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सदस्य-सचिव
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भारत सरकार
त्रिकूट-१, भीकाजी कामा प्लेस, नई दिल्ली - ११००६६

Member - Secretary
National Commission for Backward Classes
Government of India
Trikool - 1, Bhikaiji Cama Place, New Delhi - 110 066

NCBC Advice No. Orissa 49/99

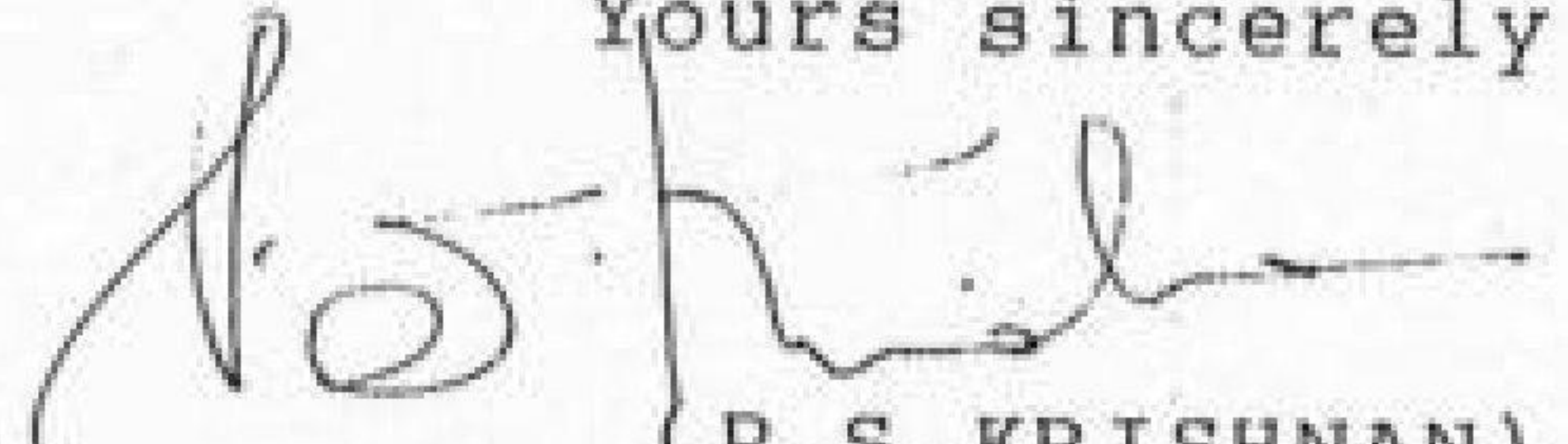
18.05.1999

Dear Smt. Das,

I am sending herewith the Advice of the National Commission for Backward Classes under Section 9(1) of the NCBC Act for the Inclusion of "Kandha-Kumbhar" as a synonym of Kumbhar caste/community in the Central List of Backward Classes for Orissa, duly authenticated, for necessary action by the Central Government under Section 9(2) of the NCBC Act.

2. With this, Advices on 654 (323 for Inclusion + 331 for rejection) castes, sub-castes, synonyms etc. have been tendered to the Government by the Commission, after its reconstitution in 1997, of which 648 (317 for Inclusion + 331 for Rejection) are still pending with the Government for Notification.

Yours sincerely


(P. S. KRISHNAN)

Encl: As stated.

Smt. Asha Das
Secretary to Govt. of India
Ministry of Social Justice & Empowerment
Shastri Bhavan
NEW DELHI


P.S. 18/5/99

NCBC Advice No. Orissa 49/99

NATIONAL COMMISSION FOR BACKWARD CLASSES
ORISSA BENCH

FINDINGS

Case: Request for inclusion of Kandha Kumbhar caste/community in the Central List of Backward Classes for Orissa.

Per Shri U.P. Singh, Member

I. Request

1. This case arises from the request received in this Commission from Shri Nabaghana Behera, Village/P.O.-Bisipada, via Phiringia, Distt. Kandhamal, Orissa and others for inclusion of Kandha Kumbhar caste/community the Central list of Backward Classes for Orissa.

II. Public Hearing

2. The 2-Member Bench of the Commission consisting of Hon'ble Members Shri U.P. Singh and Shri Sahu Akshaya Bhai held a Public Hearing to examine the request for inclusion of Kandha Kumbhar caste in the Central List of Backward Classes for Orissa on 9.10.98 at Bhubaneswar. The State Govt. was represented by Shri R.B. Naik, Director O.B.C. and the State Commission was represented by Shri Bharat Bhusan Jagdev, Administrative Officer. Nobody appeared on behalf of the caste/community.

