



सत्यमेव जयते

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सदस्य-सचिव
राष्ट्रीय पिछड़ा वर्ग आयोग

भारत सरकार

ट्रिफूट-१, भीकानजी कामा प्लेस, नई दिल्ली - ११००६६

Member - Secretary
National Commission for Backward Classes
Government of India
Trikool - 1, Bhikaiji Cama Place, New Delhi - 110 066

NCBC Advice No. Rajasthan 33,34,35-36/98

02. 11. 1998

Dear Shri Manavalan,

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

- (1) Faqir/Faquir(Kadiris, Chistis and Naqshbandias are not included)
- (2) Kumawat
- (3) Kachhi-Kushwaha, Kachhi-Shakya as synonyms of Kachhi

(4) and for the rejection of the Request for Inclusion of "Maurya" as a synonym of "Kachhi" 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.

2. With these, Advices on 438(260 for Inclusion + 178 for Rejection) castes, sub-castes, synonyms etc. have been tendered to the Government by the Commission, after its reconstitution in 1997, of which 432 (254 for Inclusion + 178 for Rejection) are still pending with the Government for Notification.

P.B.M. 1/98

3/11/98

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

RAJASTHAN BENCH

FINDINGS

Per Shri P.S.Krishnan, Member-Secretary

Case: Request for Inclusion of "Shah (Sai, Faqir)" caste/community in the Central list of Backward Classes for Rajasthan.

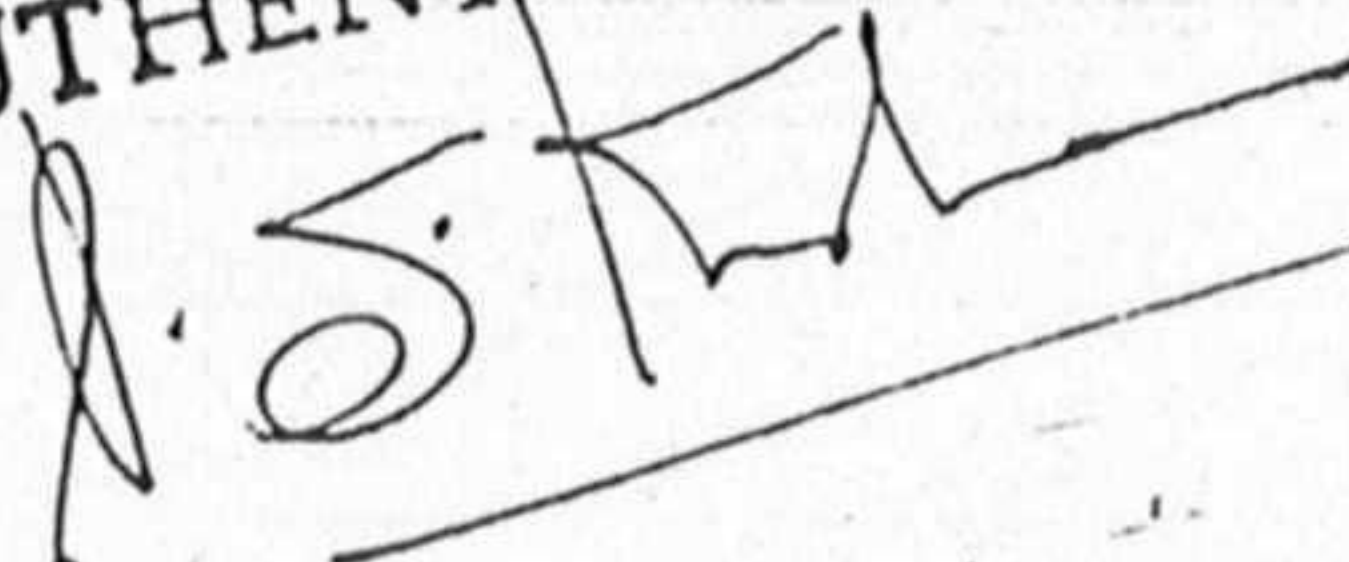
I. Request

This case arises from the Request received in this Commission from the Akhil Rajasthan Shah Samaj(Muslim) Sudhar Samiti, B-448, Sanjay Nagar, Jaipur for the Inclusion of "Shah(Sai, Faqir) caste/community in the Central List of Backward Classes for Rajasthan. A separate Request has also been received from Shah Samaj Sudhar Committee, Jaipur District, 3902 Langar Ki Mori, Purana Basti, Jaipur for the Inclusion of "Shah" in the Central List of Backward Classes for Rajasthan.

II. Public Hearing

2. The 2-Member Rajasthan Bench of the Commission consisting of Shri P.S.Krishnan, Hon'ble Member-Secretary and Shri Navtej Puadhi, Hon'ble Member held a Public Hearing at Jaipur on 31.5.97 in respect of this caste/community. 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. The community

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was represented by S/Shri Nathu Shah, Ashraf Shah, Rafiq Shah, Sultan Shah, Nizamuddin Shah, Kalu Shah and others.

