



पी. डी. सेठ

युक्त सचिव

P.D. SETH

Joint Secretary

Tel. : 6163385

भारत सरकार

राष्ट्रीय पिछड़ा वर्ग आयोग

त्रिकूट-१, भीकाजी कामा प्लेस, नई दिल्ली - ११० ०६६

NATIONAL COMMISSION FOR BACKWARD CLASSES

Government of India

Trikoot - 1, Bhikaiji Cama Place, New Delhi - 110 066

NCBC Advice No.99-101/Tamilnadu/99
September 15, 1999

Dear Smt. Das,

I am sending herewith the Advices of the National Commission for Backward Classes under Section 9(1) of the NCBC Act, 1993 for rejection of the Requests for Inclusion of (i) Arya Vaishya (ii) Ayira Vaisyar and (iii) Bhattachar castes in the Central List of Backward Classes for Tamilnadu for necessary action by the Central Government under Section 9(2) of the Act.

2. Normally, the Member-Secretary, NCBC authenticates the Advices of the Commission including the Bench Findings. However, in the present cases covered by these Advices, the Member-Secretary has authorised the undersigned under sub-Section (3) of Section 8 of the NCBC Act-1993, to authenticate the Advices because he has availed earned leave from 9.9.99 upto 30.9.99.

With warm regards

Yours sincerely,

(P.D.SETH)

Encl: As Stated

Mrs. Asha Das
Secretary
Ministry of Social Justice & Empowerment
Shastri Bhavan
New Delhi-110001

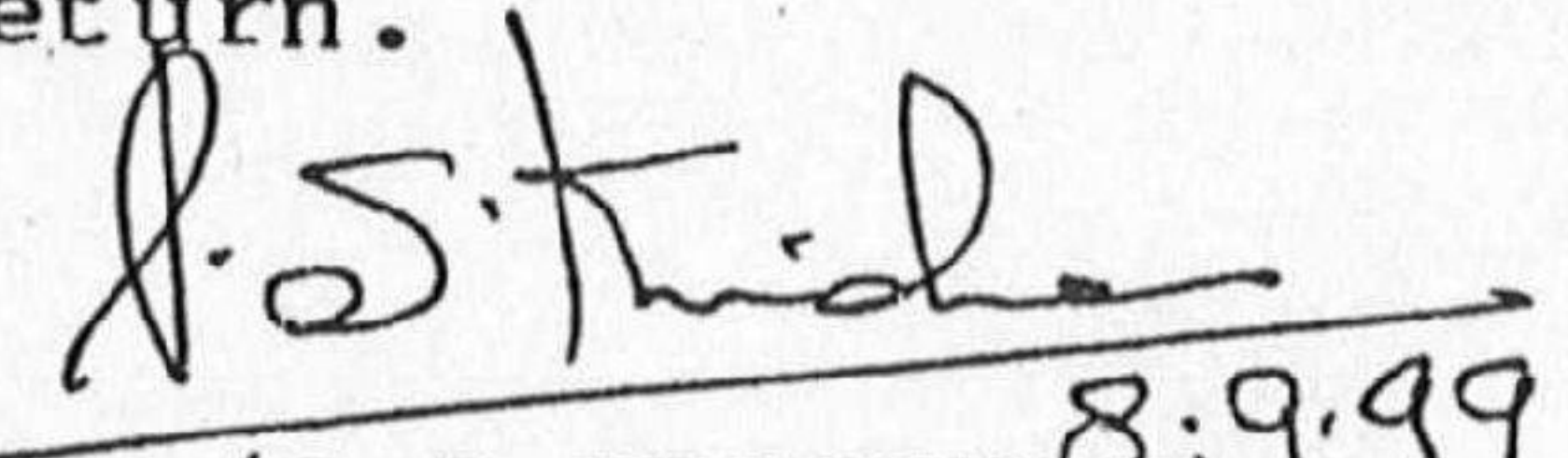
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NATIONAL COMMISSION FOR BACKWARD CLASSES

Authorisation

As I have programmed to avail myself of earned leave with effect from 9.9.99 upto 30. 9. 99, the Joint Secretary, NCBC is, under sub-Section (3) of Section 8 of the NCBC Act, hereby authorised to authenticate the Advices of the Commission including the Bench Findings in respect of the Advices in the cases to be tendered to the Central Government during the period from 9.9.1999 until my return.


(P.S. KRISHNAN) 8.9.99
Member-Secretary

NATIONAL COMMISSION FOR BACKWARD CLASSES

TAMIL NADU BENCH

FINDINGS

Per Shri P.K.Shyamsundar, Chairperson

Case : Request for inclusion of "Arya Vaishya" in the Central List of Backward Classes
For Tamil Nadu.

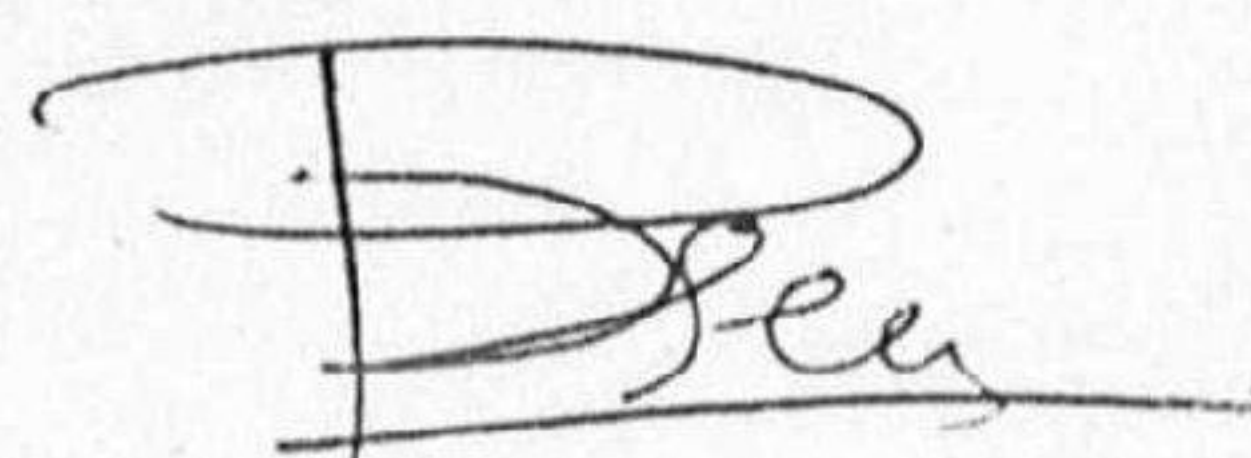
I Request

This case arises from the Request received in this Commission from the Tamil Nadu Arya Vaishya Mahasabha, 22, Sundaradoss Tank Street, Trichirappalli-620000, Tamil Nadu for inclusion of "Arya Vaishya" in the Central List of Backward Classes for Tamil Nadu.

