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राष्ट्रीय पिछड़ा वर्ग आयोग
भारत सरकार
त्रिकुट-१, भीकाजी कामा प्लेस, नई दिल्ली
Member-Secretary
National Commission for Backward Classes
Government of India
Trikoot-1, Bhikaji Cama Place, New Delhi

DO NCBC Advice No. 68-70 West Bengal/2000
Dated 25.02.2000

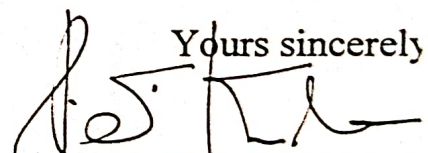
Dear Smt. Das,

I am sending herewith the Advice of the National Commission for Backward Classes under Section 9(1) of the NCBC Act, 1993 for Inclusion of "Hele/Halia/Chasi-Kaibartta, Das Kaibartta" and for Rejection of the Request for Inclusion of "Mahishya" caste/community 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.

2. With this, Advices on a total of 810 (397 for Inclusion + 413 for Rejection) castes, sub-castes, synonyms etc. have been tendered by the NCBC during the tenure of the present team of Members, of which 539 (126 for Inclusion + 413 for Rejection) are still pending with the Government for Notification.

Encl: As stated

Smt. Asha Das
Secretary to Govt. of India
Ministry of Social Justice & Empowerment
Shastri Bhavan, NEW DELHI 110 001

Yours sincerely

(P.S.KRISHNAN)

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received
Asha

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

Case : Request for inclusion of "Chasi-Kaibartta, Das Kaibartta, Mahishya" castes/communities in the Central List of Backward Classes for West Bengal.

Per Shri Justice P.K. Shyamsundar, Chairperson

These cases arise out of the Requests received in this Commission for inclusion of "Chasi-Kaibartta, Das Kaibartta, Mahishya" castes/communities in the Central List of Backward Classes for West Bengal from the following:-

1. **Chasi-Kaibartta**

Shri Bishnupada Das
Headmaster
Kalasima Swami Vivekananda Vidyapith High School
At & P.O. Chandpara Bazar
24 Parganas North, West Bengal.

2. **Das Kaibartta**

Shri Jayanta Mandal
Debendraganj
Near High School More
P.O. Bolpur
Distt. Birbhum
Pin. - 731204 (West Bengal).

3. **Mahishya**

- i) Shri Bishnupada Das
P.O. & Vill. Chandpara Bazar
P.S. Gaighata

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Distt. 24 Parganas (N)
West Bengal, Pin. 743245.

- ii) Shri Nityasaran Choudhury
Secretary
Bangiya Mahishya Samiti
Mahishya Samiti Bhaban
P-285, C.I.T. Scheme-M IV
Calcutta-700054.
- iii) Shri Kailash Pati Mandal
Vill. & P.O. Sabdarnagar
Distt. Murshidabad
West Bengal
Pin. 742175.
- iv) Shri Phani Roy
Vice-President
All India Mahishya Mahasava
13, Rani Rasmoni Road
Calcutta-700087.

II. Public Hearing

2. The Four-Member West Bengal Bench of the NCBC consisting of Hon'ble Chairperson, Justice P.K. Shyamsundar, Member-Secretary, Shri P.S. Krishnan and Hon'ble Members, S/Shri U.P. Singh and Sahu Akshaya Bhai held a Public Hearing at Calcutta on 5.5.1999 in respect of these Requests. At the Public Hearing the State Govt. was represented by Dr. M.K. Chaudhari, Director and Dr. (Mrs.) R. Gupta, Cultural Research Officer from the Cultural and Research Institute, Calcutta. The castes/communities were represented by the following:-

Chasi-Kaibartta

Shri Bishnupada Das
Shri Santi Pada Biswas
Shri Uttam Kumar Mondal
Shri Santirajan Samant
Shri Shyamaprasad Das

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Shri A.K. Samant

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Das Kaivartta

The Request-maker did not appear at the Public Hearing

Mahishya

- i) Shri A.K. Samanta
 - ii) Shri Jagadish Das
 - iii) Shri Siddheswar Das
 - iv) Shri D.N. Panja
 - iii) Shri A.K. Ghorai
- and others.

III. Facts

3. "Jalia Kaibartta" has been included in the List of Scheduled Castes for West Bengal at entry No. 23 as follows:-

"23. Jalia Kaibartta"

4. The "Chasi Kaibartta" and "Mahishya" have been included in the Mandal List at entry No. 43 and 131 as follows:-

"43. Chasi-Kaibartta"

"131. Mahishya"

5. The State 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 did in this case for 14 other States, which already had their own lists of Backward Classes, and hence the Central Government also could not issue a Central List of Backward Classes for West Bengal in 1993. The Govt. of West Bengal issued its first list of Backward Classes by its Notification No. 346-

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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 19.10.1994, 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 and did not include "Chasi-Kaibartta, Das Kaibartta, Mahishya"..

6. The Govt. of West Bengal issued a list of backward classes by its Notification No. 1054-BCW/EC/MR-302/97 dated 6th November, 1997, published in the Calcutta Gazette of the same date included "Hele/Halia/Chasi-Kaibartta" as follows:-

"1. Hele/Halia/Chasi-Kaibartta" (List-7)

7. The Requests of Chasi-Kaibartta, Das Kaibartta and Mahishya castes/communities are being dealt with separately as follows:-

1. Chasi-Kaibratta

8. The Public Hearing for examining the Request for inclusion of "Chasi-Kaibartta" in the Central List of Backward Classes for West Bengal was held earlier at Calcutta on 9.9.98 but the formulation of Findings of the Bench were kept in abeyance in view of the receipt of Requests in the NCBC for inclusion of Das Kaibartta and Mahishya in the Central List of Backward Classes for West Bengal as Das Kaibartta was stated to be a synonym of Chasi-Kaibarta and Mahishya as converts of Chasi Kaibarttas. At the Public Hearing held on 5.5.99, Shri Bishnupada Das and others who were present on behalf of "Chasi-Kaibatta" submitted that the Jalia-Kaibartta and Chasi-Kaibartta belong to the same caste "Kaibartta, which is their main caste. In the 19th century they were engaged in agriculture and fishing. They further submitted that some people of "Chasi-Kaibartta" adopted a new caste name "Mahishya" but not all. In this connection, Shri A.K. Samant, Retd.

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D.G. stated that his grandfather was Chasi-Kaibartta but his father was Mahishya. Shri Shanti Ranjan Samant who was also present at the Public Hearing stated that even today he belongs to Chasi-Kaibartta caste. They further submitted that Hele/Halia/Chasi-Kaibartta which is included by the State Government in the State List of Backward Classes should be included in the Central List of Backward Classes for West Bengal in the same order.

9. The memorialist, Shri Bishnupada Das submitted that the Chasi Kaibarta caste of Bengal is divided part of original Kaibarta caste who lives on the profession of agriculture in its wide meaning. Kaibartas who cultivate land are Chasi Kaibartas and who are fishermen are Jele Kaibartas. Mahishyas in no way are the synonyms of Chasi Kaibartas. Because, according to Manu Sanhita the union of Nishada (Sudra Varna) male and Ayogaba (Sudra) female produced Kaibarta and they are found in Eastern Region of the country but the Mahisya is the product of a Khatriya Male and Vaishya female and obviously this caste is Khatriya and therefore only Chasi Kaibarta who are from Sudra Varna deserves to be included in the OBC list. The derivative meaning of Mahisya is rearing the buffalo which do not identify with Chasi Kaibarta. Hence, Mahisya and Kaibartas (Chasi, Jelia) are two separate castes and are not synonyms to each other. He further stated that the Chasi Kaibarta was one of the 39 castes shown as depressed classes in Census Report of 1921 and already included in the SC/ST/OBC Lists

10. Shri Santiranjana Samant, Convenor, Bangiya Chasi-Kaibarta Samaj who submitted a representation at the Public Hearing mentions that the population of Chasi-Kaibartta is about seventy lakhs, most of which are very poor cultivators. 5% of their total population are secondary exam passed and 1% are graduates, LLB, Doctor, Engineer, Master Degree holders, etc.

11. Shri Uttam Kumar Mondal, General Secretary, Bangiya Chasi Kaibarta Samity who was also present at the Public Hearing submitted a representation which states that in 1901 Census, Kaibartas were divided into two groups according

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to their profession i.e. (i) Chasi Kaibarta who cultivate land, and (ii) Jelja Kaibarta who were fishermen. The synonyms of Chasi Kaibartas are found in different regions of West Bengal such as Hele/Halia Kaibarta, Kaibarta Das, Das Kaibarta, Kewat, Halia, Das, Parasar Das and their traditional occupation is cultivation. It is further stated therein that from 1911 census some zamindars and peasants of Chasi Kaibartas who lived in Calcutta put representations before census authorities to change the name of Chasi Kaibarta as Mahisya because they were of the opinion that the name Chasi Kaibarta signifies a degrading occupation. In 1921 census Chasi Kaibarta was listed among the 39 depressed classes of Bengal but in 1931 census the Britishers changed the name Chasi Kaibarta to Mahisya in order to please the elite class of the caste for some political advantage. The change of name made confusion and did not pervade all over the Bengal. There remained a portion of the caste who continue to be identified as Chasi Kaibarta. Chasi Kaibartas and Mahisyas are totally different from one another. The traditional profession of Mahisyas is different from that of Chasi Kaibartas. It is also stated therein that Manu Samhita, Goutam Dharma Sutra and other ancient writings mentioned the source of Mahishyas from the union of Khatriya father and Vaishya mother and therefore belong to Khatriya Varna (forward class) whereas the Kaibartas are from Nishada male and Ayogaba female (both tribes) and belong to Sudra Varna (backward class).

