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सदस्य-सचिव
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भारत सरकार
नई दिल्ली - 110 066
MEMBER-SECRETARY
NATIONAL COMMISSION
FOR BACKWARD CLASSES
GOVERNMENT OF INDIA
NEW DELHI - 110 066

NCBC Advice No. 11 Maharashtra/98

15. 10. 1998

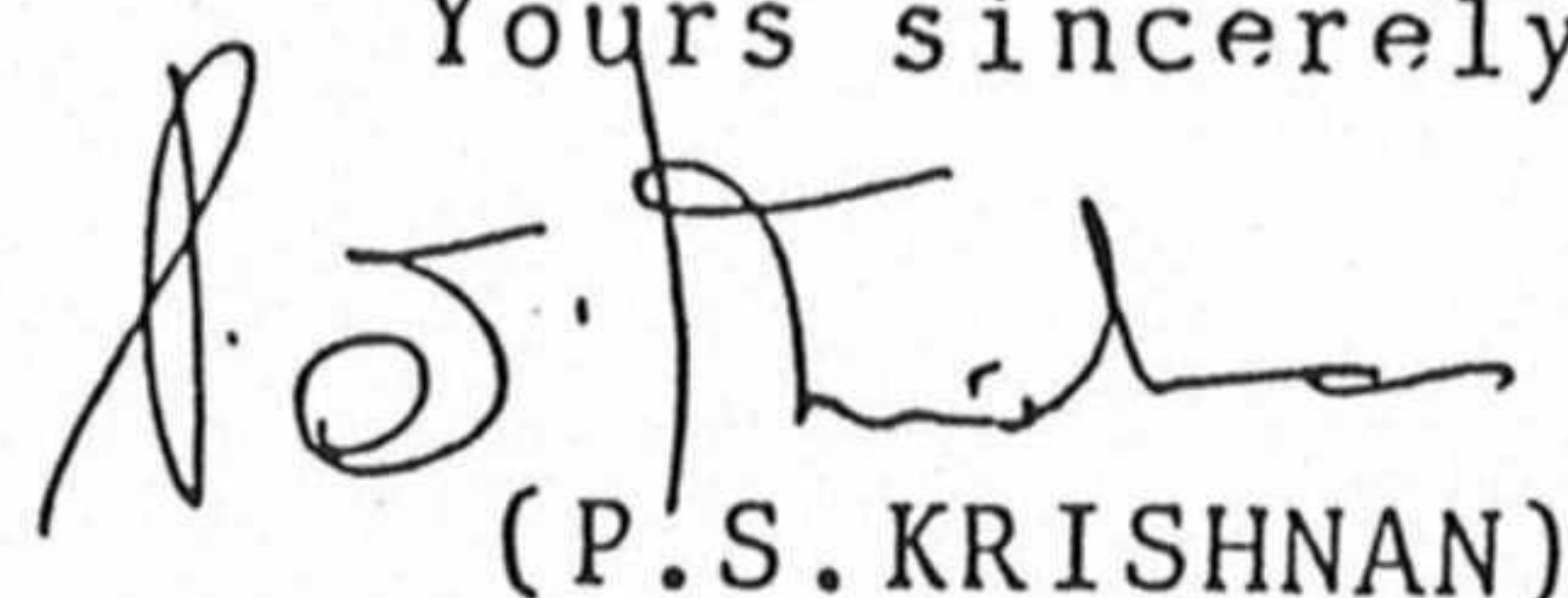
Dear Shri Manavalan,

I am sending herewith the Advice of the National Commission for Backward Classes under Section 9(1) of the NCBC Act for the Inclusion of

"Khatik (other than those who are included in the List of Scheduled Castes for Maharashtra), Kasai, Kasab, Kasai-Qureshi", in the Central List of Backward Classes for Maharashtra, duly authenticated, for necessary action by the Central Government under Section 9(2) of the Act.

2. With this, Advices on 427 (250 for Inclusion + 177 for Rejection) castes, sub-castes, synonyms etc. have been tendered to the Government by the Commission, after its reconstitution in 1997, of which 421 (244 for Inclusion + 177 for Rejection) are still pending with the Government for Notification.

Yours sincerely


(P.S. KRISHNAN)

Encl: - As stated.

Shri D.K. Manavalan
Secretary to Govt. of India
Ministry of Social Justice & Empowerment
Shastri Bhavan
NEW DELHI

O/C

NATIONAL COMMISSION FOR BACKWARD CLASSES

MAHARASHTRA BENCH

FINDINGS

Per Shri P.S.Krishnan, Member-Secretary

Case: Request for Inclusion of "Kasai, Kasab, Qureshi" caste/community in the Central List of Backward Classes for Maharashtra.

