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भारत सरकार
176

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

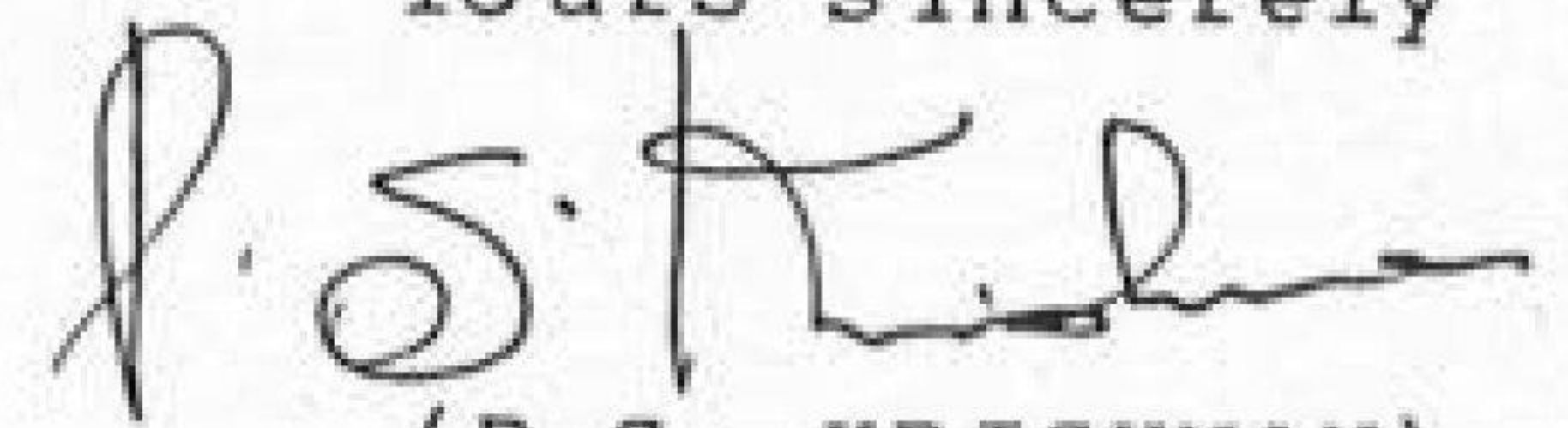
NCBC Advice No. Orissa 69/99

07. 09. 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 for the Inclusion of "Shudra" caste/community in the Central Lists of Backward Classes for Orissa, duly authenticated, for necessary action by the Central Government under Section 9(2) of the Act.

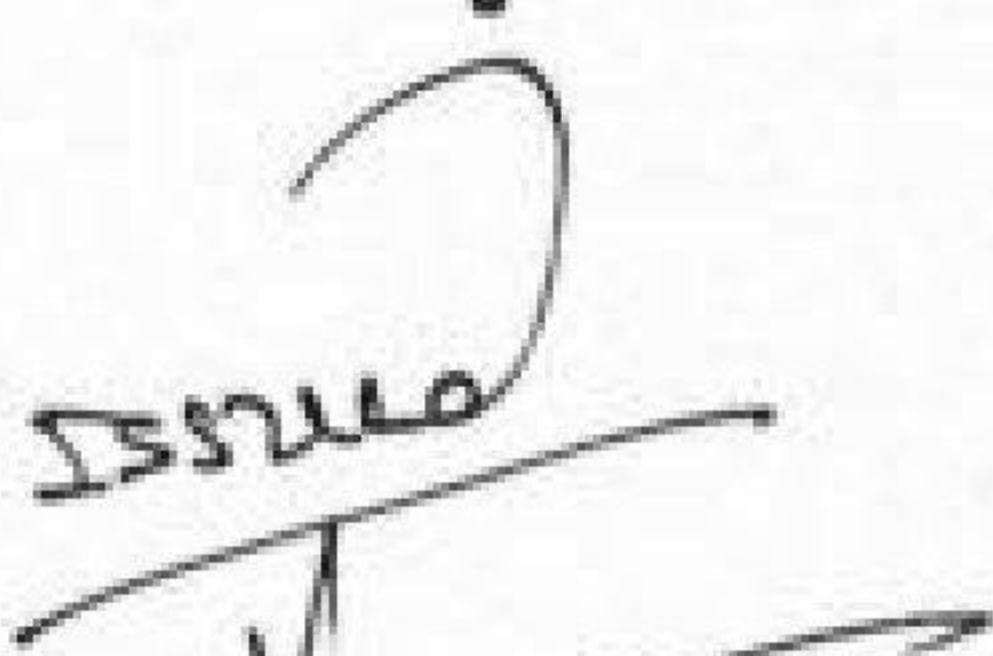
Yours sincerely


(P.S. KRISHNAN)

Encl: As stated.

