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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. Gujarat 38/99

12.8.1999

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 "Bagban, Rayeen" caste/community as synonyms of "Mali" in the Central List of Backward Classes for Gujarat, duly authenticated, for necessary action by the Central Government under Section 9(2) of the Act.

2. With this, Advices on 738 (369 for Inclusion + 369 for Rejection) castes, sub-castes, synonyms, etc. have been tendered by the NCBC, after its reconstitution in February 1997, of which 732 (363 for Inclusion + 369 for Rejection) are still pending with the Government for Notification.

Yours sincerely

(P S Krishnan)

7C

Encl: As stated

Smt. Asha Das
Secretary
Ministry of Social Justice & Empowerment
Shastri Bhavan
New Delhi.

NCBC Advice No. Gujarat 38/99

NATIONAL COMMISSION FOR BACKWARD CLASSES

GUJARAT BENCH

FINDINGS

Case : Requests for inclusion of "Bagban" caste/community in the Central List of Backward Classes for Gujarat.

Per Shri Justice P.K. Shyamsundar, Chairperson

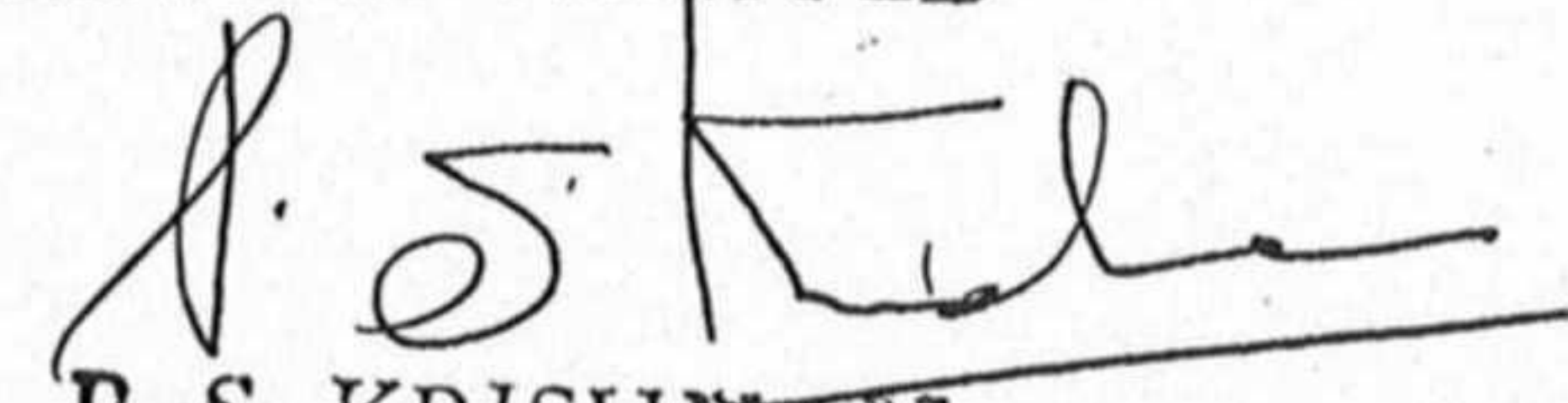
I. Request

This case arises out of the Request received from Shri Farid Baghban, President, All India Rayian Baghban (Sipae) Public Trust, Ahmedabad for inclusion of "Bagban" in the Central List of Backward Classes for Gujarat.

II. Public Hearing

2. The three-Member Gujarat Bench of the Commission consisting of Hon'ble Chairperson, Justice P.K. Shyamsundar and Hon'ble Members, S/Shri U.P. Singh and Sahu Akshaya Bhai held a Public Hearing at Ahmedabad on 16.7.99 to examine this Request for inclusion in the Central List of Backward Classes for Gujarat. At the Public Hearing, the State Govt. was represented by Shri P.M. Patel, Deputy Secretary and Shri A.M. Bhatt, District Welfare Officer from Social Justice & Empowerment Department and Shri J.M. Luni, Director and Shri R.N. Patel, Joint Director from Developing Castes Welfare Department, Gandhinagar. The caste/community was represented by S/Shri Farid Baghban, Naushad Baghban and others.

