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सदस्य-सचिव
राष्ट्रीय पिछड़ा वर्ग आयोग

भारत सरकार
त्रिकूट-१, भीकाजी 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. Maharashtra 11 & 12/99

21.01.1999

Dear Shri Manavalan,

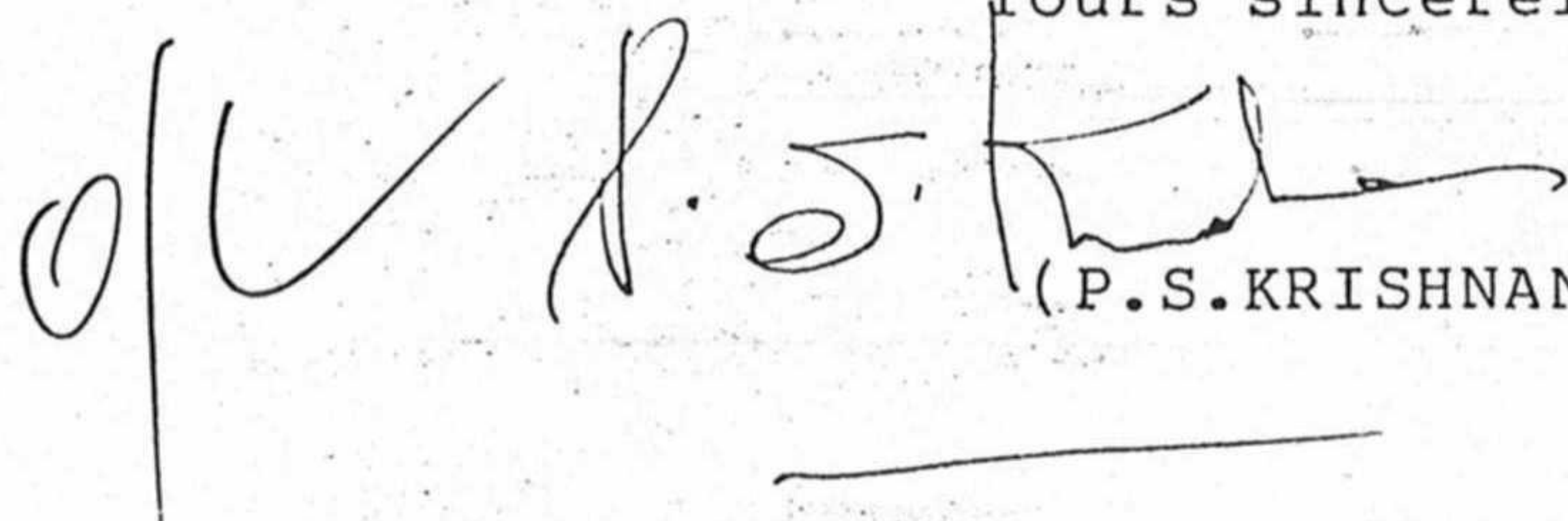
I am sending herewith the Advices of the National Commission for Backward Classes under Section 9(1) of the NCBC Act for the

- (i) Inclusion of Pahad, Pahadi, Vanmali at new entry no.218 of the Central List of Backward Classes for Maharashtra; and
- (ii) Rejection of the Request for Inclusion of Billawa (Poojary) in the Central List of Backward Classes for Maharashtra

duly authenticated, for necessary action by the Central Government under Section 9(2) of the Act.

2. With this, Advices on 514 (287 for Inclusion + 227 for Rejection) castes, sub-castes, synonyms etc. have been tendered to the Government by the Commission, after its reconstitution in 1997, of which 508 (281 for Inclusion + 227 for Rejection) are still pending with the Government for Notification.

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

CBC Advice No. Maharashtra 11/85

NATIONAL COMMISSION FOR BACKWARD CLASSES

Maharashtra Bench

FINDINGS

Per Shri P.S.Krishnan, Member-Secretary

Case: Request for Inclusion of "Pahad, Pahadi, Vanmali" caste/community in the Central List of Backward Classes for Maharashtra

I. Request

This case arises from the Request received in this Commission from the Akhil Bharatiya Pahad Samaj, Nagpur, 1168, Vishwakarma Nagar, Marg K-3, Nagpur-440 027 for the Inclusion of "Pahad, Pahadi, Vanmali" in the Central List of Backward Classes for Maharashtra.

