



सत्यमेव जयते

पी. एस. कृष्णन्

P. S. KRISHNAN

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सदस्य- सचिव
राष्ट्रीय पिछड़ा वर्ग आयोग - 15

भारत सरकार
त्रिकूट-१, भीकाएजी कामा प्लेस, नई दिल्ली - ११००६६

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

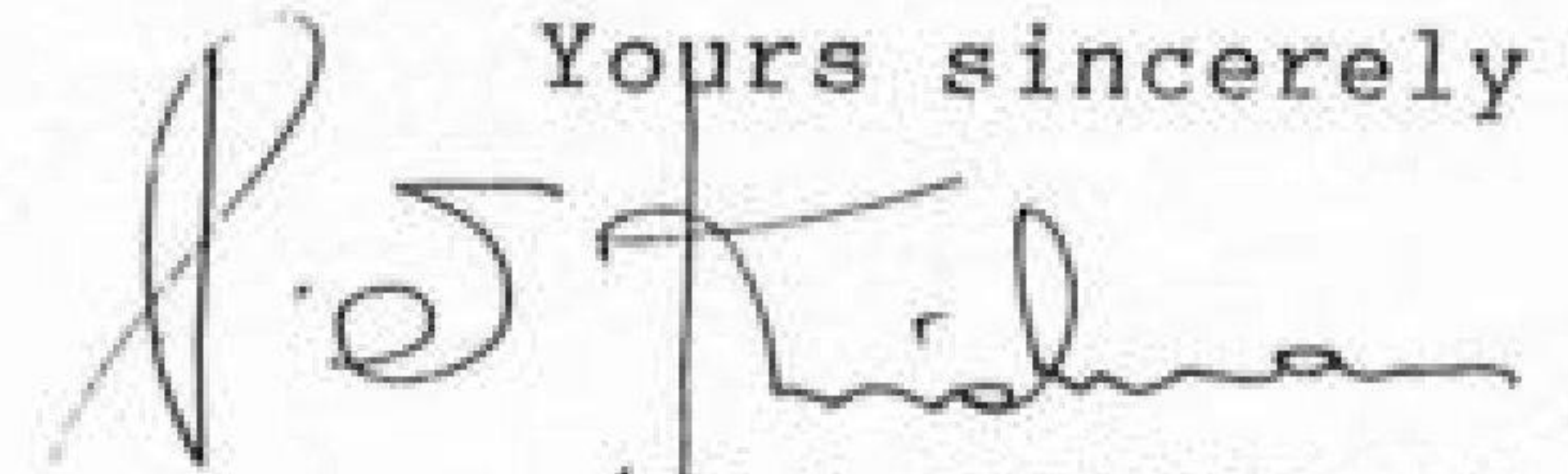
NCBC Advice No. West Bengal 50, 51/99

17.03.1999

Dear Shri Manavalan,

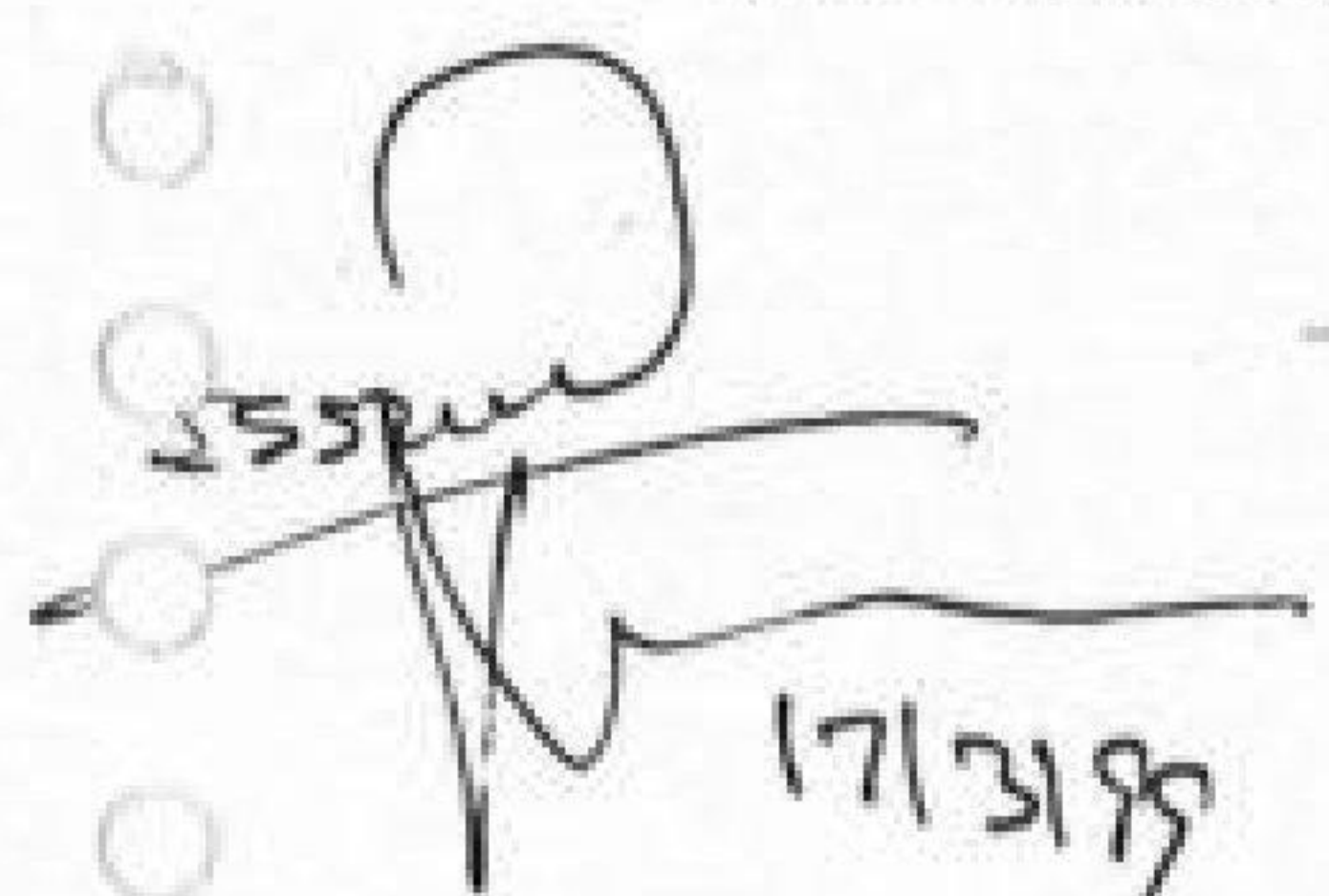
I am sending herewith the Advices of the National Commission for Backward Classes under Section 9(1) of the NCBC Act for the Inclusion of "Harwari, Dhobi (Other than those included in the list of Scheduled Castes)" and for the Rejection of the Request for Inclusion of "Salmani and Sain" in the Central List of Backward Classes for West Bengal, duly authenticated, for necessary action by the Central Government under Section 9(2) of the NCBC Act.

Yours sincerely


(P.S. KRISHNAN)

Encl: As stated.

Shri D.K. Manavalan
Secretary to Govt. of India
Ministry of Social Justice & Empowerment
Shastri Bhavan
NEW DELHI


17/3/99

NCBC Advice No. West Bengal 50/99

NATIONAL COMMISSION FOR BACKWARD CLASSES

WEST BENGAL

FINDINGS

Case : Request for inclusion of "Hawari (Dhobi)" caste/community in the Central List of Backward Classes for West Bengal.

Per Shri U.P. Singh, Member

This case arises from the Request received in this Commission from Md. Sohail Roomi, Secretary, Purulia Zilla Backward Muslim Community Federation, At - Kasai Mohalla, P.O. & Dist. Purulia, West Bengal for inclusion of "Hawari (Dhobi)" caste/community in the Central List of Backward Classes for West Bengal.

II. Public Hearing

2. The two-Member West Bengal Bench of the Commission consisting of Hon'ble Member, Shri U.P. Singh and Hon'ble Member, Shri Sahu Akshaya Bhai held a Public Hearing at Calcutta on 9.9.1998 in respect of this Request. At the Public Hearing the State Govt. was represented by Shri K.N. Behera, Managing Director, West Bengal SC & ST Development & Finance Corporation & Managing Director, West Bengal Backward Classes Development & Finance Corporation, Shri J. Misra, Member-Secretary, West Bengal Backward Classes Commission and Dr. M.K. Chaudhari, Director, Cultural and Research Institute, Calcutta. The caste/community was represented by the following:-

- i) Md. Sohail Roomi
- ii) Md. Tahir Hawari
- iii) Md. Jhaffar Hawari

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[Signature]
P. S. KRISHNAN
Member
National Commission
for Backward Classes

