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सदस्य-सचिव
राष्ट्रीय पिछड़ा वर्ग आयोग
भारत सरकार
त्रिकुट-१, भीकाजी कामा प्लेस, नई दिल्ली-११००६६
Member-Secretary
National Commission for Backward Classes
Government of India
Trikoot-1, Bhikaji Cama Place, New Delhi-110066

NCBC/Advice/25-27/97/A.B./
June 30, 1997

Dear Shri Baksi,

I am sending herewith the Advices of the National Commission for Backward Classes under Section 9(1) of the NCBC Act 1993 regarding inclusion of "Viswakarma" as synonym of Viswabrahmin and "Devathilakula" castes of Andhra Pradesh in the Central List of Backward Classes for Andhra Pradesh for necessary action under Section 9(2) of the Act by the Central Government.

With kind regards,

Yours sincerely,

P. S. Krishnan
(P. S. KRISHNAN)

Encl: As Stated

Shri K.K.Baksi
Secretary
Ministry of Welfare
Shastri Bhavan
New Delhi-11001

NATIONAL COMMISSION FOR BACKWARD CLASSES

Andhra Pradesh Bench

Findings

Per Shri P.S.Krishnan, Member-Secretary

Case: Request for Inclusion of "Viswakarma" as a synonym of "Viswabrahmin" in the Central List of Backward Classes for Andhra Pradesh

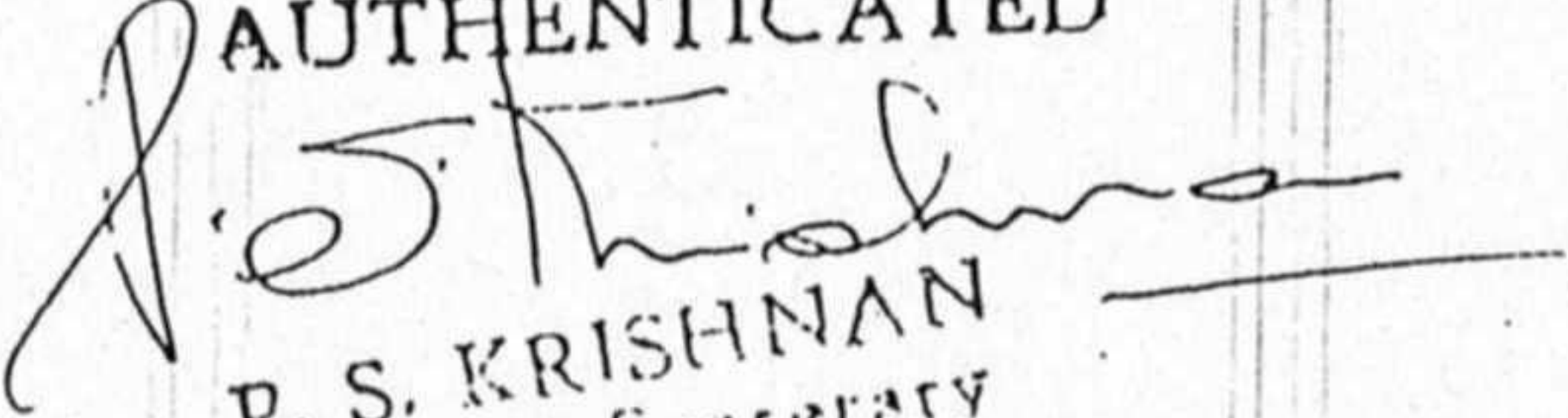
I. Request

This case arises from the Request of the State Government of Andhra Pradesh vide letter No. 3706/MI/95-2 dated 13.12.95 of the Secretary, Backward Classes Welfare Deptt. for inclusion of "Viswakarma" as a synonym of "Viswabrahmin" in the Central List of Backward Classes for Andhra Pradesh, the "Viswakarma" having been included in the State List as a synonym of "Viswabrahmin".

II. Public Hearing

The two-Member Andhra Pradesh Bench of the Commission consisting of Shri P.S.Krishnan, Hon'ble Member-Secretary, NCBC and Shri Sahu Akshaya Bhai, Hon'ble Member, NCBC held a Public Hearing at Hyderabad on 24.5.1997 in respect of this request. At the Public Hearing the State Government was represented by Shri L. Shafiqiuzzaman, Secretary in charge of Backward Classes Welfare, Shri R. Kodanda Rama Reddy, Commissioner for Backward Classes Welfare, Shri Chandra Sekhara Rao, Joint-Director, Backward Classes Welfare and other officers of the Backward Classes Welfare Deptt. The community was represented by S/Shri P. Brahmanandachary of AP Viswabrahmana Sangham, Hyderabad, V. Chandrasekhara Sarf of Viswabrahmana Dharma Peetham, K. Papa Rao and H.Manibhujhanachary of Viswakarma Employees Welfare Association.

