



पी.एस. कृष्णन्
P S. KRISHNAN
TEL.: 6886820

सदस्य-सचिव
राष्ट्रीय पिछड़ा वर्ग भायोग
भारत सरकार
नई दिल्ली-110 066
MEMBER-SECRETARY
NATIONAL COMMISSION
FOR BACKWARD CLASSES
GOVERNMENT OF INDIA
NEW DELHI-110 066

DO Case No. TN-63/95

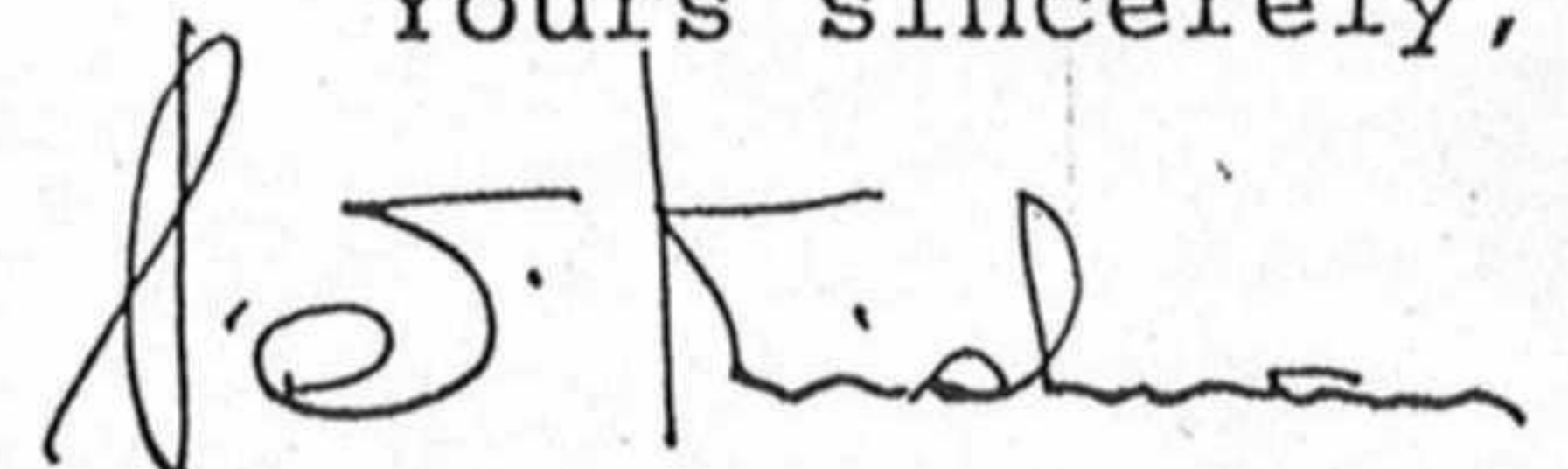
Dated 25 August, 1995

Dear Shri Saxena,

I am sending herewith the unanimous advice of the National Commission for Backward Classes under Section 9(1) of the NCBC Act 1993, in respect of Virakodi Vellala (former Panisaivan only), to be included in the Central List of Backward Classes for Tamil Nadu, for necessary action under Section 9(2) of the Act by the Central Government.

With regards,

Yours sincerely,


(P.S. KRISHNAN)

Shri K.B. Saxena
Secretary
Ministry of Welfare
Shastri Bhavan
NEW DELHI.

Encl. NCBC Advice No. TN-63/95

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NATIONAL COMMISSION FOR BACKWARD CLASSES

TAMIL NADU

PRESENT: Justice R.N. Pillay

Dr. R. Prashanth

A D V I C E

Request for inclusion of PANISAIVAN (including VELLALA) in the Central List of Backward Classes

THE NATIONAL COMMISSION FOR BACKWARD CLASSES

95 dated 22.2.1994 addressed to NEW DELHI

Commission for Backward Classes, New Delhi. Requested that

Under Section 9(1) of the NCBC Act 1993

PANISAIVAN (including VELLALA) community may be included

in respect of

in the Central List of Backward Classes.

PANISAIVAN CASTE/COMMUNITY OF TAMIL NADU

2. Similar requests have been received from the following organisations:

i) Thondamandalam Veerakudi Vellala Sangam
Pattukkottai

ii) Veerakudi Vellala Association
40, Chinnaiyeh Street
Pattukkottai

3. The following organisations have made requests for the inclusion of VIRAKUDI VELLALA in the Central Backward Classes List:

i) Tamil Virakudi Vellala Association
25, Madurai Street
Madurai

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NATIONAL COMMISSION FOR BACKWARD CLASSES

TAMIL NADU BENCH

PRESENT: Justice R.N. Prasad
Dr. R. Prasannan

Request for Inclusion of PANISAIVAN (including (VIRAKODI VELLALA) in the Central List of Backward Classes:

The Government of Tamil Nadu, in their letter No.13388/BCC/93-95 dated 22.2.1994 addressed to the Member-Secretary of the National Commission for Backward Classes, New Delhi, has requested that PANISAIVAN (including VEERAKODI VELLALA) community may be included in the Central List of Backward Classes.

