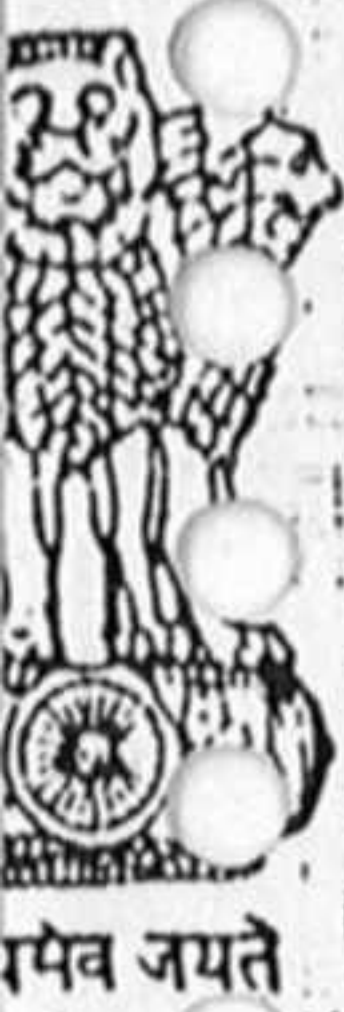




पी.एस. कृष्णन्

P.S. KRISHNAN

TEL.: 6886820
6183190

सदस्य सचिव
राष्ट्रीय पिछड़ा आयोग
भारत सरकार
नई दिल्ली-110 066

MEMBER SECRETARY
NATIONAL COMMISSION
FOR BACKWARD CLASSES
NEW DELHI-110 066

NCBC Advice No. 10-11 Har/96

27.6.1996

Dear Shri Saxena,

I am sending herewith the unanimous Advices of the National Commission for Backward Classes under Section 9(1) of the NCBC Act, 1993 in respect of (1) Lodh/Lodha and (2) Saini for including them in the Central List of Backward Classes for Haryana, for necessary action under Section 9(2) of the Act by the Central Government.


(P.S. KRISHNAN)

To

Shri K.B. Saxena
Secretary
Ministry of Welfare
Shastri Bhavan
NEW DELHI

Encl: As stated.

NATIONAL COMMISSION FOR BACKWARD CLASSES

Haryana Bench

Findings

Case: Request for Inclusion of "Lodh/Lodha" in the Central List of Backward Classes for Haryana

Request

This case arises from the Request of the State Government of Haryana for the inclusion, inter alia, of "Lodh/Lodha" in the Central List of Backward Classes for Haryana.

ii. Public Hearing

The two-Member Haryana Bench of the Commission held a Public Hearing regarding this case at Panchkula, Haryana on 4.8.1995. At this Public Hearing, the State Government was represented by Shri D.S. Desi, Shri Mani Ram, Director and Deputy Director respectively in the Welfare of Scheduled Castes and Backward Classes Deptt, Govt. of Haryana and other officers.

3. During the Public Hearing the State Government representatives were asked to send the NCBC's Questionnaire duly filled up in respect of this caste/community. The State Government filled up the Questionnaire only with regard to Social conditions of the caste which was received on 19.1.96.

II. Facts

4. "Lodh/Lodha" has been included in the State List of Backward Classes included in Block 'B' at entry no.3, as follows:-

"3. Lodh/Lodha"

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MAN
Commission
Backward Classes

5 "Lodh/Lodha" has not been included in the Mandal list for Haryana and, for this reason, it has not been included in the first Central list of Backward Classes for Haryana which was prepared on the basis of the principle of commonality in 1993.

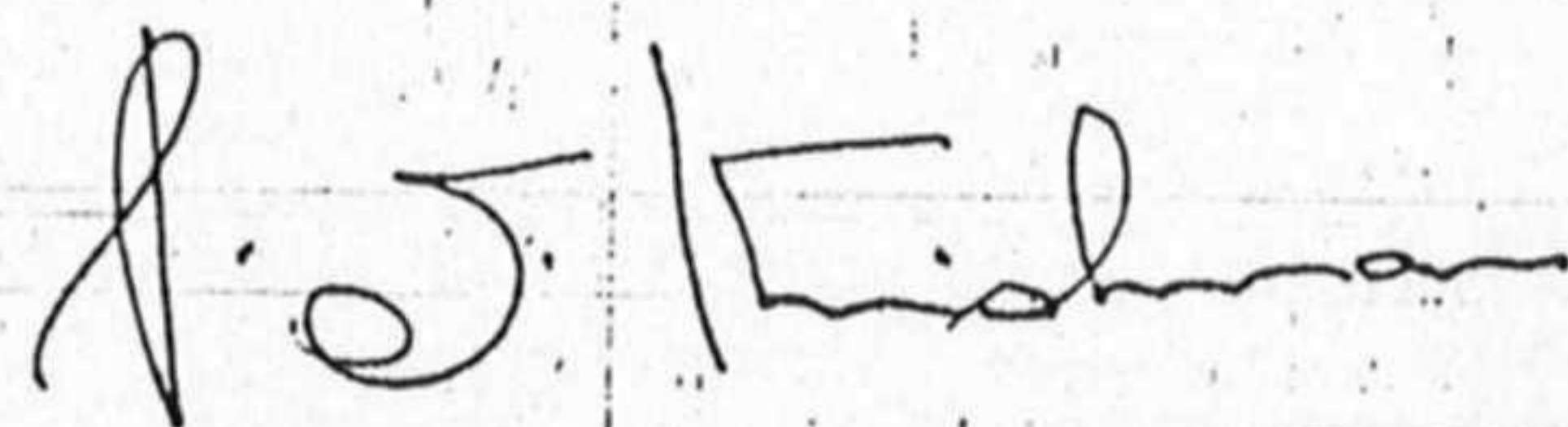
6 The Questionnaire received from the State Government gives Agriculture labour for wage as the main occupation of this caste/community. Women of this caste also as a general practice, are engaged in agricultural labour for wage. Their children too, as a general practice are engaged in agricultural labour. This comes under the category of "Fast track cases" in terms of para 7 of the procedural clarification of guidelines read with item 2(e).