II. Public Hearing

2. The Two-Member Maharashtra Bench of the NCBC consisting of Shri P.S.Krishnan, Hon'ble Member-Secretary and Shri Sahu Akshaya Bhai, Hon'ble Member held Public Hearings inter alia in respect of this caste/community at Mumbai on 23.4.97 and 16.1.98. At the Public Hearing held on 16.1.98, the State Government was represented by Shri B.M.Tayade, Member-Secretary, State Backward Classes Commission, Maharashtra, Shri A.V.Nawale, Divisional Social Welfare Officer, Mumbai Division, and Shri C.R. Gosavi, Under Secretary, Social Welfare Deptt. Dr. M.D.Nalwade, Hon'ble Member, State Backward Classes Commission, Maharashtra was also present. The caste/community was represented by Dr.G.M.

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Mangalkar, Shri R.G.Ghose, Shri Jaiprakash G. Ghose and 5 others.

III. Facts

3. The caste/community is not included in the first-phase Central List of Backward Classes for Maharashtra prepared in 1993 based on the principle of commonality because at that time it was not included in the Mandal Commission's List of BCs for Maharashtra as well as the State Government's List of Backward Classes, and therefore did not satisfy the criterion of commonality.

4. During the Public Hearings, the State Government and State Commission representatives informed the Bench that the State Commission for Backward Classes vide its Report submitted to the State Government on 30.01.97 has recommended the Inclusion of "Pahad/Pahadi" in the State List and it is pending with the State Government for decision/notification.

5. During the Public Hearings, the representatives of the caste/community stated that members of their caste/community are traditionally sellers of forest produce which they mostly collect from forests. They said that they are a socially and educationally backward caste/community. The total population of the caste/community is stated to be 10,000. The community worship Kalika Devi, Adimata Durga, Nagdev and a number of other such local deities and fetishes. In the NCBC's Questionnaire filled up by the Akhil Bharatiya Pahad Samaj, the main occupation on which the members of the caste/community depend for their livelihood is given as "Seedling gum, Mahua, Honey, garlic, turmeric, etc. in the vilages and weekly bazars". In the Questionnaire filled up by the State Government it is stated that this

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caste/community is generally considered to be Socially Backward.

6. It was stated by the representatives of the caste/community during the Public Hearing on 16.1.98, that "Vanmali" is a new name adopted by the caste/community. They said that they are not insisting on the inclusion of "Vanmali" and only "Pahad, Pahadi" be included in the List. The name "Pahad" is used by members of the community in the Vidharbha area and in the rest of Maharashtra the name "Pahadi" is used. On specific query from the Bench, they asserted that theirs is not a trader caste/community like Baniyas. This was confirmed by the representatives of the State Government and State Commission.

7. There was no objection raised during the Public Hearings to the proposed inclusion of "Pahad, Pahadi" in the Central List of Backward Classes for Maharashtra from those present who were from different sections of society.

IV. Findings

8. From the evidence adduced before the Bench, the Bench came to the Finding that "Pahad, Pahadi" caste/community of Maharashtra is traditionally engaged in the collection and sale of certain forest and other produce and is a Socially and Educationally Backward class of citizens and therefore it should be included in the Central List of Backward Classes for Maharashtra at a new entry no.218, as follows:-

"218. Pahad, Pahadi"

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15.01.99

P. S. Krishna
15.1.99

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V. Advice of the Commission

9. The Commission considered and agreed in full with the above Finding of the Maharashtra 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:-

"Pahad, Pahadi" be included in the Central List of Backward Classes for Maharashtra at a new entry no. 218, as follows:-

"218. Pahad, Pahadi"

10. 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.

