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सदस्य-सचिव
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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

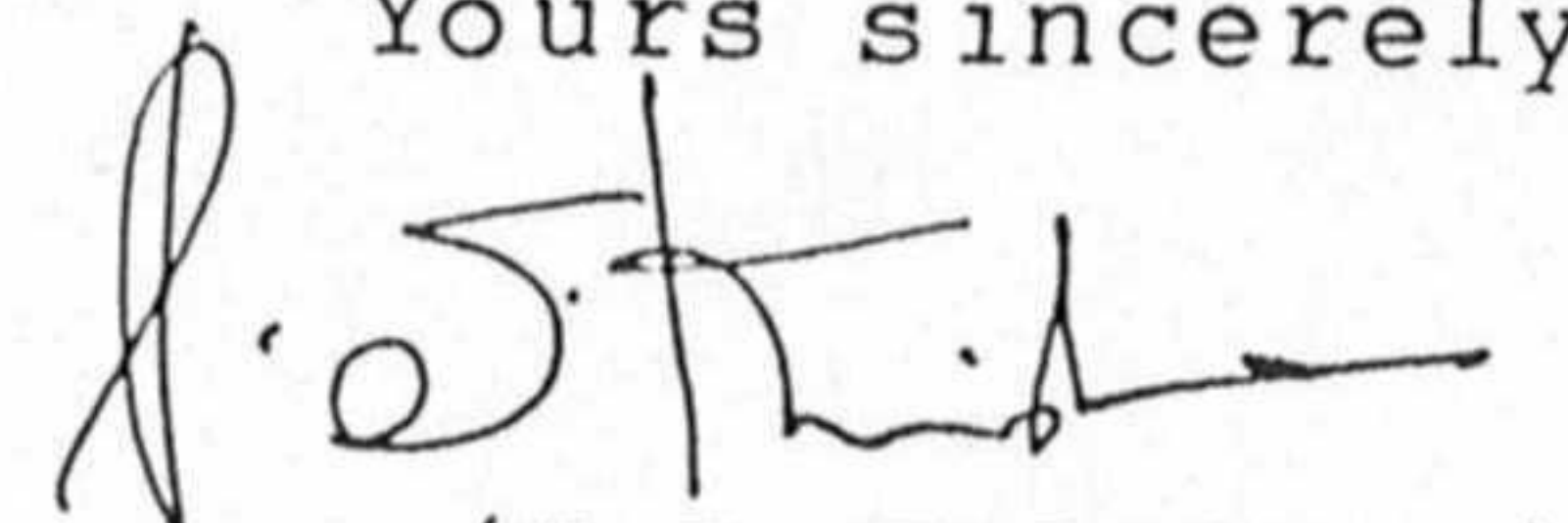
NCBC Advice No. Delhi 16/2000

06. 01. 2000

Dear Smt. Das,

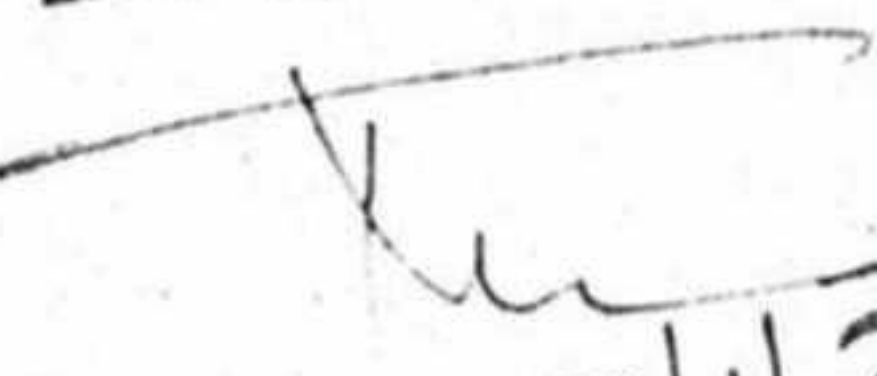
I am sending herewith the Advice of the National Commission for Backward Classes under Section 9(1) of the NCBC Act, 1993 for the Inclusion of "Rai-Sikh(Mahtam)" caste/community in the Central List of Backward Classes for the NCT of Delhi, duly authenticated, for necessary action by the Central Government under Section 9(2) of the NCBC Act.

