

NATIONAL COMMISSION FOR BACKWARD CLASSESDelhi BenchFINDINGS

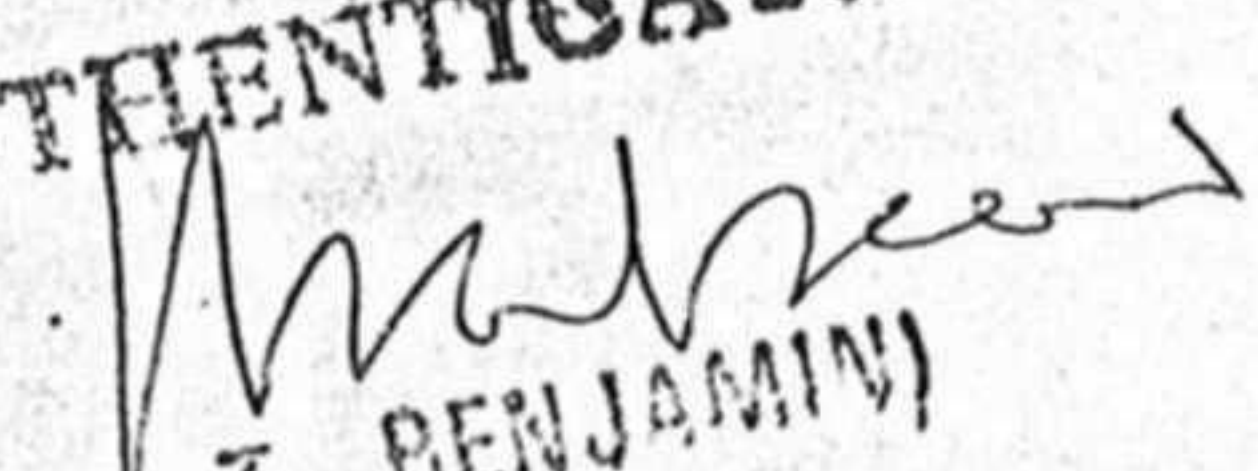
Case:- Request for inclusion of "Salmani" as a synonym of Nai" in the central list of backward classes for the National Capital Territory of Delhi.

I. Request

1. This case arises from the request received in this commission from Shri Bashir Ahmed Ansari , President, Delhi State Muslim Backward classes Federation, 1435, Chhatta Nawab Sahib, Farash Khana, Delhi-6 for inclusion of "Salmani" as a synonym of Nai" in the central list of backward classes for the NCT of Delhi.

II. Public hearing

2. A full-member Bench of the commission, consisting of Justice B.L. Yadav, Hon'ble Chairperson, Shri C.T. Benjamin, Hon'ble Member-Secretary, Shri M.S.Matharoo, Smt. Neera Shastri and Dr. B.M. Das, Hon'ble Members of the National commission for backward classes held a public hearing at New Delhi regarding the requests received in this commission from/on behalf of this caste/community, for their inclusion in the central list of backward classes for NCT of Delhi on 16<sup>th</sup> November, 2000. At the public hearing, the state Government was represented by Shri Rajinder Singh, Member Secretary, backward classes commission, NCT of Delhi and Shri

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National Commission For

Brahmanand, Deputy Director, Directorate for the Welfare of Scheduled Castes and Scheduled Tribes. The community was represented by Shri Hasi Abdul Khalique Ansari, President, Delhi State Momin Conference, Shri Bashir Ahmed Ansari, President, Muslim Backward Classes Federation, Delhi, Shri Feroze Ahmad Ansari, President, All India Youth Momin Conference, New Delhi and others.

### III. Facts

3. The NCT of Delhi had no list of backward classes till after the Supreme Court judgement in the Mandal case, delivered on 16<sup>th</sup> 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 NCT of Delhi 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 NCT of Delhi in 1993. The Delhi Government by its Notification No. F.28(93)91-92/SCST/P&S dated 7.1.1995 issued a state list of BCs, based on the advice of the backward classes commission of N.C.T of Delhi. Thereafter, the central Government vide Ministry of Welfare's resolution No. 12011/7/95-BCC dated 24.5.1995 issued a "common" (central) list of backward classes for the NCT of Delhi.

4. 'Salmani as synonym of Nai' is not included in the central list of backward classes for NCT of Delhi prepared and notified in 1995 on the basis of the principle of commonality (i.e. inclusion in the central list of those castes/communities which were found included in both the Mandal commission's list as well as the state Government's list) as it was not included in the Mandal list and therefore did not satisfy the criterion of commonality.

