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राष्ट्रीय पिछड़ा वर्ग आयोग

भारत सरकार

त्रिकुट-१, भीकाजी कामा प्लेस, नई दिल्ली-११००६६

Member-Secretary

National Commission for Backward Classes

Government of India

Trikoot-1, Bhikaji Cama Place, New Delhi-110066

NCBC Advice No. 1-2/97/Chandigarh
August 18, 1997

Dear Shri Baksi,

I am sending herewith the Advice of the National Commission for Backward Classes under Section 9(1) of the NCBC Act 1993 regarding requests for inclusion of "Bhar, Rajbhar" and "Ramgarhia" castes of Union Territory of Chandigarh in the Central List of Backward Classes for Union Territory of Chandigarh for necessary action under Section 9(2) of the Act by the Central Government.

Best wishes,

Yours sincerely,

(P.S. KRISHNAN)

Encl: As Stated

Shri K.K. Baksi
Secretary
Ministry of Welfare
Shastri Bhavan
New Delhi-110001

NATIONAL COMMISSION FOR BACKWARD CLASSES

U.T. of Chandigarh Bench

Findings

Per Shri P.S.Krishnan, Member-Secretary

Case: Request for Inclusion of "Bhar, Rajbhar" in the Central List of Backward Classes for Union Territory of Chandigarh

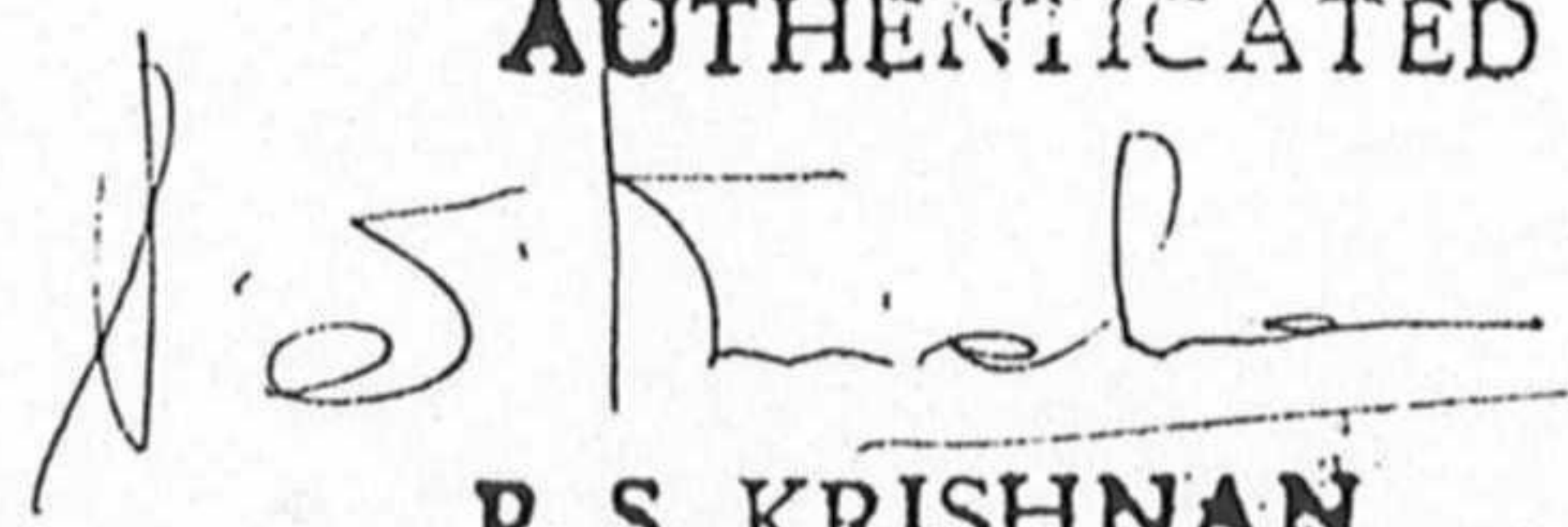
I. Request

This case arises from the Request received in this Commission from the General Secretary, Rajbhar Sudhar Samity, 3378-A, 31-D, Chandigarh for Inclusion of "Bhar, Rajbhar" in the Central List of Backward Classes for the Union Territory of Chandigarh.