2. Similar requests have been received from the following organisations:

- i) Thondamandalam Veerakodi Vellalar Sangam
Thirumazhisai.
- ii) Veerakodi Vellala Association
40, Chinnaiah Street
Pattukkottai.

3. The following organisations have made requests for the inclusion of VIRAKODI VELLALA in the Central Backward Classes list:

- i) Tamil Nadu Vellala Welfare Association
25, Umayal Street
Kilpauk, Madras.

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Member Secretary
National Commission
for Backward Classes

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ii) Rajapalayam Veerakodi Vellala Youth Wing,
975, Madurai Road, Rajapalayam.

iii) Tamil Nadu Vellalar Federation
7, Damodara Street
Kilpauk, Madras.

4. Besides, representations containing similar request have been received from a number of individuals claiming to be belonging to the Virakodi Vellala community and who have applied or intend to apply for appointment to various posts in the Government of India and Public Undertakings.

ENTRIES IN THE STATE LIST AND MANDAL LISTS:

5. The entry in the Tamil Nadu State list of Backward Classes is as follows:-

133 - PANISAIVAN (including VIRAKODI VELLALA)

The corresponding entry in the list of Backward Classes contained in the Report of the Second National Commission for Backward Classes, (hereinafter referred to as Mandal Report) is as follows:-

279 - VIRAKOD VELLAA_LA (Typographical or other error for
VIRAKODI VELLALA)

6. In their letter cited above, the Government of Tamil Nadu, have expressed the view that non-inclusion of 'Virakodi Vellala' community in the Central List of Backward Classes appears to be only an omission, since 'Veerakodi Vellala' finds a place both in the Mandal List and State list of Backward Classes.

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Member Secretary
National Commission
for Backward Classes

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7. On a preliminary scrutiny, the bench found that non-inclusion of the community was not a simple case of 'omission' on the part of the Expert Committee which was entrusted with the task of preparing the 'Common List'. The Bench, accordingly, felt that the matter needs further consideration.

PUBLIC HEARINGS:

8. The Bench held a public hearing at Madras on 13th December 1994 in respect of castes and communities of Tamil Nadu who have made requests for inclusion in Central list of Backward Classes. Again another hearing at Madras was held on 19th April 1995 exclusively for the purpose of hearing the representatives of organisations and individuals who have made requests for the inclusion of Panisaivan and Veerakodi Vellala communities. A large number of people appeared before the Bench and gave oral and documentary evidence in support of their respective claims. Particular mention may be made about the valuable information furnished by the Hony. Secretary of Thondamandalam Veerakodi Vellalar Sangam, Thirumazhisai about 'Panisaivans'.

9. 'Panisaivan' is "a Corruption of Paniseygiravan (panisaivon), literally meaning one who works (or does service), and is the caste name of the class, whose business it is to carry news of death to the relations of the deceased, and to blow the tharai or long trumpet." (Salem Manual cited in Edgar Thurston's Castes and Tribes of Southern India, Vol.VI p.55) The hereditary occupation of the caste, which was formerly known as 'Panisaivan' is to render

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

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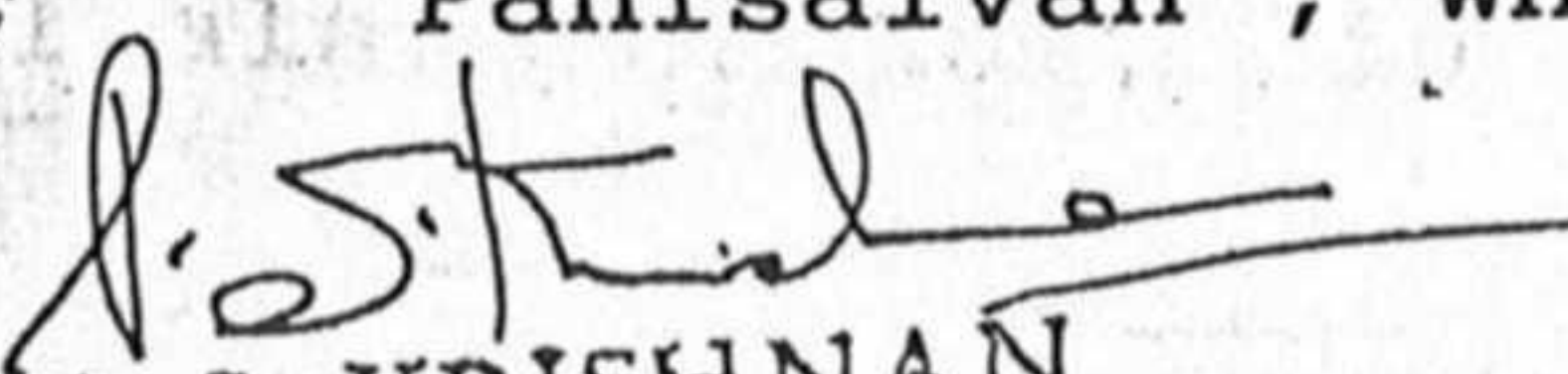
certain menial type of ritual duties, as mentioned above, during funeral ceremonies. The community is largely confined to the city of Madras and Chinglepet and North Arcot districts of Tamil Nadu. The ritual duties which these people perform in the above districts, are done by certain Scheduled Caste communities in other districts.