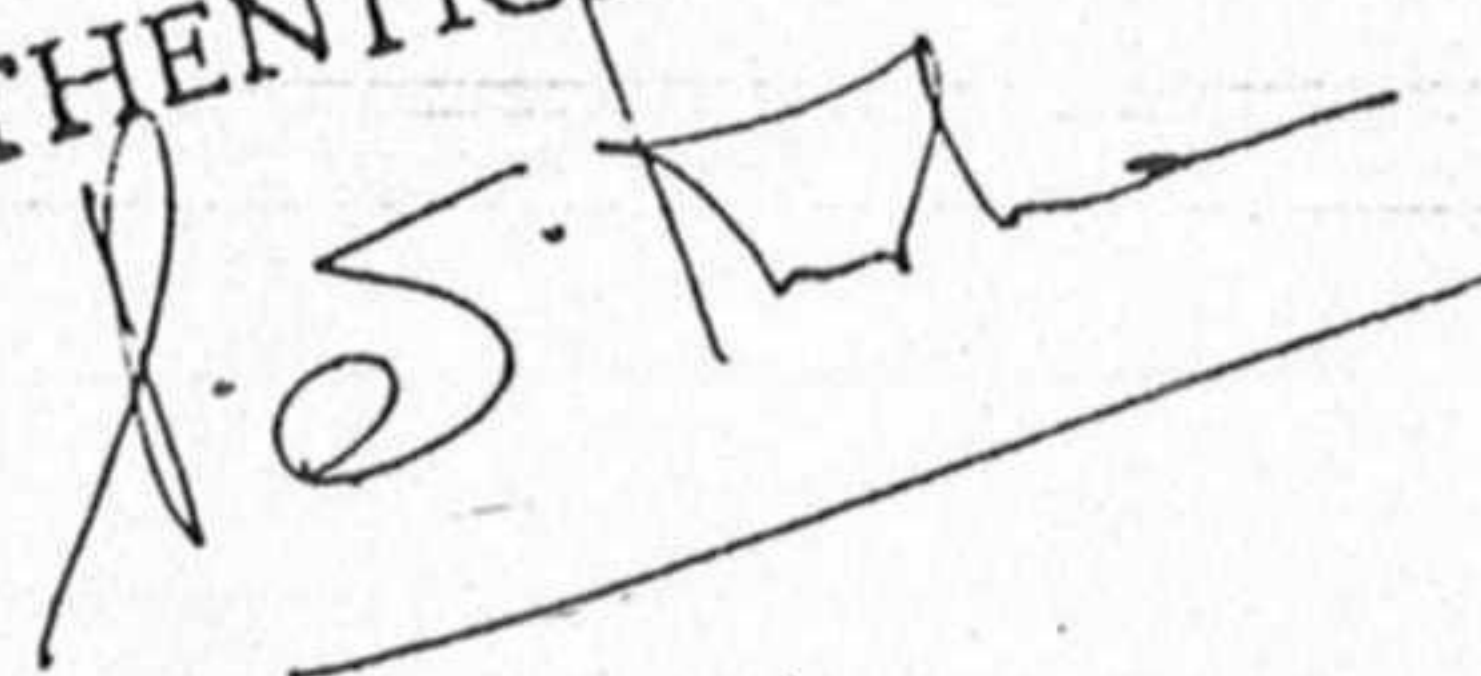
III. Facts

3. The State Government of Rajasthan had no list of Backward Classes till after the Supreme Court Judgement in the Mandal case, delivered on 16th November 1992. For this reason, the Expert Committee on Backward Classes could not, on the basis of the principle of commonality, recommend a Central List of Backward Classes for Rajasthan as it could do for 14 other States, which already had their respective lists of Backward Classes, and therefore the Central Government also could not issue a Central List of Backward Classes for Rajasthan in 1993. The Government of Rajasthan issued its list of Backward Classes by its Notification No. F.11(125)R&P/SWD/52307 dated 6.8.1994. Thereafter, the Central Government vide Ministry of Welfare's Resolution No. 12011/9/94-BCC dated 19.10.1994 issued a Common (Central) List of Backward Classes for Rajasthan.

4. Shah (Sai, Faqir) caste/community is not included in the first-phase Central List of Backward Classes Classes issued on 19.10.1994 as it was not included in both the State Government's List as well as the Mandal Commission's List for Rajasthan and therefore did not satisfy the criterion of commonality.

5. In the NCBC's Questionnaire filled up and furnished by Shah Samaj Sudhar Committee, Jaipur District, "Begging, and Mazdoori if available" is mentioned as the occupation of which the members of the caste/community mainly depend for their livelihood. "Begging" is stated to be the traditional occupation of the community in which the children of the community are also engaged. "Shah(Muslim Faqir)" is given as the main name of the community and the community is

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stated to be known by the names Sai, Kadari, Thadkatiya, Thalba, Diwan, Madaria, Madari, Bazigar, Niskeen etc. The total population of the community is stated to be 7 lakhs approximately. Regarding the literacy of the community it is stated in the Questionnaire that a small percentage of the members of the community have got elementary knowledge of Urdu language and that there may be 1 or 2 matriculates. It is also stated that there is complete lack of education among female members of the community.

6. During the Public Hearing on 31. 05. 1997, the State Government and State Backward Classes Commission representatives stated that the Request for Inclusion of this caste/community in the State List is pending with the State Commission. The State Commission has since provided the following information regarding this caste/community vide Letter No. F(1)RBCC/97/17457 dated 14th July 1997:-

"Faqir, "Shah", Sai are not separate castes/classes. A Faqir known as Diwan, Sufi Saint, Shah, Sai is revered by Musalmans. They are not socially and educationally backward. Those Faqirs who live and do work in Kabristan have been recommended by the State Commission in its third Report for inclusion in the State list of Backward Classes and it is under the consideration of the State Government"

7. Munshi Hardyial Singh (The Castes of Marwar, being Census Report of 1891, Books Treasure, Jodhpur, 1990, first edition 1894) writes under the head "Fakirs":- "The figures for Fakirs in Marwar include four different classes of Musalman beggars, namely the Madari, the Kalandar; the Jalali and the Benawa. They all belong to the Sunni sect". He further writes that the Madaris "earn their livelihood by begging alms, but sometimes they prove to be a pest to society by wounding their bodies by means of Gurz or mace

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they usually keep with them if the persons addressed refuse them money. Some among them erect wooden swings locally called Dolar-Hindas when a fair is held, a few cultivate land and many employ themselves in private service or in Muzduri. They generally repeat the words Fazl-i-Mola, Yad-i-Mola, at the time of saluting each other instead of the usual form of address used by ordinary Musalmans. They are also called Malang, though Mr. Ibbetson makes the latter a branch of the Madaris."

Munshi Hardyal Singh further writes as follows:-

"The Kalandars declare themselves to be the couriers of Imam Husen during the Karbala wars, and up to this time, it is customary with them to wear green clothes, and run bare-foot as Paiks or sham messengers with a drawn sword in hand from one Tazia to another for three days from the 7th to the 10th of the month of Moharram. Their name also indicates that they might be the followers of Bu Ali Kalandar. They have wives and children, and live by begging alms.

The Benawa trace their connection with Khwaja Hasan Basri. They are distinguished by a long cap they wear, and are also known by the name of Azad. They are great buffoons and beg alms.

The Jalalis are the follower of Sayad Jalal-ud-din of Bukhara. 'Candidates for admission to the order', says Mr. Ibbetson, 'shave completely, burn their clothes, and are branded on the right shoulder.'

There are also other orders among the Muslmans, as for instance, the Kadiris, the Chistis, and the Naqshbandias, who may properly be called as Fakirs or Durvesh, but as they have returned themselves with the Sayads and Shekhs, they are not included under this head.

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For L. S. Mission
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They are held in great respect by the people being regarded as their Pir, and they always keep a large retinue of followers with them."

8. Denzil Ibbetson in his book "Punjab Castes" (Low Price Publications, Delhi, 1993, first published 1916, based on the Census of the Panjab carried out in 1881 by Ibbetson himself) writes that "The figures for Faqirs comprehend at least three if not four very different classes of people. First come the religious orders pure and simple. Many of these are of the highest respectability....." "But", Ibbetson further writes, "a very large portion of the class who are included under the name Faqir are ignorant men of low caste, without any acquaintance with even the general outlines of the religion they profess, still less with the special tenets of any particular sect, who borrow the garb of the regular orders and wander about the country living on the alms of the credulous, often hardly knowing the names of the orders to which the external signs they wear would show them to belong. Such men are mere beggars, not ascetics; and though their numbers are unfortunately large, we have no means of separating them. Besides the occupations, described above, the Faqir class generally have in their hands the custody of petty shrines, the menial service of village temples and mosques, the guardianship of cemeteries, and similar semi-religious offices. For these services they often receive small grants of land from the village, by cultivating which they supplement the alms and offerings they receive."

