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सदस्य-सचिव
राष्ट्रीय पिछड़ा वर्ग आयोग

52

भारत सरकार

त्रिकूट-१, भीकाएजी कामा प्लेस, नई दिल्ली - ११००६६

Member - Secretary

National Commission for Backward Classes

Government of India

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

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

NCBC Advice No. Rajasthan 49, 50/99

12.07.1999

Dear Smt. Das,

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

(1) Bisayati, and

(2) Machuara

in the Central List of Backward Classes for Rajasthan, duly authenticated, for necessary action by the Central Government under Section 9(2) of the NCBC Act.

2. With this, Advices on 713 (355 for Inclusion + 358 for rejection) castes, sub-castes, synonyms etc. have been tendered to the Government by the Commission, after its reconstitution in 1997, of which 707 (349 for Inclusion + 358 for Rejection) are still pending with the Government for Notification.

Yours sincerely

(P.S. KRISHNAN)

Encl: As stated.

Smt. Asha Das
Secretary to Govt. of India
Ministry of Social Justice & Empowerment
Shastri Bhavan
NEW DELHI

Issued

13/7/99

NATIONAL COMMISSION FOR BACKWARD CLASSES

RAJASTHAN BENCH

FINDINGS

Per Shri P.S.Krishnan, Member-Secretary

Case: Request for Inclusion of "Bisayati" in the
Central List of Backward Classes for Rajasthan

I. Request

This case arises from the Request received in this Commission from Shri Ishaq Mohammed, s/o Shri Hasan Khan, Near Jama Masjid, Taranagar, Churu for the Inclusion of "Bisayati" in the Central List of Backward Classes for Rajasthan. A similar Request has also been received from Shri Rajendra Rathod, the then Minister of State, Health & Family Welfare Deptt., Govt. of Rajasthan.

II. Public Hearing

2. The two-Member Rajasthan Bench of this Commission, consisting of Shri P.S.Krishnan and Shri Navtej Puadhi held a Public Hearing in respect of this Request at Jaipur on 9.6.98. 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 Clases Commission. The 'Bisayati' community was represented by Shri Ishaq Mohammed and 5 others.

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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 --- a principle laid down in Govt. of India (Dept. of Per.&Trg.)'s O.M. No. 36012/31/90-Est.(SCT) dated 13.8.1990 and upheld by the Supreme Court in the above Judgement ---, 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.II(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. "Bisayati" is not included in both the Mandal Commission's List for Rajasthan and the State Government's List of Backward Classes and apparently for this reason they are also not included in the "Common(Central) List" of Backward Classes for Rajasthan issued by the Government of India on 19.10.94.

5. According to Shri Ishaq Mohammed, as stated in his letter of Request, in Rajasthan "Bisayati caste" reside as follows:-

Taranagar(Churu)	Approx.	125 families
Rajgarh (Churu)	,,	150 ,,
Nohar(Hanumangarh)	,,	40 ,,
Rawatsar(Hanumangarh)	,,	35 ,,

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Hanumamgarh	,,	3	,,
Jaitpur (Bikaner)	,,	30	,,
Bisau (Jhunjhunu)	,,	3	,,

Shri Ishaq Mohammed in his letter of Request has further stated that 90 per cent members of this caste are uneducated and poor. No member of this caste is in the State Government service. In the past the ancestors of the community used to sell Manihari bangles and ivory bracelets and other such items used by the womenfolk by carrying them on shoulders or on bullock-carts and moving from place to place. But now this occupation has come to an end because of the emergence of shops in villages. 95% of families of the caste live below the poverty line. There is no source for livelihood. All including women and children are uneducated. Members of the community were earlier engaged as bonded labourers. They were called as "Banjara", "Bisayati", etc.

6. During the Public Hearing the representatives of the "Bisayati" community stated that they were earlier called as "Banajara" and that their members are engaged in the occupation of selling bangles and other similar items by spreading them on mats at busy street corners, at the Melas, weekly markets etc. On specific enquiry from the Bench whether "Bisayati" is actually a caste name or an occupational name, they said that they are a caste and they are not known by any other caste name.