10. Due to the stigma attached to their hereditary occupation, Panisaivan community had a low status in the social hierarchy. In an attempt, apparently, to elevate their social status, they decided to adopt the modernised and more respectable caste name 'Virakodi Vellala' and approached the Government for the purpose. In response to a request made by Thondamandalam Virakodi Vellalar Sangam, Madras, the (then) Government of Madras ordered that "the community now known as 'Panisaivan' in future be designated in all public records as 'Virakodi Vellala". (Vide G.O. No.2216 dated 11th September, 1939, Development Department, Government of Madras.)

11. Later on, they realised that the change in nomenclature had in fact been detrimental to their interests when they found that other Vellala communities, whose traditional occupations were betelvine cultivation and other agricultural operations were getting certificates as Virakodi Vellala, who differ from them in all respects, socially, educationally and economically.

12. In the circumstances, the Thondamandalam Virakodi Vellala Sangham, Madras approached the Government again; but this time with the request that the caste Virakodi Vellala be deleted from the list of Backward Classes and to allow them to continue to be known as 'Panisaivan', which was enumerated as a synonym of 'Valluvan' (a

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

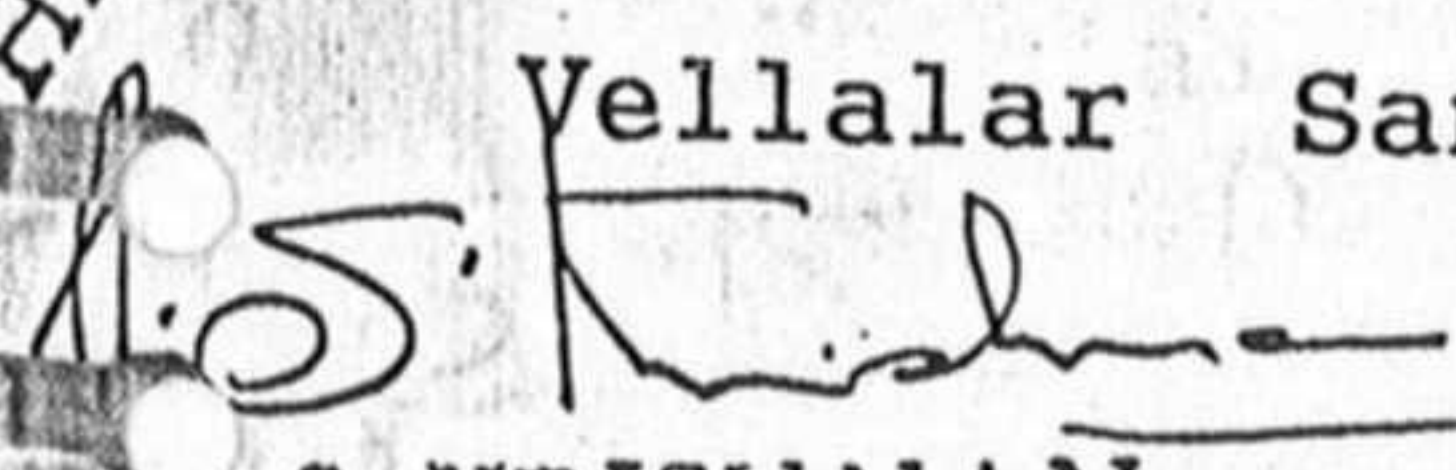
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Scheduled Caste) in the 1951 and 1961 Census Reports. The Government of Tamil Nadu, however has not acceded to their request to give to the members of their community, Community Certificates as 'Valluvan'. In the result, Panisaivan is now not being considered for the issue of certificates as Scheduled Castes.

13. The first Backward Classes Commission of Tamil Nadu, after going through the claims and counter claims of various communities posing themselves as 'Virakodi Vellala', came to the conclusion that the original Panisaivan community, which was practically confined to the city of Madras, Chinglepet and North Arcot districts, is distinct from 'Virakodi Vellala', who are found in the former Pudukottai State, Thanjavoor and Tiruchirappally taluks in Tamil Nadu. The Commission also turned down requests from other Vellalas, who claimed to be Virakodi Vellala, as they were considered to be of different stock. (Report of the Backward Classes Commission, Tamil Nadu (1970) Vol.II, Pp.92-94).

14. The Second Backward Classes Commission of Tamil Nadu found that Thondamandalam Virakodi Vellala Sangam, Madras, alone represents the genuine Panisaivans although other associations had also put forth their claims. The Commission, after considering their request in detail, has expressed the view that "owing to the change in nomenclature of Panisaivan as Virakodi Vellala, the interest of genuine Panisaivan is not safeguarded." (Report of the Second Backward Classes Commission, Tamil Nadu (1985) pp.389-90).

