



पी.एस. कृष्णन

P.S. KRISHNAN

TEL: 6886820

सदस्य सचिव
राष्ट्रीय पिछड़े आयोग

भारत सरकार

नई दिल्ली-110 066

MEMBER SECRETARY
NATIONAL COMMISSION
FOR BACKWARD CLASSES
NEW DELHI-110 066

NCBC Advice No. 7-9 Har/96

20.6.1996

Dear Shri Saxena,

I am sending herewith the unanimous Advices of the National Commission for Backward Classes under Section 9(1) of the NCBC Act, 1993 in respect of three communities, viz., "Ahir/Yadav", "Meo" and "Gujjar" of Haryana to include them in the Central List of Backward Classes for Haryana, for necessary action under Section 9(2) of the Act by the Central Government.

Like kind regards,

Yours sincerely
P.S. Krishnan
(P.S. KRISHNAN)

Shri K.B. Saxena
Secretary
Ministry of Welfare
Shastri Bhavan
NEW DELHI

Encl: As stated.

O/C

*20/6/96
At 6-30 PM.*

NATIONAL COMMISSION FOR BACKWARD CLASSES

HARYANA BENCH

Findings

Case: Request for Inclusion of "Ahir/Yadav" in the Central List of Backward Classes for Haryana.

I. Request

Shri Avtar Singh Bhadana (then MP, Lok Sabha), Faridabad vide his letter dated 31.8. 94 has made a Request for the inclusion inter alia of "Ahir" caste/community in the Central List of Backward Classes for Haryana. Subsequently, the State Government of Haryana made a Request for the inclusion of Ahir/Yadav as well as Gujjar, Lodh/Lodha, Saini and Meo, which had been newly included in the State List of Backward Classes on 7.6.1995 and some other communities which were in the State List even earlier. The following individuals/organisations have also made Requests for inclusion of Ahir/Yadav in the Central List of Backward Classes for Haryana:-

1. Major(Retd.) Nahar Singh
President
Yadav Kalyan Parishad(Regd.)
Lord Shri Krishna Temple
Sector A, Gurgaon, HARYANA
2. Shri Lakshmi Narayan Yadav
Haryana Ahir Mahasabha
Railway Station, Kosli
Rohtak, HARYANA
3. Shri Hari Singh Yadav
President
Yadav Sabha
57/4 Panchkula
Chandigarh

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

4. Shri K.C. Yadav
Director, Dr. Ambedkar Studies
Kurukshetra University
Kurukshetra, HARYANA

II. Public Hearing

2. The two-Member Haryana Bench of the Commission, consisting of Shri P.S. Krishnan and Dr. Dinesh Singh Yadav, held a Public Hearing, inter alia regarding this case at Panchkula, Haryana on 4.8.1995. At the Public Hearing the State Government was represented by Shri D.S. Desi, Shri Mani Ram, Director and Deputy Director respectively in the Welfare of Scheduled Castes and Backward Classes Deptt. Govt. of Haryana and other officers. Chairperson and Members of the State Backward Classes Commission were also present. The community was represented by Shri Nahar Singh, Shri Hari Singh Yadav and others.

III. Facts

3. 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 in 1993 did not contain "Ahir/Yadav". Therefore, "Ahir/Yadav" was not included in the first phase Central List of Backward Classes for Haryana prepared on the basis of "commonality" in 1993. "Ahir" and "Yadav" find place in the Mandal List at entry no. 2 as follows:-

"2. Ahir, Gawala, Gowala, Rao, Yadav"

The State Government's list as it existed then also contained "Gawala, Gowala" at item no. 26 thereof and this entry finds place

P. J. Kishore

in the first phase Central List of Backward Classes for Haryana as "Gawala, Gowala" also at item no. 26 thereof.

4. Subsequently, keeping in view the recommendations of the Haryana Backward Classes Commission, set up pursuant to the Supreme Court's judgement of the 16th November, 1992 in the Mandal case, the State Government by its Notification no. 1170-SW(I)-93 dated 7.6.1995 made 5 additions to the State List of Backward Classes, one of which is "Ahir/Yadav", the other 4 being, Gujjar, Lodh/Lodha, Saini and Med.

5. The Questionnaire received from the State Government states that this caste/community, mostly found in Rewari, Mahendragarh and Gurgaon districts of Haryana, is generally regarded as Socially Backward by high castes, i.e., Brahmins and Rajputs and that agriculture is the occupation on which the members of the caste/community mainly depend for livelihood and that their agricultural activities mainly involve manual labour "mostly on own land and rented land". The Questionnaire also states that the children of this caste/community, as a general practice, are engaged in agricultural labour for their family's livelihood or for supplementing their family's income. About 70% of the adult members of this caste are engaged in cultivation on their own land, negligible proportions in agricultural labour for wage and other manual labour for wage and 15% in other occupations like services, mainly armed and paramilitary forces and police service.