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Member Secretary
National Commission
for Backward Classes

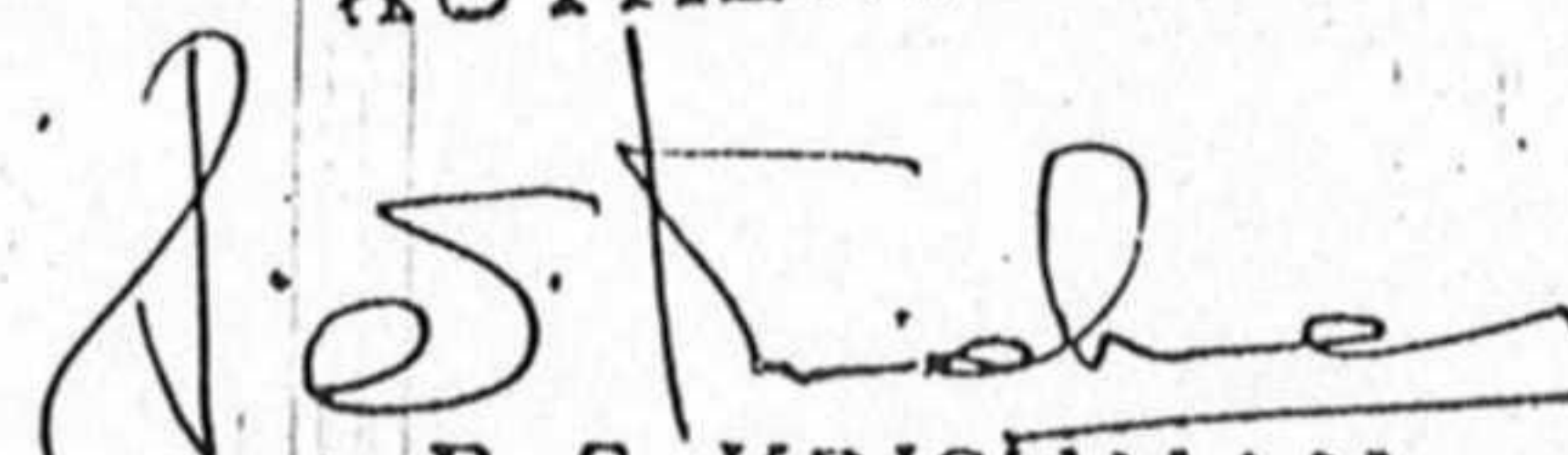
III. Facts

3. The relevant entries in different lists are as follows:-

(i) Central List

"59. Viswabrahmin
(Ausula or Kamsali,
Kammari,
Kanchari,
Vadla or Vadra or
Vadrangi and Silpi)"

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(ii) Mandal List for Andhra Pradesh

"284. Viswabrahmin (Ausula or Kamsali, Kammari,
Kanchari, Vedia or Vadra or Vadrangi and Silpis)"

(iii) State List which existed at the time of the
preparation of the first phase central
List (issued with GO.Ms.No. 1793 dated 23.9.1970)

"Group-B"

"21. Viswabrahmin (Ausula or Kamsali, Kammari, Kanchari,
Vadla or Vadra or Vadrangi or Silpis)"

4. A.P. State Commission for Backward Classes, after examining the requests received by it from the President, A.P. Viswabrahmin Sangam, Nellore Branch and Hyderabad Branch, Vice-President, B.R. Viswakarma Association, Nellore and the President, A.P. State Viswakarma Employees and Pensioners Welfare Association, Guntur District for inclusion of "Viswakarma" as a synonym of "Viswabrahmin" in the State List, has advised the State Government by its letter dated 30.10.1995 to include the word "Viswakarma" against S.No. 21 of Group-B in the existing list of Backward Classes of Andhra Pradesh. The State Government agreed with the

Advice of the State Commisison and by its G.O Ms.No.59 dated 6.12.1995 included "Viswakarma" as a synonym of "Viswabrahmin" in the State List of Backward Classes of Andhra Pradesh. The amended entry in the State List now reads as follows:-

"Group-B"

"21. Viswabrahmin (Ausula or Kamsali, Kammari, Kanchari, Vadla or Vadra or Vadrangi or Silpis), Viswakarma"

5. The State Commission in its letter dated 30.10.1995 mentioned at para 4 above has stated that it is a matter of common knowledge, which requires no enquiry and proof that in the State of A.P., the caste 'Viswabrahmin (Ausula or Kamsali, Kammari, Kanchari, Vadla or Vadra or Vadrangi and Silpis)' occuring at Sl.No. 21 of the Group-B of the existing state list of Backward Classes are also called as "Viswakarma". In other words, "Viswakarma" is a synonym of the aforesaid caste at any rate i Andhra Pradesh.

