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सदस्य-सचि
राष्ट्रीय पिछड़ा व
भारत सरकार

त्रिकुट-१, भीकाजी कामा प्लेस, नई दिल्ली-११००६६

Member-Secretary
National Commission for Backward Classes
Government of India
Trikoot-1, Bhikaji Cama Place, New Delhi-110066

NCBC Advice No.WB/26/97
August 27, 1997

Dear Shri Baksi,

I am sending herewith the Advice of the National Commission for Backward Classes under Section 9(1) of the NCBC Act 1993 regarding requests for inclusion of "Chitrakar" caste of West Bengal 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)

Encl: As Stated

Shri K.K.Baksi
Secretary
Ministry of Welfare
Shastri Bhavan
New Delhi-110001

NATIONAL COMMISSION FOR BACKWARD CLASSES

WEST BENGAL BENCH

FINDINGS

Per Shri U.P. Singh, Hon'ble Member

CASE: Request for inclusion of "Chitrakar" in the Central list of Backward Classes for West Bengal.

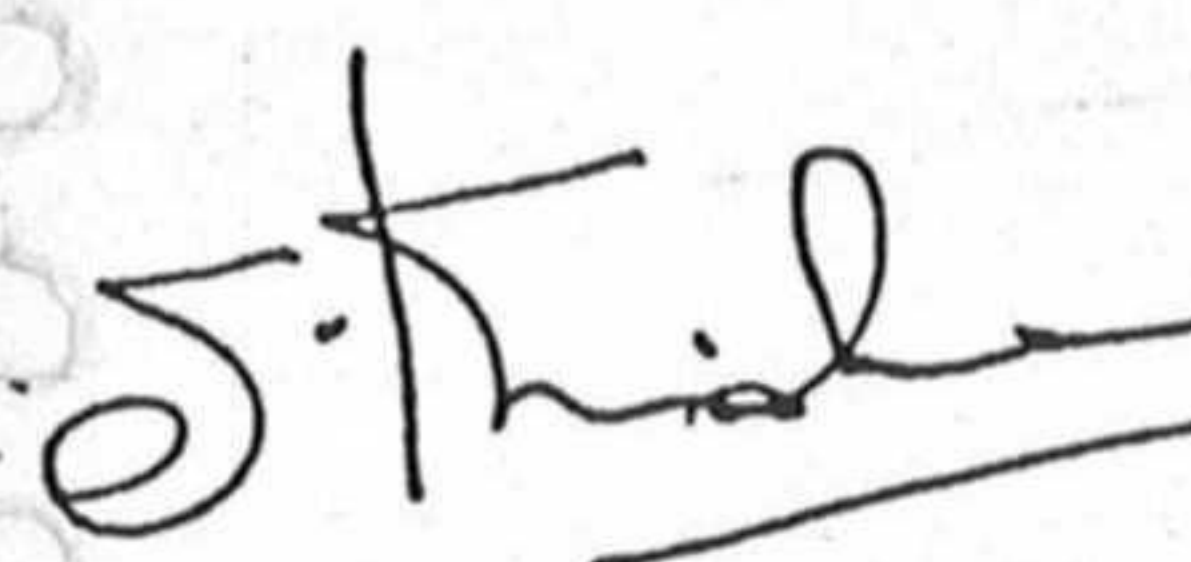
I. Request

1. The Government of West Bengal, vide letter of the Secretary, Scheduled Castes and Tribes Welfare Department No.453-TW/EC/M-6/82(i), dated 27.12.1996 to the Commission has interalia, requested that "Chitrakar" 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 Hon'ble Shri U.P. Singh and Shri Sahu Akshya Bhai held a Public hearing at Calcutta on the 28th June, 1997 to examine this Request. Hon'ble Member of the Commission Shri Navtej Puadhi also joined the Bench. At the Public hearing, the State Government was represented by Dr. U.K. Ray, Secretary, Government of West Bengal, Scheduled Caste and Tribal Welfare, Department and Dr. M.K. Choudhary, Director, Cultural Research Institute, Calcutta. The community was represented by Shri Praful Chitrakar.

