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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 - 110066

NCBC Advice No. Gujarat 4-5/97

15. 11. 1997

Dear Shri Baksi,

I am sending herewith the Advices of the National Commission for Backward Classes under Section 9(1) of the National Commission for Backward Classes Act, 1993 in respect of the Requests for Inclusion of

1. "Mali, Sorthia Mali, Fool Mali, Marathi-Mali, Saini Mali, Kach Mali, Jire Mali, Moria Mali, Kacchi(Kushuva) and Rami Mali"
2. "Teli, Modh Ganchi Teli, Sahu Teli, Rathod Teli, Rathore Teli, Jaiswal Teli, Jaiswar Teli, Gupta Teli, Chaudhari Teli, Tailik, Ghanchi Teli, Modi Teli, Vaishya Teli, Vania Teli, Mahajan Teli, Rajput Teli, and Maratha Teli as synonyms of Ghanchi(Muslim)"

in the Central List of Backward Classes for Gujarat, for necessary action by the Central Government under Section 9(2) of the Act.

With kind regards,

Yours sincerely

(P.S. KRISHNAN)

Shri K.K. Baksi
Secretary
Ministry of Welfare
Shastri Bhavan
NEW DELHI

NATIONAL COMMISSION FOR BACKWARD CLASSES

GUJARAT BENCH

F I N D I N G S

Per Prof. U.P.Singh, Member

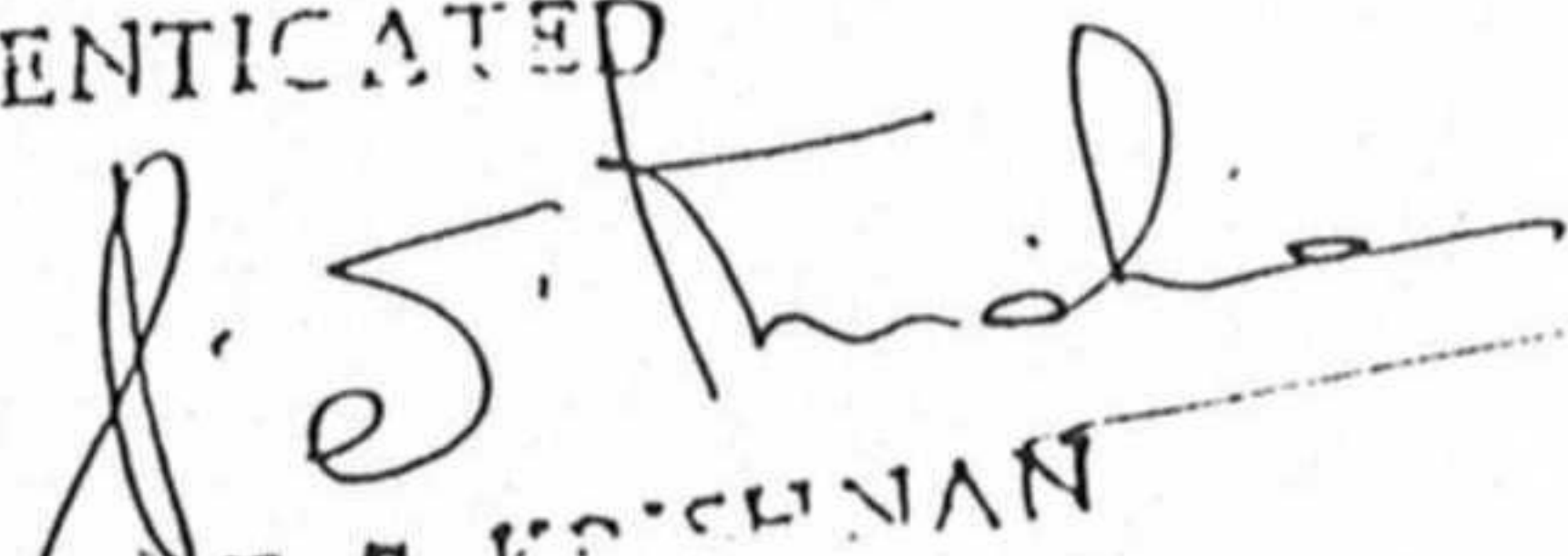
Case: Request for inclusion of "Teli, Modh Ganchi Teli, Sahu Teli, Rathod Teli, Rathore Teli, Jaiswal Teli, Jaiswar Teli, Gupta Teli, Chaudhari Teli, Tailik, Chanchi Teli, Modi Teli, Vaishya Teli, Vaniya Teli, Mahajan Teli, Rajput Teli, and Maratha Teli as synonyms of Chanchi (muslim)" in the Central List of Backward Classes for Gujarat.