II. Public Hearing

2. The two-Member Bench of the Commission for the Union Territory of Chandigarh consisting of Shri P.S.Krishnan, Hon'ble Member-Secretary, NCBC and Shri Navtej Puadhi, Hon'ble Member, NCBC held a Public Hearing in respect of this Request at Chandigarh on 8.4.1997. At the Public Hearing the Chandigarh Administration was represented by Shri N.S. Kang, IAS, Finance Secretary (who is also in charge of Backward Classes Welfare), Chandigarh Administration, Shri K.K. Khandelwal, IAS, Deputy Commissioner, Chandigarh and Shri Sanjeev Khirwar, IAS, Director, Social Welfare. The Community was represented by Shri Chand Ram, General Secretary, Rajbhar Sudhar Samity, Shri Bali Ram Rajbhar, Shri Rajesh Kumar Rajbhar, Shri Brij Beli and others.

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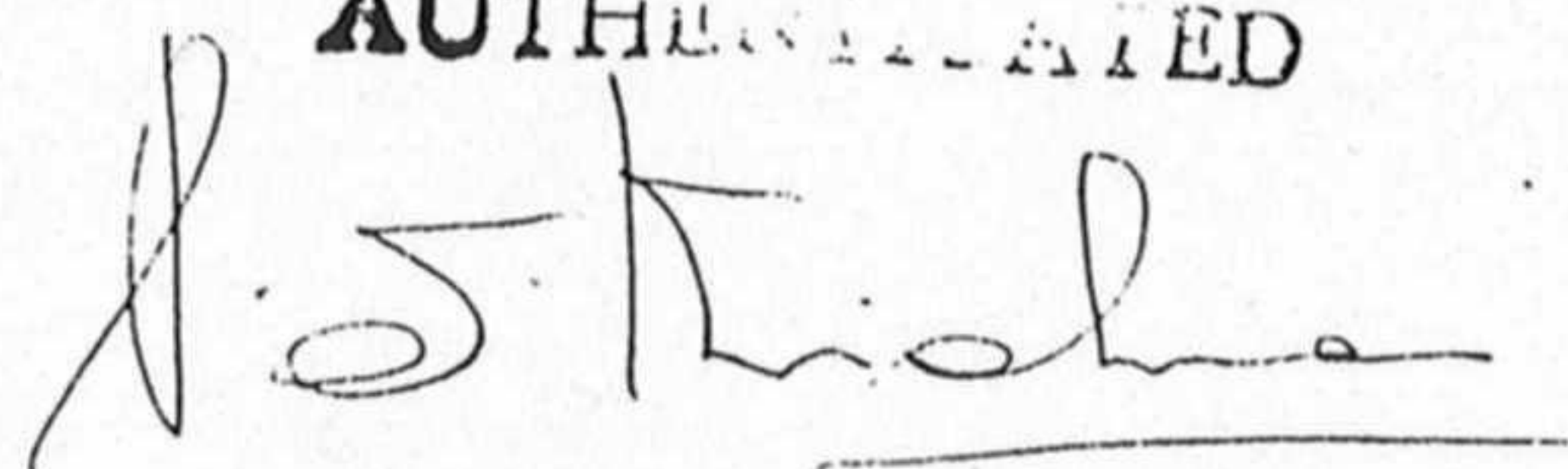


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III. Facts

3. At the time when the Expert Committee on Backward Classes prepared the first phase Central List of Backward Classes on the basis of the principle of commonality, i.e., by listing castes common to both the Mandal Commission's List for each State/UT and the respective State/UT Lists and when, on the basis of the Expert Committee's Report, the Government of India notified the first phase Central List in 1992, the U.T. of Chandigarh did not have a List of Backward Classes of its own and therefore no Central List was prepared at that stage and the same is yet to be prepared.
4. After the Supreme Court's Judgement in the Mandal case, the Administration of the UT of Chandigarh undertook the preparation of a List of Backward Classes which has since been notified vide Chandigarh Administration's Notification No. F-III-SW-127/SW/OBC/95/1245 dated 27th June, 1995. "Bhar, Rajbhar" has not been included in this List. It is also not included in the Mandal Commission's List for the U.T. of Chandigarh.
5. The NCBC's Questionnaire filled up by the Samiti states that their community is generally considered as Socially Backward. It gives selling of vegetables, fish and meat, which mainly involves manual labour, as the occupation on which the members of the caste mainly depend for livelihood. It is a non-agricultural caste. Other occupations in which the members of the caste are engaged are rickshaw-pulling, manual work in factories, plumbing, building work, white-washing etc. The women of the community are, as a general practice, engaged in

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manual labour in factories and building works. Their children also, as a general practice, are engaged as helpers in factories, auto repairing shops and vegetable shops etc. for their family's livelihood or for supplementing their family's income.

