



सी. टी. बैजामिन
C.T. BENJAMIN
Tel. : 6183190
Fax : 6183227

1

(24)

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. UP/90/2002

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 inclusion of "Bagbhan" as a synonym of Mali in the Central list of backward classes for Uttar Pradesh, duly authenticated, for necessary action by the Central government under Section 9(2) of the Act.

With regards,

Issued
18/7

Yours sincerely

(Signature)
(C. T. Benjamin) 4/7

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

Encl: As stated.

(Signature)

NATIONAL COMMISSION FOR BACKWARD CLASSES

UTTAR PRADESH BENCH

FINDINGS

Case : Request for inclusion of "Baghban" in the Central List of Backward
Classes for Uttar Pradesh.

I. Request

This case arises from the Request received in the NCBC from Mr. Samsam Ali, Lecturer, Shri Alakshendra Inter College, Bhinga, Shravasti, And General secretary, All India Baghban Union, U.P., Nazirpara Baghbani, Bahraich for inclusion of 'Baghban' in the Central List of Backward Classes for Uttar Pradesh.

II. Public Hearing

2. A Two-Member Bench of the Commission consisting of Justice B.L. Yadav, Chairman and Smt. Neera Shastri, Member held a Public Hearing on 13-01-2001 at Allahabad. At the Public Hearing the State Government was represented by Shri Sachchida Nand Pathak, Director Backward Classes and Shri Jai Singh, OSD appeared on behalf of the State Commission for Backward Classes. Mr. Samsam Ali, General Secretary and Mr. Islamuddin, President, Mr. Shafique Ahmad, Secretary, Falah-e-Baghban Committee, Uttar Pradesh appeared before the Bench on behalf of the Baghban community.

AUTHENTICATED

(C. T. BENJAMIN)

Member Secretary

National Commission For
Backward Classes

Facts

In the original request it has been stated that the request for inclusion of Baghban in the List of Backward Classesⁱⁿ the group of Mali-Saini. It appears that the request maker has applied to the State Commission for inclusion of the caste in the State List. According to the Questionnaire filled in by the request maker, the caste is socially and economically most backward. The members of the caste are engaged in agriculture, daily labour, manual labour, growing vegetables, making and selling of garlands etc. Literacy rate among the members of the caste/community is 5%.

4. 'Baghban' caste/community is neither included in the State List of OBCs nor in the Mandal List. However, 'Mali' caste, which is synonymous to 'Baghban' according to the request makers, has been included in the Central List of OBCs for the State of U.P. as below:

"39. Mali, Saini"

5. On advice of the National Commission for Backward Classes, the Government of India has included 'Baghban' community in the following States:

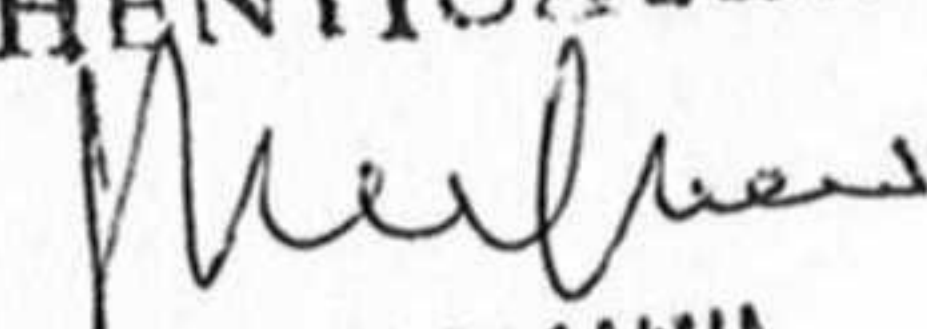
Gujarat "82. Mali, Fool Mali, Marathi Mali, Kach Mali, Jire Mali, Bagban, Rayeen"

Karnataka "177. Full-Mali, Baghban, Bagban, Bagwan"

Maharashtra "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, Van Mali, Bagban/Rayeen"

Rajasthan "35. Mali, Saini, Bagwan, Rayee/Rayeen, Kunjara"

6. In the 'Tribes and Castes of North Western India', W. Crooke, Vol. I, Cosmos Publications, New Delhi, Reprint 1975, pp.101-102, Baghban caste is described as below :-

AUTHENTICATED

 (C. T. BENJAMIN)
 Member Secretary
 National Commission For
 Backward Classes

" Baghban. - A class of cultivators in the Kheri District who grow vegetables. They are practically the same caste as the Kachhi (q.v.) and the Murao. They claim to have three endogamous sub-castes - Kachhi, Murao, and Sani, the last being derived from the Hindi sanna, to mix up, used in connection with their careful preparation of the soil. Their, manners, customs, religion, etc., correspond in every way with those of the Kachhis."

