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सदस्य-सचिव
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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 74/99

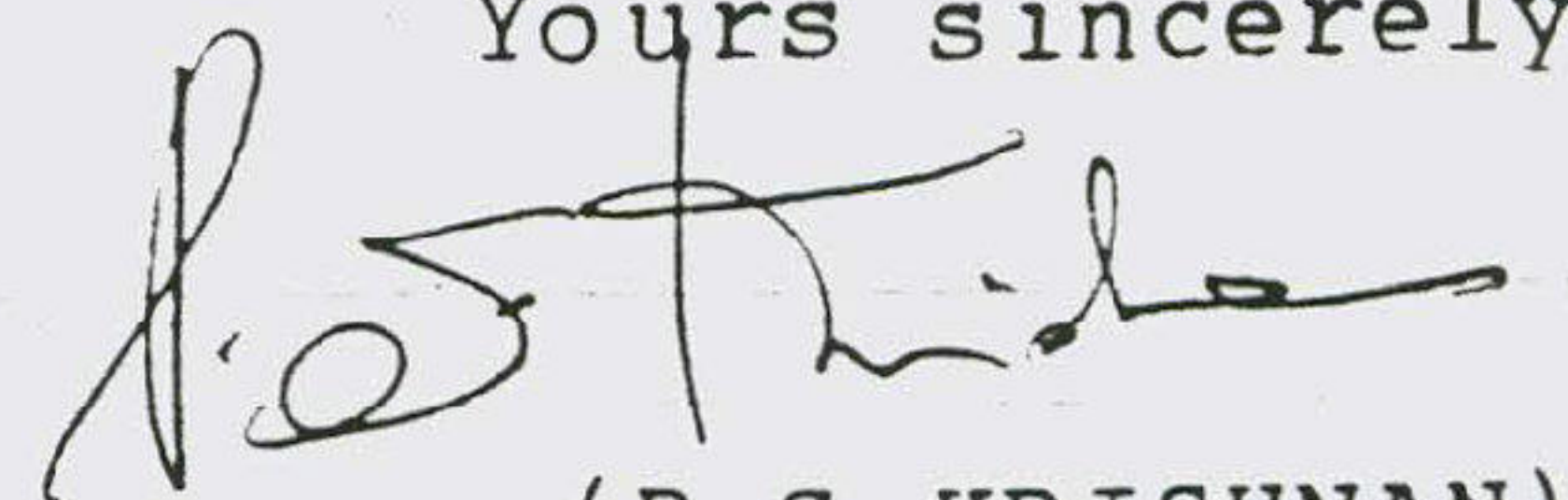
12. 11. 1999

Dear Smt. Das,

I am sending herewith the Advice of the National Commission for Backward Classes under Section 9(1) of the NCBC Act, 1993 for the Rejection of the Request for Inclusion of "Gopal Baishnab" caste/community 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.

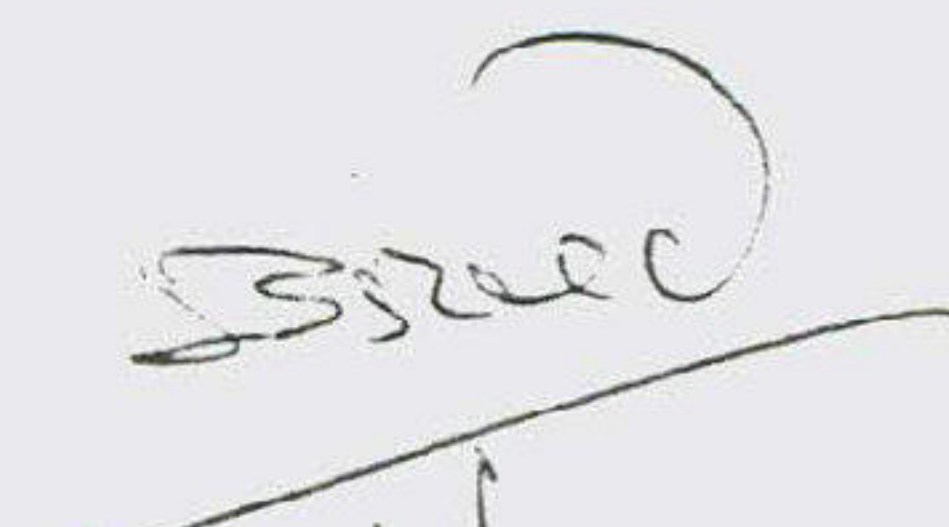
2. With this Advices in resepct of the a total of 767 (379 for Inclusion + 388 for Rejection) castes/sub-castes/communities have been tendered by the NCBC after its reconstitution in 1997 of which 639 (243 for Inclusion + 388 for Rejection) are still pending with the Government for Notification.

