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सदस्य-सचिव
राष्ट्रीय पिछड़ा वर्ग आयोग
भारत सरकार

234

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

Member-Secretary
National Commission for Backward Classes
Government of India
Trikoort-1, Bhikaji Cama Place, New Delhi-110066

NCBC Advice No. Orissa 76-77/2000

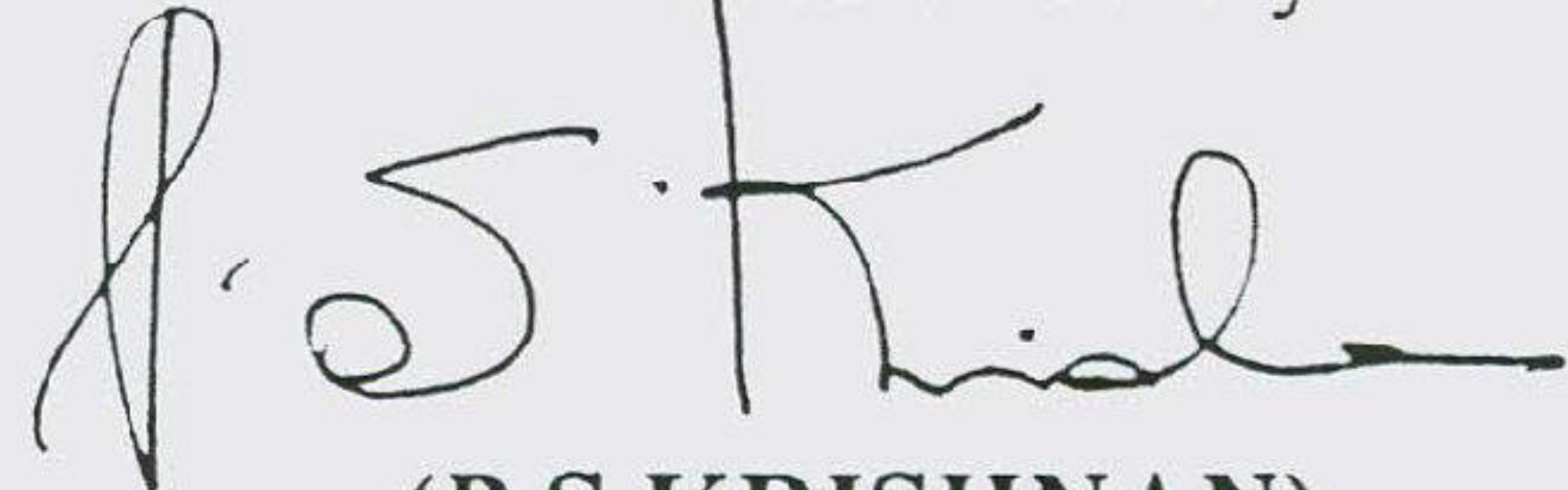
22. 02. 2000

Dear Smt. Das,

I am sending herewith the Advice of the National Commission for Backward Classes under Section 9(1) of the NCBC Act, 1993 for **Rejection of the Requests for Inclusion of "Khandayat" and "Mahanayak/Mahanayak Sudra" castes/communities** in the Central List of Backward Classes for **Orissa**, duly attested, for necessary action by the Central Government under Section 9(2) of the Act.

2. With this, Advices in respect of a total of **795 (392 for Inclusion + 403 for Rejection)** castes, sub-castes, synonyms etc. have been tendered by the NCBC, after its reconstitution in 1997, of which **524 (121 for Inclusion + 403 for Rejection)** are still pending with the Government for Notification.

Yours sincerely


(P.S.KRISHNAN)

Encl: As stated.

Smt. Asha Das
Secretary to Govt. of India
Ministry of Social Justice and Empowerment
Shastri Bhavan
NEW DELHI 110 001

23/2/2000
P.S.B. 1/2000

NATIONAL COMMISSION FOR BACKWARD CLASSES**ORISSA BENCH****FINDINGS**

Case : Requests for inclusion of 'Khandayat' and 'Mahanayak/Mahanayak Sudra' castes/communities in the Central List of Backward Classes for Orissa.

Per Shri U. P. Singh, Member

I. Request

This case arises from the request received in this Commission for inclusion of 'Khandayat' and 'Mahanayak/Mahanayak Sudra' in the Central List of Backward classes for Orissa from the following individuals/organisations:

- (i) Mr. Giredhar Nayak
C/o Sh Baljit Singh Potorer,
Ber Sarai (Near JNU old campus)
H.N.6A/4, New Delhi – 110016
- (ii) Shri P.K. Nayak,
258, Old, Brahmaputra,
J.N.U., New Delhi
- (iii) Shri Bharat Chandra Tarai and others
Khandayat Students Association,
Madhusudan Chhatrabas,
Room No. 177
Vanivihar,
Bhubaneswar – 4
- (iv) Shri Chitrasen Rout,
At Kolathapangi,
Distt. Cuttack
Orissa

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for Orissa

- (v) Shri Chidanand Jena,
President,
Southern Orissa Khandayat Mahasabha
Berhampur
Distt. Ganjam (Orissa)
- (vi) Shri Ashish Ranjan Samal,
S/o Shri Adikanda Samal
At/P.O./Distt. Jajpur
Orissa – 755001
- (vii) Shri Sribatsa Nayak,
President
District Khandayat & Kshyatriya Mahasabha,
Dhenkanal,
At North Madhuban, Distt. Dhenkanal
Orissa – 759001
- (viii) Shri Saroj Kumar Biswal,
At/P.O. – Udayapur,
Distt. Keonjhar,
Orissa – 758045
- (ix) Shri Dolagobinda Pradhan
Former Minister & Working President of
Nikhila Utkal Khandayat Khyatriya Mahasabha
Plot No. 3, Nayapalli
Bhubaneswar – 751012
- (x) Shri Ranendra Pratap Swain,
M.L.A. Athagarh
Orissa Legislative Assembly
Bhubaneswar
- (xi) Shri P.M. Samantaray
Akhila Bharat Kshetriya Mahasabha,
President,
Akhila Bharat Kshatriya Mahasabha, Orissa
At/P.O. Madhupatna,
Cuttack – 10
- (xii) Shri Ramswarup Patra
C/o Sri S. Ranga Rao
Qrs. No. LIG-13
Brit Colony, Nayapalli,
Bhubaneswar – 751012

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- (xiii) Shri Lalatendu Pradhan,
On behalf of Cuttack District Janata Dal,
Dolamundi,
Cuttack – 753001
- (xiv) Shri Sudarsana Malla
At/P.O. Beguniapatna
District Nayagarh, Orissa.
- (xv) Shri Prasanna Kr. Ray,
College Sqr., Jagatsinghpur
And others.