12. The filled-up NCBC's Questionnaire obtained from Shri Bishnupada Das in respect of "Chasi-Kaibartta" caste/community mentions that the original caste is "Kaibartta" and Halia/Hele Kaibartta, Kaibartta Das, Dasa, Kewat/Halia Das, Parasar Das, Chasi Kaibartta are its sub-castes/synonyms. The caste/community is stated to be scattered all over the State, particularly in the Midnapore, 24 Parganas (North & South), Howrah, Hooghly, Murshidabad, Nadia and Dinajpur (North & South) districts. The main occupation of the caste is stated to be "Tilling of Land and Landless Labour" which is agricultural and involve manual labour for wages. 80% members of the caste are reportedly landless and engage in the labour work for wages, 10% work on own land and 2% of them are engaged on own work and

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employ labourers. The women are engaged in labour work and the children work as servants and on daily wages in cultivation. 99% members of the caste live in kachha houses and 1% in pucca houses. The literacy rate of the caste is given 28% in 1996 which is based on the survey of some villages and other information in this respect such as number of matriculates and graduates and their proportion and the representation of the members of the caste in Govt. and other professions is shown as "N/A". However, the filled-in Questionnaire received from the State Govt. mentions the literacy rate of the caste as 31.3% as per sample survey 1997 against the total literacy rate of the State i.e. 57.70% as per 1991 census. The proportion of the matriculates and graduates from the caste/community to their total population is reported to be 4.07% and 0.62% respectively.

13. A copy of the note of the State Backward Classes Commission recommending inclusion of "Hele/Halia/Chasi-Kaibartta" caste/community in the State List was made available to the Bench at the Public Hearing held on 9.9.98 which is reproduced as follows:-

"Kaibartta is a large fishing and cultivating caste of Bengal, taking rank below the Nava Sakha, or group of nine castes, from whose hands a Brahman may take water. They were earlier inhabitants of Bengal and occupied a commanding position.

There are two groups among the Kaibarttas, one is a cultivating group known as Hele/Halia/Chasi-Kaibartta and the other is a fishing group known as Jalia Kaibartta. The Jalia-Kaibartta are lower in position to the Chasi-kaibartta and has come to be included in the Scheduled Caste list. The Chasi-Kaibarttas are 'Jalchal' group and marks their position as standing first below the 'Nava-Sakha' group. On the other hand Jalia Kaibarttas are 'Jalachal' and the higher castes will not accept water from their hands.

One of the affluent, educated sections of the Chasi-Kaibartta class who are mostly land holders launched a movement for removing the stigma attached to the Kaibartta class and wanted the name 'Mahishya'.

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A good section of the Chasi-Kaibartta class who are mostly landless still continue to consider themselves as belonging to the Chasi-Kaibartta class and regarded the class as such, notwithstanding the recognition of the 'Mahishya' class. From the social, economic and educational point of view Hele/Halia/Chasi-Kaibartta rank far below the Mahishya group."

14. H.H. Risley describes "Kaibartta, Kaibartta-Das, Chasi-Das, Halia-Das, Parasar-Das, Dhivara, Khyan" in his book "The Tribes And Castes of Bengal – Ethnographic Glossary" (Published by Firma Mukhopadhyay, Calcutta, 1981, Reprint, 1st Published, 1891, Vol. I, pp. 375-382). He writes that it is a large fishing and cultivating caste of Bengal Proper, taking rank below the Nava-Sakha, or group of nine castes from whose hands a Brahman may take water. (Ibid, p.375)..... The Kaibartta Brahmans of Midnapur are divided into two sub-castes, Uttar Rarhi and Dakhin Rarhi, the names of which enable them to pose before the ignorant as Rarhi Brahmans. Members of the higher castes, however, who will take water from the hands of the Kaibarttas will not take it from Kaibartta Brahmans, and the Kaibarttas themselves will not eat food cooked by their own priests.....

He further writes that the internal divisions of the caste differ in different districts. The exogamous divisions have been borrowed from the Brahmans and give no clue to the origin of the caste. The endogamous divisions are based either upon occupation or upon habitat, but these distinctions are not everywhere recognised to the same extent. Thus in Central Bengal and Maldah the cultivating and fishing groups, variously called Halik and Jalik or Chasa and Jalwah or Jaliya, clearly differentiated, while in Dacca there is no Chasa or Halwaha division, and the Das Kaibarttas have not yet separated into a distinct caste. In Bakarganj the Kaibarttas are divided into two groups – cultivating group, known as Halia Das, Parasara Das or Chasi Kaibartta, and a fishing group, known simply as Kaibartta. Clearly the latter group represents the main body of the caste, while the former comprises those Kaibarttas who have abandoned their original occupation

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and betaken themselves to the more respectable profession of agriculture. But the separation has not been long enough in force, or has not gained sufficient acceptance to render the two groups completely endogamous. Intermarriage is permitted between them, but is restricted by certain conditions. Girls of the Halia-Das class can be given in marriage to Kaibarttas, but if a man of the former class marries a Kaibartta girl, his family is deemed to have been guilty of a mesalliance, and descends a step in social estimation. Such marriages frequently take place, but a substantial price is paid by the Kaibartta family for the privilege of getting a bridegroom from the higher class. Similar relations exist in Jessore between the Helo, ploughing, and Mecho or fishing Kaibarttas. (Ibid, p. 378 & 379).....

He further writes that in the occupation of the cultivating Kaibarttas there is as a rule nothing to distinguish them from other Hindu castes who are engaged in agricultural pursuits. (Ibid, p. 381).....

He describes the social status of the caste as follows:-

“The social status of the Kaibartta is not altogether easy to determine, as the fisher sub-castes would necessarily occupy a lower position than purely agricultural groups. The Halia Kaibarttas are usually allowed to smoke in the same hooka with members of the Nava-Sakha, and this fairly marks their position as standing first below that group. The same privilege is not accorded to Jaliya Kaibarttas. At present Brahmans will not take water from the hands even of the Halia sub-caste, but it seems likely, as time goes on, that this sub-caste will rise in social estimation, and will altogether sink the Kaibartta, so that eventually it is possible that they may succeed in securing a place with the Nava-Sakha, an elastic group, which has already been expanded beyond its original limits.”(Ibid, p. 382)

15. The book “People of India – Communities, Segments, Synonyms, Surnames and Titles” by K.S. Singh (National Series Vol. VIII, Anthropological Survey of India, Oxford University Press, Delhi, 1996) shows earlier distribution of

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'Kaibartta' in Bengal according to census years 1891 and 1921 (p. 455) and 'Chasi' is a section of 'Kaibarta' (p. 1379).

16. 'Chasi-Kaibarta' was included as one of the depressed classes in the census year 1921 as mentioned in the Census of India, 1931 – Bengal And Sikkim, Part I Report by A E Porter (Statement No. XII-f, p. 503).

2. Das Kaibarta

17. Shri Jayanta Mandal made a Request for inclusion in the Central List of Backward Classes for West Bengal of "Das Kaibarta" as a synonym of "Chasi Kaibarta", which has already been included in the State List of Backward Classes for West Bengal. In his Request he submitted that their caste is Kaibartta (Das) and engaged in the occupation of Chas (cultivation of land) and "Chasi Kaibartas"/"Kaibarttas" should be synonymous to "Chasi Kaibartas". In this connection, he referred to the Census Report 1911 (para 1007, page 511) which is reproduced as follows:-

"The Kaibartas are one of the great racial castes of Bengal and should be over two and half millions. They have been classified in the returns under three heads, viz. The Chasi Kaibarta (Mahishya), the Jelia Kaibartas and the unkspecified Kaibartas i.e. the Kaibartas who returned themselves simply as Kaibarttas without stating whether they are "Chasi" or "Jaliyas"."

He further quoted the Census Report, 1931 stating that henceforth the "Chasi-Kaibarttas" had been recorded and known as "Mahishyas". Now there were two classes of Kaibarttas i.e. Mahishya and Jaliya or Adi Kaibarttas. At the same time the "Das Kaibarttas" and the "Kaibarttas" (not the Jaliya/Jeliya Kaibarttas) had been recorded and known as "Mahishya" which is evident from their Land Deeds. In this context, he cited the reference of his grandparent, Mr. Narasinha Das (later title changed to Mondal) was recorded as "Das Kaibarta" in 1920 and later recorded as "Mahishya" in the Land Deed made after the year 1931."

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He therefore contended that the "Das-Kaibarttas" or "Kaibarttas" be given the same status as that of the "Chasi-Kaibartas", as these are synonymous, by listing it in the Central List of Backward Classes for West Bengal.

18. "Kaibartta-Das" is a synonym of "Kaibartta" as shown in the Risley's account at para 14 hereinbefore.

19. "Kaivartta/Kaibartta" caste/community has been included in the Central List of Backward Classes for Bihar at entry No. 8.

20. Those present during the Public Hearing not only did not object to the inclusion of "Hele/Halia/Chasi-Kaibartta, Das-Kaibartta" castes/communities in the Central List of Backward Classes for West Bengal rather supported it.