6. During the Public Hearing, the representatives of the community deposed before the Bench that they are originally natives of Bihar and migrated to Chandigarh and surrounding areas in search of employment and occupations mainly as masons. They settled in Chandigarh and the surrounding parts of Haryana and Punjab during the last few decades.

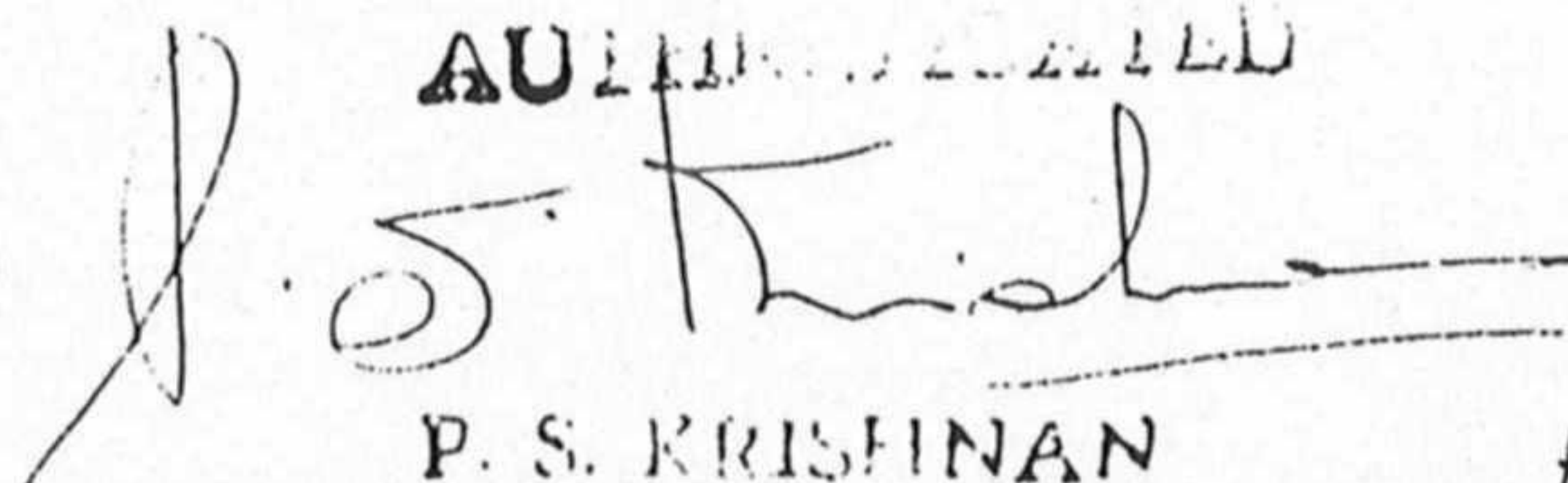
7. W. Crooke ('The Tribes and Castes of North Western India', Vol. II, Cosmo Publications, Delhi, 1974, Originally published under the title 'The Tribes and Castes of the North-Western Province & Oudh, Calcutta, 1896'), based on information collected at Mirzapur and notes received through Mr. H.E.L.P. Dupernex, C.S., Azamgarh, and from Munshi Chhedi Lal, Deputy Inspector of Schools, Gorakhpur, writes about this community under the head "Bhar", as a "caste of apparently Dravidian origin found in the eastern parts of the United Provinces". He further writes as follows:

"They are also known as Rajbhar, Bharat, and Bharpatwa... They are usually employed as day-labourers and ploughmen. A few are tenants without occupancy rights. Some of them have rather equivocal reputation. They are occasionally burglars and field thieves, and they have been known to combine for road robbery and dacoity..."

Crooke also cites the Oudh Gazetteer as follows:

"In appearance they resemble low caste Hindus, Koris and Chamars.... They have, however, one striking peculiarity in

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National Commission

common with the Tharus -- their hatred of the cultivated plain. When land has attained a certain pitch of cultivation they always leave it for some less hospitable spot, and their lives are spent in wandering from jungle to jungle. They commence the struggle with nature, and after the first and most difficult victory over disease and wild beasts, leave it to the Kurmis and Ahirs to gather the fruits of their desultory energy. They are very timid, very honest and keen sportsmen, untiring in pursuit, and excellent shots with their long guns. They show the influence of orthodox Hinduism in sparing the nilgai, but are fond of the flesh of pigs, washing down their feasts with copious draughts of spirits of rice or mahua.... Marriages are contracted without the intervention of a Pandit, and with the rites in use among other low castes, such as Koris and Chamars. With a magnificent assumption of rights not recognised by our law, a bride's father makes over in gift (Sankalap) to the bridegroom a small patch of forest to clear and cultivate."

