

सदस्य-सचिव
राष्ट्रीय पिछड़ा वर्ग आयोग

भारत सरकार

त्रिकूट-१, भीकाएजी कामा प्लेस, नई दिल्ली - ११००६६

Member - Secretary

National Commission for Backward Classes

Government of India

Trikoot-1, Bhikaiji Cama Place, New Delhi - 110066

एस. कृष्णन्

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TEL. : 6183190

NCBC Advice No.26(Haryana)/12(MP)/
17(Rajasthan)/7(UP)/97

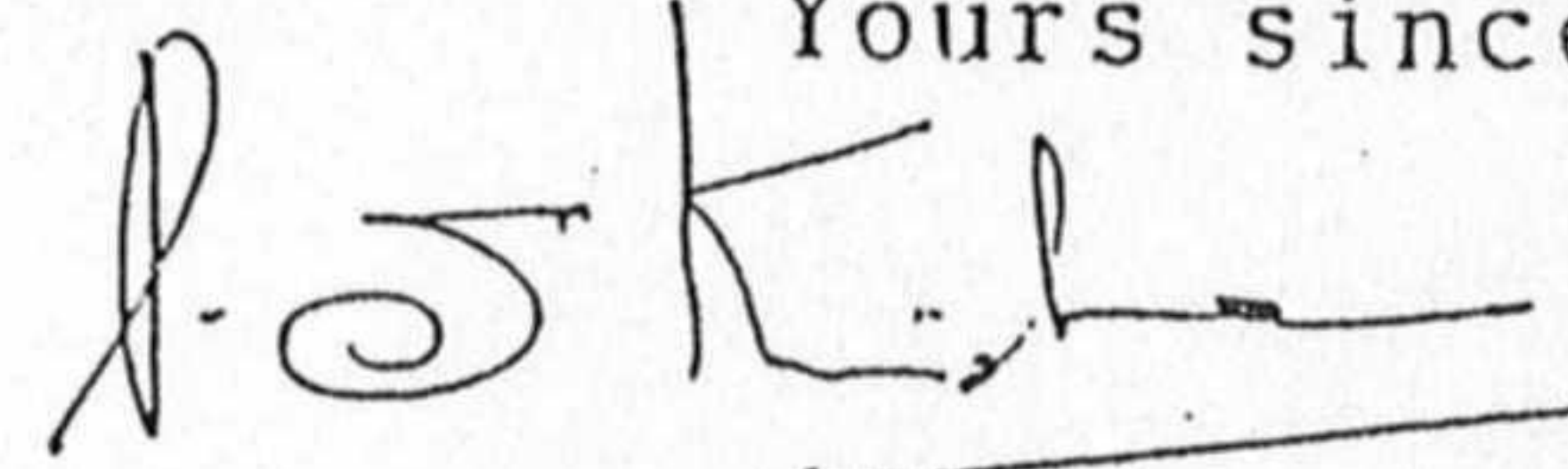
28.11.1997

Dear Shri Baksi,

I am sending herewith the Advice of the National Commission for Backward Classes under Section 9(1) of the NCBC Act, 1993 for rejection of the Requests for the inclusion of Jat caste in the Central Lists of Backward Classes for U.P., M.P. and Haryana and for inclusion of Jat in the Central List of Backward Classes for Rajasthan (except in Bharatpur and Dhaulpur districts) for necessary action under Section 9(2) of the Act by the Central Government.

With kind regards,

Yours sincerely,


(P S Krishnan)

Encl.: As stated

Shri K K Baksi
Secretary
Ministry of Welfare
Shastri Bhavan
New Delhi 110001

NATIONAL COMMISSION FOR BACKWARD CLASSES

FINDINGS

Per Shri P.S.Krishnan, Member-Secretary

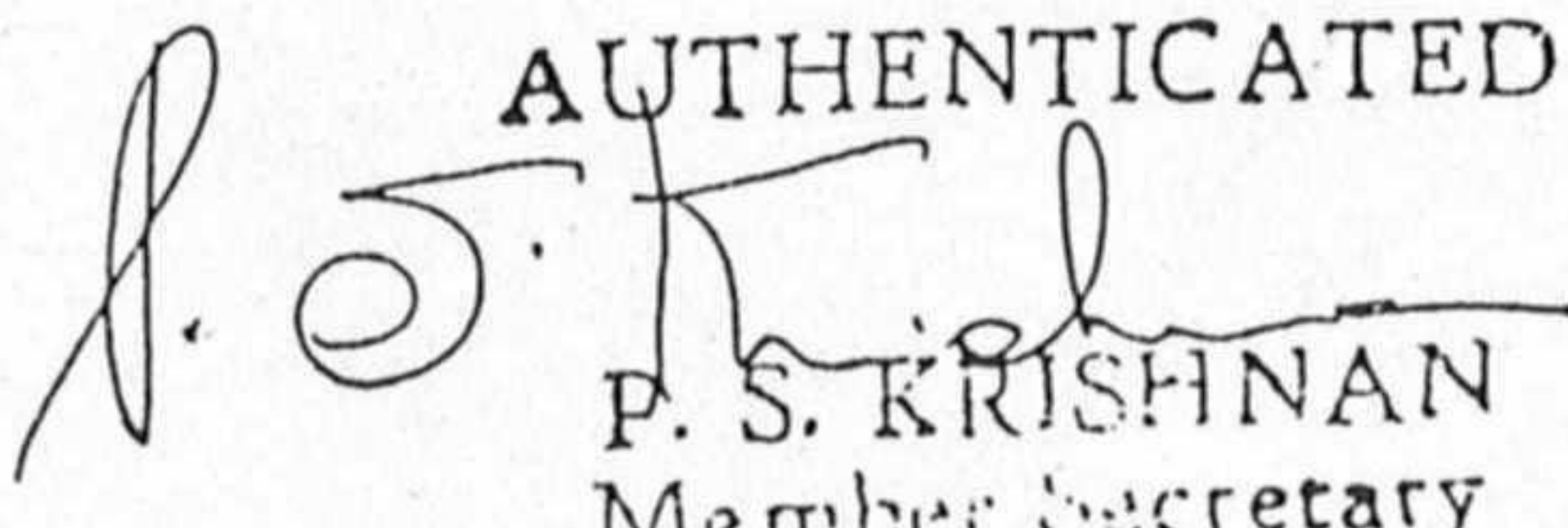
Case: REQUEST FOR INCLUSION OF "JAT" CASTE IN
THE CENTRAL LIST OF BACKWARD CLASSES FOR
HARYANA, UTTAR PRADESH, RAJASTHAN AND
MADHYA PRADESH STATES

I. REQUEST

1. These cases arise from the Requests received in this Commission from the individuals, Associations and organisations, details of which are given in the enclosed list at Appendix-I to IV for Inclusion of the "Jat" caste in the Central List of Backward Classes for the following states:-

