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सदस्य-राचिव
राष्ट्रीय पिछड़ा वर्ग आयोग
भारत सरकार
त्रिकूट-१, भीकानजी कामा प्लेस, नई दिल्ली - ११००६६

Member - Secretary
National Commission for Backward Classes
Government of India
Trikool - 1, Bhikaiji Cama Place, New Delhi - 110 066

NCBC Advice No. Andhra Pradesh 35/98

16. 11. 1998

Dear Shri Manavalan,

I am sending herewith the Advice of the National Commission for Backward Classes under Section 9(1) of the NCBC Act for the Inclusion of "Gajula Baliya (who are traditionally associated with selling of bangles)" in the Central List of Backward Classes for Andhra Pradesh, duly authenticated, for necessary action by the Central Government under Section 9(2) of the Act.

Yours sincerely

(P.S. KRISHNAN)

Encl: As stated.

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

16/11/98

NATIONAL COMMISSION FOR BACKWARD CLASSES

Andhra Pradesh Bench

FINDINGS

Per Shri P.S.Krishnan, Member-Secretary

Case: Request for Inclusion of "Gajula Baliya"
in the Central List of Backward Classes
for Andhra Pradesh

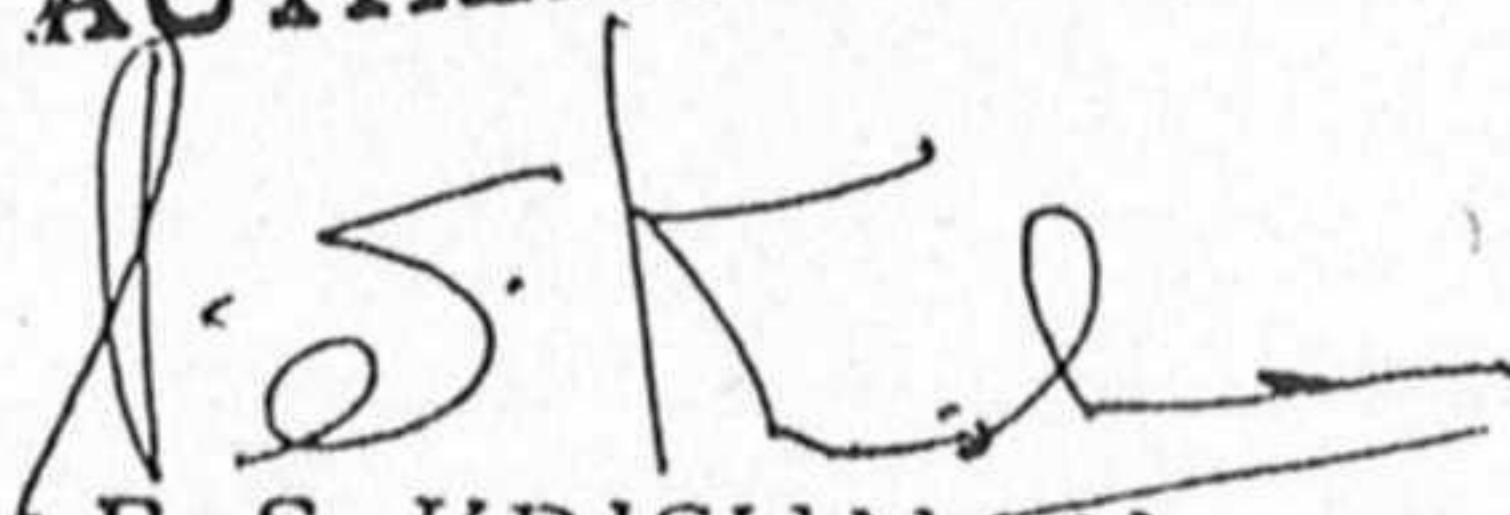
I. Request

This case arises from the Request received in this Commission from Shri M.Thulasi Ram, Dasarapalli, Keenajapalli Post, Yadahari Mandal, Chittoor District (AP) inter alia for the Inclusion of "Gajula Baliya" in the Central List of Backward Classes for Andhra Pradesh. A separate Request has also been received in this regard from Gajula Baliya Sangham, Kurnool District(A.P.) during the Public Hearing held by the Andhra Pradesh Bench of the Commission on 5.5.1998.

