

NATIONAL COMMISSION FOR BACKWARD CLASSES

Justice M. N. Rao, Chairperson

Shri. S. K. Kharventhan, Member

Shri. Deepak Katole, Member

Smt. Chitra Chopra, Member Secretary

Case: Request for Inclusion of "Jain Kalar" as synonym of Kalar" in the Central List of Other Backward Classes for State of Maharashtra.

I. Request:

1. The NCBC in its VIth/13th Meeting held on the 20th June 2011 considered the representation of Jain Kalar Samaj for the inclusion of "Jain Kalar" caste as a synonym of "Kalar". In the representation it is mentioned that Jain Kalar is a sub-caste of Kalar and that Kalar has already been Included in the State List of OBCs as well as Central List of OBCs for the State of Maharashtra.

II. Findings:

2. Jain Kalar Samaj, Nagpur, in their representation dated 01-06-2011 has requested the NCBC for inclusion of the caste JAIN KALAR

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1

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as a sub-caste of KALAR in the Central List of OBCs for the State of Maharashtra. In the representation it is mentioned that Jain Kalar is sub-caste of Kalar and that Kalar has already been included in the State List of OBCs as well as Central List of OBCs for the State of Maharashtra.

3. We Have gone through the earlier advice tendered by the NCBC to the Government of India in which a specific finding was recorded that Kalsi, Kalst, Sav Kalar are socially and educationally backward classes and accepting the advice, the Government of India issued the necessary notification. The claim for treating certain other castes including Jain Kalar as sub-castes/synonyms of Kalar was rejected only on the ground that in the northern States to which originally Kalars belonged, the synonyms claimed were not found.

4. We have gone through the advice of the Maharashtra State Commission for Backward Classes which has considered the question of social and educational backwardness of Jain Kalars. The findings of the State Commission are as follows:

- 1) Jain Kalar is a sub-caste of Kalar and that Jain Kalars are not Jains by religion but they worship a Godess named Jainadevi.
- 2) Their caste profession originally was toddy tapping and subsequently they left the caste profession of toddy tapping and due to the preachings of Mahatma Gandhi took to other occupations like agricultural labour, small businesses, etc.

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2



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3) There are intermarriages between Jain Kalars and Kalars and in certain families the documents describe the father as Jain Kalar and son as Kalar.

5. We are inclined to review and reconsider the earlier view of the NCBC. The only reason that persuaded the Commission earlier to reject the request for treating Jain Kalar as synonym of Kalar is that the synonyms are not found in the Northern States. In our view, the stated reason is not correct. The finding of the State Commission is that the Jain Kalar is sub-caste of Kalar and that there are inter marriages between the two communities. What is more important is that Jain Kalar is not a sub-caste of Jains and they have nothing to do with Jain religion. When Kalar was included in the Central List of Backward Classes and there is clear evidence by way of finding of the State Commission pointing that the Jain Kalars are socially and educationally backward, their caste profession being toddy tapping and they are worshippers of Goddess Jainadevi, we are of the view that it is a fit case to review the earlier view and hold that the same was wrong based on no evidence at all. What are the synonyms of Kalar in the Northern States of India and whether Jain Kalar was its synonym is an irrelevant consideration since the enquiry pertained to the State of Maharashtra. The NCBC on the earlier occasion ought to have considered the case of Jain Kalar independently to ascertain its social and educational backwardness, but that was not done. Had the NCBC been aware of the fact while considering the case on the earlier occasion about the inter marriages between Kalars and Jain

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3



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Kalars, Jain Kalars being a sub caste of Kalars and that the documents concerning several Jain Kalars disclosing that the members of the same family are described as Jain Kalars and Kalars, the NCBC would not have rejected the claim of Jain Kalar for being treated as synonym/sub-caste of Kalar. In the aforesaid circumstances, we hold that the earlier view of rejection of the request of Jain Kalar community was not correct since it was based on no evidence and irrelevant consideration and accordingly we now hold that this community be treated as sub-caste of Kalar and be included in the Central List of OBCs for the State of Maharashtra.

6. The advice of the Maharashtra State Commission for Backward Classes is in Marathi and the same has been translated to us into English by Shri Deepak Katole, one of the Hon'ble Members.

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New Delhi

III. Advice of the Commission

7. The Commission considered all the aspects 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 NCBC Act:-

“Jain Kalar” be included in the Central List of Backward Classes for the State of Maharashtra at entry No. 219, as follows:-

“219. Kalal, Kalar, Sav Kalar, Jain Kalar”


19.7.11

(Justice M. N. Rao)
Chairperson



(S. K. Kharventhan)
Member



(Deepak Katole)
Member



(Smt. Chitra Chopra)
Member-Secretary

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