



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

सदस्य-सचिव
राष्ट्रीय पिछड़ा वर्ग आयोग
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.UP 62-64/99

25.1.1999

Dear Shri Manavalan,

I am sending herewith the Advices of the National Commission for Backward Classes under Section 9(1) of the NCBC Act for the

- (i) Rejection of Request for inclusion of "Khas Rajput";
- (ii) Rejection of Request for inclusion of "Muslim Jat";
- (iii) Inclusion of "Kalwar, Kalal, Kalar, at new entry no.71 and Rejection of Request for inclusion of Jaiswal"

caste/community 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 520 (289 for Inclusion + 231 for Rejection) castes, sub-castes, synonyms etc. have been tendered to the Government by the Commission, after its reconstitution in 1997, of which 514 (283 for Inclusion + 231 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 "Khas Rajput" caste/community in the Central List of Backward Classes for Uttar Pradesh.

I. Request

This case arises from the request by this Commission from Shri Hira Singh Bora, Ex. M.L.A., Til Dhukri, Pithoragarh, U.P. & others for inclusion off Khas Rajput in the Central List of Backward Classes for Uttar Pradesh.

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, of Backward Classes Welfare Dept., Govt. of Uttar Pradesh, Lucknow. Shri Ram Bahadur, Member-Secretary of the State Backward Classes Commission of Uttar Pradesh was also present at the Public Hearing who gave valuable information. The community was represented by Shri Lal Singh Bafilal and Shri Motisingh Dhanik, Berinag, Pittoragarh, U.P.

III. Facts

3. At the public hearing the representatives of the caste admitted that they are a sub-caste of Rajputs. They stated that inter-marriage with the main Rajputs was prevalent.

AUTHENTICATED

[Signature]
MAN

4. W. Crooke in the book "The Tribes and castes of North-Western India" says, "Khasiya - A sept of hill Rajputs who represent the great Khasa race...."

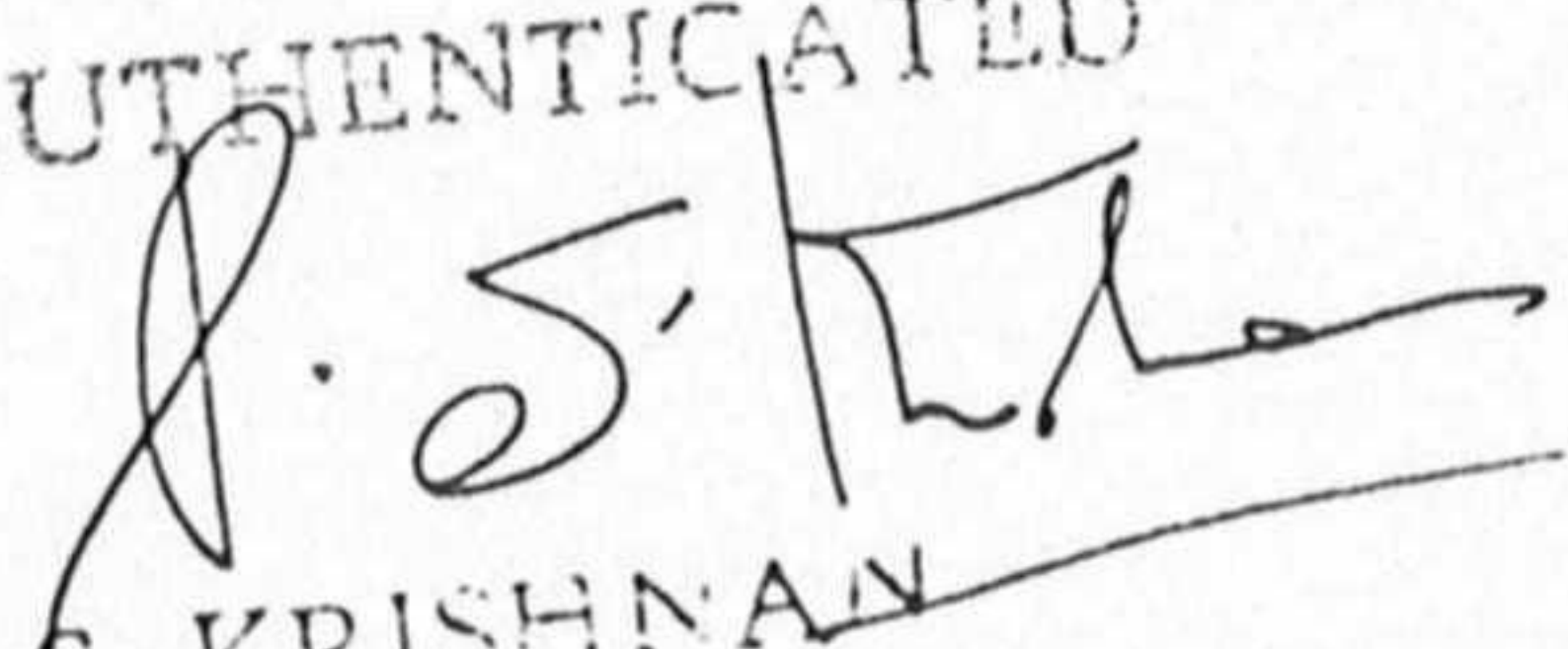
"The account", writes Mr. Atkinso, "that the Khasiyas of Kumaun give of themselves tallies in all respects with the indication from other sources. They always profess to be Rajputs, who have fallen from their once honourable position by the necessity of living in a country and in a climate where the strict observance of the ceremonial usages of their religion is impossible; and undoubtedly this statement is supported by all the facts, so far as we are acquainted with them, which have any bearing on the question. It has been sometimes, but hastily, assumed, apparently from analogous circumstances in Nepal, that the Kumaun Khasiyas are a people of mixed Tibetan and Indian race....."

