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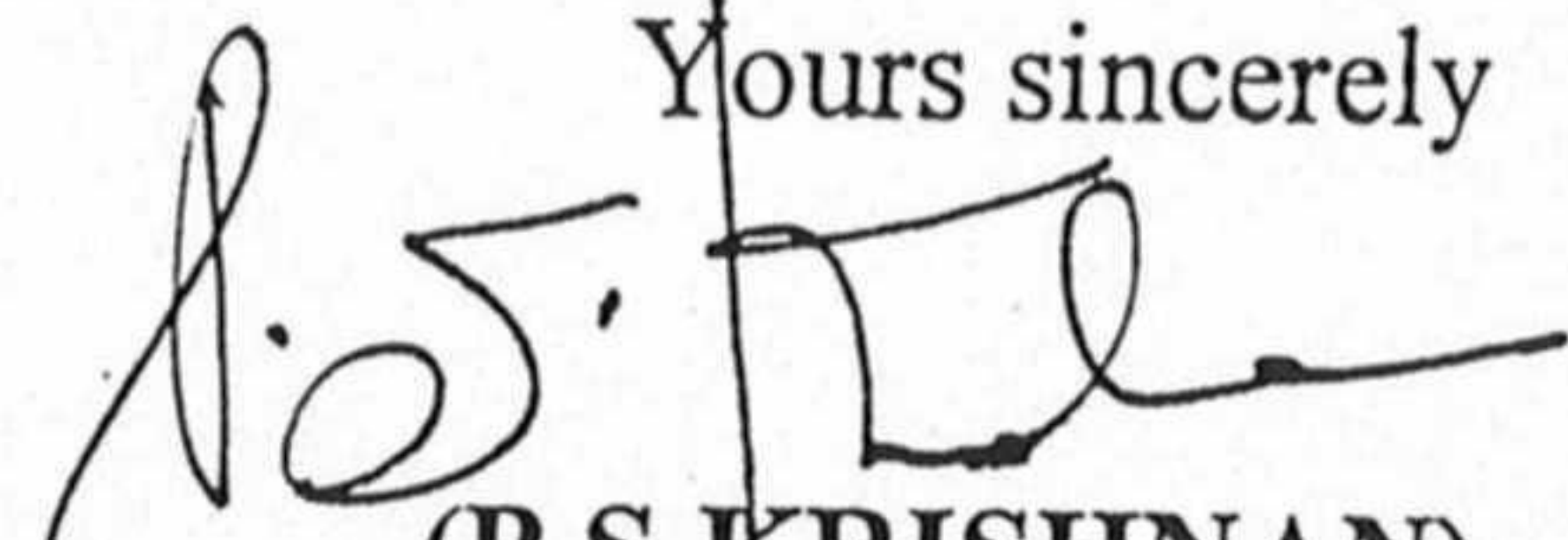
MEMBER SECRETARY
NATIONAL COMMISSION
FOR BACKWARD CLASSES
NEW DELHI-110 066

DO NCBC Advice No. 32 Maharashtra/2000
Dated 25.02.2000

Dear Smt. Das,

I am sending herewith the Advice of the National Commission for Backward Classes under Section 9(1) of the NCBC Act, 1993 **for Rejection of the Request for Inclusion of "Maratha" caste/community in the Central List of Backward Classes for Maharashtra**, duly authenticated, for necessary action by the Central Government under Section 9(2) of the Act.

Yours sincerely


(P.S.KRISHNAN)

Encl: As stated

Smt. Asha Das
Secretary to Govt. of India
Ministry of Social Justice & Empowerment
Shastri Bhavan, NEW DELHI 110 001

NATIONAL COMMISSION FOR BACKWARD CLASSES
FINDINGS

Per Shri P.S.Krishnan, Member-Secretary

Case: Request for Inclusion of "Maratha" as a synonym of "Kunbi" in the Central List of Backward Classes for Maharashtra

I. Request

This case arises from the Request received in this Commission from Shri Shashikant A. Pawar, President, Akhil Bharatiya Maratha Mahasangh for the Inclusion of "Maratha" caste/community in the Central List of Backward Classes for Maharashtra. In his representation, the request-maker has stated, inter alia, that "those who cultivate lands are called Kunbis in Maharashtra, but those from the same families who joined the fighting forces were called Marathas more as a proud epithet than a caste tag..... There are various authoritative sources to prove that Marathas are Kunbis in their origin." It is sad to note, the Request-maker further states, that Marathas have been excluded from the List of Backward Classes while "Kunbis" are included and this need to be corrected as Kunbis and Marathas are not different castes. The request-maker has also submitted a Note prepared by Dr.K.G. Deshmukh, former Vice-Chancellor, Amravati Univesrity and ex-Chairman, Maharashtra Public Service Commission, Bombay. This Note supports the inclusion of Maratha along with Kunbis in the list of BCs on the ground that Marathas are originally Kunbis. To show this, the Note, inter alia, quotes ethnographic accounts of R.E.Enthoven and R.V.Russell and also states that Kunbis of Western Maharashtra and Marathwada indicated Maratha as their caste name in official records as they considered it would elevate their standing in others' eyes and this created problem for them in getting BC caste-certificates as Kunbis. This problem of "Kunbi-Maratha dilemma", the

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Note concludes, "can be solved by including Maratha in the list of OBC". It has also been argued in the Note that if the criteria evolved by the Mandal Commission are applied to the Kunbis and Marathas together, then they would certainly be found eligible for inclusion in the list of Backward Classes.