9. Faqir caste/community is included in the Central List of Backward Classes for Chandigarh, Delhi, Haryana, Gujarat, Madhya Pradesh, Punjab and Uttar Pradesh as follows:-

<u>State/UT</u>	<u>Relevant entry</u>
1. UT of Chandigarh	"22. Faquir"

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2.	NCT of Delhi	"21. Fakir"
3.	Gujarat	"19. Fakir or Faquir(Muslim)"
4.	Haryana	"21. Faquir"
5.	Madhya Pradesh	"59. Islamic groups:- Fakir/Faquir."
6.	Punjab	"36. Faqir"
7.	Uttar Pradesh	"29. Faqir"

In Karnataka, the community is included in the State, Mandal and Central Lists as "Darvesu"

10. Though Munshi Hardyal Singh has suggested that certain orders among the Musalmans such as Kadiris, Chistis and Naqshbandias may be called as Faqirs or Durvesh, they do not seem to be covered by the term Faqir as denoting a caste/community because, as Hardyal Singh further observes "they have returned themselves with the Sayads and Sheks" and, therefore, "they are not included under this head"(i.e. under the head "Fakirs"). The inclusion of Faqir/Faquir in the List of BCs in a number of States as mentioned above can be taken as a confirmation of this. It is significant to note that the inclusion of Faqir/Faquir in the State BC lists of most of the States mentioned above are based on the Findings regarding their social and educational backwardness arrived at by the respective State Backward Classes Commissions. As an example, the Findings of Bakshi Commission of Gujarat, which is a neighbour of Rajasthan, on "Faquir or Fakir" is as follows:-

"The Faquirs are Muslims and they usually stay in houses attached to Muslim cemetary or burial grounds and mosques. Some of them also stay in small huts of mud with roofs of local tiles.

Their main occcupation is that of begging alms and some of them also do odd jobs like plying lorries and are

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employed as Bidi workers..... They are not trained for any occupation and they have to go from place to place for begging. They live in extremely impoverished conditions and can hardly afford to send their children to school.

The percentage of literacy among them ranges from 5 to 10. Secondary education or higher education among them is almost nil. The Faquirs supply magical charms to others and their beliefs are based on superstition. They have hardly any status in society as they live on people's alms and charity." [Report of the Socially and Educationally Backward Classes Commission, Gujarat, 1976)

The Bench felt that there can be no reason for the position of Faqirs/Faquirs in Rajasthan to be in any way significantly different from the position in Gujarat and other States where Faqir/Faquir has already been included in the Lists of BCs, though this is acknowledged by the Rajasthan State Commission only partly judging from that Commission's observations regarding this community quoted at para 5 above.

IV. Findings

11. From the above material and evidence, the Bench has come to the Finding that "Faqir/Faquir" as the name of a caste/community denote a class of people following the Islam religion who traditionally eke out a living by begging and other menial/lowly occupations like guarding of cemeteries and they constitute a Socially and Educationally Backward class. They, therefore, deserve inclusion in the List of Backward Classes. However, to preclude any scope for misunderstanding or for misuse by any unintended persons, the Bench considered it desirable and necessary to specifically exclude the Kadiris, the Chistis and the Naqshbandias who, according to Munshi Hardyial Singh, may

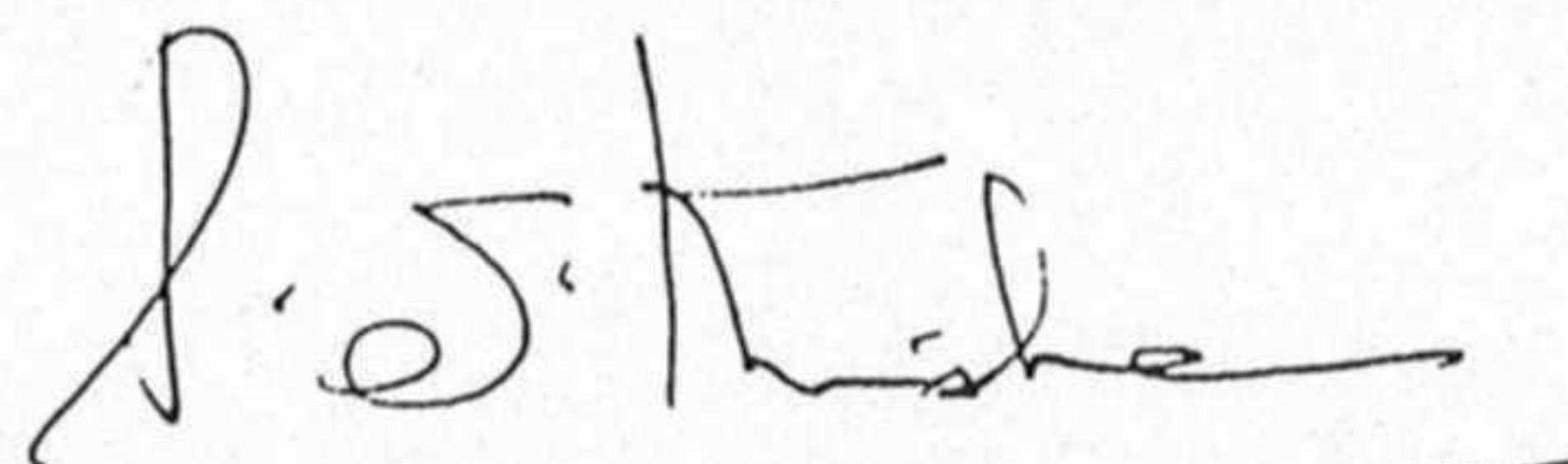
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properly be called as Fakirs or Durvesh though they have returned themselves with the Sayads and Shekhs. "Faqir/Faquir" should, therefore, be included in the Central List of Backward Classes for Rajasthan at a new entry no.60, as follows:-

"60. Faqir/Faquir (Kadiris, Chistis and Naqshbandias are not included)"

Regarding "Shah", "Sai" the Bench considered that they should not be included in the List as they denote a socially and religiously respectable members of certain religious orders among Muslims.