- (i) Rajasthan
- (ii) Madhya Pradesh
- (iii) Uttar Pradesh and
- (iv) Haryana

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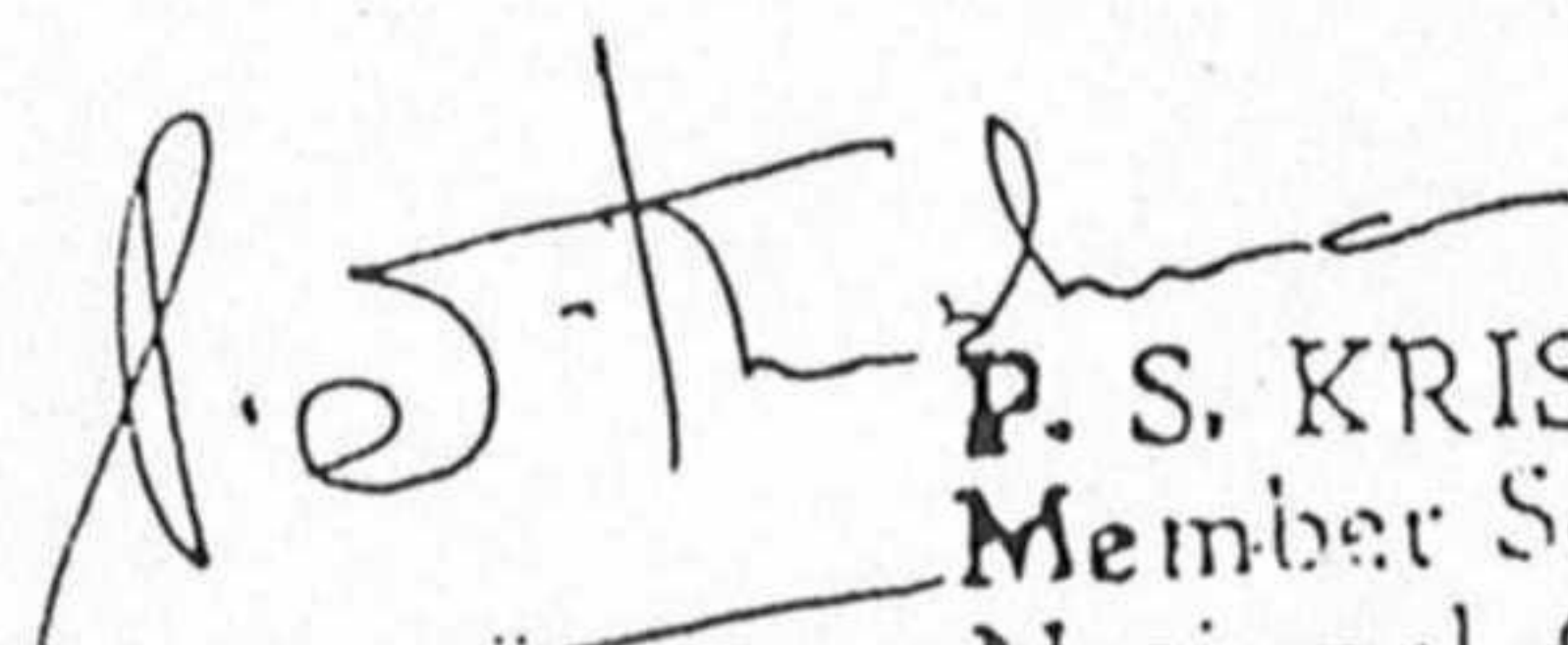
II. PUBLIC HEARINGS

2. The two-Member Bench of the Commission for each of the following States held Public Hearings for each State separately to examine the Requests in these cases as per details given below:-

<u>S.No.</u>	<u>Name of the State&Date</u>	<u>Bench Members</u>	<u>State Govt representatives who attended the Public Hearing</u>
1.	Rajasthan 30.5.1997	Sh.P.S.Krishnan Sh.Navtej Puadhi	(1) Sh.S.K.Dalel, Jt.Director (2) Sh.R.C.Sharma Dy.Director (3) Sh.G.D.Garg, Jt.Director, RSBCC
2.	Madhya Pradesh 25.6.1997	Sh.Sahu Akshaya Bhai Sh.U.P.Singh	Sh.K.K.Verma Secretary
3.	Uttar Pradesh 4.7.97	Justice P.K.Shyam Sundar Sh.Sahu Akshaya Bhai	Sh.K.P.Singh Secretary
4.	Haryana 14.7.97	Justice P.K.Shyam Sundar Sh.P.S.Krishnan Sh.Navtej Puadhi	(1) Smt.Komal Anand Secretary (2) Sh.Sushil Kumar Director (3) Sh. Mani Ram, Dy. Director.

3. At the Public Hearings for each State the community was represented by the individuals/associations and the concerned organisations. A list of those who represented the community in each of the States is attached at Appendix V to VIII.

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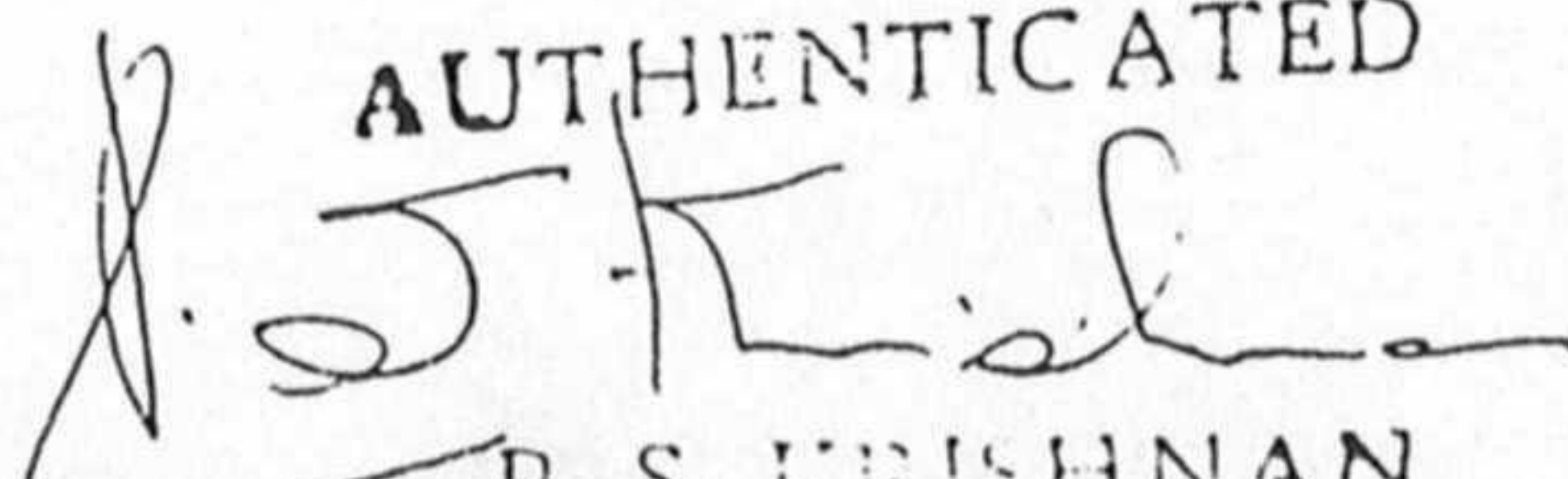
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III. Facts

A. Geographical distribution of Jats and their position in the existing Lists of Backward Classes

4. As is well-known and is also seen from the Census Report of 1931, the Jats belong to North Western India extending into the adjoining parts of the present Pakistan, namely, West Punjab, North Western Frontier Province upto Baluchistan. In post-partition India, the States to which they belong are Punjab, Haryana, Himachal Pradesh, Uttar Pradesh, Rajasthan, Jammu & Kashmir, Delhi and the U.T. of Chandigarh. In Uttar Pradesh, they are found in its Western Districts, contiguous with the Jat areas of Haryana, Delhi, Punjab and Bharatpur of Rajasthan. In Himachal Pradesh, they are concentrated in the districts of Bilaspur, Hamirpur, Mandi, Kangra and Una, adjoining the plains of Punjab from where they have migrated in the recent past. In J&K, they are concentrated in Baramula, Rajauri and Jammu districts which are mainly contiguous with the former West Punjab now in Pakistan. In Rajasthan, their concentrations are Western Rajasthan, particularly in the districts of Jodhpur, Barmer, Jaisalmer, Nagaur and Bikaner and also the Bharatpur and Dhaulpur districts of Eastern Rajasthan. They are also found in small numbers in various other districts such as Ajmer and Udaipur etc. While a small part of the Jat districts of Rajasthan like Bharatpur, Jhunjhunu and Ganganagar is contiguous to the UT of Delhi, Haryana and Punjab, the major portion of the Jat territory of Rajasthan is in the Western part of the State not contiguous with the Jat areas of Uttar Pradesh, Haryana and Punjab. In Rajasthan, in terms of the earlier units of Princely States they were largest in number in Jaipur (which included the

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Member Secretary

present Jaipur, Jhunjhunu and Sikar Districts), Jodhpur (which included the present Jodhpur, Barmer and Nagaur Districts) and Bikaner (which included the present Bikaner, Ganganagar and Churu Districts). In addition, the other erstwhile Princely States where they were found in smaller but still significant numbers are Mewar, Bharatpur, Alwar and Kishangarh. All these Princely States except three had rulers who belonged to the Rajput caste which has been traditionally dominant in the areas comprised by the present Rajasthan. The only exceptions are Bharatpur and Dhaulpur where the rulers belonged to the Jat caste and Tonk whose ruler was a Muslim (Pathan). In Madhya Pradesh, they are concentrated in a tract consisting of the districts of Hoshangabad, Narsimhapur, Sagar, Jabalpur and in addition also in Bhopal. In Haryana, they are spread over in most of the districts, except Ahirwal, forming a contiguous tract of Jat areas with the Jat areas of Western Uttar Pradesh, Delhi, Punjab and Himachal Pradesh.