6. On behalf of the community, the Questionnaire filled up have been received from (1) Major(Retd.) Nahar Singh, President, Yadav Kalyan Parishad, Gurgaon, Haryana, (2) Shri H.S. Yadav, President, Yadav Sabha, Panchkula, and (3) Shri K.C. Yadav, Director, Centre for Ambedkar Studies, Kurukshetra University, Kurukshetra. Their responses to the Questionnaire corroborate the above data furnished in the State Government's responses to the Questionnaire, but they have furnished some additional information

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about educational and economic factors pertaining to them on which the State Government has not furnished any data. According to the Questionnaire furnished by the representatives of the community, the literacy of this community in the districts of Gurgaon, Rewari and Mahendragarh is 58.4% compared to 58.4% literacy rate for the districts and in the whole State it is 58% compared to the total literacy of 55.8 of the State. The proportion of matriculates in the community for the State is 11.69% as against 10.66% for the total population. Their proportion of Graduates in the State is 1.07% as against 1.30% in the total population in the State. These figures furnished by the community show that they are at par or slightly ahead of the total population at the literacy and matriculation level, but considerably behind at the higher education level.

7. According to the community's responses to the Questionnaire, about 48% of the families of the community live in pucca houses, while 43% live in semi-pucca houses and 9% (shown by apparent error as 0.9%) in kaccha houses. They admit to a general improvement in their condition and attribute this to self efforts in general education. They claim to be at a level immediately below Jat, Khatri and Arora on account of the social, educational and economic dominance of the latter and to be more or less at the same level as Jangra/Khati and Saini.

8. The occupational and livelihood patterns of this community can be seen from the accounts of Hutton ("Caste in India: Its Nature, Function, and Origin", Oxford University Press, 1951, first published in 1946), Crooke ("The Tribes and Castes of the North Western India", Cosmo Publications, Delhi, 1974, Originally published under the title "The Tribes & Castes of the North Western Province & Oudh", Calcutta, 1896), Ibbetson ("Panjab Castes", Low Price Publications, Delhi, 1993, first published 1916) and Rose ("A Glossary of the Tribes and Castes of the Punjab and North-West Frontier Province", Asian Educational Services, New

J. S. Kulkarni

Delhi, Madras, 1990, first published 1919). Hutton speaks of "the various cow-keeping castes of northern India" who, as he found, "were combining in 1931 to use the common term of Yadava for their various castes, Ahir, Goala, Gopa, etc. and to claim a Rajput origin of extremely doubtful authenticity." He also speaks of a "widespread movement on the part of various cattle-keeping castes" as follows:- "Thus in 1931 there was a widespread movement on the part of various cattle-keeping castes -- Ahirs, Ahars, Goalas, Gollas, Gopas, Idaiyans, etc. - to combine under a new caste name as Yadava, though how far, if at all, such a movement would involve reciprocity in the matter of marriage is uncertain." Crooke refers to them as an important and widely distributed caste of herdsmen and agriculturists, found in large numbers throughout the province. Their traditional occupational link with cattle-rearing is seen from their being clubbed with Gadarias and Gujjars, as in a local saying, cited by Crooke: "Ahir, Gadaria, Gujar, Ye tinon chahen ujar". Ibbetson describes them as a pastoral caste and derives their name from the Sanskrit Abhira, or "milkman". But in the Punjab at the time of his writing, they had become almost agricultural. Regarding their geographical distribution, he says that "In the Panjab they are chiefly found in the south of Delhi, Gurgaon, and Rohtak and the Native States bordering upon these districts, and in this limited tract they form a considerable proportion of the whole population." Rose also refers to them as a pastoral caste by origin, which "in the Punjab has now become almost exclusively agricultural". Crooke has distinguished them as "the cowherds of the plains" from Gujar, "the cowherds of the hills". It is clear that their traditional occupational pattern was linked primarily with cattle-rearing in the plains and that there has been an occupational shift from mainly cattle-rearing to agriculture in many parts of the country including Haryana, while still retaining link with cattle-rearing.

9. The Bench also referred to the Report of the Backward Classes Commission, 1990, of the Government of Haryana. The Report has got

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J. S. Kishore

certain limitations. The Government of Haryana did not act upon this Report. With the change of Government, a new Backward Classes Commission was appointed pursuant to the Supreme Court judgement in the Mandal case. So far, as Ahirs/Yadavs are concerned, as in the case of Gujjar and Meo, they have been shown as Backward on the basis of their own indicators and marks without modification or qualification or interpretation as done in the case of some other communities. Further, their representation in Class I and II services under the Government of Haryana as on 1.1.1990 is shown as 3.08% which is much lower than their estimated proportion of 5% in the population of Haryana. Their representation in professional educational institutions in 1990-91 is shown as only 0.86%. The Report also shows that on 1.1.1990, there were 2 officers each from this community in the Haryana cadre of the 3 all-India services of IAS, IPS and IFS, making a total of 6 which is only 1.8%.

