



पी.एस. कृष्णन्
P.S. KRISHNAN
TEL. : 6183190

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

DO NCBC Advice No. 31 Rajasthan/98

28.09.1998

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 Inclusion of 'Sain' as a synonym of 'Nai' in the Central List of Backward Classes for Rajasthan, duly authenticated, for necessary action by the Central Government under Section 9(2) of the Act.

Yours sincerely

(P.S. KRISHNAN)

Encl: As stated

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

28/9/98

National Commission for Backward Classes

Rajasthan Bench

Findings

Case: Request for inclusion of Sain as a Synonym of Nai Caste in the existing Central list of Backward Classes for Rajasthan.

Per Shri P.S. Krishnan, Member-Secretary.

Requests

This case arises from the Requests received in this Commission from the Rajasthan State Backward Classes Commission vide their letter No. F 1 ()/RSBCC/ 95/8942 dated 28.4.95 and Shri Lakshmi Kant Bhavsar, Anya Pichara Varg Yuva Morcha, Distt. Banswara for inclusion of Sain as a synonym of Nai caste in the Central list of Backward Classes for Rajasthan.

II Public Hearing

The two-Member Rajasthan Bench of the Commission, consisting of Shri P.S. Krishnan, Hon'ble Member-Secretary, NCBC and Shri Navtej Paudhi, Hon'ble Member, NCBC held a Public Hearing at Jaipur on 9.6.1998 inter alia to examine this Request. At the Public Hearing the State Government was represented by Shri S.K. Dalel, Joint Director and Shri Ramesh Chandra Sharma, Deputy Director in the Directorate of Social Welfare. Shri G.D. Garg Joint-Director represented the Rajasthan State Backward Classes Commission. Shri Lakshmi Kant Bhavsar represented the caste.

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Commission
for Backward Classes

III. Facts

3. At the time when the Expert Committee on Backward Classes prepared the first-phase Central List of Backward Classes on the basis of the principle of commonality, i.e., by listing castes common to both the Mandal List for each State and the respective State Lists and when, on the basis of the Expert Committee's Report, the Government of India notified the first-phase Central List in 1993, Rajasthan was one of the States which did not have a State List of its own. Therefore no Central List of Backward Classes for Rajasthan was prepared at that stage. It was only after the Supreme Court's Judgement in the Mandal case that the State Government of Rajasthan undertook the preparation of State List of Backward Classes which was notified by the State Government on 6.8.1994. This State list included this synonym but it was not included in the Mandal List and for this reason it was also not included in the Central List of Backward Classes for Rajasthan prepared on the basis of the "Principle of commonality" by the Government of India and notified by it on the 19th October, 1994.

4. The relevant entries in respect of the Sain as a synonym of Nai Caste in the different lists of backward classes are as follows:-

(1) State List

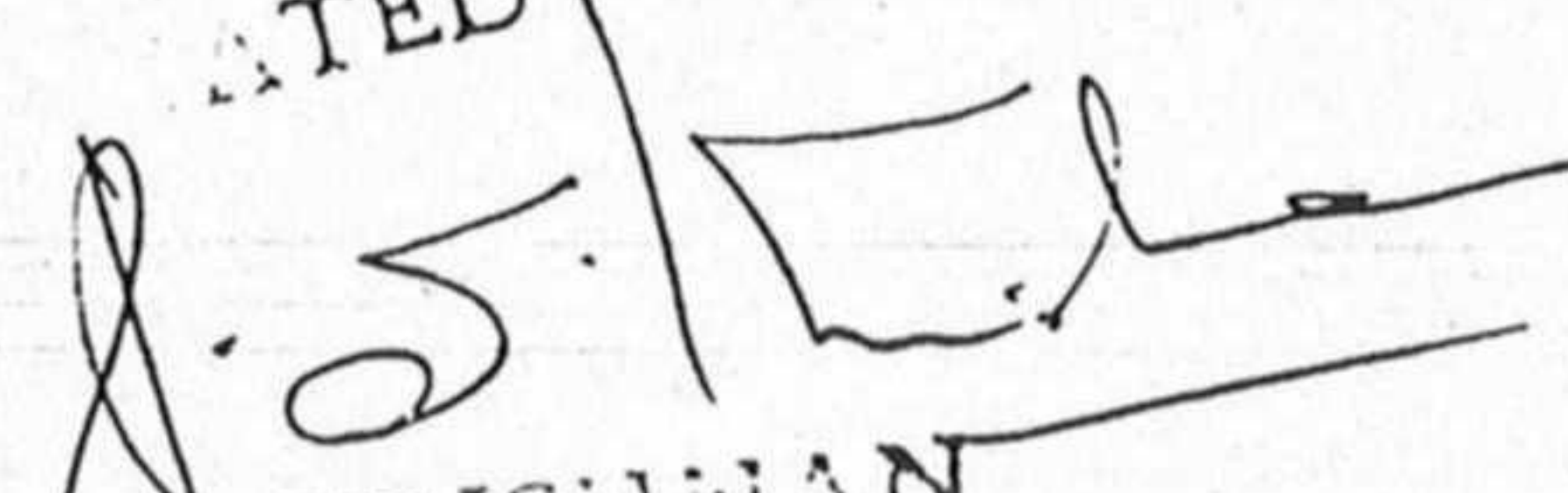
"40 Nai, Sain"

