



पी. एस. कृष्णन्
P. S. KRISHNAN
IFL : 6183190

राष्ट्रीय पिछड़ा वर्ग आयोग

भारत सरकार
त्रिकूट-१, भीकानजी कामा प्लेस, नई दिल्ली - ११००६६

Member - Secretary
National Commission for Backward Classes
Government of India
Trikoot - 1, Bhikaiji Cama Place, New Delhi - 110 066

NCBC Advice No. MP 40, 41, 42/99

20.05.1999

Dear Smt. Das,

I am sending herewith the Advices of the National Commission for Backward Classes under Section 9(1) of the NCBC Act for the Rejection of the Requests for Inclusion of

- (1) "Thath" as a synonym of Teli (Rathore, Sahu)
- (2) Mahobia
- (3) Bawarchiyan

in the Central List of Backward Classes for Madhya Pradesh, duly authenticated, for necessary action by the Central Government under Section 9(2) of the NCBC 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

o/c

Issued
24/5/99

NCBC Advice No.MP/40/99

NATIONAL COMMISSION FOR BACKWARD CLASSES

MADHYA PRADESH BENCH

Findings

Case : Request for inclusion of "Teli(Sahu, Thath)" as a synonym of Teli (Rathore) caste/community in the Central List of Backward Classes for Madhya Pradesh.

PER SHRI SAHU AKSHAYA BHAI, HON'BLE MEMBER.

I. Request :

1. This case arises from the request received from Shri D.L. Sahoo, Raipur(M.P.) for inclusion of "Teli(Sahu,Thath)" as a synonym of "Teli (Rathore)" in the Central List of Backward Classes for Madhya Pradesh.

II. Public Hearing

2. The two Member Bench of the Commission for Madhya Pradesh consisting of Hon'ble Members S/Shri Sahu Akshaya Bhai and U.P. Singh held a Public Hearing at Bhopal on 6.1.98, 3.6.98 and 28.1.99 to examine the request in respect of this case. At the Public Hearing the State Government was represented by Shri A.L. Naharia, Shri Neeti Raj Singh, and Shri A.Z. Arzaria. The community during the Public Hearing on 6.1. 98 was represented by Dr Prakash Seth, Secretary General and on 3.6.98 by Dr Hem Raj Sahu.

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Member Secretary
National Commission
for Backward Classes

III. Facts

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

I. Mandal List

“262 Teli, Badbaik, Balu, Rathore”

II. State List

“51 Teli (Thath, Sahu, Rathore)

“87 Islamic Group (22) Teli, Nayata, Pindari, (Pindara) Kankar”

III. Central List

“46 Teli (Rathore, Sahu)

“59 Islamic Group: 20 Teli(Nayta, Pindari, Pindara)

4. Teli (Rathore) is included in the Central List of BCs for Madhya Pradesh, prepared and notified in 1993 on the basis of the principle of commonality (i.e. inclusion in the Central List of castes/communities which were found included in both the Mandal Commission's List as well as the state Government's List that existed at that time) Teli (Sahu) was subsequently included by the Government vide Notification No.12011/96/94-BCC dated 11 March, 1996 on the basis of the Advice tendered by this commission.

5. The Request-maker in his letter of Request has stated that the caste Teli (Sahu and Thath) has been included in the State List. Rathore, Sahu and Thath are synonyms of Teli caste/community and Teli (Rathore) has already been included in the Central List of BCs for M.P. It is also mentioned that Teli (Sahu) are in the majority and more backward as compared to Teli (Rathore). He has requested for inclusion of Teli (Thath, Sahu) at entry no. 46 in the Central List of BCs for M.P. Further he has

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P. S. KRISHNAN
Member Secretary
National Commission
Backward Classes

mentioned that it is discriminatory not to include the large section of Teli (Sahu & Thath) of M.P. in the Central List of BCs. He has also made a point by stating that either include 'Teli (Sahu and Thath)' in the Central List of BCs for M.P. or remove 'Rathore' from the Central List.

6. The request maker has stated in the filled up NCBC's Questionnaire that Teli(Thath,Sahu) is a socially backward caste. Oil extraction is their hereditary occupation. The caste is spread in all over the state. The caste/community is included in the states of Assam, Bihar, Haryana, Maharashtra and Uttar Pradesh. The caste/community profess the Hindu Religion. The member of the caste/community mainly depend on agriculture for their livelihood. The activities of their occupation mainly involve manual labour. The women and children of the caste/community are engaged in agriculture labour for supplementing their family's income. Seven MLAs belongs to this caste in the Legislative Assembly of Madhya Pradesh. The request maker has stated that the Teli (Thath, Sahu) caste/community is backward due to the following reasons:

- (i) Representation in all government institutions is very low.
- (ii) Socially, economically and educationally backward.
- (iii) For long time the community has been located lowly on the hierarchical social pattern of the society.

7. The description of 'Thath' is not attested to be available in any Census Report or ethnographic literature. In the State List, the entry is 'Teli' (Thath, Sahu, Rathore) on the basis of the recommendations in the Mahajan Committee Report. It is also observed that in the State List of BCs, under entry No. 51 at Col. 4 (explanation), it is recorded that people of the caste/community call themselves as Sahu and Rathore. This endorsement under Col. 'explanation' is not without any significance and establishes the fact that 'Teli' community in Madhya Pradesh generally

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National Commission
for Backward Classes

identify themselves with the nomenclature 'Sahu' and 'Rathore'. The Bench during the Public Hearing asked the view of the State Government and other caste/community people present on the issue of inclusion of 'Thath' in addition to 'Sahu and Rathore'. It was the impression of the Bench on the reactions received during the Public Hearing that the community people wanted the addition of 'Thath' merely for the reason that it is included in the State List and not on the substantial ground that 'Thath' is a popular name and understood by the general public as synonym of 'Sahu and Rathore' in whole of the State.

IV. Findings

8. From the above facts and evidence, it is established and concluded that Thath is not a popular synonym/sub-caste or nomenclature of Teli caste and community and used by the general public. The Bench is of the opinion that there are innumerable titular and territorial variations of the caste names based on legend and mythology and local factors. It is difficult to keep an account of each such variation and include in the list of OBCs. Such listing will be prohibitively long and such indiscriminate inclusion will lead to misuse by the castes/communities which are not entitled to the reservation and other benefits. The Bench is of the view that synonyms should be included only when genuinely necessary and the group using the particular synonyms/name (request for inclusion) is faced with the difficulty of not getting the certificate without such synonym being formally listed. Therefore, the Bench is of the opinion that the request for inclusion of 'Thath' as a synonym of 'Teli' caste/community in the Central List of Backward Classes for Madhya Pradesh should be rejected.

