



पी० एस० कृष्णन्
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सदस्य-सचिव 101
राष्ट्रीय पिछड़ा वर्ग आयोग
भारत सरकार
त्रिकुट-१, भीकाजी कामा प्लेस, नई दिल्ली-११००६६
Member-Secretary
National Commission for Backward Classes
Government of India
Trikoot-1, Bhikaji Cama Place, New Delhi-110066

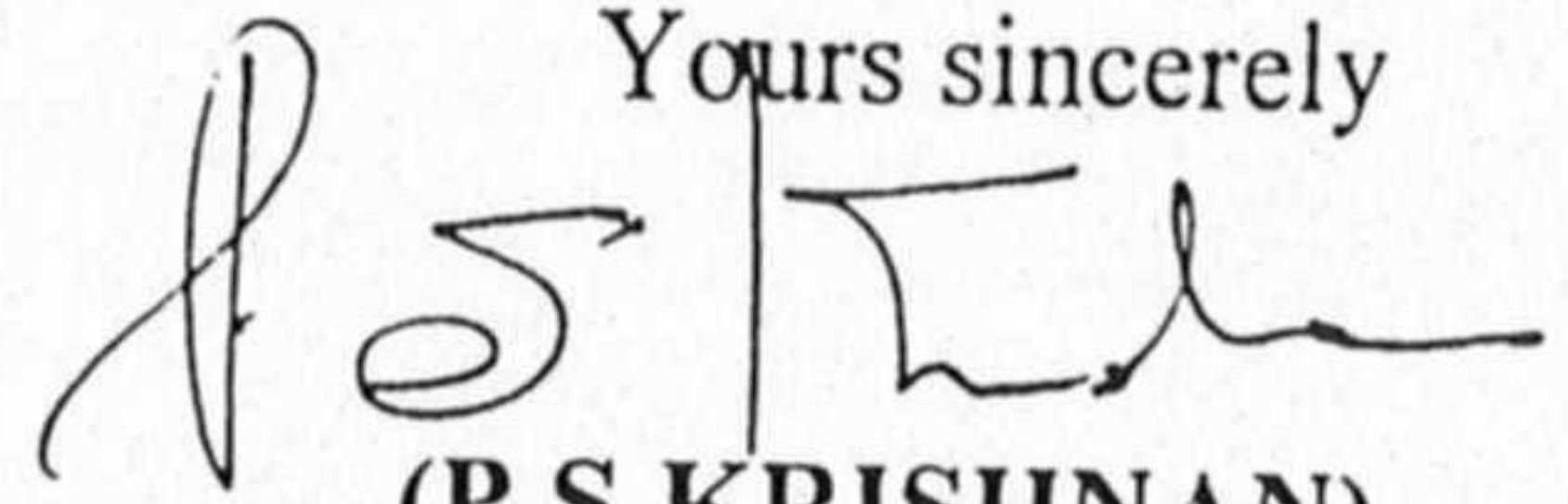
DO NCBC Advice Nos. 53, 54, 55, 56-57 Rajasthan/2000
Dated 25.02.2000

Dear Smt. Das,

I am sending herewith the Advices of the National Commission for Backward Classes under Section 9(1) of the NCBC Act, 1993 **for Inclusion of**
(1) Rai-Sikh
(2) Bhatiara
and for the Rejection of the Requests for Inclusion of
(1) Kayamkhani (Muslim),
(2) Guru, Garu, Garg Brahman,
(3) Sheikh Farooqui as a synonym of Bhatiara
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.

Encl: As stated

Smt. Asha Das
Secretary to Govt. of India
Ministry of Social Justice & Empowerment
Shastri Bhavan, NEW DELHI 110 001

Yours sincerely

(P.S.KRISHNAN)

NCBC. Advice No.53/Rajasthan /2000

NATIONAL COMMISSION FOR BACKWARD CLASSES

Rajasthan Bench

FINDINGS

Per Shri M.S.Matharoo, Member.

Case:- Request for inclusion of 'Rai-Sikh(Mahtam)' in the Central list of Backward Classes for Rajasthan.

I. Request

1. This case arises from the Request received in this Commission from Shri Wajir Singh Atal, President, Rai Sikh Samaj Jagriti Samittee Seekree, Bharatpur, Rajasthan for inclusion of Rai-Sikh(Mahtam) in the Central list of Backward Classes for Rajasthan.

II. Public Hearing

2. The two-Member Rajasthan Bench of the Commission consisting of Hon'ble Members Shri M.S.Matharoo and Shri Sahu Akshaya Bhai held a Public Hearing in respect of this Request at Jaipur on 21.1.2000. At the Public Hearing the State Government was represented by Shri G.D.Garg, Joint Director, Rajasthan State Backward Classes Commission, Smt. Rupa Gulwani, Additional Director, Backward Classes, Department of Social Welfare, Shri B.L.Parmar, Additional Director, Department of Social Welfare and other officers. No representative of the Rai-Sikh(Mahtam) was present at the Public Hearing.

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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, recommend a Central List of Backward Classes for Rajasthan as it could do for 14 other State, 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 the Rajasthan in 1993. The Government of Rajasthan issued its State List of Backward Classes by its Notification No. F.I11(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. Rai-Sikh(Mahtam) did not find place in the Central List of BCs for Rajasthan as it was not included in the Mandal List as well as in the State List of BCs of Rajasthan. Recently , the State Government of Rajasthan has included 'Raisikh' at Sl.No.55 of the State List of BCs for Rajasthan vide Notification No.F.11(125)(3)(4)(5)/R7D/SKV/75681, dated 12-11-1999.

4. The caste/community 'Rai-Sikh' is included in the State List of BCs for the States; Rajasthan, Delhi, Haryana, Himachal Pradesh,U.P. & Punjab and in the Central List of BCs for the States; Harayana & Punjab. 'Mahatam' is included in the Central List of BCs for Himachal Pradesh.

5. In the representation it has been stated that their caste/community has already been included in the State List of BCs of Punjab, Haryana, U.P., Rajasthan and Union Territory of Delhi. Originally, they belonged to the undivided Punjab. However, after 1960 they gradually moved to U.P. Rajasthan and Delhi. In Rajasthan the members of the community are spread out in Bharatpur, Alwar, Bikaner and Sri Ganganagar districts. They are hereditary hunters, vagrants and agriculturists, living more or less a vagrant life in the jungles and on the river-banks. They are also reapers and workers in grass, straw,

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and the like. During Akbar's regime, when they refused to have matrimonial alliances with the Mughals, they were forced to leave for the remotest forests on river-banks, and thereby, adopted these occupations. Later on, they cultivated jungles and also became field labourers and even tenants. They work in fields and move about in gangs at harvest time in search of employment as reapers. Their literacy is the lowest among all the castes due to extreme poverty. This tribe was recognised as 'Most Backward Class' by the Kaka Kalelkar Commission. At present they are notified as OBC in Punjab, Haryana and Chandigarh. In 1931, Mr. Hutton, the then Census Commissioner of India, categorised systematically the Depressed Classes. In Punjab Province, there were 14 Depressed Classes declared on the basis of social, educational and economic backwardness arising out of the custom of untouchability. Their Tribe was also included under the name of 'Mahatam'. This Community was originally known as Mahtam. However, in order to reduce the impact of the social disability, the name of the tribe was changed from Mahtams to Rai-Sikhs.

In April, 1936, the British Govt. issued for the first time Govt. of India (SC) Order 1936, specifying certain castes, tribes and races as Scheduled Castes. This was in continuation of the earlier list of Depressed Classes. A tribe under the name 'Mahatams' was also declared as Scheduled Caste in Punjab under the Govt. of India (SC) order 1936. At present Sirkiband is recognised as SC in Punjab, Haryana, Chandigarh & Delhi.

In order to reduce the impact of the untouchability, the name of the tribe from Mahatams was got changed to Rai Sikhs on 18-11-1942 vide Punjab Govt. Notification No. 1939-R dated 20-11-42 and No. 4994-R(IV)/69/5303 dated 1-12-1969 but the influence of the untouchability continued to prevail till date, indeed a curse that is to be condemned in the strongest terms. This tribe later embraced Sikhism to overcome all the pervasive social disabilities.

In Govt. records, the Mahatams (Rai Sikhs) have been declared as vagrants criminal and hunting tribe who trace their descent to irregular fighting men uprooted from their original homes due to invasions or political upheavals in the distant past. The entire

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tribe used to make a living by hunting and committing petty crimes, a legacy from their fore-fathers alongwith with extreme poverty. Illiteracy, lack of earnings, means and abject poverty led them to take to criminal activities which later became a tradition and a part of their heritage. They are of vagrant habits, wandering from place to place for the sake of food, making for themselves rude shelter and utensils (chhabias) from river shrubs. At present, this tribe has been declared as 'Ex-Criminal Tribes' (Vimukt Jatis) in Punjab. Its literacy is the lowest of all the castes due to abject and squalid poverty.

They are hereditary hunters and fisherman living more or less vagrant life in the jungles and on the river-banks. They are also reapers and workers in grass, straw, and the like. Their traditional occupations were mainly petty crimes, illicit distilling, hunting, fowling and vagrancy. During Akbar's regime, when they refused to have matrimonial alliances with the Mughals, they were forced to leave their homes and hide themselves in the remotest forests on nearby river-banks. They later adopted the occupations of Rope making, sirki-making from raw material of sarr. Because they worked with sarr they were called 'Sirkhiband' by which name they are still popularly known.

They were also referred to by the Criminal Tribes Act Enquiry Committee 1949-50 describing them as, "....Till recently, the mahatms (RaiSikh/Sirkibands) were a wandering tribe, residing mainly on reverine forests and living on hunting and crime..."

6. Denzil Ibbetson, in Punjab Castes, (Low Price Publications, Delhi, 1916) describes the caste/community under consideration under the head "Mahtam" as follows:

".... They are of exceedingly low caste, being almost outcasts; by origin they are vagrants, and in some parts they apparently retain their wandering habits, while everywhere they are still great hunters using nooses like those of the Bawarias... But in many districts, and especially on the middle Satluj, they have devoted themselves to husbandry and are skilful and laborious cultivators. The great majority of them are classed as Hindus, but about one-fifth are Musalman, and as many again Sikh. But the

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Musalman Section, even in the Multan Division, eat wild pig and retain most of their Hindu customs, and are consequently not admitted to religious equality by other Musalmans. They appear, however, to bury their dead. They live in Muzaffargarh, in grass huts on the river banks, whence the saying – ‘Only two Mahtam huts and calls itself Khairpur’. Mr. Purser thus describes the Mahtams of Montgomery:-

‘They are a low Hindu caste, and are looked down on by their neighbours....His descendants emigrated and settled along the banks of the rivers as they found quantities of ‘sarr’ in such situations, and working in ‘sarr’ was their chief occupation....They adopted the custom of marriage with widows according to the form of ‘chaddar dalna’ and so became ‘Sudras’....The hardworking Hindu Mahtams are still moving family by family and village by village.....Where they are not proprietors of the whole village, they reside in a separate group of huts at some distance from the main abadi. They are great hands at catching wild pigs; but it is in cutting down the jungle on inundated lands that they excel. Though industrious they do not care much for working wells and [refer cultivating lands flooded by the rivers. They are quarrelsome and addicted to petty thieving. They are of medium stature and stoutly made’.

