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P. S. KRISHNAN, IAS (Retd.)

Former Secretary, Ministry of Welfare
Member, Central Monitoring Committee
on the Liberation and Rehabilitation
of Safai Karamcharies.

6883190 (O)

TEL : 3381950 (R)

3385944 (R)

सदस्य-सचिव
राष्ट्रीय पिछड़ा वर्ग आयोग

भारत सरकार

त्रिकुट-१, भीकाजी कामा प्लेस, नई दिल्ली-११००६६

Member-Secretary

National Commission for Backward Classes

Government of India

Trikoot-1, Bhikaji Cama Place, New Delhi-110066

NCBC Advice No. 4 /Maharashtra/97/
August 11, 1997

Dear Shri Baksi,

I am sending herewith the unanimous Advices of the National Commission for Backward Classes under Section 9(1) of the NCBC Act 1993 regarding requests for inclusion of synonyms of "Mali" in the Central List of Backward Classes for Maharashtra for necessary action under Section 9(2) of the Act by the Central Government.

In kind regards,

Yours sincerely,

P. S. Krishnan
(P.S. KRISHNAN)

Encl: As Stated

Shri K.K. Baksi
Secretary
Ministry of Welfare
Shastri Bhavan
New Delhi-110001

NATIONAL COMMISSION FOR BACKWARD CLASSES

Maharashtra Bench

Findings

Per Shri P.S.Krishnan, Member-Secretary

Case: Request for Inclusion of 10 sub-castes/synonyms of "Mali" in the Central List of Backward Classes for Maharashtra.

I. Request

This case arises from the Requests received in this Commission for the inclusion of 10 sub-castes/synonyms of "Mali", viz.,

- (i) Bankar Mali
- (ii) Gase Mali
- (iii) Jambu Mali
- (iv) Kosare Mali
- (v) Lasne Mali
- (vi) Marar
- (vii) Maral
- (viii) Sani Mali
- (ix) Savta Mali
- (x) Vanmali

in the Central List of Backward classes for Maharashtra from the following Associations/Organisations/Individuals:-

- (1) Shri Sham Wankhade,
MLA(Chandrapur)
Gadla Maroti Ward No. 53,
Chandrapur-2
- (2) Kshetriya Mali Samaj Seva Mandal,
Chandrapur
- (3) Mahatma Jyotiba Phule Samaj Sudharak Mandal,
Chandrapur
- (4) Mali Samaj Kalyan Mandal,
Ballarpur

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II. Public Hearing

2. The 2-Member Maharashtra Bench of the Commisison consisting of Shri P.S.Krishnan, Hon'ble Member-Secretary, NCBC and Shri Sahu Akshaya Bhai, Hon'ble Member, NCBC held a Public Hearing at Mumbai on 23. 4. 1997 in respect of this Request. At the Public Hearing, the State Government was represented by Shri Ramdas Patil, Joint-Director, Social Welfare Deptt. and Member-Secretary, State Backward Classes Commission, Maharashtra. Justice S.N. Khatri, former Chairperson of the State Backward Classes Commission, Maharashtra was also present. The community was represented by Dr. M.G. Lengure, President, Mahatma Jyotiba Phule Samaj Sudharak Mandal, Chandrapur, Dr. Yashwant Kokode, Shri Namdeorao Jengathe, Shri Ramnathji Gurnule, Shri Prhladrao Kawle, Shri Diliprao Kotrarge and others.