Yours sincerely


(P.S. KRISHNAN)

Encl: As stated

Smt. Asha Das
Secretary
Ministry of Social Justice & Emperment
Shastri Bhavan
NEW ELHI


15/11/99

O/C

NCBC Advice No. Orissa 74/99

NATIONAL COMMISSION FOR BACKWARD CLASSES

ORISSA BENCH

FINDINGS

Case :- Request for inclusion of 'Gopal Baishnab' 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 Ambuja Kumar Das, Gopalsagar, P.O. Jagatsinghpur, Orissa for inclusion of **Gopal Baishnab** caste in the Central List of Backward Classes for Orissa.

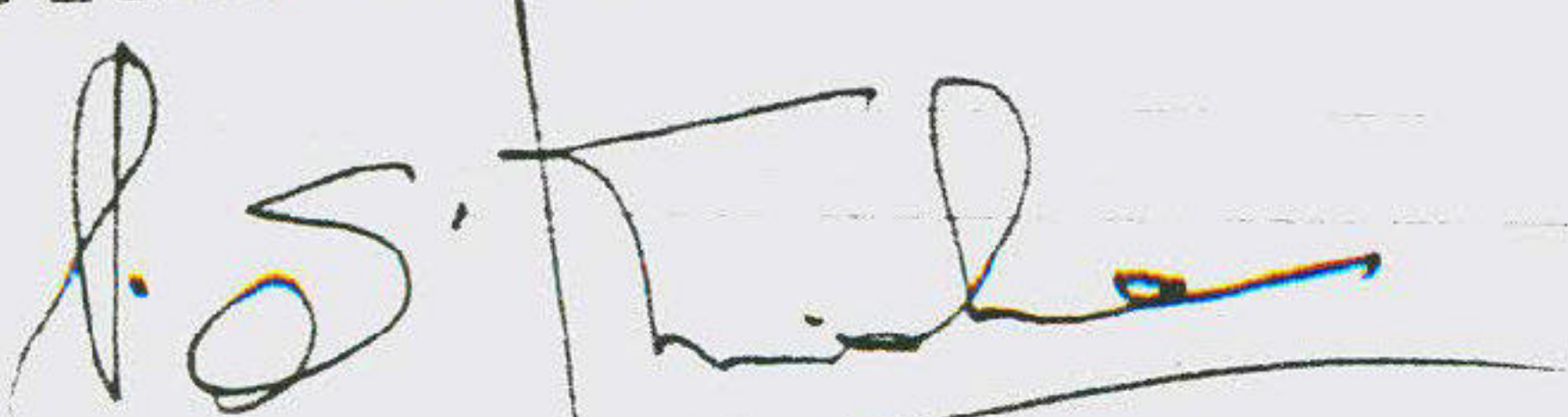
II. Public Hearing

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 **Gopal Baishnab** caste in the Central List of Backward Classes for Orissa on 29.06.99 at Bhubaneswar. The State Govt. was represented by Mr. Ashok Momin, Director, Minorities & OBC and Shri P. C. Nayak, Under Secretary. The State Commission for Backward Classes represented by Shri G. C. Patnaik, Member Secretary. The caste community was represented by Shri Ambuja Kumar Das, Shri Prafull Kumar Das and Shri Murlidhar Das.