1. Findings

7. From the above evidence it is the Finding of the Bench that "Lodh/Lodha" are a socially backward caste and that it be included in the Central list of Backward Classes for Haryana, at Entry No. 66 as follows:-

"66. Lodh/ Lodha"

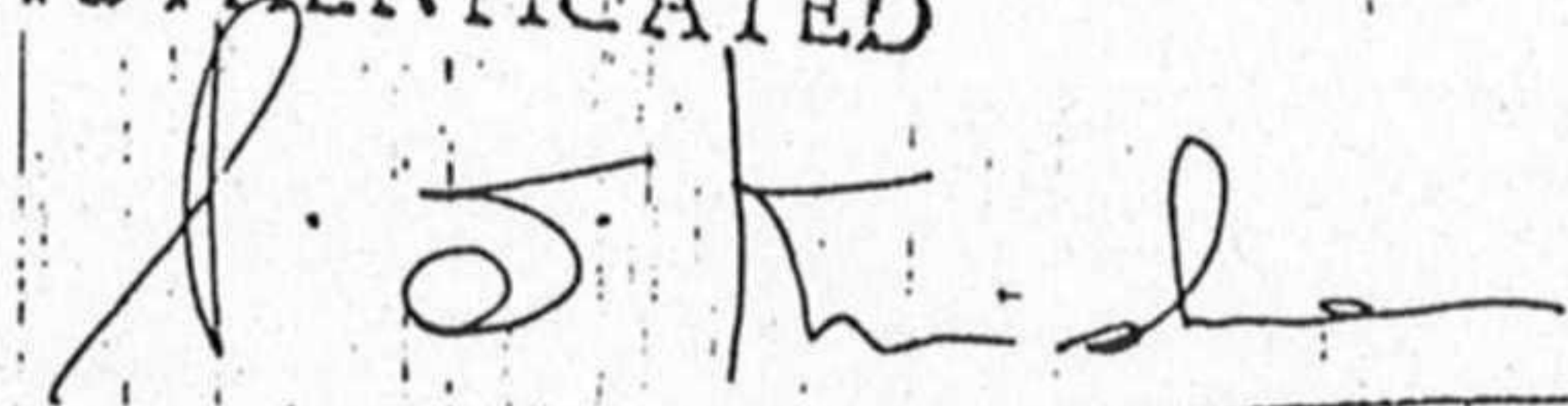




23.5.1996

Member, L. Backward Bench

AUTHENTICATED



R. S. KRISHNAN

Member, L. Backward Bench

23.5.1996

Member, L. Backward Bench

V. Advice of the Commission

8. The commission considered and agreed in full with the findings of the Haryana Bench and decided to tender the following Advice to the Central Government in terms of Section 9(1) of the NCBC Act, 1993:-

"Lodh/Lodha" be included in the Central List of Backward Classes for Haryana at entry No. 66, as follows:-

"66. Lodh/Lodha"

[Signature]

[Signature]

[Signature]

[Signature]

21-6-96

27-6-96

(DR. R. PRASANNAN)

(D. L. SHETH)

[Signature]

Justice R. N. Prasad
Chairman
National Commission for
Backward Classes
New Delhi.