Yours sincerely


(P.S. KRISHNAN)

Encl: As stated

Smt. Asha Das
Secretary
Ministry of Social Justice & Emperment
Shastri Bhavan
NEW DELHI

Issued

7/1/2000

NCBC. Advice No. 16 /Delhi/ 2000

NATIONAL COMMISSION FOR BACKWARD CLASSES

Delhi Bench

FINDINGS

Per Justice Shri P.K. Shyamsundar, Chairperson.

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

I. Request

1. This case arises from the Requests received in this Commission from Shri Mohan Singh, Ex- M.P. VPO-Chab Phillianwda, Distt. Ferozepore , Pin.- 152024., and the All India Rai-Sikha Sabha (Delhi Unit) – 446, Saraswati Vihar, Gurgaon for inclusion of Rai-Sikh in the Central list of Backward Classes for the NCT of Delhi.

II. Public Hearing

2. The two-Member Delhi Bench of the Commission consisting of Hon'ble Justice Shri P.K. Shyamsundar, Chairperson, NCBC and Shri P.S. Krishnan, Hon'ble Member-Secretary held a Public Hearing in respect of this Request at Delhi on 26.4.1999. At the Public Hearing the State Government was represented by Shri C.Targay, Secretary (SC/ST), Welfare Deptt., Choudhary Ragunath Singh, Member, Backward Classes Commission, NCT of Delhi and Shri Brahmanand, Deputy Director, Directorate for the

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Member Secretary
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Welfare of Scheduled Castes and Scheduled Tribes and other officers. The Rai-Sikh Community was represented by Shri Resham Singh & Others.

III. Facts

3. The NCT of Delhi 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 the NCT of Delhi 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 NCT of Delhi in 1993. The Delhi Government by its Notification No. F.28(93)91-92/SCST/P&S dated 7.1.1995 issued a State List of BCs, based on the Advice of the Backward Classes Commission of N.C.T of Delhi. Thereafter, the Central Government vide Ministry of Welfare's Resolution No. 12011/7/95-BCC dated 24.5.1995 issued a "Common" (Central) list of Backward Classes for the NCT of Delhi.
4. The caste/community 'Rai-Sikh' is included in the State List of BCs for the States; Delhi Haryana, Himachal Pradesh & 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 their request for inclusion of the Rai Sikh (Mahatam) caste/community in the Central List of BCs for Delhi, they have stated that 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'

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

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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 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.

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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..."

