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भारत सरकार
त्रिकूट-१, भीकाणजी 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. M.P. 38/99

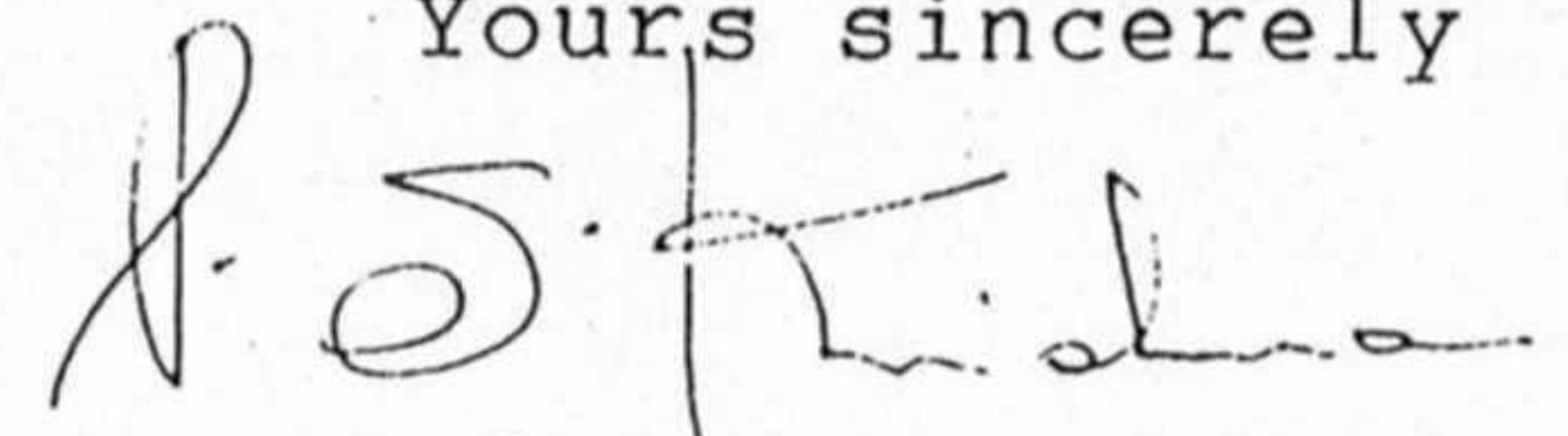
06.05.1999

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 Rejection of the Request for inclusion of "Kamlapuri Vaishya" caste/community in the Central List of Backward Classes for Madhya Pradesh, duly authenticated, for necessary action by the Central Government under Section 9(2) of the NCBC Act:-

2. With this, Advices on 639 (317 for Inclusion + 322 for rejection) castes, sub-castes, synonyms etc. have been tendered to the Government by the Commission, after its reconstitution in 1997, of which 633 (311 for Inclusion + 322 for Rejection) are still pending with the Government for Notification.

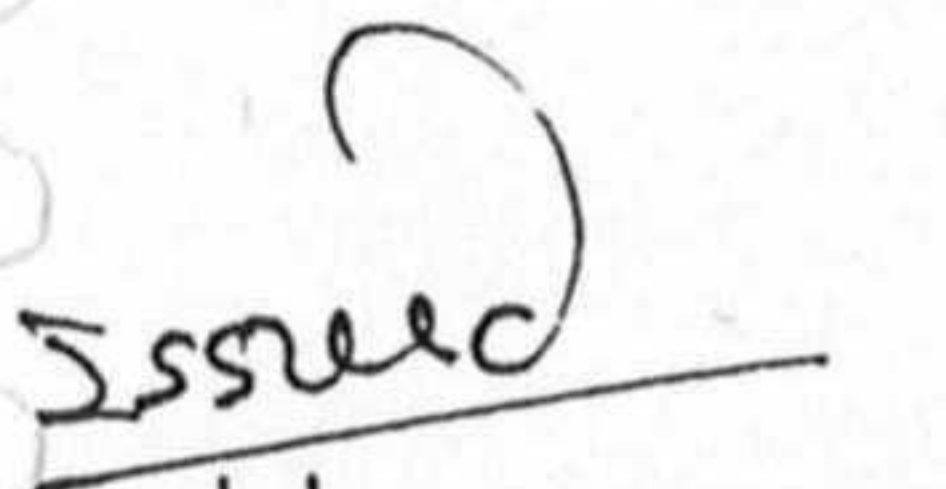
Yours sincerely


(P.S. KRISHNAN)

Encl: As stated.

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

O/C


7/5/99

NCBC Advice No. M.P./38/99

NATIONAL COMMISSION FOR BACKWARD CLASSES

MADHYA PRADESH BENCH

(Findings)

Case: Request for inclusion of "Kamlapuri Vaishya" in the Central List of BCs for Madhya Pradesh.

Per: Shri Sahu Akshaya Bhai, Member

I. Request

1. This case arises out of the request received from Shri C.P. Vaishya, Regional President, and Shri Ram Krishna Gupta General Secretary Kamlapuri Vaishya Pradeshik sabha, Madhya Pradesh for inclusion of "Kamlapuri Vaishya" in the Central list of BCs for Madhya Pradesh.