II. Public Hearing

2. The Two-Member Andhra Pradesh Bench of the NCBC consisting of Shri P.S.Krishnan, Hon'ble Member-Secretary and Shri Sahu Akshaya Bhai, Hon'ble Member held a Public Hearing inter alia in respect of this caste/community at Hyderabad on 5.5.98. At the Public Hearing the State Government was represented by Shri L. Shafiquzzaman, Secretary in charge of Backward Classes Welfare, Shri Chandrasekhara Rao, Joint-Director, BC Welfare and other officers in the office of the Commissioner for Backward Classes Welfare. The community was represented by Shri G. Ramachandrudu, Secretary, Gajula Baliya Sangham, Kurnool District.

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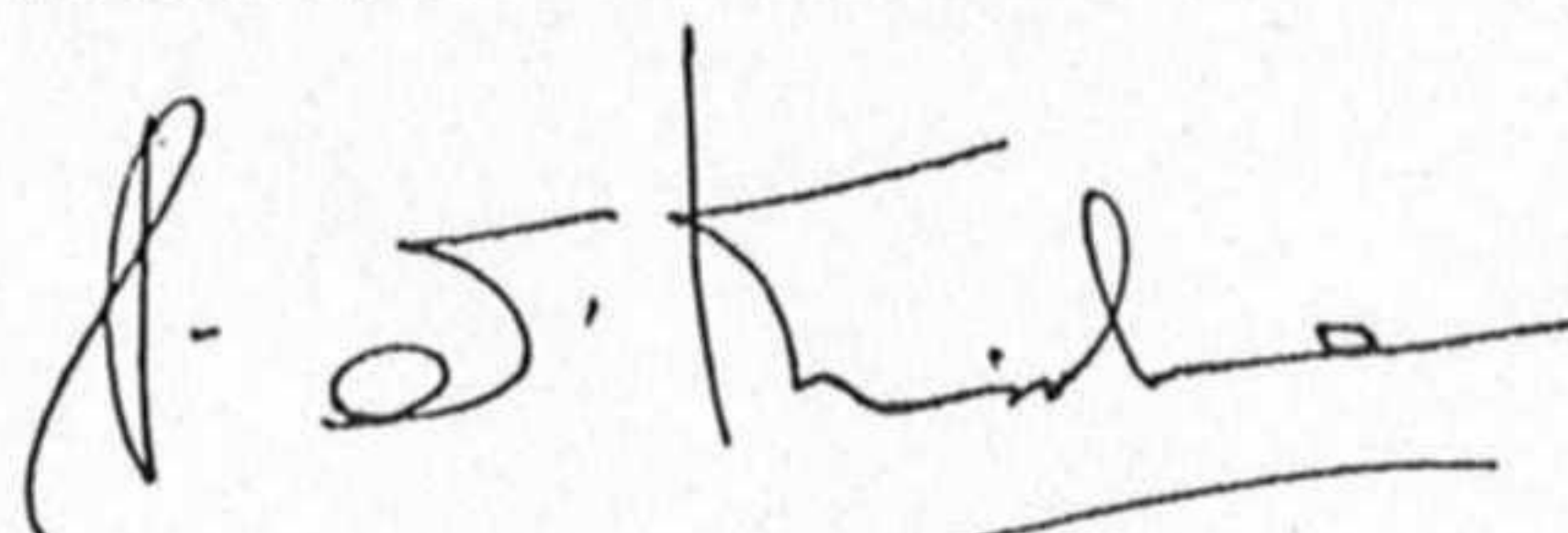
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III. Facts

3. "Gajula Baliya" was not included in the State Government's List of Backward Classes, that existed at the time of the preparation of the first-phase Central List of Backward Classes for Andhra Pradesh on the basis of the principle of commonality. It is also not included in the Mandal Commission's List of Backward Classes for Andhra Pradesh. Therefore, it is also not included in the first-phase Central List of Backward Classes for Andhra Pradesh.

