

Orders/Circulars of the State Government issued from time to time regulate reservation and issue of Caste Certificates for citizens belonging to Scheduled Castes and Scheduled Tribes.

## CHAPTER I

Caste status of some particular castes

### 1. Sunri (excluding Saha)

#### No. 1(a)

GOVERNMENT OF WEST BENGAL  
SCHEDULED CASTES & TRIBES WELFARE DEPARTMENT  
Writers' Buildings, Calcutta—700001

No. 498-TW

Calcutta, the 28<sup>th</sup> February, 1983

#### MEMORANDUM

According to the practice obtaining in West Bengal persons belonging to 'Sunri' community are being issued Scheduled Caste Certificates by the competent authority irrespective of the fact whether they use their surname as 'Saha' or not. Such certificates are not, however, being accepted by the Government of India on the ground that the persons belonging to Sunri (excluding Saha) are eligible to benefits as admissible to Scheduled Castes in West Bengal State. Consequently the members of Sunri community who are already in possession of Scheduled Castes Certificates are not getting the benefits as admissible to Scheduled Castes in West Bengal State.

The point mentioned above was taken up with the Government of India in the Ministry of Home Affairs and they have since furnished the following clarification:--

“According to the Constitution (Scheduled Castes) Order, 1950 amended up-to-date only 'Sunri (excluding Saha)' has been specified as Scheduled Caste in relation to West Bengal State. In view of this if a person is certified by a competent authority to the effect that he belongs to 'Sunri (excluding Saha)' community he is to be recognised as a Scheduled Caste. He may be using any surname including 'Saha' and the Government of India is not concerned with that.”

Having regard to the aforesaid clarification of the Government of India all authorities competent to issue Scheduled Caste Certificates are hereby requested to mention 'Sunri(excluding Saha)' in the appropriate place of the form for such certificates while issuing new Caste Certificates to avoid any anomaly in future. They are also requested hereby to issue fresh Caste Certificates to the members of 'Sunri' community mentioning 'Sunri (excluding Saha)' on the basis of applications made for the purpose duly supported by the Caste Certificates already issued in favour of them mentioning their caste as 'Sunri'

Sd/- **M. K. Bose,**  
Secretary

**No. 1(b)**  
**GOVERNMENT OF WEST BENGAL**  
**SCHEDULED CASTES & TRIBES WELFARE DEPARTMENT**  
Writers' Buildings, Calcutta—700001

No. 350-TW/EC

Calcutta, the 15<sup>th</sup> June, 1992

**MEMORANDUM**

Subject: Substitution of Scheduled Caste Certificates having Caste as 'Sunri' by fresh Scheduled Caste Certificates having Caste as 'Sunri (Excluding Saha)'

In West Bengal there was a longstanding practice to issue Scheduled Caste Certificate mentioning 'Sunri' as the Caste. The Government of India however, by their clarification observed that in place of 'Sunri' the words 'Sunri (excluding Saha)' should be written for its acceptance to them. A direction was given accordingly under this Department's Memo No. 498-TW, dated 28<sup>th</sup> February, 1983 (copy enclosed).

2. It appears, there has been a lot of confusion amongst the Certificate Issuing Authorities in this matter. When an application is submitted to the Certificate Issuing Authority for replacement of the certificate by a fresh one mentioning 'Sunri (excluding Saha)' as the Caste, a fresh enquiry is generally made with a lot of suspicion in mind. Consequent upon that there has been an undue delay in issuance of Caste Certificate and in some cases certificates have not at all been issued for years together causing hardship to such persons. The matter has again been under consideration of the Government for quite some time. After careful consideration it has been decided that all caste certificates with 'Sunri' as the caste be replaced straight-way by a fresh certificate mentioning 'Sunri (excluding Saha)' as the caste without any enquiry whatsoever.

3. If however, the certificate issuing authority has any doubt in mind as to genuineness of the certificate, a separate enquiry can be made subsequently as is done in case of such doubt arising in other caste/tribe certificate or in case of complaints etc., and action may be taken accordingly as it deserves.

Sd/- **K. K. Naskar**  
*Secretary*

**No. 1(c)**  
**GOVERNMENT OF WEST BENGAL**  
**BACKWARD CLASSES WELFARE DEPARTMENT**  
Writers, Buildings, Block I (2<sup>nd</sup> floor)  
Calcutta—700001

No. 5(34)-BCW/RC/ MR—185/95

Dated the 4<sup>th</sup> January, 1999.

Subject: Clarification for issuing of Scheduled Caste  
Certificates to 'Sunri (excluding Saha)'

The undersigned is directed to refer to this Department Memo No. 350-TW/EC dated, 15-06-92 and to say that Government has been receiving various references from different certificate issuing authorities regarding issue of Scheduled Caste Certificates to 'Sahas' within the meaning of 'Sunris (excluding Saha)' in the context of the decision of Hon'ble Supreme Court in Special Leave Petition (C) No. 460 of 96 (CC No. 113/96). In the context of the said order of the Hon'ble Supreme Court, the matter was examined in consultation with Ld. Legal Remembrancer as to the extent of application of the said order in the matter of issue of Scheduled Caste Certificates to those using the surname Saha and claiming to be a Scheduled Caste within the meaning of 'Sunris (excluding Sahas)'. Extract from opinion of Learned Legal Remembrancer in the matter is enclosed. It would appear from the said opinion that 'Sunris' having the surname 'Saha' are not included as Scheduled Caste.