I. Request

This case arises from the Request received in this Commission from the All India Jamiatul-Quresh, Nanded for the Inclusion of "Qureshi, Kasab, Kasai" in the Central List of Backward Classes for Maharashtra.

II. PUBLIC HEARING

2. The two-Member Maharashtra Bench of the NCBC consisting of Shri P.S.Krishnan, Hon'ble Member-Secretary and Shri Sahu Akshaya Bhai, Hon'ble Member held a Public Hearing in respect of this caste/community at Mumbai on 15.01.1998. At the Public Hearing the State Government was represented by Shri B.M.Tayade, Member-Secretary, State Backward Classes Commission, Shri A.V.Nawale, Divisional Social Welfare Officer, Mumbai Division, and Shri C.R.Gosavi, Under-Secretary, Social Welfare Deptt. Dr.M.D.Nalwade, Member, Maharashtra State Backward Classes Commission, was also present. The All India Jamiatul-Quresh, Nanded was represented by S/Shri Shafi Ahmad Qureshi, Khaja Md. Husain, S.K.Imam Qureshi, and Md. Ibrahim.

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Member Secretary
National Commission
for Backward Classes

III. Facts

3. "Kasai" and "Kasab" are included in the Mandal Commission's List of Backward Classes at entry no. 1 follows:-

"124A. Kasai, Khatik, Kasab"

"Kasai" and "Kasab" are not included in the first-phase Central List of Backward Classes for Maharashtra and notified in 1993 by the Government of India on the basis of the principle of commonality (i.e., inclusion in the Central List of those castes/communities which were included in both the Mandal Commission's List and the State List of Backward Classes) because they were not included in the Maharashtra Government's List of BCs that existed at that time and therefore did not satisfy the criterion of commonality.

4. "Qureshi" is not included in the first-phase Central List of Backward Classes for Maharashtra because it was not included in both the Mandal Commission's List as well as the Maharashtra Government's List of BCs that existed at that time.

5. "Kasai, Kasab, Qureshi" have since been included in the State List by an order of the State Government dated 9.8.1995. According to the information received by the Bench from the State Government representatives the State Government has included these and a number of other castes/communities in the State List vide an order of 9.8.95 as per an Executive decision and not on the basis of any Advice of the Maharashtra State Backward Classes Commission. The Bench has also learnt that after the State Government's order of 9.8.95 the Maharashtra State Commission has in its Report sent to the State Government advised the inclusion of "Muslim Khatik, Qureshi Muslim Khatik and Muslim Kasai" in the State List.

6. During the Public Hearing, the representatives of the community stated that their community whose members are

traditional butchers are generally known by the names of Kasai, Kasab, Qureshi and Khatik. When the Bench pointed out that "Khatik" is a Hindu community included in the List of Scheduled Castes for Maharashtra, they stated that Khatik is a Marathi name and both the Hindu and Muslim sections of the community of traditional butchers are known by this name whereas Kasai, Kasab and Qureshi are names used exclusively by the Muslim section of the same community. They also stated that the name "Qureshi" is a name adopted by the members of the community in view of the stigma attached to the names of Kasai and Kasab. The Bench, pointing out the fact that the name Qureshi will also refer to certain Advanced sections among Muslims like Sheiks and Syeds, asked them to think over whether the inclusion of "Qureshi" along with Kasai and Kasab will be in the interest of their community in view of the scope it will give for misuse by some members of such advanced sections. They responded that 90% of those who use the name "Qureshi" in Maharashtra are of Kasai/Kasab community and they insisted on the inclusion of "Qureshi" along with Kasai, Kasab and also Khatik since many of their members have already adopted the name "Qureshi" and wants to be identified by this name. They however agreed with the suggestion of the Bench that if "Qureshi" is to be included it can be included as "Kasai-Qureshi" for preventing the possibility of misuse of the entry.

7. R.E. Enthoven (The Tribes and Castes of Bombay, Asian Educational Services, New Delhi, Madras 1990, first published 1922) writes under the head "Minor Musalman Castes" that "Kasais, or Butchers, also called Kasabs, Khatiks and Sultanis..... are found all over the Presidency except the Ratnagiri and Thana districts. The name Sultani is in use only in the Karnatak, and is said to have been given to them

