



पी. एस. कृष्णन्
P. S. KRISHNAN
TEL. : 6183190

सदस्य-सचिव
राष्ट्रीय पिछड़ा वर्ग आयोग 88

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

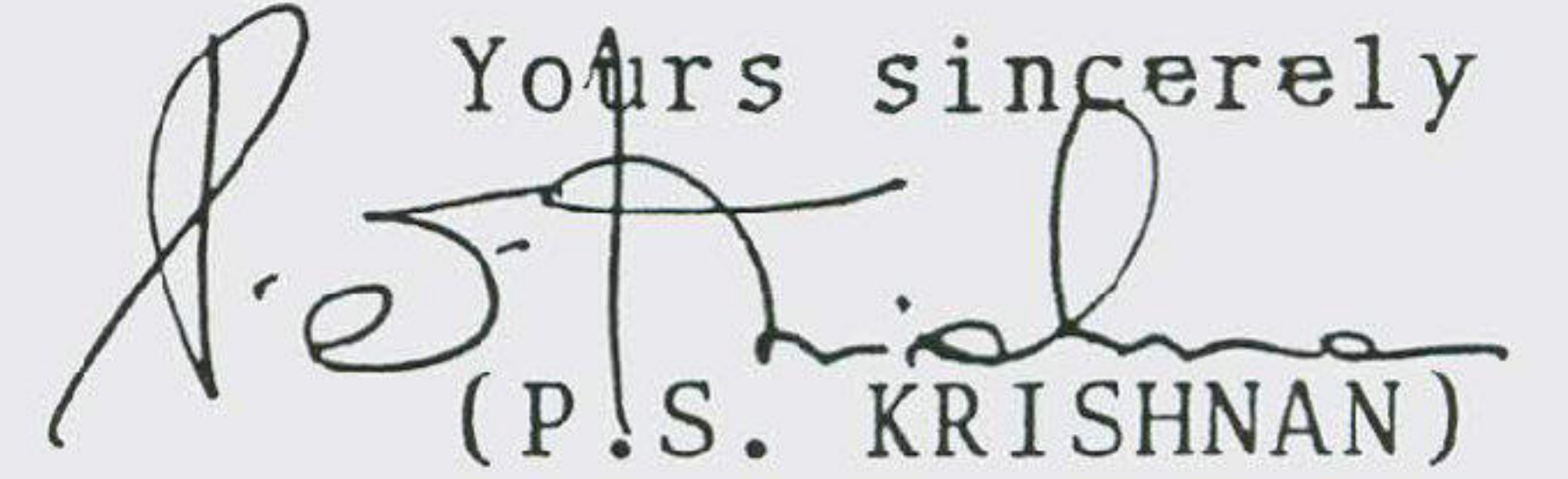
NCBC Advice No. WEST BENGAL 60, 61/99

16. 08. 1999

Dear Smt. Das,

I am sending herewith the Advices of the National Commission for Backward Classes under Section 9(1) of the NCBC Act, 1993 for the Rejection of the Request for Inclusion of
(1) Khami, and
(2) Khera
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 Act.