4. The State List that existed at the time of the preparation of the first-phase Central List in 1993, was prepared and notified by the State Government with GO Ms.No. 1793, Education Dept., dated 23.9.1970, based on the Report of the Andhra Pradesh Backward Classes (Anantharaman) Commission, 1970. The same State List is still continuing with a few additional entries of castes/sub-castes/synonyms recommended by the present State Backward Classes Commission, set up by the State Government pursuant to the directions of the Supreme Court in its judgement in the Mandal case in 1992. In fact, after the Anantharaman Commission and before the setting up of the present State Commission, the State Govt. had appointed a Backward Classes Commission consisting of a single Member Shri N.K.Muralidhara Rao, IAS on 23.1.1982 inter alia to review the existing State List of Backward Classes. The Muralidhara Rao Commission in its Report submitted to the State Govt. on 25.9.1982 recommended, among other things, the inclusion of 9 communities including "Gajula Baliya whose present profession is sale of bangles" in the existing State List. One other important recommendation of the said Commission was to raise the extent of reservation for Backward Classes in appointments under the State Govt. including Public Undertakings, Corporations, Local bodies, Educational institutions etc. from

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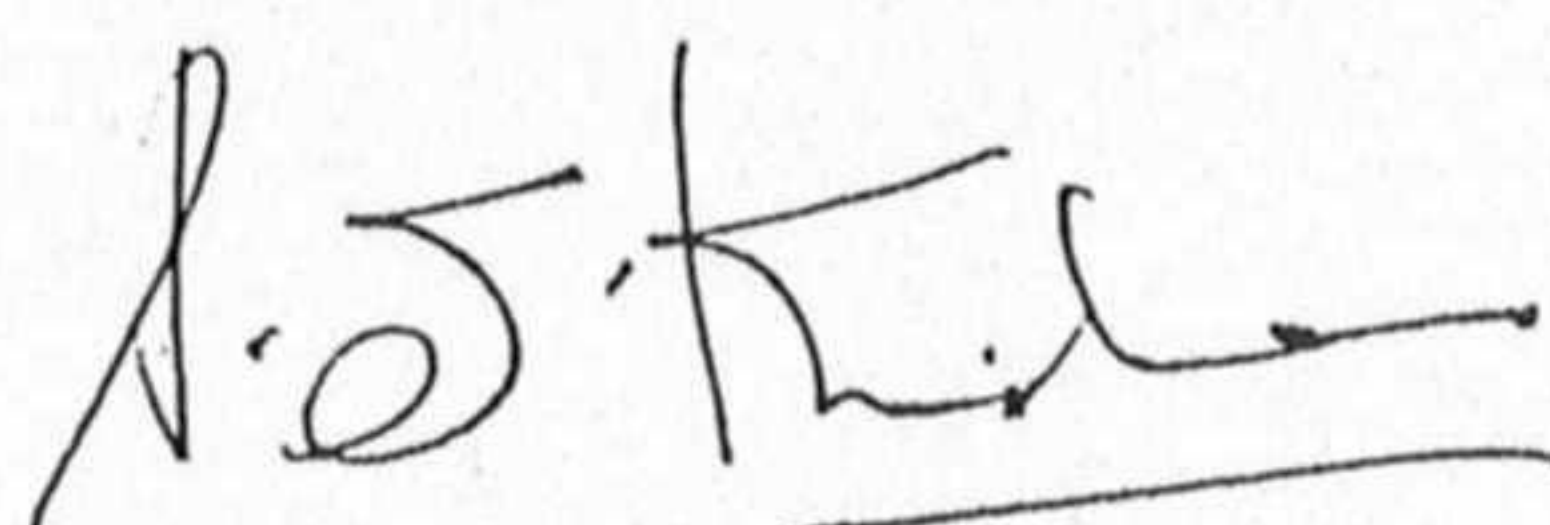
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25% then existing to 44%. Based on the recommendations of the Muralidhara Rao Commission, the State Govt. vide its G.O.Ms No. 166, S.W.(P) Department, dated 15th July, 1986 included in the State List the 9 communities recommended by the Commission and also raised the reservation for Backward Classes from the existing 25% to 44%.

