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सदस्य सचिव
राष्ट्रीय पिछड़ा वर्ग आयोग

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. D&NH/1 / 2002

04-07-2002

Dear Shri Reddy,

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 the rejection of the request for inclusion of "Bhandari" caste/community in the Central list of backward classes for the Union Territory of Dadra & Nagar Haveli, duly authenticated, for necessary action by the Central government under Section 9(2) of the Act.

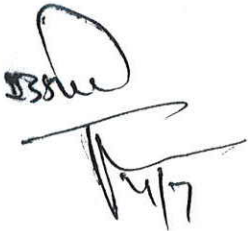
With regards,

Yours sincerely


(C. T. Benjamin) ५/७

Shri C. Gopal Reddy
Secretary to Government of India
Ministry of Social Justice & Empowerment
Shastri Bhavan
NEW DELHI

Encl: As stated.


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o/c

NCBC Advice No. DS NH/1/2002

NATIONAL COMMISSION FOR BACKWARD CLASSES
DADRA & NAGAR HAVELI BENCH
FINDINGS

Case: Request for inclusion of "Bhandari" caste/community in the Central List of Backward Classes for the Union Territory of Dadra & Nagar Haveli.

I. REQUEST

This case arises from the request received in this Commission from Shri Mohan S. Delkar, Member of Parliament (Lok Sabha), U.T. of Dadra & Nagar Haveli (Opp. Cottage Hospital, Silvassa – 396 230) for inclusion of "Bhandari" caste/community in the Central list of backward classes for the Union Territory of Dadra & Nagar Haveli.

II. PUBLIC HEARING

2. A two-Member bench of the Commission consisting of Shri C.T. Benjamin, Hon'ble Member-Secretary and Dr. B.M. Das, Hon'ble Member held a public hearing to examine this request at Silvassa on 3rd December 2001. At the public hearing, the State Government was represented by Shri Kulanand Joshi, Deputy Collector and other officers. The Bhandari caste/community was represented by Shri Mohanbhai P. Patel, President, Bhandari Samaj, Shri Amrutlal Keshubhai Patel, Shri Bharatbhai B. Jadav and about 30 other members of the caste/community. Shri Mohan S. Delkar, Member of Parliament, who has made the request, also appeared before the Bench.

III. FACTS

3. "Bhandari" caste/community is not included in the list of backward classes recommended by the Mandal Commission for Dadra & Nagar Haveli. The first list of

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backward classes notified by the Dadra & Nagar Haveli Administration vide its Notification No. DC/10/201/92/2439 dated 27th January, 1994 was just a replica of the Mandal Commission's list and therefore it also did not include the 'Bhandari' caste/community. 'Bhandari' caste/community is also not included in the central list of backward classes for the Union Territory of Dadra & Nagar Haveli issued by the Central Government vide Ministry of Welfare's Resolution No. 12011/9/94-BCC dated 19.10.1994 as it was not included both in the Mandal Commission's list for Dadra & Nagar Haveli and in the Dadra & Nagar Haveli Administration's first list of backward classes and, therefore, did not satisfy the criterion of commonality based on which the central list was prepared.

4. Shri Mohan S. Delkar in his letter of request has stated that the UTs of Dadra & Nagar Haveli and Daman & Diu are under a common administration and have equal status in all respects. The Bhandari community has already been included in the list of OBCs for Daman & Diu and the Committee for Other Backward Classes constituted for the UTs of Daman & Diu and Dadra & Nagar Haveli has recommended the inclusion of Bhandari community in the OBC list for Dadra & Nagar Haveli. Therefore, the Bhandari community should also be included in the OBC list for Dadra & Nagar Haveli.

5. The Bhandari Samaj through the UT Administration has furnished the following information about the caste/community in the NCBC's questionnaire:-

At present the total population of the Bhandari community is about 2025. The Bhandari community has the sub-castes/synonyms of "Patel" and "Kuber". The traditional occupations of the community are "mukadam, labour, supervisor, agriculture and sale of toddy". The women of the community sell vegetables. Some members of the community run tea stalls and "vada pauv" stalls. The children of the community assist the family in income generation before and after school hours and during holidays and vacations. About 55% of the members of the community are engaged in the traditional occupations of "labour supervisor, mehtaji". Of the total population of 2025 in the year 2001, 1750 (85%) are literate, 1225 are matriculates and 525 graduates.