II. Public Hearings

2. The two Member Maharashtra Bench of this Commission, consisting of Shri P.S.Krishnan, Hon'ble Member-Secretary and Shri Sahu Akshay Bhai held Public Hearings at Mumbai on 16. 1. 1998 and 12. 1. 1999 to examine this Request. It was decided that it would be appropriate in this case to have further Public Hearing by the Full Bench of the Commission. Accordingly the Full Bench consisting of all the five Members of the Commission, namely, Hon'ble Justice P.K.Shyamsundar, Chairperson, Shri P.S.Krishnan, Hon'ble Member-Secretary, Shri Sahu Akshay Bhai, Prof. U.P. Singh and Shri M.S.Matharoo, Hon'ble Members, held a Public Hearing at Mumbai on 14.12.1999. The State Government was represented at the Public Hearing held on 16.1.1998 by Shri A.V.Nawale, Divisional Social Welfare Officer, Mumbai Division and Shri C.R. Gosavi, Under Secretary, Social Welfare Deptt and at the Public Hearing held on 12.1.99 by Shri Baldev Chand, Secretary and Shri G.S.Ghanekar, Under Secretary, Social Welfare Deptt. Shri M.R. Patil, Principal Secretary in charge of Social Welfare Deptt. and other officers represented the State Government at the Public Hearing held on 14.12.1999. Justice S.N.Khatri, Hon'ble Chairperson, Maharashtra State Backward Classes Commission was present at the Public Hearings on 16.1.98 and 14.12.99. Dr. M.D.Nalwade, Hon'ble Member of the State Commission was present at the Public Hearing held on 16.1.98, and S/Shri D.T.Berari, P.V.Patole and Prof. R.K.Mutatkar, Hon'ble Members of the State Commission at the Public Hearing on 12.1.99. Shri Sashikant A. Pawar, President, Akhil Bharatiya Maratha Maha Sangh, Dr. K.G.Deshmukh and others represented the "Maratha" caste/community during the Public Hearings on 16.1.98 and 12.1.99. At the Public Hearing held on 14.12.99, the community was represented by Shri Sashikant A.Pawar and others. A number of individuals, namely, Shri Ram G. Shigwan, Shri Ashok Gunjal and others, representing

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different organisations/associations of Kunbi caste/community appeared before the Bench at the Public Hearing held on 14.12.99 and stated their objection to the Inclusion of "Maratha" caste/community in the Central List of Backward Classes for Maharashtra.

III. Facts

3. "Kunbi" caste/community is included in the Mandal, State and the first-phase Central List of Backward Classes for Maharashtra, as follows:-

Mandal List : "143. Kunbi"

State List : "83. Kunbi (Sub-castes: Lewa Kunbi, Lewa Patil, Lewa Patidar)"

Central List : "70. Kunbi (Sub-castes: Lewa Kunbi, Lewa Patil, Lewa Patidar)"

4. During the Public Hearings, the representatives of the "Maratha" community asserted their claim that Marathas are actually Kunbis and these two are not different castes but one and the same. In support of this claim, they stated that the forefathers of Marathas were Kunbis and the name "Maratha" is used nowadays only to show the dignity of the community. At the Public Hearing, held on 12.1.99, the representatives of the community stated that in Vidarbha and Marathwada areas specifically "Maratha" is not used as a caste name and all the Kunbis call themselves as "Marathas". Shri Rao Saheb Kolge, from Marathwada area, who was present at the Public Hearing contested this statement and stated that "Maratha" and "Kunbi" are two different castes/communities.

5. At the end of the Public Hearing on 12.1.99, the Bench asked the representatives of the State Government to go through the above claims of the representatives of the "Maratha" community and furnish the State Government's views/comments along with detailed data/information regarding the caste/community. During the Public Hearing, the Bench invited the attention of the representatives of the "Maratha" community and the State Government to the recent book "The Cambridge History of India: The Marathas 1600-1818" by Stewart Gordon (Cambridge University Press, 1998) and read out some

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of the relevant extracts from it. A copy of the relevant extracts from the book was furnished to the State Government representatives with the request that the information available in the book may also be dealt with while furnishing the State Government's views/comments. The representatives of the community were also advised to read the book and given the opportunity to furnish their comments, if any, on its contents relevant to the present Request. Some of the relevant information available from the book is as follows:--- Writing about the period after the establishment of the Bahmani dynasty in 1350, Stewart Gordon writes as under:-

"The Muslim dynasties that stayed and ruled Maharashtra for the next 350 years were profoundly important in defining paths of social mobility, areas of government involvement and patronage, military and civilian bureaucracy, and styles of resistance. As we shall see, those who prospered in these centuries were the families which came to be termed "Maratha" and Brahmins from the *Desh*. Let us begin with the Marathas.

.....

There is nothing ... in this early evidence to indicate that the use of the term Maratha meant anything other than a resident of Maharashtra. This is also the sense of the early Muslim chroniclers. Al Baruni (1020 AD) mentions *Marhat Des* as the area south of the Narmada river and Ibn Batuta (1340 AD) notes that the people around Daulatabad were Marathas.

Over the next two hundred years, the term came to mean a new elite, the Maratha chiefs who brought bands of followers to serve the Bahmani kingdom or those rebelling against it. The new meaning is well established by the time of Ferishta's history of the Deccan in 1600. The process seems to fit a well-established pattern for the creation of new caste categories that arise in response to new possibilities for upward mobility.

Looking back from ample material on the eighteenth and nineteenth centuries, we know that 'Maratha' as a caste represents the amalgamation of families from several castes ---- Kunbi, Lohar, Sutar, Bhandari, Thakar, and even Dhangars (shepherds) What differentiated 'Maratha' from 'Kunbi'? It was precisely the martial tradition of which they were proud, and the rights (*watans* and *inams*) they gained from


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military service. It was these rights which differentiated them from ordinary cultivators, iron workers, or tailors, especially at the local level."

Stewart Gordon further writes about the process of the evolution of Marathas as a distinct caste/community which, as he observes, "fits perfectly with the origin and development of the term Rajput, whose martial ideology developed through service to the Mughal Empire", as follows:-

"..... First came service that differentiated certain families from the ordinary cultivator; grants made these families involve in revenue collection and further differentiated them at the local level. Simultaneously, a new ethic developed that included martial training and hunting, different patterns in dress (such as the more complicated turban), changed pattern of diet, the employment of genealogists, and restrictions on widow-remarriage. Eventually, these changes came to be solidified in a kinship network that conformed to the 'correct' behaviour, financed mainly by the solid wealth of grants for military service. Thus, the term 'Maratha' was a relational and interactional term that described a newly emerging service elite.

.....the nature of the development of the category Maratha goes a long way towards describing the continuing factional politics which dominated the Maratha polity's history. Many of the great families arose simultaneously, in service to the five Deccan Muslim Kingdoms, not in service to a single conqueror.... Families, thus, held service grants which solidly established them in a certain territory. The famous Maratha trait of clinging, at all costs, to local rights to land revenue can be understood as the refusal of a new landed elite to return to the status of a purely service elite, able to be moved at the beck and call of the polity, paid by whatever lands were assigned to them.

The defining of Maratha as a new caste category continued throughout the period of the Maratha polity and into the Nineteenth Century, along the line of the Rajput model.... There were attempts to define the 'pure' Maratha families and to close the caste by observing practices not possible to poor farmers, such as secluding women. There was strong emphasis on soldiering as the only proper vocation for a true Maratha...."

