



पी.एस. कृष्णन्
P.S. KRISHNAN
TEL. : 6183190

सदस्य-सचिव
राष्ट्रीय पिछड़ा वर्ग आयोग
भारत सरकार

नई दिल्ली - 110 066
MEMBER-SECRETARY
NATIONAL COMMISSION
FOR BACKWARD CLASSES
GOVERNMENT OF INDIA
NEW DELHI - 110 066

30. 11. 1998

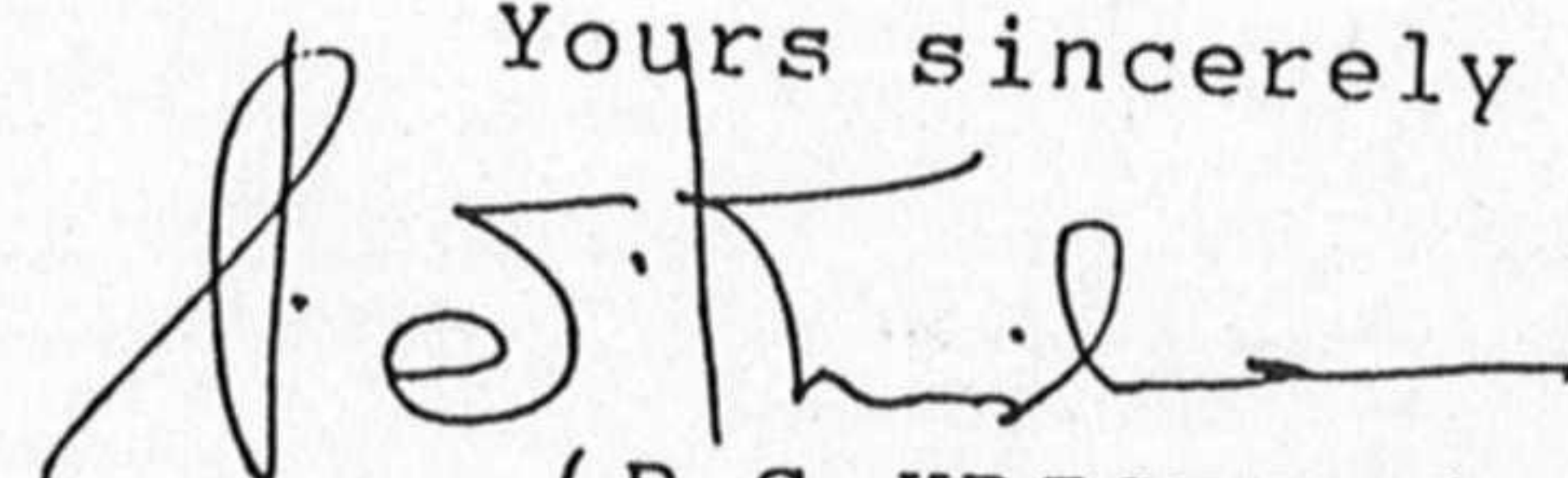
NCBC Advice No. U.P. 42/98

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 Rejection of the Request for Inclusion of 'Jaiswar' 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.

2. With this, Advices on 466(271 for Inclusion + 195 for Rejection) castes, sub-castes, synonyms etc. have been tendered to the Government by the Commission, after its reconstitution in 1997, of which 460 (265 for Inclusion + 195 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

NATIONAL COMMISSION FOR BACKWARD CLASSES

Uttar Pradesh Bench

Findings

Per Justice P.K. Shyamsundar, Chairperson

Case: Request for Inclusion of "Jaiswar" caste/community in the Central List of Backward Classes for Uttar Pradesh.

I. Request

This case arises from the request received by this Commission from Shri Ambrose Chandra, Advocate, Dimond Dairy, Uday Ganj, Lucknow and Shri Roop Lal Jaiswar, Chhitwapur Bhuiyan, Lucknow.

II. Public Hearing

2. The three-Member Bench of the Commission consisting of Shri Justice P.K. Shyamsundar, Hon'ble Chairperson, Shri Uday Pratap Singh and Shri Sahu Akshya Bhai, Hon'ble Members of NCBC held a Public Hearing on 27.10.98 at Lucknow. The State Government was represented by Shri Hiramani Singh Yadav, Special Secretary and Shri J.C. Pant, Director, Backward Classes Welfare Dept., Govt. of Uttar Pradesh, Lucknow. Shri Ram Bahadur, Member-Secretary of State Backward Classes Commission was also present at the Public Hearing who gave valuable information. Neither the applicants nor their representatives were present at the Public Hearing to produce evidence in support of their claim.

III. Facts

3. "Jaiswar" was not included in any of the Backward Class List.

