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MEMBER-SECRETARY
NATIONAL COMMISSION
FOR BACKWARD CLASSES
GOVERNMENT OF INDIA
NEW DELHI - 110 066

DO NCBC Advice No. Rajasthan 37/98

09. 11. 1998

Dear Shri Manavalan,

I am sending herewith the Advice of the National Commission for Backward Classes under Section 9(1) of the National Commission for Backward Classes Act, 1993 for Inclusion of 'Baid Nai' 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.

350
9/11/98

Yours sincerely
(P.S. KRISHNAN)

Encl: As stated.

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

9/c

NATIONAL COMMISSION FOR BACKWARD CLASSES

RAJASTHAN BENCH

FINDINGS

Per Shri P.S.Krishnan, Member-Secretary

Case: Request for Inclusion of "Baid, Babar, Payak" in the Central list of Backward Classes for Rajasthan.

I. Request

This case arises from the Request received in this Commission from Shri Kaluram Sanghala, General Secretary, Baid Babar Payak Samaj, Rajasthan, No. 58, J.P.Colony, Tonkfatak, Jaipur for the Inclusion of "Baid, Babar, Payak" caste/community 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 10.06.98 in respect of the above 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. The community was represented by S/Shri Mulchand Sarkha, Gorilal Payak, Ramratan Songra Vednai and others.

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P.S.
Member-Secretary
for

Commission
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Classes

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
"40. Nai, Sain"

(ii) Mandal List
"105. Nai"

(iii) Central List
"39. Nai"

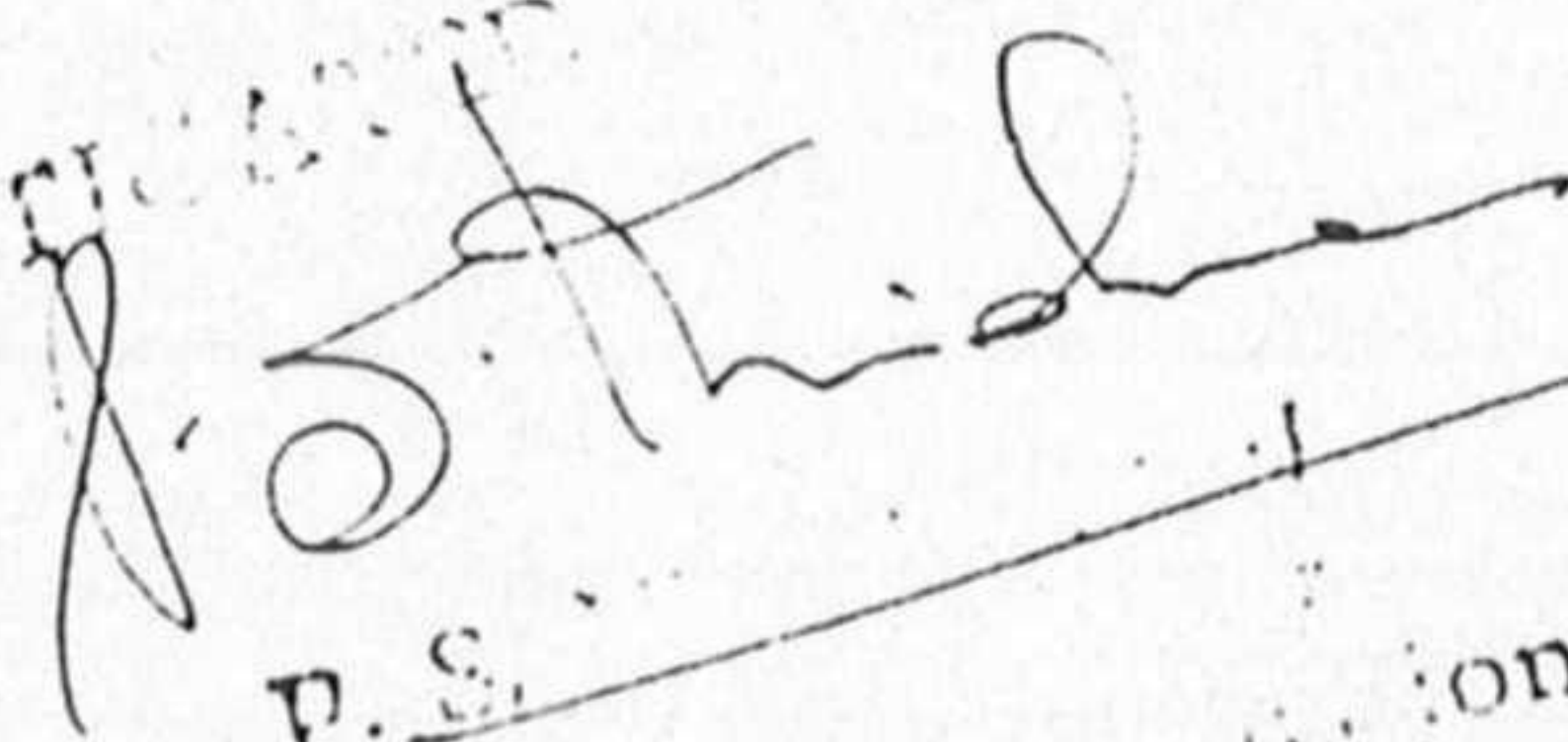
The NCBC has tendered Advice to the Central Government for the Inclusion of "Sain" as a synonym of "Nai" at entry no. 39 of the Central List, after considering Requests received by the Commission in this regard, vide NCBC Advice No. 31 Rajasthan/98 dated 29.9.98.