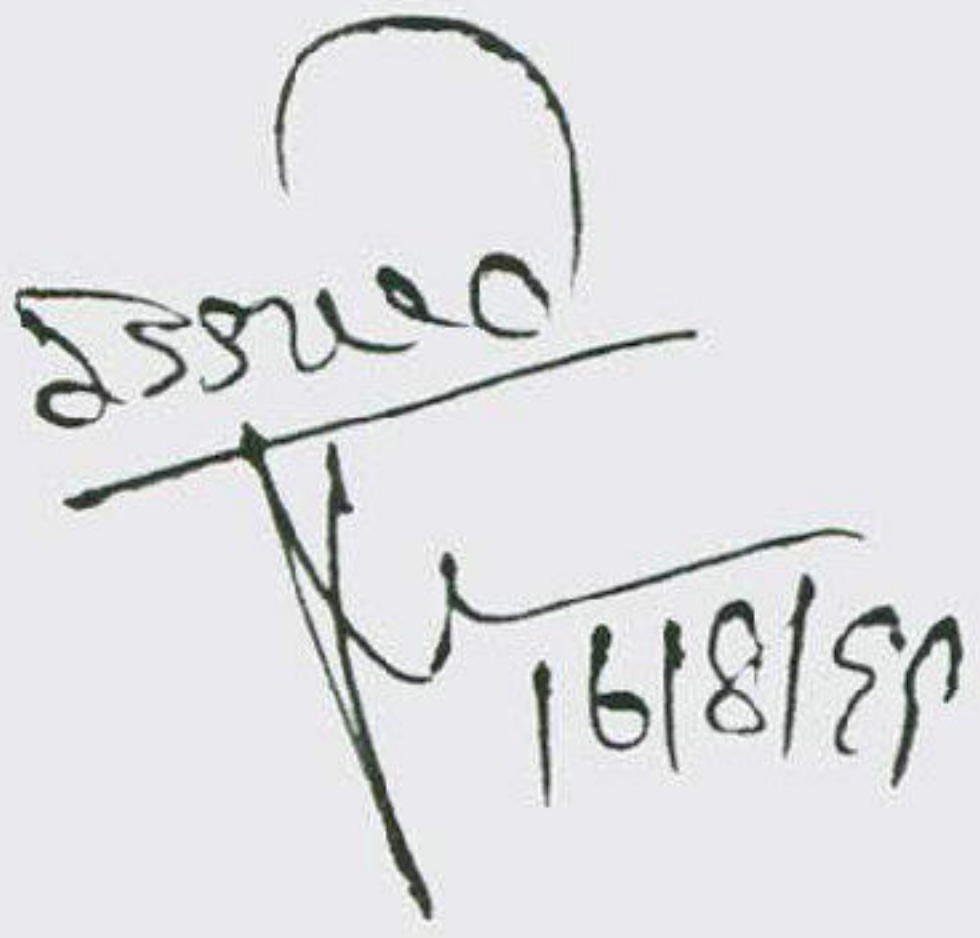
Yours sincerely


(P.S. KRISHNAN)

Encl: As stated

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

o/c


16/8/99

740 (369 + 371)

NCBC Advice No. West Bengal 60/99

NATIONAL COMMISSION FOR BACKWARD CLASSES

WEST BENGAL

FINDINGS

Case : Request for inclusion of "Khami" caste/community in the Central List of Backward Classes for West Bengal.