(2) Mandal List

"105 Nai"

(3) Central List

"39 Nai"

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 P. S. KRISHNAN
 Member, Commission
 for Backward Classes

5. Munshi Hardy Singh in his Book "The Castes of Marwar---being (Census Report of 1891)" (Books Treasure, Jodhpur, Second edition. 1990, P.161 First Edition, 1894,) attests to the existence of "Nai" caste in the Marwar state under the head 'Barbers' (Chapter-V Class D-Artizans & Village menials). He writes "The Nais form a very useful class of personal attendants and as Sir Henry Elliot remarks, are of more consequence among the close-shaven Hindus than the bearded Musalmans. The Nai's occupation is not confined merely to the shaving of heads, but he plays the most important part in Hindu Society next to a Brahman.....The Nais generally worship Sen-Bhagat, a Saint of their own caste, and regard his oath as a most solemn adjuration....Notwithstanding their usefulness, the Nais's are regarded as a low caste simply on account of the uncleanness of their profession... It is only for this reason that Brahmans and high caste Mahajans refrain from drinking water from their hands, and usually take a bath after shaving."

6. During the Public Hearing those present who were from different sections of society not only did not object for inclusion of the Sain as a Synonym of Nai caste in the Central List of Backward Classes for Rajasthan but also supported it. All of them said that Sain as a synonym of Nai is prevalent in Rajasthan.

7. The National Commission for Backward Classes has tendered Advices in respect of Sain/Sein as a synonym of Nai for inclusion in the Central list of Backward Classes for the following States:-

AUTHENTICATED

[Handwritten signature]
 Section
 dated

Sl. No.	No. of Advice & date	Name of the State	Name of the Caste
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1.	NCBC Advice No. 18/97/Haryana dt.11.7.1997	Haryana	Hajjam, Nai, Sain
2.	NCBC Advice No. 14/MP/98 dt.10.3.9	Madhya Pradesh	Nai (Sain, Savitha, Shrivasa)

A request for the inclusion of this synonym in the Central List of Backward Classes has recently been heard by the Bench for Punjab consisting of same two Members, where also the Bench has come to the conclusion in favour of its inclusion but the findings are under preparation.

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[Signature]
 Secretary
 Backward Classes Commission