AUTHENTICATED

[Signature]

P. S. KRISHNAN
Member Secretary
1993

NATIONAL COMMISSION FOR BACKWARD CLASSES
Haryana Bench

Findings

Case: Request for Inclusion of "Saini" caste/community in the Central List of Backward Classes for Haryana

I. Request

Requests have been received by the Commission for the inclusion of "Saini" caste/community in the Central List of Backward Classes for Haryana from the following individuals/organisations:

1. Shri Kishan Lal Saini
Pradhan, Haryana Pradesh Saini Vikas Sabha
Panipat Road, Gohana, HARYANA
2. Shri Ram Singh Saini
Pradhan, Sarva Haryana Saini Panchayat
Vill & PO Neval (Kunjpura)
District Karnal, HARYANA
3. Shri Subhash Saini
Pradhan, Sarva Haryana Saini Panchayat
Dt. Yamuna Nagar, HARYANA
4. Shri Ranjendra Kumar Saini
General Secretary, Haryana Saini Kalyan Sangh
Saini Bhavan, Kurukshetra 132118
HARYANA
5. Shri Suresh Saini
182, Defence Colony
Hissar, HARYANA
6. Shri Jagdish Rai Saini
Sarv Haryana Saini Panchayat
1539/21 Maaraja Saini Marg
Near Saini Girls High School
Rohtak
7. Shri Murari Lal Saini
General Secretary, Saini Kalyan Manch
Kurukshetra, HARYANA

2. The State Government of Haryana has also made a Request

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Member Secretary
National Commission
for Backward Classes
New Delhi

for the Inclusion of "Saini" as well as Ahir/Yadav, Gujjar, Lodh/Lodha and Meo, which had been newly included in the State List of Backward Classes on 7.6.1996 and some other communities which were in the State List even earlier.

II. Public Hearing

3. The two-Member Haryana Bench of the Commission, consisting of Shri P.S.Krishnan, and Dr. Dinesh Singh Yadav, held a Public Hearing, inter alia regarding this case at Panchkula, Haryana on 4.8.1995. At the Public Hearing the State Government was represented by Shri D.S.Desi, Shri Mani Ram, Director and Deputy Director respectively in the Welfare of Scheduled Castes and Backward Classes Welfare Deptt., Govt. of Haryana and other officers. Chairperson and Members of the State Backward Classes Commission were also present. The community was represented by Shri Hari Singh Saini, Subhash Saini and others.

III. Facts

4. The State Government's list of Backward Classes as it existed at the time of the preparation of the first phase Central List of Backward Classes in 1993 did not contain "Saini". Therefore, "Saini" was not included in the first phase Central List of Backward Classes for Haryana prepared on the basis of "commonality" in 1993. "Saini" finds place in the Mandal List at entry No. 70.

5. Subsequently, keeping in view of the recommendations of the Haryana State Backward Classes Commission, set up pursuant to the Supreme Court's judgement of the 16th November, 1992 in the Mandal case, the State Government by its Notification no. 1170-SW(I)-95 dated 7.6.1995 made 5 additions to the State List of Backward Classes, one of which is "Saini", the other 4

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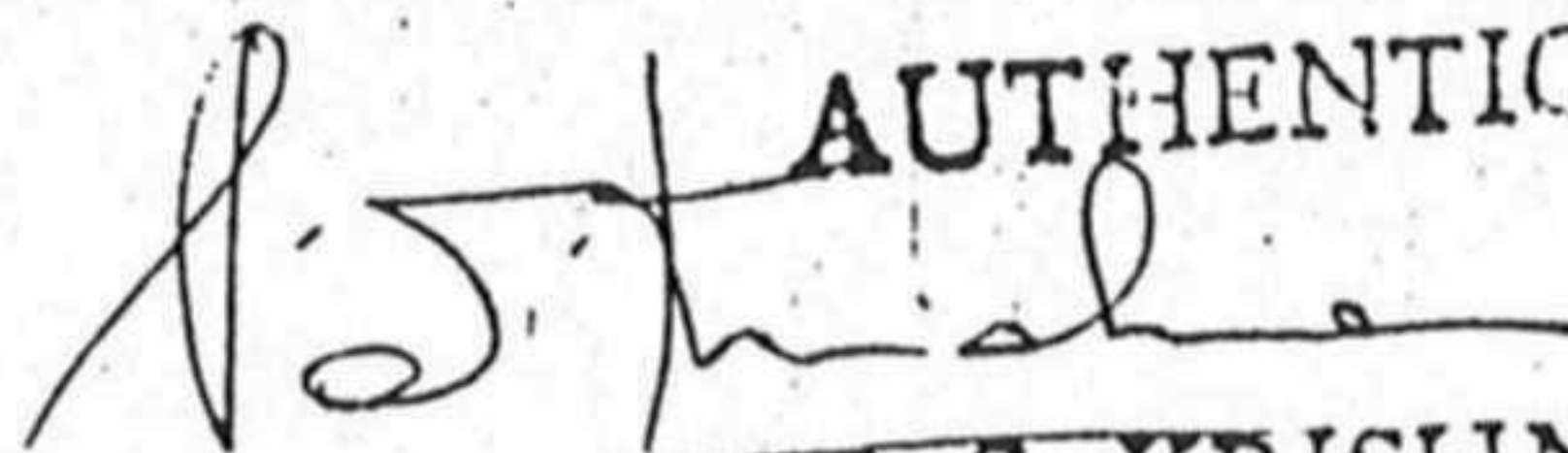
S. KRISHNAN
Member Secretary
National Commission
for Backward Classes

being Ahir/Yadav, Gujjar, Lodh/Lodha and Meo, in respect of three of which (Ahir/Yadav, Gujjar and Meo) the Commission has already sent its Advice to the Central Government on 20.6.1996 under Section 9(1) of the NCBC Act.