Per Shri Justice P.K. Shyamsundar, Chairperson

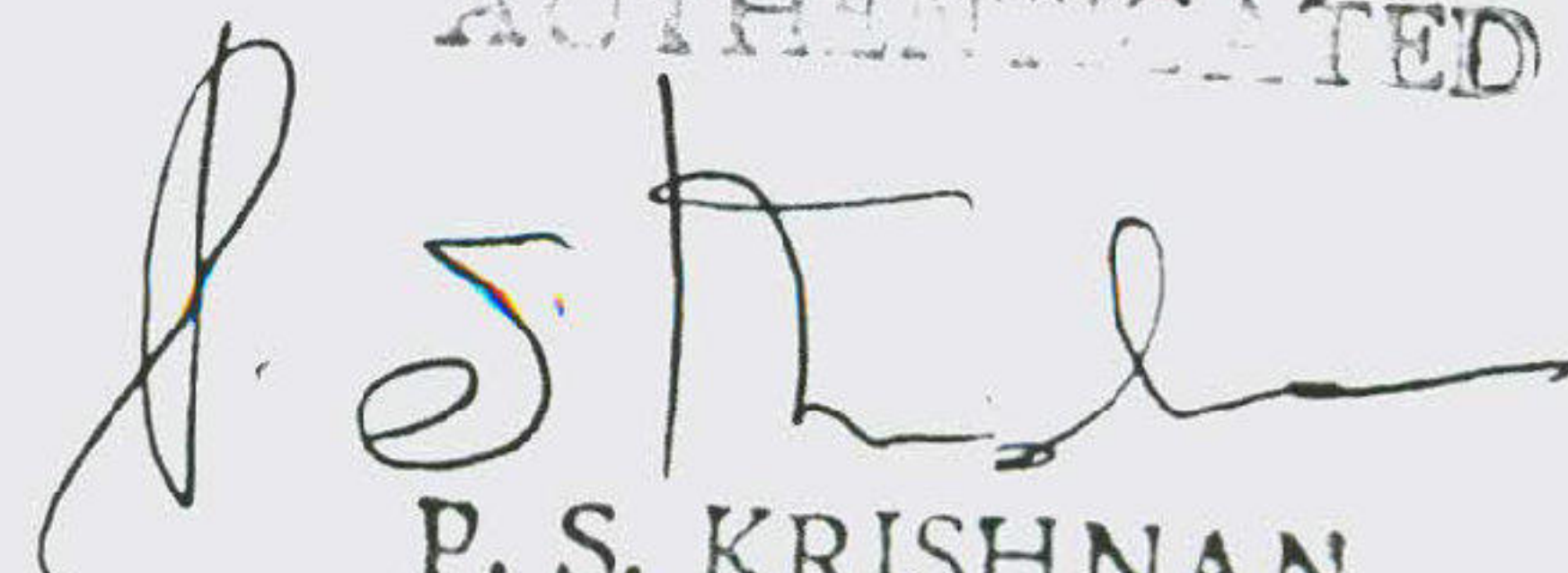
I. Request

1. This case arises from the Request received in the National Commission for Backward Classes from Shri Indu Bhusan Roy, General Secretary, Confederation of Other Backward Classes, Scheduled Castes, Scheduled Tribes and Minorities of West Bengal, Calcutta for inclusion inter alia of "Khami" caste/community in the Central List of Backward Classes for West Bengal.

II. Public Hearing

2. The three-Member Bench of the of the Commission consisting of Hon'ble Chairperson, Justice P.K. Shyamsundar, Hon'ble Members, S/Shri U.P. Singh and Sahu Akshaya Bhai held a Public Hearing at Darjeeling on 6.7.1999 to examine this Request for inclusion in the Central List of Backward Classes for West Bengal. At the Public Hearing the State Govt. was represented by Dr. M.K. Chaudhari, Director, Cultural Research Institute, Calcutta, Shri S.D. Sherpa, Project Officer & District Welfare Officer, Scheduled Castes & Tribes Welfare Department, Siliguri, West Bengal and other officials. Nobody appeared at the Public Hearing on behalf of the caste/community.