Ashaya
18.05.99
(SAHU AKSHAYA BHAI)

Uday Pratap Singh
19.5.99
(UDAY PRATAP SINGH)

AUTHENTICATED
P. S. Krishnan
P. S. KRISHNAN
Member Secretary
National Commission
for Backward Classes

V. Advice of the Commission

9. The Commission considered and agreed in full with the Findings of the Madhya Pradesh Bench and decided to tender the following Advice to the Government as per 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 'Thath' in the Central List of Backward Classes for Madhya Pradesh be rejected as it is not a synonym/sub-caste of 'Teli(Rathore,Sahu)' caste/community.

On account of the unfortunate demise of one of the Members Shri Navtej Puadhi on 16.8.98, this unanimous Advice of the Commission does not bear the signature of that Member. The validity of the Advice notwithstanding the vacancy caused by the demise of the aforesaid Member, is protected by Section 7 of the NCBC Act, 1993.

Kshayam
18.05.99

Madan Singh
19.5.99

le. for certificate
20/5/99

A. S. Thakur
19.5.99

AUTHENTICATED

A. S. Thakur
SECRETARY
National Commission
Backward Classes

NATIONAL COMMISSION OF BACKWARD CLASSES

Madhya Pradesh Bench

Findings

Case: Request for inclusion of "Mahobia" in the Central List of Backward Classes for Madhya Pradesh.

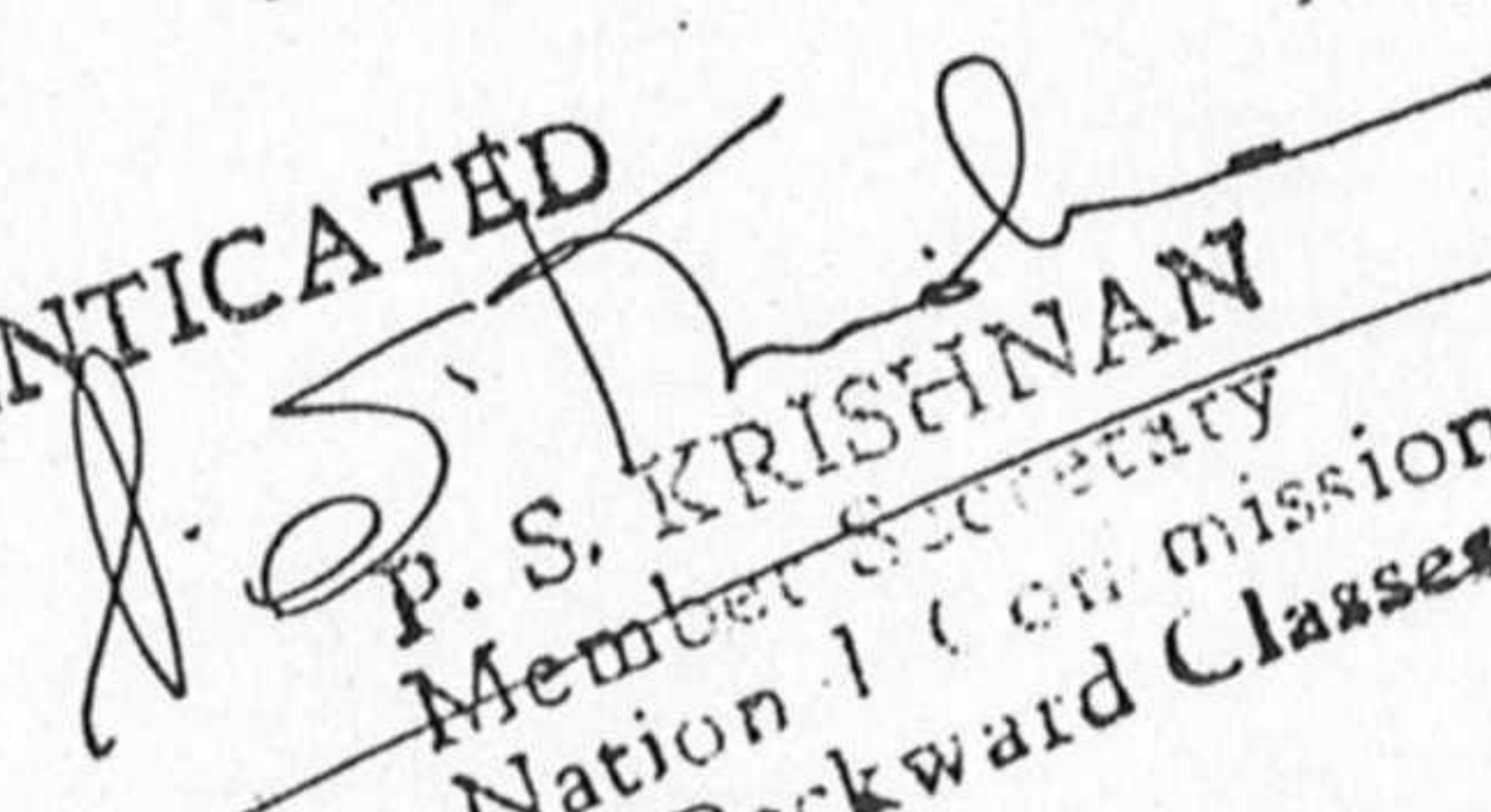
Per: Shri Sahu Akshaya Bhai, Member

I. Request

1. This case arises out of the Request from Shri Hasruddin Khan, President and Shri Sanhullah Khan, Secretary, M.P. Mahobia Pichra Varg Samaj, Madhya Pradesh for the inclusion of 'Mahobia' caste/community in the Central List of Backward Classes for Madhya Pradesh.

II. Public Hearing

2. Three Member Bench of the commission for Madhya Pradesh consisting of Hon'ble members S/Shri Sahu Akshaya Bhai, U.P. Singh and Navtej Puadhi held Public Hearing on 4.6.98 at Bhopal to examine the request for inclusion of Mahobia caste/community in the Central List of Backward Classes for Madhya Pradesh. The State Government/State Commission was represented by Shri A.L. Naharia, Secretary and Shri N.R. Singh,

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Deputy Director of State Backward Classes Commission and Shri M.L. Khanna, Assistant Director and Shri S.P. Tiwari, Research Officer of Directorate of Backward Classes Welfare. The castes/communities were represented by Shri Hasruddin Khan, President Madhya Pradesh Mahobia Pichra Varg Samaj.