I. Request

I. This case arises from the Request received in this commission from Shri N.S. Chaudhari, General Secretary, Gujarat State Tailik Sahu Mahasabha, B/2/52, Swi Park Society (Madhuvrund), Chatlodiya, Ahmedabad (Gujarat) for inclusion of Teli and its 16 sub-castes/synonyms viz.,

- (i) Teli
- (ii) Modh Ganchi Teli
- (iii) Sahu Teli
- (iv) Rathod Teli
- (v) Rathore Teli
- (vi) Jaiswal Teli
- (vii) Jaiswar Teli

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P. S. KISHAN
Member
for

contd....

- (viii) Gupta Teli
- (ix) Chaudhari Teli
- (x) Tailik
- (xi) Chanchi Teli
- (xii) Modi Teli
- (xiii) Vaishya Teli
- (xiv) Vaniya Teli
- (xv) Mahajan Teli
- (xvi) Rajput Teli
- (xvii) Maratha Teli

II. Public Hearing

2. The 2- Member Gujarat Bench of the Commission consisting of Hon'ble Members, Prof. U.P. Singh and Shri Sahu Akshaya Bhai, NCBC, held a Public Hearing at Ahmedabad on 28/8/1997 in respect of this Request. It is mentioned that as per constitution of the Benches, the Gujarat Bench comprises of Hon'ble Members S/Sh. U.P. Singh and Navtej Puadhi. In the absence of Hon'ble Member Shri Navtej Puadhi, Hon'ble Member Sh. Sahu Akshaya Bhai substituted him for Public Hearing as per programme of Public Hearings decided in the meeting of the Commission held on 4.8.1997. At the Public Hearing, the State Govt. was represented by Sh. J.M. Luni, Director, Developing Castes Welfare, Govt. of Gujarat, Gandhi Nagar and Shri Shri L.N. Bhatt, Deputy Secretary to the Govt. of Gujarat, Social Welfare Deptt, Gandhi Nagar. The Community was represented by Shri N.S. Chaudhari, General Secretary, Gujarat State Tailik Sahu Mahasabha & Others.

III. Facts

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

(i) Central List

23. Chanchi (Muslim)

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P. S. CHAUDHARI

for L. ...

(ii) Mandal List

91 (a). Teli, Modh Chanchi

(iii) State List

25(B). Teli, Modh Chanchi

4. During the Public Hearing the representative of the community stated before the Hon'ble Bench that similar Request in respect of the inclusion of synonyms of "Teli" in the State list is also pending with the State Commission for Backward Classes. Thus, in respect of the inclusion of synonyms of "Teli" except "Teli & Modh Chanchi" in the Central List of Backward Classes, the Hon'ble Bench decided to wait for the decision of the State Commission for Backward Classes and notification by the State Govt.

5. "Teli, Modh Chanchi" are not included in the Central List of Backward Classes for Gujarat as they were included only in the Mandal List for Gujarat and not in the State List of Gujarat at the time of the preparation of the Central List on the basis of the principle of commonality in 1993.