II Public Hearing

The three-Member Tamil Nadu Bench of the Commission consisting of Hon'ble Justice P.K.Shyamsundar, Chairperson, Prof. U.P.Singh, Hon'ble Member and Shri M.S.Matharoo, Hon'ble Member held a Public Hearing at Chennai on 9th August, 1999. At the Public Hearing the State Government was represented by Shri N.Murugan, Secretary, Backward Classes and Most Backward Classes Welfare Department, Shri R.S.Kannan, Director, Most Backward Classes and Denotified Communities and other officers of the Backward Classes Welfare Department. The community was represented by Shri P.L.N.Gupta, President of the Tamil Nadu Arya Vaishya Mahasabha and others.

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(P. D. SETHI)
Joint Secretary
National Commission for
Backward Classes
Ministry of Welfare
Govt. of India

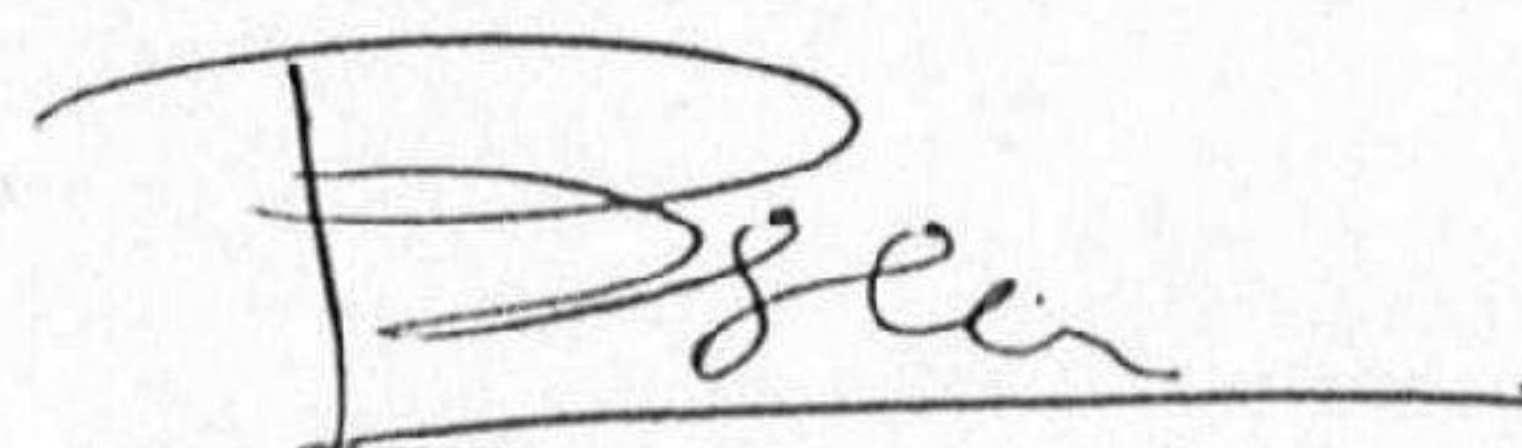
III Facts

"Arya Vaishya" caste/community is not included in the State List of Backward Classes and Mandal List of Backward Classes for Tamil Nadu. Therefore, it is not included in the first phase of Central List of Backward Classes for Tamil Nadu as it did not fulfill the criteria of commonality i.e. being in the State List as well as Mandal List.

The representatives of the community have applied to this Commission seeking inclusion in the Central List of Backward Classes urging among other things that many in their community eke out a poor living by carrying on petty shops, small textile and provision shops, tea stalls and menial labour. They also claimed and asserted that they are educationally and socially backward. In the written memorandum submitted to the Commission at the Public Hearing held at Chennai on 9th August, 1999 there is a reference inter alia to the population of the community in the various districts of Tamil Nadu. According to their estimation the total population of the community aggregates to 1,13,455. Total number of women and children who are engaged in manual labour is 10,563 and that the community people are very poor, with a majority of them living in semi permanent and rented houses.

Apropos the educational qualification, it is alleged that a number of children between 7 years to 15 years deserting school due to poverty and school drop out is 10,070. It is also mentioned that the total number of those who have passed 10th standard or equivalent is 18,437 and the community has so far produced a total number of 120 – Doctors, Engineers and Chartered accountants. Some emphasis is laid in the representation on the fact that even though their traditional occupation is business, their trade was declining as other communities had entered into business and their community people are not able to compete with them as such they have become backward. It is maintained that women in their community are mainly involved in providing domestic services like cooking, working as maid servants etc. If the foregoing facts were established at the Hearing, it would probably be not difficult to grant them the

