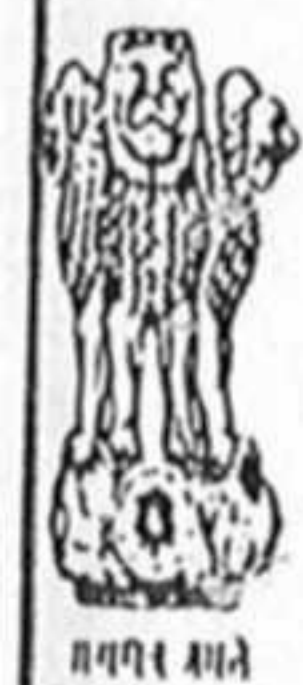




सदस्य-सचिव
राष्ट्रीय पिछड़ा वर्ग आयोग

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

पी० एस० कृष्णन्

P. S. KRISHNAN, IAS (Retd.)

Former Secretary, Ministry of Welfare
Member, Central Monitoring Committee
on the Liberation and Rehabilitation
of Salai Karamcharies.

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NCBC Advice No. 2-3/97/Punjab
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 "Saifi" castes of Punjab in the Central List of Backward Classes for Punjab for necessary action under Section 9(2) of the Act by the Central Government.

With kind regards,

Yours sincerely,

(Signature)
(P.S. KRISHNAN)

Encl: As Stated

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

NATIONAL COMMISSION FOR BACKWARD CLASSES

Punjab Bench

Findings

Per Shri P.S.Krishnan, Member-Secretary

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

I. Request

This case arises from the Requests received in this Commission from the General Secretary, Rajbhar Sudhar Samity, 3378-A, 31-D, Chandigarh and the Akhil Bharatiya Rajbhar Sanghatan for the Inclusion of "Bhar, Rajbhar" in the Central List of Backward Classes for Punjab.

II. Public Hearing

2. The two-Member Punjab 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 in respect of this Request at Chandigarh on 8.4.1997. At the Public Hearing the State Government was represented by Mrs. Harsimrat Gill, Secretary, Deptt. of Scheduled Castes & Backward Classes Welfare and Shri B.R. Banga, Director in the same Deptt. The community was represented by Shri S.C. Ram, Shri Barhu Ram, Shri Balai Ram, Dr. Ram Kumar and others.

III. Facts

3. "Bhar, Rajbhar" is not included in the Central List of Backward Classes for Punjab as it was not included in both the Mandal Commission's List for Punjab and the State List of Punjab at the time of the preparation of the first phase Central List of Backward Classes for Punjab in 1993 on the basis of the principle of commonality, i.e, by listing castes common to both the Mandal List for Punjab and the State List of Backward Classes of the Punjab State.

4. The NCBC's Questionnaire filled up by the Akhil Bharatiya

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Rajbhar Sangatan states that their community is generally considered as Socially Backward. It gives selling of vegetables, fish and meat and rickshaw pulling, which mainly involves manual labour, as the occupations 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 plumbing, building works and white washing. The women of the community are, as a general practice, engaged in 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, fruit and meat shops etc. for their family's livelihood or for supplementing their family's income. Some of the members of the caste are Class IV employees. According to the Questionnaire, their representation in the Central Government services is nil. 80% of the community live in Kutcha houses. Only 4% of the community are literates. During the Public Hearing, the representatives of the community deposed before the Bench that they are originally natives of Bihar and migrated and settled in Punjab during the last few decades.

5. The Questionnaire filled up by the State Government state that this caste is generally considered as a Socially Backward Class and that, according to the survey undertaken by the State Commission in respect of this caste only 2% of the members of the caste are educated. Most of the members of the caste are earning their livelihood as factory labourers. The members of the community are mainly concentrated in Patiala city, Ludhiana city, Lalru, Zirakpur, Dera Bassi, Rajpura, Mohali, Nabha, Khanna, Ropar, Sangrur, Amritsar, Jalandhar, Bathinda, Kapurthala and Pathankot. The survey of the State Commission is yet to be completed.

6. W. Crooke ('The Tribes and Castes of North Western India', Vol. II, Cosmo Publications, Delhi, 1974, Originally published

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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 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."