III. Facts

3. "Mahobia" was not included in the first phase Central List of Backward Classes for Madhya Pradesh prepared and notified in 1993 on the basis of the principle of commonality (i.e. inclusion in the Central List of castes/communities which were found included in both Mandal Commission's List as well as the State Government's List that existed at that time) because it was not included in both the Mandal Commission's List as well as the State Government's List that existed at that time and therefore did not satisfy the criterion of commonality. Even now the caste community is not included in the State Government's List of Backward Classes.
4. The filled in NCBC's questionnaire submitted by Shri Hasruddin Khan, President and Shri Sanhullan Khan, Secretary, M.P. Mohobia Pichra Varg Samaj contain the following information:
 - (i) Mahobia is the main caste and Mahob, Mahobia Khan (Patel) are sub-castes/synonyms.
 - (ii) People of the caste/community follows the Islam religion.
 - (iii) Population of the caste/community in the state is 60-70 thousand which consist of 5 to 10% of the total OBC population of the state and is

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National Commission
for Backward Classes

concentrated in the District of Vidisha, Bhopal, Guna, Raigarh, Shajapur, Raisen, Ratlam, Hoshangabad, Balaghat, Bilaspur, Khargon.

- (iv) The main occupation on which the members of the caste/community mainly depend for livelihood is agricultural labourer. Most of them are landless and about 1% Khan (Patel) posses land. Some of them have small shops Women and Children of the caste/community help as an agricultural labourer for the support of their family livelihood.
- (v) Due to the poverty their children do not get regular schooling and number of dropouts is very high.
- (vi) More than 60% of the population of the caste/community are landless manual labourers.
- (vii) The representation of the caste/community in the elected bodies at the district level is negligible.
- (viii) Two to three percent people are graduate and 5 to 10% have passed senior secondary. 60 to 70% Children are dropout at Middle and Primary Level.
- (ix) Ninety to Ninety five percent live in Kachha House and 5 to 10% are in Pucca House.
- (x) Only 1 to 2 persons out of thousand are employed in Government Services.
- (xi) Mawali, Julaha Momin in Muslims and Dhakad, Kachi in Hindus are at level immediately higher. Kunjra, Kurmi and Dangi are at equal level.

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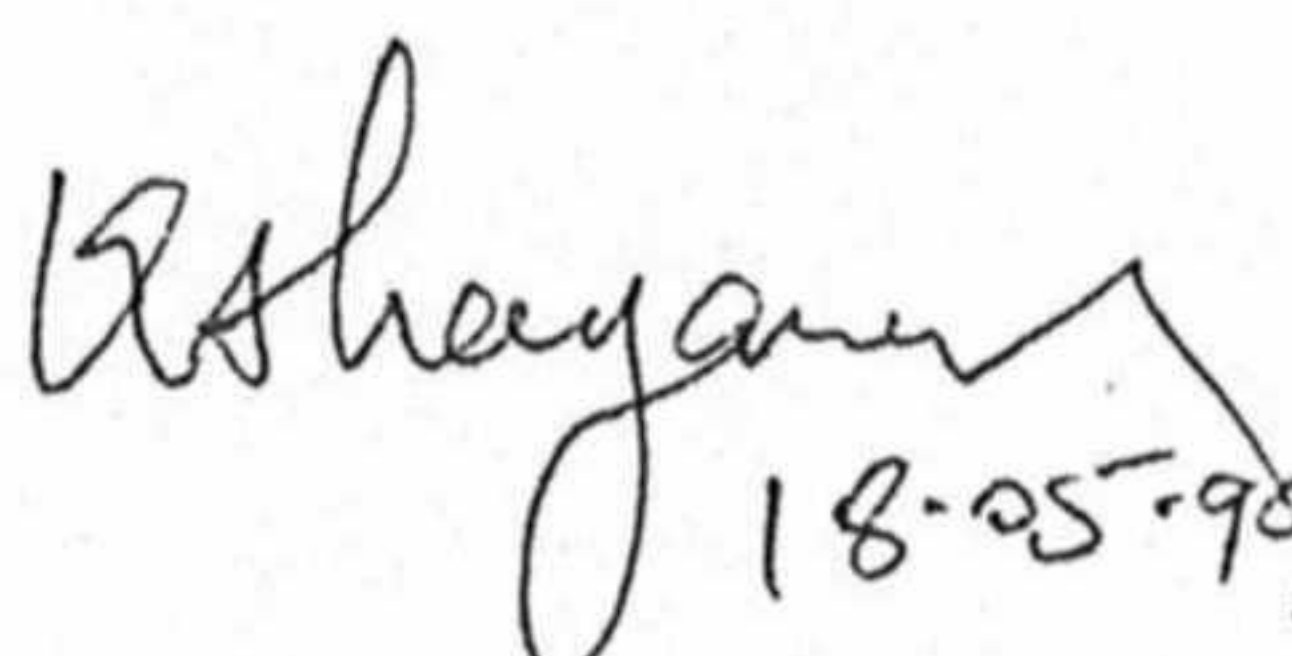
5. Along with the questionnaire they have enclosed a brief history of Mahobia caste/community. It states that before migration to M.P. the Mahobia caste/community was residing in Mahoba region of Uttar Pradesh and agriculture was their main occupation. About 400 years ago they come along with the Army at Malhargarh (Vidisha) in Madhya Pradesh which was a main cantonment of Army of Delhi. They cut the forest and made the land cultivable and started growing food grains and supply it to the Army. Slowly they spread to other parts of Madhya Pradesh.
6. During the Public Hearing the members of the Mahobia caste/community told the Bench that their occupation is to take contract labour, agriculture labour and agriculture. Their ancestors came from Mahoba in Uttar Pradesh therefore they are called Mahobia. They are lower than Hammal.
7. Based on the above mentioned facts, it is their submission that originally they belonged to the Mahoba region of Uttar Pradesh, and hence got the name Mahobia from aforesaid place.
8. The caste/community is not referred in any Census report or ethnographic literature. It therefore at the most appears to be a group of people who have migrated from Mahoba region of Uttar Pradesh to the different parts of the State of Madhya Pradesh in search of job. There are no facts available to prove that it is a socially homogeneous group with intergenerational continuity which is looked down by the society. It is also not an artisanal caste as there is no literature or other reliable evidence available on the traditional occupation, which is looked down upon.