10. During the Public Hearing, the representatives of the community said that they are Socially Backward and their educational level is low and that their representation in the services of the State is poor. Those present who were from different sections of the society said that the claim of the community is justified and correct. The Chairperson and Members of the State Backward Classes Commission and the State Government representatives supported their Request for inclusion in the central List of Backward Classes for Haryana. These claims of/on behalf of the community are generally supported by the facts and evidence discussed in the foregoing paragraphs.

11. In keeping with the spread of this community and what may be called cognate castes with similar occupational background linked originally with cattle-rearing in the plains, the Bench finds that out of the 26 States of the country, they are included under one name or the other in the Central List of Backward Classes in as many as 18 States and out of the 6 Union Territories in the country, they are included in 3. Out of the 8 States where they are not included, there is no Central List of Backward Classes and



there cannot possibly be any in 4 States, viz., Arunachal Pradesh, Meghalaya, Mizoram and Nagaland. Leaving aside these 4 States, this community or its cognate castes are missing only in 4 States, viz., Sikkim, Manipur, J&K and Goa. In the case of Union Territories, the 3 Union Territories where they or their cognate castes are not included, viz., Andaman & Nicobar Islands, Lakshadweep and Chandigarh do not have a Central list of Backward Classes; but in Chandigarh they have been included in the Mandal list and in Lakshadweep, there cannot possibly be any Backward Classes, while in Andaman & Nicobar Islands it is doubtful whether there can be any list of Backward Classes.

12. The following statement shows the entries in the Central Lists of this and cognate castes with similar occupational background linked originally with cattle-rearing in the plains:-

<u>Name of the</u>		<u>Entry regarding Ahir, Yadav &</u>	
<u>S.No.</u>	<u>State & UT</u>	<u>cognate castes</u>	
		<u>Entry</u>	<u>Names given</u>
		<u>No.</u>	
(1)	(2)	(3)	(4)
1.	Andhra Pradesh	D-93	Yadav (Golla)
2.	Assam	4	Gop Gowala Gawala Goal Goala
3.	Bihar	104	Yadav (Gwala), Ahir, Ghasi, Gope

4. Gujarāt	2	Ahir
5. Haryana	26	Ayar Bericha Gawala
6. Himachal Pradesh	23	Gowala Gowala Gwala
7. Karnataka	A-22	Golla Gopli Gopal Yadav Asthanagolla Yadava Adavigolla Gopala Gopali
8. Kerala	67	Yadava (Kolaya, Ayar, Mayar, Maniyani and Iruman)
9. Madhya Pradesh	1	Ahir, Brajwasi, Gwali, Goli, Lingayati-Gaoli, Gowari (Gwari), Gowra, Gawari, Gwara, Jadav, Yadav, Raut, Thethwar, Gop/Gopal
10. Maharashtra	38	Gowli
11. Orissa	43	Gola Golla

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			Gope
			Sadgope,
			Ahir,
			Gour,
			Gouda,
			Gondo,
			Mekala Golla
			Punnu Golla
			Yadav
12.	Punjab	38	Gawala
			Gowala
13.	Rajasthan	1	Ahir
			(Yadav)
14.	Tamil Nadu	168	Yadava
			(including Idaiyar,
			Telugu speaking
			Idaiyar known as
			Vaduga Ayar or
			Vaduga Idiyar or
			Golla, Mond Golla,
			and Asthanthra Golla)
15.	Tripura	13	Goala, Gope, Yadav
16.	Uttar Pradesh	1	Ahir
17.	West Bengal	3	Goala, Gope
18.	Delhi	3	Ahir
			Yadav
			Gwala

Union Territories

1.	Dadra & Nagar Haveli	2	Ahir, Bharvad, Yadav
2.	Daman and Diu	19	Yadav, Gavli
3.	Pondicherry	257	Yadava (Konar, Kofaya, Ayar, Mayar, Muniyan, Eruman)

13. It is seen from above statement that in Punjab and Hariana

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there is the entry "Gawala, Gowala" and in Himachal Pradesh "Gowala/Gwala" -- the former two and a portion of the last were part of the same State of Punjab till 1966. Now, in case "Ahir/Yadav" is to be included, one question to be decided is whether Ahir/Yadav is to be a new entry or merely to be added as synonyms of "Gawala, Gowala". From the local knowledge supported by Hulton, it would seem that it would be correct to add them as synonyms of "Gawala/Gwala".

