

अशोक मंगोत्रा
सदस्य सचिव

A. K. Mangotra
Member - Secretary



HAND DELIVERY BY SPL. MESSENGER

राष्ट्रीय पिछड़ा वर्ग आयोग

सामाजिक न्याय एवं अधिकारिता मंत्रालय
भारत सरकार

त्रिकूट-1, भीकाजी कामा प्लेस, नई दिल्ली-110 066
NATIONAL COMMISSION FOR BACKWARD CLASSES
MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT
GOVERNMENT OF INDIA
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NCBC Advice No. 38 (Har)/ 46 (Guj)/ 37 (Delhi)/
7 (Uttarakhand) / 146 (U.P) / 19 (H. P) / 69 (Rajasthan) /
61 (M. P.) / 41(Bihar)/2014

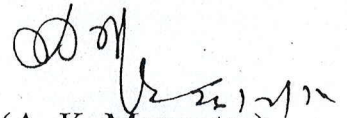
26.02.14

Dear Shri Bhargava.

I am attaching a duly authenticated Advice of the National Commission for Backward Classes (NCBC), under Section 9 (1) of NCBC Act, 1993, regarding rejection of the request for inclusion of "JAT" caste / community in the Central List of OBCs for the States of (1) Haryana, (2) Gujarat, (3) NCT of Delhi, (4) Uttarakhand, (5) Uttar Pradesh, (6) Himachal Pradesh, (7) Rajasthan (Bharatpur & Dhaulpur Districts), (8) Madhya Pradesh and (9) Bihar, as they are not socially and educationally backward community for necessary action by the Central Government under Section 9 (2) of NCBC Act.

With Regards.

Yours sincerely,


(A. K. Mangotra)

Encl: Advice.

Shri S. Bhargava
Secretary,
Ministry of Social Justice & Empowerment,
Shastri Bhawan,
New Delhi - 110001.

NCBC Advice No. 38 (Haryana) / 46 (Gujarat)/ 37(Delhi)/ 7 (Uttarakhand) / 146 (U.P) /19 (H. P) / 69 (Rajasthan) / 61 (M. P.) / 41(Bihar) /2014

NATIONAL COMMISSION FOR BACKWARD CLASSES

Hon'ble Shri Justice V. Eswaraiah, Chairperson

Hon'ble Shri S. K. Kharventhan, Member

Hon'ble Shri A. K. Saini, Member

Hon'ble Shri A. K. Mangotra, Member Secretary

Case: Request for Inclusion of "JAT" caste / community in the Central List of Other Backward Classes for the States of Haryana, Gujarat, NCT of Delhi, Uttarakhand, Uttar Pradesh, Himachal Pradesh, Rajasthan, Madhya Pradesh & Bihar.


I. Request:

1. The case for inclusion of 'Jats' in the Central List of OBCs for different States has been coming up before the National Commission for Backward Classes at different times and in different forms. The present case is for inclusion of 'Jats' in the Central List of OBCs for the nine States of (1) Haryana, (2) Gujarat, (3) NCT of Delhi, (4) Uttarakhand, (5) Uttar Pradesh, (6) Himachal Pradesh, (7) Rajasthan, (8) Madhya Pradesh and (9) Bihar.

II. Background:

2. In the year 1997, the case for inclusion of 'Jats' in the Central List of OBCs for the States of Uttar Pradesh, Madhya Pradesh,

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Haryana and Rajasthan came up before the Commission. After considering all the material placed before the Commission and after conducting a series of public hearings, the Commission vide their Advice No.7 (Uttar Pradesh)/97, No.12 (Madhya Pradesh)/97, No.26 (Haryana)/97 and No.17 (Rajasthan)/97 all dated 28-11-1997 tendered the following advice to the Central Government under Section 9(1) of the National Commission for Backward Classes Act, 1993 (NCBC Act, 1993):

(1)The Jats of Rajasthan except in Bharatpur and Dhaulpur Districts be included in the Central List of Backward Classes for Rajasthan at entry No.58, as follows:

“58. Jat (except in Bharatpur and Dhaulpur Districts)”

(2)The Request of the Jats of Rajasthan in so far as it relates to Bharatpur and Dhaulpur districts be rejected.

(3)The Request for inclusion of Jats of Haryana in the Central List of Backward Classes for Haryana be rejected.

(4)The Request for inclusion of Jats of Uttar Pradesh in the Central List of Backward Classes for Uttar Pradesh be rejected.

(5)The Request for inclusion of Jats of Madhya Pradesh in the Central List of Backward Classes for Madhya Pradesh be rejected.

3. Similarly, the case for inclusion of ‘Jats’ in the Central List of OBCs for the National Capital Territory of Delhi (NCT of Delhi) was also considered by the Commission and vide its Advice No.27/Delhi/2010 dated 9-11-2010, the NCBC advised the Government of India to reject the proposal for inclusion of ‘Jats’ in the Central List of OBCs for the NCT of Delhi and rendered the following advice:-

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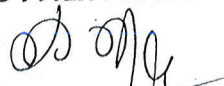
"The caste/community 'Jat' as a class cannot be treated as a backward class and they are not socially and educationally backward. Therefore, the request for inclusion of 'Jat' caste/community in the Central List of Backward Classes for the NCT of Delhi be rejected."

Even after a lapse of many years, no decision on the above advices have been taken by the Government of India. However, the Commission kept on receiving many requests/representations and Memoranda from individuals/organizations/associations and the Government Agencies requesting the NCBC to reconsider its earlier advices. The view of the Commission was that the NCBC Act, 1993 did not empower the NCBC to review its advices once it was tendered to the Central Government. Hence, no further action was taken on the various requests.

4. The Ministry of Social Justice & Empowerment on 3rd May, 2011 notified The National Commission for Backward Classes (Power to Review) Advice Rules, 2011 empowering the Commission to review its own advice once tendered to the Central Government. Hence, the review powers were made available to the NCBC.

5. The present case is for inclusion of 'Jats' in the Central List of OBCs for the nine States of Haryana, Gujarat, NCT of Delhi, Uttarakhand, Uttar Pradesh, Himachal Pradesh, Rajasthan, Madhya Pradesh & Bihar. As pointed out in the preceding paragraphs, the Commission had already tendered Advices rejecting the case for inclusion of 'Jats' in the Central List of Other Backward Classes for the States of Uttar Pradesh, Madhya Pradesh, Haryana, Rajasthan (Part) and NCT of Delhi. As such, the present consideration for inclusion of 'Jats' in the Central List of these five States would be a re-consideration/review of our earlier advices

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Under the NCBC Act and the Rules made there-under. For the remaining four States viz., Uttarakhand, Bihar, Gujarat and Himachal Pradesh, it is a fresh consideration for inclusion of Jats in the Central List of Other Backward Classes.

6. After the powers of review were made available to the NCBC, the Commission received a large number of representations from the 'Jat' community for review of its earlier advices. The matter came up for consideration before the Commission in its meeting held on 20-6-2011. The Commission decided that the consideration of these representations be deferred till the finalization of the Socio-Economic Caste Census (SECC) 2011, which was being conducted by the Registrar General of India (RGI) (under the Ministry of Home Affairs) all over the country for enumerating the caste-wise population of the country.

7. However, in a subsequent meeting of the National Commission held on 19th July, 2011, the NCBC expressed the need to have adequate data for considering the requests for inclusion of 'Jat' caste/community in the Central OBC Lists. The Commission, therefore, decided to approach the Indian Council for Social Science Research (ICSSR), the apex organization of Social Scientists under Ministry of Human Resources Development (HRD) to get a full-fledged survey (100% coverage) conducted in the six States of Uttar Pradesh, Haryana, Madhya Pradesh, Rajasthan, Himachal Pradesh and Gujarat to ascertain the Socio-Economic status of the 'Jat' community on the basis of their demand for inclusion in the Central List of OBCs.

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8. Subsequently, in October, 2012, it was felt that since most of the data required for the 'Jat' survey is being collected under the ongoing Socio-Economic Caste Census (SECC) 2011 by the RGI, it was decided to make use of the SECC to reduce the survey time and by utilizing the SECC data to the maximum. As a result thereof, it was decided to reduce the comprehensive survey to only a 2% sample survey with some additional collection of Socio-Economic data relevant for the exercise which was not being collected through the SECC.

9. The ICSSR was charged with the responsibility of conducting the sample survey on 'Jat' caste/community in the six States and preparatory work had already started in many of the States. It was planned to complete the survey within as short a period of time as possible.

10. While this was going on, the Ministry of Social Justice & Empowerment vide their letter No.20012/129/2009-BC-II dated 26-12-2013 wrote to NCBC informing that a meeting of the Union Cabinet was held on 19th December, 2013 and the Union Cabinet had decided that "NCBC be requested to reconsider its earlier decision of conducting a survey and to tender its advice for inclusion of 'Jats' in the Central List of OBCs based on the reports and material already available". In other words, the Government requested the NCBC to examine the available material on the Socio-Economic status of 'Jat' community on the basis of which a review/fresh advice could be rendered to the Government without going through with the 'Jat' survey. In effect, the NCBC was requested to evaluate the reports and the material available and

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determine the social and educational backwardness of 'Jats' and tender advice.

11. Immediately on receipt of this request from the Government of India, since the Commission did not have necessary research expertise on the subject of 'Jat' literature, the Commission decided in its meeting held on 2nd January, 2014 to request the ICSSR to set up an Expert Committee which could conduct an extensive literature survey and also undertake a study of the available books, reports, surveys etc. on the subject to ascertain whether sufficient material has become available to substitute for the survey. A set of seventeen State Commissions Reports, Documents, Books available with the NCBC were sent to ICSSR alongwith a set of eightyfive representations in favour and sixtyfour representations received against the proposal for inclusion of 'Jats' from various organizations/associations/individuals. The ICSSR willingly and readily took up this work on a crash basis and set up a Committee of Experts, who have the requisite expertise in the relevant field.


