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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. Rajasthan 48 /99

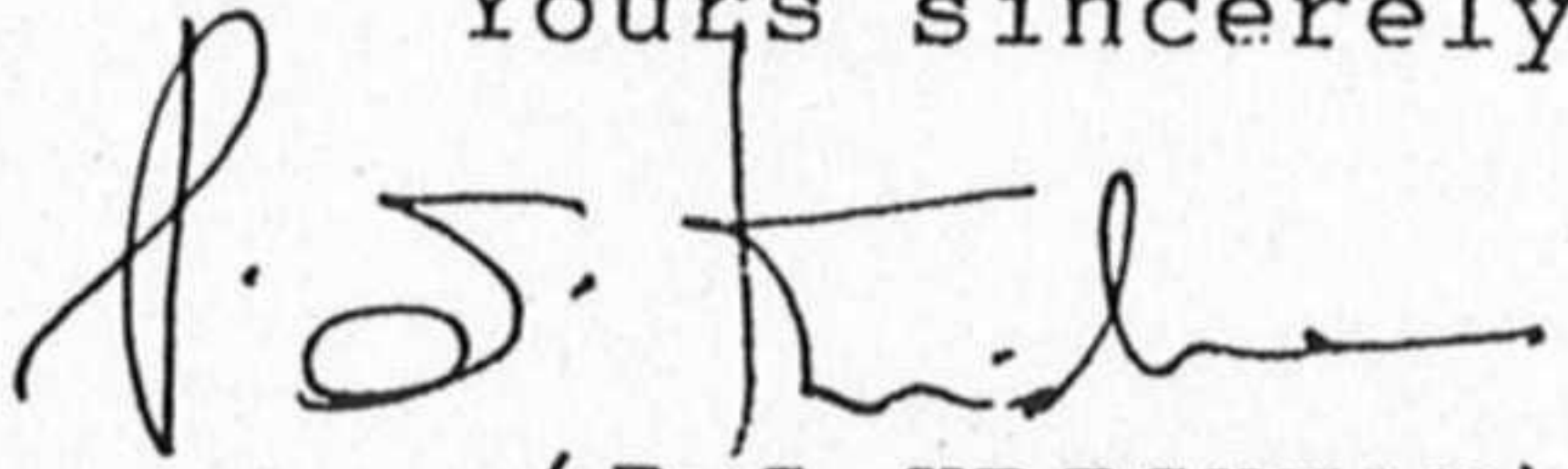
29.06.1999

Dear Smt. Das,

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 "Rayee/Rayeen, Kunjra" as a synonym of "Mali" in the Central List of Backward Classes for Rajasthan, duly authenticated, for necessary action by the Central Government under Section 9(2) of the NCBC Act.

2. With this, Advices on 697 (346 for Inclusion + 351 for rejection) castes, sub-castes, synonyms etc. have been tendered to the Government by the Commission, after its reconstitution in 1997, of which 691 (340 for Inclusion + 351 for Rejection) are still pending with the Government for Notification.

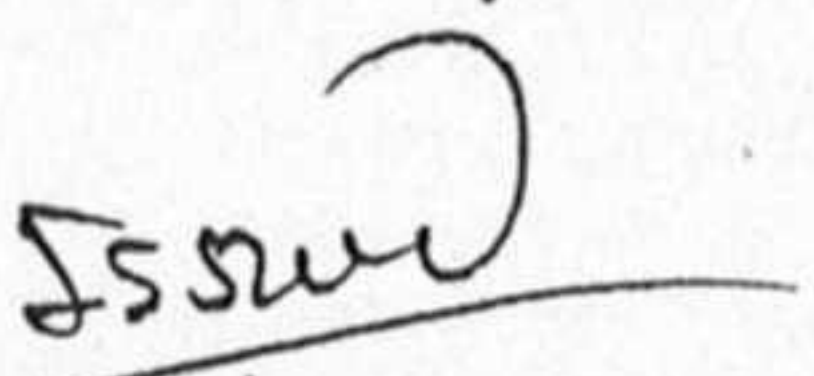
Yours sincerely


(P.S. KRISHNAN)

Encl: As stated.