II Public Hearing

2. The 2-Member Bench of the Commission consisting of Hon'ble Members Shri U. P. Singh and Shri Sahu Akshaya Bhai held a Public Hearing to examine the request for inclusion of Khandayat caste in the Central List of Backward Classes for Orissa on 08.01.99 at Bhubaneswar. The State Govt. was represented by Shri Gauracharan Patnaik, Joint Secretary and Shri D. C. Pradhan, Under Secretary. The caste/community was represented by Shri P.M. Samantaray, IAS(Retd), President, Kshatriya Mahasabha; Shri Suresh Chandra Pradhan, Advocate, Vice-President, Khandayat Khetriya Mahasava, Orissa and Shri Prasanna Kumar Dalabehera, Secretary, Khandayat Mahasabha, Gudianals, Distt. Dhenkanal.

The Bench also held a public hearing on 8-10-98 to examine the request for inclusion of Mahanayak Sudra in the Central List of Backward Classes for Orissa. Shri Narayan Das and Shri P.M. Samantray appeared on behalf of the caste/community.

III Facts

- 3. 'Khandayat' and 'Mahanayak Sudra' have not been included in the Mandal List.
- 4. 'Khandayat' and 'Mahanayak Sudra' have been included in the State List of Backward Classes of Orissa along with other castes/sub-castes at entry No. 138 as below :-

**“138. Paiko, Khandayat, Chasa Paiko, Paikali, Khandayat, Kalingi
Sudra Khandayat, Alia, Mahanayak Sudra, Baisya Karan”**

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5. 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 List for each State and the respective State Lists and when, on the basis of the Expert Committee's Report, the Government of India notified the first-phase Central List in 1993, Orissa was one of the States which did not have a State List of its own. Therefore no Central List of Backward Classes for Orissa was prepared at that stage. It was only after the Supreme Court's Judgement in the Mandal case that the State List for Orissa came into existence in 1994 on the basis of one man (Justice N. K. Das) Commission Report. Thereafter the Central Government vide Ministry of Welfare's Resolution No. 12011/9/94/BCC date 19.10.94 issued a "Common (Central) list" of Backward Classes for Orissa. 'Khandayat' caste was not included in the Central List of Backward Classes for Orissa as it was not included in the Mandal Commission's List for Orissa and appeared only in the State Government's List of Backward Classes existed at that time.

6. Justice N.K. Das in his report Part IV observed regarding historical evolution of structures of dominance in Orissa as below:-

".....Kshetriyas were numerically small caste in the beginning. As the families expanded, most of them became soldiers commanded by royal persons. Each commander was granted a certain area and soldiers were given land to cultivate in peace time. Some historians also stress the origin of Paikos of Khurda area to the cultivating Kshetriyas (vide Orissa -Social, cultural and religious aspects by Biswarup Das). This is also the reason why some regard the Khandayats as Kshetriyas.(para 10)

.....Among the Sudras, the most numerous were the peasants. In coastal Orissa, they belonged to the broad category of "Chasa". In the inland region their counterpart was "Kulta" caste. In areas where land grants were made to the armies, the military men cultivated the land. By fighting against invaders, they were sometimes rewarded with land as well as honorary titles by local kings. They became "Khandayat" caste based on land. Thus, the emergence of the Khandayats could be either from Khetriyas or from Chasa or from both.....(para 12)...

.....From memorandums submitted by experts it is evident that agriculture is supposed to be the main stay of a Khandayat or Paika (Paiko) in coastal districts and an

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Agharia, a Kulta or a Chasa (Pradhan) in Central, Western and Southern districts of Orissa. It has also been stated that according to Mandal Commission the former Caste of Coastal districts are upper classes whereas the latter Caste are OBCs. But in the State all of them share the same level of predominance. So no more the Caste or profession determine the backwardness or forwardness of the people belonging to these Castes. (para 14)

.....Madox report II of 1892-1900 would reveal that in the distribution of land holding Brahmans, Karans and Khandayats were major land holding castes in some parts of Orissa but by 1900 the percentage of Karan land lords declined while that of Brahmans and Khandayats went up. The Khandayats enjoyed a significant gain representating the large number of small landlords who emerged in the post famine period.....(para 15)..... ”

The above excerpts of Justice N.K. Das Commission report (para 10 & 12) makes it clear that Khandayat caste is deeply rooted in the history of Orissa and originated in ancient times either from Kshatriyas or from local peasant class. Whatever may be its origin, the caste had a separate identity over the history.

The excerpts of Justice N.K. Das Commission report (para 14) give an impression that the Mandal Commission in its Report has categorised Khandayat or Paiko of coastal districts with upper caste and Kulta, Chasa of Central Western and Southern Districts of Orissa with other Backward Classes. However, the perusal of the Mandal Commission Report reveals that there is no such reference in it and, therefore, the impression being conveyed is not borne out of the facts. Averments in the excerpts of Justice N.K. Das Commission quoted above may be belonging to Memorandums received by Justice N.K. Das Commission and accepted on the face without any scrutiny which led him to sum up that “in the State all of them share same level of predominance. So no more the caste or profession determine the backwardness of the people belonging to these castes.” a conclusion which is contradictory to some of the basics of identification of Backward Classes.

Justice N.K. Das Commission while referring to Sl. No. 168 of the Mandal Report (which should be read as Sl.No. 163) stated that the description against this Entry is Paiko and suggested addition of –

Khandayat, Chasa, Chasa Paiko, Paikali Khandayat, Kalanji Sudra Khandayat, Alia,

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Mahanayak Sudra, Nama Sudra and Baisya Karan.