7. People of India, National Series Vol. IV, India's Communities (pp.176-178) the caste/community has been described as below:-

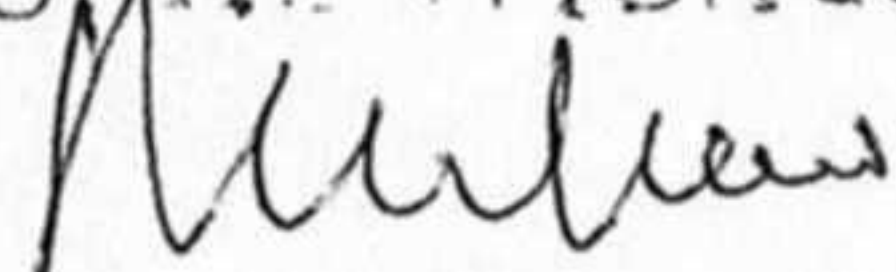
"BAGBAN/BAGVAN - A community of Uttar Pradesh and Karnataka, they derive the name Bagvan from the Urdu word bagvan, which means the one who looks after a garden. They are mainly vegetable growers.

In Uttar Pradesh, the Bagban identify themselves as an independent occupational group of the Kunjra. They migrated from the western provinces during the Mughal period and perceive their present distribution to be in the districts of Allahabad, Bahraich, Barabanki, Faizabad, Gorakhpur, Kanpur, Lucknow, Saharanpur, Sitapur and Sultanpur, and also in Bhusawal in Maharashtra.

The Bagban are a landholding people who grow and sell vegetables. Government service and the making of confectionery items are their other sources of earning..... The Bagban accept water and pucca and kachcha food from the Brahman, Thakur, Kayastha, Jain except the Dharkar, Balmiki and Dom, and graveyards and mosques with other Muslim communities. They participate in the Holi festival and attend Hindu marriages. Cultivator-labour relationships exists with the Kingharia. There are businessmen, members holding white-collar jobs and teachers among them. Political leadership has emerged at the regional level. They favour formal education but not family planning. "

8. The Census of India, 1931, United Provinces of Agra and Oudh, Part I, Report, A.C. Turner, Usha Publications, New Delhi, Reprint, 1987(p. 535) has a

AUTHENTICATED



(C. P. BENJAMIN)