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,

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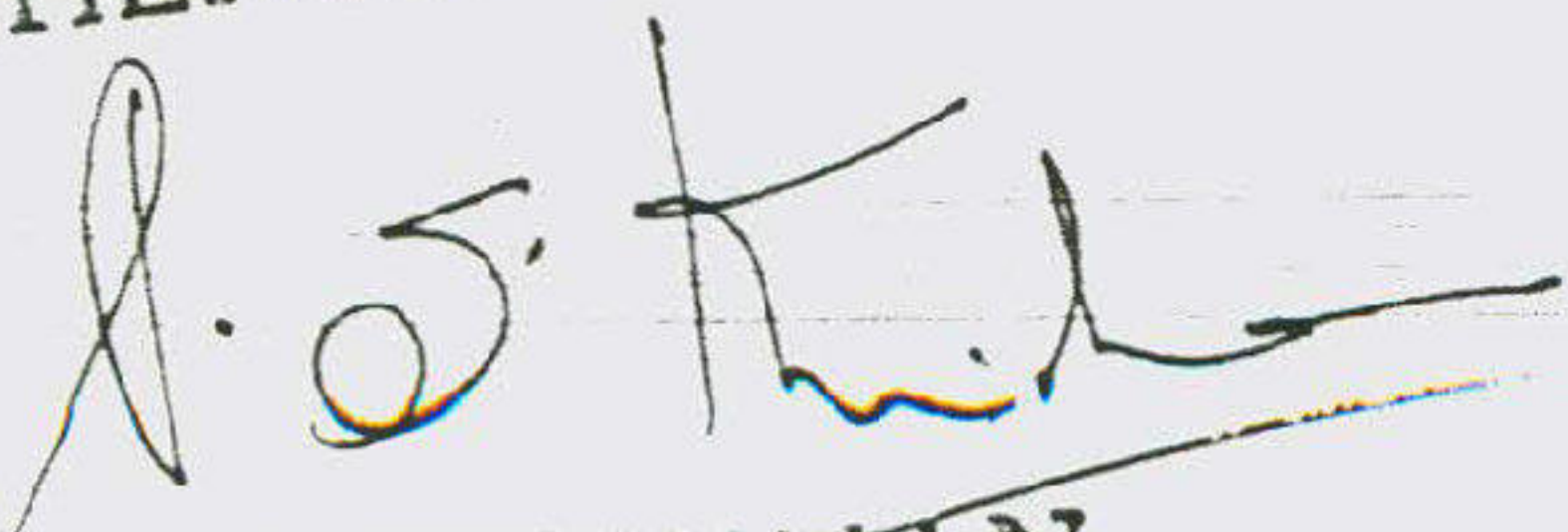

P. S. KRISHNAM
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i.e., by listing castes common to the Mandal List for each State and the respective State Lists and when, on the basis of the Expert Committee Report, the Government of India notified the first-phase Central List in 1993, Orissa was one of the State 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. 'Gopal Baishnab' 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 existed at that time. Even now Gopal Baishnab is not included in the State List.

4. In his request dated 21.10.98 for inclusion of 'Gopal Baishnab' in the Central List of Backward Classes for Orissa, Shri Ambuja Kumar Das has stated that 'Gopal Baishnab' caste is truly backward in every possible sense. Not a single member of the caste has ever been directly recruited to a class II post. Lack of awareness has resulted in omission of the caste from the Backward Classes list. Further, he has stated that their request for inclusion of the caste in the State list of Backward Classes is pending with the State Commission for the last 3 and ½ Years. He has not submitted any data or information in NCBC's Questionnaire in support of their claim.

5. At the Public Hearing the representatives of the caste/community stated that 'Gopal Baishnab' is a synonym of 'Yadav'. Gopal Baishnab is not a caste but their caste is Gopal. Baishnab is a religious sect whose followers belong to different castes including 'Gopal' caste. Those members belonging to Gopal caste who have faith in Baishnab sect are called Gopal Baishnab. The main occupation of Gopals and Gopal Baishnabs is cattle breeding. The difference between Gopal and Gopal Baishnab is that the former are taking fish and meat whereas the latter are strictly vegetarian. Regarding marriage relations between Gopal and Gopal Baishnab, two contradictory statements were made by the representatives of the caste community. Shri Ambuja Kumar Das

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P. S. KRISHNAN
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 Backward Classes

stated that there are marriage relations between the members of Gopal and Gopal Baishnab castes/communities but Shri Murlidhar Das, another representative denied the same. The representatives of the State Commission for Backward Classes stated that the request for inclusion of 'Gopal Baishnab' in the State List is pending with the State Commission. When the Bench asked him that by what time the request is likely to be disposed off by the State Commission, he stated that the Commission was not hearing/deciding cases because of non-appointment of Members.