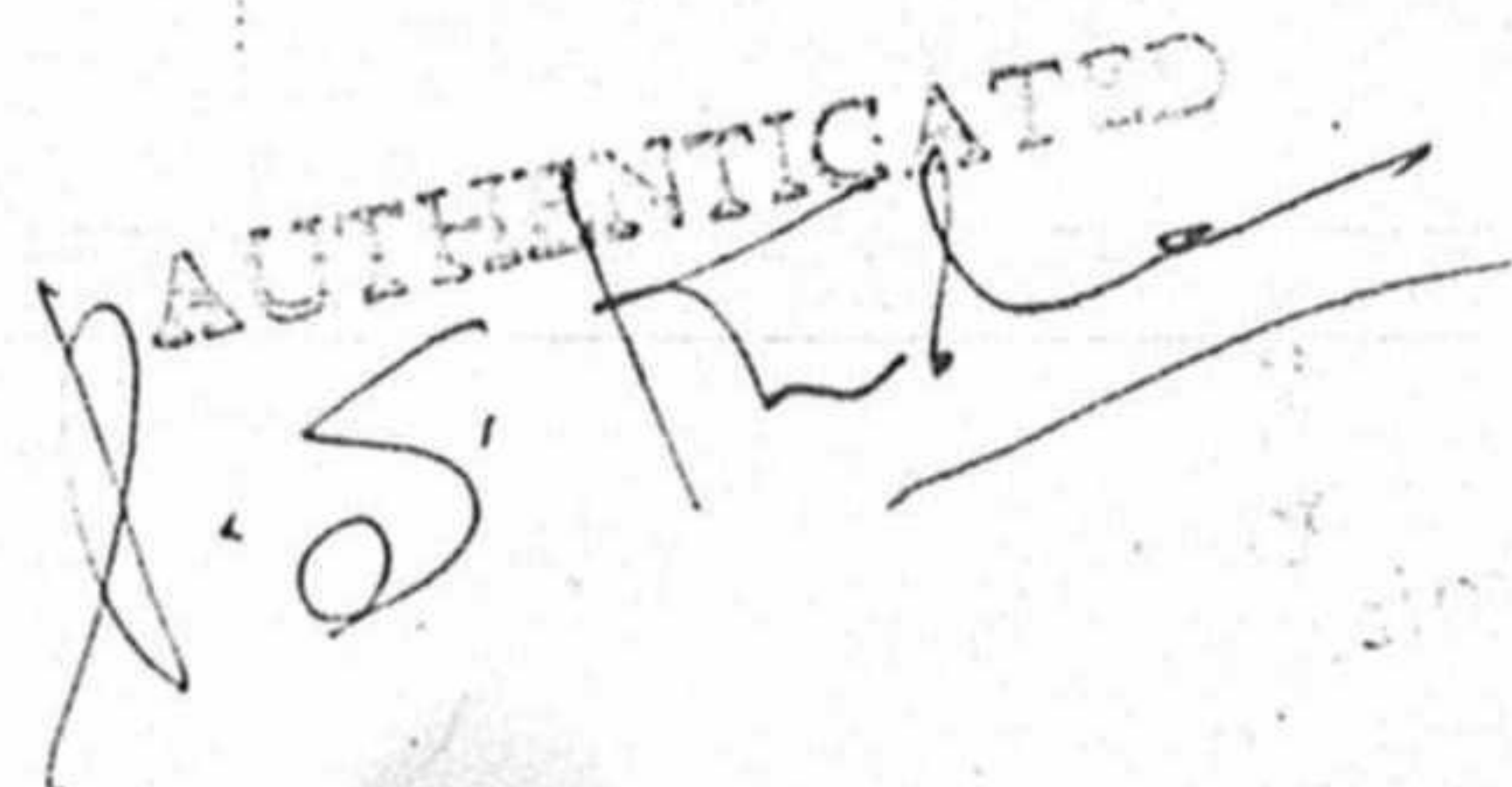
According to them the first Backward Class Commission, 1955 headed by Kaka Kalelkar, recognised this tribe as "Most Backward Class"

6. The NCBC's Questionnaire filled in and submitted by the representationst contains the following information :

- (i) The population of the Caste/Community in the State is about 10,000.
- (ii) The Caste/Community is largely concentrated in Jhangola, Jaitpur & Chhaterpur in Delhi.
- (iii) The Caste/Community is generally regarded as most backward.
- (iv) The members of the Caste/Community mainly depend for livelihood on agriculture,rope-making,hunting wild pigs and labour which involve manual labour for wages.
- (v) Other than the main occupation the substantial numbers of members engaged in distilling kachcha wine.
- (vi) Eighty percent of the population are landless manual laborers.
- (vii) The Caste/Community is, in terms of the caste system identified/linked with distillation of Kachcha wine.
- (viii) The Caste/Community categorised as as Vimukta Jati Caste/Community in terms of Criminal Tribes (Repeal) Act, 1952.

7. The Rai Sikh (Mahatam) Caste/ Community included in different lists in the following states as :

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"

8. During the Public Hearing, the representative of the caste/community stated that at present, the population of Rai-Sikh in Delhi is about 10,000. They are also in 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. 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, 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 included this Community in the list of Depressed Classes in Punjab Province. 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. At present in Delhi about 50 to 56% of the members of the community are engaged in illicit liquor brewing.

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9. 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 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'.

10. 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:

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"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 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.

11. The Backward Classes (Jain) Commission of the NCT of Delhi has examined the representation received from the community for inclusion of 'Rai-Sikh' in the State Backward Classes list for the NCT of Delhi and in its Report of 1994 has concluded as under:

" A request has been received for including caste/community Rai-Sikhs in the list of OBC. It was stated that in 1931, Mr Hutton, the then Census Commissioner of India, Categorised Depressed Classes and in Punjab, Mahatams i.e. Rai-Sikhs were declared as one of the Depressed Classes because they were socially, educationally and economically backward. Under the Government of India (SC) Order 1936, this caste was included in the name of Sirkiband. The name of this caste was changed to Rai-Sikhs vide Governments's Notification dated the 20th November, 1942. They were declared as vagrants, criminals, and hunting tribe. This tribe was recognised as Most Backward Class in the erstwhile Punjab by the Backward Classes Commission headed by Kaka Kalelkar. They were also included in the list of BCs by Haryana and Punjab States. We have examined the representation. On the basis of evidences recorded by the Commission, it appears that this community (Rai-Sikhs) was socially backward."

