

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

श्री एस० कृष्णन्
P.S. KRISHNAN, IAS (Retd.)

Former Secretary, Ministry of Welfare
Member, Central Monitoring Committee
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NCBC Advice No. 20/97/Haryana
August 11, 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" caste of Haryana in the Central List of Backward Classes for Haryana for necessary action under Section 9(2) of the Act by the Central Government.

2. With this, after the Commission has been reconstituted, NCBC has tendered 31 Advices including the present one i.e. 3 Advices in May, 1997, 4 Advices in June, 10 Advices in July and 14 Advices in August 1997. Many more will be following in this month. You may like to take steps to see that the Backward Classes Division is geared up to ensure clearance of all these pending Advices. This is apart from 32 other cases in which Advices were tendered to the Government during the previous tenure of this Commission, on which Central Government's action under Section 9(2) of NCBC Act has not been taken and about which we have had discussions.

With Best wishes

Yours sincerely,

P.S. Krishnan
(P.S. KRISHNAN)

Encl: As Stated

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

NATIONAL COMMISSION FOR BACKWARD CLASSES

Haryana BenchFindings

Per Shri P.S.Krishnan, Member-Secretary

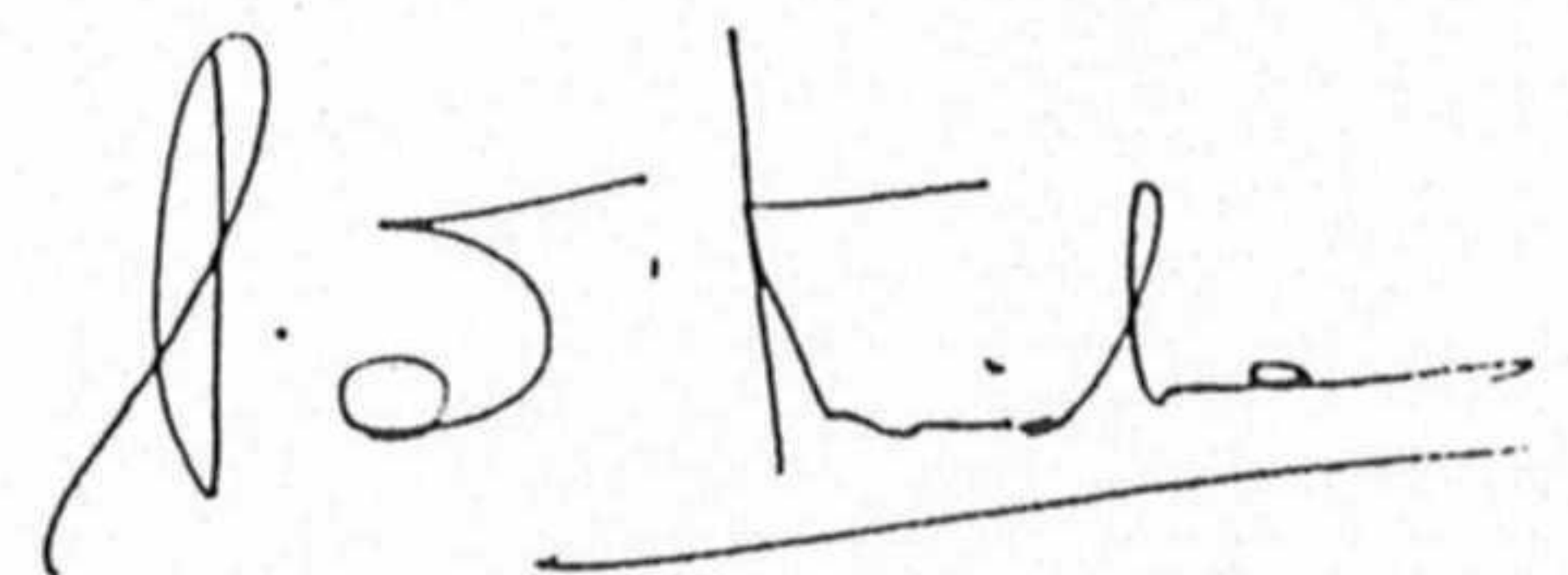
Case: Request for Inclusion of "Bhar, Rajbhar" in the Central List of Backward Classes for Haryana

