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सदस्य-सचिव
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भारत सरकार
नई दिल्ली-110 066
MEMBER-SECRETARY
NATIONAL COMMISSION
FOR BACKWARD CLASSES
GOVERNMENT OF INDIA
NEW DELHI-110 066

D.O. Case No. West Bengal/1-3/95/

5.10.95

Dear Shri Saxena,

I am sending herewith the unanimous advices of the National Commission for Backward Classes under Section 9(1) of the NCBC Act 1993, in respect of three communities viz; Jolah (Ansari-Momin), Kansari and Shankhakar to be included in the Central List of Backward Classes for West Bengal, for necessary action under Section 9(2) of the Act by the Central Government.

With kind regards,

Yours sincerely,

(P.S. KRISHNAN)

Encl: As
Stated

Shri K.B. Saxena
Secretary
Ministry of Welfare
Shastri Bhavan
New Delhi

NATIONAL COMMISSION FOR BACKWARD CLASSES

WEST BENGAL BENCH

Request for inclusion "JOLAH (Ansari-Momin)" of West Bengal in the Central List of Backward Classes for West Bengal

REQUEST

1. The Government of West Bengal, vide letter of the Secretary, Scheduled Castes and Tribes Welfare Department No. 344-TW/EC dated 2nd May 1995 to the
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Commission has, inter-alia, requested that "Jolah(Ansari-Momin)," be included in the Central List of Backward Classes for West Bengal.

2. Subsequently, the Purulia Backward Muslim Community Federation also made a request substantively to the same effect, but with a further request that the caste certificates should be in the name of "Ansari/Momin" in the place of "Jolah".

PUBLIC HEARING

3. The Two-Member Bench for West Bengal held a Public Hearing at Calcutta on 29th August 1995 to examine this Request. It was during this hearing that the Purulia Backward Muslim Community Federation presented its Request.

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At the Public Hearing, the State Government was represented by the Special Secretary, Joint Commissioner of the SCs and Tribes Welfare Department and Director, Cultural Research Institute of West Bengal. Mr. Mohd. Sohail Roomi, Secretary, Purilia Backward Muslim Community Federation represented the Federation along with certain other members of the Federation.

FACTS

5. The State Government 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 recommend a Central List of B.Cs for West Bengal as it could do for 14 other States, which already had their respective lists of BCs, on the basis of the principle of commonality, and therefore the Central Govt. also could not issue a Central list of BCs for West Bengal in 1993. The Govt. of West Bengal issued its first list of Backward Classes by its Notification No. 346-TW/EC

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dated 13th July 1994 in the Calcutta Gazette of the same date, which consisted of 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 BCs for West Bengal which consisted of the same 14 castes/communities.

6. Nearly a half-year later, 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 and after yet another nearly half-year, its third instalment of 3 castes/communities was issued by its Notification

No. 370-TW/EC dated 12th May 1995,

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published in the Calcutta Gazette of the same date. "Jolah (Ansari-Momin)" is one of the 12 castes/communities included in the second State list of Backward Classes issued on 13th December 1994, in respect of which the State Government's request was received on 2nd May 1995.

7. The corresponding entries in the Mandal Commission's List of Backward Classes for West Bengal are as follows:-

8. Ansari (Muslim)

140. Momin

8. According to the data furnished by the State Government in the Questionnaire communicated by the NCBC, this Community is identified/linked with the traditional craft of weaving. The State Government has furnished some more useful information about the community. It has been brought out that this weaving community usually prepares napkins and bandages. 86% of its adult members are still engaged in the traditional occupation of weaving. Of the balance, most i.e. 12% are engaged in manual labour on daily wage and only 1% each in cultivation of own land and other occupations like services. A very few of this last are engaged as clerks/poons in Govt. and other institutions. 98% of the population of the community are landless manual labourers. The females are also engaged in weaving for wages and for family's livelihood. 96% live in Kuchha houses.

9. The representatives of the Federation and other members of the community present confirmed that their community is similar to a caste ("Jati-Shoman"). There is normally no inter-marriage between them and other sections of those who follow Islam as religion. They

said that most of the Members of the community continue to practice their traditional craft of weaving for their livelihood and their link with this craft is inter-generational -- they are descendants of persons who followed the same occupation and were known as "Jolah".