6. About Vaishnaba H. H. Risley (The Tribes and Castes of Bengal- Ethnographic Glossary Vol. - II, Firma Mukhopadhyay, Calcutta, Reprint 1981, first Published in 1891) has written as below :-

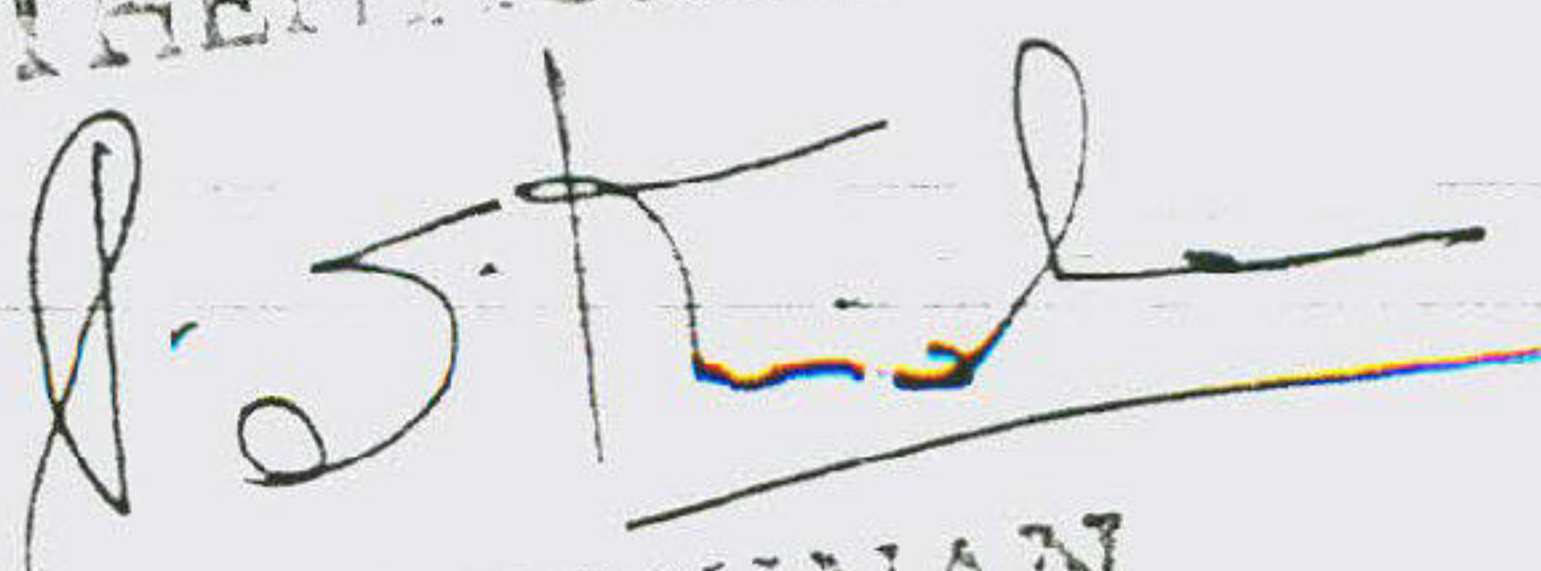
"Vaishnaba, Baishtab, Bairagi, a religious sect based upon the worship of Vishnu under the incarnations of Rama and Krishna. -----

Vaishnava, colloquially Baistham, of Bengal, a class not very easy to define precisely, as the name Vaishnava includes (a) Ordinary Hindus who, without deserting their original caste, worship Vishnu in preference to other gods, (b) ascetic members of the Vaishnava sect, commonly called Bairagi, (c) Jat-Baistham, Samyogi or Bantasi, an endogamous group formed by the conversion to Vaishnavism of members of many different castes.-----"

7. According to Risley (ibid. Vol. I, p. 29), Gopal is a synonym for Goala. About Goala, Risley writes as follows :-

"Gola, Goar, Ahir (Sanskrit Abhira), the great pastoral caste of India. -----
There is little to be said about the religion of the caste. In Bengal most of them are Vaishnavas, and celebrate the Janmashtami or the festival of the birthday of Krishna with great circumstance. They employ Brahmans for religious and ceremonial purposes, but these are looked upon as degraded and are not received upon equal terms by the higher orders of the priestly caste. In Behar the tendency to Vaishnavism does not seem to be so strong, and a considerable proportion of the caste are said to belong to the Saiva and Sakta sects.-----"

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for Backward Classes

8. In the State List of Backward Classes for Orissa prepared on the basis of Justice N.K. Das Commission Report the relevant entry was as below:-

"45. Gola, Golla, Gope, Sadgope, Ahir, Gour, Gouda, Goudo, Mekala Golla, Pannu Golla, Yadav, Mathurapuria Gouda, Gopapuria Gouda, Nanda Gouda, Jhadua Gouda, Dumala Gouda, Naria Gouda, Bashya Gopa, Maha Bhoi, Gendu, Nepalies, Gorkha"

On advice of the Orissa State Commission for Backward Classes, Government of Orissa vide Resolution No 34905-OBC-30/94-W dated 30th November, 1994 added **"Gopal, Sholakhandia and Magadha Gouda"** to the existing entry No. 45 as above.