8. "Bhar, Rajbhar" caste/community has been included in the Central List of Backward Classes for following States:-

S.No.	Name of the State	Relevant Entry
1.	Bihar	"85. Bhar" "105. Rajbhar"
2.	Tripura	"5. Bhar"
3.	Uttar Pradesh	"36. Bhar"

ADMITTED

[Signature]
P. S. *[Signature]*
Secretary
Commission
for Backward Classes

9. During the Public Hearing, those present who were from different sections of society as well as the representatives of the Chandigarh Administration not only did not object to the proposed inclusion of "Bhar, Rajbhar" in the Central List of Backward Classes for the U.T. of Chandigarh, but also supported it.

IV. Findings

10. From the above edivdence it is the Finding of the Bench that "Bhar, Rajbhar" is a Socially and Educationally Backward Class and should therefore be included in the Central List of Backward Classes for the Union Territory of Chandigarh at entry no. 1 as follows:-

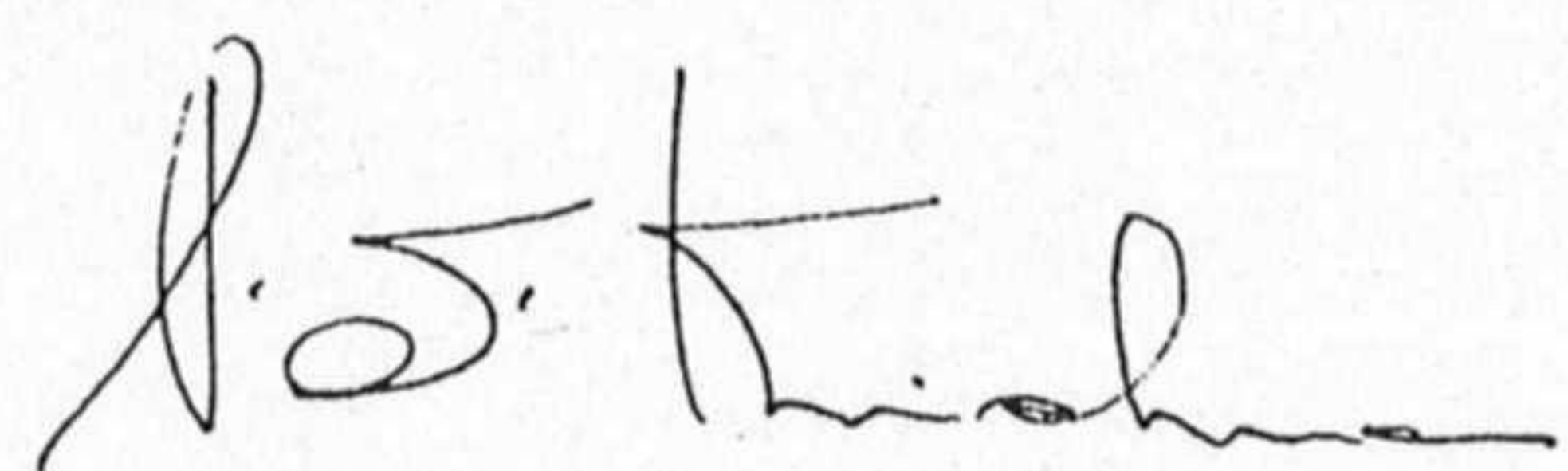
"1. Bhar
Rajbhar"

11. It is observed that in a number of cases, certificate issuing authorities do not issue Backward Class certificates in respect of the period prior to the Central Government's Notification. The process by which a caste/community/sub-caste became backward is centuries old. Its backwardness did not emerge suddenly on the date of the Notification. The relevance of the date of the Findings or the Advice or the Government's Notification is only that the backwardness of the caste/community/sub-caste, which was already a social reality,

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National Commission
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and its synonyms, which have come into vogue from different points of time, were, after enquiry, officially noted and recognised on that particular date. But the benefit of this recognition should be available from the date from which reservation for Backward Classes in the Central Services came into effect, i.e., 8.9.1993. Therefore, it is necessary to specify that the notification takes effect from the date from which reservation for Backward Classes came into effect and the members of the caste/community/sub-caste using these synonyms, are eligible for reservation from that date.