6. The name "Viswakarma" as a synonym of "Viswa Brahman" has attested to by Edgar Thurston and K. Rangachari (Castes and T of Southern India, Vol. VII, Asian Educational Services, New Delhi, Madras, 1993). According to them "Viswakarma and Viswa Brahman are synonyms for Kammalan, the members of which class claim descent from the five faces of Vishwakarma, the architect of the gods."

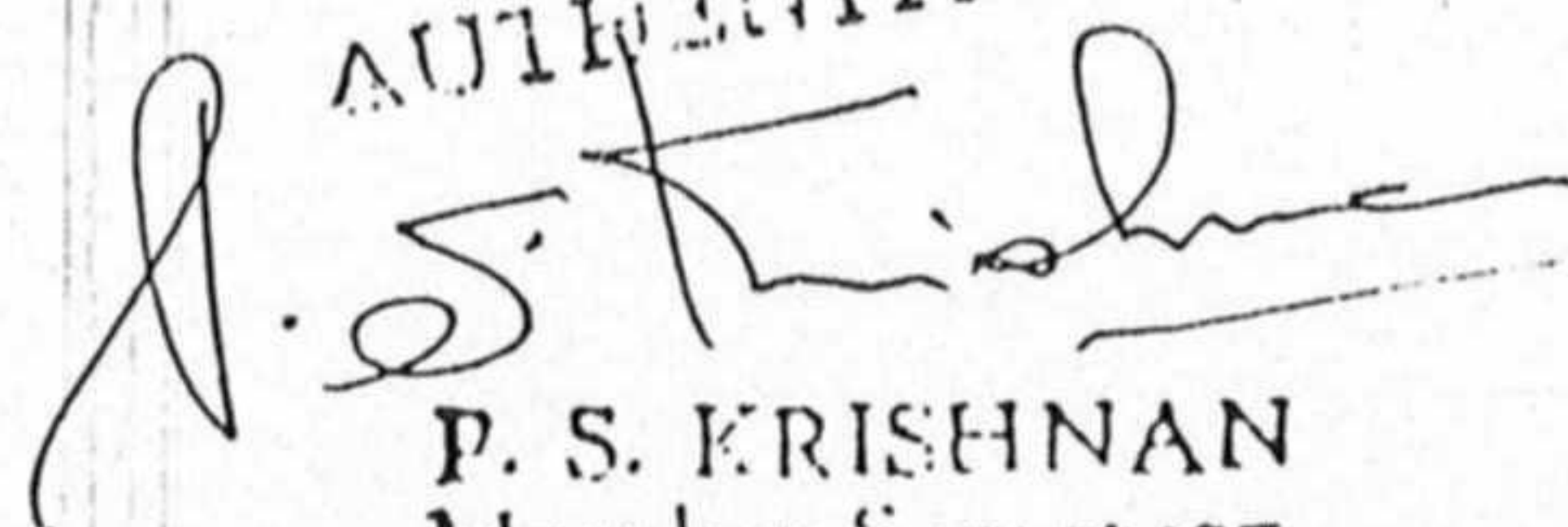
7. During the Public Hearing the representatives of the community said that the members of their five communities are traditionally engaged in the various artisanal works of goldsmithy, blacksmity, brass-smithy, carpentry and sculpture and that they have taken the collective name of "Vishwakarma" or "Viswabrahmin". They also stated that since "Viswabrahmin" has already been included in the Central List, "Viswakarma" also should be included in the Central List. Those present during the Public Hearing who were from different sections of the society not only did not object to the

proposed inclusion of "Viswakarma" as a synonym of "Viswabrahmin" but also supported it.

