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MEMBER SECRETARY
NATIONAL COMMISSION
FOR BACKWARD CLASSES
NEW DELHI-110 066

NCBC Advice No. 12 WB/96

21.6.1996

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 "Nagar" caste/community of West Bengal to include it in the Central List of Backward Classes for West Bengal, for necessary action under Section 9(2) of the Act by the Central Government.

With kind regards,

Yours sincerely

P.S. Krishnan
(P.S. KRISHNAN)

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

Encl: As stated.

NATIONAL COMMISSION FOR BACKWARD CLASSES

WEST BENGAL BENCH

Findings

Case: Request for inclusion of "Nagar" in the Central List of Backward Classes for West Bengal

I. Request

The Government of West Bengal, vide letter of the Secretary, Scheduled Castes and Tribes Welfare Deptt. No.344-TW/EC dated 2nd May 1995 to the Commission has, inter alia, requested that "Nagar" be included in the Central List of Backward Classes for West Bengal.

II. Public Hearing

2. The two-Member West Bengal Bench of the Commission consisting of Shri P.S.Krishnan and Dr. Dinesh Singh Yadav held a Public Hearing at Calcutta on the 29th August, 1995 to examine this Request. At the Public Hearing the State Government was represented by the Special Secretary and Joint Commissioner of the SCs and Tribes Welfare Department and Director, Cultural Research Institute of West Bengal.

AUTHENTICATED

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

J. S. Kishore
P.S. KISHORE
Member Secretary
National Commission
for Backward Classes

III. Facts

3. The State Government 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 could do for 14 other 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 West Bengal in 1993. The Govt. of West Bengal issued its first list of Backward Classes by its Notification No. 346-TW/EC 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.

4. The Government of West Bengal issued its second instalment of Backward Classes consisting of 12 castes/communities by its Notification No. 705-TW/EC/M-6/82(I) dated 13th December 1994 in the Calcutta Gazette of the same date and its third instalment of 3 castes/communities was issued by its Notification No. 370-TW/EC dated 12th May 1995, published in the Calcutta Gazette of the same date. The State Government has also issued a fourth instalment of 9

Backward Classes by its Notification No. 1179-TW/EC dated 1st December, 1995, published in the Calcutta Gazette of the same date.

5. "Nagar" is one of the 12 castes/communities included in the second State List of Backward Classes issued on 13th December 1994, in respect of which the State Government's request was received on 2nd May 1995.

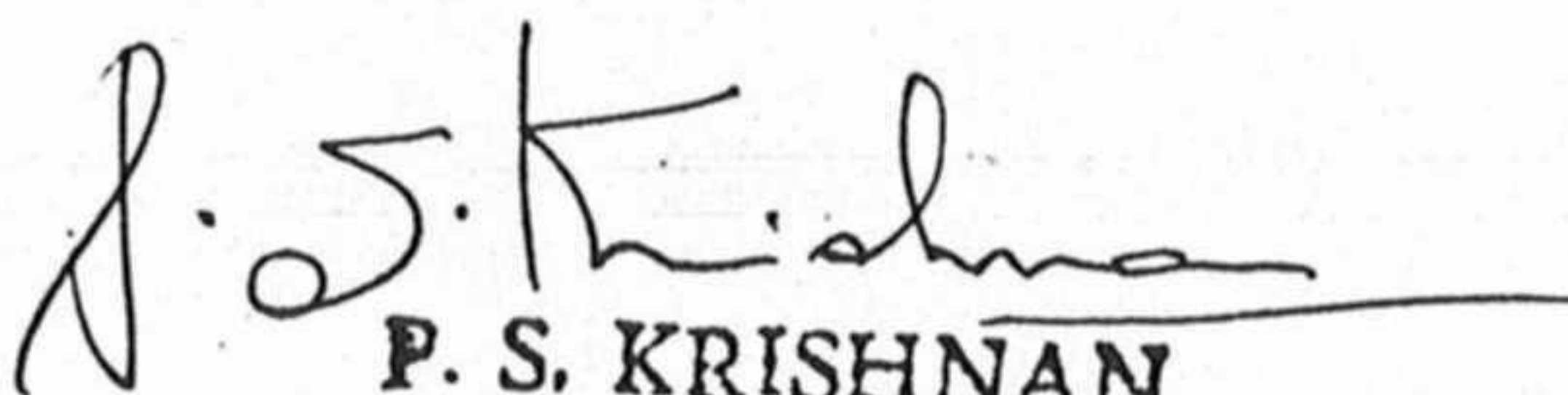
6. The corresponding entry in the Mandal Commission's list of Backward Classes for West Bengal is as follows:-

"143. Nagar"

7. The Questionnaire furnished by the State Government gives "Agricultural labour and Daily wage earning in mango plucking" as the main occupation of this caste/community. It is also seen from the Questionnaire that their agricultural labour mainly involves manual labour for wage and that 96.8% of the population of the caste, male, female and children taken together, are landless manual labourers. The women of this caste as a general practice work for their families' livelihood as agricultural labourers for wage.

