



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

सदस्य-सचिव
राष्ट्रीय पिछड़ा वर्ग आयोग

भारत सरकार
त्रिकूट-१, भीकाजी कामा प्लेस, नई दिल्ली - ११००६६

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

17. 11. 1998

DO NCBC Advice No. Pondicherry 39-40, 41-43/98

Dear Shri Manavalan,

I am sending herewith the Advice of the National Commission for Backward Classes under Section 9(1) of the National Commission for Backward Classes Act, 1993 for the Rejection of the Requests for Inclusion of

- (1) Sheik
- (2) Syed
- (3) Kaniyala Vellalar
- (4) Kasukkara Chetty, and
- (5) Sundaram Chetty

castes/communities in the Central List of Backward Classes for Pondicherry, duly authenticated, for necessary action by the Central Government under Section 9(2) of the Act.

2. With these, Advices on 457 (267 for Inclusion + 190 for Rejection) have been tendered to the Government by the Commission, after its reconstitution in 1997, of which 451 (261 for Inclusion + 190 for Rejection) are still pending with the Government for Notification.

18/11/98

Yours sincerely

P. S. Krishnan

(P.S. KRISHNAN)

Encl: As stated.

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

o/c

PONDICHERRY BENCH

Per Shri Sahu Akshaya Bhai, Member

I. Request

II. Public Hearing

AUTHENTICATED

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P. S. ...
National Commission
for Backward Classes

III.

Facts

3. The U.T. of Pondicherry had no list of Backward Classes at the time of 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 principle of commonality recommend a Central List of Backward Classes for the U.T. of Pondicherry 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 the U.T. of Pondicherry in 1993. The Government of U.T. of Pondicherry issued its list of Backward Classes by its Notification No.G.O.Ms.No.20/94-Wel.(SW)-II dated 6.7.1994. Thereafter, the Central Government vide Ministry of Welfare's Resolution No.12011/9/94-BCC dated 19.10.1994 issued a common(Central) list of Backward Classes for the U.T. of Pondicherry.

4. "Sheik & Syed" castes/communities are not included in the U.T.List of Backward Classes and Mandal List of Backward Classes for Pondicherry. Therefore, they are not included in the Central List of Backward Classes for Pondicherry as they did not fulfill the criteria of commonality i.e. being in the State List as well as Mandal List.

5. No member or representatives of Sheik & Syed castes/communities appeared before the Bench during the last two Public Hearings held on 29th April and 29th August, 1998, inspite of the wide publicity given through the media and also the personal intimation sent by the Commission.

NOTED
R. S. K. SETHI
Member Secretary
Commission
for Backward Classes

6. The Mandal Commission while referring to the existence of Backward Classes among non-Hindu communities has also specifically referred Sayyads and Sheiks as examples of forward communities among Muslims. The Report of the Commission (Vol. I & II p.55) Dr. Harjinder Singh (Caste Among Non-Hindus in India, National, 1977) as writing that Sayyads and Sheiks are the priestly castes like the Brahmins and the Mughals and Pathans, famous for their chivalry, are equal to the Kshatriyas... They are descendents of the members of the Hindu clean castes who have been converted to Islam either in groups from different castes or as whole castes."

7. In its Study Report on the Muslims of Karnataka submitted to this Commission by the Ananthakrishna Iyer International Center for Anthropological Studies (AICAS), Palakkad, Kerala, the Institute has identified a number of endogamous Muslim communities in Karnataka. The Institute's Report is mainly based on secondary sources. However, the Institute has done some general surveys in the Mysore-Bangalore area of Karnataka. The Study Report has noted that the endogamous groups among Muslims in South India were formed on the basis of social status, descent and perceived superiority; those who claimed descent from the descendents of the Prophet or spoke Arabic were placed at the highest echelons. The Syeds are given as an example. The Report refers to the People of India Survey undertaken within the last decade by the Anthropological Survey of India as bringing out that while the Sayyids claim descent from Fatima, daughter of the Prophet and are religious teachers, the Shaiks claim descent from the Prophet's associates. In the Mysore Tribes and Castes (Mittal Publications, New Delhi, 1988, L.K. Ananatha Krishna Iyer writes that "The term Sayyids,