IV. Findings

14. In view of the above facts the Bench arrives at the following Findings:-

- (1) "Ahir/Yadav" is a Socially and Educationally Backward Class.
- (2) "Ahir, Yadav" are synonyms of the existing entry "Gawala, Gowala" at item no. 26 of the Central List of Backward Classes for Haryana.
- (3) Therefore, Ahir/Yadav should be added as synonyms of "Gawala, Gowala" at entry no. 26 of the Central List of Backward Classes for Haryana as follows:-

"26. Gawala
Gowala
Ahir/Yadav"

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10.6.96

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Member, Haryana Bench

V. Advice of the Commission

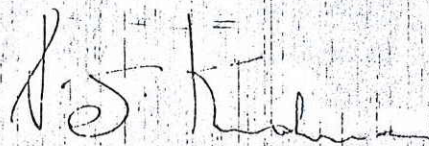
15. The Commission considered and agreed in full with the findings of the Haryana Bench and decided to tender the following Advice to the Central Government in terms of Section 9(1) of the NCBC Act, 1993:-

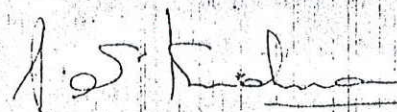
"Ahir, Yadav" are synonyms of the existing entry "Gawala, Gowala" at item no. 26 of the Central List of Backward Classes for Haryana. Therefore, Ahir/Yadav should be added as synonyms of "Gawala, Gowala" at entry no. 26 of the Central List of Backward Classes for Haryana as follows:-

"26. Gawala
Gowala
Ahir/Yadav"

(Dr. R. Pradhan)
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NATIONAL COMMISSION FOR BACKWARD CLASSES

HARYANA BENCH

FINDINGS

Case: Request for the inclusion of "Meo" caste in the Central List of Backward Classes for Haryana.

I. Request

Shri Avtar Singh Bhadana (then MP, Lok Sabha), Faridabad vide his letter dated 31.8.94 has made a Request for the inclusion of three castes/communities, Viz., Gujjar, Meo and Ahir in the Central List of Backward Classes for Haryana. Subsequently the State Government also made a Request for the inclusion of these communities as well as "Lodh/Lodha" and "Saini", which had been newly included in the State List of Backward Classes on 7.6.1995 and some other communities which were in the State List even earlier, and certain members of the Meo community made a Request for the inclusion of Meo. One more Request regarding inter alia the Meo is from the Pichhada Varg Kalyan Samiti, Vill. Birohad, Rohtak.

II. Public Hearing

2. The two-Member Haryana Bench of the Commission, consisting of Shri P.S.Krishnan and Dr. Dinesh Singh Yadav, held a Public Hearing, inter alia regarding the case of Meo at Panchkula, Haryana on 4.8.1995. At the Public Hearing the State Government was represented by Shri D.S.Desi, Shri Mani Ram, Director and Deputy Director respectively in the Welfare of Scheduled Castes and Backward Classes Deptt., Government of Haryana and other officers. Chairperson and Members of the State Backward Classes Commission were also present. The community was represented by

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National Commission
for Backward Classes

Shri Khurshid Ahmed, ex-MP, Shri Azmat Khan then M.L.A and others.

III. Facts

3. 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 in 1993 did not contain this caste/community. Therefore, it was not included in the first phase Central List of Backward Classes for Haryana prepared in 1993 on the basis of "commonality". This community finds place in the Mandal List in the name of "Mawati" at entry no. 58 which is a slight spelling error for "Mewati". The correct name "मेवाती" has been given in the Hindi version of the Mandal List.

4. Subsequently, keeping in view the recommendations of the Haryana Backward Classes Commission, set up pursuant to the Supreme Court's judgement of the 16th November, 1992 in the Mandal case, the State Government by its Notification NO. 1170-SW(I)-95 dated 7.6.1995 added 5 castes to the State List of Backward Classes, one of which is "Meo", the other four being Ahir/Yadav, Gujjar, Lodh/Lodha and Saini.

5. The Questionnaire received from the State Government states that "Meo" is a socially backward caste and that the occupation on which the members of the caste mainly depend for livelihood is agriculture and agricultural labour. It is also stated that their agricultural activity mainly involves manual labour, both rendered for wage as well as in their own land.

6. A very important fact which, as the Bench noted, has unfortunately not come out in the State Government's responses to the Questionnaire is that "Mewatis" had been notified as a criminal tribe in Uttar Pradesh and Punjab. The borders of and between Uttar Pradesh and Punjab have undergone some changes in the past, but the area in the present State of Haryana inhabited