7. H.A. Rose, (A Glossary of the Tribes and Castes of the Punjab and North-West Frontier Province, Asian Educational Services, New Delhi, Madras, 1990) under the head “Mahtam, Matam” writes as under:

“A caste of obscure and probably composite origin found spread across the Punjab from Dera Ghazi Khan to Lahore.... As a maker of ropes the Mahtam is called Rassiwat, or Rassibat, and as a dweller in sirkis or wattled screens he is often styled Sirkiband.... The true Mahtam is to be distinguished from the Muthbhari or Mahgir group of the Mahtams which is addicted to theft and is disowned by the rest of the caste.... A Hindu Mahtam is as a rule neither buried nor burnt, but consigned to a stream, with three pitchers full of sand tied to his neck, chest and waist, while in Bruceabad and Jampur tashsil the body is either burnt or buried. The funeral rites of a Mahtam are performed by a Jajik Brahman.... In these tracts, and in Multan and Montgomery the Mahtam does not rank

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high. He is a tenant or labourer, but not infrequently owns land, and stray Mahtam villages are even to be found. But their chief occupation is snaring the wild pig in the trap (vavur) which is found in every Mahtam hut.

8. In the book 'People of India' Rajasthan, Part two, Vol.XXXVIII, Genl. Editor K.S.Singh, Anthropological Survey of India, Popular Prakashan Pvt. Ltd., Mumbai, 1998, under the head 'Raisikh' describes as under:

"...In Rajasthan, they are found to be distributed in the districts of Bharatpur and Alwar. They speak Gurumukhi while talking to their community members and family members and use Punjabi with the people of the area where they live. Among them there are monas and sikhs..... The Rai Sikh have a number of exogamous clans or gotras. They believe to have thirty-six clans but could not give a complete list of the same. Popular among them are Badwal, Bulk, Samare, Katore, Sarari and Kachure.... It is a male-dominated patriarchal society. Women have no right to inherit property. The Raisikhs are primarily peasants. They have land allotted to them by the government when they first migrated as refugees. Each family in the beginning was given 8 bighas of land. The incidence of land fragmentation has also been there. This has made the present land holding uneconomic. The Raisikh are therefore, compelled to take to other occupations.Traditionally they have links with the service castes like Bhangi, Kumhar, Khati etc. Among the Sikhs, the Raisikhs have a low position...."

9. The Rai Sikh /Rai Sikh(Mahatam) Caste/ Community has already been included in different State and Central lists. The following are the relevant entries in the Central Lists in 1993 through the process commonality as they were already included in the State/U.T list as well as in the Mandal List as under:

State	Mandal List	State List	Central List
Haryana	"56. Mahatam" "68 Rai Sikh"	"50.Rai Sikh"	"49. Rai Sikh"

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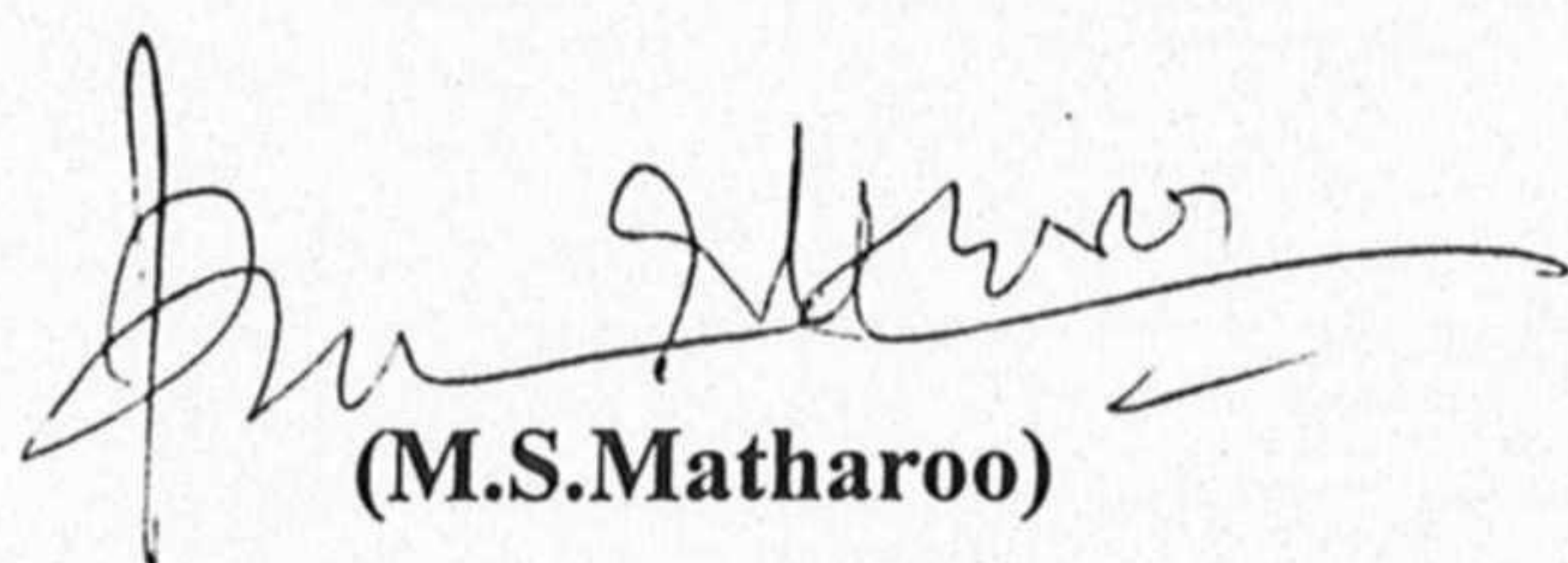
Punjab	"58 Mahatam" "71 Rai-Sikh"	"24.Rai Sikh"	"24. Rai Sikh"
Himachal Pradesh	"46 Mahatam"	"35.Mahatam"	"35. Mahatam"
Chandigarh	"68. Mahatam" "47. Rai Sikh"	"22.Rai Sikh"	"82. Rai Sikh"

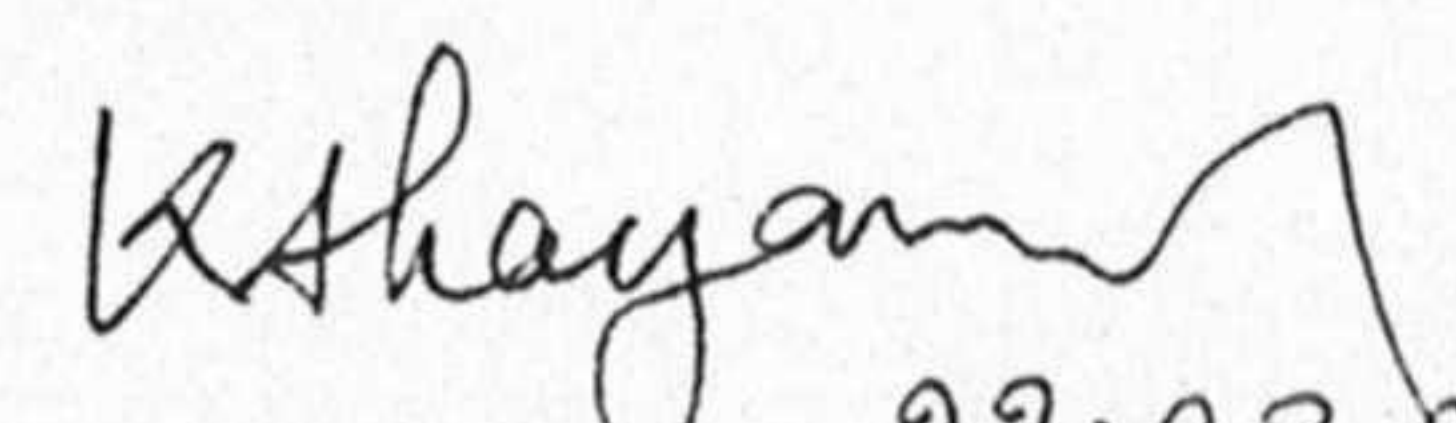
The Commission has already examined the request for inclusion of Rai-Sikh(Mahtam) in the Central List of BCs for the State of U.P. & Delhi and vide its Advice Nos.Delhi.16/2000,dtd.6-01-2000 and U.P.89/2000, dtd.2-2-2000 has tendered its Advice to the Government for inclusion as Rai-Sikh(Mahatam).

IV. Findings

10. From the above material and evidence, it is the Finding of the Bench that "Rai-Sikh(Mahtam)"caste/community is Socially Backward and should therefore be included in the Central List of Backward Classes for Rajasthan. The State Govt. has included only 'Raisikh' in the State List of BC's for Rajasthan. Therefore only 'Raisikh' be included in the Central List of Backward Classes for the Rajasthan , at a new entry No. 65 as follows:

"65. Rai-Sikh"


(M.S.Matharoo)


22.02.2000
(Sahu Akshaya Bhai)

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Member Secretary
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for Backward Classes

V. Advice of the Commission

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

"Rai-Sikh" be included in the Central List of Backward Classes for Rajasthan at new entry No.65 as follows:

"65. Rai-Sikh"

Kshayam
22.02.2000

Dr. M. K. ...
21/2/2000

Dr. S. R. ...
23/2/

P. S. Krishnan
23.2.2000

Dr. ...
24.2.2000

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NCBC Advice No. 54/Rajasthan/2000

NATIONAL COMMISSION FOR BACKWARD CLASSES

RAJASTHAN BENCH

Findings

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

Per : **Shri M.S. Matharoo, Member**

I. Request:

1. This case arises out of the Request received from Shri G. Khan, Coordinator, Rajasthan Kahyamkhani Mahasabha, Jaipur, Rajasthan for inclusion of "Kayamkhani(Muslim)" caste/community in the Central List of Backward Classes for the State of Rajasthan.

