

National Commission for Backward Classes

Madhya Pradesh Bench

Case: **Request for inclusion of the castes/sub-castes/communities/synonyms in the Central List of Other Backward Classes for the State of Madhya Pradesh**

I. Request

This case arises from the requests received in the National Commission for Backward Classes from the representative of the castes/communities and State Government of Madhya Pradesh for inclusion of the following castes/sub-castes/communities/synonyms in the Central List of Other Backward Classes for the State of Madhya Pradesh:

Castes/Communities

- (i) Mandhav
- (ii) Batthi, Baretha, Rajak
- (iii) Damami
- (iv) Haridas
- (v) Otari, Garhwa, Jhariya
- (vi) Koyri
- (vii) Kalotha
- (viii) Kisri, Kasri
- (ix) Voveriya
- (x) Khairuwa
- (xi) Tanwar
- (xii) Aghariya
- (xiii) Sut, Sarthi
- (xiv) Telanga, Tilga
- (xv) Rajbhar
- (xvi) Kudumi
- (xvii) Golan, Gawalan, Gaulan
- (xviii) Rajjadh, Rajjhadh
- (xix) Jadam
- (xx) Gayaar/Pardhaniya

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II. Public Hearing

2. The Madhya Pradesh Bench of the Commission consisting of Justice S. Ratnavel Pandian, Hon'ble Chairman, Dr. Subbha Somu, Hon'ble Member, Shri Ram Awadhesh Singh, Hon'ble Member, Shri Abdul Ali Azizi, Hon'ble Member and Smt. Chitra Chopra, Hon'ble Member-Secretary held a Public Hearing at Bhopal on 17th February, 2009 in respect of the requests received in the Commission for inclusion of castes/communities in the Central List of OBCs for the State of Madhya Pradesh. At the Public Hearing, the State Backward Class Commission of Madhya Pradesh was represented by Shri Babulal Kushwah, Chairman and Shri Suraj Singh Maran, Member, MPSBCC, Shri MK Roy, Principal Secretary, Backward Class Welfare Deptt., Shri Jabbar Dhankwal, Commissioner, Backward Class and Minority Welfare and Shri Rajesh Prasad Mishra, Secretary, MP Backward Class Commission and other officials of Govt. of Madhya Pradesh were also present during the Public Hearing.

III. Facts

3. Out of the 20 castes/communities, only 6 castes/communities appeared before the Bench:-

- (i). Batthi, Baretha, Rajak
- (ii). Damami
- (iii). Otari, Garhwa, Jhariya
- (iv). Tanwar
- (v). Kalotha
- (vi). Khairuwa

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2

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4. The following are the entries in respect of the castes/communities in various Lists and the submissions made by the representatives of the castes/communities who appeared before the Bench:

(i) Batthi, Baretha, Rajak

Mandal List	:	89.	Dhobi (excluding those in SC)
State List	:	20.	Dhobi (except Bhopal, Raisen, Sehore districts), Batthi, Baretha, Rajak
Central List	:	18.	Dhobi (except Bhopal, Raisen, Sehore districts)

On behalf of the caste/community Shri R K Rajak appeared before the Bench and submitted that the caste/community "Batthi, Baretha, Rajak" is already included in the State List of Backward Classes and requested that they may be reconsidered for inclusion in the Scheduled Castes List. It was stated that they do not want OBC status and want to be included in the List of Scheduled Castes for the State of Madhya Pradesh. He further submitted that the traditional occupation of the caste/community is washing of the clothes. The members of the community wash the soiled and dirty /stained clothes of the Hospitals. Therefore, they are treated as untouchables. Their community is already included in the SC list in some States.

(ii). Damami

Mandal List	:	76.	Dafali, Dholi
State List	:	26.	Dholi/Dafali/Dafli/Dholi, Damami, Gurav
Central List	:	24.	Dholi/Dafaali/Dufali/Gurav/Guraw

On behalf of the caste/community 'Damami' Shri Makhan Lal, appeared before the Bench and stated that their traditional occupation is playing dhol (an percussion instrument) in the temples during prayers and functions. They are also engaged as manual and agricultural labour,

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3



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maidservants etc. The members of the community are not well educated and only few of them are graduates and hardly have any post-graduates. They requested the Bench Members to include their caste/community in the list of Scheduled Castes for the State of Madhya Pradesh and they do not want to be included in the OBC list.

(iii). Otari, Garhwa, Jhariya

Mandal List	:	Not included
State List	:	36. Thathora, Kasar, Kasera, Tamera, Tambatkar, Otari, Tamrakar, Tamer, Garhwa, Jhariya, Kaser
Central List	:	33. Thathora, Thatera, Kasar, Kasera, Tamera Tambatkar/Tamrakar, Tamer

Shri Lala Ram, representative of Otari, Garhwa, Jhariya caste/community appeared before the Bench and submitted that they are included in the Backward Class list of the State and now they are requesting to include the caste/community in the List of Scheduled Caste for the State of Madhya Pradesh. Some of their castes are already included in the Scheduled Caste List.