3. Mahishya

21. Shri Bishnupada Das made a Request for inclusion of "Mahishya" in the Central List of Backward Classes for West Bengal wherein he stated that the original caste name of Mahishya was Kaibarta, which is the principal agrarian class of India but majority of its members are confused by the flaws of a few individuals from within the caste in changing their parent caste name and by telling tall tales to elevate the social status of the caste. The Kaibarta caste, well known from epic age to Pale-Sena period of Bengal were divided in British period into two categories: Chasi Kaibarta and Jale Kaibarta and Chasi Kaibartas claimed to be named as Mahisya. This was supported on the ground of writings of Goutama and Yajnavalkya that the Union of a Khatriya male and Vaishya female produces Mahisya, while according to the Brahma-baibarta Purana the same union produces Kaibarta. But the Brihad Dharma Purana, written just after Sena period, says that the Kaibarta's father is a sudra and mother is a Khatriya. The Mahabharata Manu, Parasara Sanhita and other ancient books differ from each other in source of origin of this caste. The division among the Kaibartas was not demanded in 1871 Census.

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From 1901 Census some of the divided Chasi Kaibarta urged the Census authorities to name the caste as Mahisya and by 1931 Census almost all Chasi Kaibartas became Mahisyas. The Mahisyas (Chasi Kaibarta) including Jele Kaibarta were listed as a depressed class and from 1913 the British Govt. provided facilities for their education with other depressed classes. Boys of this caste like other depressed class could not get accommodation in houses or in the locality of upper caste people because they were treated as untouchable. The British Govt. established a hostel at Dacca for Mahisya boys. In 1921 Census Mahisyas were enlisted as a depressed class. In the meantime, Mahisyas of Midnapur district started agitation against British rule in the freedom movement and the British authorities removed this caste from the list of depressed class and declared that Mahisyas were able to stand on their feet although the district Officer suggested to continue the facilities to them.

22. Bangiya Mahishya Samity in its representation dated 9.9.98 requested for inclusion of "Mahishya (Chasi Kaibartta)" in the Central List of Backward Classes for West Bengal. In support of their claim for inclusion, they have submitted the extracts of Census Reports of 1911, 1921 and 1931. It is mentioned in the Request that the Chasi Kaibartta most widely used upto 19th century, has been virtually replaced by Mahishya, a more modern name pointing to a respectable origin mentioned in Gautama Dharma Sutra (a work not later than 300 B.C.). A movement for this replacement started in 1890's throughout the province of Bengal as it stood in those days, and was finally accepted by O'Malley, Census Superintendent 1911. In 20th century Hele has fallen into disuse. In 1931 Census Report Mahishya has been officially recognised as the new name of the caste Chasi Kaibartta all through the report. The extracts of the Census Reports are reproduced as follows:-

Census Report 1911 (Para 827, P. 441)

Another expedient is to adopt an entirely new name which points to a respectable origin. As a case in point may be mentioned - Mahishya is a designation recently assumed by the Chasi Kaibartta, a cultivating community, in order to distinguish themselves from the Jelia Kaibartas, who follow what Hindus

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regard as a degrading occupation, viz. Fishing. Mahishya a name derived from Mahisha (meaning buffalo) which was given to a mixed caste by the Sanskrit law-givers and was probably applied to a caste or tribe of cattle-keepers and graziers; it is mentioned in the Gautama Dharma Sutra in which a Mahishya is described as born of a Vaishya Woman by a Kshatriya father.

Census Report 1921, Para 354

The split between the Chasi Kaibarttas and Jeliya Kaibarttas is now complete. In numbers 22,10,684 the Chasi Kaibarttas or Mahishyas are the largest Hindu caste in Bengal, beating the Namsudras by nearly 2 lakh. They are in greatest strength in Midnapore.

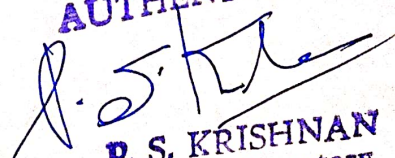
Census Report 1931, Para 449

i). Method of dealing with claims to caste nomenclature: The principles on which caste claims were dealt with in 1911 were laid down by Mr. O'Malley, and in general the same principles were followed in the present occasion.....(p. 427). But in Bengal the provision for record of sub-castes was confined to Brahmins and the two classes of Kaibarttas now known as Mahishyas and Jeliya or Adi Kaibarttas. (Para 456)

ii) Diagram XII-8 of Census of India 1931(p. 452-453) shows Mahishyas at third position of the five most numerous Hindu castes after Brahmins and Kayasthas.

23. The Bangiya Mahishya Samiti submitted the filled up NCBC's Questionnaire which contains that the Mahishya is the main caste and is also known by the names of Halia Kaibartta, Chasi Kaibartta, Kaibartta Das, Halia Das, Parasar Das having population of 1.05 crores which constitutes 15.4% of the State population. The larger concentration of the caste is shown in Gangetic West Bengal

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in districts of Midnapore, 24 Parganas (N & S), Nadia, Howrah and Hooghly. The caste is stated to be regarded as socially backward and depends for livelihood on agriculture and a very large section thereof are landless labourers. The women as well as the children of the caste are stated to be engaged as agricultural and non-agricultural labourers. About 3% of landholders with holdings of more than 50% of statutory ceiling limit belong to this category (statutory ceiling for a family in West Bengal after series of reduction in last 30 years is 7 acre in non-irrigated areas).

Though literacy rate of the caste/community is not furnished, they are estimated to be 20-25% below the State average.

Approximately 99.5% of families of Mahishyas are living in kachha houses and only 0.5% in pucca houses.

Bangiya Mahishya Samity has also submitted information regarding landownership status of the Mahishya vide their letter dated 12th June 1999. It is mentioned that 21 Zamindars and 97 big landowners in the community of about 11.2 million people is not a significant number at all. In the post-zamindari abolition period, majority of these landowners are now in a state of marginal existence.

24. The Bangiya Mahishya Samity in its Request dated 7.7.97 stated that the Mahishyas, though economically, socially and educationally backward, were not marked as backward caste due to vehement objection of some Midnapur politicians belonging to the community in view of provincial politics. It is further stated therein that a microscopic minority of the community may appear to be well off and well placed but that does not reflect the real condition of the vast majority of Mahishyas with a population of 106 millions which constitute a largest caste/community in Bengal. As a matter of fact, from 1911 onwards the nomenclature Mahishya was gradually replacing Chasi-Kaibartta and Mahishya Kshatriya, Halia Kaibarta, Halia, etc. From 1931, other caste names went into disuse and the term Mahishya became the name of all these sub-castes. In this connection the Samity has referred to the representation of a few individuals from Midnapur district stating Mahishyas as

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belonging to a higher caste, is in fact, engineered by a few land-owning families who have no knowledge of the community who are landless peasants, domestic aids, rickshaw pullers, day labourers, etc. and base their arguments on false and baseless tradition of caste origin.

The Samity has also endorsed a copy of the facts submitted by them to the State Backward Classes Commission which contains that 95% population of Mahishya class live in rural areas and is engaged in the traditional occupation of cultivation and those who are landless work as agricultural labourers. A good number of Mahishya women and children are working as helping hands in the grocery and sweetmeat shops in different towns and cities. It further contains that the average literacy of the Mahishyas is around 25% and about 11% women are literates. The literacy rate has been calculated on the basis of 1991 census figures. The literacy rate in South 24-Parganas and Nadia, two districts with Mahishya concentration, is shown 44% and 42% respectively which is much below the State average i.e. 57.70%. It is also stated therein that 65% students of Mahishya class drop out at the primary stage due to their engagement in the hereditary occupation like cultivation, poultry farming, working wage earning labour and small rural business in agricultural products. About 50% of the student drop out in Madhyamik and Higher Secondary level.

The Bangiya Mahishya Samity has also referred to their letter dated 31 December, 1910 written to the Superintendent of Census Operations, Bengal and his reply to them. The above letter was in response to the certain clarifications sought by the Census Superintendent which were replied and further course of action desired by the Samity as follows:-

- i) Issuance of orders to the Census Supervisors and Enumerators for entering Mahishya in place of Chasi Kaibarta.
- ii) Mahishya be classed in place of Chasi Kaibartta in the final tables and other records of the Census Report. There would be no objection, if after the word

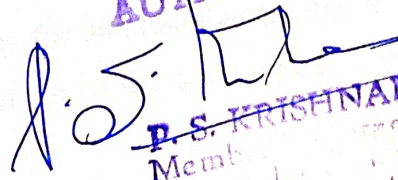
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Kaibarttas the word – “Other than Mahishyas” or with parenthesis the word “Jelia” were inserted as there are two classes of Kaibarttas, one of whom is pure and possesses a higher social status, and the other is impure, and both of whom are descendents from quite different parents, and as such, the pure Kaibarttas descended from a Kshatriya father and Baishya mother and impure Kaibarttas, called Jelias, came from a Nishad father Ayogabi mother.

- iii) The priests of the Mahishyas are not regarded as degraded by the sociologists of the highest authority. These were described as Semi-Kshatriya caste in Bishnu Puran, as Saraswat Brahmins act as priests for the Kshatriyas only, while the priest of all the low castes otherwise called “Barna-Brahmins” came from Rarhi Brahmins and they are rightly designated as such. The priests of the Mahishyas do still possess Brohmotter Lands granted to their ancestors by the Raj families of Natore, Nadia, as well as by the Brahmin Rajas of Mahisadal as marks of favour shown only to good Brahmins for religious service done to them. The priests of the Mahishyas are not inferior in any way to those Srotريا Brahmins who are acting as priests to many Sudras. It was thus solicited therein to exclude priests of Mahishyas from the category of Barnbipras (degraded Brahmins).