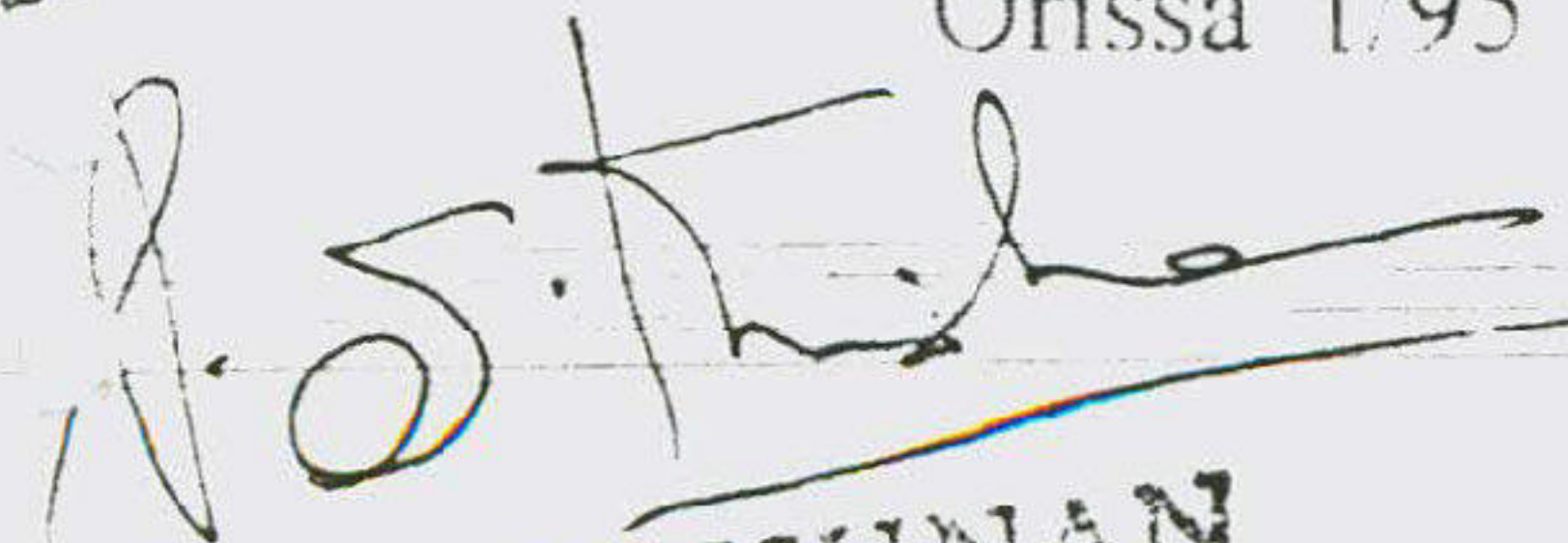
Further the Orissa State Commission for Backward Classes recommended for addition of **"Laxminarayan Gola and Goudia Gola"** to the entry No 45 of the State List of BCs and the State Government vide resolution No 32714 - OBC - 4.95-W dated 16th December 1995 included the same in the State List of BCs.

On advice of the Orissa State Commission for Backward Classes the State Government added **"Mahakul/Mahakud"** in the State List of Backward Classes for Orissa to entry No 45 vide resolution No. OBC-1/96/18222/W dated 29.7.96.

9. In the Central List of Backward Classes (Common List) for Orissa, notified by the Central Government vide Resolution No. 12011/94-BCC dated 20-10-94, Gola caste and its synonyms were included as below :-

"43. Gola, Golla, Gope, Sadgope, Ahir, Gour, Gouda, Goudo, Mekala Golla, Punnu Golla, Yadav."

National Commission for Backward Classes, while considering the request for inclusion of various caste-names and synonyms of the caste 'Yadav' found that Gopal/Gopala is a synonym of the caste known by the general names of Yadav & Gopal. The Commission tendered its advice to the Central Government vide NCBC Advice No. Orissa 1.95 dated 13.06.95 for inclusion of Gopal/Gopala, Sholakhandia and Magadha

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Gouda as synonyms of 'Yadav' caste and spelling variants of Gope and Sad-Gope viz. Gop and Sad-gop in the Central List of Backward Classes for Orissa. The Central Government vide Resolution No. 12011/96/94-BCC dated 9th March, 1996 amended the entry as follows :-

"43. Gola, Golla, Gope/Gop, Sad Gope/Sad-Gop, Ahir, Gour, Gouda/Goudo, Makala Golla, Pannu Golla, Yadav, Gopal/Gopala, Sholakhandia, Magadha Gouda."