6. The information furnished by Gujarat State Tailik Sahu Mahasabha, Ahmedabad, furnished in the NCBC Questionnaire contain following facts in support of their castes/community's being socially and educationally backward:-

(i) The "Teli, Modh Chanchi" caste/community is regarded as socially backward.

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(ii) The occupation on which the members of the caste/community mainly depend for livelihood is service in private shops, factories petty business and hawkers.

(iii) Some members of the community are engaged in the manual labour for wages.

(iv) The caste/community is, in terms of the caste system, identified/linked with traditional craft i.e. "Tel Ghani".

(v) Number of literates of the Caste/community in the State was 3500 in 1994.

(vi) The caste/community is largely concentrated in Ahmedabad, Khera, Baroda, Surat and Gandhi Nagar districts of Gujarat.

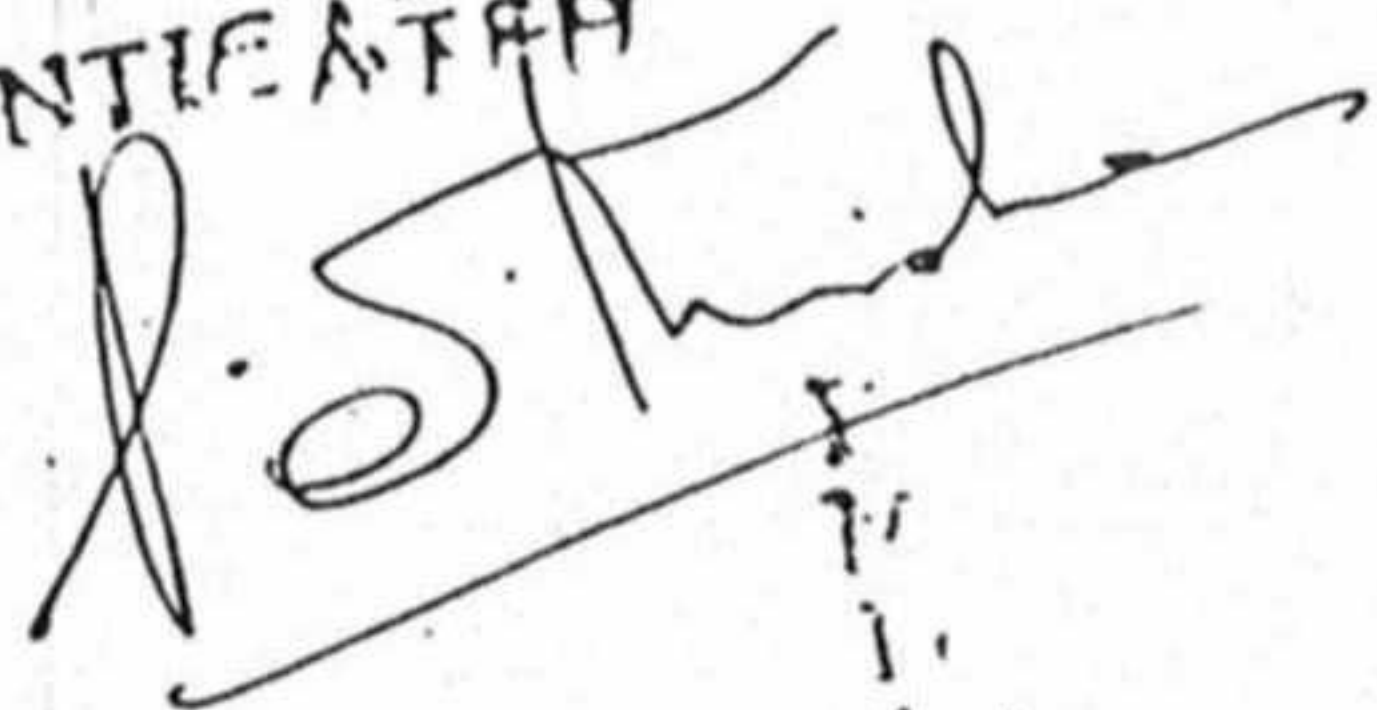
(vii) Out of the 3500 literates of the caste/community in the State, female literates were 1425 in 1994.