Member Secretary

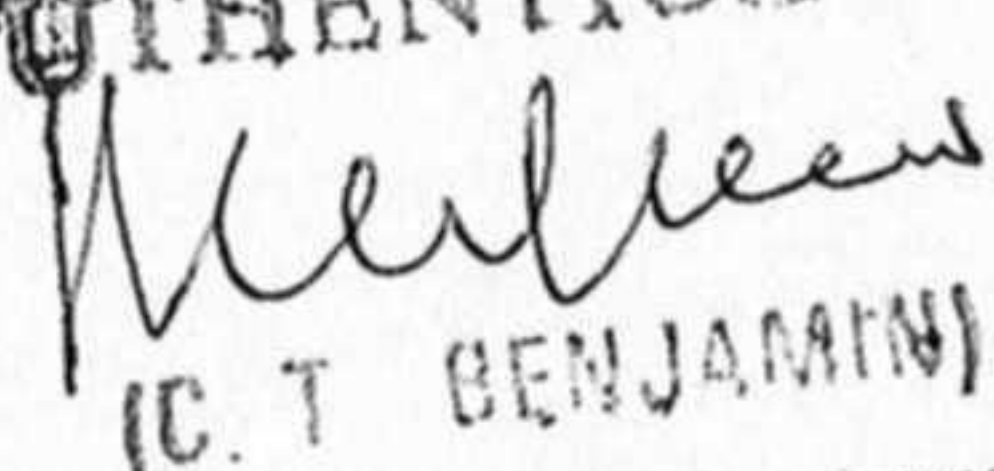
National Commission For

Backward Classes

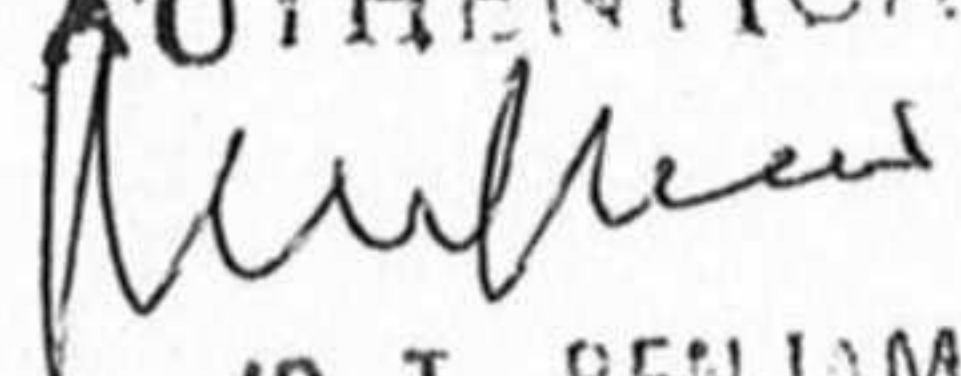
mention of Baghban as :- "Baghbans show an increase of 11.5 per cent., which is most noticeable in Bijnor district, where several Malis appear to have returned themselves as Baghbans. Malis, Kachhis, Sainis and Baghbans are closely allied. The actual increase since 1921 is not so great as the above figure suggests because in that year Muslim and Arya Baghbans were not tabulated."

At page 537 of the Census Report about Mali it is mentioned that, "The apparent decrease in Malis is due to some, who in 1921 were returned themselves as Baghban or Saini."

9. Mr. Samsam Ali, who is working as Lecturer in a Inter College at Bhinga, Distt. Shrawasti, stated that the members of the Baghban community are mainly concentrated in Behraich, Gonda, Balrampur, Shrawasti, Faizabad and Allahabad districts of Uttar Pradesh. The traditional occupation of the members of the Baghban community is agriculture, mainly growing flowers and vegetables. According to him, Mali caste is equivalent to the Baghban community as both of these communities have the same occupation and social status. Further he added that in fact, 'Baghban' is an Urdu word which corresponds to Hindi word 'Mali'. He requested that Baghban word should be included in the Central List of OBCs at entry No. 39 as synonym of Mali and Saini. When the Bench, asked him that Mali caste is already existing in the Central List of OBCs and if Baghban is synonymous to Mali then why they do not get OBC certificate in the name of Mali caste, he stated that the Officers responsible for issuing the OBC certificate say that Mali are Hindus whereas Baghbans are Muslims. In the list only Mali word is written so the Officers do not issue OBC certificate to the members of Baghban community. The community is socially and educationally backward. Hardly 1% population of the caste is literate and that is only up to High School level. No member of the community has ever been appointed as IAS/IPS/PCS Officer or any other higher post. No member of the community has ever been elected as an M.P. or and M.L.A.

AUTHENTICATED

 (C. T. BENJAMIN)
 Member Secretary
 National Commission For
 Backward Classes

10. Mr Islamuddin stated that the members of this community are socially backward, mostly illiterate and very poor. When the Bench asked him that why the people do not send their children to school, he stated that poverty among the members of this community is responsible for the low level of education of the community. The poor people of the community only bother about their food, clothes and shelter. It is difficult for them to make both ends meet. They surely bother about the education of their children.
11. Mr Shafique Ahmad, another representative of the community stated that mostly the members of this community habitat in the peripheries of the cities and are socially, economically and educationally very backward. When the Bench asked him that how can they prove that the community is also socially backward, he stated that they have small land holdings and on these land holdings they grow flowers and vegetables, and most of them are below poverty line. The advanced and privileged communities have hatred for them. In response to the remark of the Bench that growing and selling flowers is not a less respectful occupation, they stated that all members of the community do not grow and sell flowers, only a few people cultivate the land, others work as labourers and added that in the society there is no respectable place for the labourers.
12. In response to the query of the Bench regarding the decision of the U.P. State Commission for Backward Classes on the request of the community for inclusion in the State List of Backward Classes, Shri Jai Singh informed that the State Commission disposed the request on 16-11-94 and recommended that Baghban word should be included in the State List of OBCs at entry No 40 along with Mali and Saini. The recommendation of the State Commission for OBCs was sent to the State Government on 17-04-95. After considering the recommendations of the State Commission, the State Government decided not to include Baghban in the State list of OBCs with Mali and Saini. Accordingly the State Commission informed the request maker about the decision of the State Govt. on 19-11-99. Aggrieved by the decision of the State Govt. the request maker filed a writ petition

AUTHENTICATED

(C. T. BENJAMIN)
Member Secretary
National Commission For
Backward Classes

in the Allahabad High Court (No. 1823(MB) of 2000 and as per the information available with the State Commission, the case is pending with the High Court.