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5. Baid, Babar, Payak are not included in the first-phase Central List of Backward Classes for Rajasthan because they are not included in both the Mandal Commission's List as well as the State Government's List of Backward Classes and, therefore, did not satisfy the criterion of commonality.

6. In his representation Shri Kalu Ram Sanghala has stated that "Baid, Babar, Payak" is a single community found in the whole of the Rajasthan State, their total population being less than 10,000. The members of the community is stated to be traditionally Ayurvedi medical practitioners who collected medicinal herbs etc. from the forests and made them into Ayurvedic medicines. It is also stated that the women of the community used to act as mid-wives. It is further stated that their traditional vocations have come to an end because of the introduction of health centres and medical shops by the Government and therefore they are now compelled to engage in other manual works. In the NCBC's Questionnaire filled up by Shri Kalu Ram Sankhala the main occupation on which the members of the community mainly depends for their livelihood is given as "Vaidya, Delivery(operation), Agriculture, Tailoring, Carpenter, Nai". In the Questionnaire it is stated that only 500 persons are literate.

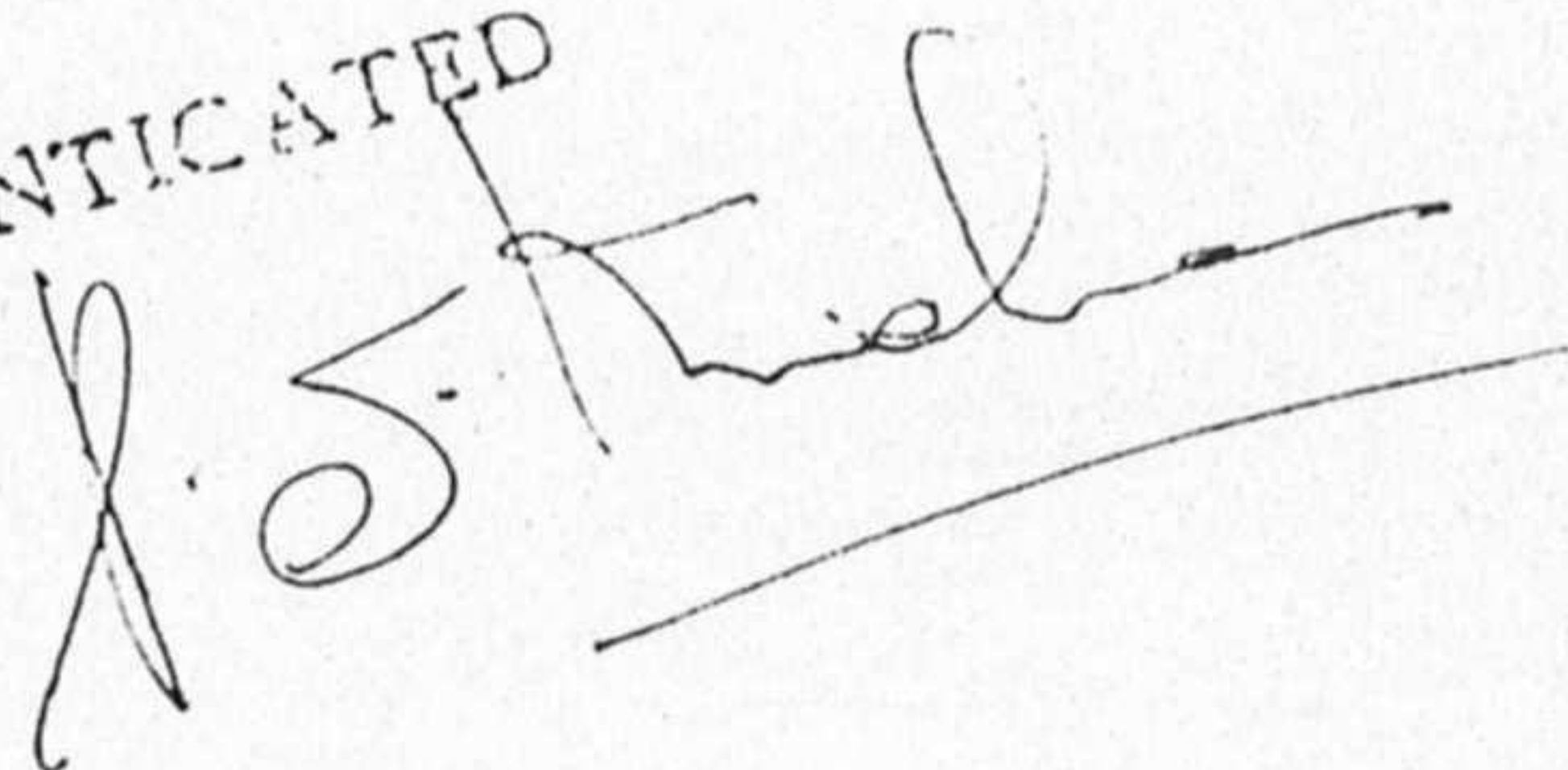
7. During the Publi Hearing the representatives of the community stated that the name "Baid Nai" is in use from very old times and that their community can be said to be actually part of the "Nai" caste/community of barbers. In fact, many of the members of the "Baid Nai" community are now engaged in the work of Nai, ie., hair-cutting. They also stated that the Baid Nais are also known as Babar and Payak in different regions, for example while in Mewar the community is called as "Payak", in Kota they are called as "Babar". They, however, did not insist on the inclusion of "Babar" and "Payak", but insisted only on the inclusion of "Baid Nai" as a synonym of "Nai".