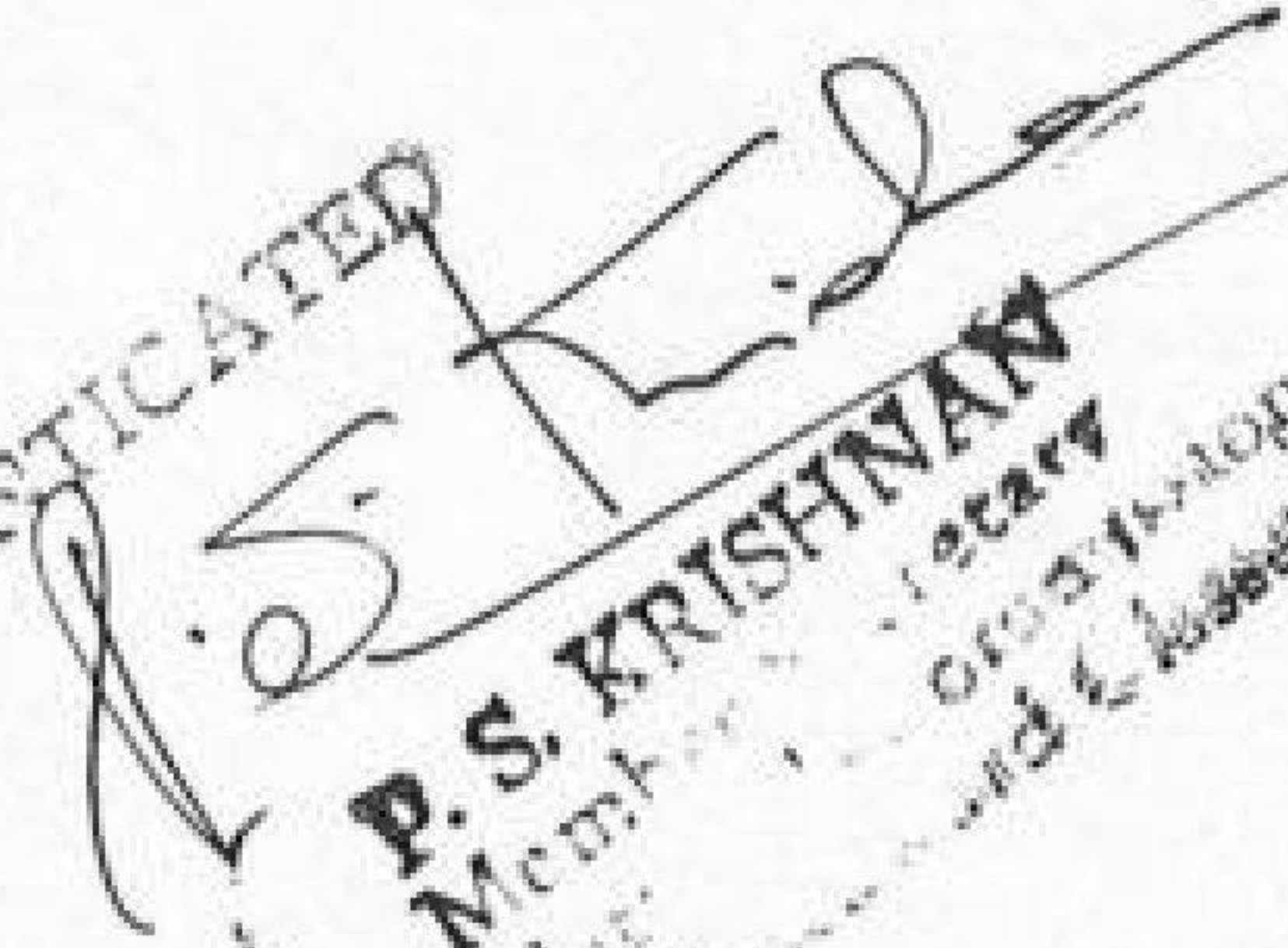
III. Facts

3. "Dhoba", "Dhobi" have been included in the List of Scheduled Castes for West Bengal at entry No. 15 as follows:-
"15. Dhoba, Dhobi"
4. The "Hawari" caste/community has been included in the Mandal List at entry No. 75 as follows:-
"75. Hawari"
5. 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 Government 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 No. 346-TW/EC/M-6/82(I) 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 and did not include "Hawari (Dhobi)".
6. The Govt. of West Bengal by its Notification No. 93-TW/EC dated 11th February, 1997, published in the Calcutta Gezette of the same date, other 8 castes/communities including the "Hawari" caste/community as follows:-
"1. Hawari" (List-6)