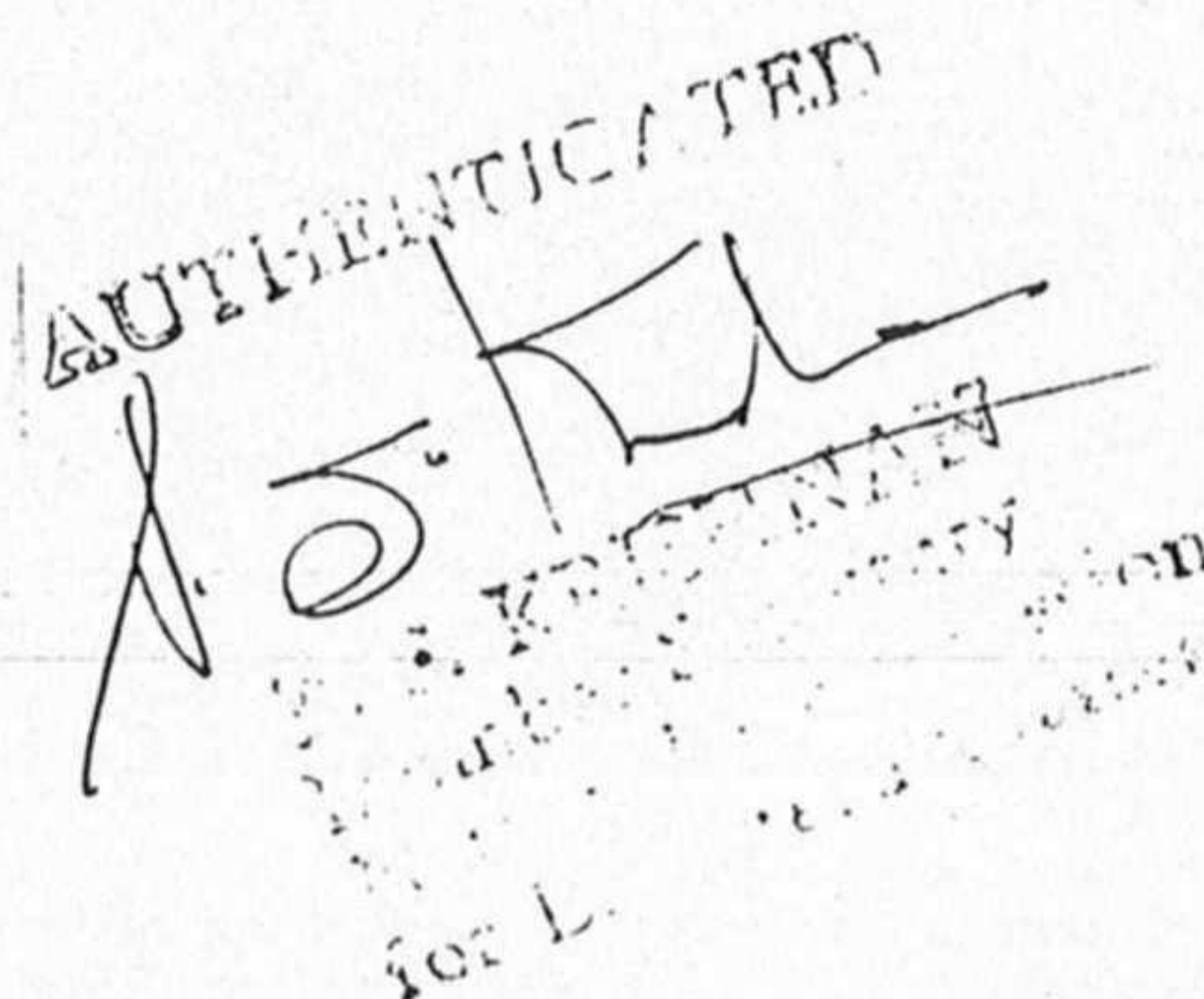
12. As one of the Members of the Bench, Shri Navtej Puadhi unfortunately passed away on 16.8.1998, subsequent to the Public Hearing, the Findings are signed only by one Member, who is also the co-ordinating Member of the Bench, but the Findings represent the conclusion jointly arrived at by both the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



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IV. Advice of the Commission

13. The Commission considered and agreed in full with the above Finding of Rajasthan Bench and decided to tender the following Advice to the Central Government under Section


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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:-

"Faqir/Faquir" be included in the Central list of Backward Classes for Rajasthan at a new entry no.60, specifically excluding Kadiris, Chistis and Naqshbandias, as follows:-

"60. Faqir/Faquir(Kadiris, Chistis and Naqshbandias are not included)"

14. 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.

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Navtej Puadhi
2.11.98

P. S. Krishnan
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P. S. Krishnan
P. S. KRISHNAN
Member, Commission
for Backward Classes

NATIONAL COMMISSION FOR BACKWARD CLASSES

RAJASTHAN BENCH

FINDINGS

Per Shri P.S. Krishnan, Member-Secretary

Case: Request for Inclusion of "Kumawat" in the Central list of Backward Classes for Rajasthan.

I. Request

This case arises from the Requests received in this Commission from

- (1) Kumawat Jan Mangal Trust,
Jaipur, Rajasthan
- (2) Shri Jagdish Prasad Kumawat
Post Hirani
Mohalla Rawaria
Nagaur, Rajasthan
- (3) Akhil Bharatvarshiy Kumawat Kshatriya Mahasabha
Kumawat School, Ajmer Road, Sojala, Jaipur
- (4) Bharatiy Kumawat Kshatriya Mahasabha
(Registered office: 1397/97 Trinagar, Delhi-35)
Bal Niwas, Jaipur
- (5) Shri Rajasthan Kumawat Kshatriya Samaj,
5/16 Samvid Nagar, Indore.

for the Inclusion of "Kumawat" in the Central List of Backward Classes for Rajasthan.

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

2. According to the Request-makers at (1) and (2) above, "Kumawat" is a synonym of "Kumhar(Prajapati)" caste/community which has already been included in the State and Central Lists of Backward Classes. "Kumawat" is included in the State List as a synonym of "Kumhar(Prajapati)", but it is not included in the Central List of BCs for Rajasthan. They, therefore, have requested for the inclusion of "Kumawat" as a synonym of "Kumhar(Prajapati)" in the Central List of BCs for Rajasthan. The Request-maker at (3) above has also requested for the Inclusion of "Kumawat" along with "Kumhar(Prajapati)" in the Central List.

3. The Request-makers at (4) and (5) above have requested for the inclusion of "Kumawat" as a separate entry as, according to them, "Kumawat" is a distinct caste/community different from "Kumhar(Prajapati)"

4. The Commission is also in receipt of a representation from the "Akhil Bharatiy Prajapati (Kumbhakar) Sangh, Registered, Rajasthan", Jaipur whereby the Sangh has requested this Commission not to include "Kumawat" in the List of BCs.

II. Public Hearing

5. The 2-Member Rajasthan Bench of the Commission consisting of Shri P.S.Krishnan, Hon'ble Member-Secretary and Shri Navtej Puadhi, Hon'ble Member held a Public Hearing at Jaipur on 31.5.97 in respect of the above Requests. 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. The Kumawat Jan Mangal Trust was represented by Shri Mohanlal Kumawat and others. The Akhil

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

Bharatvarshiy Kumawat Kshatriya Mahasabha was represented by Shri Narayan Lal Sisodiya, Shri Chandmal Kumawat and others. Shri Rameshwar Kumawat and Shri G.S.Nandiwal represented the Bharatiy Kumawat Kshatriya Mahasabha. The Akhil Bharatiya Prajapati(Kumbhakar) Sangh was represented by its President Shri Jugal Prajapati.

