



सत्यमेव जयते

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सदस्य-सचिव
राष्ट्रीय पिछड़ा वर्ग आयोग

भारत सरकार
ट्रिकूट-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. West Bengal 48-49/99

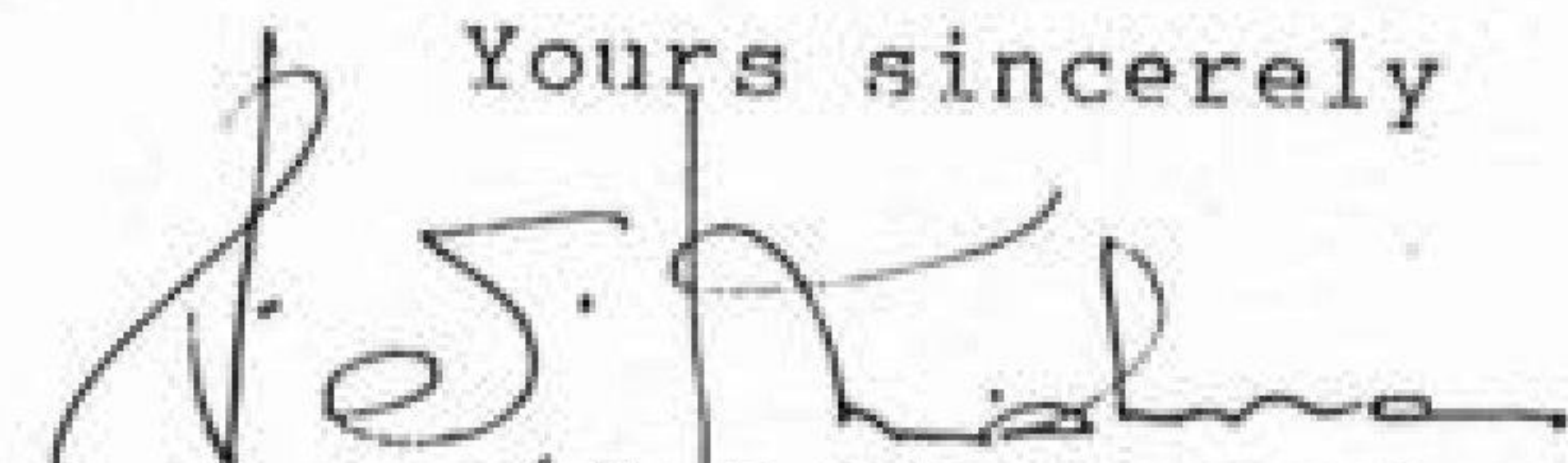
23.02.1999

Dear Shri Manavalan,

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 "Kalwar" and for Rejection of the Request for Inclusion of "Jailswal" as a synonym of "Kalwar" in the Central List of Backward Classes for West Bengal, duly authenticated, for necessary action by the Central Government under Section 9(2) of the Act.

2. With this, Advices on 549 (295 for Inclusion + 254 for Rejection) castes, sub-castes, synonyms etc. have been tendered to the Government by the Commission, after its reconstitution in 1997, of which 543 (289 for Inclusion + 254 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

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24/2/99

NATIONAL COMMISSION FOR BACKWARD CLASSES

WEST BENGAL

FINDINGS

Case : Request for inclusion of "Kalwar, Jaiswal" caste/community in the Central List of Backward Classes for West Bengal.

Per Shri U.P. Singh, Member

This case arises from the Request received in this Commission from Shri Sanjay Kumar Jayaswal, Secretary, West Bengal Jayaswal (Sarvavargiya) Sabha, Calcutta for inclusion in the Central List of Backward Classes for West Bengal.

II. Public Hearing

2. The two-Member West Bengal Bench of the Commission consisting of Hon'ble Member, Shri U.P. Singh and Hon'ble Member, Shri Sahu Akshaya Bhai held a Public Hearing at Calcutta on 9.9.1998 in respect of this Request. At the Public Hearing the State Govt. was represented by Shri K.N. Behera, Managing Director, West Bengal SC & ST Development & Finance Corporation & Managing Director, West Bengal Backward Classes Development & Finance Corporation, Shri J. Misra, Member-Secretary, West Bengal Backward Classes Commission and Dr. M.K. Chaudhari, Director, Cultural and Research Institute, Calcutta. The caste/community was represented by the following:-

- i) Shri Sanjay Kumar Jayaswal
 - ii) Shri Dharendra Kumar Gupta
 - iii) Shri Trilok Nath Jaiswal
 - iv) Rajendra Prasad Shaw
- and others.