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

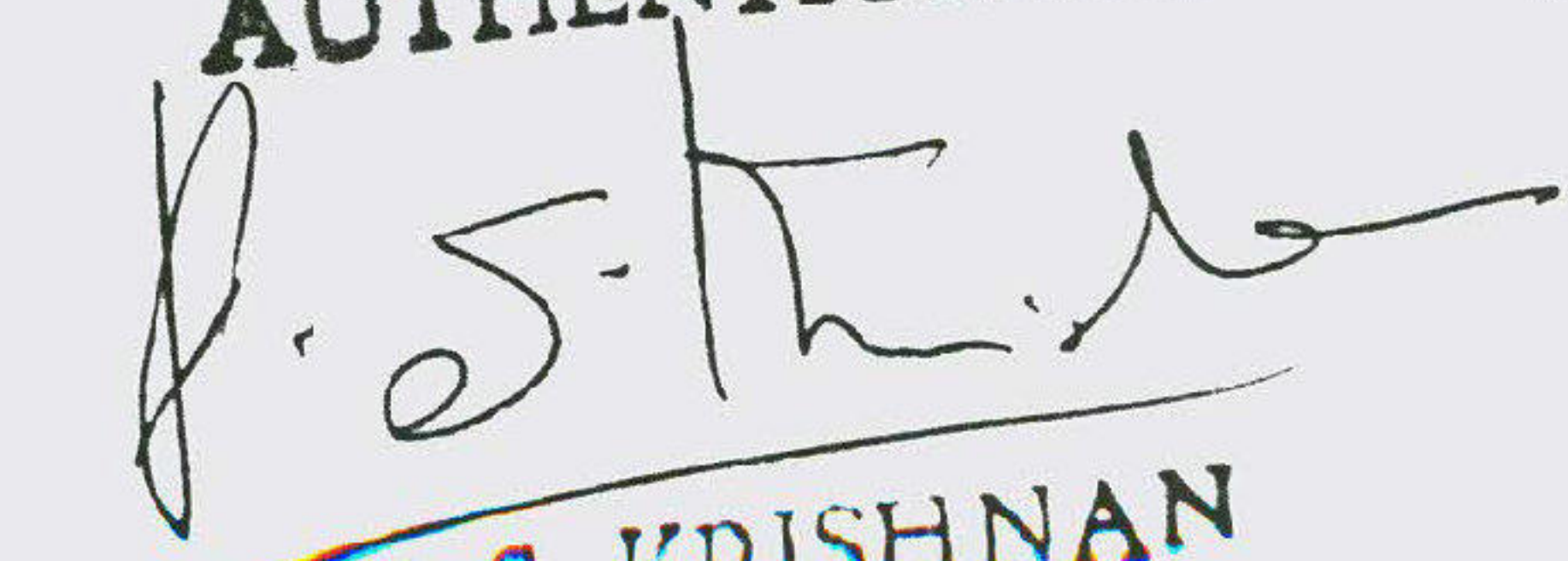
III. Facts

3. 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, 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, and therefore the Central Government also could not issue a Central List of Backward Classes for West Bengal in 1993. The Government 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 19.10.94, 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. In the series of its further instalments of Backward Classes, the Government of West Bengal did not include the caste/community.

4. The caste/community has been included in the Mandal List of Backward Classes for West Bengal as follows:-

"102. Khami"

5. Shri Indu Bhusan Roy who made the Request for inclusion of "Khami" in the Central List of Backward Classes for West Bengal alongwith a number of castes/communities, stated that the Khamis are found mostly in the North Bengal, having population about 2 lakhs and are socially and educationally backward.

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

6. The Request-maker or any member of the caste/community did not appear at the Public Hearing. However, the State Government officials as well as the representatives of other castes/communities who were present at the Public Hearing stated that the priests of Thamis are also called Khamis. They also concurred in to the fact that the Khami is a tribe of Chittagong Hill Tracts which is now in Bangladesh.

7. A.E. Porter writes in the "Census of India, 1931 – Bengal And Sikkim" that the Khami is a tribe of the Chittagong Hill Tracts where 1,549 of the total of 1,616 enumerated were found.

8. There is also a community known as "Kami (Nepali)" in the list of Scheduled Tribes for West Bengal.

IV. Findings

9. From the foregoing material, the Bench finds that the "Khami" caste/community is a tribe of Chittagong Hill Tracts which is now in Bangladesh. Further, the State Government officials and the representatives of the other castes/communities who were present at the Public Hearing, were not aware of the existence of "Khami" in West Bengal although it was stated by them that the priests of Thamis are also called Khamis. If the Request is with reference to "Kami (Nepali)", that community is already in the list of Scheduled Castes and there is no question of its inclusion in the BC list also. The Mandal entry could be a printing error for "Thami", on which the Commission has already tendered its Advice to the Government of India in favour of its inclusion by its Advice No. West Bengal 38/98 dated 29.5.1998. **The Bench thus concludes that the Request for inclusion of**

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

“Khami” caste/community in the Central List of Backward Classes for West Bengal should be rejected, as there is little or no proof of its existence in the State of West Bengal.

P. K. Shyamsundar

(Justice P.K. Shyamsundar)

Ashayam
09.08.99

(Sahu Akshya Bhai)

U.P. Singh
4.8.99

(U.P. Singh)

V. Advice of the Commission

10. 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:-

The Request for inclusion of “Khami” caste/community in the Central List of Backward Classes for West Bengal be rejected, as there is little or no proof of its existence in the West Bengal State.

P. K. Shyamsundar
3.8.99

Ashayam
09.08.99

U.P. Singh
4.8.99

S. S. Thakur

16.8.99

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S. S. Thakur

Secretary
National Commission
for Backward Classes

U.P. Singh

16/ VIII / 99

NCBC Advice No. West Bengal 61/99

NATIONAL COMMISSION FOR BACKWARD CLASSES

WEST BENGAL

FINDINGS

Case : Request for inclusion of "Khera" caste/community in the Central List of Backward Classes for West Bengal.