B and received on 31.1.96

IV. Findings


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

8. From the above evidence it was the Finding of the Bench that this caste/community comes under the "Fast-Track" category as formulated in the Guidelines of the Commission and that "Nagar" is a Socially

Backward caste and it be included in the Central List of backward Classes for West Bengal.

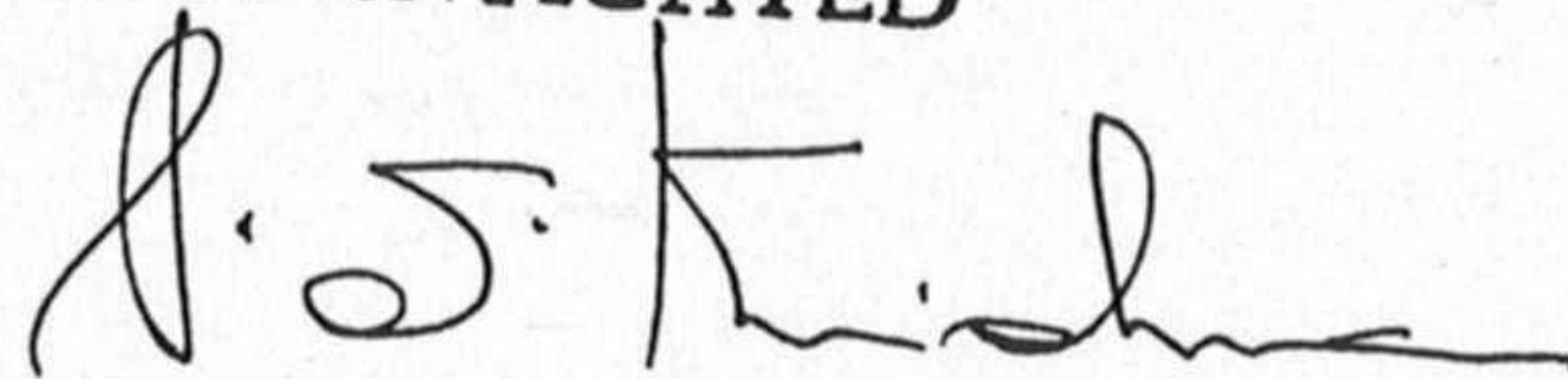
During consideration by the Commission, it came to the notice of the Bench that there are Nagars in West Bengal, mainly in Calcutta, who have immigrated from Gujarat and belong to Brahmin and Baniya castes.

This was taken up with the State Government.

The Secretary to the Govt. of West Bengal has clarified as follows:

