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भारत सरकार

ट्रिकूट-१, भीकाजी कामा प्लेस, नई दिल्ली - ११००६६

Member - Secretary

National Commission for Backward Classes

Government of India

Trikoot - 1, Bhikaiji Cama Place, New Delhi - 110 066

NCBC Advice No. Rajasthan 43/99

21.1.1999

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 the Rejection of the Request for inclusion of "Sipahi (Muslim)" caste/community 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 this, Advices on 516 (287 for Inclusion + 229 for Rejection) castes, sub-castes, synonyms etc. have been tendered to the Government by the Commission, after its reconstitution in 1997, of which 510 (281 for Inclusion + 229 for Rejection) are still pending with the Government for notification.

Yours sincerely,

(P S Krishnan)

Encls.: as above.

Shri D K Manavalan
Secretary to the Govt. of India
Ministry of Social Justice & Empowerment
Shastri Bhavan
New Delhi.

assured
22/1/99

NATIONAL COMMISSION FOR BACKWARD CLASSES

RAJASTHAN BENCH

FINDINGS

Per Shri P.S.Krishnan, Member-Secretary

Case: Request for Inclusion of "Sipahi(Muslim)" caste/community in the Central list of Backward Classes for Rajasthan.

I. Request

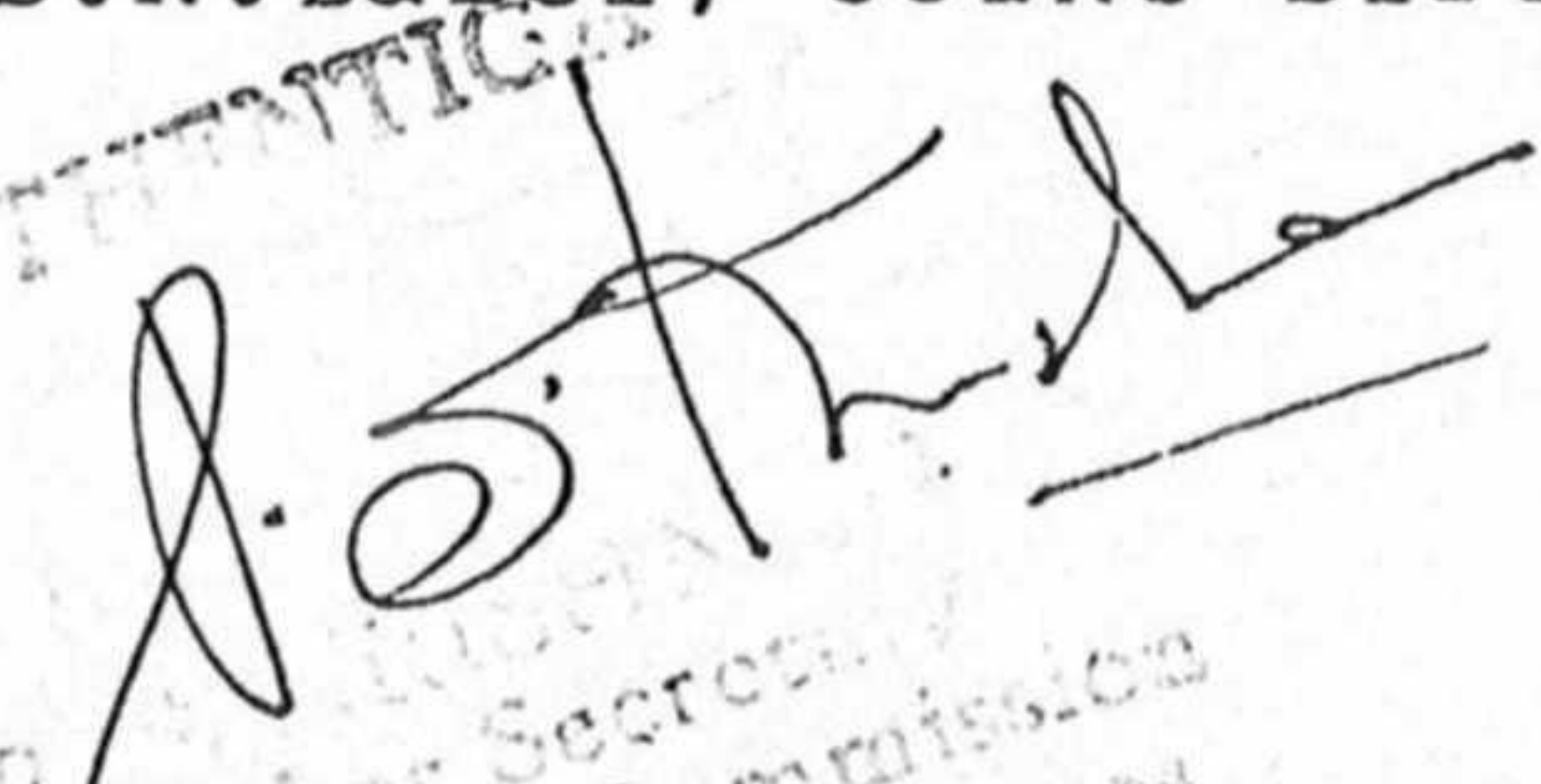
This case arises from the Requests received in this Commission from