8. "Viswakarma" has been included in the Central List of Backward Clases for different other States as follows:-

S.No.	Name of the State	Entry in the Central List
1.	Karnataka	"163. Viswakarma ----- Viswa Brahman ----- Silpi"
2.	Kerala	"27. Viswakarma including Assari, ----- ----- Viswabrahmanan or Viswabrahmanar and Viswakarmala"
4.	Madhya Pradesh	"6. Barhai ----- Viswakarma" "27. Lohar ----- Viswakarma"
3.	Uttar Pradesh	"31. Barhai, Badhai, Viswakarma"
4.	Tamil Nadu	"62. Kammalar or Viswakarma, Viswakammala (including Thattar, Porkollar, Kannar"

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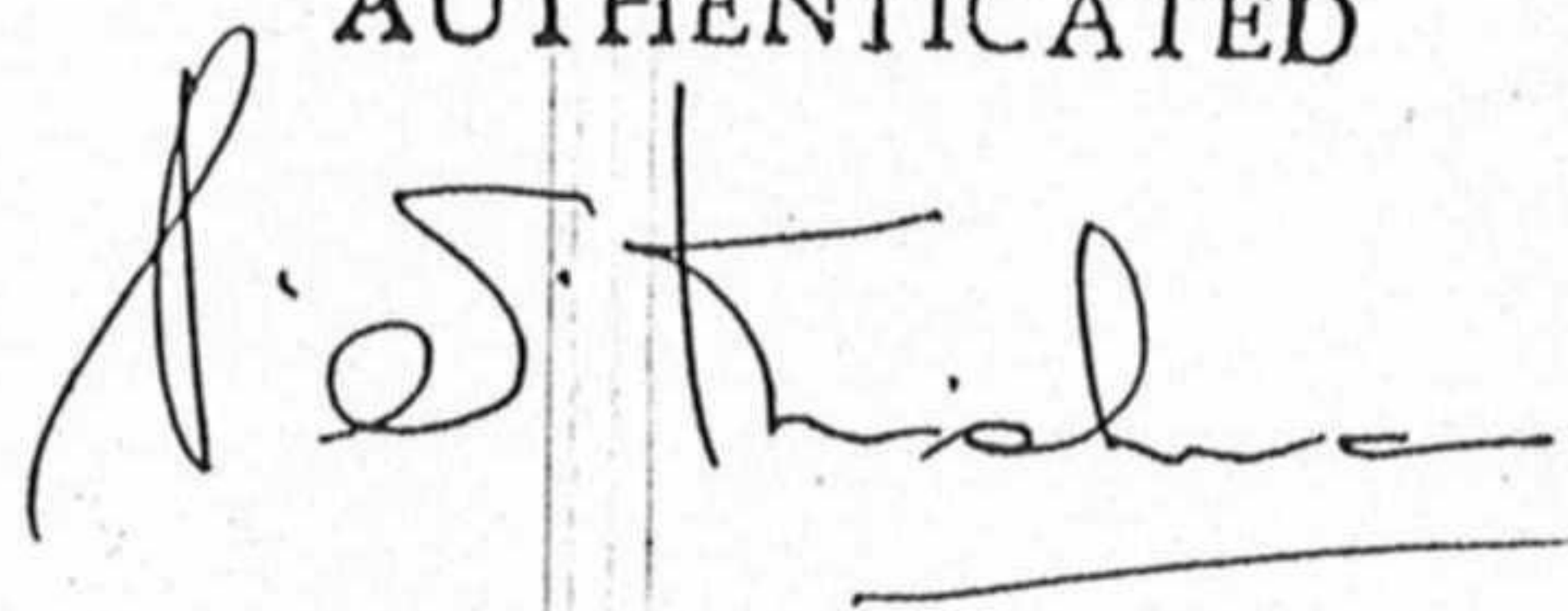
9. The NCBC's Questionnaire filled up by the Andhra Pradesh Viswabrahmana Sangham, Hyderabad and forwarded to this Commission by the State Govt. states that theirs are a group of artisan communities which is, in terms of the caste system, are identified with the traditional occupations of gold smithy, blacksmithy, brass-smithy, carpentry and stone sculpture. smithy. It also states that there is deterioration in their living standards as other communities have also entered in these professions.

IV. Findings

10. From the above evidence, it is the Finding of the Bench that "Viswakarma" is a synonym of "Viswabrahmin" and it comes under the "Fast Track" category of cases in terms of guideline 2(e) of the NCBC's Guidelines for Consideration of Requests for Inclusion and Complaints of under-Inclusion in the Central List of Other Backward Classes" and also Paras 6 & 7 of the Procedural Clarification on Guidelines and it is also covered by Para 9 of the same Procedural Clarifications. It is a matter of common knowledge that "Viswakarma" and "Viswabrahmin" are the collective names of the five major artisan castes. Therefore, "Viswakarma" should be included in the Central List of Backward Classes for Andhra Pradesh as a synonym of "Viswabrahmin" and the existing entry No. 59 in the Central List of Backward Classes for Andhra Pradesh should be amended as follows:-