...All of these are engaged in agriculture and petty trade, and none of them will call themselves Khasiya. All style themselves Rajputs and many say that they were settled in their present village before Brahmans and Rajas came..."

5. Badri Patte Pande in the book "History of Kumaun (English version of 'Kumaun Ka Itihas'" brings out the social position of the Khas Rajputs from the writings of ancient and modern historians. He refers to Atkinson who says, "Many educated persons are enraged on being called Khas and Khasiya. The rich proclaim themselves as Rajput or Thakur. In 1872 census 1,24,383 people called themselves to be of Khas caste. In 1881 Khasiyas and Khas Rajputs were all enumerated in the Rajput category."

The author briefly quotes Manu's writings about the Khas Rajputs as follows: "the Khas people too were Rajputs or Kshatriyas who were regarded to be of low grade for breaking the caste regulations. They did not conform to the Aryan religion. So they were designated as Brishals. Some people opine that Khasiya is not a separate caste but they were Rajputs. They were called Khasiyas or Khas Rajputs for having slipped or fallen down from the row of Rajputs."

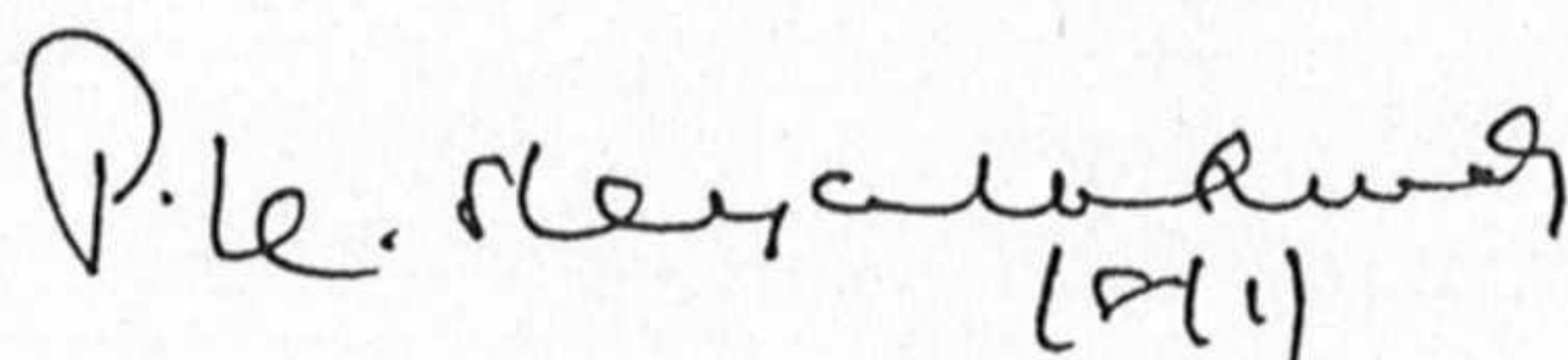
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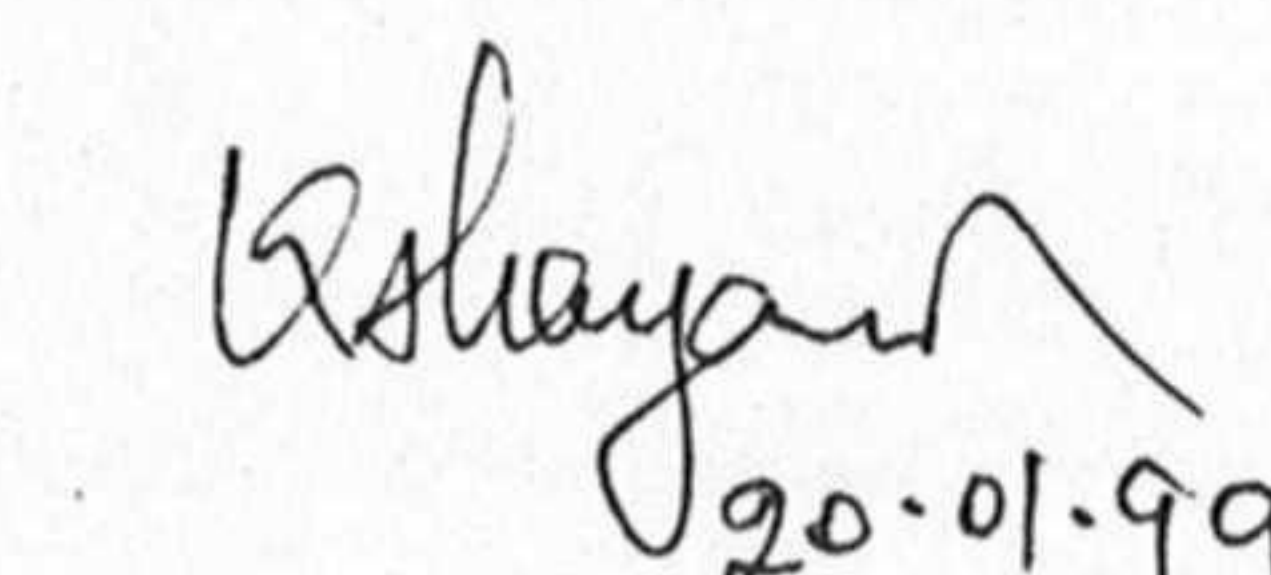