K. Shyam
15.01.99

A. S. Krishnan
15.1.99

Navtej Puadhi
20.1.99

A. S. Krishnan
20.1.99

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Secretary
National Commission
for Backward Classes

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NATIONAL COMMISSION FOR BACKWARD CLASSES

NCBC Advice no. Maharashtra 12/99 Maharashtra Bench

FINDINGS

Per Shri P.S.Krishnan, Member-Secretary

Case: Request for Inclusion of "Billawa(Poojary)" caste/community in the Central List of Backward Classes for Maharashtra

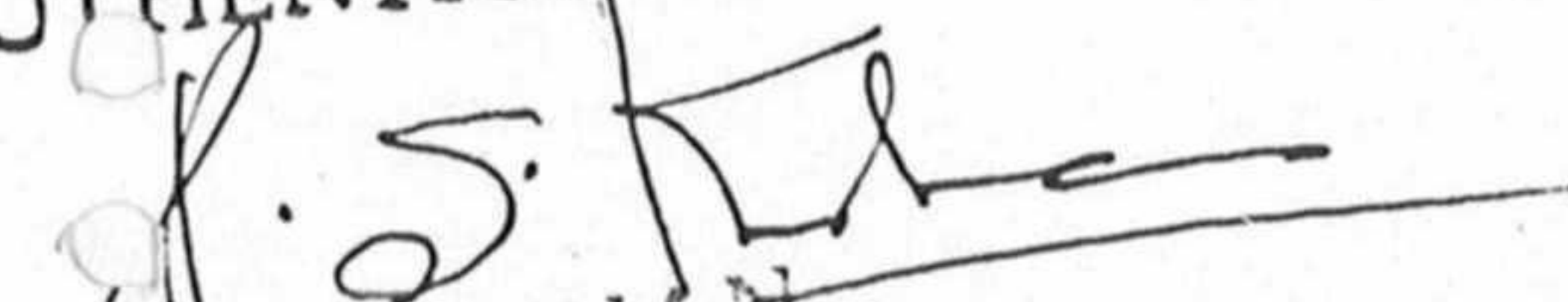
I. Request

This case arises from the Request received in this Commission from the Billawar Association, Billawa Bhavan, Guru Narayana Marg, Anand Nagar, Santacruz(East), Mumbai-400055, for the inclusion of "Billava(Poojary)" caste/community in the Central List of Backward Classes for Maharashtra.

II. Public Hearing

2. The Two-Member Maharashtra Bench of the NCBC consisting of Shri P.S.Krishnan, Hon'ble Member-Secretary and Shri Sahu Akshaya Bhai, Hon'ble Member held Public Hearings inter alia in respect of this caste/community at Mumbai on 23.4.1997 and 16.1.98 at Mumbai. At the Public Hearing held on 16.1.98, the State Government was represented by Shri B.M.Tayade, Member-Secretary, State Backward Classes Commission, Maharashtra, Shri A.V.Nawale, Divisional Social Welfare Officer, Mumbai Division, and Shri C.R.Gosavi, Under Secretary, Social Welfare Deptt. Dr. M.D.Nalwade, Hon'ble Member, State Backward Classes Commission, Maharashtra was also present. The caste/community was represented by Shri Y.Nagesh, Vice-President, Billavar Association, Shri N.M. Sanil, Shri M.N.Suvarna and Shri Rohit Suvarna.

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Member Secretary
Commission

III. Facts & Findings

3. The caste/community is included in the Mandal Commission's List of BCs for Maharashtra as follows:-

"30A. Bhandura, Billawar"

It is not included in the first-phase Central List of Backward Classes for Maharashtra prepared in 1993 on the basis of the principle of commonality because at that time it was not included in the State Government's List of Backward Classes and therefore did not satisfy the criterion of commonality.

4. "Bhandura, Billawar" has since been included in the State Government's List of Backward Classes by an order dated 9.8.1995 of the State Government. At the Public Hearing held on 23.4.1997, the Bench learnt that this inclusion of "Bhandura, Billawar" in the State List is without any Advice/recommendation of the State Backward Classes Commission and that the State Government has just copied it from the Mandal List as in the case of a number of other castes/communities.

