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भारत सरकार
त्रिकूट-१, भीकाजी 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 63/99

07. 09. 1999

Dear Smt. Das,

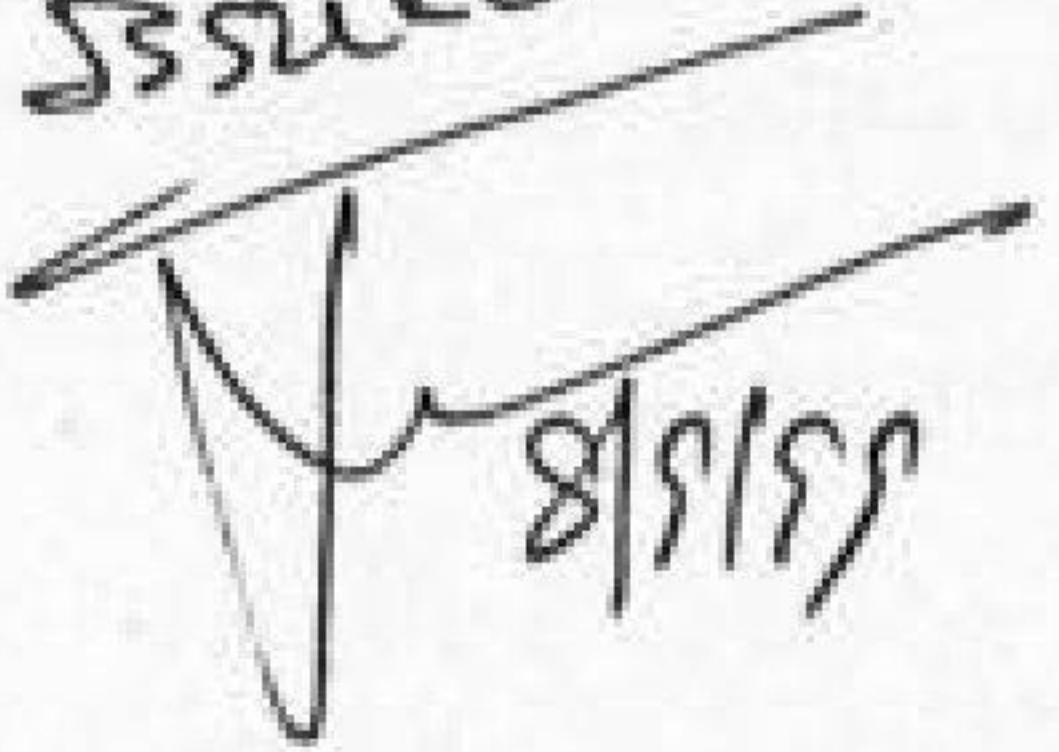
I am sending herewith the Advice of the National Commission for Backward Classes under Section 9(1) of the NCBC Act for the Inclusion of "Chamling" caste/community in the Central Lists of Backward Classes for West Bengal, duly authenticated, for necessary action by the Central Government under Section 9(2) of the Act.

Yours sincerely


(P.S. KRISHNAN)

Encl: As stated.

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

Issued

8/9/99

750 (374 for incl + 376 for reg.)

NCBC Advice No. West Bengal 62/99

**NATIONAL COMMISSION FOR BACKWARD CLASSES
WEST BENGAL
FINDINGS**

Case : Request for inclusion of "Chamling" 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 "Chamling" 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. The caste/community was represented by S/Shri M.K. Rai, R.D. Rai, Hemu Rai, L.B. Rai and C.R. Rai.

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Member Secretary
National Commission
for Backward Classes