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6. At the Public Hearing held on 14.12.99, Shri Sashikant Pawar repeated his claim that Marathas and Kunbis are not different castes/communities and therefore Maratha should also be in the List of Backward Classes along with Kunbi. He stated that many known Maratha leaders including Sharad Pawar has got caste-certificates as "Kunbi" and that marriages take place between Kunbis and Marathas. In support of the latter claim, Shri Amritrao Sawant, who appeared before the bench representing the Maratha Seva Sangh, stated to be an organisation of the Marathas and Kunbis, said that the son of the President of that Sangh, who belongs to the "Kunbi" caste has married a Maratha girl. They further stated that Marathas and Kunbis constitute about 35-40 per cent of the total population of Maharashtra and that 90 per cent of them live in rural areas, most of them are landless workers. Only 10% among them are rich and because of the Creamy Layer, the rich will not get the benefit intended for Backward Classes and, therefore, there is no harm in including "Maratha" in the List of Backward classes. They also stated that non-Inclusion of Marathas in the List of BCs will be a great injustice to them, which may lead to agitations creating a "Punjab-like" situation in Maharashtra. Shri Sashikant Pawar, in conclusion, said that the historical background of the origin of the Marathas makes it clear that all Marathas were once Kunbis and therefore Maratha also should be included in the List of Backward Classes.

7. Similar arguments in support of the claim for inclusion of "Maratha" in the list of BCs were also raised by a number of other organisations/associations and individuals in their written representations submitted during and after the Public Hearing. They include Maratha Seva Sangh, Akola; Phaltan Taluka Chhatraseva Mandal, Girvi (Satara); Maratha Sanghatana, Kolhapur; Chhawa Maratha Yuva Sanghatan, Aurangabad and Dr. Ravi Jadhav Washim. In a written representation submitted under signature of Shri D.R.Shelke (President, Maratha Seva Sangh, 48, Vedant Nagar, Aurangabad) and Prof. A.V. Tejankar, Samrat Nagar, Aurangabad, it has been specifically submitted that the members of the Maratha community should be declared to be Kunbis and included in the list of Backward Classes.

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8. Shri R.J. Singh who appeared on behalf of the Akhil Bharatiya Kshatriya Mahasangh supported the claim of "Maratha" community for Inclusion in the list of Backward Classes. He inter alia stated that like Rajputs, Marathas also belong to Kshatriya category. He also made a plea that "Rajput" also should be included in the list of Backward Classes.

9. Shri P.G. Dhobley, who appeared before the Bench claiming to be the President, O.B.C. Seva Sangh (Association for O.B.C. Employees), supported the inclusion of "Maratha" in the Central List of BCs for Maharashtra on the following ground mentioned in a Memorandum submitted by him:-

"The National OBC Commission has recently included Jats of Rajasthan/Delhi in OBC list. As per our clear stand, Marathas should also be included. Many other disputed Castes may also be included in future." The Bench informed him and others present that only Jats of part of Rajasthan have been included in the Central List of BCs by the Central Government on the advice of the National Commission for Backward Classes based on evidence and that Jats of Delhi and other States and part of Rajasthan have not been included but, on the contrary, their Requests for Inclusion, wherever made, have actually been rejected. Shri Dhobley and others present also informed that Requests of castes/communities, irrespective of whether they are disputed or not, are all have to be examined carefully on merit and on the basis of evidence and data and only those castes/communities which are found to be socially backward be advised by the NCBC to the Government to be included in the Central List of BCs by the Government of India. Shri P.G. Dhobley in his Memorandum has also inter alia stated that the "percentage of OBCs is increasing but the percentage of reservation in jobs for OBCs still remains 27% due to Supreme Court's restriction. This condition will help only the disputed Castes like Jats and Marathas among OBCs and the bottom Castes of OBCs may not get advantage of reservation as these castes would find equally difficult to compete with these Upper Castes to snatch their share. Hence our stand is that with the addition of some castes in OBC list, the percentage of reservation should also be increased with the proportion of percentage of population"

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10. At the Public Hearing, the claims of Shri Sashikant A. Pawar and other representatives of the Maratha community were contested and objected to by a number of individuals and organisations/associations. Firstly, there was a chorus of objecting voices when Shri Sashikant A. Pawar and other representatives of the Maratha community stated that marriages take place between Maratha and Kunbi. They categorically asserted that there is no "*Beti-Roti vyavahar*" between Kunbi and Maratha. Shri Ram G. Shigwan, who appeared representing Kunbi Samajonnati Sangh, Mumbai, stated that Maratha and Kunbi are not one and the same caste. He also clarified that though it is true that Maratha caste/community originated from Kunbi caste/community, Maratha has, over the centuries, evolved into a separate caste/community with high social, educational and political status. He also pointed out that some of the members of the Maratha caste/community have started calling themselves as Kunbis only for securing the reservation and other benefits intended for real Kunbis. He pleaded that "Maratha" should not be included in the list of Backward Classes as it would be detrimental to the interests of Kunbis and other backward castes/communities included in the List of BCs. In a written representation, Shri Ram G. Shigwan has also submitted, inter alia, as follows:-

- (1) There are sub-castes among Kunbis but Maratha is neither a sub-caste of nor the same as Kunbi.
- (2) While Kunbis cultivated their own small pieces of lands and produced crops for their subsistence for not more than 3-4 months and worked hard on others' lands for the remaining months of the year, Marathas did not work on others' field and most of the Marathas were in the services of contemporary ruling kings or governments, particularly in the military and in police departments.
- (3) Kunbis were treated as Sudras whereas Marathas claimed to be Kshatriyas.
- (4) Kunbis were the victims of the "Khoti" system in Maharashtra, particularly in the Konkan region, introduced at the time of Adilshah, the King of Bijapur(1489-1510). Khot means the landowner and administrator of the villages. The Kunbis were forced to work on their fields for considerably low wages at Khot's will. Kunbis were used as their coolies, woodcutters, ploughmen and threshers. The Khots did everything to discourage

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education among Kunbis. The Khots were mostly from Brahmins, Marathas and Mohammedans.