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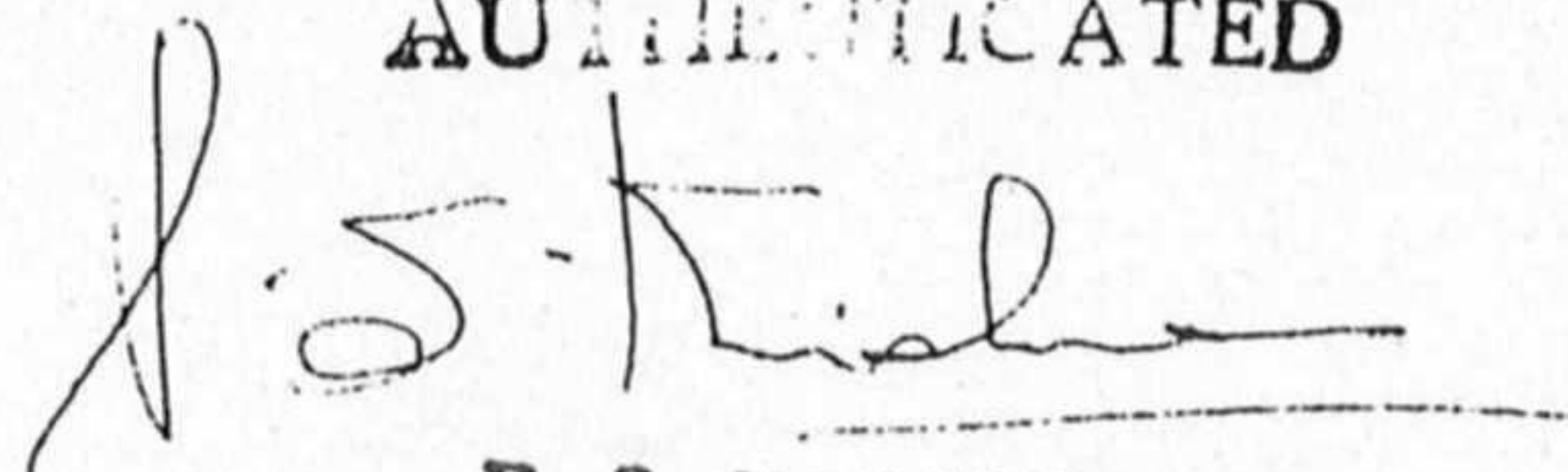
V. Advice of the Commission

12. The Commission considered and agreed in full with the above Findings of the UT of Chandigarh 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:-

"Bhar, Rajbhar" be included in the Central List of Backward Classes for the Union Territory of Chandigarh at entry no. 1, as follows:-

"1. Bhar,
Rajbhar"

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National Commission
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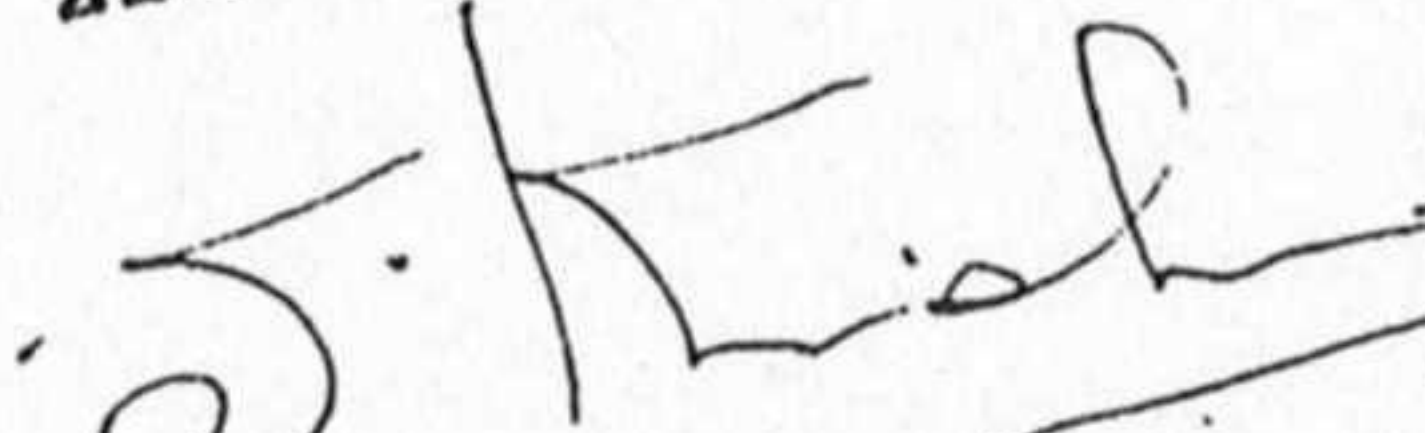
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Member Secretary
National Commission
for Backward Classes

NATIONAL COMMISSION FOR BACKWARD CLASSES

Chandigarh Bench

Findings

Case: Request for Inclusion of "Ramgarhia" in the Central List of Backward Classes for the Union Territory of Chandigarh.

