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पी. एस. कृष्णन्

P. S. KRISHNAN

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राष्ट्रीय पिछड़ा वर्ग आयोग

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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

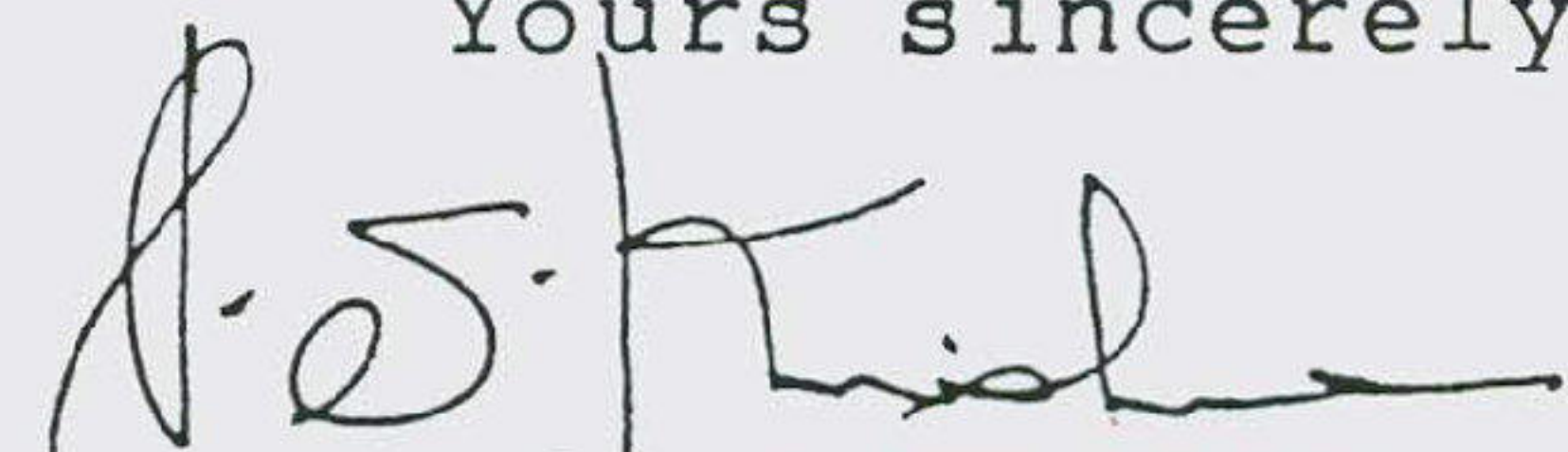
NCBC Advice No. Orissa 65/99

12.07.1999

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 "Baisya-Karan" 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.

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


13/7/99

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NCBC Advice No, Orissa 65/ 99

NATIONAL COMMISSION FOR BACKWARD CLASSES

ORISSA BENCH

FINDINGS

Case: Request for inclusion for Baisya-Karan caste/community in the Central List of Backward Classes for Orissa.

Per Shri U.P. Singh, Member

I. Request

This cases arises from the request received in this Commission from Nikhil Utkal Baisya Byabasaya (Karana) Sangha, Cuttack, Orissa for inclusion of Baisya Karan caste/community in 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 Baisya Karan caste in the Central List of Backward Classes for Orissa on 8.10.1998 at Bhubaneswar. The State Govt. was represented by Shri R.B.Naik, Director, OBC and the State Commission was represented by Shri Bharat Bhusan Jagdev, Administrative Officer. Nobody appeared on behalf of this caste.

III Facts

3. Baisya Karan has not been included in the Mandal List.

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4. Baisya Karan has been included in the State List at entry No.138 as below:

“138. Paiko, Khandayat. Chasa Paiko, Paikali, Khandayat, Kalingi, Sudra Khandayat, Alia, Mahanayak Sudra and Baisya Karan”.

5. 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 caste common to both the Mandal List for each State and the respective State Lists and when, on the basis 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 Resolution No. 12011/9/94-BCC dated the 19th October 1994 issued a common “Central” List of Backward Classes for Orissa. The ‘Baisya Karan’ was not included in the Central List of BCs for Orissa because the caste was not included in the Mandal List, however, found place in the State List existed at that time.