Per Shri Justice P.K. Shyamsundar, Chairperson

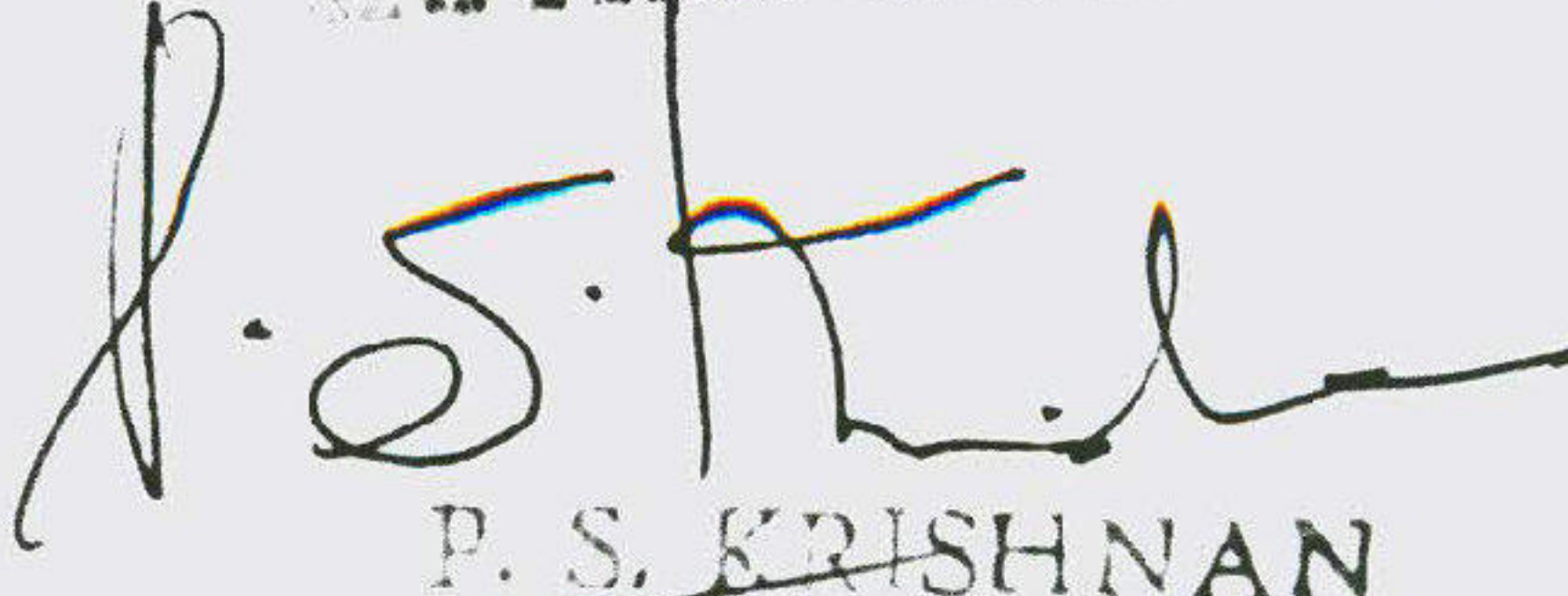
I. Request

1. This case arises from the Request received in the National Commission for Backward Classes from Shri Indu Bhusan Roy, General Secretary, Confederation of Other Backward Classes, Scheduled Castes, Scheduled Tribes and Minorities of West Bengal, Calcutta for inclusion inter alia of "Khera" caste/community in the Central List of Backward Classes for West Bengal.

II. Public Hearing

2. The three-Member Bench of the of the Commission consisting of Hon'ble Chairperson, Justice P.K. Shyamsundar, Hon'ble Members, S/Shri U.P. Singh and Sahu Akshaya Bhai held a Public Hearing at Darjeeling on 6.7.1999 to examine this Request for inclusion in the Central List of Backward Classes for West Bengal. At the Public Hearing the State Govt. was represented by Dr. M.K. Chaudhari, Director, Cultural Research Institute, Calcutta, Shri S.D. Sherpa, Project Officer & District Welfare Officer, Scheduled Castes & Tribes Welfare Department, Siliguri, West Bengal and other officials. Nobody appeared at the Public Hearing on behalf of the caste/community.