6. The Questionnaire received from the State Government states that this caste/community is generally considered as Socially Backward and that the main occupation on which the members of the caste/community depend for livelihood is agriculture which mainly involves manual labour rendered for wage as well as rendered on own works. The Questionnaire also states that their agricultural holdings(own or shared) are small or marginal. A large portion of the community works for wages. Some members of the caste/community are also engaged in "service and small business (shopkeepers)". Women of the caste/community, as a general practice, for their own or for their family's livelihood are engaged in agricultural labour for wage and in non-agricultural manual labour like construction work etc. Their children also, as a general practice, are engaged in agricultural and non-agricultural labour in construction work and as shop helpers and domestic servants for their family's livelihood or for supplementing their family's income. Approximately 85% of the population of the caste/community are landless manual labourers. Infrastructure in the form of land and buildings is negligible and only a fraction of the community owning sizeable land use modern implements. Only about 5% are engaged in other occupations like services etc.

7. On behalf of the community, the Questionnaire filled up has been received from Saini Kalyan Manch. The Manch's responses to the Questionnaire give "farming" as their main occupation for livelihood with only a negligible proportion of the members of the caste being landholders with more than 50 percent of the statutory ceiling limit for agricultural lands

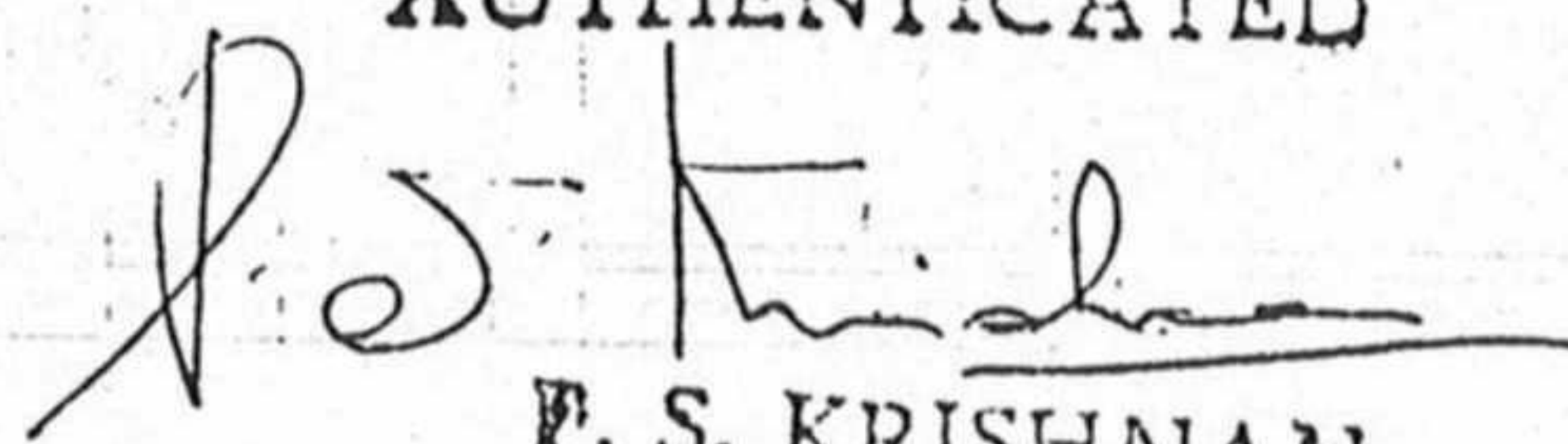
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Member Secretary
National Commission
for Backward Classes

in the State. Generally the holdings (own or shared) of farmers of this community are small/marginal and hence their agricultural activities are mainly manual. According to the Manch around 95% of the population of the caste are landless agricultural and non-agricultural manual labourers. Their women work in factories, construction, small scale industries and domestic works etc and their children work as baby-sitters, herd-boys/girls, service-boys in shops, domestic servants etc. Further, the Questionnaire states that "Saini" is at a level immediately below the "Yadav, Kamboj, Jat" castes/communities and that "well-to do Saini families feel shy of calling themselves as Saini" because of their self-feeling of "political, social and educational backwardness". Only about 3% are engaged in other occupations like peons, clerks, in Armed forces and police, as teachers, shop-keepers and as lecturers, doctors and lawyers. They admit to some improvement in recent times, having got benefit from the Green Revolution and from education with growth of school and college education among their youth. As a result, they have entered public and private services -- but only one Saini from farming family is in the IAS in Haryana.