11. Shri Ashok Gunjal, who appeared before the Bench representing the 'Maharashtra Kunbi Maratha Samaj Seva Mandal' and objected to the inclusion of "Maratha" in the List of BCs detailed the basic differences in the customs, traditions and social position of the Maratha and Kunbis. He also submitted a written note on this, which, inter alia, state as follows:-

- (1) Sanadi Maratha have their own land... but they do not plough themselves. On the other hand, they used to assign the work of ploughing and tilling to the farm labourers called as "Kul" or "Kunbi". But the Kunbi Maratha community did not have enough land.... to maintain their livelihood and get bread for their maintenance. That is why they were compelled traditionally to be the tenants of Sanadi Marathas.
- (2) The women of Sanadi Maratha generally do not move out of their houses....., on the other hand Kunbi Maratha women work hand in hand with their husbands and other male family members as farm labourers of Sanadi Marathas.
- (3) Sanadi Marathas do not allow widow re-marriage while Kunbi Marathas allow widow re-marriage.
- (4) Divorce is not allowed among Sanadi Marathas but the same is allowed among Kunbi Marathas.
- (5) The women of Sanadi Marathas never attend the funeral ceremony due to Pardah or Ghosha system. On the other hand, the women of Kunbi Marathas used to go and attend funeral ceremony.
- (6) There is great honour to Sanadi Marathas on the occasion of festivals like Pooja, Dassera and Holi etc. But there is no such social respect or honour on any of these occasions to Kunbi Marathas.
- (7) Sanadi Marathas reside in grand houses called as "Gandhi", constructed like a fort particularly on the top surface of the village or town. On the other hand, the houses of Kunbi Marathas are built up with shrubs known as 'kud' and plastered with mud.

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12. The State Government has not so far furnished to the Bench any views/comments on the inclusion of Maratha in the list of BCs. As per information furnished by the State Government and State Backward Classes Commission representatives, the Request for Inclusion of Maratha is under the consideration of the State Commission. Regarding the data/information asked for by the Bench from the State Government during Public Hearings and through different letters, the State Government has furnished a note which states that the details about the caste which is predominant in Maharashtra are given in every district Gazetteer and other publications like The Tribes and Castes of Bombay by R.E. Enthoven, the Tribes and Castes of Central Provinces of India by R.V. Russell, Castes and the Tribes of H.E.H the Nizam's Dominions by Syed Siraj Ul Hassan etc. The State Government has furnished copies of relevant extracts from some district gazetteers.

13. According to R.E. Enthoven (The Tribes and Castes of Bombay, Asian Educational Services, New Delhi, Madras, 1990, first published 1922), "The common belief in Maharashtra regarding the origin of Marathas is that there is little or no difference, so far as caste is concerned, between Marathas and Kunbis. Some indeed, among whom are Marathas themselves, are of opinion that the two classes are one and the same. The line of demarcation between the two communities is not a hard and fast one as inter-marriages between well-to-do Kunbi families and the lower sections of Marathas are not infrequent. Such intermarriages usually take the form of a Maratha boy being married to a Kunbi or Kulvadi girl. Such marriages are common in remote parts of the Presidency. On the other hand, Maratha girls would not be given in marriage to Kunbi boys. Thus the Marathas Proper assert their social supremacy, and though akin to Kunbis, they must be considered distinct. Kunbis prefer the designation of Maratha to that of Kunbi, as more honourable. The Kunbis however do not lay any pretension to Kshatriya origin. They are as a rule connected with field work, while the Marathas, though they may be mere cultivators, more often follow other avocations and regard cultivation as a secondary profession on which they may fall back if they are unsuccessful in other lines. Hence it would appear that Kunbis and Marathas are differentiated rather by wealth and social status than by an hard and fast caste distinction. Socially the Marathas is the

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superior of the Kunbi, and this is evidenced by the facts that while Kunbi widows remarry, Maratha widows do not, that while Maratha ladies of recognised rank observe *pardah*, Kunbi women do not observe it, and that while Maratha ladies insist on gold in preference to silver ornaments, Kunbi women are content with any that they can get.

.....

Marathas are mainly grant-holders, landowners, soldiers and husbandmen. A few are ruling chiefs. For the most part the patils, or village headmen, in the Central Deccan belong to this caste. Some are traders, and many are in the army or in other branches of Government service.

.....”

14. R.V. Russell and Hiralal (The Tribes and Castes of the Central Provinces of India, Asian Educational Services, New Delhi, Madras, 1993, first published 1916) under the head “Maratha, Mahratta” describe them as “The military caste of southern India which manned the armies of Sivaji, and of the Peshwa and other princes of the Maratha confederacy.” They further notes as follows:---- “The Marathas are a caste formed from military service, and it seems probable that they sprang mainly from the peasant population of Kunbis, though at what period they were formed into a separate caste has not yet been determined. Grant-Duff mentions several of their leading families as holding offices under the Muhammedan rulers of Bijapur and Ahmadnagar in the fifteenth and sixteenth centuries, as the Nimbhalkar, Gharpure and Bhonsla; and presumably their clansmen served in the armies of those states. But whether or not the designation of Maratha had been previously used by them, it first became prominent during the period of Sivaji’s guerilla warfare against Aurangzeb. The Marathas claim a Rajput origin, and several of their clans have the names of Rajput tribes, as Chauhan, Panwar, Solanki and Suryavansi. In 1836, Mr. Enthoven states, the Sesodia Rana of Udaipur, the head of the purest Rajput house, was satisfied from inquiries conducted by an agent that the Bhonslas and certain other families had a right to be recognised as Rajputs. Colonel Tod states that Sivaji was descended from a Rajput prince Sujunsi, who was expelled from Mewar to avoid a dispute about the succession about A.D. 1300... Similarly, the

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Bhonslas of Nagpur were said to derive their origin from one Bunbir, who was expelled from Udaipur about 1541, having attempted to usurp the kingdom.....

..... It seems then most probably that.... the Maratha caste was of purely military origin, constituted from the various castes of Maharashtra who adopted military service, though some of the leading families may have had Rajputs for their ancestors.....”

15. Syed Siraj Ul Hassan in Castes and Tribes of H.E.H. Nizam's dominions writes as follows:-

“The term Maratha,, is the titular designation of a people embracing all classes of society in Maharashtra, from the high caste Brahmans and Parbhus to the lowest unclean classes of Mahars and Mangs. But within the people themselves the name is borne, as their special designation, by the large fighting and landholding community; while the name ‘Kunbi’ is popularly applied to those among them who are actually engaged in agricultural operations.

..... The members of this [Maratha] class profess to practise infant marriage, forbid the marriage of widows and wear the sacred thread, being entitled, as they say, to the rank of Kshatriyas. The common Kunbi, on the other hand, does not claim to be a Kshatriya, allows both adult marriage and the remarriage of widows and wears no thread to indicate the twice born status.”