II. Public Hearing

2. The two Member Madhya Pradesh Bench of the Commission consisting of Hon'ble Members S/ Shri Sahu Akshaya Bhai and U.P. Singh held a Public Hearing at Bhopal on 28.1.99 in respect of this request. At the Public Hearing the State Government was represented by Shri A.L. Naharia, Shri Neeti Raj Singh, and Shri S.P. Arzaria. Following members of the caste/community were present in the Public Hearing :

- i) Shri Ram Naresh Gupta
- ii) Shri Arjun Prasad
- iii) Shri Santosh Kumar Gupta

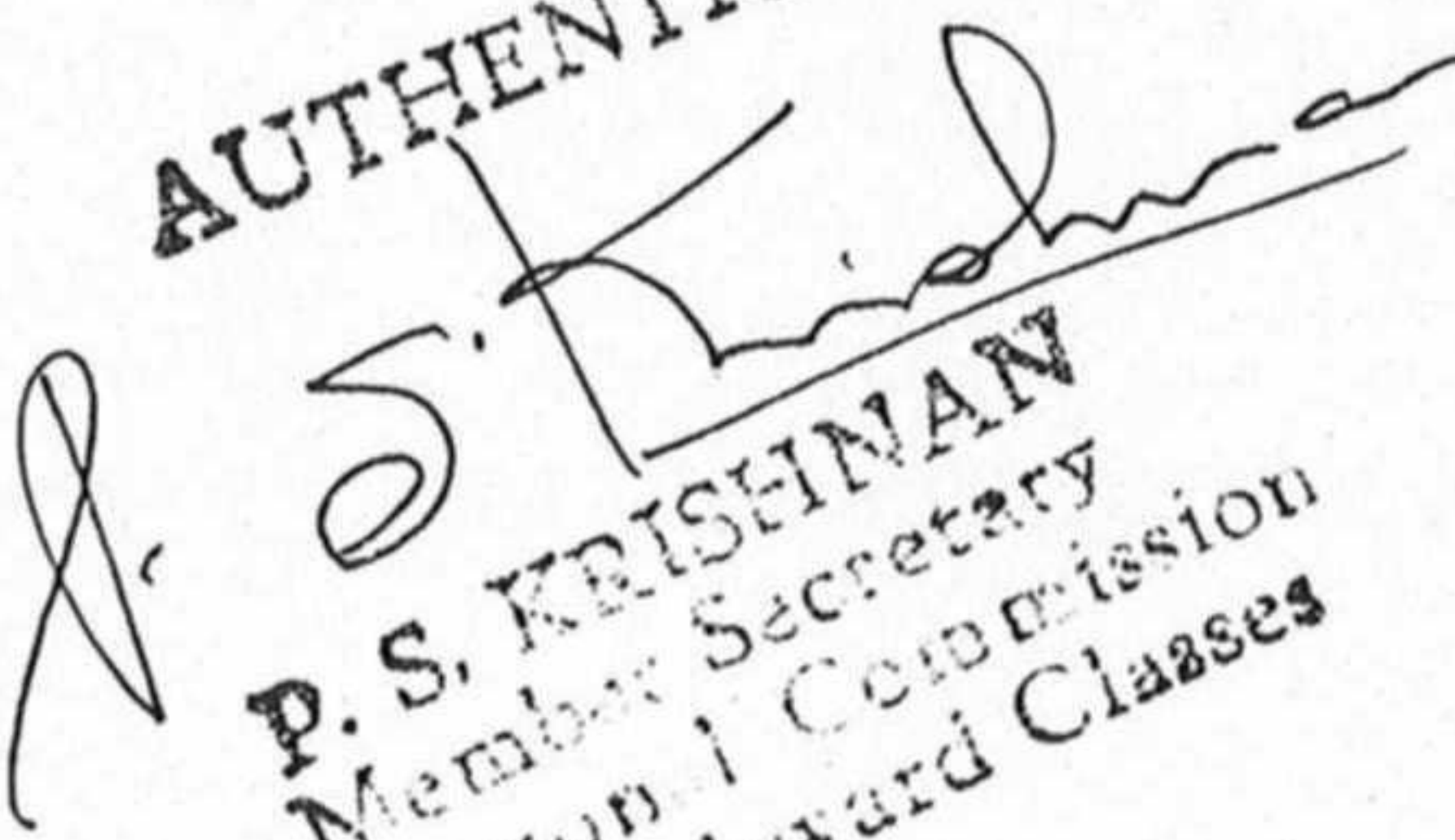
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iv) Shri Sanjeev Kumar Gupta

III. Facts

3. "Kamlapuri Vaishya" is not included in the first-phase Central List of Backward Classes for Madhya Pradesh prepared and notified in 1993 on the basis of the principle of commonality (i.e. inclusion in the Central List of castes/communities which were found included in both the Mandal Commission's List as well as the state Government's List that existed at that time) because it was not included in both the Mandal Commission's List as well as the State Government's List that existed at that time and therefore did not satisfy the criterion of commonality. Even now the caste/community is not included in the State Government's List of Backward Classes.
4. The commission has tendered its advice in respect of "Kamlapuri Vaishya" caste/community in the following state.