The State Government accepted the recommendations of the Commission and incorporated them at Sl. No. 138 of the State List of BCs. Even a cursory look at the additions along with Paiko would reveal that many of them cannot be bracketed together because their level of social hierarchy, economic and educational development are quite at variance and in many cases even their traditional occupations are not the same. For example, the Namasudra (since deleted by Notification No. 1327 dated 16-7-1994) which is included in the Scheduled Caste List at Sl. No. 65 is certainly not equal to Khandayat, Chasa etc. in respect of social hierarchy. Justice N.K. Das in his report had not cited any reason for including Khandayat in the list of OBCs, more so along with Chasa, Paiko, Namasudra, Baisya Karan etc. This Commission considered the request for inclusion of Baisya Karan in the Central List of Backward Classes for Orissa and has already tendered its advice for rejection of the request for inclusion of Baisya Karan in the Central List of Backward Classes for Orissa being socially forward.

7. In their request for inclusion of Khandayat in the Central List of Backward Classes for Orissa, Nikhila Utkal Khandayat Khyatriya Mahasabha have submitted that according to the history of Orissa, Paiko or Khandayats formed the peasant Militia supported by the State both for offensive and defensive purpose. The cultivating class however, formed the bulk and the backbone of this Militia. In other words, the Paiko or the Khandayats of the State were engaged for defence purpose during the war and helped the State economy by engaging their mighty force for the agricultural production during peace. Due to their support, Orissa was away from the clutch of the Mughals and the East India Company suffered setback to include Orissa under their administration for a good period. Being aggrieved the British Rulers adopted some effective steps to wipe out the Paikas as a class altogether from Orissa. Finally, the Paikas or the Khandayats without finding any scope for their participation in the defence of the country tried to manage their livelihood from out of cultivation, which was their 2nd choice of profession.

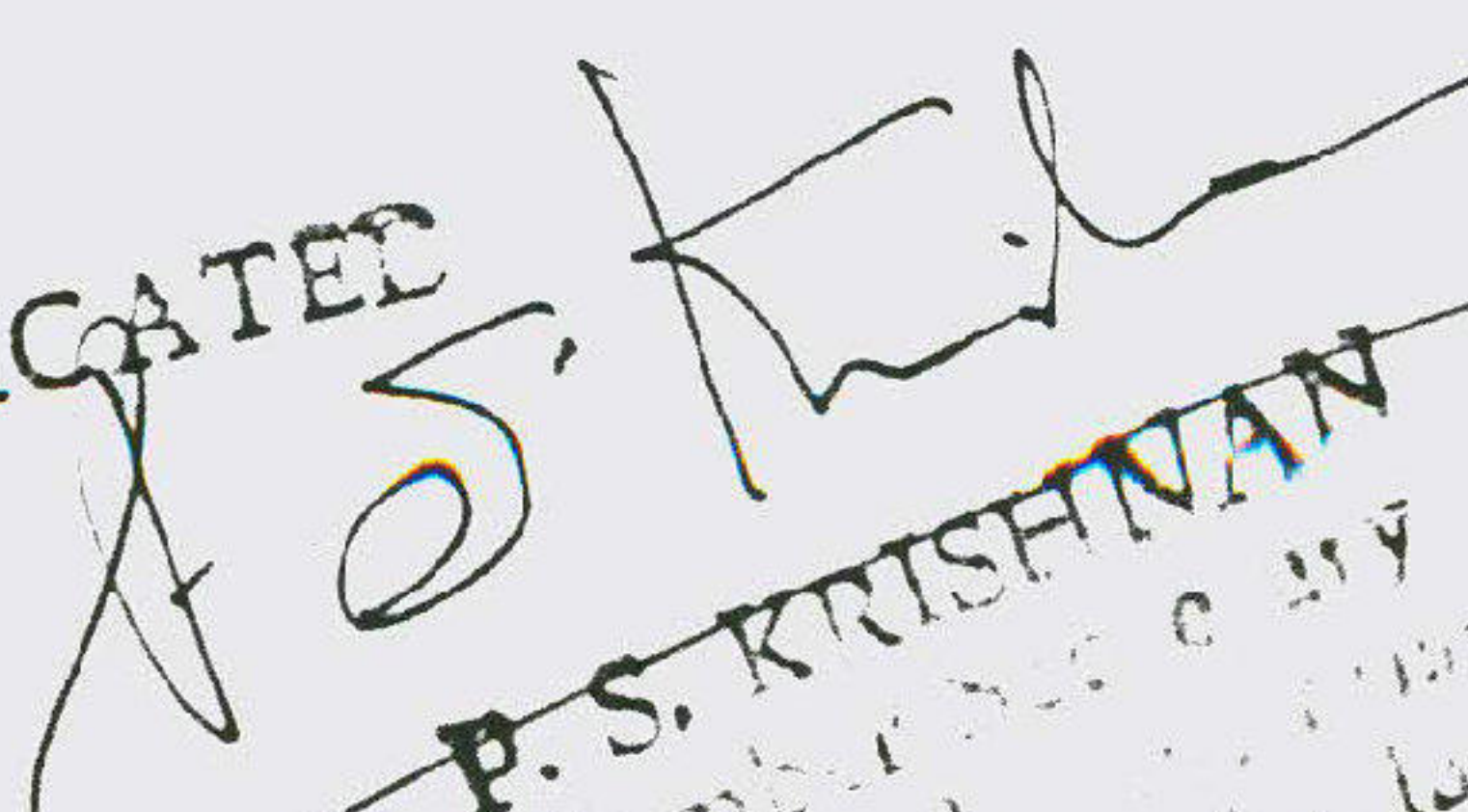
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8. In his request for inclusion of Khandayat in the Central List of Backward Classes of Orissa, Shri Ranendra Pratap Swain, M.L.A. Athagarh has submitted that as per the findings of Justice N.K. Das Commission, several groupings emerged among the Sudras dividing them into higher & lower rank. Among the Sudras, the most numerous were the peasants. In coastal Orissa, they belonged to the broad Category of Chasa. In the in-land region their counterpart was Kulta caste. In areas where land grants were made to the armies the military men cultivated the land. By fighting against invaders, they were some times rewarded with land as well as honorary titles by local kings. They became Khandayat caste based in-land. Thus the emergence of the Khandayats could be either from Kshatriyas or from Chasa or from both. He has also enclosed a copy of the Final Report on the Revision Settlement of Orissa 1922-1923 AD by Mr.W.W.Dalziel, ICS, in which it is written that *"Many families were found to have improved their caste designation since last settlement, or attempted to do so at this settlement. These changes were given effect to in the records only in exceptional cases, when the claim was found to be particularly well grounded. In this way many families designated as Jena at last settlement, sought to be recorded as Rays or Mahapatras at this settlement and Khandaits wished to become Mahalayaks or Karans, Barika or Lenkas to become Patnaiks, and Chasas to become Khandaits."*