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

o/c


8/9/99

749 (373 for incl + 376 for inj.)

NCBC Advice No.Orissa 69/99

NATIONAL COMMISSION FOR BACKWARD CLASSES

ORISSA BENCH

FINDEINGS

Case : Request for inclusion of **Shudra** caste in the Central List of Backward Classes for Orissa.

Per Shri U. P. Singh, Member

I. Request

1. This case arises from the request received in this Commission from Shri Pradipta Kumar Sasmal, at Raish, P. O. Patapur, Distt. Puri for inclusion of Shudra caste 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 Shudra caste in the Central List of Backward Classes for Orissa on 08.10.98 at Bhubaneswar. The State Govt. was represented by Shri R. B. Naik, Director O. B. C. and the State Commission was represented by Shri Bharat Bhusan Jagdev, Administrative Officer. The caste/community was represented by Shri Pradipta Kumar Sasmal, Shri Sudershan Jena, Shri Niharkant Biswal and Shri Ranjit Kumar Nayak.

III. Facts

3. At the time when the Expert Committee on Backward Classes prepared the first phase Central List of the Backward Classes on the basis of the principle of commonality, i.e., by listing castes common to both the Mandal List for each State and the respective State Lists and when, on the basis of the Expert Committee Report, the Government of

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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 one man (Justice N. K. Das) Commission report. Thereafter the Central Government vide Ministry of Welfare's Resolution No. 12011/9/94-BCC dated 19-10-94 issued a "Common (Central) List" of Backward Classes for Orissa. 'Shudra' was not included in the Central List of Backward Classes for Orissa as it was not included in both the Mandal Commission's List for Orissa and the State Government's List of Backward Classes that existed at that time. The Government of Orissa, on advice of the State Commission for Backward Classes, included Shudra in the State List of Backward Classes vide Resolution No. 32714-O.B.C.-4/95-W dated 16.12-95 as a new entry at Sl. No. 187 as below :-

"187. Shudra"

4. In his request for inclusion of 'Shudra' caste in the Central List of Backward Classes for Orissa, Shri Pradipta Kumar Sasmal has stated that the people of this caste are educationally and economically backward. Most of the people of Shudra caste do not own the land and they till the land of other superior castes. The female members of the caste are engaged in agricultural labour rendered for wages. Only 3.5% of the people of the caste are literate. Socially, they are hatred by the members of other superior castes, even they give a way off them.

NCBC's Questionnaire filled in and submitted by Shri Pradipta Kumar Sasmal and others contains the following information :-

- i). The name of the caste is 'Shudra' and there is no synonym of the caste and the caste is not known by any other name.
- ii). The population of the caste in the State is approximately 1,20,000, which is largely concentrated in the Puri district.

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- iii). The caste is generally regarded socially backward.
 - iv). The members of the caste mainly depend on cultivation and wages for their livelihood. The occupation is agricultural in nature and involves manual labour rendered for wages and on own land. Approximately 15% labour rendered on own land and rest 85% for wages. Other than the main occupation, substantial number of the members of the caste depended on fishing.
 - v). Women of the caste are engaged in fire wood collection, cow dung cake preparation and act as cow herds. Children of the caste are engaged as hotel/restaurant boys, cow herds, shop assistants etc.
 - vi). Approximately 70% of the population of the caste are landless manual labourers.
 - vii). The literacy rate of the caste in the state is 48.5% in 1998. Out of total 58,600 literates of the caste in the state, 24,400 (approx.) are female.
 - viii). Approximately 95% of the families of the caste in the state live in kachha houses.
 - ix). They consider Mahanayak Sudra and Oda Pradhan at a level immediately higher than the caste Shudra because their standard of living and social status is better than that of 'Shudra' caste.
5. H. H. Risley ('The Tribes and castes of Bengal', Ethnographic Glossary, Vol.-II, Firma Mukhopadhyay, Calcutta, Reprint, 1981, First Edition, 1891 pp.268-273) has written about Shudra as, "Shudra, the lowest and servile caste in the fourfold grouping adopted by early Indian writers, and, in theory at least, more or less recognized by the natives of India at the present day. ----- The following extract from E. W. Hopkins' work on the subject sums up the main features of the social status of the Shudra as represented by Manu :- "The Shudra, once-born, is to be regarded in two lights – the one as general representative of his caste, irrespective of his master, where he is the abject