15. The representatives of the Thondamandalam Virakodi Vellalar Sangom, in their written representations and oral

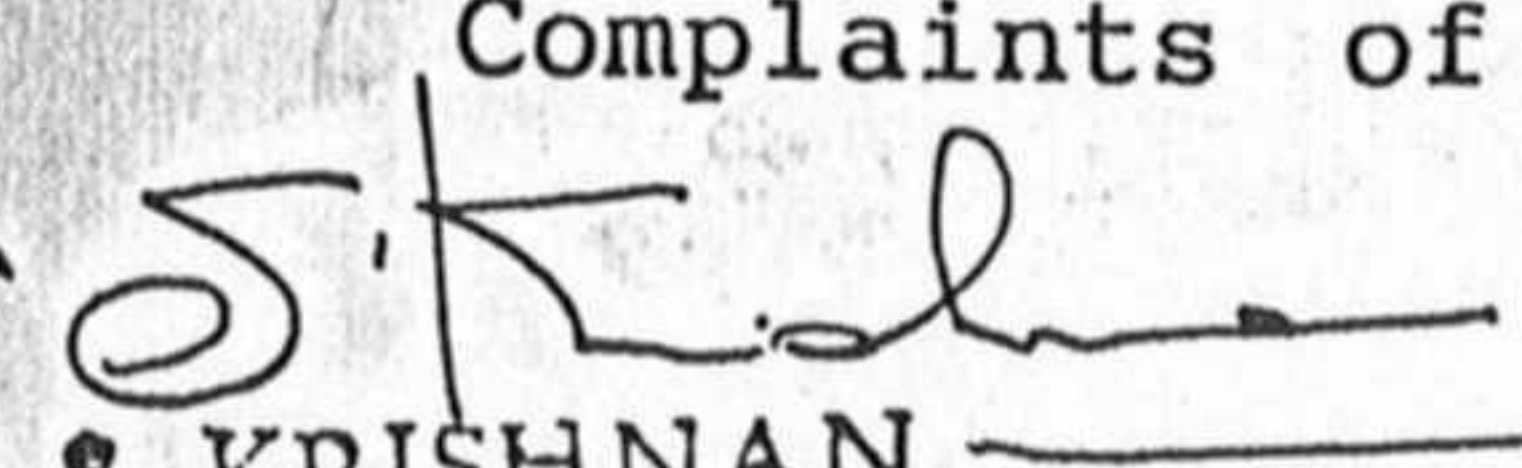

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Member Secretary
National Commission
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submissions before the Bench have pointed out that the condition of the majority members of their community continues to be most pitiable. They are still being treated as untouchables with all the attendant indignities and consequent disabilities. They are ostracised and segregated, not only by the higher caste people but also by others who claim themselves to be Virakodi Vellala. It was submitted that other Virakodi Vellalas dwell with higher caste people and their residential houses are found to be within the village with higher caste people, whereas the residential houses of Panisaivans are away from the higher caste people. Needless to say; inter-marriages and other forms of interpersonal relationships are almost non-existent between the Panisaivans and other Virakodi Vellalas.

16. While the menial ritual duties connected with the funeral ceremony continue to be the traditional occupation of a sizeable section of the community, with the change of times, the vast majority have turned to agriculture, working as labourers in other people's lands. Their literacy level is low and very few of them have the means to go for higher education. Their representation in Government service is also woefully inadequate and the few privileged ones who could gain entry into the portals of power still remain at the lower levels, seldom getting a chance to go up.

17. The case of the (former) Panisaivan community is undoubtedly one which calls for an early decision, by adopting the 'fast track' procedure. According to the Procedural Clarifications on the Guidelines for consideration of Requests for Inclusion and Complaints of Under-inclusion in the Central List of Backward