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P. S. Kishore

by Meos is part of the territory described as Uttar Pradesh and Punjab. The fact that they have been notified as a "criminal tribe" and the fact that "Mewatis are also called Meos" have been recorded in the Report of the Criminal Tribes Act Enquiry (Ananthasayanam Ayyangar) Committee (1949-50). The identification of "Meo" and "Mewati" is also attested to by Crooke (The Tribes and Castes of the North Western India, Vol. III, Cosmo Publications, Delhi, 1975, originally published under the title "The Tribes & Castes of the North Western Province & Oudh", Calcutta, 1896) under the head Meo, Mewati, Mina, Mina Meo. Ibbetson ("Punjab Castes", Low Price Publications, Delhi, 1993, first published 1916) mentions the fact that Meos have given the name to "Mewat", "the hill country of Alwar, Gurgaon, and Bharatpur." Apparently, in turn, the name "Mewati" is derived from "Mewat". Crooke as well as other ethnographers refer to the general belief that Meenas and Meos are really of common origin, from their similarities of names and legends and close agreement of sections of both. The Ananthasayanam Ayyangar Committee as well as Crooke's account says that Meos and Minas have the same social position -- the Bench notes that "Mina" has been included in the list of Scheduled Tribes in Rajasthan and in the State, Mandal and Central Lists of Backward Classes in Haryana and Delhi. Their categorisation as a criminal tribe under the Criminal Tribes Act, 1924 which was repealed in 1952 brings them within the Fast Track category as formulated by the NCBC.

7. While Meos are Muslims by religion they also follow Hindu practices, so that Sir J. Malcom (cited in Crooke) says that "it is hard to say whether the Meos of Central India are Hindus or Muhammadans. They partake of both religions..." Crooke, Ibbetson and Rose ("A Glossary of the Tribes and Castes of the Punjab and North-West Frontier Province", Vol. III, Asian Educational Service, New Delhi) also have noted this feature. Rose puts it in the following words: "In religion the Meos profess a happy combination of Hinduism and Islam..." One point mentioned by Ibbetson citing

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P. S. Krishnan

P. S. KRISHNAN
National Commission
for Backward Classes

Captain Powlett about Meo women is that "like the women of low Hindu castes they tattoo their bodies, a practice disapproved by Musalmans in general." According to Crooke, nearly all of them are cultivators and day-labourers.

8. The Questionnaire has also been received, filled up by a representative of the community, in which their occupation is mentioned as "agriculture and labour, pastoral". Their agricultural labour is mentioned as manual, performed on their own land and for wage. The important fact that the caste is categorised as "De-notified or Vimukta Jati" in terms of Criminal Tribes (Repeal) Act, 1952 has also been mentioned therein. The community's Questionnaire has also stated that Minas and Meos were the same community before the conversion of some Minas who are the present Meo.

9. During the Public Hearing the representatives of the community said that they are Socially Backward and their educational level is very low and that their representation in the services of the State is very poor. Those present who were from different sections of the society said that the claim of the community is justified and correct. The Chairperson and Members of the State Backward Classes Commission and the State Government representatives supported their Request for inclusion in the Central List of Backward Classes for Haryana.

10. The Bench has also referred to the Report of the Backward Classes Commission, 1990 of the Government of Haryana. The Government of Haryana has not acted on the Report. The Report has also got certain limitations. So far as the Meos are concerned, this Commission's Report shows them as backward. It also shows as nil their representation in Class I and II Gazetted services under the State government of Haryana and among officers of the all-India services of the Haryana cadre both as on 1.1.1990 and in professional colleges in 1990-91.

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IV. Findings

11 On the basis of the above evidence the Haryana Bench finds as follows:-

- (1) Meos come under the Fast Track category having been categorised as a Criminal Tribe earlier, and later, consequent on the enactment of the Criminal Tribes (Repeal) Act 1952, as a Denotified or Vimukta Jati caste/community/tribe. This community fulfils the criterion 2(h) of 'A. Social' of the Commission's Guidelines for Consideration of Requests for Inclusion and Complaints of under-Inclusion in the Central List of Backward Classes. According to the Procedural Clarifications on the above Guidelines, wherever a caste/community fulfils this guideline, the Bench may take it as adequate evidence of backwardness.
- (2) Meo is a Socially and Educationally backward caste.
- (3) Meo should therefore be included in the Central List of Backward Classes for Haryana at entry no. 67, as follows:

"67. Meo"

R. S. Kishan

P. S. Kishan

1.6.1996

Member, Haryana Bench

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P. S. Kishan

P. S. KISHAN
Member, Haryana Bench
National Commission
for Backward Classes

V. Advice of the Commission

12. The Commission considered and agreed in full with the Findings of the Haryana Bench and decided to tender the following Advice to the Central Government in terms of Section 9(1) of the NCBC Act, 1993:-

Meo is a Socially and Educationally backward caste. Meo should therefore be included in the Central List of Backward Classes for Haryana at entry no. 67, as follows:-

"67. Meo"

15/6/96

H. S. Krishna

Dr. R. Prasad

(DR. R. PRASANNAN)
20.6.96.

C. D. L. SHETHI
20-6-'96.

Dr. Prasad

20/6/96

Justice R. N. Prasad
Chairman
National Commission for
Backward Classes
New Delhi.