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Member
National
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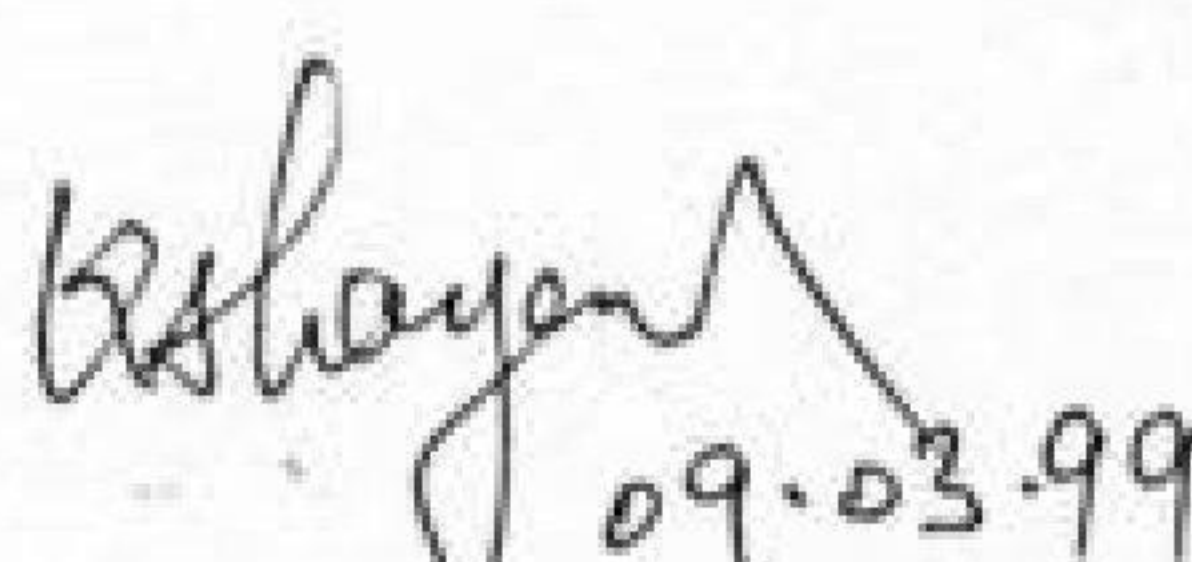
7. The representatives appeared at the Public Hearing stated that they were Muslim washermen (Dhobis) and should be included in the Central List of Backward Classes for West Bengal as "Hawari (Dhobi)".
8. The filled-in NCBC's Questionnaire obtained from the representatives of the caste/community at the Public Hearing mentions that "Hawari" is the main caste and "Dhobi" is its sub-caste/sub-community/synonym. The population of the caste is stated to be 177000 which constitutes 0.7% to the total State population and spread all over the State. The caste/community is stated to be professing Islam religion and listed as backward class in the States of Assam, Bihar, Uttar Pradesh, etc. The main occupation of the community is said to be "washing clothes" which is non-agricultural and involves manual labour rendered on own work. 95% population of the community is stated to be landless manual labourers. The number of literates are shown 2000 which comes to 1.13% of the total population of the caste/community in the State. 99% families of the community are stated to be living in kachha house and 1% in pucca houses. The representation of the members of the community in the Govt. services and other professions is reported 'Nil'
9. "Hawari" is shown as a synonym of Dhobi (Muslim) in Bihar in the book "People of India – Communities, Segments, Synonyms, Surnames and Titles" by K.S. Singh (National Series Volume VIII, Anthropological Survey of India, Oxford University Press, Delhi, 1996, Appendix-B, p. 1249).
10. Those present during the Public Hearing not only did not object to the inclusion of "Hawari (Dhobi)" caste/community in the Central List of Backward Classes for West Bengal rather supported it.

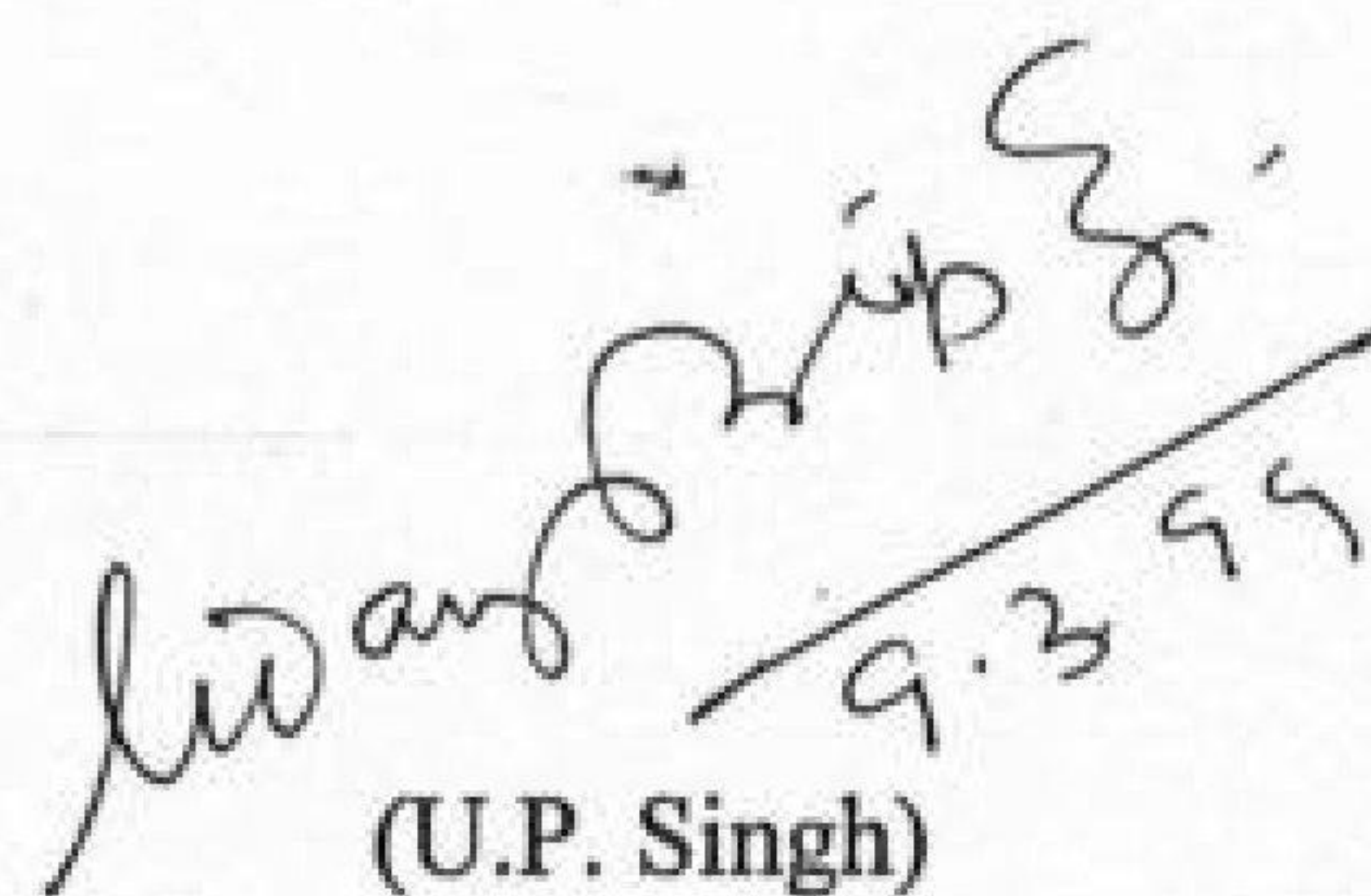
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for Backward Classes