6. In the Mandal List “Paiko” caste was included. In the report of Commission of Enquiry regarding Mandal Commission Report by Justice N.K. Das (Para-14) the Commission observed as:-

“From memorandums submitted by experts it is evident that agriculture is supposed to be the main stay of a Khandayat or Paika(Paiko) in coastal districts and an agharia, a kulta or a chasa (Pradhan) in Central, Western and Southern districts of Orissa. It has also been stated that according to Mandal commission the former caste of coastal districts are upper classes whereas the latter caste are O.B.Cs. But in the State all of them share the same level of predominance. So no more the caste or profession determine the backwardness or forwardness of the people belonging to these castes.”

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The above excerpts of Justice N. K. Das Commission give an impression that the Mandal Commission in its Report has categorised Khandayat or Paiko of coastal districts with upper caste and Kulta, Chasa of Central Western and Southern Districts of Orissa with other Backward Classes. However, the perusal of the Mandal Commission Report reveals that there is no such reference in it and, therefore, the impression being conveyed is not borne out of the facts. Averments in the excerpts of Justice N. K. Das Commission quoted above may be belonging to Memorandums received by Justice N. K. Das Commission and accepted on the face without any scrutiny which led him to sum up that "in the State all of them share same level of predominance. So no more the caste or profession determine the backwardness of the people belonging to these castes", a conclusion which is contradictory to some of the basics of identification of Backward Classes.

Justice N. K. Das Commission while referring to Sl. No. 168 of the Mandal Report (which should be read as S. No. 163) stated that the description against this Entry is Paiko and suggested addition of -

Khandayat, Chasa, Chasa Paiko, Paikli Khandayat, Kalanij Sudra Khandayat, Alia, Mahanavak Sudra, Nama Sudra and Baisya Karan.

The State Government accepted the recommendations of the Commission and incorporated them at Sl. No. 138 of the State List of BCs. Even a cursory look at the additions along with Paiko would reveal that many of them cannot be bracketed together because their level of social hierarchy, economic and educational development are quite at variance and in many cases even their traditional occupations are not the same. For example, the Namasudra (since deleted by Notification No. 1327 dated 16-7-1994) which is included in the Scheduled Caste List at Sl. No. 65 is certainly not equal to Khandayat and Chasa etc. in respect of social hierarchy. Similarly, the social background of Baisya Karan is not the same as that of Khandayat, Paiko and Chasa etc. Justice N. K. Das in his report had not cited any reason for including Baisya Karan in the list of OBCs, more so along with Khandayat, Namasudra and Paiko etc.

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7. In their request for inclusion of "Baisya Karan" in the Central List of Backward Classes for Orissa, Nikhil Utkal Baisya Byabasaya Sangha have stated that the caste is included in the State list and requested for inclusion of the same in the Central List. NCBC's Questionnaire filled in and submitted by the Sangha Contains the following averments:

- i) Name of the Caste/Community is Baisya Karan. The caste/Community is also known by other name i.e. Baisya.
- ii) Population of the Caste/Community in the State is about 2 lakh. The caste is largely concentrated in Cuttack, Puri, Ganjam, Koraput, Phulbani, Rourkela, Kalahandi, Bhubaneswar, Khurada and Sambhalpur districts.
- iii) The caste is generally regarded as socially backward.
- iv) The occupation on which the members of the caste/community mainly depend for livelihood is cultivation.
- v) During agricultural season the women of the caste go for wages as agriculture labourers.
- vi) The caste community, in terms of the caste system, is not identified/linked with any traditional craft or any other traditional or hereditary occupation.
- vii) In the filled-up Questionnaire, it has been stated that about 5000 people of the caste/community are literate which is about 10% of the caste population, as against the total literacy rate of 48.5% of the State on the basis of 1991 census. Out of these 5000 literate, 1000 are women.
- viii) The families of the caste/community mostly live in Kachha houses.