(viii) Number of matriculates among the members of the caste/community in the State was 300 in 1994.

(ix) Proportion of matriculates of the caste/community to the total population of the caste/community in the State was 5% in 1994.

(x) Total number of all graduates (in art, commerce, law, management, science, applied, technological, technical, professional etc. field) among the members of the caste/community in the State was 100 in 1994 constituting 1.5% graduates to the total population of the caste/community in the State.

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(xi) Approximately 83.5% of the families of the caste/community in the State live in the Kachha houses (including huts and sheds) and approximately 16.5% live in Pucca Houses (including Chawls).

(xii) As per figures quoted for the reference year 1994 there were 50 and 20 persons employed against Group C and D posts respectively in State Govt. services. The information given against Groups A and B. The representation in State level Public Undertakings etc. was nil. Only negligible persons were doctors and engineers from this caste/community.

(xiii) Barot, Nagi and Thakore which found place in State B.C. list are quoted as at a higher level of social heirarchy and Prajapti, Mistri and Chaudhari which are more or less at the same level.

7. The caste/community is in terms of the caste systems, identified linked with traditional or hereditary occupation i.e. crushing coconut and oilseeds for extraction of oil by old method, using a bullock or buffalo or man power to pull the wooden crushing device, i.e. oil presser caste/community which comes under Fast Track Category as per para 2 (e). A social of "Guidelines for consideration of requests fro inclusion and complaints of Under-Inclusion in the Central List of Backward Classes".

8. R.E. Enthoyen (The Tribes and Castes of Bombay, Asian Educational Services, New Delhi, Madras, 1990 first published in 1922) gives the following account about the community- "Telis i.e., Oilmen, from tel oil.....are found all over the Deccan and Konkan....." The hereditary occupation of Telis is to extract oil from Coconut, Karla or

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Niger seed, Kardi (*Carthamus tinctorius*), groundnuts, the fruit of the oilnut tree or undi (*Calophyllum inophyllum*), linseed, sesamum seed and the hogplum or ambada. Some are husbandmen, labourers, cartdrivers, messengers and oilcake sellers."

9. Baxi Commission Report of the Socially and Educationally Backward Classes Commission, Gujarat State, 1976, vol. I gives the following account about the Ganchi (Muslim) which is already included in the Central List of Backward Classes for Gujarat:-

" The muslim Ganchis are a large community, who used to carry on the traditional business of crushing oil from oil-seeds through oil-mills driven by bullocks. With the introduction of mechanised mills, this occupation has dwindled and Ganchis have been forced to resort to other miscellaneous occupations. Some of them are engaged in agricultural labour, or miscellaneous labour or are engaged in the occupation of carriage -drivers hawkers, vendors etc. Their monthly income is about Rs. 100/- to Rs. 150/- per family. They are economically poor.

2. In the villages, they stay in kuchcha houses with roofs of local tiles. They take their bath and also wash and change their clothes once a week and in case of illness resort to remedies based on superstition.

3. The percentage of literacy amongst the Muslim Ganchis is about ten and that of secondary and

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P. S. Kishore

and higher education is low. Female education is almost absent. This community has been almost thrown out of their traditional occupation and has not yet settled in the changed circumstances. The economic condition of this community being very poor, the percentage of education is also very low. They were included in the list of other Backward Classes in the ex-Saurashtra State."

10. Teli has also been included in the Central List of Backward Classes for Assam, Bihar, Delhi, Haryana, Jammu & Kashmir, Madhya Pradesh, Maharashtra, Orissa, Punjab, Rajasthan, Tripura, Uttar Pradesh, West Bengal and Manipur etc.

11. During the Public Hearing, those ^{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 of "Teli, Modh Chanchi" as synonyms of "Chanchi (Muslim)" at entry No. 23 in the Central List of Backward Classes for Gujarat but also supported it.