III. Facts

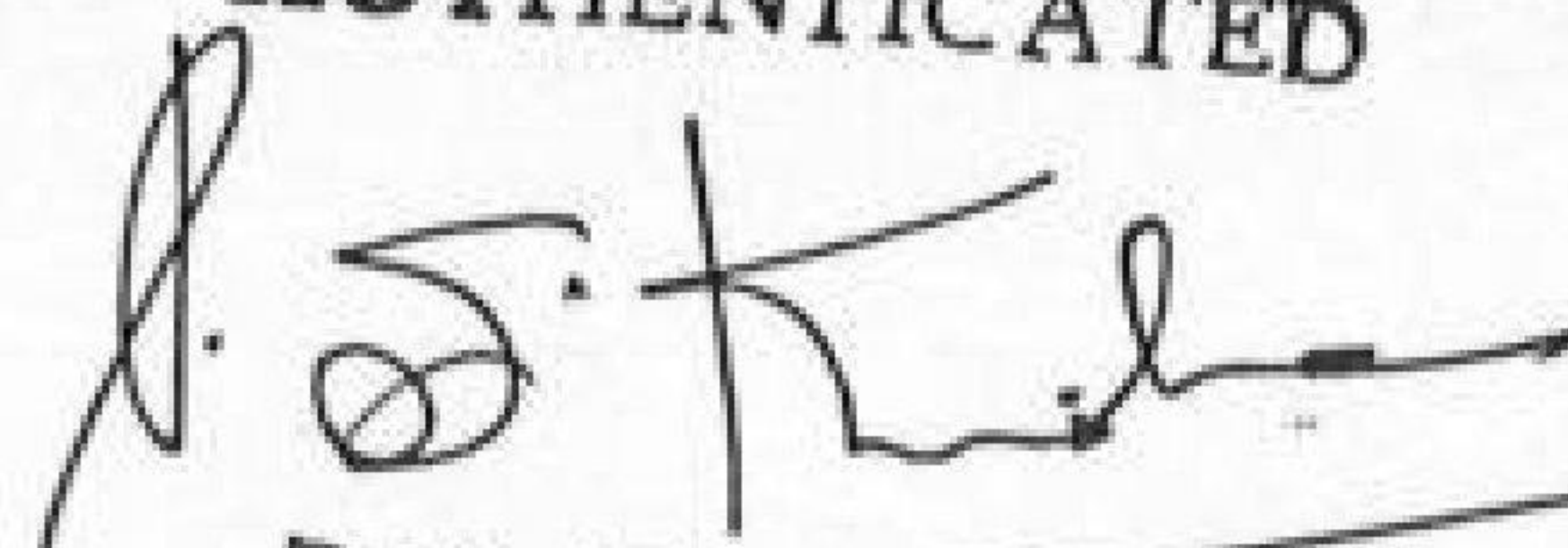
3. The State Government of West Bengal had no list of Backward Classes till after the Supreme Court Judgement in the Mandal Case delivered on 16th November, 1992. For this reason, the Expert Committee on Backward Classes could not, on the basis of the "Principle of Commonality", recommend a Central List of Backward Classes for West Bengal as 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. The caste/community has been included in the Mandal List of Backward Classes for West Bengal as follows:-

"41. Chamling"

5. The memorialist Shri Indu Bhusan Roy who made the Request for inclusion of "Chamling" in the Central List of Backward Classes for West Bengal alongwith a number of castes/communities, has stated in the memorandum that the members of the "Chamling" caste/community are found only in the district of Darjeeling and their population is about one lakh. It is also claimed that they are socially and educationally backward and deserve to be listed amongst the OBC.

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6. The representatives of the caste/community who were present at the Public Hearing stated that they have applied for inclusion of "Chamling" in the State List of BCs. and had inter alia also applied for inclusion in the list of Scheduled Tribes. The State Govt. officials who were present at the Public Hearing stated that their case has already been forwarded to the Central Government for inclusion in the list of Scheduled Tribes. However, the representatives of the caste submitted that Rai is the main caste and Chamling is its sub-caste. Their statement as aforesaid is endorsed by the statement in the book "People of India – Communities, Segments, Synonyms, Surnames and Titles" by K.S. Singh (Published by Anthropological Survey of India, Oxford University Press, Delhi, 1996) shows "Chamling" an exogamous unit/clan of "Rai" (p. 1703) and "Rai" is found in Darjeeling, Jalpaiguri and Murshidabad districts of West Bengal and also in more than three-fourth districts of Sikkim according to Census Year 1931 (p. 824) and is largely an agricultural community and the "Chamling" which is found to be an off-spring also follows the same occupation besides sharing the social disability of the "Rai".