P. S. KRISHNAN
Member Secretary
National Commission
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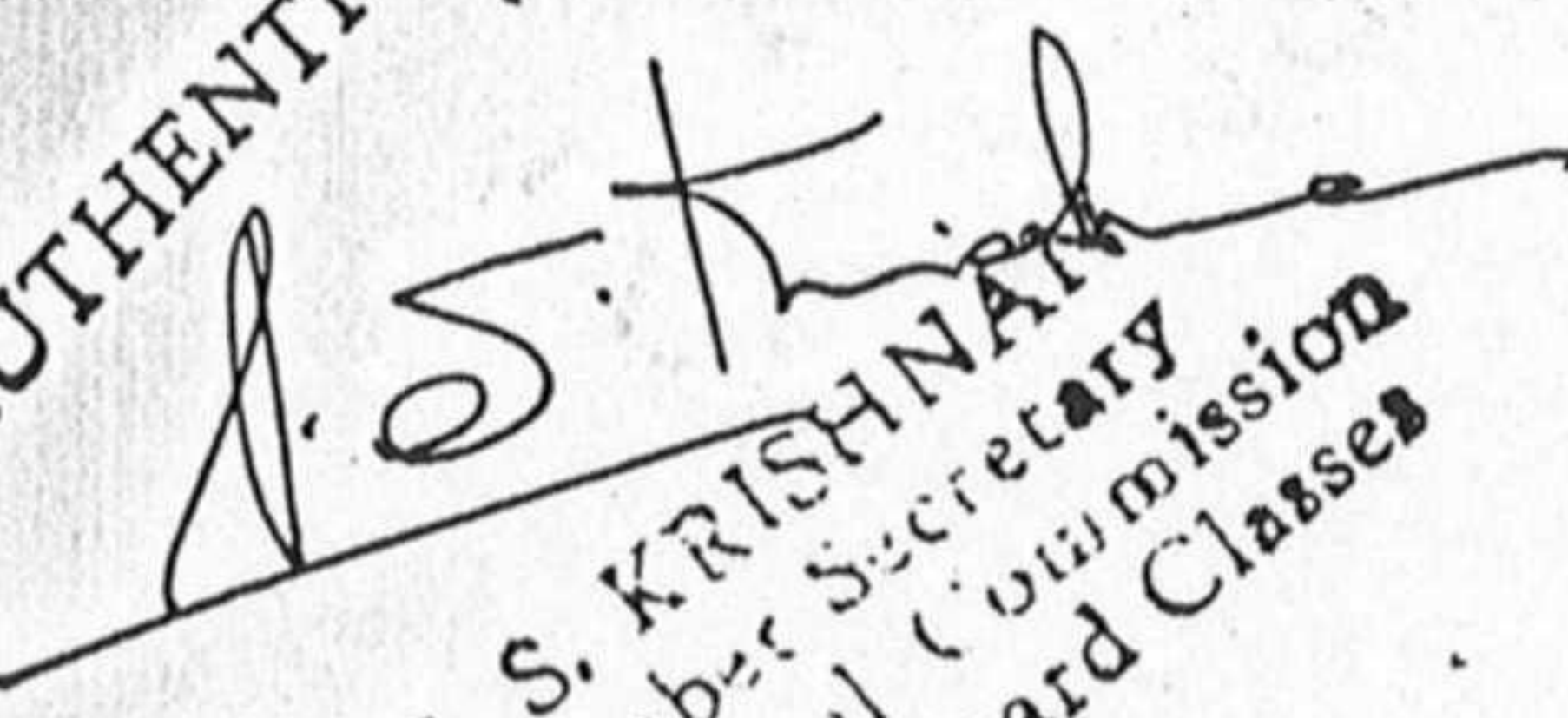
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Classes, 'Wherever a caste or community fulfils the criteria 2 (e) or (f) or (g) or (h), the Bench/Commission may take it as adequate evidence of backwardness, unless there are sufficient grounds to take a contrary view regarding the backwardness of the caste or community making the request.' Guidelines 2(e) states that castes and communities, which in terms of the caste system, are identified with traditional crafts or traditional or hereditary occupations considered to be lowly or undignified (emphasis added). Panisaivan community clearly fulfils the above conditions.

18. There may be other backward groups among Virakodi Vellalas, particularly those belonging to the former Pudukottai State, Thanjavoor and Tiruchirapalli Taluks; but on the basis of the materials on record it is not possible to take a decision one way or the other. For that purpose, further details and additional data may have to be furnished or gathered. But the case of the (former) Panisaivan community need not wait any longer for a decision.

19. The entry in the Tamil Nadu State list seems to be significant. 'Virakodi Vellala' is put within brackets, after 'Panisaivan' as item 133 in the list. There is no separate entry, 'Virakodi Vellala'. If the intention was to extend the benefit of reservation to all 'Virakodi Vellalas', it could have been entered as a separate item in the State list. It would seem that the Government of Tamil Nadu intended to include in the Backward Class List only

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P. S. KRISHNAM
Member Secretary
National Commission
for Backward Classes

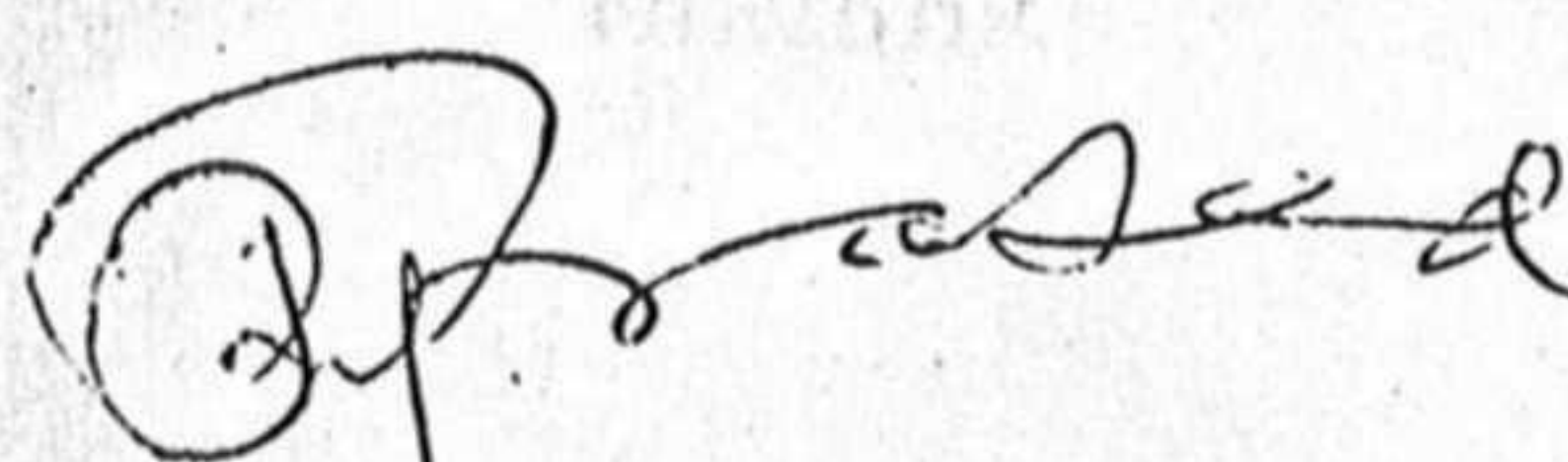
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② those Virakodi Vellalas, who were formerly known as Panisaivans and who subsequently adopted a most respectable name, 'Virakodi Vellala'.