8. Ibbetson in his book the "Panjab Castes" (Low Price Publications, Delhi, 1993, first published in 1916) which he wrote based on the Census of the Panjab Province in 1881 carried out under his supervision classifies "Saini" along with "Mali" under the "Minor Agricultural and Pastoral Tribes" and says that "Sainis would appear to be only a sub-division of the Malis... The Mali, the Malakara or florist of the Puranas, is generally a market or nursery gardener..... He is found under the name of Mali only in the Jamna zone, including the eastern portions of Hissar, his place being taken by the Saini in the eastern sub-montane districts, and by the Arain or Baghban in the remainder of the Province." Ibbetson also writes that the "Malis and Sainis, like all vegetable growers,

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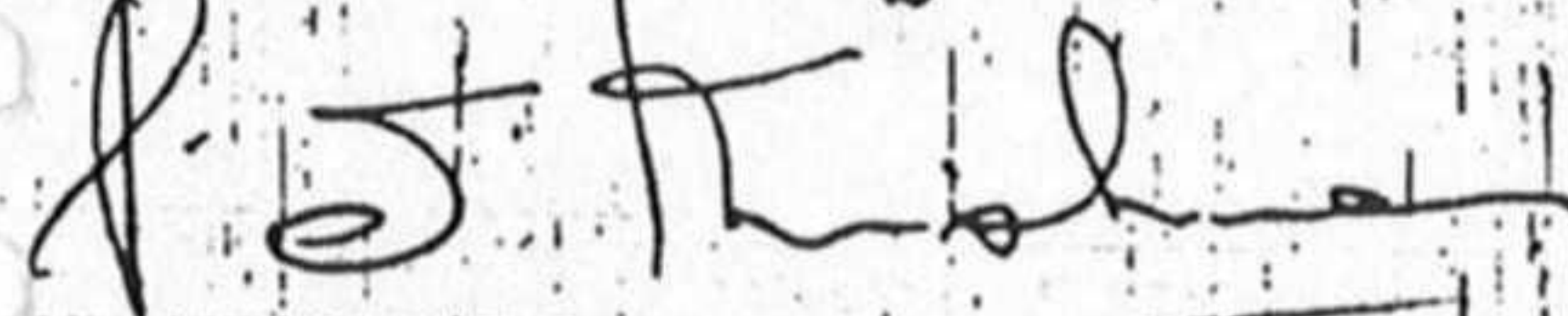
P. S. KRISHNAN
Member Secretary
National Commission
for Backward Classes

occupy a very inferior position among the agricultural castes....."

9. Sainis' connection with Malis is also attested to by Crooke ("The Tribes and Castes of the North Western India, Vol. IV, Cosmo Publications, Delhi, 1975, originally published under the title "The Tribes & Castes of the North Western Province & Oudh", Calcutta, 1896). According to him, "In Ambala they are described as an ill conditioned set, first rate cultivators, but refractory and intriguing... ..In their customs and manners they are identical with the Mali." Rose ("A Glossary of the Tribes and Castes of the Punjab and North-West Frontier Province", Vol. III, Asian Educational Services, New Delhi, Madras, 1990, first published 1919) also describes Saini as "the market gardener caste of the Hindus in the eastern sub-montane districts, corresponding to the Mali of the Jamna zone and the Arain or Baghwan of the rest of the Provinces."

10. The Bench also referred to the Report of the Backward Classes Commission, 1990 of the Government of Haryana. The Government of Haryana has not acted on the Report. The Report has also got certain limitations. So far as "Sainis" are concerned the evaluations of that Commission initially gave them less marks than required to be identifiable as a Socially Backward Class. The Commission felt that this was "mainly because of the fact that these households which were surveyed were mainly located in the central part of Haryana who comparatively are more progressive in this part of the State." Therefore, the Commission got another Saini village in Ambala District surveyed which falls in the sub-mountainous region of Haryana. The evaluation of these data showed them to be backward. The Report also shows their representation in Class I and II Gazetted services under the State Government of Haryana as on 1.1.1990 as 0.88 percent as against their

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P. S. KRISHNAN
Member Secretary
National Commission
for Backward Classes

population percentage of 2.5%. It also shows that among officers of the all-India services of the Haryana as on 1.1.1990 their proportion is only 0.3 percent with only 1 IAS officer and not a single officer in IPS and IFS. Their estimated strength of students admitted in courses of B.E., M.B.B.S., BAMS, BVSC and A.H. in 1990-91 is shown as 2.18 percent, while their representation in educational institutions as a whole is 1.55%.