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F. H. H. RISLEY
ETHNOGRAPHIC GLOSSARY
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slave of the twice born, whose touch is unholy, in whose presence the Brahman may not remain, contact with whom is as polluting as with the lowest wretches and outcastes; on the other hand, as the settled servant of one master whose house he is perhaps born, where his position is by no means so ignoble, though the fact of his slavery and lowness can not be done away with.-----"

6. The State Commission for Backward Classes for Orissa in their decision for inclusion of 'Shudra' caste in the State List of Backward Classes have written as below :-

"This is a small community found in the district of Puri. Their population is stated to be 8,250. Agriculture is their principal occupation. They are inferior to Khandayat community. Women folk of this community work with men in their own fields and also in the fields of other persons. They also work as domestic servants in the houses of rich Khandayat families. People of this community mostly live in kutcha houses. Their places of habitation are not easily accessible during rains. Divorce and widow marriages are prevalent in the community as stated by P.W. 1 Shri Nihar Ranjan Biswal. The standard of living of this community is very low as stated by P.W. 6 Shri Narendra Ku. Mohanty, who is a clerk in the Tehasil Office at Kakatpur and P.W. 7, Shri Kailash Ch. Nayak who is a peon in Tehsil office at Kakatpur, both of them being independent and disinterested witnesses. People of this community are treated low in the Society. During our tour, we discussed with Tehasildar and Addl. Tehsildar of Kakatpur about the conditions of living, customs and other problems of Shudra Community. They were of the view that the people of Shudra community are Socially, educationally and economically backward. Sri Dhaneswar Padhi, who is a Brahmin Sevak of the local Mahadev temple stated before us that the people of Shudra caste are not allowed to enter into the temples and they are treated low in the society. In view of the evidence as stated above, we hold that the Shudra community is socially backward."

7. At the Public Hearing the representatives of the caste stated that the name of their caste is Shudra and the caste is confined to Puri district only. Their traditional occupation is cultivation. When the Bench stated that Shudra is a Varna and not a caste and within Shudra Varna there are a number of castes, they stated that their caste is given the name Shudra and this is a caste in Puri district. The Govt. representatives and the public

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present at that time confirmed that in Puri district the caste is known as Shudra. Regarding social status of the caste, the representatives of the caste stated that they are inferior to Khandayat community. The people of Khandayat community do not accept cooked food from the hands of the members of the caste. Women of the caste work as domestic servants in the houses of Khandayat caste people. As the people of this caste live in interior villages, not easily accessible, they are educationally backward and economically poor. When the Bench asked them if the inclusion of the caste is restricted only to Puri district, they stated that it will serve their purpose as the caste is limited to Puri district only. The people present at the time of Public Hearing belonging to different castes supported their claim for inclusion in the Central List of Backward Classes for Orissa and nobody opposed them.

IV. Findings

8. From the foregoing, excluding the citation from Risley, which relates to the Shudra Varna as a whole and not to a single specific caste known as Shudra and is therefore not relevant to this case, the Bench finds that 'Shudra' is a specific caste, members of which are inhabiting in the Puri district. In this instance, the term "Shudra" refers to a single caste in a particular local area in Puri District and does not cover the Shudra Varna or Castes that are categorised as coming under that Varna, as a totality. The main occupation of the caste is agriculture. The caste is socially backward and merits inclusion in the Central List of Backward Classes for Orissa. The Bench feels that as the members of the caste are living only in the Puri district of Orissa, the inclusion of the caste should be restricted to that district only. Therefore, 'Shudra' should be included in the Central List of Backward Classes for Orissa at entry No. 193 as below :-

"193. Shudra (in Puri district only)"

(U. P. Singh)

(Sahu Akshaya Bhai)

V. Advice of the Commission

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

'Shudra' be included in the Central List of Backward Classes for Orissa as a new entry at Sl. No. 193 as under :-

"193. Shudra (in Puri district only)"

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National Commission
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