5. The above GO Ms No. 166, S.W.(P) Department, dated 15th July, 1986 was challenged in the High Court of Andhra Pradesh in a series of Writ Petitions. The High Court in its Judgement dated 5th September, 1986 in "W.P. No. 9457/86 and Batch" inter alia struck down Clauses 13, 14, 15 of said GO relating to the raising of reservation for Backward Classes from 25% to 44%. The High Court did not strike down Clause 5 of the GO relating to the inclusion of 9 new communities including "Gajula Baliya whose present profession is sale of bangles" recommended by the Muralidhara Rao Commission. The State Govt. however discontinued the entire G.O. and restored the status quo in all respects. Therefore the 9 communities recommended for inclusion in the State List by the Muralidhara Rao Commission including Gajula Baliya are yet to be included in the existing State List and are presently under the consideration of the present State Commission for Backward Classes.

6. Gajula Baliya Sangham in its letter of Request has inter alia stated as follows: "We are hereditarily nomadic and living together along with other co-dwellers and eking our livelihood by... sale of Bangles moving from door to door. The turnover of sales of such bangles will be very limited and the profit margin will be much less which has been counter-acted by abnormal transit charges and we have to move from place to place and village to village..... There are nearly 1200 to 1250 families whose occupation is only to sell the bangles moving from place to place and if the above community

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is classified under B.C. list, much justice will be done to the society which can live and prosper, lest the community will have to be annihilated in course of time."

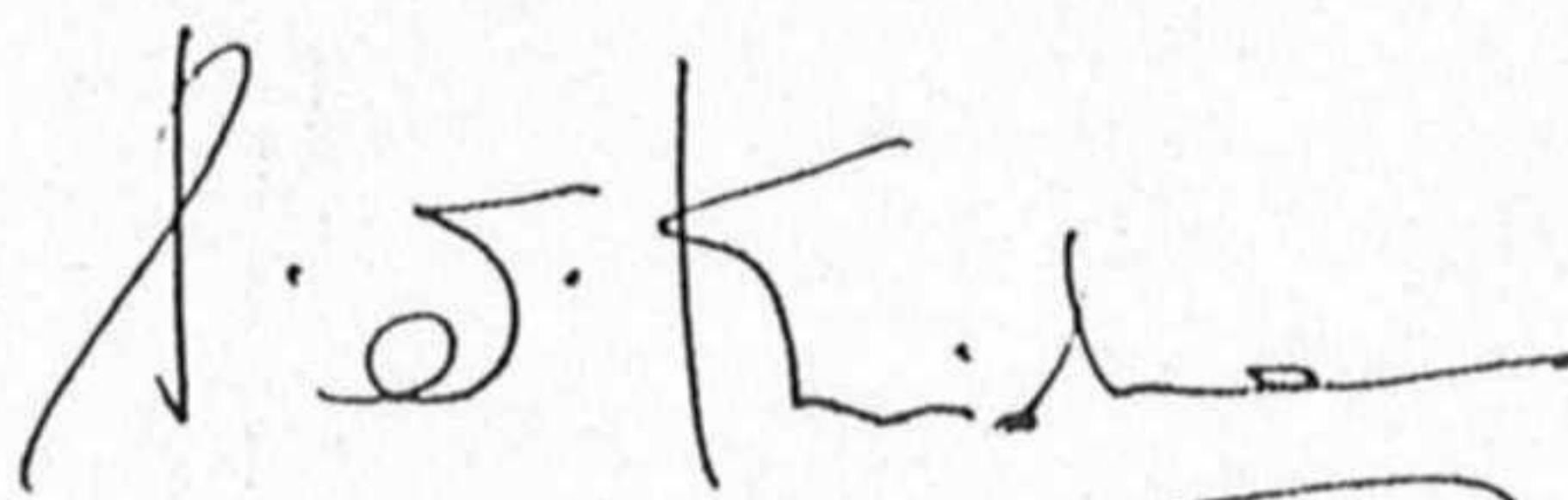
7. During the Public Hearing the representative of the community stated that 95% of the members of the community are still engaged in their traditional occupation of selling bangles. He clarified that the members of the community do not manufacture bangles but they purchase them from petty dealers and sell them travelling from place to place and village to village. He pleaded that since their community is socially and educationally backward the community should be included in the list of BCs for Andhra Pradesh.