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B.C. COMMISSION
Calcutta

III. Facts

3. The caste/community has been included in the Mandal List at entry No. 86 as follows:-
"86. Kalwar"
4. The caste/community is not included in the State List of Backward Classes for West Bengal.
5. Shri Sanjay Kumar Jayaswal, Secretary, West Bengal Jayaswal (Sarvavargiya) Sabha, Calcutta stated in his representation that the population of Jayaswal Kalwar caste in the West Bengal is approximately 4 lakhs and are mainly engaged in the occupations of "Labour, Vendor, Petty Type Business, Agricultural Labour, etc." Some people of the caste are stated to be engaged in their hereditary occupation of distilling.
6. The filled -in NCBC's Questionnaire procured from the Sabha contains that 95% population of the caste are landless manual (both agricultural and non-agricultural) labourers. Though the literacy rate of the caste is not given as it was stated to be not known to them, the percentage of matriculates is given 4% and that of all graduates 0.05% in 1991. There are stated to be 5 Teachers in colleges and universities, 5 Doctors, 10 Lawyers, 2 Engineers & Architects, 10 Chartered Accountants and 10 Income-Tax, Financial and Management Consultants. The representation of the members of caste in Govt. services is stated to be almost nil (below 0.1%). 90% families of the caste reportedly live in kachha houses and 10% in pucca houses.
7. At the Public Hearing in response to the query raised by the Bench with regard to inclusion of Jaiswal, Shri Sanjay Kumar Jayaswal stated that Kalwar is the main caste and Jaiswal is a title adopted by the caste people in order to gain some

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Secretary
Commission
Backward Classes

sort of respectability. However, it was agreed by the representatives of the caste that only "Kalwar" be included in the Central List of Backward Classes and Jaiswal which is a title need not be included. In this connection, Shri Sanjay Kumar Jayaswal has given the written Request at the Public Hearing stressing upon the inclusion of Kalwar caste only.

8. H. H. Risley in his book "The Tribes And Castes of Bengal" (Published by Firma Mukhopadhyay, Calcutta, 1981, Reprint, 1st Edition, 1891, pp. 385-387) writes that the 'Kalwar' is a liquor-selling, distilling, and trading caste of Behar, probably a degraded offshoot of one of the numerous branches of the Baniyas. While describing the social status of the caste, he writes that the social rank of Kalwars is low. Brahmans and members of the higher casts will on no account take water from their hands, and they are ordinarily classed with Telis, Tatwas, and Chains. On this point Mr. Nesfield remarks:- "The Kalwar ranks a little higher than the Teli, because there is more skill and less dirt in the practice of his art. His trade as private occupation has been destroyed by the British Government, which has taken the distilling and sale of liquors entirely into its own hands..... The art of the Kalwar, like that of the Teli, has been known to almost all the backward races of the world, and cannot by any means be counted among the higher types of industry. Hence, the status of the Kalwar has always been low.".....

9. The book "People of India – Communities, Segments, Synonyms, Surnames and Titles" by K.S. Singh (Anthropological Survey of India, Oxford University Press, Delhi, 1996, Appendix A, p. 470) shows the earlier distribution of "Kalwar" caste in Bengal and the present distribution of the caste in more than two-third districts of the West Bengal according to the census years 1881, 1921 and 1931.

10. Those present during the Public Hearing did not object to the inclusion of "Kalwar" caste/community in the Central List of Backward Classes for West Bengal but also supported it.

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P. S. SATHYANAN
Member Secretary

for Backward Classes Commission

11. The relevant entries in the lists of different States are as follows:-

S.No.	State	Entry No.	Name of the caste/community
1.	Bihar	83.	 Kalwar
2.	Madhya Pradesh	38.	Kalar Kalal
3.	Rajasthan	25.	Kalal (Tak)

The NCBC has tendered its Advices for inclusion of the caste/community in the Central List of Backward Classes for the following States:-

S.No.	Name of the State	Caste/ community	Advice No.	Date
1.	Bihar	124(a). Kalwar 124(b). Kalal, Eraqi	Bihar 5-6/98	15.4.98
2.	Delhi	52. Kalwar	Delhi 6/98	25.5.98
3.	Gujarat	87. Kalal	Gujarat 14/98	26.10.98