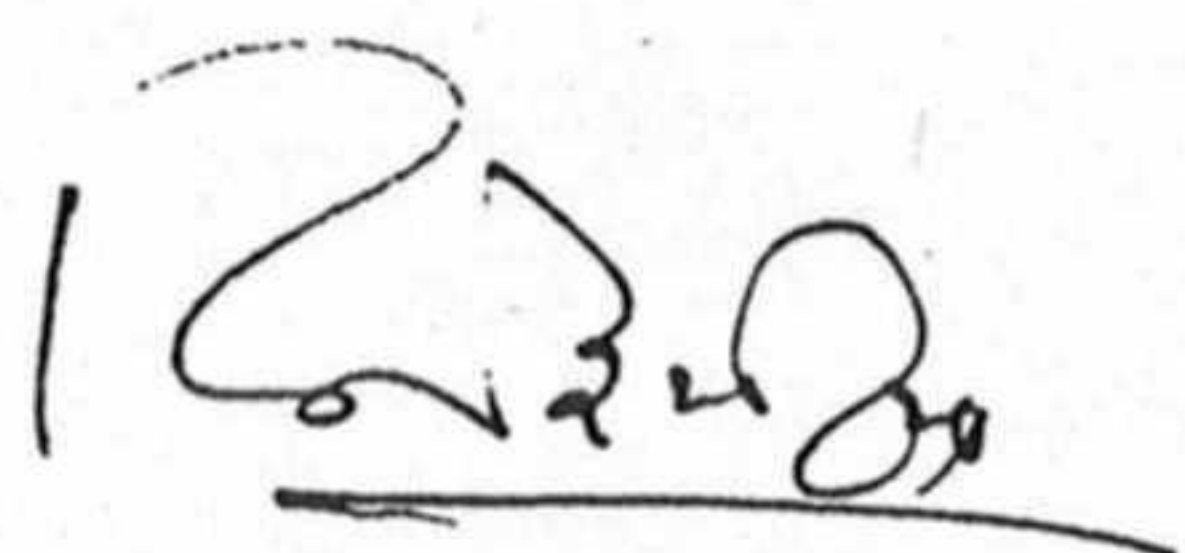
"Nagar" which has been declared as a Backward Class and "Nagar" of Gujrathi and Maithili origin consisting of Brahmins and Beniyas are entirely two different groups. "Nagar" which has been referred to as a Backward Class generally consists of agricultural labourers and day labourers and their social status is quite low. Neither Brahmins nor members of other higher castes will accept water from them. Considering their place of origin and social status, the cases of Maithili, Gujrathi Brahmins and Gujrathi Beniyas claiming as "Nagar" will not be entertained.

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P. S. K. Kishore
Member Secretary
National Commission
for Backward Classes

In order that there may be no scope for confusion or mis-use by the section, after the entry "Nagar" it may be mentioned in brackets that "(this does not include immigrant Maithili Brahmins and immigrant Nagars from other States who are Brahmins and Baniyas)".





23.5.1996

Member, L.B. Bench

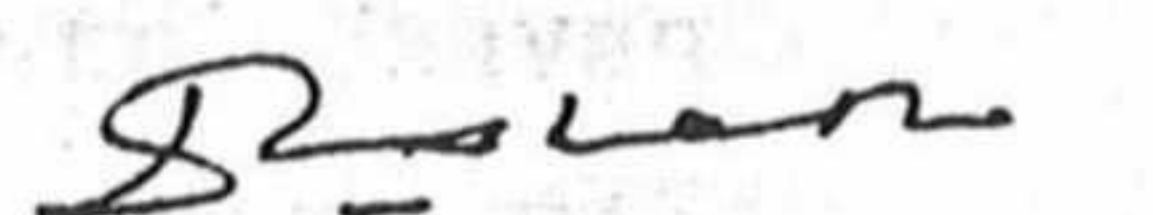
V. Advice of the Commission

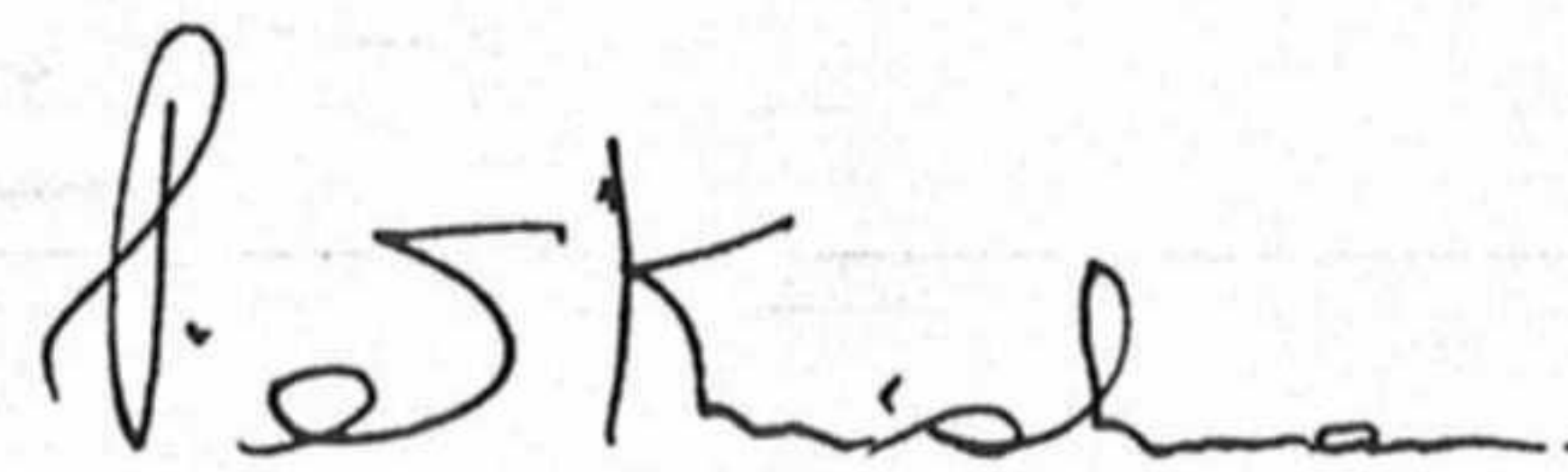
The Commission considered and agreed in full with the Findings of the West Bengal Bench and decided to tender the following Advice to the Central Government as per Section 9(1) of the NCBC Act, 1993.