III. Discussion and Findings:

12. I. HARYANA:

In 1997, the NCBC has rejected the case for inclusion of 'Jats' in the Central List of Other Backward Classes for the State of Haryana vide its Advice No.26(Haryana)/97 dated 28-11-1997.

The Chief Minister of Haryana State wrote to the Hon'ble Prime Minister of India vide D.O. Letter No.CMH-2010/1480 dated 05.04.2010 forwarding a request of the Jat Arakshan Sangharsh Samiti for inclusion of 'Jats' in the Central List of OBCs for the

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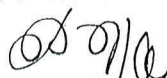
State of Haryana. This request was duly forwarded to NCBC by the Ministry of Social Justice & Empowerment.

In January, 2012, the Special Secretary for Welfare of SCs and Backward Classes wrote to NCBC vide his Letter No.1493 dated 31-1-2012 requesting inclusion of 'Jats' in the Central List of OBCs. The NCBC wrote to the State Government vide its D.O.Letter No.5/8(3)/Har/2005 dated 21-12-2011 asking for a copy of the State Backward Classes Commission Report, copy of notification issued by the State Government and also the filled in NCBC questionnaire from the State of Haryana.

Vide letter No.Spl.PS/SEBC/01 dated 23-9-2013, the Principal Secretary to the Government of Haryana forwarded a report of the Haryana Backward Classes Commission and two State Government Notifications No.59 SW(I)-2013 dated 23/24th January, 2013 notifying 'Bishnoi', 'Jat', 'Jat Sikh', 'Ror' and 'Tyagi' as a Special Backward Class with the condition that these 5 castes were eligible to avail of only 10% reservation in Government jobs and Educational Institutions. But, this 10% was to be to the exclusion of the already notified 27% reservation provided for OBCs. The existing 27% reservation for OBCs was sub-divided into Block 'A' (16%) and Block 'B' (11%).

The Haryana State Government had set up a Commission in April 2011 under the Chairmanship of Justice K.C.Gupta and two other Members. Subsequently the Government of Haryana vide Notification No.469/SK(2)/2011 dated 7-6-2011 appointed Shri Arjun Dev Gulati as member of the Haryana Backward Classes Commission and thereafter since none of the members

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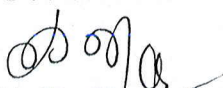
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was belonging to Backward Classes two members of backward classes namely Shri Rao Rampal Singh and Shri Telu Ram Jangra vide Notification No.9975/SK(1)/2011 dated 24-1-2012 were included who joined on 30-1-2012 and 27-1-2012 respectively. The objective of this Commission was to examine and recommend the requests of five castes "Jats", 'Jat Sikhs', 'Rors', 'Tyagis' and 'Bishnois' for inclusion in the Backward Classes List of Haryana State. Justice K.C.Gupta Commission relied almost exclusively on the survey report conducted by the Maharishi Dayanand University at Rohtak in the year 2012.

The Maharishi Dayanand University (MDU) Rohtak Survey on which Justice K.C.Gupta Commission largely based their findings looked at 12 (twelve) social indicators, 7 (seven) educational indicators and 5 (five) economic indicators while arriving at the social, educational and economic status of these five castes vis-à-vis other castes in the State. A separate score was given for each of these indicators and they were given a weightage of 3:2:1 for social, educational and economic indicators respectively.

Those castes/communities which scored more than 50 points out of 90 were recommended to be backward as per a mathematical formula. The logic given in the Maharishi Dayanand University Survey and duly followed by Justice K.C.Gupta Commission states that even the Mandal Commission had not included 'Jats' and 'Ahirs' in any of the three varnas. Therefore, the Commission opined that even the Mandal Commission had in mind to declare 'Jats' and 'Ahirs' as OBCs. The Commission also questioned that since Haryana Government had declared 'Ahirs'

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as OBCs, why should not 'Jats' be declared as such?. It was also felt that even Justice Gurnam Singh Commission set up in the year 1990 had recommended their inclusion. There were a lot of anti-groups which appeared before the Commission and one of their main arguments was that 'Jats' are the predominant political caste in the State of Haryana and almost all the Chief Ministers have been from this caste and a majority of M.L.As are also from this community and therefore they should not be declared as OBCs. However, to this opposition, the Commission/Maharashi Dayanand University replied by saying that if the 'Jats' are politically active, it does not necessarily mean that they have no social, educational or economic backwardness. Hence they recommended inclusion of 'Jats' in the Haryana State List of Backward Classes as a 'Special Backward Class' along with four other castes.


13. II. GUJARAT:

Jat (Muslim) was included in the Central List of OBCs for the State of Gujarat on the principle of commonality applied by the Expert Committee set up by the Government of India in 1993. Accordingly, the caste was notified as OBC vide Gazette Notification No.12011/68/93-BCC(C) dated 10th September, 1993.

However, Jat/Jat(Hindu) did not find any place either in the State List or the Central List of OBCs. Nor was there any State Commission Report or any survey report by the State Government/Commission on this subject.

In the Commission's meeting held on 30th December, 2011, it was decided that NCBC should ask the ICSSR to conduct a

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Comprehensive survey of Jats in the six States inhabited by Jats, Ahirs, Gujjars and Kurmis. Gujarat State was included as one of these six States. Accordingly, the ICSSR survey was started in Gujarat before the recent request was received from the Union Cabinet through the Ministry of Social Justice & Empowerment to tender advice in respect of Jats based on the reports and material already available.


14. III. NCT OF DELHI:

The request for inclusion of 'Jats' in the Central List of Other Backward Classes for the National Capital Territory of Delhi was received in the NCBC from the President and General Secretary of the Jat Samaj, Najafgarh, New Delhi -110 043. The case was registered for consideration in the Commission on 27-7-2000.

NCBC consisting of Justice B.L.Yadav, the then Chairperson and four Members held a public hearing to examine the request at New Delhi on 17-11-2000. The 'Jat' community, during the public hearing, was represented by Dr.Sahib Singh Varma, the then Hon'ble Minister of Labour and others. However, no decision could be taken by the Commission on the issue and subsequently, it was decided to hold another public hearing on 18-7-2003.

Public Notice was issued on 16th and 17th July, 2003 asking the representatives of individuals/organizations/associations to present their case before the Commission on 18-7-2003. However, the representatives of the community represented that since sufficient time had not been given for holding the public hearing, their leaders were not in town and accordingly no one from the request makers turned up for the public hearing on 18-7-2003.

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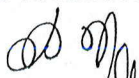
On 11-8-2004, again a public hearing was held by the Commission for considering the case for inclusion of 'Jats' in the Central List of Other Backward Classes for the National Capital Territory of Delhi and public notice issued. Yet again no decision was taken by the NCBC and in the Full Commission meeting held on 3rd November, 2004, it was decided that reputed organizations capable of undertaking the survey should be contacted and proposals obtained from them. In the subsequent meeting of the Commission held on 3-3-2005, it was decided to entrust the study of the Socio-Educational-Economic conditions of the 'Jats' in the National Capital Territory of Delhi to the Indian Institute of Public Administration (IIPA), New Delhi.

The IIPA submitted its report to NCBC on 14th April, 2005 and this was duly approved by the NCBC in its meeting held on 10-11-2006. Subsequently in the Commission meeting held on 9-7-2007, it had decided to hold another public hearing on the issue. Thereafter, in the Commission's meeting held on 10-1-2008, it was decided to hold a Public Hearing on 20-3-2008 at New Delhi. But, in the subsequent Commission's meeting held on 28-3-2008, a fresh date for Public Hearing was fixed on 13-5-2008.

On 29th September, 2008, the Commission in its meeting discussed the case in detail and it was decided to hold a meeting with the Government of NCT of Delhi/State Backward Classes Commission to seek further information.

In the meanwhile in 2009, a request for another public hearing was made by the representatives of the 'Jat' community through Lt.Col. (Retd.) Shekhar Kashyap vide his letter dated 29-6-2009. Before

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the meeting could be held, the Commission was intimated by Lt.Col. Shekhar Kashyap on 1-7-2009 that a Writ Petition had been filed in the Hon'ble High Court seeking legal redressal. And thereafter the Commission in its meeting held on 2-7-2009, no decision was taken in the 'Jat' case and that the matter was kept pending. Whilesso, the Writ Petition was dismissed by the High Court as withdrawn.

The Commission in its meeting held on 9-11-2010, considered the report of IIPA and and relevant documents and decided that the 'Jat' community as a class cannot be treated as a backward class and they are not socially and educationally backward. Therefore, the NCBC vide its Advice No.27/Delhi/2010 dated 9-11-2010 advised the Government of India that the request for inclusion of 'Jats' in the Central List of OBCs for the National Capital Territory of Delhi be rejected.

This was the status of the 'Jats' case till December, 2013 and the matter was pending from 1997 with the Government of India sitting over the Advices without passing any orders on the advices. However, on 19th December, 2013, the Ministry of Social Justice & Empowerment vide letter No.12015/19/2010-BC-II dated 19-12-2013 wrote back to the NCBC requesting that the case of 'Jats' for inclusion in the Central List of OBCs for the National Capital Territory of Delhi should also be reviewed by NCBC. Many other pending cases had been returned by the Ministry of Social Justice & Empowerment for re-consideration to NCBC after the SECC data becomes available.