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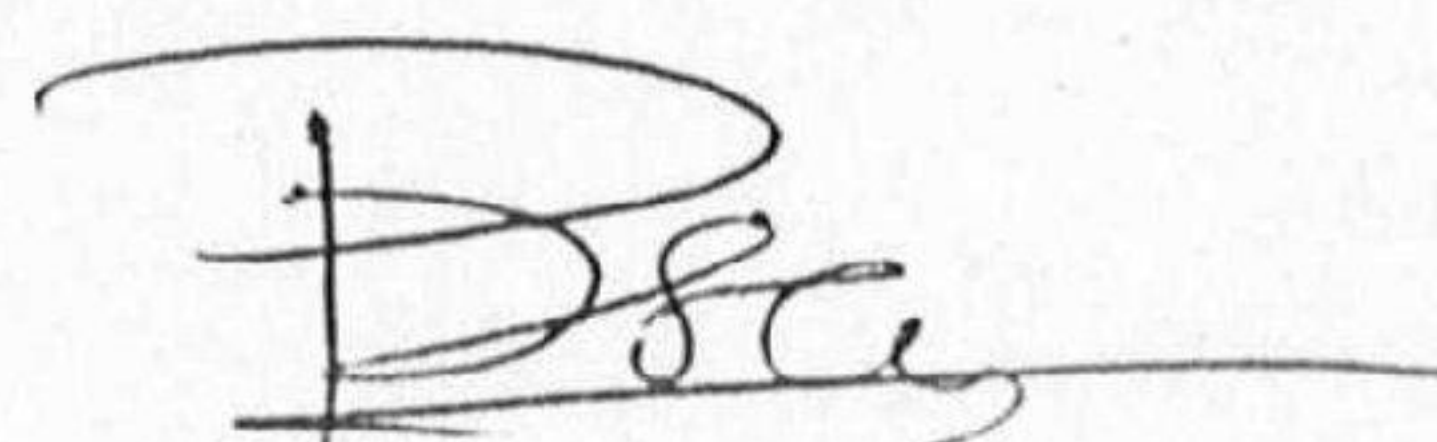


(P. D. SETHI)
Joint Secretary
Ministry of Welfare
GOVT. OF TAMIL NADU

backwardness tag. But it did so happen that at the hearing one of the Chief representatives of the community, President of the Tamil Nadu Arya Vaishya Mahasabha, which is sponsoring the case of the community deposed as PW-1 before the Commission. To a question by the Commission why they should be included in the Central List of Backward Classes and how they will be benefited thereby, he stated that earlier only their community was doing business but after independence their business was declining because other communities had entered the business and their community people are not able to compete with them, as their literacy rate is very low. If they are included in the Central List of Backward Classes, the witness told they will be benefited by the reservation in education and service and will be in a position to compete in society with other communities. When asked about the traditional occupation of the community, he replied that they are traders i.e. business in old jewellery, clothing, provisions etc. To a question by the Commission regarding their economic status and the position in the Varna system, he stated that the Varna system is an antiquated depiction of the caste system and at present they are very backward and added that only 5 to 10% are economically very sound, 10 to 15% are economically medium and the remaining are economically very low. He further added that there were no IAS or IPS officers and therefore, wanted placement in the Central List of Backward Classes. The deposition of the witness in the circumstance does not support the claim that the community is backward in any sense of the matter i.e. socially, educationally and economically. It clearly emerges that "Arya Vaishya" is a trader caste belonging, in terms of the categorisation of castes the Vaishya Varna.

More importantly, this Commission's work is of evaluating the social backwardness of community and promote its claim for benefit of reservation under 16(4) of Constitution of Indiaa. We are satisfied that the *ipse dixit* of the witness does little to advance in the case of this community. From the reading of the deposition of the witness as also the related ethnographic literature, it becomes clear that Arya Vaishya community is a trading caste, a circumstance that should totally defy its claim for entitlement to reservation on the basis of socially backwardness. May be some women in the community work as servant maids or otherwise engaged in labour work

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(P. D. SETHI)

Commission for
Backward Classes
New Delhi

and may be some of the children from the community did not go beyond the 10th standard, but these factors cannot justify the caste's inclusion in the Central List of Backward Classes. Foregoing circumstance is not particular to this community but prevails generally in any other sections of society. It may be a case of one individual or some sections of the community suffering adversity but if the professional activities of the community is taken into account about which there is no dispute at all neither the alleged educational backwardness or economic backwardness does not appear to support the claim for inclusion of the "Arya Vaishya" community in the Central List of Backward Classes. Nowhere the witness who was a very responsible person representing the community and its organisation did at any time say that the community as a whole was looked down upon by society in general or by any particular class or community. In that view of the matter, regard being had to the facts that transpired before the commission at the hearing and taking an over all view of the fact situation, the commission concludes that the Arya Vaishya community of Tamil Nadu is not socially backward and therefore, not entitled to for inclusion in the Central List of Backward Classes

IV Findings

From the above evidence and materials, it is the finding of the Bench that "Arya Vaishya" is a trading community and does not deserve inclusion in the Central List of Backward Classes since they are not Socially Backward but is an Advanced caste. Therefore, the Request for inclusion of "Arya Vaishya" in the Central List of Backward Classes for the State of Tamil Nadu should be rejected.

P. K. Shyamsundar
6.9.99
(Justice P.K. SHYAMSUNDAR)

U.P. Singh
7.9.99
(U.P. SINGH)

AUTHENTICATED

M.S. Matharoo
(M.S. MATHAROO)

P.D. Seth

(P.D. SETH)

N- ry for

Secy. to Govt. of India, New Delhi

V. Advice of the Commission

8. The commission considered and agreed in full with the above findings of the Tamil Nadu Bench and decided to tender the following advice to the Central Government under section 9(1) of the National Commission for Backward Classes Act, 1993 for necessary action by the Central Government under section 9(2) of the Act:-

"The Request for inclusion of "Arya Vaishya" in the Central List of Backward Classes for the State of Tamil Nadu be rejected, as it is Socially Advanced community".

P. G. S. S. S. S. S.
6.9.99

K. S. S. S. S. S.
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14.10.99

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P. S. S. S. S. S.

(P. D. SETH)
Joint Secretary
National Commission for
Backward Classes
Ministry of Welfare
Govt. of India, New Delhi

NCBC ADVICE NO. 99TAMIL NADU/99

NATIONAL COMMISSION FOR BACKWARD CLASSES

TAMIL NADU BENCH

FINDINGS

Per Shri Justice P.K.Shyamsundar, Chairperson

Case : Request for inclusion of " Ayira Vaisyar" in the Central List of Backward Classes
For Tamil Nadu.

