

National Commission for Backward Classes

Himachal Pradesh Bench

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

I. REQUEST

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

1. Batehda
2. Badhai, Ramgarhi, Dhiman (Excluding Lohar), Vishwakarma
3. Populace living in Malana revenue village of Kullu district (HP)
4. Populace i.e. Bangahalias residing since time immemorial in Chhota Bhangal and Bara Bhangal area of Kangra district (HP)
5. Choharka other than SC and ST residing in 12 Gram Panchayats in Choharghati of Mandi district (HP)
6. Jat/Jaat

II. PUBLIC HEARING

2. The Himachal Pradesh Bench of the Commission consisting of Justice S. Ratnavel Pandian, Hon'ble Chairman, Dr. Subbha Somu, Shri Ram Awadhesh Singh, and Shri Abdul Ali Azizi, Hon'ble Members held a Public Hearing in respect of the requests received by the Commission at Shimla on 03rd July, 2008. At the Public Hearing, the State Government was represented by Shri R.K. Jain, Principal Secretary and Shri P.C. Dhiman, Secretary (Education). The State Backward Classes Commission was represented by Shri Goyal, Joint Secretary and other officials. The

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caste/community was represented by their respective representatives who appeared before the Bench.

III. Facts

3. All the above castes/communities/sub-castes/synonyms were not included in the first phase Central (Common) List of Other Backward Classes for the State of Himachal Pradesh prepared and notified in 1993 on the basis of the principle of commonality (i.e. inclusion in the Central List of those castes/communities which were found included in the Mandal Commission's List for that State as well as in the State Government's List).

4. Request was received from the State Government of Himachal Pradesh and Associations of Backward Classes for inclusion of the above castes/communities in the Central List of OBCs for the State of Himachal Pradesh..

5. The following castes/communities appeared before the Commission's Bench :-

1. Badhai, Ramgarhi, Dhiman (excluding Lohar), Vishwakarma
2. Jat/Jatt

1. Badhai, Ramgarhi, Dhiman (Excluding Lohar), Vishwakarma

The following are the entries in respect of the caste/community in various Lists and the submissions made by the representatives of the caste/community who appeared before the Bench:-

Mandal List

5. Badhai, Badai, Barahi, Dhina, Jhangra-Brahman, Khati, Kondal, Ramgarhia, Tarkhan, Taryal, Vishwakarma

State List

37. Tarkhan, Badhai, Ramgarhi, Dhiman (excluding Lohar), Vishwakarma, Thawins

Central List

50. Tarkhan

46. Thawin

Shri Sitaram Dhiman, General Secretary, Himachal Pradesh Vishwakarma Pratinidhi Sabha represented before the Commission Bench on behalf of the caste/community mentioned above and stated the following details before the Commission:-

1. The population of the caste/community in the State is approximately 5.5 lakh. and spread over in all the districts of the State.
2. The caste/community is included in the State List of OBCs as well as in the neighbouring States.
3. The caste/community is generally considered as backward.
4. The main occupation of the caste/community is carpentry and agriculture
5. The women and children of the caste/community are engaged in their traditional work i.e. carpentry.
6. The literacy rate of the caste/community is 10%.
7. There are less than 1% of female and male matriculates each in the caste/community.
8. 99% of the caste/community reside in *kacha* houses whereas 1% live in *pucca* houses.
9. Less than 1% of the caste/community are in Class II posts in the State Govt. and 10% approximately in Class 'C' and 'D' posts.
10. Representation of castes/communities in Central Government Services is very low.

Shri Bansi Lal, Vishwakarma Kalyan Sabha Khaneti, Tehsil Kumarsain, Dist. Shimla, Himachal Pradesh vide his representation submitted the following:-

- (i) The caste/community "Tarkhan" and "Thawin" are already included in the Central List of OBCs. "Badhi/Badahi" have blood relations and marriages with these castes.
- (ii) The traditional and ancestral occupation is timber works/village house construction.
- (iii) The caste is socially, educationally and economically backward. Because of the poverty the people have to adopt the traditional occupation of timber works/construction of village houses (carpentry).