11. During the Public Hearing the representatives of the community said that they are Socially Backward and their educational level is very low and that their representation in the services of the State is poor. Those present who were from different sections of the society said that the claim of the community is justified and correct. The Chairperson and Members of the State Backward Classes Commission and the State Government representatives supported their Request for inclusion in the Central List of Backward Classes for Haryana.

IV. Findings

12. In view of the above facts, the Bench arrives at the following Findings:

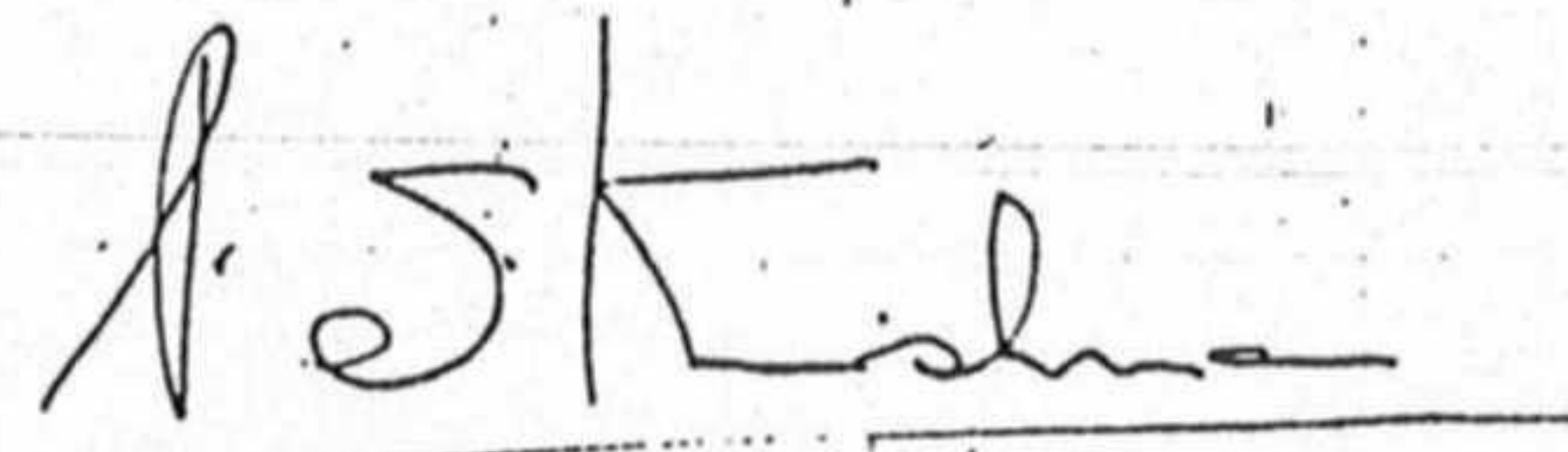
(i) Saini is a Socially and Educationally Backward Class, and

(ii) therefore, Saini should be included in the Central List of Backward Classes for Haryana at entry no. 69 as follows:-

"69. Saini"

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S. KRISHNAN
Member Secretary
State Backward Classes Commission