I Request

This case arises from the Request received in this Commission from the President, Chennai Mavattam Ayira Vaisyar Sangam, 152, Rasappa Chetty Street, Madras-600 003 for inclusion of "Ayira Vaisyar" in the Central List of Backward Classes for Tamil Nadu.

II Public Hearing

The three-Member Tamil Nadu Bench of the Commission consisting of Hon'ble Justice P.K.Shyamsundar, Chairperson, Prof. U.P.Singh, Hon'ble Member and Shri M.S.Matharoo, Hon'ble Member held a Public Hearing at Chennai on 9th August, 1999. At the Public Hearing the State Government was represented by Shri N.Murugan, Secretary, Backward Classes and Most Backward Classes Welfare Department, Shri R.S.Kannan, Director, Most Backward Classes and Denotified Communities and other officers of the Backward Classes Welfare Department. The community was represented by Shri P.Ayyathurai, Jt.Secretary, Tamil Nadu Ayira Vaisyar Sangam and others.

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(P. D. SETHI)
Jt. Secretary
National Commission for
Backward Classes
Ministry of Welfare
Govt. of India, New Delhi

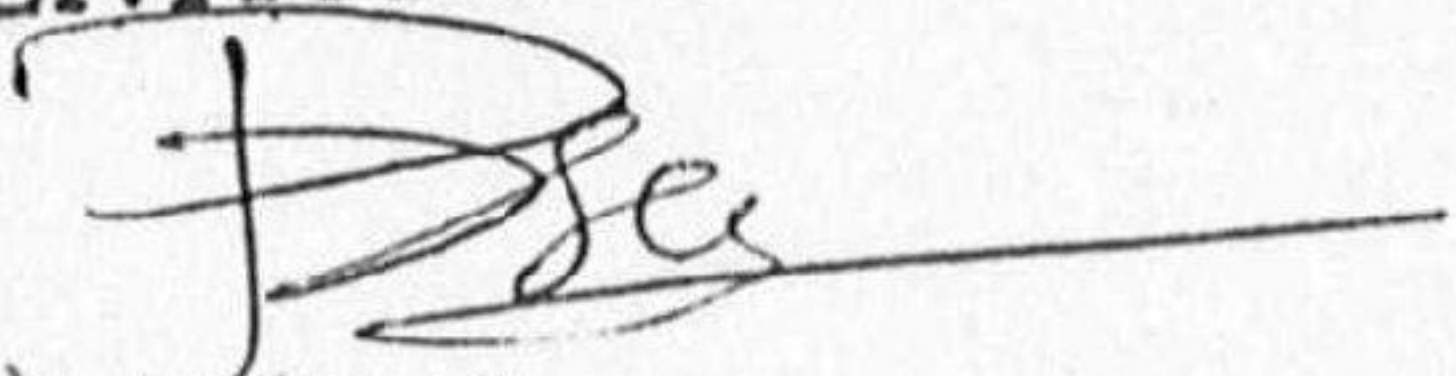
III Facts

"Ayira Vaisyar" caste/community is included in the State List of Backward Classes for Tamil Nadu but it is not included in the Mandal List of Backward Classes for Tamil Nadu. Therefore, it is not included in the first phase of Central List of Backward Classes for Tamil Nadu as it did not fulfill the criteria of Principle commonality i.e. being in the State List as well as Mandal List.

The representatives have applied to this Commission seeking inclusion in the Central List of Backward Classes urging among other things that many in their community are living below the poverty line engaged in coolie work and odd jobs. They also claimed and asserted that they are educationally, socially and politically backward. In the written memorandum submitted to the Commission at the public hearing held at Chennai on 9th August, 1999 there is reference inter alia to the population of the community in the various districts of Tamil Nadu. According to their estimation the total population of the community aggregates to 20,17,000. It is mentioned in the representation that the female population is 1,12,500 and the children population is 69,150 and that all are living below the poverty line, etc.

Apropos the educational qualification, it is alleged that a number of children between 7 years to 15 years are deserting school due to poverty and school drop out is 11,500. It is also mentioned that number of children studied upto to 10th Std is about 3 lakhs, and the community has so far produced only 35 Doctors, 70 Engineers, 12 Chartered Accountants and also 600 people doing assorted government jobs supplemented by 75 others in private employment. Some emphasis is laid in the representation on the fact that the community of Ayira Vaisyars has already been included in the Tamil Nadu State List of Backward Classes and has been enjoying the benefits of reservation for the last 14 years. It is maintained that women in their community are mainly involved in providing domestic services like cooking, working as servant maids etc. If the foregoing facts were established at the Hearing, it would probably be not difficult to grant them the backwardness tag. But it did so happen that at

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National Commission for
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Govt. of India, New Delhi

the hearing one of the chief representatives of the community, presumably an office bearer of the Chennai Mavattam Ayira Vaisyar Sagam, which is sponsoring the case of the community deposed by PW1 before the Commission. He was himself a retired employee from the Central Government when he had worked as an Assistant Engineer in the AIR. To a question by the Commission why they should be included in the Central List, he stated that they have been included in the State Backward Classes list for the last 14 years and even so they were unable to secure any benefit in the Central services. When asked about the traditional occupation of the community, he replied that they are petty traders i.e., selling clothes, selling salt on carts and working as agricultural labourers. When asked by the Commission to produce some tangible evidence about their backwardness that interalia contributes to their social backwardness, the witness replied that he had nothing to submit at that moment, however, assured the Bench that he would furnish the relevant evidence in due course. The deposition of the witness in the circumstance does not support the claim that the community is backward in any sense of the matter i.e., socially, educationally and economically. More importantly, this Commission's work is of evaluating the social backwardness of community and promote its claim for the benefit of reservation under Art 16(4) of Constitution of India. We are satisfied that the *ipse dixit* of the witness does little to advance the case of this community. Further when his attention was drawn to some excerpts submitted along with the memorandum from the book "Castes and Tribes of Southern India" authored by E. Thurston, the well-known ethnographer, under the title "Beri Chetti", the witness admitted that the Ayira Vishyar community is on par with the Beri Chetti caste.