16. The information obtaining from different District Gazetteers, copies of which were furnished to the Bench by the State Government as well as the representatives of the Maratha community, is as follows:-

Maharashtra State Gazetteers --- Nagpur District (1966)

“Marathas” and “Kunbis” are described in this District Gazetteer separately as follows:-

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Marathas

"The Marathas are castes formed from military service, and it seems probable that they sprang mainly from the peasant population of Kunbis and followed Sivaji in his guerilla warfare against the armies of Aurangzeb..... The Marathas proper seclude their women, do not permit them to wear silver ornaments on the arms or to spin cotton, and prohibit widow-remarriage....."

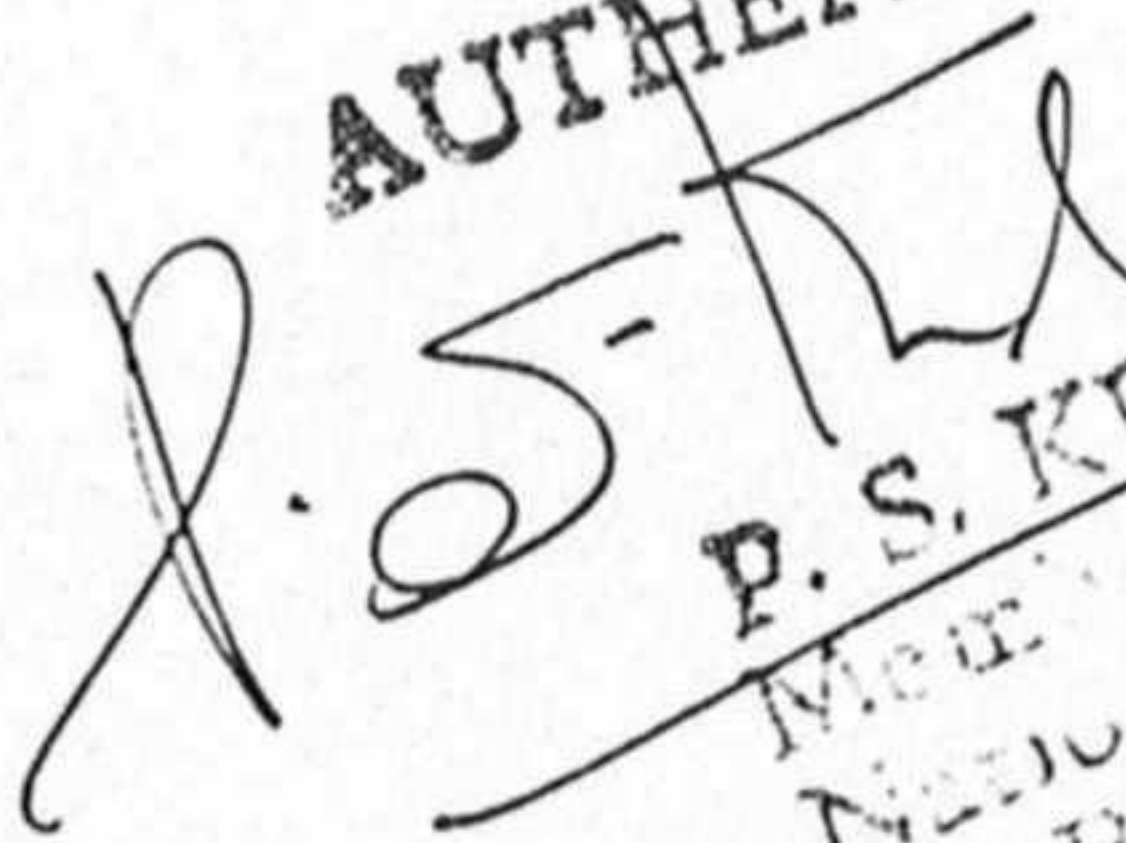
Kunbis

The Kunbis, the traditional tillers of the soil, have several sub-castes, of whom the Tiroles are considered the highest. These generally held offices of Deshmukh under indigenous rule, and the Deshmukh families have taken to marrying among themselves and prohibiting widow-remarriage. The Manes and Dhanojes are the lowest sub-divisions....."

Maharashtra District Gazetteers --- Parbhani District (1967)

Under the head "**Maratha**" it is written in this District Gazetteer as follows:-

"The chief fighting, land-owning and cultivating caste, found the most numerous in the district forming more than one-third of the total population. It has two divisions, Maratha Kshatriya and Maratha Kunbi, of which the former is hypergamous to the latter, but was not originally distinct. The dividing line between the Kunbi and the Maratha is not of the nature of a permanent barrier. The Marathas proper are allowed to marry the daughters of the Kunbis. The latter would not ordinarily secure a daughter in marriage from their social superiors. But instances are not wanting of poor Maratha families marrying into rich Kunbi families and vice versa. The superior division is supposed to consist of ninety-six families, such as Surve, Bhosle, Ghorpade, Salunke, Sitole, Cavan, etc. Historical evidence shows that marriage connections were formed in the past between the ruling Maratha families and the royal Rajput houses. It would appear that the Maratha race was formed by the fusion of two great tribes represented, at the present day, by the Maratha proper and the Kunbi."

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Maharashtra State Gazetteers ---- Aurangabad District (1977)

Under the head "**Marathas**", it is written as follows:-

"The term Maratha is now applied principally to the Kunbis, but it should be confined to the military families of the country. The Kunbis do not as a rule enlist as soldiers;

Many of them claim descent from the Rajputs..... They are landholders, cultivators and are found in all the trades and professions....."

Under the head "**Kunbis**", it is written as follows:-

"The Kunbis form the main body of the agricultural population. The term Kunbi has been sometimes applied to husbandmen in general but in reality it is a caste of Marathas, the members of which are by hereditary occupation, farmers and tillers of the soil.