I. Request

This case arises from the Requests received in this Commission from the President, Ramgarhia Sabha, Chandigarh and the President, Bahujan Samaj Party, Chandigarh for the Inclusion of "Ramgarhia" in the Central List of Backward Classes for the Union Territory of Chandigarh. In their Requests, the President, Ramgarhia Sabha and the President, Bahujan Samaj Party, Chandigarh have stated that "the Sikh community belonging to 'Lohars', 'Carpenters' and 'Jangras' etc. call themselves as "Ramgarhias" and that they are "socially and professionally the same".

II. Public Hearing

2. The two-Member Chandigarh Bench of the Commission, consisting of Shri P.S. Krishnan, Hon'ble Member-Secretary, NCBC and Shri Navtej Puadhi, Hon'ble Member, NCBC held a Public Hearing inter alia to examine this case at Chandigarh on the 8th April 1997. At the Public Hearing the Chandigarh Administration was represented by Shri N.S. Kang, IAS, Finance Secretary (who was also in charge of Backward Classes Welfare), Chandigarh Administration, Shri K.K. Khandelwal, IAS, Deputy Commissioner, Chandigarh and Shri Sanjeev Khirwar, IAS, Director, Social Welfare. The community was represented by Shri Muktiar Singh, Sarpanch & Member Block Samiti, Hajipur Block, Hoshiarpur, Dr. Jaswinder Singh Bhogal, Capt. Sohan Singh Panthey (Rtd.) and others.

P. S. KRISHNAN
Member-Secretary
National Commission
for Backward Classes

III. Facts

3. At the time when the Expert Committee on Backward Classes prepared the first phase Central List of Backward Classes on the basis of the principle of commonality, i.e., by listing castes common to both the Mandal Commission's List for each State/UT and the respective State/UT Lists and when, on the basis of the Expert Committee's Report, the Government of India notified the first phase Central List in 1993, the U.T. of Chandigarh did not have a list of Backward Classes of its own and therefore no Central List was prepared for Chandigarh at that stage and it is yet to be prepared.

4. After the Supreme Court's Judgement in the Mandal case, the Administration of the UT of Chandigarh undertook the preparation of a List of Backward Classes which has since been notified vide Chandigarh Administration's Notification No. F-III-SW-127/SW/OBC/95/1245 dated 27th June, 1995. Entry Nos. 38 and 49 in this List read as follows:-

"38. Jhangara Brahman/Jhangra Brahman/Jangra Brahman"

"49. Lohar"

"Ramgarhia" is not found included in this List.

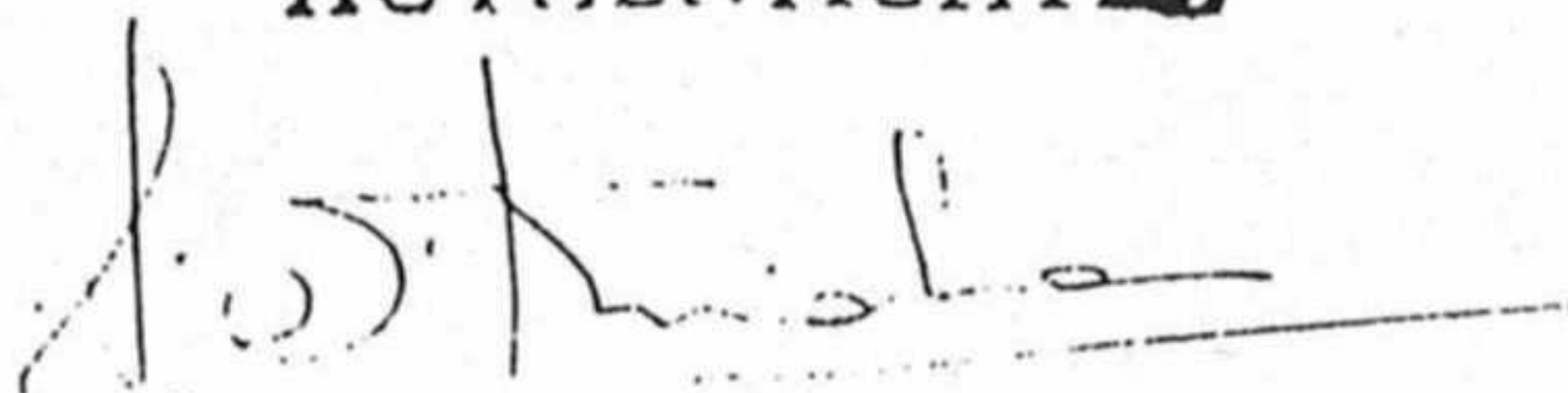
5. "Ramgarhia" is also not included in the Mandal Commission's List for the U.T. of Chandigarh. The entry Nos. 4 and 51 of this List reads as follows:-