9. Akhila Bharat Kshetriya Mahasabha, Orissa, Cuttack in their request for inclusion of Mahanayak in the Central List of Backward Classes for Orissa, it is stated that Paika, Khandayats, Mahanayaks, Chasas, Oda Chasas and Kulatas etc. belong to the farming caste or class account for more than 43% of the total population of the State according to 1931 Census. These names are interchangeable and are therefore synonymous. There are sufficient documentary proofs in support of the above fact. Mr. W.W. Dalziel, ICS the then Settlement Officer of Orissa in his final report on the Revision Settlement of Orissa (1922-23) made a specific mention that Khandayats wished to be recorded as Mahanayaks and Chasas as Khandayats and these changes were given effect to in appropriate cases. According to Purna Chandra Bhasakosha, an authentic Oriya Dictionary, Mahanayak is another name of Khandayat.

Shri Tuku Barik , in the filled in NCBC's Questionnaire has stated that Khandayat is the main caste and Paiko, Chasa, Mahanayak etc. are its sub-castes. The population of the

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caste in the State is 1,45,00,000 (Approx.). The caste is largely concentrated in the Cuttack, Balasore, Bhadrakh, Jajpur, Khurda, Dhenkanal and other districts. The Khandayat caste population constitute 40% of the total population of the State. The caste is regarded as socially backward. Cultivation and daily wage labour are the occupations on which the members of the caste mainly depend for livelihood. Approximately sixty percent of the population of the caste are landless manual labourers. The caste is, in terms of the caste system is identified/linked with traditional occupation of cultivation. Fifty percent of the population of the caste is engaged in cultivation, 40% as agricultural labourer, 4% in cultivation of own land and 1% in other occupations. Literacy rate of the caste/community in the State is 10%. They consider Brahmins and Karans at a level immediately higher than Khandayat caste.

Shri Giredhar Nayak, in the filled in NCBC's Questionnaire has submitted that Khandayat, Oriya and Oriya Khandayat are synonyms of the main caste Paiko. The population of the caste is 3 lakhs. The caste is socially backward. The occupation of the caste is agriculture, which mainly involves manual labour. The other occupation of the members of the caste is salt business. Women and children of the caste are engaged in manual labour. Seventy five percent of the adult members of the caste/community are landless manual labourers. The caste/community is, in terms of caste system, identified with traditional occupation of salt breaking. The literacy rate of the caste/community in the State is 20%. Khandayat subcaste people originally were soldiers under the king; Paiko is the Oriya name of soldiers. Some people were salt traders equivalent to Nuniya.

The information supplied by the request makers about the population, literacy etc. of the caste contains so many contradictions. As against the total literacy rate of 48.5% of the State(1991 Census), the literacy rate of the caste has been stated to be 10% by one representative and 20% by another which is highly improbable when seen in the context of the literacy rate of SCs (36.78%) and STs (22.31%), whose literacy rates are the lowest among the people of all the States including Orissa. Therefore, the information supplied by the request makers becomes highly suspect and appears to have been made with the sole purpose of getting themselves included in the list of Backward Classes. The request makers have referred to Mr. W.W. Dalziel (Final Report on the Revision Settlement of Orissa, 1922-23) (para 8 & 9 above) to prove that Khandayat and Chasa are synonyms but the correct interpretation of the writings

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of Dalziel. makes it clear that Khandayat caste is not only a distinct caste from Chasa but also at a higher rank than Chasa in the social hierarchy. In order to raise their social status the people of Chasa caste (which was considered inferior to Khandayat caste at that time) desired to record themselves as members of the Khandayat caste, a process of attempted semantic self-upgradation adopted by many castes all over India; eg. Nayi-Brahman in Andhra Pradesh, Jangid-Brahman in Delhi, Haryana etc. But adoption of such names/ suffixes by itself does not alter the specific identities or status of the castes.

