

NCBC Advice No. 6/Telangana/2015

NATIONAL COMMISSION FOR BACKWARD CLASSES

Hon'ble Justice V. Eswaraiah, Chairperson

Hon'ble Shri S. K. Kharventhan, Member

Hon'ble Shri A.K.Saini, Member

Hon'ble Dr. Shakeel uz-Zaman Ansari, Member

Hon'ble Shri A.K.Mangotra, Member-Secretary

Case: Request for Inclusion of 'Faqir, Fhakar, Budbudki, Ghanti Fhakar, Ghanta Fhakirlu, Turaka Budbudki, Darvesh, Fakeer' caste/community in the Central List of Other Backward Classes for the State of Telangana.

I. REQUEST

1. The Backward Classes Welfare Department, Govt. Of Telangana vide letter No. 1439/BCW OP/2014 dated 04-02-2015 submitted list of castes/communities listed in the State List of BCs for the State of Telangana and requested NCBC to advice the Government of India in respect of the Central list of OBCs for the State of Telangana.

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Member-Secretary

National Commission for Backward Classes
New Delhi

2. The matter was placed before the Full Commission on 18-02-2015 after receiving the notified list of BCs for the State of Telangana. Accordingly, it was decided that the Commission will hold Public Hearing at Hyderabad and or other places of Telangana.

II. PUBLIC HEARING

3. The Commission consisting of Justice V. Eswaraiah, Hon'ble Chairperson, Shri S. K. Kharventhan, Hon'ble Member, Shri A. K. Saini, Hon'ble Member, Dr. Shakeel uz-Zaman Ansari, Hon'ble Member and Shri A.K.Mangotra, Hon'ble Member-Secretary held Public Hearing at Hyderabad on 8th, 9th and 10th April, 2015 to consider the case for inclusion in the Central List of OBCs for the State of Telangana.

4. The entire matter has been placed before the Full Commission on 20-05-2015 and 08-10-2015 for discussion and consideration and after analyzing the Report of the State Government/State Commission and also going through submissions put forward by the representatives of the State Government/State Commission and also the representatives of concerned castes/communities at Public Hearing, the opinion of

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(39)

the Commission in respect of this caste/community has been arrived at.

III. FACTS

5. The castes/communities 'Faqir, Fhakhir, Budbudki, Ghanti Fhakhir, Ghanta Fhakhir, Turaka Budbudki, Darvesh, Fakeer' are included in Group 'E' (Socially and Educationally Backward Classes of Muslims) at Sl.No.4 vide G.O.Ms.No.3, BCW(OP) Department dated 14-08-2014 and amended vide G.O.Ms.No.16 BCW(OP) Department dated 11-03-2015 issued by the State of Telangana. In the Mandal List at Sl.No.37 Budbuk is included.

6. The State Commission's report reveals that the survey staff of Commission conducted local enquiries and investigations including door-to-door household survey during June, 2007 in Warrangal, Karimnagar, Adilabad and Nizamabad Districts. The household survey covered 68 households of this community comprising of 335 persons. The traditional occupation of this community is begging. The survey report shows that still a considerable proportion are engaged in the traditional occupation of begging and most of those who changed from this occupation have engaged as daily wage labourers in agriculture and non-agriculture. Their traditional occupation is treated by 80.88% of

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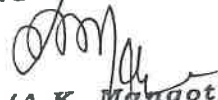
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(40)

others as inferior. 47.04% of the total community is literate which is below the State average of 60.4%. Nobody has passed degree course.

7. At the time of Public Hearing six persons representing 'Faqir' caste/community were present and requested the Commission to include the castes/communities 'Faqir' in the Central List of OBCs for the State of Telangana as they are socially, educationally and politically backward. In so far as this caste/community is concerned, the Commission being the original authority to go into the aspect of social and educational backwardness of the castes/communities, the Commission had an opportunity to hear various people belonging to 'Faqir' caste/community and after hearing and interacting with them, the Commission fully satisfied about their social and educational backwardness. There was no kind of objection for inclusion of this caste/community from any corner. The Commission is therefore of the opinion that the caste/community 'Faqir' is a most depressed backward class community and most of them are living and carrying on their profession of begging and they are like wandering class and therefore they deserve constitutional benefits under Articles 15(4) and 16(4) of the Constitution of India as they being the most depressed class among the society.

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IV. FINDINGS

8. There is no specific negative observation about the particular caste/community 'Faqir, Fhakil, Budbudki, Ghanti Fhakil, Ghanta Fhakirlu, Turaka Budbudki, Darvesh, Fakeer' in the 7 Judge Bench Judgment of the Andhra Pradesh High Court. Though the said case is subject matter before the Supreme Court and the matter is subjudiced, the Commission having fully satisfied about their social and educational backwardness and having found that this caste is a most depressed class, the Commission recommend inclusion of 'Faqir', 'Fakeer' caste/community and accordingly **recommends inclusion** of the caste/community '**Faqir**', '**Fakeer**' only at Entry No.86(iv) in the Central List of OBCs for the State of Telangana for getting the constitutional benefits under Articles 15(4) and 16(4) of the Constitution of India.

V. ADVICE OF THE COMMISSION

9. The Commission in view of the above findings has decided to tender the following Advice to the Central Government under Section 9(1) of the NCBC Act for necessary action:-

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"Request for inclusion of Caste/Community 'Faqir', 'Fakeer' in the Central List of OBCs for the State of Telangana is accepted and be included at Entry No. 86(iv) in the Central List of OBCs for the State of Telangana as follows :

New Entry No. 86(iv) 'Faqir', 'Fakeer'


(Justice V. Eswaraiah)
Chairperson


(S. K. Kharventhan)
Member


(A. K. Saini)
Member


(Dr. Shakeel-Uz-Zaman Ansari)
Member


(A. K. Mangotra)
Member-Secretary

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