



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

पी० एस० कृष्णन्

P. S. KRISHNAN, IAS (Retd.)

Former Secretary, Ministry of Welfare
Member, Central Monitoring Committee
on the Liberation and Rehabilitation
of Jai Karamcharies.

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NCBC Advice No. 21-22/97
August 18, 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 "Salmani" as a synonym of "Hajjam, Nai" and "Saifi" castes 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.

With Best wishes,

Yours sincerely,

(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 Bench

Findings

Per Shri P.S.Krishnan, Member-Secretary

Case: Request for Inclusion of "Salmani" as a synonym of "Hajjam, Nai" in the Central List of Backward Classes for Haryana

I. Request

This case arises from the Requests received in this Commission for Inclusion of "Salmani" as a synonym of the existing entry "Hajjam, Nai" in the Central List of Backward Classes for Haryana from the following individuals/Associations:-

- (1) Shri A. Sami Salmani
A-2/182, Sector III, Ambedkar Nagar
New Delhi -- 110062
- (2) Rashtriya Sain Salmani Ekta Manch
A-II, 181-182, Sector-III,
Ambedkar Nagar
New Delhi - 110062

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

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

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 Nafis Ahmed Salmani, Dulichand Sain, Balbir Singh Ajmera, Nar Singh, Pratap Singh, Kaptan Singh, Mahfooj Ali Salmani, Mehboob Ayub Salmani, Alah Diya Salmani and Mehmood Ali Salmani.

III. Facts

3. The relevant entries in different lists of Backward Classes for Haryana are as follows:-

(i) Mandal List

"62. Nai, Amrewal, Banbiro, Didhia, Hajjam, Mandi, Jadawal, Japi, Jurwa, Kaikan, Kaila, Kaith, Kuleen-Brahman, Matwal, Napit, Navki, Neogi, Panwar, Rajwan, Thakur"

(ii) State List that existed at the time of the preparation of the first phase Central List

"29. Hajjam, Nai, Nais"

(iii) Central List

"29. Hajjam, Nai"

4. On the recommendation of the State Commission for Backward Classes, the State Government of Haryana by its notification no. 1170-SW(I)-95 dated 7.6.1995 ordered the addition of certain synonyms to the existing entries in the State list apart from inclusion of certain castes/communities in the State List. The relevant addition in the case is as follows:-

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Member Secretary
National Commission
for Backward Classes

Entry existed before the
Notification

Synonym ordered to be
added by the Notification

"29. Hajja, Nai, Nais"

"Sain"

After the above Notification the State Government made a Request to this Commission inter alia for Inclusion of "Sain" as a synonym of "Hajjam, Nai" in the Central List of Backward Classes too. The Commission after considering the above Request as well as the similar Requests from the representatives of the community tendered its Advice to the Central Government vide Advice No. 18 Haryana/97 sent with DO Letter No. NCBC/Advice No. 18-19/Haryana/97 dated 11.7.1997 for the inclusion of "Sain" as a synonym of "Hajjam, Nai" at entry no. 29 of the Central List of Backward Classes for Haryana. The notification of Govt. in this regard is pending.

5. "Salmani" is not included in the first phase Central List of Backward Classes for Haryana as it was also not included in both the Mandal List for Haryana and the State List 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.

6. During the Public Hearing the representatives of the community apprised the Bench that "Salmani" is a respectable name adopted by the Muslim section of the "Nai" or barber community who are also known as "Hajjam". They said that "Nai" and "Hajjam" are occupational terms and in view of the stigma and disrespect associated with them, the members of the community adopted the synonyms and surnames "Sain" in the case of Hindus and "Salmani" in the case of Muslims, just as Julaha, Kasai, and Kumhar castes/communities adopted the

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Backward Classes

synonyms and surnames "Ansari", "Qureshi" and "Prajapati" respectively. They also said that no other section of Muslims is known as or calls itself "Salmani".

7. "Salmani" as a synonym of "Hajjam(Nai)" has already been included in both the State and the Central Lists of Backward Classes for Uttar Pradesh. In the case of ^{the} Central List it was included on the basis of the the Advice of the NCBC tendered to the Central Government vide NCBC Advice No. UP 45-48/96 dated 21.6.96.