Smt. Asha Das
Secretary to Govt. of India
Ministry of Social Justice & Empowerment
Shastri Bhavan
NEW DELHI

O/c



29/6/99

NATIONAL COMMISSION FOR BACKWARD CLASSES

RAJSTHAN BENCH

FINDINGS

Per Shri P.S.Krishnan, Member-Secretary

Case: Request for Inclusion of "Rayee, Rayeen, Kunjra" in the Central List of Backward Classes for Rajasthan

I. Request

This case arises from the Requests received in this Commission from

- (1) Shri Chand Mohammed, Convenor, Rajasthan Koumi Kunjra (Mewafaroshan/Rayeen/Sabjifarosh), Mohalla Mewa Faroshan, Jodhpur, Rajasthan
- (2) Shri Mohd. Ayasuddin, Rain Muslim Association, Jalupura, Jaipur, Rajasthan.

These Requests, taken together, seek the Inclusion of "Rayee, Rayeen, Kunjra(Mewafarosh)" caste/community in the Central List of Backward Classes for Rajasthan. After the two-Member Rajasthan Bench of the Commission took up these Requests for examination at the Public Hearings mentioned below, Ch. Mohd. Nafis Rayeen, President, the All India Jamiat-ur-Rayeen also sent a Request for the Inclusion of "Rayeen" as a synonym of "Mali" which is already included in the Central List of BCs for Rajasthan.

II. Public Hearings

2. The two-Member Rajasthan Bench of this Commission,

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consisting of Shri P.S.Krishnan and Shri Navtej Puadhi held a Public Hearing in respect of this case at Jaipur on 31.5.97. At the Public Hearing the State Government was represented by Shri S.K.Dalel, Joint Director and Shri Ramesh Chandra Sharma, Deputy Director in the Directorate of Social Welfare. Shri G.D. Garg, Joint Director represented the Rajasthan State Backward Classes Commission. The caste/community under consideration was represented by Shri Chand Mohammed, Shri Mohammed Arif, Shri Mohammed Riyaz Uddin and others.

III. Facts

3. The State Government of Rajasthan had no list of Backward Classes till after the Supreme Court Judgement in the Mandal case, delivered on 16th November 1992. For this reason, the Expert Committee on Backward Classes could not, on the basis of the principle of commonality --- a principle laid down in Govt. of India (Dept. of Per.&Trg.)'s O.M. No. 36012/31/90-Est.(SCT) dated 13.8.1990 and upheld by the Supreme Court in the above Judgement ---, recommend a Central List of Backward Classes for Rajasthan as it could do for 14 other States, which already had their respective lists of Backward Classes, and therefore the Central Government also could not issue a Central List of Backward Classes for Rajasthan in 1993. The Government of Rajasthan issued its list of Backward Classes by its Notification No. F.II(125)R&P/SWD/52307 dated 6.8.1994. Thereafter, the Central Government vide Ministry of Welfare's Resolution No. 12011/9/94-BCC dated 19.10.1994 issued a "Common (Central) List" of Backward Classes for Rajasthan.

4. Entries relevant to the present Request in different lists are as follows:-

(i) State List

"36. Mali, Saini, Bagwan"

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(ii) Mandal List

"93. Mali"

(iii) Central List

"35. Mali"

Since "Saini" and "Bagwan" are included only in the State List and not in the Mandal List, they were not included in the "Common (Central) List" notified by the Govt. of India on 19.10.1994.

5. This Commission, after examining Requests received in this Commission, has vide Advice No. 8/97 Rajasthan dated 4.8.97 tendered Advice to the Central Government for the Inclusion of "Saini" and "Bagwan" as synonyms of "Mali" in the Central List. After the inclusion of these synonyms the entry no. 35 in the Central List will read as follows:-

"35. Mali, Saini, Bagwan"

6. In the NCBC's Questionnaire filled up and furnished by Shri Chand Mohammed, the name of the caste/community in respect of which request for inclusion is made is given as "Kunjra, Raeen, Mewafarosh, Sabzifarosh". The total population of the community is given as 1,50,000 approximately which is stated to be largely concentrated in Udaipur, Kota, Jodhpur, Jhunjhunu, Churu, Sikar, Jaipur & Bhilwara districts. The main occupation on which members of the community mainly depend for their livelihood is given as "Vegetables, fruits & grass etc. selling and their production".

7. In the letter of Request of the All India Jamiat-ur-

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Rayeen it is stated that "Rayeen" is one of the most backward castes in the Muslim community. Rayeen is the same community as the "Mali, Saini, Bagwan" included in the State List. Since "Rayeen" is not included in the State and Central Lists members of the community who use this name are facing great difficulty in getting the benefits intended for Backward Classes. Therefore, it is very necessary to include "Rayeen" along with "Mali, Saini, Bagwan".