The letter written by L.S.S. O'Malley, Superintendent of Census Operations, Bengal, bearing No. 3121 C dated 3rd January, 1911, to the Secretary, Central Mahishya Samity in response to their letter dated 31 December, 1910, quoted above, reveals that the District Census Officers were informed that there was no objection of Chasi-Kaibarttas entering themselves as Mahishyas on the occasion of census. It was also informed that the Brahmins of all classes including those who officiate as priests to the Mahishyas, will be entered in the Census Schedules simply as Brahmins.

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An extract of para 3 from the Sub-Divisional Magistrate's letter No. 854, dated 15th August, 1910 which is also enclosed with the request is reproduced as follows:-

"3. Kaibarttas have been rightly divided into two parts, one Chasi and the other Jelia. The Chasi Kaibarttas who are known as Mahishyas are superior to the Jelia Kaibarttas. Water touched by the Jelia Kaibarttas is not used by the Brahmins, whereas the same touched by the Chasi Kaibarttas is used by the Brahmins. As such, the Brahmins of the Mahishya caste are superior to those of the Brahmins of the Jelia Kaibarta and as such the classification of both as Barna Bipras of the Kaibartta caste without distinction is objectionable. The Brahmins of the Mahishya caste claim a much higher status and they may be shown separately from the Barna Bipras. Where Brahmins of the Mahishya caste are found they may be noted as such."

25. As per the Census of India 1931 – Bengal And Sikkim (A E Porter, Part II, P. 477) Mahishyas are the most numerous caste in Bengal. They number 2,381,266 and have increased by 7.7% from 2,210,684 in 1921. They are most numerous in Midnapur (883,367) and the 24-Parganas (329,480) but they are found in every district except the Chittgong Hill Tracts and although their numbers have probably been swelled by the inclusion in some parts of Jalia Kaibarttas or possibly Patnis and other fishing castes claiming to have taken to agriculture and to be entitled to the use of this name, there is no reason to believe that the caste has not substantially increased during the last decade.....The claim which appeared for the first time at the present census in the case of the Mahishyas was to be recorded as Kshatriyas or Mahishya Kshatriyas. It is unnecessary to recapitulate the history of this caste which is of the same origin and derivation as the Jalia Kaibarttas and was known as the Chasi Kaibarttas on first differentiating itself from them. It is sufficient to state that they have succeeded in establishing themselves as a different caste from the Jalia Kaibarttas and that they have secured the official recognition by Government of the caste name by which they appear in

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the present reports. In 1921 Mr Thompson included them amongst the depressed classes but they have strenuously protested against that inclusion not only to the Indian Statutory commission but also subsequently. Their claim to Kshatriya status rests upon the traditional derivation of their caste said to exist in sacred writings in which they are represented as the offspring of a Kshatriya father and a Vaishya mother. In 1901 and so far as I know until the present census they have claimed to be Vaishyas and this is the status which their priests the Gaudadya Brahmans also claim for them. The actual derivation of their original name Kaibartta is now represented as being different from the derivation of the same term applied to the Jalia Kaibarttas. In the case of the Jalia Kaibarttas it is alleged that it derives from the roots *ka* water and *vrit* exist (*ka+vrutti+ach*) whereas it is contended for the Mahishyas that the derivation of the same word is from an original word *kim* cultivation and *vrit* exist (*kin+vrutti+an*). The derivation seems to be clearly one which will not be favoured if a claim to Kshatriya status is persisted in. The movement is young and professes to find an identification of the Mahishyas with the *Mahesris* of Maharashtra and *Maheswaris* of Rajputana. It is not an agitation which has received the considered opinion of the caste association although considerable numbers of printed applications were received from districts all emanating from the same press and evidently distributed to branches of the same organisation. In Noakhali district the claim of a branch of the Mahishya community which had been originally put forward in 1901 again came forward. A number of Mahishyas in this district claim to be recorded as Deva Das. They mainly relied upon the fact that they had succeeded in registering documents under the title and the contentions that there was no inter-marriage or commensality with the other Mahishyas of the locality and that they enjoyed the services of *srotriya* Napits on ceremonial occasions. These contentions were supported by a book entitled *Deva Das Kulachar* which, however, was not published until 1931 and which provides for this community a derivation similar to that alleged in the Shastras for the Brahmans and other varnas. It is contended that just these groups came from different limbs of the Creator so the Deva Das came from his extreme eye-brow. The claim to be recorded as Deva Das was examined by the local officers and it was

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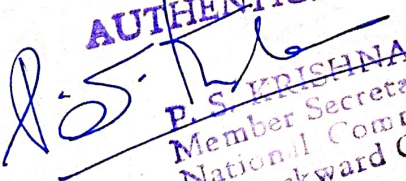
found that the evidence from registration of documents was inconclusive as the persons were indiscriminately described as Deva Das or Halia Das and similar other terms used by the Mahishyas whilst instances were found still to exist in which members of this community were married to Mahishyas.

26. Dr. M.K. Dutt in his book "Origin and Growth of Caste in India" (Firma K.L.M. Private Ltd., Calcutta-1986, pp. 295-302) has stated that the Kaibartas seek to identify themselves with the Mahishyas on the ground that as according to writers like Gautama(IV) and Yojna Valkya (I,92) the union of a Kshatriya male and a Vaishya female produces the Mahishya, while according to authorities like Brahmavaivarta Purana the same union produces the Kaibarta, the two castes therefore are identical.....

He has further stated that as a Rajput is said to be produced from the union of a Kshatriya father and Vaisya mother (Brihaddharma Purana, Uttara XIV, 34) can he therefore be identified with the Mahishya of Yojna Valkya Samhita and the Kaibarta of Brahmavaivarta Purana - traditional professions of the Mahishyas is singing, dancing, star reading and protection of crops (Kulluka on Manu, X, 6) do not tally with those claimed by the Chasi Kaivarta in Bengal.

He has further stated that as against the above mentioned claim of Chasi Kaibartas there are certain facts which require consideration. If the Chasi Kaivartas had been Mahishyas in origin how did they come to acquire the name of Kaivarta in Bengal, a name which they do not deny, while a similar phenomena is not evident in any other part of India.

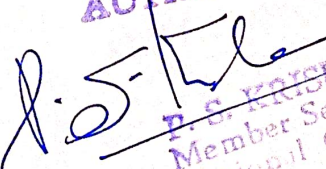
27. Jyotirmoyee Sharma in his book "Caste Dynamics Among the Bengali Hindus" (Firma KLM Private Limited, Calcutta, First Edition, 1980, pp. 118-120) writes about "Mahishya" that "Although the attainment of high varna status may not always be absolute, the struggle for precedence among the sub castes of the Kaibartta caste illustrates well the change of status that has been acquired by some castes. At the Census of India, 1911, there were reported two sub-castes among the Kaibarttas. These were the Chasi Kaibarttas whose occupation was cultivation, and

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jale or Jalia Kaibarttas whose occupation was fishing and plying boats for hire. Among the Chasi Kaibarttas, the more advanced and better educated ones claimed superior status and returned themselves as Mahishya. By 1921, the Jalia Kaibartta and the Chasi Kaibartta had become two entirely different castes. The latter returned itself totally as Mahishya. It claimed a different origin from the Jalia Kaibartta and its members had acquired a somewhat better social position than the Jalia Kaibarttas. At the same time, it is recorded in the Census of India, 1921 that claims to the title of Mahishya had also been made by the people known as Jalia Kaibarta, Tiyaar and Patni. But their claims were ignored by the census authorities. In 1931, the Chasi Kaibarttas, transformed into the Mahishyas, formed the largest caste in undivided Bengal.

Their claim to Kshatriya status rests upon the traditional derivation of their caste said to exist in secret writings in which they are represented as the offspring of a Kshatriya father and Vaisya mother. In 1901 and so far as I know until the present census they have claimed to be Vaisyas and this is the status which their priests the Gaudadya Brahmans also claim for them.....

Regardless of the disputed varna status of the Mahishyas, the distinct entity of the Mahishya caste has been established. In the towns and cities more and more they fill the ranks of the leading citizens. It is to be noted that the term Kaibartta as a caste name is becoming obliterated. In the Hooghly village observed by the writer there were no Kaibarttas, but a large number of Mahishyas were present there. Among the four villages in Burdwan district,, three Kaibartta families were found in one village only. These people there were ranked in "low" level of caste hierarchy..... It is of interest also that whereas the Mahishya caste was placed in the third position of the village caste hierarchy....., the single Kaibartta family was placed in the eighth and the last position. The latter was thought to be of the same level as the Dhoba caste, and these two were the unclean castes in this village. One rarely comes across a Kaibartta or a Jalia Kaibartta in the urban areas.

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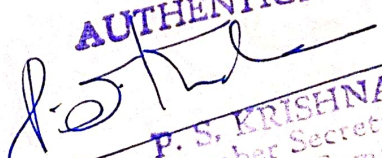
It would not be at all surprising if some members of the latter groups pass themselves as Mahishyas in suitable circumstances."