There are several sub-divisions of local Kunbis, such as, Tilvan or Tirole, Maratha, Dakshini, Ghatole, Banjara, Akarmase, Barmase, Zadhav, Vaindeshi, Bijapuri, Khandeshi, Varhadi, etc.; but the Akarmase and Barmase are the most common. The Tilvan Kunbis are moderately distributed throughout the district. The Maratha Kunbis are in two sections --- 1. Pure Maratha Kunbis and 2. Gantadi or ordinary Kunbis. The pure Maratha Kunbis are very strict in the performance of religious ceremonies, etc., observe all the fasts etc. common to the Brahmans, wear the janwe or sacred thread, will not allow 'mohtur' or 'pat' which is the remarriage of a widow, and are vegetarians, eating only from the hands of a Brahman, or from one of their own sub-divisions. ... The wives are kept in seclusion called *Mola* and are not permitted like ordinary Maratha Kunbi women and those of other castes, to wear the Kasi bangle made of pewter or German silver..... The Gantadi or ordinary Maratha Kunbis are much more numerous, and allow widows to marry widowers....."

Maharashtra State Gazetteers --- Sangli District (1969)

Under the head "Occupational groups in the Hindu religion", it is mentioned that "The Marathas and Kunbis form the biggest group. They belong to the same stock but the Marathas are generally better placed in social status, and Kunbi are usually tillers of land".

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Maharashtra State Gazetteers --- Thane District (1982)

In this, it is written about "**Kunbis**" as follows:

"..... The classes commonly spoken of as Kunbis, in the general sense of husbandmen, may be brought under three groups, Talheri or Konkan Kunbis; Maratha or Deccan Kunbis, most of whom are connected with the Talheris, but among whom some small divisions such as the Raos of Murbad and the Karadi Kadams of Panvel are nearly separate; and a third group probably of part of Gujarat descent which included Malis, Chavkalshis, and Somvanshi Kshatris, and may be roughly brought under the general term Packkalshis.....

..... In former times (1818) many so-called Marathas were Konkan Kunbis who had left their fields and taken to a military life. And now a Telheri who enlists, joins the police or gets a place under Government, calls himself a Maratha and by degrees forms marriage connections with Maratha families of a better social position than his own. On the other hand, an unlucky Maratha will fall to the rank of a Talheri and may be forced to marry his daughters into Talheri houses."

About "**Marathas**", it is noted in this district Gazetteer as follows:-

".....They hold aloof from the ordinary Maratha Kunbi and are larger, fairer, and more refined. Among the ordinary Kunbi Marathas some show signs of Deccan blood. But the bulk can hardly be known from Talheris and are generally grouped with them under the term Kunbi. Their appearance, food, dress, religion and customs are the same, and like the Talheris, all except a few soldiers, constables and messengers, are husbandmen and labourers. They eat together, and they have many common surnames both of Rajput and Maratha clans. Though as a rule they do not inter-marry, the reason is because of the Marathas' higher social position, not from any difficulty on the score of caste. A Maratha Kunbi will for a money payment readily marry his son into a Talheri Kunbi family and the poorer Maratha Kunbis occasionally give their daughters to well-to-do Talheris. Probably because the Marathas were the last Hindu rulers, there is a strong tendency among middle class Hindus to claim a Maratha origin. Besides the Maratha Kunbis who differ little if at all from the Talheri Kunbis, Pachkalshis who have apparently no connection with the Deccan, style themselves as Marathas and probably

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form a large share of the 13,300 inhabitants of Salsette, who at the 1872 census returned themselves as Marathas."

Maharashtra State Gazetteers ---Wardha District

Kunbis and Marathas are described in this district Gazeteer under separate headings as follows:-

Kunbis

"The Kunbis are the regular agricultural caste of the district. Under Maratha and perhaps the Gond administration the Kunbis usually filled the office of Deshmukh or Collector of revenue for a circle of villages. The Patils or headmen of the villages were also Kunbis. Principal sub-castes in the district are Tiroles, Wandhekar, Khaire and Dhanoje....."

Marathas

"The Marathas are a military caste who were formerly soldiers in the Bhosla family, for they have now settled down to other avocations and besides owning land and cultivating it, are largely engaged in personal service and in Government service. The Marathas are a fairly well-educated caste. They were probably formed into a caste from the peasants who took up arms and followed Shivaji and his successors. They are believed to have been originally Kunbis with whom they still take food, but owing to their having adopted military service and furnished some of the ruling Maratha families from their ranks, they have attained a somewhat higher position....."

Maharashtra State Gazetteers ---- Amravati District (1968)

Under the head "Kunbi", this district Gazetteer writes as follows:-

"Though now a peaceable folk in old days the armies of Sivaji and of the Peshvas and Bhonslas were recruited mainly from Kunbis and similar castes who took to a warlike life, and that this is the origin of the Maratha caste. However this may be, a similar process is even now going on for the Tiroles, the highest division of Kunbis, to

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which most of the Deshmukhs and many of the leading *patels* belong, are to-day on the border-land between the two castes. One rung of the ladder of social advancement is to provide oneself with a Rajput origin, and the Marathas accordingly claim to be Kshatriyas while the Tiroles derive their name from *Therol* in Rajputana....."

Maharashtra State Gazetteers --- Akola District (1977)

In this district Gazetteer, it is mentioned, inter alia, that among the social groups known as castes in the district "the Kunbis were the most numerous forming 32 percent of the whole. Marathas, a name sometimes used interchangeably with Kunbi, but sometimes distinctively, formed only one percent of the population....."

Maharashtra State Gazetteers --- Buldhana District (1976)

According to this district Gazetteer, "The Marathas are a caste formed from military service, and it seems probable that they sprang mainly from the peasant population of Kunbis, though in what period they were formed into a caste has not yet been determined..... In Buldhana they are commonly spoken of as Maratha Kunbis. Indeed in the Berar Census of 1881 they were amalgamated with Kunbis, and have only been recorded separately in the last two generations.... In Buldhana the Marathas will take daughters from the Kunbis in marriage for their sons, though they will not give their daughters in return. But a Kunbi who has got on in the world and become wealthy may, by a sufficient payment, get his sons married into Maratha families and even be adopted as a member of the caste....."