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III. Facts

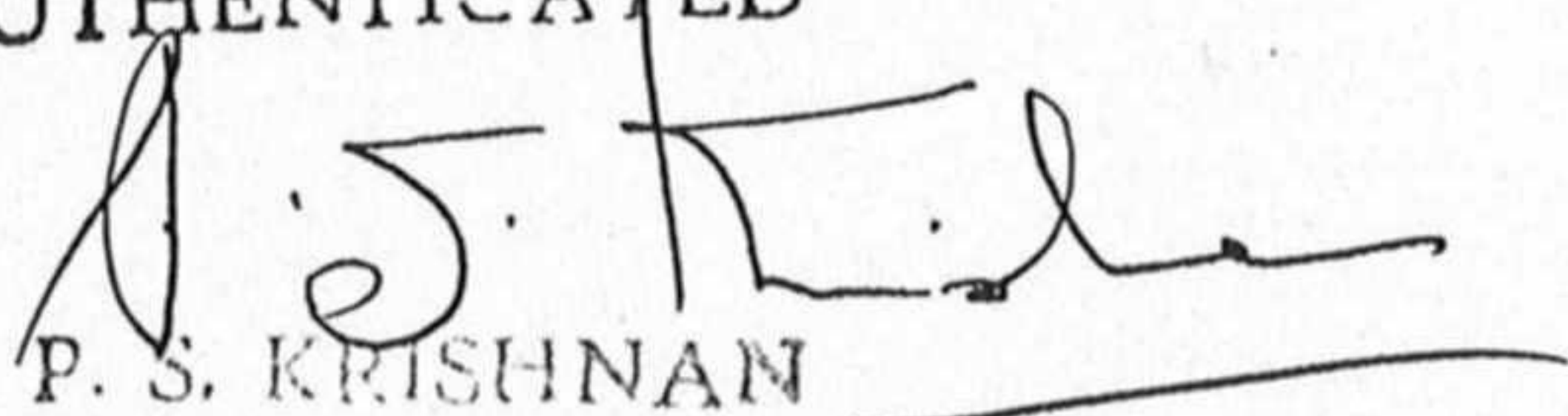
3. At the time of preparation of the first phase Central List of Backward Classes, on the principle of commonality, i.e. castes/communities which were found commonly included in the respective State Government's List of BCs that existed at that time and the Mandal Commission's List for that State, the caste/community was not included in the State List of BCs and therefore the Expert Committee on Backward Classes, for this reason did not include it in the Central List of Backward Classes for the State. However, the State Government included "Mali" caste/community in the State List of BCs at entry No. 107 vide Government of Gujarat Resolution No. SSP-1194-1411-A dated 25.7.1994, on the basis of castes/communities which were declared as backward as per the recommendations of the Majumdar Committee.

4. The NCBC tendered its Advice to the Central Government, vide Advice No. Gujarat 4/97 dated 15.11.97, for inclusion of "Mali" in the Central List of Backward Classes for Gujarat, and again tendered its Advice, vide No. Gujarat 30-32/99 dated 9.7.99, for inclusion of "Fool Mali, Marathi Mali, Kach Mali, Jire Mali" as synonyms of "Mali", combining these 2 Advices, the Commission has advised the inclusion of the following entry:-

"82. Mali, Fool Mali, Marathi Mali, Kach Mali, Jire Mali"

5. Shri Farid Baghban stated in the Request for inclusion of "Bagban" in the Central List of Backward Classes for Gujarat that the Bagban caste/community is known by different names in different parts of the country such as Baghban, Bagban, Rayian, Mali, Rayee, Saini, Kunjra, Kabari, etc. and later on requested for their inclusion also. He further stated that in the State of Gujarat only Mali has been included in the State List. The caste/community is socially, educationally and economically backward.

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6. The filled-up NCBC's Questionnaire received from the caste/community mentions that the Muslim Mali is the main caste and Bagwan, Bagban, Rayeen, Kunjara, Kabari, Raini are its other sub-castes/sub-communities, spread all over the State, mainly concentrated in the districts of Ahmedabad, Banaskantha, Gandhinagar and Panch Mahal. The substantial number of members of the caste/community depend for livelihood on gardening, farming and are also engaged in the occupation of service in private shops and factories, small traders, hawkers and agricultural labour work which mainly involve manual labour for wages. The caste/community is, in terms of caste system, identified/linked with the traditional craft of gardening, farming. There is none from the community in the Class I or Class II State Government services or other professions except 2 RMP Doctors. The literacy rate of the community in the districts where it is mainly concentrated, is mentioned 30% in the year 1998.