7. "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
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1.	Bihar	"85. Bhar"
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		"105. Rajbhar"
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2.	Tripura	"5. Bhar"
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3.	Uttar Pradesh	"36. Bhar"
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8. During the Public Hearing, those present who were from different sections of society as well as the State Government representatives not only did not object to the proposed inclusion of "Bhar, Rajbhar" in the Central List of Backward Classes for Punjab, but also supported it. The State Govt. representatives said that the inclusion of this caste in the State List will be considered after the survey by the State Commission already underway is completed. The State Commission is yet to be reconstituted by the State Govt.

IV. Findings

9. 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 Punjab at entry no. 65, as follows:-

"65. Bhar, Rajbhar"

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10. 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, 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.

[Signature]

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V. Advice of the Commission

11. The Commission considered and agreed in full with the above Findings of the Punjab Bench and decided to tender the following Advice to the Central Government under Section 9(1)

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[Signature]
P. S. KRISHNAN
Member

Secretary
Commission
Backward
Classes

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 Punjab at entry no. 65, as follows:-

"65. Bhar,
Rajbhar"

12. 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.

B. Shyam
13.08.97

P. S. Krishnan
13.8.97

P. S. Krishnan

W. G. B. B.
(14.8.97)

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.

AUTHENTICATED

P. S. Krishnan

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

NATIONAL COMMISSION FOR BACKWARD CLASSES

Punjab Bench

Findings

Per Shri P.S.Krishnan, Member-Secretary

Case: Request for Inclusion of "Saifi" in the Central List of Backward Classes for Punjab

I. Request

This case arises from the Request received in this Commission from Shri M. Khan, Advocate, General Secretary, All India Saifi Federation, New Delhi for the inclusion of "Saifi" in the Central List of Backward Classes for Punjab. Shri Khan in his Request has stated that "Saifi" is a synonym and/or a surname adopted by the Muslim section of "Lohar" and "Barhai"/Barai" caste/community, who are engaged in the traditional hereditary occupations of carpentry and blacksmithy and that "Saifi" should, therefore, be included in the Central List of Backward Classes for Punjab as a synonym of Lohar which is already included in the Central List of Backward Classes for Punjab.

II. Public Hearing

2. The two-Member Punjab 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 in respect of this Request at Chandigarh on 8.4.1997. At the Public Hearing the State Government was represented by Mrs. Harsimrat Gill, Secretary, Deptt. of Scheduled Castes & Backward Classes Welfare and Shri B.R.Banga, Director in the same Deptt. The community was represented by S/Shri Liaqat Ali and Mohd. Iqbal Saifi.

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P. S. KRISHNAN

Member-Secretary

National Commission

III. Facts

3. The relevant entries in different lists of Backward Classes for Punjab are as follows:-

(i) State List

"51. Lohar"

(ii) Mandal List

"55. Lohar, Bakhon, Bamsa, Bhati, Bhui, Birdi, Channa, Jhita, Luhar, Phul, Roopra, Sandhu, Sehami, Viridi"

(iii) Central List

"51. Lohar"

4. As "Saifi" was not included both in the Mandal List and the State List at the time of the preparation of the first-phase Central List of Backward Classes for Punjab on the basis of the principle of commonality in 1993, it is also not included in the first phase Central List of Backward Classes for Punjab. "Lohar" is included in the first-phase Central List of Backward Classes for Punjab as it was included both in the Mandal List and the State List for Punjab at the time of the preparation of the first-phase Central List of Backward Classes for Punjab. "Barhai" is not included in the first phase Central List of Backward Classes for Punjab as it was not included in both the Mandal List and the State List for Punjab at the time of the preparation of the first-phase Central List.

5. The NCBC's Questionnaire filled up by the All India Saifi members of the community. Regarding their occupation, the

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Member, Commission
Backward Classes

Questionnaire states that the "Barhai" do "all kinds of wood work" and the "Lohar" "all kinds of iron work". Only 3 percent of the members of the community are literate. 60 per cent of their families live in Kachcha houses.

6. During the Public Hearing, the representatives of the community traced the origin of the name "Saifi" to Hazarat Mohd. Saifi who fed milk to their community. In support of their claim for inclusion of "Saifi" in the Central List of Backward Classes for Punjab, they cited its inclusion in the State List of Backward Classes for the neighbouring National Capital Territory of Delhi. They said that "Saifi" should be included in the Central List of Backward Classes along with "Lohar" which is already included in the Central List of Backward Classes for Punjab. The State Government representatives said that the Request for Inclusion of "Saifi" in the State List is pending with the State Commission and the State Government will consider its inclusion in the State List soon after the Report of the State Commission is received by the State Govt. The State Commission is yet to be reconstituted by the State Government.