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Subsequently, in a decision taken in the Cabinet meeting held on 19th December, 2013, the Ministry of Social Justice & Empowerment vide their Letter No.20012/129/2009-BC-II dated 26th December, 2013 requested that the case of Jats of National Capital Territory of Delhi may also be included in the request being made to NCBC to reconsider its earlier decision of conducting a survey and to tender its advice for inclusion of 'Jats' in the Central List of OBCs based on the reports and material already available. As such, the case of 'Jat' caste/community for inclusion in the Central List of OBCs for the National Capital Territory of Delhi is also before us.

15. IV. UTTARAKHAND:

The case for inclusion of 'Jats' caste/community in the Central List of OBCs for the State of Uttar Pradesh was rejected by the NCBC in the year 1997. This was conveyed to the Government of India vide its Advice No.7/UP/97 dated 28-11-1997. However, in the year 2000, 'Jats' were included in the State List of Backward Classes of Uttar Pradesh vide Government of Uttar Pradesh Order No.334/64-I-2000-46/95 dated 10th March, 2000, which was issued under Section 13 of the U.P. Public Services (Reservation for SCs, STs & OBCs) Act, 1994.

The State of Uttarakhand was carved out from the State of Uttar Pradesh in November, 2000 and the Government of Uttarakhand notified 'Jat' caste in the State List of Backward Classes (along with 83 other original castes) vide Gazette Notification No.371/XXX(2)/2010 dated 22nd March, 2010 issued under Section 13 of the Uttarakhand (U.P. Public Services Reservation for SCs,

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STs and OBCs} (Adoption and Modification of Order), 2001 and Section 11 of the Uttarakhand Commission for Backward Classes Act, 2003.

The Chairman of the Uttarakhand Backward Classes Commission formally requested the NCBC vide his letter No.247-48 dated 26th June, 2010 requesting the NCBC to include all the 84 original castes (including Jats) which had been duly notified as Backward Classes by the Uttarakhand Government, in the Central List of OBCs for the State of Uttarakhand. This formal request was also followed by the request from the Ministry of Social Justice & Empowerment to NCBC asking for preparation of the Central List of OBCs for the newly created State of Uttarakhand.

The case of Uttarakhand came up for consideration in the Commission's VI/2nd meeting held on 6-7-2010. On the basis of the decision taken in the Commission's meeting, NCBC vide its Advice No.5/Uttarakhand/2010 dated 27th August, 2010 interalia advised the Central Government that the caste 'Jat' (along with 13 other castes/communities) would be considered and examined after the receipt of reports/detailed data and information from the State Government and State Backward Classes Commission. The cases which had earlier been rejected for inclusion in the Central List of OBCs for the State of U.P. were also not considered for inclusion in the Central List of OBCs for the State of Uttarakhand. Therefore, the caste/community 'Jat' was not considered for inclusion in the Central List of OBCs for the State of Uttarakhand.

Now, vide letter dated 2nd May, 2013, the Secretary of the State Backward Classes Commission has informed and confirmed that

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Almost all the 84 original castes (including 'Jat') which were notified vide their State Notification dated 22-3-2010 referred to above were "adopted" from the erstwhile OBC List of U.P. State. As such, it is apparent that the Uttarakhand Government/State Commission for Backward Classes does not have any State Commission Report or any other supporting survey/document in respect of 'Jats'.

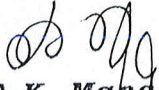
The NCBC also received requests dated 10-1-2012, 31-12-2012, 2-5-2013 and 18-11-2013 from the Uttarakhand Backward Classes Commission requesting the NCBC to include 34 castes and sub-castes which are already included in the State List but not included in the Central List. 'Jat' caste/community is one such amongst this list of 34 castes/communities. Thereafter, the NCBC vide its letters dated 2-3-2012, 2-8-2012 and 7-2-2013 sought the survey reports, advices and other information available with the State Government to consider the request. However, no such report of the State Backward Classes Commission or any other supporting survey or document have been sent by the Uttarakhand Government or by the State Backward Classes Commission till date despite many reminders dated 2-3-2012, 2-8-2012 and 7-2-2013.

16. V. UTTAR PRADESH:

In so far as Uttar Pradesh State is concerned, the NCBC had rejected the request for inclusion of 'Jat' caste/community in the Central List of Other Backward Classes for the State of Uttar Pradesh vide its Advice No.7 (Uttar Pradesh)/97 dated 28-11-1997.

The Government of Uttar Pradesh vide Order No.334/64-I-2000-46/95 dated 10-3-2000 issued under Section 13 of the UP Public Services (Reservation for SCs, STs and OBCs) Act, 1994 included


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'Jats' in the U.P. State List of Backward Classes which made them eligible for reservation under the U.P. State Public Services.

Subsequently, the process for inclusion of 'Jat' community/caste in the State List of Backward Classes was indirectly questioned in the High Court of Uttar Pradesh at Allahabad (Rashmi Pal Vs. State of U.P. and others) with regard to an admission in an Educational Institution but the High Court as well as the Supreme Court did not go into the legality of the notification dated 10th March, 2000 by which 'Jats' were included in the State List of Backward Classes. The High Court of Uttar Pradesh at Allahabad had observed that this was a matter of policy and the decision of the State Government for inclusion of 'Jat' caste/community in the State Backward Classes List involves a subjective satisfaction of the State Government. The State Government represents the people of the State of Uttar Pradesh and it is aware of the social position of the 'Jat' community and its backwardness. The State Government is also having knowledge about the representation of 'Jat' community/caste in the public services and posts in the State of Uttar Pradesh. It was the contention of the Jats that the representation of the Jats in the public services and posts connected with the affairs of the State is highly inadequate and it is less than the representation of "Yadavas" and "Kurmis". It was the contention of the Uttar Pradesh Government before the High Court of Allahabad that due to delay in submission of report by the State Backward Classes Commission, the Jats in Uttar Pradesh were being denied the benefit of reservation in public services and opportunities for employment. Under these circumstances, the State Government of Uttar Pradesh considered the available

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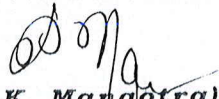

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Material and took a decision to include 'Jat' caste/community in the Backward Classes category after discussion with the Chairman of the State Backward Classes Commission in the meeting held on 28-2-2000. It was contended that Kaka Kalelkar Commission described Jats in the groups of castes who earn their livelihood from agriculture, animal husbandry and by putting in their manual labour and that the Mandal Commission also puts Yadav, Kurmi, Gujjar, Lodh, Saini, Mali and Jat on the same pedestal. However, as stated above, since the matter regarding admission to the Educational Institute had become infructuous, the Hon'ble Supreme Court in Civil Appeal No.3330 of 2001 ruled as follows:-

“By now the appellants have completed Post-Graduation and, as such, the appeals have become infructuous. Therefore, we refrain from expressing any opinion on the legality or otherwise of Notification No.1334/64-I-2000-46/95 dated 10th March, 2000 issued by the Government of U.P.....”

In 2001, the State Government of Uttar Pradesh set up a Social Justice Committee which was popularly known as 'Hukum Singh Committee'. It was a 3 (three) member Committee headed by Shri Hukum Singh, Minister. The main objectives of this Committee were to investigate all projects, organizations and facilities in regard to S.C/S.T./O.B.Cs. and to propose necessary corrections in reservation for different classes, after the formation of Uttarakhand State. The Committee undertook a study of various Reports and documents available on this subject. They also conducted field level meetings and undertook tours in various parts of the State and held discussions with various Organizations, Institutions and members of the public especially

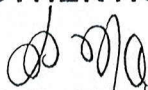
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from the SC/ST/BC categories. This Social Justice Committee assessed the percentage of Jats in Uttar Pradesh State as 3.60%. As far as Backward Classes are concerned, they recommended increase in OBCs reservation from 27% to 28%. They further sub-categorized the 79 eligible OBCs into three Schedules. Schedule 'A' (consisting of 1 backward class) was to be eligible for 5% reservation, Schedule 'B' (having 8 OBC castes) was to be eligible for 9% reservation and Schedule 'C' made for "Excessively Backward Classes" (total 70 castes) and they were eligible for 14% reservation, thus totalling 28%.

The then Chief Minister of Uttar Pradesh by D.O. letter dated 15-09-2011 addressed to the Prime Minister of India stated that 'Jat' caste/community in Rajasthan State (except in Bharatpur and Dhaulpur Districts) were already included in the Central List of Other Backward Classes on 27th October, 1999 and the 'Jats' of Rajasthan and Uttar Pradesh are similarly situated socially, educationally and economically. Hence they also deserve to be included in the Central List of Other Backward Classes for the State of Uttar Pradesh. Accordingly, the Prime Minister's Office forwarded the said D.O. letter to the Ministry of Social Justice & Empowerment and the Ministry of Social Justice & Empowerment which in turn forwarded the D.O. letter of the then Uttar Pradesh Chief Minister to NCBC requesting the NCBC to consider the case for inclusion of 'Jat' caste/community in the Central List of Other Backward Classes for the State of Uttar Pradesh. The Jat Sangarsh Samiti also made several representations dated 9-7-2011, 30-1-2012 etc., requesting for inclusion of the 'Jat' caste/community in

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the Central List of Other Backward Classes for the State of Uttar Pradesh.

This is the historical background with which the case of Uttar Pradesh Jats had come to the NCBC. The Commission wrote to the U.P. State Government vide D.O.Letter No.5/21(20)R.W.(UP)/2005 dated 21-12-2011 requesting to furnish copies of the State Backward Classes Commission Report, State Government Orders and the filled in NCBC questionnaire prescribed for such cases. However, till date, no filled in questionnaire of NCBC in the prescribed format is filed by the State Government.