III. Facts

3. The relevant entries in respect of the present Request in different Lists are as follows :-

Mandal List

"114. Kumbhar, Kulal, Kumhar, Kumbharo"

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P. S. KRISHNAN
Member Secretary
National Commission
for Backward Classes

State List

"87. Kumbhar, Kulal, Kumhar, Kumbharo"

"194. Kandha-Kumbhar"

Central List

"84. Kumbhar

Kulal,

Kumhar,

Kumbharo"

Kandha Gauda are included in the Scheduled Tribes List of Orissa.

4. At the time when the Expert Committee on Backward Classes prepared the first Phase Central List of Backward Classes on the basis of the principle of commonality, i.e., by listing castes common to both the Mandal List for each State and the respective State Lists and when, on the basis of the Expert Committee's Report, the Government of India notified the first-phase Central List in 1993, Orissa was one of the States which did not have a State List of its own. Therefore no Central List of Backward Classes for Orissa was prepared at that stage. It was only after the Supreme Court's Judgement in the Mandal case that the State List of Orissa came into existence in 1994 on the basis of the one man (Justice N.K. Das) Commission report. Thereafter the Central Government vide Ministry of Welfare's Resolution No. 12011/9/94-BCC dated 19.10.94 issued a "Common (Central) List" of Backward Classes for Orissa. Kandha Kumbhar was not included in the Central List for Orissa because this was not included either in the Mandal List or in the State List existed at that time. On advice of the Orissa State Commission for Backward Classes the State Government vide Resolution No. 26118 O.B.C. 1/96/W dated 5.11.96 included 'Kandha Kumbhar' in the State List at entry No.194.

5. In his request for inclusion of 'Kandha Kumbhar' caste in the Central List of Backward Classes for Orissa, Shri Nabaghana Behera has stated that Originally 'Kandha Kumbhar' belonged to a backward community known as 'Kandha' community. The word Kumbhar signifies pot-maker. Among the Kandhas of the villages those who prepared

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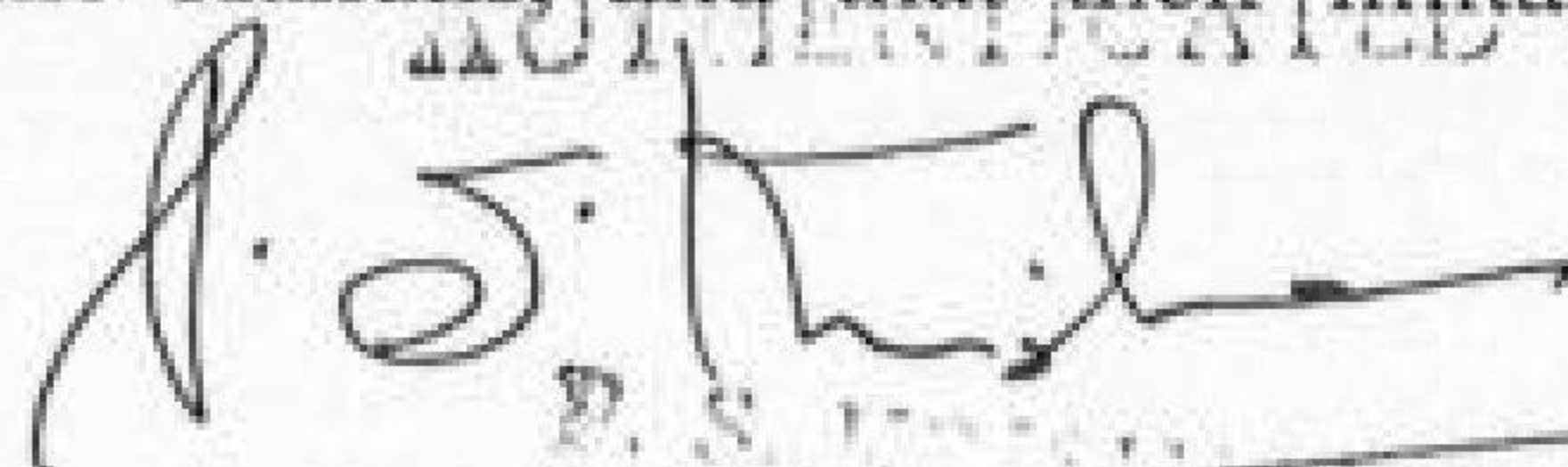
for Orissa State Commission

earthen pots for the Kandhas were subsequently known as 'Kandha Kumbhara'. In course of time, their descendents were known as 'Kandha Kumbhara'. The Members of 'Kandha Kumbhara' caste are living in different villages of Kandhamal district and in any other parts of Orissa formed a community known as 'Kandha Kumbhara'. This Kandha Kumbhara community was created in time immemorial past.