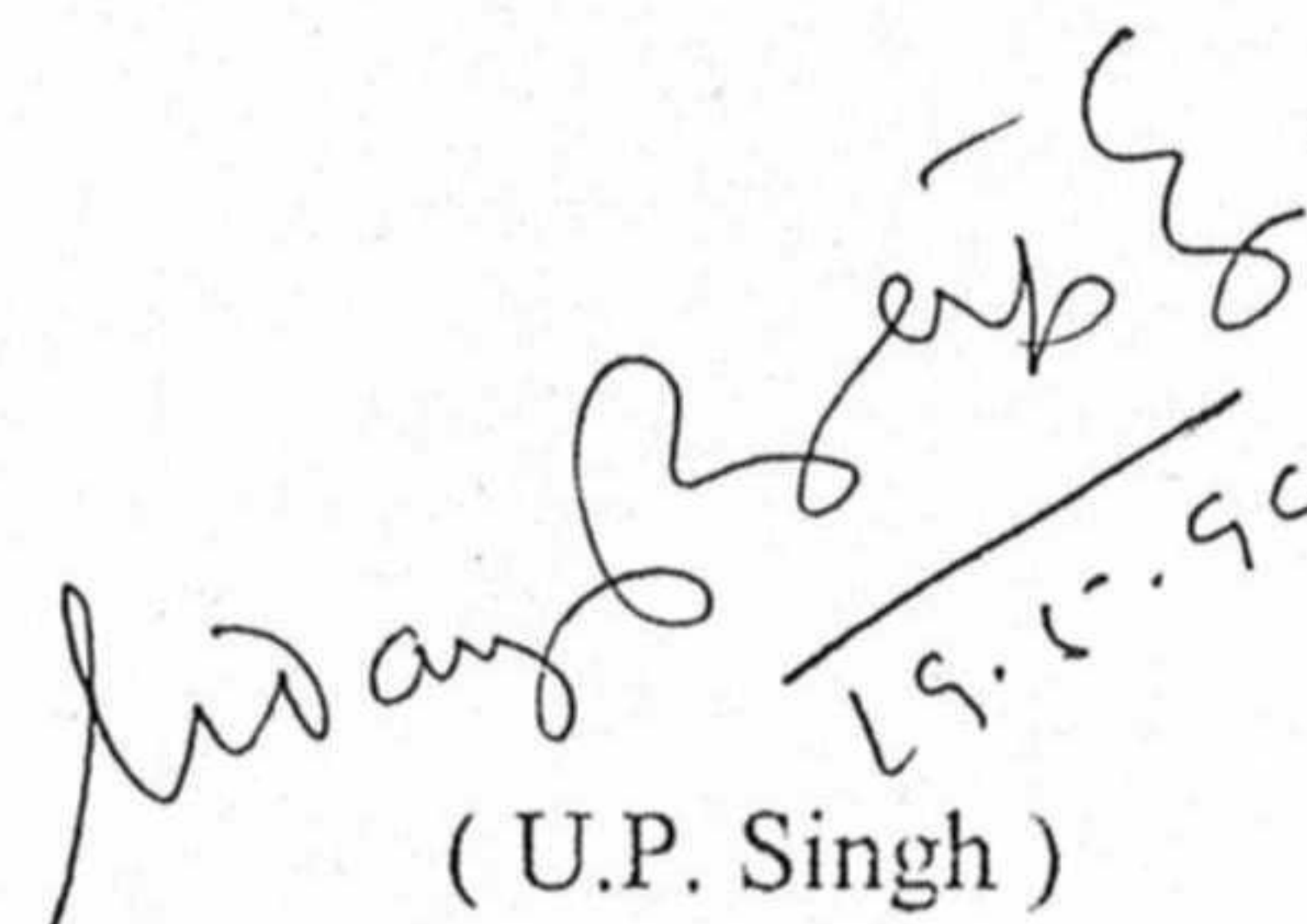
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S. S. KRISHNAN
Member Secretary
National Commission
for Backward Classes