II. Public Hearing

2. The Two-Member Rajasthan Bench of the Commission consisting of Hon'ble Members S/Shri M.S. Matharoo and Sahu Akshaya Bhai held a Public Hearing at Jaipur on 21.1.2000 to examine the Request. At the Public Hearing the State Government/State Commission was represented by Shri G.D. Garg, Joint Director of the State Commission for Backward Classes; Smt. Rupa Gulwani, Additional Director(B.C.); Shri B.L. Parmar, Additional Director; Shri K.C. Aggarwal, Deputy Director and Shri Bhagwati Prasad Garg, Deputy Director(B.C.) Department of Social Welfare, Govt. of Rajasthan. The Caste/community was represented by the following members :

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Member Secretary
National Commission
for Backward Classes

S/Shri G. Khan, Ch. Shabbir Ahmed, Yunus Ali Khan, Ranjit Khan, Ramzan Alikhan Kasli.

III. Facts

3. At the time when the Expert Committee on Backward Classes prepared the first phase Central List on 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 judgement in the Mandal Case that the State Government of Rajasthan undertook the preparation of a State List of Backward Classes which was notified by the State Government on 6.8.1994. 'Kayam Khani(Muslim)' is not included in this State List and in the Mandal List and for this reason it is 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. Recently, the State Govt. of Rajasthan has included 'Kayam Khani' at Sl.No. 67 of the state list of Backwarded Classes for Rajasthan vide Notification No. F 11(25) (6) R&P/SWD/01 dated 1.1.2000.
4. In the representation the information furnished by the "Kayamkhani(Muslim)" caste/community is as follows :
 - (i) The caste/community is mainly known as "Kayamkhani(Muslim)".
 - (ii) The population of the caste/community in the State is 12.50 lakhs.
 - (iii) The concentration of the caste/community is in the districts of Nagor, Sikar, Jhunjhunu, Churu, Jaipur, Bhilwada, Jodhpur, Hanumangarh, Bikaner and Ajmer of Rajasthan.

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 for Backward Classes

- (iv) The literacy rate of the caste/community in the state is 2.5%.
- (v) The following table shows the number of literate person of the caste/community.

		Male	Female
(a)	Graduates and above	360	62
(b)	Higher Secondary	2200	250
©	Secondary	6800	175
(d)	Primary	28000	1850

- (vi) The following table shows the number of members of the caste/community who have completed the various professional courses :

		Completed	Studying
(a)	Engineering	06	04
(b)	I.T.I.	27	08
©	Medical	04	02
(d)	Nurshing	05	02
(e)	Animal Husbandry	02	--
(f)	Teaching	155	16

- (vii) Two members of the caste/community in the past were appointed as Ministers in the state. One member of the community was a Member of Parliament, 2 were members of Legislative Assembly, 20 members were elected as Sarpanch, 100 were elected as Panch.
- (viii) The request maker has given the following reasons for their backwardness.

(a) **Historical :** Their ancestor named Karam Chand Chauhan converted to Islam, in 14th Century therefore, the Hindu caste/community people discarded them from the Hindu society and the Muslims also did not accept them fully.

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 for Backward Castes

(b) **Social** : following are the social reason of their backwardness.

(a) Child Marriage; (b) Nata Vibah; (c) Dowry System (d) Mrityu Bhoj etc.

(c) **Economical** : Their caste/community is very poor because 70% of the caste/community people are residing in the desert area of Rajasthan like Nagor, Sikar, Churu, Jhunjhunu and Ajmer and it is a drought prone area also. Due to this reason their economic condition is poor.

The Kayamkhani is a warrior group that's why the defense ministry passed an order No.B/07778/R.G./2(M.P.)(C) dated 4.6.1992 in which they were given the relaxation on educational qualification for entry in defence services. The defense ministry passed an order that Kayamkhani and Gurjar, people who are eighth pass can join the army. Even then Kayamkhanis are not able to avail the facility sufficiently due to the low educational level also.

5. During the Public Hearing the representatives of the caste/community told the Bench that they were Hindu Rajputs. One of their ancestor Karam Chand Chauhan converted to Islam and therefore they were called as Kayamkhani Muslim. The Hindu society rejected them and the higher sections of muslim community i.e. Sheikh, Pathan, Sayyed, also did not consider them equal and look down upon them. The people of the caste/community are mostly living in desert area of Rajasthan. Most of the Kayamkhanis are in military services because they are a warrior group. Due to their military background and warrior like qualities they prefer military service and Govt. in recognition of their qualities have given them Educational concessions. The literacy rate among the male members of Kayamkhani is 50% and in the female it is only 1%.

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 for Backward Classes

6. Yadav and Gurjar of Hindu religion are equal to them and among Muslims Meo Sindhi Muslims are at equal level and Kuraish, Ansari are at lower level. Jats are at higher level to the Kayamkhani.
7. K.S. Singh in "People of India, Rajasthan, Part Two, Vol. XXXVIII" (pp. 509-511) described the caste/community as "The Kayamkhani is a community, which derives its origin from the Hindu Rajputs of Chauhan clan who embraced Islam. Jaan Kavi (Nejmat Khan), traced the history of Kayam Khani from its hero Kyam Khan, who laid the foundation for Kayam Khani Nawabi rule in Hissar. He writes that the founder of this community was Mote Rao Chauhan, a Hindu ruler of Daderva State in Churu district. He had four sons named Jainand Jabar Chand, Jugmal and Karamchand. It was Karam Chand whom Ferozshah Tughlaq met within a jungle near Hissar where the young Karam Chand was resting under a tree which was completely covering him to give comfort. Feroz Shah Tuglaq enquired about the young Karam Chand's family details and took him to Delhi. After seeking consent from Mote Rao Chouhan one of his subordinates Feroz Shah sent Karam Chand to Sayyed Nasir for Islamic training. Thus Karam Chand embraced Islam and changed his name to Kayam Khan.... However, it is the descendants of Kayam Khan who were known as Kayam Khani, but in due course the descendants of his brothers, who changed their name to Jainand Khan and Jahordi Khan were also included in the fold of Kayam Khani community. Kayam Khan established his Nawabi rule in Hissar. His sons established Jhunjhunu Nawabi and Fatehpur Nawabi was established by Fateh Khan in 1434 Kayam Khani are distributed mainly in Churu, Jhunjhunu, Sikar and Nagore Districts..... The Kayam Khani are traditionally a community of warriors.... Presently their primary occupation is service in Army, Police and other security forces. Some are in agriculture. Of late, a few of the Kayam Khani have entered into transport business and other petty business as well. In rural areas Kayam Khani villages do maintain master-

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National Commission
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client relations with Kamins(service castes). The Kamin Karu include the Khati, Nai, Manohar, Kumhar, Chamar, Mehtar and Miru. Recently a few have gone to gulf countries as unskilled and skilled Labourers and traders for better earning . Recently at the national level the Kayam Khani have organised a Mahasabha named Rajasthani Kayamkhani Mahasabha. The object of this Mahasabha is to fight against the evils of the Community and bring about betterment in general status of the community. The Mahasabha is well organised and active upto village level. The Kayam Khani profess Islam."

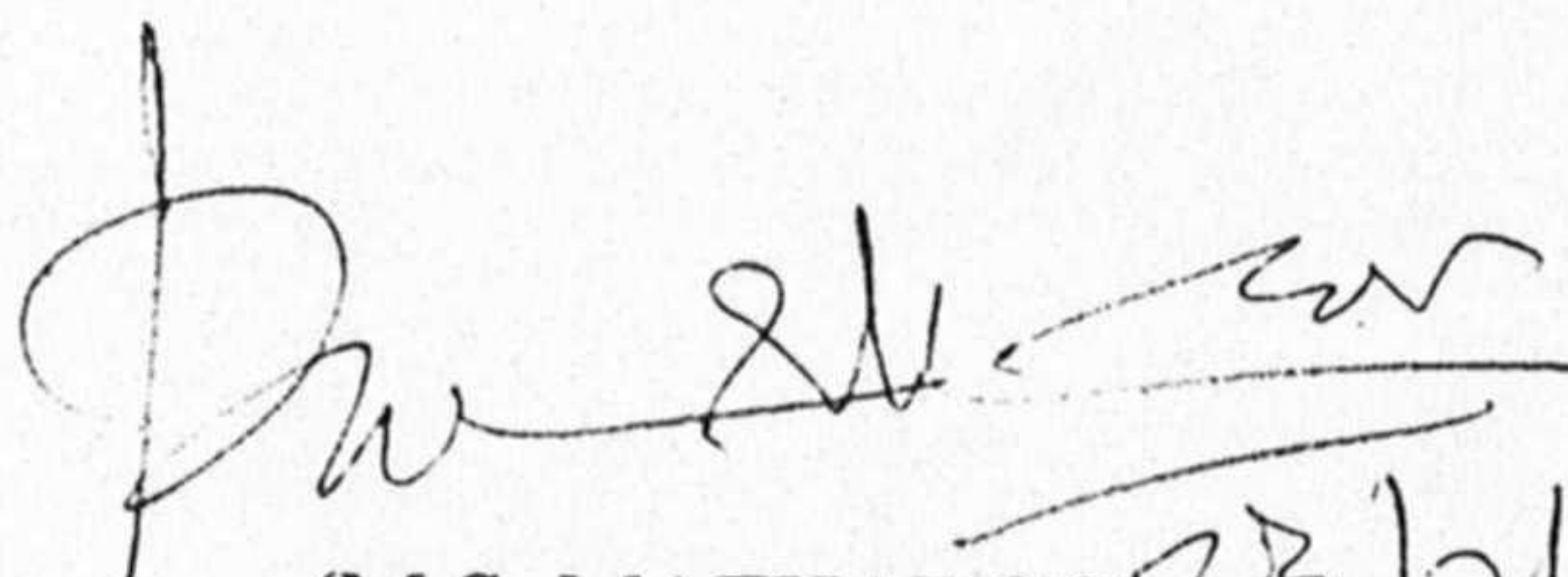
8. Munshi Hardyial Singh in the "Castes of Marwar, published by Books Treasure jodhpur" (pp.41-43) described the caste as "The total number of Kaim-Khanis in Marwar is 4,133. They were originally Chohan Rajputs and their conversion dates from the time of Ferozshah as previously stated..... Their ancestor Karamsi Chohan, son of Moti Rai, the chief of Dadrera in Hissar, was converted to Mohamedanism by Syad Nasir, an officer of Ferozshah Tuglk, in about 1383 A.D. He was kept at Hissar by Nasir Ali, as his son under the name of Kaim Khan. Subsequently his other two brothers were made Musalman and were named Zen-Uddin and Zabruddin. Thus, the descendants of the three brothers were known by the name of Kaim-Khani, Zendan and Zabran respectively, but now the three together are known as Kaim-Khanis only.... They lived for sometime at Jeysalmere and nagor and subsequently founded two separate principalities of Fatehpore and Jhunjhunu, which their descendants held under the title of Nawab till 1731A.D..... The Kaim-Khanis, are Musalman only nominally. They are ignorant of Quran. Hadis and other Mohamedan precepts and on the other hand, they correspond to Rajputs in many instances..... The chief occupation of Kaim Khanis are military service, trade and mazduri. In Shekhawati there are some kaim Khani Jagirdars. A few are also employed in Marwar and Hyderabad as Jamadars and Reseldars. Formally they were not the less notorious than the