7. The representatives of the caste/community who were present at the Public Hearing, stated that Bagban is a synonym of Mali and emphasised the need for inclusion of Bagban, Rayeen and other synonyms, by which it is known in the different parts of the State, in the Central List of Backward Classes for Gujarat. The Bench made it clear that there is no specific Request bearing Bagban for inclusion in the Central List and if they wanted to get the other names added to the Central List, they should make a specific Request. Nonetheless, the representatives of the caste/community urged that Bagban or Rayeen is one and the same community and therefore, Bagban and Rayeen as synonyms of Mali may atleast be included in the Central List of Backward Classes for Gujarat. The Bench thus felt to consider the cases of Bagban and Rayeen for inclusion in the Central List as synonyms of Mali and inter alia advising them to make a request to the State Commission in the first instance for inclusion of other synonyms of Mali.

8. Apropos ethnographic literature, under the head "Minor Musalman Castes", R.E. Enthoven in his book "The Tribes And Castes of Bombay" (Published by Asian Educational Services, New Delhi, Madras, 1990, first published 1922), describes "Bagbans or Bagvans" as follows:-

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"Bagbans or Bagvans, literally gardeners and fruiterers, are found in small numbers all over the Deccan, Karnatak and the Southern Maratha Country. They are descended from Kunbis and Malis said to have been converted during the time of Aurangzeb (A.D. 1686-1707). Even now when Kunbis are converted to Islam they are styled Bagvans. They usually marry among themselves, and form a separate community with a well-organised union, settling their social disputes at meetings under a chaudhuri or headman, who is chosen from the richest and oldest members of the community. Bagvans have strong Hindu learnings, eschew beef, keep Hindu festivals and offer vows to Hindu gods. Though Sunnis of the Hanafi school in name, they seldom pray or keep Musalman customs except that they circumcise their sons. They respect and obey the Kazi and employ him to register their marriages. They deal in fruit and vegetables."

9. Enthoven also gives the following account of the community under the head Mali that "Malis or Gardeners, from the Sanskrit mala a garland are found in large numbers all over the Deccan and North Gujarat and in small numbers in the Konkan, Kanara and Karnatak. . They seem to have been originally Kunbis who took to gardening, and by degrees formed a separate community. Mali being a functional term is sometimes applied to other castes following the occupation of gardening, e.g. Panchkalshi, Agri, Bhandari, Kachi, etc., and also to the Musalman Bagbans."

10. At the Public Hearing, the State Government and the memorialists from the community urged that both "Bagban" and "Rayeen" are well known names in the State to denote such of the Muslims who are engaged in the same occupation as that of Hindu Malis whose occupation is of gardening and plantation, etc. Rayeen, we notice, has already been included in the Central List of Backward Classes for Bihar, Uttar Pradesh and Delhi. The NCBC has also tendered Advice for inclusion of Rayeen in the Central List of backward Classes for the State of Maharashtra and Rajasthan, vide Advices No. Maharashtra 15/99 dated 9.3.99 and Rajasthan/48/99 dated 29.6.99.