Further the NCBC vide its advice No. Orissa.8/96 dated 23-5-96 advised the Central Government for inclusion of Laxminarayan Gola and Goudia Gola in the Central List of Backward Classes for Orissa at Sl. No. 43 being synonyms/sub-castes of the generic community Gola/Golla/Gope. Consequently the Central Government, vide Resolution No. 12011/44/96-BCC dated 6-12-96, amended the entry No. 43 of the Central List for Orissa to add Laxminarayan Gola and Goudia Gola and the amended entry notified reads as below :-

"43. Gola, Golla, Gope, Sadgope, Ahir, Gour, Gouda, Goudo, Mekala Golla. Punnu Golla, Yadav, Laxminarayan Gola, Goudia Gola."

The NCBC has so far advised the Central Government for inclusion of the following sub-castes/synonyms of Gola Golla caste:-

**Gopal/Gopala,
Sholakhandia,
Magadha Gouda,
Laxminarayan Gola,
Goudia Gola**

And spelling variants of Gope and Sad-Gope viz. Gop and Sad-Gop.

It is noticed that 'Gopal/Gopala', 'Sholakhandia', 'Magadha Gouda' and spelling variants of Gope and Sad-Gope viz. Gop and Sad-Gop which were added to entry No. 43 of the Central List of BCs vide notification No. 12011/96/94-BCC dated 9-3-96, inexplicably

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D. S. KUMARAN
Member
National
for Backward

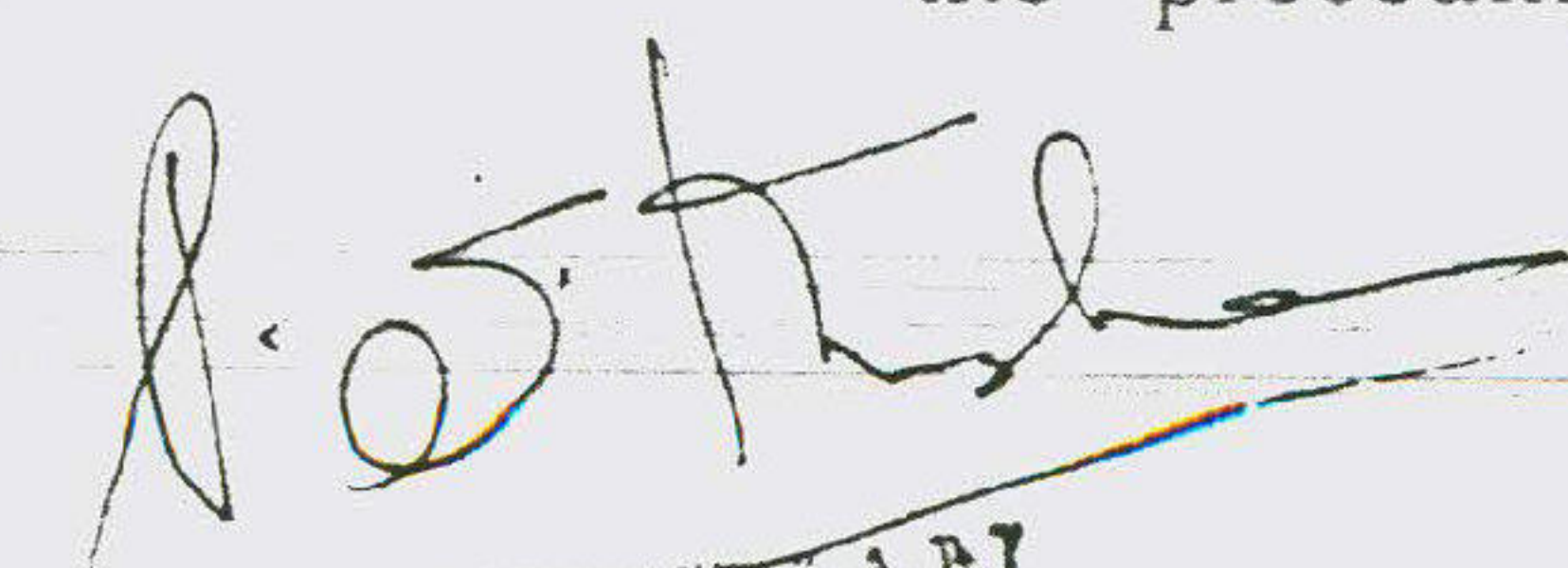
disappeared from the entry in the later notification of Government of India dated 6-12-96. The Commission is not aware whether these omissions are inadvertent or a deliberate decision taken by the Central Government to delete these sub-castes/synonyms and if the latter on what basis. The probability of inadvertent omission due to 'clerical' mistake appears to be quite high. As far as this Commission is concerned, the Commission tendered advice to the Central Government to add 'Gopal/Gopala', 'Sholakhandia' and 'Magadha Gouda' and spelling variants of Gope, Sad-Gope viz. Gop, Sad-Gop vide NCBC Advice No. Orissa 1/95 dated 13-6-95 and 'Laxminarayan Gola' and 'Goudia Gola' vide NCBC Advice No. Orissa 8/96 dated 23-5-96 to the existing entry No 43 of the Central List of BCs for Orissa. After addition of these sub-castes/synonyms the entry should have read as below :-