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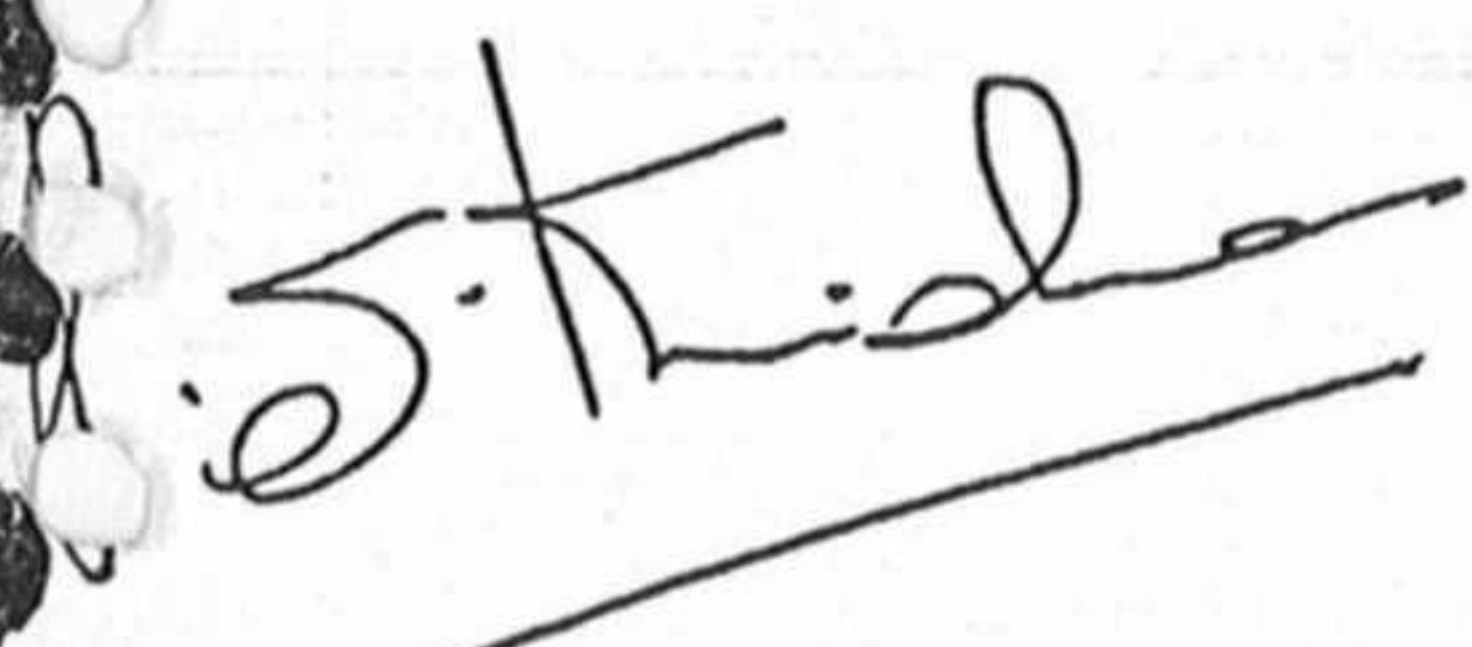

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III. Facts

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 Government of West Bengal issued its first list of Backward Classes by its Notification No. 346-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.

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(1), 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/ M-6/82(I), 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/ M-6/82(I), dated 1st December, 1995,

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published in the Calcutta Gazette of the same date and fifth instalment of 6 Backward Classes by its Notification No. 183-TW/M-6/82(1), dated 8th March, 1996.

5. "Chitrakar" is one of the 6 castes/communities included in the fifth State list of Backward Classes issued on 8th March, 1996. In respect of Chitrakar State Government's request was received on 27th December, 1996.

