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

DO NCBC Advice No. 17 Orissa/98

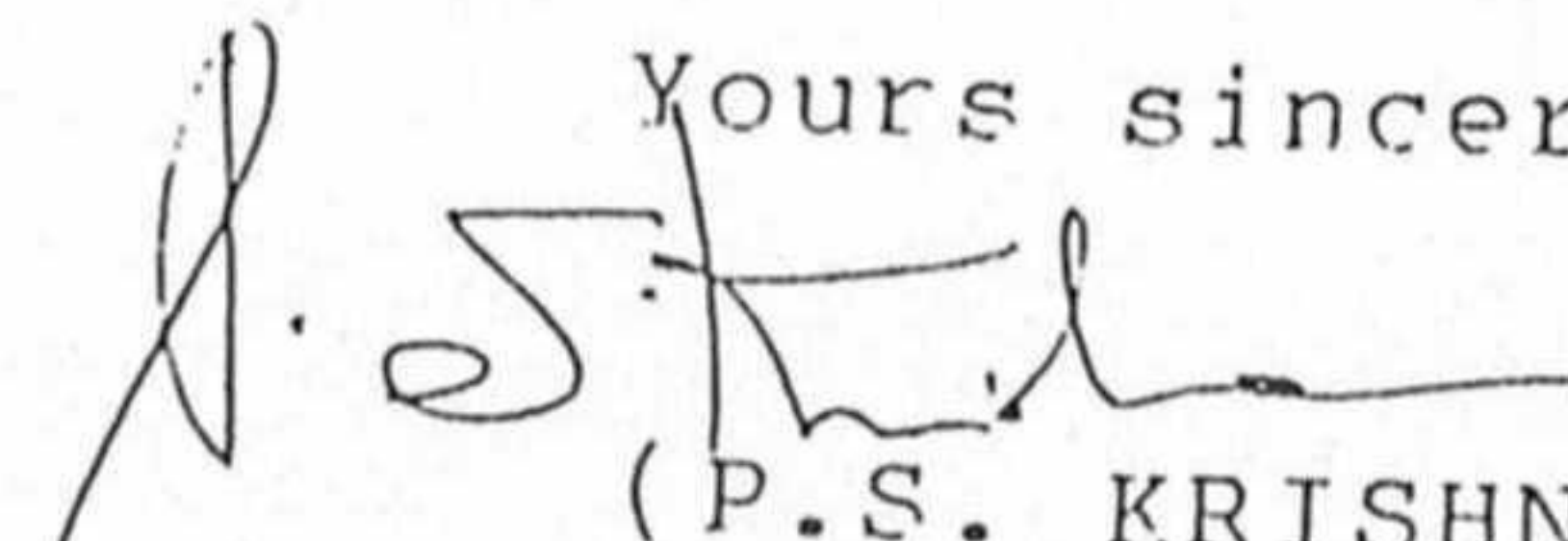
02. 09. 1998

Dear Shri Manavalan,

I am sending herewith the Advice of the National Commission for Backward Classes under Section 9(1) of the National Commission for Backward Classes Act, 1993 for Inclusion of 'Mahla/Mahlar' and for rejection of the Request for Inclusion of 'Malla', in the Central List of Backward Classes for Orissa, duly authenticated, for necessary action by the Central Government under Section 9(2) of the Act.

2. With this, Advices on 339 castes, sub-castes, synonyms etc. have been tendered to the Government by the Commission, after its reconstitution in 1997, of which 336 are still pending with the Government for Notification.

Yours sincerely


(P.S. KRISHNAN)

Encl: As stated.

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

NATIONAL COMMISSION FOR BACKWARD CLASSES

Orissa Bench

FINDINGS

Case : Request for inclusion of 'Malha/Malhar' , 'Malla' Castes/Communities in the Central List of Backward Classes for Orissa.

Per Prof. U.P. Singh, Member

I. Request

This case arises from the Requests received in this commission from Shri Satrughna Dalai, President , Utkal Malha Jatiya Samittee, Cuttack and Shri Madan Mohan Samal, , Malla Samaj, Rourkela for inclusion of 'Malha/Malhar', 'Malla' castes/communities in the Central List of Backward Classes for Orissa.