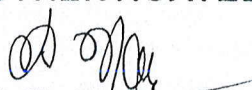
17. VI. HIMACHAL PRADESH:

Himachal Pradesh became a full-fledged State on 25-01-1971 and the Himachal Pradesh State Backward Classes Commission was set up on 6-9-1993. In the beginning, Jats were not included in the List of Backward Classes of Himachal Pradesh because their case had earlier being rejected by the State Commission vide their Letter No.HPSCBC-14/93-12/1661 dated 1st July, 1999.

However, in 2002, the State Commission for Backward Classes again took up the case for inclusion of 'Jat' community/caste in the State List of Backward Classes. The State Commission produced a report based on a field survey and public hearings and vide their recommendation No.XXXVIII dated 30th October, 2002 recommended the inclusion of Jats in the State List of Backward Classes.

Subsequent to this recommendation, the Himachal Pradesh State Government vide their Gazette Notification No.WLF-A(3)-2/98-I

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dated 16th November, 2002 included 'Jat/Jaat' in the State List of Backward Classes.

Thereafter, the Chairman of the Himachal Pradesh State Backward Classes Commission vide his D.O.Letter No.HPSCBC-174/2003-1367 dated 11th February, 2003 made a formal request to include Jat/Jaat (alongwith 15 other castes/communities) in the Central List of OBCs for the State of Himachal Pradesh.

The case for inclusion of 'Jats' in the Central List of OBCs for the State of Himachal Pradesh was taken up in a Public Hearing held at Shimla on 17th August, 2011. At the public hearing, the evidence tendered was not found by the Commission to be sufficient for reaching a conclusion one way or other about the social and educational backwardness of 'Jats' in the Central List of OBCs for the State of Himachal Pradesh. Accordingly, the NCBC decided to defer this case till finalization of the Socio-Economic Caste Census (SECC). Subsequently, it was decided by the Commission to conduct the 'Jat' survey and Himachal Pradesh State also taken up as one of the Six States for conducting this survey.

18. VII. RAJASTHAN:

Jats of Rajasthan did not find a place either in the Other Backward Classes List of the Mandal Commission or in the State List of Backward Classes in 1993. Hence, they were not included in the Central List of OBCs for the State of Rajasthan at all.

However, many Associations, Organizations and individuals persistently requested the Government of India as well as the NCBC for inclusion of 'Jats' in the Central List of OBCs. All these requests

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Were taken up by the NCBC for consideration and a Bench of the Commission held a Public Hearing for the State of Rajasthan on 30-5-1997.

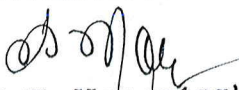
The Commission also held a meeting on 27-11-1997 to discuss the complete issue of 'Jats' including Rajasthan State. It was decided to send an Advice accepting the request of Rajasthan Jats for inclusion in the Central List of OBCs with an area restriction that Jats belonging to Bharatpur and Dhaulpur Districts should not be included in the Central List of OBCs for the State of Rajasthan. This was conveyed to the Ministry of Social Justice & Empowerment vide NCBC Advice No.17(Rajasthan)/97 dated 28-11-1997.

Two years after i.e. on 27-10-1999, the Government of India vide their Gazette Notification No.12011/68/98-BCC notified 'Jats' to be included in the Central List of OBCs for the State of Rajasthan (except in the Districts of Bharatpur & Dhaulpur).

Here, it must be mentioned that this inclusion of 'Jats' in the Central List of OBCs was done by the NCBC/GOI while they did not find a place in the State List of OBCs of Rajasthan. However, immediately thereafter and without the help of any State Backward Classes Commission Report, the State Government of Rajasthan also notified 'Jats' to be included in the State List of Backward Classes (excluding Bharatpur and Dhaulpur Districts) vide their Gazette Notification No.F11(125)/R&P Sakvi/99/74085 dated 3rd November, 1999.

Subsequent to this, the Rajasthan State Backward Classes Commission prepared a Report in January, 2000 recommending the removal of the area restriction of Bharatpur and Dhaulpur Districts

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and this was duly accepted by the State Government of Rajasthan and notified as such vide their Gazette Notification No.F1 1 (125)R&P Sakvi/99/74085 dated 10-1-2000.


Subsequently, a large number of representations and letters were received from Associations, Organizations and individuals in NCBC asking for lifting of area restrictions in respect of the 'Jat' caste/community from the Central List of OBCs for the State of Rajasthan. The Prime Minister's Office vide D.No.1/3/2010-PMO-1/22016 dated 2/11/10 also forwarded the representation and in March, 2012, the then Chief Minister of Rajasthan also requested the Government of India and NCBC vide his D.O. letter F11(164)S&S/2011 dated 3rd March, 2012 requesting the Government of India and NCBC to remove the area restriction of Bharatpur and Dhaulpur Districts from the Central List of OBCs for the State of Rajasthan.

The NCBC wrote to the State Government vide its D.O. letter No.NCBC/5/20(2)/RW/RJ/2005 dated 21-12-2011 asking for copies of State Backward Classes Commission Reports regarding Jats, copies of the State Government's order/notification regarding inclusion of 'Jats' in the State List of Backward Classes and the completed NCBC Questionnaire for providing essential information about the Jats. However, nothing concrete has been sent by the State Government on any of these three points.

19. VIII. MADHYA PRADESH:

In 1997, the NCBC had rejected the proposal for inclusion of 'Jats' in the Central List of OBCs for the State of Madhya Pradesh vide its Advice No. 12 (Madhya Pradesh)/97 dated 28-11-1997.

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In 2002, the State Government of Madhya Pradesh vide its Gazette Notification No.F9-39/99/54-1/52 dated 24th January, 2002 included 'Jats' in the State List of OBCs for the State of Madhya Pradesh.


Subsequently, the State Backward Classes Commission vide its letter dated 7th January, 2003 and letter No.1115 dated 27-1-2013 requested the NCBC for inclusion of 'Jats' (alongwith many other castes which had not been included in the Central List) in the Central List of OBCs for the State of Madhya Pradesh.

Vide its letter No.NCBC 13/46/2013/RW dated 22-2-2013 NCBC asked for the reports of the State Backward Classes Commission and other survey/study reports in respect of 38 castes/communities which were under consideration in the Commission. However, the Officer present representing the Government of Madhya Pradesh during the course of the Public Hearing submitted a copy of the report of the State Commission for Backward Classes recommending inclusion of 'Jat' caste/community in the Madhya Pradesh State List of Backward Classes alongwith other castes.

20. IX. BIHAR:

In the State of Bihar, the State Backward Classes Commission took up the case for inclusion of 'Jat(Hindu)' and 'Jat (Muslim)' in the State List of Backward Classes in the year 1999. They examined the cases and after conducting public hearings brought out separate State Backward Classes Commission Reports for these two communities. Thereafter, in exercise of powers vested with the

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State Commission under Section 9 of the State Backward Classes Commission Rules, 1993, they recommended inclusion of these two castes in the State List of Backward Classes with the following conditions:-

- (1) These two cases (i.e. Jat (Muslim) and Jat (Hindu) should be included in Annexure II of the List (i.e. the list of "Backward Classes").
- (2) Jat (Hindus) were to be eligible as Backward Classes only in the four districts specified; and
- (3) Jat (Muslims) were to be eligible as Backward Classes only in the five districts specified.

These two cases were accordingly notified by the State Government in Annexure II and with the area restrictions as per the State Government Gazette Notification – Resolution No.277 dated 6-11-2000.

Thereafter, the State Commission has been making the requests to NCBC for inclusion of these castes in the Central List of OBCs and the last reference was received vide letter No.SCBC: Estt 14/2000/198 dated 28-9-2012 alongwith two State Backward Classes Commission Reports for these two castes have also been forwarded to the NCBC.

Bihar State was not included in the ongoing Jat survey being conducted in six States by the ICSSR. However, in the recent decision of the Union Cabinet taken on 19th December, 2013, the NCBC has been requested to include the State of Bihar also to tender its advice regarding inclusion of Jats in the Central List of OBCs based on the reports and material already available. The Questionnaire for providing essential information about the

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fulfillment of social and educational criteria has not been filled and sent by the State of Bihar to the NCBC so far.

21. PRESENT STATUS:

To determine the social and educational backwardness of a caste/community, the NCBC evolved a criteria and adopted a methodology in its guidelines and questionnaire requiring the information to be provided for consideration of the request for inclusion of a caste/community in the Central List of Other Backward Classes. None of the State Governments have forwarded the filled-in questionnaire either with regard to social, educational or economic criteria. As the State Governments were pressing to consider their requests and also to re-consider or review the earlier Advices of the NCBC for inclusion of 'Jat' caste/community in the Central List of Other Backward Classes for the aforesaid States, the issue came up for consideration before NCBC meetings on 30-12-2011, 10-7-2012, 1-10-2013, etc. Initially the NCBC was of the view that to reconsider the requests of 'Jat' caste/community, Socio-Economic data from the 2011 Caste Census is required and the socio-economic caste census work is not likely to be over in near future, the NCBC decided to entrust the work of conducting a full-fledged survey of social and educational backwardness of 'Jat' caste/community to ICSSR covering the entire populace of Jats. But in the subsequent proceedings and meetings, it was felt that the substantial survey work by the ICSSR will take a long more time and therefore it was decided to make use of all the material available in the Socio-Economic Caste Survey Census 2011. Moreover, it was also decided to go in for a sample survey rather

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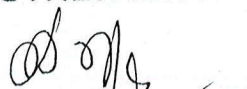
than a 100% coverage. For conduct of this survey by the ICSSR, the Government of India also sanctioned the required funds to meet the expenses.