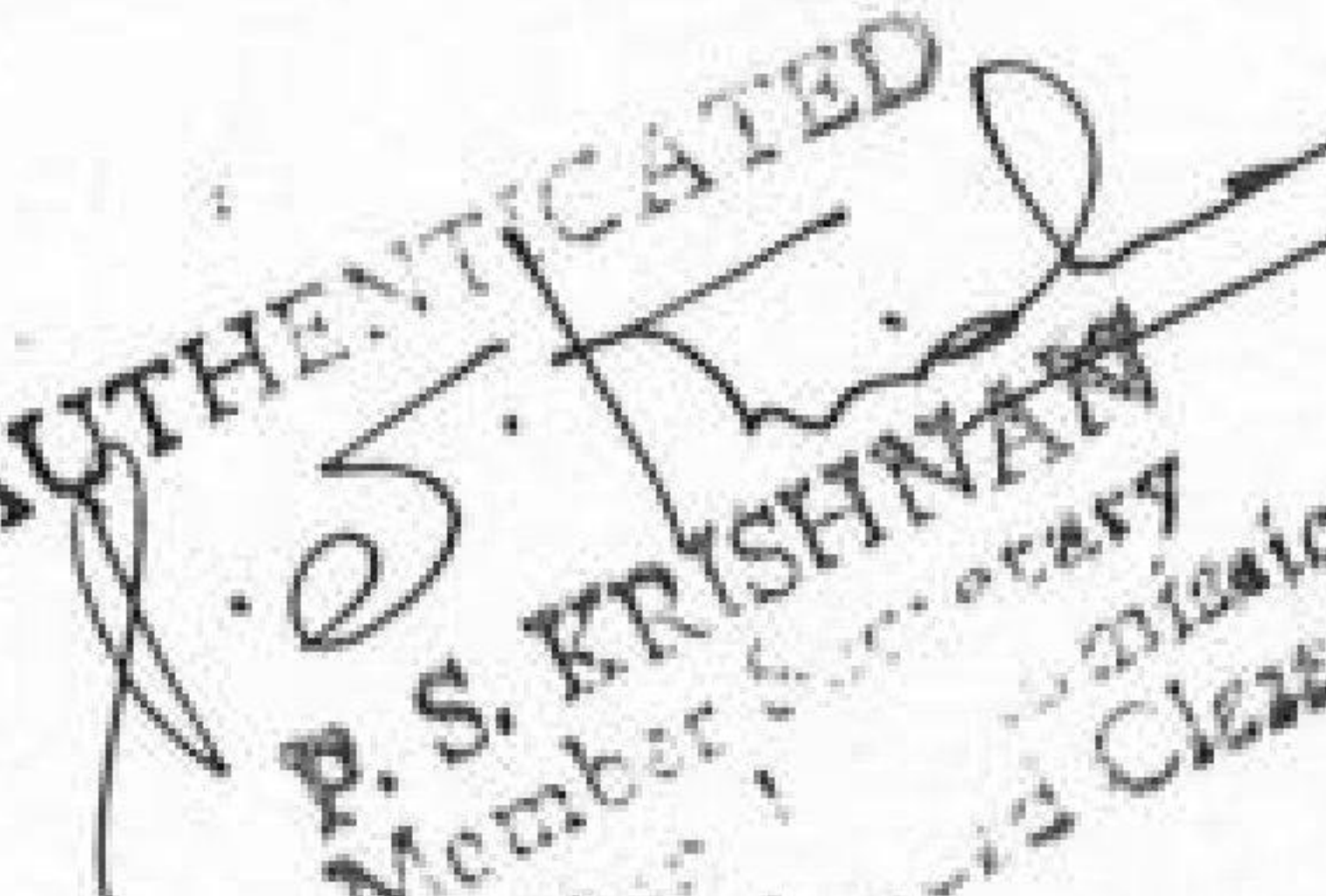
IV. Findings

11. From of the above facts, the Bench finds that "Hawari (Dhobi)" is a sub-caste of "Dhobi" caste which is already included in the list of Scheduled Castes in West Bengal and said to be engaged in the occupation of "Washing Clothes". The community falls under the "Fast-Track" category and is covered under Item A.Social-2(e) of the "Guidelines for Consideration of Requests for Inclusion and Complaints of Under-Inclusion in the Central List of Other Backward Classes" and Para 7 of the "Procedural Clarification on Guidelines" as an artisanal caste. Dhoba is included in the list of Scheduled Castes in many States of North and East India including West Bengal, but the proviso to the Presidential Order from the purview of Scheduled Castes excludes those members of the castes who profess a religion other than Hindu, Islam or Buddhist. The Bench therefore concludes that the caste should be included as "Hawari, Dhobi (Other than those included in the list of Scheduled Castes) in the Central List of Backward Classes for West Bengal at entry No. 47 as follows:-

"47. Hawari, Dhobi (Other than those included in the list of Scheduled Castes)"


09.03.99
(Sahu Akshaya Bhai)


9.3.99
(U.P. Singh)

AUTHENTICATED

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

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 National Commission for Backward Classes Act, 1993 for necessary action by the Central Government under Section 9(2) of the Act:-

"Hawari, Dhobi (Other than those included in the list of Scheduled Castes)" be included in the Central List of Backward Classes for West Bengal as a new entry at S. No. 47 as under:-

"47. Hawari, Dhobi (Other than those included in the list of Scheduled Castes)"

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.

Kshayan
28-03-99

Navtej Puadhi
9.3.99

P. Krishna Rao
16/3/99

P. S. Krishnan
16.3.99

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

NCBC Advice No. West Bengal 51/99

National Commission For Backward Classes

West Bengal Bench

FINDINGS

Case : Requests for inclusion of "Salmani and Sain" castes/communities in the Central List of Backward Classes for West Bengal.