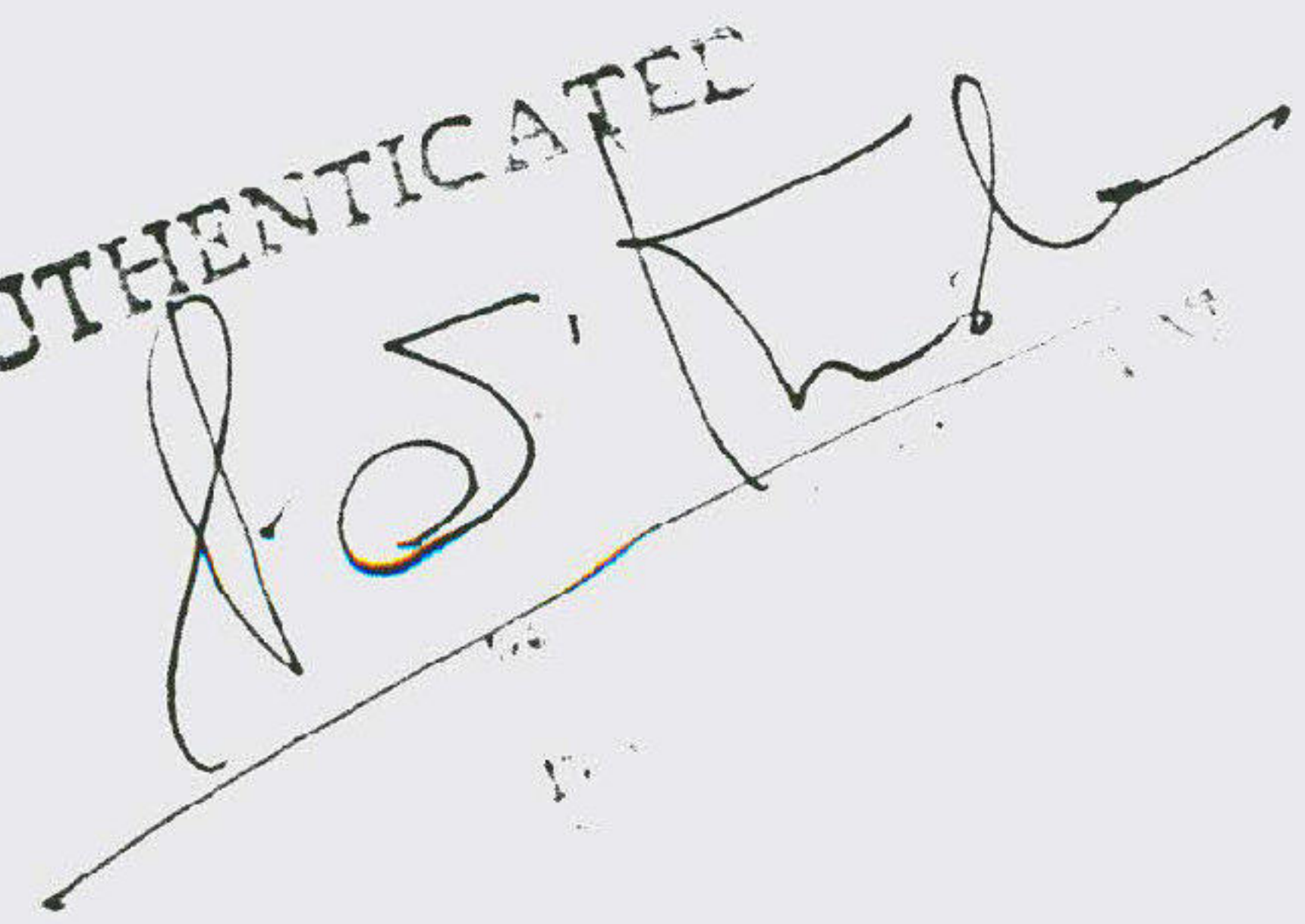
10. Orissa Khetriya Mahasangha (Regd) Orissa Branch Plot No 169/B, Sahid Nagar, Bhubaneswar, have opposed the move of Orissa Khetriya Mahasabha for inclusion of Khandayat caste in the Central List of Backward Classes and have submitted a filled in NCBC's' questionnaire which contains the following information:-

Kshatriya/Khandayat/Chasa/Mahanayak/Baisya Karan is the main caste. It's population in the State is 1,52,73,501 which is 37.5% of the total population of the State. The caste/community is socially upper class. The occupations on which the members of the caste/community mainly depend for livelihood are Service, Jamindary, Kingmaker, Money lending, industrialists and business and agricultural work, enjoying Rayats Prajas. More than 60% of the members of the caste/community are land-holders with holdings of more than 50% of the statutory ceiling limit but they themselves do not render manual labour in agriculture but they hire labour for wages. The members of the caste are engaged in service in various Govt/non-Govt. organisations, Public sector. They are never involved in manual work. Women and children are not engaged in any manual work. Of the adult members of the caste/community 90% and above are engaged in other occupations like services in Govt., Public Sector, trade/commerce/contracts/entrepreneurial manufacture, professions like Jamindari, politics, IPS, IAS, OAS, Lecturers, Higher Officers, Money Lenders. On the date of application there were 65 MLAs belonging to the caste/community out of total 147 members of Legislative Assembly of which 11 members were holding portfolios in the Ministry of the State and 6 MPs were from the caste. During 25 years preceding the date of application 350 MLAs and 40 MPs belonged the caste/community. Literacy rate of the caste/community in the State is 83% and 95% members of the families of the caste/community in the State live in the Pucca houses.

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Shri P.K. Patra in his request for not to include Khandayat caste in the Central List of Backward Classes for Orissa, has submitted that the Khandayats (Kshetriya) of Orissa are presently the most highly placed person of the State, whereas they constitute 45% of the population. More than 70 M.L.As including Chief Minister and Deputy Chief Minister Ministers holding important portfolios belong to the Khandayat (Kshetriyas/Karan, Kayasta). More than 6000 I.A.S., I.P.S., Bank Officers, O.F.S., District Judges and Senior Advocates are from this category (Khandayat). Besides that there are a number of important posts held by the members of the caste. In support of his statement he has enclosed the list of Ministers and Senior Officers of the State. In Oriya Khandayat means 'Khanda' and 'Ayat'. 'Khanda' means 'Sword', 'Ayat' means 'control'. Khandayat means those control swords and they belongs to Elites in the society from time immemorial. Khandayats were benefited in two ways from medieval period i.e. (I) The Kings warrior, henchmen of Kings Jagirdars, small kings, who were the richest persons with power (ii) Warriors who were from all castes before joining in army, they were supplied with 'Vast Jagirs'. In Orissa before independence and till land Ceiling Act, after independence Khandayats were the richest and more powerful in Orissa. They do not belong to 36 artisans (Chhattis Patak Jati) in Lord Jagannath Temple of Orissa. As per the ancient, oldest and the only trusted, Vol. (Two) 'Grantha', "Purnachandra Bhasakosh", Khandayat in Orissa is a creation of some higher well to do families since 1930 onwards. In the said dictionary of Mamoth-Purnachandra Bhasakosa, Page 1919 & 1847. In Oriya Mahabharat, written by Sarala Das. accepted by India Govt. to be the oldest Mahabharat never uttered a word about 'Khandayat'. Khandayat means kings or warriors with sword and power supplied with 'Jagirs' known as 'Khandayat Jagir' (JAMINDARS). He has requested not to include the rich land owners under the banner Khandayat in OBC List because inclusion of Khandayat-Kshetriyas who are the affluent and creamy layers of the society will take away all facilities as they have everything i.e. man, money and machines.