II. Public Hearing

2. A Three-Member Orissa Bench of the Commission consisting of Hon'ble Members , Shri U.P. Singh , Shri Sahu Akshaya Bhai and Shri Navtej Puadhi held a Public Hearing in respect of these castes/communities at Bhubaneswar on 14-5-98. The State Government was represented by Shri R.B. Nayak, Director OBC, Department of Welfare, and Shri M.R. Mishra, Member-Secretary, represented the State Commission for OBCs. The caste/community was represented by Shri M.M. Samal, Secretary, Utkal Malha Jatiya samittee, Shri Satrughna Dalai and Shri Mayadhar Patra.

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III. Facts.

3. The Malha/Malhar, Malla caste /community has not been included in Mandal List.
4. Malla caste/community has not been included in the State list, while Malha/Malhar caste/community has been included at Sl. No. 185 vide Resolution No. 15306-O.B.C. - 4/95-W dated 13-6-95 as :-

"185. Mahla/Mahlar"

5. The questionnaire submitted by Utkal Malha Jatiya Samiti, Cuttak contains the following information :-
 - (i) Malha caste is generally regarded as socially backward.
 - (ii) The traditional occupation of the caste was boating that is ferry service of passengers and goods in rivers and canals, but in course of time, mechanical road transportation was introduced throughout the State, thereby main occupation was badly hampered and people of the caste engaged in various fields of employment like daily labour, carpentry, agricultural labour etc.
 - (iii) The population of the caste in the State is 13210 (Male 6589 and Female 6621) as in 1993.
 - (iv) Their representation in Legislative Assembly is nil. However, in Local Elected Bodies, two Sarpanchs, one ward member and one Municipal Corporation Councilor belonged to the caste/community.
 - (v) The literacy rate of the caste/community in the State is 21 percent while the literacy rate of the State is 49.09 percent in 1993. Number of matriculates among the members of the caste/community in the State was 104 and total number of all graduates among the members of the caste/community was 52 (1993).
 - (vi) Ninety nine percent families of the caste/community in the state live in kachcha houses.

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(vii) No. of posts in the services of the State Govt. held by the members of the caste as below:

Group A/Class I	6
Group B/Class II	78
Group C/Class III	91
Group D/Class IV	117

Besides State Govt. services persons of the caste engaged in other areas of employment as below:

Teachers in Colleges	1
Doctors	4
Lawyers	2
Engineers & Architects	4
Media professionals	1(Camera man)

- (viii) The main reasons on account of which the caste/community considers itself to be backward are illiteracy, poverty and low social status.
- (ix) The caste people consider 'Badhei' and 'Barika' castes at a level immediately higher than their caste.

6. During the Public Hearing the representatives of the caste/ community stated that the traditional occupation of the caste is boating and their social status in a larger society is very low. Due to the advent of other means of transport a few members are engaged in the traditional occupation and others have become agricultural and non-agricultural labourers. The representatives stated that the caste is Malha/Malhar but in rural areas in Oriya dialect they pronounce Malla so they wanted to include Malla as a synonym alongwith Malha. When the Hon'ble Members invited their attention on using Mall as a surname by a section of Khandayat Caste, who can take advantage of inclusion of Malla alongwith Malha the representatives agreed that the inclusion of Malha only will serve their purpose. Those present during the public hearing and belonged to different castes and the representatives of State Government and State Commission for Backward Classes also supported their claim and nobody opposed them.

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7. H.H. Risley in 'The Tribes and Castes of Bengal' (Ethnographic Glossary Vol. II, Published by Firma Mukhopadhyay, Calcutta, first edition 1891, Reprint 1981 p.375) has written that, "Malha, a title of Kaibarttas in Orissa"

Risley has discussed the Kaibartta caste/sub-caste (ibid Vol. I pp. 375-382) "Kaibartta, a sub-caste of Kewats in Bengal....

Kaibartta, Kaibartta-Das, Chasi-Das, Halia-Das, Parasar-Das, Dhivara, Khyan, Khyan, a large fishing and cultivating caste of Bengal. Proper taking rank below the Nava-sakha, or group of nine castes, from whose hands a Brahman may take water.....All that can be said is that they are one of the characteristic castes of the deltaic districts of Bengal, that the nucleus of the group was probably Dravidian, but that their original cast of feature may have been to some extent refined by a slight infusion of Aryan blood.....The simplest explanation of the relation between the Kaibartta and the Kewat appears then to be that both belonged to one and the same tribe, but that the branch which settled in Behar gradually became endogamous and adopted a Hindi name, so that the two groups are now virtually distinct castes and have been so treated in this book.....In Orissa, on the other hand the two names are current side by side; but Kaibartta is used by members of the caste, while only outsiders have the bad taste to talk of Kewats..... At the present day the Brahmans who serve the Kaibartta are so generally despised that no clean Sudra will touch anything cooked by them, and in reality they rank beneath the Sudra.