IV. Findings

12. From the above evidence, it is the Finding of the Bench that "Teli" Modh Chanchi" should be included as synonyms of Chanchi (Muslim) at entry No.23. The amended entry No. 23 should be read as follows:-

Old Entry

23. Chanchi (Muslim)

Amended Entry

23. Chanchi (Muslim)
Teli
Modh Chanchi

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P. A. K. S. Thakur
M. S. Thakur

13. This will cover 2 out of 17 castes/sub-castes/synonyms of Chanchi (Muslim) in respect of which Request have been made for their inclusion in the Central List of Backward Classes for Gujarat. The remaining 15 castes/sub-castes/synonyms viz. (i) Sahu Teli (ii) Rathod Teli (iii) Rathore Teli (iv) Jaiswal Teli (v) Jaiswar Teli (vi) Gupta Teli (vii) Chaudhari Teli (viii) Tallik (ix) Chanchi Teli (x) Modi Teli (xi) Valshya Teli (xii) Vaniya Teli (xiii) Mahajan Teli (xiv) Rajput Teli (xv) Maratha Teli, the Bench felt the need to wait for the decision of the State Commission /State Govt. as similar request for inclusion of above synonyms in the State List is also pending with the State Backward Classes Commission. The representative of the State Government were requested to get this done early by the State Commission.

14. 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 Govt'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.

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F. M. J. S.
Secretary
Commission
Backward
Classes

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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 Notification 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.

U.P. Singh
29.9.97
(PROF. U.P. SINGH)

Akshay Bhai
20.8.97
(SAHU AKSHAY BHAI)

AUTHENTICATED

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

V. Advice of the Commission

15. The Commission considered and agreed in full with the above Findings of the Gujarat Bench and decided to tender the following Advice to the Central Government under Section 9(i) of the NCBC Act., 1993.

" Teli, Modh Chanchi "

be included as synonyms of "Chanchi (Muslim)" in the Central List of Backward Classes for Gujarat at Entry No.23. The amended entry No. 23 be read as follows:-

" 23. Chanchi (Muslim)
Teli,
Modh Chanchi "

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P. S. KRISHNAN

Member
National Commission
for Backward Classes

16. 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.