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- ix) In Part-II C Economic, number of posts in the services of the State Govt. held by the members of the caste/community are as below:

Group A/Class I : 10
 Group B/Class II : 26
 Group C/Class III : 76
 Group D/Class IV : Negligible.

And in Part-II, A. Social of the Questionnaire, it has been indicated that mostly the people of the caste are in class-IV services and very few in class-III services.

- x) The main reasons on account of which the caste/community consider itself to be backward are lack of education and poor economic condition.

8. According to H.H. Risley (The Tribes and castes of Bengal, Ethnographic Glossary', Firma Mukhopadhyay, Calcutta, 1981, first edition 1891, Vol. p-52) Baisya is a synonym of Vaisya. Risley (ibid vol II p-348) under the title Vaisya Risley has written "Vaisya, a caste of Eastern Bengal claiming to be the modern representatives of the vaisyas of classical tradition.....". The association of Baisya/Vaisya communities with trade, commerce, money lending, banking etc. and the respectable and prestigious position consequently enjoyed by the members of the communities from the early historical times have been attested to in socio-historical ethnographic literature and socio-historical analysis on that basis have been made in the Findings/Advices regarding Requests for inclusion of Vaishya Bania castes in the Central List of Backward Classes for Bihar and Orissa tendered to the Government of India vide Advice No. 7-18/Bihar/98 dated 13.08.1998 and NCBC Advice No.28-43 /Orissa/99 dated 5.4.99.

About the Karan Caste Risley (ibid.Vol. p 424 has written as "Karan, the indigenous writer-caste of Orissa. Karans recognise only two endogamous sub-castes - Karan proper and Sristi-Karan or Uriya Sristi-Karan. The former, like the Madhyasreni Brahmans and the Kasthan or Madhyasreni Kayasths, claim to have been originally

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Kayasths of Bengal who were driven to take refuge in Orissa, because they refused to accept the institution of Kulinism from Ballal Sen.....Karans rank next to Brahmans in the scale of social precedence commonly recognised in Orissa.....”

9. At the Public Hearing, no representative of the community appeared before the Bench. When the Bench solicited the opinion of the people present on Baisya Karan – a rather uncommon type of combination of two caste-names, they stated that mostly such caste names indicate the name of the main caste prefixing or suffixing the name of the caste the occupation of which a section of the main caste adopts. They also stated that Baisya Karan caste is not socially backward.