7. In its second Report, furnished to the State Government on 31 October 1995, the Rajasthan State Backward Classes Commission has given the following Advice regarding "Bisayati, Jato, Manhar, Malkane":-

"Bisayati, Jato, Manhar, Malkane:-- It has been stated in the representation received from this caste that they are

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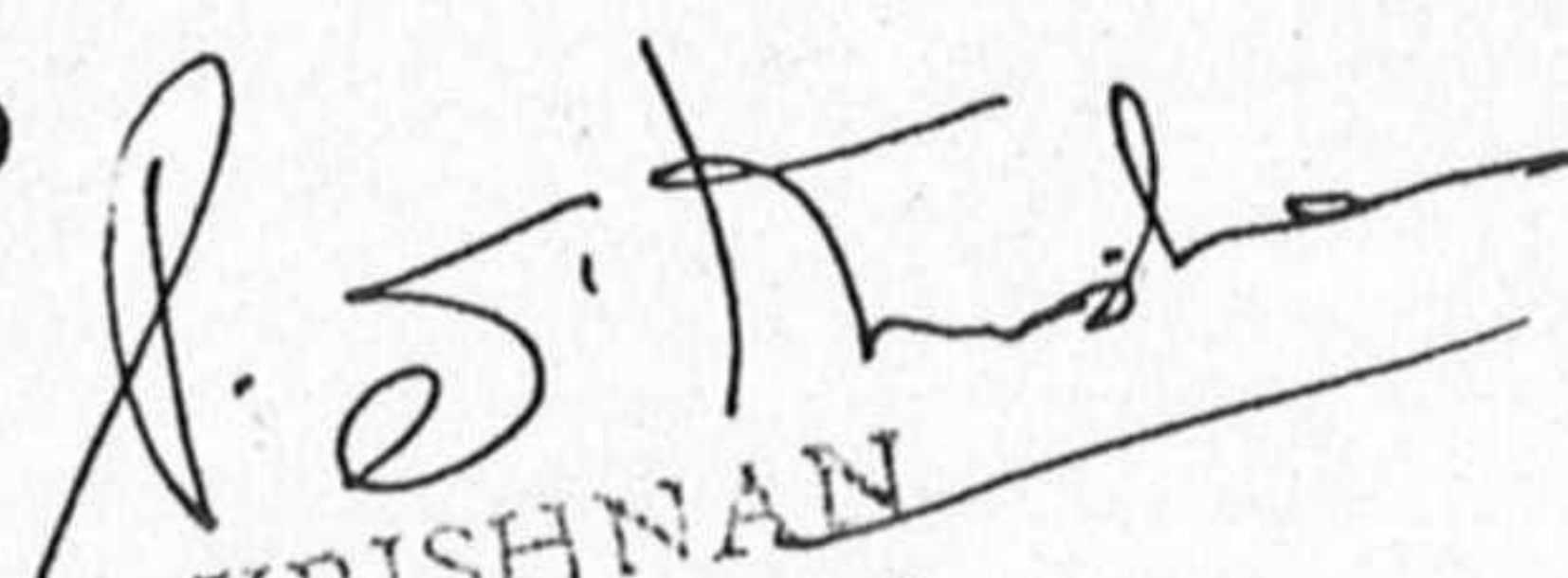
small traders and are economically weak. They are known by many names like Jato, Manhar, Bisayati, Palka, Gujar-Butto etc. Some of them run small shops and some others sell articles by moving from place to place. Bisayati means retailer. On enquiry it was learnt that they have "खान-पान" with the Muslim upper castes like Sheikh, Syed, Patan. Marriages also take place with them. Socially, they are not backward. They also call themselves Syed and Sudhakar. They are called as businessmen. They are Sunni Musalmans. Their women live under Pardha. They belong to Syed Vams. They are not included in the Reports of earlier Commissions or in the Lists of Backward Classes in other States. Their normal identity is only as Musalmans. The Bisayati work is also done by the people of every religion and caste/community and all are called Bisayati. The meaning of Bisayati is 'Retailer'. Therefore, to make a Request for the inclusion of Bisayati is not proper and the Request is rejected."