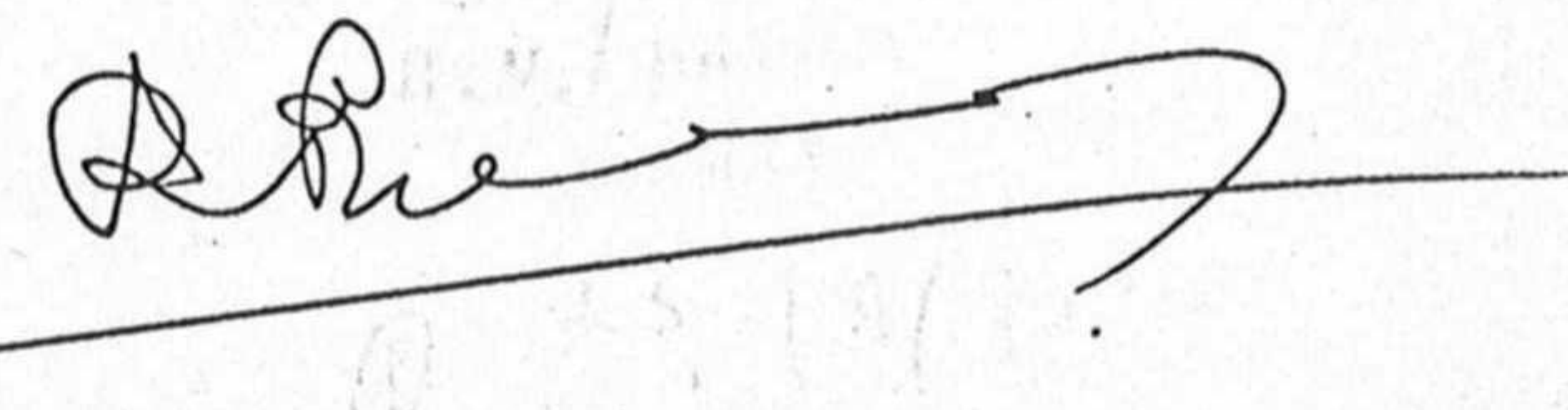
FINDINGS OF THE BENCH:

20. In the result, it is the finding of the Bench that the Panisaivan, now known by the name of Virakodi Vellala constitute a socially, educationally and economically backward caste/community and fully deserve to be included in the Central Backward Classes list. The Bench, therefore, recommends that the following entry should be made in the Central List of Backward Classes as item No.165A after the existing entry 165.

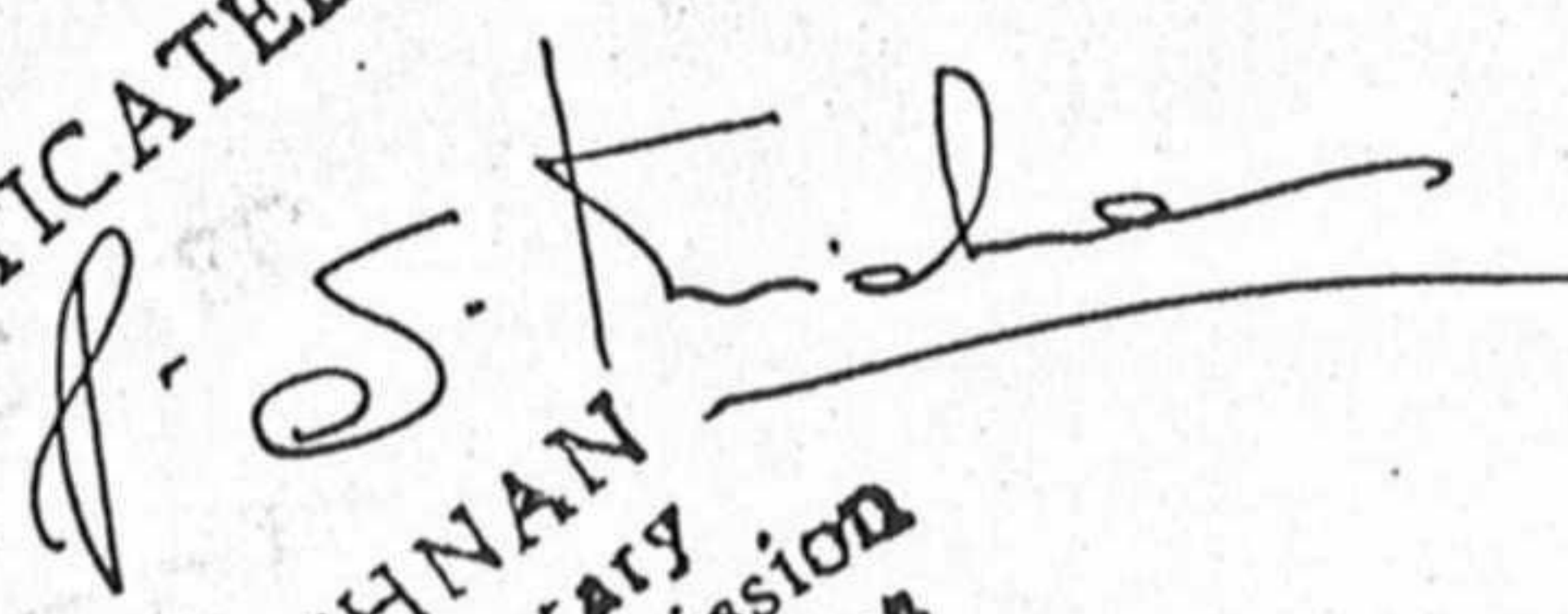
"165A Virakodi Vellala (former Panisaivan only)".