29.9.97

20.10.97

20.10.97

6.10.97

JUSTICE P. K. SHYAMSUNDAR
Chairperson

National Commission For
Backward Classes
Government of India

5.11.97

NATIONAL COMMISSION FOR BACKWARD CLASSES

GUJARAT BENCH

FINDINGS

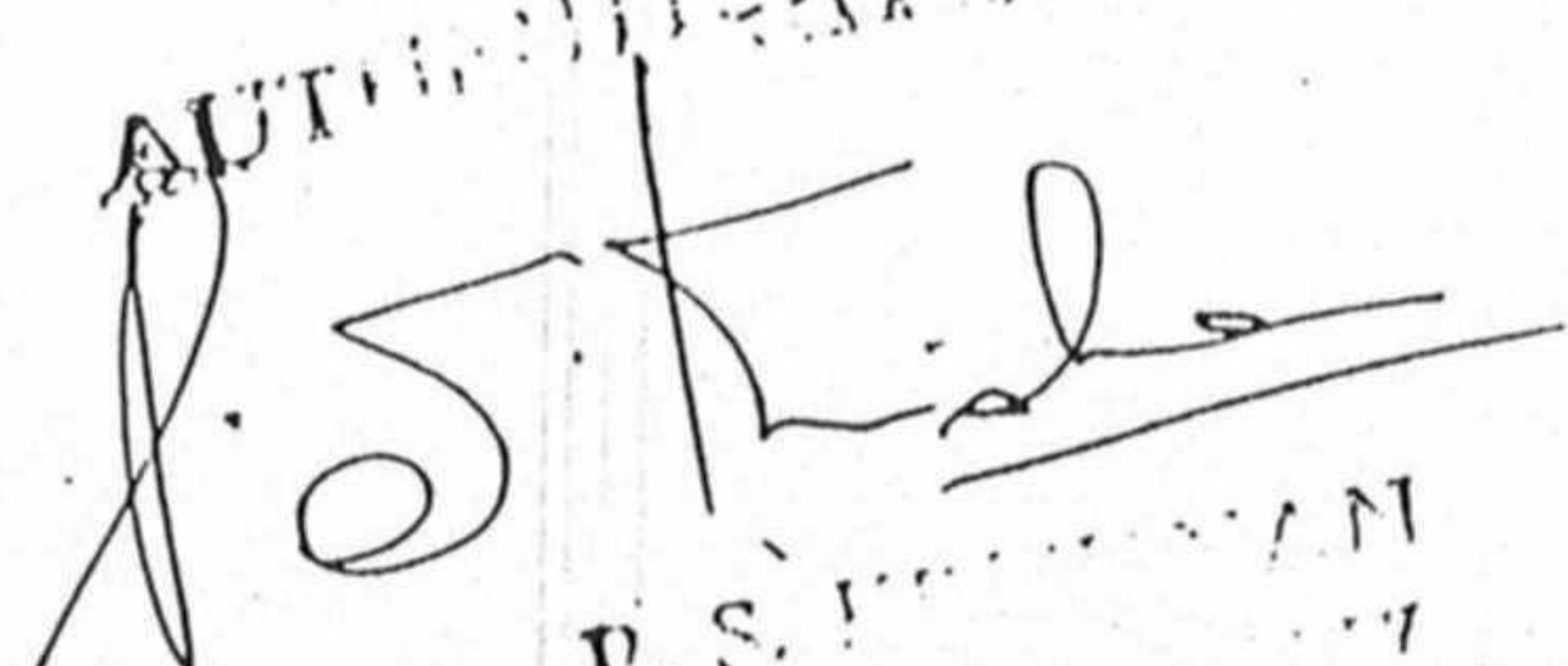
Per Shri U.P. SINGH, MEMBER

Case: Request for inclusion of "Mali, Sorthia Mali, Fool Mali, Marathi-Mali, Saini Mali, Kach Mali, Jire Mali, Moria Mali, Kachhi (Kushuva) and Rami Mali."

I. Request

This case arises from the Request received in this Commission from the Swami Chandraves, Lal Darwaja, Surat (Gujarat) for the inclusion of Mali alongwith a sub-castes/synonyms of "Mali", viz

- (i) Mali
- (ii) Sorthia Mali
- (iii) Fool Mali
- (iv) Marathi Mali
- (v) Saini Mali
- (vi) Kach Mali
- (vii) Jire Mali
- (viii) Moria Mali
- (ix) Kachhi (Kushuva)
- (x) Rami Mali

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P. S. PRASAD
Member
National Commission
for Backward Classes

II. PUBLIC HEARING

2. The 2-Member Gujarat Bench of the Commission consisting of Hon'ble Members, Prof. U.P. Singh and Sh. Sahu Akshaya Bhai, NCBC, held a Public Hearing at Ahmedabad on 28/8/97 in respect of this Request. It is mentioned that as per Constitution of Benches, the Gujarat Bench comprises of Hon'ble Members S/Shri U.P. Singh and Navtej Puadhi. In the absence of Hon'ble Member Sh. Navtej Puadhi, Hon'ble Member Sh. Sahu Akshaya Bhai substituted him for Public Hearing as per programme of Public Hearings decided in the meeting of the Commission held on 4.8.1997. At the Public Hearing, the State Govt. was represented by Sh. J.M. Luni, Director, Developing Castes Welfare, Govt. of Gujarat, Gandhi Nagar and Shri L.N. Bhatt, Deputy Secretary to the Govt. of Gujarat, Social Welfare Deptt., Gandhi Nagar. The community was represented by Shri Nivruti Rao Lokhande, Chairman of Shri Mahatma Jyoti Rao Phule Trust, Surat in place of Swami Chandravesha along with two other representatives, Shri Manoj Shri Asharam Mali and Shri Shaligram Tulsiram Bhushari and others.