13. In continuation of the statement of the representative of the State Commission, Shri Samsam Ali, request maker, informed the Bench that the High Court of U.P., Allahabad has dismissed the petition with remarks that *"We are of the view that for determination of the question as to whether a particular Caste is a Backward or not, there exists a Commission known as State Commission for Other Backward Classes which may consider that aspect of the matter. The petitioner should have not rushed to this Court without the decision of the Commission over that question. The question as to whether a particular caste comes within the category of other Backward Classes or it is educationally and socially a Backward, generally cannot be adjudicated upon by this Court, for the simple reason that it requires research and enquiry. The petitioner has already approached the Commission for the determination of Baghban as a Backward Class, hence no direction is necessary."* They stated that they have informed the State Commission about the decision of the High Court.

IV. Findings

14. From the foregoing, the Bench finds that 'Baghban' is a muslim community whose members are traditionally engaged in growing/selling vegetables etc. The ethnographic literature reveals the community closely allied with other cultivating castes/communities like Mali, Kachhi, Saini and Kunjara, which are already existing in the list of Backward Classes. The representatives of the community have requested for inclusion of Baghban as sub-caste/synonym of Mali. According to them, the difference between Malis and Baghbans is that the former are Hindus and the later are Muslims by religion. The Census Report of 1931 (para 7 above) also supports their contention. The U.P. State Commission for Backward Classes found that Baghban is synonym of Mali caste and recommended for its inclusion in the State List of Backward Classes, though the State Govt. rejected the recommendation for the reasons best known to them and as reported by the

AUTHENTICATED

M. Benjamin

(C T BENJAMIN)

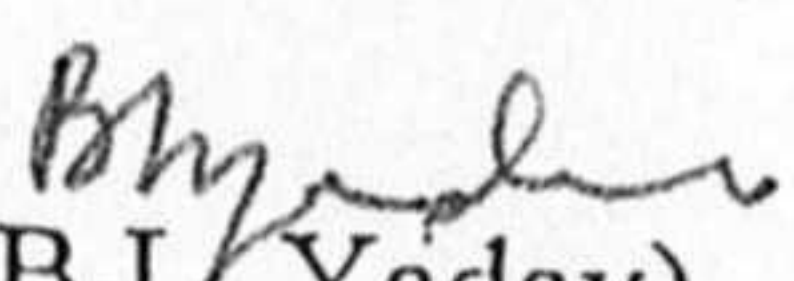
Member Secretary

National Commission For

Backward Classes

representatives of the State Commission for OBCs and the caste/community, the matter is yet to be decided finally in the light of the decision of the High Court of Allahabad. In the opinion of the Bench Baghban is an occupational caste and synonymous to Mali. As Mali is already existing in the Central List of Backward Classes for U.P., therefore, Baghban should be included in the Central List at entry No 39 with Mali, so that the amended entry reads as :

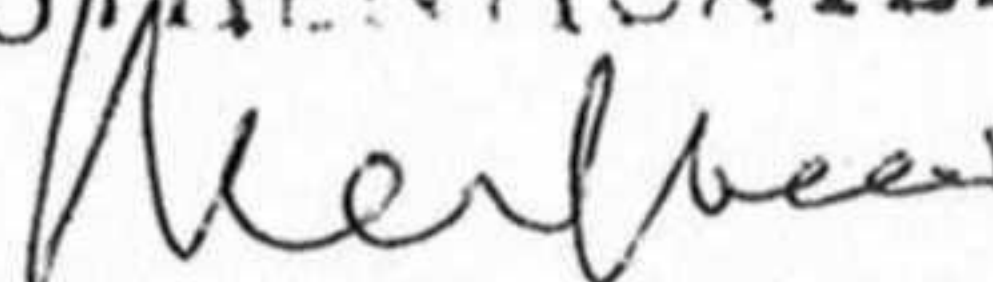
"39. Mali, Saini, Baghban"


(Justice B.L. Yadav)

2.7.2002.


(Neera Shastri)

AUTHENTICATED



(C. T. BENJAMIN)

Member Secretary

National Commission For
Backward Classes

V. Advice of the Commission

15. The Commission considered and agreed in full with the above Findings of the Uttar 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 :-

Baghban should be included in the Central List of Backward Classes for Uttar Pradesh at entry No. 39 as synonym of Mali so that the amended entry reads as :

"39. Mali, Saini, Baghban"

[Signature]

[Signature]

[Signature]

[Signature]
27702

AUTHENTICATED

[Signature]
(C. T. PETUJMIN)

Member Secretary
National Commission For
Backward Classes