Justice R.N. Prasad

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Member, Secretary
National Commission
for Backward Classes

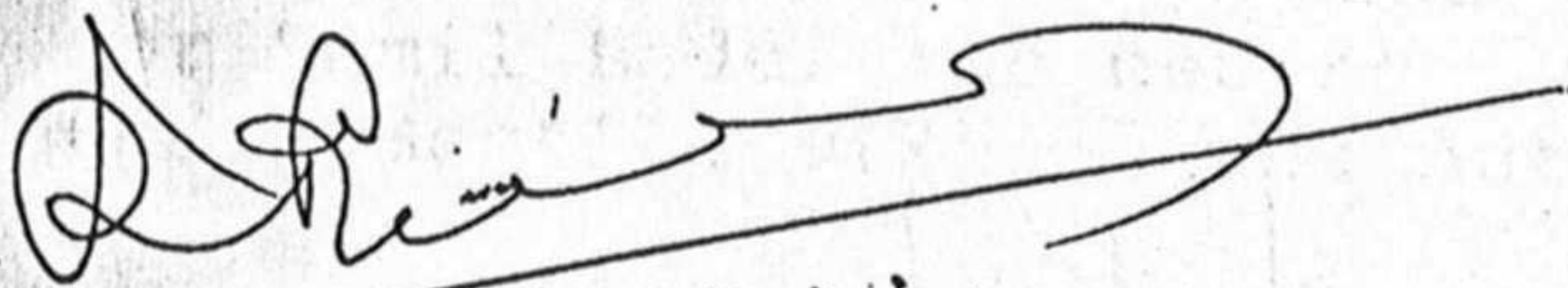
ADVICE NO. 63 OF THE NATIONAL COMMISSION FOR BACKWARD
CLASSES IN RESPECT OF TAMIL NADU

The Members of the Commission considered the findings of the Bench in respect of Caste/Community Panisaivan of Tamil Nadu and they accept the findings in full. The NCBC, therefore, tenders its advice to the Government of India as follows:

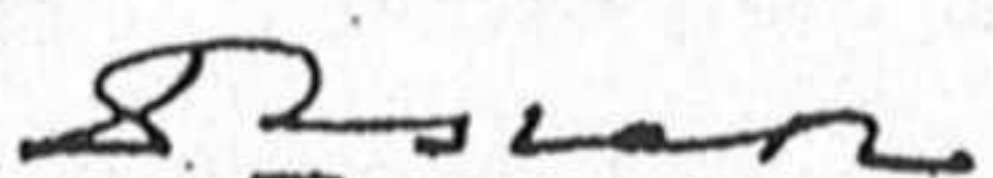
1. Advice

After Entry No. 165 in the Central List of Backward Classes for Tamil Nadu the following may be entered as Item No. 165A.