5. The relevant entries in respect of the caste/community in different lists are as follows:

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State List

"43.Nai, Hazam,Nai(Sabita),Sain,Salmani"

Mandal List

"70.Nai,Hajjam,Nai(Sabita)

Central List

"45.Nai,Hazzam,Nai(Sabita)

6. In their request for inclusion of 'Salmani' as a synonym of 'Nai' caste/community in the central list of BCs for Delhi, they have stated that several synonyms of castes/communities have been omitted at the time of notification of central list for NCT of Delhi in 1995, which were identified by the Delhi backward classes commission(Justice Jain commission) report. As such the main community appears in the state list of BCs alongwith the synonyms as "43.Nai, Hazam,Nai(Sabita),Sain,Salmani" but in the central list the synonym "Salmani" is not included.

7. During the public hearing, the representatives of the community stated that the traditional occupation of the community is hair cutting. They stated that 'Salmani' is the name used by Muslim members of 'Nai' caste /community. The name 'Nai' denotes both Hindu and Muslim members of the caste/community, but the name 'Salmani' denotes only Muslim members. They also said that the Hindu members of the 'Nai' community have recently started using the name 'Sain'. On these grounds they requested for inclusion of "Salmani" as a synonym of Nai. The representatives of the All India Youth Momin Conference and the Delhi State Momin Conference also attested to the above statement. Further it was stated that some members of the community adopted the name

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Salmani just as Julaha, Kasai and Kumhar castes/communities adopted the surnames 'Ansari, Qureshi and Prajapati' respectively.

8. In the report of the backward classes commission, Delhi under the head 'Nai, Hajjam, Nai(Sabita)' it has been stated that according to the evidence received by the commission this community is socially backward and they are also educationally and economically backward. Further it is stated that they have also received representation wherein it has been stated that Nai, Hajjam are also known as Salmani and this statement was also corroborated by other evidence. Therefore, the word Salmani may also be added with Nai, Hajjam, Nai(Sabita) and Sain.

9. The representatives of the state Government who were present stated that the Jain commission(Backward classes commission, Delhi) has found 'Salmani' caste/sub-caste as socially backward alongwith its main community and the state Government has already included it in the state list of backward classes as "43. Nai, Hajjam, Nai(Sabita), Sain, Salmani" on the basis of the recommendation of the backward classes commission, Delhi and they do not have any objection to the inclusion in the central list of backward classes.

10. During the public hearing, those present who were from different sections of society did not object to the proposed inclusion of 'Salmani' as synonym of Nai in the central list of backward classes for Delhi.

11. "Salmani" as a synonym of Nai and a title/surname of the Muslim section of the barber community was confirmed during the public hearing by those present who were from different sections of the society as well as the state Government representatives. They also expressed their agreement with the claim of the community for inclusion of 'Salmani' as a synonym of Nai in the central list of backward classes for Delhi. A section of the Muslim community, whose traditional occupation is hair cutting uses the

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name 'Salmani'. Nai is an occupational term and in view of the stigma and disrespect associated with the term Nai, some members of the community adopted the name Salmani just as Julaha, Kasai and Kumhar castes/communities adopted the surnames 'Ansari, Qureshi and Prajapati' respectively. This is a group that is socially and educationally backward and spread out in Delhi.

12. The commission had already recommended inclusion of 'Salmani as synonym of Hajjam, Nai' in the central list of backward classes for the states of Uttar Pradesh, Haryana and Madhya Pradesh and the central Govt. had notified the same.

#### IV. Findings

13. On the basis of the above material and evidence, it is the findings of the Bench that 'Salmani' is a respectable/dignified synonym/surname adopted by the members of the Muslim section of barber community and they are backward. Inclusion of synonyms of castes/communities is covered by para 9 of the procedural clarification of the NCBC's "Guidelines for consideration of requests for inclusion and complaints of under-inclusion." Therefore, 'Salmani' should be included in the central list of backward classes for Delhi as a synonym of 'Nai' at the existing entry 'No.45.Nai, Hajjam, Nai(Sabita)' and the amended entry be read as under:

**"45.Nai, Hajjam, Nai(Sabita), Salmani,"**

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19.12.2001.

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(O. T. BENJAMIN)  
Member Secretary  
National Commission for  
Backward Classes.

V. Advice of the Commission

14. The commission considered and agreed in full with the above findings of the Delhi 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:

'Salmani' be included in the central list of backward classes for the NCT of Delhi as synonym of 'Nai' at the existing entry 'No.45. Nai, Hajjam, Nai(Sabita)' and the amended entry would be as under:

"45.Nai, Hajjam, Nai(Sabita), Salmani,"

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