P. S. KRISHNAN
Member Secretary
National Commission
Backward Classes

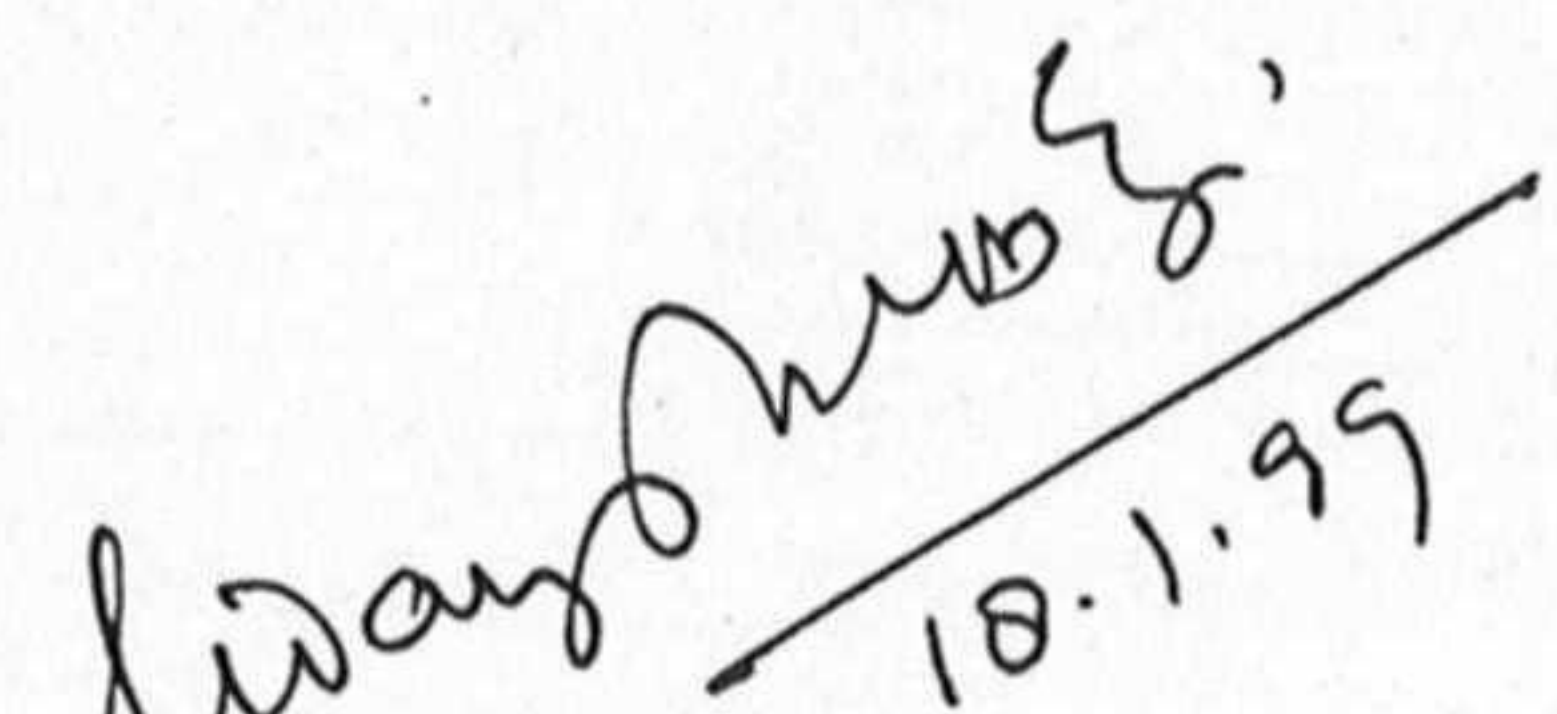
According to the author "The people of the Khas caste are truthful and honest, though they too may have become cunning now with the facilities of roads and their connection with the cunning people of the plains. Their truth and honesty is indisputable in the villages. They prove to be brave on getting an able leader. Their bravery has been acknowledged in the armies during all the Katyuri, Chand, Gorkha and British regimes..... At present there is very little difference between them and the Rajputs because they act just in the same way as the Rajputs do. They are now almost all becoming educated and have been adopting good manners and customs by pride on the feelings of self-respect, civilization and virtuous conduct."