The learned author in his book states that "the Beri Chettis are principally merchants like other Chettis and Kommuttis who claim to be vaishyas but did not agree that the Kommutti are on par with them" When this statement was put to the witness he accepted the correctness of the same. He further added that there were no IAS or IPS officers, and therefore, wanted placement in the Central List of Backward Classes. From the reading of the deposition of the witness as also the related ethnographic literature, in particular work of Thurston, it becomes clear that Ayira Vaisyar community is a trading caste, a circumstance that should totally defy its claim for entitlement to reservation on

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(PA D. SETHI)

Joint Secretary

National Commission for Backward Classes

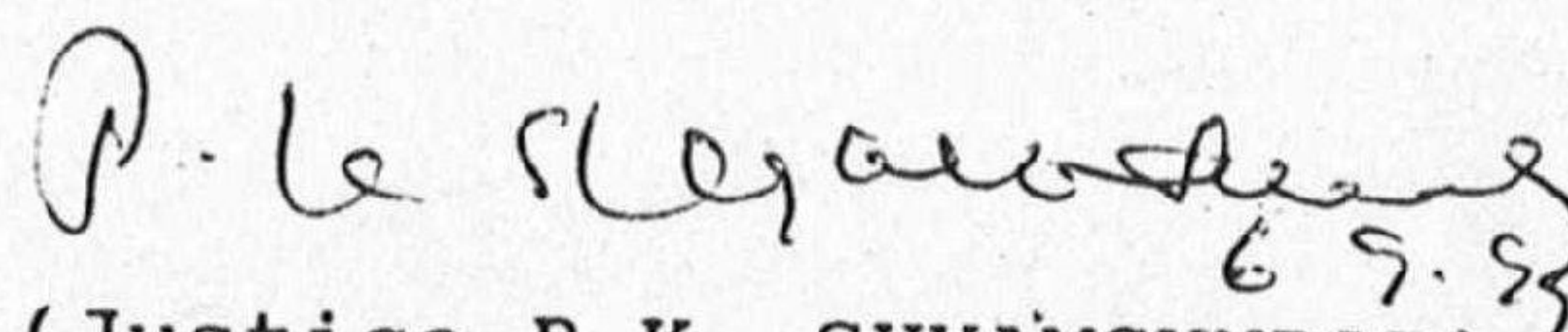
Ministry of Social Justice and Empowerment

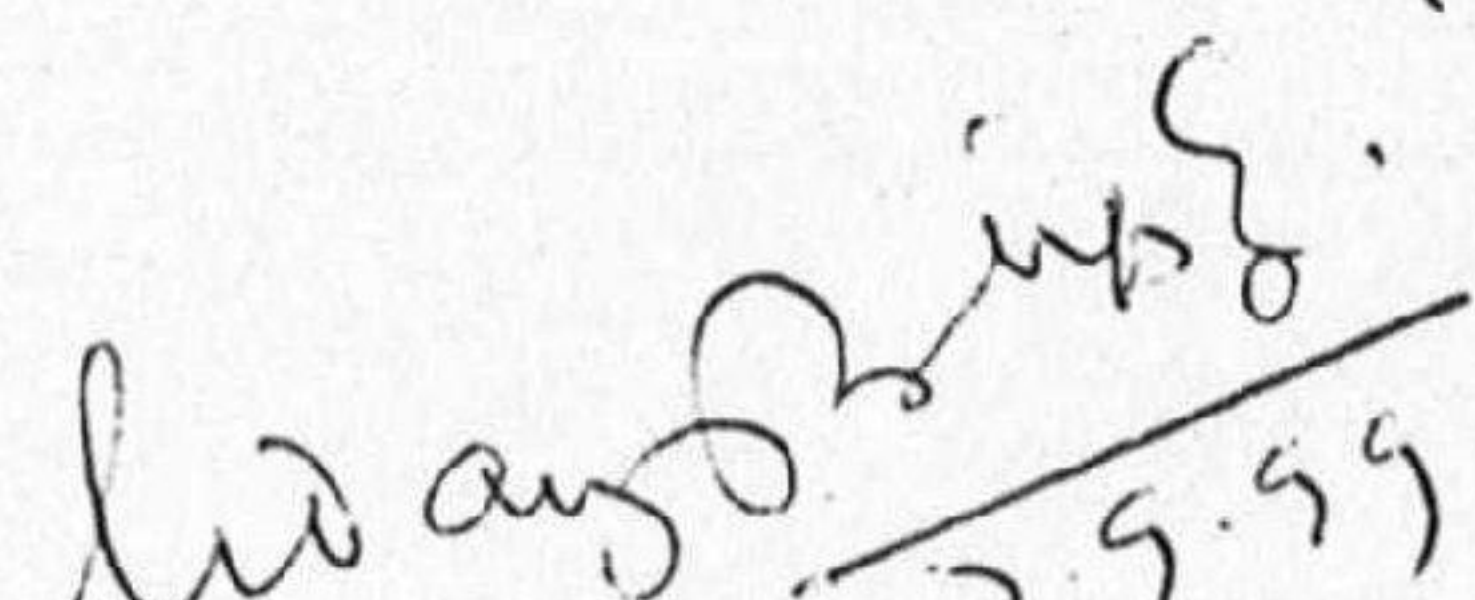
Govt. of India, New Delhi

the basis of socially backwardness. May be some women in the community work as servant maids or otherwise engaged as labourers and may be some of the children from the community did not go beyond the 10th Std., but these factors cannot justify the caste's inclusion in the Central List of Backward Classes. Foregoing circumstance is not particular to this community but prevails generally in any other section of society. It may be a case of one individual or some sections of the community suffering adversity but if the professional activities of the community is taken into account about which there is no dispute at all neither the alleged educational backwardness or economic backwardness does not appear to support the claim for inclusion of the 'Ayira Vaisyar' community in the Central List of Backward Classes. Nowhere the witness who was a very responsible person representing the community and its organisation did at any time say that the community as a whole was looked down upon by society in general or by any particular class or community. In that view of the matter, regard being had to the facts that transpired before the commission at the hearing and taking an over all view of the fact situation, the commission concludes that the Ayira Vaisyar community of Tamil Nadu is not socially backward and therefore not entitled to for inclusion in the Central List of Backward Classes. The fact that the community has found its way into the list of Backward Classes in the State of Tamil Nadu in the context is of little relevance, for our findings are arrived at independently and *dehors* the State commission's view in the matter. In the result, the commission recommends the rejection of the representation of the Ayira Vaisyar community for inclusion in the Central List of Backward Classes. 11