22. To consider the issue relating to the inclusion of 'Jat' caste/community in the Central List of Other Backward Classes, a Group of Ministers (GOM) was constituted by the Government of India vide proceedings dated 20th August, 2013 to engage with the representatives of the Jat community periodically, and apprise itself of the progress of the survey of the Jat community being conducted by NCBC through ICSSR in six States. After considerable deliberations, the members of the Group of Ministers recommended the following two options for the approval of the Cabinet:

Option I: Jats are already included in the State list of OBCs in nine States. Formal reports of the State Backward Class Commissions on the subject for the States of Haryana (2012) and Himachal Pradesh (2002) and books relating to Socio-Economic Status of Farming Communities in Northern India and Caste, Land and Political Power in UP are available which may contain valuable and relevant material which can be utilized by the NCBC to tender its advice on the demand for inclusion of Jats in the Central List of OBCs in the six States, namely, Gujarat, Haryana, Himachal Pradesh, Madhya Pradesh, Rajasthan (two Districts), and Uttar Pradesh.

Option II: The NCBC has already given a go-ahead to commence the survey work in Gujarat as there were no issues of gotras in that State. ICSSR has determined the sample size of Jat households and non-Jat households. They will distribute the sample over a certain number of villages in each State. The household and socio-economic data that is required by the ICSSR will be culled out from the data for the villages that will be selected in each State. The MSJE/NCBC will provide data pertaining to the selected villages to the

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ICSSR for the purpose of survey. As regards the issue of Jat variants and gotras, it is felt that Jat is a caste and there are many synonyms of Jat. Hence, it is necessary that all information regarding synonyms of Jat are gathered. The GoM was informed that the details about gotras are proving to be unwieldy and will only delay the survey process. Chairman, NCBC is of the view that the enquiry could be confined to Jat and synonyms of Jat. It therefore appears prudent and sufficient to continue the survey work on the basis of the confirmed list of Jat variants only. The RG&CCI is the custodian of data relating to caste and religion and the Ministries of Housing and Urban Poverty Alleviation and Rural Development are the custodians of the socio-economic data being collected under the SECC. Both the Ministries shall share the data with the RG&CCI who, in turn will hand it over to the Ministry of Social Justice and Empowerment. After concluding the survey, ICSSR will hand over the results to the NCBC. On the basis of the results of the survey, NCBC will tender its advice on the demand for inclusion of Jats in the Central List of OBCs”.

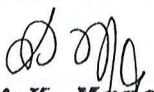
But in the Cabinet Note proposed by the Ministry of Social Justice & Empowerment dated 17-12-2013, the options for the approval of the Cabinet describes as under:-

Option No.1: NCBC be requested to reconsider its earlier decision of conducting a survey and to tender its advice for inclusion of Jats in the Central List of OBCs based on the reports and material already available, mentioned in para 2.17;

Failing which,

Option No.II – The NCBC has already given a go-ahead to commence the survey work in Gujarat. The survey work, which would be restricted to confirmed list of Jat variants,

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should be taken to its logical conclusion in all the six States expeditiously. On the basis of the results of the survey by ICSSR, the NCBC will tender its advice on the demand for inclusion of Jats in the Central List of OBCs.

A meeting of the Cabinet was held on 19-12-2013 in which the Cabinet considered the Note dated 17-12-2013 from the Ministry of Social Justice & Empowerment, Government of India and approved Option No.I with a direction that the States of Bihar, Uttrakhand and the National Capital Territory of Delhi may also be included in the reference to be made to the National Commission for Backward Classes.

As per the Option I of the Cabinet Note, the NCBC was requested to reconsider its earlier decision of conducting the survey and to tender advice for inclusion of Jats in the Central List of OBCs based on the reports and material already available in respect of all the 9 States vide letter dated 26th December, 2013 of the Ministry of Social Justice & Empowerment, Government of India.

23. Pursuant to the said communication by the Ministry of Social Justice & Empowerment, Government of India, dated 26th December, 2013, the Commission met on 2nd January, 2014 and decided to initiate immediate action for the implementation of the Cabinet decision. Since the NCBC does not have the necessary documentation or social-science research expertise on the current literature published on the Jats, it was decided to seek the help of ICSSR which is the apex body of Government of India in the field of Social Science Research. They were requested to set up an Expert Group and conduct a literature survey of State Commissions'

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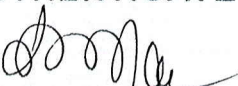
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reports, documents and other material available and to duly get it study/examined and submit a report as expeditiously as possible. On 3rd January, 2014, a letter was addressed to the Chairman, ICSSR requesting the ICSSR to set up a Committee of experts having specialization and expertise in the field of social science research relevant to the socio-economic status of Jats and submit a report with reference to literature survey, comparative state-wise analysis and evaluation as per NCBC's guidelines and to present a State-wise analysis and evaluation for these nine States in the form of a written report based on facts and figures from the foregoing researched material and the report and the State-wise comparative analysis undertaken by the Expert Committee. Apart from all the Reports and documents indicated in the Group of Ministers meetings, the NCBC also forwarded all the relevant material, reports, representations 'for' and 'against' vide its letters dated 10-1-2014 and 21-1-2014 to the ICSSR. The NCBC again met on 16th January, 2014, 22nd January, 2014 and 28th January, 2014 to discuss the matter further and to take immediate steps to implement the decision of the Cabinet.

24. The Chief Secretaries of all the nine States were addressed asking them to fix up dates for Public Hearings of this issue in their State Capitals. However, nothing was forthcoming from the States.

On 28-1-2014, the NCBC resolved that since the State Governments are not showing the desired sense of urgency in indicating the suitable dates for public hearings, the NCBC was of the opinion that it is just and proper to hear both the parties "for" and "against" and all other interested parties in Delhi only.

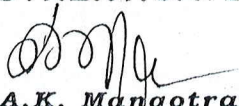
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Accordingly, the Commission published on 3rd February, 2014 nation-wide Notices for conducting Public Hearings in Delhi for hearing of the persons "for and in favour of Jats" on 10th and 11th February, 2014 and "against" the inclusion/objectors on 12th and 13th February, 2014 at Siri Fort Auditorium, Siri Fort Cultural Complex, August Kranti Marg, New Delhi – 110 049.

25. After the rejection by the NCBC of the claim for inclusion of 'Jat' caste/community in the Central List of Other Backward Classes for the States of Uttar Pradesh, Madhya Pradesh, Haryana and Rajasthan for the Districts of Bharatpur and Dhaulpur, the States Commission for Backward Classes for Rajasthan, and Madhya Pradesh recommended for inclusion of 'Jat' caste/community in the State List of Backward Classes and pursuant to the recommendations, the State Governments included 'Jat' caste/community in the State Lists of Backward Classes. In so far as Uttar Pradesh State is concerned, the High Power Committee recommended for inclusion of 'Jat' caste/community and the State Government included 'Jat' caste/community in the State List of Backward Classes. When the requests of 'Jat' caste/community were rejected by the NCBC in 1997 for the States of Uttar Pradesh, Madhya Pradesh, Haryana and Rajasthan for the Districts of Bharatpur and Dhaulpur, there were no survey conducted by the State Backward Classes Commissions. Thereafter, after inclusion of 'Jat' caste/community in the respective States Lists of Backward Classes, requests were received by the Central Government to consider 'Jat' caste/community for their inclusion in the Central List of Other Backward Classes. However, the Central Government

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also vide its letter dated 26-12-2013 requested the NCBC to tender advice based on the reports and material already available.

26. The following reports are available on the subject of 'Jat' caste/community as referred by the Group of Ministers:


- (1) Social Justice Committee Report, Uttar Pradesh (2001)
- (2) Socio-Economic Status of Farming Communities in Northern India, Uttar Pradesh (2003)
- (3) Caste, Land and Political Power in UP, Uttar Pradesh
- (4) Justice Gurnam Singh Commission Report, Haryana (1990)
- (5) Justice K.C.Gupta Report, Haryana (2013)
- (6) Justice Gummanmal Lodha Commission Report, NCT of Delhi (1999)
- (7) Dr. Lipi Mukhopadhyay Report, Delhi (2005)
- (8) State Backward Classes Commission's Reports of State Governments of Rajasthan, Madhya Pradesh, Himachal Pradesh and Gujarat.

27. Apart from the aforesaid reports, fiftyone representations "in favour of" 'Jat' caste/community for their inclusion in the Central List of Other Backward Classes and fiftyeight representations "against" the inclusion were received till 31-1-2014. During the course of the public hearing and after the closure of the Public Hearing till. 24-2-2014 large number of representations "in favour" and "against" have also been received.