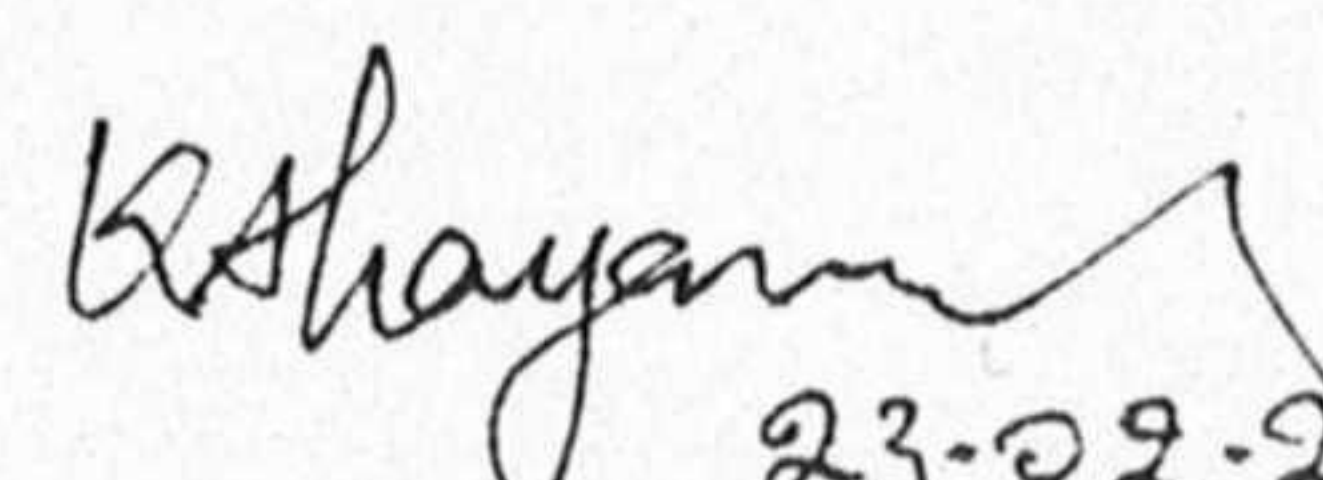
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Shekhawats and Ladkhanis for dacoiting and robbing, so that even upto present, they are under the supervision of Thagi and Dacoity department."

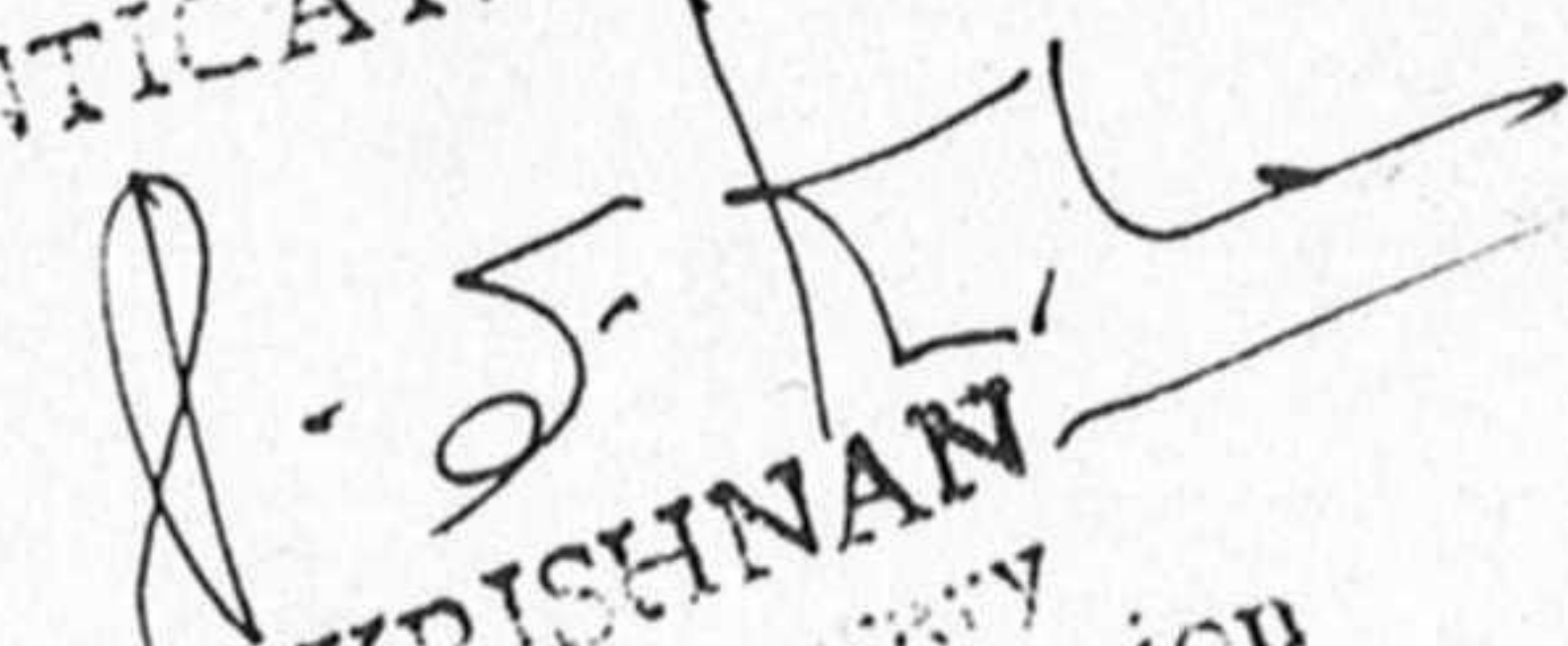
IV. Findings

9. From the above facts and evidences, the Bench found that 'Kayam Khani' caste/community have converted from the High ranking Rajput castes. Even after the conversion their caste/community belongs to Nawabi clan, they still have relationship with the Rajputs. Their traditional social position is clearly high. Even their present vocation – military service – is very respectable and hence cannot be said to be suffering any social discrimination. The inclusion of such caste/communities in the List of Backward Classes is not only counter to facts and social realities, but will also deprive the classes which are genuinely Socially Backward of their due and thus seriously distort the Constitutional and National Policy on Backward Classes. The inclusion of such advanced caste/community in the list of Backward Classes also would confer on them an unconscionable advantage over other advanced castes/communities who are correctly not included in the list of Backward Classes and with whom the former ought to compete on equal terms. It is the findings of the Bench that 'Kayam Khani' (Muslim) is not a socially backward caste/community, therefore the request for inclusion in the list of Backward Classes for the State of Rajasthan should be rejected.


(M.S. MATHAROO) 23/7/2000


23-02-2000
(SAHU AKSHAYA BHAI)

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P. S. KRISHNAN
Member, Commission
for Backward Classes

V. Advice Of The Commission

10. The Commission considered and agreed in full with the Findings of the Rajasthan Bench and decided to tender the following Advice to the Government as per Section 9(I) 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 "Kayamkhani" (Muslim) caste/community in the Central List of Backward Classes for Rajasthan be rejected being a socially forward caste/community."

Kshayam
23.02.2000

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23/2/2000

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24.2.2000

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P. S. KRISHNAN
Member, Commission
for Backward Classes

NCBC Advice No. 55/Rajasthan/2000

NATIONAL COMMISSION FOR BACKWARD CLASSES

RAJASTHAN BENCH

Findings

Case: Request for Inclusion of "Guru, Garu, Garg Brahman" in the Central List of Backward Classes for the State of Rajasthan.

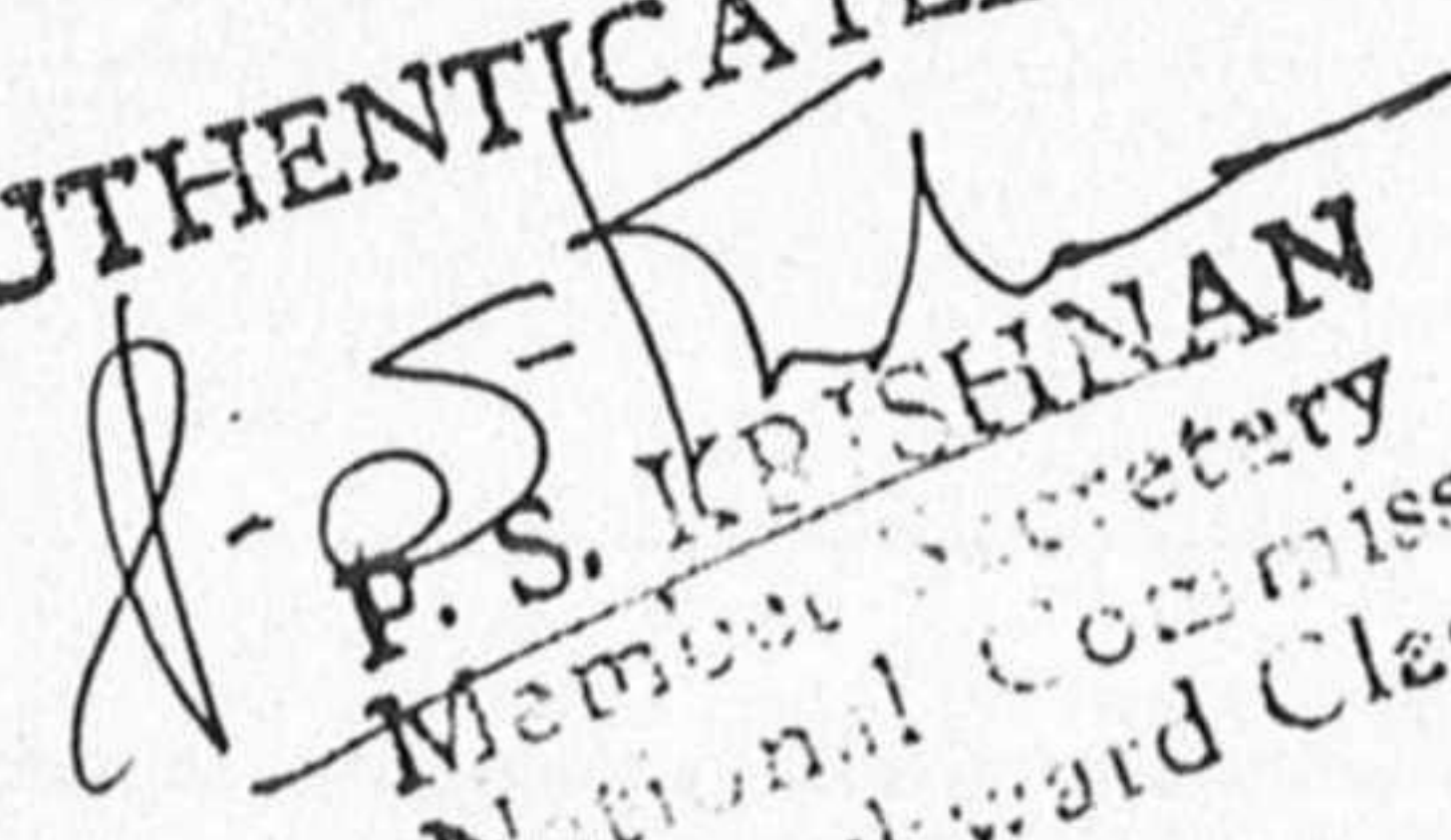
Per : **Shri M.S. Matharoo, Member**

I. Request:

1. This case arises out of the Request received from Shri Jamna Shankar Garg, President, and Shri Rameshwar Prashad Garg, Secretary and many member of the Guru, Garu, Garg Brahman Smaj, 45 Janta Marg, Surajpol, Udaipur Rajasthan for inclusion of Guru, Garu, Garg Brahman in the Central List of Backward Classes for the State of Rajasthan.

