



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

ए. एस. कृष्णन्
A. S. KRISHNAN
6183190

NCBC Advice No. Rajasthan 42/98

31.12.198

Dear Shri Manavalan,

I am sending herewith the Advice of the National Commission for Backward Classes under Section 9(1) of the NCBC Act for the Inclusion of "Sunar, Soni" as synonyms of Swarnakar in the Central List of Backward Classes for Rajasthan, duly authenticated, for necessary action by the Central Government under Section 9(2) of the Act.

Yours sincerely

(P.S. KRISHNAN)

Encl: As stated.

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

O/c

31/12/98

NATIONAL COMMISSION FOR BACKWARD CLASSES

RAJASTHAN BENCH

FINDINGS

Per Shri P.S.Krishnan, Member-Secretary

Case: Request for Inclusion of "Sunar, Soni" as synonyms of "Swarnakar" caste/community in the Central list of Backward Classes for Rajasthan.

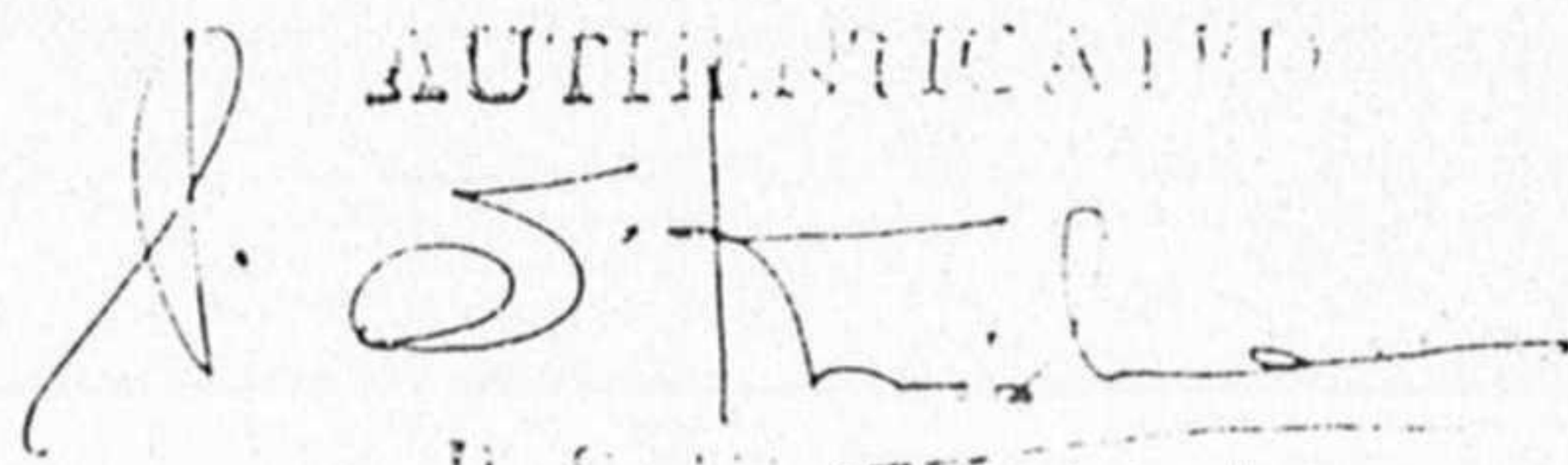
I. Request

This case arises from the Requests received in this Commission from the Rajasthan State Backward Classes Commission vide their letter No. F1/RSBCC/95/8942 dated 28.4.95 and from Shri Lakshmi Kant Bhavsar, Anya Pichara Varg Yuva Morcha, Distt. Banswara for inclusion of "Sunar, Soni" as synonyms of Swarnakar in the Central List of Backward Classes for Rajasthan.