"4. Badhi, Barhai, Dhiman-Brahman"

"51. Jhangra-Brahman, Khati"

"Jangra-Brahman" is found included in both the State List and the Mandal List for the UT of Chandigarh, but the NCBC

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Member Secretary
Mandal Commission

has not received any Request for its Inclusion in the Central List of Backward Classes for the UT of Chandigarh.

6. "Ramgarhia" as one of the names of the carpenter community is attested to by H.A. Rose (A Glossary of the Tribes and Castes of the Punjab and North-West Frontier Province, Vol. III, Asian Educational Services, New Delhi, Madras, 1990, first published, 1919) under the head "Tarkhan...". He mentions "Ramgarhia" as one of the many synonyms of the Tarkhan, about which he writes as follows:- "The Tarkhan,.... is the carpenter of Provinces. Like the Lohar he is a true village menial, mending all agricultural implements and household furniture, and making them all, except the cart, the Persian wheel, and the sugar press, without payment beyond his customary dues..."

7. During the Public Hearing, the representatives of the community traced the name "Ramgarhia" to "Ramgarh", a place near Amritsar. They said that "Ramgarhia" work both in wood and iron and that the members of the community are followers of both the Hindu as well as the Sikh religion. In support of their claim for inclusion of "Ramgarhia" in the Central List of Backward Classes for the UT of Chandigarh, they also cited the inclusion of "Ramgarhia" in the Central List of Backward Classes for the neighbouring State of Haryana.

8. So far as Haryana is concerned, it is a fact that at the time of the preparation of the first phase of Central List of Backward Classes, "Ramgarhia" was not included in the Central List of Backward Classes for Haryana as at that time it was not included in the State List of Haryana, but only in the Mandal List for Haryana. "Ramgarhia" has since been included in both the State List and subsequently, on the

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Member Secretary

National Commission

for Backward Classes

advice of the NCBC, in the Central List, vide Govt. of India (Ministry of Welfare)'s Resolution No. 12011/44/96-BCC dated 6.12.1996.

9. Those present during the Public Hearing who were from different sections of Society as well as the representatives of the Chandigarh Administration not only did not object to the proposed inclusion of "Ramgarhia" in the Central List of Backward Classes for the U.T. of Chandigarh, but also supported it.

