



सदस्य- सचिव
राष्ट्रीय पिछड़ा वर्ग आयोग

भारत सरकार

भिकाजी कामा प्लेस, नई दिल्ली - 110 066

Member - Secretary

National Commission for Backward Classes

Government of India

Trikoot - 1 Bhikaiji Cama Place, New Delhi - 110 066

31.05.1999

NCBC Advice No. A.P.49/99

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 Rejection of the Request for Inclusion of "Jaiswal/Kalwar" caste/community in the Central List of Backward Classes for Andhra Pradesh, duly authenticated, for necessary action by the Central Government under Section 9(2) of the NCBC Act.

Yours sincerely

(Signature)
(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

Issued 1/6/99

668 (378 for inc. + 340 for signed)

NATIONAL COMMISSION FOR BACKWARD CLASSES
Andhra Pradesh Bench

FINDINGS

Per Shri P.S.Krishnan, Member-Secretary

Case: Request for Inclusion of "Jaiswal" caste/community in the Central List of Backward Classes for Andhra Pradesh

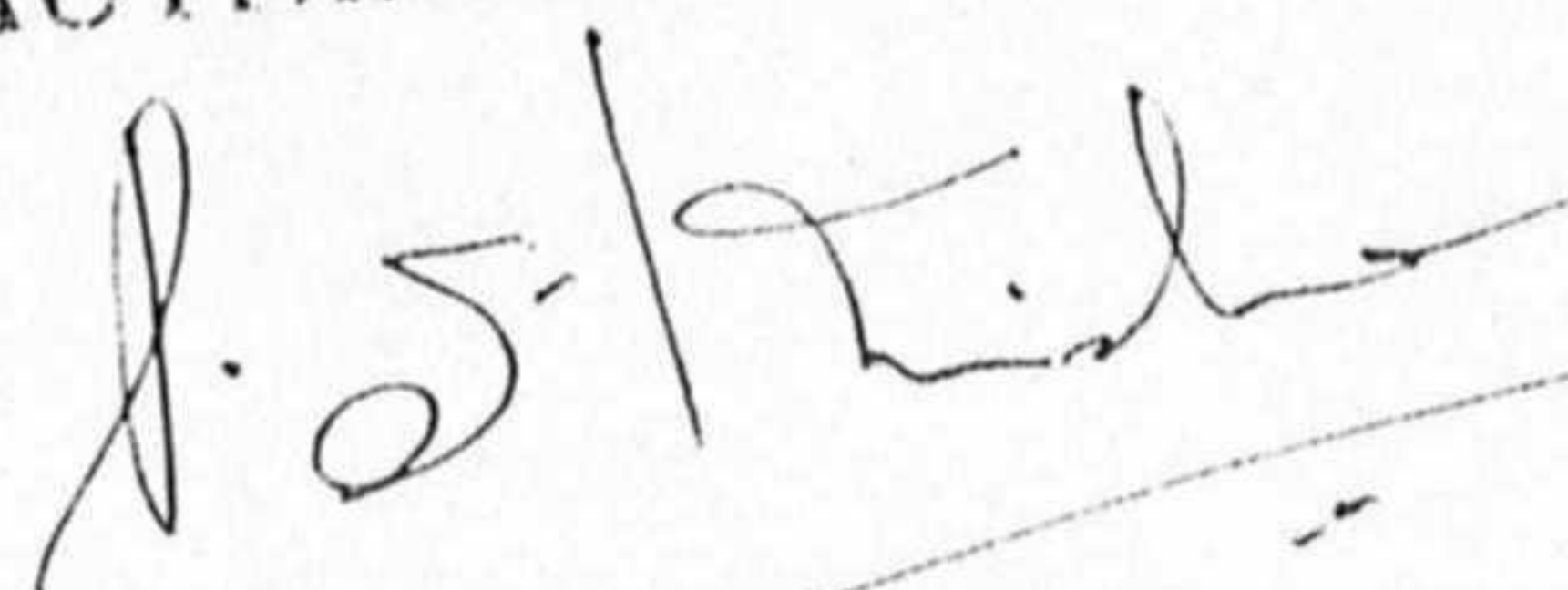
I. Request

This case arises from the Request received in this Commission from the President, Andhra Pradesh Jaiswal Sabha (H.No. 4-2-294, Sultan Bazar, Hyderabad) for the Inclusion of "Jaiswal" caste/community in the Central List of Backward Classes for Andhra Pradesh.