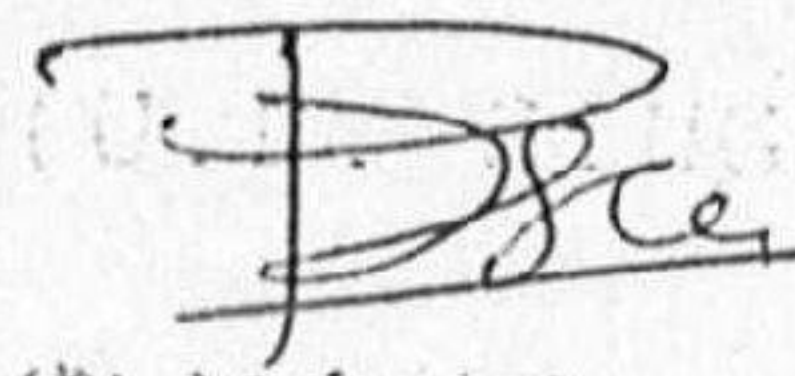
IV Findings

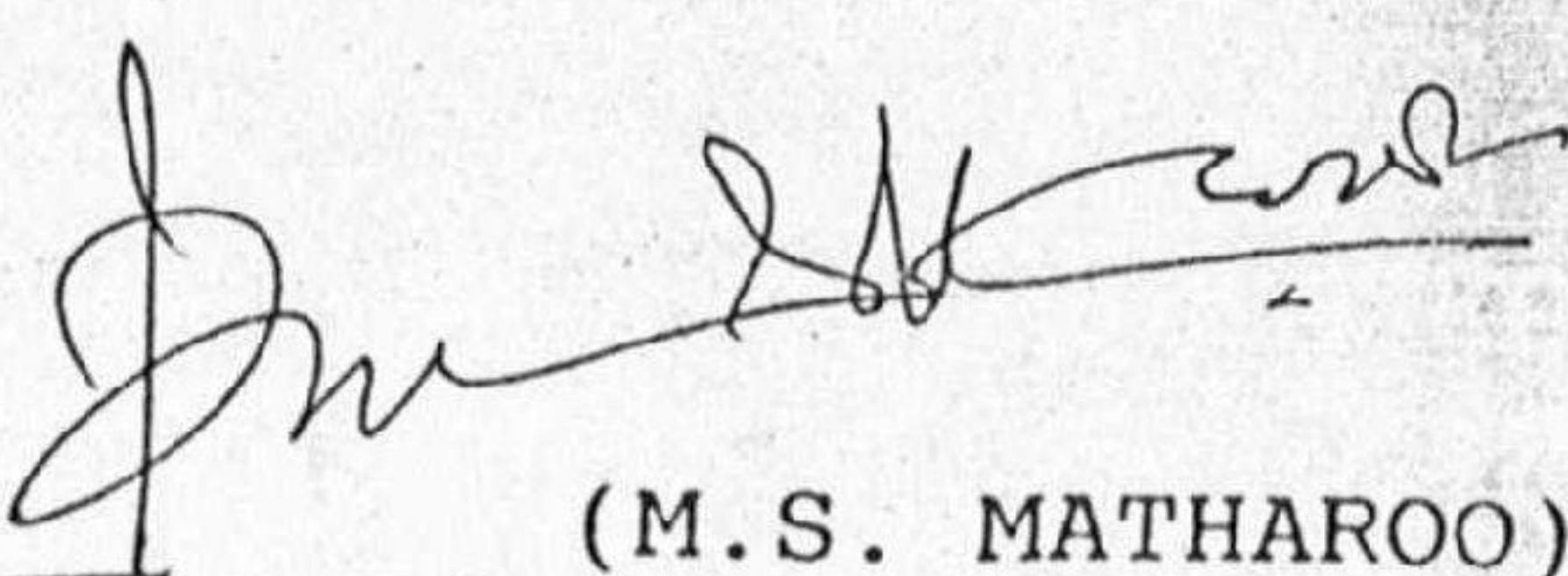
From the above evidence and materials, it is the finding of the Bench that "Ayira Vaisyar" is a trading community that does not deserve inclusion in the Central List of Backward Classes as it is not a Socially Backward but is an Advanced caste. Therefore, the Request for inclusion of "Ayira Vaisyar" in the Central List of Backward Classes for the State of Tamil Nadu should be rejected.


(Justice P.K. SHYAMSUNDAR)


(U.P. SINGH)

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(P.A. D. SETHI)
Joint Secretary
National Commission for
Backward Classes
Ministry of Education
Govt. of India, New Delhi


(M.S. MATHAROO)

V. Advice of the Commission

8. The commission considered and agreed in full with the above findings of the Tamil Nadu Bench and decided to tender the following advice to the Central Government under section 9(1) of the National Commission for Backward Classes Act, 1993 for necessary action by the Central Government under section 9(2) of the Act:-

"The Request for inclusion of "Ayira Vaisyar" in the Central List of Backward Classes for the State of Tamil Nadu be rejected, as it is Socially Advanced community"

P. K. S. Srinivasan
6.9.99

K. S. Srinivasan
7.9.99

P. S. Krishna
8.9.99

K. Srinivasan
14.11.99

P. S. Srinivasan

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P. S. Srinivasan

(P. S. SETHI)
Joint Secretary
National Commission for
Backward Classes
Ministry of Welfare
Govt. of India, New Delhi

NATIONAL COMMISSION FOR BACKWARD CLASSESTAMIL NADU BENCHFINDINGSPer Justice Shri P.K.Shyamsundar, Chairperson