IV. Findings

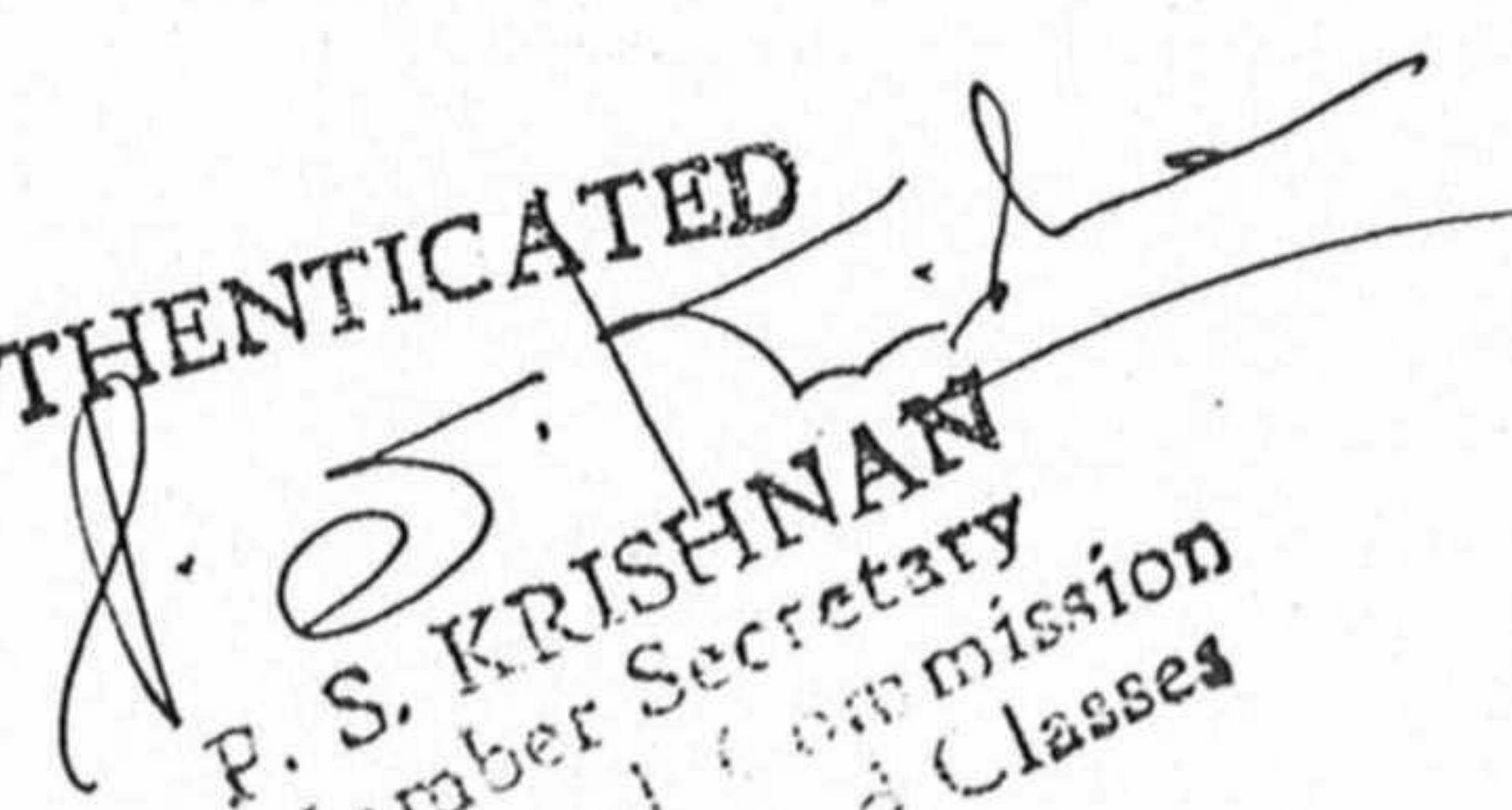
9. From the above evidence and facts, the Bench is of the opinion that Mahobia is only a name adopted by and referring to the people who migrated from Mahoba to the different parts of the State following Muslim religion and do not constitute a socially homogeneous class and one without any traditional occupation which is inferior and lowly in the eyes of society. The Bench is, therefore, of the view that the Request for inclusion of Mahobia in the list of the Backward Classes for Madhya Pradesh should be rejected.

As one of the Members of the Bench Shri Navtej Puadhi unfortunately passed away on 16.08.1998, subsequent to the Public Hearing, the Findings are signed only by two Members, including the co-ordinating Member of the Bench, but the Findings represent the conclusion jointly arrived at by three Members.


18.05.99
(Sahu Akshaya Bhai)


19.5.99
(U.P. Singh)

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

V Advice of the Commission

10. The commission considered and agreed in full with the above findings of the Madhya Pradesh Bench and decided to tender the following Advice to the Central Government under Section 9(1) of the NCBC Act 1993, for action under section 9(2) of the Act:-

The request for inclusion of 'Mahobia' in the Central List of Backward Classes for Madhya Pradesh be rejected as it is not even a social class.

On account of the unfortunate demise of one of the Members Shri Navtej Puadhi on 16.8.98, this unanimous Advice of the Commission does not bear the signature of that Member. The validity of the Advice notwithstanding the vacancy caused by the demise of the aforesaid Member, is protected by Section 7 of the NCBC Act, 1993.

Ashayam
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P. S. Krishnan
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P. S. Krishnan
19.5.99

AUTHENTICATED

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Member Secretary
National Commission
for Backward Classes

NCBC Advice No. M.P.42 /99

NATIONAL COMMISSION FOR BACKWARD CLASSES

MADHYA PRADESH BENCH

Findings

Case : Request for inclusion of "Bawarchiyan" caste/community in the Central List of Backward Classes for the State of Madhya Pradesh.

PER SHRI SAHU AKSHAYA BHAI, HON'BLE MEMBER.

I. Request :

1. This case arises out of the Request received from President, Jila Bhopal Bawarchiyan (Bhatiyara) Samaj, Madhya Pradesh for inclusion of 'Bawarchiyan' in place of Bhatiyara or as a nickname alongwith Bhatiyara in the Central List of Backward Classes for the State of Madhya Pradesh.

II. Public Hearing

2. The three Member Bench of the Commission for Madhya Pradesh consisting of Hon'ble Members S/Shri Sahu Akshaya Bhai and U.P. Singh and Navtej Puadhi held a Public Hearing at Bhopal on 4.6.98 to examine the request in respect of this case. The State Government was represented by Shri A.L. Naharia, Secretary and Shri Neeti Raj Singh, Deputy Director

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Member Secretary
National Commission
for Backward Classes

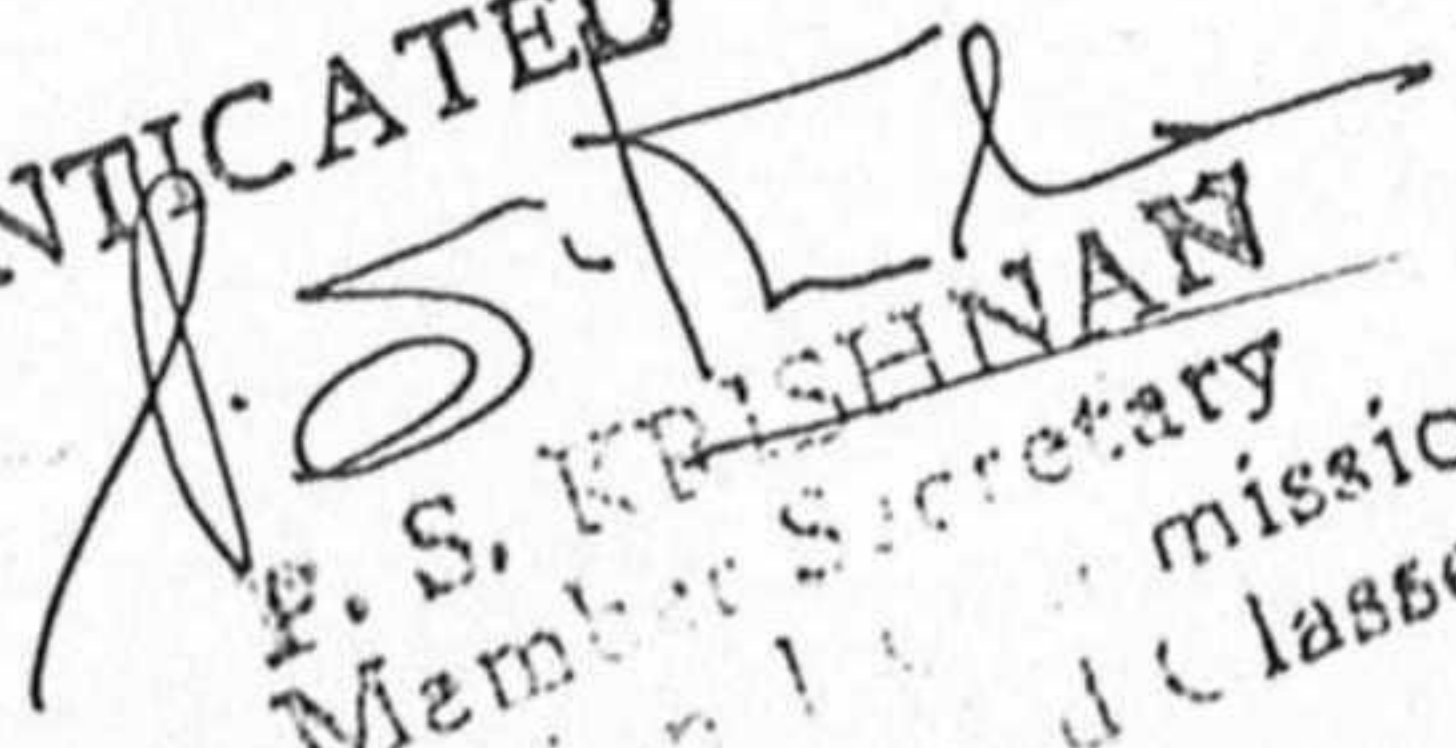
of State Commission for Backward Classes and Shri M.L. Khanna, Asstt. Director and Shri S.P. Tewari, Research Officer of Directorate of Backward Classes Welfare.

