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सदस्य-सचिव
राष्ट्रीय पिछड़ा वर्ग आयोग
भारत सरकार
नई दिल्ली-110 068
MEMBER-SECRETARY
NATIONAL COMMISSION
FOR BACKWARD CLASSES
GOVERNMENT OF INDIA
NEW DELHI-110 068
02. 02. 1998

NCBC Advice No. West Bengal 29/97

Dear Shri Baksi,

I am sending herewith the Advice of the National Commission for Backward Classes under Section 9(1) of the NCBC Act, 1993 for inclusion of 'Fakir, Sain' caste/community in the Central List of Backward Classes for West Bengal, for necessary action by the Central Government under Section 9(2) of the Act.

Best wishes,

Yours sincerely

(P.S. KRISHNAN)

Encl: As stated.

Shri K.K. Baksi
Secretary to Govt. of India
Ministry of Welfare
Shastri Bhavan
NEW DELHI

NATIONAL COMMISSION FOR BACKWARD CLASSES

WEST BENGAL BENCH

FINDINGS

Case: Request for inclusion of "FAKIR, SAIN" caste/community in the Central List of Backward Classes for West Bengal.

Per Shri U.P. Singh, Member

1. Request

This case arises from the Request received in this Commission from Govt. of West Bengal, Scheduled Castes and Tribes Welfare Department, Calcutta vide letter No. 453-TW/EC/ M-6/82 (I) dated 27th December, 1996 for inclusion of "Fakir, Sain" caste/community in the Central List of Backward Classes for West Bengal. The Govt. of West Bengal obtained information in the NCBC Questionnaire from Mohd. Kashem Mondal, Krishnapada Paik and Namita Paik from North 24 -Parganas, West Bengal.

II. Public Hearing

2. The two members West Bengal Bench of the Commission consisting of Hon'ble Members, Shri U.P. Singh and Shri Sahu Akshaya Bhai held a Public Hearing at Calcutta on 22.9.1997 in respect of this case. At the Public Hearing, the State Govt. was represented by Shri S.B. Mondal, Spl. Secretary to the Govt. of West Bengal, Schedule Castes & Tribes Welfare Deptt., Calcutta, Shri M.K. Chaudhary, Director, Cultural and Research Institute, Calcutta and Shri Amrit Kumar Dutta, Dy. Director, Schedule Castes & Tribes Welfare Department, Govt. of West Bengal, Calcutta. However, nobody appeared before the Bench to represent the Caste/Community.

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Member Secretary
National Commission
for Backward Classes

III FACTS

3. The Mandal List included the "Fakir, Sain" castes/communities as follows:-

" 57 Fakir, Sain "

The State Govt. of West Bengal had no list of Backward Classes till after the Supreme Court Judgement in the Mandal Case delivered on 16th November, 1992. For this reason, the Expert Committee on Backward Classes could not, on the basis of the principle of commonality, recommend a Central List of Backward Classes for West Bengal as it could do for 14 other states, which already had their respective lists of Backward Classes, and therefore the Central Govt. also could not issue a Central List of Backward Classes for West Bengal in 1993. The Govt. of West Bengal issued its first list of Backward Classes by its Notification on 346-TW/EC/ M-6/82 (I) dated 13th July, 1994 in the Calcutta Gazette of the same date, which included 14 entries. The Government of India, Ministry of Welfare, by its Notification No. 163 dated 19.10.1994, published in the Gazette of India of 20.10.1994, issued a common list of OBCs for West Bengal which consisted of the same 14 castes/communities.

5. The Government of West Bengal issued its second instalment of Backward Classes consisting of 12 castes / communities by its Notification No. 705-TW/EC/M-6/82 (I) dated 13th December, 1994 in the Calcutta Gazette of the same date, third instalment of 3 castes/communities was issued by its Notification No. 370-TW/EC / M-6/82 (I) dated 12th May, 1995, published in Calcutta Gazette of the same date and fourth instalment of 9 Backward Classes by its Notification No. 1179-TW/EC/ M-6/82(I) dated 1st December, 1995, published in the Calcutta Gazette of the same date. The State Govt. of West Bengal has also issued its fifth instalment of 6 backward Classes by its Notification No. 183-TW/EC M-6/82 (I) dated 8th March, 1996 including " Fakir, Sain " at entry No. 2 which reads as follows:

" 2. Fakir, Sain "