7. "Saifi" is included in the State List of Backward Classes for the National Capital Territory of Delhi, as follows:-

"36. Luhar, Saifi, Bhubhalia"

8. The UP State Backward Classes Commission, after considering a similar Request in respect of the State List, has tendered its Advice to the State Government for inclusion of "Saifi" in the State List of Backward Classes.

9. During the Public Hearing, those present who were from different sections of Society as well as the State Government representatives not only did object to the proposed inclusion of "Saifi" as a synonym of "Lohar" in the Central List of Backward Classes for Punjab, but also supported it.

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F. B. KRISHNAN
Secretary
Commission
Backward Classes

III. Findings

10. From the above evidence, it is the Finding of the Bench that "Saifi" is a synonym/surname adopted by the Muslim section of "Lohar" and "Barhai" castes/communities, linked with the traditional hereditary occupations of blacksmithy and carpentry respectively. "Saifi" falls under the Fast-Track category as it is covered by guideline 2(e) and (f) 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. Synonyms of a caste/community already existing in the Central List of Backward Classes are covered by para 9 of the Procedural Clarification. "Saifi" should therefore be included in the Central List of Backward Classes for Punjab as a synonym of "Lohar" at entry no. 51, so that the amended entry no. 51 reads as follows:-

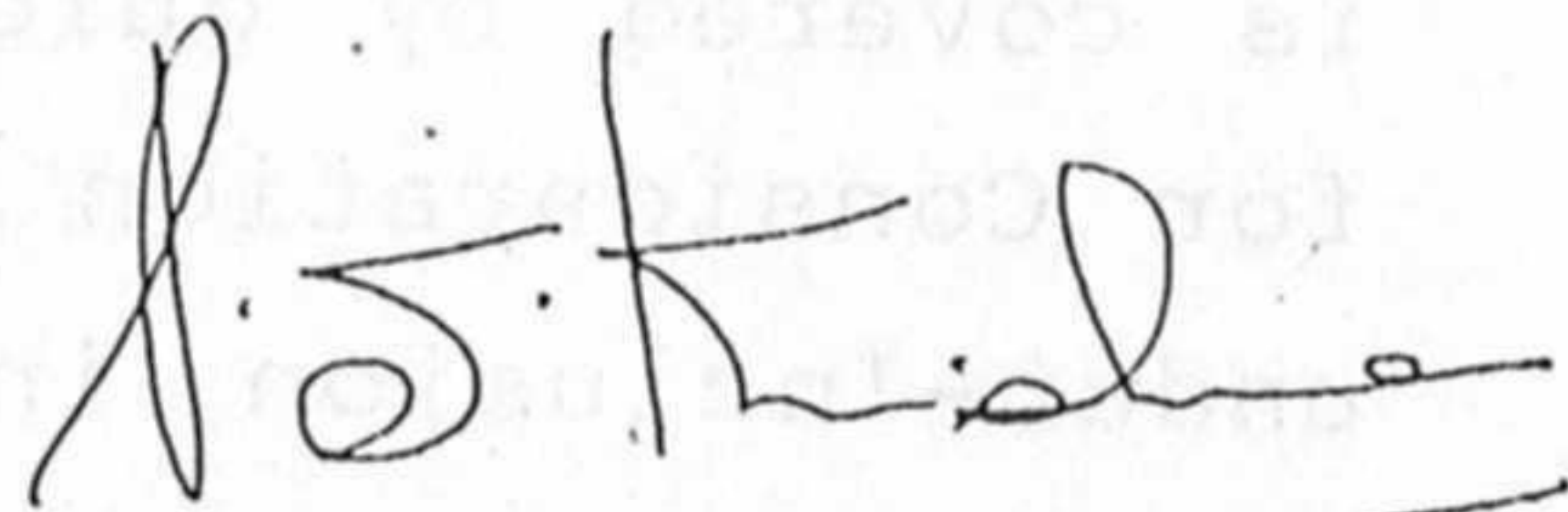
"51. Lohar, Saifi"

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, 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

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

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.


13.8.97

V. Advice of the Commission

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

"Saifi" be included in the Central List of Backward Classes for Punjab as a synonym of "Lohar" at entry no. 51, so that the amended entry no. 51, reads as follows:-

"51. Lohar, Saifi"

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

R. Shapiro
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P. S. Kishore

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 P. S. KRISHNAN
 Member, Secretariat
 Distribution Commission
 for Backward Classes
 N.V.N.H.S.