III. Facts

6. The State Government of Rajasthan had no list of Backward Classes till after the Supreme Court Judgement in the Mandal case, delivered on 16th November 1992. For this reason, the Expert Committee on Backward Classes could not, on the basis of the principle of commonality, recommend a Central List of Backward Classes for Rajasthan as it could do for 14 other States, which already had their respective lists of Backward Classes, and therefore the Central Government also could not issue a Central List of Backward Classes for Rajasthan in 1993. The Government of Rajasthan issued its list of Backward Classes by its Notification No. F.11(125)R&P/SWD/52307 dated 6.8.1994. Thereafter, the Central Government vide Ministry of Welfare's Resolution no. 12011/9/94-BCC dated 19.10.1994 issued a Common (Central) List of Backward Classes for Rajasthan.

7. The relevant entries in the State List, Mandal List and the first-phase Central Lists are as follows:-

(i) State List

"31. Kumhar (Prajapati), Kumawat"

(ii) Mandal List

"83. Kumhar"

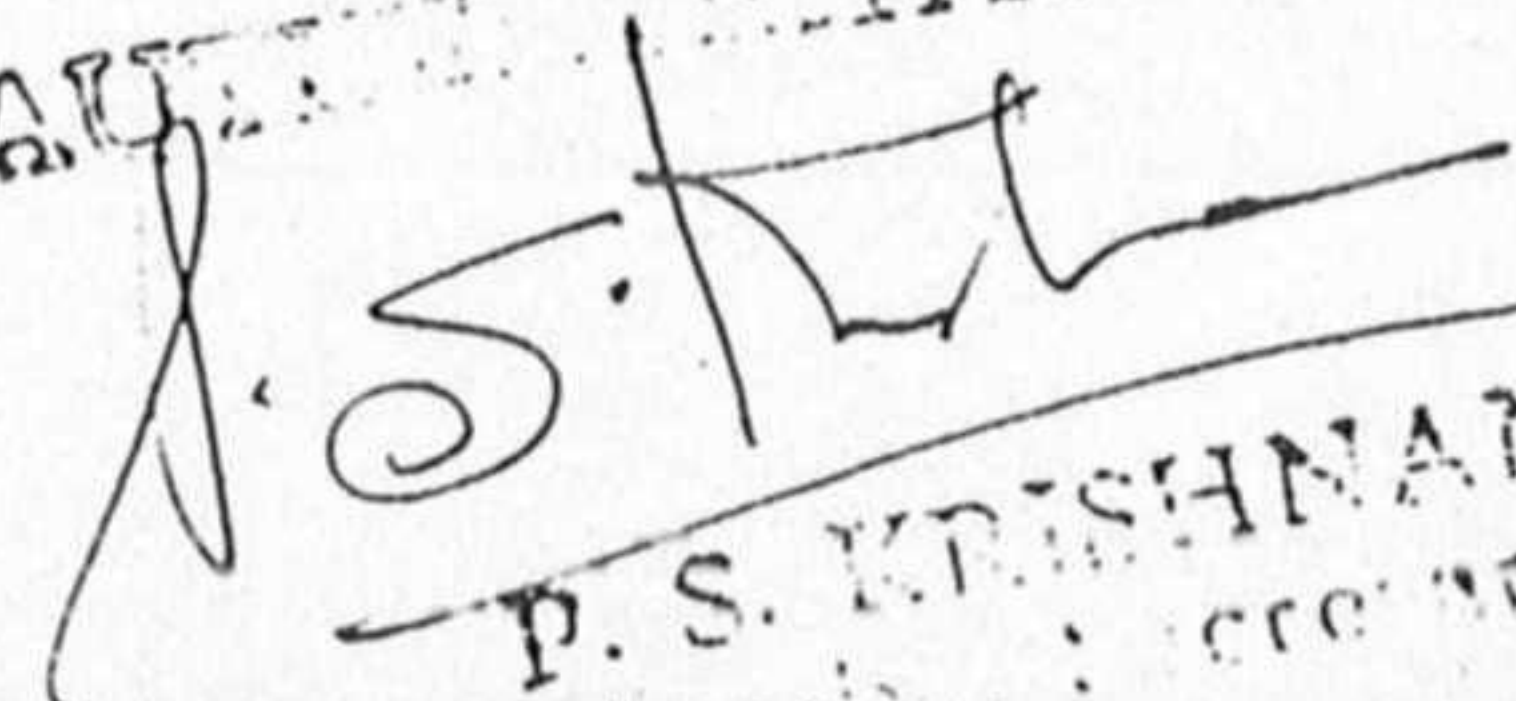
(iii) Central List

"30. Kumhar (Prajapati)"

"Kumawat" is not included in the first-phase Central List apparently because it did not satisfy the criterion of commonality as it is not included in the Mandal Commission's List.

8. The inclusion of "Kumawat" along with "Kumhar(Prajapati)" in the State List has been specifically mentioned by the the Kumawat Jan Mangal Trust in their representations as well as during the Public Hearing in support of their Request for its inclusion in the Central List also. In the NCBC's Questionnaire filled up by the Trust, it has given "Kumhar" as the main name of the caste/community, of which "Kumawat" is stated to be a synonym. The caste/community is also stated to be known by the names "Chejara" and "Karigar". The main occupation on which the members of the caste/community depend for their livelihood is given as "Building work, brick making, Kali-Bhatta, and agriculture works(small holdings)". It is clarified that "Mostly the community is engaged in building work, brick making, kali bhatta and in respect of agriculture 50% limit (i.e. 50% of the statutory ceiling limit) is not crossed by any individual" and that their agricultural activities involve manual labour both rendered for wage as well as on their own lands. Both women and children of the caste/community, as a general practice, work as "labourers in building works, brick making, kali bhatta work and agriculture works". It is also stated that about 80% of the adult members (males and females taken together) are engaged in building works, brick making and kali bhata work which are given as the traditional or hereditary occupations of caste/community, in terms of the caste system. The total population of the caste/community is given as 36.60 lacs. The literacy rate of the caste/community is given as 2%. 80% of the families of the caste/community is stated to living in Kachha houses.