IV Findings

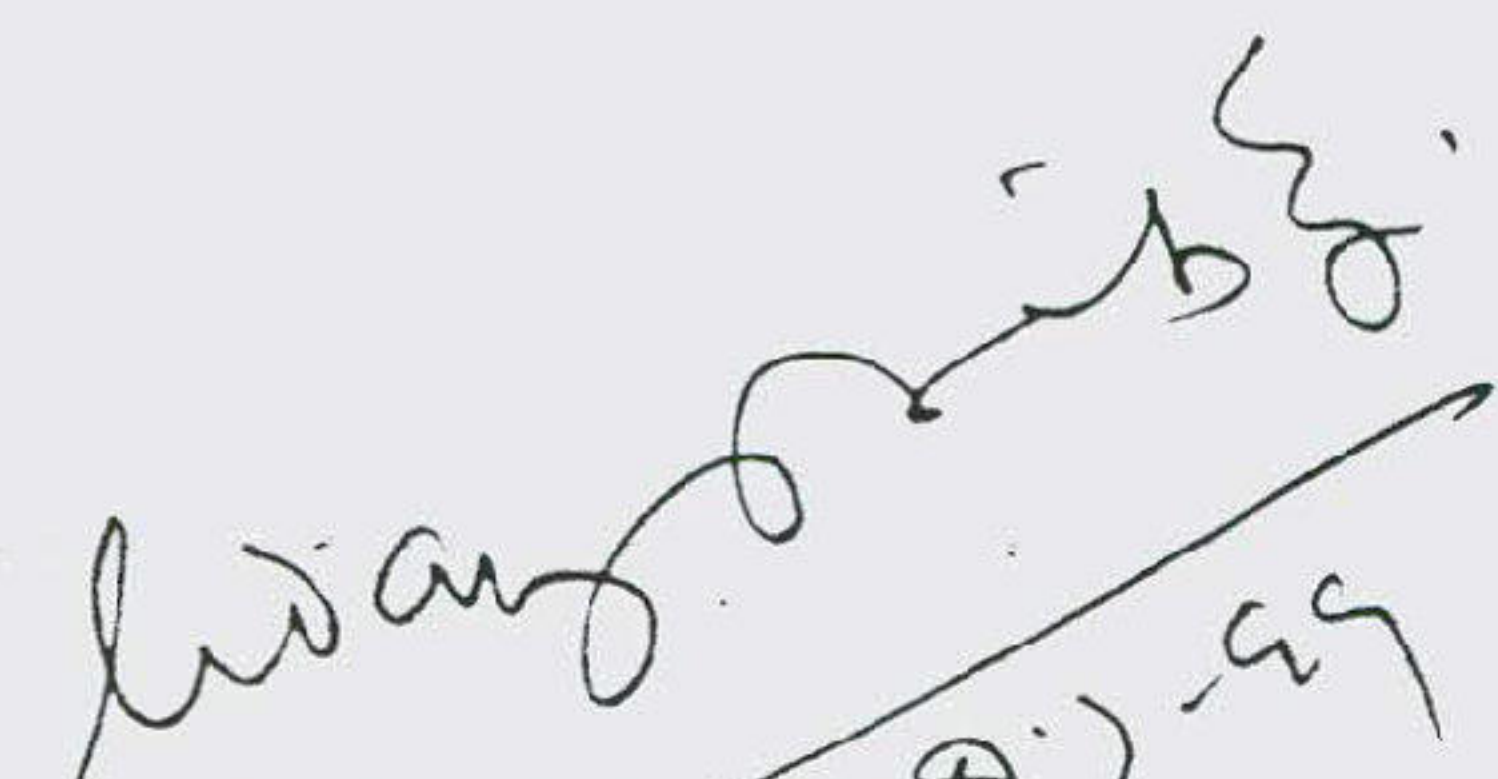
10. The information given in the Questionnaire with regard to the representation in Government services is contradictory in as much as in Part II (C. Economic), the number of the group-D employees has been indicated ‘negligible’ and that of group-A (10), group-B (26) and group-C (76) whereas in part-II (A. Social) of the Questionnaire, it is stated that mostly the people of the caste are in Class-IV services and very few in Class-III services. Similarly the statement that only 10% of the caste population as against the total literacy rate of 48.5% of the State (1991 Census) are literate which is highly improbable when seen in the context of the literacy rate of SCs (36.78%) and STs (22.31%), whose literacy rates are the lowest among the people of all the States including Orissa. Therefore, the information supplied by the caste/community and their claim of being socially, educationally and economically backward becomes highly suspect and appears to have been made with the sole purpose of getting themselves included in the list of Backward Classes with the dubious intention of availing of the reservation and other benefits meant for socially and educationally backward sections of the society. This is the type of contradictions, capable of being easily seen through and exposed, when a socially advanced community pretends to be socially backward.

