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

DO NCBC Advice No. 6 Chandigarh/98

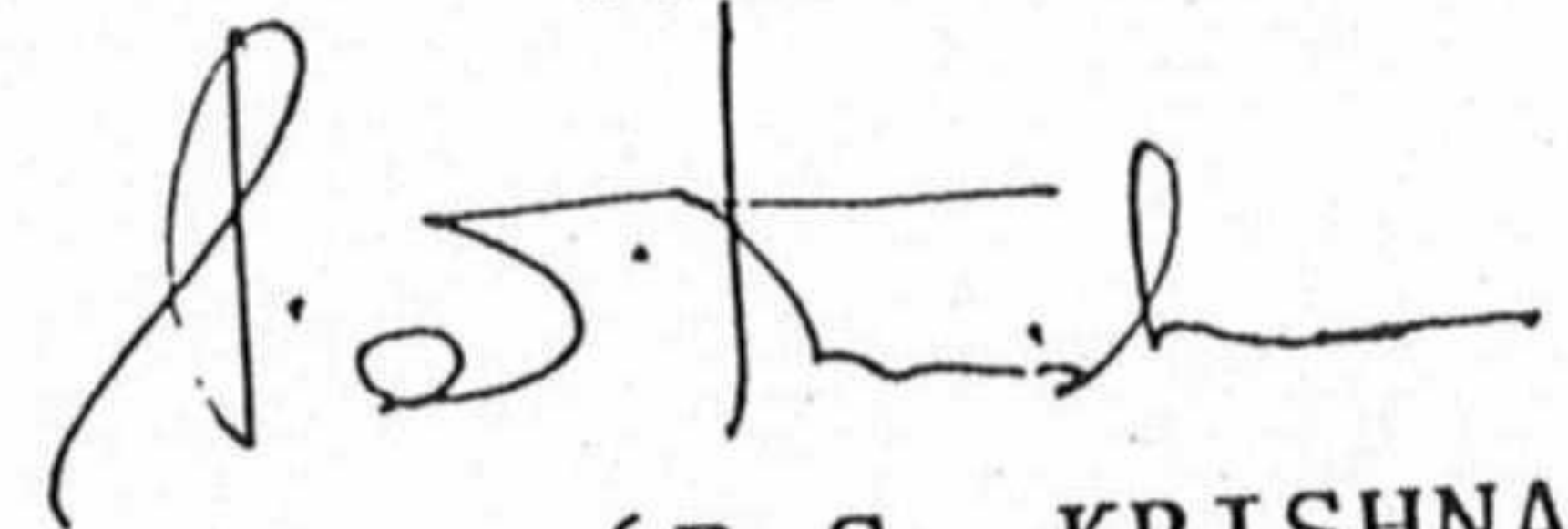
22. 09. 1998

Dear Shri Manavalan,

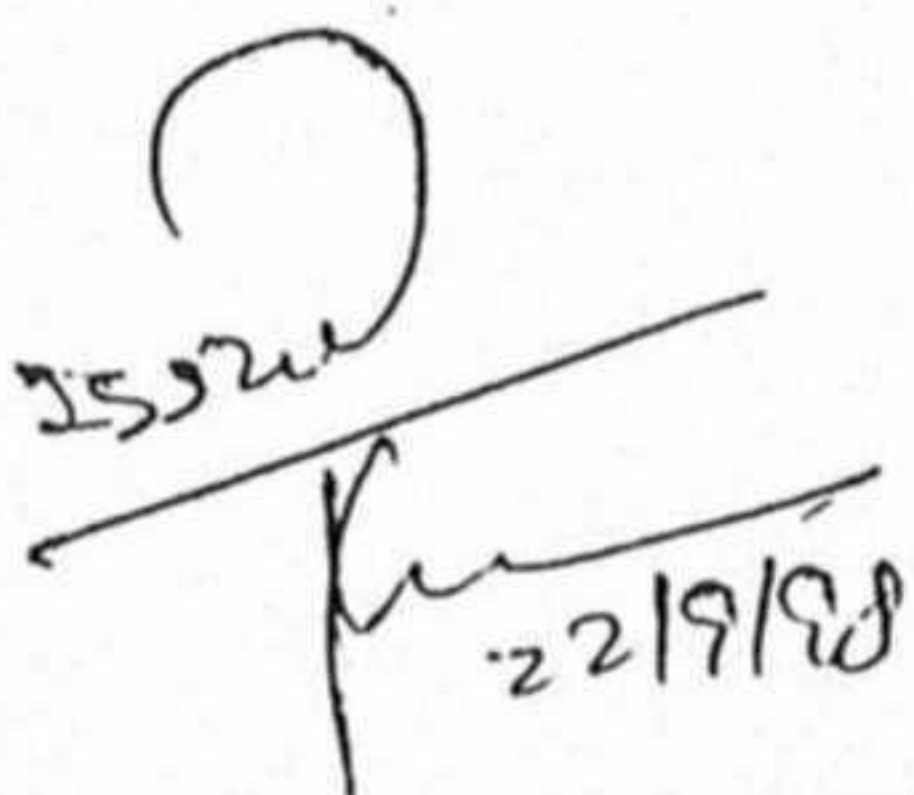
I am sending herewith the Advice of the National Commission for Backward Classes under Section 9(1) of the NCBC Act, 1993 for Inclusion of 'Sunar/Swarnakar' caste/community in the Central List of Backward Classes for the Union Territory of Chandigarh, duly authenticated, for necessary action by the Central Government under Section 9(2) of the Act.