H. S. Krishna

NATIONAL COMMISSION FOR BACKWARD CLASSES
HARYANA BNECH

Findings

Case: Request for inclusion of "Gujjar" caste/community in the Central List of Backward Classes for Haryana

I. Request

Shri Avtar Singh Bhadana (then MP, Lok Sabha), Faridabad vide his letter dated 31.8.94 and Shri G.C.Verma, C-III/275, Lodhi Colony, New Delhi vide his letter dated 21.9.1994 have made Requests to the Commission for the inclusion of "Gujjar" caste/community in the Central List of Backward Classes for Haryana. Subsequently the State Government has also made a Request for the inclusion of this community as well as Ahir/Yadav, Lodh/Lodha, Saini and Meo which had been newly included in the State List of Backward Classes on 7.6.1995 and some other communities which were in the State List even earlier. The following individuals/associations have also made a similar Request for the inclusion of "Gujjar":-

- (1) Gujjar Karmachari Parishad, Kaithal, Haryana
- (2) Gujjar Samaj Kalyan Parishad, Chandigarh
- (3) Haryana Yuva Gujjar Samaj, Yamuna Nagar, Haryana
- (4) Gujjar Karmachari and Chhatra Parishad, Kurukshetra
- (5) Gujjar Sudhar Sabha, Kurukshetra
- (6) Shri Vijay Singh Bhati,
Secretary,
Haryana Gurjar Vikas Sabha, Faridabad
- (7) Shri Satya Prakash Khatana,
Village Behalpa
PO Rithoj
Distt. Gurgaon, Haryana
- (8) Akhil Bharatiya Gurjar Parishad, Haryana

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for Backward Classes

II. Public Hearing

2. The two-Member Haryana Bench of the Commission, consisting of Shri P.S.Krishnan and Dr. Dinesh Singh Yadav, held a Public Hearing *inter alia* regarding this case at Pachkula, Haryana on 4.8.1995. At the Public Hearing the State Government was represented by Shri D.S.Desi, Shri Mani Ram, Director and Deputy Director respectively in the Welfare of Scheduled Castes and Backward Classes Deptt., Government of Haryana and other officers. Chairperson and other Members of the State Backward Classes Commission were also present. The community was represented by Shri Hoshiar Singh, Vice-President, Gujjar Samaj Kalyan Parishad and others.

III. Facts

3. 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 in 1993 did not contain this caste/community. Therefore, it was not included in the first phase Central List of Backward Classes for Haryana prepared in 1993 on the basis of "commonality". This community finds place in the Mandal List at S.No. 39 as follows:-

"39. Gujar, Bahar, Barwal, Bhanot, Char, Kaisan, Magria, Padaji, Rawal, Sangi"

4. Subsequently, keeping in view the recommendations of the Haryana Backward Classes Commission set up pursuant to the Supreme Court judgement of 16th November, 1992 in the Mandal Case, the State Government by its Notification No. 1170-SW(I)-95 dated 7.6.1995 added 5 castes to the State List of Backward Classes, one of which is "Gujjar", the others being Ahir/Yadav,


P. S. Krishnan
Member
National Commission
for Backward Classes

Lodh/Lodha, Saini and Meo.

5. As mentioned by Crooke (The Tribes and Castes of the North Western India, Vol. II, Cosmo Publications, Delhi, 1974, originally published under the title 'The Tribes & Castes of the North Western Province & Oudh', Calcutta, 1896) citing General Cunningham, Gujjars are found in great numbers in the North-West of India. The Bench notes that Gujjars are included in the list of Scheduled Tribes or the Central List of Backward Classes in the States of North-West India as given below:-

- (1) Jammu & Kashmir - Scheduled Tribes (included in 1991)
- (2) Himachal Pradesh - (a) Scheduled Tribes (in the "old areas" of the State)
(b) Backward Classes (in the "merged areas" of the State)
- (3) Delhi - Backward Classes
- (4) Punjab - Backward Classes
- (5) Rajasthan - Backward Classes
- (6) Uttar Pradesh - Backward Classes

6. The Questionnaire received from the State Government states that "Gujjar" is a socially backward caste and that the occupation on which the members of the caste mainly depend for their livelihood is agriculture and cattle-breeding. It is also stated that their agricultural activity mainly involves manual labour. According to the Questionnaire filled up by the Gujjar Samaj Kalyan Parishad, this caste is generally regarded as socially backward and that this is so in almost all the States

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in North India; that they mainly depend on agriculture, cattle rearing and land labour; and that their agricultural activity involves manual labour, mainly on their own land and also for wages. The Parishad has also stated that women of the community, as a general practice, are, for their own or their family's livelihood, engaged in manual labour for wage, as factory workers etc., and their children are engaged in agricultural activities.