"43. Gola, Golla, Gope/Gop, Sad Gope/Sad Gop, Ahir, Gour, Gouda/Goudo, Makala Golla, Punnu Golla, Yadav, Gopal/Gopala, Sholakhandia, Magadha Gouda, Laxminarayan Gola and Goudia Gola"

IV. Findings

10. From the foregoing, the Bench finds that Baishnab Vaishnav is a religious sect and 'Gopal' is a synonym of 'Goala' or 'Yadav' caste. 'Gopal Baishnab' is not a caste but a term, which is used for those members of 'Yadav Gopal' caste who worship Vishnu in preference to other gods. The writings of Risley (as cited in para 6 above) also mention that in Bengal most of the members of Goala caste are Vaishnavas. Within 'Vaishnabs' there are members of many castes, some of which are socially and educationally Backward. One of the traditional occupations of Gopal Yadav caste is cattle herding. 'Gopal' as a synonym of Yadav was included in the Central List of BC's on advice of this Commission irrespective of its members having faith in one religious sect or another. But in the subsequent Resolution of the Government of India, Ministry of Welfare, No. 12011.44.96-BCC dated 6-12-96, a few of the synonyms as discussed in the preceding para have been omitted without indicating any reason apparently

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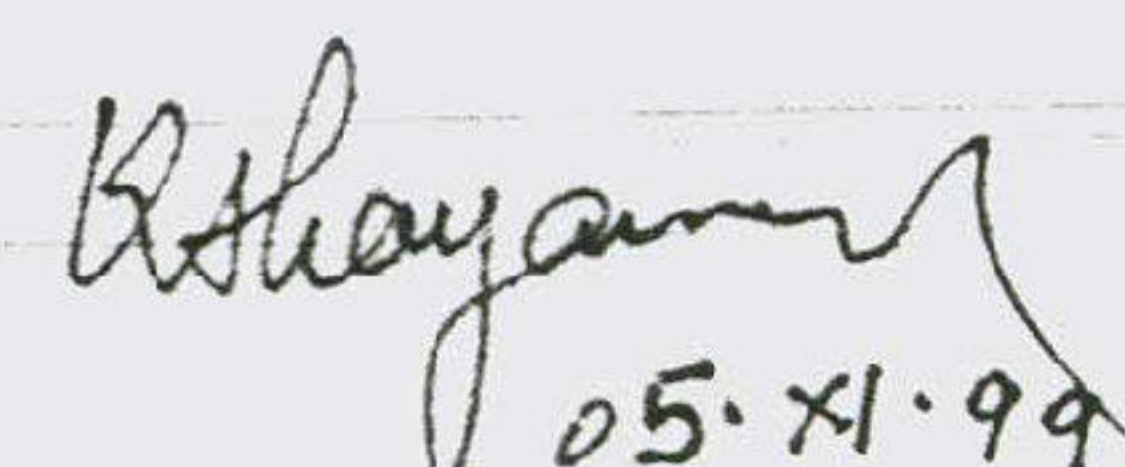