He has also stated that in Orissa there is another backward community known as 'Kumbhara'. Those who prepare earthen pots are known as 'Kumbharas'. In Oriya dictionary 'Kumbhara' means who prepares earthen pots. Among the Kandhas, those who prepared pots were known as Kandha Kumbhara.

Further it is stated that most of the Kandha Kumbharas are landless. In fact, they live under the mercy of the Kandhas. Economically, Socially and financially they are very poor. So much so there are only two Kandha Kumbhars in the entire district who are graduates. Most of them live as daily labourers working in the houses, fields and under contractors. Due to economic backwardness most of the members of the caste are illiterate. There are many instances of inter caste marriage between Kandhas and Kandha Kumbharas. The people of Kumbhar community regard themselves as higher caste than Kandhas and Kandha Kumbharas. The population of Kandha Kumbhara caste/community in Kandhamal district is about 15000.

6. H.H.Risley (The Tribes and Castes of Bengal, Ethnographic Glossary', Vol-I, Firma Mukhopadhyay, Calcutta, 1981, First Edition 1891 p 397) under the title 'Kandh' has a mention of Kandh Kumhars as, "In close contact with the Kandhs and dwelling in the same villages with them, we find three castes bearing names which seem to indicate some sort of connection with the tribe. These are the Kui-Kumbharenju or Kandh-Kumhars, the Kui-Loharenju or Kandh Lohars and the Kui-Gonerenu or Kandh-Gonds. Although these castes have adopted the religion, customs and dress of the Kandhs, they are still not recognised as members of the Kandh Community, and Kandhs will not intermarry or eat with them. It is possible therefore that there may be no tie of blood between them and the Kandhs, and that their imitation of Kandh observances is due



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for Backward Classes

merely to their having been long settled in the Kandh Country and having forgotten their own rites. On the other hand, if we compare these names with the similar combinations found among the Mundas, Oraons and other tribes of Chota Nagapur, it is difficult to avoid the conclusion that the castes in question must have arisen from inter-marriages between women of the Kandh tribe and Hindu artisans who had settled in Kandh villages."

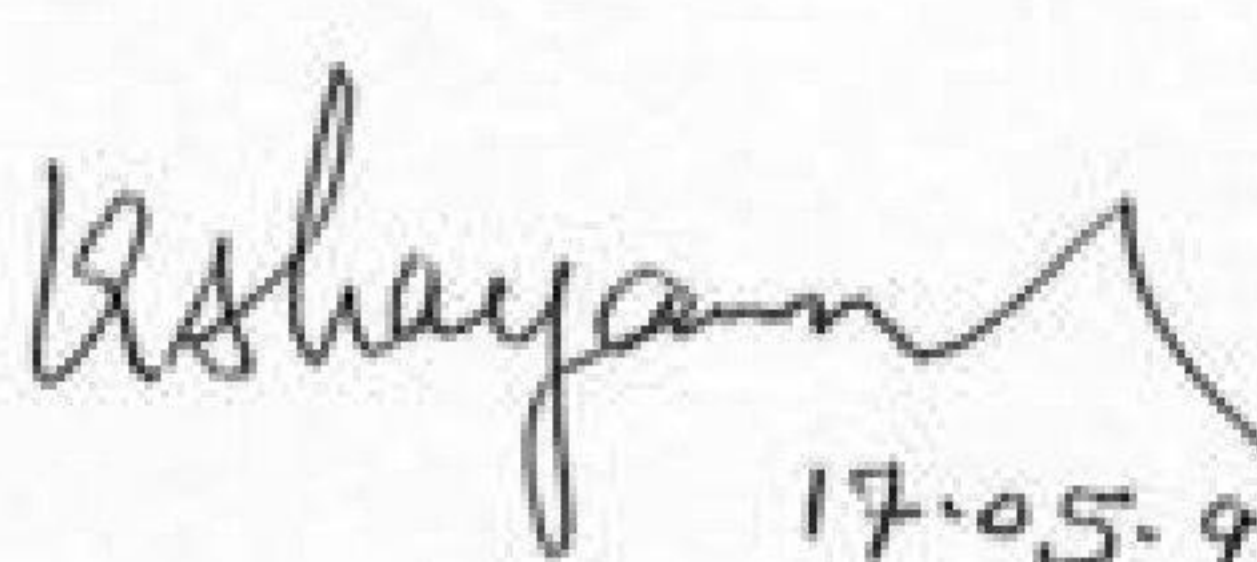
7. At the Public Hearing the representatives of the caste/community were not present. However, the Bench asked the people who were present at the time of Public hearing about the existence and occupation of Kandh Kumbhars. The people present stated that Kandh-Kumbhars are potters who are living in Kandhamal district in tribal area.