The Social status of the Kaibartta is not altogether easy to determine, as the fisher sub-castes would necessarily occupy a lower position than purely agricultural groups. The Halia Kaibartas are usually allowed to smoke in the same hooka with members of the Nava-sakha, and this fairly marks their position as standing first below that group. The same privilege is not accorded to Jaliya Kaibarttas. At present Brahmans will not take water from the hands even of the Halia sub-caste, but it seems likely, as time goes on, that this sub-caste will rise in social estimation, and will altogether sink the Kaibartta, so that eventually it is possible that they may succeed in securing a place with the Nava-sakha, an elastic group, which has already been expanded beyond its original limits."

Regarding 'Malla' Risley has written, "Malla, wrestler, a title of Khandaits in Orissa and of the Aguri or Ugrakshatri caste in Western Bengal." (ibid. Vol II p63)

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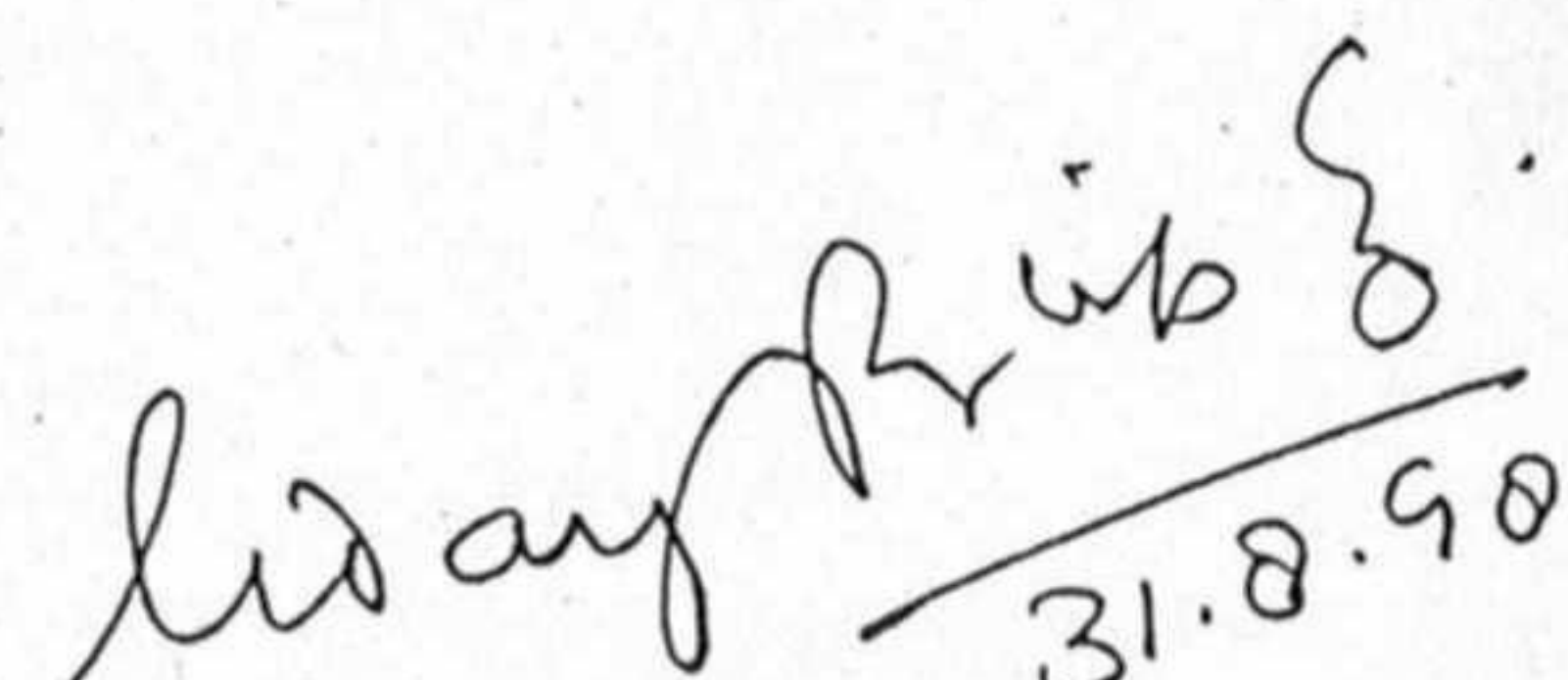
IV. Findings