6. From the descriptions contained in Ibbetson ("Punjab Castes", Low Price Publications, Delhi, first published 1916) and Crooke ("The Tribes and Castes of the North Western India", Vol. II, Cosmo Publications, 1974, originally published under the title "The Tribes & Castes of the North Western Province & Oudh", Calcutta, 1896), it emerges that the Gujjars were primarily "cowherds" of the more hilly areas of the Punjab and adjoining tracts of Himachal Pradesh and Uttar Pradesh -- the present Haryana falling in this belt. As cowherds of the hill areas they are distinguished from "Ahirs the cowherds of the plains." A recent work by Darshan Singh Manku ("The Gujar Settlements: A Study in Ethnic Geography, Inter-India Publications, 1986) which concentrates on Gujar settlements in the present Punjab, refers to them as pastoral nomads who moved into the Punjab Kandi, the region which was then uninhabited (be-abad), forested (jangli), and barren (banjar) where woodland and hill pastures provided grass for their animals. He links their movement into Punjab to the pressures of the Mughal kings, the Rajputs (who were rulers and controllers of land, but had suffered loss of political and economic power) and the Jats (land-owners and efficient farmers) which cumulatively forced the Gujjars to settle in the less productive and marginal areas like Kandi, Ghar, Changar, Siwalik Hills, and other uplands. The tract thus described by Manku includes the sub-montane areas and adjoining areas of Punjab, Himachal Pradesh and Haryana. According to Manku, Gujjars were never

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good farmers but have been cattle raisers par excellence. Manku categorises the Rajputs as rulers who controlled all the lands and Jats as owners and cultivators of land and the Gujjars as essentially graziers who were pushed into the marginal areas, such as the Punjab Kandi. According to one of the theories of origin of the Gujjar discussed by Manku (i.e., the theory of Indian origin as against the theory of foreign origin, which according to him is gaining importance and acceptance steadily,) their homeland is placed in the Mount Abu region in Rajasthan from where their migration northward took place, their large scale migration starting in the ninth century A.D.

7. According to Manku, till the first half of this century, the Gujjars of the study area (in Punjab, but close to Haryana) associated mainly with buffalo rearing. In the past they were a nomadic pastoral tribe but had among them cultivators as well, but have never been good cultivators. The geo-ecological conditions of land covered with grass, shrubs, and woods on the hills fulfilled the requirements of their traditional way of life and attracted the pastoral Gujjars but repelled the agricultural groups such as the Jats. According to him, had there been sufficient and good cultivable land in the Kandi, the agricultural groups, such as the Jats would have occupied it and pushed the Gujjars farther into the Himalaya.

8. Manku describes changes in the livelihood activities of the Gujjars in the recent decades after Independence. Cattle rearing is no longer their main occupation and the grazing in the hills was statutorily checked and the number of animals reared declined. Buffalo raising and the commercial sale of milk has shifted to towns and cities to which a number of Gujjars of the Punjab Kandi moved. Agriculture has risen in importance, though their agriculture was and to some extent even today is considered as inefficient. In the areas inhabited by them, dissected terrain and sandy and unproductive soils have been

P. S. Kishan

for Backward Classes

permanent disincentives to good farming and they had to depend on rain-fed (barani) farming. So Gujjars practice low yield dry farming and the majority of them are marginal farmers. Manku has noted considerable improvement in the recent past as a result of adoption of new techniques, commercialisation of agriculture, and urban influences supported by road network, but the progress is uneven even in Punjab, greater in the Beas-Sutlej Kandi and less in the Changar and Ropar Ghar which immediately adjoins the Ambala area of Haryana.

9. From the account of Ibbetson and Crooke and the recent work by Manku, focussing primarily on the Gujjar settlements of Punjab Kandi, which adjoins Ambala, it is seen that Gujjars were primarily a pastoral people, their main occupation was cattle rearing with agriculture practiced in soils of inferior fertility and based on rain-fed (barani) farming. It is also seen from Manku that in the recent decades cattle raising has been losing and agriculture gaining in importance as their main occupational and livelihood activity.

10. While in one spatial concentration of Gujjars in Haryana, viz., Ambala which includes Yamuna Nagar (which was until recently part of Ambala) Gujjars have been mainly a pastoral people of the sub-montane region and the adjoining areas with agriculture as a lesser occupation, the relative importance of the ^{values} beginning to alter in the recent past, in the other concentration, viz., Gurgaon which includes the present Faridabad (which was until recently part of Gurgaon) they seem to share the characteristics of Meo. According to Crooke, "they [Meo or Mewati] and the Gujjars of the upper Doab were notorious for their turbulence and seriously impaired the operations against Delhi." The Ananthasayanam Ayyangar Committee Report (Report of the Criminal Tribes Act Enquiry Committee, 1949-50) cites this observation of Crooke. The Report also cites Crooke's observation that "The Gujars as a tribe have always

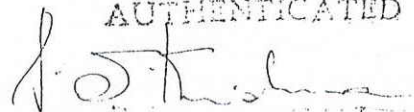
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been noted for their turbulence and habit of cattle stealing." According to the Report, "they are still reported to be expert thieves in the Uttar Pradesh where they are notified as a Criminal Tribe." In Saharanpur and Moradabad districts of Uttar Pradesh the Gujjars have been specifically declared as a Criminal Tribe until the Criminal Tribes Act was repealed. These districts included some adjoining districts which were at that time part of these 2 districts, and together they border on the present Haryana.