Per Shri U.P. Singh, Member

I. Request

1. These cases arise out of the Request received from Shri A. Sami Salmani, Ambedkar Nagar, New Delhi for inclusion of "Salmani and Sain" castes/communities in the Central List of Backward Classes for West Bengal.

II. Public Hearing

2. The two-member West Bengal Bench of the Commission consisting of Hon'ble Members, S/Shri U.P. Singh and Sahu Akshaya Bhai held a Public Hearing at Calcutta on 9.9.98 in respect of these Requests. At the Public Hearing the State Government was represented by Shri K.N. Behera, Managing Director, West Bengal SC & ST Development & Finance Corporation & Managing Director, West Bengal Backward Classes Development & Finance Corporation and Shri J. Misra, Member-Secretary, West Bengal Backward Classes Commission and Dr. M.K. Chaudhari, Director, Cultural and Research Institute, Calcutta. Nobody from the castes/ communities appeared before the Bench. The Public Hearing was also

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Member Secretary
National Commission
Backward Classes

held earlier on 22.9.1997 to consider the Requests but, neither the Request-maker nor any representative of the castes/communities appeared before the Bench and therefore, considered in the next Public Hearing, held on 9.9.1998.

III. Facts

3. The relevant entries made in the different lists of Backward Classes for West Bengal are as follows:-

i) Mandal List

“144. Nai, Hajjam, Naiya, Napit”

ii) State List

“9. Napit”

iii) Central List

“9. Napit”

4. The representationist submitted in his Request that ‘Nai’ is an occupational term and the educated members of the Muslim community adopted the title/surname of “Salmani” and Hindu “Sain” like the surnames of Ansari, Qureshi and Prajapati by Julaha, Kasai and Kumbhar respectively. He further writes that there are so many doctors, engineers, Govt. servants, teachers, etc. from the caste, who hate the word “Nai” and therefore, requested for inclusion of titles/surnames of Muslim and Hindu Nai as “Salmani and Sain” in the Central List of Backward Classes for West Bengal.