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6. During the public hearing the representatives of the caste/community stated that traditionally the main occupation of their community was tapping of toddy from Khajuri trees, but at present only a few are engaged in that occupation and the other members of the community are mainly engaged in agriculture in their own lands. Asked about the size of their average land holding, they at first stated it to be about 4 to 5 acres, but they then said that it was only about 1 to 2 acres. They further stated that their women are engaged in selling of vegetables in the roadside markets and their children often go to graze cows etc. in the morning before they go to schools. Their employment in the industry is not considerable and therefore most of the community members are poor. While claiming that socially they are near to tribals as their living areas are closely connected with the tribal areas, they also said that they occupy a middle position in the social hierarchy and they do not have social relations with upper castes like Brahmin, Bania etc. On a specific enquiry, they said that the Brahmins attend their social functions. They were critical of the fact that when certain castes/communities were notified as backward in 1994 in Dadra & Nagar Haveli and Daman & Diu, the Bhandari community of Dadra & Nagar Haveli was left out even though the same community was included in the list of O.B.Cs in Daman & Diu. They argued that since the Bhandari community in both Daman & Diu and Dadra & Nagar Haveli is closely related, with even marriages taking place between them, and their socio-economic conditions beings similar, the non-inclusion of Bhandari community of Dadra & Nagar Haveli in the list of O.B.Cs amounted to discrimination. They pleaded that the Bhandari community should also be included in the O.B.C list for Dadra & Nagar Haveli so that their members could be provided an opportunity to get jobs in Government services.

7. Shri Mohan S. Delkar, MP (Lok Sabha) stated during the public hearing that the socio-economic position of the Bhandari community in Dadra & Nagar Haveli is similar to that of the castes/communities which have already been included in the list of backward classes and therefore the Bhandari community also deserved to be included in the list of backward classes. He said that nobody in the territory would oppose the inclusion of Bhandari community in the OBC list. He also apprised the Bench that the

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part played by the Bhandari community in the development of the territory is very significant.

8. The Administration of Dadra & Nagar Haveli, vide letter No. ADM/Law/21/2001/3874 dated 29.11.2001, has furnished a copy of the "Minutes of the Meeting of Other Backward Classes Committee held on 18.6.1998 at Secretariat, Daman" in which it is recorded as follows:- "We have also considered the inclusion of Bhandari community in the list of O.B.C. of Dadra & Nagar Haveli. Bhandari community is recognised by the Union Territory of Daman & Diu as a backward community. This Committee considered that Bhandari community is having similar social, economic and cultural backwardness in both the Union Territories. We also considered to include Bhandari community in the O.B.C. list of Dadra & Nagar Haveli Union Territory and accordingly recommend the administration of U.T. of Daman & Diu and Dadra & Nagar Haveli."

9. The UT Administration in the above mentioned letter has clarified that the 'Bhandari' community is "socially, economically and culturally backward" according to the said Committee but the UT Administration is of the view that "the Bhandari community is neither poor nor rich but is a middle class so far as their social, economic and educational status is concerned." In the questionnaire furnished by the UT Administration, it is specifically mentioned that the Bhandari community is not socially backward.

10. According to the information furnished by the UT Administration in the NCBC's questionnaire, the total population of the Bhandari caste/community in the Union Territory of Dadra & Nagar Haveli is 1051 which constitute about 0.50% of the total population of the territory. The occupation on which the members of the caste/community mainly depend for their livelihood is given as "agriculture/service/trading". It is mentioned that while they are mainly engaged in "non agricultural" activities, their agricultural activities mainly involve "manual labour on own land" and they also engage other labourers. Regarding the educational profile of the

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caste/community, it is stated that out of the 1051 members of the caste/community, 993 are literate which include 446 females. The number of matriculates among the caste/community is given as 329 (31.3%) and the number of graduates is stated to be 66 (6.3%). It is stated that there are 41 engineers/architects and 2 doctors in the community. It is further stated in the questionnaire that 90% of the families of the community live in 'pucca' houses and only 10% live in 'kachha' houses. The UT Administration also states in the questionnaire that the Bhandari caste/community considers itself to be backward due to economic conditions and that in the last few years their activities in the service and business sectors have increased due to industrialisation.