"59. Viswabrahmin or Viswakarma
(Ausula or Kamsali,
Kammari,
Kanchari,
Vadla or Vadra or
Vadrangi or Silpi)"

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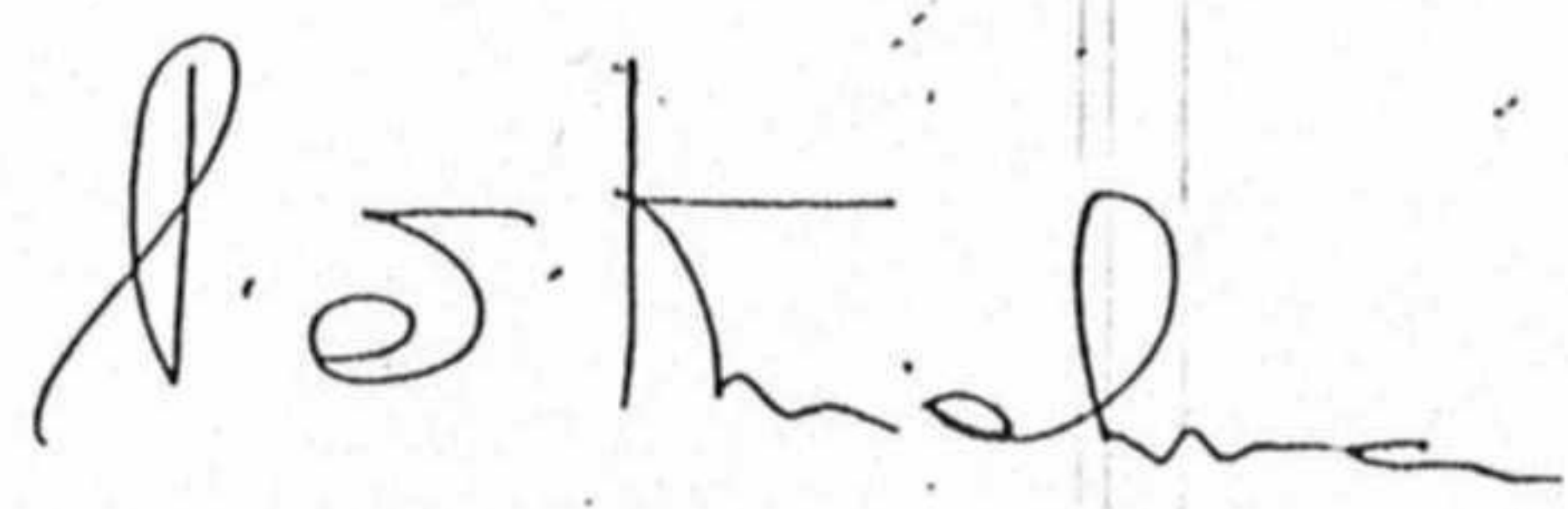


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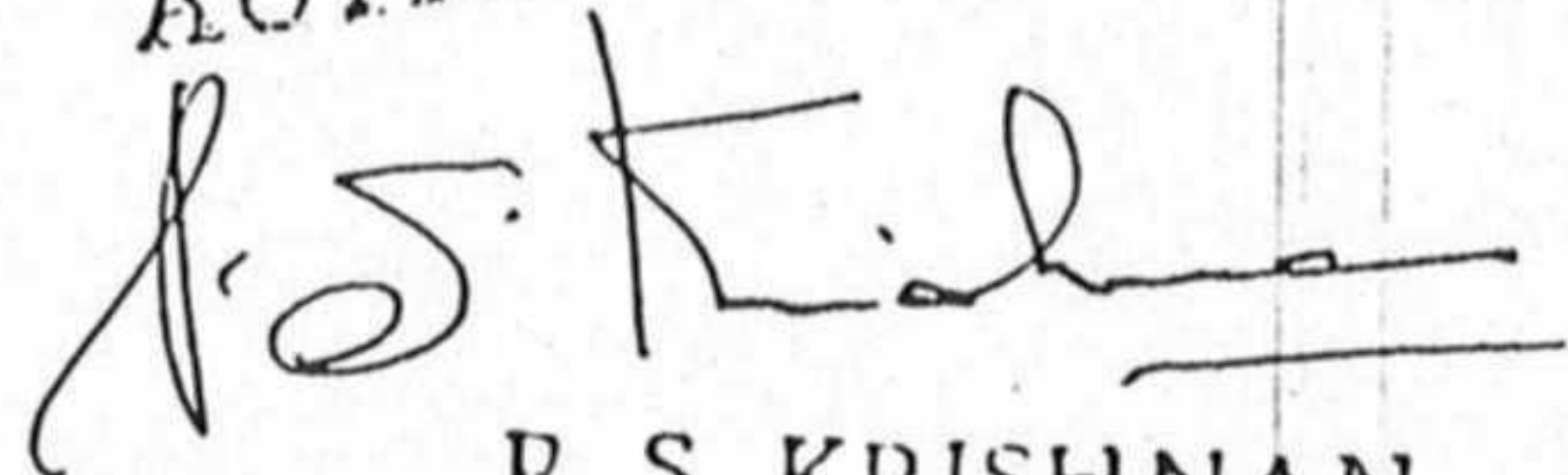
The Bench felt that the way in which "Viswakarma" has been added to the State List, i.e. after the sub-castes/sub-sections in the parantheses as shown at para 4 above, may create confusion for the