9. During the Public Hearing, the representatives of the community stated that "Kunjra" is the old name of community. They consider this name as stigmatised because the name is used in common parlance in a derogatory way. Therefore, they have adopted a new dignified name, viz., "Rayee or Rayeen". On specific enquiry from the Bench they said that the old name "Kunjra" should also be included apart from the new name "Rayee, Rayeen" because both the names are in vogue and some members of the caste identify themselves and are recognised by others as Kunjra and some others as Rayee/Rayeen. They, however agreed with the suggestion of the Bench that the names "Mewafarosh", "Sabjifarosh" need not be included as these are not proper caste names but only indicative of their occupation.

10. Consequent to the Public Hearing, the Rajasthan Backward Classes Commission has vide DO letter No. F1/RBCC/97/17457 dated 14.7.1997 from its Member-Secretary addressed to the Member-Secretary, NCBC has given the following view about "Kunjra, Rayeen":-

"Mali and Bagwan have already been included. Kunjras are stated to be doing the work of vegetable selling and Rayeen do the work of Bagwani. Therefore, their separate inclusion is not necessary"

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11. The above view is also given in detail in the Second Report of that State Commission furnished to the State Government on 31 October 1995, a copy of which was furnished to this Commission on 11.3.99, as follows:-

"According to the representation received, Kunjra, Rayee reside mostly in the districts of Marwar, Hadothi, Bikaner and Sikar and grow and sell fruits and vegetables. They were earlier Rajputs, now they do the work of selling leafy vegetables. Educationally they have fallen. In Rajasthan in the past those who used to sell vegetables were called as Kunjra and according to dictionary those who sell fruits and vegetables are called Kunjra. Irrespective of their caste/community/religion, this occupation is done by all --- Hindus, Muslaman, Sindhi and Sikh. Now those who sell vegetables generally write their caste/community names. At present the name Kunjra is not in vogue and no particular caste/community is identified by this name. Now a days it is also not in vogue even as a name of vegetable and fruit sellers because members of all castes/communities sell vegetables. In some places a person who do the work of Bagwani is called as Rayee even if he belongs to any caste/community. Mewafareosh is not a caste/community name in vogue. Mali and Bagwan, whose occupation is also growing and selling of vegetables, fruits and flowers, are in the List of Backward Classes. Those Musalman who do the work of selling of vegetables write Musalman and are identified as Musalman. Documentary and historical records are not available in which they are at present identified as a specific caste/community. Therefore to make a request to include Kunjra and Rayee in Backward Classes is not proper and the request is rejected."

12. Anthropological Survey of India's the People of India's

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series volume on Rajasthan (General Editor K.S. Singh, Popular Prakashan Pvt. Ltd., Bombay, 1998) contains an account of "Mali" caste/community by Mandira Nanda. This account describes Mali as a "community of horticulturists growing vegetables and flowers" and inter alia mentions as follows:-

"The Mali claim to have 12½ divisions, i.e., Bhoimali, Kashi Mali, Kahar Mali, Kachi Mali etc. and last group that is Kujra is treated as half-group because they are Muslim but by virtue of their occupation they are treated as Mali. Each of these sub-group are strictly endogamous in nature....."

13. "Kunjra" as the name of a caste/community in Rajasthan is also attested to in the Census of India, 1931 --- Rajasthan Agency Report (Lieut. Colonel B.L. Cole, Manohar, New Delhi, Second Edition 1992, Table XVIII, p.163) and gives the population of "Kunjra" as 4,440. The same Census Report enumerated Malis separately and reported its population as 369,173.

14. "Kunjra", "Rayeen" have been included in the State and Central Lists of Backward Classes in respect of Bihar, Uttar Pradesh, Madhya Pradesh and Delhi. The following are relevant entries in the Central Lists, which found place in the Central Lists in 1993 through the process of commonality as they were already included in the lists of these different States and UT of North India and also in the Mandal List for these States:-

S.No.	Name of State	Relevant entry
1.	Bihar	"111. Rayeen or Kunjra (Muslim)"
2.	Madhya Pradesh	"59. Islamic groups:-

.....

9. Kunjara

....."

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- | | | |
|----|---------------|---------------------------|
| 3. | Uttar Pradesh | "11. Kunjra or Rayeen" |
| 4. | Delhi | "4. Arain, Rayee, Kunjra" |
-

Further this Commission has advised the Central Govt. for the Inclusion of "Rayeen" as a synonym of Mali in the Central List of Backward Classes for Maharashtra vide NCBC Advice No. Maharashtra 15/99 tendered on 09.03.99.