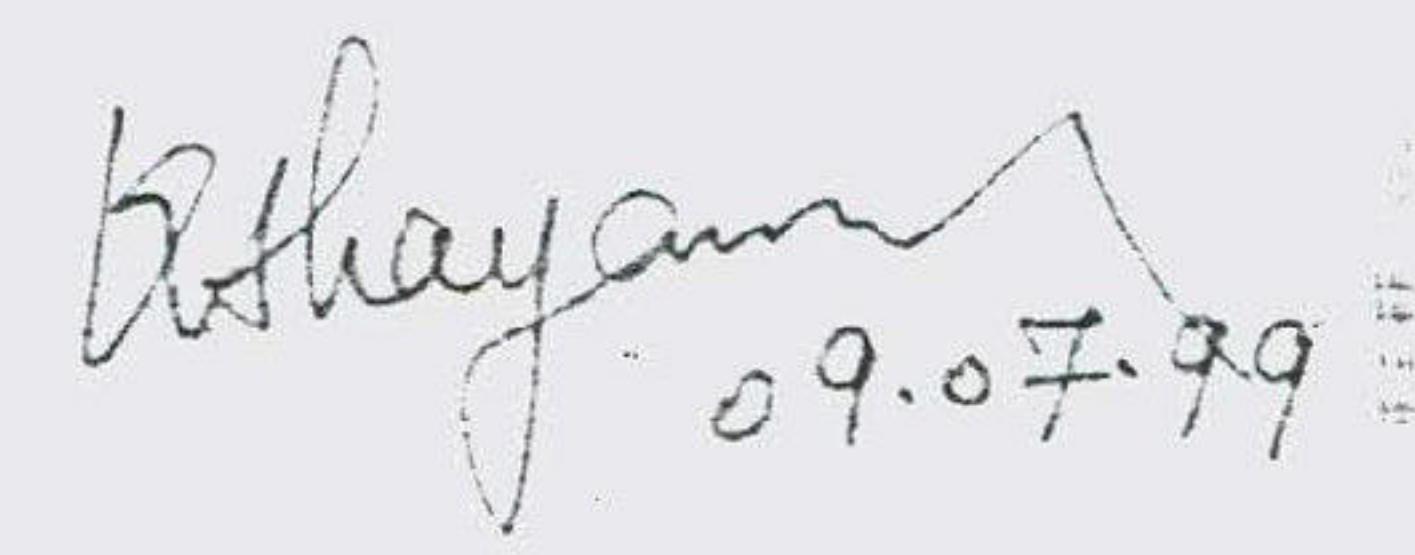
It is further observed that Justice N. K. Das Commission has not given any reason in its Report for inclusion of Baisya Karan in the List of BCs for Orissa along with