8. The Report of the Muralidhara Rao Commission states about this community as follows:-

"Gajula Baliya Sangham represented that before 1970 they were in the list of Backward Classes, but subsequently it was deleted from the Backward Classes List. They said that they are very poor, eking their livelihood by selling bangles and cannot survive without following their profession. Their population in the State is very limited (10,000) and they do not have anybody occupying a political post and their representation in services is negligible. They are economically, educationally, socially and politically backward. They do not have a fixed place of business. Whatever they earn by way of selling bangles is not adequate even to make both ends meet. Their population is concentrated in West Godavari, Guntur, Prakasam and Nellore districts. They are also referred as Gajulollu. There is possibility of confusing this community as a part of Baliyas. But the Commission feels that the said confusion can be overcome by indicating in the list of Backward Classes as follows:-

"Gajula Baliya whose present profession is sale of bangles".

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Since the community is socially and educationally backward, the Commission recommends for the inclusion of the community in the Backward Classes list with the above suffix."

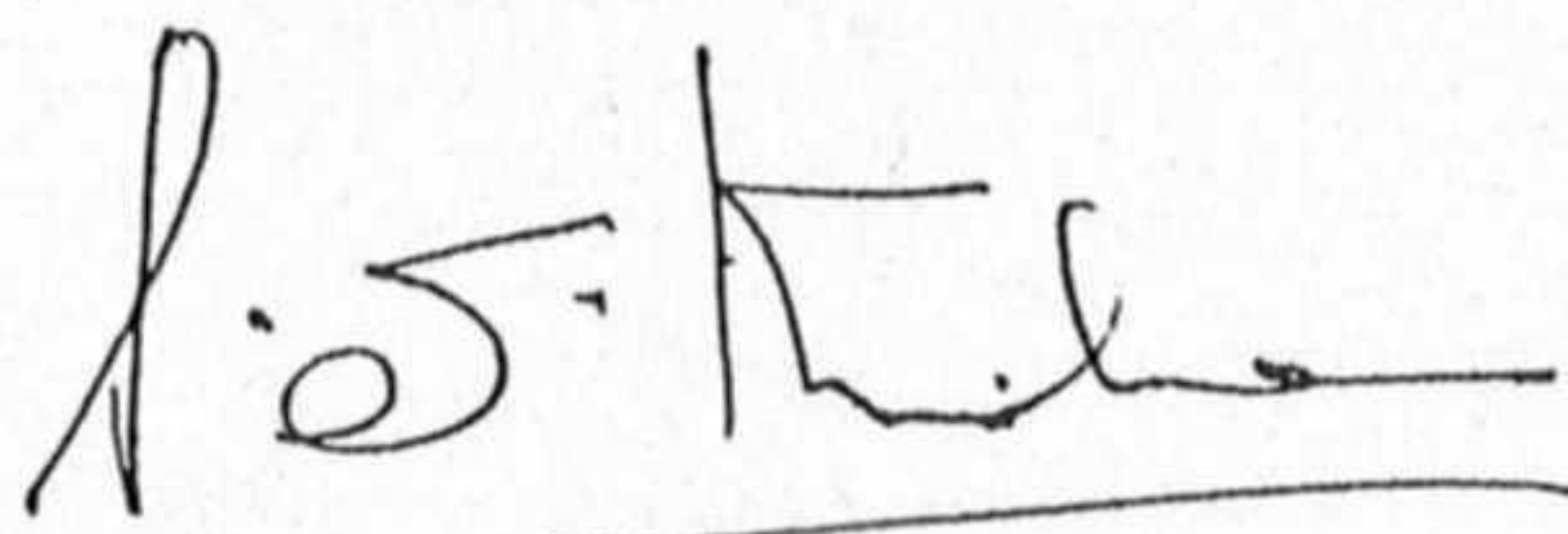
9. Under the head "Gazula", Edgar Thurston and Rangachari (Castes and Tribes of Southern India, Asian Educational Services, New Delhi, Madras, 1993, Vol.II, first published 1909) write that "Gazula or Gazul (glass bangle) has been recorded as a sub-division of Baliya, Kapu, and Toreya. The Gazula Baliyas make glass bangles....."

