



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

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

DO NCBC Advice No. 22 Bihar /98

28. 09. 1998

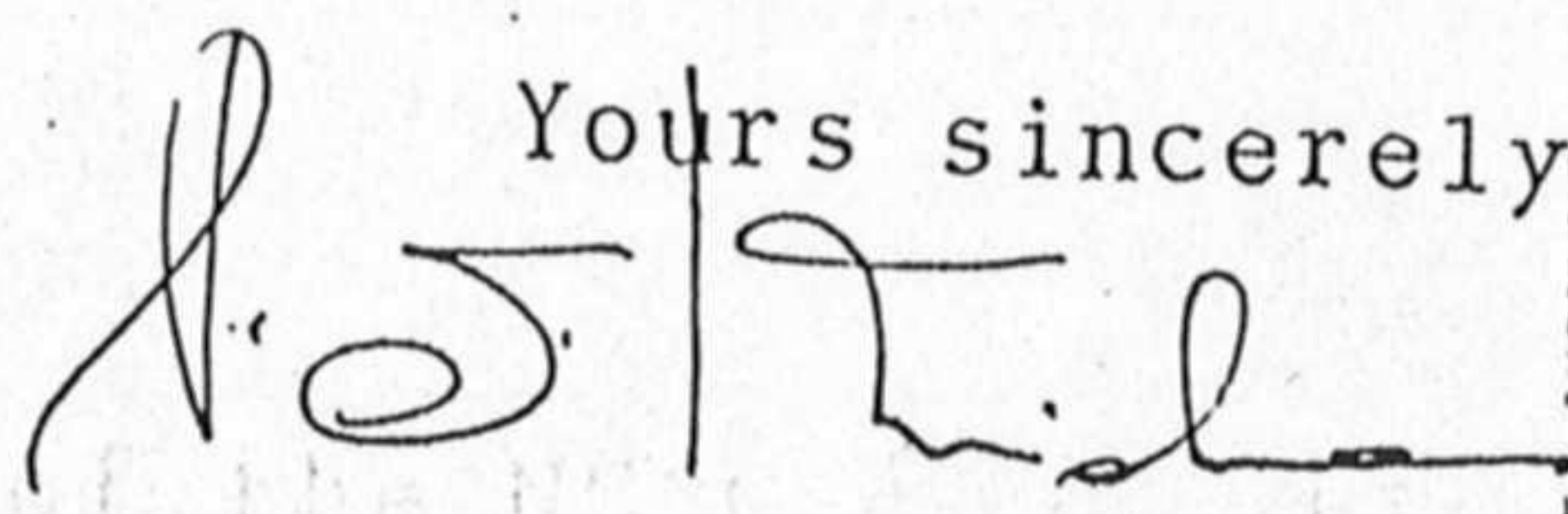
Dear Shri Manavalan, Member-Secretary

I am sending herewith the Advice of the National Commission for Backward Classes under Section 9(1) of the NCBC Act for Inclusion of 'Kulahiya' caste/community in the Central List of Backward Classes for Bihar, duly authenticated, for necessary action by the Central Government under Section 9(2) of the Act.

2. With these, Advices on 419 (244 for Inclusion + 175 for Rejection) castes, sub-castes, synonyms etc. have been tendered to the Government by the Commission, after its reconstitution in 1997, of which 413 (238 for Inclusion + 175 for Rejection) are still pending with the Government for Notification.

With Best wishes,

Yours sincerely


(P.S. KRISHNAN)

Encl: 5 As stated

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

NATIONAL COMMISSION FOR BACKWARD CLASSES

BIHAR BENCH

Per Shri P.S. Krishnan, Member-Secretary

Case: Request for Inclusion of "Kulahia" in the Central List of Backward Classes for Bihar