II. Public Hearing

2. The two-Member Andhra Pradesh Bench of the NCBC consisting of Shri P.S.Krishnan, Hon'ble Member-Secretary and Shri Sahu Akshaya Bhai, Hon'ble Member held a Public Hearing inter alia in respect of this caste/community at Hyderabad on 06.05.1998. At the Public Hearing the State Government was represented by Shri L.Shafiquzzaman, Secretary in charge of Backward Classes Welfare, Shri Chandrasekhar Rao, Joint-Director, BC Welfare and other officers in the office of the Commissioner for Backward Classes Welfare. The caste/community was represented by Shri B. Shyamlal, President, Andhra Pradesh Jaiswal Sabha, Dr. Anil Kumar Jaiswal and 9 others.

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61

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

III. Facts

3. Jaiswal caste/community under consideration is included at entry no. 101 in the Mandal Commission's List of Backward Classes for Andhra Pradesh as "Kanwar(Jaiswal)" ["Kanwar" is apparently a spelling mistake for "Kalwar"]. It is not included in the State Government's List of Backward Classes as it existed at the time of the preparation of the first-phase Central List of Backward Classes for Andhra Pradesh prepared on the basis of the principle of commonality (i.e., inclusion in the Central List of castes/sub-castes/communities which were found included in both the State Government's List and well as the Mandal Commission's List for that State) in 1993. Even now, this caste/community is not included in the State List. Neither of the two Backward Classes Commissions of the State, viz., Anantharaman Commission and Muralidhar Rao Commission had recommended this caste/community for inclusion in the State Government's List of Backward Classes.

4. In its letter of Request, the Request-making Sabha has inter alia stated as follows:-

"The Jaiswal community was invited by the then Rulers of Hyderabad on permanent basis from the North India to undertake the Arrack business including distillation. It was also assured that this trade will be exclusively for the Jaiswal community. In 1887 A.D. the Hyderabad State Government has made an Agreement.... regarding permitting sales of Arrack in the entire Hyderabad State. On the assurance that the arrack business will be exclusively for the Jaiswal community, we settled down with families in the entire Hyderabad State..... This business (distillation and sale of Arrack) involved whole time attention and the entire community was engaged in this profession as it is our hereditary profession.

The new Government had changed their excise policy and the entire distillation and sale of arrack have been made open to all against the auction of licence fee for sale of arrack. Distillation was undertaken by the Government. Due to this dying blow, the

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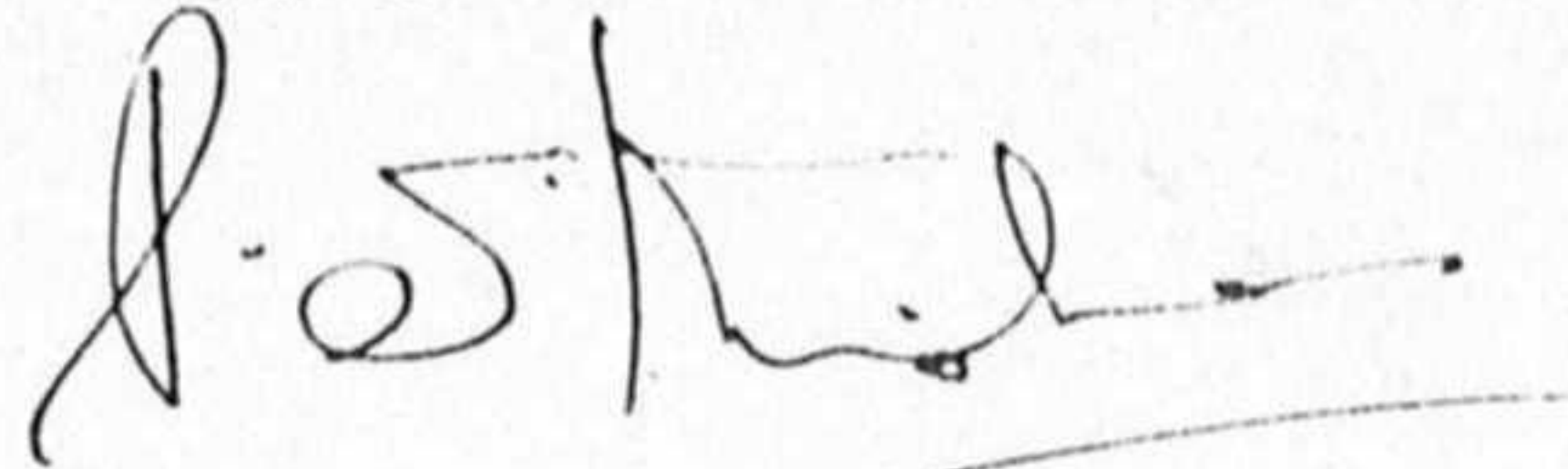
entire Jaiswal community have become socially, economically and educationally backward."