IV. Findings

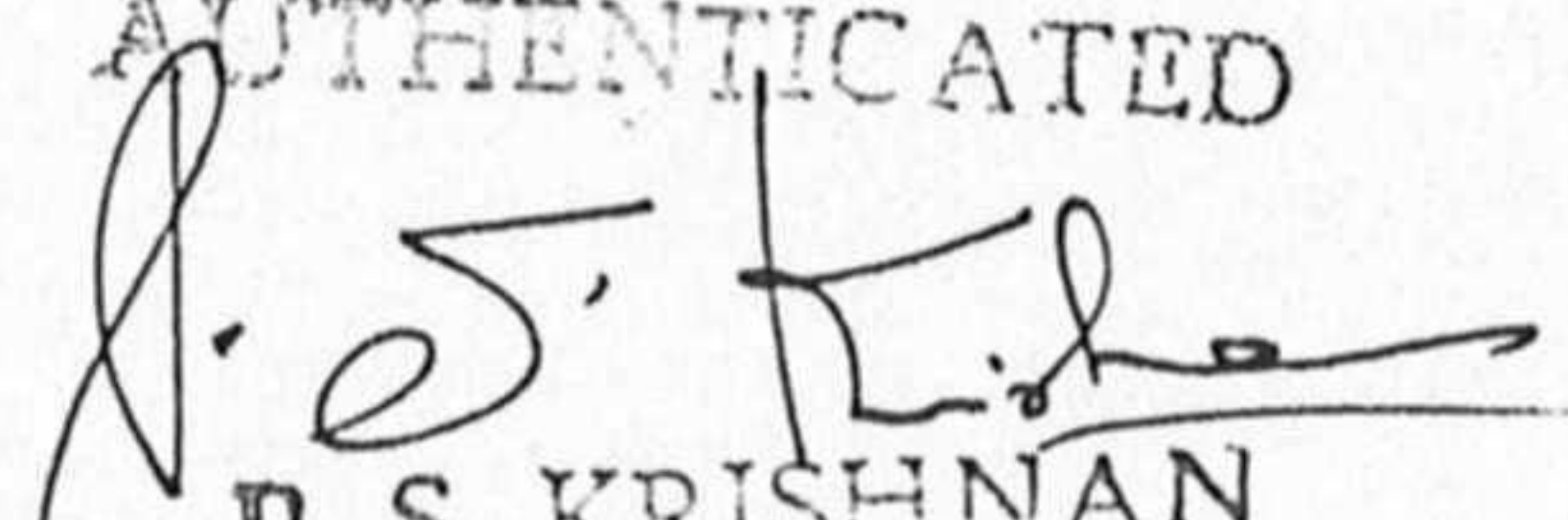
6. From the foregoing ethnographic literature and submission of the caste representatives, it is evident that Khas Rajputs are indeed on par with Rajputs or Kshatriyas who rank second in the social order next to Brahmans. The ethnographic accounts of different Indian and English authors clearly establish that Khas Rajputs have been regarded as a powerful caste and high in social status since ancient period. Besides, the caste representatives have also failed to produce any evidence in support of their claim that they were or are backward. Keeping in view the fact that Khas Rajputs are on par with Rajputs who enjoys a high social position in society, the said caste cannot be considered to be backward. Therefore, the Bench recommends that the request for inclusion of Khas Rajputs in the Central List of Backward Classes be rejected as it is not found to be socially backward and is in fact socially advanced and dominant. Govt. advised accordingly.


(Justice P.K. Shyamsundar)


(Sahu Akshaya Bhai)


(Uday Pratap Singh)

AUTHENTICATED


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

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IV. Advice of the Commission

6. 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 "Khas Rajput" caste/community in the Central List of Backward Classes for Uttar Pradesh be rejected as it is not socially backward caste/community and is a socially advanced and dominant caste/community.

P. K. Sengupta
18.1.99

Navtej Paudhi
18.1.99

Ashwani
20.01.99

P. S. Krishnan
21.1.99

Note: On account of the unfortunate demise of one of the Members Shri Navtej Paudhi 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
Member Secretary
National Commission
for Backward Classes

National Commission for Backward Classes

U.P. Bench

Findings

Case: Request for inclusion of Muslim Jat caste/community in the Central List of Backward Classes for Uttar Pradesh.

Per Justice P.K. Shyamsundar, Chairperson

I Request

1. This case arises from the Request received by the National Commission for Backward Classes from All India Muslim Backward Classes Federation, 23, R.K. Puram, Sector-12, New Delhi, M.P. Branch Office 1617 South T.T. Nagar, Bhopal for inclusion of the Muslim Jat caste/community in the Central List of Backward Classes for Uttar Pradesh.

II Public Hearing

2. The Three-Member Bench of the Commission consisting of Hon'ble Chairperson Justice P.K. Shyamsundar and Hon'ble Member Shri Sahu Akshaya Bhai held a Public Hearing to examine the request of this case for inclusion in the Central List of Backward Classes for Uttar Pradesh on 28/10/98 at Lucknow. The State Govt. was represented by Shri R.V. Bhaskar, Principal Secretary & Shri J.C. Pant, Director, Backward Classes Welfare Department. The State Commission was represented by Shri Ram Bahadur, Secretary.

AUTHENTICATED

[Handwritten signature]

III Facts

3. The Muslim Jat caste/community has not been included either in the Mandal List or in the State List.
4. The Federation requested for inclusion of a number of castes/communities in the Central List of Backward Classes for U.P. 'Muslim Jat' caste/community is one among them. According to the Federation the main occupation of the members of the caste/community is agricultural labour.
5. The Commission held Public Hearings to examine the request on 22/4/98 and 28/10/98 and at Lucknow but both the times no representative of the caste/community appeared before the Bench. The people present at the time of Public Hearings belonging to different castes/communities stated that 'Muslim Jat' is not a separate caste, but they are the members of the 'Jat' caste who converted to Islam and their social status is same as the Hindu Jats.
6. W. Crooke in his work 'The Tribes and castes of the North Western India' (Vol. III. Cosmo Publications Delhi, Reprint, 1975, Originally published under the title 'The Tribes & castes of the North Western province & Outh') has discussed the caste 'Jat' as, "An important agricultural tribe found chiefly in the Western part of the Province in the Meerut and Rohilkhand Divisions and in smaller numbers in the Central Duab.-----Jats are Hindus, Sikhs, and Muhammmadans. In Saharanpur, they, when Hindus, chiefly worship Mahadeva and Devi, and a host of village godlings, ghosts and demons. -----They also worship various Muhammadan saints, such as Zahir Diwan, Zainnuddin, and shaikh saddo." According to 1891 census the total population of Jats in the province was 7,28,102 out of which 707, 854 were Hindus, 14,190 were Musalman and 6058 were Sikhs.
7. The Commission has already tendered its advice to the Central Govt. vide NCBC Advice No. 7/UP/97 dated 28/11/97 rejecting the request for inclusion of 'Jat' caste/community in the central list of Backward Classes for Uttar Pradesh. Therein the ethnographic literature was reviewed thoroughly and the Commission upon finding that the caste is socially forward the request for inclusion of the Jat caste/community in the Central List for U.P. was therefore, rejected.