28. A specific reference is required to be mentioned about three books filed "against" the inclusion of 'Jats':

- (1) Delhi aur Jat (in Hindi), New Delhi by Rajpal Chikara, 2012
- (2) Jat Ithihas (3rd Edition in Hindi), New Delhi, Surajmal Smarak Shiksha Sanstha by Deshraj Thakur, 2002

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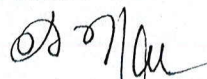
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- (3) The Jats: Their Role & Contribution to the Socio-Economic Life and Polity of North & North-West India, Volume 1, Originals, 1st January, 2004 by

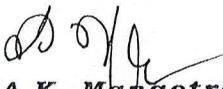
The Book "Delhi Aur Jat" written by one of the Jat Authors viz. Rajpal Chikara published in 2012 states that the Jats are originated from Middle Asia and the history of Jat is very ancient traceable even prior to B.C. (Before Christ). Samrat Akshavardhan was a Jat. Maharaja Surajmal of the 17th Century was also a Jat. Raja Nahar Singh in the 18th Century was the Jat King in Bharatpur and Dhaulpur Districts of Rajasthan. There was Jat Sikh rule even in Punjab. The names of Jat Kings who ruled Delhi are also furnished. Jats are in forefront in Sports and Boxing. It is stated that there are famous players in Badminton, Hockey, Raceling, Boxing, Shooting, Athletics, Walking and Archery. Chotu Ram (1881-1945) contributed a lot to the Jat community in educational, employment and their overall developments. It is stated that the Kisan Kesari Choudhary Baldev Mirdha (1859-1953) also contributed a lot for the Jat community. Choudhary Charan Singh was a Jat Prime Minister. Jan Nayak Chodhary Devi Lal was the Chief Minister of Haryana and Deputy Prime Minister of India. It is stated that Jats are very powerful community and Jats have always been the Chief Minister of Haryana State. Even in Delhi, Shri Sahib Singh Varma was a Jat Chief Minister. Presently Shri Bhupinder Singh Hooda, is the Jat Chief Minister of Haryana. Shri Sajjan Kumar, Yogananda Shastri, Sube Singh Choudhary and Anil Chikara are among the prominent Jat Leaders. It is stated that Jats are also very famous industrialists and businessmen. Some

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among the big business concerns are owned by the Jats such as DLF (Delhi Land and Finance Ltd.) and India Bulls apart from more than 20 other Industries and Businesses. It is stated that India Bulls is owned by Jat community people. It is also stated that 27 Jat caste/community people worked as Cabinet and State Ministers of Union of India. There were 13 Governors, 8 Ambassadors, 18 Chief Ministers in U.P., Haryana, Delhi and Punjab. It is stated that 20 Jat Parliament Members were elected in 2009 Lok Sabha. It is further stated that 11 Jats M.L.As. were elected in Delhi in 2008. It is stated that there were many Jats I.A.S. Officers from Rajasthan, U.P., Haryana, Madhya Pradesh, Delhi and Punjab and in 2012 itself 30 Jat I.A.S. Officers were selected by UPSC. Apart from this many other Jats Officers are there in Indian Revenue Service, Railway Service, Income Tax and Indian Foreign Service. It is stated that there are four High Court Judges from the Jat community viz. (1) Justice Shri Debi Singh Tewatia, Chief Justice of Bengal, (2) Justice Mahavir Singh, (3) Justice Om Parkash Rana and (4) Justice Pretam Pal Singh, now he is Lokayuktha of Haryana. There are many Judicial Officers and Advocates. There are many famous Jat Film and TV Actors. It is stated that there are 28 famous Authors from the Jat community and 11 Jat Academicians. Jats have plenty of Educational Institutions such as Surajmal Memorial Educational Society, Sir Choturam Family Trust, etc. It is stated that there are 14 Jat Generals and many Major Generals and there is a Jat Regiment in the Indian Army. Thus, it is stated that Jat community people are an advanced caste/community and their representation in employment,

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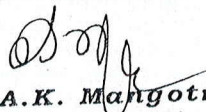
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Education and politics is much more than the proportion to their population.

29. It is also contended that in so far as the reports of the various State Commissions based on which the State Governments included 'Jat' community in the respective State OBC Lists was done without fulfilling the criteria prescribed by the National Commission for Backward Classes. It is stated that a proper methodology was not adopted and criteria was not followed. It is stated that the relevant criteria about the social backwardness, traditional occupation of the caste/community, perception of the members of the Jat caste/community regarding other castes/communities whether they are being looked upon or looked down by others and similar perception of the members of other castes/communities regarding the Jat caste/community as to how other castes people look upon the Jat community were not at all surveyed and considered by any of the reports.

30. It is also contended that the NCBC has recommended and suggested inclusion of the Backward Classes by conducting a thorough enquiry and unless the classification of the Backward Classes is determined and sub-classification of the backward classes for providing separate quota on the basis of relative backwardness is decided and if Jats are included even though they are not the backward class, they will corner all the posts of other Backward Classes and the Most Backward Classes will be totally deprived of their opportunities in the Central Government Services and admission in Educational Institutions.

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31. It is stated that the agricultural community cannot be considered on par with other un-clean professional communities like Washermen, Fishermen, Barbers, Bird catchers, etc. It is stated that the Supreme Court in the case of Indra Sawhney Vs. Union of India (1992(3) Supp. SCC 217, Ashok Kumar Thakur Vs. Union of India (2008 (6) SCC 1), M.Nagaraj Vs. Union of India (2006) 8 SCC 212 approved the classification among the OBCs and in Ashok Kumar Thakur case the Supreme Court commented that there are no exclusion of castes/communities from the Central List of OBCs so far. It is stated that the socially and educationally advanced backward classes are equated with the Most Backward Classes, which will affect the genuine backward class people. It amounts to bringing the un-equals as equals and is not legally permissible. The principle of equality implies that like should be treated as alike and not all alike.

Therefore it is contended that unless the classification of the backward classes is determined and a separate quota on the basis of relative backwardness is earmarked, there will be any amount of injustice to the Most Backward Classes. It is stated that the Jats are comparable with Yadavs, Gujjars, Kurmis, Lodhs and Sainis. No doubt, Jats, Yadavs(Ahirs), Kurmis and Gujjars are also agriculturists apart from animal husbandry, but the Jats never suffered any kind of social discrimination like Gujjars, Ahirs, Sainis and Kurmis.

32. It is contended that those castes were also included in the List of OBCs in 1993 by Mandal Commission and some of the State Governments also determined the caste/community people of other agriculturists as socially and educationally backward. Therefore,

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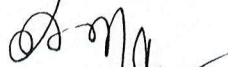

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the social backwardness has to be compared. However, it was contended that if these castes are advanced now they deserve to be excluded from the OBC List.

33. All these reports, books, representations for and against were also forwarded to the ICSSR and the ICSSR has submitted an incomplete report on 9th February, 2014 and copies of complete report on 10th February, 2014 during the course of the Public Hearing. The State-wise summary of findings by ICSSR is as under:

“Haryana: One of the States where Jats have sizeable population is Haryana. Our observations are based on the Haryana State OBC Commission report, which recommended reservation for Jats as OBC in the State in 2012. The Commission based its recommendations on a sponsored study conducted by Sangwan (2012). The findings of the study indicate that on occupational structure, Jats in Haryana are a landowning community. Nearly 87% of the Jats are engaged in agriculture. The other economic activities pursued by Jats include animal husbandry and trade. In the government employment, Jats have about 21% (?) shares in the total Class I & II services in the State which is about four percentage points lower than their share in population (25%) in 2012. However, they lag behind compared to Bishnoi and Brahmins whose share in government employment in Class I & II is higher than their respective population share. The comparable figures for Ahir/Yadava and Gujar (the other two comparable OBC communities with Jats) are not reported in Haryana Backward Classes Commission Report 2012. On the educational achievements, more than 12% Jat children in the age group of 6-14 years never attended school, which is higher than many other backward castes. At the graduation level, Jats have about 6.5% enrolment, which is less than average level of 8.3%. At the postgraduate level, enrolment of Jats is 1.71% against the average of 2.26% of the respondents. The

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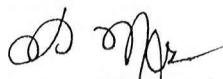
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available data, therefore, suggests that in Haryana Jats are land-owning community. Their share in Class I & II government service is close to their population share but they lag behind in both school and higher education enrolment.

Gujarat: In case of Gujarat, the estimated Jat population is 0.65 million (independent source) but there is no documentation available about spatial or religion-wise break-up of Jat population. Further, there is lack of information on the parameters (social, educational and economic) specified by the NCBC. However, the Gujarat government website mentions that Jat Muslims are included in the Central OBC List.

NCT of Delhi: The estimated population of Jats in Delhi is around 1.2 million (independent source). There are two reports, one prepared by Delhi OBC Commission and another by an independent researcher. The Delhi State OBC Commission report does not have any absolute indicators on educational status, employment structure etc. However, the Commission has reported indicator on net social standing, net educational standing and net economic standing. On net educational standing, Jats with composite score of 1.17 are behind Gujar (1.34) and Ahir (1.22). On net social standing, the composite score of Jats is 17.24% which is significantly lower than the Gujar (27.14) and Ahir (19.85). On composite economic score, score of Jats is 16.55, lower than Gujar (19.38) but higher than the Ahir (14.86). Thus, with respect to social and educational standing, Jat lags behind Gujar and Ahir while in case of economic standing, they lag behind compared to Gujar but ahead of Ahir. It is to be noted that both Gujar and Ahir are included in the Central OBC List.

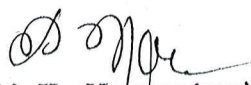
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Uttarakhand & Uttar Pradesh: The Jat population is primarily concentrated in western Uttar Pradesh and Uttarakhand. Jat community got included in the State OBC List in 2000. Our observations are based on the Social Justice Committee Report (SJCR), 2001, which has been prepared after the Jat community was already included in the State OBC list by the Uttar Pradesh Government in 2000. The SJCR estimates population based on the Village Panchayat Family Register. Accordingly the highest population at 19.6% is that of Ahir followed by 7.5% Kurmi (different variants) and 3.6% Jats. The comparable socio-economic indicators are available in Singh (2003) that we use in this report. Singh (2003) shows that about 92% Jat households own land. The figures for Ahir and Kurmi are 95% and 100%, respectively. Singh (2003) also reports that 89% of the workers among the Jats in rural areas are engaged in primary sector activities, which is similar to that of Ahir/Yadava but lower than the Gujar community. The proportion of those completed graduation and above in the Jat community is 1.7% compared to 3% for Yadava. Similarly, the proportion of post-graduate is 0.2% for Jat and 0.7% for Yadava. The data compiled by SCJR in 2001 from higher educational institutions on 207,000 students indicate that the share of Jats is much less than their share in the population while that of Ahir and Kurmi was much higher than their population share. The information compiled by SAJCR suggests that share of Ahir/Yadava is 32.4% whereas Kurmis have 11.2% in professional education. Share of Jats is only 0.3% that is way below the share of Ahir and Kurmi shares. In the Group A & B government employment, the share of Jat is 5.5% and 4.3% respectively, which is slightly higher than their share in OBC population. Corresponding figures for Yadava and their variant for Group A & B services is 46% and 42% of the OBC which is much higher than their share in the population of OBC which is 19.4%. Similar differences are observed in case of Kurmi and their variants. As far as Uttarakhand is concerned, no separate report is available. Apparently, Uttarakhand has accepted the list of OBC as that


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of Uttar Pradesh. Thus, Jats are at par compared to OBCs such as Ahir/Yadav as far as ownership of the land is concerned. However, in case of enrolment in higher and technical education they lag behind Ahir/Yadav. In case of representation in the government service, the share is proportionate to their population but relatively lower than the Ahir/Yadava and Kurmi.