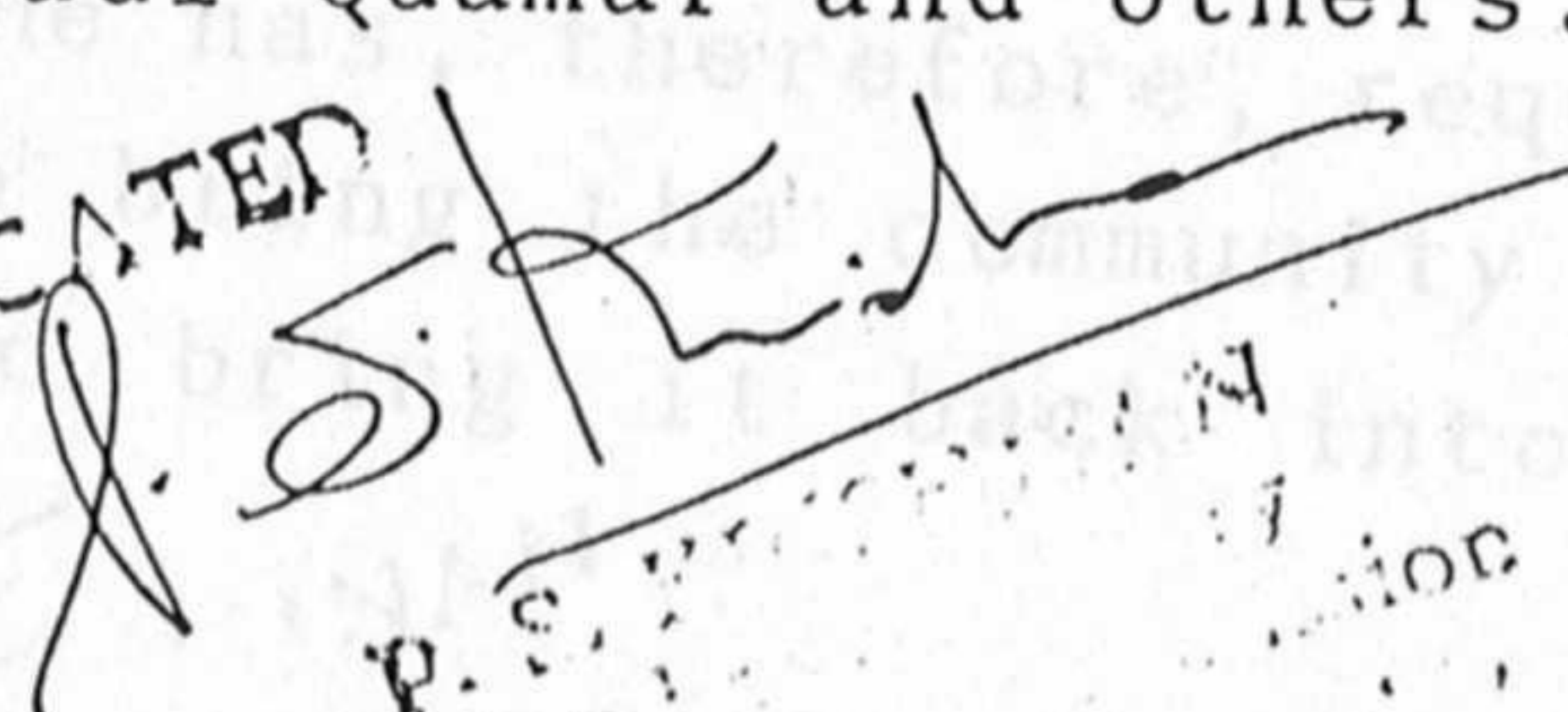
I. Request

This case arises from the Request received in this Commission from the Kulahia Development Organisation, Sabistan Manzil, Mehendru, Patna-5, Bihar for the Inclusion of 'Kulahia' caste/community in the Central List of Backward Classes for Bihar.

II. Public Hearing

2. The two-Member Bihar Bench of the NCBC consisting of Sri P.S. Krishnan, Hon'ble Member-Secretary and Shri Uday Pratap Singh, Hon'ble Member held a Public Hearing in respect of this Request at Patna on 08. 01. 1998. At the Public Hearing the State Government was represented by Shri Harun Rashid, Deputy-Secretary, Deptt. of Personnel & Administrative Reforms and other officers. Prof. Rameshwar Prasad Singh, Hon'ble Member, Bihar State Commission for Backward Classes was also present during the Hearing and provided valuable information. The Kulahiya Development Organisation was represented by its President Md. Anwarul Haque and General-Secretary Shri M. Ziaul Quamar and others.

AUTHENTICATED


P.S. Krishnan
Member-Secretary
NCBC

III. Facts

3. "Kulahia" caste/community is not included in the first phase Central List of Backward Classes for Bihar prepared in 1993 on the basis of the principle of commonality (i.e., by including castes/communities common to the Mandal Commission's List of BCs for Bihar and the State Government's List as existed at that time) because it was not included in the Mandal Commission's List of BCs for Bihar as well as the State Government's List of BCs that existed at that time and therefore did not satisfy the criterion of commonality.

4. The State Government of Bihar, on the basis of the recommendation of the State Commission, has since notified the inclusion of this caste/community as "कुलाहिया" in the State List at Sl.No. 38 in the Backward Classes category (Annexure-II) vide Notification No. 11/V2 B.C.C 01/Pers. 135 dated 4.9.1996.

5. In his letter of Request, Shri M.Z.Quamar, General Secretary, Kulahia Development Organisation has stated that "Kulahiya is an extremely backward Muslim caste that resides in the Kosi region of the State of Bihar" and that "this community was traditionally engaged in local resource based crafts. But due to ruin of these crafts as a consequence of the British colonial policy (this region became as part of British Bengal Province in 1765) most of the craftsmen became landless labourers or tenants-at-will. They still constitute the huge majority of this community..... Due to extreme poverty, illiteracy, and numerous social, economic and educational deprivations the community has become inward-looking and orthodox and consequently cut off from the national mainstream". He has, therefore, requested that it is absolutely necessary to bring the community in the ambit of reservation in order to bring it back into the process of

AUTHENTICATED

P.S.
Member
National Commission
for Backward Classes

employment of the memembs of the community:

1. State level Public Undertakings, autonomous/semi-autonomous establishments	6
2. Teachers in colleges and universities	19
3. Administrative personnel in colleges and universities	1
4. Doctors	6
5. Lawyers	30
6. Engineers & Architects	8
7. Media Professional	1

7. The Request-making Organisation has enclosed a copy of relevant extracts from "An Account of the District of Purnea in 1809-10" by Francis Buchanan. About "Kulaiyas" of Purnea Buchanan while stating that "Kulaiya Mohammadans are a Sub-group of Sheikhs" further writes as follows:-

"They are an indigenous group of Muslims in Purnea district and are mostly to be found in Kasba, Araria and Purnea Sadar thanas. L.S.S. O'Malley has mentioned in the last Gazetteer that they are converts from Hindus and that they retain many of the Hindu rites and customs. He also thought that they owe their name from a Hindi word and he had mentioned about the prevalence of Bishahari Puja among Sheikhs.

Kulaiyas now do not accept these ideas about them. It has been, however, found that at Kashibari, a tola of village Sisauna, 12 miles east of Araria town, Bishahari Puja is still prevalent in a few illiterate families and that formerly they did not marry their own cousins. The old custom of not marrying own cousins has also decayed.

AUTHENTICATED
R. S. K. S.

The exact origin of Kulaiyas is not traceable and a few stories are current."

8. The Request-making Organisation has also enclosed a copy of an article titled 'The Kulahiya Muslims: Their History and Culture' by Tasneem Kausar published in Development India, July-August 1995 wherein it is observed that "the area east to the river Kosi, known as Darya-i-Alam (Sea of Sorrow) formerly constituted parts of Bengal, called Sarkar-i-Purnia. It came into contact with Islam in the early years of the 13th century was followed by a number of Muslim settlements. As a result, the region has one of the largest concentration of the Muslim population in India. The Muslims in this region, as elsewhere in the subcontinent, have numerous social divisions. Majority of them are said to be the Shaikhs." In the article it is further noted that

"The Kulhias are the cultivating class people. Socially they are divided into three classes. But the division is purely on economic ground. The upper class consisted of former Zamindars, Patnidars, Milkdars, Qarydars and Jotdars, now turned into Kashtekar. They are very small in number and form only 1% of the population.....

The middle class comprise of small farmers, mahajans(money lenders), local Netas (leaders), school, and Madrasa teachers, artisans and people connected with small business of various agricultural products, cattle and wood etc., forming 20% of their population.....

The lower class comprised of agricultural labourers known as Banihars form more than 75% of the total population. Some of them live like animals in very undesirable environments in their Jhopras made of strips of Bamboo, Grass and Mud. Their women folk work on agricultural fields and also see the household work. Some of them even today do not have adequate food, cloth and drinking water. Recently in search of a livelihood and to improve their miserable condition, many of them began to visit the distant areas of

AUTHENTICATED
P. 5

the country as labourers such as UP, Punjab, Haryana, Maharashtra, West Bengal and metropolitons like Delhi, Bombay and Calcutta. A considerable number of them have settled in some of these towns."

9. During the Public Hearing the representatives of the caste/community stated that they are 18th century converts from backward classes like Kol etc. In response to a query from the Bench, they stated that in social status their community is below Ansaris.

10. The Bench has reliably learnt that Kulahia community of Muslims are not actually Sheiks and their mention as a sub-group of Sheiks by Buchanan, referred to at para 7 above could have been occasioned by the fact that some members of this community, in the hope of improving their status in social esteem, might have claimed to be or adopted the name of Sheiks just like a number of Socially Backward Hindu castes/sub-castes/communities have claimed to be or adopted the names of socially advanced castes or sections of the Society.

11. There was no objection raised during the Public Hearing to the proposed inclusion of Kulahia community in the Central List of Backward Classes for Bihar from those present who were from different sections of society.

IV. Findings

12. From the above material and evidence, it is the view of the Bench that Kulahia is not truly Sheikh, which is one of the "Ashraf" or socially high group of castes/communities whose members are Muslim by religion. The Bench has concluded that Kulahia community of Bihar constitutes a Socially and Educationally backward class of citizens and therefore Kulahia should be included in the Central List of Backward

AUTHENTICATED

[Signature]
P. S. KRISHNA
Member

Classes for Bihar at Sl.No. 125, as follows:-

"125. Kulahia"

"125. कुलहिया"

Handwritten signature
21/9/98

Handwritten signature

23.9.98

V. Advice of the Commission

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

Kulahia be included in the Central List of Backward Classes for Bihar at Sl. No. 125, as follows:-

"125. Kulahia"

"125. कुलहिया"

14. On account of the unfortunate demise of one of the Members Shri Navtej Puadhi on 16.8.98, this unanimous Advice of the Commission does not bear the signature of that

AUTHENTICATED

Handwritten signature
P. S. ENGLISH
Member
National Commission
for Backward Classes

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 Kumar
24/9/98

P. S. Krishnan

23.9.98

Adarsh
24.09.98

File signed by
25/9

AUTHENTICATED

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