8. "Hajjam" and "Nai" as names of the barber community are attested to by ethnographic accounts. According to Ibbetson (Low Price Publications, Delhi, 1993, first published 1916) the "Nai is the barber of the country, and when a Musalman, and in the cities, is often called Hajjam. In respect of his being a barber he is a true village menial, and he shaves and shampoos the villagers, prepares tobacco for the village rest-house, and attends upon the village guests.... he is one of the impure castes, standing much on the same level as the washerman, far above the Chamar, and somewhat below the Lohar, for his occupation as a barber is degrading." "People of India" (General Editor K.S.Singh, Anthropological Survey of India, Manohar, 1994) writes that "The Nais earn their livelihood by cutting hair, doing labour work and by serving either in Government or in private organisations... It is mainly a landless community. Hair cutting is their traditional and primary occupation."

9. "Salmani" as a synonym and a title of the Muslim sections of the barber community was confirmed during the Public Hearing by those present who were from different sections of society as well as the State Government representatives. They also expressed their wholehearted support to the claim of the community for the inclusion of "Salmani" as a synonyms of "Hajjam, Nai" in the Central List of Backward Classes for

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Haryana. The Commission has not received any objection in this regard.

IV. Findings

10. From the above evidence it is the Finding of the Bench that "Salmani" is a respectable/dignified synonym/surname adopted by the members of the Muslim section of barber community and therefore it should be included in the Central List of Backward Classes for Haryana as a synonym of "Hajjam, Nai" at entry no. 29 and that combining the NCBC's earlier Advice No. 18 Haryana/97 in respect of the synonym "Sain", tendered by the NCBC to the Central Government and pending with the Central Government for notification as mentioned in para 4 above, and the present Advice, the amended entry no. 29 in the Central List of Backward Classes for Haryana should read as follows:-

"29. Hajjam, Nai, Sain, Salmani"

11. 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

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reservation for Backward Classes in the Central Services came into effect, i.e., 8.9.1993. Therefore, it is necessary to specify that the notification 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.

A. J. Krishna

13.8.97

V. Advice of the Commission

12. 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:-

"Salmani" be included in the Central List of Backward Classes for Haryana at entry no. 29 and, combining the NCBC's earlier Advice No. 18 Haryana/97 in respect of the synonym "Sain" and the present Advice, the amended entry no. 29, be read as follows:-

"29. Hajjam, Nai, Sain, Salmani"

13. In view of the difficulties faced by the members of Backward Classes in getting Backward Class certificates for the

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NATIONAL COMMISSION FOR BACKWARD CLASSES

Haryana Bench

Findings

Per Shri P.S.Krishnan, Member-Secretary

Case: Request for Inclusion of "Saifi" in the Central List of Backward Classes for Haryana

I. Request

This case arises from the Request received in this Commission from Shri M. Khan, Advocate, General Secretary, All India Saifi Federation, New Delhi for the inclusion of "Saifi" in the Central List of Backward Classes for Haryana. Shri Khan in his Request has stated that "Saifi" is a synonym and/or a surname adopted by the Muslim section of "Lohar" and "Barhai"/Barai" caste/community, who are engaged in the traditional hereditary occupations of carpentry and blacksmithy and that "Saifi" should, therefore, be included in the Central List of Backward Classes for Haryana as a synonym of Lohar which is already included in the Central List of Backward Classes for Haryana.

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

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

Mani Ram, Deputy Director in the Directorate of Social Welfare. The community was represented by S/Shri Liaqat Ali Khan and Mohd. Iqbal Saifi.

III. Facts

3. The relevant entries in different lists of Backward Classes for Haryana are as follows:-

(i) State List

"30. Jangra-Brahman, Khati, Suthar, Dhiman, Tarkhan, Barhai, Baddi"

"40. Lohar, Panchal"

(ii) Mandal List

"8. Barhai, Bimrao, Dadoi, Dhawal, Dhiman, Jangiar, Jangid-Brahman, Jangra-Brahman, Khati, Kashyap, Manithiya, Rajotia, Ramgarhia, Suthar, Tarkhan, Viswakarma"

"55. Luhar, Lohar"

(iii) Central List

"30. Jhangra-Brahman, Jangra-Brahman, Jangid-Brahman, Khati, Ramgarhia"

"40. Lohar or Luhar"

