



पी. एस. कृष्णन्
P. S. KRISHNAN
TEL 6183190

सदस्य-सचिव
राष्ट्रीय पिछड़ा वर्ग आयोग

भारत सरकार
ट्रिकूट-१, भीकानजी कामा प्लेस, नई दिल्ली - ११००६६

Member - Secretary
National Commission for Backward Classes
Government of India
Trikoot - 1, Bhikaiji Cama Place, New Delhi - 110 066

NCBC Advice No. UP 82-83/99

20.04.1999

Dear Shri Manavalan,

I am sending herewith the Advice of the National Commission for Backward Classes under Section 9(1) of the NCBC Act for the Inclusion of "Kasera, Thathera, Tamrakar, Kalaikar" in the Central List of Backward Classes for Uttar Pradesh, duly authenticated, for necessary action by the Central Government under Section 9(2) of the NCBC Act.

2. With this, Advices on 598 (312 for Inclusion + 286 for rejection) castes, sub-castes, synonyms etc. have been tendered to the Government by the Commission, after its reconstitution in 1997, of which 592 (306 for Inclusion + 286 for Rejection) are still pending with the Government for Notification.

Yours sincerely

(P.S.KRISHNAN)

Encl: As stated.

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

NCBC Advice No. 82,83UP/99

NATIONAL COMMISSION FOR BACKWARD CLASSES

UTTAR PRADESH BENCH

FINDINGS

Case: Request for inclusion of "Kasera, Thathera, Tamrakar and kalaikar, Kasera(Muslim) in the Central List of Backward Classes for Uttar Pradesh.

Per Justice P.K. Shyamsundar, Chairperson

I Request

This case arises from the Requests received in the NCBC from the following Associations/Organisations/Individuals:-

1. Akhil Bhartiya Kasera(Thathera) Uthan Samiti,
104/I, Mahabiran Gali, Muthiganj Allahabad.
2. Shri Ramesh Chandra Hayaran,
Kesar Thakurdwara,
M.L. Road, Charbagh,
Lucknow.
3. Shri Triloki Nath,
102-B, Mahatma Gandhi Road,
Lucknow.
4. Haihayavanshiya Pradeshic Sanchalan Samiti (Kasera/Thathera/Tamrakar)
179-A/D, Rly. Colony No. 2, Subedarganj (Post Dhumanganj) Allahabad.
5. Kasera Uthan Samiti,
Oyal (Lakhimpur-Khiri) U.P.
6. All India Muslim Backward Classes Federation
93, R.K.Puram, Sector-12, New Delhi-110022
State Branch, M.P.
16/7, South T.T. Nagar,
Bhopal

15/11/99
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86

for inclusion of Kasera, Thathera, Tamrakar and Kalaikar, Kasera(Muslim) in the Central List of Backward Classes for Uttar Pradesh.

The information in NCBC Questionnaire was received by the commission from Haihay Vanshiya Pradeshic Sanchalan Samiti (Kasera/Thathera/Tamrakar) U.P. Allahabad.

II. Public Hearing

The three-Member Bench of the Commission consisting of Hon'ble Chairperson Justice P.K. Shyam Sundar, Hon'ble Members Shri Sahu Akshaya Bhai and Shri U.P. Singh held a Public Hearing to examine the requests of these castes/communities for inclusion in the Central List of Backward Classes for U.P. on 24-2-99 at Allahabad. The State Govt. was represented by Shri H.S. Yadav, special Secretary, Backward Classes Welfare Department. On behalf of the caste 'Kasera Thathera, Tamrakar', two groups of representatives appeared. One group consisting of Shri Ramesh Chandra Hayaran, Shri Nand Lal, Shri Narayan, Shri Ram Shiromani Thathera, Shri Prem Chand Thathera and Pancham Ram Thathera produced facts and evidences in favour of inclusion of 'Kasera, Thathera, Tamrakar'. Another group consisting of Dr. Asha Ram Kasera, Shri Subhash Chandra Verma and Shri Hardwarilal Kasera opposed the inclusion of the caste/sub-castes in the CLBC. Nobody appeared on behalf of 'Kalaikar, Kasera(Muslim)' caste/community.

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Commission
Backward Classes

III Facts

3. The Mandal list for Uttar Pradesh "included "Thathera", & "Kasera" Castes/Communities at entry No. 114 but did not include Tamrakar. These Castes/Communities did not find place in the State list that existed at the time of the preparation, of the first phase Central list of Backward Classes for Uttar Pradesh 'on the principles of commonality' therefore, "Thathera", "Kasera", and "Tamrakar" Castes/Communities were not included in the Central list. The state list issued vide No. 1259/64-1-97-70/96 Dt. 15.9.1997 by Govt. of U.P. Backward Classes welfare Department included these Caste/Communities as follows:-

"59 Kasera, Thathera, Tamrakar."