AUTHENTICATED

J. S. Kishore

IV Findings

8. From the foregoing facts and evidence the Bench finds that 'Muslim Jat' is a part and parcel of 'Jat' caste. As some members of the Hindus Jat Community had converted to Islam and Sikhism in the past, the caste/community includes the followers of Hindu, Islam and Sikh religions also, In that view of the matter, as the claim of the Hindu Jat for inclusion in the Backward list is rejected on the ground that they are not socially backward, it follows those converts to Islam from the former also cannot be held to be backward. Whatever evidence and grounds were found to exist regarding the factum of social backwardness in respect of Jats, U.P. as a whole cover Muslim Jats also and are equally applicable to them as to Hindu and Sikh Jats. For the foregoing reason, read in addition with the rejection of the claim by Jats as a whole for the backward tag, we direct their application be rejected. Government advised accordingly.

P. K. Shyamsundar
18.11.99
(Just P.K. Shyamsundar)

U.P. Singh
10.11.99
(U.P. Singh)

Akshaya Bhai
20.01.99
(Sahu Akshaya Bhai)

AUTHENTICATED
P. S. Krishna
3. 5. 1999
17
10. 11. 1999

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V Advice of the Commission

9. The Commission considered and agreed in full with the above Findings of the U.P. 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 9(2) of the Act:-

The Request for inclusion of '**Muslim Jat**' caste/community in the Central List of Backward Classes for U.P. be **rejected**, as it is not socially backward.

Ashayam
20.01.99
Sd/-
10.01.99

A. C. Negandhi
18-1-99

J. S. Thakur

21.1.99

On account of the unfortunate demise of one of the Members Shri Navtej Puadhi on 16-08-1998 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.

AUTENTICATED
J. S. Thakur

NCBC Advice No. UP 64/99

NATIONAL COMMISSION FOR BACKWARD CLASSES

U.P. BENCH

FINDINGS

Per Justice P.K. Shyamsundar, Chairperson

Case: *Request for Inclusion of Kalwar, Kalal, Kalar, Jaiswal, in the Central List of Backward classes for U.P.*

I. Request

The case arises from the requests received in this commission from the following individuals/organizations for the inclusion of the Kalwar, Kalal, Kalar, Jaiswal castes/sub-castes/synonyms in the Central List of Backward Classes for U.P. :-

- [i] Shri Shive Kumar Jaiswal
General Secretary,
Uttar Pradesh Jaiswal Mahasabha
60/4, Purani Dal Mandi, Kanpur U.P.
- [ii] Jaiswal Samaj Lucknow
253/110, Nehru Cross, Nandan Mahal Road, Lucknow
- [iii] Uttar Pradesh Kalwar Jati Uthan Samiti
84/6, Shastri Nagar, Kanpur-5
- [iv] Shri Pravir Jaiswal
13/124, Parmat
Kanpur

AUTHENTICATED

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

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

[v] Akhil Bhartiya Karnwal [Kalal] Mahasabha
37, Kairana Road, Shamli, Distt. Muzaffar Nagar.

[vi] Buddhijivi Jaiswal Manch
C.K. 58/29, Resham Katra
Nichibag, Varanasi

(vii) Jaiswal Buddhijivi Parishad, U.P. Allahabad
61-D/3A, Om Gayatri Nagar, Allahabad

II Public Hearing

2. The two-Member U.P. Bench of the Commission consisting of Hon'ble Justice P.K.Shaymsundar, Chairperson, NCBC and Shri Sahu Akshaya Bhai, Hon'ble Member NCBC held a Public hearing in respect of these Requests at Lucknow on 22.04.1998. At the Public Hearing, the State Government was represented by Shri R.V. Bhaskar, Principal Secretary [SC/ST/OBC] and Shri H.S.Yadav Special Secretary, Department of Backward Classes Welfare. The community was represented by Shri Ajay Kumar; Shri Krishna Gopal Kalal, Genral Secretary, Kalal Uthan Samiti, Kanpur; Shri R.P. Jaiswal, Reader, Sociology, Banaras Hindu University and others.

III - Fact

3. 'Kalar' is included in Mandal Commission's list of Backward Classes for U.P.at entry No. 62 as follows:-

"62 Kalar"

4. Kalal, Kalwar, Jaiswal have not been included in the State List.

5. In their request, Jaiswal Samaj Lucknow have Stated that the people of caste known as Jaiswal, Kalal, Shivhare, Gulhare, Mahor, Thahariya,

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

Shodik, Chokse etc. in different states in India. As per history, at the time of Chandra Gupta, there was a king named Kalchuri. The corrupted form of word kalchuri is Kalwar. The members of this caste were called Kalwar. The Kalchuri empire was ruined by the Marathas. The members of this caste migrated to U.P. and M.P. when they started business in liquor. The people who were engaged in distillation of liquor were called kalal and those engaged in sale-purchase of liquor were called Kalwar. Even today, in rural areas, members of other castes do not drink water touched by a member of Kalwar caste. Eighty five percent people of this caste live in villages and are below the poverty line. In U.P. people of Kalwar caste are economically and educationally backward. Their representation in politics and administrative services is negligible.