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P. S. KRISHNAN
Member, Mandal Commission
Kachha houses

Regarding the representation of the community in the services of the State Government the following figures are given:-

Group A/Class I:	10
Group B/Class II:	25
Group C/Class III:	500
Group D/Class IV:	260

Their representation in other areas of employment and professions are given as follows:-

(a)	State level Public Undertakings, autonomous/semi-autonomous establishments	50
(b) (i)	Teachers in colleges and universities	15
(ii)	Administrative personnel in colleges and universities	nil
(c)	Doctors	10
(d)	Lawyers	25
(e)	Engineers and Architects	30
(f)	Chartered Accountants	10
(g)	Income Tax, financial and management consultants	nil
(h)	Media professionals	2
(i)	Defence services (Major in the Army and above, equivalent ranks of Navy and Air-force)	nil
(j)	Any other important fields of employment or profession	nil

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 P. S. KRISHNAN
 Secretary
 Public Information
 Government of Karnataka
 Bangalore

9. The Questionnaire filled and furnished by the Bharatiya Kumawat Kshatriya Mahasabha gives "Kumawat" as the main name of the community which is also known by the name of "Khetihar Kumawat". "Agriculture" is given as the occupation on which the members of the community mainly depend for their livelihood. It is also stated that apart from agriculture the members of the community are also engaged in "Building Construction (Mason & Labour)". The total population of the caste/community is stated to be 22 lakhs. The following figures are given regarding the occupations of adult members of the community:-

(i)	agricultural labour for wage	45%
(ii)	Building construction	18%
(iii)	Cultivation of own land	35%
(iv)	other occupations specified as contractors, teachers, clerks, doctors, small shopkeepers, lawyers, private sector and central govt. employment	2%

The literacy rate of the community is stated to be 2%. 80% of the families of the community are stated to be living in Kaccha houses.

10. The Akhil Bharatiy Prajapati (Kumbhakar) Sangh, Registered, Rajasthan whose representatives stated their objection to the inclusion of "Kumawat" in the List of BCs for Rajasthan during the Public Hearing, in support of their Objection has stated in their letter of Request as follows: Some educationally and economically advanced persons of "Kumhar(Prajapati)" caste/community have started adopting the name "Kumawat" with a view to hide their identity as Kumhar(Prajapati). Such persons are desirous of getting the

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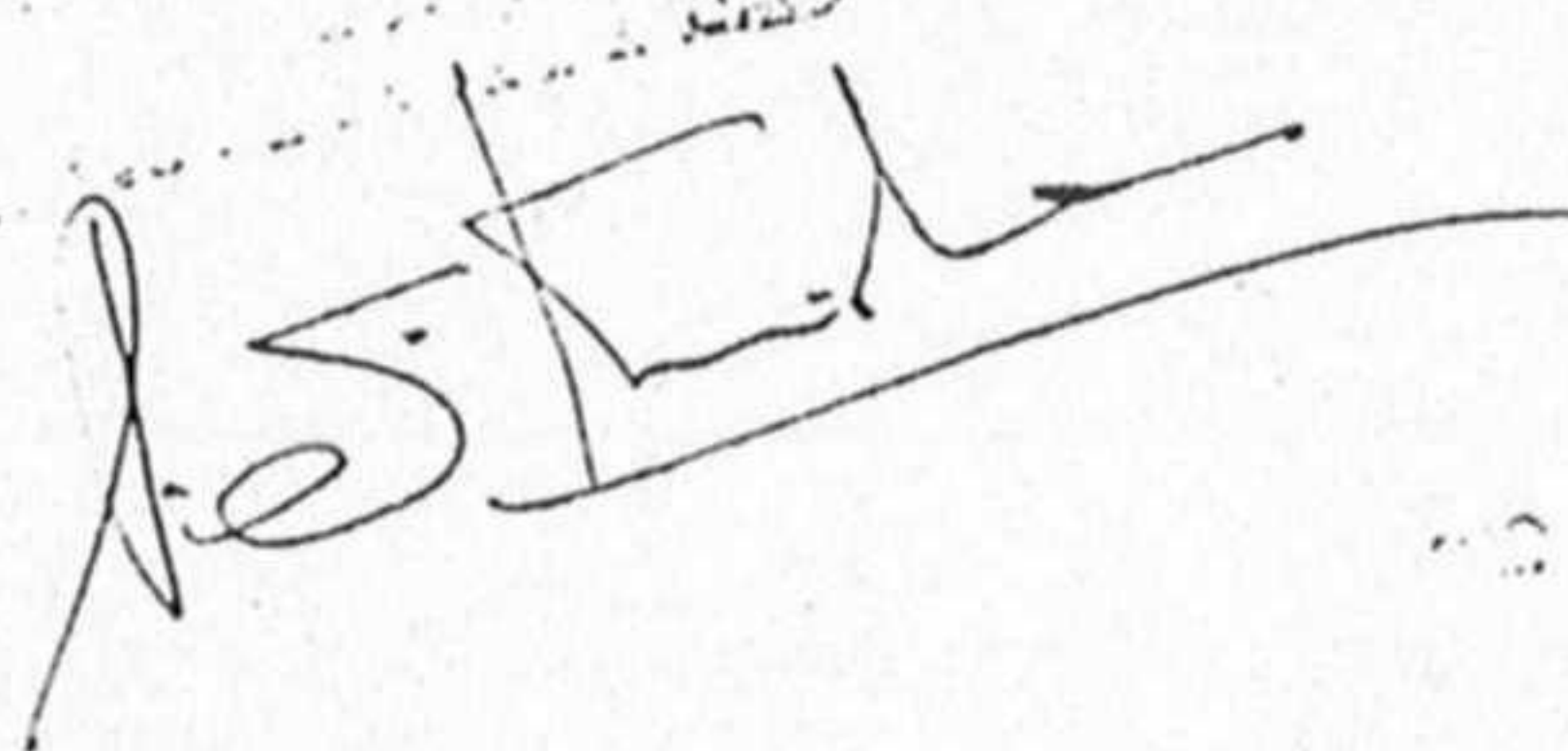
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benefit of reservation, not in the name of Kumhar(Prajapati) but in the name of "Kumawat", a name which has already become a synonym of Kumhar(Prajapati). In this way they endeavour to make the name "Kumawat" to be a separate caste. The Sangh has further stated that the caste name recorded in the land registration and other records of those people who are trying to make "Kumawat" a separate caste is only "Kumhar". The Sangh further states that "Kumawat is not a separate community but is only a synonym of Kumhar. In Rajasthan, the members of the community are known by the names of Prajapati, Kumbhakar, Kumawat all of which are the synonyms of the main name Kumhar".

11. During the Public Hearing the representatives of the Kumawat Jan Mangal Trust stated that the Kumawats are not Rajputs but are part and parcel of the Kumhar community. They stated that the members of the community who use the name "Kumawat" are mostly engaged in building construction and masonry and are socially and educationally backward and therefore should be included in the list of BCs along with "Kumhar(Prajapati)". This claim was however vociferously objected to by the representatives of the Akhil Bharatiy Prajapati(Kumbhakar) Sangh and certain others who claimed to represent the "Kumhar(Prajapati)" caste/community. There was very heated arguments and angry exchanges between the two parties.