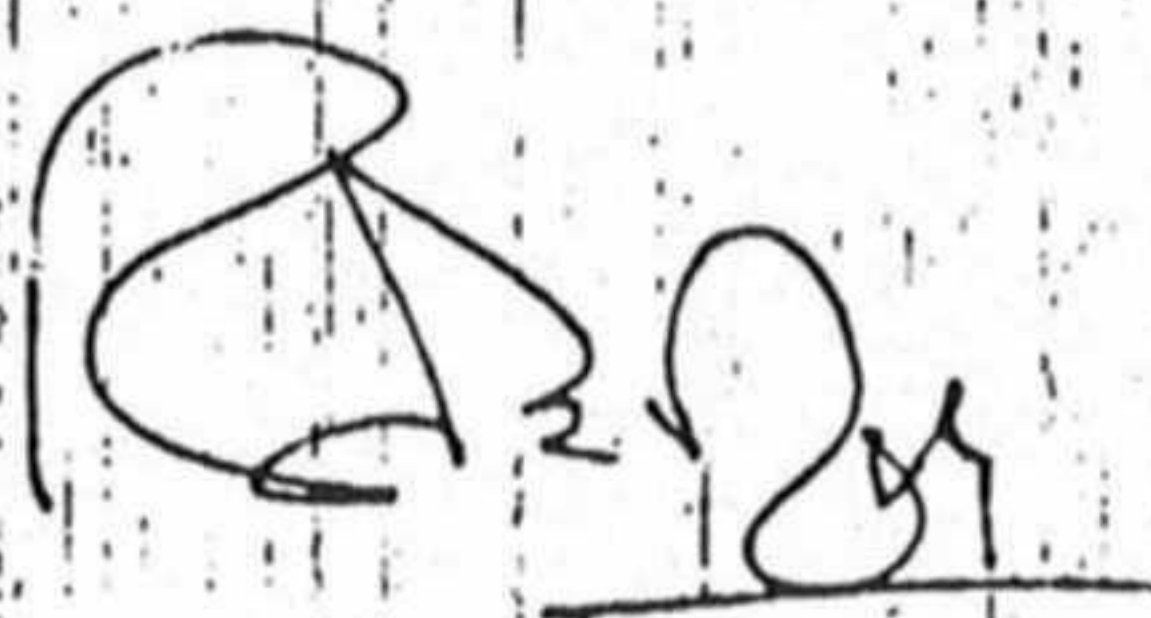

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V. Advice of the Commission

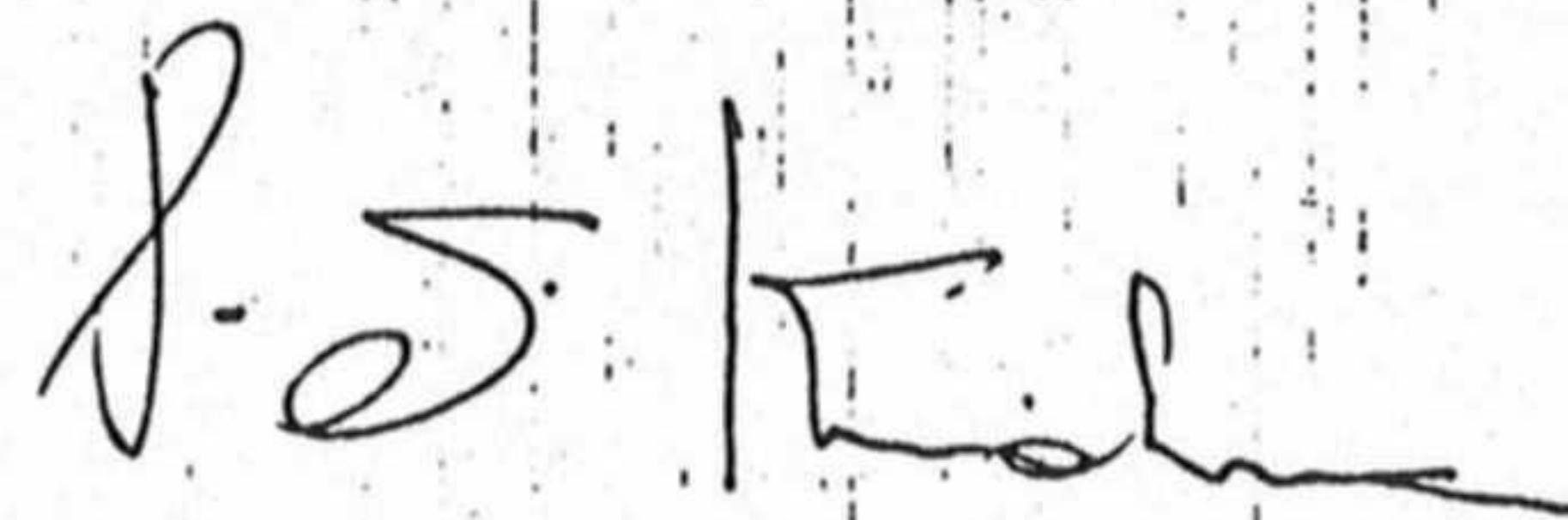
13. The Commission considered and agreed in full with the above Findings of the Haryana Bench and decided to tender the following Advice to the Central Government under Section 9(1) of the NCBC Act:-

- (i) Saini is a Socially and Educationally Backward Class, and
- (ii) therefore, Saini should be included in the Central List of Backward Classes for Haryana at entry no. 69 as follows:-