11. At the Public Hearing on 8-1-99 the representatives of the caste stated that Chasa and Paiko are synonyms of Khandayat caste and in the State List of OBCs these three synonyms have been put under one entry. But in the Central List of Backward Classes only Chasa and Paiko have been included. Khandayats are chiefs of Paiko. The caste is an ex-military caste

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and presently most of the members are engaged in cultivation. Their social status is equivalent to that of Chasa caste.....

At the Public Hearing on 8-10-98 Shri Narayan Das and Shri P.M. Samantray, the representative of 'Mahanayak Sudra' caste/community stated that Mahanayak Sudra, Mahanayak, Mahalayak, Mahalayak Sudra are synonymous to Khandayat caste. Shri Samantray also informed the Bench that they have also requested to the State Commission for inclusion of Mahanayak, Mahalayak and Mahalayak Sudra in the State List of Backward Classes as synonymous of Khandayat.

12. H.H. Risley in 'The Tribes and Castes of Bengal – Ethnographic Glossary' (Vol. I, Firma Mukhopadhyay, Reprint, Calcutta, 1981, first edition 1891, pp. 461-464) has described Khandayat caste as below:

"Khandait, Khandayat, a swordsman, from Uriya Khanda, 'a sword', The generic title of the feudal militia of Orissa, the leading members of which claim to be descended from a band of pure Kshatriyas who came in as conquerors from Northern India. A good observer writes of them as follows:- "Although a numerous and well-defined body, the Khandaits do not appear to be really a distinct caste. The ancient Rajas of Orissa kept up large armies and portioned the lands on strictly military tenures. These armies consisted of various castes and races, the upper ranks being officered by men of good Aryan descent, while the lower ones were recruited from the low castes alike of the hills and the plains. On the establishment of a well-defined caste system such troops took their caste from their occupation and correspond to the military class in the fourfold division in Northern India: but with this difference, that in Northern India the military class consists of an ethnical entity, whereas in Orissa the Khandaits exhibit every variety of type from the high Aryan of good social position to the semi-aboriginal mongrel taken from the dregs of the people." In this passage, taken from the Statistical Account of Balasore District, Mr. Beames appears to regard Khandaits as a heterogeneous group, made up at the one end of Aryan immigrants from Upper India and at the other of recruits from a number of indigenous non-Aryan tribes. "

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Regarding the internal structure of the caste Risley writes that ".....The relations of the sub-divisions of the Bar-gohri sub-caste are rather intricate. Members of all four groups may intermarry, but the women of the Panchasaugharia and Pandrasaugharia subdivisions, if married to men of the Dasgharia or Panchgharia classes, are supposed to be to a certain extent degraded, and members of their own groups will not take food from their hands. So also the Das and Panch-gharia will eat food cooked by the Panchasau and Pandrasau-gharia, but the latter will not return the compliment. ... The whole of the Bar-gohri sub-caste profess to maintain a high standard of ceremonial propriety, and will on no account intermarry with the Chhot-gohri, who eat fowls and indulge in strong drink like their non-Aryan neighbours. The Orissa sub-castes seem to be based on the social difference between the Mahanaik or Sresta Khandaits holding large Jagir tenures, who represent the officers of the ancient feudal militia, and the rank and file of that body who now bear the name of Chasa-Khandait, Orh-Khandait, or Khandait-Paik, and occupy the lower position of village chaukidars and ordinary cultivators. Intermarriage between the two groups, though not absolutely forbidden, occurs very rarely, and they may properly be regarded sub-castes. The latter class still retain totemistic sections of the same type as are found among the Khandaits of Chota Nagpur, while the former have borrowed the Brahmanical gotras. In all cases the rule of exogamy extends only to man's own section, and is supplemented by a table of prohibited degrees closely corresponding to that given in the article on the Rautias. The Chasa or Orh-Khandait sub-caste admit into their own ranks members of the Chasa caste, but this appears to be effected simply by intermarriage, and not to form the occasion of any special ceremony."

Regarding the social status of the castes Risley writes as : "In the social system of Orissa the Sresta Khandaits rank next to the Rajputs, who are comparatively few in number and have not the intimate connexion with the land which has helped to raise the Khandaits to their present position. A Sresta Khandait assumes the sacred thread at the time of his marriage, a practice not uncommon among castes of dubious origin, who are pressing to be counted among the number of the twice-born. The Chasa Khandaits do not wear the thread, but Brahmans will take water from their hands, and they occasionally intermarry with the Karan caste. Khandaits themselves will take cooked food only from their own Brahmans,

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whose leavings also they will eat. Sweetmeats and water may be given to them by Chasas, Gor-Goalas, and Karans.”

13. In India's Communities (People of India, National Series, Vol. V, Editor K.S. Singh, Anthropological Survey of India, Oxford university Press, Delhi 1998, pp. 1676-1678) the Khandait caste/community is described as *“A community living in Orissa and West Bengal, they are said to be famous for their past glory as great fighters. In Orissa they claim to be Kshatriyas who fought against the British with the sword (khanda); so Khandait are those who are excellent in fighting with the sword. In addition to the expressed view of the Khandait about the etymology of their name, Senapati (1977) states that Orissa was formerly divided into khandas or groups of villages, and each khanda was governed by a headman called Khandapati, which was subsequently corrupted into khandai. The Khandait belong to the warrior class and are the descendants of people who formed the landed militia under the ancient rajas of Orissa. They are very proud of their heritage and claim that they had driven out the British from Khurda (a subdivision of Puri district).”*

The Khandait are a landowning community. Though the traditional and primary occupation of the community is agriculture, they never touch the plough and engage labour to cultivate their lands. The share-cropping system is also prevalent among them and payment is made in both cash and kind. A good number of them hold high posts in different organizations, while some are teachers and businessmen. They know the art of floor-painting. During religious and ritual observances they are serviced by the Brahman priests, the barber, the Dhobi and the Hadi. Except for the Brahman, Kshatriya, Ganda, Gudia and barber, they traditionally do not accept water and cooked food from any other community.”