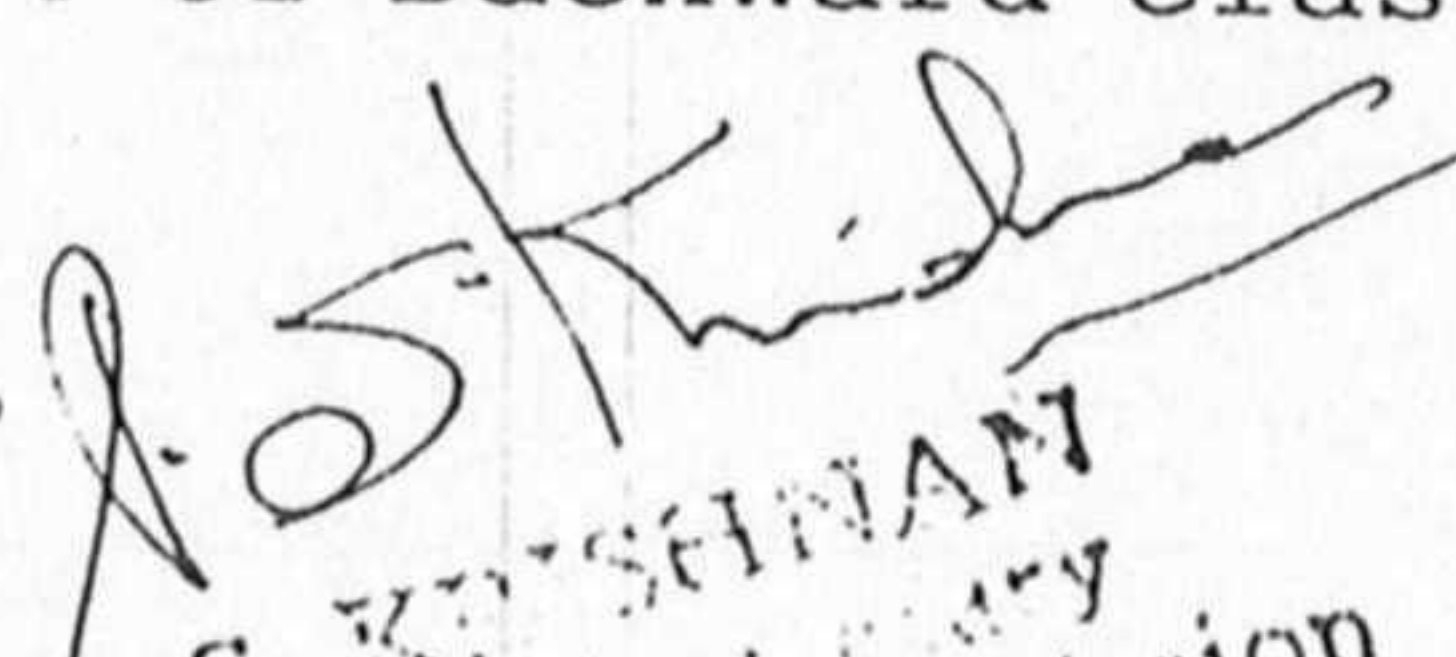
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'lord' is also known as Pirzada, 'descendents of a Saint', or Mashaik, 'venerable'. The saints claim descent from Fatima, daughter of the Prophet, and as religious teachers, soldiers and adventurers flocked to India with the Muhammadan armies." L.K. Anantha Krishna Iyer writes regarding Shaikh that "Shaikh, 'venerable leader', is a term which is applied only to those of pure Arab descent, and the name is purely applied to three branches of the Quraish tribe from which the prophet was born."

8. Detailed accounts on castes/communities under consideration are not found in the available ethnographic literature. The Bench therefore is left with no other alternative but to examine these cases on the basis of the data/information provided by the U.T. Government and other evidence brought before it during the Public Hearing.