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8. The State Commission has informed the Bench that the State Commission has recommended the Inclusion of Baid Nai as a synonym of Nai in the State List. The State Commission vide letter No. FI RBC/98/972 dated 22.6.98, quoting the book "Rajasthani Jatiyon Ki Khoj" by Rameshchand Gunarthi, has stated that those Nais who were doing the work of traditional medical practitioners started to call themselves as Baid. In the Muslim period, Nais used to call themselves Barber, which is the English equivalent of Nai. Subsequently, "Barber" became "Babar". Since this community used to accompany the army in Madhya Bharat, they were also called as Payak. The members of the 'Baid, Babar, Payak' community has stated before the State Commission during a Public Hearing that there is no need for including Babar and Payak in the State List and only the inclusion of "Baid Nai" will do.

9. "The People of India: Rajasthan" by Anthropological Survey of India (Popular Prakashan, Bombay, 1998) under the head "Nai" refers to "Baid Nai" as one among four divisions of "Nai" community, as follows:- "There are four divisions, Maru or Mewara Nai, Malpuria Nai, Purbia Nai and Baid Nai which are endogamous in nature. The Maru or Mewara Nai belong to Marwar. The Malpuria Nai have migrated from Malwa (Madhya Pradesh), Purbia Nai have migrated from purab. Baid Nai females attend to other women at childbirth as dai. Among these four divisions Mewara Nai claim a superior position and lower status has been given to Baid Nai because of their occupation....." Baid Nai as a sub-division of Nai community is also attested to by Munshi Hardyal Singh in his book "The Castes of Marwar" (based on the Census Report of 1891, published by Books Treasure, Jodhpur, 1990, first published in 1894 by Order of the Marwar Darbar).

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10. Rev. M.A. Sherring in his work "Hindu Tribes and Castes" (Vol. 3, Part I The Tribes and Castes of Rajputana, Cosmo Publications, New Delhi, 1987, first published 1881) refers to "Baid" as "Native physicians".