7. "Rai" caste/community has already been included in the Central List of Backward Classes for the following States:

S.No.	Name of State	Entry No.	Name of the caste/community
1.	Assam	17	Nepali [i.e. Thapa, Gurung, Lama, Gains, Rai, Chetri, Chatri, Chhetri, Lihu, Magar, Lohar, Dami, Sarki i.e. (cobbler)]
2.	Sikkim	2	Gurung
		3	Limboo (including Tsong, Subba and Yakthungba)
		4	Mangar
		5	Rai
		6	Sunuwar (including Koincha/Mukhia)
3.	Tripura	27	Nepali (Limbo, Matwali, Rai)

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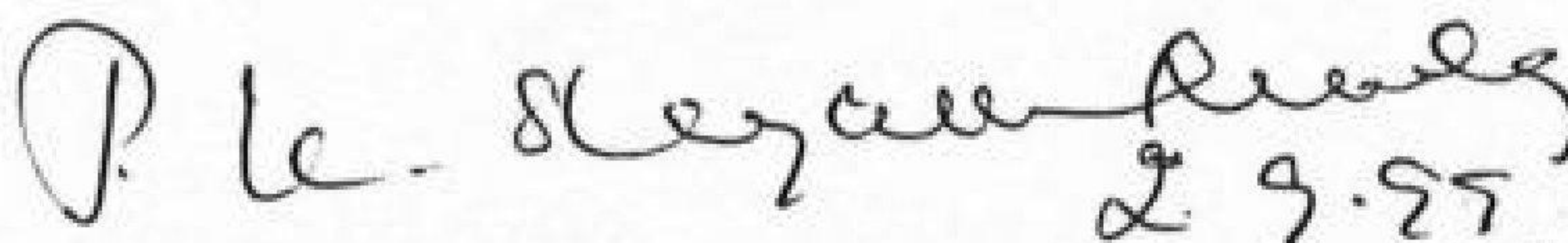

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8. During the Public Hearing, those present who were from different sections of the society as well as the representatives of the State Govt. did not object to the inclusion of "Chamling" in the Central List of Backward Classes, but supported it.

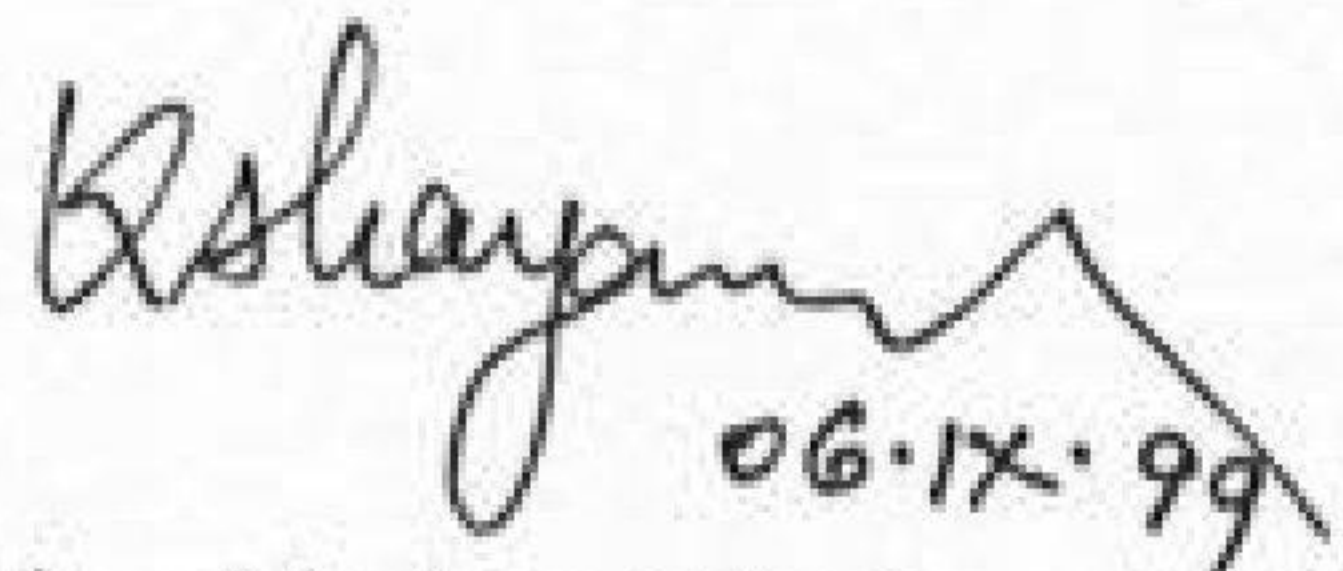
IV. Findings

9. From the foregoing material, it is evident that "Chamling" being a sub-caste of "Rai" which is already included in the Central List of Backward Classes for the States of Assam, Sikkim and Tripura merits inclusion in the Central List of Backward Classes for West Bengal. The Bench therefore holds that "Chamling" is a Socially Backward Class and deserves inclusion in the Central List of Backward Classes for West Bengal at entry No. 51 as follows:-