III. Facts

3. The relevant entries in different lists are as follows:-

(i) Central List for Backward Classes for Maharashtra

"159. Mali

(Sub-castes: Phulmali [misprinted as "Phulmal"]

Phule

Halade

Kacha

Bawane

Adhprabhu

Adhshethi

Jire

Unde [misprinted as "Umde"]

Lingayat Mali)"

(ii) Mandal List of Backward Classes for Maharashtra

"160. Mali, Phoolmali"

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[Handwritten Signature]

(iii) State List that existed at the time of the preparation of the first phase Central List of Backward Classes

"182. Mali (Sub-castes -- Phulmali, Phule, Halade, Kaccha, Kadu, Bawane, Adhprabhu, Adhshethi, Jire, Unde, Lingayat Mali)"

(iv) Latest State List (Issued by the State Govt. by its Order dated 9.8.95)

"182. Mali
(Sub-castes -- Phulmali, Phule, Halade, Kacha, Kadu, Bawane, Adhprabhu, Adhshethi, Jire, Unde, Lingayat Mali), Bhagwan (Muslim)"

4. During the Public Hearing the representatives of the State Government and Justice S.N. Khatri, former Chairperson of the State Backward Classes Commission informed the Bench that the State Commission has, after examining the request(s) received by it for the inclusion of certain sub-castes/synonyms of "Mali" in the State List, advised the State Govt. to include the following sub-castes/synonyms of "Mali" in the State List:-

- (i) Marar
- (ii) Maral
- (iii) Kosare Mali
- (iv) Gase Mali
- (v) Vanmali
- (vi) Savta Mali

The State Govt. is yet to take a decision regarding this Advice of the State Commission. The Bench suggested to the representatives of the State Govt. that an early decision be taken in this regard.

5. The names Marar, Maral, Kosare Mali, Gase Mali, with spelling variations, as synonyms/sub-castes of Mali have been attested to by various ethnographic accounts. Under the head "Mali, Marar, Maral",

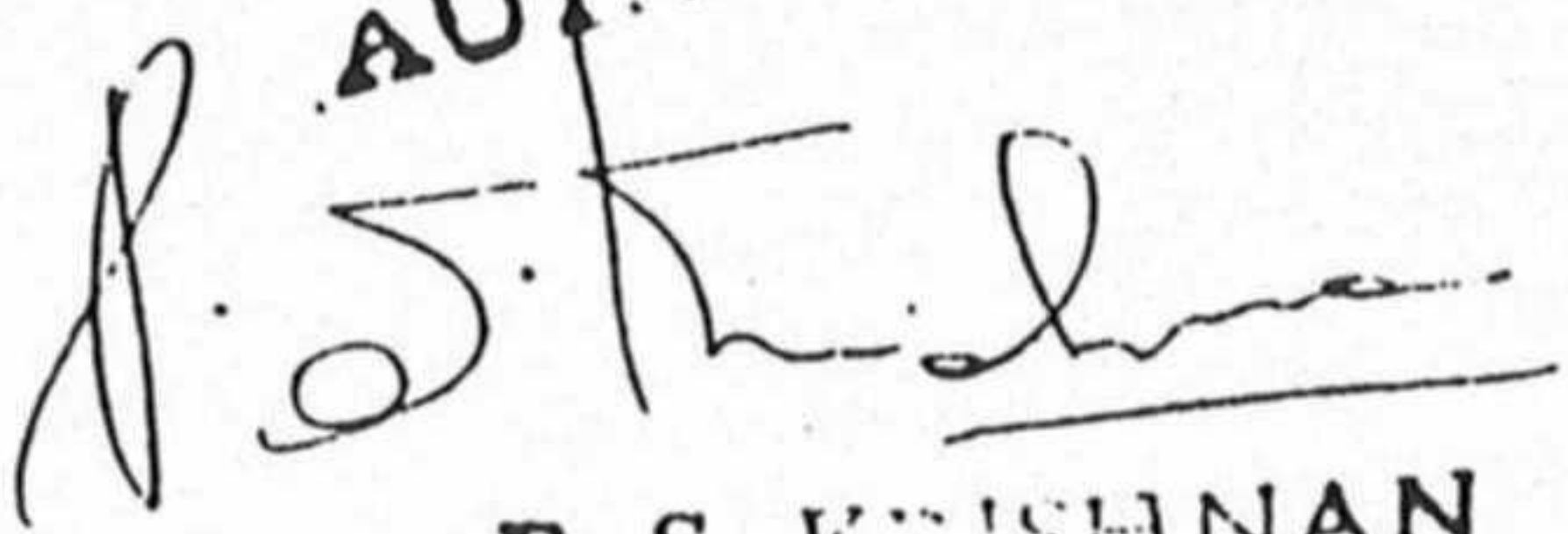
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P. S. KRISHNAN
Member Secretary
National Commission
Backward Classes