10. H.H.Risley, in his ethnographic glossary entitled "Tribes and Castes of Bengal" published by Firma Mukhopadhyay, 1st Edition 1891, Reprint: Calcutta 1981 (Vol.I ,PP.348-350), under the Head "Jolha, Jolaha, Julaha, Momin" describes it as "the Mahomedan weaver caste of Bengal and Behar". He also cites the opinion of Dr.Wise(the results of whose researches during 13 years' residence in Eastern Bengal, have been incorporated in Risley), to whom Risley has dedicated his volume, that "they belonged to a despised Hindu caste who in a body became converts to Muhammadanism." Risley also mentions his view that "the low esteem in which the profession of weaving is held would suffice to cut off those adopting it from inter-marriage with their co-religionists."

11. The Census of India, 1931(Volume V, Bengal & Sikkim) compiled separate figures for Sayyad and "Mumin"(Jolaha). The Census notes that "this caste was anxious to have its figures separately recorded and the permission to return a new name free from the stigma attaching to that previously used....."(P.450). In the Imperial Table XVII of Part-II (P.237), this community has been referred to as follows:-

"Mumin"(JOLAHA,"SHEKH MUMIN")--Muslim.

12. Sekh Rahim Mondal, in his Dynamics of Muslim Society (Inter-India Publications, 1993, PP.70-72), characterises the divisions among Muslims as social segments with certain "caste-like" characteristics. He notes that the term "jat" is the local usage of the Muslims in Bengal and defines the term as "relatively

endogamous distinct status unit.....". He further notes the existence of traditional occupations in respect of some of them and relative social ranking in the local social hierarchy divided into three strata viz; upper, lower and lowest. In the lower rank, referred to as "Nichujat or Garosthi", he locates Julaha with the "traditional occupation" of weavers, along with some other "social groups". This lower stratum is positioned between the upper rank/stratum of "Barojat or Miya or Mina(Aristocrats)" and the lowest stratum of "Chhotojat or Katua(Degraded)", (PP.94-95). Mondal further mentions that "membership within the particular jat/group is generally determined by birth..... . Wealth, power and prestige play the most vital role in determining the jat status in social hierarchy..... The Muslims of lower block viz. the common Shaiks and Julahas etc. enjoy less privileges.;..... This less privileged position of the lower status Muslims in the body of village informal council is due to their inferior status in the local social hierarchy and also for lack of wealth and power.Theoretically each of the Muslim jat is endogamous in nature. He notes cases of intermarriage between the jats of equal or near equal status and rare , hypogamous type marriages between jats of dissimilar status (Ibid P.99). Elsewhere Mondal notes that "traditionally each of the status categories as well as groups are endogamous....."(Ibid P.177). The above facts reveal the existence of "caste-like" characteristics among the Bengal Muslims and the socially inferior position of Julaha as a caste-like community in this frame.

13. The representatives of the community made another point namely that their name should be entered in the List of Backward Classes of the Centre as well as the State only as Ansari/Momin, deleting the stigmatised term "Jolah". They also said that their community has itself abandoned this stigmatised term and they mention

only Ansari or Momin while applying for caste certificates. Since they abandoned this term quite sometime back, they are not able to show earlier papers in which certificates had been applied for by or granted to individuals or their immediate predecessors in the family in the name of "Jolah".