The Jaiswal Buddhijivi Parishad, U.P., Allahabad have endorsed a copy of the decision of Allahbad High Court in Mt. Jaleba Vs Mt Parmesra [A.I.R.37] 1950 Allahabad 700 [O.N.274]pp. 700 to 702] the extracts from the decision are as. "Kalwars being Shudras widow remarriage is permitted among them by custom independently of the Hindu widow' Remarriage Act. Among Kalwars of Jaiswal sect widow remarriage is recognised by a pre mutiny custom. But there is no custom of forfeiture on remarriage.-----According to Hutton's Castes in India, 1946, P.80, "The Kalwar who distils spirit from molasses or from the flowers of the mahua tree has status as low as the Bhar, not because he represents a conquered and dispossessed tribe, but on account of his occupation: an occupation again is also in part at any rate the reason for the low standing of the Pasi who taps the toddy palm for liquor."-----Among shudras and other lower castes widow remarriage has been allowed by custom-----see steel's Law and Custom of Hindu Castes, pp.26, 168 and 169, Kalwars are Shudras; therefore-----" The Parishad has also referred to a stanza from Goswami Tulsidas's 'Ram Charit Manas' and a stanza written by famous poet Rahim in which the Kalar/Kalwar caste/community is mentioned as low caste.

AUTHENTICATED

[Signature]
 P. S. Mehta
 Notary
 for District Classes

NCBC's Questionnaire filled by Shri Pravir Jaiswal, Kanpur States that this caste is engaged in distillation and selling of country liquor and the members of the community are since deprived of their traditional occupation as distillation of country liquor is now done under a license issued by the Govt. The caste/community, in terms of the caste system is identified/linked with distillation and selling of country liquor, which is regarded to be stigmatised. This occupation is a stigma, the main reason on account of which the caste/community has remained backward.

6. During the Public Hearing, the representatives of the community stated that 'Kalwar' is the main name of their community. 'Jaiswal' is a title/surname used by some of the members of the community. It was, therefore, urged that alongwith 'Kalwar', 'Jaiswal' also should be included in the Central List of Backward Classes as a synonym of 'Kalwar'. The members of the community are traditionally associated with the occupation of "distilling of liquor" and due to this association they are regarded as outcastes in the society. They also stated that most of the members of their community are now labourers or engaged in small business, as their traditional occupation of distilling of liquor has almost disappeared at present. A few members of the community are still engaged in the traditional occupation of 'distilling of liquor'. When the Bench, specifically asked the representatives whether the caste actually belonged to the Bania or Vaishya category, they submitted that though their caste is often referred to as belonging to Bania or Vaisya category by outsiders as well as by many of the caste members themselves, the caste in fact, does not belong to the Bania or Vaisya category. The representatives of the community asserted that the name 'Jaiswal' is used by the members of the 'Kalwar' community, the Bench noted that ethnographic accounts suggest "Jaiswal" or 'Jaiswar' to be a sub-caste or sect of a number of other castes/communities. Similarly Gulhare, Mahore, Shivhare, Ahluwalia are to be a sub-caste/title or sect of other castes also, all the representatives of the caste stated that only Kalwar, Kalar should be included and they do not want other sub-castes

titles to be included. The representatives submitted a written representation requesting for enlistment of only Kalal and Kalwar.

7. H.H. Risley ('The Tribes and castes of Bengal', Firma Mukhopadhyay, Calcutta, 1981, first edition 1891) has given the ethnographic account of the caste under the head 'Kalwar', as follows:-

"Kalwar, a liquor-selling, distilling, and trading caste of Behar, probably a degraded offshoot of one of the numerous branches of the Banias... .."

The social rank of Kalwars is low. Brahmans and members of the higher castes 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 a 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. '... ..'"

8. Under the head 'Kalwar', W. Crooke ('The Tribes and Castes of the North Western India', Comsmos Publications, Delhi, Reprint, 1975, first published 1896) writes as follows:

"Kalwar- The distilling, liquor-selling, and trading caste. The name of the caste is certainly derived from Sanskrit Kalyapala, Kalyapalaka, 'a distiller,"

The caste is probably of occupational origin, and may be an offshoot from the Banya or other vaisya tribes which has lost social position through its connection with the preparation and sale of intoxicating liquors."

AUTHENTICATED

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 Beniwas, and they confess their real caste status only when sufficiently pressed*". In his book Bhattacharya classifies "The Kalwars of North India" under the head 'The Manufacturing and Artisan castes that are regarded as Unclean Sudras'.

10. There was no objection raised during the Public Hearing from those present and belonging to different sections of society as well as from the representatives of the State Government to the proposed inclusion of 'Kalwar' in the Central List of Backward Classes for U.P.