2. With this, Advices on 366 castes, sub-castes, synonyms etc. have been tendered to the Government by the Commission, after its reconstitution in 1997, of which 363 are still pending with the Government for Notification.

Yours sincerely



(P.S. KRISHNAN)


22/9/98

OK

Encl: As stated.

Shri D.K. Manavalan,
Secretary
Ministry of Social Justice & Empowerment
Shastri Bhavan
NEW DELHI

NATIONAL COMMISSION FOR BACKWARD CLASSES

CHANDIGARH BENCH

FINDINGS

Per Shri P.S.Krishnan, Member-Secretary

Case: Request for Inclusion of Mair Rajput, Sunar, Swarnakar in the Central List of Backward Classes for Chandigarh.

I. Request

Shri Pawan Kumar Verma, General-Secretary, Mair Rajput Sabha, Mair Rajput Bhavan No. 5, Sector 24-C, Chandigarh has made a Request to this Commission for Inclusion of 'Mair Rajput, Sunar, Swarnakar' in the Central List of Backward Classes for Chandigarh.

II. Public Hearing

2. A 2-Member Bench of the Commission consisting of Shri P.S.Krishnan, Hon'ble Member-Secretary, NCBC and Shri Navtej Puadhi, Hon'ble Member, NCBC held a Public Hearing in respect of this Request at Chandigarh on 20. 07. 1998. At the Public Hearing, the Chandigarh UT Administration was represented by Shri Prithi Chand, Director, Social Welfare and other officers. The community was represented by Shri Pawan Kumar Verma who has made the Request and S/Shri Harchand Singh Dilber, S. Harbajan Singh, S.Avtar Singh and others. Shri Harchand Singh Dilber, stated to be the President Swarnakar Sabha(Regd.) Patiala has since made a separate Request for the Incusion of 'Swarnakar' community in the Central List of Backward Classes for Chandigarh.

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Member Secretary
National Commission
Backward Classes

III. Facts

3. The Union Territory of Chandigarh 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 Chandigarh as it could do for 14 States, which already had their respective lists of Backward Classes, and therefore the Central Government also could not issue a Central List of Backward Classes for Chandigarh in 1993. The UT Administration of Chandigarh issued its list of Backward Classes vide Notification No.F-III-SW-127/SW/OBC/95/1245 dated 27.6.1995 which consists of 60 entries. Thereafter the Government of India prepared a Central List of Backward Classes for Chandigarh and notified it by Ministry of Welfare Resolution No. 12011/99/94-BCC dated the 11th December, 1997 on the basis of the principle of commonality (ie., by including castes/sub-castes/communities common to both the Mandal Commission's List of BCs for Chandigarh and the Chandigarh Administration's list of BCs). Mair Rajput, Sunar, Swarnakar are not included in the Central List of BCs for Chandigarh because they were not included in both the Mandal Commission's List of BCs for Chandigarh and the Chandigarh Administration's List of Backward Classes and, therefore, did not satisfy the criterion of commonality.