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

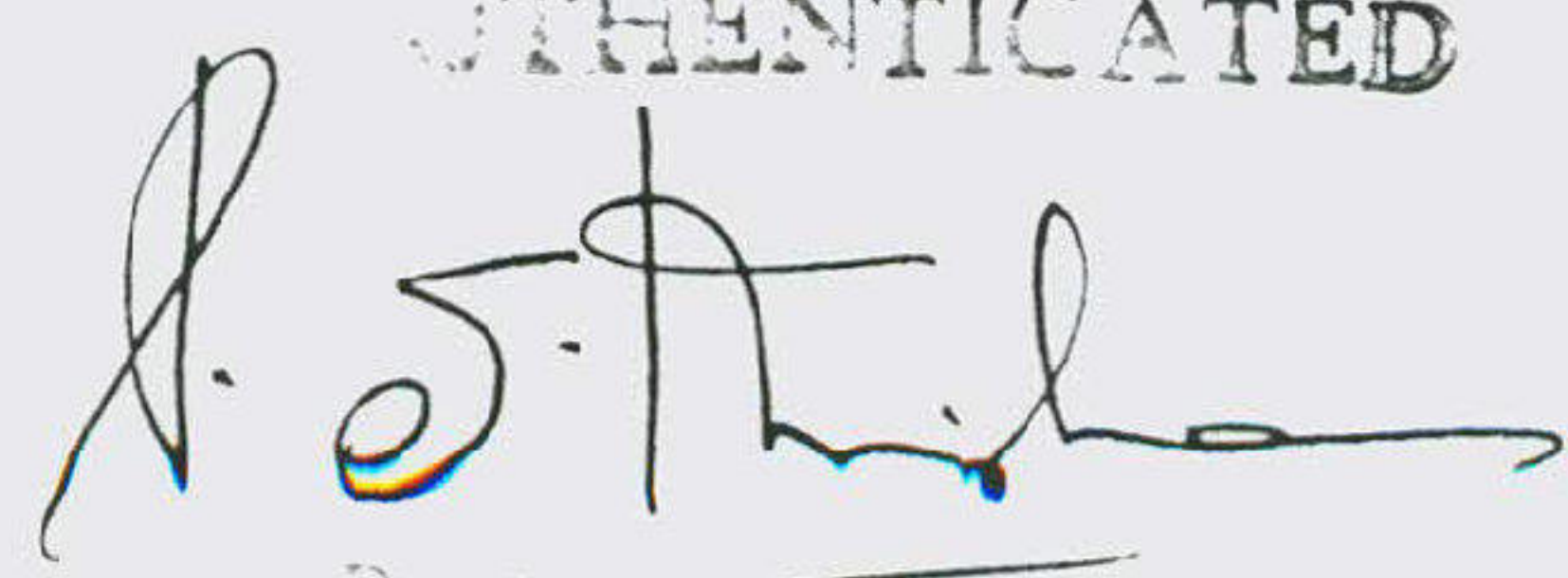
III. Facts

2. 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, on the basis of the "Principle of Commonality", recommend a Central List of Backward Classes for West Bengal as done in the case of 14 other States, and therefore the Central Government also could not issue a Central List of Backward Classes for West Bengal in 1993. In the subsequent list of Backward Classes issued by the State Government by its Notification No. 346-TW/EC/M-6/82 (I) dated 13th July, 1994 in the Calcutta Gazette of the same date this caste/community did not find mention. The Government of India, Ministry of Welfare by its Notification No. 163 dated 19.10.94, published in the Gazette of India of 20.10.1994 issued a "common list" of OBCs for West Bengal also omitted this caste/community. Hence, the request by caste/community against non-inclusion in the Central List of Backward Classes for West Bengal.

4. Shri Indu Bhusan Roy who made the Request for inclusion of "Khera" in the Central List of Backward Classes for West Bengal alongwith a number of others has submitted in the application made to NCBC that the members of this community were found in the district of North Bengal and their population with less than one lakh.

5. H.H. Risley writes that the "Khera is a sub-caste of Mals in Bankura." in the book "The Tribes And Castes of Bengal – Ethnographic Glossary" (Published by Firma Mukhopadhyay, Calcutta, India, 1981, Reprint, 1st Edition, Calcutta, 1891).

6. Regretably neither the Request-maker nor any member of the caste/community in question appeared at the Public Hearing. However, the State Government officials as well as the representatives of other castes/communities who were present at the Public