- (1) Shri Babar Ali, President, Bikaner Zilla Dehat Yuvak Congress (I) (Block Sahar)
- (2) Shri Abdul Jabbar Tanwar, Organising Secretary, Samajik Sarvekshan and Smarika Samity Sipahi Samaj, Bikaner
- and
- (3) Shri Mohmed Sharif Sameja, Pragatishil Sipahi Samaj Vikas Sansthan, Bikaner

for the inclusion of 'Sipahi(Muslim)' 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 Public Hearings at Jaipur on 30.5.97 and 10.06.98 inter alia to examine this Request. At the Public Hearings the State Government was represented by Shri S.K.Dalel, Joint Director and Shri Ramesh Chandra Sharma, Deputy


Member Secretary
National Commission
for Backward Classes

Director in the Directorate of Social Welfare. Shri G.D.Garg, Joint-Director represented the Rajasthan State Backward Classes Commission. Shri Mainudeen Kohri and Shri Mohmed Sharif Saweja represented the caste/community at the Public Hearing held on 30.5.97. No member or representatives of the community appeared before the Bench at the Public Hearing held on 10.6.98.

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. Sipahi caste/community is not included in the State List and the Mandal Commission's List of Backward Classes for Rajasthan and therefore it is also not included in the "Central List" of Backward Classes for Rajasthan notified by the Central Government on the 19th October 1994.

4. Shri Babar Ali in his letter of Request has stated that 'Sipahi' is the most backward caste in the Muslim society. The People of the caste live in Ridmalsar, Dharsisar, Karmisar & Udairamsar villages and in Bikaner city. The majority of the people of the community are engaged in camel-cart driving and

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

carrying sand from sand-quarry. Some members also depend on selling of cow milk and sheep grazing for their livelihood. In Govt. services they are mostly in class IV services. They are educationally most backward. The Sipahi community includes Tanwar, Mangari(Mangalia), Sama, Sameja, Bhati, Panwar, Kohri, Jawach, Parihar, Sodha etc.

5. Shri Abdul Jabbar Tanwar in his letter of Request has inter alia stated that the "Sipahi samaj" is educationally and socially backward like the Hindu Backward Classes. Sipahi samaj has been engaged in defence & agriculture work for centuries. Out of a total population of 3 lakhs, only 2 percent are literate. The society has no representation in the I.A.S. and the State Administrative service.

6. According to Shri Mohd. Saharif Sameja's letter of Request, the Sipahi caste is one of the main castes of Rajasthan. The caste has always dedicated its services to the State and the nation but it could not go along with development in society and therefore the caste is socially, educationally, politically and economically backward. Shri Mohd. Sharif has furnished some data from a sample survey of 2000 families having a total population of 18700, including 9934 males and 8766 females, stated to have been conducted by the Pragatisil Sipahi Samaj Vikas Sansthan, Bikaner, as follows:-

Educational data:-

Level of education	Number of persons		
	Male	Female	Total
I. Literate			
1. Primary	640	295	935
2. Upper Primary(Middle)	540	302	842
3. Secondary	302	166	468
4. Hr.Secondary	202	78	280
5. Graduate	157	30	187

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P. S. K. N. N. N.
Member Secretary
National Commission
for Backward Classes

6. Post Graduate	17	2	19
7. L.L.B.	25	2	27
8. Ph.D	1	-	1
9. Knowledge of special Languages:-			
(i) Urdu	400	250	650
(ii) Arabi	900	600	1500
10. Vocational & Technical education			
(i) I.T.I	8	-	8
(ii) S.T.C.	35	8	43
(iii) B.V.V.S.	5	-	5
(iv) B.Ed.	28	7	35
(v) C.P.Bd.	7	1	8
(vi) B.P.Ed.	4	-	4
(vii) Polytechnic			
B.E.(Eng.)	6	-	6
(viii) M.B.B.S.	6	-	6
Total	3283	1741	5024
II. Illiterate	8075	7893	15868
Grand Total	11358	9634	20892