4. As "Saifi" was not included both in the Mandal List and the State List at the time of the preparation of the first phase Central List of Backward Classes for Haryana on the basis

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of the principle of commonality in 1993, it is also not included in the first phase Central List of Backward Classes for Haryana. "Lohar" is included in the first-phase Central List of Backward Classes for Haryana as it was included both in the Mandal List and the State List for Haryana at the time of the preparation of the first-phase Central List of Backward Classes for Haryana. "Barhai" is not included in the first phase Central List of Backward Classes for Haryana as it was included only in the Mandal List and not in the State List at the time of the preparation of the first phase Central List. "Barhai" along with "Suthar, Dhiman, Tarkhan, Barhai, Baddi" was added later in the State List of Backward Classes for Haryana on the Advice of the State Commission for Backward Classes and notified by the State Government's Notification No. 1170-SW(I)-95 dated 7.6.1995. After the Notification, the State Government made a Request to the NCBC for the Inclusion of "Barhai" and other synonyms/sub-castes in the Central List of Backward Classes for Haryana along with the then existing entry in the Central List "30. Jhangra-Brahman, Jangra-Brahman, Jangid-Brahman, Khati". The NCBC after considering this Request from the State Government has tendered its Advice to the Central Government for Inclusion of "Barhai" and other synonyms in the Central List of Backward Classes for Haryana at entry no. 30 vide its DO Letter NCBC Advice No. 12-17 Haryana dated 14.8.96, which is pending with the Central Government for Notification.

5. The NCBC's Questionnaire filled up by the All India Saifi Federation give "Saifi" as a synonym of both "Barhai" and "Lohar". It gives only "Muslim" as the religion followed by the members of the community. Regarding their occupation, the

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Questionnaire states that the "Barhai" do "all kinds of wood work" and the "Lohar" "all kinds of iron work". Only 3 percent of the members of the community are literate. 60 per cent of their families live in Kachcha houses.

6. During the Public Hearing, the representatives of the community said that the members of the community in Haryana are mostly the descendants of migrants from the Amroha district of Uttar Pradesh. They traced the origin of the name "Saifi" to Hazarat Mohd. Saifi who fed milk to their community. In support of their claim for inclusion of "Saifi" in the Central List of Backward Classes for Haryana, they cited its inclusion in the State List of Backward Classes for the neighbouring National Capital Territory of Delhi. On a specific question, they said that "Saifi" should be included along with Lohar as in the case of NCT of Delhi.

7. "Saifi" is included in the State List of Backward Classes for the National Capital Territory of Delhi, as follows:-

"36. Luhar, Saifi, Bhubhalia"

8. The UP State Backward Classes Commission, after considering a similar Request in respect of the State List, has tendered its Advice to the State Government for inclusion of "Saifi" in the State List of Backward Classes.

9. During the Public Hearing, those present who were from different sections of Society not only did object to the proposed inclusion of "Saifi" as a synonym of Lohar in the Central List of Backward Classes for Haryana, but also supported it. The State Government representatives said that

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Member Secretary
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for Backward Classes

similar Request(s) in respect of the State List is pending with the State Backward Classes Commission and that inclusion of "Saifi" in the State List will be considered after the State Commission is reconstituted.