5. The Billavas, as Thurston and Rangachari write in the "Castes and Tribes of Southern India" (Asian Educational Services, New Delhi, Madras, 1993, first published 1909) are "the Tulu-speaking toddy-drawers of the South Canara district" of Karnataka. The caste/community has rightly been included in the State and Central Lists of Backward Classes for Karnataka and also of Kerala and Tamil Nadu.

6. According to the representatives of the caste/community, their members in Maharashtra are migrants from the South Canara district of Karnataka and now mostly reside in Mumbai

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Backward Classes

and its suburbs. The main occupation of these migrants is given in the NCBC's Questionnaire filled up by the request-making Association as "Service -- employed in Canteens, Hotels, Offices, Factories etc.". It is also stated in the Questionnaire that some members also run "small business like Beedi shops, canteen". In the Questionnaire, "Billawa" is given as the main name of the community and "Poojary" is stated to be a synonym. The term "Poojary" was explained by the representatives of the community at the Public Hearing as used by some of their members who are priests in their own temples.

7. The Bench is of the view that it would not be correct to classify as Backward a caste/community which is Socially and Educationally Backward in its native State automatically in a State of their migration also unless there is evidence to show that they are Socially and Educationally Backward in the State of their immigration and there is some indication that their original social status is carried over and continued in the State of their immigration. From the evidence adduced before the Bench during the Public Hearing, the Bench learnt that the Billwas of Maharashtra, who mostly reside in Mumbai and its suburbs, are an educated upward mobile section. This is attested to in an article by one Shri Devu M.Karkera in a journal of the community, a photocopy of which was furnished to the Bench by the representatives of the community, wherein the status of Billawas in Mumbai is given in the following words:-

"Today there are many Billawas who are highly educated and holding very high position in the society. There are high ranking officers and executives working in Office, Commercial institutions, Banks, Insurance, Companies, Shipping Corporation and other financial institutions. There are many Billawas who are holding high position in State and Central Government Offices. There are many businessman, small scale industrialists and hotel owners in Bombay. There are also many leading Advocates, Chartered Accountants, Doctors

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etc. among Billawas"

8. Obviously, the Billawars of Maharashtra do not appear to be Educationally Backward. Apparently, they also cannot be considered as Socially Backward in the milieu of the metropolitan city of Mumbai and its suburbs which is their area of immigration. For these reasons, they do not deserve inclusion in the List of Backward Classes in Maharashtra. The inclusion of the community in the State and Central Lists of Kerala and Tamil Nadu, apart from their home State of Karnataka, is apparently on account of the fact that these States contain territories contiguous to the home territory of Billawas i.e., South Kanara and adjoining districts of Karnataka and therefore naturally include members of the community as original dwellers. But, in the case of Mumbai and its suburbs, members of the community are relatively recent immigrants, and therefore the position of Billawas in Kerala and Tamil Nadu cannot be compared with their position in Mumbai and its surroundings. For this reason, the inclusion of "Billawa" in the BC Lists in Karnataka, Kerala and Tamil Nadu cannot be a ground for their automatic inclusion in the List of BCs for Maharashtra also. The conclusion of the Bench is that the "Billawa" caste/community which has been correctly recognised as Socially and Educationally Backward in Karnataka and also in Kerala and Tamil Nadu is not Socially or Educationally Backward in Maharashtra and, therefore, the Request for Inclusion of "Billawa(Poojary)" in the Central List of Backward Classes for Maharashtra should be rejected.

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R. S. Krishna
15.01.99

P. S. Krishna
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IV. Advice of the Commission

9. The Commission considered and agreed in full with the above Finding of the Maharashtra 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:-

Request for Inclusion of "Billawa(Poojary)" in the Central List of Backward Classes for Maharashtra be rejected as it is not a socially or educationally backward caste/community in Maharashtra.

10. 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 Advie, notwithstanding the vacancy caused by the demise of the aforesaid Member, is protected by Section 7 of the NCBC Act, 1993.

Ashayam
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P. S. Krishna
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Navtej Puadhi
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