(iv) The population of the caste Badhi/Badhai is very thin and are sparsely distributed in the entire state of Himachal Pradesh. The distribution ratio is about 4-5 families living in 15-20 villages or even in a Panchayat.

(v) The castes "Tarkhan, Badhai, Ramgarhia, Dhiman, Vishwakarma and Thawin" who have blood relations are already included in the List of BCs in the State of Himachal Pradesh.

The Ethnographic Accounts in respect of the caste/community are as under:-

India's Communities (A-G) Shri K.S. Singh Vol. IV (pages 160-161)

Badhai. The Badhai of HP, popularly known as Tarkhan, are also called Badhi. In the outer Seraj area of Kullu, they are called Dhiman. They speak Kulvi or Saraji among themselves and use Hindi for intercommunity communication. The Devanagari script is used. Cross-cousin marriages take place. Either spouse can initiate divorce which is allowed on payment of compensation..... The marriage rituals are performed by a Brahman as per sanskritic rites.

The Badhai work as carpenters in villages and towns and making of furniture, wooden ploughs and other agricultural tools. Many work in the state's forests as labourers. Agriculture, horticulture and animal husbandry are their supplementary sources of livelihood. They propitiate Vishwakarma on Diwali, Dhogi or Buddi Diwali is their major festival besides Shivratri, Diwali and Dussehra. They accept cooked food from the Brahman and Rajput, but only uncooked food from the Koli, Lohar and Od.

Communities, Segments, Synonyms, Surnames and Titles by K. S. Singh Vol.VIII (pages 1080)

Badhai/Barhai

Synonyms : Mistry, Sharmaji, Thakur, Viswakarma (Bihar), Badhi, Dhiman Brahman, Tarkhan (HP), Viswakarma (MP), Barahia, Choursia, Jangid Brahman, Khati, Kolash, Lote, Panchal, Tarkhan (UP), Tarkhan (Chandigarh), Binedhanies (Orissa)

Groups/subgroups : Kamarkala, Kanaujia, Kokas, Lohar, Maghaiyas, Mathuria (Bihar), Koka, Kundel, Mangai, Sutar (MP), Dhamman, Dhanra, Ramgarhia (Chandigarh)

Subgroups: Kanaujia, Kokas, Maghaya (HH Risley), Agwariya, Bahman, Barmanian, Bhil, Bisari, Chauhan, Dakkhinaha, Dhalwal, Gokulbansi, Jaiswar, Jalesariya, Janghara, Kairati, Khati, Kokasbansi, Lota, Magadhiya, Nagar, Paretiya Purbiha,

Sarwariya, Sondi, Sosaniya, Umariya, Uprautiya,
Usarbhola, Uttaraha

Titles : Badhai, Badri, Bharadwaj, Mistry, Sharma, Vishwakarma
(UP), Birdi, Chinder, Khural, Rupal (Chandigarh), Manjhan,
Satun, Thakur (HH Risley)

Surnames: Barhai, Sharma, Thakur, Viswakarma (Bihar), Dhiman (HP)

Gotra: Bharadwaj, Kashyap (Bihar), Bhardwaj, Kashyap, Kasi,
Koushik (MP)

People of India : Himachal Pradesh by K.S. Singh Vol.XXIV (pages 40 –44)

Badhai. The Badhai or Barhai are a community of woodcutters and carpenters popularly known as Tarkhan. The word Badhai denotes cutting or felling down trees and is related to the Hindi word badhna. In some areas they are considered part of the Dhiman community and this term is used by the members of the community as their surname. This community is also known by other names like Khati, Tryal, Kondal, Ramgarhia (Rose, 1919). The surname Dhiman is also used by the Lohars in the lower hills but in Kully hills the Lohar community is considered an outcaste. Rose (1919) denies that the Badhais in Kullu form any separate caste, but holds that the Kolis or Dagis who use the axe have been renamed as Barhai. He further states that the Barhai clan is also found among the Rathis of Kangra. But Badhai/Tarkhan in the outer Saraj area of the Kully district claim to be Dhiman and trace their origin from Vishwakarma and are treated an upper caste whereas the Lohars are regarded as a Scheduled Caste. The Badhais attend to woodwork only. The community is spilled over in almost all districts of the State, living in varying climates.