8. During the Public Hearing, those present, who were from different sections of society, said that they know of 'Bisayati' as denoting those who sell sundry items by spreading them out on mats. On specific enquiry from the Bench as to whether or not the Bisayati can be considered as a caste/community with inter-generational continuity, some expressed their ignorance while some others replied in the negative.

9. Munshi Hardyial Singh in his work 'The Castes of Marwar' based on the Census Report of 1891 (Books Treasure, Jodhpur, 1990, first edn. 1894) describes 'The Bisati' under the head 'Pedlars', as follows:-

"Under the pedlars come the Bisatis who deal in petty hardwares. The name apparently seems to be derived from the Arabic Bisat meaning a carpet, and is applied to those who

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keep no shops, but are found with their goods spread out for sale on a mat before them. Sir Henry Elliot, however, regards this derivation as incorrect, and derives the word from the Hindi Bisat which means capital or stock.

The Bisatis are also styled in Marwar, Bohparis, and the goods they deal in are known as mal-manihari. They are mostly Sayads, and belong to the Sunni sect. The manufacturers of saltpetre and soap as well as the Kharadis and the Churigar also belong to this class. The Bisatis are said to have first come into Marwar at Nagore from Delhi. Their chief subdivisions as found in Marwar are -- the Bukhari, the Esari, the Belim, the Molana, and the Sheikh-Qureshi. Betrothal is confirmed among them by putting a bridegroom's ring on the bride's finger, and by giving her some sugar and coconuts. The ceremonies of Nikah (marriage) are the same as among other Musalmans. The women are generally kept in seclusion, but Nata is permitted. This however, forms an exception with the Didwana Bisatis who do not allow widow-marriage. Adoptions are made among them in the absence of male issue: the daughters being excluded from inheriting property."

10. "Bisayati" as a caste/community is not found described in any other available ethnographic accounts or other literature including the recent compilation of castes of Rajasthan by the Anthropological Survey of India in its People of India series on Rajasthan.

IV. Findings

11. From the available material and evidence, 'Bisayati' does not seem to be a caste/community but is only indicative of an occupation. 'Bisayati' as a distinct caste/community is not found attested to in any of the available ethnographic accounts, nor such a caste/community is found included in the List of Backward Classes in any State.

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On the question of whether the 'Bisati' described by Munshi Hardy Singh is a distinct caste/community or not, no definite conclusion can be reached based on his account because his account, on the one hand, refers to it as a "class" including members from the Kharadis and the Churigar, which are independent castes/communities, as well as the manufacturers of saltpetre and soap. On the other hand, his account goes on to describe certain social customs and practices regarding Nikah(marriage) etc. which give the impression that the Bisati is a separate caste/community with a set of distinct social practices. From the mention in the Munshi Hardy Singh's account that the Bisatis are mostly Sayads and that "Sheik-Qureshi" is one among their subdivisions, it emerges that even if Bisatis are a distinct caste/community, they cannot be socially backward as Sayads and Sheikh-Qureshi are not generally considered as socially backward but are considered as socially advanced. From the totality of available evidence, it is the conclusion of the Bench that "Bisayati" is not a social class as it is constituted of members from a number of different social classes some of which are socially backward and some others are not. When it is not even a social class, the question of its being a backward class does not arise since for a community to be a backward class, it must first be a social class. In view of this, "Bisayati" should not be included in the Central List of Backward Classes for Rajasthan and the Request for its inclusion should be rejected.

12. On account of the unfortunate demise of one of the Members of the Bench, viz., Shri Navtej Puadhi, on 16.8.98, the above Findings are formulated and signed only by one Member, who is also the co-ordinating Member of the Bench.

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Member Secretary
National Commission
for Backward Classes

P. S. Krishna
7.7.99

V. Advice of the Commission

13. 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 under Section 9(1) of the NCBC Act, for necessary action by the Central Government under Section 9(2) of the NCBC Act:-

The Request for Inclusion of "Bisayati" in the Central List of Backward Classes for Rajasthan be rejected as it is not even a social class.