II. Public Hearing

2. The 2-Member Rajasthan Bench of the Commission consisting of Shri P.S.Krishnan, Hon'ble Member-Secretary and Shri Navtej Puadhi, Hon'ble Member held a Public Hearing at Jaipur on 09.06.98 inter alia to examine this Request. At the Public Hearing the State Government was represented by Shri S.K.Dalel, Joint Director and Shri Ramesh Chandra Sharma, Deputy Director in the Directorate of Social Welfare. Shri G.D.Garg, Joint-Director represented the Rajasthan State Backward Classes Commission. Shri Lakshmi Kant Bhavsar appeared before the Bench on behalf of the caste/community.

AUTHENTICATED



III. Facts

3. The State Government of Rajasthan 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 Rajasthan 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 Rajasthan in 1993. The Government of Rajasthan issued its list of Backward Classes by its Notification No. F.11(125)R&P/SWD/52307 dated 6.8.1994. 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 Rajasthan.

4. Relevant entries in respect of the present Request in different Lists are as follows:-

(i) State List

"50. Swarnakar, Sunar, Soni"

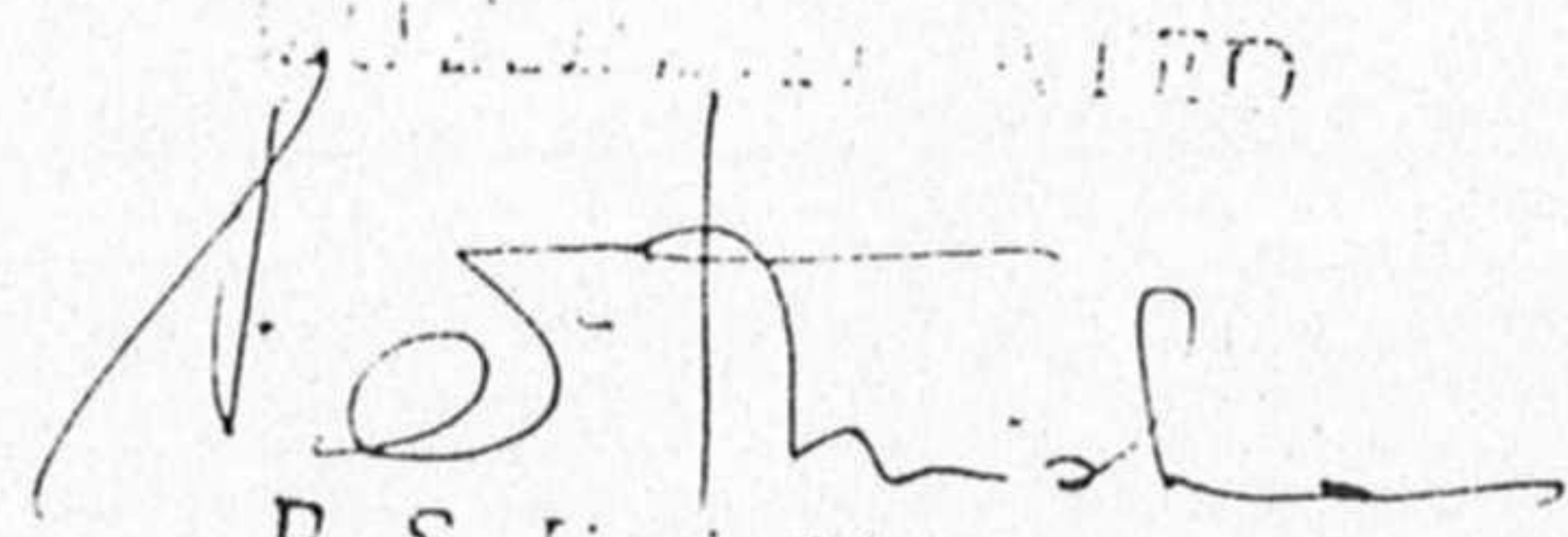
(ii) Mandal List

"132. Swarnakar"

(iii) Central List

"49. Swarnakar"

"Sunar, Soni" as synonyms of "Swarnakar" are included in the State Government's List. But, since they are not included in the Mandal Commission's List, they are also not included in the first-phase Central(Common) List of BCs for Rajasthan prepared by the Government of India and notified by it on the 19.10.94.