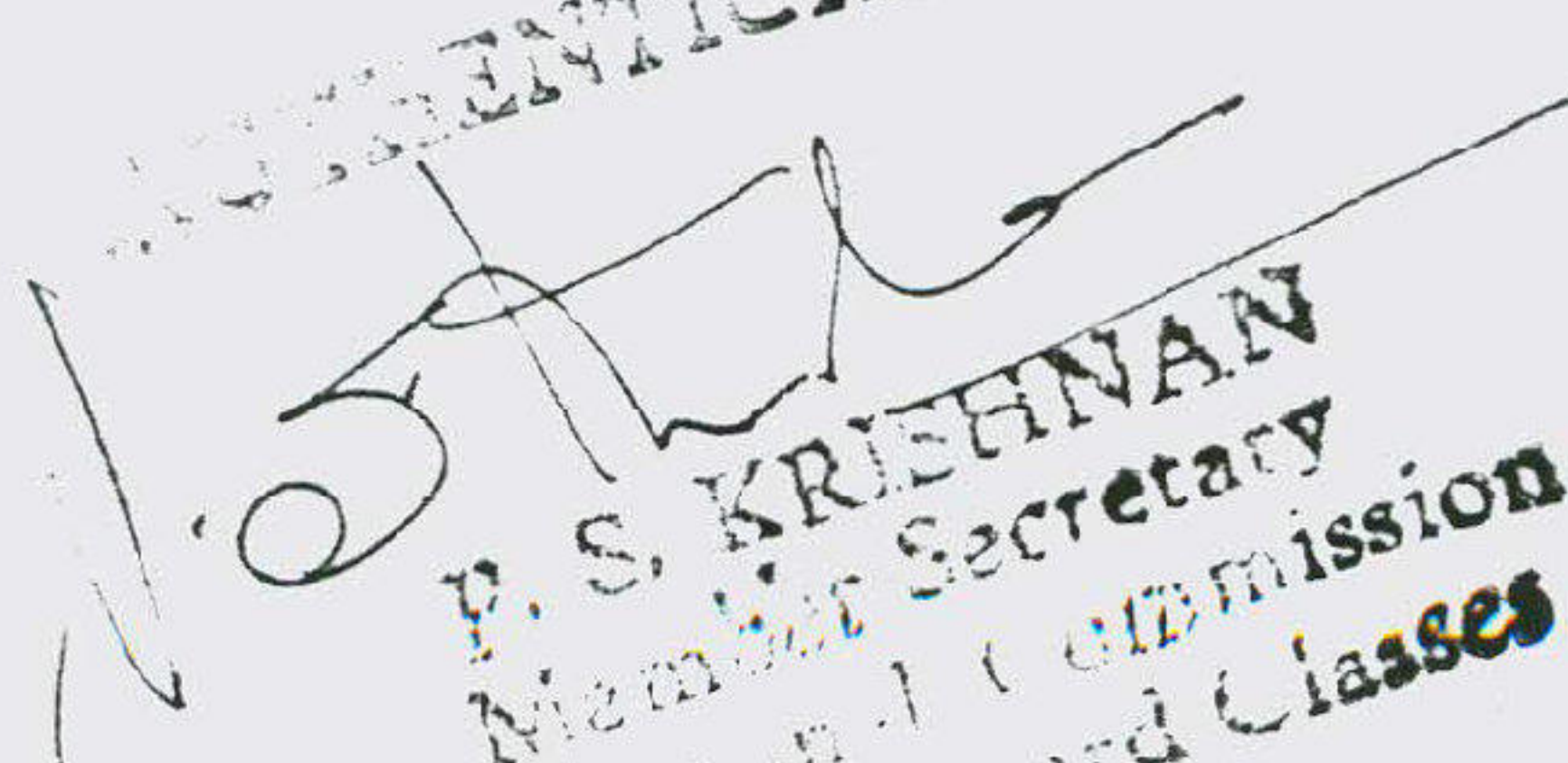
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Khandayat and Chasa etc. His findings that "no more the castes or the profession determine the backwardness or forwardness of the people belonging to these castes", is contradictory to the some of the basic principles generally followed in the identification of backward classes. This unsubstantiated and unsupported reasoning perhaps led him to recommend inclusion of Baisya Karan along with other dissimilar castes like Namasudra, Khandayat etc. along with Paiko. The anomaly of this listing proposed by the Das Commission is evident from the inclusion of Namasudra as though it is a synonym/sub-caste of or similar caste as Paiko and the inclusion of Khandayat, for which no justification or data-base has been given, ^{and} is an actively contested case and still pending before this Commission. The Bench, therefore, does not agree with the conclusion of Justice N. K. Das Commission on the basis of which State Govt. included Baisya Karan in the State List of Backward Classes. Baisya Karan as the name suggest is a combination of two caste-names viz. Baisya (a trading caste) and the Karan (a writers caste), both of which belong to upper and socially advanced castes in the Hindu caste system and are dominant castes in the State of Orissa. It is learnt that a section of Karan adopted the calling of 'trade' followed by Baisya and with passage of time assumed the name or got associated with the name Baisya Karan to indicate their occupation/profession as well as their original caste. This assumption gets support from the statement of the people present in the Public Hearing who stated that mostly the name of the caste is based on the occupation, by which they seem to have meant that this unusual combination of two caste-names arose from the occupation taken up by one section of the Karan caste. The Bench, therefore, recommends that the Request for inclusion of Baisya Karan in the Central List of BCs be rejected.


(U.P. SINGH) 01-99


(SAHU AKSHYA BHAI) 09.07.99


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Member Secretary
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V. Advice of the Commission

11. The Commission considered and agreed in full with the findings of the Bench Orissa and decided to tender the following advice the Central Government under Section 9(1) of the NCBC Act, 1993 for action by the Central Govt. under Section 9(2) of the Act:-

Request for inclusion of '**Baisya Karan**' in the Central List of Backward Classes for Orissa be **rejected** being socially forward.

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.

Navtej Puadhi
8.7.99

Kshayam
09.07.99

P. K. Sengupta
9.7.99

J. S. Thakur
9.7.99

AUTHENTICATED

J. S. Thakur
FOR THE COMMISSIONER
10/7/99