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

'46 Chitrakar"

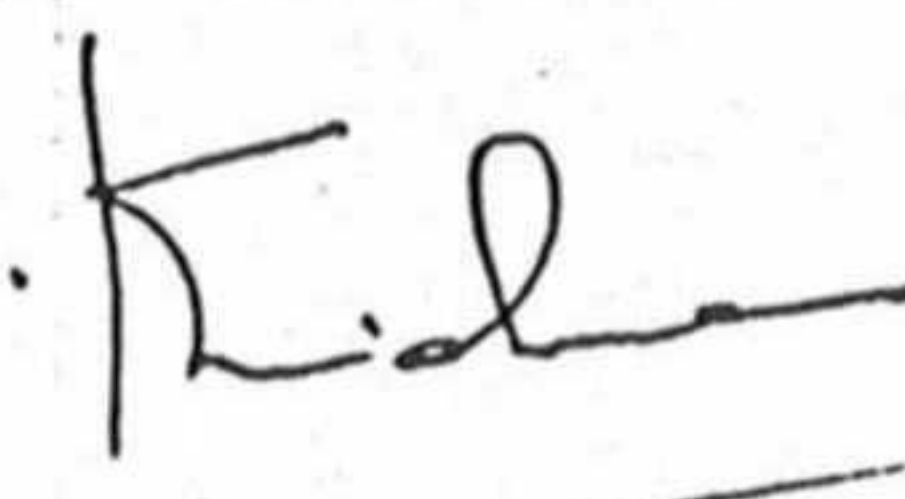
"৪৬ চিত্রকার "

7. The "Chitrakar" Caste/community is largely concentrated in the districts of Hooghly, Howrah, Burdwan, Bankura, Birbhum, Midnapur, Murshidabad, North and South 24-Parganas. They consider themselves socially backward and educationally backward.

8. The questionnaire furnished by the State Government and received on 27.12.1996 gives "Drawing/Painting on Earthen, Image making and Paintings on clothes and papers" as the main occupation of this Caste/community. It is also seen from the questionnaire that their labour is non-agricultural mainly involving in other occupations like day labour, Rickshaw pulling, Hawking, Vending etc.

9. H.H. Risley in his book "The Tribes and Castes of Bengal-Ethnographic Glossary" (Firma Mukhopadhyay, Calcutta: India, 1981, Vol. I, P.206 1st edition, Calcutta 1891), Stated about "Chitrakar"- "a painter synonym for Patua, -a painter- a profession followed by Acharji, Ganak, Sutradhar and other low castes."

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National Commission
Backward Classes

10. Among these communities, the "Sutradhar" caste/community has already been included in the Central List of Backward Classes for West Bengal at entry No.11.

IV

Findings

11. From the above evidence the bench concludes that "Chitrakar" is a socially and also educationally backward caste and it be included in the Central list of Backward Classes for West Bengal as follows:-

English

Hindi

"21 CHITRAKAR"

"२१ चित्रकार"

Bangla

"২১ চিত্রকার"

12. It is observed that in a number of cases certificate issuing authorities do not issue Backward Classes Certificates in respect of the period prior to the Central Govt.'s Notification. The process by which a caste/community became Backward is Centuries old. Its backwardness did not arise suddenly on the date of the notification. The relevance of the date of the findings or the Advice or the Government's notification is only that backwardness of the Caste/Community, which was already a social reality, was after enquiry, officially noted and recognised on that particular date. But the benefit of this recognition should be available from the date from which the reservation for Backward Classes in the Central Services came into effect, i.e. 19.10.1994. Therefore, in this as well as in all other cases it is necessary to specify that the notification takes effect from the date from which the reservation for Backward Classes came into effect and the members of the caste/community will be eligible for reservation from that date.

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SRINIVASAN
Secretary
National Commission
for Backward Classes

Ashaya
14.08.97
(SAHU AKSHAYA BHAI)

U.P. SINGH

V. Advice of the Commission

13. 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:-

"Chitrakar" be included in the Central List of Backward Classes for West Bengal.

English "21 CHITRAKAR"
Hindi " २१ 'चित्रकार' "

Bangla
" ২১ চিত্রকার "

In view of the difficulties faced by the Members of Backward Classes in getting Backward Classes certificates for the period prior to the Notification, a proviso should be included in the Notification to be issued that the "Notification will take effect from 19.10.1994" the date from which reservation for Backward Classes in the Central Services came into effect.

[Signature]
11.10.97

[Signature]

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14.05.97
[Signature]
14.8.1997

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

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27/87