II. Public Hearing

2. The Two-Member Rajasthan Bench of the Commission consisting of Hon'ble Members S/Shri M.S. Matharoo and Sahu Akshaya Bhai held a Public Hearing at Jaipur on 21.1.2000 to examine the Request. At the Public Hearing the State Government/State Commission was represented by Shri G.D. Garg, Joint Director of the State Commission for Backward Classes; Smt. Rupa Gulwani, Additional Director(B.C.); Shri B.L. Parmar, Additional Director; Shri K.C. Aggarwal, Deputy Director and Shri Bhagwati Prasad Garg, Deputy Director(B.C.) Social Welfare Department, Govt. of Rajasthan. The Caste/community was represented by the following members :

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S/Shri Jamna Shankar Garg, Banshilal Garg, Gopal Krishna Garg, Bhagwanlal Garg, Rameshwar Prasad Garg, Girwar Gopal Garg, Dilip Chandra Garg, Panchanan Garg, Gopal Narayan Garg.

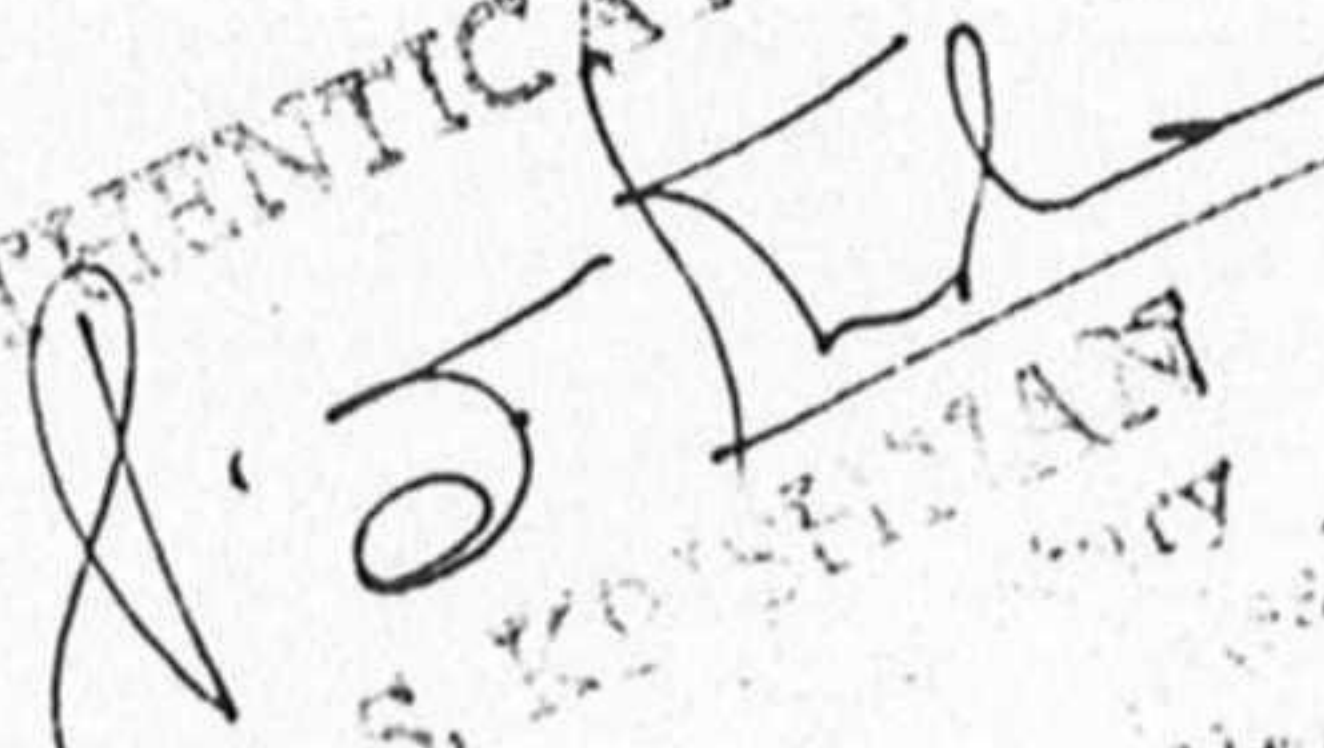
III. Facts

3. At the time when the Expert Committee on Backward Classes prepared the first phase Central List on 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 judgement in the Mandal Case that the State Government of Rajasthan undertook the preparation of a State List of Backward Classes which was notified by the State Government on 6.8.1994. Therefore, the Central Govt. vide Ministry of Welfare's Resolution No 12011/9/94-BCC dt. 19.10.1994 issued a common (Central) list of BC's for Rajasthan. Guru, Garu, Garg Brahman did not find Place in the Central list of BC's for Rajasthan as it was not included in the Mandal List as well as in the State list of BC's for Rajasthan.
4. The information furnished by the President, Guru, Garu, Garg Brahman Samaj, Udipur in the filled up NCBC Questionnaire is as follows :
 - (i) The caste/community's name is Guru, Garu, Garg Brahman.
 - (ii) The population of the caste/community in the State is 10,595 and it is concentrated in Udaipur, Rajsamand, Bhilwara, Chittorgarh, Ajmer, Tonk, jaipur, Kota and Bundi.
 - (iii) The caste/community follows the Hindu religion.

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- (iv) The main occupation of the caste/community is Astrology and Priesthood of socially backward classes in which 35% of the adult members of the caste are engaged.
- (v) Tailoring is the other main occupation on which the members of the caste/community depend for livelihood.
- (vi) Ninety percent people of the caste/community who are not engaged in traditional occupation are landless manual labourers.
- (vii) Thirty four percent people of the caste/community are literates and the literacy rate among the male & female members is 42% and 23.8% respectively
- (viii) The number of matriculates and graduates is 3.2% and 1% respectively.
- (ix) Seventy five percent people live in Kachha houses and 25% in Pucca houses.
- (x) Two members of the caste/community are teachers in Colleges and Universities, 5 members are lawyers and only one member is engineer/architect.
- (xi) Explaining the reasons for Backwardness the request makers have stated that even though they are Brahmins, they don't have social respect in the society because they are priest of backward classes as in the case with Mahabrahmins.
- xii) Gosain and Bairagi who do puja in the temples enjoy higher social and economic status and are included in OBC list Mahabrahman(Acharaj) and Deshantari(Dakot) are at equal level and have been included in OBC List.

5. During the Public Hearing the representative of the caste/community told the Bench that they are Brahmin by caste and by profession they are astrologers and they do the priesthood to the backward classes. The higher class of Brahmin don't keep relationship with them. However in the society they have got the respect of Sava^{hna} Community. They told the Bench that the history of their caste/community was bright as people were more religious and they used to believe in Astrology.

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6. K.S. Singh in "People of India, Rajasthan, Part One, Vol. XXXVIII" (pp. 410-412) describes the caste/community as "The Gurru who trace their descent from Garg rishi are known by different names, such as Raj Guru, Gurra, Garg etc. Their ancestors were professional astrologers. They are distributed in Udaipur and in several other districts.The community is strictly vegetarian.They rank themselves as Brahman in traditional verna order. Astrology and Palmistry were Gurru's traditional occupation. They also have taken to agriculture as their secondary source of income. The community professes Hindu religion. They are mainly vaishnavites..... As the Gurru are proficient in astrology and palmistry they draw their clients, audiences from various walks of life. This makes social network wider and helps them to establish linkages with different caste groups. However, the Brahmanas don't accept water from the Gurru. Level of literacy among the older generation is almost low but, now it is improving...."
7. W. Crook in "The Tribes and Castes of the North Western India" published by Cosmo Publications 1974(Vol. II, pp. 392-393) describes Garg; Gargbansi as "A sept of Rajputs. They represent themselves to be the descendants of the Rishi Garga who was the father of Sini, from whom according to the Vishnu Purana, the Gargyas and Sainyas, "Brahmans of Kshatriya race," were sprung. The statement of the Bhagvata is that Gargya from a Kshatriya became a Brahman."