"Nagar" be included in the Central List of Backward Classes for West Bengal, as below:

"Nagar (this does not include immigrant Maithili Brahmins and immigrant Nagars from other States who are Brahmins and Baniyas)".




(C. D. L. SHETH)

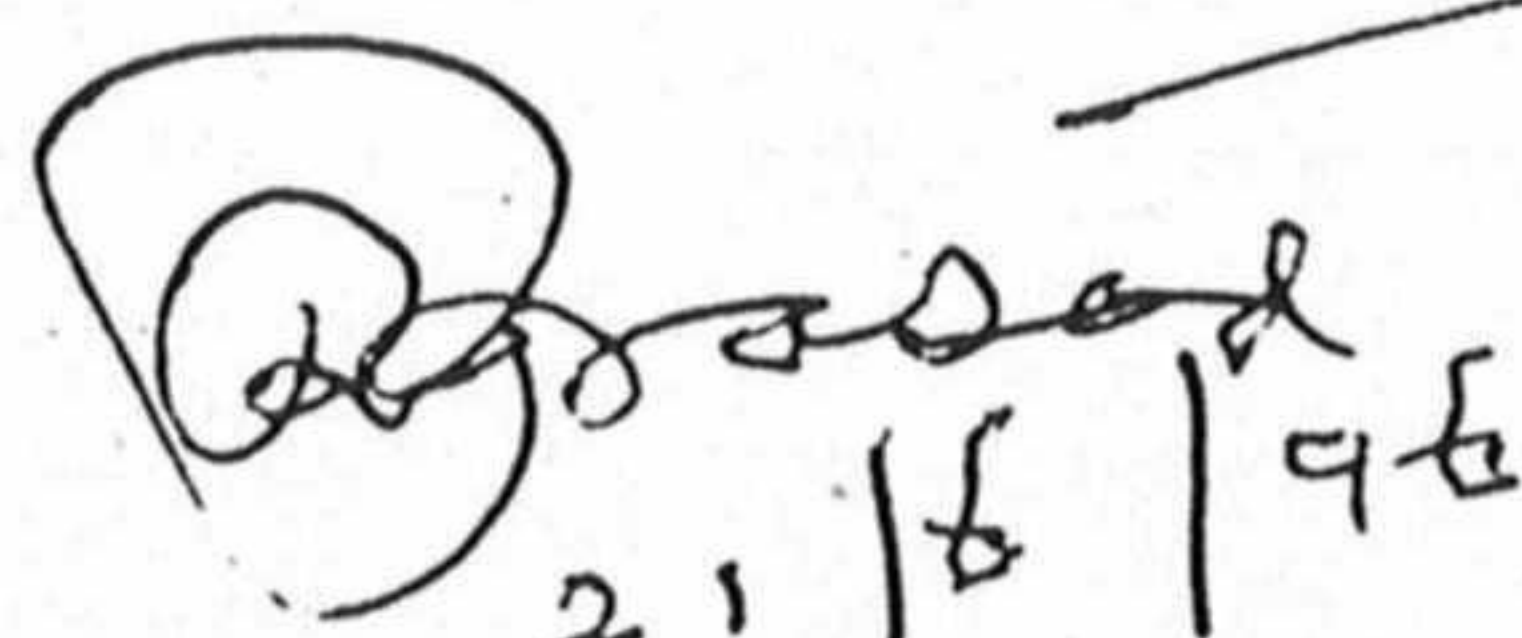



(DR. R. PARAMANAN)

AUTHENTICATED



Secretary, Commission
for Backward Classes


21/6/96

Justice R. N. Prasad
Chairman
National Commission for
Backward Classes
New Delhi.