The Badhais have a single Dhiman clan which is synonymous with the community name.....In the regional social hierarchy the position of the community is in the middle. The perceived descending order of the local social hierarchy is Brahman, Rajput, Kanet, Thavi, Barhai (Dhiman), Od,

Lohar, Koli and Dagi. Although they claim parity with the Rajput/Brahman but they are placed among the Sudra by their neighbours.

Land and forests are natural resources on which the Badhais survive. They thrive mainly on carpentry or woodwork which is a stable occupation as wood is the major constituent of a typical house in the hills. Besides, they prepare various types of furniture and agricultural implements. They also horticulture are their supplementary occupations. Some persons possess sizeable land for horticulture. A few persons are also employed in Government jobs as teachers.

The exchange kachcha and pucca food and water with other castes except the Kolis and the Lohars. Traditional water resources are shared with others. Their cremation grounds are separate but the religious shrines are common. Relationship also exists with the Lahars and the Kolas; the latter are the beaneries of the local deities and also render instrumental music on marriages and other festive occasions. There are members in teaching and defense services and business. Political leadership has emerged at the Gram Pinhead level. The level of education has become high and some persons are getting even post-graduate education through the majority does not study beyond the secondary school level. Usually higher formal education is favored for boys and only partly so for the girls due to social and sometimes economic reasons and because colleges are very far off.

In the Report of Second Backward Classes Commission, generally known as Mandal Commission Report, Para 12.10 under Chapter XII – “Identification of OBCs” reads as under:

“Whereas the Commission has tried to make the State-wise lists of OBCs as comprehensive as possible, it is quite likely that several synonyms of the castes listed as backward have been left

out. Certain castes are known by a number of synonyms, which vary from one region to the other, and their complete coverage is almost impossible. In view of this, the Commission recommends that if a particular caste has been listed as backward then all its synonyms whether mentioned in the State Lists or not should also be treated as backward”.

The cases under consideration are covered under the NCBC's Guidelines for consideration of Requests for inclusion and Complaints of under-inclusion in the Central List of OBCs. Para.9 of Procedural Clarification on Guidelines reads as under:

“In case of synonyms/sub-castes/different names of the same caste or community/local variants of the same caste or community, if and after it is established that, they are, in fact, such synonyms/sub-castes/different names of the same caste/local variants, etc. and if there are no contrary views expressed and data furnished before or otherwise available to/in the notice of the bench/Commission and the bench/Commission does not find any ground to take a contrary view, such synonyms/sub-caste/different names of the same caste/local variants of the same caste, such cases may be included, and findings/advice formulated to that effect.”

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IV. FINDINGS

The Bench after considering the submissions made during the Public Hearing by the representatives of the caste/community, the State Government and the Himachal Pradesh Backward Classes Commission, the ethnographic accounts, documents and other available informations, the findings of the Bench are as follows:-

1. Badhai, Ramgarhi, Dhiman (Excluding Lohar), Vishwakarma are socially and educationally backward and may be included at Sl.No.50 along with 'Tarkhan' in the Central List of OBCs for the State of Himachal Pradesh as under:-

50. Tarkhan, Badhai, Ramgarhi, Dhiman (excluding Lohar), Vishwakarma


(Justice S. Ratnavel Pandian)
Chairman


(Dr. Subbha Somu)
Member


(Ram Awadhesh Singh)
Member


(Abdul Ali Azizi)
Member

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VI. ADVICE OF THE COMMISSION

The Commission considered and agreed in full with the above Finding of the Himachal 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 castes/communities “Badhai, Ramgarhi, Dhiman(excluding Lohar), Vishwakarma ” are socially and educationally backward and should be included in the Central List of Other Backward Classes for the State of Himachal Pradesh at entry No.50 alongwith ‘Tarkhan’. The new entry will read as under:-

“50. Tarkhan, Badhai, Ramgarhi, Dhiman(excluding Lohar), Vishwakarma”



(Justice S. Ratnavel Pandian)
Chairperson



(Dr. Subbha Somu)
Member



(Ram Awadhesh Singh)
Member



(Abdul Ali Azizi)
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