5. In the NCBC's Questionnaire, filled up and furnished by the Sabha, it is stated that "Jaiswal" caste/community is also known by the names of "Kalwar, Kalal, Kalchury, Kalar". The occupation on which the members of the caste/community mainly depend for their livelihood is given as "Petty Business, Private Service etc.". "Distillation & Selling of Liquor" is given as the traditional hereditary occupation with which the caste/community, in terms of the caste system, is identified. It is also stated in the Questionnaire that substantial number of members of the caste/community are "Teachers, Doctors, Lawyers, Engineers". The total population of the the caste/community in the State is given as 25,000. Out of this 15,000 are stated to be literate which amounts to 60% of the total population. 8,000 are stated to be Matriculates. The number of graduates is given as "950/ approx." Regarding their representation in the State Government services, it is stated that while there is "Nil" representation in Class I, there are 30 members in Class II and 200 and 50 in Class III and IV respectively.

6. The Report of the Muralidhar Rao Commission contains the following observations about "Jaiswal" community of Andhra Pradesh:-

"The profession of the Jaiswal community is distillation of wine. They migrated from Uttar Pradesh to the Nizam dominions. From their own representation, dated 20th March, 1982, it is seen that this community is struggling a lot to get included in the list of Backward Classes for a quarter century. Because of the liquor business, the people of the community are economically well-off and most of them are licensed vendors of liquor after the abolition of private distillation of wine. There is no social discrimination against this community. Of late the people of this community are

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also getting their children educated in order to occupy Government posts and also became good businessmen. The literacy is high in this community even as per their own admission. Hence the Commission feels that there is no justification for inclusion of this community in the list of Backward Classes."

7. During the Public Hearing the representatives of the caste/community clarified that "Jaiswal" is the name of the caste and not a title. They stated that the name "Jaiswal" derived from Jaisu, a descendent of King Salivahana. When it was pointed out to them by the Bench that "Jaiswal" is also used as a title by some other castes/communities in North India including Baniyas and other upper castes/communities, they pleaded that instead of "Jaiswal" which is their adopted name, the original name of the caste, viz., "Kalwar" be included in the List of BCs. They have also subsequently sent a letter stating their intention to change the name of their Sabha as Andhra Pradesh Kalwar(Jaiswal) Sabha and requesting for the inclusion of "Kalwar" instead of "Jaiswal" in the Central List of Backward Classes for Andhra Pradesh.

8. H.H. Risley (The Tribes and Castes of Bengal, firma Mukhopadhyay, Calcutta 1981, first edition 1891) describes "Jaiswar" as a name of a sub-caste not only of Kalwars, but also of Rajputs, Telis, Baniyas, Barais, Kurmis, Tantis, Dhanuks, Chamars etc. Regarding the origin of the name, Risley 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." Under the head "Kalwar", Risley writes that it is "a liquor-selling, distilling, and trading caste of Behar, probably a degraded offshoot of one of the numerous branches of the Banias..."

R.V. Russell and Hiralal (The Tribes and Castes of the Central Provinces of the India, Asian Educational Services, New Delhi 1993, first published 1916) under the head "Kalar", after mentioning Crooke's observation that the caste may be an offshoot from the Baniya or other Vaishya tribes, also refers to the hypothesis that "since the Kalars have become prosperous and wealthy they devised a story connecting them with the Bania caste in order to improve

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64

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their social position."