Occupational data:-

Occupation	Number Male	of Female	Persons Total
1. Govt. service			
(i) Gazetted	9	-	9
(ii) Non-Gazetted	145	16	161
2. Business	5	-	5
3. Agriculture	3175	3175	6350
4. Labour	3507	165	3672
5. Contractor	15	-	15
6. Pensioners	150	20	170
Total	7006	3376	10382

7. The Rajasthan State Backward Classes Commission vide letter No. F.1/RBCC/97 dated 15 July 1997 has communicated its view that, "Those who do the work of Sipahi in the army are

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 for Backward Classes

called Sipahis. They are not a specific caste/community...
They are not Socially Backward."

8. Munshi Hardyal Singh in his book 'The Castes of Marwar -- being Census of 1891' (Books Treasure, Jodhpur, 1990, first edition 1894) under the head 'The Shekh" writes inter alia that,

"The Shekhs belong to the Sunni sect, and are mostly soldiers, the word Sipahi, as Col. Walter remarks, being used in Marwar as a Mughal word to designate a Mohamedan. Many among them follow trade and also cultivate land. Their women usually observe Parda."

9. During the Public Hearing held on 30.5.97, the representatives of the community said on a specific query from the Bench that "Sipahi" is in fact a caste, but others present who were from different sections of society and came from different parts of the State said that they are not aware of Sipahi as the name of a caste. The Bench advised the State Government representatives to conduct an enquiry to ascertain whether "Sipahi" is really a caste/community with inter-generational continuity or not, and if it is really a caste to see whether it is socially backward or not. The State Government, however, has not been able to provide any information in this regard so far. Thus, no evidence has been brought before the Bench to establish that the Sipahis constitute a distinct caste/community in Rajasthan. The Bench, however, took note of the fact that in the Report of the Socially and Educationally Backward Class Commission of Gujarat State, 1976, (i.e, Bakshi Commission), "Sipai" has been considered as a Backward Class of Muslims. It is stated in that Report that "The Sipais are Muslims and possibly they settled in India 3 or 4 centuries back and worked in the police force of the Moghul Princes. Some of them may also be local converts to Islam, who served in the State police service..... The main occupation of this community was to work as members of the


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 for Backward Classes

police force and even today, many of them are serving in the police force. Formerly, they were engaged in the Princely State services as 'Sepoys'....."

IV. Findings

11. From the above material and evidence, the Bench came to the Finding that there is no evidence to clearly establish "Sipahi(Muslim)" to be a distinct caste/community with inter-generational continuity. Even if it is a caste/community, they do not appear to constitute a socially or educationally backward class. This is also evident from the data from the sample survey furnished by the representatives of the community themselves. The fact that out of a sample of 2000 families with a total population of 18,700, there are 187 graduates, 19 post-graduates, 27 L.B.s, 6 M.B.B.Ss and 6 Engineering graduates does not suggest the profile of a socially and educationally backward community. The entire Muslim community has not been found to be Socially and Educationally Backward in different States. There are a number of castes or caste-like communities among those who are Muslim by religion, some of which are not Socially Backward, as seen from various ethnographic accounts, sociological studies and Reports of Commissions, and as examined and analysed in the Advices of this Commission in respect of Uttar Pradesh, Karnataka etc. and Rajasthan itself. In this context, the inclusion of an entry like "Sipahi", which, according to Munshi Hardyial Singh, has a history of being used as a Mughal word to designate a Muslim, is likely to give a handle to some individuals, who are Muslim by religion to seek and secure BC certificates not intended for them. In view of all these facts, "Sipahi(Muslim)" does not deserve inclusion in the List of Backward Classes and therefore the Request for its inclusion in the Central List of Backward Classes for Rajasthan should be rejected.

NOTIFIED

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Member Secretary
National Commission
for Backward Classes

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. Krishnan

18.1.1999

V. 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:-

The Request for Inclusion of "Sipahi(Muslim)" in the Central List of Backward Classes for Rajasthan should be rejected as it is not established to be a social class at all, and even if it is a social class, it does not constitute a socially and educationally backward class.

14. On account of the unfortunate demise of one of the

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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. S. Krishnan
18-1-99

P. S. Krishnan

18.1.1999

Madam
20.1.99

Kshayan
21.01.99

P. S. Krishnan

Encl:
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