28. K.S. Singh in his book "People of India (National Series, Anthropological Survey of India, Oxford University Press, Delhi, 1998, Vol. V, pp. 2095-2096) has stated that Mahishya community also known as Kaibarta and widely distributed in several districts of West Bengal and Bihar, they derive their name from Sanskrit words, "Mahi" meaning earth or soil and "Shya" meaning for the interest. The Amarkosh identifies the caste people as those who are born of a Kshatriya father and a Vaishya mother or vice-versa, a view corroborated by Yojnavalkya, Parashuram Garud Purana and Vyas Shukta.

Risley (1891) remarks that they had five princedoms in the Midnapore district of West Bengal which shows that they enjoy a commanding position. On the other hand, Majumdar (1971) states that the revolt of Northern Bengal during the reign of Ramapala and the Ruel of Dibya and his two successors indicate the importance of the Mahishya caste to which they belonged.

The Mahishyas have a number of gotras named after rishis such as Sandilya, Parasara, Kashyap and Bilas. The Brahman priest performs the birth ritual and marriage rituals

It is further stated that Mahishyas own land and are engaged in agriculture. The landless among them earn a living by working as agricultural labour and daily-wage labours. Some of them serve as soldiers and many pursue white collar jobs. The caste council in the village maintains social norms within the community. The Mahishya are Hindu and Brahman priests, acharyas or astrologers are their sacred specialists on some occasions. Vaishnavism has influenced many aspects of their lives. Traditionally they do not accept water from the lower castes and the Brahman accept sidha or pucca food from the Mahishya. Their ritual or ceremonial kinship ties cut across caste boundaries and reinforce social relation. There were some

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ethnic movements in the community after the publication of a report on them in the Census Report 1891. The All India Mahishya Samity, located in Calcutta has contacts with the leaders of the movement. The Mahishya have a high rate of literacy and avail themselves of modern amenities.

29. Report of the State Backward Classes Commission recommending inclusion of Hele/Halia/Chasi Kaibartta classes in the list of Backward Classes reveals that one of the affluent educated sections of the Chasi-Kaibartta class who are mostly land holders launched a movement for removing the stigma attached to the Kaibartta class and wanted the name Mahishya.

It is mentioned in the report that several representations have been received by the Commission for inclusion of the Hele/Halia/Chasi-Kaibartta (Mahishya) class of people in the list of Backward Classes in the State of West Bengal. Representations have been made by various organisations of the class as well as by many others by filing mass petitions as well as individual petitions objecting to and opposing the request for inclusion of the Mahishya class in the list of Backward Classes in the State. It has been stated that Hele/Halia/Chasi-Kaibartta had originally formed the class and still forms a class. This class has been stated to form the basic foundation and to be at the root of the Mahishya class which appears to have been brought into existence as a result of agitation for reforms in this class and the Mahishya class also has claimed to be recognised in this class.

It may be mentioned that the objections which have been raised are directed against the inclusion of 'Mahishya' class as such in the list of Backward Classes in the State; and not against the inclusion of the Hele/Halia/Chasi-Kaibartta class in the list of Backward Classes of the State of West Bengal. The Commission while rejecting the inclusion of Mahishya alongwith other reasons relied on the following:-

These leaders of the movement who had successfully carried on the agitation for recognition of the Mahishya class in the Census Report and formed

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organisations for social and educational reforms always called themselves as members of the Mahishya class and they had contended that the Mahishyas had always been a socially advanced class, well-educated and well-placed in life, and many of the Mahishyas had also been the great leaders of the struggle for Indian Independence and championed the cause of Indian Independence; and also for the upliftment and well-being of the Mahishya class. The Bangiya Mahishya Samiti which came to be set up in the year 1901 for fighting and championing the cause of the Mahishyas has now a building of its own and it also publishes the monthly journal called 'Mahishya Samaj' which is the monthly organ of the Bangiya Mahishya Samity.

When years ago an attempt was made to declare the Mahishya class, as a depressed class, the Mahishyas considered this attempt to be an affront and insult to the dignity and status of the Mahishya class and launched a movement under the leadership of Deshapran Birendera Nath Sasmal and successfully frustrated the attempt to declare the Mahishya class as a depressed class.

Many decades have passed since then and due to efforts made by various Mahishya organisations including Bangiya Mahishya Samity, the Mahishya class as such continued to flourish and Mahishya class came to be reckoned as a dominating class in society. Various educational institutions were established by members of the Mahishya class in localities where members of the Mahishya class predominated. The leaders of the Mahishya class were well educated, enlightened and well-placed in society. Patriotic fervour, it appears, amongst the Mahishya class was very strong and members of the Mahishya class played a very important role in the struggle for freedom of India and also in the social life of Bengal.

Mahishya class, as such appears to have produced a fairly large number of Lawyers, Doctors, Engineers, Educationists and persons of importance in public life and many of them had held high and important positions in various fields. This

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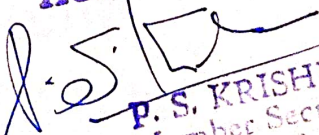
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Mahishya class, as such, has also representations in services and political organisations.

With the introduction of land reforms, many members of the Mahishya class mainly dependent on land might have to an extent suffered economically. This economic deprivation of very many persons who happened to depend mainly on land were owners of vast lands in the larger interests of the poor and downtrodden, it may be noted, not only affected members of the Mahishya class but also members of all other classes who were landlords and owned vast quantities of land.

The Bangiya Mahishya Samity which appears to have sponsored the inclusion of the Mahishya class in the list of backward classes and has led evidence for that purpose, has significantly enough since its inception, been fighting for the recognition of the rightful place of this class in the society as a class, enlightened, affluent, advanced socially, educationally and politically with a glorious heritage. This sudden change in its attitude and stand appears to have come about in the hope and expectation that the Mahishya class, if included in the list of Backward Classes, may receive the benefits sought to be conferred on the backward classes and many prove beneficial to this class.

Though the Mahishya class came to be recognized as such after prolonged agitation and hard struggle in place of the Chasi-Kaibartta class, yet in spite of the best efforts of the Mahishya organisations and the leaders of Mahishya class, this class did not succeed in bringing within the Mahishya class and entire Chasi-Kaibartta class, and to wipe out Chasi-Kaibartta class which suffered from social stigma and backwardness in various other spheres; and the Mahishys class did not succeed in wiping out the Chasi-Kaibartta class which in spite of recognition of the Mahishya class continued to exist and still maintains its existence. This position is further clearly established by the materials placed before the Commission and by the fact that the Mandal Commission has recognized Chasi-Kaibartta class as such as backward class in the State.

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30. It will be appropriate to note that serious objections have been forcefully raised against inclusion of the Mahishya class in the list of Backward Classes have alleged that they were physically prevented from attending the hearing at the Commission's office by person who had appeared before the Commission to support the inclusion of the Mahishya class in the list of Backward Classes in the State.

In view of the serious objections raised by a section of the Mahishya class against the inclusion of the Mahishya class in the list of Backward Classes in the State, the Commission decided to call for a report from the Indian Statistical Institute, Calcutta, regarding the social and educational status of this class. Some of the major findings of Indian Statistical Institute's Report are as follows:-

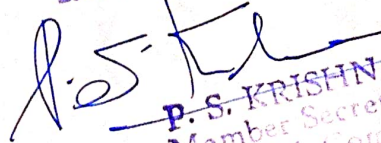
1. The Mahishya community had about 76.77% of households and persons dependent on manual labour (adopted the definition of 'manual labour' followed by the National Sample Survey in its 50th Round Enquiry on Employment and Unemployment). If any household was reported to be dependent on manual or non-manual work, all the members of that household were taken as dependent on manual (or non-manual) work.

Educational Status

2. In the age group of 5-15 years, 49.7% males and 48.3% females never attended the school. In the same age group among those who attended the school the drop-out rate is 1.8% males and 3.1% females.

3. 10.8% males and 4.8% females amongst Mahishya caste are educated to the level of Matriculate and above level of education. Whereas as per Census 1991 in West Bengal 11.6% males and 3.0% females educated upto matric and above. This shows that in the overall view of West Bengal Mahishyas are educationally forward group.

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Economic status

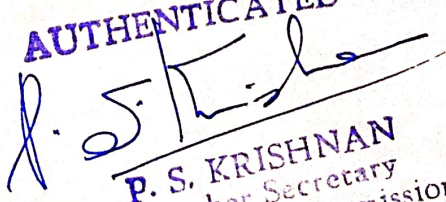
4. 14.4% of Mahishyas in all over Bengal live in Kachha houses whereas 61.2% live in semi pucca houses and 24.4% live in pucca houses.

A majority 53.3% of people of Mahishya community own land upto 1 acre and 6.0% own 3 acre and above. Average land owned by each household of Mahishya is 0.8 acre. Only 21.4% Mahishya are landless and 78.6% were land owners.

Landownership and type of house are the important aspects to judge the economic status in rural areas. The fact that 78.6% of the Mahishya population is landowner and 61.2% Mahishya all over Bengal are living in semi pucca houses is quite significant.