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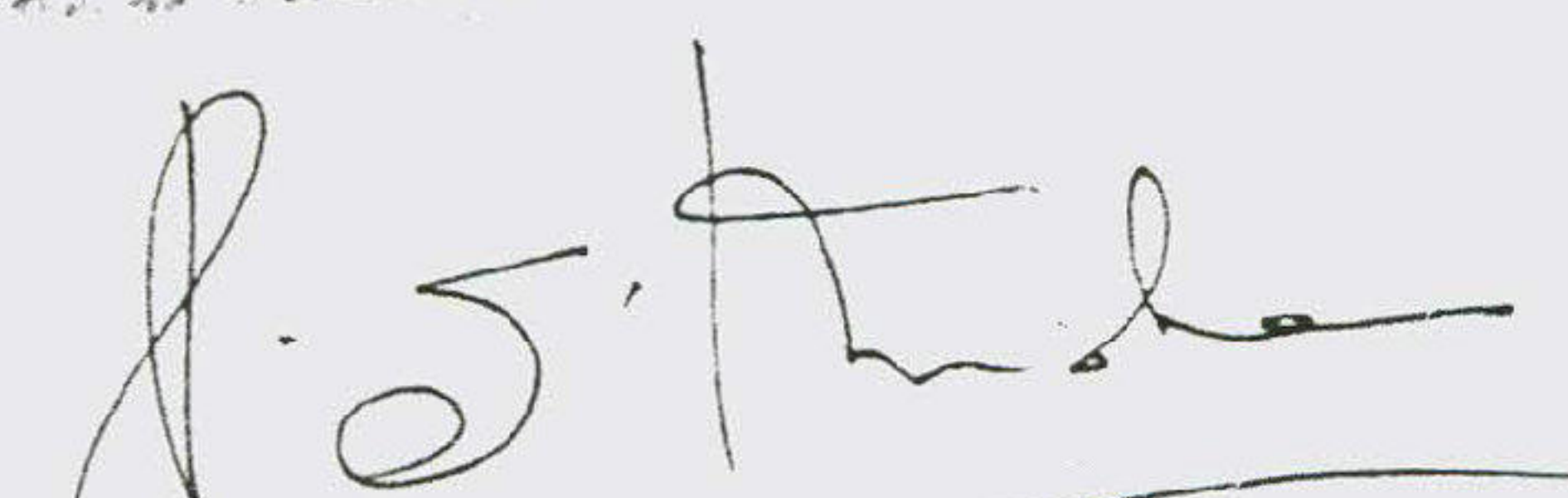
inadvertently. The Bench feels that there is no need for inclusion of 'Gopal Baishnab' in the Central List of BCs, because the same is not a caste synonym social class and inclusion of Baishnab (a religious sect) with Gopal even in a hyphenated form after Gopal, will make room for some members of certain forward castes communities to claim and even obtain Backward Classes certificates which is not intended for them. To avoid or reduce the scope for such misuse, the term 'Gopal Baishnab' should not be allowed as a synonym of Gopal/Gola/Yadav caste. Therefore the Bench recommends that request for inclusion of Gopal Baishnab in the Central List of Backward Classes for Orissa be rejected. The name 'Gopal' is already included and it covers all sects of the caste including Vaishnavas/Baishnabs and there is no need to add the suffix "Baishnab".

In view of the omission of 'Gopal/Gopala', 'Sholakhandia' and 'Magadha Gouda' and spelling variants of Gope and Sad-Gope viz. Gop and Sad-Gop from the amended entry No. 43 of the Central List of Backward Classes for Orissa notified vide Government of India, Ministry of Welfare Resolution No. 12011/44/96-BCC dated 6-12-96, the Central Government be advised to issue a corrigendum to clear the position so that the members of the caste who go by these names are not denied certificates and consequential benefits.


(U. P. Singh) 5.11.99


05.11.99
(Sahu Akshaya Bhai)

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for Backward Classes

V. Advice of the commission

11. 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 :-

The request for inclusion of **Gopal Baishnab** in the Central List of Backward Classes for Orissa be **rejected** as the same is not a caste/social class and members of all sects belonging to the "Gopal" caste are covered by the already existing entry "Gopal".

The following synonyms and spelling variants which were added to the Central Government's Notification No. 12011/96/94-BCC dated 9th March 1996, according to Advices tendered by this Commission, but subsequently dropped inadvertently in the Central Government's Notification No. 12011/44/96-BCC dated 6th December 1996 be restored to the list by issue of a suitable corrigendum, making it clear that these names have continued to be existing from the date of the earlier Resolution dated the 9th March 1996 without any break on account of the inadvertent omission.

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