9. No evidence whatsoever has been produced before the Bench to highlight the Social Backwardness of this Community. In view of this, the Bench is left with no option but to conclude by relying on the description of Sheiks & Syeds as a priestly class who claim descent from Prophet associates as mentioned in para 6&7 above that Sheikhs & Syeds are not socially backward, but are in fact socially advanced. Community belonging to priestly class claiming descent from descendents of the Prophet are generally considered to be placed at the highest echelons among Muslim communities.

10. The NCBC has already tendered its Advice to the Central Government, vide letter No. NCBC Advice No. 87-88/Tamil Nadu, rejecting the Request for inclusion of Sheik & Syed in the Central List of Backward Classes for Tamil Nadu.


P. S. KRISHNAM
Member
National Commission
for Backward Classes

11. It is the view of the Bench that the 'Backwardness' envisaged by the Constitution under Article 16(4) is essentially 'Social Backwardness', any caste/sub-caste/community which is not found to be really Socially Backward cannot be considered for inclusion in the List of Backward Classes. Therefore, it is the considered opinion of the Bench that since there is no evidence available to show that these castes/communities are Socially Backward, does not deserve to be included in the Central List of Backward Classes.

IV. Findings

12. From the facts and evidence available, it is the Finding of the Bench that Request for Inclusion of "Sheik & Syed" in the Central List of Backward Classes for Pondicherry should be rejected, as they do not constitute Socially Backward Classes.

Ashaya
12.11.98
(Sahu Akashaya Bhai)

U.P. Singh
13.11.98
(U.P. Singh)

AUTHENTICATED

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

V.

Advice of the Commission

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

"The Request for Inclusion of "Sheik & syed" in the Central List of Backward Classes for Pondicherry be rejected, as they do not constitute Socially Backward Classes.

On account of the unfortunate demise of one of the Members Shri Navtej Puadhi on 16-8-1998, 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.

Rashwan
12.XI.98

Navtej Puadhi
13.11.98

P. U. Suresh Kumar
17.11.98

P. S. Kumar
17.11.98

P. S. Kumar
ATTN: SECRETARY
Ministry of Social Justice
for Backward Classes

NATIONAL COMMISSION FOR BACKWARD CLASSES

PONDICHERRY BENCH

FINDINGS

Per Shri Sahu Akshaya Bhai, Member

Case : Request for inclusion of "Kaniyala Vellalar Kasukkara Chetty & Sundaram Chetty" Castes/Communities in the Central List of Backward Classes for Pondicherry.

I. Request

1. These cases arises from the Request received in this Commission from Shri S.Govindaraju, General Secretary, Pirpaduthapattor Nala Sangam, Pondicherry, for inclusion of the "Kaniyala Vellalar, Kasukkara Chetty & Sundaram Chetty" castes/communities in the Central List of Backward Classes for Pondicherry

II. Public Hearing

2. A two-Member Bench of the NCBC consisting of Hon'ble Members Shri Sahu Akshaya Bhai and Shri U.P.Singh held a Public Hearing in respect of this request at Pondicherry on 27th & 28th August, 1998. At the Public Hearing, the U.T. Government was represented by Shri Felix Sequeria, Welfare Secretary, Shri

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

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A.Salvaraj, Deputy Director, Social Welfare, Shri V.Swaminathan, Research Officer, Social Welfare and other officials.

III. Facts

3. The U.T. of Pondicherry 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 the U.T. of Pondicherry 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 the U.T. of Pondicherry in 1993. The Government of U.T. of Pondicherry issued its list of Backward Classes by its Notification No.G.O.MS.No.2094-Wel(SW)-II dated 6-7-1994. The List issued by the Government of U.T. of Pondicherry is a mechanical repetition in toto of the Mandal Commission's List. All the entries in the Mandal List, except entry at Sl.No.161 "New Buddhists, Nov Buddhists" appears in the Backward Classes List of U.T. of Pondicherry. Thereafter, the Central Government vide Ministry of Welfare's Resolution No.120119/94-BCC dated 19.10.1994 issued a common(Central) list of Backward Classes for the U.T. of Pondicherry. These Castes/Communities are not included in the U.T. List of Backward Classes as well as in the Mandal List of Backward Classes and therefore these castes/communities are not included in the Central List of Backward Classes for Pondicherry.