5. "Jat" is not found entered in the State Lists of Backward Classes for Rajasthan, Madhya Pradesh, Uttar Pradesh and Haryana. This is also not found in the State/UT lists of Punjab, Delhi, Himachal Pradesh, Jammu & Kashmir and Chandigarh to which also the Jats belong. The position is the same in the Mandal Lists for these States with one exception. In the Mandal List for Haryana, Entry No. 40 is "Gutka Jat, Chillon Jat" and Entry No. 42 in the Mandal List for Punjab is "Jat (Gutka and Chillon)". During the Public Enquiries, no one mentioned acquaintance with either Gutka Jat or "Chillon Jat". "Chillon Jat" is listed as one of the castes which were classified as Criminal Tribes in that part of Punjab which is now in West Pakistan (Report of the Criminal Tribes Act Enquiry Ananthasayanam Ayyangar Committee, 1949-50 -- with reference to Gutkas or Dillons/Gutka Jats and Dhillon Jats -- Dillon/Dhillon being apparently same as Chillon). "Gutka Jat" has also been described by H.A. Rose (A Glossary of the Tribes and Castes of the Punjab and North-West Frontier Province", Vol.II, Asian

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Educational Services, New Delhi, Madras, 1990, first published 1919, p.321) as follows:- 'Gutka, a small Sept., some 60 souls in number, of the Bhall section of the Jats found in Hadiara, a village in Lahore. They are descendants of one Gurbakhsh Singh, a Sikh Jat, who earned the nickname of Gutka ("a collection of all that is bad") by his thieving propensities not long before the British conquest of the Punjab. He owned little land, and poverty compelled his descendants to continue his career of crime.'

6. Thus the entries in the Mandal List pertain to two communities which are in Pakistan and have no relevance to the Jats of Rajasthan, Madhya Pradesh, Uttar Pradesh and Haryana, whose Requests are now under consideration, or the other States of India to which Jats belong.

7. Since Jats belong to a number of States, which together, more or less form a territorial continuum and specific Requests have been made for their inclusion in respect of certain of these States, it was considered by the Commission to be desirable and necessary to take an integrated view of these Requests and of the case of Jats as a whole. Accordingly the formulation of the integrated Findings and Advices of the Commission covering the Jats of all the States, with inputs from all the Benches, was entrusted to Shri P.S.Krishnan, Member-Secretary.

B. Data furnished by representatives of Jats

8. The Requests made by individuals, associations and organisations for inclusion of "Jat" in the Central List of Backward Classes for each State and averments relating to them and data furnished by them are given below, State wise.

(1) Rajasthan

9. The NCBC Questionnaires filled in by the Rajasthan Jat Mahasabha and the Akhil Bhartiya Jat Mahasabha, Sikar contain

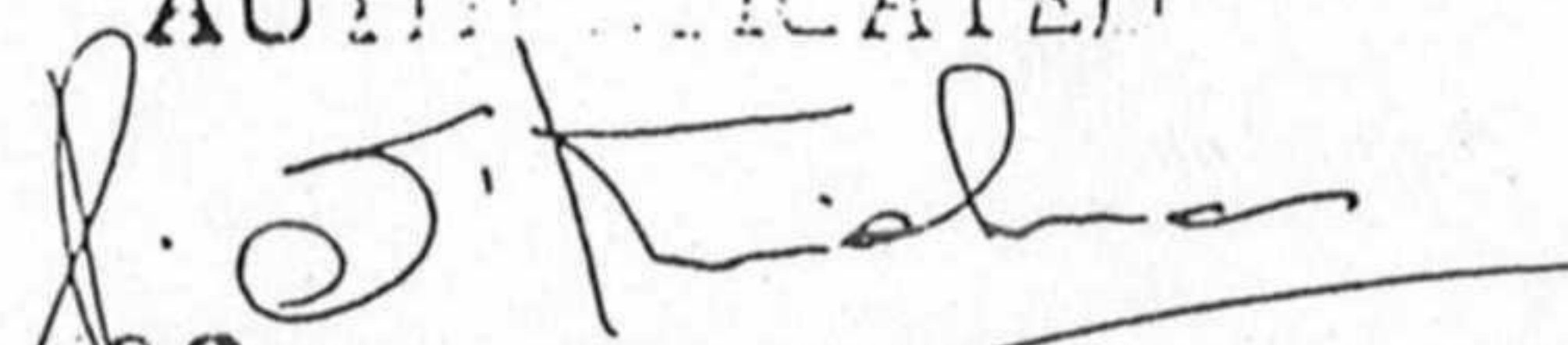
the following averments about the population of "Jat" and causes of their alleged backwardness etc.:-

- a) The Sabha stated that the population of the "Jat" caste is 55,00,000 which forms 45% (approximately) of the total OBC population in the State (apparently the denominator they have used in this calculation is the population of the castes now in the BC list plus the population of Jats) and 12.5% (approximately) of the State population, while the Akhil Bhartiya Jat Mahasabha, Sikar has put the population of their community at one crore or 20% of the State population.
- b) the "Jat" caste is spread all over the State but concentrated mainly in the districts of Ganganagar, Churu, Bikaner, Jhunjhunu, Alwar, Bharatpur, Sawai Madhopur, Jaipur, Sikar, Ajmer, Tonk, Jodhpur, Nagaur, Barmer, Bhilwara, Udaipur and Chittorgarh.
- c) the "Jat" caste is generally regarded as socially backward.
- d) With reference to the question in the Questionnaire on the main reasons on account of which the caste considers itself backward, the Rajasthan Jat Mahasabha has listed the following grounds :-

"(i) Historically Jats were serfs and tenants at will of erstwhile Jagirdars and were disabled to State services, education and civilized life;

(ii) Socially Jats were classed as sudras in varna system;

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- (iii) They suffer from the culture of backwardness and illiteracy and lack all orientation to learning and lack motivation to development;
- (iv) No participation in modern sectors;
- (v) No participation in Administrative selection Boards, State bureaucracy is hostile to Jats; and
- (vi) General poverty and high rate of illiteracy."
- (e) According to the Mahasabha the main reasons on account of which the caste is not considered backward by the State Government are "political".
- (f) The Mahasabha has denied that there has been any improvement in the conditions of the caste during the last 20 years except for liberation from feudal yoke after Jagirdari abolition and has stated that except for this there is no significant improvement as compared to the other sections of society. In addition, according to the Mahasabha, they have also got lower level jobs of teachers, police constables and drivers.
- (g) They have also said that in the last 20 years the size of landholdings is decreasing with rapid population growth, turning large number of Jat families into marginal farmers and indebted families. According to the latter Mahasabha, the members of the caste have been reduced to engage themselves in despised occupations like liquor-sale on account of decrease of land, increased cost of living and unemployment.

10. Regarding the occupations of Jats, the Rajasthan Jat Mahasabha, Jaipur has stated in the NCBC Questionnaire, as follows :-

- a) The occupations on which members of the caste mainly depend for livelihood are Agriculture, Animal husbandry and manual labour, mainly on their own land but also substantially for wage. According to the Akhil Bharatiya Jat Mahasabha, Sikar, their occupations are agriculture and agricultural labour, and agriculture is their main work. Other than their main occupation of agriculture, the latter Mahasabha has mentioned liquor-selling and driving of vehicles as other occupations on which a substantial number of members of the caste depend for livelihood.
- b) The activities of their agricultural occupation heavily involve manual labour including that of their women, who do manual labour for their own family and also for wage and they are also engaged to some extent in other manual labour for wage as agricultural workers, construction workers and domestic servants in villages. According to the latter Mahasabha of Sikar, cent per cent of Jat women and children do agricultural work, and in addition their women are also engaged in labour in homes and road construction;
- c) Their children are invariably engaged in agricultural labour and cattle herding, and to some extent in other manual, i.e. non-agricultural labour as coolies on construction works and roads, shepherds and domestic servants for well-off families in the villages for their family's livelihood or for supplementing their family's low income. According to the latter Mahasabha of Sikar, their children are engaged in

cattle-grazing, selling liquor-pouches, hotels and brick-kilns and as cleaners;

d) The percentage of the population of the caste (male, female and children taken together) who are landless manual labourers is 25% (approx.). The Sikar Mahashabha's figures work out to 30%;

e) In respect of the question as to the proportion of the caste who are land holders with holdings of more than 50% of the statutory ceiling limit for agricultural lands in the State, it has been stated that none has holdings larger than the ceiling limit but citing the preliminary report on agricultural census 1990-91 by Govt. of Rajasthan (page 4 table 2.1), it has been stated that 49,800 families were having more than 10 hectares of land, among whom 19000 families may be Jats;

f) None of the cases of surrender of agricultural land in the State under the Land Ceiling Act of the State pertains to the Jats; this is also stated by the other Mahasabha in more categorical terms that there is not even one instance of surrender of land under the Land Ceiling Act;

g) The caste was subjected to bonded labour in the following two ways:-

"(i) As bonded serf tenants known as "paltis" rendering unpaid services to erstwhile Jagirdar masters; and

(ii) Several cases of bonded labour tied to money lenders are there in villages."