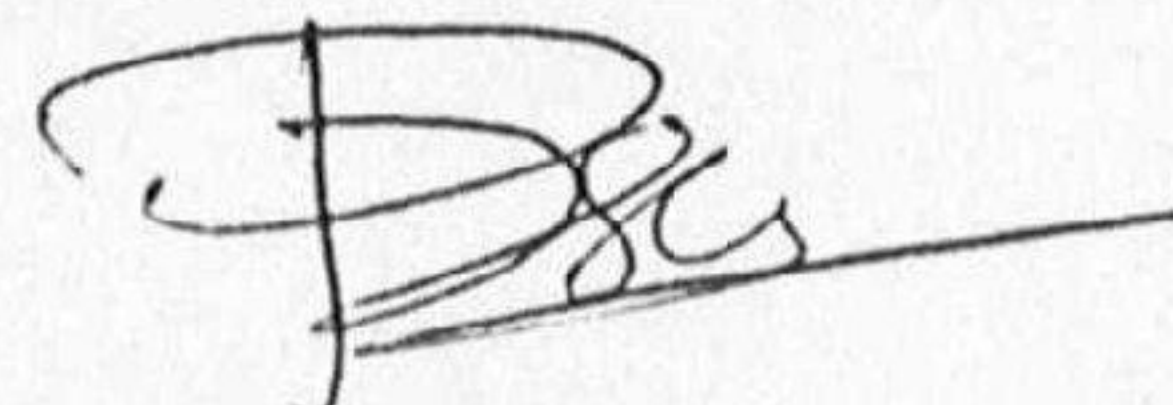
Case : Request for inclusion of "Bhattachar" in the Central List of Backward Classes for Tamil Nadu.

I Request

This case arises from the Request received in this Commission from Shri S.Arunachalam, State President, Tamil Nadu Arachaka Community Welfare Association, 52, Anna Nagar, Cuddalore-607001, Tamil Nadu for inclusion of "Bhattachar" in the Central List of Backward Classes for Tamil Nadu.

II Public Hearing

2. The three-Member Tamil Nadu Bench of the Commission consisting of Hon'ble Justice P.K.Shyamsundar, Chairperson, Prof. U.P.Singh, Hon'ble Member and Shri M.S.Matharoo, Hon'ble Member held a Public Hearing at Chennai on 9th August, 1999. At the Public Hearing the State Government was represented by Shri N. Murugan, Secretary, Backward Classes and Most Backward Classes Welfare Department, Shri R.S.Kannan, Director, Most Backward Classes and Denotified Communities and other officers of the Backward Classes Welfare Department. The community was represented

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Joint Secretary
National Commission for

Govt. of Tamil Nadu

by Shri L.Jayaraman, Executive Committee Member, Vaikansa Archaka Association(South India), Tamil Nadu and others.

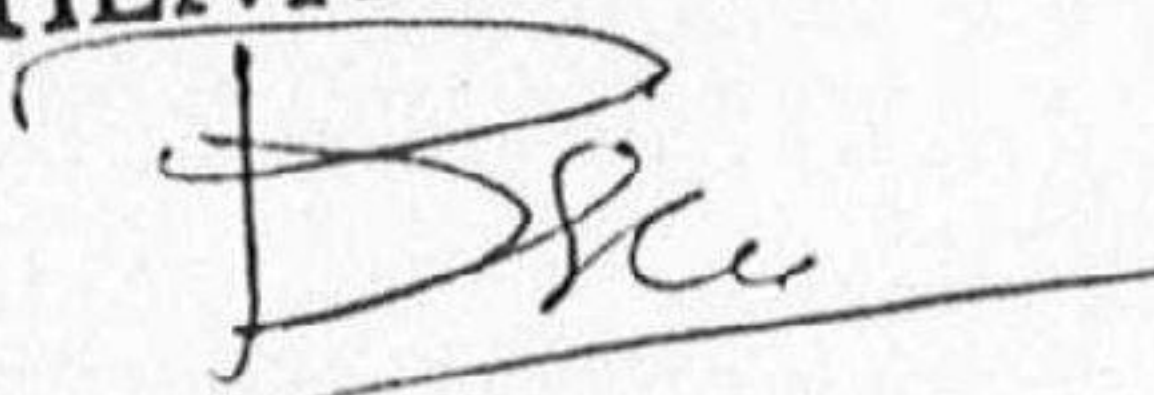
III Facts

3. "Bhattachar" caste/community is not included in the State List of Backward Classes and Mandal List of Backward Classes for Tamil Nadu. Therefore, it is not included in the first phase of Central List of Backward Classes for Tamil Nadu as it did not fulfill the criteria of Principle of commonality i.e. being in the State List as well as Mandal List.

4. The Association have applied to this Commission seeking inclusion in the Central List of Backward Classes urging among other things that many in their community eke out a poor living by performing pooja service in Vaishnavite temples and also that their condition is static for the last 52 years, whereas other communities have progressed at a faster rate. In the good olden days Rajas patronised them for their selfless service by gifting them lands, cows etc. but today they are not able to compete for jobs with others. They also claimed and asserted that they are educationally and socially backward. In the written memorandum submitted to the Commission at the Public Hearing held at Chennai on 9th August, 1999 there is a reference inter alia to the population of the community in Tamil Nadu. According to their estimation the total population of the community aggregates to 15,000 in number. Total number of women and children who are engaged in manual labour is 10,563 and that the community people are very poor, with majority of them living in semi permanent and rented houses.