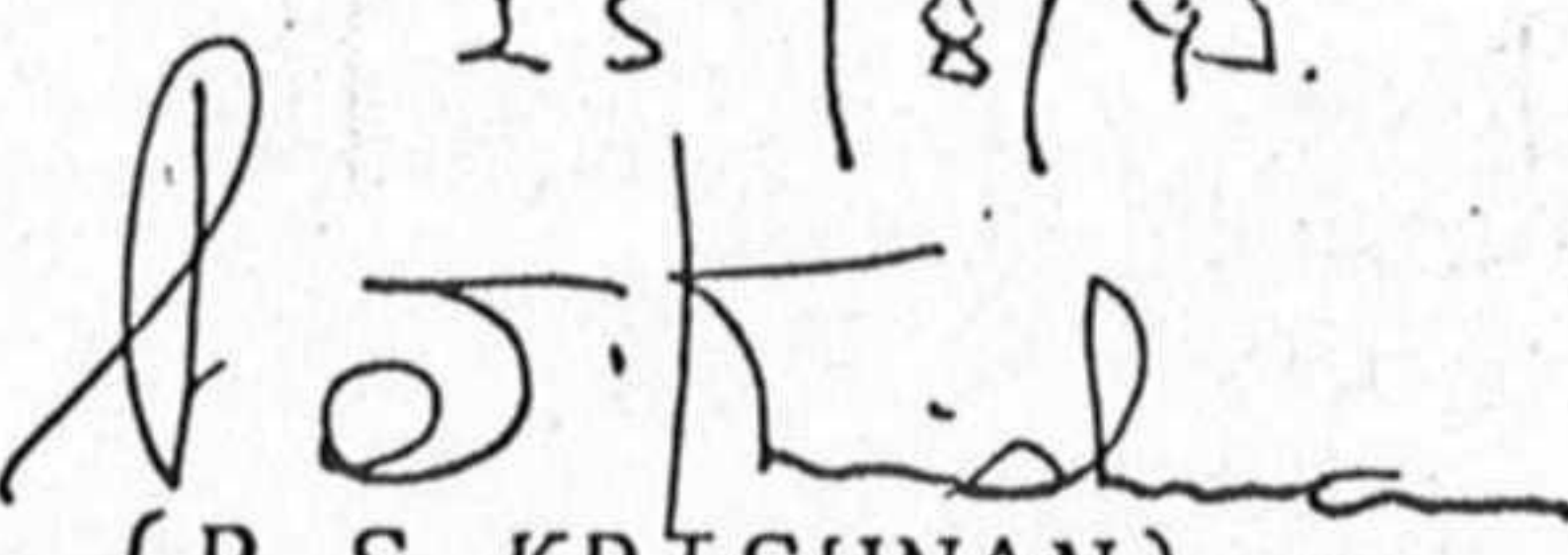
"165A Virakodi Vellala (former Panisaivan only)".


(DR. R. PRASANNAN)
MEMBER

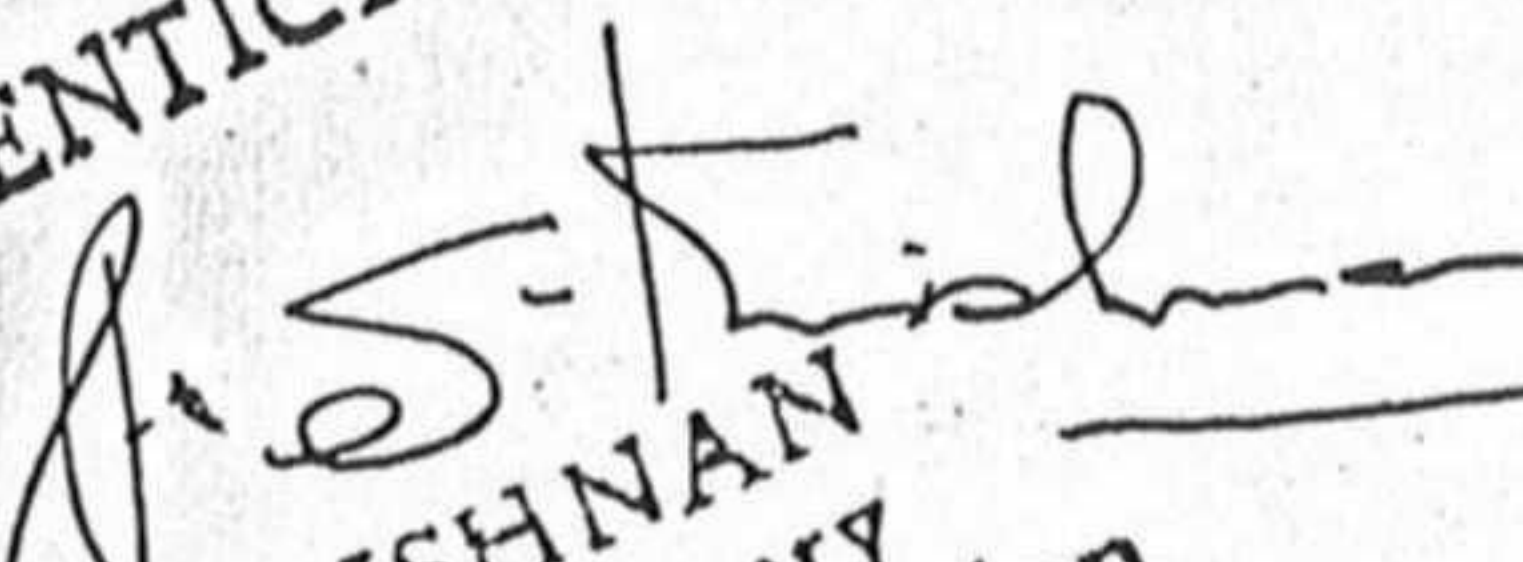

(R. N. PRASAD)
CHAIRMAN


(PROF. D. L. SHETH)
MEMBER


25-8-95
(DR. D. S. YADAV)
MEMBER

15/8/95

(P. S. KRISHNAN)
MEMBER

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