5. Perception regarding relative social standing:-

- i) Mahishyas regarded Baishnab Adhikaris as their equal and the other three castes (i.e. Tilli, Sadgope and Baishya Saha) as of lower status compared to themselves. In this regard it is stated that Baishnab Adhikari is a forward caste in West Bengal and Tilli, Sadgope and Baishya Saha are also not included in the list of backward classes in West Bengal.
- ii) Analysis of data on social status reveals that in case of Mahishya, high caste (i.e. Brahmin, Baidya, Kayastha) ranked them as lower in overwhelming percentage (93.1%). The middle group of caste (i.e. Aguri, Barujibi, Karmakar, Kumbhakar, Kshatriya, Modak, Napit, Tanit, Yadav) however were more or less equally divided in assessing in upper (34.7%), equal

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(33.5%) and lower (31.8%) status to the Mahishyas. All these group of castes are in the list of Backward Classes except Kshatriya.

Considering Indian Statistical Report and representations received from Mahishya community people State Backward Classes Commission while recommending inclusion of Hele/halia/Chasi-kaibartta classes in the list of Backward Classes reveals that one of the affluent educated sections of the Chasi-Kaibartta class who are mostly land holders launched a movement for removing the stigma attached to the Kaibartta class and wanted the name 'Mahishya'.

It is further stated in the Report that a good section of the Chasi-Kaibartta class who are mostly landless still continue to consider themselves as belonging to the Chasi-Kaibartta class and regarded the class as such not withstanding the recognition of the 'Mahishya' class.

31. K.S. Singh in his book "People of India – Communities, Segments, Synonyms, Surnames and Titles" (National Series Vol. VIII, Anthropological Survey of India, Oxford University Press, Delhi, 1996, pp. 638) shows the distribution of "Mahishya" as follows:-

- i) The Census Report 1931 shows the earlier distribution of Mahishyas in Calcutta and the present distribution in Bankura, Burdwan, Calcutta, Hooghli, Howrah, Midnapur, Murshidabad, 24-Parganas, West Dinajpur and Nadia districts of West Bengal besides Singbhum district of Bihar.
- ii) According to Census Report 1931, earlier distribution of "Mahishya (Chasi, Kaibartta, Das Kaibartta) was in Mayurbhanj State.
- iii) According to Census Report 1931, earlier distribution of 'Mahishya (Chasi-Kaibartta, Mahishya Kshatriya) – a sub group of "Mahishya (Chasi)" was in Bengal.

32. Shri Jayanta Mandal made a Request for inclusion of "Das Kaibarta" as a synonym of "Chasi Kaibarta" in the Central List of Backward Classes for West

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Bengal, which has already been included in the State List of Backward Classes. In his Request he submitted that their caste is Kaibartta (Das) and engaged in the occupation of Chas (cultivation of land) and "Das Kaibartas" "Kaibarttas" should be synonymous. In this connection, he has mentioned historical phenomena diagrammatically regarding the change of the name of Chasi-Kaibarttas and Das Kaibarttas or simply Kaibarttas to Mahishyas in 1931 Census. He has referred to the **Census Report 1911** (para 1007, page 511) which is reproduced as follows:-

"The Kaibartas are one of the great racial castes of Bengal and should be over two and half millions. They have been classified in the returns under three heads, viz. The Chasi Kaibarta (Mahishya), the Jelia Kaibartas and the unspecified Kaibartas i.e. the Kaibartas who returned themselves simply as Kaibarttas without stating whether they are "Chasi" or "Jaliyas""

He further quoted the **Census Report, 1931** stating that henceforth the "Chasi-Kaibarttas" had been recorded and known as "Mahishyas". Now there were two classes of Kaibarttas i.e. Mahishya and Jaliya or Adi Kaibarttas. At the same time the "Das Kaibarttas" and the "Kaibarttas" (not the Jaliya/Jeliya Kaibarttas) had been recorded and known as "Mahishya" which is evident from their Land Deeds. In this context, he cited the reference of his grandparent, Mr. Narasinha Das (later title changed to Mondal) was recorded as "Das Kaibarta" in 1920 and later recorded as "Mahishya" in the Land Deed made after the year 1931."

33. Shri Bishnupada Das who also made the Request for inclusion of "Chasi Kaibartta" in the Central List of Backward Classes for West Bengal, submitted the facts which are contrary to that of the facts in respect of "Mahishya". He has stated that Mahishyas in no way are the synonyms of Chasi Kaibartas. Because, according to Manu Sanhita the union of Nishada (Sudra Varna) male and Ayogaba (Sudra) female produced Kaibarta and they are found in Eastern Region of the country but the Mahishya is the product of a Khatriya male and Vaishya female and obviously this caste is Khatriya and therefore only Chasi Kaibarta who are from Sudra Varna

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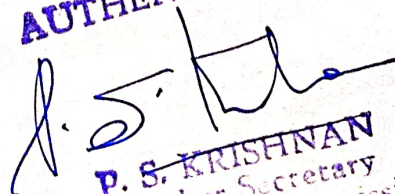
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deserves to be included in the OBC list. The derivative meaning of Mahisya is rearing the buffalo which do not identify with Chasi Kaibarta. Hence, Mahisya and Kaibartas (Chasi, Jelia) are two separate caste and are not synonyms to each other.

34. Shri Uttam Kumar Mondal, General Secretary, Bangiya Chasi Kaibarta Samity who was also present at the Public Hearing submitted a representation which states that in 1901 Census, Kaibartas were divided into two groups according to their profession i.e. (i) Chasi Kaibarta who cultivate land, and (ii) Jelia Kaibarta who were fishermen. The synonyms of Chasi Kaibartas are found in different regions of West Bengal such as Hele/Halia Kaibarta, Kaibarta Das, Das Kaibarta, Kewat, Halia, Das, Parasar Das and their traditional occupation is cultivation. He has further stated that from 1911 census some zamindars and peasants of Chasi Kaibartas who lived in Calcutta put representations before census authorities to change the name of Chasi Kaibarta as Mahishya because they were of the opinion that the name Chasi Kaibarta signifies a degrading occupation. In 1921 census Chasi Kaibarta was listed among the 39 depressed classes of Bengal but in 1931 census the Britishers changed the name Chasi Kaibarta to Mahisya in order to please the elite class of the caste for some political advantage. The change of name made confusion and did not pervade all over the bengal. There remained a portion of the caste who continue to be identified as Chasi Kaibarta. Chasi Kaibartas and Mahishyas are totally different from one another. The traditional profession of Mahishyas is different from that of Chasi Kaibartas. It is also stated therein that Manu Samhita, Goutam Dharma Sutra and other ancient writings mentioned the source of Mahishyas from the union of Khatriya father and Vaishya mother and therefore belong to Khatriya Varna (forward class) whereas the Kaibartas are from Nishada male and Ayogaba female (both tribes) and belong to Sudra Varna (backward class).

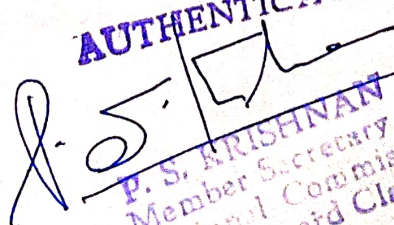
35. "Mahishya Das, Mahishya" has been included in the Central List of Backward Classes for Assam.

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IV. FINDINGS

36. Herein we are concerned with the request for inclusion of Hele/Halia/Chasi-Kaibaratta, Das Kaibaratta and Mahishya. There are two separate representations seeking inclusion independently of one another, one for the inclusion of Hele/Halia/Chasi-Kaibartta and Das Kaibartta, and other for the inclusion of Mahishya in the Central list of Backward Classes for West Bengal. The memorialists who have supported the case of Hele/Halia/Chasi-Kaibartta, Das Kaibartta are Shri Bishnupada Das, Headmaster of Kalasima Swami Vivekananda Vidyapith High school, Chandpara Bazar, 24 Parganas North, West Bengal and others. The memorialists, in support of inclusion of Mahishyas, are again Shri Bishnupada Das, Shri Nityasaran Choudhury, secretary, Bangiya Mahishya Samiti, Calcutta, Shri Kailash Pati Mandal of Sabdarnagar Village, Murshidahad district, West Bengal and Shri Phani Roy, Vice-President of All India Mahishya Mahasava, Calcutta. The common stand in all the memorandums, which are more than one in number, is that the Kaibartta community, i.e., Chasi and Das, are agriculturists but not the land owning gentry in the State of West Bengal. The Mahishyas are also said to be sharing the occupational category of the Das/Hele/Halia/Chasi Kaibartta besides being very much a part and parcel of the former. But there is one difference to be noticed is that in the district of Midnapur and other places Mahishyas were in large numbers as landowning cultivators and were inferior Zamindars of three parts of the District before abolition of Zamindari. The memorialist points out that with the advent of Land Reforms, those who were landlords had been reduced to the category of small peasants. It is also said that many of the Mahishyas had migrated to metropolitan cities like Calcutta where they are said to be involved in providing domestic services to the city householders. The claim by both set of memorialists is that they are not only very poor but educationally backward as well and hence consider themselves to be socially backward to merit inclusion in the list of Backward Classes for West Bengal. It is pointed out that Kaibarttas and Mahishyas in Assam have already secured inclusion in the Backward Classes list at Entry No:

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37. The foregoing is in fact the additional point made to buttress the claim for the backward tag.