11. Anthropological Survey of India's 'People of India' national series volume on "India's Communities" (Vol. IV, edited by K.S. Singh, published in 1998) describes the Bhandari community as follows:-

"Bhandari" The name Bhandari is derived from the word *bhandar*, meaning treasury. In Marathi, Bhandari means storekeeper. According to their mythology, they were in charge of the treasures of Lord Indra during Satyug. There are three endogamous divisions among them, namely the Kuber Bhandari, who are distributed over the region from Surat to Vapi, the Kalgara Bhandari, who are distributed from the sea coast of Surat to the Umbergaon taluk in Valsad, and the Maharashtrian Bhandari, who live in the border villages of the Thane district of Maharashtra. They mainly inhabit Gujarat, Maharashtra, and Daman & Diu.

For the Bhandari [in Gujarat], cultivation remains the principal source of income. However, many of them have now given up their traditional pursuit of toddy-tapping. Some are engaged in the wholesale and retail business of selling vegetables, or in government or private service. As cultivators and those in charge of warehouses, they maintain socio-economic relations with all other communities, especially with the Anavil Brahman and Jain. The literacy rate among them is moderate.

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In Daman and Diu, land is the economic resource of the Bhandari and is controlled individually. There are both landowning and landless people among them. Toddy-tapping is their traditional as well as primary occupation. Agriculture, government

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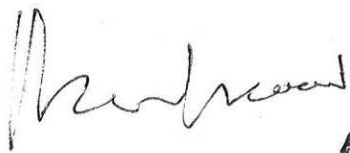
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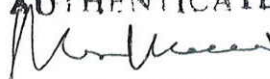
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service and working in wine shops are the subsidiary occupations. Some of them are wage labourers.”

IV. FINDINGS

12. On the basis of available facts and evidence, the Bench finds that the Bhandari community of Dadra & Nagar Haveli is not a socially backward caste/community. From the information furnished to the Bench by the UT Administration in the NCBC's questionnaire, it appears that the community is better off than others in terms of its economic and educational position. Inclusion of the Bhandari community in the Central list of backward classes for Daman & Diu or for that matter in the backward classes list of any other State or UT cannot be a ground for their automatic inclusion in the Central list of backward classes for Dadra & Nagar Haveli also. In fact, the list of backward classes of the UT of Daman & Diu and that of the Dadra & Nagar Haveli issued in 1994 are just replicas of the respective Mandal Commission lists and therefore the Central lists subsequently issued by the Government of India, applying the principle of “commonality”, in respect of these Union Territories are also copies of the Mandal Commission lists in which the “Bhandari” caste/community was included in respect of Daman & Diu and not in respect of Dadra & Nagar Haveli. Hence, the inclusion of ‘Bhandari’ caste/community in the Daman & Diu Administration's list and the Central list for Daman & Diu can be said to be automatic and not based on any independent enquiry about its social backwardness. For these reasons also, the Bench cannot accept the argument of the request-maker and the representatives of the caste/community that since “Bhandari” is included in the Central list of backward classes for Daman & Diu, it should also be included in the Central list of backward classes for Dadra & Nagar Haveli. The Bench is of the considered view that since Bhandari of Dadra & Nagar Haveli is not a socially backward caste/community, it cannot be included in the list of backward classes and, therefore, the request for inclusion of Bhandari caste/community in the Central list of backward classes for the Union Territory of Dadra & Nagar Haveli should be rejected.



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V. ADVICE OF THE COMMISSION

13. The Commission considered the above findings 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 ACT:-

Request for inclusion of "Bhandari" caste/community in the Central list of backward classes for the Union Territory of Dadra & Nagar Haveli be rejected as it is not a socially backward caste/community.

Member
2/7/02

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2/7/02

Dr. M. S. Kumar

Bhandari

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