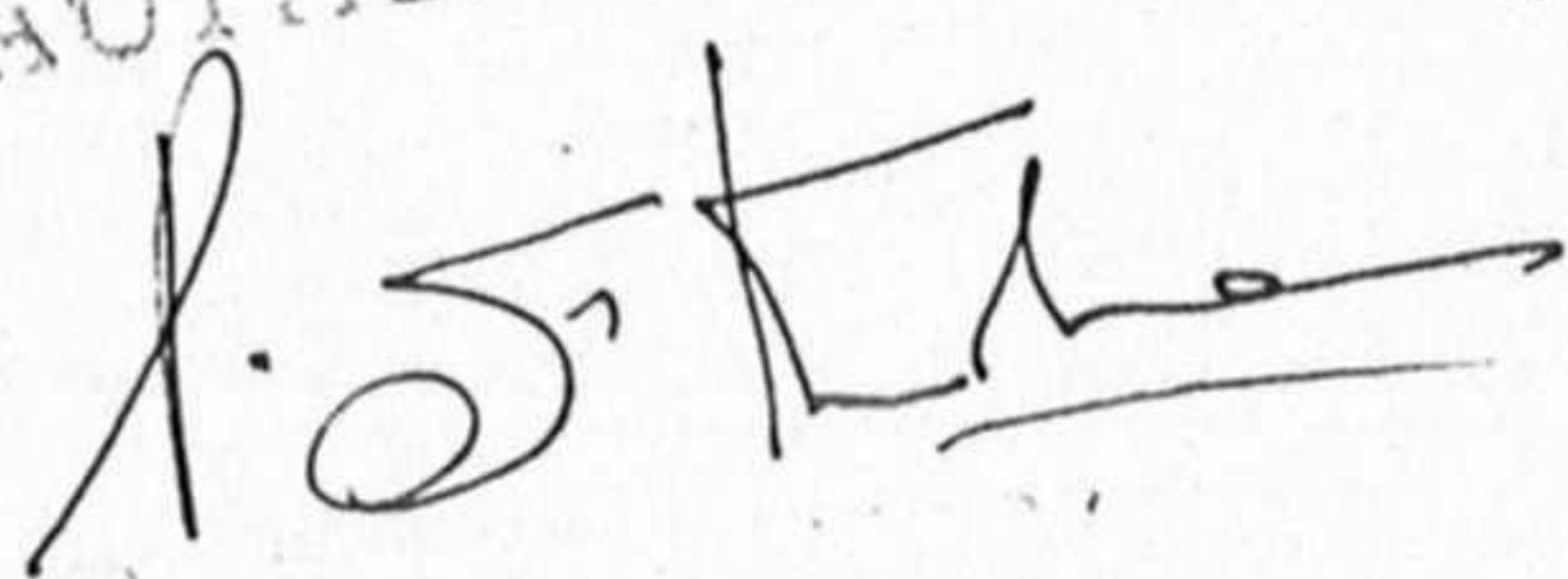
IV Findings

11. The submissions made by the representatives of 'Kalal, Kalar 'Kalwar, Jaiswal' caste/community during the Public Hearing assuring that the community is not in fact a Bania/Vaishya caste or sub-caste and the name 'Jaiswal' is only a dignified name/title/surname adopted by some of the members of the community, is accepted. Bhattacharya's observation supra regarding the 'caste status' of the community seems, in the view of the Bench, more correct than the observation by W.Crooke that Kalwar is probably an offshoot from the Baniya or other Vaishya caste which has lost social position through its connection with the preparation and sale of intoxicating liquors.

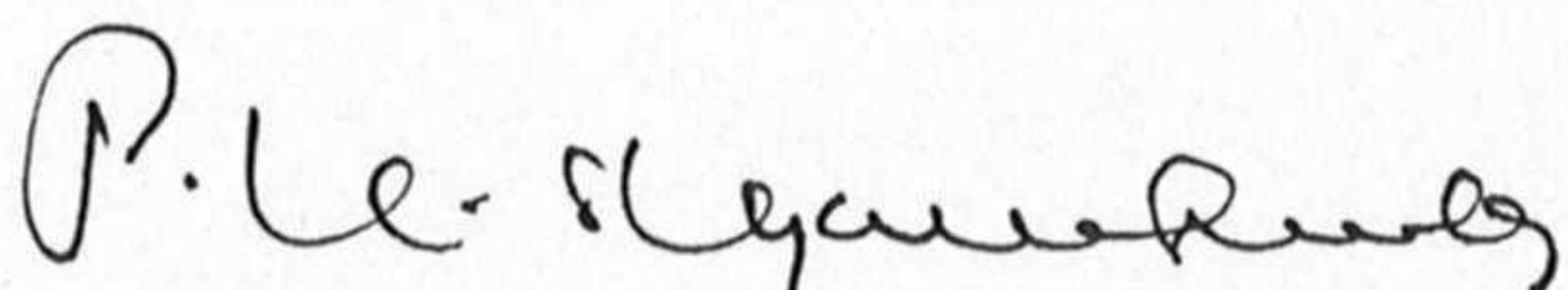
12. From the foregoing, we conclude that Kalal/Kalwar/Kalar is a community traditionally, i.e., in terms of the caste system, being associated with the occupation of distilling of liquor must be treated as Socially Backward. Therefore, Kalal Kalwar/Kalar will be included in the Central List of Backward Classes for U.P. at entry No. 71 as follows:

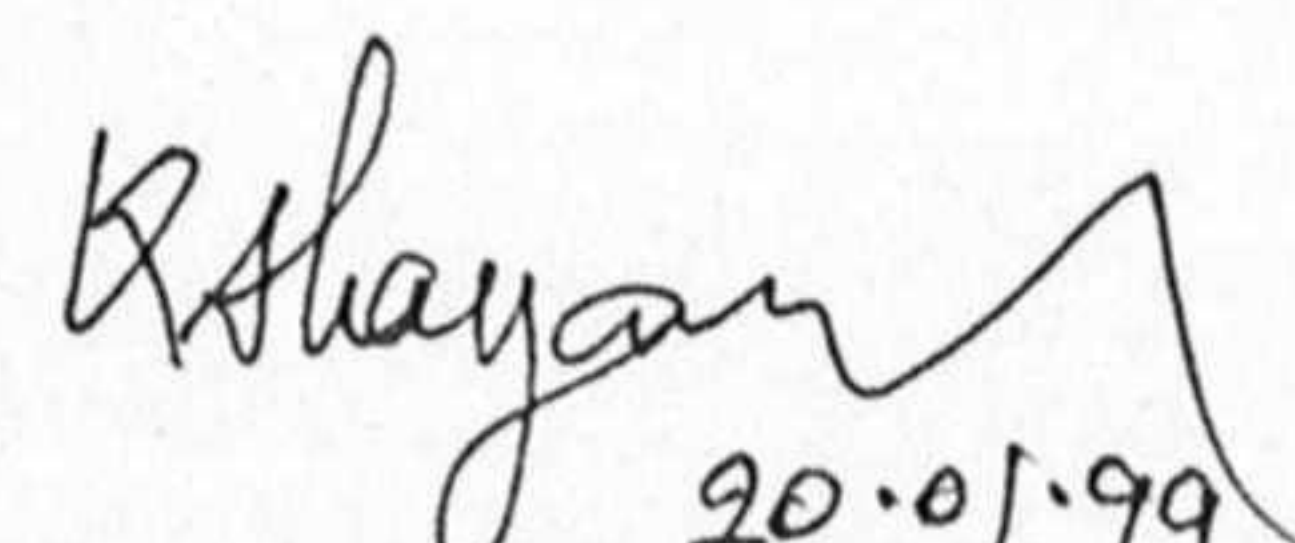
"71. Kalal/Kalwar/Kalar"