IV. Findings

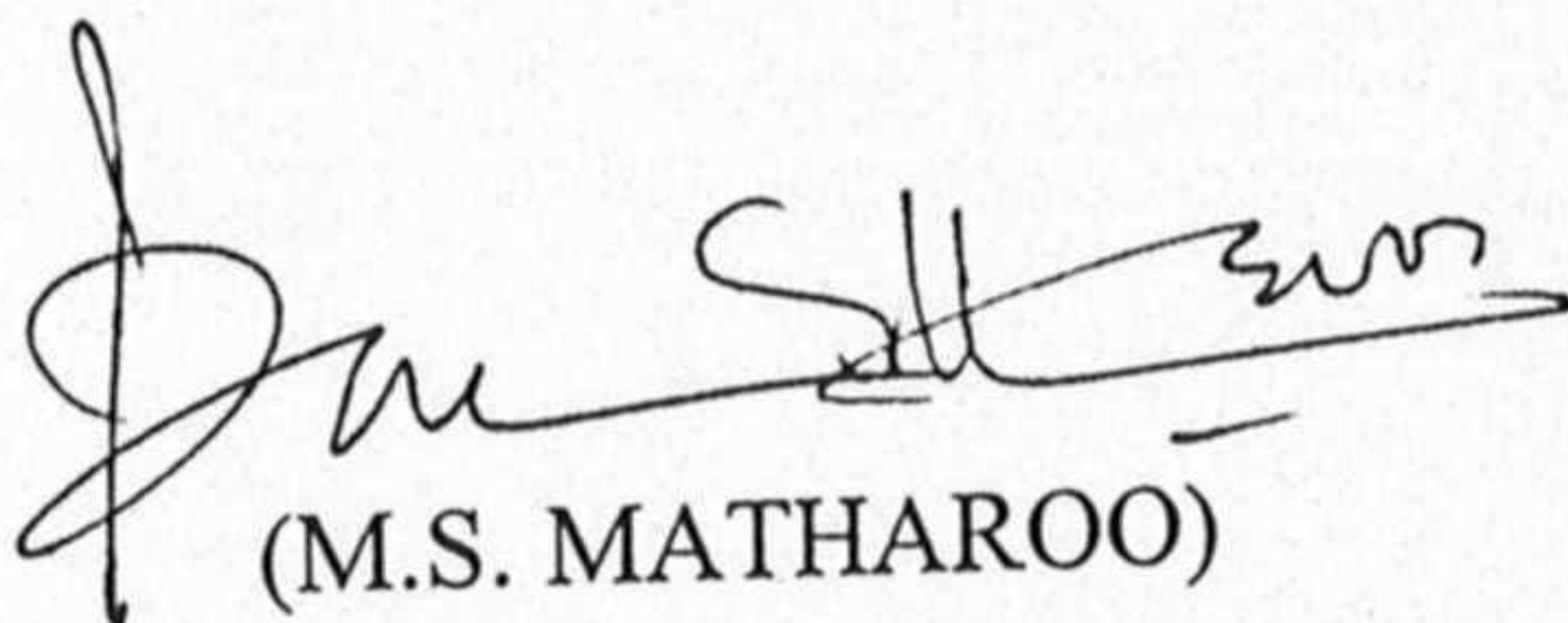
8. From the facts and material available before the Bench, it is evident that Guru, Garu, Garg Brahman caste/community's traditional occupation is Astrology and Palmistry and this caste/community is forward both socially and educationally. The Bench further finds that they have got the respect of Swarna Caste in the social circle of the society and rank themselves as Brahman which is the highest Varna in the Varna order. From the above

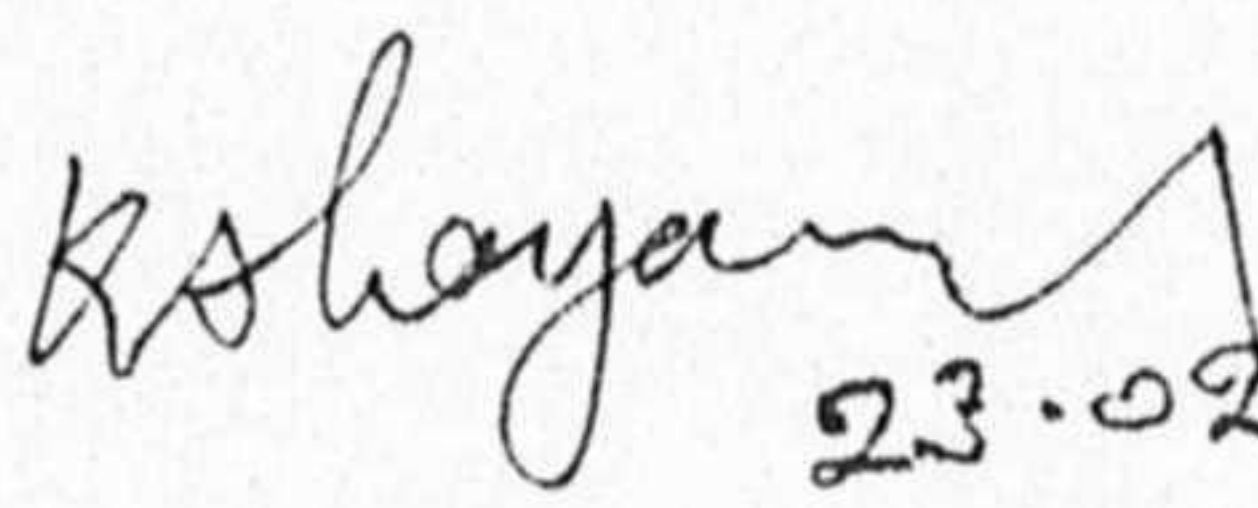
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evidence it is the Findings of the Bench that Guru, Garu , Garg Brahman is not a socially backward classes, but on the contrary is a socially advanced class. The inclusion of such castes/communities in the List of Backward Classes is not only counter to facts and social realities, but will also deprive the classes which are genuinely Socially Backward of their due and thus seriously distort the Constitutional and National Policy on Backward Classes. The inclusion of such Advanced caste/community in the list of Backward Classes also would confer on them an unconscionable advantage over other advanced castes/communities who are correctly not included in the list of Backward Classes and with whom the former ought to compete on equal terms. Therefore, it is the finding of the bench that the request for inclusion of Guru, Garu, Garg Brahman in the list of Backward Classes for the State of Rajasthan should be rejected.


(M.S. MATHAROO)


23.02.2000
(SAHU AKSHAYA BHAI)

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V. Advice Of The Commission

9. The Commission considered and agreed in full with the Findings of the Rajasthan Bench and decided to tender the following Advice to the Government as per Section 9(I) 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 "Guru, Garu, Garg Brahman" in the Central List of Backward Classes for Rajasthan be rejected as being socially forward caste/ community"

Kshayan
22.02.2000

File - Rajasthan
23/2/2000

Adarsh
24.2.2000

P. S. Kishan
23.2.2000

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P. S. Kishan

NCBC Advice No. 56-57 / Rajasthan / 2000

NATIONAL COMMISSION FOR BACKWARD CLASSES

RAJASTHAN BENCH

Findings

Case: Request for Inclusion of "Bhatiyara/Sheikh Farooqui" caste/community in the Central List of Backward Classes for the State of Rajasthan.

Per : **Shri M.S. Matharoo, Member**

I. Request:

1. This case arises out of the Request received from Shri Mohammad Shafi Farooqui, Vice President, All India Jamaitul Sheikh Farooqui, Sarai, G.T. Road, Dhaulpur, Rajasthan for inclusion of Bhatiyara/Sheikh Farooqui caste/community in the Central List of Backward Classes for the State of Rajasthan.

II. Public Hearing

2. The Two-Member Rajasthan Bench of the Commission consisting of Hon'ble Members S/Shri M.S. Matharoo and Sahu Akshaya Bhai held a Public Hearing at Jaipur on 21.1.2000 to examine the Request. At the Public Hearing the State Government/State Commission was represented by Shri G.D. Garg, Joint Director of the State Commission for Backward Classes; Smt. Rupa Gulwani, Additional Director(B.C.); Shri B.L. Parmar, Additional Director; Shri K.C. Aggarwal, Deputy Director and Shri Bhagwati Prasad Garg, Deputy Director(B.C.) Social Welfare Department, Government of Rajasthan. The Caste/community was represented by Shri Mohammad Shafi Farooqui in the Public Hearing.

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for Backward Classes

III. Facts

3. At the time when the Expert Committee on Backward Classes prepared the first phase Central List on the principle of Comonality, 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 judgement in the Mandal Case that the State Government of Rajasthan undertook the preparation of a State List of Backward Classes which was notified by the State Government on 6.8.1994. 'Bhatiyara/Sheikh Farooqui' is not included in this State List and in the Mandal List and for this reason it is 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. Later on the State Government included the 'Bhatiyara/Sheikh Farooqui' in the State List of Backward Classes vide notification No.F11(25)(6) R&P/SWD/01 dated 01.01.2000 at entry no.63 as "Farooqui Bhatiyara".
4. The Request-maker have submitted the following information in the NCBC's filled in Questionnaire :
- (i) 'Bhatiyara/Sheikh Farooqui' is the main caste/community.
 - (ii) The population of the caste/community in the State is approximately 20,000.
 - (iii) The caste/community is spread over in the Districts of Jaipur, Dhaulpur, Karoli, Jhunjhunu, Bharatpur, Alwar, Tonk, Kota, Dausa, Ajmer, Sawai Madhopur, Udaipur etc.

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Member, Commission
for Backward Classes

- (iv) The caste/community has been included in the State List of backward classes since 01.01.2000.
 - (v) The caste/community is included in the List of Backward Classes for the State of Bihar, Delhi, Madhya Pradesh and Uttar Pradesh.
 - (vi) The caste/community members follows Islam as their religion.
 - (vii) The caste/community people are socially backward and most of them are dependent mainly on Rickshaw Pulling.
 - (viii) The women of the castes/community do not work as agriculture labour or manual labour to supplement their family's income. The children of the caste/community are engaged in manual work as rickshaw mechanics to supplement the income of the family.
 - (ix) The traditional occupation of the caste/community is cooking.
 - x) The number of the literate members of caste/community is about 1000, literacy rate of the caste/community in the State is 5% .
 - xi) About 50% people of the caste/community in the State live in Kachha house and 50% in Pucca House.
 - xii) The caste/community consider themselves backward on social, educational and financial grounds .
 - xiii) They regard Muslim Dhobi and Nat caste/community immediately higher and Bhadbhuja, Sikligar at lower level to them.
5. At the Public Hearing the representative of the caste/community told the Bench that only Bhatiaras are called as Sheikh Farooqui and no other persons from the muslim community are known as Sheikh Farooqui and traditionally they are inn keepers. Their traditional bussiness have been replaced by the big hotels, so their traditional source of income has drained up.
6. K.S. Singh in "People of India, Rajasthan Part One Vol. XXXVIII"(pp.138-141) has described the caste/community as follows:-
 "The Bhatiara are a community of inn-keepers (Saraiwala). Bhatta or bhati means in the local term Chulla or hearth. Those who subsist on

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cooking in the hearth are Bhati or Bhatiara. They are a Muslim community and claim Persian descent. They relate to a story which says that they came with the Mughal army and cooked meals for the royal army..... The Bhatiara are divided into household units only. They have a mosque of their own. Their main mosque is at Jaipur for the whole State. The Bhatiara claim a higher status than other Muslim groups like Julaha, Kasai, Kunjda, Sakka, Nyania, Nai, Fakir, etc..... Women have no right to inherit property. They play an important role in their economic-social and ritual spheres. They are saraiwala and their women prepare food for the customers. Women do not go outside for wage earning. Their customers are mainly Meo, Kaimkhani and other Moslems..... The Bhatiara profess Islam and belong to Sunni Sect."