AUTHENTICATED

P. S. SHYAMSUNDAR
Chairman
1998

(28)

4. The Commission has also received Objection to its inclusion in the Central List of Backward Classes from Shri Ram Krishan Jaiswar, 283 Barfkhana Uday Ganj, Lucknow stating that:

i) "Jaiswar" is a sub-caste of "Chamars". Jaiswar is also called Jaiswara in rural areas.

ii) Chamar caste had already been included in the List of Scheduled Castes & Tribes for Uttar Pradesh at Sl.No.24 vide G.O. No.1442/XXVI-818-1957 dated 22.05.1957.

iii) The Sanchalak Harijan Kalyan, Uttar Pradesh, vide G.O. No.HDG/10032/VII-39/15 dated 18-08-59 clarified that Jaiswars are off-shoots of Chamars.

iv) In Census of India, 1961 (Appendix 'F' P.65), "Jaiswar" is shown as a synonym or generic name of "Chamar" caste in the districts of Lucknow, Jaunpur, Varanasi, Mirzapur of Uttar Pradesh.

Besides the foregoing material, he has mentioned that they get Scheduled Caste Certificates in the name of "Jaiswar".

5. At the Public Hearing, Shri Ram Krishan Jaiswar appeared before the Bench and stated that "Jaiswar" is a sub-caste of Chamar caste, which is already included in the scheduled Caste List for Uttar Pradesh. He also stated that people belonging to this community get SC certificates in the name of "Jaiswar". He, therefore, submitted that there is no justification to place this community in the Central List of Backward Classes when the main caste is already included in the List of Scheduled Castes.

6. Jaiswar as a sub-caste of Chamar is attested to by Russell & Hira Lal ("The Tribes and Castes of the Central Provinces of India" - Vol-III) as follows:

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P. S. KRISHNAN

Member Secretary
Commission
for Backward Classes

"Jaiswar – A sub-caste of Chamars, who usually call themselves Jaiswara in preference to their caste name. A sub-caste of Barai, Kumbi and Kalar."

In the book titled "Chamars" written by Geo. W. Briggs, (First Published in 1920, Reprinted in 1997 – Published by Low Price Publications, Ashok Vihar, Delhi), it is stated as under:

"Among all the sections of the Chamar of the United Provinces, two great sub-castes predominate. These are the Jatiya and the Jaiswar. The former, which includes more than twenty per cent of the total Chamar population, is found almost entirely in the north and west of the Provinces, in the Meerut, Agra and Rohilkhand Divisionos, being most numerous in Meerut, Agra, Moradabad, and Badaun Districts; and the latter, numbering about one million persons, are found chiefly in the Allahahad, Benares, Gorakhpur, and Fyzabad Divisions, being most numerous in the Jaunpur, Azamgarh, Mirzapur, and Fyzabad Districts. These two sub-castes make up nearly two-fifths of the whole Chamar population....."

In the Uttar Pradesh District Gazetters 1988 (Jaunpur District), it is stated that: "In 1971, the number of persons belonging to Scheduled Castes was 4,20,638 forming nearly 21.0 per cent of the district population.....The Chamars form the majority of this group, they generally style themselves as Jaiswars"

V. Findings

7. From the foregoing it is apparent that the "Jaiswar" community is a sub-caste of "Chamars", which was already included in the Scheduled Caste List. The community also does not want inclusion in the Backward Classes list as they get Scheduled Caste Certificate. It, therefore, seems unnecessary to include the sub-caste of a main caste in the list of Backward Classes for a State when the main caste is already in the list of SC for that State. Therefore, the Request for Inclusion of "Jaiswar" caste/community in the

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P. S. KISHANAN
Secretary
Backward Classes

Central List of Backward Classes shall be rejected as it is admittedly a sub-caste of "Chamars", which is already in the List of Scheduled Castes and Tribes for Uttar Pradesh. Govt. is advised accordingly.

(Signature)
(Justice P.K. SHYAMSUNDAR)

(Signature)
26.11.98
(UDAY PRATAP SINGH)

(Signature)
26.11.98
(SAHU AKSHYA BHAI)

AUTHENTICATED

(Signature)
P.S. PRISHNAN
Member Secretary
National Commission
for Backward Classes

V. ADVICE OF THE COMMISSION

8. 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 1993 for action by the Central Government under section 9(2) of the Act:-

The Request for inclusion of "Jaiswar" caste/community in the Central List of Backward Classes for Uttar Pradesh be **rejected** as it is admittedly a sub-caste of "Chamars", which is already in the List of Scheduled Castes and Tribes for Uttar Pradesh

P. S. Krishnan
24.11.98

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Ashayan
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P. S. Krishnan
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Note: On account of the unfortunate demise of one of the Members Shri Navtej Puadhi on 16.08.98, 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

AUTHENTICATED

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