Russell and Hiralal (The Tribes and Castes of the Central Provinces of India, Published under the orders of the Central Provinces Administration, Vol.IV, Cosmo Publications, Delhi, 1975, first published 1916) write about the community as follows:- "The terms Mali and Marar appear to be used indifferently for the same caste.... Marar appears to be a Marathi name, the original term... being Malal, or one who grows garden crops in a field; but the caste is often called Mali in the Maratha country and Marar in the Hindi Districts. The word Mali is derived from the Sanskrit Mala, a garland.... The caste has numerous endogamous groups, varying in different localities... The Ghase Malis are the only subcaste which will grow and prepare turmeric in Wardha;.... In Chanda the Kosaria Malis, who take their name from Kosala,... are the sole growers of turmeric, while in Berar the Halde subcaste, named after the plant, occupy the same position. The Kosaria or Kosre subcaste abstain from liquor....".

6. R.E.Enthoven (The Tribes and Castes of Bombay, Asian Educational Services, New Delhi, Madras, 1990, first published 1922) gives the following account about the community:- "Malis are husbandmen, gardeners and day labourers, and their women help them in tilling and selling flowers, fruit and vegetables. They are divided into three territorial groups, Maratha, Gujarati and Kanarese, who have nothing in common except their occupation.... Maratha Malis have thirteen endogamous divisions as follows:-

Adhaprabhu	Kshirasagar
Adhasheti	Lingayat
Bavane	Pade
Halde, Bankar or Kasa	Phul
Jire	Rant
Kacha	Unde
Kadu	

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 Member, Library
 National Commission
 for Backward Classes

Of the above, Phul Malis, Halde Malis, Jire Malis, and Kacha Malis form the bulk of the caste...."

7. During the Public Hearing, those who present who were from different sections of the society as well as the representatives of the

State Government not only did not object to the inclusion in the Central List of any of the sub-castes/synonyms of Mali presently under consideration, but also supported it.

IV. Findings

8. From the above evidence, it is the Finding of the Bench that

- (i) Bankar Mali
- (ii) Gase Mali
- (iii) Kosare Mali
- (iv) Marar
- (v) Maral
- (vi) Savta Mali
- (vii) Vanmali

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

are sub-castes/synonyms of "Mali" which is already included in the Central List of Backward Classes for Maharashtra at entry No. 159. Synonyms 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". Therefore, these should be included in the Central List of Backward Classes for Maharashtra as sub-castes/synonyms of "Mali" at entry No. 159. "Phulmal" and "Umde" in the Central List are printing errors and should be corrected as "Phulmali" and "Unde". The amended entry No. 159 should read as follows:-

English
"159. Mali

(Sub-castes: Phulmali

Phule

Halade

Kacha

Kadu

Bawane

Adhprabhu

Adhshethi

Jire

Unde

Lingayat Mali

Banka Mali

Gase Mali

Hindi
"159. माली

(उप-जातियाँ : फुलमाली

फुले

हलदे

काचा

काडू

बावने

अधप्रभू

अधशेठी

जिरे

उंदे

लिंगायत माली

बनका माली

गैसे माली

Marathi
"159. माळी

(पैटजाती : फुलमाळी

फुले

हलदे

काचा

काडू

बावने

अधप्रभू

अधशेठी

जिरे

उंदे

लिंगायत माळी

बनका माळी

गैसे माळी

Kosare Mali
Marar
Maral
Savta Mali
Vanmali)"

कोसरे माली
मरार
मराल
सावता माली
वजमाली)"

कोसरे माळी
मरार
मराल
सावता माळी
वजमाळी)"

9. This would cover 7 out of the 10 sub-castes/synonyms of "Mali" in respect of which Requests have been made for their inclusion in the Central List of Backward Classes for Maharashtra. Regarding the remaining three sub-castes/synonyms, viz. (i) Jambu Mali, (ii) Lasne Mali and (iii) Sani Mali, the Bench felt the need for further enquiry. The representatives of the State Government were requested to get this done early by the State Commission.