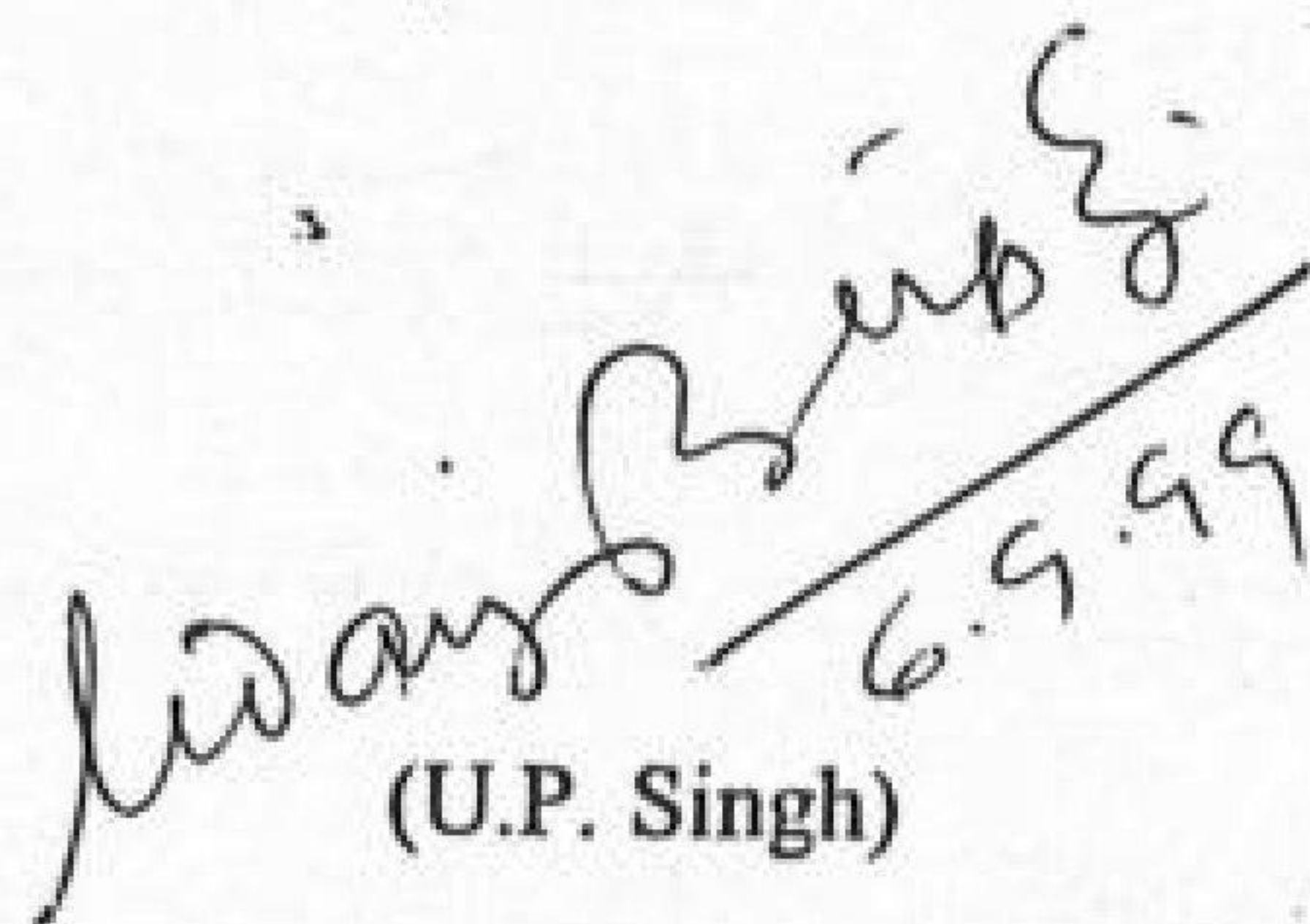
"51. Chamling"



(Justice P.K. Shyamsundar)



(Sahu Akshya Bhai)



(U.P. Singh)

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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:-

"Chamling" caste/community be included in the Central List of Backward Classes for West Bengal at entry No. 51 as follows:-

"51. Chamling"

P. C. Sengupta
2.9.99

Madan Mohan
6.9.99

Dr. H. S. Sengupta
6/9/99

K. S. Sengupta
06.11.99

P. S. Krishnan
7.9.99

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for Backward Classes