14. On account of the unfortunate demise of one of the Members Shri Navtej Puadhi on 16.8.98, 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.

R. S. Krishnan
08.07.99

P. S. Krishnan
7.7.1999

Madan Mohan
12.7.99

P. S. Krishnan
12.7.99

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Member Secretary
National Commission
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NATIONAL COMMISSION FOR BACKWARD CLASSES

RAJASTHAN BENCH

FINDINGS

Per Shri P.S.Krishnan, Member-Secretary

Case: Request for Inclusion of "Machuara(Muslim)" in the Central List of Backward Classes for Rajasthan

I. Request

This case arises from the Request received in this Commission from Shri Haji Yakub Khan, President, Fishermen Vikas Sanstha Rajasthan, Bharatpur for the Inclusion of Machuara(Muslim) in the Central List of Backward Classes for Rajasthan.

II. Public Hearings

2. The two-Member Rajasthan Bench of this Commission, consisting of Shri P.S.Krishnan and Shri Navtej Puadhi held Public Hearings in respect of this Request at Jaipur on 31.5.97 and 10.6.98. At these Public Hearings, 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 Clases Commission. During the Public Hearing on 31.5.97, the Request-maker Shri Haji Yaqub Khan appeared before the Bench. Neither he nor any

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other member or representative of the "Machuara" community appeared before the Bench during the Public Hearing held on 10.6.98 inspite of wide publicity about the Public Hearing through the media as well as separate personal intimation to the Request-maker 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 --- a principle laid down in Govt. of India (Dept. of Per.&Trg.)'s O.M. No. 36012/31/90-Est.(SCT) dated 13.8.1990 and upheld by the Supreme Court in its above judgement ---, 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.II(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. "Machuara" is not included in both the Mandal Commission's List for Rajasthan and the State Government's List of Backward Classes and apparently for this reason they are also not included in the "Common(Central) List" of Backward Classes for Rajasthan issued by the Government of India on 19.10.94. The State List of Rajasthan and the Central List for Rajasthan include "Dhivar, Kahar, Bhoi, Sagarvanshi-Mali, Keer, Mallah, Mehra" which cover some fishermen and related castes/communities.

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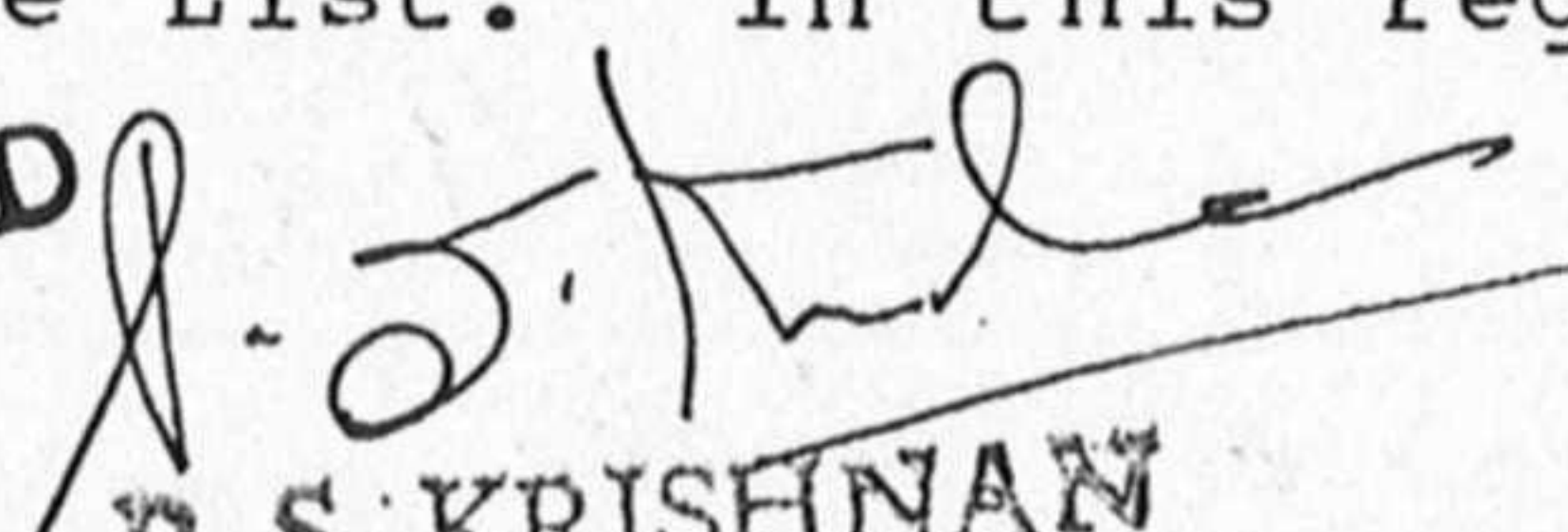
5. The Request-maker Shri Haji Yaqub Khan in his letter of Request has stated that "Machuara(Muslim)" is a fisherman caste/community not only in Rajasthan but also in the whole of India and that it is a poverty-stricken and socially backward caste/community. It is also stated that marriages of Machuara(Muslim) will take place only within the Machuara caste/community. The Request-maker has also enclosed a certificate in Hindi from Qazi Aqil Ahmed Usmani, Chief Qazi, Jaipur city & suburbs, which is translated as follows:-