14. In Orissa District Gazetteers, Puri District, (Shri Nilmani Senapati, Chief Editor, Shri Durga Charan Kanai, State Editor, 1977) Khandayat caste has been described as *“The Khandayats form a substantial section of the population of the district. Regarding the origin of the word Khandayat, there are two prevailing opinions. The general view is that it means swordsman (from khanda, a sword). The other explanation is that Orissa was formerly divided into khandas or groups of villages corresponding to the pargana of the Mohammedan*

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times. Each khanda was governed by a headman called *khendapati*, which was subsequently corrupted to *Khandayat*. Whatever may be the etymology of the name, it is admitted that the *Khandayats* belong to the warrior class and are the descendants of the people who formed the landed militia under the ancient *Rajas* of Orissa. As members of the militia, the *Khandayats* had to serve as soldiers in times of war, and in return they were given lands under strictly military tenure. Their characteristic occupation having gone, they have now taken various professions. Many of them depend upon agriculture as a means of livelihood."

15. The Orissa District Gazetteers, Mayurbhanj District (Shri Nilmani Senapati, Chief Editor, Nabin Kumar Sahu, State Editor, 1967) has described the caste as follows: "They form the military caste of Orissa. The *Rajas* of Orissa used to retain large armies of *Khandaits*. This caste is mostly confined to Orissa. There is difference of opinion as to the origin of the word. The general view is that it is derived from 'Khanda' a sword. But one of the caste *santaks* or insignias endorsed in documents is a 'kanda' (arrow) and the other is a 'Katari' (dagger). The other explanation is that Orissa was formerly divided into *Khanda* or groups of villages each in charge of a *Khandapati* which might have been corrupted to *Khandait*."

16. W. W. Hunter (A Statistical Account of Bengal, D.K. Publishing House, Reprint 1973, first published in 1876) under the title "Statistical Account of Midnapur – Ethnical Division of the People" has put the Khandait caste under the class Superior Hindu Castes he writes as below: -

"Mr. C. F. Magrath's District Census Compilation for Midnapur thus classifies the ethnical divisions of the people. The list of Hindu castes will be reproduced on a subsequent page, but arranged in a different order from that given here, according to the rank in which they are held in social esteem:-

.....
3.- Hindus.

(i) Superior Caste

Brahman,

Rajput,

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Ghatwal,
Khandait,
 (ii) *Intermediate Castes*

Baidya,
 Bhat, Kayasth,

Under the title *Statistical Account of Cuttack*, again the caste has been classified as superior Hindu caste. In his words, "I take the following table from Mr. C.F. Magrath's separate *District Census Compilation for Cuttack*. The list of Hindu castes will be reproduced on a subsequent page, but arranged in a different order to that given here, as far as possible according to the rank which they hold in local public esteem: -

.....

3.- *Hindus.*

(i) *Superior Castes*

Brahman,
 Ganak,
 Mastani,
 Rajput,
Khandait,
Khandwal,
Mahanaik

(ii) *Intermediate Castes*

Kayasth-
 1. Bengali
 2. Karan
 3. Others,
 Mahanti,
 Baidya,
 Shagirdepesha,

....."

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17. Shri Jogendra Nath Bhattacharya ('Hindu Castes and Sects', Munshiram Manoharlal Publishers Pvt. Ltd., 1995, Originally published in 1896) has classified the Khandait caste as Military caste and described as follows:

"The word Khandait literally means a "swordsmen." The Khandaits are to be found chiefly in Orissa and in the adjoining districts of Chutia Nagpore. They were the fighting class of Orissa under the Hindu kings of the province. They are divided into two main sub-classes called the Mahanayaka or the Sreshta Khandaits, and the Paik or Chasa Khandaits. These names indicate that the former represent the ancient military commanders, and the latter the rank and file who are now mainly agriculturists, and are therefore called Chasa Khandaits. Inter-marriage between these sub-classes is not impossible, but is very rare in practice. Intermarriage takes place sometimes between the Khandaits and the Karans of the Nulia clan.

Whatever their origin may have been, the Khandaits have now very nearly the same position as the Rajputs. The best Brahmans do not hesitate to accept their gifts, or to minister to them as priests. "

IV. Findings

18. From the data/information and evidence adverted to supra, the Bench finds that the "Khandayat" in its origin is a military caste that served the rulers of Orissa in the past. Though it is true that they were mainly recruited from the cultivating community of "Chasa", it does not necessarily mean that they continued to be the same as "Chasa" or that it continued to be a cultivating community. On the contrary, references in ethnographic and other accounts referred to in paras 12 to 17 above very clearly show that by virtue of their adoption of military service under different rulers and the consequent benefits they enjoyed like jagirs etc. they have risen in social status and prestige and have emerged as a "military-feudal caste". In fact it is seen that at least a section of them, viz., the Mahanayaka or the Sreshta Khandaits who occupied positions such as that of military commander in the higher echelons of the military hierarchy claim descent not from the cultivating community of Chasa but, as H.H.Risley attests to, from "a band of pure Kshatriyas who came in as conquerors from

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 Member, Bench
 Not for backward caste

Northern India". It may be true that not everyone of the members of the Khandayat caste/community that emerged mainly from the Chasa caste but also from other castes did not enjoy high positions in the militia supported by the Rajas of Orissa and that in fact many of them were ordinary soldiers, but the fact that the "Khandayat" has historically emerged as a "military caste" has given to the community as a whole social prestige and material benefits. It is significant to note that the ethnographic accounts generally describe "Khandayat" as a "military caste" or a "fighting class" while the "Chasa" is referred to as a cultivating caste. It is also significant to take note not only of the fact that the Khandayats were given lands as Jagirs and Rayats in lieu of military service but also, more importantly, that they possessed land not as peasants but as "landowners" who hired laborers for cultivation work.