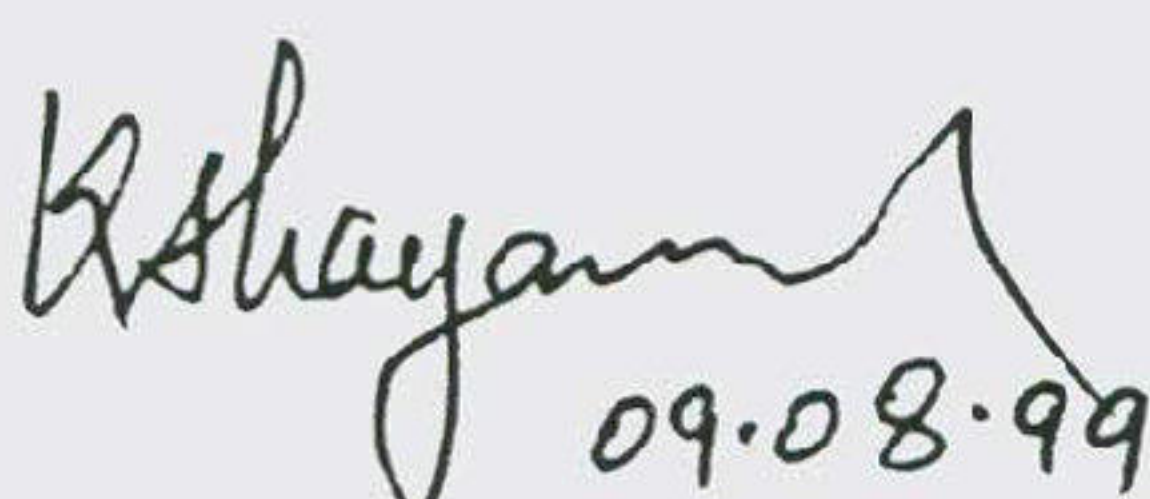
AUTHENTICATED

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

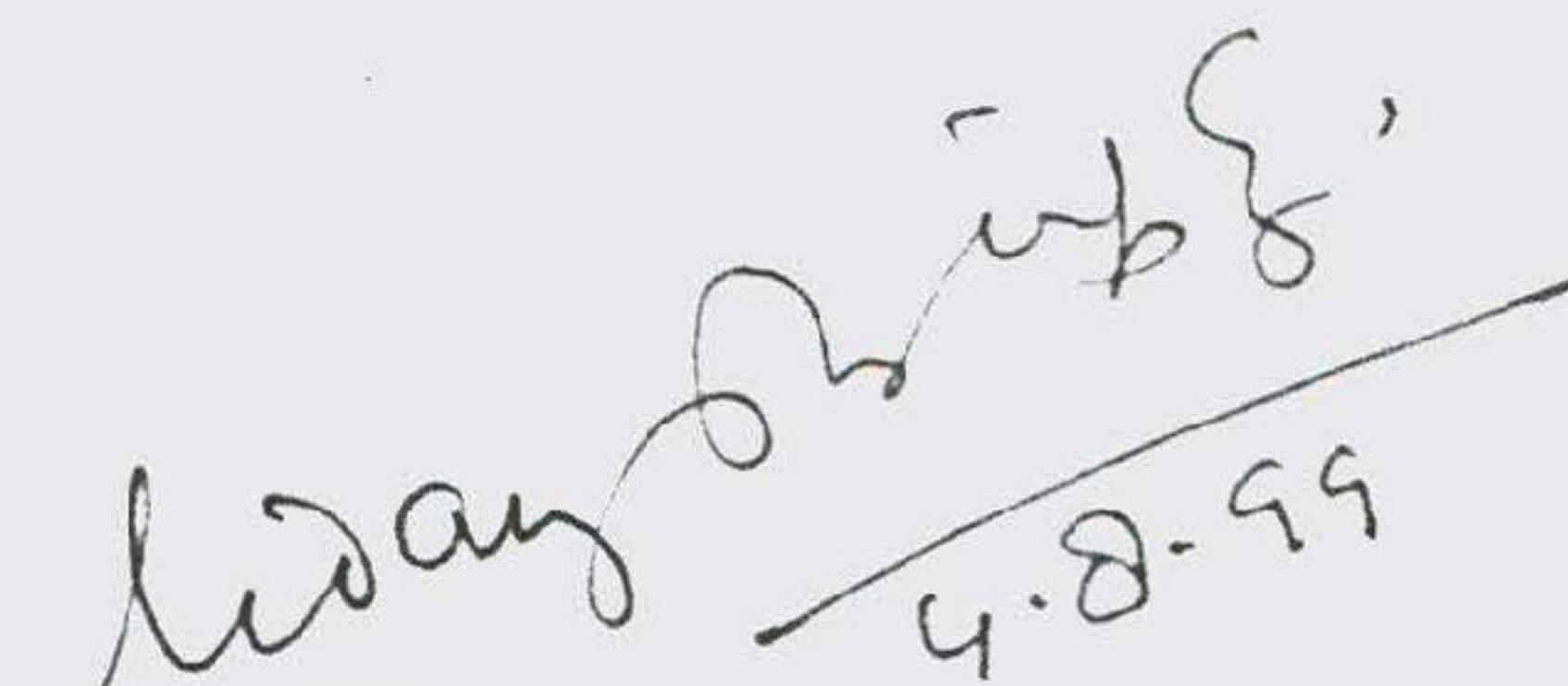
Hearing endorsed the fact that "Khera" is a sub-caste of "Mal", a fishermen community which is included in the list of Scheduled Castes.