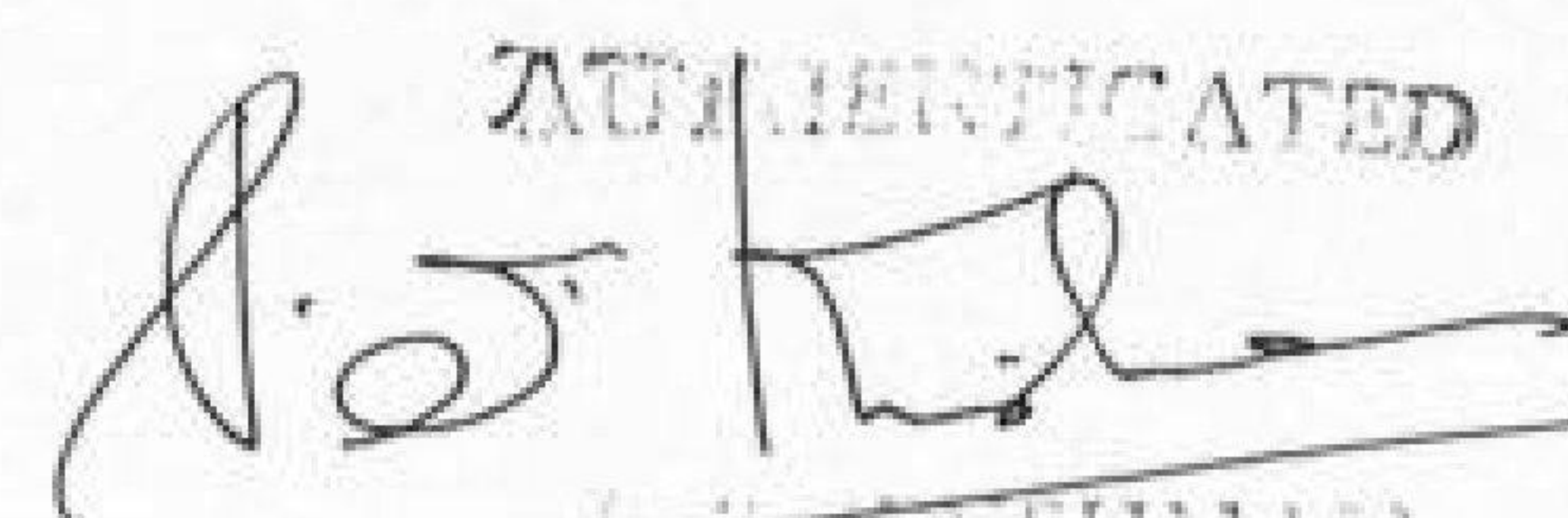
IV Findings

8. From the foregoing material this is the finding of the Bench that 'Kandha Kumbhar' is an artisan caste/community whose members are potters. In fact, they are Kumbhars but due to their settlement in Kandh villages in tribal area they are locally known as 'Kandha-Kumbhars'. The Kandha-Kumbhar is a synonym of Kumbhar caste. The caste is socially backward, therefore, merits inclusion in the Central List of Backward Classes for Orissa at entry No.84 as synonym of Kumbhars so that the amended entry reads as:-

"84. Kumbhar,
Kulal,
Kumhar,
Kumbharo,
Kandha-Kumbhar"


(U.P. SINGH) 17.5.99


17.05.99
(SAHU AKSHAYA BHAD)


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IV. Advice of the Commission

9. The Commission considered and agreed in full with the findings of the Bench for Orissa 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:-

'Kandha-Kumbhar' be included in the Central List of Backward Classes at entry No.84 as synonym of 'Kumbhar' so that the amended entry reads as:-

"84. Kumbhar,
Kulal,
Kumbhar,
Kumbharo,
Kandha-Kumbhar"

On account of the unfortunate demise of one of the Members Shri Navtej Puadhi on 16.8.1998, this unanimous Advice of the Commission does not bear the signature of that Member. The validity of the Advice notwithstanding the vacancy caused by the demise of the aforesaid Member, is protected by Section 7 of the NCBC Act.,1993.

Navtej Puadhi
17.5.99

Bhayanam
17.05.99

P. B. Negam
17.5.99

P. S. Thirumala
17.5.99

AUTHENTICATED

P. S. Thirumala
Secretary
National Commission
for Backward Classes