

National Commission for Backward Classes

Haryana Bench

Case : Request for inclusion of the caste/sub-caste/community/synonyms "Koeri, Kushwaha, Kachhi, Maurya, Murai, Murav, Shakya" in the Central List of Other Backward Classes for the State of Haryana

I. REQUEST

This case arises from the request received in the National Commission for Backward Classes from Shri Ram Avadh Kushwaha, President, Kushwaha Samaj , Faridabad, Haryana for inclusion of caste/community "Koeri, Kushwaha, Kachhi, Maurya, Murai, Murav, Shakya" in the Central List of Other Backward Classes for the State of Haryana.

II. PUBLIC HEARING

2. The Haryana Bench of the Commission consisting of Justice S. Ratnavel Pandian, Hon'ble Chairman and Shri S.K. Purkayastha, Hon'ble Member-Secretary held a Public Hearing in respect of the requests received by the Commission at Chandigarh on 20th January, 2007. At the Public Hearing, the Haryana State was represented by Smt. Anuradha Gupta, IAS, Commissioner & Secretary to Government of Haryana, Shri Roshan Lal, IAS, Special Secretary/Director, Department of Welfare of SC/BC, Shri R.P.Chander, IAS, Managing Director, Haryana Backward Classes & Economically Weaker Sections Kalyan Nigam, Shri Inder Singh Beniwal, Joint Director, Department of Welfare of SC/BC, Shri Hawa Singh Rathi, Dy Director, Department of Welfare of SC/BC, Shri R.L.Kaushik, Deputy Director, Department of Welfare of

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SC/BC The caste/community was represented by the request maker Shri Ram Avadh Kushwaha, President, Kushwaha Samaj Faridabad and others. A list of representatives who appeared before the Commission is annexed as Annexure-I.

III. Facts

3. "Koeri, Kushwaha, Kachhi, Maurya, Murai, Murav, Shakya" caste/community was not included in the first-phase Central (Common) list of Backward Classes for the State of Haryana prepared and notified in 1993 on the basis of the principle of commonality (i.e., inclusion in the Central List of those castes/communities which were found included in the Mandal Commission's Lists for the State and the State Government's List). As it was included only in the State Government's List of Backward classes and not in the mandal Commission's List for Haryana.

4. The Position with regard to these castes/communities as reflected in different lists is as follows:-

Mandal List	:	70. Saini
State List	:	4. Saini, Shakya (Block-B)
Central List	:	69. Saini

IV. Request

5. The request maker Shri Ram Avadh Kushwaha, President, Kushwaha Samaj Faridabad in his request submitted that the main caste 'Saini' already finds place in the Central List for the State of Haryana. The synonyms of Saini, such as "Koeri", "Kushwaha", "Kachhi", "Maurya", "Murai", "Murav", and "Shakya" have been included in the Central Lists of various States which inter-alia include Andhra Pradesh, Uttar Pradesh, Bihar, Delhi, and Punjab and hence requested that these synonyms may also be included in the Central

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List for the State of Haryana. In their Questionnaire submitted to the Commission they have submitted that the main caste/community is "Saini". The synonyms "Koieri, Kushwaha, Kachhi, Maurya, Murai, Murav, Shakya" are spread over 2.5% of the total population of OBCs. The caste/community persons are mainly depending on agriculture and service, which mainly involve manual labour. The women of the caste/community for their livelihood engage in agricultural labour and house hold work also. 70% of the population of these communities are landless manual labourers. They are not subject to bonded labour. The community has 7.5% literates out of 76% of state literacy. 15% are matriculates and 5% are graduates. 85% of the caste/communities are living in Kachha houses and the remaining 15% are living in pucca houses. There are no teachers, doctors, lawyers, engineers, architects, chartered accountants and media professionals belonging to these communities. There is no representation of the castes/communities in the services of Central Government in Group A, B, & C posts.

6. Representatives of the caste/community who appeared before the Bench submitted that they are living in Haryana for the past 35 years. The members of their community are spread out in Haryana and their Population in the State is about 7 lakhs. Koeri, Kushwaha, Kachhi, Maurya, Murai, Murva, Shakya are synonyms. They are one and the same and have good relations with each other. There is no difference amongst them. At different places they are known by different names like Shakya, Marao and Murya or Morya. Traditional occupation is agricultural labour. They are facing lot of difficulties. Eventhough they are backward, caste certificates are not issued to them. In the State of Haryana, Saini has been included, but their castes/communities have not been included in the Central List. They are spread all over Haryana but are found in large number in Ambala Distt. The members of the community are landless, they plough the land under 'batai' system and stay in the Tube-Well room of the landlords. Further they added that most of the members of the community are uneducated and even their children also do not

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study much and work as labour. They work as labourers for their livelihood. Very few are in Govt. service. There is nobody in Class I & II posts and only 5 persons are in Class III posts and few persons are in Class IV posts. Their community is not represented in IAS, IPS etc. They do not have any MPs, MLAs. They also work as Rikshaw Pullers, in factories/industries as labourers and helpers. Further they added that "Saini" caste/community is included in the Haryana and in the Central List of OBCs. Their caste/community is socially and educationally backward and it resembles "Saini" caste/community. It was requested that their caste/community may also be included in the OBC list so that they can avail the facility given to OBCs and bring up their children.

7. At the Public Hearing, Hon'ble Chairperson asked the Secretary, Department of Welfare of SC/BC whether any requests by these community is pending with the State Government and also whether these synonyms are found in the State of Haryana. The State Government stated that "Saini & Shakya" caste/sub-caste/synonym have already been included in the State List and they have to ascertain whether any other requests are pending with State Government, since the State Backward Class Commission has not been constituted for the last two years. Further added that the NCBC may make a reference to the State Government regarding the same.