5. Apropos the educational qualification, it is alleged that a number of 10,655 are non-matriculates, 955 are matriculates and 350 are graduates. Literacy rate of the caste/community in the State is 30% and the literacy rate of the State is 62.66%. It is also mentioned that the main reason on account of which the caste/community consider itself to be backward is educational and economic backwardness. Their income is very meager and most of them live below the poverty line. There were no IAS or IPS officers

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Joint Secretary
National Commission for

Govt. of India, New Delhi

and therefore, wanted placement in the Central List of Backward Classes. Some emphasis is laid in the representation on the fact that even though they are lower rank Brahmins and their traditional occupation is performing poojas, they are not able to compete with the other members of the society in education and service. If the foregoing facts were established at the Hearing, it would probably be not difficult to grant them the backwardness tag. But it did not so happen that at the hearing one of the Executive Member of an association called Vaikansa Archaka Association(South India) deposed as PW 1 before the Commission. He submitted that they belong to the Sect of Brahmin Community called Vaikansa Archaka Community and are mainly engaged in performing priestly functions such as performing poojas in Vaisnava Temples according to shastrie dictates of Vaikansa Agama Shastra propounded by Vaikansa Mahrishi in Naimisaranya. To a question by the Commission that as they are Brahmins, they were never socially backward, he stated that they consider themselves as backward within the Brahmin community. Since they are amongst the lowest class of Brahmins they are discriminated within the Brahmin community itself. Continuing, the witness said the other Brahmins do not accept food and water offered outside the temples where they work. Only the prasadam and theertha offered in the temple at the hands of the priest in a Vaikansa temple is accepted by the other Brahmins. The witness (volunteered) in saying that the rituals followed by the Vaikansa Brahmins are quite different from other Brahmins. When asked about the social respect they enjoy in society, he replied that amongst the general public they are not treated differently or subjected to any discrimination. To a question by the Commission as to where do they figure in the overall social hierarchy and how are they different from prohitars in general, he stated that in the social hierarchy they figured under Brahmins but at the lowest level and they do poojas in the temple only and do not perform prohit in general like prohitars, who perform religious ceremonies outside the temples. When the Commission pointed out that in the questionnaire they have mentioned that 95.5% of the members of their community are engaged in priestly work and at the same time it is also mentioned that only 30% of the community are educated, he submitted that for doing pooja in temple they are following the Agama i.e., the knowledge of chanting mantras learnt from Guru Sishya Parampara by Grandha script. The deposition of the witness in the circumstances does not support the claim that the

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(P. D. SETHI)

Joint Secretary

Ministry of Education

Govt. of India, New Delhi

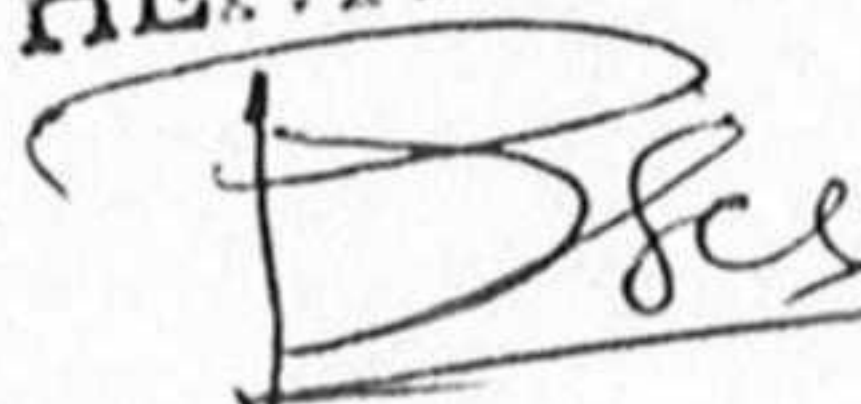
community is backward in any sense of the matter i.e., socially, educationally and economically. More importantly, this Commission's work is only of evaluating the social backwardness of a community and promote its claim for the benefit of reservation under Article 16(4) of Constitution of India. We are satisfied that the *ipse dixit* of this witness does little to advance the case of this community in that direction.

6. From a reading of the deposition of the witness, it becomes clear that 'Bhattachar' belong to the Brahmin community, a circumstance that should totally defy its claim for entitlement to reservation on the basis of social backwardness. There may be cases of some individuals or some sections of the community suffering slight adversity but if the traditional occupation/activities of the community is taken into account about which there is no dispute at all, the alleged social or educational backwardness does not appear to support the claim for inclusion of the 'Bhattachar' community in the Central List of Backward Classes. Nowhere the witness who was a very responsible person representing the community and its organisation did at any time say that the community as a whole was looked down upon by society in general or by any particular class or community. In that view of the matter, regard being had to the facts that have transpired before the commission at the hearing and taking an over all view of the fact situation, the commission concludes that the 'Bhattachar' community of Tamil Nadu is not socially backward and therefore not entitled to for inclusion in the Central List of Backward Classes.

IV Findings

7. From the above evidence and materials, it is the finding of the Bench that "Bhattachar" is a segment of the Brahmin community, whose traditional occupation is mainly of performing poojas in Vaishnavite temples, is not a backward caste. Further, no evidence was placed before the Bench to prove that "Bhattachars" in any way suffered from denial of social acceptability in society. In that view of the matter, the

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(P. D. SETHI)

Joint Secretary

Ministry of Social Justice

Government of India

New Delhi

Bench is left with no option except to hold that "Bhattachar" is a section of Brahmin community, which is not socially backward and does not, therefore, deserve inclusion in the list of Backward Classes. The request for inclusion of "Bhattachar" caste/community in the Central List of Backward Classes for the State of Tamil Nadu should be rejected.

P. K. Shyamsundar

(Justice P.K. SHYAMSUNDAR)

6.9.99

U.P. Singh
(U.P. SINGH) 7.9.99

M.S. Matharoo
(M.S. MATHAROO)

V. Advice of the Commission

8. The commission considered and agreed in full with the above findings of the Tamil Nadu Bench and decided to tender the following advice to the Central Government under section 9(1) of the National Commission for Backward Classes Act, 1993 for necessary action by the Central Government under section 9(2) of the Act:-

"The Request for inclusion of "Bhattachar" in the Central List of Backward Classes for the State of Tamil Nadu be rejected, as it is not Socially Backward caste/community".

P. K. Shyamsundar
6.9.99

U.P. Singh
7.9.99

P. S. Krish
8.9.99

Ashayam
14.10.99

M.S. Matharoo

AUTHENTICATED

P. D. Sethi

(P. D. SETHI)
Joint Secretary
National Commission for Backward Classes
Govt. of India