12. During the Public Hearing, the representatives of the Rajasthan State Backward Classes Commission stated that "Kumawat" is a synonym of "Kumhar(Prajapati)" and it has already been included in the State List as a synonym of "Kumhar(Prajapati)". The State Commission vide Letter No. F(1)RBCC/97/17457 dated 14th July 1997 has also separately informed the NCBC its opinion that "Kumawat" is a synonym of "Kumhar(Prajapati)" and therefore it should be included as a

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synonym of "Kumhar(Prajapati)"

IV. Findings

13. From the available evidence, the Bench has come to the Findings that in Rajasthan the name "Kumawat" refers to a caste/community whose members are traditionally associated with the occupation of masonry and they constitute a Socially Backward Class. Judging from its inclusion in the State List along with "Kumhar(Prajapati)" on the Advice of the State Backward Classes Commission and even from the averments made by the Akhil Bharatiya Prajapati (Kumbhakar) Sangh in their Representation requesting not to include "Kumawat", it appears that "Kumawat" is an offshoot of the Kumhar(Prajapati) caste/community of traditional potters. Such an evolution is quite natural in view of the fact that the community of potters is one of the sections of the traditional society which is most susceptible to the onslaught of technological advancements of the modern period. Fission of an existing caste into separate castes on account of one section adopting a different occupation ---- either by "horizontal" diversification or by "vertical" diversification --- is a phenomenon noted and recorded by sociologists and social observers. Where the diversification, in terms of the irrational and a-rational standards of the Caste system, is perceived as representing upward mobility, the section that so diversifies tries to cut off relations(to varying extents and in stages) with the larger original parent community and later, sometimes, even denies a common origin and sometimes claims identical origin with a caste perceived as "superior". Such efforts have met with success or failure or mixed results. This is what seems to have happened in the case of Kumawats and this appears to be at the root of the strong emotions felt and expressed by and between "Kumhars" and

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P. S. KRISHNAN
Member Secretary
National Union
for Backward Classes

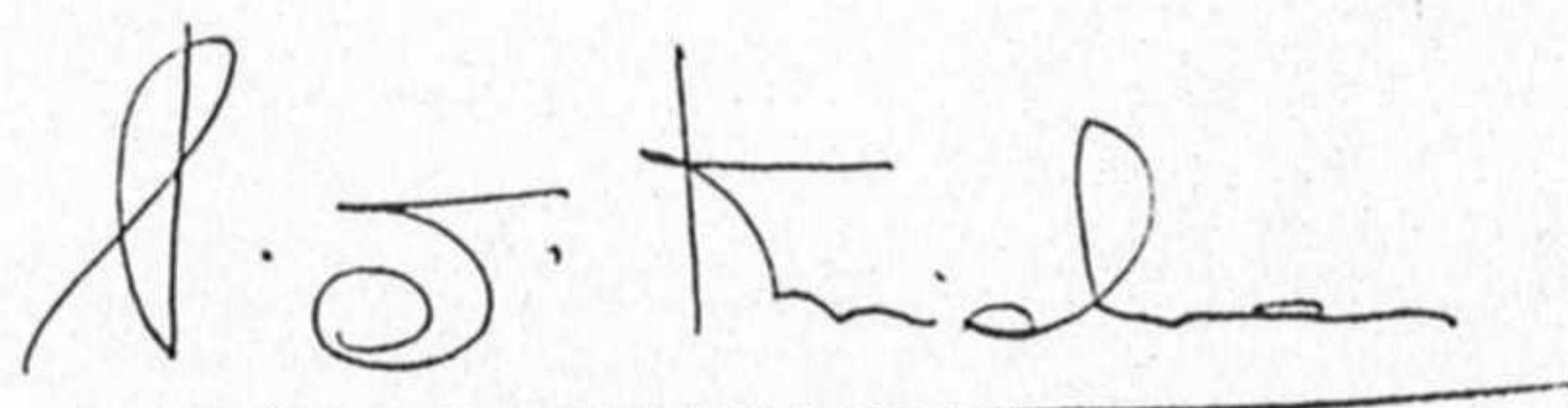
"Kumawats" and among "Kumawats" by and between those who claim a common origin with Kumhars and those who deny such common origin.

14. The occupation of masonry with which the class of people now known as Kumawats is mainly associated is covered by para 7 of the NCBC Guidelines for Consideration of Requests for Inclusion and Complaints of under-Inclusion in the Central List of Backward Classes and therefore the community falls under the "Fast-Track" category. In view of this, "Kumawat" should be included in the Central List of Backward Classes along with "Kumhar(Prajapati)" at entry no. 30 but as a separate sub-entry. The amended entry no 30 should read as follows:-

"30. (a) Kumhar(Prajapati)
(b) Kumawat"

This presentation against a common entry but in two separate sub-entries, the Bench felt, would be the fairest presentation possible as a compromise between the two different viewpoints ----, on the one hand indicative of a common origin and, on the other, noting the separateness that has occurred.

15. 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 co-ordinating Member of the Bench, but the Findings represent the conclusion jointly arrived at by both the Members.


22.10.98

IV. Advice of the Commission

16. The Commission considered and agreed in full with the above Finding of Rajasthan 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:-

"Kumawat" be included in the Central list of Backward Classes for Rajasthan along with "Kumhar(Prajapati)" at entry no.30, but as a separate sub-entry, as follows:-

"30. (a) Kumhar(Prajapati)
(b) Kumawat"

16. 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.

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P. S. Mishra
22.10.98

P. L. Hazare
30/10/98

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P. S. Mishra

Navtej Puadhi
2.11.98

NATIONAL COMMISSION FOR BACKWARD CLASSES

RAJASTHAN BENCH

FINDINGS

Per Shri P.S.Krishnan, Member-Secretary

Case: Request for Inclusion of "Kushwaha", "Shakya" and "Maurya" as synonyms of "Kachhi" in the Central list of Backward Classes for Rajasthan.

I. Request

This case arises from the Requests received in this Commission from Shri Raghuvir Singh Kushwaha, District President, Kushwaha Kshatriy Vikas Samiti, District Kota, Rajasthan for the Inclusion of "Kushwaha" as a synonym of "Kachhi" and from the President, Shakya Mahasabha, Sri Ganga Nagar, Rajasthan for the Inclusion of "Shakya" and "Maurya" as synonyms of "Kachhi" in the Central List of Backward Classes for Rajasthan.

II. Public Hearing

2. The 2-Member Rajasthan Bench of the Commission consisting of Shri P.S.Krishnan, Hon'ble Member-Secretary and Shri Navtej Puadhi, Hon'ble Member held a Public Hearing at Jaipur on 09.06.98 in respect of the above Requests. 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 Raguvir Singh who has made

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the Request for Inclusion of "Kushwaha" appeared before the Bench along with 6 others. No member or representative of the Shakya Mahasabha which has made the Request in respect of "Shakya" and "Maurya" appeared before the Bench inspite of wide publicity about Public Hearing through media as well as separate intimation to the Mahasabha by the office of the NCBC.