IV. Findings

12. From the above evidence, the Bench finds that the "Kalwar" caste/community traditionally associated with the occupation of distilling and selling of liquor is covered under the "Fast-Track" category in terms of Item A.Social-2(e) of the "Guidelines for Consideration of Requests for Inclusion and Complaints of Under-Inclusion in the Central List of Other Backward Classes" and Para 7 of "Procedural Clarification on Guidelines" as an artisanal caste. **The Bench thus**

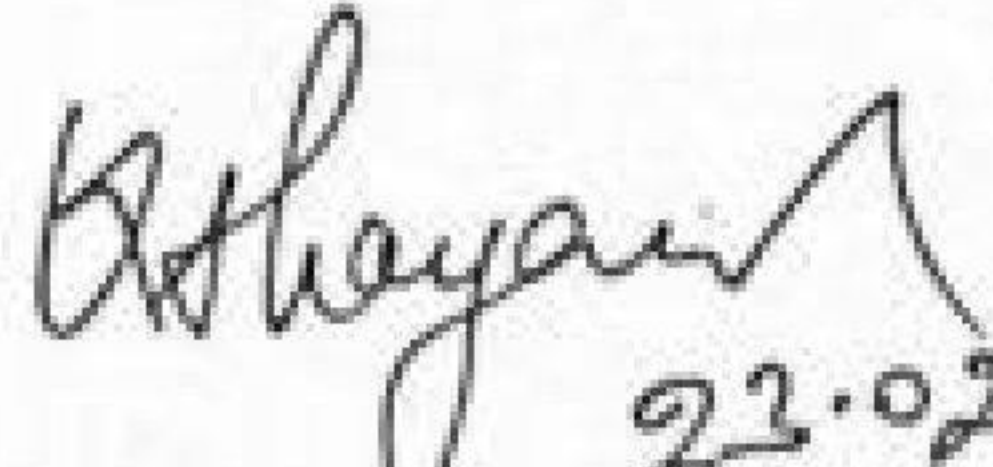
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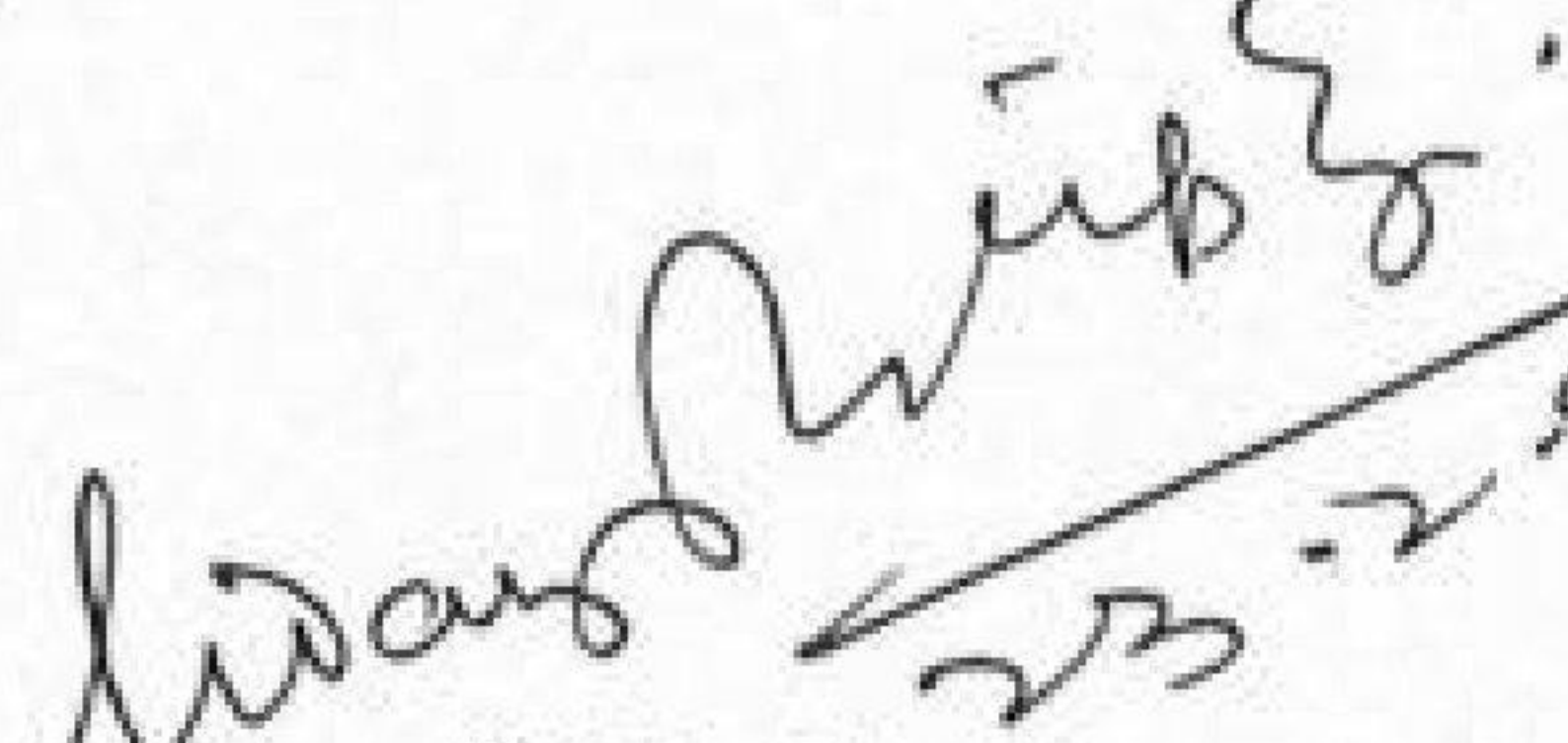
P. S. KRISHNAN
 Member Secretary
 National Commission
 for Backward Classes