8. The Commission took note of the following Ethnographic Accounts regarding the caste/community "Koieri, Kushwaha, Kachhi, Maurya, Murai, Murav, Shakya":-

(i) "India's Communities by Shri K.S. Singh"

Kachchi. They are distributed in the States of UP, MP, Maharashtra, Rajasthan and UT of Delhi. They are tribe of opium growers and market gardeners. As per Russel and Hiralal, Kachchi are an important cultivating caste of the northern districts, who grow vegetables and irrigate crops. In UP

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the Kachchi are known by different synonyms such as Shakya, Murao, Murai and Koeri. They have surnames like Shakya and Kushwaha. According to the 1931 Census, the population of the Kachhi in United Provinces of Agra and Oudh was 7,01,335. The AIBAS data suggests that the average household size of the Kachhi of UP is four and the proportion of female is 53 percent of the total population. Majority of them are vegetarian. The Kachchi are primarily cultivators and wage labour is their secondary occupation. There are both Hindus and Buddhists among them. In Delhi the Kachchi are known by different names like Shakya, Marao and Murya or Morya. Shakya, Verma and Saksena are some of their surnames. Traditionally they are agriculturists and they generally cultivate vegetables, sugarcane, turmeric and waternuts. In MP, the Kachchi are known as Kushwaha or Bagwan. The community has various subgroups namely Hardaha, Sahauva Baharha, Kushwaha, Kanaujia, Phulia, Marai, Jiria, Sania and Alia and these terms have been derived from the names of various crops they grow. They have surnames like Patel, Mauriya and Kushwaha. The AIBAS data on the Kachi/Kachchi of MP suggests that their average household size seems to be relatively small (four persons). The proportion of males in their population is 55 percent. In Maharashtra, the Kachchi are known as Kushwaha and are distributed in a number of subgroups like Kushwaha or Kushwah (from Kush, the son of Rama), the Murai or Murao known after their radish cultivation, the Moura or Mor who prepare marriage crowns, the Shakya named after the Shakya dynasty. In Rajasthan, they are known as 'Kachchwaye'. They are mainly agriculturists but they are also in salaried jobs.

Murao. They are also known as Mauriya. They are a community of UP. The subgroups among them are Thakuriha, Piyjaha, Kachi, Hardiha, Kannauija, Bhagta and Manvar. They use Mauriya as surname. They are vegetarians. They consider themselves equal to the Thakur and subordinate to the Brahman. The Murao are mainly agriculturists. Some of them are employed in Government and private jobs while others work as unskilled labourers. The

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AIBAS data reveals that the average household size of the Murao of UP is four and the proportion of male is 54 percent in the total population. Married females are more (74 percent) as compared to married males (52 percent).

(ii) Tribes and Castes of Bengal (Vol.I) by H.H. Risley

Koiri, Murao, a very numerous cultivating caste of Behar and Chota Nagpur, closely allied to the Kurmi. Their own tradition that they were created by Siva to tend the radish (murai) and to look after the sacred gardens of Benares, is of the common mythological type and gives no clue to their descent. Polygamy is permitted. The caste, however, is not a wealthy one, and it is unusual to find a man with more than two wives, while a second wife is commonly taken only in the event of the first being barren. Koiris profess to be orthodox Hindus belonging to the Saiva or Sakta sects, and Vaishnavism has hitherto made little progress among them. Koiri women are unclean for twelve days after child-birth, at the end of which time the mother bathes twice, and after each bath plasters the house floor with cowdung. The dead are burned. The social position of Koiris is respectable. They rank with Kurmis and Goalas, and Brahmans will take water from their hands. Their pursuits are purely agricultural, but they are distinguished from the Kurmis and other purely cultivating castes by their skill in rearing tobacco, opium and other special produce requiring more careful cultivation than the staple crops. Many Koiris are tenure-holders, here and there members of the caste have risen to be petty zamindars. Most of them are prosperous cultivators holding occupancy rights and comparatively few have sunk to the position of landless day-labourers.

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IV. FINDINGS

10. From the evidence and documents presented at the time of the Public Hearing and also on a perusal of ethnographic literature by eminent authors and other available informations, it is the finding of the Bench that "Shakya" is a synonym of "Saini" whose traditional occupation is agriculture/agriculture labour. Apart from the traditional occupation they are also engaged as agricultural labourers, Rikshaw Pullers, petty workers in factories/industries, as labourers and helpers, vegetable sellers, maid servants etc. . They are socially and educationally backward. The caste/community "Saini" is already included in the Central list of OBCs for the State of Haryana at entry No.69.

In view of the foregoing facts and evidence, the Bench is of the considered view that the caste/community/sub-caste/synonym "Shakya" is socially and educationally backward and should be included in the Central List of Other Backward Classes for the State of Haryana at entry No.69 along with the existing entry "Saini". The other synonyms will be examined further for inclusion after confirmation from the State Government whether these synonyms are found in the State of Haryana.

The entry after inclusion will read as under:

" 69. Saini, Shakya"


(Justice S. Ratnavel Pandian)
Chairperson


(S.K. Purkayastha)
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V. ADVICE OF THE COMMISSION

11. The Commission considered and agreed in full with the above Finding of Haryana Bench and decided to tender the following Advice to the Central Government under Section 9(1) of the National Commission for Backward Classes Act, 1993, for necessary action by the Central Government under Section 9(2) of the Act:-

The synonym "Shakya" be included in the Central List of OBCs for the State of Haryana at entry No.69 alongwith the existing entry "Saini". After amendment the entry will be as under:

" 69. Saini, Shakya"


(Justice S. Ratnavel Pandian)
Chairperson


(S.K. Purkayastha)
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(Yogeshwar Prasad Yogesh)
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