AUTHENTICATED

[Signature]
P. S. KRISHNAN
Member Secretary
National Commission
for Backward Classes

4. No member or representatives of these castes/communities appeared before the Bench during both the Public Hearings held on 29th & 30th April, 1998 and 27th & 28th August, 1998 inspite of the wide publicity given through the media and personal communication sent to the applicant by the NCBC.

5. During the Public Hearing, the U.T. Government stated that these castes/communities are not found in Pondicherry U.T.

6. The State Level Committee for Backward Classes (First Report, dated 11th Sept., 1995) have not recommended these castes/communities in the U.T. List of Backward Classes.

The Committee had conducted a survey of the population through the agency of the Institute of Community Development of the Pondicherry University and collected the relevant data for the application of criteria formulated.

The list of castes and sub-castes found in the Union Territory was published inviting objections and representations from the public. After consideration of those representations the list of castes with their sub-castes in the Union Territory of Pondicherry was finalised. In all castes where there were clear cut sub-castes and where the number of households were large, each sub-caste was taken as a class. In respect of other castes, the caste as a whole has been taken as a Class. Castes having less than 20 households in the Union Territory of Pondicherry were left out. After these

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P. S. KRISHNAN
Member Secretary
National Commission
Backward Classes

operations the list of classes to be examined as regards backwardness was finalised.

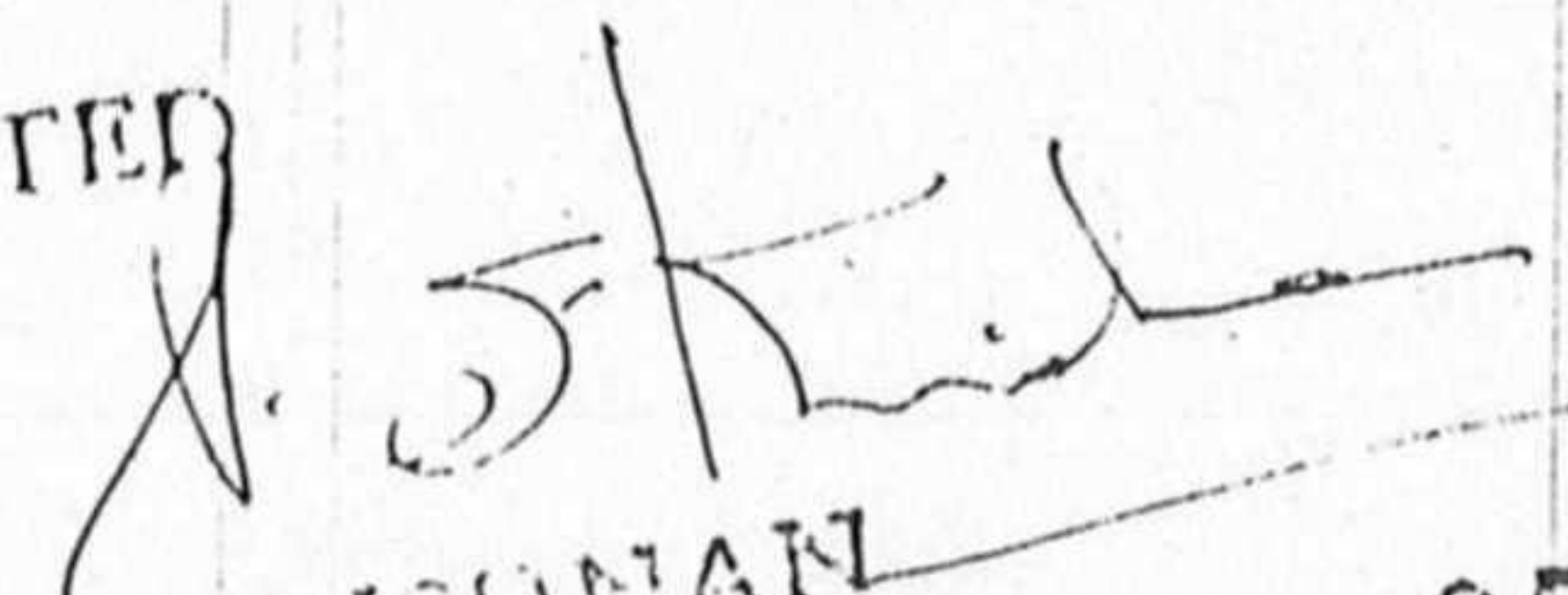
Marks were given to the list of classes so prepared on the basis of the criteria adopted and 64 classes secured 50% of marks and therefore qualified straightaway for being declared as backward. That is the list of castes recommended for being declared as backward. They represent 51% of the population.