This Commission has been involved in sorting out this issue of identifying the status of Kaibarttas and Mahishyas right from the time the Commission became functional under the NCBC ACT of 1993. One Bench of Members in the erstwhile Commission of whom Hon'ble Shri P.S. Krishnan, the Member-Secretary, is a common factor, had heard this case early in the year 1995. But the hearing remained inconclusive for want of data from the State Government/State Commission which had already commissioned a survey by the ISI. The present team of the Commission formed in February 1997, went into this issue again. Then a two Member bench of the Commission consisting of Hon'ble Shri U.P. Singh and Hon'ble Shri Sahu Akshaya Bhai, found the matter to be so highly contentious desired that the entire Commission should sit and hear the matter. Accordingly a Full Bench i.e., Four-Member Bench including the Chairman (5th one was not in place following the vacancy caused by the sudden demise of Hon'ble Member, Shri Navtej Puadhi) heard the matter at a sitting in Calcutta on 05.05.99. A number of representatives of both the communities were heard. However, Shri Bishnupada Das, who had made a brace of representations through two separate Memorandums in support of both the communities failed to appear. One Mr. Samant, a former IPS officer appeared and supported the case of Mahishyas for inclusion in the backward class list besides a host of others while not exactly opposing the inclusion of Mahishya attempted to steer in the claim of Chasi-Kaibarttas, Das Kaibarttas. At the Hearing the bench was assisted by the State Government through the officials of Backward Classes Welfare Dept. of West Bengal along with Dr. M.K. Chaudhari, Director and others. We were also told at that time that the State backward class Commission had got done a survey of the socio economic status of the community and had also recorded evidence both oral and documentary and on a consideration of the same had advised the Government of West Bengal to reject the claim of Mahishyas while upholding the claim the Chasi-Kaibartta for recognition as a socially backward class meriting inclusion in the State List of Backward Classes of

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West Bengal. The recommendation of the State Commission as aforesaid had subsequently fructified into a notification in that behalf having been issued vide No.1054-BCW/EC/MR-302/97 dated 6th November, 1997. As mentioned earlier, in the same advice, the claim of Mahishya was ordered to be rejected. The State Commission had significantly proceeded to record its view on the two communities on the basis of a report made after a survey by the Indian Statistical Institute (ISI), Calcutta. After some persuasion the State Commission furnished a copy of that report and the State Government after some hesitation also furnished a copy of the recommendation of the State Backward Classes Commission, West Bengal vis-à-vis the two castes now under consideration. Right to information is equated to a fundamental right under the constitution particularly statutory bodies like Commissions that function under public gaze ought not to hesitate in making available information that could be of some use to one another. It has become necessary to make this observation as the State Government initially dallied over the request for a copy of the advice in the matter and thereafter the state backward classes Commission furnished a copy of the ISI survey report regarding the status of the communities only after its distinguished Chairman Justice A.N. Sen, a former judge of the Supreme Court, directed its transmission to this Commission for its reference and perusal. Indeed a lot of Ethnographic literature based on the study of both these communities by reputed ethnographers like Risley, Enthoven etc. is available. It is not however necessary to make extensive reference to those ethnographers but suffice it to note that Chasi-Kaibartta, Das Kaibartta, Hele/Halia Kaibartta were a peasant community who abounded mainly in the district of Midnapur, Hooghly and Howrah in the State of West Bengal. Some of them did own lands, many did not. But everybody worked on lands as owners/tenants and produced food. There was another community of similar name called Jalia Kaibartta whose caste-based profession is fishing. They eked out a living from water and not from the land. During the British rule the Jalia Kaibartta who were found to be 'untouchables' were placed amongst the depressed class now comprised within the Scheduled Caste category. Apparently this classification was made by the British Rulers with a view to ensure that 'untouchable' castes including Jalia

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Kaibartta benefited more from governmental dispensation especially education. At this juncture the Chasi or peasant Kaibarttas entertained an apprehension they were also liable to be transfixed as a depressed caste alongwith the Jalia Kaibarttas with attendant disabilities. In order to avoid such identification with Jalia Kaibarttas they started a social movement in 1911 for giving themselves the name "Mahishyas" which ended in listing Mahishyas in Census Report of 1931 to the exclusion of Kaibarttas as a culmination of the process which started in 1911 and advanced in 1921 and 1931. Jyotirmoyee Sharma in his book "Caste Dynamics Among the Bengali Hindus" states:

"Although the attainment of a high varna status may not always be absolute, the struggle for precedence among the sub-castes of the Kaibartta caste illustrates well the change of status that has been acquired by some castes. At the Census of India, 1911, there were reported two sub-castes among the Kaibarttas. These were the Chasi Kaibarttas whose occupation was cultivation, and Jele or Jalia Kaibarttas whose occupation was fishing and plying boats for hire. Among the Chasi Kaibarttas, the more advanced and better educated ones claimed superior status and returned themselves as Mahishya. By 1921, the Jalia Kaibartta and the Chasi Kaibartta had become two entirely different castes. The latter returned itself totally as Mahishya. It claimed a different origin from the Jalia Kaibartta and its members had acquired a somewhat better social position than the Jalia Kaibarttas. At the same time, it is recorded in the Census of India, 1921 that claims to the title of Mahishya had also been made by the people known as Jalia Kaibartta, Tiya, and Patni. But their claims were ignored by the census authorities. In 1931, the Chasi Kaibarttas, transformed into the Mahishyas, formed the largest caste in undivided Bengal.

In the Census of India, 1931, the Mahishyas claimed for the first time to be recorded as Kshatriyas or Mahishya Kshatriyas. By this time they had severed all connections with the Jalia Kaibarttas, and had secured official recognition by the Government of the new caste name."

He further opines that:

"Regardless of the disputed varna status of the Mahishyas, the distinct entity of the Mahishya caste has been established. In the towns and cities more and more they fill the ranks of the leading citizens. It is to be noted that the term Kaibartta as a caste name is becoming obliterated. In the Hooghly village observed by the writer there were no Kaibarttas, but a large number of Mahishyas were present there. Among the four villages in Burdwan district on which comments are made in the later pages, three Kaibartta families were found in one village only. These people there were ranked in 'low' level of caste hierarchy. In

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the village of Chandrabhag in the Howrah district of West Bengal, as reported in the Village Survey Monograph of the Census of India 1961, there were ninety-three Mahishya families as against only one Kaibartta family. It is of interest also that whereas the Mahishya caste was placed in the third position of the village caste hierarchy. In this monograph, the single Kaibartta family was placed in the eighth and the last position. The latter was though to be of the same level as the Dhoba caste, and these two were the unclean castes in this village. One rarely comes across a Kaibartta or Jalia Kaibartta in the urban areas. It would not be at all surprising if some members of the latter groups pass themselves as Mahishyas in suitable circumstances."

38. Regardless of the fact as stated by Jyotirmoyee Sharma that Kairbarttas as a caste name is becoming obliterated and of the fact that in the Census of 1931 Chasi Kaibarttas were replaced by Mahishyas, we have still on the ground, as of now, two distinct castes i.e., Mahishyas and Hele/Halia, Das, Chasi Kaibarttas. This is also confirmed by the findings of the Bench consisting of Shri Akshaya Bhai Sahu and Shri U.P. Singh. The available ethnographic literature and other published material establish that though the roots of Hele/Halia, Das, Chasi Kaibarttas and Mahishyas are common but Mahishyas included and constituted the enlightened Chasi Kaibarttas more conscious of their glorious past and higher social status and migrated in substantial numbers to the Presidential town of Calcutta and other urban areas. With the passage of time Mahishyas became urbanised and are present in significant numbers in the Presidential town of Calcutta and other urban areas though many are still in rural areas, whereas Chasi Kaikartts are significantly present only in rural areas. They have, therefore, adopted a different lifestyle. In the urban areas Mahishyas engaged themselves in several vocations other than agriculture to which they originally adhered to, but Chasi/Hela/Hali-Kaibarttas continued to be cultivating community of the rural areas. Though some of the women and children of the Mahishya community are working as domestic servants, the Mahishyas as a whole, in the urban surroundings and in the favourable atmosphere Bengal society for their overall development, took to literacy and quest for education in large numbers. In the course of time, they attained significantly higher levels of literacy and education and made inroads into vocations open to educated classes of society by entering into government employment, self-

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employment professions like doctors, engineers, lawyers etc.: They, though part of the same social group as Hele/Halia/Chasi kaibarttas in origin, thus moved upward and established themselves as a distinct social group. The Mahishyas have also significantly participated and contributed in the freedom struggle which supported the fact that they were educationally and politically a very conscious social group and such a social group cannot be in the lower ladder of the social hierarchy.

39. The statement in the ISI report that most of them are landless labour does injustice to them since it flies exfacie against other findings in the report. The Mahishyas on the whole enjoyed the status of moderately high and well placed section of any middle class community in the country. At the hearing a number of representations were handed over to us. However, the State Commission had certainly done a lot of work such as recording of oral evidence, collection of number of documents but in its advice adverted only in general to the material placed before it. In fact it had not weighed the evidence so painstakingly it recorded though a number of witnesses examined to speak to the status and standard of living as citizens. As a matter of fact the whole of the evidence gathered appeared have been tendered by the people of Mahishya community included among whom were two lawyers and a doctor as well. It would have been appropriate for the Commission to have weighed all that evidence and to have drawn finally appropriate inferences therefrom. Unfortunately the State Commission did not resort to such an exercise. They appeared to have principally and totally relied on a monograph entitled "Mahishya Andoloner Itihas" by Shri satya Ranjan Biswas and on Mahishya Samuthaya Itihas" by Shri Ch. Gopal & Gagan Ch. Biswas. The book "Mahishya Andoloner Itihas" gives a detailed account of the social movement of the community distancing themselves from Jalia-Kaibartta and establishing their glorious past. In the view of the authors Shri Gopal Ch. Sarkar and Gagan Ch. Biswas, Mahishyas are not socially backward.. The importance of such an exposition by Members of the Mahishya community cannot be sufficiently highlighted because it is by persons who belong to a community now seeking to enter the list of backward classes for West Bengal but

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the small book does everything except propping up that stance. We have been provided that booklet which has been translated to English. The book is of great probative value on which reliance can undoubtedly be placed. It is adverted to by the State Commission as it is based on a good insight into the community's status culled out after intensive investigation by the authors with regard to all the well known social parameters. We would therefore be justified in accepting the doctrinal views of the authors, on the status of the Mahishya community which in their view is clearly socially forward and not socially backward as contended. But even if for a moment we discard from considering the authority of that booklet on Mahishyas, the Indian Statistical Institute survey report provides very informative inputs touching their social status as follows:-

"In the age group of 5-15 years, 49.7% males and 48.3% females never attended the school. IN the same age group among those who attended the school the drop-out is 1.8% males and 3.1% females.