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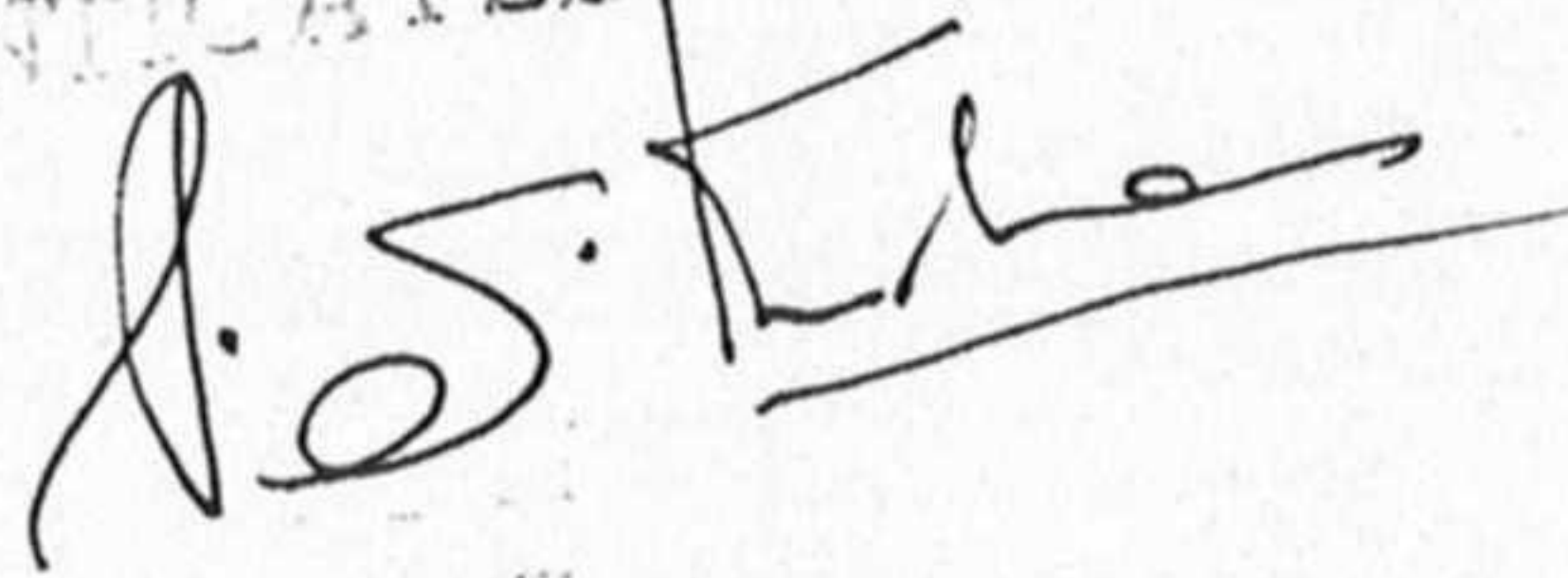


13 Regarding 'Jaiswal', the Bench felt the need for caution as ethnographic account suggests 'Jaiswal' or 'Jaiswar' to be a sub-caste of a number of other castes/communities. It also appears that there are a number of forward castes including some of the most advanced sections of Bania community, apart from Rajputs, who have the surname 'Jaiswal'. In view of this, inclusion of 'Jaiswal', even in a hyphenated form after Kalwar, will make room for some members of certain forward castes/communities to claim and even obtain Backward Class certificates which is not intended for them. 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 any further scope for such misuse.. Therefore, we find that 'Jaiswal' should not be permitted entry as a synonym of Kalal/Kalwar/Kalar caste even in the hyphenated form alongwith Kalwar.


(Justice P.K. Shyamsundar) (8/1/99)


20.01.99
(Sahu Akshaya Bhai)

AUTHENTICATED



V Advice of the Commission

14. The Commission considered and agreed in full with the above findings of the U.P. 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:-

Kalal/Kalwar/Kalar be included in the Central List of Backward Classes For U.P. at entry No. 71 as under:-

"71. Kalal/Kalwar/Kalar"

and the Request for Inclusion of 'Jaiswal' as a synonym of 'Kalwar' be rejected as 'Jaiswal' is only a title/surname adopted by some members of 'Kalwar' caste/community and by some forward castes and as its inclusion will give scope for misuse of the entry by some members of certain forward castes/communities for obtaining false caste certificates.

P. L. Narasimhan
18.1.99

R. Shyam
20.01.99

Madan Mohan
21.1.99

P. S. Krishnan
21.1.99

On account of the unfortunate demise of one of the Members Shri Navtej Puadhi on 16-08-1998 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.

AUTHENTICATED

P. S. Krishnan

Member Secretary
National Commission
for Backward Classes