217 other castes and sub-castes figuring in the provisional list, now in force do not appear in the proposed list. 158 of them were not at all found to be existing in the U.T. of Pondicherry as per the survey. 28 of them have been left for having less than 20 households, 31 of them have secured less than 50% of marks. Some of them got only '0' marks, not showing a single sign of backwardness as per criteria. It is to be noted that 17 castes and sub-castes not appearing in the provisional list have been found existing in the Union Territory of Pondicherry and being backward

7. People of India, Pondicherry, Vol.XXXVI, 1994, General Editor K.S.Singh, Anthropological Survey of India, Affiliated East-West Press Pvt. Ltd, Madras, contains description of 67 castes/communities found in Pondicherry. None of the above caste/communities under consideration appears in the People of India, Pondicherry.

The Anthropological Survey of India launched the People of India project on October 2, 1985, to generate an anthropological profile of all the communities of India. All the communities of Pondicherry have been surveyed ethnographically for the first time under this project in all their aspects. The survey was conducted in

AUTHENTICATED


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

collaboration with local scholars.

8. The Bench notes that the applicant has made request for inclusion of all those castes/communities which are included in the State List of Backward Classes of Tamil Nadu and which are excluded from the U.T. List of Pondicherry. The NCBC Questionnaire sent to the applicant has not been filled up and returned back. The applicant also did not appear before the Bench at the Public Hearings.
9. At this stage the Bench is of the view that it is not necessary to come to any conclusion about the correctness of excluding castes from consideration only on the ground that their number of households is less than 20, as taken into consideration by the State Level Committee for Backward Classes, Pondicherry and will examine this issue only if and when Request of any caste/community which has not even been examined on the ground of the smallness of its size in terms of number of households comes before the Bench.
10. The facts that the applicant has not filled up the Questionnaire and no member from these castes/communities was present during the last two Public Hearings support the conclusion of the State Level Committee and the U.T. Government that these castes/communities just do not exist in the U.T. of Pondicherry.

AUTHENTICATED

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

IV. Findings

11. From the above materials and facts, it is the finding of the Bench that the Request for inclusion of kaniyala Vellalar, Kasukkara Chetty & Sundaram Chetty castes/communities in the Central List of Backward Classes for U.T. of Pondicherry should be rejected on the ground that they do not exist in the U.T. of Pondicherry.

Akshaya
12.11.93
(Sahu Akshaya Bhai)

U.P. Singh
13.11.93
(U.P. Singh)

V. Advice of the Commission

12. The Commission considered and agreed in full with the above Findings of the Pondicherry Bench and decided to tender the following Advice to the Central Government under Section 9(1) of the NCBC Act 1993 for action by the Central Government under section 9(2) of the Act:

The Request for Inclusion of Kaniyala Vellalar, Kasukkara Chetty & Sundaram Chetty castes/communities in the Central List of Backward

P. S. Krishnan
AUTENTICATED

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

Classes for U.T. of Pondicherry be rejected on the ground that they do not exist in the U.T. of Pondicherry.

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.

Rohayan
12.11.98

Navtej Puadhi
13.11.98

P. V. Suresh Kumar
14.11.98

P. S. Krishnan

17.11.98

RECEIVED

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