director of Adult Education, TS, Hyderabad
 The Director of Government Examinations, TS, Hyderabad
 The Director, Government Textbook Press, TS, Hyderabad
 The Director, State Institute of Educational Technology, TS, Hyderabad
 The Director, State Council of Education Research & Training, TS, Hyderabad
 The Director, Animal Husbandry, TS, Hyderabad
 The Director, Fisheries, TS, Hyderabad
 The Director, Welfare of Disabled and Senior Citizens, TS, Hyderabad
 The Director-General, Centre for Good Governance, TS, Hyderabad
 The Deputy Director (PMU), o/o CSW, TS, Hyderabad
 All the Deputy Secretary's/Assistant Secretaries/ Section officers/Assistant
 Section officers in B.C. Welfare, Scheduled Castes Development
 Department, Tribal Welfare department
 The Vice Chairman and Managing Director, Telangana Backward Classes
 Cooperative Finance Corporation Ltd., Telangana
 The Secretary MJPBCWREIS TS,
 The Director Telangana BC Study Circle
 SF/SC

//FORWARDED::BY ORDER//

SECTION OFFICER