(iv). Tanwar

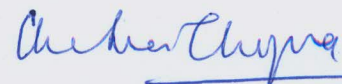
Shri Narmada Prasad, representative of Tanwar appeared before the Bench and submitted that their condition is not any better than SC and therefore want to be included in the SC List.

(v). Kalotha

Mandal List	:	147. Kalota
State List	:	43. Kalota, Kalotha, Kolta, Koltta
Central List	:	39. Kalota/Kolta/Koltta

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4



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Shri Rameshwar Pawar, representative of Kalotha caste/community appeared before the Bench and submitted that their caste Kalota, Kolta, Koltta is already included in the Central List of OBCs for the State of Madhya Pradesh. But 'Kalotha' the spelling variation which is included in the State list has been omitted in the Central List. Their community is in most backward condition. The traditional occupation of the community is farming and agricultural labour. They work in the agricultural land of other communities. They are landless and are not represented in the State and Central Government services. They further submitted that most of the caste/community members are illiterate and superstitious. The women and children of the caste/community are also engaged in agricultural as well as non-agricultural activities. They are considered backward by other castes in the State. They requested the Bench to include the **"Kalotha"**, the spelling variation of the caste/community in the Central List of OBCs for the State of Madhya Pradesh.

(vi). Khairuwa

Mandal List	:	163. Kharwar
State List	:	58. Khairuwa
Central List	:	Not included

On behalf of the caste/community 'Khairuwa', its representative Shri Gauri Lal, appeared before the Bench and submitted that the traditional occupation of the caste/community is to make Katthha (vegetable extract from the plant or tree Acacia catechu eaten in betel leaf with lime, which it turns red). They are also engaged in agricultural labour. They work in the agricultural land of other communities. They are landless. Most of the caste/community members are illiterate.

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5



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The members of the community are considered extremely backward in the State. They mainly depend on labour/manual labour for their livelihood. Women and Children are also engaged in labour and other manual labour. The representation of the caste/community in Parliament, State Legislature and in Panchayati Raj Institution is negligible. Hence they need to be included in the Central List of OBCs for the State of Madhya Pradesh.

The ethnographic account in respect of the caste/community **"Khairuwa"** is as under:-

"Tribes and Castes of Central Provinces of India by RV Russel & Hiralal (Vol. III), page 427-436."

'Khairwar, Kharwar, Khaira, Khairwa' : A primitive tribe of the Chota Nagpur plateau and Bihar. Nearly 20, 000 Khairwars are now under the jurisdiction of the Central Provinces, of whom two-thirds belong to the recently acquired Sarguja State and the remainder to the adjoining States and the Bilaspur District. A few hundred Khairwars or Khairwas are also returned from the Damoh District in the Bundelkhand country. Colonel Dalton considers the Khairwars to be closely connected with the Cheros. He relates that the Cheros, once dominant in Gorakhpur and Shahabad, were expelled from these tracts many centuries ago by the Gorkhas and other tribes and came into Palamau. It is said that the Palamu population then consisted of Kharwars, Gonds, Mars, Korwas, Parheyas and Kisans. Of these the Kharwars were the people of most consideration. The Cheros conciliated them and allowed them to remain in peaceful possession of the hill tracts bordering on Sarguja.

Mr. Crooke remarks, "That in Mirzapur the people themselves derive their name either from their occupation as makers of catechu (Khair) or on account of their emigration from some place called Khairagarh,

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6



regarding which there is a great difference of opinion. If the Santal tradition is to be accepted, Khairagarh is the place of that name in the Hazaribagh District; but the Mirzapur tradition seems to point to some locality in the south or west, in which case Khairagarh may be identified with the most important of the Chhattisgarh Feudatory States.

On the information available as to the past history of the tribe it seems probable that the Khairwars may, as suggested be an offshoot from some other group. The most probable derivation of the name seems to be from the khair or catechu tree (*Acacia catechu*). The Khairwars of Chota Nagpur have everywhere a subdivision which makes catechu, this being known as Khairchura in the Central Provinces, Khairi in Bengal and Khairaha in the United Provinces. This group is looked down upon by the other Khairwars, who consider their occupation to be disreputable and do not marry with them.