10. It is observed that in a number of cases, certificate issuing authorities do not issue Backward Class certificates in respect of the period prior to the Central Government's Notification. The process by which a caste/community became backward is centuries old. Its backwardness did not emerge suddenly on the date of the Notification. The relevance of the date of the Findings or the Advice of the Government's Notification is only that the backwardness of the caste/community, which was already a social reality, and its synonyms, which have come into vogue from different points of time, were, after enquiry, officially noted and recognised on that particular date. But the benefit of this recognition should be available from the date from which the reservation for Backward Classes came into effect, i.e., 8.9.1993. Therefore, it is necessary to specify that the Notifications takes effect from the date from which reservation for Backward Classes came into effect and the members of the caste/community, using these synonyms, are eligible for reservation from that date.

P. S. Krishna

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10.07.97

P. S. Krishna

V. Advice of the Commission

11. The Commission considered and agreed in full with the above Findings of the Maharashtra Bench and decided to tender the following Advice to the Central Government under Section 9(1) of the NCBC Act, 1993:-

- (i) Bankar Mali
- (ii) Gase Mali
- (iii) Kosare Mali
- (iv) Marar
- (v) Maral
- (vi) Savta Mali
- (vii) Vanmali

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R. S. Kishore

P. C. VOTERMAN
for LACE & CO.

be included in the Central List of Backward Classes for Maharashtra as sub-castes/synonyms of "Mali" at entry No. 159. "Phulmal" and "Umde" in the Central List be corrected as "Phulmali" and "Unde". The amended entry No.159 be read as follows:-

English

Hindi

Marathi:

"159. Mali
(Sub-castes: Phulmali
Phule
Halade
Kacha
Kadu
Bawane
Adhprabhu
Adhshethi
Jire
Unde
Lingayat Mali
Banka Mali
Gase Mali
Kosare Mali
Marar
Maral
Savta Mali
Vanmali)"

॥ १५९. माली
 (इ) जातियां : फूलमाली
 फूल
 हलदे
 काचा
 कड़ू
 बावने
 अर्धप्रभु
 सदाशैली
 गिर
 ब्रं
 लिंगारात माली
 बजकां माली
 गासे माली
 कोसरे माली
 मरा
 मराल
 सावता माली
 लनमाली)"

"१५१. माळी
 (चौट जाती : फुलगा
 फुले
 हळद
 काचा
 कडू १
 बावन
 अथ प्रभू
 अष्टाशैली
 १
 गिर
 १
 उंड
 लिंगाशत माळी
 वनका माळी
 गारि माळी
 कोसर माळी
 मरार
 मराळ
 सावता माळी
 वनगाळी)"

12. In view of the difficulties faced by the members of Backward Classes in getting Backward Class certificates for the period prior to the Notification, a proviso should be included in the Notification to be issued that "the Notification will take effect from 8.9.1993" the date from which reservation for Backward Classes in the Central Services came into effect.

P. S. Krishnan

Kshayan
10.07.97

Madan Mohan

P. C. Nagaraj
7/8/97

Note: The above Advice has been subscribed to by all Members of the Commission except Shri N.S. Puadhi, Member, who is presently abroad on leave. Under the circumstances, in accordance with the general decision of the Commission, the omission in this behalf of Shri Puadhi's signature being attributable to his physical absence from the country, will otherwise also not vitiate the Advice of the Commission in view of Section 7 of the NCBC Act.

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