

NCBC. Advice No 24 /Delhi/2001.

NATIONAL COMMISSION FOR BACKWARD CLASSES

Delhi Bench

FINDINGS

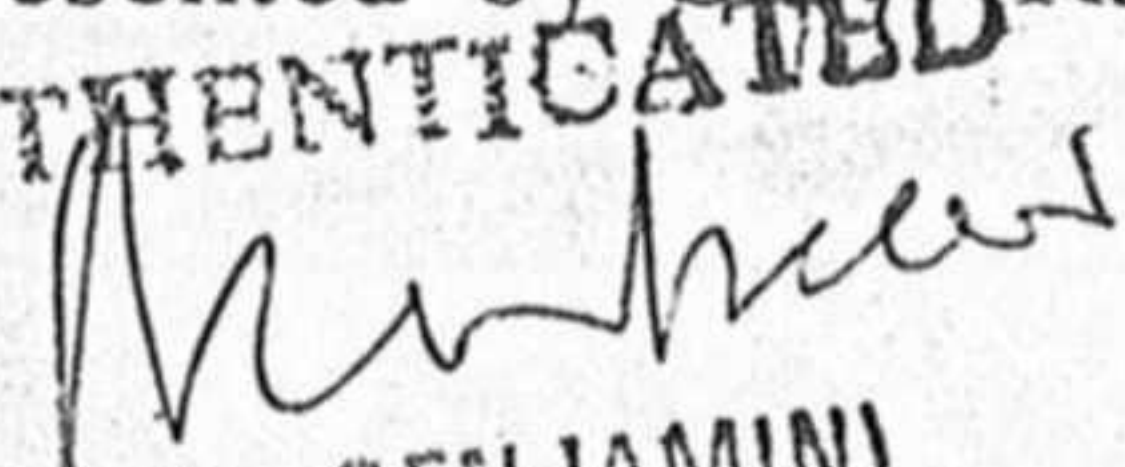
Case:- Request for inclusion of "Swami, Vaishnav, Vaishnav Brahmin" as synonyms of Bairagi" in the central list of backward classes for the National Capital Territory of Delhi.

I. Request

1. This case arises from the request received in this commission from the President, Vaishnav Swami (Bairagi) Sangh, Delhi, for inclusion of "Swami, Vaishnav, Vaishnav Brahmin" as synonyms of 'Bairagi' 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 castes/communities, for their inclusion in the central list of backward classes for NCT of Delhi on 16th 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 Brahmanand, Deputy Director, Directorate for the Welfare of Scheduled Castes and Scheduled Tribes. The community was represented by Shri Ram Nand Vaishnav,

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President Bhartiya Vaishnav Brahamin Sanghm, Delhi, and S/Shri Kishan Chand Vaishnav, Ram Kumar Vaishnav 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 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 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. 'Swami, Vaishnav, Vaishnav Brahmin as synonyms of Bairagi' 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 neither included in Mandal list nor in the state list and therefore did not satisfy the criterion of commonality.

5. The Vaishnav Swami (Bairagi) Sangh and the Vaishnav Brahman Mahasabha in their request letters and the representatives of the castes/communities during the public hearing have stated that the people of Bairagi caste are known by different names in different states as Bairagi, Swami, Vaishnav, Vaishnav Brahman, Pujari, Baba etc. and further added that the members of Swami/Vaishnav Brahmin/Bairagi castes were engaged in prayers and worship of 24 incarnations of Lord Vishnu and did begging for

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their sustenance and always remained dependent on high castes for food, clothes and shelter.

6. During the public hearing, those present who were from different sections of the society were of the opinion that Vaishnav Brahmin is nothing but a part of Brahmins and that it belongs to the priestly class and is socially held in high esteem.

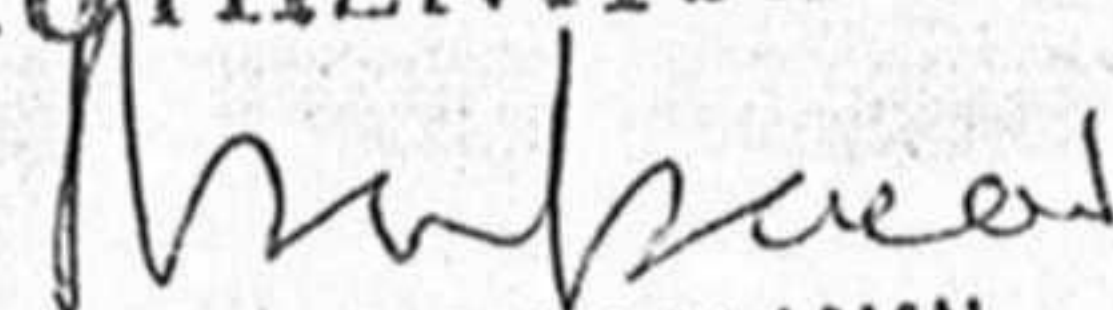
7. Shri Bashir Ahmed Ansari, President, Delhi State Muslim backward classes Federation submitted a written objection to inclusion of Swami and Vaishnava Brahmin stating that they are upper caste and are not socially and educationally backward. He also added that they are not treated as backward in the society and requested that Swami and Vaishnava Brahmin community should not be included in the backward classes list.