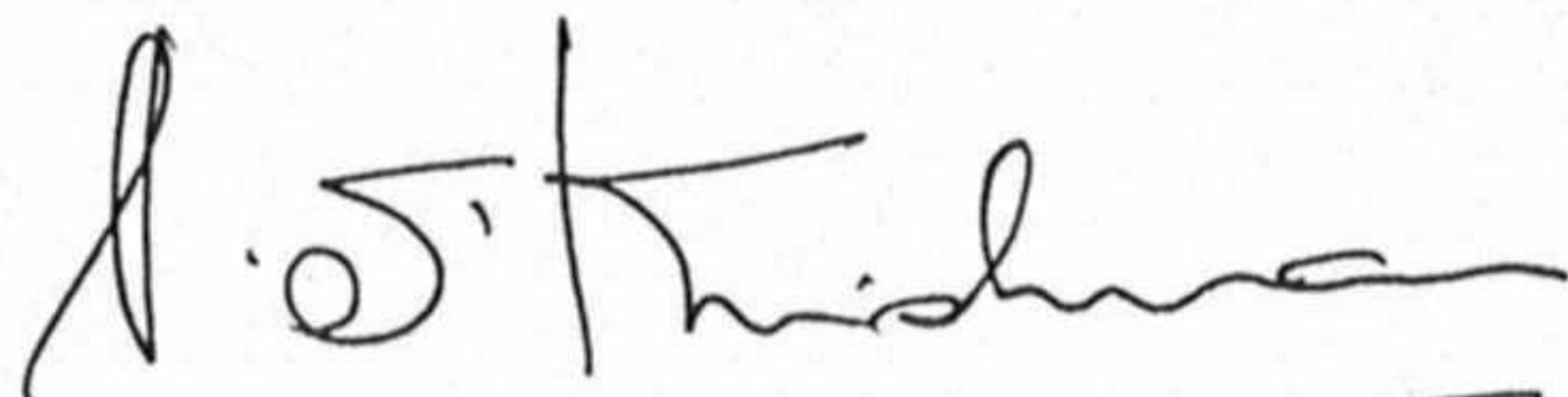
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IV. Findings

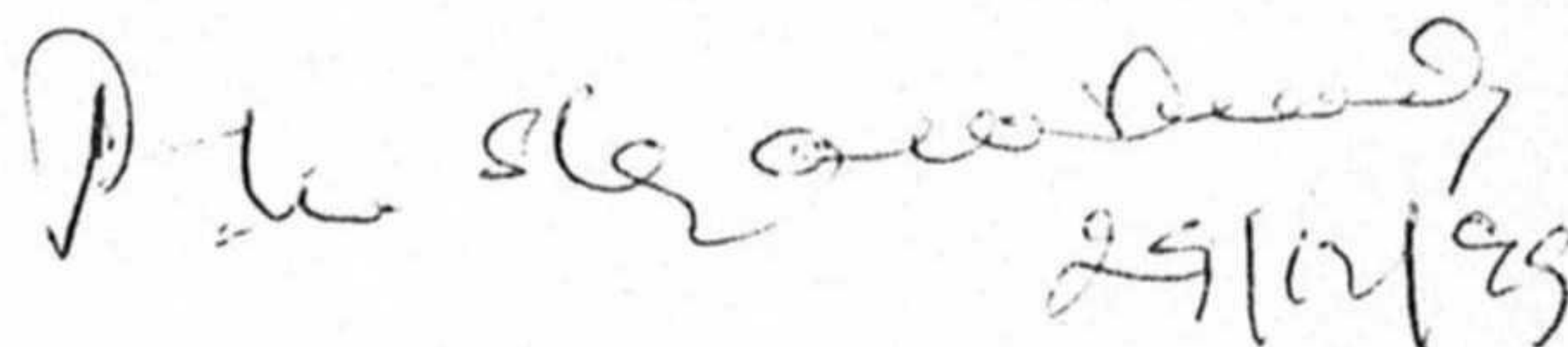
12. From the above material and evidence, it is the Finding of the Bench that "Rai-Sikh(Mahtam)" caste/community is Socially Backward and should therefore be included in the Central List of Backward Classes for the NCT of Delhi. In order to avoid any possibility of non-Rai Sikhs availing of the benefit afforded to Rai-Sikhs, the caste/community be included in the Central List of Backward Classes for the NCT of Delhi, at new entry No.54 as follows:

"54. Rai-Sikh(Mahtam)"



31.12.1999

(P.S.Krishnan)



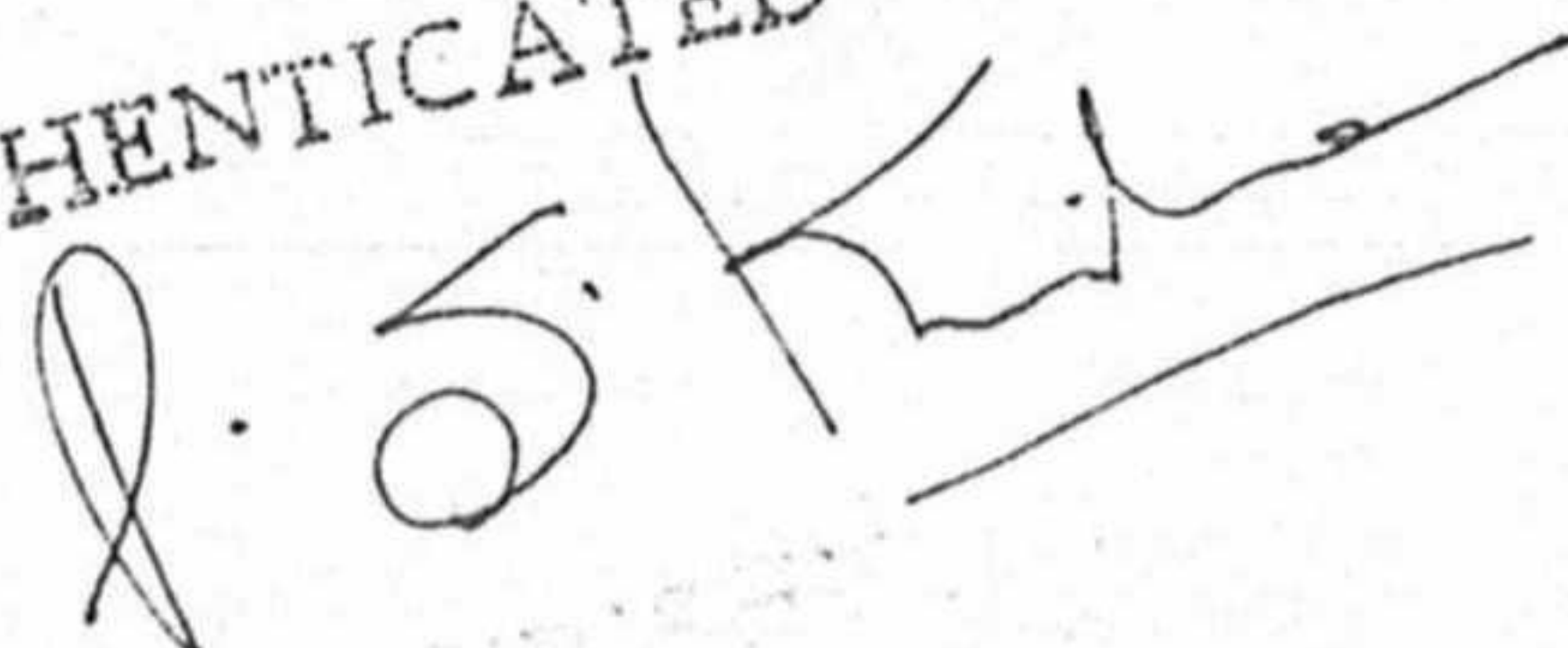
(Justice P.K. Shyamsundar)

V. Advice of the Commission

13. The Commission considered and agreed in full with the above Finding of the of the Delhi 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(Mahtam)" be included in the Central List of Backward Classes for the

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"547 Rai-Sikh(Mahtam)"

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