I. Request

This case arises from the Requests received in this Commission for Inclusion of "Bhar, Rajbhar" in the Central List of Backward Classes for Haryana from the following individuals/Associations:-

- (1) The General Secretary
Rajbhar Sudhar Samity
3378-A, 31-D
Chandigarh
- (2) Shri S.C. Ram
Rajbhar Sanyukt Sudhar Samity
Yamuna Nagar

AUTHENTICATED



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

II. Public Hearing

2. The two-Member Haryana 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 9.4.1997. At the Public Hearing the State Government was represented by Smt. Komal Anand, Secretary, Department of Scheduled Castes and Backward Classes Welfare, Shri Sushil Kumar, Director and Shri

Mani Ram, Deputy Director in the Directorate of Social Welfare. The community was represented by S/Shri S.C. Ram, Inder Dev Rajbhar, Pannalal Rajbhar, Badri Prasad Rajbhar and others.

3. "Bhar, Rajbhar" is not included in the Central List of Backward Classes for Haryana as this caste was not included in both the Mandal List for Haryana and the State List of Backward Classes for Haryana at the time of the preparation of the first phase Central List of Backward Classes for Haryana in 1993 on the basis of the principle of commonality.

4. The Rajbhar Sanyukt Samity has filled up and furnished the NCBC's Questionnaire. According to it, the community is generally considered as Socially Backward. It gives selling of vegetables, fish and meat, which mainly involves manual labour, as the occupation 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 rickshaw-pulling, manual work in factories, plumbing, building work, white-washing etc. 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 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. Their representation in Class-I and Class-II is nil. 80% of the community live in Kutcha houses. During the Public Hearing, the representatives of the community deposed before the Bench that they are originally natives of Bihar and migrated to Chandigarh and surrounding areas in search of employment and occupations mainly as masons. They settled in Chandigarh and adjoining parts of Haryana during the last few decades.

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[Signature]
F. S. L. KHAN

Vol. II, Cosmo Publications, Delhi, 1974, Originally published 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

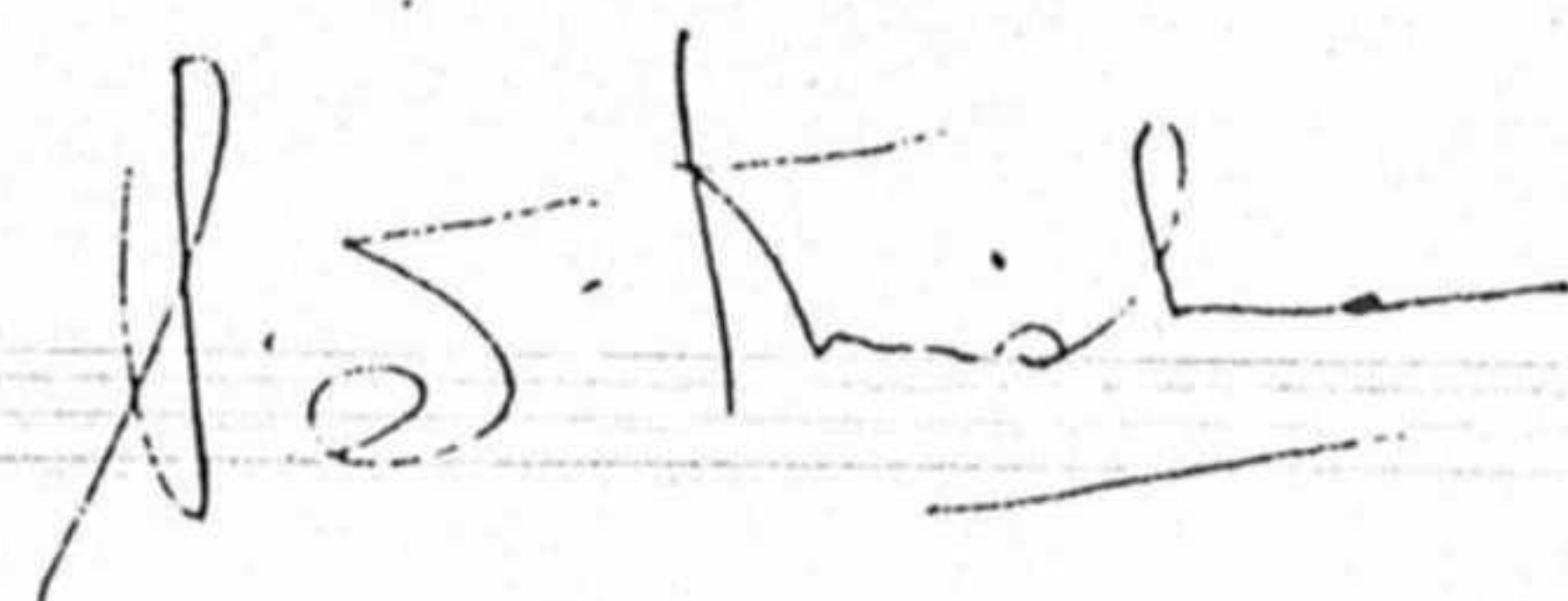
law, a bride's father makes over in gift (Sankalap) to the bridegroom a small patch of forest to clear and cultivate."