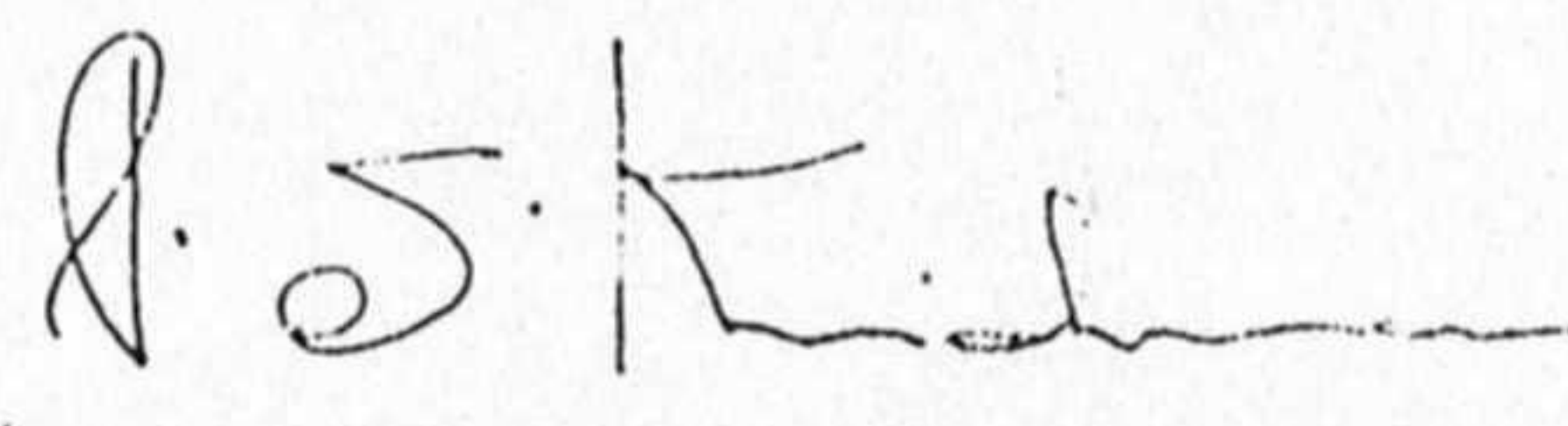
14. It was suggested by the Bench and agreed to by the State Government's representatives to examine this issue of the aspiration of the community and the issue whether the term "Ansari/Momin" alone can be retained deleting the term "Jolah" without any risk of those who do not belong to this community seeking and obtaining certificates in the name of this community. The representatives of the community agreed that pending this examination by the State Government and subsequently by the NCBC, in the interim in order to avoid any confusion in the process of certification, the name of the community be entered in the Central List of Backward Classes for West Bengal in the same way as given in the State List i.e. "Jolah (Ansari-Momin)".

FINDINGS OF THE BENCH

15. The Bench found that "Jolah (Ansari-Momin)" is a caste-like community, inter-generationally continuous, with a distinct identity, demarcating it and its members from their other co-religionists and their communities, and linked with the traditional craft of weaving. Weaving is a traditional artisanal craft which is one of the occupations referred to in Para 7 of the Procedural clarification on Guidelines and covered by "A.SOCIAL, Item No. 2(a)" of the Commission's Guidelines for Consideration of Requests for Inclusion and Complaints of under-inclusion in the Central List of Other Backward Classes. This is part of the "Fast-

"Track" designed by the Commission. This is a community which is socially backward and undoubtedly qualifies to be included in the Central List of Backward Classes, just as it has rightly been included in the State List of Backward Classes. It should therefore be included in the Central List of Backward Classes for the State of West Bengal.


(D. S. Yadav)


(P. S. KRISHNAN)