The Akhila Bhartiya Jat Mahasabha, Sikar has stated that the community was not subjected to bonded labour.

h) 90% of the families of Jats live in Kuccha houses (including huts and sheds) and only 10% live in pucca houses (including chawls).

11. Against the column asking to list two designated backward communities which are more or less at the same level as the applicant community, the Jat Mahasabha, Jaipur has named (1) Ahirs (Yadav) and (2) Khatis (Jangid). It has been further elaborated that the Jats, Ahirs, Khatis and even Meenas (ST) are historically, socially, educationally and economically of the same status, and that Jats, Ahirs, Meenas and Gujars are from the same stock of agriculturists and cattle breeders. (1) Charan, and (2) Sonar/Soni have been named as two castes which are at a level immediately above themselves on the following grounds:-

- (a) "Charans were favourite servants of erstwhile Jagirdars, themselves having freehold Jagirs and enjoying aristocratic life conditions;" and
- (b) "the sonars have been mainly urban based goldsmiths and jewellers with sophisticated life styles."

However, in the assessment of All-India Jat Mahasabha, Sikar, Khatis are immediately higher to them as women and children of this community do not undertake difficult physical labour.

12. The Jat Mahasabha, Jaipur has enclosed a statement along with the Questionnaire showing the number of posts in the services of the State Govt. held by the members of their caste. The statement was prepared by the Mahasabha on the basis of the civil list of IAS & IPS (dated 12.7.93) and State services

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(1993-1994) so far as the aggregates are concerned and their own information regarding Jat representation in the various services, which gives the percentage of their representation as varying from 2.1 to 5.7 in the case of the two All-India Services and from zero to 14.47% in the case of different levels of different State services, to show inadequate representation in the State Services and All-India/Central Services in comparison to their proportion of 12.5% in the State population. Besides, their representation in the State and the All-India/Central Services, only a few persons of this community are stated to be engaged in the following other areas of employment and professions:-

State level public undertakings, autonomous/semi-autonomous establishments	Hardly 100 mainly as Roadways conductors
Teachers in colleges and universities	235
Doctors	About 100
Lawyers	About 600
Engineers & Architects	503
Defence Services (Major in the Army and above, equivalent ranks of Navy & Air-force)	20 to 25

The Mahasabha has stated that in the other professions specified in the NCBC's Questionnaire, viz., administrative personnel in colleges and universities, Chartered Accountants, Income-tax, Financial and Management Consultants; and Media Professionals, their representation is 'nil' and in their knowledge there are no other important fields or professions in which the caste is represented. The percentage of members of the caste who are income-tax assesseees on account of trade or business is stated to be negligible.

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13. Regarding literacy and education, the Jat Mahasabha, Jaipur has given the following data:-

providing

(a) The literacy rate of the caste in Rajasthan is given as about 11.7%;

Rajasthan

(b) Regarding female literacy, out of the total of approximately 7,30,400 literates of the community, the number of female literates is given as 1,58,400, according to them working out to 6%;

(c) The number of matriculates of the caste is given as 62,000, out of an approximately estimated number of 16,33,000 matriculates in the whole State working out to 1.12% for the caste as against their estimate of 3.7% matriculates of all castes in the total population of the State. These estimates of the Mahasabha are based on enrolment of students as shown in Statistical Abstract of the State. Out of these about 5000 are females. The total number of graduates in 1993-94 as estimated by Mahasabha is 5500, working out to 0.1% of the graduate population of the State. Of this about 550 are females.

14. Regarding electoral representation, the representation of Jats in the Legislative Assembly has varied between a low of 24 in 1972 to a peak now of 32 forming 16% of the strength of the Assembly. Regarding Panchayat Raj institutions, without giving figures, the Mahasabha has stated that Jats' representation has changed in the adverse direction after fixation of quota for SCs, STs, BCs and women in 1995, so that even in areas where they are concentrated and are the majority population, they have been reduced to a minority in the Panchayat Raj institutions due to reservation while there is no Jat member in these bodies in.

the non-Jat areas. It has in fact urged this as a ground for providing reservation for them also.

15. In addition to the above data in the Questionnaire, the Rajasthan Pradesh Jat Mahasabha, Jaipur has also furnished a copy of the Memorandum dated the 15th December 1982. The following additional averments are contained in this Memorandum:-

(a) the original territory of the Jats was Punjab and Uttar Pradesh. The rulers of the 21 princely States of Rajasthan then known as Rajputana, invited them to settle in those States as in large parts of those States lands were vacant and un-cultivated and as the Jats were good and hard-working cultivators and were also austere in their habits abjuring meat as well as alcohol. Under this stimulus, the Jats of Punjab and Uttar Pradesh migrated to the Princely States of Jaipur, Jodhpur and Bikaner and settled there. As the population in Jaipur increased, some of them migrated to the States of Tonk, Kishangarh, Alwar and Bharatpur. Some of them also migrated for safety from Jodhpur to Ajmer and Kishangarh following the invasion of Jodhpur by Aurangzeb. The Maharajas of Mewar got some Jats to settle in Mewar also by writing to the Maharaja of Jodhpur and thereafter they were also invited to Shahapura, Jhalawar, Kota and Bundi by the respective rulers.

There were two types of land tenurial systems in these Princely States of Rajputana/Rajasthan, viz., (i) Khalsa, and (ii) Jagir. The Khalsa lands were directly under the Maharajas. The Jagirs were granted to relatives and others who had assisted the Maharajas/Ranas in establishing their rule. The grantees of jagirs namely Jagirdars had to maintain soldiers at their own cost for participation in battles and wars at the call of the Maharajas. This system was prevalent in all the States. During

those days rents and cesses (Batai/Latai) were charged on the production, at the will of the jagirdars. While in the beginning, as the waste lands were being brought under cultivation by Jat cultivators who were brought by invitation from Panjab and Uttar Pradesh, they were given incentives in the shape of large extent of lands, later, as the lands became settled and developed, the Rajas and jagirdars began to increase the rent. In addition to rents, there were numerous (पचासों) types of taxes and imposts.

16. During the times of the Muslim Rulers of North India, they imposed maximum taxes on Hindu cultivators so that they could always be kept poor and they could never have the capacity to resist or oppose the State. These Muslim Rulers also gave jagirs to their begums, sons and generals for their maintenance, status and honour. These jagirdars also imposed maximum rents on the Hindu cultivating people who were treated like cattle without any consideration or respect. Their financial requirements were high on account of factious strifes, mutual wars and foreign invasions apart from costly and wasteful consumption. For all these, the only source of income available was land revenue and rent. Therefore, both these were continuously on the rise and in addition, new imposts began to be imposed. Their example was followed by the Rajas and Maharajas of the Princely States of Rajputana. They too needed high and ever-growing income to meet the cost of their factious strifes and external wars and they also bestowed jagir on their numerous progeny and all these resulted in heavy land revenue and rents and other imposts on cultivators, who were treated softly during the first few years of settlement, and after the lands were developed by the cultivators' labour over a few years, were subjected to severe and cruel treatment.

17. The crop-share taken from cultivators were not uniform.

The Jats who were the best cultivators were subjected to the highest demand. Accordingly, Jat, Bishnoi, Patel, Sirvi, Kunbi, Kalvi and Dhakar peasants had to give away half the crop to the Maharajas or Jagirdars. In addition they had also to pay many other imposts. The crop-share was 1/3rd in the case of peasants of Mali and Ahir castes, 1/4th in the case of Rajputs, 1/5th in the case of Kumhar and Daroga and 1/6th for Brahmins, Bhat and Chamar etc. Of all, the Jats had to pay the most as they were the best cultivators.