III. FACTS

The relevant entries in different lists are as follows:

(i) <u>Central List</u>	<u>NIL</u>
(ii) <u>Mandal List</u>	<u>NIL</u>
(iii) <u>State List</u>	<u>107- Mali</u>

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4. During the Public Hearing the representative of the Community stated before the Hon'ble Bench that the "Mali" caste/community is regarded as socially backward. They further stated that the occupation on which the members of the Caste/community mainly depend for livelihood is growing and selling vegetables, flowers and fruits. They have also furnished the information in NCBC's Questionnaire which states as below:-

- (i) The caste/community under consideration is generally regarded as socially backward.
- (ii) The occupation on which the members of the caste/community mainly depend for livelihood is growing and selling vegetables, flowers and fruits. The members of this caste/community are also engaged in agricultural labour and manual labour for wages.
- (iii) 80% of the population of the caste/community etc. (Male, female, children taken together) are landless manual (both agricultural and non-agricultural) labourers.
- (iv) The Caste/community is not engaged in any traditional craft. Approximately 10% of the adult members are engaged in building work and manual labour. 40% are engaged in other manual labour for wages. 10% are engaged in other occupations such as teaching and small shopkeeping.

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P. S. [illegible]
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Marwar, but most seem to have been Kunbis, whom they resemble in appearance and dress..... They are gardeners and flower sellers, a few in Ahmedabad being traders, ministrants in Shravak temples and domestic servants...."

6. The Hon'ble Bench was convinced of facts stated by the representatives of the community that Malis are still at a lower ladder in social heirarchy. Therefore, the Bench decided to include "Mali" in the Central List of Backward Classes for Gujarat.

The representatives of the caste/community also stated before the Bench that the Request is also pending with the State Commission for inclusion of synonyms of Mali. The Hon'ble Bench decided to wait for the findings of the State Commission on the request for inclusion of synonyms.

7. The "Mali" has also been included in the Central List of Backward Classes for Madhya Pradesh, Delhi , Uttar Pradesh, Orissa, Rajasthan, Bihar and Karnataka.

8. During the Public Hearing, those present who were from different sections of the society as well as the representatives of the State Govt., not only did not object to the inclusion of "Mali" in the Central list of Backward Classes for Gujarat but also supported it.

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P. S. KRISHNAN
Member
National Commission

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IV. FINDINGS

9 From the above evidence, it is the finding of the Bench that "Mali" should be included as a new entry in the Central List of Backward Classes for Gujarat at Sl.No. 82.

10. This would cover 1 out of 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 Gujarat. Regarding the remaining 9 sub-caste/synonyms, viz (i) Sorthia Mali, (ii) Fool Mali (iii) Marathi Mali (iv) Saini Mali (v) Kach Mali (vi) Jire Mali (vii) Moria Mali (viii) Kachhi (Kushuwa) (ix) Rami Mali. The Bench decided to await for findings of the State Commission. The representatives of the State Government were requested to get this done early by the State Commission.

11. 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,

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P. S. KRISHNAN
Member, State Commission
Backward Classes

officially noted and recognised on the 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.

Madan Singh
29.9.97

Kshayan
29.12.97

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

V. ADVICE OF THE COMMISSION

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

" MALI "

should be included in the Central List of Backward Classes for Gujarat as a new entry. The new entry at Sl. No. 82 be read as follows:-

" 82, MALI " માલી

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 provision 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.

Madan Mohan
29.9.97

Kishan
29.10.97

P. K. Shyamsundar
6.11.97

P. S. Kishan
5.11.97

JUSTICE P. K. SHYAMSUNDAR
Chairperson
National Commission For
Backward Classes
Government of India
New Delhi.