Member, West Bengal Bench

Member, West Bengal Bench

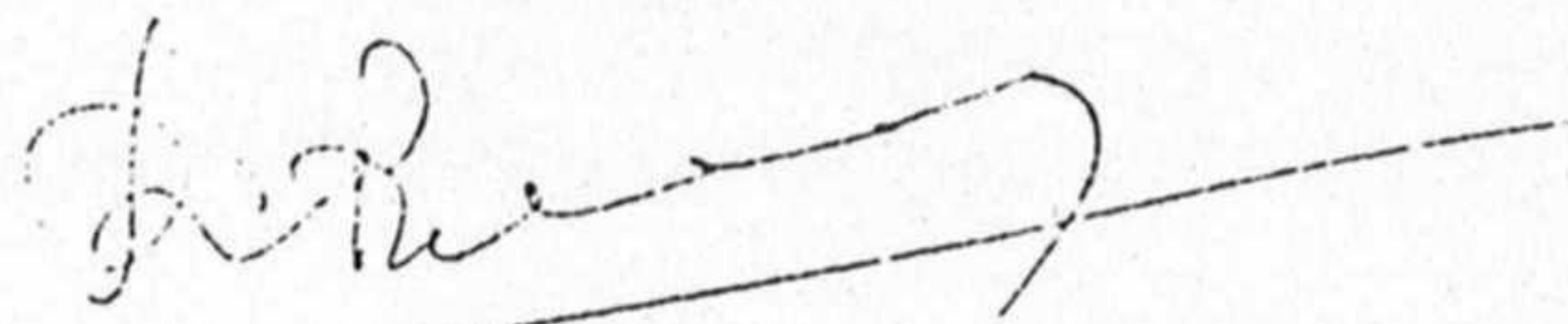
ADVICE OF THE COMMISSION

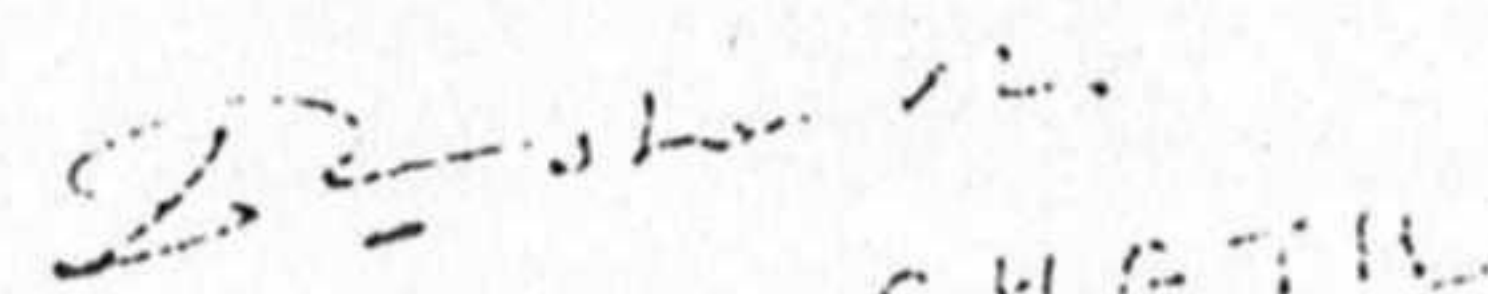
16. The Commission considered and agreed in full with the Findings of the West Bengal Bench and decided to tender the following Advice to the Government as per Section 9(1) of the NCBC Act, 1993:-

"Jolah (Ansari-Momin)" be included in the Central List of Backward Classes for West Bengal.






(DR. R. PRASANNA)


C. D. L. SHETTY



Justice R. N. Prasad
Chairman
National Commission for
Backward Classes
New Delhi

NATIONAL COMMISSION FOR BACKWARD CLASSES

WEST BENGAL BENCH

Request for inclusion of "Kansari" of West Bengal in the Central List of Backward Classes for West Bengal

REQUEST

1. The Government of West Bengal, vide letter of the Secretary, Scheduled Castes and Tribes Welfare Department No. 344-TW/EC dated 2nd May 1995 to the M-6/82(I)

Commission has, inter-alia, requested that "Kansari" be included in the Central List of Backward Classes for West Bengal.

2. Even before the State Government made this request, a member of the Community working in Delhi, Shri M.K.Das had made a request for inclusion of Kansari in the Central List on 18.4.1995.

PUBLIC HEARING

3. The Two-Member Bench for West Bengal held a Public Hearing at Calcutta on 29th August 1995 to examine this Request.

4. At the Public Hearing, the State Government was represented by the Special Secretary and the Joint Commissioner of the SCs and Tribes Welfare Department and Director, Cultural Research Institute of West Bengal. Shri Arvind Das and other members of the community appeared at the public hearing and spoke for the community.

FACTS

5. The State Government 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 recommend a Central List of B.Cs for West Bengal as it could do for 14 other States, which already had their respective lists of BCs, on the basis of the principle of commonality, and therefore the Central Govt. also could not issue a Central list of BCs for West Bengal in 1993. The Govt. of West Bengal issued its first list of Backward Classes by its Notification No. 346-TW/EC

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dated 13th July 1994 in the Calcutta Gazette of the same date, which consisted of 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.