11. The Bench also referred to the Report of the Backward Classes Commission, 1990 of the Government of Haryana. The Report has got certain limitations. The Government of Haryana did not act upon this Report. With the change of Government, a new Backward Classes Commission was appointed pursuant to the Supreme Court judgement in the Mandal case. So far as Gujjars are concerned this report shows them as Backward. Further, their representation in Class I and II services under the Government of Haryana is shown as 0.41% as against their estimated proportion of 2.5% in the population of Haryana. Their representation in professional educational institutions is only 0.3%. The Report also shows that as on 1.1.90 there was no IAS or IFS officer belonging to this community in the all-India services of the Haryana cadre and in the IPS there is only 1 of this community. Taking the 3 services together the estimated strength of officers belonging to the three all-India services of Haryana cadre comes to 0.3%.

12. During the Public Hearing, the representatives of the community said that they are Socially Backward and their educational level is very low and that their representation in the services of the State is very poor. Those present who were from different sections of the society said that the claim of the community is justified and correct. The Chairperson and Members of the State Backward Classes Commission and the State

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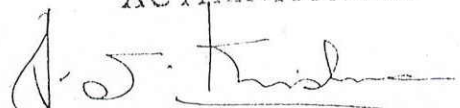

For Backward Classes

Government representatives supported their Request for inclusion in the Central List of Backward Classes for Haryana. These claims of/on behalf of the community are essentially supported by the facts and evidence discussed in the foregoing paragraphs.

IV. Findings

13. The cumulative effect of the occupational and livelihood patterns of the Gujjar and their impact on their social conditions are such that in some parts of the North-West parts of the country, viz., Jammu & Kashmir and the "old areas" of Himachal Pradesh, they were found to be categorisable as Scheduled Tribes, while in the other parts of the North-West region, their occupations and livelihood patterns modified by recent developments and trends and their impact on their social conditions are such that they were found to be categorisable as Backward Classes. Haryana alone has remained an island in the midst of States in which Gujjars had been classified mostly as Backward Classes and partly as Scheduled Tribes. The position of Gujjar in Haryana could not be better than that in Delhi and Punjab, it could be only worse. The Gujjar caste was included in the list of Backward Classes by the State Government of Punjab in 1974 and this would have covered the Gujjars of the districts now constituting Haryana if Haryana had not been separated from Punjab in 1966. The Findings of the Backward Classes Commission of Haryana, 1990, though it has got some limitations, is, so far as the Gujjar is concerned, in line with all other evidence which brings out Gujjar as a Socially and Educationally Backward community. The State Government of Haryana came in line with the surrounding States of the region by classifying Gujjars as a Backward Caste, by their Notification No. 1170-SW(I)-95 dated 7.6.1995 and on its basis sought its inclusion in the Central List of Backward Classes for Haryana.

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14. It is, therefore, the Finding of the Bench that

(1) The evidence and facts discussed above are mutually corroborative and cumulatively show that the Gujjar of Haryana is a Socially and Educationally Backward Caste.

(2) The "Gujjar" should therefore be included in the Central List of Backward Classes for Haryana at entry no. 68, as follows:-

"68. Gujjar"

R. J. Krishna

P. J. Krishna

4.6.1996

Member, Haryana Bench

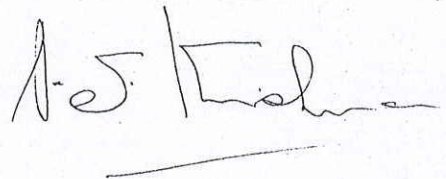
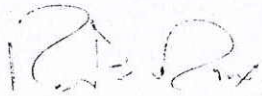
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P. J. Krishna
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V. Advice of the Commission

15. The Commission considered and agreed in full with the Findings of the Haryana Bench and decided to tender the following Advice to the Central Government in terms of Section 9(1) of the NCBC Act, 1993:-

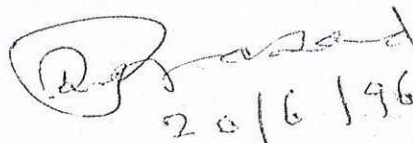
Gujjar of Haryana is a Socially and Educationally Backward Caste. The "Gujjar" should therefore be included in the Central List of Backward Classes for Haryana at entry no. 68, as follows:-

"68. Gujjar"

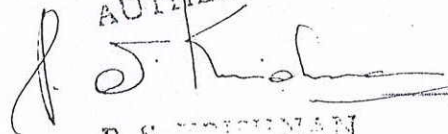


(DR. R. PRASANNAN)
20.6.96

Dr. R. Prasad
(D.L. SHETH)
20/6/96


20/6/96

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