concludes that the "Kalwar" caste/community should be included in the Central List of Backward Classes for West Bengal at entry No. 46 as follows:-

"46. Kalwar"

13. Regarding the synonym "Jaiswal", though the representatives of the community asserted that the name 'Jaiswal' is used only as title in order to heighten their social status, the Bench still feels the need for caution as ethnographic accounts suggests "Jaiswal" to be a sub-caste or sept of number of other castes/communities. For example, Risley describes 'Jaiswar' as a name of a sub-caste or sept not only of Kalwars, but also of Rajputs, Telis, Baniyas, Barais, Kurmis, Tantis, Dhanuks, Chamars etc. Regarding the origin of this name, Risly quotes Sir H. Elliot who "thinks the name may imply that the people bearing it came originally from Jais, a large manufacturing town in Oudh". It also appears that there are a number of forward casts including some of the most advanced section of Bania community, apart from Rajputs, who have the surname 'Jaiswal'. There are so many instances of false claims and issuing and securing of BC certificates by some members of non-Backward castes/communities, taking advantage of similarities of names, in different parts of the country, that it is not desirable to provide fresh scope for such misuse. Facilitation, though unintentionally, of false caste certificates to unintended castes/communities is not only unfair to the genuine backward classes but also confers on the holders of false certificates an unconscionable advantage over other members of Advanced castes/communities who are correctly not included in the list of Backward Classes and who honestly desist from securing false certificates and with whom the former ought to compete on equal terms. By retaining only the name 'Kalwar' which is actual nomenclature of the caste/community traditionally associated with distilling and selling of liquor, the scope for such misuse can be avoided or reduced. **Therefore, it is the Finding of the Bench that 'Jaiswal' should not be allowed as a synonym of 'Kalwar' caste.**


23.02.99
(Sahu Akshaya Bhai)


23.2.99
(U.P. Singh)

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P. S. KRISHNAN
Commissioner
Backward Classes

V. Advice of the Commission

12. The Commission considered and agreed in full with the above Findings of the West Bengal Bench and decided to tender the following advice to the Central Government under Section 9(1) of the National Commission for Backward Classes Act, 1993 for necessary action by the Central Government under Section 9(2) of the Act:-

(i) "Kalwar" caste/community be included in the Central List of Backward Classes for West Bengal at entry No. 46 as follows:-

"46. Kalwar"

(ii) The Request for Inclusion of "Jaiswal" as a synonym of "Kalwar" should be rejected, as its inclusion with Kalwar will give scope for misuse of the entry by some members of certain non-Backward castes/communities.

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.

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P. S. KRISHNAN
Member
National Commission
for Backward Classes