Colonel Dalton states that the tribe had four subdivisions Bhogta, Mahto, Rawat and Manjhi. Of these Mahto simply means a village headman and is used as a title by many castes and tribes. In the Central Provinces there is a group known as surajvansi or Descendants of the Sun. The tribe have a large number of exogamous groups named after plants and animals. As a rule the tribe bury the dead, though the Hindu custom of cremation is coming into fashion among the well-to-do. Before the interment they carry the corpse seven times round the grave and it is buried with the feet pointing to the north. They observe mourning for ten days and abstain from animal food and liquor during that period. A curious custom is reported from the Bilaspur district, where it is said that children cut a small piece of flesh from the dead parent and swallow it, considering this as a requital for the labour of the mother in having carried the child for nine months in her womb. The religion of the tribe is of the usual animistic type. The Khairwars have also adopted the Hindu

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7



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rule of inheritance and have abandoned the tribal custom which Sir H. Risley records as existing in Bengal. Here the eldest son of the senior wife, even if younger than one of the sons of the second wife, inherits the entire property, subject to the obligation of providing for all other legitimate children. If the inheritance consists of land, the heir is expected to create separate maintenance grants in favour of his younger brothers. Daughters can never inherit, but are entitled to live in the ancestral home till they are married.

IV. The Bench, after hearing the above communities, clarified that the NCBC is conducting Public Hearing for inclusion of castes /communities in the Central List of OBCs for the State of Madhya Pradesh and inclusion of castes/communities in the SC List is out of purview of the NCBC. Further, the Commission advised the representatives of the caste/communities who want their caste to be included in the SC List, to represent to the State Government and SC Commission for inclusion in the SC List. Since the request was also from the State Govt. for inclusion in the Central List of OBCs, the Commission requested the State Govt and State Backward Class Commission to consider the request of the representative. The Bench decided that the case of such four castes/communities namely **(i).Batthi, Baretha, Rajak, (ii). Damami, (iii). Otari, Garhwa, Jhariya (iv). Tanwar** who want their caste to be included in the SC List be closed and removed from the pending list with the stipulation that in case, in future, any other party represents for inclusion of any of these castes/communities in the Central List of OBCs for the State of Madhya Pradesh, the Commission may consider and examine the case accordingly.

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8

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V. Findings

From the evidence and documents presented at the time of the Public Hearing and also on a perusal of ethnographic literatures by eminent authors and other available information, it is the finding of the Bench that the caste community (i). **Kalotha** and (ii). **Khairuwa** belong to the lower strata of the society and are socially and educationally backward. The main caste/community of the Kalotha is already included in the Central List of OBCs for the State of Madhya Pradesh and "Kalotha" is only a spelling variation. Therefore, these two castes/communities should be included in the Central List of OBCs for the State of Madhya Pradesh:-

(i). **Kalotha**

(ii). **Khairuwa**

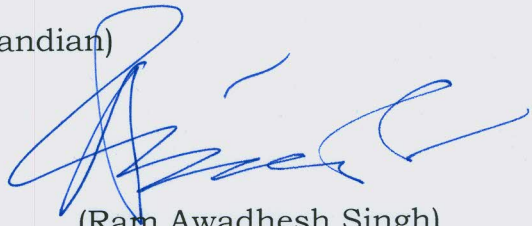
After the inclusion of the above castes/communities, the respective entries will read as under:

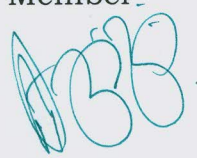
"39. Kalota/Kolta/Koltta/Kalotha"

"66. Khairuwa"


(Justice S. Ratnavel Pandian)
Chairperson


(Dr. Subbha Somu)
Member


(Ram Awadhesh Singh)
Member


(Abdul Ali Azizi)
Member


(Chitra Chopra)
Member-Secretary

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VI. Advice of the Commission

The Commission considered and agreed in full with the above Finding of the Madhya Pradesh 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:-

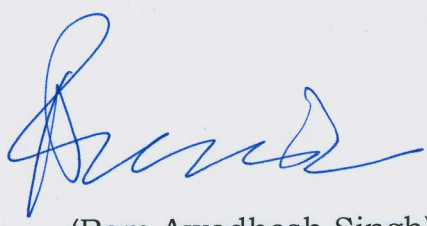
The following castes/communities/sub-castes/synonyms are socially and educationally backward and should be included in the Central List of Other Backward Classes for the State of Madhya Pradesh. The Entry after inclusion will read as under:-

“39. Kalota/Kolta/Koltta/Kalotha**”**

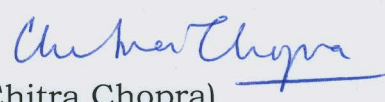
“66. Khairuwa”


(Justice S. Ratnavel Pandian)
Chairperson

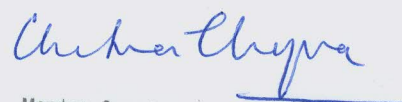

(Dr. Subbha Somu)
Member


(Ram Awadhesh Singh)
Member


(Abdul Ali Azizi)
Member


(Chitra Chopra)
Member-Secretary

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