The caste/community was represented by the following

- (i) Shri Riyaz Mohammad Choudhary
- (ii) Shri Abdul Jalal
- (iii) Shri Mohammad Mahir

III. Facts

3. 'Bawarchiyan' was not included in the first-phase Central list of backward Classes for Madhya Pradesh prepared and notified in 1993 on the basis of the principle of commonality (i.e. inclusion in the Central List of castes/communities which were found included in both the Mandal Commission's List as well as the State Government's List that existed at that time) because it was not included in Mandal List as well as the State Government's List that existed at that time and therefore did not satisfy the criterion of commonality. Even now the 'Bawarchiyan' caste/community is not included in the State Governments List of Backward Classes.
4. 'Bawarchiyan' caste/community has not submitted the filled up NCBC's questionnaire.
5. The 'Bawarchiyan' caste/community people told the Bench that their caste/community is also known as 'Bhatiyara' which they feel an insulting word. They cook foods in the marriage parties. They told the Bench that in Madhya Pradesh half of the people write 'Bhatiyara' and half write

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for Backward Classes

'Bawarchiyan' and they get the caste certificate in the name of 'Bhatiyara'. But they want to include 'Bawarchiyan' as 'Bhatiyara' is not a respectful name.

6. They have requested in their letters dated 25.6.1997 that 'Bawarchiyan' may be included in place of 'Bhatiyara' and on 4.6.98 that 'Bawarchiyan' may be included as a nickname of 'Bhatiyara'. They have also stated in the request letter of 4.6.98 that in the districts of Jabalpur, Indore, Burhanpur and Khandwa the caste/community is known as 'Bawarchiyan' and in the districts of Gwalior, Rewa, Raipur etc. known as 'Bhatiyara'. Bhatiyara is already included in the State List of Backward Classes at entry No.82(5), Mandal List at Entry No.54 and in Central List at entry No.59(5) for the State of Madhya Pradesh.
7. W. Crook in "The Tribes and Castes of the North Western India" (Vol. 2 published by Cosmo Publications, New Delhi, Reprinted in 1974) describes the 'Bhatiyara' as "The keepers of inns and cooking-houses and sellers of tobacco. Their business is the entertainment of travelers, and their functions thus trench on the occupations of the baker (Nonbai) the prepare and seller of fried meat (Kabab Farosh), and the Tabacconist (Tambakuwala)..... They are Muhammadans of the Sunni sect The Bhatiyars or Keepers are low Muhammadans, such attention to strangers being incompatible with Hindu reserve."
8. R.V. Russell and Hiralal have not given any references of the 'Bhatiyara' caste/community in "The Tribes and caste of the Central provinces of India." No other literature is available for the Central provinces including Madhya Pradesh giving description of 'Bawarchiyan' as a caste.

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for Backward Classes

9. The term 'Bawarchiyan' therefore, imply and indicate only an occupation which is open to all the people irrespective of caste, creed and religion who cook food during marriage ceremonies, and is not an occupational caste. It is also not a substitute/synonym of 'Bhatiyara' which is already included in the Central List as well as in the State Lists.

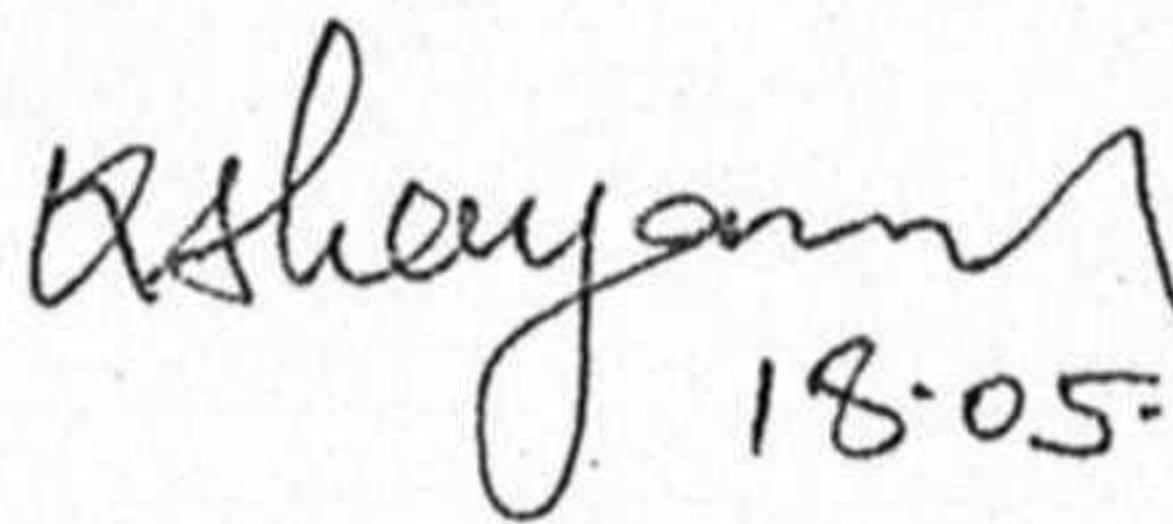
IV. Findings :