7. W. Crook in "The Tribes and Castes of the North Western India" Vol. II published by Cosmo Publication, Delhi, Reprinted in 1974, (pp34-36) describes the caste/community as "The keepers of inns and cooking-houses and sellers of Tobacco. Their business is the entertainment of travellers and their functions thus trench on the occupations of the baker (nanbai); the preparer and seller of fried meat(kabab farosh), and the tobacconist (tambakuwala)..... They are Muhammadans of the Sunni Sect..... They bury their dead and offer to the spirits of deceased ancestors vermicelli(Siwaiyan), and bread on the Id and the halwa sweetmeat on the Shab-i-barat. Besides their special bussiness of entertaining travellers they also catch fish , and are hence in the west of the Province , known as Mahigir or "Fishcatcher". Their women are known as mehtarani, a sort of mock honorific title. Of the Grand Trunk Road Dr. Buchanan writes : "On the great road more attention is shown to the real convenience of travellers than in any part of India which I have yet visited; and regular inns (sarai, bhathiyarkhana) are kept at convenient distances. The Bhathiyaras or keepers are low Muhammadans, such attention to strangers being incompatible with Hindu reserve."

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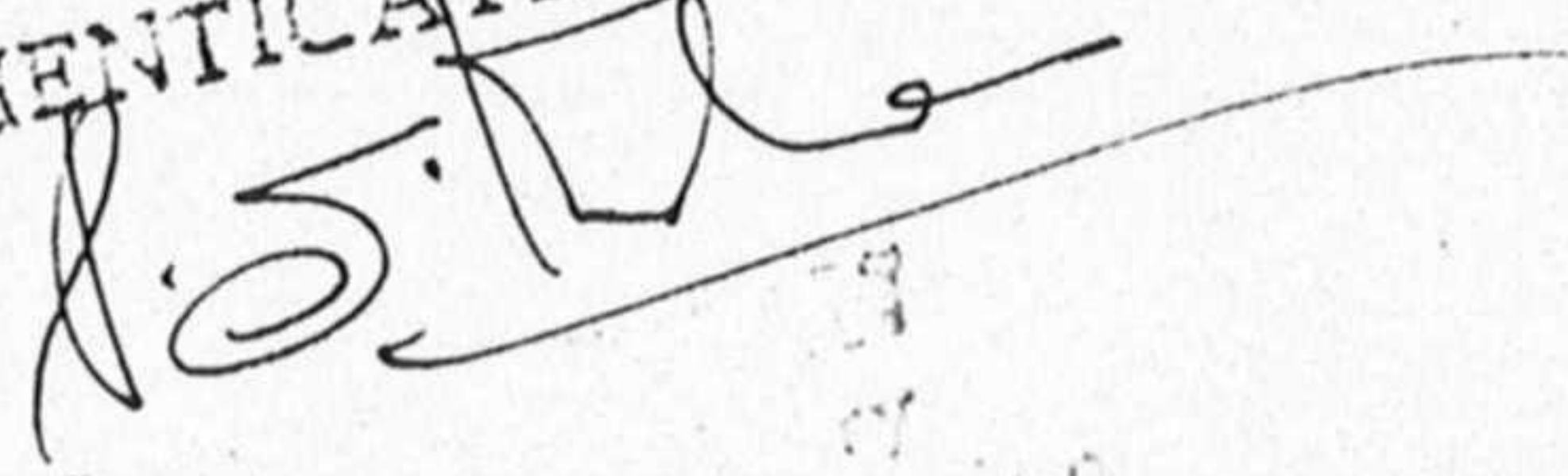
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8. Request for inclusion of 'Sheikh Farooqui' as a synonym of Bhatiara was made by the All India Jamait-ul-Sheikh Farooqui to this Commission for the State of Uttar Pradesh. The Commission vide its Advice no 27/UP/98 dt. 2.9.98 has rejected the request by mentioning that Bhatiara is already included in the Central List for the State of U.P. and it is found that this community easily obtain B.C. Certificates in the name of Bhatiara. The Bench found that the name Sheikh Farooqui is also used by other Muslim who are not Bhatiara. In that situation adding Sheikh Farooqui to Bhatiara is apt to confound people, a danger to be noticed as totally imminent that can well be avoided.
9. Bhatiara is included in the Central List for the States of Bihar, Delhi, M.P., U.P. But nowhere Sheikh Farooqui is included as a synonym of or along with Bhatiara.

V1 Findings

10. The Bench is of the view that "Bhatiara" is a socially and educationally backward caste/community and it is already included in central List of Backward Classes for the State of Bihar, Delhi, M.P. and U.P. The Bhatiaras are traditionally keepers of inns and are regarded low even among the Muslims. Therefore Bhatiara caste/community should be included in the Backward Class List for the State of Rajasthan. The request for inclusion of Sheikh Faooqui along with Bhatiara should be rejected as this nomenclature is also used by other Muslims who are not Bhatiara. Addition of Shiekh Farooqui along with Bhatiara will give scope to some members of non-BC sections of the Muslim community to seek and obtain false caste certificates and consequently reservation and other benefits intended for genuine BCs. In view of this, it is the findings of the Bench that

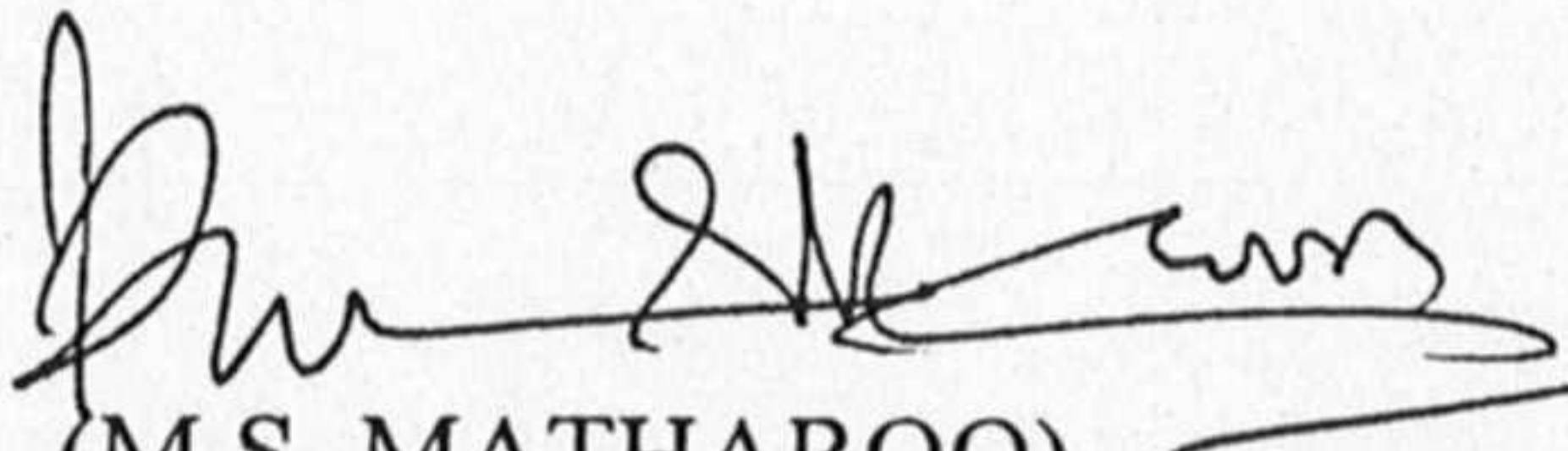
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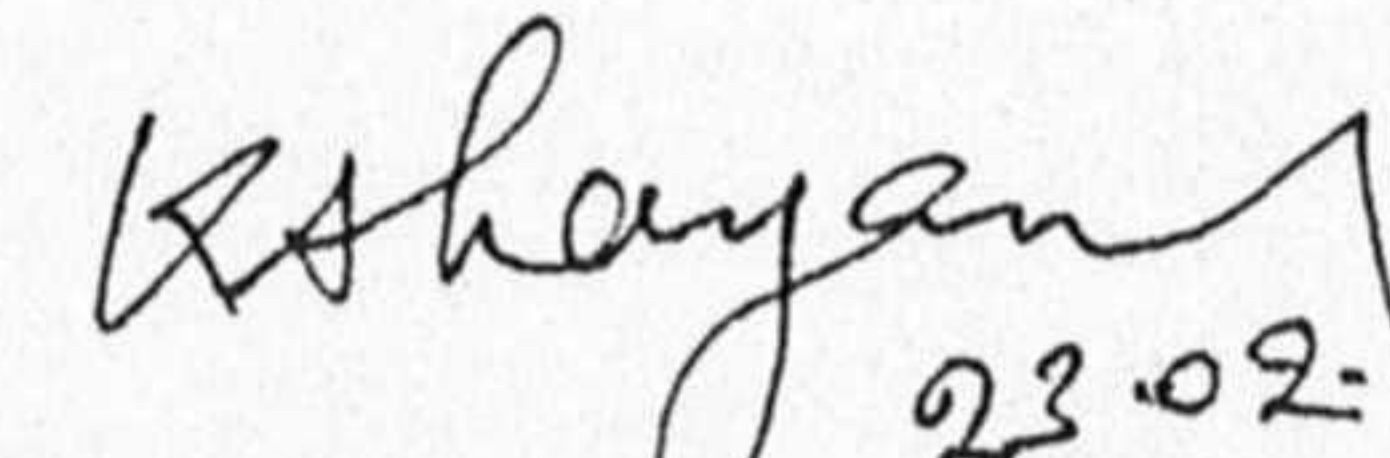


- (1) Bhatiara should be included in the Central List of Backward Classes for Rajasthan at new entry No.64 as follows :

"64 Bhatiara"

- (2) Request for inclusion of "Sheikh Farooqui" in the Central List of Bcs for Rajasthan as a synonym of Bhatiara should be rejected as its inclusion will give scope for some members of unintended and non-BC castes/communities to seek and obtain false caste certificates.