P. S. D. DHAN
Member,
National Commission
for Backward Classes

5. The State Commission in its letter of Request dated 28.4.95 has inter alia stated that "Sunar, Soni" are only synonyms of the "Swarnakar" caste/community. Since "Sunar, Soni" are already included in the State List on the Advice of the State Commission, these synonyms of "Swarnakar" should also be included in the Central List.

6. During the Public Hearing, Shri Lakshmi Kant Bhavsar stated before the Bench that "Sunar" and "Soni" are popular synonyms of "Swarnakar" caste/community which is already included in the Central List of Backward Classes for Rajasthan and, therefore, these synonyms should be added in the Central List along with "Swarnakar". Those others present during the Public Hearing who were from different sections of society also concurred with the view that "Sunar" and "Soni" are really synonyms of "Swarnakar".

7. "Sunar" or "Soni" have already been included in the Central List of Backward Classes for the following States:-
Madhya Pradesh,

<u>State</u>	<u>Relevant entry</u>
Haryana	"54. Sunar"
Madhya Pradesh	"29. Sonar Sunar, Swarnakar, Jhhari, Jhhadi Awedhiya Audhiya"
Uttar Pradesh	"51. Sonar Sunar"
NCT of Delhi	"50. Sunar"
Punjab	"61. Dhaula or Soni"

AUTHENTICATED

[Signature]

Besides, the NCBC has tendered Advice to the Central Government for the Inclusion of "Sunar/Swarnakar" in the Central Lists of BCs for Punjab and the Union Territory of Chandigarh vide NCBC Advice No. 5 Punjab/98 dated 24.03.98 and NCBC Advice No. 6 Chandigarh/98 dated 22.9.98. The NCBC has also tendered Advice to the Central Government for the inclusion of "Soni" in the Central List of BCs of Haryana vide NCBC Advice No. Haryana 14/96 dated 14.8.96 after examining a Request in this regard from the State Government of Haryana which has already included "Soni" as a synonym of Sunar in the State List.

IV. Findings

8. From the above material and evidence, the Bench came to the Finding that "Sunar" and "Soni" are synonyms of "Swarnakar" which is already in the Central List of Backward Classes for Rajasthan at entry no. 49. Synonyms of a caste/community which is already in the Central List have been covered by para 9 of the Procedural Clarification of the NCBC's Guidelines for Consideration of Request for Inclusion and Complaints of under-Inclusion in the Central List of Backward Classes. Therefore, "Sunar, Soni" should be included as synonyms of Swarnakar at entry no. 49 in the Central List of Backward Classes for Rajasthan and the amended entry no. 49 should read as follows:-

"49. Swarnakar, Sunar, Soni"

9. As one of the Members of the Bench, Shri Navtej Puadhi unfortunately passed away on 16.8.1998, subsequent to the Public Hearing, the Findings are signed only by one Member, who is also the co-ordinating Member of the Bench, but the Findings represent the conclusion jointly arrived at by both the Members.

AUTHENTICATED

Ashtangar
23.11.98

J. S. Kishan
14.12.98

V. Advice of the Commission

10. The Commission considered and agreed in full with the above Finding of Rajasthan Bench and decided to tender the following Advice to the Central Government under Section 9(1) of the National Commission for Backward Classes Act, 1993, for necessary action by the Central Government under Section 9(2) of the Act:-

"Sunar, Soni" be included as synonyms of "Swarnakar" at entry no. 49 in the Central List of Backward Classes for Rajasthan at entry no. 49, and the amended entry no. 49 be read as follows:-

"49. Swarnakar, Sunar, Soni"

11. 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.

[Signature]
14.12.1998

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21.12.98

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23.11.98 21.12.98

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