III. Facts

3. The State Government of Rajasthan had no list of Backward Classes till after the Supreme Court Judgement in the Mandal case, delivered on 16th November 1992. For this reason, the Expert Committee on Backward Classes could not, on the basis of the principle of commonality, recommend a Central List of Backward Classes for Rajasthan as it could do for 14 other States, which already had their respective lists of Backward Classes, and therefore the Central Government also could not issue a Central List of Backward Classes for Rajasthan in 1993. The Government of Rajasthan issued its list of Backward Classes by its Notification No. F.11(125)R&P/SWD/52307 dated 6.8.1994. Thereafter, the Central Government vide Ministry of Welfare's Resolution no. 12011/9/94-BCC dated 19.10.1994 issued a Common (Central) List of Backward Classes for Rajasthan.

4. The relevant entries in the State List, Mandal List and the first-phase Central Lists are as follows:-

(i) State List
"25. Kachhi"

(ii) Mandal List
"65. Kachhi"

(iii) Central List
"24. Kachhi"

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"Kushwaha", "Shakya" and "Maurya" are not included in the first-phase Central List apparently because they did not satisfy the criterion of commonality as they were not included in both the Mandal Commission's List as well as the State Government's List of Backward Classes.

5. During the Public Hearing Shri Raghuvir Singh and others with him stated that "Kushwaha" is a synonym of Kachhi caste/community the members of whom are mostly growers of vegetables. When the Bench specifically enquired of them whether the name "Kushwaha" is actually in use in Rajasthan, they replied in the affirmative stating that Kushwaha is the same as what in the local dialect is pronounced and spelt as "Kachwaha". They pleaded that "Kushwaha" should be included in the Central List of Backward Classes for Rajasthan as a synonym of "Kachhi" so that there will not be any difficulty in getting caste certificates to those members of the community who use the name "Kushwaha". They, however, agreed to the suggestion of the Bench that if it is to be included in the List it can be included only as "Kachhi-Kushwaha", to preclude scope for misuse by any others.

6. As stated earlier, no representative of the Shakya Mahasabha which has made the Request in respect of "Shakya" and "Maurya" appeared before the Bench. The representatives appeared on behalf of "Kushwaha" stated that Shakya and Maurya are also synonyms of Kachhi but these synonyms, according to them, are not prevalent in Rajasthan.

7. The State Commission has expressed the opinion that "Kushwaha" as a synonym of Kachhi is not existing in Rajasthan, but the State Commission also stated that there is "Kachwaha" which name can also refer to Rajputs. Regarding "Shakya" it was stated that this name is existing in some

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districts in Rajasthan and the State Commission has therefore recommended its inclusion as a synonym of Kachhi.

8. Jogendra Nath Bhattacharya (Hindu Castes and Sects, Munshiram Manoharlal Publishers Pvt. Ltd., New Delhi, 1995, first edition 1896) writes under the head "The Kachis" that "They are very much like the Koeris. They are very good cultivators. There are many subdivisions among them, as, for instance, the following:-

1. Kanojia .. from Kanoj
2. Sakya Seni .. from the ancient town of Sankisa in Farakkabad
3. Hardiya .. said to derive their name from the fact of their cultivating huldi or turmeric
4. Murao .. Said to be so named from the fact of cultivating mula or radish.
5. Kachchwaba
6. Salloria
7. Anwar
-"

9. Kachhi and a number of its synonyms have been included in the Central List of Backward Classes in respect of a number States, as follows:-

<u>State</u>	<u>Relevant entry</u>
1. Bihar	"19. Kushwaha(Koeri)"
2. NCT of Delhi	"27. Kachhi Koeri Murai Murao"
3. Madhya Pradesh	"30. Kacchi (Kushwaha/Koshwaha Maurya)"

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4. Maharashtra
5. Uttar Pradesh

- "72. Kachi/Kacchia"
- "3. Kacchi, Kacchi-Kushwaha, Shakya" }

Out of the above, in the case of Uttar Pradesh the original entry in the first-phase Central List of BCs for Uttar Pradesh prepared on the basis of the principle of commonality was "3.Kacchi"; and Kacchi-Kushwaha and Shakya were subsequently added to this entry in the Central List on the Advice of the NCBC to that effect. This Commission has also tendered Advice for the Inclusion of "Kachhi, Kachhi-Shakya, Kachhi-Maurya, Kachhi-Kushwaha" in the Central List of Backward Classes for Punjab vide NCBC Advice No. 9 Punjab/98 dated 08. 10. 1998.

IV. Findings

10. From the available evidence, the Bench has come to the Findings that "Kushwaha" and "Shakya" are synonyms of "Kachhi" caste/community which is already included in the Central List of Backward Classes for Rajasthan. Synonyms of a caste/community already included in the Central List of BCs have been covered by para 9 of the Procedural Clarification on the NCBC's Guidelines for Consideration of Requests for Inclusion and Complaints of under-Inclusion in the Central List of Backward Classes. Therefore, "Kushwaha" and "Shakya" should be included in the Central List of Backward Classes for Rajasthan as synonyms of "Kachhi" at entry no. 24 as follows:-

"24. Kachhi, Kachhi-Kushwaha, Kachhi-Shakya"

Prefixing Kachhi to the synonyms will preclude scope for misuse by any others.

11. Regarding "Maurya", the Bench felt that it should not be included in the Central List of BCs for Rajasthan as there

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P. S. VERMA
Member, Commission
for Backward Classes

is no evidence with regard to the existence of this name as a synonym of Kachhi in Rajasthan and available evidence indicates that this name is not in vogue in Rajasthan as a synonym of Kachhi, and inclusion of synonyms not in actual vogue is likely to open avenues for misuse by some others through false certificates.

12. 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 co-ordinating Member of the Bench, but the Findings represent the conclusion jointly arrived at by both the Members.

P. S. Mishra

22.10.98

IV. Advice of the Commission

13. The Commission considered and agreed in full with the above Finding of Rajasthan 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:-

(i) "Kushwaha" and "Shakya" be included in the Central list of Backward Classes for Rajasthan as synonyms of "Kachhi" at entry no. 24, as follows:-

"24. Kachhi, Kachhi-Kushwaha, Kachhi-Shakya"

P. S. Mishra
Secretary
National Commission
for Backward Classes

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(ii) The Request for Inclusion of "Maurya" as a synonym of "Kachhi" be rejected.

14. 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.

P. C. Sengupta
23.10.98

P. C. Sengupta

22.10.98

Madan Mohan
2.11.98

R. Sengupta
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P. C. Sengupta