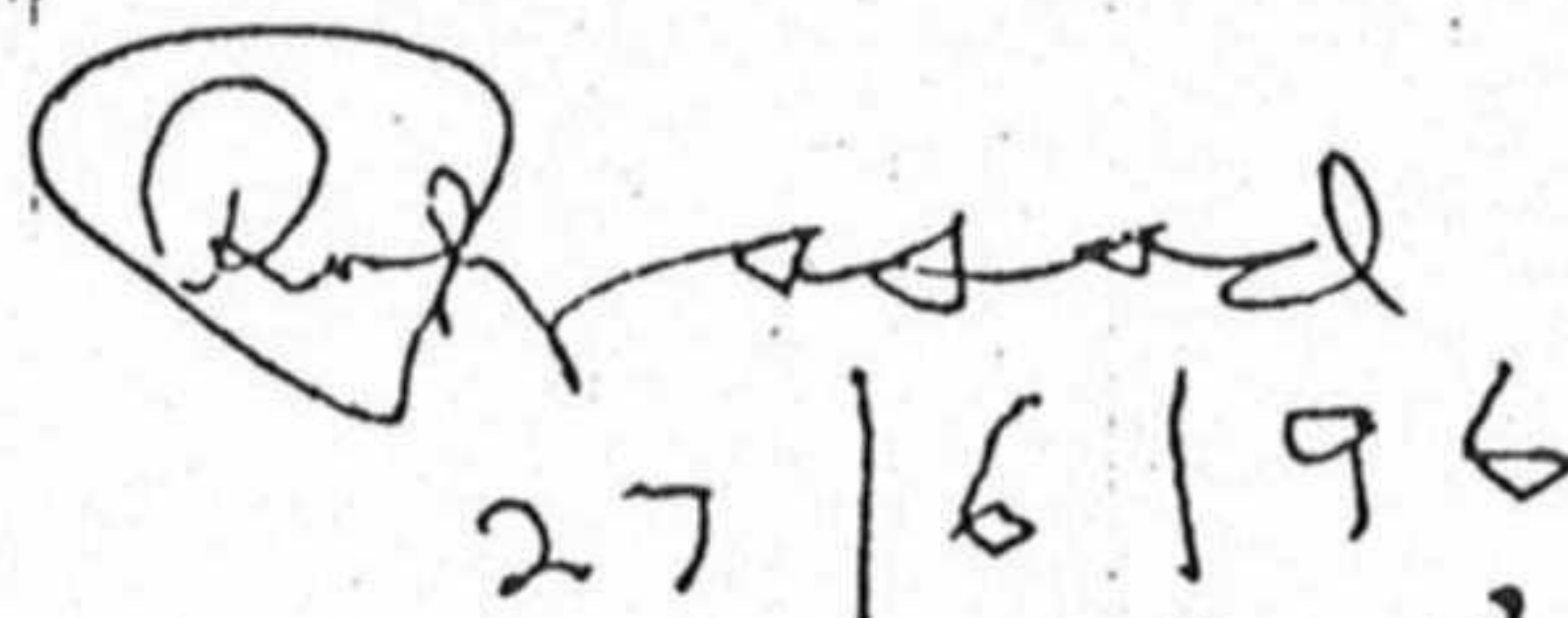
"69. Saini"



C.D.L. SHGTHI
27-6-96

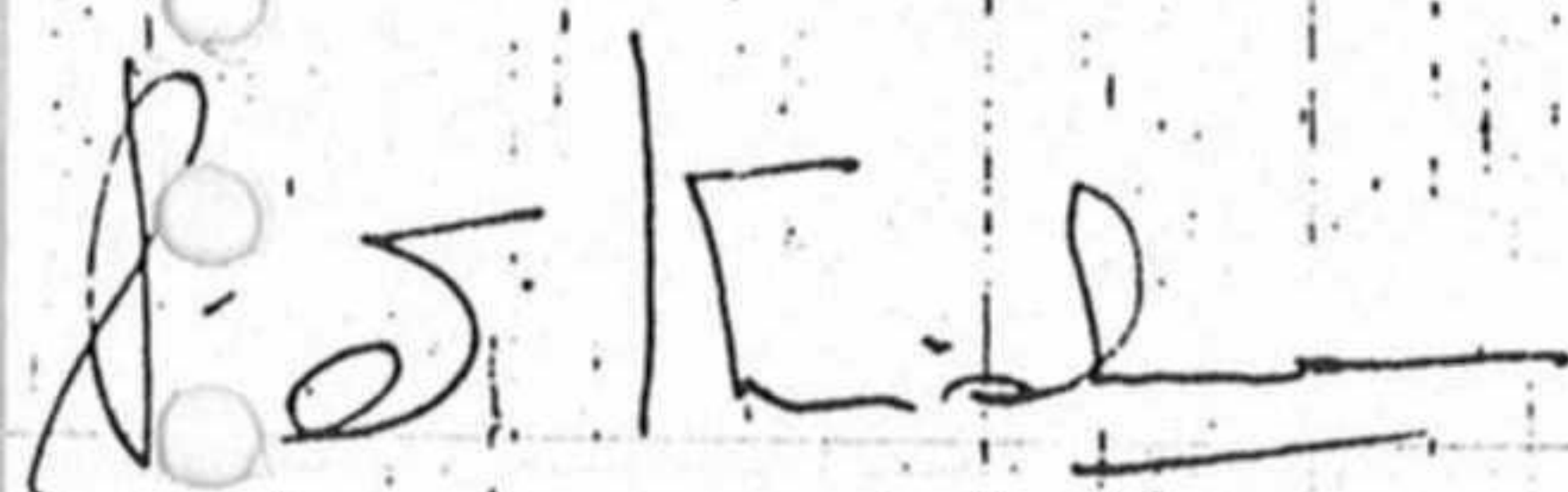


Dr. R. Prashannan
(Dr. R. Prashannan)
27-6-96



Justice R. N. Prasad
Chairman
National Commission for
Backward Classes
New Delhi.

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P. S. KRISHNAM
Member Secretary
National Commission
for Backward Classes