4. The letter of Request of Shri Pawan Kumar Verma states that "Sunar/Swarnakar" was leftover for inclusion in the State List due to the confusion arising from the term "Swarnakar" which is currently being used for all the people who are in the profession/trade concerning gold/silver ornaments irrespective of their caste identities. For this reason, the letter of Request further states, the real class of Sunars/Swarnakars, who had been

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Member

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traditionally associated with this profession but "later on had to give up this profession due to multifarious reasons and entered into other professions/service to earn livelihood and are "still backward, socially, educationally and economically as well", are deprived of the benefits available to Backward Classes. It is also stated in the Request that in ancient times about 90% of the members of the Sunar/Swarnakar community used to earn their livelihood by doing their traditional profession relating to making gold and silver ornaments, but when the prices of gold shot up, most of the real Sunars/Swarnakars had to join petty jobs outside their actual sphere of work and a few had to join as labour for the big/leading Swarnakars who are from other castes, winding up their own business of making gold/silver ornaments. When the Gold Control Act came into existence in 1962 most of the Sunars/Swarnakars were affected and became unemployed. There was no other option for them but to join small petty jobs of Class III or IV and some of them had even preferred to work as labourers. The advanced technologies in making gold/silver ornaments had been adopted by about ten percent of the real "Sunar/Swarnakars", but even they are now working for big Sarafs/Traders on payment basis. It is also stated that Sunar/Swarnakar community has got a number of sub-caste/gotra names such as Soni, Jargar, Shienh, Karwal, Sur, Jaure, Dhunne, Kande etc. etc.

5. "Daula, Soni Barderi/Soni" are included in the Chandigarh Administration's List of Backward Classes at entry no. 60, but these are also not included in the first-phase Central List of BCs for Chandigarh as they are not included in the Mandal List and therefore did not satisfy the criterion of commonality.

6. In the NCBC's Questionnaire filled up and furnished by Shri Pawan Kumar Verma, it is stated that this

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caste/community, is, in terms of the caste system, identified with the traditional craft of Goldsmithy. The main occupations on which the members of the community mainly depend for their livelihood at present is given as "Goldsmith, cycle repair, watch repair, stove repair, turban dyeing, factory labour and petty shop keepers etc." More than 70% of the members are stated to be actually engaged in their traditional occupation of Goldsmithy. Literacy rate of the community is given in the Questionnaire as 50%. 40% of the families of the community are stated to be living in Kachha houses and 55% live in rented pucca houses and only 5% live in pucca houses owned by themselves.

7. The representatives of the community who appeared before the Bench during the Public Hearing stated that 70-80% of the members are engaged in the traditional occupation of manufacturing gold/silver ornaments. In response to specific queries from the Bench, they asserted that only a few of the members of their community own shops for selling gold/silver ornaments and the rest are really makers of ornaments using their own labour. They do not employ persons of other castes/communities in the manufacture of ornaments. They also stated that they use their own children's labour.

8. Denzil Ibbetson (Punjab Castes, Low Price Publications, Delhi, first published 1916 based on the Census of the Panjab carried out in 1881 by Ibbetson himself) refers to 'Mair' as a Rajput tribe. As he writes under the head "The Rajput Tribes of the Salt-range -- The Kahut and Mair", "they most probably belong to the group of Rajput or quasi-Rajput tribes who hold the hills on either bank of the Jahlam,....." Rose (A Glossary of the Tribes and Castes of the Punjab and North-West Frontier Province, Asian Educational Services, New Delhi, 1990, first

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published 1919) under the head "Mair" while referring to the above observation of Ibbetson writes that

"But now they give the following account of themselves:--- Mair, they say, was one of their remote ancestors; they are really Minhas Rajputs (Minhas being a word denoting agricultural pursuits, applied to Rajputs who took to agriculture) and that they are Dogras like the Maharajas of Kashmir."(F.N.-- This is confirmed by the Rajputs of the country round Jammu, who say that an offshoot of the Surajbanshi Rajputs was a clan now called Minhas, who degraded themselves by taking to agriculture and are therefore cut off from the privileges of Rajputs)."

Rose under the head "Sunar, Sunara, Suniar, Suniara, Suniari, Suniar" also refers to "Mair" as one of the two main sub-castes of the Sunars who are "The goldsmith caste". He observes that "The Mair claim to be Mair Rajputs, of Rajputana, who took to working as goldsmiths". He further writes that the Mair sub-caste of Sunars "are confined to the Punjab proper, and are not found settled in Kulu or Dera Ismail Khan".