IV. Findings

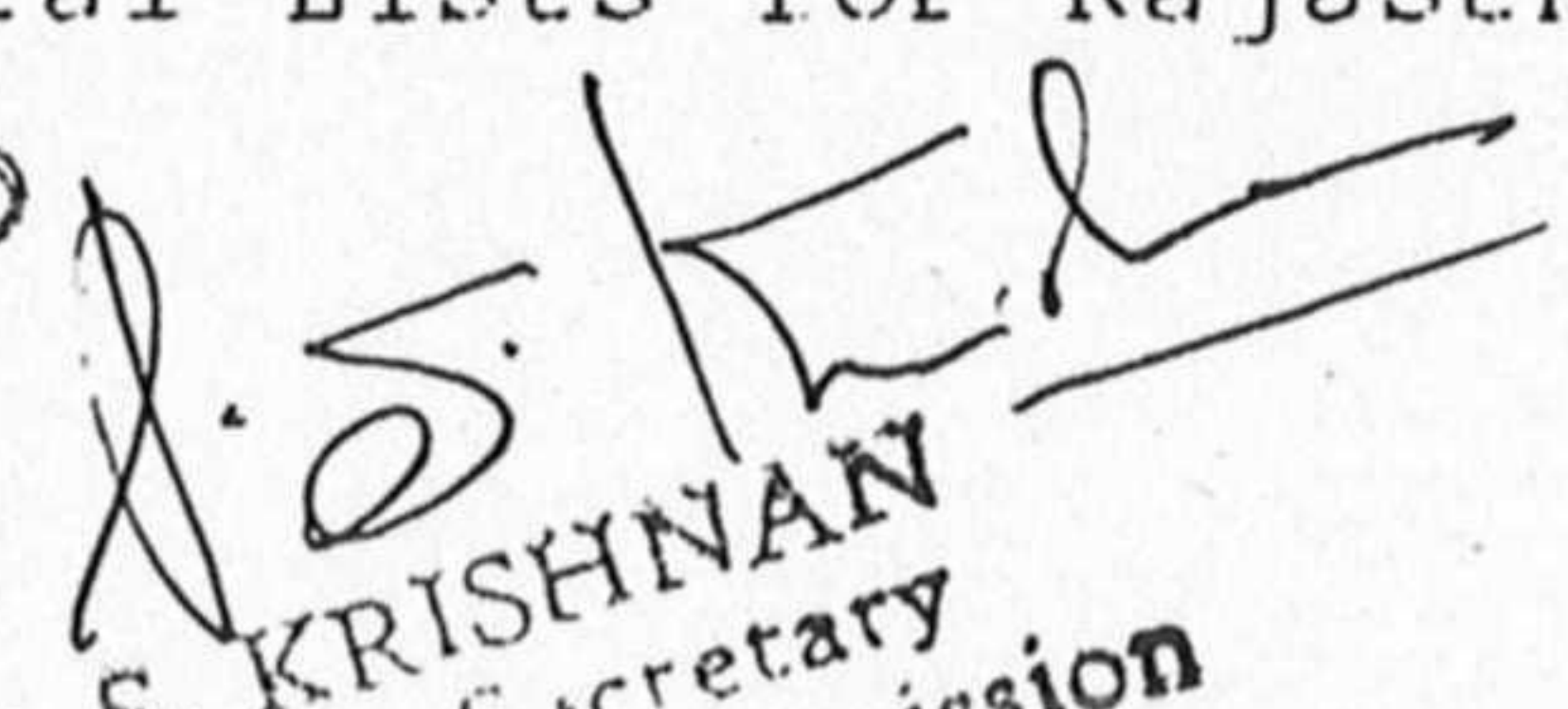
15. From the above material and evidence, it is the Finding of the Bench that "Kunjra" is originally a name that denoted those members of the community of vegetable growers and sellers who follow Islam as their religion and whose Hindu counterparts are known as Malis, Sainis etc. That this is the name of a distinct caste/community with inter-generational continuity is evident from the mention in the People of India series account referred to above that "Kujra", which is apparently the same as "Kunjra", as an endogamous sub-division of Malis and the separate enumeration of "Kunjra" population in the 1931 Census Report also referred to above. "Rayee or Rayeen" is a dignified name adopted by members of the community in view of the social stigma attached to the name "Kunjra". Kunjra and/or Rayee/Rayeen have already been included in the State and Central Lists of BCs for the adjoining States of Madhya Pradesh, Uttar Pradesh and Delhi and also in Bihar. The Commission has also got undisputed and indisputable evidence of the existence of the community in Maharashtra. In the face of such strong evidence, the Rajasthan State Commission's view that no particular caste/community can be identified by the names "Kunjra" and "Rayeen" and that these names denote any person who sell vegetables is clearly erroneous. The Bench discerns in the position taken by the Rajasthan State Backward Classes