The State Government officials as well as the representatives of different castes/communities present at the Public Hearing stated that the synonyms such as “Salmani and Sain” of “Nai” community are not in vogue in West Bengal State and

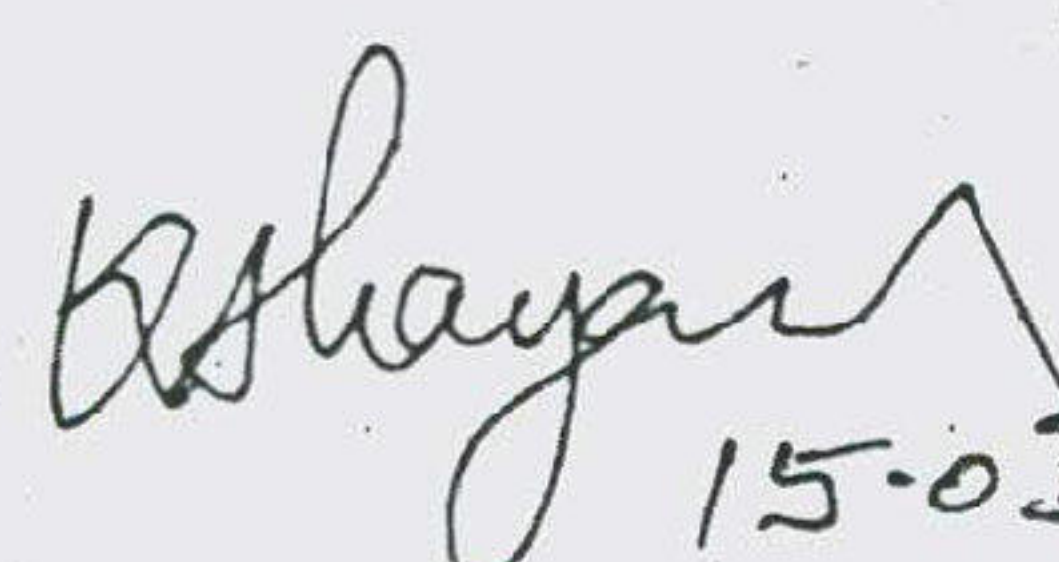
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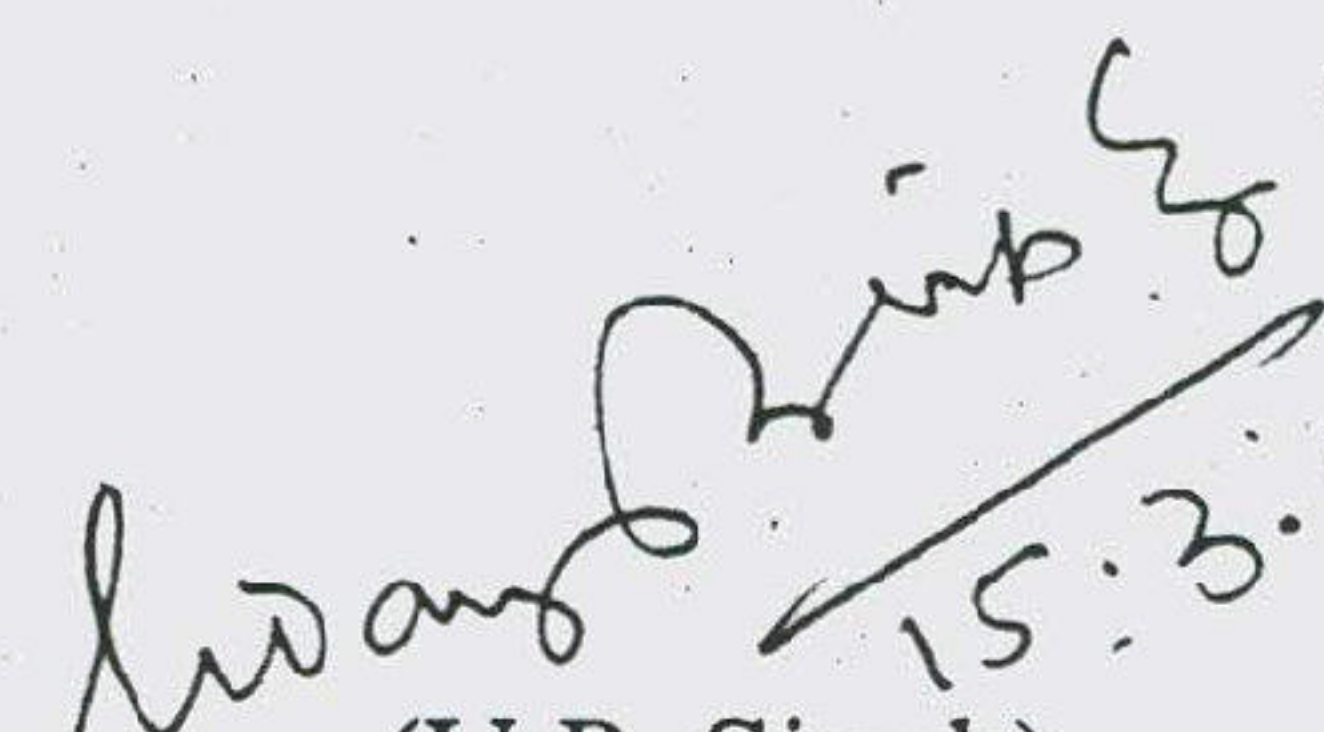
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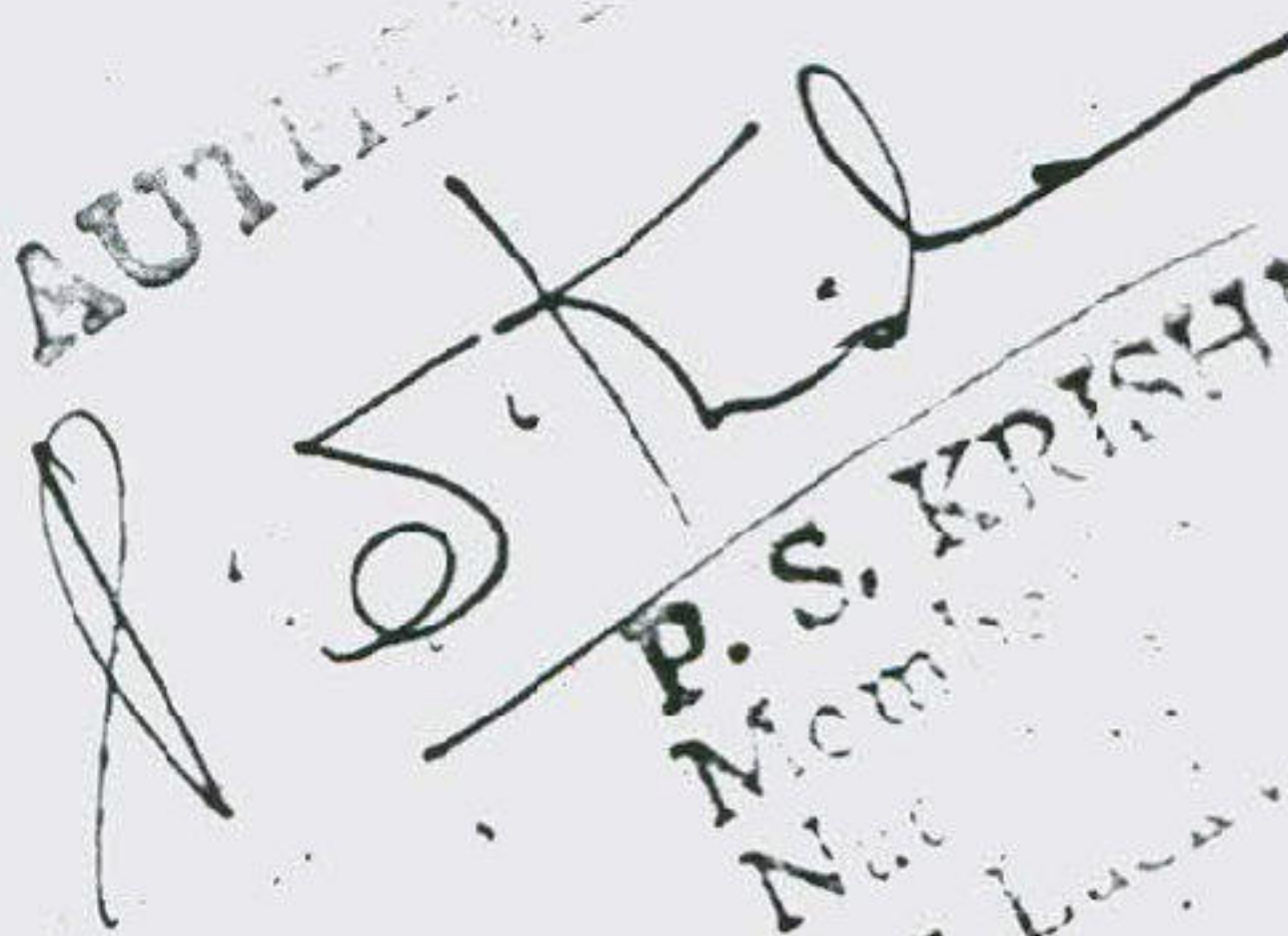
consequently not found place in the State List either and therefore, should not be included in the Central List of Backward Classes for West Bengal.

IV Findings

6. From the above facts and evidence, it is the Finding of the Bench that the "Salmani and Sain", synonyms of Muslims and Hindu "Nai" community are not at present in vogue in the West Bengal State. **The Bench thus concludes that the Request for inclusion of "Salmani and Sain" in the Central List of Backward Classes for West Bengal should be rejected, as these synonyms are not at present in vogue in the State of West Bengal.**


15.03.99
(Sahu Akshaya Bhui)


15.3.99
(U.P. Singh)


P. S. KRISHNAN
Member
National Commission
for Backward Classes

III. Advice of the Commission

7. 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:-

The Requests for Inclusion of "Salmani and Sain" in the Central List of Backward Classes for West Bengal be rejected, as these synonyms of "Nai" are not at present in vogue in the State of West Bengal.

On account of the unfortunate demise of one of the Members, Shri Navtej Puadhi on 16.8.98, 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.

R. Shayan
15.03.99

Navtej Puadhi
15.3.99

P. K. Narayan
12/3/99

P. S. Krishnan
16.3.99

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Member Secretary
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