18. After the British entered the scene and began to interfere in the internal affairs of the Princely States, consequent upon enquiries instituted by them, after hearing the versions of cultivators, jagirdars and the Maharaja of Marwar, it was decided that additional cesses, which were being exacted from the cultivators during the intervening 30 years when Aurangzeb had taken over Marwar and converted it into his own Khalsa, and which were being continued even after the interregnum, should no more be collected and any such collection would be punishable by the Maharaja. But the jagirdars did not desist from such collection. As a result, the Jats of Marwar formed the 'Kisan Sabha' to struggle against these illegal collections and established that from 1672 to 1942 these illegal cesses and the heavy rent collected from the Jats amounted to more than 70% of the total produce.

19. Another illustrative example has been given of the Barmer (Malani) district of Marwar. Following the devastation of this district by the continuous attacks of the Muslims of Sindh, the Maharaja handed over the Revenue Administration of the district to the British. They restored peace and settled the district with Jats from another district and reduced the land revenue to a mere 1/14th of the produce of Bajri and exempted all other crops like green gram, jowar, gingelly etc. in all the 503 jagir

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villages of Barmer, but after the restoration of Malani by/ the British, gradually the jagirdars increased the rent on Bajri and imposed rent on other crops and began to collect scores of other cesses. Subsequently, the Jodhpur Government appointed a Commission under the Chairmanship of Justice Sukhdev Narayan which found these acts of injustice to be true. Thereupon, many of these additional cesses were prohibited, a ceiling of 1/3rd of the produce was fixed as the share of jagirdars and it was ordered that rent should be collected in future in cash after completing revenue settlement.

20. According to the Memorandum, the situation in Jaipur, Udaipur and Bikaner was the same as in Jodhpur and everywhere the Jats were the most oppressed cultivators and a large share of half of the produce was being exacted from them in addition to many cesses and taxes, whereas the crop share from cultivators of other castes ranged from 1/3rd to 1/6th.

21. The Jats undertook struggles against these oppressive measures in Udaipur under the leadership of Tejawat and Pathikji. In Jaipur and Bikaner, the Congress took part in these struggles of Kisans. The jagirdars and their princely rulers killed many Jat activists through their henchmen and through dacoits. This continued even after the present State of Rajasthan was formed till 1951. It was after the Congress Government was formed that these oppressions were stopped, jagirs terminated, the judicial powers of jagirdars withdrawn, dacoits put down, the collection of revenue in cash, based on the revenue settlement, introduced the Protection of Rajasthan Produce/Tenants Ordinance 1949, Rents Regulating Act 1951, Rajasthan Agricultural Rent Control Act 1952, Rajasthan Land Summary Settlement Act 1953 etc. etc. were enacted for the protection of cultivators.

cadre officers, there are only 2 direct recruits and 1 promotee from the R.P.S. belonging to this community. Similar is the position in other categories of Government employment like R.J.S., R.A.S., and R.P.S. etc.

26. On account of the severe exploitation and oppression undergone by them in the various Princely States till 1950s and the deprivation of education and Government employment, the Jats have become an economically and socially backward community. Therefore, the members seek their inclusion in the list of Backward Classes in Rajasthan. It is pointed out that the Jats have been recognised as a Backward Class in the past in Ajmer, Bhopal, Bombay, Kacch and Madhya Pradesh and therefore they should be included in the list of Backward Classes in the Rajasthan State.

27. Dr. Hari Singh, Member of Parliament, Sikar, submitted his personal Memorandum on 30.5.1997. This is more or less on the same lines as the Memorandum of 1982. It explains that except for the Ajmer-Merwar regions, the rest of Rajasthan was a feudal territory in which the agricultural communities were highly oppressed. The land was owned by the jagirdars and King. The Jats and other farmer castes were only tenants-at-will. There was no law regarding rent which was heavier for lower castes compared to the upper castes. The Jats and Gujjars were charged 1/2 of the produce as rent while it was only 1/5th for the Rajputs and Brahmins.

28. This Memorandum also lists a number of caste-based discriminations against Jats:-

(a) Since Jats were the majority of the farmers and as they were generally more hard working than other farmers, they were more harassed than other communities. As an example, as

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recorded in the Jodhpur administration record File No. C-76 V 1941 A.D RSAB, in March-April, 1940, a farmer of Gajju village in Nagaur district was forced to pay 52 maunds out of 100 maunds as rent and 46 maunds as cash cesses or "lag-bag". In the same way, Bansi Jagirdar of Didwana charged from Ladu, S/o Kalu Bugalia Rs. 227/- as rent and other cesses out of an income of Rs. 230/-. Whenever there were functions like marriage, mundan, etc. in the Jagirdar's family, Jats were forced to pay cess. The Jat was also forced to plough the Jagirdar's field without wage and was forced to perform other agricultural activities without being paid by the Jagirdar.

(b) Jats were not recruited in State services. In Jodhpur State, a whole Jat regiment was disbanded.

(c) Jats were not allowed to avail of the facility of education. As an example, the famous Jat Saint Keshvanand of Gangluni village in Sikar was forced to complete his education outside Rajasthan.

(d) Jats were debarred from riding horses and elephants. IN village Khudi in Sikar in 1935 when Jats tried to take a Jat bridegroom on horseback, Jagirdars attacked them and Ratna Jat was killed. This case is reported to have appeared in the Sunday Statesman of 31st March, 1935, and the Hindustan Times of 3rd March, 1935. It is also recorded in the Bikaner State Confidential record File No. 29-C 1935 RSAB.

(e) Jats were not allowed to construct pucca houses.

(f) Jats were not allowed to sit on Charpai in the presence of jagirdars.

(g) Like other farming communities, newly married Jat brides

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were supposed to pay respect to the Jagirdar before entering their houses.

(h) Jats were not allowed to use the suffix "Singh" after their name. The example of Rajnit Singh is given who wanted his name to be written as Ranjit Singh instead of Ranjit Ram and was beaten for this reason.

(i) Jats were not allowed to perform Yagna. As an example, when Jats performed a Yagna in 1934, the Rao Raja did not allow them to ride an elephant. The Bikaner Confidential record file No. 39-C, 1934 RSAB is cited.

29. Regarding the Social Backwardness of the Jat community, the Memorandum points out that the Jats were classified as "Shudras" in Puranic times mainly due to a custom prevalent amongst them of marrying the widow of one's elder brother. It also cites Justice Mullah as classifying Jat as a "Shudra" in his book "Principles of Hindu Law".

30. The Memorandum also points out that in the Census Report of 1901 pertaining to Ajmer-Merwara, Jats along with Gujjars and Malis were classified as Shudras. Likewise, in the Census Report of 1931 pertaining to Jaipur State, Jats and certain other communities have been dealt with under the heading "Other Lower Castes" wherein it is stated that "There are no strict restrictions about marriage among certain low castes such as Jats, Gujjars, Ahirs, Malis, Sunars, Dhobis, Balais, Nais, Bhangis and other similar castes. Polygamy and divorce are permissible among them. Widow marriage and marriage during the life time of one's husband on certain conditions are prevalent among them." The Memorandum bemoans that Jats have been kept out while all the others so listed as low castes along with Jats have been included in the list of SCs or STs or BCs. The

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Memorandum also underlines the fact that the Jats have, for centuries, been inhabiting the most inhospitable tracts of the Thar desert where even basic facilities like sweet drinking water were lacking. All these factors continue to make them a Socially Backward caste.

31. The Memorandum also cites Table XIV of the Census of India, Rajputana according to which the Jat men had a lower percentage of literacy than Khati, Ahir and Kumhar. It also cites the Census Report of 1891 for Ajmer-Merwara according to which the male literacy rate for Jats was very much lower than for certain castes now included in the list of Backward Classes such as Ahir, Chipa, Darji, Sunar, Charan etc. The Charan female literacy was double that of Jat male literacy.