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Commission a bias against a particular religious section not only in this case but also in some other cases involving the question of inclusion in the BC list of genuinely backward castes/communities, whose members follow that particular religion. Bias has also been noticeable on the part of the State Government of Rajasthan in respect of some other obviously backward sections of the Muslim religious community, viz., the Muslim Dhobis and Muslim Mochis for, though the State Backward Classes Commission has advised their inclusion in the State List, the State Government did not include these communities in the State List apparently on the ground that "Dhobi" and "Mochi" have been included in the List of Scheduled Castes for Rajasthan. This Commission vide DO letter No. NCBC/MS/Req/Rajasthan/97 dated 27.6.1997 from Member-Secretary to the then Chief Minister of Rajasthan had brought to the notice of the State Govt. that the State Govt's decision, contrary to the advice of the State Backward Classes Commission, was taken apparently by an inadvertent oversight of the factual position that by virtue of the proviso in the Presidential Orders those members of the Dhobi and Mochi castes/communities (or for that matter any caste included in the list of Scheduled Castes) who profess a religion other than Hinduism, Sikkism or Buddhism are not treated as members of Scheduled Castes and the State Government was requested to reconsider its decision and include in the State List of BCs these two communities, other than those who stand included in the list of SCs. But the State Government has not so far taken a decision to include them though almost two years have elapsed since then. This Bench and Commission cannot subscribe to the State Commission's attitude and consequent finding that since Mali, Saini, and Bagwan are included in the List, there is no need for separate inclusion of Kunjra and Rayeen and it is the considered view of the Bench that since Kunjra, Rayee, Rayeen are the names of a section of the same occupational community as Mali which is already included in the State and Central Lists for Rajasthan, the names "Kunjra,

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Rayee, Rayeen" should also be included in the Central List of Backward Classes for Rajasthan along with Mali. The non-inclusion of "Kunjra, Rayee, Rayeen" will result in denial of benefits intended for backward classes to those members of the same Mali caste/community who use or are known by these names. Since "Kunjra" is a name which is considered by the members of the community, especially their educated members as derogatory and stigmatised, they have adopted and want to be known by the new dignified name adopted by them, viz., "Rayee or Rayeen". However, both the old and new names should be included in the List because some members still use and are known by the old name "Kunjra" or have this name recorded in their school and other certificates. Therefore, in order to give recognition to their new name but at the same time in order that there may not be any difficulty for those who still use the old name "Kunjra", these names should be added in the List as "Rayee/Rayeen, Kunjra". After the addition of these names with the existing entry "35. Mali", the amended entry in the Central List, read with this Commission's earlier Advice No. 8/97 Rajasthan tendered on 4.8.97, should read as follows:-

"35. Mali, Saini, Bagwan, Rayee/Rayeen, Kunjra "

16. As one of the Members of the Bench, Shri Navtej Puadhi unfortunately passed away on 16.8.1998, the Findings are formulated and signed only by one Member, who is also the co-ordinating Member of the Bench.

P. S. Krishnan

23.6.1999

V. Advice of the Commission

17. The Commission considered and agreed in full with the

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above Findings of the Rajasthan Bench and decided to tender the following Advice to the Central Government under Section (1) of the NCBC Act, for necessary action by the Central Government under Section 9(2) of the NCBC Act:-

"Rayee/Rayeen, Kunjra" be included in the Central List of Backward Classes for Rajasthan as a synonym of "Mali" which is already existing in the List at entry no. 35 and therewith and combining this Commission's earlier Advice No. 8/97 Rajasthan tendered on 4.8.97, the amended entry no. 35 be read as follows:-

"35. Mali, Saini, Bagwan, Rayee/Rayeen, Kunjra"

18. On account of the unfortunate demise of one of the Members Shri Navtej Puadhi on 16.8.98, 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
24.06.99

P. S. Krishnan
23.6.99

Madan Mohan
25.6.99

A. C. Rayacharya
29.6.99

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