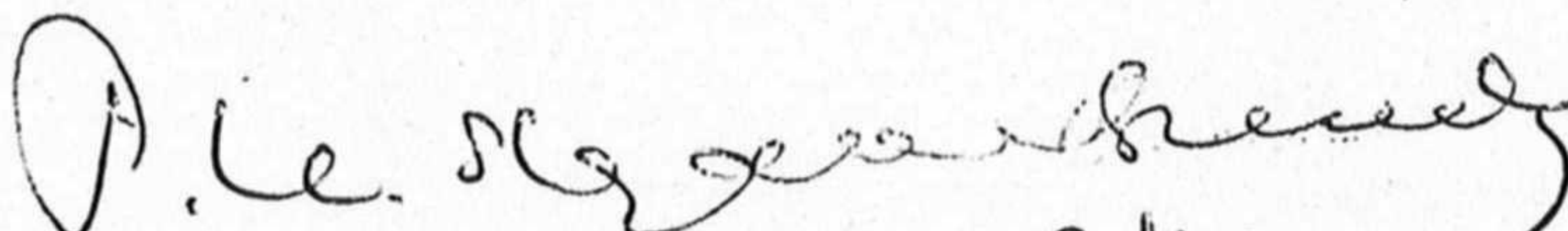
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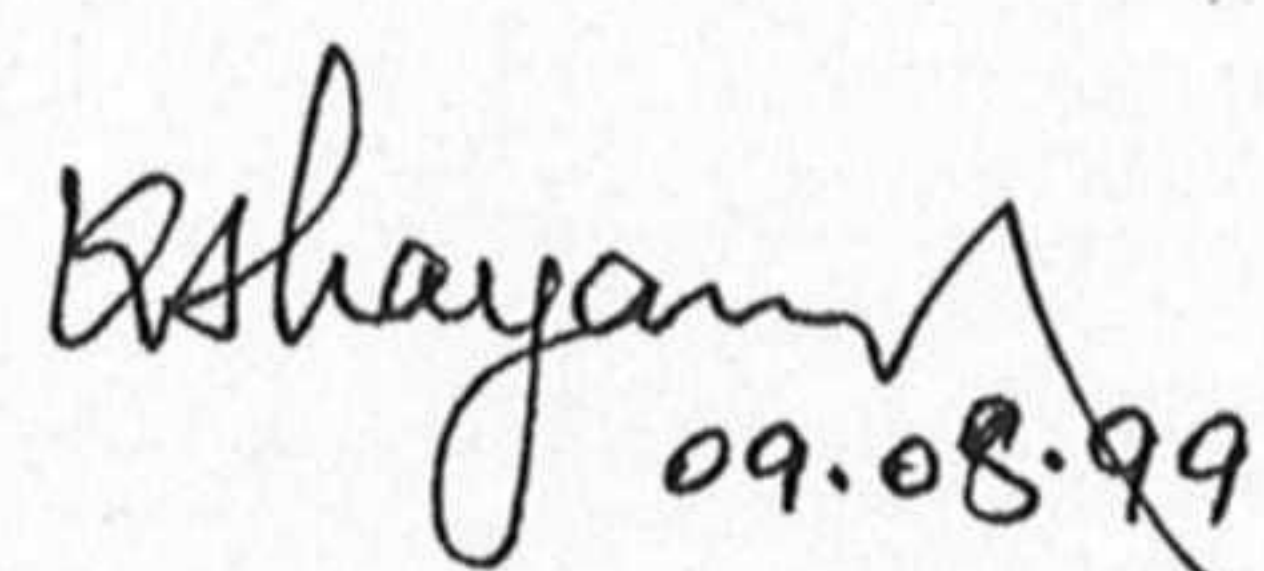

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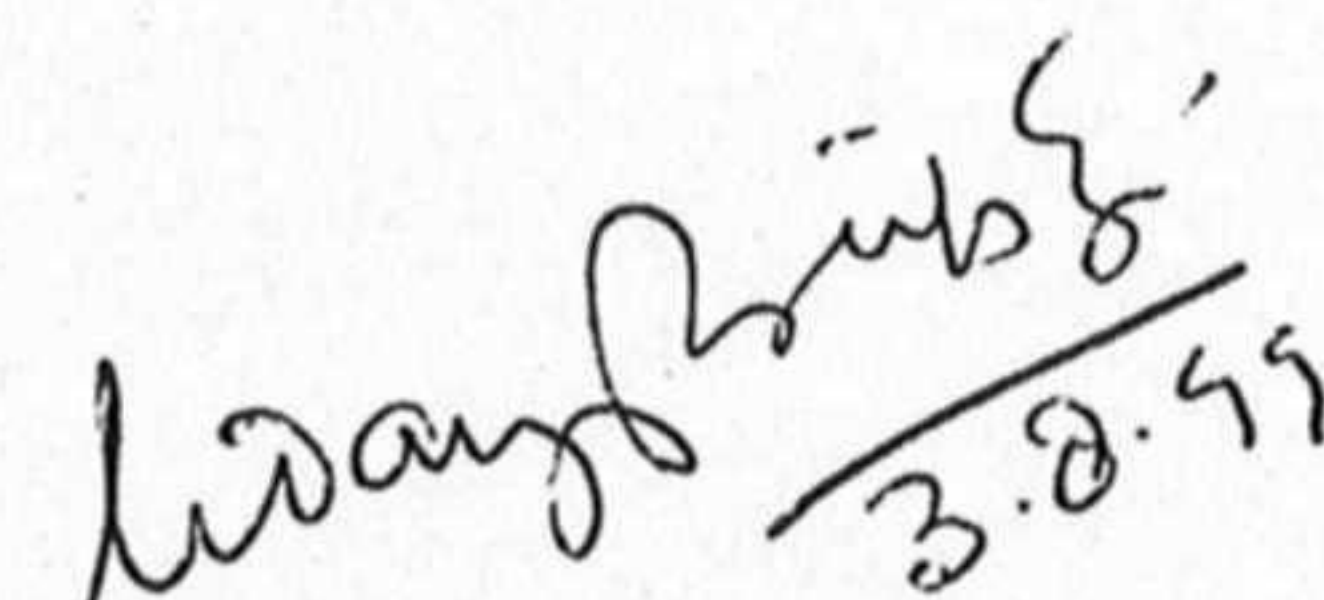
IV. Findings