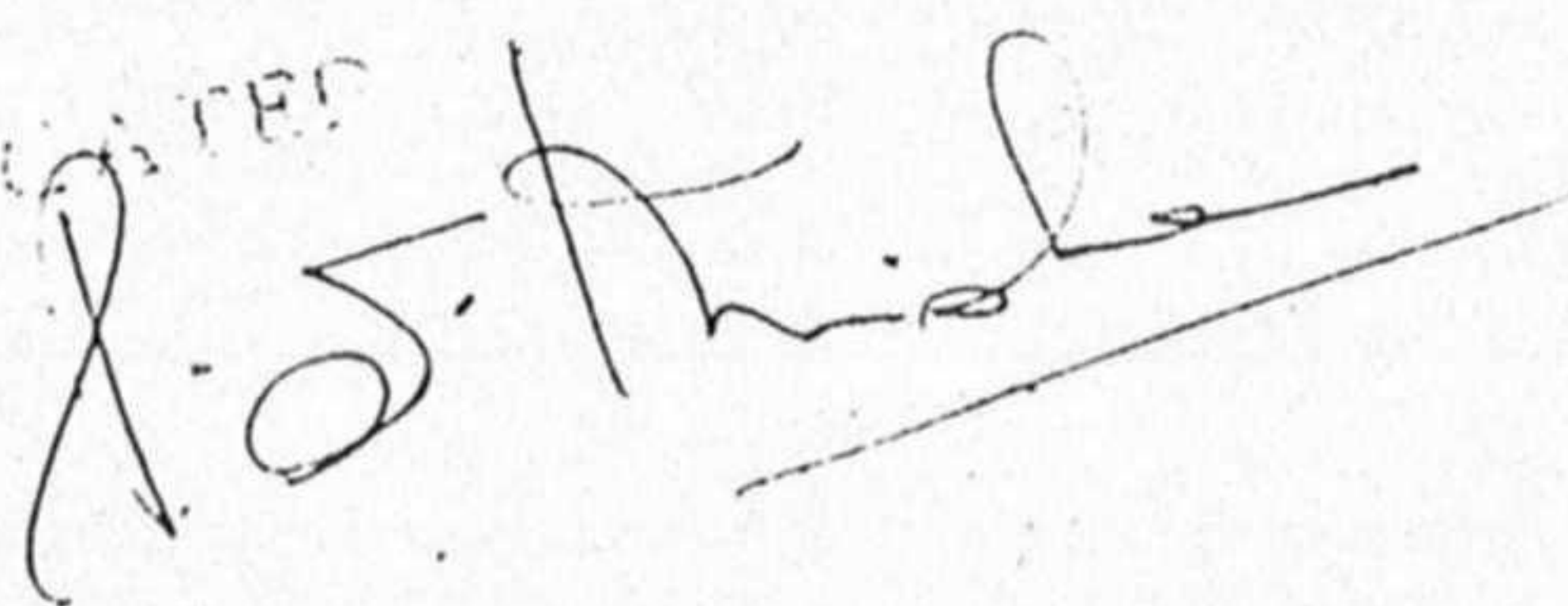
IV. Findings

11. From the above material and evidence, the Bench has come to the Finding that "Baid Nai" is a sub-caste/synonym of "Nai" caste/community which is included in the Central List of Backward Classes for Rajasthan at entry no. 39 and is a "Fast-Track" category caste/community as it is covered by Guidelines (e) and (f) of A.Social 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 para 7 of the Procedural Clarification on the same Guidelines. Sub-castes/Synonyms of a caste/community already included in the Central List of Backward Classes are covered by para 9 of the Guidelines. Therefore, "Baid Nai" should be included in the Central List of Backward Classes for Rajasthan as a sub-caste/synonym of "Nai" at entry no. 39 and the Request for inclusion of "Babar" and "Payak" should be rejected as withdrawn. The amended entry no. 39, read with NCBC's earlier Advice No. 31 Rajasthan/98 dated 29.9.98, should read as follows:-

"39. Nai, Sain, Baid Nai"

12. As one of the Members of the Bench, Shri Navtej Puadhi unfortunately passed away on 16.8.1998, subsequent to the

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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.

A. S. Kishore

30.10.98

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:-

"Baid Nai" be included in the Central list of Backward Classes for Rajasthan as a sub-caste/synonym of "Nai" at entry no. 39. The amended entry no. 39, read with NCBC's earlier Advice No. 31 Rajasthan/98 dated 29.9.98, should read as follows:-

"39. Nai, Sain, Baid Nai"

The Request for the inclusion of "Babar" and "Payak" be rejected as withdrawn.

14. On account of the unfortunate demise of one of the Members Shri Navtej Puadhi on 16.8.1998, this unanimous Advice

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A. S. Kishore
National Commission
Backward Classes

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. S. Krishnan
30.10.98

K. S. Srinivas
2.11.98

K. Srinivas
02.11.98

P. S. Krishnan
2.11.98

AUTHENTICATED

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