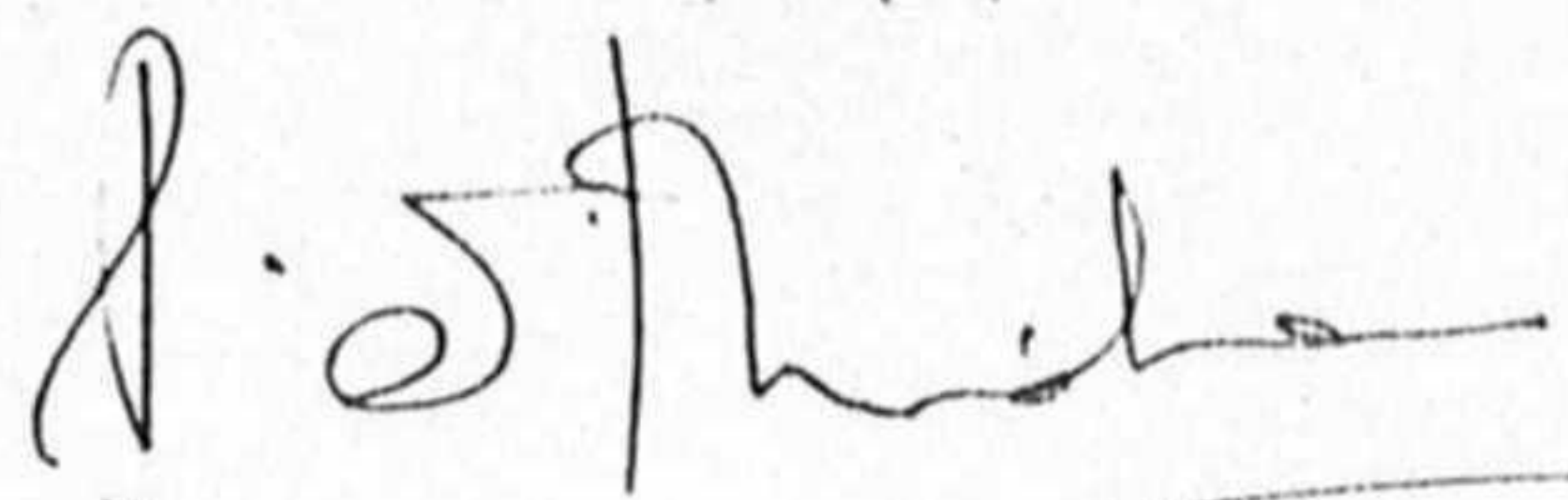
9. Regarding the 'caste status' of the "Kalwars of North India", Jogendra Nath Bhattacharya (Hindu Castes and Sects, Munshiram Manoharlal Publishers Pvt. Ltd., 1995, first edition 1896) observes that "on being first questioned they generally profess to be Beniyas, and they confess their real caste status only when sufficiently pressed." Bhattacharya in his book describes them under the head "The Manufacturing and Artisan castes that are regarded as Unclean Sudras".

10. During the public enquiry by the Bihar Bench of this Commission in respect of the Request for Inclusion of "Jaiswal" in the Central List of BCs for Bihar, the representatives of this caste/community asserted that though their caste is often referred to as belonging to Bania or Vaisya category both by others as well as many of their members themselves, their caste actually does not have any connection with the Bania or Vaishya community proper or any of its sub-castes. From this it appears that the hypothesis referred to by Russell and Hiralal that due to their prosperity and wealthy they devised a story connecting them with the Banias is more correct than the "degraded Bania offshoot" theory suggested by Risley.

IV. Findings

11. As a matter of fact, in North India where they originally belong, the liquor-brewing caste/community of Kalwar or Kalar or Kalal, the latter being the name used mainly by those members of the community who follow Islam as their religion, in view of the social stigma attached to their occupation, has traditionally been considered as a low caste/community. On account of their such low social position, they are normally treated as a socially backward

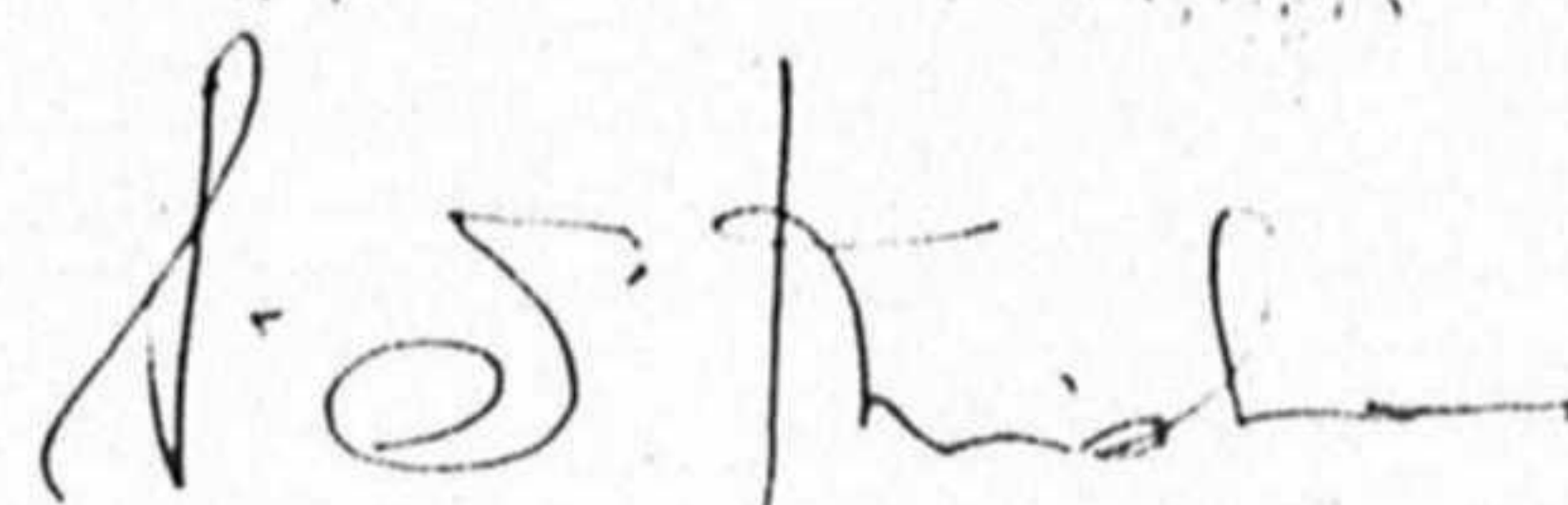
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for Backward Classes