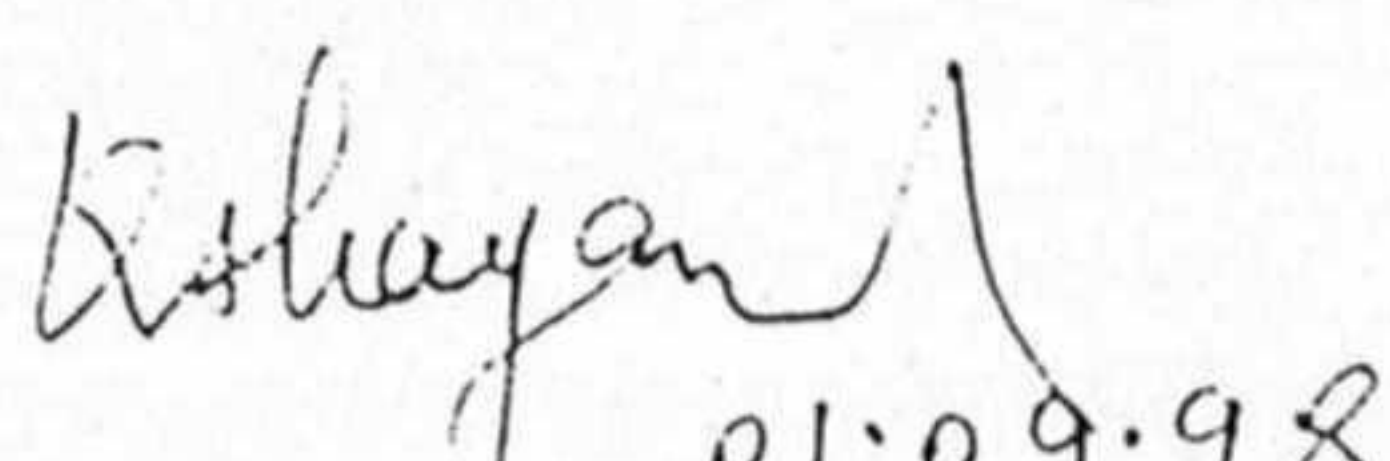
8. From the above facts and evidence it is the finding of the Bench that the traditional occupation of the members of 'Malha/Malhar' caste/community is boating and falls under the Fast-track category as it is covered by guideline 2(e) of the NCBC's Guidelines for Consideration of Requests for Inclusion and Complaints of under-inclusion in Central List of Backward Classes and also by para 7 of the Procedural Clarification on Guidelines. The Bench decided to include spelling Mahla/Mahlar as in the State List instead of 'Malha/Malhar' as requested by the requesters to maintain similarity and to avoid any difficulties to be faced by the persons belonging to this community in getting the certificate. Therefore, 'Mahla/Mahlar' should be included in the Central List of Backward classes for the State of Orissa at entry No.182as: -

"182 Mahla/Mahlar"

Since, 'Malla' as a title is used by the members of the Khandait caste in Orissa, which is a different caste and has no relation with Malha caste. The request for inclusion of 'Malla' as a synonym of 'Malha' in the Central List of Backward Classes be rejected.

As one of the Members of the Bench, Shri Navtej Puadhi unfortunately passed away on 16-8-98, subsequent to the public hearing, the Findings are signed only by two Members, but the Findings represent the conclusion jointly arrived at by all three Members.


(U.P. SINGH)
31.8.98


(SAHU AKSHAYA BHAI)
01.09.98

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V. Advice of the NCBC

9. The Commission considered and agreed in full with the above findings of the Orissa 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: -

In the light of the factual position as stated above, the caste/community 'Mahla/Mahlar' should be added in the Central List of Backward Classes for Orissa at entry No. 182 as below: -

"182. Mahla/Mahlar"

The request for inclusion of **Malla** in the Central List of Backward Classes as a synonym of 'Malha' be **rejected**.

On account of the unfortunate demise of one of the Members Sri 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

Rshayan
01.09.98

Madan Mohan
31.8.98

P. K. S. Upadhyaya
1.9.98

P. S. Krishnan
1.9.98

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