IV. Findings

17. From the factual material and evidence available, the Bench finds that the "Maratha" is not one and the same as the "Kunbi" caste/community as claimed by the request-maker and other representatives of the Maratha community who appeared before the Bench during Public Hearings but constitute a separate and distinct caste/community. It is true that "Maratha" originated from "Kunbi". While the available data show that they originated from Kunbis, it is also seen from all the evidence and data available that

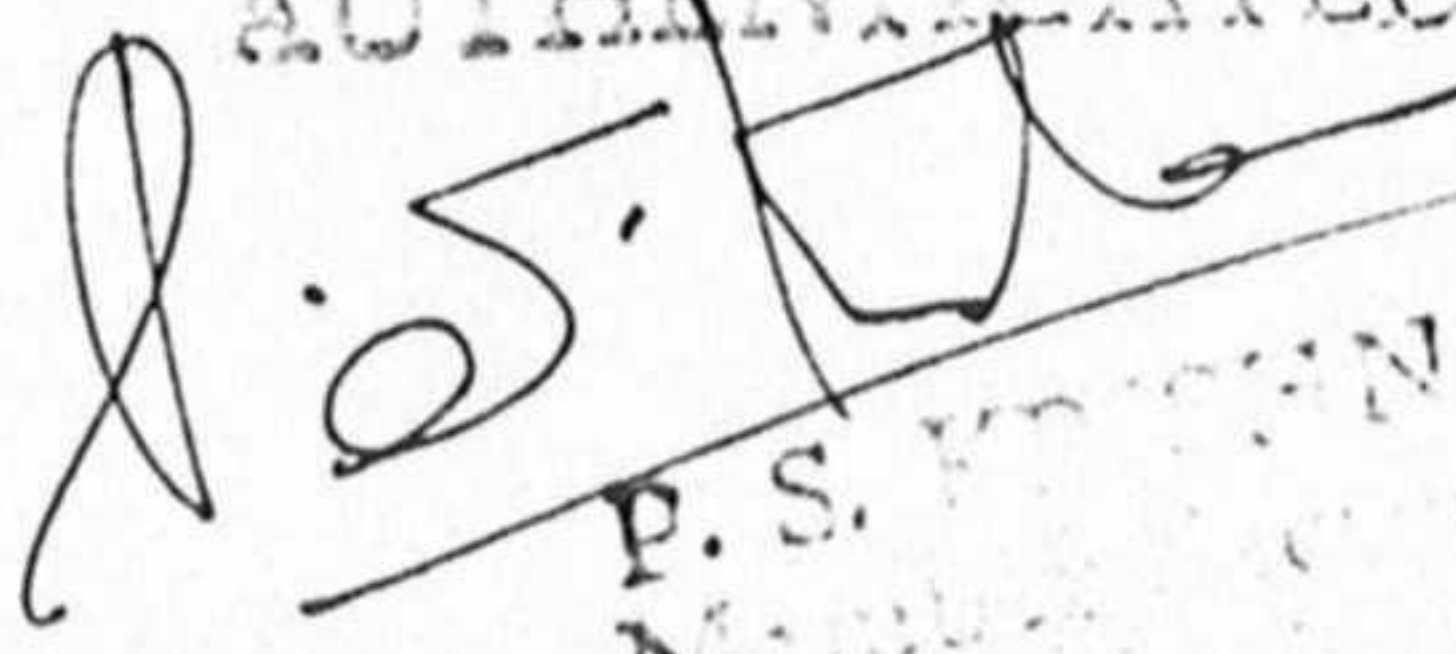
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they separated and sealed themselves off by endogamy partly modulated, in certain circumstances, by hypergamy. As the historical and ethnographic accounts confirm, Marathas began to emerge as a separate caste/community mainly from Kunbis somewhere after the establishment of Bahmani dynasty in 1350 in response to the opportunities for upward mobility provided by military service. Stewart Gordon's recent well-researched account of the history of the Marathas tells the story of how the Marathas became a new elite social class through their close association with different ruling dynasties which offered them many rights like *watans* and *inams* and important positions like that of *Deshmukhs* and *Patils* who enjoyed grants from the state and involved in revenue collection and how, with the rise of the great Shivaji from among their ranks, they became, for once, the ruling class themselves. Stewart Gordon's account also refers to how the Marathas after gaining considerable wealth through grants for military service sought to differentiate themselves from the peasant class of Kunbis by adopting exclusive social customs not possible for ordinary peasants such as different patterns in dress and diet, seclusion of women, restriction on widow remarriage etc. and closed their ranks by prohibiting marital relations with the ordinary Kunbis. It is also seen that the Marathas after acquiring wealth and status also sought to assign themselves the Kshatriya status which seems to have been largely accepted by the society. The point has been well clarified by Stewart Gordon in his recent book on the history of the Marathas that Maratha and Kunbi have become separate. It is also true, as the account in the district Gazetteers reveal, that the names "Maratha" and "Maratha Kunbi" are also in fact sometimes used interchangeably to denote both the distinct community of "Maratha" as well as the "Maratha Kunbi", the latter being one among the many sections of Kunbis and this is probably on account of some members of the Maratha Kunbis styling themselves as Marathas in order to augment their social standing. Perhaps, this is part of an ongoing process of caste-upgradation which has been noted in the Amravati district Gazetteer with regard to the Tiroles, the highest division of Kunbis. However, despite the difficulties arising from the interchangeable use of the terms "Maratha" and "Maratha Kunbi" it is amply evident from the district Gazetteers that the Maratha is a caste/community distinct and separate from Kunbis. The District Gazetteers also show that as a rule the Marathas and Kunbis do not intermarry though there might be exceptional cases where poor

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Marathas "take" brides from well-to-do Kunbi families but Maratha girls, even if from poor families, are not "given" in marriage to Kunbis, even if rich. This is a typical instance of the Indian social practice of hypergamy found in many parts of India. In view of this, the claim of the representatives of the community that there are marital relations between Maratha and Kunbi is not correct and the example they cited of the marriage of the son of the President of the Maratha Seva Sangh who is a Kunbi with a Maratha girl can only be a rare exception, of the type which fortunately does take place between different castes of SC and non-SC, ST and non-ST, BC and non-BC, and within each category between individuals belonging to different castes/sub-castes, but, unfortunately, does not happen frequently enough and happens seldom in rural areas. But, such rare instances of marriages between boys and girls of different castes as a matter of personal choice do not obliterate the fact of distinct identity of the different castes to which the boys and girls belong.

18. A community with a history of such origin and close association with the ruling classes, a community, many of whose members, from its inception enjoyed important economic and political rights and positions of power and influence and eventually became rulers and members of ruling classes at different levels cannot in any way be thought to have suffered from any social disadvantages. The Bench is aware that in what is identified as a ruling class/caste, every member of it does not rule, but the fact that those who rule come from a distinct caste/community imparts a certain amount of prestige and self-confidence even to those from the same caste/community who personally do not belong to the ruling functionaries and to the totality of that caste/community. It is significant to note that the Marathas have sought and received recognition as of Kshatriya Varna which category is normally not considered to be socially backward and therefore not included in the list of BCs. This situation is not negated by the fact that some genuinely backward communities have adopted the name/appellation/suffix Kshatriya as part of a semantic effort for status upgradation, but which does not secure them recognition from other communities as of genuine "Kshatriya" Varna category and therefore does not secure them status or caste upgradation. Examples are Vanniakula Kshatriya in Tamil Nadu, the adoption of the

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umbrella-name "Kshatriya" by all BCs in Gujarat, Paundra-Kshatriya (an SC) in West Bengal and so on. But no community which is recognised generally, i.e, by the rest of society as of "Kshatriya" category normally and correctly finds place in a BC List.