The undersigned is, therefore, directed to request him to take action in the matter accordingly.

Sd/- **A. K. Das**  
*Joint Commissioner for Reservation &  
Ex-officio Joint Secretary to the Govt. of  
West Bengal*

**Extract of opinion of Ld. Legal Remembrancer dated 12-12-1998 in Backward  
Classes Welfare Department's File No. MR—185/95**

\*\* "In view of the specific decision of the Supreme Court that 'Sahas' are not Scheduled Castes, a person being a 'Sunri' having surname 'Saha' cannot be issued a Scheduled Caste Certificate in view of the particular decision of the Supreme Court.

In the Presidential Proclamation 'Sunris' were given Scheduled Caste status. By such proclamation, 'Sahas' were excluded from that status. Possibly, it was not pointed out that the 'Sunris' also use 'Sahas' as their surname. There is possibly no surname as 'Sunri'. As the matter stands now even the 'Sunris' having Scheduled Caste

status by virtue of the Presidential Proclamation cannot be issued certificates in that regard by the Competent Authorities if they use their surname by 'Sahas'

In the aforesaid perspective, I agree with the views of Principal Secretary of the Department, as recorded at 'A' pre-page that 'Sunris' having the surnames 'Sahas' are not Scheduled Castes. \*\*\*

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Sd/- R. N. Kali, 12.12.1998  
*L. R. & E. O. Pr. Secretary,*

**Extract of portion 'A' of the note of Principal Secretary, Backward Classes Welfare Department**

“\*\*\* Hence, it seems to me that 'Sunris' having the surname 'Saha' are not included in the Scheduled Castes and Certificate Authorities may be advised accordingly.”

Sd/- K. Jhala  
*Principal Secretary*

**No. 1(d)**

**GOVERNMENT OF WEST BENGAL  
BACKWARD CLASSES WELFARE DEPARTMENT  
Writers' Buildings,**

No. 4060-BCW/MR—185/95

Calcutta, the 15<sup>th</sup> September, 2000

**MEMORANDUM**

Subject: Clarification for issuing of Scheduled Caste Certificates to 'Sunri (excluding Saha)'—Withdrawal of Memo No. 5(34)-BCW/RC dated 4<sup>th</sup> January, 1999

The undersigned is directed to refer to this Department's Memo No.5(34)-BCW/RC, dated 04.01.1999 and to say that subsequent to issue of the Order, Government has been receiving representations and depositions from the affected section of the Community. The matter has, therefore, been reviewed with reference to various judgments of the Hon'ble Supreme Court on the subject and in consultation with the appropriate authorities. Government have been advised that the judgment of the Supreme Court in Special Leave Petition (C) No. 4680/96 which relates to the case Pankaj Kumar Saha-Vs-the Sub-divisional Officer, Islampur & Others as reported in

AIR 1996, Supreme Court 1728 is confined to the fact of that case and as such the decision rendered by Hon'ble five Judges' Bench of the Hon'ble Supreme Court as reported in AIR 1967, Supreme Court 115, Abhoy Pada Saha –vs – Sudhir Kumar Mandal will prevail in other matters.

2. In the above circumstances, after careful consideration, it has been decided that pursuant to the decision of the Hon'ble Supreme Court in the matter of Abhoy Pada Saha –vs- Sudhir Kumar Mandal, the status quo of the age old system of issuing Scheduled Caste certificate to 'Sunris' including those using the surname 'Saha', may be maintained and this Department's Order No. 5(34)-BCW/RC dated 04.01.1999 should be withdrawn.

3. The undersigned is, accordingly, directed to rescind this Department's Memo No. 5(34)-BCW/RC, dated 04-01-1999 with immediate effect.

4. All certificate issuing authorities are hereby directed to take note of this and act accordingly.

**Sd/- A. K. Das**  
*Joint Commissioner for Reservation  
& Ex-officio Joint Secretary to the  
Govt. of West Bengal*

## 2. Baruas claiming as MAGH

**GOVERNMENT OF WEST BENGAL  
BACKWARD CLASSES WELFARE DEPARTMENT  
Writers' Buildings, Calcutta**

No. 1071(94)-BCW

Dated Calcutta, the 13<sup>th</sup> May, 1999

### **ORDER**

*Sub:--* Non-issuance of Scheduled Caste Certificate to Magh Community.

It appears from the report of Director, C. R. I., B. C. W. Deptt. that on the basis of available study, Baruas claiming to be 'MAGH' does not satisfy the criteria to be considered as Tribal Maghs. An intensive study in this regard will be undertaken to ascertain the caste identity of 'Baruas'. Pending completion of such survey and issuance of further instructions by the Government, Baruas claiming to be Maghs should not be issued S. T. Certificate.

All Certificate issuing authorities should act accordingly.

**Sd/ K. Jhala**  
*Principal Secretary to the  
Government of West Bengal*