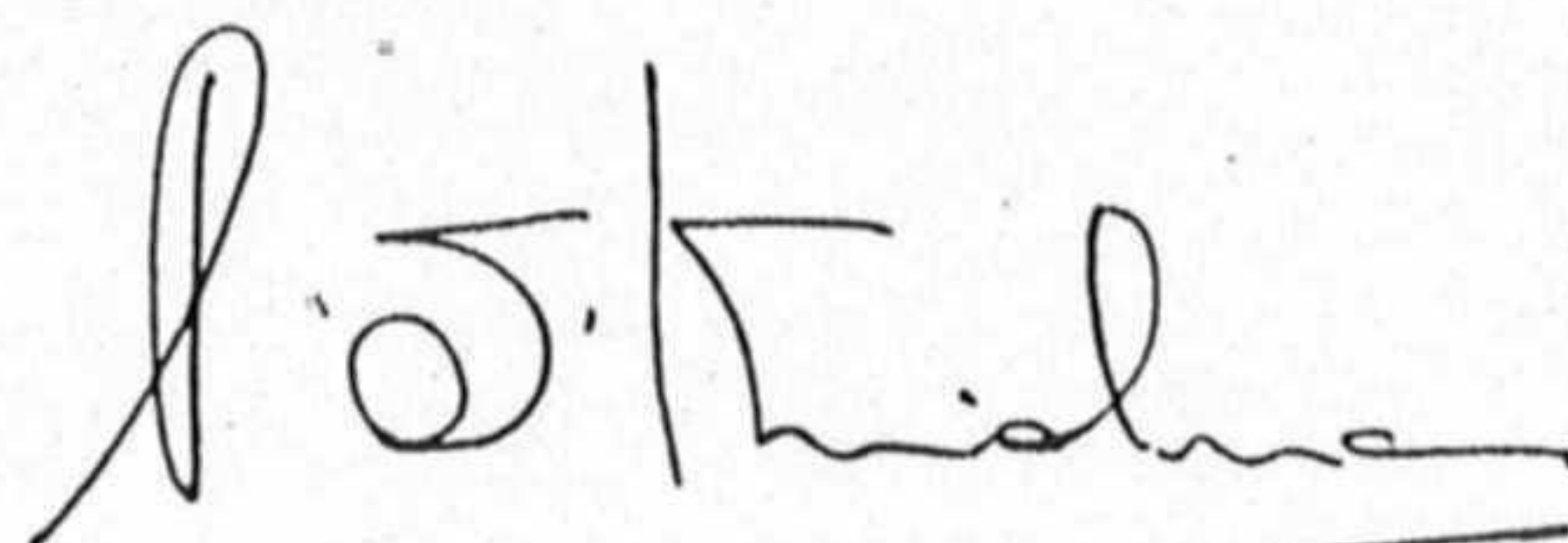
III. Findings

10. From the above evidence, it is the Finding of the Bench that "Saifi" is a synonym/surname adopted by the Muslim section of "Lohar" and "Barhai" castes/communities, linked with the traditional hereditary occupations of blacksmithy and carpentry respectively. "Saifi" falls under the Fast-Track category as it is covered by guideline 2(e) and (f) of the NCBC's Guidelines for Consideration of Requests for Inclusion and Complaints of under-Inclusion in the Central List of Backward Classes and also by para 7 of the Procedural Clarification on Guidelines. Synonyms of a caste/community already existing in the Central List of Backward Classes are covered by para 9 of the Procedural Clarification. "Saifi" should therefore be included in the Central List of Backward Classes for Haryana as a synonym of "Lohar or Luhar" at entry no. 40, so that the amended entry no. 40 reads as follows:-

"40. Lohar or Luhar, Saifi"

11. 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 notification 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.



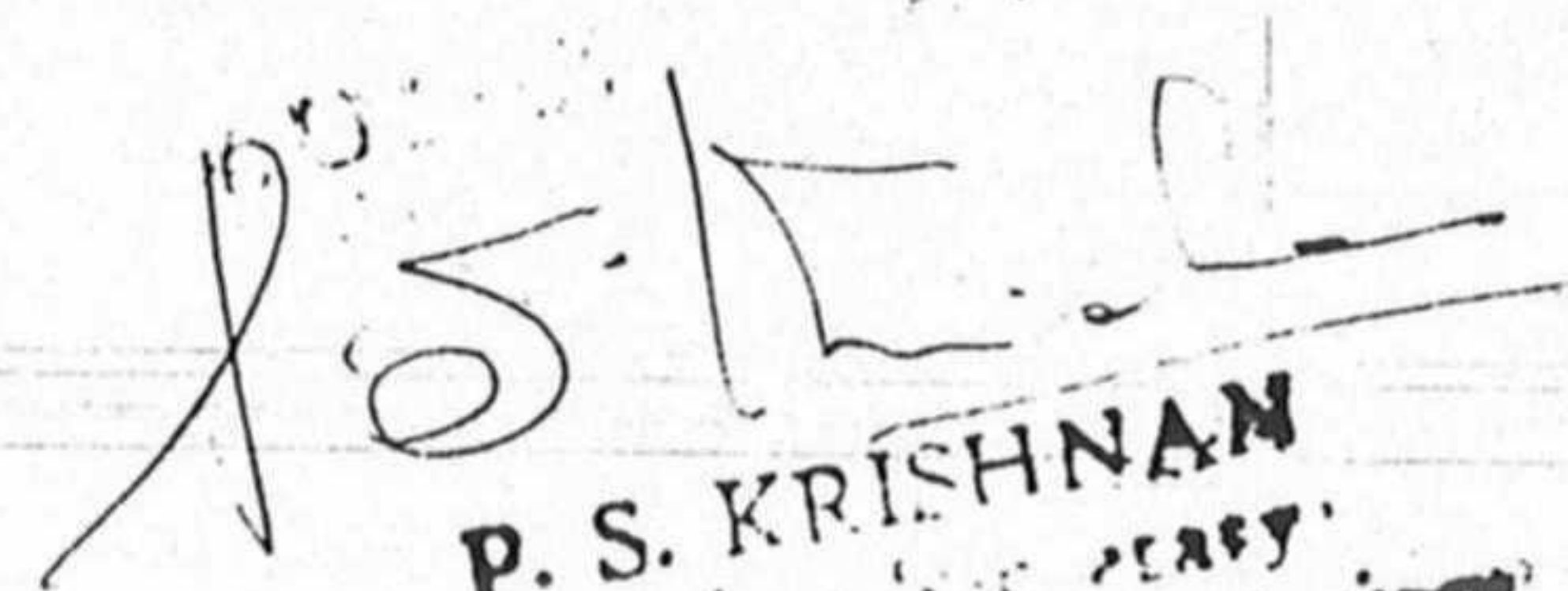
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V. Advice of the Commission