19. The modern history of Maharashtra is witness to the continued dominance of Marathas in its society and polity as evident from the fact, for example, that in the post-Independence period, the community provided the largest number of Chief Ministers. During the full Bench hearing on 14.12.99, the Bench had put the question to the representatives of the Maratha community as to why despite there being so many Chief Ministers and important Ministers in the State, some of whom also became important Ministers in the Centre, none of them got or moved to get Marathas included in the State Backward Classes List but they could not offer any explanation for this and there was no attempt even to respond to this question. The fact that none of the numerous Chief Ministers from this community got or moved to get the Marathas included in the list of BCs is eloquent testimony not only of the fact that Marathas are not a backward class but also of the wisdom and objectivity of these Chief Ministers. The only ground raised by the representatives of the community in support of their claim for inclusion in the list of BCs was the fact of the origin of Marathas from Kunbis and the alleged use of the name Maratha by some members of the Kunbi caste in some areas of the State. The Bench is of the view that since there, undoubtedly, is a distinct caste/community called "Maratha" and since it is obviously an advanced community in society and polity as already noted, it cannot be included in the list of Backward Classes. The Bench cannot accept the claim of the representatives of the community that many known Maratha leaders including one whose name they mentioned have got caste-certificates as "Kunbi" as a valid ground for inclusion of Marathas in the list of BCs along with Kunbis. The Bench has no grounds to believe that any known Maratha leaders would have sought such certificates, nor have those who have made this allegation presented any evidence in support of the claim. But even if, for the argument's sake, the claim or allegation is true, it certainly does not prove that Maratha is the same as Kunbi or a synonym of Kunbi. Leaving aside the allegation made by some of the representatives of the community, the Bench is aware that some shortsighted individuals belonging to different non-backward castes unfortunately resort


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20. Coming to the claim made by Dr. K.G.Deshmukh in his Note that if the criteria evolved by the Mandal Commission are applied to the Kunbis and Marathas together they will certainly qualify for Inclusion in the List of Backward Classes, the Commission is of the view that this argument is fallacious. The Mandal Commission which has included "Kunbi" in its recommended list has, while estimating the approximate population of BCs to be 52%, considered Marathas, along with Brahmins, Rajputs etc. to be prima facie "forward Hindu castes and communities". This means that the Mandal Commission has taken "Kunbi" and "Maratha" to be different castes/communities with separate identities. Thus the Mandal Commission-based arguments of Dr.Deshmukh does not help the case for the inclusion of Marathas in the list of BCs. Maratha is clearly established to be a separate community and therefore they cannot be clubbed with Kunbis for applying any criteria for determining backwardness. Even in cases where there are no such separate identities, when a community comes forward with the Request for Inclusion in the list of Backward Classes, it is required and expected both by social reality as well as by the Supreme Court's directions in the Mandal judgement that whenever distinct sub-castes exist within a caste/community, each of them should be taken separately for examination and if, on taking such a community together, it is found out that the community is not Socially Backward but one separate sub-caste of it is found to be socially backward that separate sub-caste has got justification for inclusion in the list of BCs. On the contrary, if a caste/community is found to be Socially Backward and if it includes distinct sub-castes and if anyone of them is found to be socially not backward, it has to be excluded.

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In fact, the Supreme Court has directed the separation of even individuals who are Socially Advanced from indisputably socially backward castes/communities of Backward Classes.

21. Finally, there was some mention by Shri Sashikant A. Pawar of agitation if the community is not included in the list of backward classes. The Bench hopes that this mention of agitation was not really serious. Talks of agitation and aggressive methods are not the methods normally resorted to by genuine Backward Classes. On the contrary, what any claimant-caste has to do is nothing more than to give evidence in support of the claim of social backwardness to the Commission/Bench of the Commission which is prepared to give a patient hearing. In different States, the Benches of the Commission have found that talks of agitation and aggressive methods usually betray a non-backward caste/community which wants to come into the list of BCs, short of real evidence and this has not helped and will not help any caste/community. The Commission will advise the inclusion of any caste/community in the list of BCs only if it is found to be socially backward on the basis of objective data/information. There was a mention of Jats in the list of BCs by Shri P.G. Dhobley who claimed to be the President of O.B.C. Seva Sangh. He pleaded that "Maratha" should be included in the list of BCs as Jats have been included. The Bench clarified that his understanding was not correct. The Commission found, after elaborate analysis of data and evidence available to it, that only the Jats of part of Rajasthan are socially backward and advised the inclusion of Jats of only such part of Rajasthan in its Findings/Advice tendered on 28.11.97 which is a document running over 100 pages, while it found that the Jats of Bharatpur and Dhaulpur districts of Rajasthan and of other States are not socially backward and advised the rejection of Requests received in respect of any of these States and the Government of India has also acted in accordance with the Commission's advice. Therefore, Shri Dhobley's argument based on Jat does not help the case of the Maratha.

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22. In view of the above facts and position, the Bench finds that Maratha is not a socially backward community but is a socially advanced and prestigious community and therefore the Request for Inclusion of "Maratha" in the Central List of Backward Classes for Maharashtra along with Kunbi should be rejected. In fact, Maratha" does not merit inclusion in the Central List of Backward Classes for Maharashtra either jointly with "Kunbi" or under a separate entry of its own.

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23. In view of the above Findings, the Commission tender the following Advice to the Central Government under Section 9(1) of the NCBC Act, 1993 for necessary action by the Central Government under Section 9(2) of the Act:-

The Request for Inclusion of "Maratha" in the Central List of Backward Classes as a synonym of "Kunbi" should be rejected as it is not a synonym of "Kunbi"; and "Maratha" should also be not included in the Central List of Backward Classes for Maharashtra as a separate entry, as it is not a socially backward caste/community but on the contrary is a socially advanced and prestigious caste/community.

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~~Jim Sullivan~~

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P. J. Kishner

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Member, Union
for Black and Colours