8. The first backward classes commission, Delhi had rejected the request for inclusion of Swami and Vaishnav as synonyms of Bairagi in the state list of backward classes for Delhi state on the ground that Vaishnav community in Delhi is usually known as upper class and there was no satisfactory evidence to show that Swami was a sub-caste of Bairagi.

9. In the People of India National Series Delhi Vol.XX published by Manhor Publishers and Distributors on behalf of the Anthropological Survey of India, 1996, under the title "Bairagi" it is mentioned as under:

"Bairagi or swami is a sect of Hindu ascetics.... According to one informant, their ancestors used to watch over and guard villages. They lived outside the villages in temples leading ascetic lives and also acted as priests in the temples.... In Delhi they are scattered all over... The traditional and primary occupation of the Bairagi is that of temple priests. However, a few of them are also engaged in cultivation of land which they had received as alms. Animal husbandry is their subsidiary occupation. In Delhi at present they have varied types of occupations. Besides acting as temple priests which occupation is inherited, they are employed in government and private organisations and

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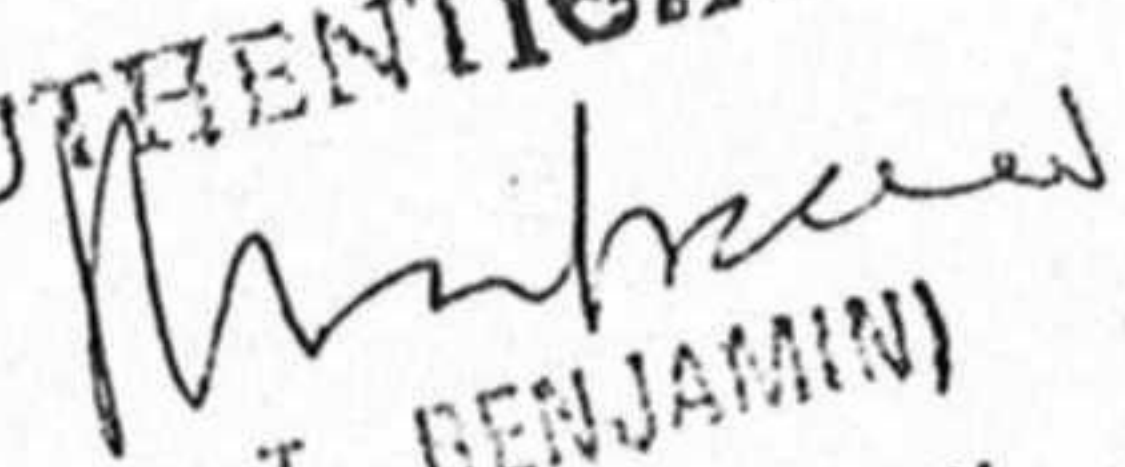
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also run small-scale industries and shops. Those who reside in rural Delhi and have agricultural land, are practising settled cultivation and running diaries. Their economy is regulated through a well organised market system.... They accept from, and exchange kachcha as well as pucca food with the Brahman, Bania and Jat communities whereas from other middle rank communities they accept only pucca food. With communities like the Chuhra, Balim Balmiki, Dhank, Chamars, Khatik, Banjara and Dheiyie they accept only sidha food.

Munishi Hardayal Singh in his book 'The Castes of Marwar' (census report of 1891), under the head "The Devotees" (Chapter-III professional priets), he writes:-

"The Bairagis are the worshipers of Vishnu... Like the Sanyasis some among them practise celibacy but others live as family men or Gharbaris. The latter generally wear clothes of white colour, work as pujaris in temples, and employ themselves in private service. The celebates are generally called khaki... They form matrimonial alliances with Ramavat, and Nimavat Sadhus and do not marry among themselves.... They were much respected by Maharaja Bijie Singh who awar^ded them high distinctions, which they still continue to enjoy"

10. It is the view of the Bench that a social group or community, the traditional occupation of which consists of worship and priestly duties, cannot be considered inferior or lowly in the caste system prevalent in the country. The traditional occupation of this community does not justify its inclusion in the list of backward classes. Their social status in society is that of "devotees", a category that is placed between the professional category of priests and temple servants, indicating that in the traditional, social hierarchy they occupy a position similar to that of Brahmans, as attested to by Munshi Hardyal Singh in his book "The Castes of Marwar".

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IV. Findings

11. On the basis of the above evidence, it is the findings of the Bench that Swami, Vaishnav and Vaishnav Brahmin are not socially backward castes/communities. The traditional priestly activities of this community, do not justify its inclusion in the list of backward classes. Inclusion of such castes/communities in the list of backward classes is not only contrary to facts and social realities, but will also deprive the classes which are genuinely socially backward, of what is due to them. Therefore, the request for inclusion of Swami, Vaishnav and Vaishnav Brahmin as synonyms of Bairagi in the central list of backward classes for Delhi be rejected.

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V. Advice of the Commission

12. 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:

The request for inclusion of Swami, Vaishnav and Vaishnav Brahmin as synonyms of Bairagi in the central list of backward classes for the NCT of Delhi be rejected as they are not socially backward classes.

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