certificate issuing authorities and consequently difficulties for the members of the community in getting certificates. The Bench therefore suggested to the State Govt. representatives to consider re-arranging the names in the entry as above.

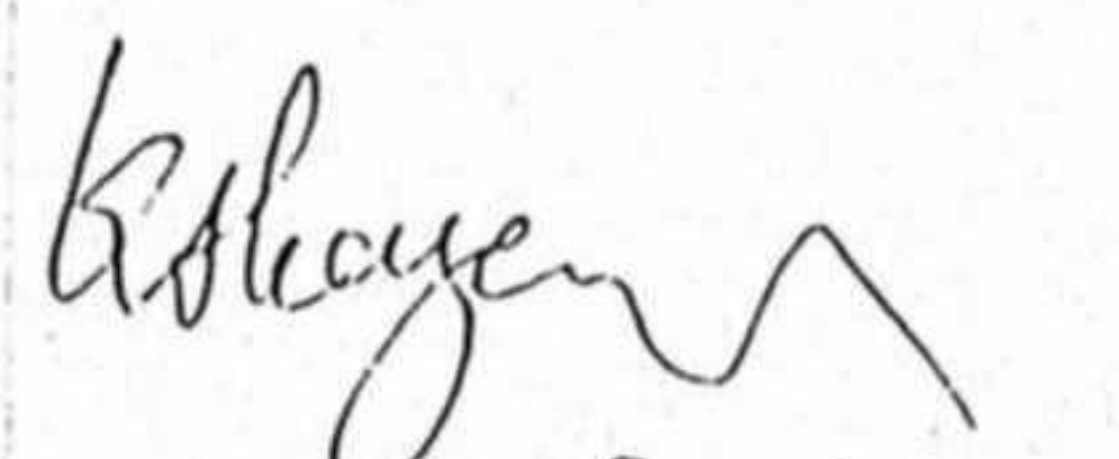
11. It is observed that in a number of cases, certificate issuing authorities do not issue Backward Class certificates in respect of the period prior to the Central Government's Notification. The process by which a caste/community became backward is centuries old. Its backwardness did not emerge suddenly on the date of the Notification. The relevance of the date of the Findings or the Advice or the Government's Notification is only that the backwardness of the caste/community, which was already a social reality, was, after enquiry, officially noted and recognised on that particular date. But the benefit of this recognition should be available from the date from which reservation for backward classes in the central services came into effect, i.e., 8.9.1993. Therefore, it is necessary to specify that the notifications takes effect from the date from which reservation for backward classes came into effect and the members of the caste/community are eligible for reservation from that date.


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Member Secretary
National Commission
for Backward Classes


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V. Advice of the Commission

12. The Commission considered and agreed in full with the above Findings of the Andhra Pradesh Bench and decided to tender the following Advice to the Central Government under Section 9(1) of the NCBC Act, 1993:-

"Viswakarma" be included in the Central List of Backward

Classes for Andhra Pradesh as a synonym of "Viswabrahmin" and the existing entry no. 91 in the Central List of Backward Classes for Andhra Pradesh be amended as follows:-

"59. Viswabrahmin or Viswakarma
(Ausula or Kamsali,
Kammari,
Kanchari,
Vadla or Vadra or
Vadrangi or Silpi)"

13. In view of the difficulties faced by the members of Backward Classes in getting Backward Class certificates for the period prior to the Notification, a proviso should be included in the Notification to be issued that "the Notification will take effect from 8.9.1993", the date from which reservation for Backward Classes in the Central Services came into effect.