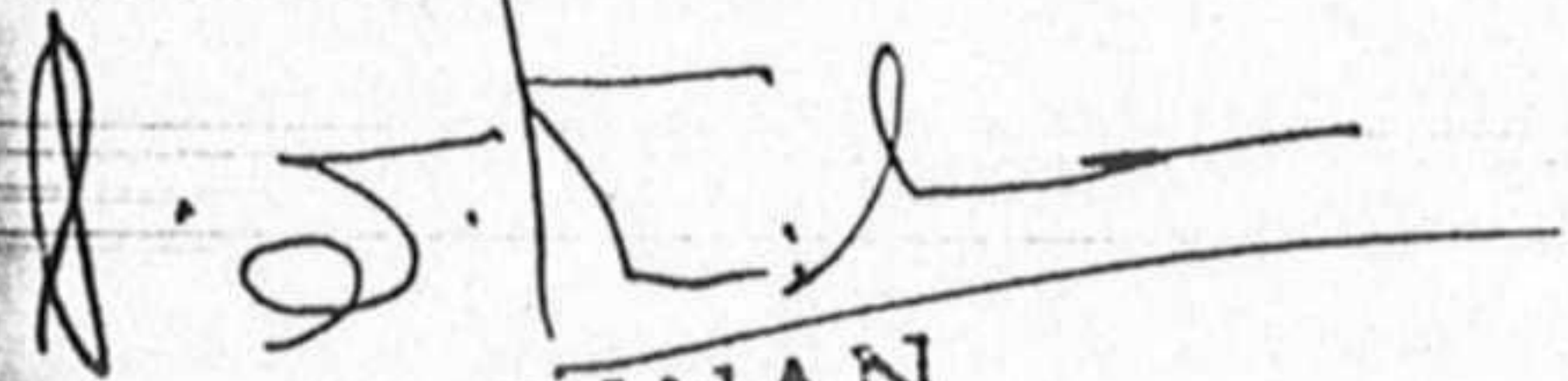
IV Findings

8. The account given by Munshi Hardy Singh brings out the source of the synonym 'Sain', namely, a saint born in this caste. The testimony of those present and the fact that they have been included by the State Govt. on the Advice of the State Backward Classes Commission show that Sain as a synonym of Nai is prevalent and well-understood in Rajasthan and this is in keeping with the position in the neighbouring States of Haryana and Madhya Pradesh. It is also clear that the community is, in terms of the caste system, identified with a traditional or hereditary occupation considered to be lowly or undignified and is among those listed as such at para 7 of Procedural clarification on Guidelines of NCBC's "Guidelines For Consideration of Requests for Inclusion and complaints of Under-Bench is not in agreement with the reason furnished by Munshi Hardy Singh regarding why Nais are regarded as low caste the Commission is in agreement with the facts given by him. His reasoning is really a rationalisation of the widespread stigmatisation of working castes which is part of the caste system of India and its ideology. Synonyms of an existing entry in the Central List are covered by para 9 of the Procedural Clarification on Guidelines of the NCBC's "Guidelines for Consideration of Requests for Inclusion and Complaints of Under-Bench in the Central List of Backward Classes". Therefore, this synonym should be included at entry No.39 as indicated below in the Central List of Backward Classes for Rajasthan, so that the amended entry after the inclusion of this synonym reads as follows:-

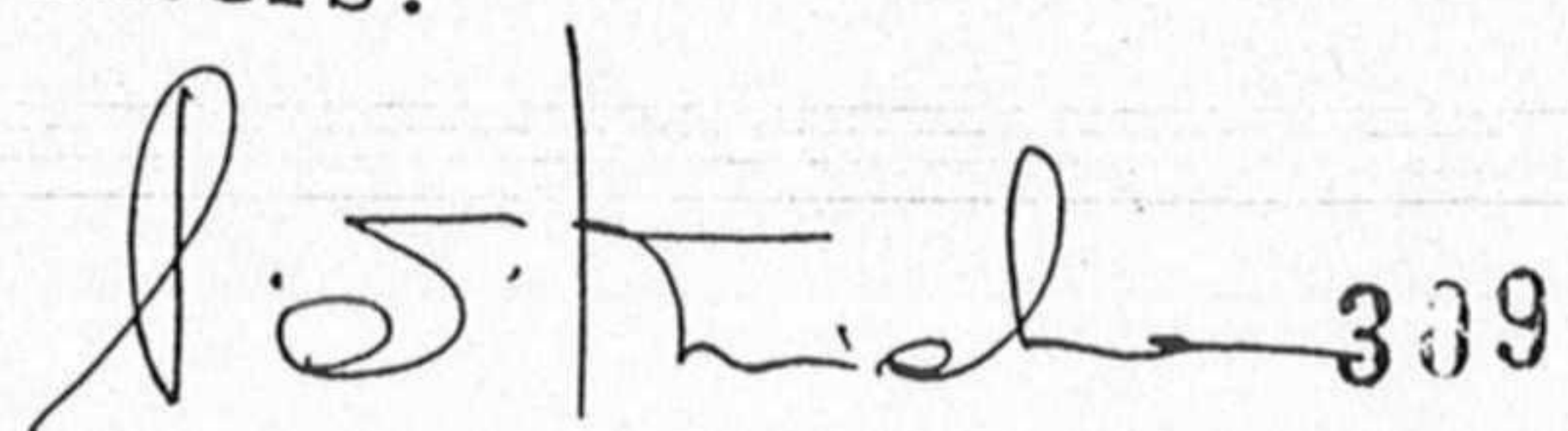
"39 Nai, Sain"

As one of the Members of the Bench, Shri Navtej Puadhi unfortunately passed away on 16.8.1998, subsequent to the Public Hearing, the Findings are signed only by one Member, who is also the Coordinating Member of the Bench, but the findings represent the conclusion jointly arrived at by both the Members.

ATTESTED



P. S. KRISHNAN
Member
National Commission
for Backward Classes

 309

3.9.98

V Advice of the Commission

9. The Commission considered and agreed in full with the above Findings of the Rajasthan Bench and decided to tender the following Advice to the Central Government in terms of Section 9(1) of the NCBC Act, 1993 for action under section 9(2) of the Act:-

"Sain" should be included as synonyms of Nai in the existing Central list of Backward Classes of Rajasthan at entry no.39 so that the amended entry reads as follows:-

"39 Nai, Sain."

On account of the unfortunate demise of one of the Members Shri Navtej Puadhi on 16.8.1998, 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.

Kishan
23.09.98

Navtej
23.9.98

P. S. Thakur
3.9.98

P. S. Thakur
24.9.98

AUTHENTICATED
P. S. Thakur
P. S. THAKUR
Member
National Commission
for Backward Classes