10.8% males and 4.8% females amongst Mahishya caste are educated to the level of Matriculate and above level of education. Whereas as per Census 1991 in West Bengal 11.6% males and 3.0% females educated upto matric and above. This shows that in the overall view of West Bengal Mahishyas are educationally forward group.

14.4% of Mahishyas in all over Bengal live in Kachha houses whereas 61.2% live in semi pucca houses and 24.4% live in pucca houses. A majority 53.3% of people of Mahishya community own land upto 1 acre and 6.0% own 3 acre and above. Average land owned by each household of Mahishya is 0.8 acre. Only 21.4% Mahishya are landless and 78.6% were land owners.

Landownership and type of house are the important aspects to judge the economic status in rural areas. The fact that 78.6% of the Mahishya population is landowner and 61.2% Mahishya all over Bengal are living in semi pucca houses is quite significant."

40. In the book "People of India (National Series Volume V) – India's communities" authored by K.S. Singh, it is said that:

"In West Bengal, Mahishyas are mainly concentrated in the Midnapore, Howrah and Hooghly districts... The Mahishyas own land and are engaged in agriculture..... Traditionally they do not accept water from the lower castes and the

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Brahman accept sidha or pucca food from the Mahishya....The Mahishya have a high rate of literacy and avail themselves of modern amenities.... Generally, boys and girls study upto the secondary level..."

These statements supra are also supported by ISI survey report to which we have adverted to herein before. To further reinforce our views, we may in this connection refer to some specific portions of the ISI survey report that bring out the perceptive profile of Mahishyas as a forward looking community by other communities some of whom are of equal status as also of lower status. Following is the reproduction of the relevant portions from the ISI report:

" To gain an insight on the overall pattern we compared spatially (i.e across the districts) such rankings of the Mahishyas. Consequently we found 7 castes/communities in Hooghly, 10 in Mdnapore, 8 in Murshidabad, 12 in Nadia and 4 in 24-Parganas ranked Mahishyas as of upper status compared to their own. Interestingly enough, except in Nadia, the ascribers of rank came from both middle, low and scheduled categories.

Similarly, of those castes who assigned equal status to the Mahishyas, 7 came from Howrah, 5 from Hooghly, 10 from Midnapore, 9 from Murshidabad, 12 from Nadia and 6 from 24-Parganas. It is also to be noted specially that among the assignees of equal status of the Mahishyas, we find certain percentages of the Brahmins of Howrah (11%), Murshidabad(6%) and Nadia (3%) (vide Table A4.1) were involved. Further, some kayasthas also assigned equal status to the Mahishyas in Horah (11%), Midnapore (8%), Murshidabad (6%) and Nadia (3%).

On the other hand, number of castes/groups who ascribed lower rank to the Mahishyas were 8 each in Howrah and Midnapore, 7 in Hooghly, 10 in Murshidabad, 14 in Nadia, and 6 in 24-Parganas. And while the scheduled tribes, wherever present, invariably ranked the Mahishyas as of upper status, curiously enough, certain percentages of the scheduled castes assigned lower status to them.

The social perception of this caste as clearly not backward is well supported by some of the findings in the ISI survey report that analyses caste profile of Mahishyas as seen through the eyes of others. A table comparing the percentage of people engaged in manual labour, females married before attaining the age of puberty, children who never attend schools, drop outs, average land ownership per

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acre etc., is compiled in the ISI survey report, which is worth for reproduction as follows:

% of hhs. Dependin g on manual work	% of females married before age 17	% of children never attended schools	% of drop outs	% of Matriculates		% of hhs. With kutch dwellings	Average land owned hhs/per acre
				Males	Females		
77.0	28-29	Mostly less than 10% with a few exceptions	2-3	11.0	5.0	14.0	0.8

The data supra shows majority of girls do not marry before the age of 17 and atleast 90% of the children attended schools which includes 2 to 3% of drop outs. It is not surprising to note from the factual data furnished by the ISI survey report as aforesaid indicating that the community has all the features of a forward looking section of society that cannot in any manner be dubbed as socially backward. A community in which more than 70% of the girls do not marry before reaching the age of puberty, where 90% of the children attend schools with drop outs amounting to just a dribble, add to it the factum of just 14% of the people are found living in kutchha houses, the rest living in pucca houses can never be dubbed as a socially backward community. The findings in the ISI report with regard to their education, dwelling units and land-holding, which are based on extensive survey, negates the submission of Bangiya Mahishya Samiti in the Questionnaire wherein they have stated that 99.5% live in Katcha houses and the literacy rate of Mahishya is 20-25% below the State level.

In addition, we learn that as of now there is no inter-caste marriages between Kaibarttas and Mahishyas. This somewhat tell-tale revelation was brought to our notice by the Members of the West Bengal Bench, Shri U.P. Singh and Shri Sahu Akshaya Bhai. In this connection, they submitted a report stating that their interactions with several people of Chasi Kaibarttas disclosed that no marriages normally took place between Mahishyas and Chasi Kaibarttas (Annexure-I). The

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reason for distancing themselves is not far to seek in that the Mahishyas apparently came to consider themselves as a separate class and had therefore ceased to have any social interaction with the community of Kaibarttas which one time was their common root. Mr. Samanta, the memorialist for the Mahishyas maintains that even now marriages took place between Mahishyas and Kaibarttas as of old indicating that both communities were often interacting socially with one another and are therefore to be treated as part and parcel of the original community of Kaibarttas and in proof sent a memorandum dated 15.12.99 long after the hearing was over. Appended to the memorandum were a list consisting names of Mahishyas and Kaibarttas stated to have intermarried. We cannot give weight to the statement as aforesaid since they seem utmost to indicate a sporadic union between a few individuals of the two castes and cannot be treated as clinching evidence of wide and general prevalence of matrimonial connections between the two communities as a matter of normal practice. While there can be no doubt, the two communities, Mahishyas and Kaibarttas do in fact exist even now and to be noticed from the report of the Mandal Commission as well, therefore, the fact that if Kaibarttas and Hele/Halia are to be treated as backward, why the Mahishyas cannot be, is indeed a weak argument. Coming now to the case of Hele/Halia Chasi-Kaibartta and Das Kaibarttas, they start with the advantage of having received alround support from everyone including State Backward Classes Commission acknowledging them a socially backward class, which advantage is denied to the Mahishyas who find themselves in a split home with a sizable section of their own castemen opposed to being branded as a socially backward class. The Kaibarttas according to facts that have transpired before us have remained mostly in the villages a purely peasant class eking out a precarious living from the lands they tilled subject always of course to the bounties or sparse benefits of nature depending on its vagary, that appears to have indeed affected their social status that has always remained backward.

41. In that view of the matter, we are of the view that the Kaibarttas, Hele/Halia and Chasi, do deserve to be classified as backward. This is also the view of the

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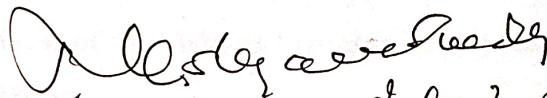

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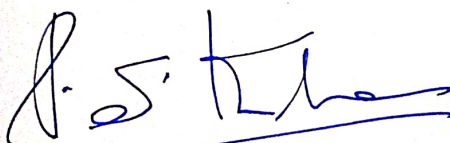
West Bengal State Backward Classes Commission with whom we agree subject to whatever reservations we may have had regarding the texture of its advice. In the result, the commission finds the chasi-Kaibarttas, Hele/Halia Kaibarttas socially and educationally backward. At the same time the Commission finds the Mahishyas are not merely not socially and educationally backward but are indeed socially forward. Our Advice to the Union Government is two folded:

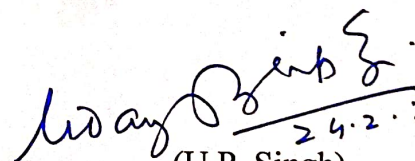
- (i) to include Chasi-Kaibarttas, Das Kaibarttas and Hele/Halia Kaibarttas at entry No. 54 as follows:

"54. Hele/Halia/Chasi-Kaibartta, Das Kaibartta".

- (ii) to reject the claim of Mahishyas for inclusion in the Central List of Backward Classes;


26.2.2000
(Justice P.K. Shyamsundar)


(P.S. Krishnan) 25.2.00


24.2.2000
(U.P. Singh)


24.02.2000
(Sahu Akshaya Bhai)

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