"It is certified that among Musalmans there is a large ~~बिरादरी~~ of fishermen who are called in Hindi as 'Machuara'. From the time of their ancestors, they are engaged in the occupation of catching fish and making nets. Fishing is their hereditary occupation. They belong to poor backward classes. The marriage of the members of this caste takes places only within their caste. There are Mohallas of fishermen in the main cities and towns of Rajasthan and also in villages."

6. During the Public Hearing held on 31.5.97, Shri Haji Yaqub Khan submitted that "Machuara" is the name of a Muslim fisherman-caste. He said that while Machuaras are in all the districts of Rajasthan, they are found in Bharatpur area in large numbers. According to him, the community has got a total population of about 20,000 in Rajasthan. He pleaded for the inclusion of "Machuara" along with "Dhimar, Kahar, Bhoi, Sagarvanshi-Mali, Keer, Mallah, Mehra" which are already included in the State and Central Lists of BCs for Rajasthan. On specific enquiry from the Bench, he stated that at present members of the Machuara community do not get Backward Class caste certificates in any of the above names included in the State and Central Lists.

7. The Rajasthan State Backward Classes Commission in its second Report furnished to the State Government on 31 October 1995, has advised the State Government against the inclusion of "Machuara" in the State List. In this regard, the Report

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is as follows:-

"According to the representation received in the name of this caste/community, the majority of the people of this caste live in Bharatpur, Tonk, Sawaimadhopur, Jaipur and Ajmer. They were doing fishing and therefore were called Machuare. They follow Islam religion. It was stated during Hearing that this community originated from Pathans. They also state that they catch fish for big contractors and are economically weak. On enquiry it was learnt that they do not have any separate existence or identity apart from as Musalmans. social status of Pathans is good. They are stated to have got marital and other social and cultural interactions with the general Musalmans. They have not made it clear how they are socially backward. They have also requested for inclusion in the List of Scheduled Castes. In Rajasthan, their population is stated to be not much. It is also said by them that in Bharatpur they were given free lands during the reign of Maharaja Balwant Singh and that they write Musalman with their names. It is learnt from the survey that these people also do other occupations and they are identified only as Musalmans. This occupation (fishing) can be done by any Scheduled Caste, Backward Class and Musalman. In Rajasthan, there is no specific caste/community in the occupation of fishing. Their social and economic condition is good. They do not live in forests or near the ponds. On the contrary they live in towns and take contracts. In Rajasthan they are not a separate socially and educationally backward caste/community. This caste/community is not included in the list of earlier Commissions or in the List of other States. In this situation to make a request to include the name of this caste/community in the list of backward classes is not proper. Request is rejected."