6. Nearly a half-year later, 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 and after yet another nearly half-year, its third instalment of 3 castes/communities was issued by its Notification No. 370-TW/EC dated 12th May 1995,

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published in the Calcutta Gazette of the same date. "Kansari" is one of the 12 castes/communities included in the second State list of Backward Classes issued on 13th December 1994, in respect of which the State Government's request was received on 2nd May 1995.

(Vol.I, PP.419-420), under the Head "Kansari, Kansabanik" describes them as "the brazier caste of Bengal". They are members of the Nabasakh or Navashakha group.

11. Shri Nripendra Kumar Dutt in his "Origin and Growth of Caste in India"(Vol.II, published Firma K.L.Mukhopadhyay, Second Edition, 1969, p.110) enumerates "Kamsyabanik (bellmetal-worker)" among the Navashakha group of castes.

12. Though the name "Kamsyabanik" is also attested since a long time, and though in the State Government's answer to the NCBC's Questionnaire and in Mandal list "Kansakar" is mentioned as one of the synonyms of this caste, there is no specific request to add this name in addition to Kansari. When such a request is made, this matter can be considered.

FINDINGS OF THE BENCH

13. The Bench found that "Kansari" is the caste which is linked with the traditional craft of working with bell-metal and also with other related metals. Bellmetal work is a traditional artisanal craft which is one of the occupations referred to in Para 7 of the Procedural clarification on Guidelines and is covered by "A.SOCIAL, Item No. 2(e)" of the Commission's Guidelines for Consideration of Requests for Inclusion and Complaints of under-inclusion in the Central List of Other Backward Classes. This is part of the "Fast-Track" designed by the Commission. This is a community which is socially backward and undoubtedly qualifies to be included in the Central List of Backward Classes, just as it has rightly been included in the State List of Backward Classes. "Kansari" should therefore be

Included in the Central List of Backward Classes for the State of West Bengal.

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A. S. Krishnan

Member, West Bengal

ADVICE OF THE COMMISSION

14. The Commission considered and agreed in full with the Findings of the West Bengal Bench and decided to tender the following Advice to the Government as per Section 9(1) of the NCBC Act, 1993:-

"Kansari" be included in the Central List of Backward Classes for West Bengal.

Chairman

A. S. Krishnan

DR. R. Prasanna

(DR. R. Prasanna)

C. D. L. Sheth

Justice R. N. Prasad

Chairman
National Commission for
Backward Classes
New Delhi.

A. S. Krishnan

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NATIONAL COMMISSION FOR BACKWARD CLASSES

WEST BENGAL BENCH

Request for inclusion "Shankhakar" of West Bengal in the Central List of Backward Classes for West Bengal

REQUEST

1. The Government of West Bengal, vide letter of the Secretary, Scheduled Castes and Tribes Welfare Department No. 344-FW/EC dated 2nd May 1995 to the
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Commission, has, inter-alia, requested that "Shankhakar" be included in the Central List of Backward Classes for West Bengal.

PUBLIC HEARING

2. The Two-Member Bench for West Bengal held a Public Hearing at Calcutta on 29th August 1995 to examine this Request. At the Public-Hearing, the State Government was represented by the Special Secretary and Joint Commissioner of the SCs and Tribes Welfare Department and Director, Cultural Research Institute of West Bengal. Shri Shyamal Prasad Nandi, Asstt.Secretary, Paschim Banga Sankhi Silpi Samiti appeared on behalf of the Samiti and spoke on behalf of the community.

FACTS

5. The State Government 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 recommend a Central List of B.Cs for West Bengal as it could do for 14 other States, which already had their respective lists of BCs, on the basis of the principle of commonality, and therefore the Central Govt. also could not issue a Central list of BCs for West Bengal in 1993. The Govt. of West Bengal issued its first list of Backward Classes by its Notification No. 346-TW/EC

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dated 13th July 1994 in the Calcutta Gazette of the same date, which consisted of 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.