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Member Secretary
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for Backward Classes

6. "Fakir, Sain" is one of the 6 castes/communities included in the fifth State List of Backward Classes issued on 8.3.1996 in respect of which the State Government's request was received on 27th December, 1996.
7. The Govt. of West Bengal in their note on the "Fakir, Sain" caste/community stated that Fakirs are the Muslim religious mendicants and their status is degraded and they occupy the lowest level of the social stratification prevalent among the Muslims. It further states that "Fakir" is an Arabic word denoting a "Mahomedan religious mendicant. They occupy the bottom position (degraded position with the 'Dhais' Etc) in the hierarchial scale of the traditional system of social stratification among the Muslims and also consider themselves more backward than the 'Momin, Ansari, Jolhas' who have already been included in the State List of Backward Classes for West Bengal at Entry No.1 (ii) of list -2. As regard "Sains" who are also Fakirs it was stated in the note that those people who have attained a higher level of spiritual life are respected as "Sains". According to this note the caste/community is educationally and economically backward. The "Sains" of their own class act as priests in all the phases of their life and activities.
8. The Govt. of West Bengal obtained the NCBC Questionnaire filled up by Md. Kashem Mondal, Shri Krishnapada Paik and Smt. Namita Paik from North 24 Parganas, West Bengal. The Questionnaire states that the 'Fakir, Sain' is the main caste spread all over the State. The Caste/Community is socially backward. The occupation on which the members of the community mainly depend for livelihood is religious mendicants, as day labourers as well as agricultural labourers, which is non-agricultural occupation and mainly involve manual labour for wage. Besides the main occupation of 'Sain, as priests of the 'Fakir' community, some of them work as Rikshwa or Cart pullers. The material on records also indicates that 98 per cent population of caste/community are landless (both agricultural and non-agricultural labourers). These occupations are covered under para- 7 of the Procedural Clarification on the NCBC's "Guidelines for consideration of

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Requests for Inclusion and Complaints of Under-Inclusion in the Central List of Backward Classes". 100 per cent of them live in Kaccha houses and literacy rate is 30 per cent, both for male and female as against 57.7 per cent i.e. total literacy rate of the State. There is no graduate from amongst the caste/community, what to talk about the professional qualification. According to the NCBC's Questionnaire the caste/community stated number of Matriculates and graduates as "Does not arise". This means that there is no matriculates and graduates among them as data are not available with them.

9. The Kalekar Commission has also recommended their inclusion in the list of Backward Classes for West Bengal at Entry no.220 and their occupation as beggers.

10. The relevant entries in respect of the caste/community reflected in the Central List in respect of different States is as under:

S.No.	State	Entry No.	Name of Caste/Community
1.	Gujarat	19.	Fakir or Faquir (Muslim)
2.	Haryana	21.	Faquir
3.	Himachal Pradesh	18.	Faquir
4.	Madhya Pradesh	59.	Islamic Groups
		8.	Pinjara, Naddaf, Fakir/Faquir
			Behna
			Dhuniya
			Dhunkar

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5.	Maharashtra	167.	Fakir, Bhandarwala
6.	Punjab	36.	Faqir
7.	Uttar Pradesh	29.	Faqir
8.	Delhi	21.	Fakir

IV. Findings

11. From the above evidence it is the Findings of the Bench that "Fakir, Sain" is a socially and Educationally Backward Class and it should therefore be included in the Central List of Backward Classes for West Bengal at Entry No. 29 as follows:

" 29. Fakir, Sain "

Ashaya
29.01.98
(SAHU AKSHAYA BHAI)

Uday Pratap Singh
20.1.98
(UDAY PRATAP SINGH)

AUTHENTICATED

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V. advice of the Commission

12. The Commission considered and agreed in full with the above findings of the West Bengal Bench and decided to tender the following Advice to the Central Government under Section 9 (1) of the NCBC Act, 1993, for action by the Central Government under Section 9 (2) of the Act.

"Fakir, Sain" should be included in the Central List of Backward Classes for West Bengal as follows:

" 29. Fakir, Sain "

L. S. Krishnan
22.1.98

R. S. Ghosh
29.1.98

Madan Mohan Ghosh
22.1.98

L. S. Krishnan
2-2-98

P. S. Ghosh
2-2-98

AUTHENTICATED

L. S. Krishnan
S. KRISHNAN
Member Secretary
National Commission
for Backward Classes