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MEMBER-SECRETARY
NATIONAL COMMISSION
FOR BACKWARD CLASSES
GOVERNMENT OF INDIA
NEW DELHI-110 066

DO Case No. West Bengal 4/95

9. 10. 1995

Dear Shri Saxena,

I am sending herewith the unanimous Advice of the National Commission for Backward Classes under Section 9(1) of the NCBC Act 1993, in respect of "Malakar" to be included in the Central List of Backward Classes for West Bengal, 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.B. Saxena
Secretary
Ministry of Welfare
Shastri Bhavan
NEW DELHI

NATIONAL COMMISSION FOR BACKWARD CLASSES

WEST BENGAL BENCH

Request for inclusion of "Malakar" of West Bengal in the Central List of Backward Classes for West Bengal

REQUEST

1. The Government of West Bengal, vide letter of the Secretary, Scheduled Castes and Tribes Welfare Department No. 344-IW/EC dated 2nd May 1995 to the

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Commission has, inter-alia, requested that "Malakar" be included in the Central List of Backward Classes for West Bengal.

2. Subsequently, Bangiya Malakar Sammilani, Calcutta also made a request substantively to the same effect.

PUBLIC HEARING

3. The Two-Member Bench for West Bengal held a Public Hearing at Calcutta on the 29th of August 1995 to examine this Request. It was during this hearing that the Bangiya Malakar Sammilani presented its Request.

4. At the Public Hearing, the State Government was represented by the Special Secretary and Joint Commissioner of the SCs and Tribes Welfare Department and Director, Cultural Research Institute of West Bengal. Shri Amulya Chander Malakar, Secretary of the Sammilani represented the community along with certain other members of the Sammilani.

FACTS

5. 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 B.Cs for West Bengal as it could do for 14 other States, which already had their respective lists of BCs, and therefore the Central Govt. also could not issue a Central list of BCs for West Bengal in 1993. The Govt. of West Bengal issued its first list of Backward Classes by its Notification No. 346-TW/EC

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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.

6. Nearly a half-year later, the Government of West Bengal issued its second instalment of Backward Classes consisting of 12 castes/communities by its Notification No. 705-TW/EC/M-6/82(1) dated 13th December 1994 in the Calcutta Gazette of the same date and after yet another nearly half-year, its third instalment of 3 castes/communities was issued by its Notification No. 370-TW/EC dated 12th May 1995,

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published in the Calcutta Gazette of the same date. "Malakar" is one of the 12 castes/communities included in the second State list of Backward Classes issued on 13th December 1994, in respect of which the State Government's request was received on 2nd May 1995.

to members of this community in Bengal, that "their principal occupations.....are making wreaths, fabricating artificial chaplets and toys from the pith of the "Sola (Medysarum lagenarium)". He also refers to the Malakar's traditional functions of arranging garlands placed every morning before images in temples; making marriage tiaras for the bridal couples in villages; making of ornaments and of toys from the pith of the sola; and designing the decorations on the images and their carriages.

11. The representatives of the community urged that they being a socially backward community, it be included in the Central List of Backward Classes for West Bengal.

FINDINGS OF THE BENCH

12. The Bench found that "Malakar" is an artisanal caste linked with the traditional craft of making various decorative material from the pith of the sola. This is a traditional craft which is one of the occupations referred to in Para 7 of the Procedural clarification on Guidelines and covered by "A.SOCIAL, Item No. 2(e)" of the Commission's Guidelines for Consideration of Requests for Inclusion and Complaints of under-inclusion in the Central List of Other Backward Classes. This is part of the "Fast-Track" designed by the Commission. This is a community which is socially backward and undoubtedly qualifies to be included in the Central List of Backward Classes, just as it has rightly been included in the State List of Backward Classes. It should therefore be included in

ADDITIONAL

[Signature]

— 343 —

the Central List of Backward Classes for the State of West Bengal.

16/3/95

P. S. Mishra

Member,
West Bengal Bench

ADVICE OF THE COMMISSION

13. The Commission considered and agreed in full with the Findings of the West Bengal Bench and decided to tender the following Advice to the Government as per Section 9(1) of the NCBC Act, 1993:-

"Malakar" be included in the Central List of Backward Classes for West Bengal.

16/3/95

P. S. Mishra

Signature
(C.D.L. SHGTH)

Signature

(DA-10. PRASANNAN)

Signature

Justice P. N. Prasad
Chairman
National Commission for
Backward Classes
New Delhi.

ATTESTED

Signature