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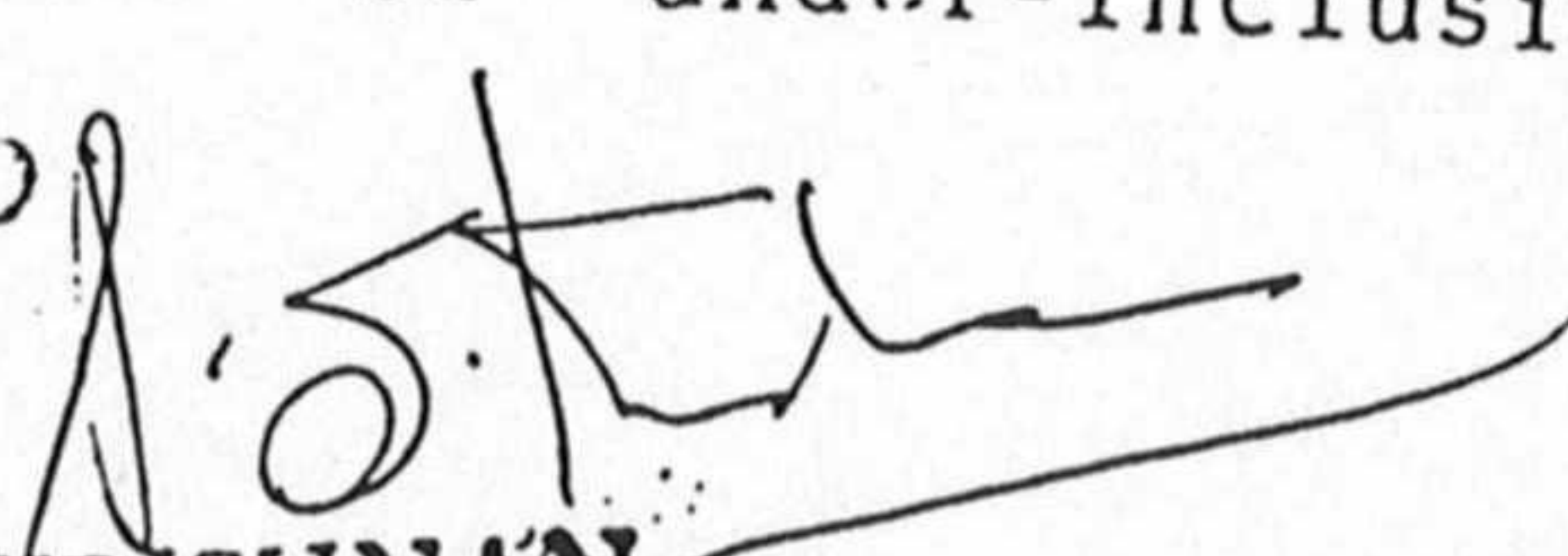
because they were converted by Tipu Sultan. Kasais have two divisions, Gao Kasab or Gai Kasab, that is, beef butchers, and Bakar Kasab or Lad Kasab, that is, mutton butchers, who neither eat together nor intermarry. The Bakar Kasabs look down upon the Gao Kasabs, whose touch they hold impure. Both divisions marry among themselves only, and are well-organised communities with a headman or Choudhari chosen from the most respected members. Both are Sunnis of the Hanafi school, but in name only..... The Bakar Kasabs have a strong Hindu feeling and eschew beef, worship and offer vows to Hindu gods, and keep Hindu festivals."

8. There was no objection raised during the Public Hearing to the inclusion of the Kasai/Kasab caste/community in the Central List of Backward Classes for Maharashtra from those present who were from different sections of society.

IV. Findings

9. From the evidence adduced before the Bench, the Bench has come to the Finding that the community of traditional butchers, whose members follow Islam as their religion and are known by the names "Kasai, Kasab, Khatik and Qureshi", constitutes a Socially Backward Class of citizens. This caste/community falls under the "Fast-Track category" as it is covered by Guidelines 1(e) and 1(f) under "A. Social" of the Commission's "Guidelines for Consideration of Requests for Inclusion and Complaints of under-Inclusion in the

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National Commission
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Central list of Backward Classes" and also by para 7 of Procedural Clarification on the same Guidelines. The community should therefore be included in the Central List of Backward Classes for Maharashtra at a new entry no. 217, as follows:-

"217. Khatik (other than those who are included in the List of Scheduled Castes for Maharashtra), Kasai, Kasab, Kasai-Qureshi"

B. Shyam
13.X.98

P. S. Krishnan
9.10.98

V. Advice of the Commission

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

"Khatik (other than those who are included in the List of Scheduled castes for Maharashtra), Kasai, Kasab, Kasai-Qureshi," be included in the Central List of Backward Classes for Maharashtra at a new entry no. 217, as follows:-

"217. Khatik (other than those who are included in the List of Scheduled Castes for Maharashtra), Kasai, Kasab, Kasai-Qureshi"

11. On account of the unfortunate demise of one of the

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Members Shri Navtej Puadhi on 16.8.98, this unanimous Advice of the Commission does not bear the signature of that Member. The validity of the Advice, notwithstanding the vacancy caused by the demise of the aforesaid Member, is protected by Section 7 of the NCBC Act, 1993.

Ashayam
13.10.98

P. J. Krishna
9.10.98

Maday & up
13.10.98

P. G. S. S. S. S. S.
14.10.98

ATTESTED
F. S. K. S. S. S. S.
Member
National Commission
for Backward Classes