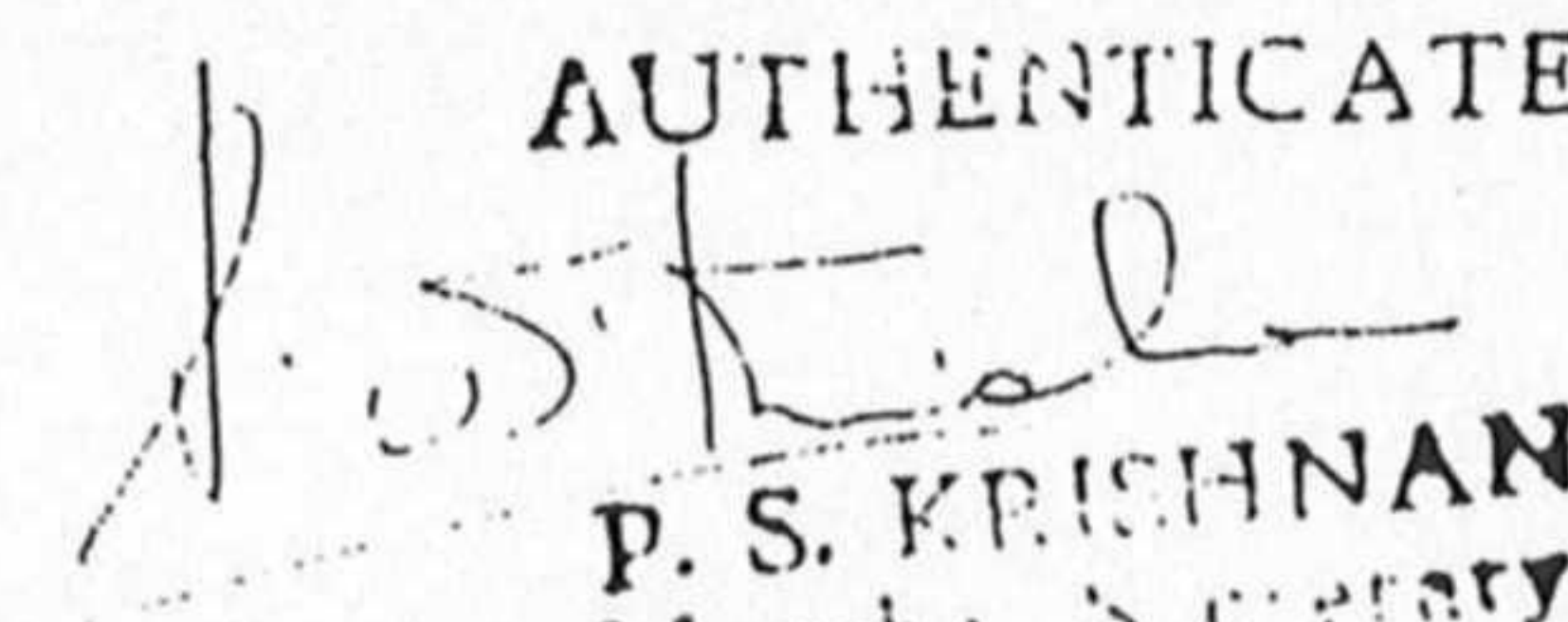
IV. Findings

10. From the above evidence, it is the Finding of the Bench that "Ramgarhia" is an artisanal caste/community linked with the traditional hereditary occupation of carpentry. It falls under the Fast-Track category as it is covered by guideline 2(e) of the NCBC's Guidelines for Consideration of Requests for Inclusion and Complaints of under-Inclusion in the Central List of Backward Classes and also by para 7 of the Procedural Clarification on Guidelines. "Ramgarhia" should therefore be included in the Central List of Backward Classes for the Union Territory of Chandigarh at entry No. 2, as follows:-

"2. Ramgarhia"

11. It is observed that in a number of cases, certificate issuing authorities do not issue Backward Class certificates in respect of the period prior to the Central Government's Notification. The process by which a caste/community/sub-caste

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Member Secretary
National Commission
Backward Classes

became backward is centuries old. Its backwardness did not emerge suddenly on the date of the Notification. The relevance of the date of the Findings or the Advice or the Government's Notification is only that the backwardness of the caste/community/sub-caste, which was already a social reality, and its synonyms, which have come into vogue from different points of time, were, after enquiry, officially noted and recognised on that particular date. But the benefit of this recognition should be available from the date from which reservation for Backward Classes in the Central Services came into effect, i.e., 8.9.1993. Therefore, it is necessary to specify that the notifications takes effect from the date from which reservation for Backward Classes came into effect and the members of the caste/community/sub-caste using these synonyms, are eligible for reservation from that date.

P. S. Krishnan

13.8.97

V. Advice of the Commission

12. The Commission considered and agreed in full with the above Findings of the Chandigarh Bench and decided to tender the following Advice to the Central Government in terms of Section 9(1) of the NCBC Act, for action by the Central Government under Section 9(2) of the Act:-

"Ramgarhia" be included in the Central List of Backward Classes for the Union Territory of Chandigarh at entry No. 2, as follows:-

"2. Ramgarhia"

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Member Secretary
National Commission
for Backward Classes

13. In view of the difficulties faced by the members of Backward Classes in getting Backward Class certificates for the period prior to the Notification, a proviso should be included in the Notification to be issued that "the Notification will take effect from 8.9.1993", the date from which reservation for Backward Classes in the Central Services came into effect.

R. Shayan
12.08.97

P. S. Krishnan

13.8.97

P. V. Srinivasulu

(Indra)

M. D. S.

Note: The above Findings and Advice have been subscribed to by all Members of the Commission except Shri N.S. Puadhi, Member, who is presently abroad on leave. Under the circumstances, in accordance with the general decision of the Commission, the omission in this behalf of Shri Puadhi's signature being attributable to his physical absence from the country, will otherwise also not vitiate the Findings of the Bench or the Advice of the Commission in view of Section 7 of the NCBC Act.

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