<u>Sl. No.</u>	<u>State</u>	<u>Advice No. & Date</u>	<u>Inclusion/ Rejection</u>
1	Uttar Pradesh	UP 66/99 dt. 2.2.99	Rejection
2.	Bihar	Bihar 25-27/99 dt. 16.4.99	do

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5. In the NCBC's Questionnaire, filled by Shri Ram Naresh Gupta, General Secretary All India Kamlapuri Vaishya Mahasabha, Patna, Bihar, the caste is stated to be socially Backward. As per information given in the questionnaire, the occupation of the caste/community is petty trade and agricultural labour etc. Further it is stated that most of them have small shops, thela, khomcha etc. The population of the caste/community in the state is 1,04,000 and concentrated mostly in the districts of Sarguja, Jabalpur, Satna, Raipur and Raigarh. In support of his request the request maker further mentioned that the caste/community has already been considered as backward in the state of Bihar since 1978 and their condition is similar to their counter part in Bihar and therefore their caste should be included in the list of Backward Classes for Madhya Pradesh. The literacy rate of the caste in the State is reported to be 39.03% as against the literacy rate of the State i.e. 44.02% (census 1991). Majority of people i.e, 82.27% live in Kaccha House. The request maker has mentioned that Sunar and Thathera castes are immediately higher than their caste and Tamboli & Patwa are equal caste. The members of the caste/community those who were present in the Public Hearing told the Bench that they have migrated from the State of Bihar for the purpose of their business and service.
6. There is no ethnographic literature available regarding the "Kamlapuri Vaishya" caste/community. But a priori evidence suggest that this is a caste/sub-caste of Vaishya or Bania. This fact has been stated in the Report of the Mungerilal Commission of Bihar. Though the Mungerilal Commission had recommended its inclusion in the State List of Bihar, but Commission's Finding is not in accordance with the observation of the same Commission in its own Report that "..... In the caste system, this community is regarded as Vaishya. Their occupation and food habits are like that of Savarna castes." It is true that the Kaka kalelkar Commission has in its list of BCs for Bihar and Uttar Pradesh has included "Kamlapuri Vaish Teli" with "Oil Pressing" given as its occupation. The name "Kamlapuri Vaish Teli" is obviously a misleading and confusing one as the oil-pressing caste of "Teli" has nothing to do with "Kamlapuri Vaishya" which is a Vaishya/Bania caste. The bringing together of "Kamlapuri Vaish Teli" as a single name raises a question mark about some of the listings in the Kalelkar Commission's Report. This point and some other problems with the Kalelkar Commission's Report has also been discussed in the NCBC's

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Findings/Advice on the Requests for Inclusion of 12 Bania/Vaishya castes of Bihar and 10 of Uttar Pradesh, which are relevant in this context also. The caste/community is not included in the state list of BCs in the surrounding states i.e, Uttar Pradesh, Maharashtra, Gujrat, Rajasthan, A.P., Orissa. This commission has already tendered its advice for rejection of "Kamlapuri Vaishya" in Central List of BCs for the States of Uttar Pradesh and Bihar.

IV Findings

7. From the above evidences and facts, it is found that "Kamlapuri Vaishya" is indeed a section of Bania /Vaishya Community, which are trader-castes and ranked third in the social order next to Brahmans and Kshatriyas. Their argument for assigning them the backward tag emphasizing their literacy rate, which is said to be low, even if true, does not strengthen the case as any caste which does not suffer from any kind of social disability and is also fairly well to do is not likely to be significantly backward on educational front. The Bench does not find that this community had suffered any kind of social ostracism or social deprivation practised by either of the two superior castes, the Brahmans and Kshatriyas. The Bench is satisfied from the submission made by the representatives of the community and the factual admission that the community is of traders whether petty or big. The fact that some of them are seeking out a living as labourers even if true has little to do with the degree of escalation the community as an entity enjoys socially. This is an instance of the large-scale effort of a number of socially advanced castes, which are definitely not socially backward, and not regarded as socially backward, trying to make their way into the list of Backward Classes. Thus, the Bench concludes that "Kamlapuri Vaishya" is not socially backward and is in fact Socially advanced and does not deserve for inclusion in the list of BCs and therefore the request for inclusion of Kamlapuri Vaishya" in the central list of BC's for Madhya Pradesh is to be rejected.

Kshayan
23.04.99
(Sahu Akshaya Bhai)

U.P. Singh
(U.P. Singh)

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V. Advice of the Commission

8. The Commission considered and agreed in full with the above findings of the Madhya Pradesh Bench and decided to tender the following Advice to the Central Government under section 9 (1) of the NCBC Act 1993, for action under section 9 (2) of the Act :-

The Request for inclusion of "Kamlapuri Vaishya". Caste/Community in the Central List of Backward Classes for Madhya Pradesh be rejected as it is not a socially Backward Caste/Community.

Ashayam
23.04.99

Pradyumn Singh
26.4.99

P. G. S. G. S. G.
6/5/99

P. S. Krishnan
6.5.1999

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