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MEMBER SECRETARY
NATIONAL COMMISSION
FOR BACKWARD CLASSES
NEW DELHI-110 066

D.O. Case No. UP 3/94

09. 01. 1995

Dear Shri Mata Prasad,

I am sending herewith the unanimous advice of the National Commission for Backward Classes under section 9(1) of the NCBC Act 1993 regarding inclusion of "Halalkhor", as entry no. 54, in the Central List of OBC for Uttar Pradesh for necessary action under section 9(2) of the Act by the Central Government.

Kind regards,

Yours sincerely
P.S. Krishnan
(P.S. KRISHNAN)

Shri Mata Prasad
Secretary
Ministry of Welfare
Shastri Bhavan
NEW DELHI

Enclosure: NCBC Advice No. UP 3/94

NATIONAL COMMISSION FOR BACKWARD CLASSES

Advice under section 9(1) of the NCBC Act, 1993

Case: Inclusion of "Halalkhor" in the Central List of OBCs for Uttar Pradesh

The Dalit Halalkhor Kalyan Parishad of Uttar Pradesh has requested that Halalkhor community which is engaged traditionally in "safai"(sweeper) work and who are Muslims by religion be included in the Central List of OBC for Uttar Pradesh. Shri Rajnath Sonkar Shastri, MP has also separately made a similar request. This was examined by the 2-Member Bench for UP consisting of Shri P.S.Krishnan and Dr. Dinesh Singh Yadav at its Public Hearing at Lucknow on 21.11. 1994.

2. The representations of Request mentioned that the main traditional occupation of the Halalkhor community is "safai" work in governmental and non-governmental institutions and in private houses. This claim is found to be supported by the authority of W.Crooke in Vol. I of his "The Tribes and Castes of North-Western India" -- originally published in 1896 under the title of "The Tribes and Castes of the North-Western India and Oudh", -- under the entry "Bhangi", who are described by him as "the sweeper tribe of Hindustan." He mentions that a "title for them is Halalkhor", which means "one who eats what is lawful, one whose earnings are legitimate." According to Crooke, "this euphemistic title is said to have been introduced by the Emperor Akbar".

3. In the State Government's list of OBC prior to 1989, there were 2 separate parts. Other Backward Castes were shown separately under the heads "Hindu" and "Muslim". The last entry under "Muslim" was "21. Sweeper". In 1989 the State Government issued a fresh list vide 22/53/1982-Karmik

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dated 4.8.89 in which the separate headings of religions were removed and the two parts were integrated. Here the entry was "53. Sweeper (who are not included in the category of 'SCs')." Those castes/communities which have been identified as related to "safai" work have, on the basis of the traditional practice of untouchability, been included in the list of Scheduled Castes by the Presidential order vide the Constitution (Sch. Castes) Order, 1950 in respect of all States including Uttar Pradesh except those who profess a religion other than the specified religions. In view of this Presidential order, members belonging to Safai castes who follow Islam or Christianity are not included in the list of SCs in Uttar Pradesh or in any other State. "Halalkhor" is an instance. In the context in which the entry "sweeper" has been made in the pre-1989 as well as in the post-1989 lists of the State, it is obvious that the intention could only have been to include communities like "Halalkhor".

4. The Mandal Commission's list for Uttar Pradesh does not contain the entry "Sweeper", but item 51 of the Mandal List for Uttar Pradesh is "Halalkhor". One of the criteria followed by the Mandal Commission for identifying non-Hindu OBCs is "all untouchables converted to any non-Hindu religion." That Commission's inclusion of "Halalkhor" in Uttar Pradesh is apparently in line with this.

5. This is a community whose conditions are not in any way less miserable than that of communities having the same occupational identity and are included in the Scheduled Castes. On account of the name of their community not having been specifically included in the list, they have been and are still suffering difficulties in getting caste certificates and consequential benefits in reservation in Central posts and services as well as from various central

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programmes for OBCs.

6. Therefore, in the light of historical background as stated above, it is recommended that "Halalkhor" be immediately added to the Central List of OBCs for Uttar Pradesh by issue of a Notification, as entry no. 54.

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P. S. Kishan