Himachal Pradesh: In case of Himachal Pradesh, the HP State OBC Commission Report is the only available source of information. The Report is based on hearing of about 866 persons conducted by the full bench of the Commission. The Commission estimated the Jat population in Himachal Pradesh is 43,252. The Commission evolved a 25 point criteria based on NCBC guidelines. However, the Report does not contain any quantitative information about the social, economic and educational status of Jats vis-à-vis other communities. The State Commission has recommended for inclusion of Jats in the State OBC list. Data on literacy rate and higher education enrolment of Jat children is lacking in the State Commission Report. However, the report observed that dropout rate of children beyond primary level being high, they are put to household work or work as agriculture labour. On share in the government service, the State Commission report observed that the incidence of representation of Jats in the State services in comparison to general average is very low. Similarly, the State Commission report observes that the representation of Jats in public sectors is negligible. The report of the Commission also mentions that most of the members (male, female and children) of this community are depending on agriculture labour on a much larger scale than Rajputs and Brahmins. It is to be noted that the Commission Report does not include quantitative information on literacy, occupation and representation in government service on the basis of which it has made these recommendations. The Commission came to unanimous conclusion that this

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community is socially, educationally and economically backward and is fit for inclusion in the State List of OBCs.

Rajasthan: In case of Rajasthan, the available information suggests that Jats are included in both the Central and State OBC list since 1999. But the report of the Rajasthan State OBC Commission has not been made available to us by NCBC. Therefore, we have based this comparative picture on a study sponsored by the State government and conducted by Institute of Development Studies, Jaipur. The report of the sponsored study was submitted to the Department of Social Justice and Empowerment, Government of Rajasthan 2012. The available information shows that more than 91% Jat households own land, which is higher than that of Ahir, Gujar and the rest of OBCs. Around 29% of the Jat population in the age group of 7.59 years is reported to be illiterate in 2012. This is substantially lower than several caste groups that are included in the OBC List. Among the Jats, in 7.5% households have at least one member who is graduate, which is lower than the Ahir and Charan communities but somewhat better than the rest of the OBCs. Among the Jats, it is reported that more than 6.8% household have at least one member in the government service. This is marginally lower than Ahir, Vishnoi and Charan households but higher than the rest of the backward classes. Thus, Jats in Rajasthan are better off with respect to ownership of land but somewhat lag behind with respect to literacy rate, enrolment in graduation and representation in government service.

Madhya Pradesh: In case of Madhya Pradesh, in 2002, State government included Jats in the State OBC list though no details are available on the parameters or criterion used by the State OBC Commission on the inclusion of Jats in the State list. Earlier, in the year 1999, the NCBC had observed that

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the Jats in Madhya Pradesh are not socially backward and were not included in the central OBC List.

Bihar: The analysis is based on the Bihar State Backward Classes Commission Report (1999) that recommended the inclusion of Jats in State OBC list. The estimated population of Jats in Bihar from independent sources is about 80 thousand in 1988. Jats reside in selected districts in the State and there are both Hindu and Muslim Jats. The Bihar State Backward Class Commission considered the social, educational and economic condition of both Hindu and Muslim Jats and concluded that the Jat community in Bihar is backward. The recommendation of the Bihar State Backward Classes Commission is based on the information sought through the questionnaires filled by members of the community (the number of questionnaires received by the commission is not specified) and representations from the Jat community. Since the report is not based on household survey, this committee is not in a position to give facts and figures. The Commission concluded that the Jat community in Bihar is not represented at all in the Group I and Group II jobs in the Government. They are educationally backward compared to other communities in Bihar and are primarily engaged in agriculture and allied activities”.

In the report, it is also stated that due to lack of quantitative data of social, educational and economic status of Jats and other Backward Class Communities in the nine States, inter-state variation in the social, economic and occupational status of Jats vis-à-vis other backward class communities is not possible. However, it is stated that the Jats of Delhi, Haryana, Rajasthan, Uttar Pradesh and Madhya Pradesh are advanced than the Jats of the States of Bihar, Gujarat and Himachal Pradesh. The Committee

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of Experts of ICSSR considered the various State Commissions Reports and available material including the books, papers and made the aforesaid observations.

34. Brief description of the 'Jat' caste/community in the People of India - All Communities in respect of six States is as follows:-

HARYANA

As per the literature of "People of India", the JATS have been playing a significant role in the cultural, political, economic and ethnic arenas and that they are most ancient people. Their titles are Chaudhary, Pradhan, Thakur, Malik, Faujdar and Sardar (Sikh JATS). There are many synonyms in their names. In Haryana they are known only as JAT or JATT, or JUTT. Their tradition connects them with Jata, who is said to be one of the sons of Lord Brahma. It is also said that they are descendants of Emperor Yayathi. Now they have three major sections viz., Hindu, Muslim and Sikh comprising more than 3000 gotras. They are predominantly agriculturists par excellence. Since the time of Akbar they have been known as Zamindars. JAT contributed for the surplus food grains. Besides entering into all kinds of services, they have also taken to trade and transport brick-kiln laying and builders, industries and colonizers in the country and abroad. They are not bonded labour among the JATS. The history of the JAT regiment is the history of the Indian Army and the history of the JATS is the history of India. Haryana soldiers have been decorated with the highest gallantry awards posthumously as well as surviving in the recent wars against Pakistan in defence of their motherland. They sacrificed themselves to defend the country. They are brave people. They normally speak and communicate among themselves and with others in their local dialects, viz., Jatu, Bangru, Brij and Bagri, Punjabi in case of Sikh Jats: Hindi, Urdu, "Hindustani" and even English in case of educated ones. The scripts used by them are Devnagri, Arabic or Persian, Gurmukhi and English apart from their own language Jatki.

The normal dress of male consisted of turban, kurta or kamij, dhothi and juti or patan (of leather). The Hindu Jats wear their turban with a slant either on right side or on left and the Sikh Jats do the Patiala style. The JATs children and women are well

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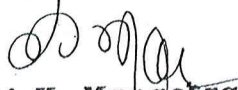
dressed. Previously men always preferred white clothes and women colourful, but now their children are wearing all types of fashionable clothes. Peacock is their totem and emblem represented in the form of a weather cock on top of their havelis. The JATS are normally vegetarian. They are fond of huqqa smoking. Bidi and cigarettes also find a favour with them.

JATS enjoy the same proprietary position in Haryana as their Sikh brethren in the Punjab, the Hindu JATS in the Agra and Meerut of the western UP, the Rajputs in Rajasthan and Marathas in the Maharashtra. Among the Varnas they claim to be and are regarded as Kshatriyas. The JATS claim to be superior by virtue of race (Aryan) and the Brahman by virtue of their religious functions they discharge. JATS as a proprietary class, economically and politically dominate the Brahmans, but they are not their superiors in the social status. The birth of a son is welcomed by beating a sonorous brass thali and that of a daughter by breaking an empty earthen pot under the patnala. JATS are endogamous community. They do not marry within their own, their mother's and paternal grandmother's gotra. Levirate and sororate do exist. Junior Levirate is permitted only after the death of one's elder brother. The deceased's younger brother offers glass bangles to his elder brother's widow to put them on, something she was prohibited from doing after the death of her first husband. When there are no brothers of the deceased she will be married to any other person. Marriage is negotiated by the parents even before. Boys and girls do not see each other before marriage, but their parents only see and select. The usual age of marriage for boys is 21 years and for girls is 18 years. Traditionally the JATS live in the villages, many of which are of considerable antiquity. All the members of the JAT proprietors are equal and all consider themselves immeasurably superior to other inhabitants of the village. Because of their economic and political power they use force and pressure on others. JATS are caste engogamous and gotra exogamous. The Hindu and Sikh Jats have distinguished themselves for their unique sense of self-made, subtle and spicy, spontaneous and frank humour which is enough to break the ribs of a man. They highly honour Lord Siva who they generally call Bhola.

DELHI:

As per the literature of "People of India", JAT is an agricultural community of North India and they are Hindu, Sikh or Muslim.

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They are divided into a number of exogamous gotras such as Malik, Ghatwal, Deswa, Daiya, Dalal, Her, Mann, Bhullar, Dhilon, Gill, Ballyan, Pawar, Tomor and Mathur. JAT are distributed in urban as well as rural areas. They converse in Haryanvi as well as in Hindi or Urdu with their community, whereas they use Hindi, Urdu and English with others. JAT are vegetarian. JAT generally lives in nuclear families. JAT woman have a secondary status compared to men in all walks of life. In rural Delhi, they are mainly agriculturists, the women assist the menfolk in agricultural operations. However, in urban Delhi, most of them either serve in government or private organizations and / or involved in some business and trade or small scale industries, and / or some of them are serving in the defence services. Marriages are arranged through negotiation. The Hindu Jat worship all Hindu gods and participate in all Hindu festivals. Jat freely participate with members of other neighbouring communities in all kinds of rituals, social, political and occupational activities. A progressive and dynamic community the JATS have among them doctors, lawyers, engineers, teachers, scholars, businessmen and traders. Their attitude towards educational of boys and girls is most positive.