4. Haihay Vanshiya Pradeshic Sanchalan Samiti (Kasera/Thathera/Tamrakar), U.P. Allahabad gave the following facts for, Consideration of their claim for Social backwardness in the NCBC Questionnaire:-

- i) This Caste/Community is spread all over the State.
- ii) This Caste/Community is generally regarded as Socially backward.
- iii) The occupation on which the members of the caste/community mainly depend for livelihood is "Manufacture and Repair of Copper brass and Zinc Utensils." This work is being carried out manually. An almost negligible proportion of this caste/community are engaged in petty shops, private and government service. Their occupation is identified/linked with the above traditional/hereditary occupation.
- iv) The majority of the families of the caste/community in the State live in Kachha houses.
- v) These Caste/Communities have also been included in the list of backward classes for Bihar, Delhi, Haryana, Madhya Pradesh, Maharashtra, Punjab, Karnataka, West Bengal which is confirmed from the following paragraph.

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5. These Caste/Communities have been included in the Central
list of Backward Classes for the following States:-

Sl. No.	Name of State	Entry No.	Name of the Caste/Community.
1.	Bihar	83	Kasera, Thathera.....
2.	Delhi	29	Kasera, Tamera, Thathiar.
3.	Haryana	55	Thathera or Thater Tamera
4.	Madhya Pradesh	33	Thathara, Thatera, Kasar, Kasera, Tamera, Tambatkar/Tamrakar, Tamer.
5.	Punjab	47	Thathera, Tamera
6.	Rajasthan	52	Thathera

6. W.Crooke in his book "The Tribes and Castes of the North Western India" (Cosmo Publications, Delhi, 1975; Originally Published under the title 'The Tribes and Castes of the North Western Province & Oudh, Calcutta, 1896) described occupation of Kaseras, Thathera's as follows:-

(1) Kasera- (Sanskrit Kansya Kara, "a Worker in bell metal."). "The brass founding caste (vol. III, P.167). "There is some difference of opinion as to their occupation. Crooke Quotes Nesfield (Brief wiew, 29) : "The Kasera's speciality lies in mixing the Softer metals (Zinc, Copper and tin) and moulding the alloy into various shapes such as cups, bowls, plates, etc. (Vol.III, P. 170)".

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Secretary
for Backward Classes

(2) Thathera:- (Based on enquiries at Mirzapur and notes by M. Chhote Lal, Lucknow, Pandit Baldeo Prasad Deputy Collector, Cawnpur) (Probably derived from Sanskrit tashta-Kara, "One who polishes"). The Caste of braziers and markers and sellers of brass and coppers vessels. It is not easy to ascertain exactly the difference of function between the Kasera and Thatera..... The Thatera's art Consists in polishing and engraving the Utensils which the Kasera Supplies (Vol.IV, P.407)".

7. At the Public Hearing Shri Ramesh Chandra Hayaran and others stated that 'Kasera, Thathera and Tamrakar' are synonyms or words used to denote the same caste. The traditional occupation of the members of the caste is making and polishing utensils and other articles of Bronz, Brass and Copper. Their Caste has been included in the Central List of Backward Classes for the States of Bihar, Delhi, Haryana, M.P., Punjab and Rajasthan and also find place in the State List of Backward Classes for U.P.

Dr. Asha Ram Kasera and others raised an objection against the inclusion of 'Kasera, Thathera, Tamrakar' in the Central List of Backward Classes for U.P. on the ground that Kasera and Tamta (who are tamrakars, but locally called as Tamta in the Hill region of U.P.) are already in the SC List of U.P. as a sub-caste of Shilpkar. They also produced the List of Scheduled Castes of U.P. circulated vide G.O. No.6726/III-15(15)-1949 dated 12th September, 1950 which includes 'Shilpkar' at Sl.No.62. It is also explained that in a subsequent paragraph 'Shilpkar' is stated to comprise of a number

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of castes/sub-castes including 'Kasera' and 'Tamta'. They stated that the members of Tamta caste in the Hill area are getting SC Certificates routinely but even so the members of the Kasera caste are at times facing some difficulty in getting SC Certificates due to confusion in the orders in this regard.

Shri Ramesh Chandra Hayaran and others contended that G.O. of 1950 which was referred by the other group had been substituted by the Scheduled Castes and Scheduled Tribes Lists (Modification) Order, 1956 where only the 'Shilpakar' caste occurs. They submitted that the members of the 'Kasera', 'Thathera', 'Tamrakar' caste are at present not getting SC Certificates except 'Tamtas' in the hills, some of whom managed to secure such certificates illegally.

The representative of the State Government stated that Kasera, Thathera and Tamrakar are in the Backward Classes List in U.P. and they are getting Certificates of OBCs. About the Shilpkar caste he stated that the aforesaid caste is known to exist only in the Hill area of the State of U.P.

As no representative of the Kalaikar, Kasera (Muslim) caste/community appeared before the Bench, it was constrained to make some enquiry regarding the very existance of this community, from the people present at the Public Hearing who stated in one voice that Kalaikar, Kasera (Muslim) were Muslim converts from Hindu Kasera, Thathera, Tamrakar and were very much in existance in the State of U.P.