12. 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:-

"Saifi" be included in the Central List of Backward Classes for Haryana as a synonym of "Lohar or Luhar" at entry no. 40, so that the amended entry no. 40, reads as follows:-

"40. Lohar or Luhar, Saifi"

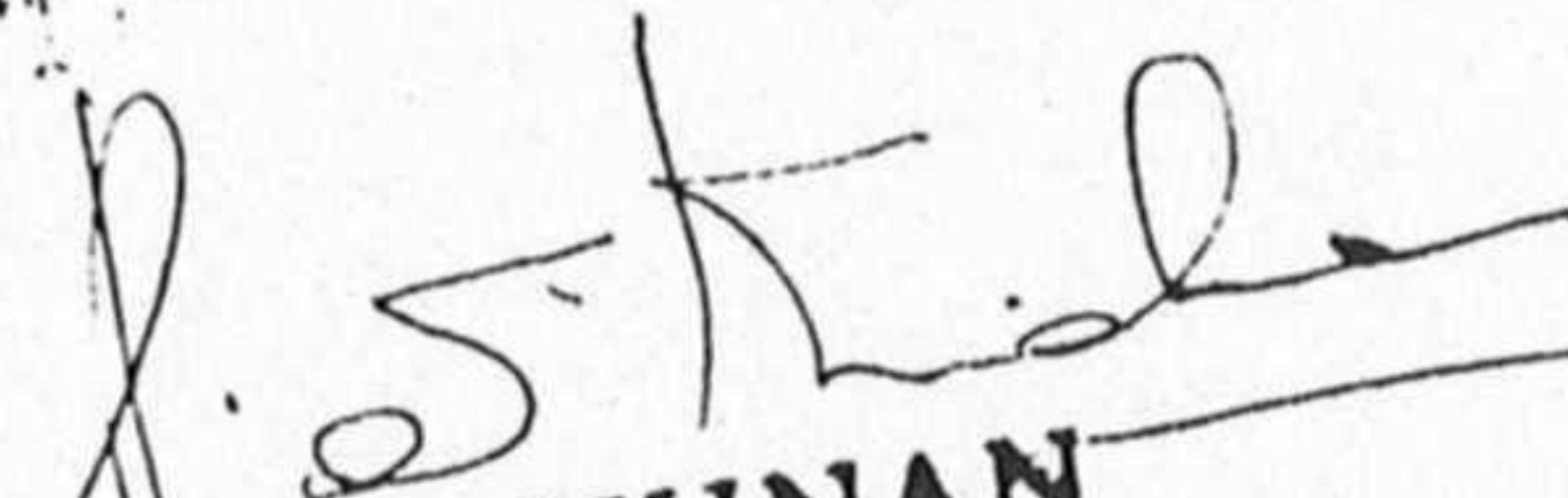

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