19. A caste which has its origin in military service and has grown into a "military-feudal caste" cannot in any way be considered to be a socially backward caste/community but on the contrary is a socially advanced and prestigious caste/community. Therefore, the "Khandayat" and "Mahanaik", the latter, as attested to by Risley, being a sub-caste of the former which, as noted in Risley's account, represented the officers of the ancient militia and held large jagir lands, do not constitute a socially backward class and therefore do not deserve inclusion in the list of Backward Classes. The socio-occupational profile of the "Khandayats" of Orissa can be equated with the "Nair" caste/community of Kerala which is considered to be a feudal warrior caste or military-feudal caste and an advanced caste/community which has never been included in the lists of Backward Classes. Similarly, the "Khandayat" of Orissa in many respects can also be equated with the "Maratha" caste/community of Maharashtra which also like "Khandayat" originated mainly from a peasant caste/community, viz., "Kunbi" and provided military service to different ruling dynasties. This Commission has after detailed analysis of data and evidence has found the "Maratha" to be a clearly socially advanced and prestigious caste/community. The social standing of the "Khandayat" of Orissa is comparable to that of the "Nair" in Kerala or the "Maratha" in Maharashtra though the latter seems to enjoy a higher social prestige because of the fact that they had the occasion to become the ruling class with the great Shivaji's ascension to power.

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20. One of the Request-makers, viz., the Nikhila Utkal Khandayat Kshatriya Mahasabha in their representation has admitted the fact that the Khandayats formed the "peasnt militia" of the State. Their argument that in peace time the Khandayats engaged in agricultural production cannot be a ground for considering them as a cultivating caste or a peasant caste because as already noted while they possessed land as landowner they did not cultivate the land themselves but engaged labourers from other castes.

21. The Bench is at a loss to find any valid grounds in the report of Justice N.K.Das Commission for that Commission's recommendation/advice to the State Governement for inclusion of "Khandayat" and "Mahanayak Sudra" in the State List of Backward Classes. In fact, whatever is recorded in the report of that Commission including an extract from "Madox report II of 1892-1900" help only to confirm the fact that the "Khandayat" is a military caste which also along with Brahmans and Karans formed major landholding castes in Orissa. The Bench is of the considered view that the inclusion of "Khandayat" and "Mahanayak Sudra" in the State List on the basis of the report of N.K.Das Commission report is unjustified as there is no valid grounds mentioned in that report to show that the "Khandayat" and "Mahanayak Shudra" are socially backward. Therefore, the inclusion of "Khandayat" and "Mahanayak Sudra" in the State List of Orissa cannot be a ground for their inclusion in the Central List of BCs for Orissa also.

22. It is a matter for appreciation that as pointed out by the request-makers themselves the fighting spirit of the Khandayats of Orissa had succeeded in thwarting the incursions of the Mughals into Orissa and that they were also successful for a good period in resisting British attempts to bring Orissa under its administration. With this glorious history and with the acknowledged fact that the Khandayats as a caste from their very inception were associated with the prestigious profession of soldiering and that with the succour and advantage provided by such profession they were able to emerge as one of the prominent community in the history of Orissa, the right course for them would have been to be happy in their prestige and seek avenues of advancement in the modern conditions on their own strength for which they have the potential and to leave the protective area of BC-categorisation and consequent supportive measures to genuinely backward classes who need

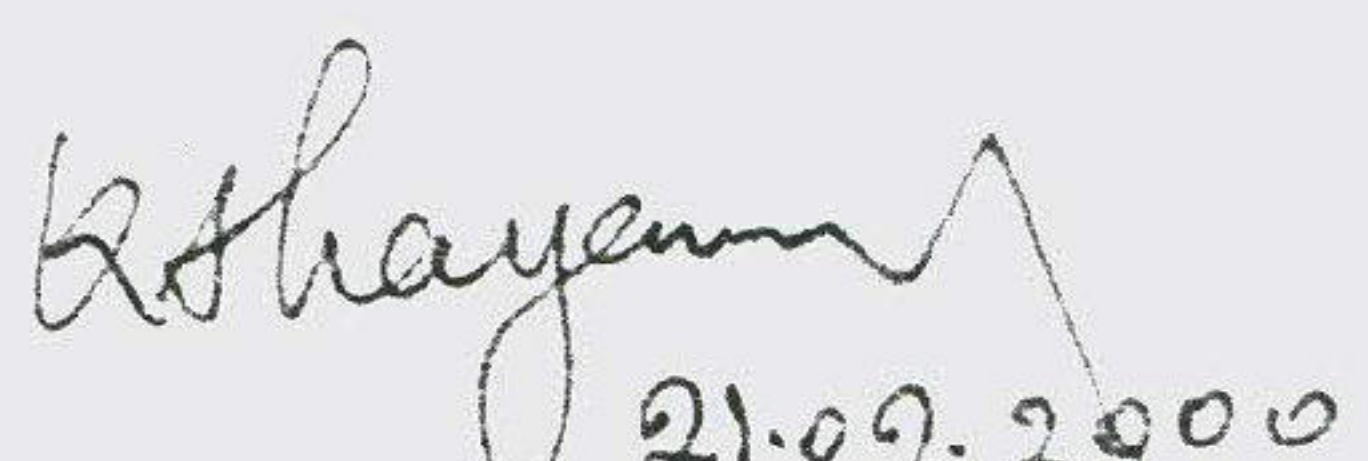
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special help to advance so that they can also move to a stage of equality with the advanced sections of society wherefrom they can proceed on their own strength. The Bench therefore feels that the requests now made for Inclusion of "Khandayat" and "Mahanayak/Mahanayak Sudra" are misguided. The Bench, however, also feel happy that there are sections among this community who rightly take pride in their glorious past and their presituous social position and rightly do not want the community to be inluded in the list of Baxckward Classes.

23. In view of the above facts and position, it is the conclusion of the Bench that the "Khandayat", "Mahanayak/Mahanayak Sudra" are not socially backward castes/community but on the contrary are socially advanced and prestigious castes/sub-castes/communities and therefore the Request for their Inclusion in the Central List of Backward Classes for Orissa should be rejected.


(U.P.Singh) 21.2.2000


(Sahu Akshaya Bhai) 21.02.2000

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P. S. KHANNA
Member, Backward Classes Commission
for Orissa

V. Advice of the Commission

24. The Commission considered and agreed in full with the above Findings of the Orissa Bench and decided to tender the following Advice to the Central Government under Section 9(1) of the NCBC Act, 1993 for necessary action by the Central Government under Section 9(2) of the Act:-

Request for Inclusion of "**Khandayat**" and "**Mahanayak/Mahanayak Sudra**" be **rejected** as they are not socially backward but are socially advanced and prestigious communities.

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