6. "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
1.	Bihar	"85. Bhar" "105. Rajbhar"
2.	Tripura	"5. Bhar"
3.	Uttar Pradesh	"36. Bhar"

7. 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 Haryana, but also supported it.

AUTHENTICATED



P. S. PRASHANTHAN
Member
National Commission
for Backward Classes

IV. Findings

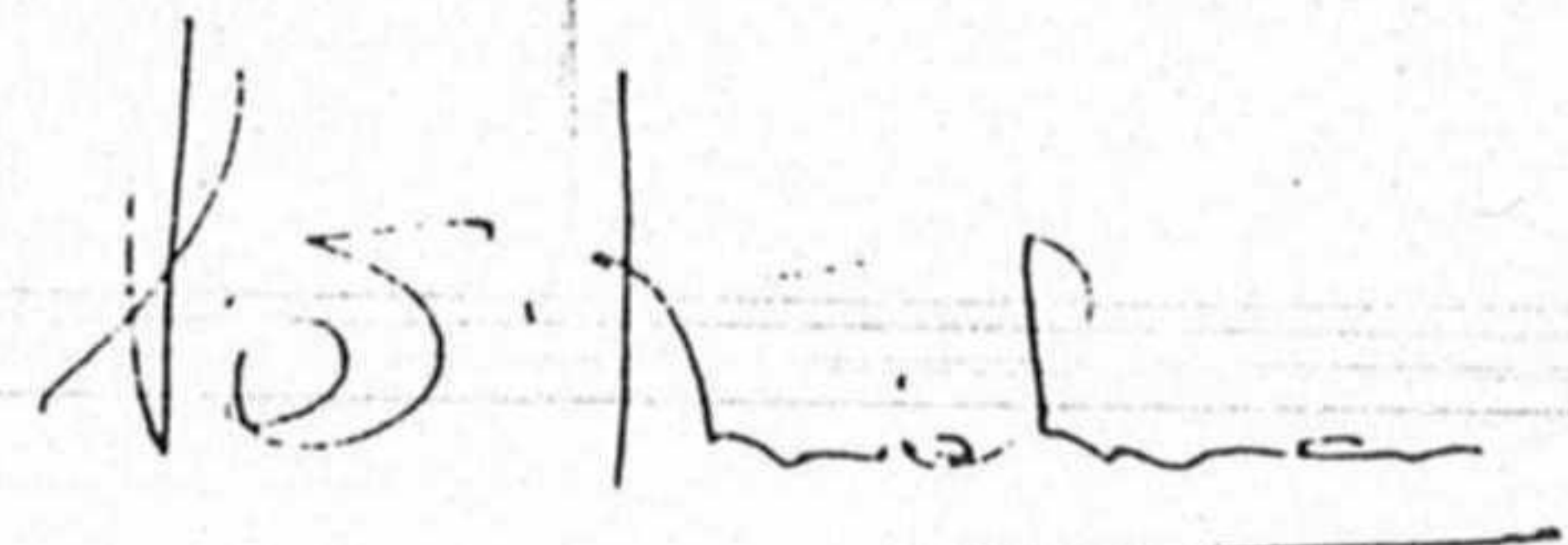
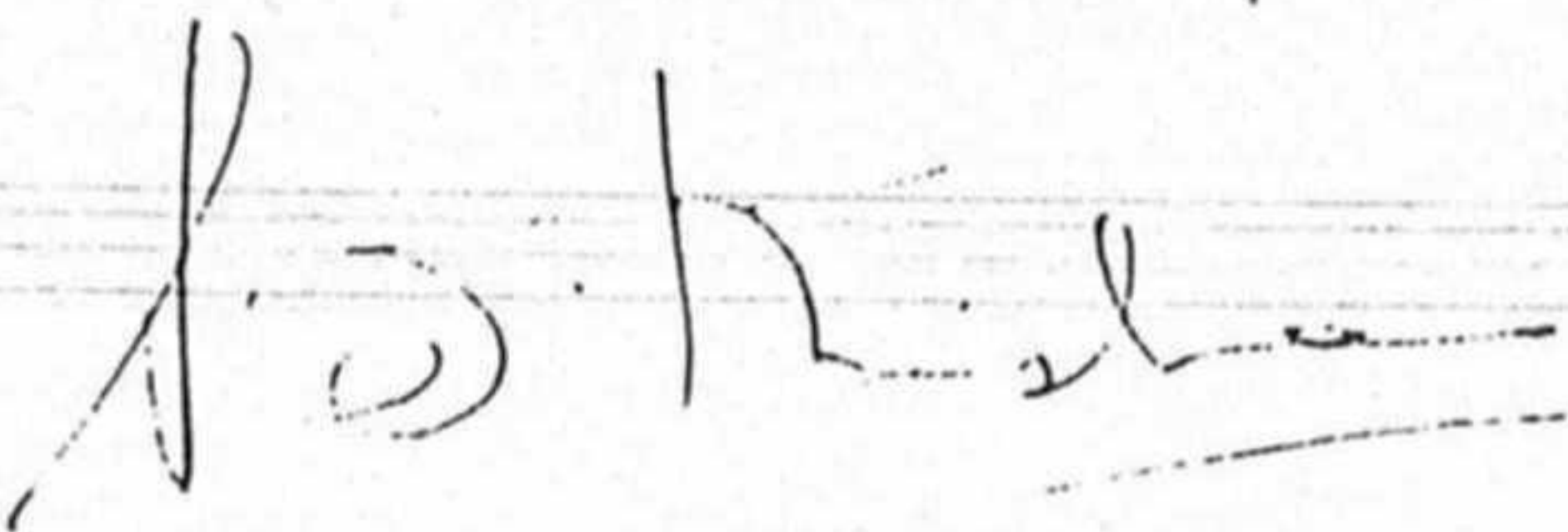
8. From the above edivdence it is the Finding of the Bench that "Bhar, Rajbhar" is a Socially and Educationally Backward Class and should therefore be included in the Central List of Backward Classes for Haryana at entry no. 70 as follows:-

"70. Bhar
Rajbhar"

"70. भर
राजभर"

9. 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.

AUTHENTICATED/



8.8.97

P. S. PRISHTI
Member
National Commission
for Backward Classes

V. Advice of the Commission

10. The Commission considered and agreed in full with the above Findings of the Haryana 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:-

"Bhar, Rajbhar" be included in the Central List of Backward Classes for Haryana at entry no.70, as follows:-

"70. Bhar,
Rajbhar"

"70. भर
राजभर"

11. 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.

K. Shyam

11.08.97

H. S. Krishna

8.8.97

Madan Mohan
11.8.97

D. C. S. G. S. G. S. G.
8/8/97

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,

H. S. Krishna