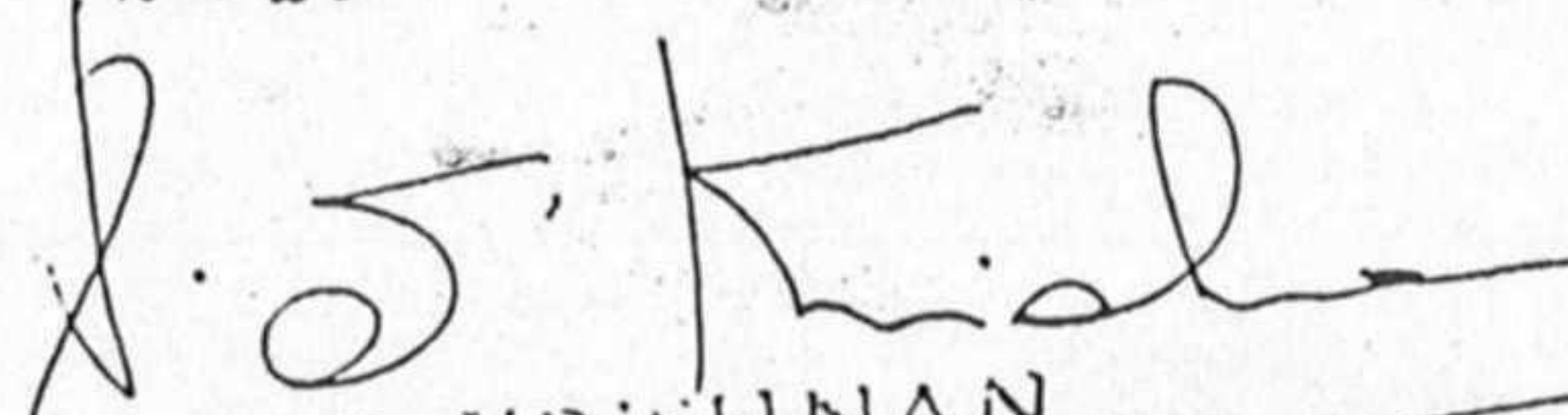
32. It is urged that the status of Jats is the same as that of the other rural-based classes like Ahirs, Gujars, Malis, Kumhars, Rawats and Dhakars. The castes like Khatis, Sunars and Nais have progressively shifted their base to urban centres and have progressed at a much faster pace than Jats. It is also claimed that the proportion of Jats in general education, middle education, and university education are significantly less than the State average, the deficit ranging from 20 to 35 percent, while in the Engineering and Medical colleges the representation of Jats is only 3 to 4 percent of the total enrolment.

33. The following figures are given in respect of the representation of Jats in the higher levels of Government employment and Professional services:-

Jats out of total number of members of higher services:-

- | | | |
|----|--------|-------|
| 1. | I.A.S. | 5/231 |
| 2. | I.P.S. | 7/122 |

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3. R.A.S. 46/650
4. R.P.S. 45/383
5. R.A.C.S. 14/360
6. R.T.S. 1/25
7. University Professors -- There is not a single professor in all Rajasthan Universities.

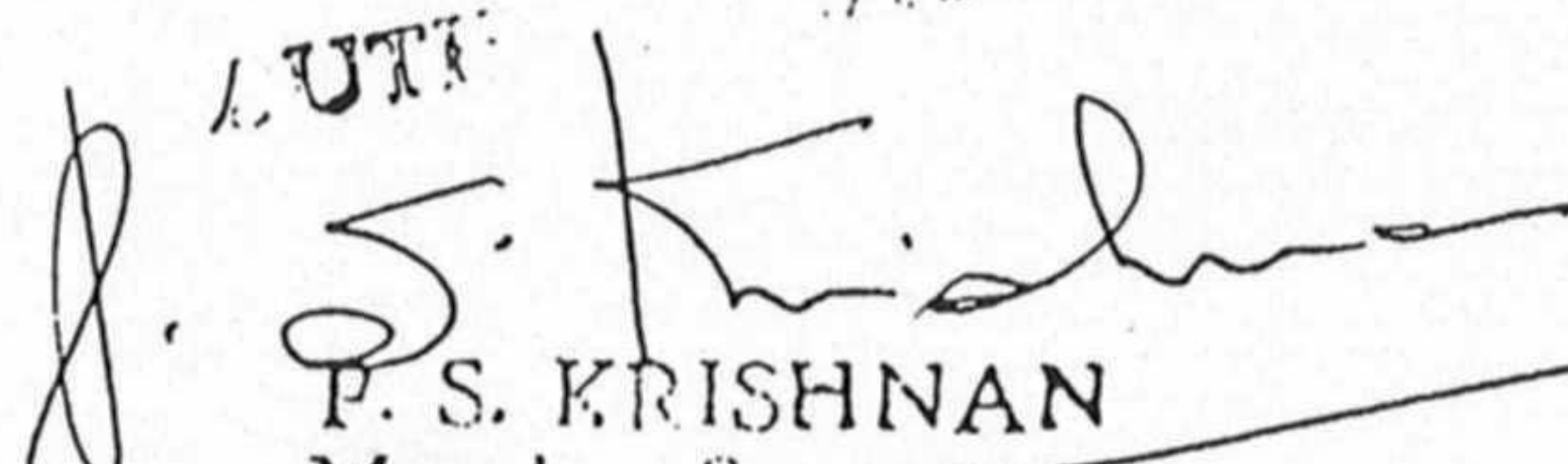
Though they constitute about 14% of the total population of the State, their representation in I.A.S. & I.P.S. is only 2.1 and 5.7 respectively. Representation in various State services like R.A.S., R.A.C.S. is also low varying between 3 to 6 percent. There is not a single Jat Professor in any of Universities of Rajasthan.

34. Another note furnished by Shri Dharamvir IAS (Rtd.), dated 18.6.97, while giving similar data and arguments, makes the following additional averments:-

(a) Since Ajmer was directly governed by the British, the Jats there could get a fair deal which was denied to them in other parts of Rajputana. Consequently, in Ajmer, Jats were included in the List of Backward Classes. Jats of Barmer, Bhilwara, Udaipur, Tonk, Bikaner and many other areas are more backward than the Jats of Ajmer. This disparity should be removed by declaring the Jats as Backward in the whole of Rajasthan.

(b) Concentration of Jats is in the desert tracts of Rajasthan where productivity of soils is extremely low and hence Jats are generally poor in comparison to other farming communities like Ahir, Meena (S.T.), Gujar, Dhakar and Mali etc. who inhabit more fertile tracts.

(c) Delaying tactics is being adopted by the State Backward Classes Commission in taking decision about Jats, which is exemplified by the survey conducted only in respect of Jats without including in the survey other agricultural castes like Ahirs, Gujars, Kumhars, Dhakars, Rawats who the Jats claim are less backward than themselves. The absence of a composite survey, including all these agricultural castes, it is apprehended in this note, may result in a political decision, rather than a decision based purely on merits. This note is accompanied by a statistical statement showing the poor representation of Jats in different services and another one showing that Jats fulfil the criteria laid down by the NCBC in some respects better than certain castes already included in the List of Backward Classes and in one case included in the ST List.

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2. Madhya Pradesh

35. The Madhya Pradesh Samajwadi Party, Bhopal and other individuals in their Requests have made the following averments:-

i) The "Jat" caste is socially, educationally and economically backward;

ii) In 1990, the Govt. of Haryana constituted a Backward Classes Commission which examined and included the "Jat" among the Backward Classes:

iii) The then Chief Minister of Uttar Pradesh, Shri. Mulayam Singh Yadav announced the inclusion of the "Jat" caste in the list of Backward Classes:

iv) The literacy rate of the "Jat" community is less than 0.1%:

v) The main occupation of the community is "agriculture." The Jats are mainly an agricultural community and the majority of them are marginal farmers and agricultural labourers:

vi) In the four-fold Varna system, the "Jat" community come under the "Sudra" Varna. Justice Sir Shadi Lal of Lahore High Court said in this Judgement that Hindu Law is not applicable to this community;

vii) Alberuni has written that Vasudev who was father of Shri Krishna, belonged to the Jat caste which is a tribe and an inferior caste;

viii) The "Jat" community has almost negligible representation in the State services as well as in the Central Services.