P. S. Krishnan

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Lidayobhup S.
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P. S. Krishnan

Ashtayam
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Lavender S.
26.6.97

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NATIONAL COMMISSION FOR BACKWARD CLASSES

Andhra Pradesh Bench

Findings

Per Shri P.S.Krishnan, Member-Secretary

Case: Request for Inclusion of "Devathilakula" in the Central List of Backward Classes for Andhra Pradesh

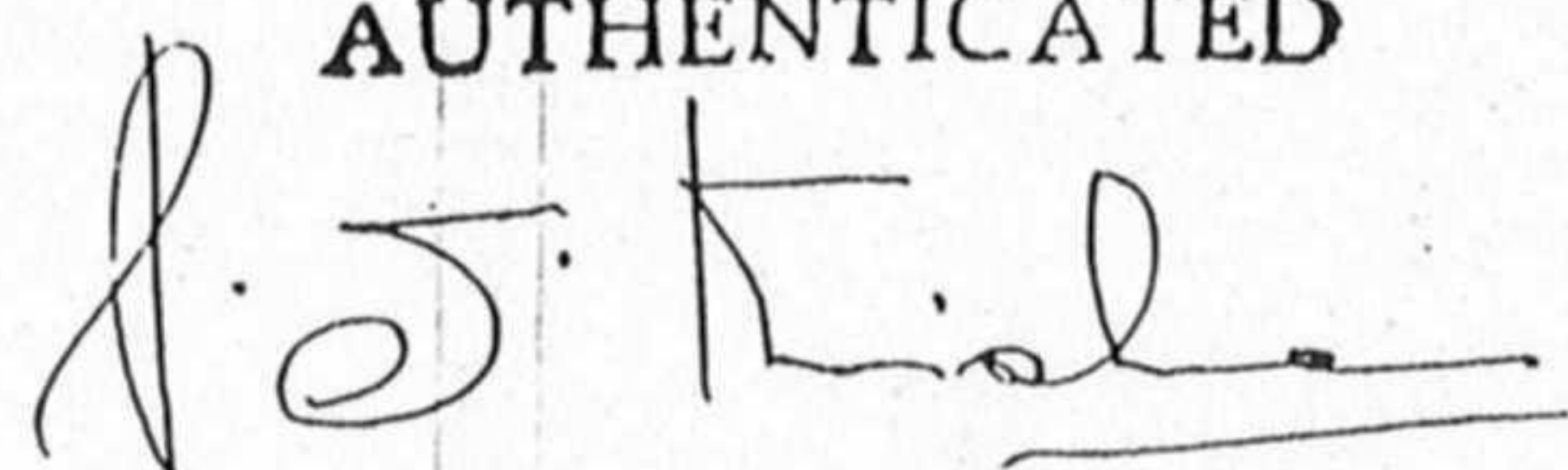
I. Request

This case arises from the Request of Devathilakula Sankshema Sangham, Guntur, Andhra Pradesh for the inclusion of "Devathilakula" in the Central List of Backward Classes for Andhra Pradesh as a synonym of "Gandla, Telikula" which is already included in the Central List of Backward Classes for Andhra Pradesh at entry no. 44.

II. Public Hearing

2. The two-Member Andhra Pradesh Bench of the Commission consisting of Shri P.S.Krishnan, Hon'ble Member-Secretary, NCBC and Shri Sahu Akshaya Bhai, Hon'ble Member, NCBC held a Public Hearing at Hyderabad on 24.5.1997 in respect of this request. At the Public Hearing the State Govt. was represented by Shri L.Shafiqiuzzaman, Secretary in charge of Backward Classes Welfare, Shri R. Kodanda Rama Reddy, Commissioner for Backward Classes Welfare, Shri Chandra Sekhara Rao, Joint-Director, Backward Classes Welfare and other officers of the Backward Classes Welfare Deptt. The community was represented by Ch. Suryanarayana Murty and Shri A.L. Gopalakrishna Murty of Devathilakula Sankshema Sangham and Shri Devagangala Venkata Subba Rao of Andhra Pradesh Telikula Ghani Oil Industry Association.

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Member-Secretary
NCBC

III. Facts

3. The relevant entries in the different lists are as follows:-

(i) Central List of Backward Classes for Andhra Pradesh

"44. Gandla,
Telikula"

Apparently by a typographical or printing mistake, in the first phase Central List issued by the Govt. of India in 1993 the entry was "44. Gandla," while Telikula was shown along with Jandra at entry no. 45. On the Advice of the NCBC, this mistake was subsequently rectified and the entry was correctly notified by the Govt. of India as above.