10. There was no objection raised during the Public Hearing from those present who were from different sections of society to the proposed inclusion of "Gajula Baliya" in the Central List of Backward Classes for Andhra Pradesh.

IV. Findings

11. From available evidence, the Bench came to the Finding that "Gajula Baliya" is a socially and educationally backward caste/community traditionally associated with the sale of bangles by moving from place to place. Such vending/hawking of itinerant type is considered to be lowly and the people engaged in that activities are regarded as Socially Backward. In respect of North Indian States and certain other States, a community with a similar socio-occupational profile, viz., "Churihar" is included in the Central List of BCs of those States, along with its synonyms. Therefore "Gajula Baliya" deserves inclusion in the List of Backward Classes and should be included in the Central List of Backward Classes for Andhra Pradesh at a new entry no. 101. However, in order to pre-empt any scope for misuse of the entry by any member of the Baliya or Kapu community, who are not covered by the name "Gajula

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Baliya", the proposed entry should be read as follows:-

"101. Gajula Baliya (who are traditionally associated with selling of bangles)

The Bench felt that the bracketed clause above will be more appropriate than the clause "whose present profession is sale of bangles" suggested by Muralidhara Rao Commission because the words "present profession" may give scope for mis-interpretation by some certificate-issuing authorities.

12. From discussions with the State Commission for Backward Classes, the Bench learnt that under the procedure adopted by that Commission, there is no likelihood of the State Commission being able to complete its enquiry and tender its Advice to the State Government in respect of this or any other caste/community, which are pending with that and this Commission, before December 1998. The Bench is of the view that it is not fair to the Backward Classes or in keeping with the spirit of the NCBC Act to hold up inclusion in the Central List for a long time of this or any other caste/community, in respect of which there is adequate evidence of its social and educational backwardness, and it is appropriate that the Findings of the Bench are formulated and the Advice of the NCBC to the Central Government is tendered in this, as in other such cases, as soon as adequate data/information to arrive at conclusions in respect of each case are available.

Kshayam
13.11.98

P. S. Krishnan

12.11.98

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V. Advice of the Commission

13. The Commission considered and agreed in full with the above Finding of the Andhra Pradesh Bench 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:-

"Gajula Baliya (who are traditionally associated with selling of bangles)" be included in the Central List of Backward Classes for Andhra Pradesh at a new entry no. 101 as follows:

"101. Gajula Baliya (who are traditionally associated with selling of bangles)"

14. On account of the unfortunate demise of one of the Members Shri Navtej Puadhi on 16.8.1998, 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.

Kshayam
13.11.98

Madan Singh
16.11.98

P. S. Krishna
12.11.98

P. S. Krishna
16.11.98

AUTHENTICATED

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