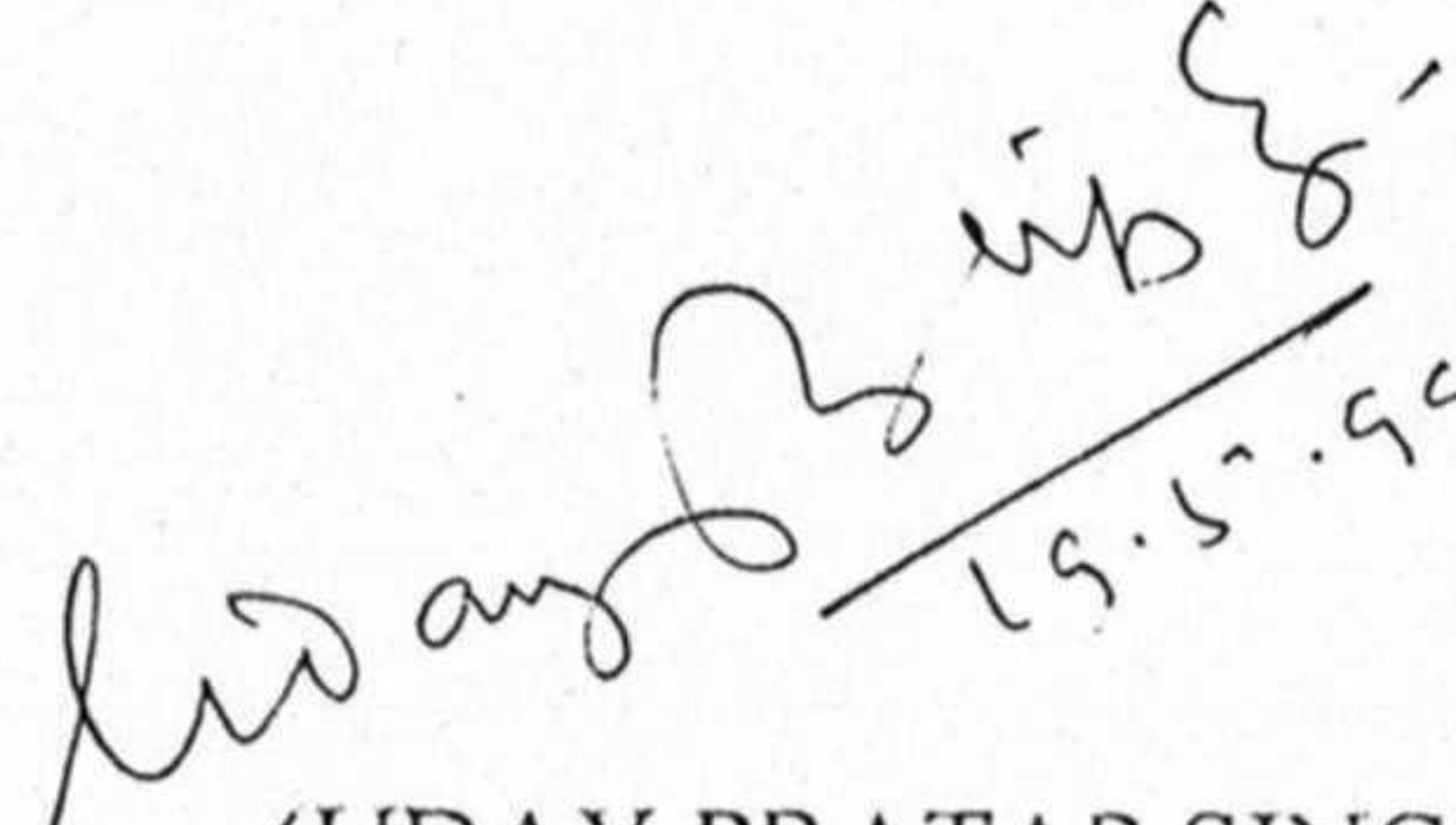
10. The Commission is aware that a number of communities particularly backward communities have been trying to ameliorate their names. Wherever their original names are stigmatised or lowly the Commission has considered such moves with sympathy and has tendered Advice in favor of addition of ameliorated names chosen by the community as synonyms, provided the name is known in the State as a synonym of that community, there is evidence that the community wants the new synonym and there is no scope for confusion with the name of a non-backward community giving a handle for seeking and securing false certificates. However, where either the name is not well-known or there is no evidence of the community wanting the new name or where the name newly proposed will come as a handle for seeking and securing false certificates, the Commission has turned down such Requests. In the present case, the 'Bawarchiyan' for inclusion of which Request has been made denote only an occupation and its existence as a caste or as a synonym of a caste in the State is not established by the ethnographic literature or other evidence. It would seems that anyone who is a Muslim by religion and is a cook by occupation could call himself and be known as Bawarchiyan and this may give scope for seeking and securing false certificates to the detriment of backward classes. In this view of the matter, this Request should be rejected and government advised accordingly.

AUTHENTICATED

F. S. KRISHNAN
Member Secretary
National Commission
for Backward Classes

As one of the Members of the Bench Shri Navtej Puadhi unfortunately passed away on 16.08.1998, subsequent to the Public Hearing, the Findings are signed only by two Members, including the co-ordinating Member of the Bench, but the Findings represent the conclusion jointly arrived at by three Members.