6. Nearly a half-year later, 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 and after yet another nearly half-year, its third instalment of 3 castes/communities was issued by its Notification No. 370-TW/EC dated 12th May 1995,

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published in the Calcutta Gazette of the same date. "Shankhakar" is one of the 12 castes/communities included in the second State list of Backward Classes issued on 13th December 1994, in respect of which the State Government's request was received on 2nd May 1995.

7. The corresponding entry in the Mandal Commission's List of Backward Classes for West Bengal

is as follows:-

160. Sankhakar, Sarkheru

The correct spelling of the community's name following Bengali practice is, as given in the State List - "Shankhakar" and not as given in the Mandal list. The synonym given in the Mandal list is also mis-spelt since the correct spelling of the synonym is "Sankhari" as given in the data furnished by the State Government in the NCBC's questionnaire.

8. According to the data furnished by the State Government in the Questionnaire communicated by the NCBC, this Community is identified/linked with the traditional craft of shell-cutting. The State Government has furnished some more useful information about the community. 89% of its adult members are still engaged in the traditional occupation of shell-cutting. Of the balance, most i.e. 6% are engaged in agricultural labour on wage and 2% in other manual labour on daily wage, and only 2% and 1% respectively are engaged in cultivation of own land and other occupations like services. It is also mentioned that at present members of this community are also working with gold and silver in addition to their main occupation of shell-cutting. 94% live in Kuchha houses.

9. The representatives of the Samiti urged that the their caste is socially and educationally backward and it be included in the Central List of Backward Classes for West Bengal.

10. H.H. Risley in his ethnographic glossary entitled "Tribes and Castes of Bengal" published by Firma Mukhopadhyay, 1st Edition 1891, Reprint: Calcutta, 1981 (Vol. 11, PP. 221-223) under the head "Sankhari, Sankhakar, Sankhabanik" describes it as the

"shell-cutting caste of Bengal, some of whom have taken of late years to working in gold and silver" (Ibid P. 221). Nripendra Kumar Dutt (Origin & Growth of Caste in India, Firma K.L. Mukhopadhyay, Calcutta, 1969, Vol. II, P. 110) describes "Sankhabanik" as "Conchshell-worker"

11. Risley cites the observations of Dr. Wise that Sankharis are "unusually industrious, young and old working to a late hour at night". Dr. Wise has also noted that the posture in the work of shell-cutting is so awkward and the space in which work is carried on is so confined that the boys are taught the trade at a very early age as otherwise their limbs would not be able to adjust to such posture and space. Dr. Wise has described the extra-ordinary indignities to which this community was subjected to by the luxurious gentry of the pre-British/early British days. This is one of the Navashakha communities as listed by Risley as well as N.K. Dutt. Shell-cutting has a special significance in Bengal because of the practice of married women generally wearing shell-bracelets which is regarded as a badge of wedded life (Risley, Ibid P. 222).

FINDINGS OF THE BENCH

12. The Bench found that "Shankhakar" is a caste linked with the traditional craft of shell-cutting or conchshell working, a traditional artisanal craft which is one of the occupations referred to in Para 7 of the Procedural clarification on Guidelines and covered by "A.SOCIAL, Item No. 2(e)" of the Commission's Guidelines for Consideration of Requests for Inclusion and Complaints of under-inclusion in the Central List of Other Backward Classes. This is part of the "Fast-Track" designed by the Commission. This is a community

which is socially backward and undoubtedly qualifies to be included in the Central List of Backward Classes, just as it has rightly been included in the State List of Backward Classes. It should therefore be included in the Central List of Backward Classes for the State of West Bengal.

K. B. D.

A. S. Mishra

*Member, West Bengal
Bench*

ADVICE OF THE COMMISSION

13. The Commission considered and agreed in full with the Findings of the West Bengal Bench and decided to tender the following Advice to the Government as per Section 9(1) of the NCBC Act, 1993:-

"Shankhakar" be included in the Central List of Backward Classes for West Bengal.

K. B. D.

A. S. Mishra

(DR R. PRASAD)

C. D. L. SHETH

5/10/95

Justice R. N. Prasad
Chairman
National Commission for
Backward Classes