36. Certain objections which, according to the Request-makers, are raised against inclusion of Jats in the list of backward classes have been mentioned and refuted in the letters of Requests as follows:-

- i) The fact that a regiment is named after the name of a caste or, the fact that the people of the caste join the army has no effect on the social and educational status of that caste and its backwardness is not removed thereby. For example, there is a Mahar regiment but the Mahars are still Scheduled Castes. The reason why Jats joined the army was that the majority of them were landless labourers and they had no other means of livelihood and; therefore, out of helplessness they used to join the army:
- ii) The treatment accorded to the Jats socially in Rajasthan, Western UP and Haryana is the same as the treatment meted out to Shudras. Till sometime back, the Jat bride-grooms in Rajasthan were prohibited to ride on horseback and the admission of Jat children into Rajput hostels was prohibited;
- iii) The fact that there was a Raja of the Jat also does not disqualify them because during the medieval age, many small rulers emerged from among backward class like Rani Avantika Bai of Ramgarh from the backward class of Lodhi caste; Raja Vasudev, father of Shri Krishna of the backward class of Yadav caste; the Kalchuri State of Rattanpur and the many Kalchuri rulers of the backward class of Kalar caste and the Jaipur State of the Meena caste in Rajasthan which is a Scheduled Tribe in Rajasthan and backward class in Madhya Pradesh, and the Dangi Raja of the Sagar State whose descendants are called Dangi and included in the list of backward classes.

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37. Those who made the Request were addressed to furnish the requisite data in the NCBC's Questionnaire. Copies of the NCBC's Questionnaire proforma and the NCBC's Guidelines for Consideration of Requests for Inclusion and Complaints of under-inclusion in the Central List of Other Backward Classes were sent to them for this purpose on the 21.1.1994. But to date, they have not returned the Questionnaire filled up. None of the Request-makers or the representatives of the community appeared on behalf of the Jat caste at the Public Hearing held by the Madhya Pradesh Bench on the 25th June 1997 in spite of letters sent to them and Public Notice published in the local media.

3. Uttar Pradesh

38. Though addressed to furnish data in the proforma Questionnaire of the NCBC, for which they were given a copy of the NCBC's Questionnaire as well as the NCBC's Guidelines for Consideration of Requests for Inclusion in the Central List of Backward Classes on the 13th July 1995 and 22/27 January 1997, neither of the two parties who made the Request has returned the Questionnaire filled up. However, the Jat Samaj, Lucknow has furnished along with its letter of Request a copy of the Questionnaire of the State B.C. Commission, filled up by the General Secretary of the Akhil Bhartiya Jat Mahasabha, Lucknow. Major Rishi Pal Singh has made certain averments in his letter of Request to the NCBC. The following are the points made out in the above:-

i) 90-95% of the population of the community lives in villages since ages:

ii) The Jat community is an agricultural community. They are mainly dependant on the occupations of agriculture, cattle keeping and soldiering. Further, 20% of the population of the "Jat" community are landless.

iii) Land-holdings are not available for cattle keeping and even if anyone keeps a buffalo or a cow yielding one or two litres of milk, he has to sell it for cash requirements of the family and cannot retain the milk for his children. Referring to this, Major Rishi Pal has made a mention of State of poverty and mal-nutrition in the Jat Villages.

v) Civil employment is already restricted due to reservation. Jats further feel discriminated against, while their brethren Ahirs and Gujars have been given reservation in services as well as in technical education;

vii) Their economic conditions have worsened and they are living under conditions of poverty and mal-nutrition;

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the population is mainly Jat except for a small number of SC. This, according to him, has brought out the following salient findings:-

- a) Land-holdings of Jats are inadequate. In Bhatona, 20% of the Jat population is landless and 75% possess only 1-5 Bighas, which is inadequate even to feed their families;
- b) There is severe mal-nutrition and unemployment in the villages;
- c) A number of small businesses are owned by Jat youths, but the income from these small shops is too small;
- d) Food is inadequate and they can hardly afford two meals a day and usually their meal consists of roti with Achar or onion. Mal-nutrition is wide-spread.
- e) They cannot afford proper medical aid. Their standard of living and hygienic conditions are very poor;
- f) Some of the children are not even provided clothes on account of severe poverty;
- g) 20% of the children cannot afford to go even to the primary schools. 60% of the children drop out at the 8th class/stage, 15% drop out at the stage of matriculation and intermediate. Hardly 5% of the Jat children go for higher education and join services or have to face unemployment because of discriminatory reservation policy of the government, after the Mandal Commission;
- h) Representation in civil services is very poor and

there is no IAS or PCS officer among the Jats;

i) Child labour is prevalent.

40. While the above data are based on the Bhatona village, the conditions in other villages are worse. There is no school in village Bhava.

41. The volunteers have also surveyed three Ahir and three Gujar villages of Bulandshahar District in order to get a comparative picture of the Jats, Ahirs and Gujars and their findings are as follows:-

i) In these villages, Ahirs/Yadavs and Gujars have adequate land-holdings and they are economically far better off than the Jats of the area;

b) The Ahirs and Yadavs are also better than the Jats in education and their villages have also got better facilities. In the Ahir village of Mohana, there is an Intermediate college;

c) There are IAS, IPS and PCS officers, doctors and Engineers in Ahir villages. Both Ahirs and Gujars have good representation in the govt. services in comparison to Jats;

d) Ahirs, Gujars and Jats share brotherly social relations of "Hooka-Pani". It is discriminatory that, of the three, Jats alone have been left out of the list of Backward Classes.

42. The Questionnaire furnished by the Akhil Bhartiya Jat Mahasabha, Lucknow to the State Backward Classes Commission contains the following averments:

i) Yadav, Kurmi and Gujar included in the list of Backward Classes are equal to Jat and all the four have "Hooka-Pani" relations.

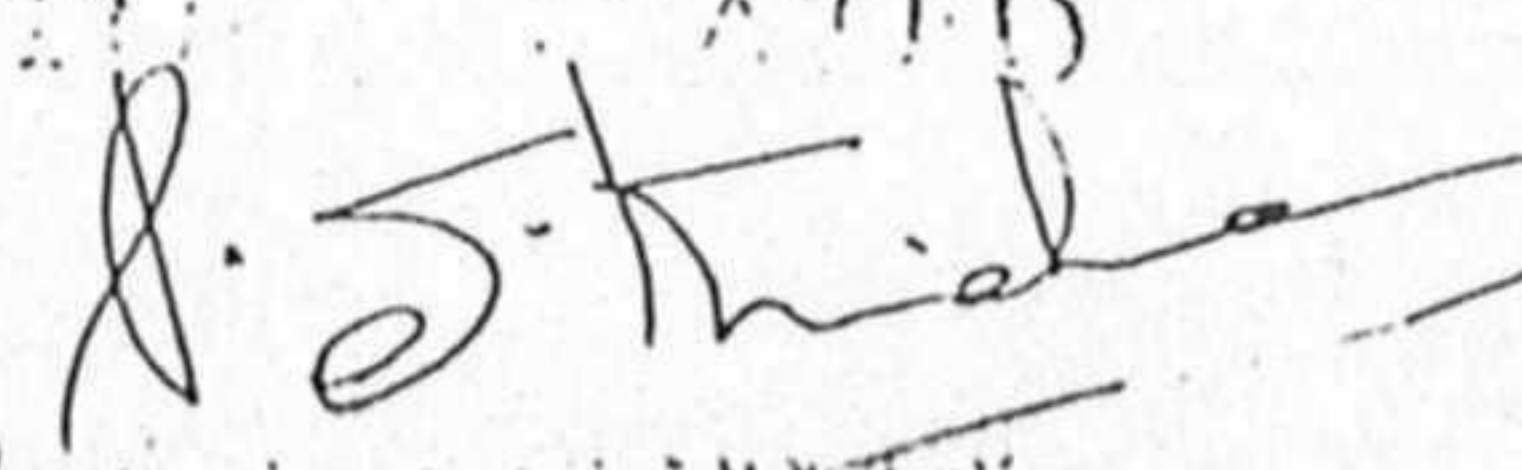
ii) The Jat literacy is 35.6%, male 46.29% and female 21.10%. These are also the percentages of those educated upto primary level. Less than $\frac{1}{2}$ of this percentage of males and less than $\frac{1}{5}$ th of this percentage of females have studied upto the secondary level. $\frac{1}{10}$ th those at the secondary level have gone upto degree level; none of the girls have gone to the post-graduate level and a nominal 1.06% of the males have gone upto the post-graduate level. Those who have got professional degrees are negligible in the case of women and range from negligible to 1% in the case of males. Similar is the position regarding professional diplomas and certificate courses. 80% of the boys and 30% of the girls go to school. 47% drop out at the primary level and 90% at the secondary level. The low level of education is attributed to the absence of educational institutions in rural areas and to economic conditions;

iii) The main occupation of the community is agriculture and other occupations are animal husbandry and poultry. 95% of the community are engaged in their traditional occupation, in which the income ranges from Rs. 1000-1200 per annum. 45% do not have land. The average land-holding is about 0.8 hectare;

iv) There is negligible or nil diversification of occupations;

v) There are three MPs, 22 M.L.As, two Chairmen/Members of the Zila Parishads, 1.5% Block Presidents, less than 1%

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Panchayat Presidents and less than 1% Sarpanchs:

vi) 90% of the population lives in villages and 2% in the towns;

vii) 97% are engaged in agriculture, 1% in industry, 1% in service and 1% are self-employed. Only 3% have left their kparental locus and gone to other places for employment;

viii) Only 1% have got residential houses in towns in addition to their houses in villages. Only 1% maintain their children in the towns for education. Their representation among teachers is 1% at each level.