II. Mandal List for Andhra Pradesh

"65. Gandla, Telikula"

III. State List which existed at the time of the
pereparation of the first phase Central List
(issued with G.O.Ms.No. 1793 dated 23.9.1970)

"Group-B"

"6. Gandla, Telikula"

4. The AP State Commission after considering the same request of the Devathilakula Sankshema Sangham advised the State Govt. for inclusion of "Devathilakula" as a synonym of "Gandla, Telikula" at entry No. 6 of Group-B of the existing State List. The State Govt. after careful examination of the Advice of the State Commission accepted the Advice and by its GO Ms.No.13 dated 20.5.1997 ordered the inclusion of "Devalthilakula" as a synonym of "Gandla, Telikula" at entry no. 6 of Group-B of the State List.

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Member Secretary
National Commission
for Backward Classes

5. During the Public Hearing the representatives of the community stated that the members of their community crush 'Tilaku' on bullock ghani and get oil and therefore are called 'Tilakula' and that these 'Tilakula' caste people have been recognised by both the State Government as well as the Central Govt. and have been included in the State List and Central List for Backward Classes as "Telikula". They said that they are satisfied with this entry and are not seeking its modification as "Thilakula".

They have also stated that in some parts of Andhra Pradesh, i.e., from Ongole to Srikakulam, the community is also known as 'Devathilakula' which has recently been included in the State List as a synonym of "Gandla, Telikula" and therefore should also be included in the Central List of Backward Classes for Andhra Pradesh. During the Public Hearing, those present who were from different sections of the Society not only did not object to the proposed inclusion of "Devathilakula" as a synonym of "Gandla, Telikula" in the Central List but also supported it.

6. The NCBC's Questionnaire filled up by the Devatilakula Sankshema Sangham gives "Crushing oil seeds on bullock ghani" as the main occupation of the community. This is also the traditional occupation that the community is, in terms of the caste system, identified with.

7. Edgar Thurston and K. Rangachari (Castes and Tribes of Southern India, Vol.II, Asian Educational Services, New Delhi, Madras, 1993, first published 1909) refers to "Deva Telikulakali" as a name for those who express and sell oils in the Vizagapatnam district (which included the present Districts of Visakhapatnam, Vijayanagaram and Sri Kakulam districts of Andhra Pradesh and Ganjam district of Orissa).

IV. Findings

8. From the above evidence it is the Finding of the Bench that

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"Devathilakula" is a synonym of "Gandla, Telikula" and it comes under the "Fast-Track" category in terms of guideline 2(e) of the NCBC's "Guidelines for Consideration of Requests for Inclusion and Complaints of under-Inclusion in the Central List of Other Backward Classes" and also paras 6 & 7 of the Procedural Clarification on Guidelines and it is also covered by para 9 of the same Procedural Clarifications. Therefore, "Devathilakula" should be included in the Central List of Backward Classes for Andhra Pradesh as a synonym of "Gandla, Telikula" at entry No. 44, and entry No. 44 should be amended as follows:-

"44. Gandla, Telikula, Davathilakula"

9. It is observed that in a number of cases, certificate issuing authorities do not issue Backward Class certificates in respect of the period prior to the Central Government's Notification. The process by which a caste/community became Backward is centuries old. Its backwardness did not emerge suddenly on the date of the Notification. The relevance of the date of the Findings or the Advice or the Government's Notification is only that the backwardness of the caste/community, which was already a social reality, was, after enquiry, officially noted and recognised on that particular date. But the benefit of this recognition should be available from the date from which reservation for backward classes in the central services came into effect, i.e., 8.9.1993. Therefore, it is necessary to specify that the notifications takes effect from the date from which reservation for backward classes came into effect and the members of the caste/community are eligible for reservation from that date.

P. S. Krishnan

2.6.1997

P. S. Krishnan

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Member Secretary
National Commission
for Backward Classes

V. Advice of the Commission

10. The Commission considered and agreed in full with the above Findings of the Andhra Pradesh Bench and decided to tender the

following Advice to the Central Government under Section 9(1) of the NCBC Act, 1993:-

"Devathilakula" be included in the Central List of Backward Classes for Andhra Pradesh as a synonym of "Gandla, Telikula" at entry no. 44 and entry no. 44 be amended as follows:-

"44. Gandla, Telikula, Devathilakula"

11. In view of the difficulties faced by the members of Backward Classes in getting Backward Class certificates for the period prior to the Notification, a proviso should be included in the Notification to be issued that "the Notification will take effect from 8.9.1993", the date from which reservation for Backward Classes in the Central Services came into effect.

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P. S. Krishnan

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L. S. Srinivasulu
26.6.97

L. S. Srinivasulu
26.6.97

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