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8. The State Commission for Backward Classes for U.P. has recommended for inclusion of Kasera, Thathera, Tamrakar in the State List of backward Classes for U.P. Their advice rests on the following Findings:-

- i) The statement of Shri Rajesh Kumar Shilpkar, that Kasera/Thathera/Tamrakar community is included in the SC List of U.P. as 'Shilpkar' is not proved. So the objection raised by Shri Rajesh Kumar Shilpkar is not acceptable to the State Backward Class Commission.
- ii) In the different regions of the State the members of Kasera, Thathera, Tamrakar community are not treated as untouchables by other sections of the society. This community has a traditional occupation. The said occupation is also adopted by people following religions other than Hindus and they are also called Kasera/Thathera/Tamrakar.
- iii) Kasera/Thathera/Tamrakar community is socially and educationally backward and in Government service their representation is negligible. This fact has also been noted in the reports of Kaka Kalelkar and Mandal Commissions.
- iv) Presently Central Government and six other State Governments have declared Kasera/Thathera/Tamrakar community as a member of Backward Classes.

Findings

9. From the foregoing material the Bench has little hesitation in holding that the "Kasera," "Thathera", "Tamrakar" Castes/Communities is socially backward. They have been pursuing their traditional occupation of manufacture and repair of Copper, Brass and Zinc Utensils for domestic use employing a process that involves manual labour for wages a chore identified with traditional craft as per para 2 (e) of Guidelines for Consideration of Requests for Inclusion and Complaints of Under-inclusion in List of other Backward Classes.

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P. S. KRISHNAN
for the Commission

These Castes/Communities also fulfil the criteria laid down under the Guidelines to be read in for supplementing any finding rendered touching social backwardness in accordance with para (6) of Procedural Clarification on Guidelines.

Apparently some confusion arises particularly in the context of inclusion of Kasera and Tamrakar in the SC List of U.P. collectively as Shilpkars. Some members of the said Community contended at the hearing that 'Tamtas' in the Hill areas of the U.P. State who are also engaged in the same occupation pursued by the others referred to supra were getting SC Certificates regularly. The Bench does not find any room for any doubt or confusion because Shilpkar or the artisan and artisanal castes of the Hill districts of Uttar Pradesh, including Tamtas who are metal crafts people, have been included in the schedule of Scheduled Castes in respect of Uttar Pradesh. In the somewhat different socio-cultural and socio-economic background of the hill areas including the hill areas of Uttar Pradesh, the artisan castes have been traditionally treated as Untouchables and, therefore, have been rightly included in the List of Scheduled Castes. Untouchability has not been the social reality in so far as artisan castes of the plain areas of Uttar Pradesh are concerned even though some of them have the same occupational profile as the Tamtas and the Lohars and the Darzis of the hill areas all of whom come within the purview of the umbrella name Shilpkar. This aspect therefore, need not obtrude into the present

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 P. S. KRISHNAN
 Member
 for Scheduled Castes

Findings/Advice in any manner. The Commission has also received a separate request from the Muslim community for inclusion of Kalaikar, Kasera castes. But then it being quite clear that the aforesaid people are none other than Hindu Kasera, Thathera or Tamrakar converted to Islam and should without more be eligible for inclusion irrespective of their religion. The general explanation added in the Central List for Uttar Pradesh on the NCBC's Advice No. UP/5-22/94 tendered to the Government on 09-01-95 and similar explanation added in the State Lists on the Advice of the State Backward Classes Commission, should ensure that members of this caste/group of castes who follow Islam or any other religion do not have any difficulty in being treated as Backward Class and getting caste certificates as such. The Bench therefore, recommends that "Kasera, Thathera, Tamrakar, Kalaikar" should be included in the Central List of Backward Classes for U.P. at entry No.73. as follows:-

"73. Kasera, Thathera, Tamrakar, Kalaikar

P. K. Shyamsundar
12/6/94
(Justice P.K. Shyamsundar)

U.P. Singh
15.4.99
(U.P. Singh)

Akshaya Bhai
15.04.99
(Sahu Akshaya Bhai)

AUTHENTICATE
P. S. Krishnan
P. S. KRISHNAN
Commission
for Backward Classes

V. Advice of the Commission

10. The Commission considered and agreed in full with the above Findings of the U.P. Bench and decided to tender the following Advice to the Central Government under section 9(1) of the NCBC Act, 1993, for action under section 9(2) of the Act:-

"Kasera, Thathera, Tamrakar, Kalaikar" should be included in the Central List of Backward Classes for U.P. at entry No.73 as follows:-

"73.Kasera, Thathera, Tamrakar, Kalaikar

On account of the unfortunate demise of one of the Members, Shri Navtej Puadhi on 16-08-1998, 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.

Adarsh Singh
15.4.99

P. S. Krishnan
12/4/99

Kshayam
15.04.99

P. S. Krishnan

20.4.99

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