43. They have given the following additional reasons to justify their inclusion in the list of backward classes:

i) The judgement of the Lahore High Court in Joginder Singh Vs. Kartara and others, AIR 1936, Lahore, page 551, in which it has been held that Jats are a class of Sudras and for the purpose of marriage, they are governed by the restrictions laid down in Hindu law only to such extent as they may have adopted them by usage:

ii) Among Hinus, Jats were considered to be socially inferior;

iii) Historically, they were considered to be Yadavas and in support of this they have cited History of the Jats by Kalika-Ranjan Qanungo.

iv) Economic backwardness on account of dependence on agriculture;

v) Educational backwardness;

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- vi) Backwardness from all points of view;
- vii) Inclusion of Jats among backward classes by Justice Gurnam Singh Commission of Haryana.

44. During the Public Hearing on the 4th July 1997, Major Rishi Pal Singh was not present inspite of letters sent to him and Public Notice through public media. Shri Jaipal Singh, General Secretary, Jat Samaj, Lucknow was present and along with him three others and undertook to conduct a survey and furnish the data in three months, but this has not been done to this date. During the Public Hearing by a single-Member Bench consisting of Shri Akshay Bhai Sahu held at Lucknow on the 6th and 7th October, 1997, they appeared before the single-Member Bench but were not able to furnish the promised survey data.

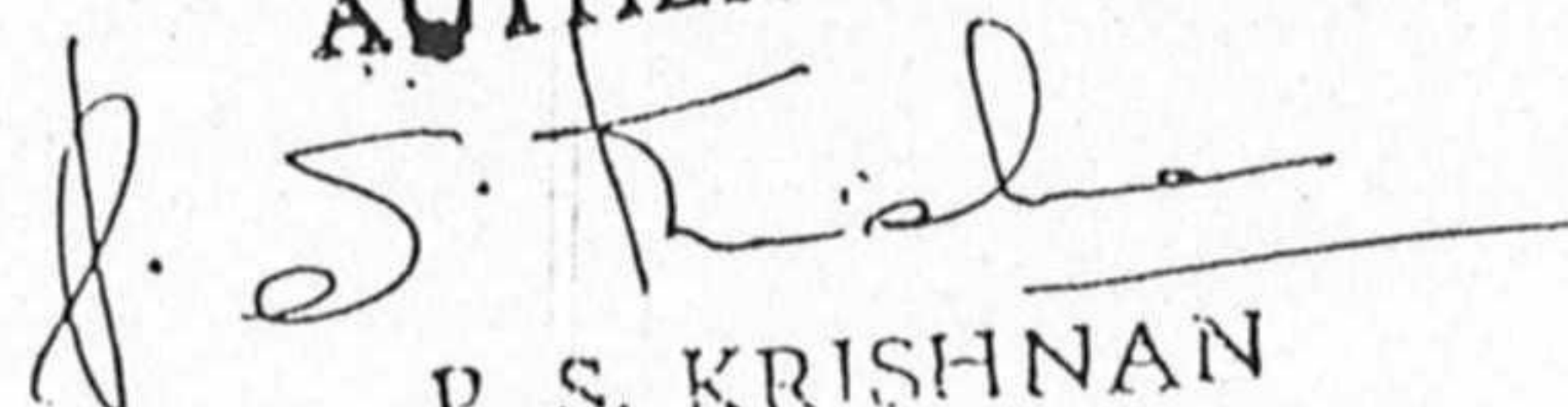
4. Haryana

45. The Haryana Jat Sabha, Hissar which had made the Request for inclusion of Jats in the list of Backward Classes for Haryana has not returned the NCBC's Questionnaire duly filled up even though they were addressed to do so on the 2nd April 1997.

46. The Sabha in its letter of Requests has made the following averments:-

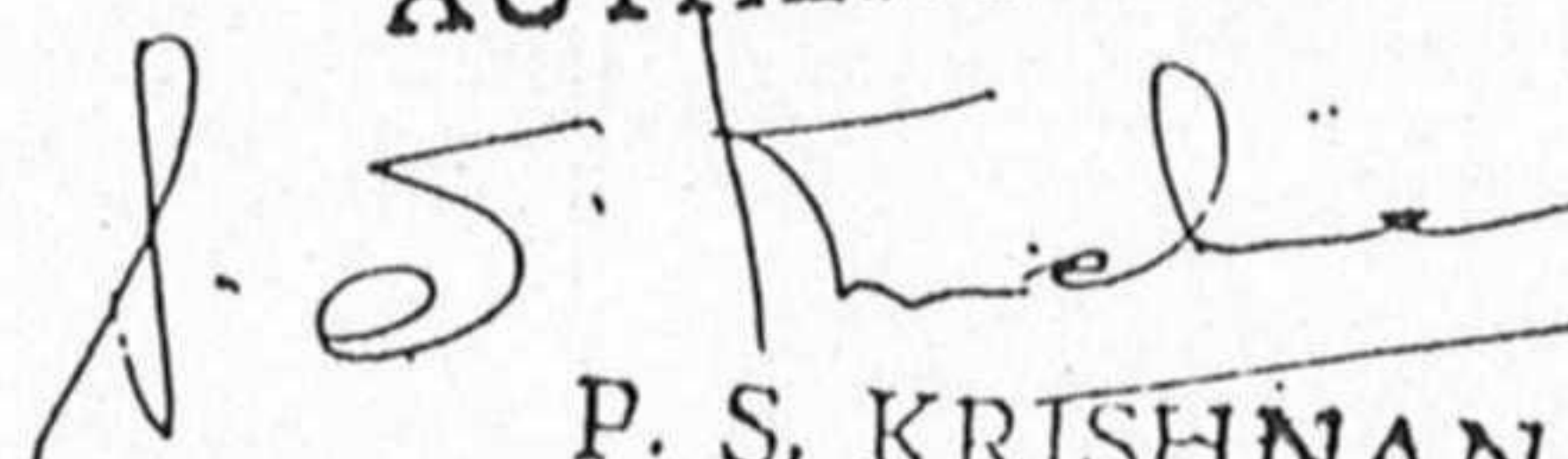
- i) The economic condition of the Jat community has become pitiable in the last fifty years;
- ii) Since the dawn of civilisation, the Jat community adopted "agriculture" as its main occupation;
- iii) History bears evidence to the fact that the ruling class has always exploited peasants;

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- iv) Before Independence, money-lenders exploited the peasant class, most of whom were Jats in the North-Western part of the country;
- v) Their economic condition is pitiable like that of OBCs;
- vi) Since Jats are illiterate, therefore, their economic conditions also got seriously affected;
- vii) Their backwardness is limited not only to poverty and lack of education, but their social status also fell. They were socially oppressed by the upper-class;
- viii) The conditions of Jats in Rajasthan and Uttar Pradesh are not different;
- ix) The Jats have been reduced to a very low level by poverty and lack of education and if they continue to be exploited by the upper-class, these conditions will become worse than those of Sudras and other backward classes;
- x) Justice Shadi Lal of Lahore High Court termed "Jats" as Shudras;
- xi) Tod and other historians have also described the social life and pitiable conditions of Jats, which are well-known;
- xii) After Independence, Jats could not take advantage of developmental plans due to their poverty and pitiable conditions. Industrialisation, urbanisation and subdivision of lands have converted Jats into landless

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