11. The Bench is satisfied that "Bagban" and "Rayeen" are synonyms of 'Mali' and these nomenclatures are prevalent in the Gujarat State. Castes as aforesaid are covered by Para 9 of the "Procedural Clarification" on the NCBC's Guidelines for "Consideration of Requests for Inclusion and Complaints of Under-Inclusion" in the Central List of Backward Classes. The Bench therefore concludes that "Bagban, Rayeen" should be included as synonyms of "Mali" in the Central List of Backward Classes for Gujarat at entry No. 82 and the amended entry should now read as follows:-

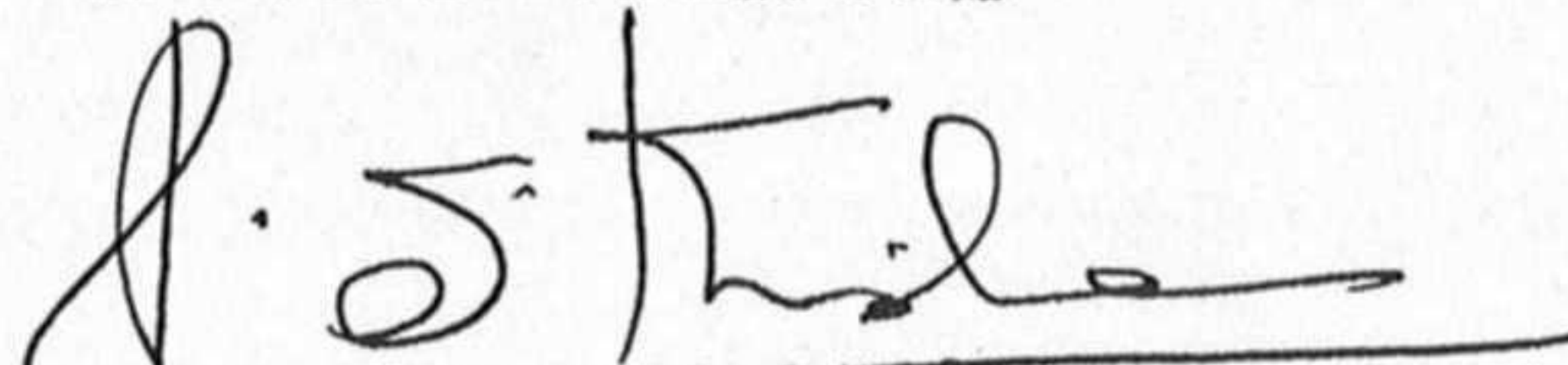
"82. Mali, Fool Mali, Marathi Mali, Kach Mali, Jire Mali, Bagban, Rayeen"


(Justice P.K. Shyamsundar) 2/8/99


(Sahu Akshaya Bhai) 09.08.99


(U.P. Singh) 3.8.99

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V. Advice of the Commission

12. The Commission considered and agreed in full with the Findings of the Gujarat Bench and decided to tender the following Advice to the Government as per Section 9(I) of the NCBC Act 1993 for action by the Central Government under Section 9(2) of the Act, 1993:-

"Bagban, Rayeen" caste/community be included as synonyms of "Mali" in the Central List of Backward Classes for Gujarat at entry No. 82 and the amended entry should read as follows:-

"82. Mali, Fool Mali, Marathi Mali, Kach Mali, Jire Mali, Bagban, Rayeen"

P. S. Krishnan
27.8.99

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P. S. Krishnan

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11.8.99

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