class and hence have been included in the list of Backward Classes in respect of a number of States like Bihar, Madhya Pradesh, Rajasthan. This Commission has already tendered Advices for the Inclusion of "Kalwar" in the Central List of Backward Classes for the NCT of Delhi (vide NCBC Advice No. Delhi 6/98 dated 25.5.98) and for the inclusion of "Kalal, Eraqui" as synonyms of Kalwar in the Central List of BCs for Bihar (NCBC Advice NCBC No. 5-6 Bihar/98 dated 16.4.98). Along with these Advices, the NCBC has also advised for the rejection of the Request for Inclusion of "Jaiswal" as a synonym of Kalwar in the Central List of BCs for Delhi and Bihar as the inclusion of "Jaiswal" even in a hyphenated form with Kalwar will give scope for misuse of the entry by some members of some non-Backward castes/communities who also use "Jaiswal" as a title/surname.

12. Kalwar, however, is one of a few castes/communities which have traditionally been assigned low social positions, but nevertheless seem to have registered considerable economic and educational development in modern times by virtue of their very association with specific occupations/crafts which give them a leverage in the modern conditions of free-enterprise. For Kalwars, the emergence of "liquor" as a highly lucrative commodity and liquor trade as a major economic activity in the Indian economy must have acted as a boon in this development. Their claim to belong to the Vaisyas and their adoption of the name "Jaiswal", apparently to appear to be Vaishyas, all seem to have been occasioned by their new-found comparatively advanced socio-economic position. Their adoption of the name of "Jaiswal" is by nature and context different from adoption of dignified names by some other socially backward castes as well as Scheduled Castes as a means of pure psycho-semantic amelioration of status like the adoption of the name of "Prajapati" by the traditional potter caste/community of Kumhars in North India or the name of "Salivahana" by the same community in Andhra Pradesh. Whether or not castes/communities like Kalwar which had the benefit of association with certain



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commodities or specific skills in certain crafts which turned out to be advantageous and lucrative in modern times have really achieved so much economic and educational progress so as to make them ineligible to be considered as socially and educationally backward can only be decided only if there are adequate and sufficient specific and quantifiable data regarding them. So long as there are no such data available to prove that they have really ceased to be socially and educationally backward classes, they should be given the benefit of doubt and be treated as backward classes. In the case of Jaiswals or Kalwars of Andhra Pradesh, from the very data/information furnished by the representatives of the caste/community, the Bench arrives at the Finding that Kalwar/Jaiswal in Andhra Pradesh is not a socially and educationally backward class. Their admitted literacy rate is 60% which is much higher than the state average of 44.09% as per 1991 Census. The number of matriculated among them is stated to be 8,000, i.e., more than 50% of the total number of literates. This is quite impressive. Their admission that there are a substantial number of members among them who are doctors, teachers, engineers etc. speaks of the fact attested to by the Muralidhar Rao Commission that they are a well-to-do class. Their admitted representation in the services of the State Government is fairly good for a caste/community whose population is stated to be only 25,0000. In view of these, it is the conclusion of the Bench that "Jaiswal" in Andhra Pradesh, even with their intention to "revert" to their original name of "Kalwar", is not a socially and educationally backward class and therefore the Request for Inclusion of "Jaiswal/Kalwar" in the Central List of Backward Classes for Andhra Pradesh should be rejected.

R. Shyam
28.05.99

P. S. Krishna

AUTHENTICATED 26.5.99

P. S. Krishna

Commission
for Backward Classes

V. Advice of the Commission

13. The Commission considered and agreed in full with the above Findings of the AP 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 "Jaiswal/Kalwar" in the Central List of Backward Classes for Andhra Pradesh be rejected as it is not a socially and educationally backward caste/community.

14. 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.

Ashayam
28.05.99

P. S. Krishnan

26.5.99

31.5.99

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