18.05.99
(SAHU AKSHAYA BHAI)

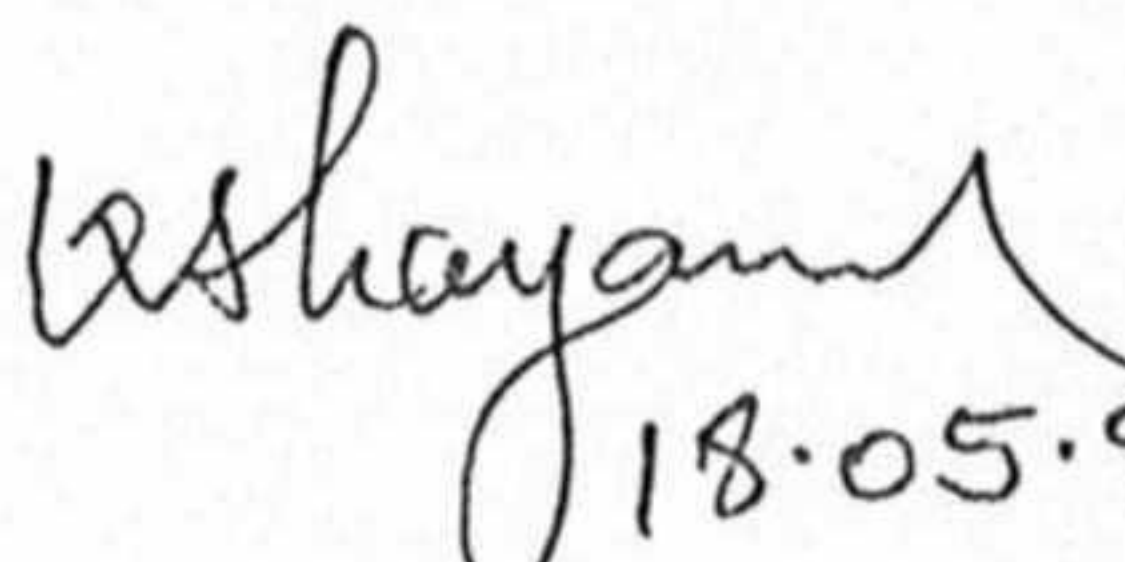
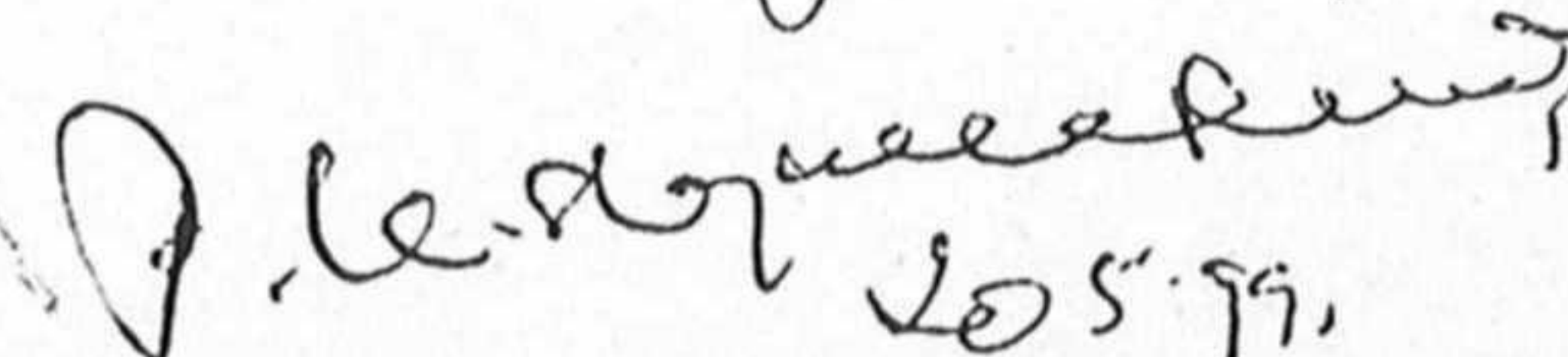

19.5.99
(UDAY PRATAP SINGH)

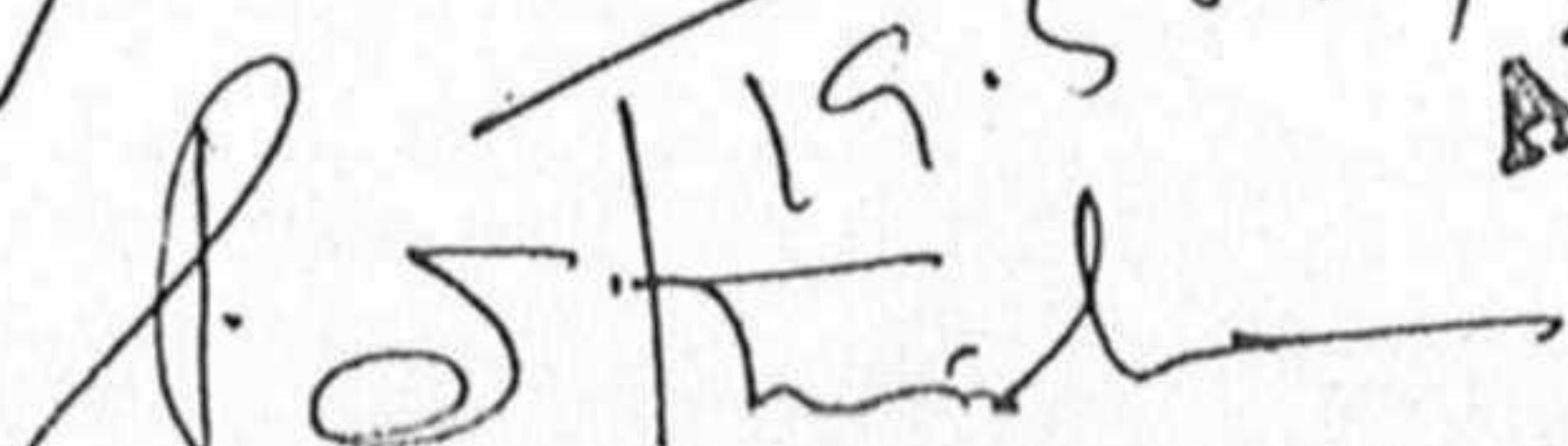
V. Advice of the Commission

11. The Commission considered and agreed in full with the above Findings of the Madhya Pradesh 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.

Request for inclusion of 'Bawarchiyan' caste/community in the Central List of Backward Classes for Madhya Pradesh be rejected being mere occupation and not ^{Ba} caste or synonym of a caste.

On account of the unfortunate demise of one of the Members Shri Navtej Puadhi on 16.8.98, this unanimous Advice of the Commission does not bear the signature of that Member. The validity of the Advice notwithstanding the vacancy caused by the demise of the aforesaid Member, is protected by Section 7 of the NCBC Act, 1993.


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D. S. KRISHNAN
Member Secretary
Commission