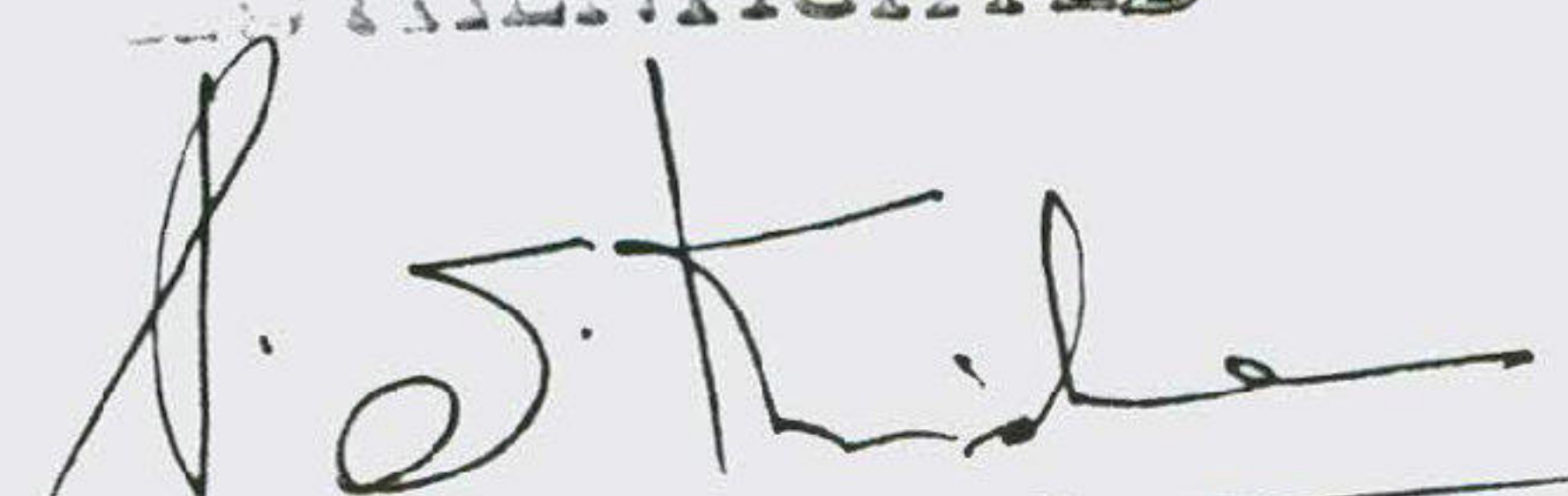
IV. Findings

7. From the above foregoing material, the Bench finds that the "Khera" is a sub-caste of "Mal" which is included in the List of Scheduled Castes at entry No. 43. The Bench concludes that a caste cannot be both in the Scheduled Caste List as well as in the Backward Classes List and neither the representatives of the caste made a request or appeared at the Public Hearing to plead their case for inclusion in the Central List of Backward Classes. The Request-maker made this request alongwith a number of castes/communities for inclusion in the Central List of Backward Classes for West Bengal. Most probably he may not be aware of the fact the caste is a sub-caste of Mal which is already listed as a Scheduled Caste. In that view of the matter the Bench thus concludes that the Request for inclusion of "Khera" caste/community in the Central List of Backward Classes for West Bengal cannot be entertained since it is the part of a Scheduled Caste community viz. Mal. Hence the request for inclusion in the Central List of Backward Classes has to be rejected.


3/8/99
(Justice P.K. Shyamsundar)


09.08.99
(Sahu Akshya Bhai)


4.8.99
(U.P. Singh)

AUTHENTICATED

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

V. Advice of the Commission

8. 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:-

The Request for inclusion of "Khera" caste/community in the Central List of Backward Classes for West Bengal be rejected, as it is a sub-caste of a Scheduled Caste.

P. S. Krishnan
3/8/99

Kshayam
09.08.99

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4.8.99

P. S. Krishnan
16.8.99

16/8/99

AUTHENTICATED

P. S. Krishnan

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