(M.S. MATHAROO) 23/2/2000


(SAHU AKSHAYA BHAI) 23.02.2000

V. Advice Of The Commission

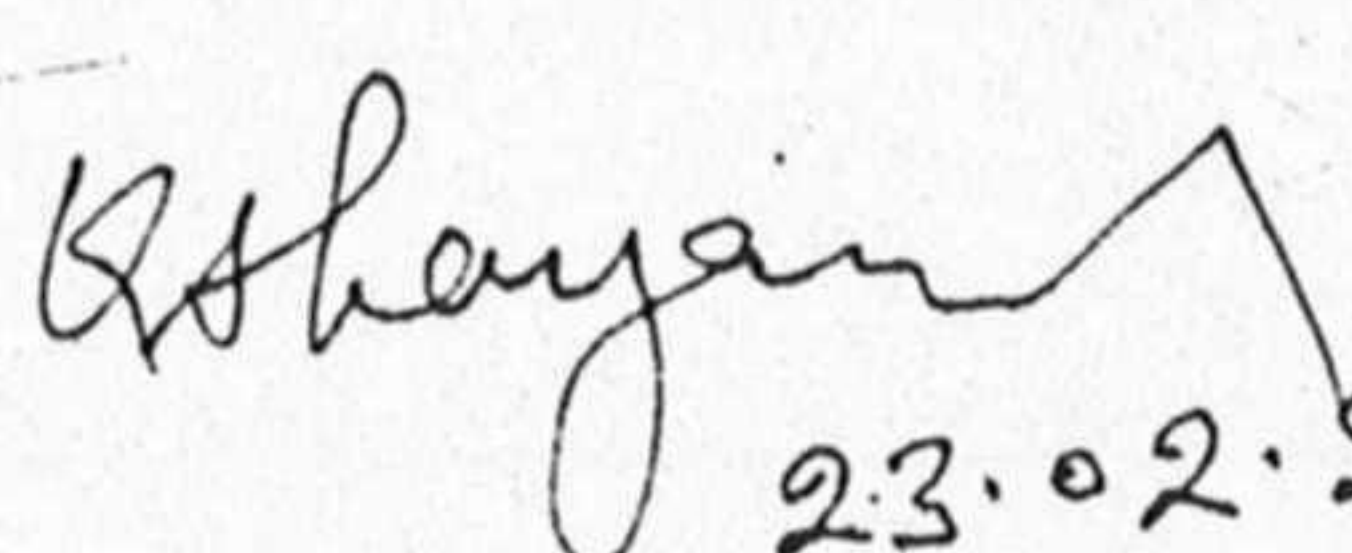
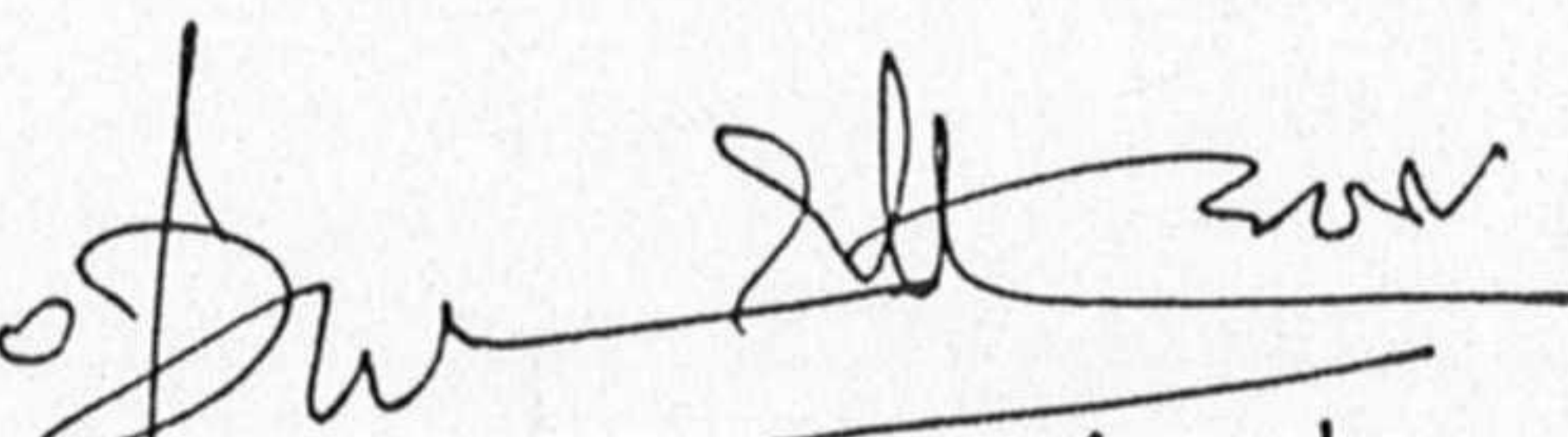
11. The Commission considered and agreed in full with the Findings of the Rajasthan Bench and decided to tender the following Advice to the Government as per Section 9(1) of the NCBC Act 1993 for necessary action by the Central Government under Section 9(2) of the Act.

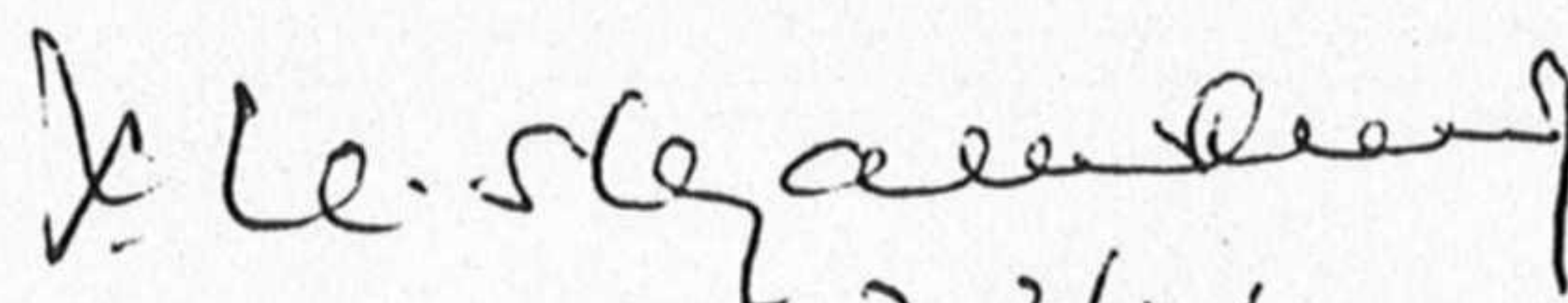
"Bhatiara" caste/community be included in the Central List of Backward Classes for the State of Rajasthan at a new entry .No.64. as follows :

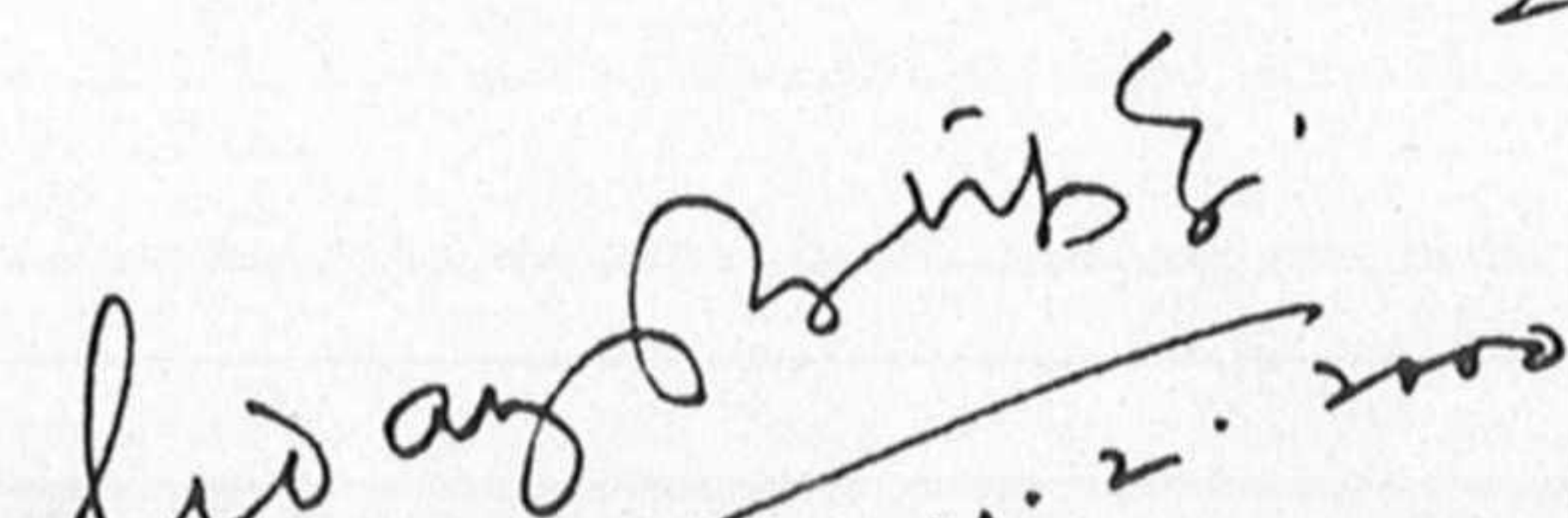
"64 Bhatiara"

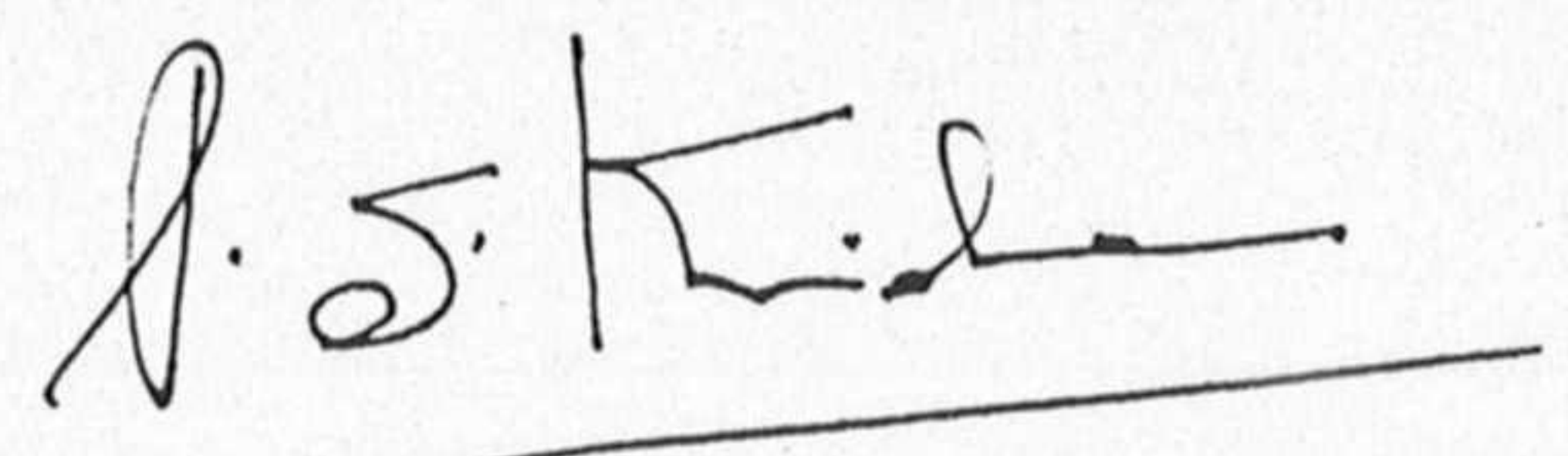
"The request for inclusion of Sheikh Farooqui along with Bhatiara in the Central List of Backward Classes for Rajasthan be rejected as its inclusion will give scope for some members of unintended and non-BC castes/communities to seek and obtain false caste certificates.

NOTIFIED
P. S. MATHAROO
Member, Commission
for Backward Classes


23.02.2000 
23/2/2000


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24.2.2000


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