9. When during the Public Hearing the Bench invited the attention of the representatives of the community to the fact that the name Mair Rajput denotes a Rajput tribe and its inclusion in the list of BCs can give scope for possible misuse of the entry by some members of the Rajput community, the representatives of the caste including Shri Pawan Kumar Verma who has made the original Request said that they do not insist on the inclusion of 'Mair Rajput', but Sunar and Swarnakar need to be included in the List. Shri Pawan Kumar Verma also formally withdrew his Request for Inclusion of Mair Rajput and submitted a fresh letter seeking the Inclusion of only Sunar, Swarnakar in the Central List of BCs for Chandigarh. The representatives

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Ministry of Education
Chandigarh

of the UT Administration stated that Requests for Inclusion of Sunar/Swarnakar community is under the consideration of a "Permanent body" constituted by the UT Administration for the purpose of entertaining such Requests. There was no objection raised during the Public Hearing to the inclusion of Sunar/Swarnakar in the Central List of BCs for Chandigarh from those present who were from different sections of society.

10. The low social standing of Sunar community is attested to by Ibbetson (ibid). Under the head "The Sunar" he writes that "The Sunar, or Zargar as he is often called in the towns, is the gold and silver smith and jeweller of the Province..... his social standing is far inferior to that of the mercantile and most of the agricultural castes, though superior to that of many, or perhaps all other artisans. In Delhi it is said that they are divided into the Dase who do and the Deswale who do not practise karewa, and that the Deswala Sunar ranks immediately below the Banya. This is probably true if a religious standard be applied; but I fancy that a Jat looks down upon the Sunar as much below him."

11. Sunar/Swarnakar caste/community has already been included in the Central List of Backward Classes for the following States:-

<u>State</u>	<u>Relevant entry</u>
Delhi	"50. Sunar"
Haryana	"54. Sunar"
Rajasthan	"49. Swarnakar"
Uttar Pradesh	"51. Sonar, Sunar"

The Central List of BCs for Punjab prepared in 1993 on the basis of the principle of commonality contain the entry

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F. S. KISHANAN
Secretary
Ministry of Backward Classes

"61. Dhaula or Soni". This Commission, after considering a similar Request, has already tendered its Advice to the Central Government for the Inclusion of "Sunar/Swarnakar" as a synonym of Dhaula or Soni in the Central List of Backward Classes for Punjab vide NCBC Advice No. 5/98/Punjab sent with DO NCBC Advice No. 5 Punjab/98 dated 24.03.1994.

IV. Findings

12. From the above material and evidence, the Bench has arrived at the Findings that 'Sunar/Swarnakar' being an artisan caste/community associated with the occupation of gold/silver smithy falls under the Fast-Track category in terms of the NCBC's Guidelines for Consideration of Requests for Inclusion and Complaints of under-Inclusion in the Central List of Backward Classes as it is covered by guideline 2(e) of "A.Social" of the Guidelines and also para 7 of the Procedural Clarification on the same Guidelines. Therefore, Sunar/Swarnakar should be included in the Central List of Backward Classes for the Union Territory of Chandigarh at entry no. 55, as follows:-

"55. Sunar/Swarnakar"

13. As one of the Members of the Bench, Shri Navtej Puadhi unfortunately passed away subsequent to the Public Hearing on 16.8.1998, the Findings are signed only by one Member, who is also the co-ordinating Member of the Bench, but the Findings represent the conclusion jointly arrived at by both the Members.

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[Signature]

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V. Advice of the Commission

14. The Commission considered and agreed in full with the above Findings of the Chandigarh Bench and decided to tender the following Advice to the Central Government under Section 9(1) of the NCBC Act, for necessary action by the Central Government under Section 9(2) of the Act:-

Sunar/Swarnakar be included in the Central List of Backward Classes for the Union Territory of Chandigarh at entry no. 55, as follows:-

"55. Sunar/Swarnakar"

15. On account of the unfortunate demise of one of the Members Shri Navtej Puadhi on 16.8.98, this unanimous Advice of the Commission does not bear the signature of that Member. The validity of the Advice, notwithstanding the vacancy caused by the demise of the aforesaid Member, is protected by Section 7 of the NCBC Act, 1993.

Bshayan
11.09.98

P. S. Krishnan
11.9.98

Navtej Puadhi
10/9/98

P. L. Agarwal
21.9.98

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P. S. Krishnan
P. S. KRISHNAN
Member Secretary
National Commission
for Backward Classes