8. During the Public Hearing, when the Bench enquired from

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those present who were from different sections of society and different parts of the State as to whether 'Machuara' is properly a caste or not, all stated that 'Machuara' is not a caste but is only indicative of an occupation.

9. 'Machuara' as a caste/community is not found described in any available ethnographic accounts including Munshi Hardy Singh's 'The Castes of Marwar' based on the Census Report of 1891 (Books Treasure, Jodhpur, 1990, first edn. 1894) and recent compilation of castes of Rajasthan by the Anthropological Survey of India in its two-volume People of India series on Rajasthan.

10. In none of the States adjoining Rajasthan or even the whole of North India do the Lists of Backward Classes contain the entry "Machuara" even while fisherman castes/communities are almost invariably included in the Lists of BCs for different States by their distinctive names prevalent in these States like Dhivar, Dhimar, Mallah, Kewat. Even in other parts of India this is, broadly speaking, the position, with the names of fisherman castes finding place in the lists like Bhoi, Koli, Bestha, Mukkuva etc. though there are rare exceptions like 'Meenavar' in the BC list of Tamil Nadu which, like 'Machuara', literally means the fisherpeople. 'Machuara' is also not included in the List of Backward Classes for any State recommended by the Mandal Commission or Kaka Kalelkar Commission.

IV. Findings

11. From the evidence adduced before the Bench it is the Finding of the Bench that 'Machuara' is not a caste but is only indicative of an occupation. It is a fact that fisherman castes/communities have been included in the list of BCs in the States adjoining Rajasthan and in all other States of North India, but in none of these States does the name "Machuara" occur, instead there are specific caste-names

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pertaining to fisherman castes like Dhivar, Dhimar, Mallah, Kewat etc. This is also true of other parts of India. Thus in Maharashtra, Karnataka and A.P., the names like Bhoi, Koli, Bestha, Mogaveera etc. are included. A rare exception is that of "Meenavar" in the BC list of Tamil Nadu which means fisherpeople and is literally the same as 'Machuara'. In Bengal, the name of the fisher caste is Kaibartto, but there are two castes of Kaibartto, one engaged in fishing and the other engaged in agriculture. The former bears the suffix 'Jele' which refers to the net used in fishing and the latter bears the suffix 'Hele' which refers to the plough. Many of the caste names in India are occupational names. Widely prevalent examples are 'Dhobi', 'Kumhar', 'Lohar', 'Sutar' etc. In these cases the occupational names have become congealed into caste names. This has not happened in every case, and 'Machuara' is an example of this situation. This is the explanation for 'Machuara' remaining only as an occupational name which can be applied to any individual who takes to fishing irrespective of his caste unlike in the case of 'Dhobi', 'Kumhar' etc. In view of this, 'Machuara' cannot be regarded as a caste or as a social class with clear-cut social boundaries and inter-generational identity for considering inclusion in the list of Backward Classes. Therefore, the Request for Inclusion of 'Machuara' in the Central List of Backward Classes for Rajasthan should be rejected.

12. On account of the unfortunate demise of one of the Members of the Bench, viz., Shri Navtej Puadhi, on 16.8.98, the above Findings are formulated and signed only by one Member, who is also the co-ordinating Member of the Bench.

Kshayan
09.07.99

P. S. Krishnan
9.7.1999

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Member Secretary
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for Backward Classes

V. Advice of the Commission

13. 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 under Section 9(1) of the NCBC Act, for necessary action by the Central Government under Section 9(2) of the NCBC Act:-

The Request for Inclusion of "Machuara" in the Central List of Backward Classes for Rajasthan be rejected as it is not even a caste or a social class.

14. On account of the unfortunate demise of one of the Members Shri Navtej Puadhi on 16.8.98, 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.

K. Shyam
09.07.99

P. S. Krishnan

9.7.1999

Madan Singh
12.7.99

P. K. Sagar
12.7.99

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