GUJARAT:

As per the literature of People of India, Jats are a cattle herding group, and are mainly distributed in Kutch and Saurashtra. They have three territorial divisions, the Halai Jat (found in Jamnagar and Porbandar), Verai Jat (Sathal Taluka of Banaskantha District), and Kutchi Jat (found in Kutch District). In addition to cattle rearing, the community are also involved in the breeding of camels, especially the Fakirani. A good many of the Saurashtra community are small-scale peasant farmers. A few are landless, and work as agricultural labourers. The Kutch Jat are also known for their embroidery work.

The Jats are non-vegetarian in their diet. Jat community consider themselves above other Banni Muslim communities, they accept the superiority of Shaik and Syeds. In marriage parallel cousins and cross-cousins are preferred. Junior levirate is preferred. Marriages are arranged through negotiation. The Jats are monogamous. Only the male has the right to inherit. Succession is carried through eldest son. The woman has a low status. She has no right of inheritance. Women is consulted in ritual, social and religious activities of the household. Maldhari

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(cattle rearing) and agriculture was and is the traditional occupation. The forest and land are the major resources for the community. Cattle breeding and rearing of sheeps, goats and camels is the primary occupation.


Girasia Jats have a very systematic and effective caste council by named Kitchchi Jat Zamat with its headquarter at Naraynpur village. Jats of Kutch profess Islam and belong to Sunni sect. They visit the shrine of Hajipur and offer hair (first shave) on fulfilment of wishes. They have mullah (sacred specialist) for performing all the life cycle rituals. Festivals like Ramzan, Bakrid, Milad-un-Nabi and Moharram are celebrated as per Islamic traditions.

HIMACHAL PRADESH

As per the literature of "People of India", JAT is a well-known community of the traditional cultivators indentified at national / interregional level. There are two main divisions of the JAT, namely, the Shivgotri also called Asli Jat (true Jat) and the others Kasbagotri. JATS migrated to the Shivalik hills in Himachal Pradesh from the Punjab plains. They are concentrated in the districts of Bilaspur, Hamirpur, Mandi, Kangra and Una occupying a hilly terrain and valleys of the Himalayan foothills. Men wear a Kurta or Phyjama or trousers. The women wear Kurti, Shalwar and Chadru or dupatta. Jats are occasionally non-vegetarian, eating meat, fish and etc., Jats claim their social position in the regional hierarchy among the kshatriyas. Marriages occur through negotiations. JAT community has still retained the vertically extended joint family system to a considerable degree. Paternal property is inherited by the rule of male equigeniture. The eldest son becomes the successor of his father at his death, but the mother's voice also prevails. The life-cycle rituals are observed as per the Hindu tenets. The JAT community consists mainly of cultivators and they own land and practice agriculture and animal husbandry. Many educated persons are employed in Government departments and private enterprises on various posts holding white-collar jobs like teachers, doctors, engineers and surveyors, and some are also in army - JATS worship the Hindu trinity. There is no organized Jat council and the elders of the community resolve social disputes.

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As per the literature of "People of India", JAT derive their name from jata (the matted hair) of Lord Mahadev. In Rajasthan they have the largest concentration in Bharatpur District. They are distributed in the districts of Pali, Chittor, Jaipur, Sikar and Udaipur. They live in the plains of the foothills of Aravalli. They speak with the kin and neighbours in Mewari. JAT are pure vegetarian. The community is divided into a number of got's viz., Chitania, Chadel, Bambolia, Taporwadia etc. In the local social hierarchy the JAT perceive their position at a high level and on a par with the Rajput and Brahman. They prefer marriage alliances within the village, if not in the neighbouring villages. The prevalent form of marriage is monogamy. The Jat families are of mixed extended type. There are nuclear families also. All the sons get equal shares of parental property. The eldest son succeeds as the head of the family. The JAT's main natural resource is the land. They are mainly land owning community. The land is individually owned. Their traditional and primary occupation is agriculture. The social life of the Jat is controlled by the samaj (caste council). The Jat profess Hinduism. JAT have traditional linkage with neighbouring communities. They cultivate the land in sinjara (share cropping) also. They are in white-collar jobs and in defence services. Political leadership of the JAT has emerged at national level. They are mostly self-employed in agriculture.

UTTAR PRADESH

As per the literature of "People of India", JAT is an agricultural community. JAT community has a vague tradition that they originally came from Punjab and Rajasthan. They are distributed in Muzaffarnagar, Meerut, Bulandshahr, Aligarh, Agra, Mathura and Saharanpur Districts of the State. They speak in Hindi and they script in Devanagiri. They are divided into two great subdivisions, viz., the Dhe or De and Hele in the Ganga-Jamuna Doab. Jats are Hindu, Muslim and Sikh. Endogamy is practised at the community level. Monogamy is the usual form of marriage. Families are fixed extended and also nuclear. The father is the head of the family. The eldest son succeeds him. Women have low status. Land is the major economic resource for Jats. Jats are one among the land-owning communities such as Rajput, Tyagi and Gujjar. Mechanism of social control is through caste panchayat headed by a chaudhary. For their agriculture they depend on

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Other communities, especially the Harijans. The JAT community has businessmen, teachers, administrators, engineers and doctors. They are availing of the benefits through various self-employment and training schemes since independence. A good number of their boys and girls have already received higher education in different fields.

35. Uttarakhand State was carved out from the State of Uttar Pradesh in the year 2000, the literature in the People of India – All Communities for Uttar Pradesh State is the same for Uttarakhand State also.

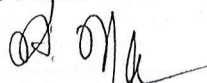
36. In so far as Gujarat State is concerned, The People of India – All Communities, 'Jat (Muslims)' only is available. In the State of Gujarat, Jats are very meager in population and they are inhabited in the adjoining villages of Rajasthan State.

37. In so far as Bihar State is concerned, there is a meager population of 'Jat (Muslim)' and 'Jat (Hindu)' with area restrictions and based on the reports of the State Commission for Backward Classes the State Government has included the caste 'Jat' in the State List of Backward Classes with area restrictions and without any survey or data.

38. As per the Book on "Socio-Economic & Political Contribution of Caste & Association in North India" by Brij Kishore Sharma, CHAPTER 2 about the JAT Community is as follows:-

The Jat caste/community is an ancient community of India. They have played an important role in the social-economic life and polity of North and North-West India. Jats have a place in one of the thirtysix royal races of India. As per one of the two theories, Jats are of Indo-Aryan descent. Whatever is their origin, they are

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the sons of Indian Soil. They are found mainly in Punjab, Haryana, Rajasthan, Delhi, West Uttar Pradesh and Ganga-Yamuna Doab. They are also found in the Malwa area of Madhya Pradesh and Saurashtra area of Gujarat.

In the fourth century, Jat Kingdom was established in Punjab. Punjab is par excellence the home of the Jats. Some of the Jats also converted into Sikh and Islam religions. The Jat is a typical son of the soil, strong and sturdy, hardworking and brave, a fine soldier and an excellent farmer. Their love of independence is appreciable. They never came into the strict administrative control of the Mughals. Their Zamindars revolted against the Mughals. Jats between Delhi-Agra became very powerful. The Jats were par excellence a peasant caste and also entered as Zamindars in the Doab and trans-Yamuna plains. Jat ruled Bharatpur during the Mughal period also. The Jat States and Estates such as Hathras, Mursan, Tochhigarh, Jawar, Sasni etc. also came into being during the Mughal period. The Jat community formed bulk of agricultural population. They enjoyed autonomy and Zamindari holdings expanding in the early years of British Rule. During the medieval period, Raja Dayaram of Hathras fought against the British. Jat Ruling house of Bharatpur gave stiff resistance to the British at various times. During the Revolt of 1857 the Jats in Aligarh revolted against the British. In the post-revolt period the British adopted a liberal policy towards the Jat Zamindars, estates and states.

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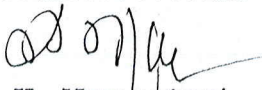
The Jat community became very powerful during the medieval period. At present about 1/3rd of Jats are Muslims, one-fifth Sikhs and rest are Hindus.

According to some authorities the Jats are Aryan of the same stock as the Rajputs. Jats are better representative of the ancient Vedic Aryan than any member of the three higher castes of the Hindus. Jats, belong to the same ethnic group as the Rajput and Kshatriya. Their stature is mostly tall, complexion fair, eyes dark, hair on face plentiful, head long, nose narrow and prominent but not very long.

During the modern period, the Jats of Haryana, western U.P. and Doab became loyal to the British. They were also preferred by the British because of their agricultural and military skills. They became a favoured community of British. The British could suppress the Aligarh revolt with the help of Jat Thakur Gobind Singh of Hathras and Tikam Singh of Mursan who were the successors of Raja Daya Ram of Hathras. They defended the British power in the areas of Aligarh, Koil, Hathras, Mathura and Agra. Thus, the Jat Thakurs achieved British favour for themselves and their community.

During the post-mutiny period the Jats emerged as a trustworthy community of the British. The rebel Rajput and Muslim Zamindars or landlords lost their possession. The loyalist Jats were given Zamindaris. Many Rajput and Muslim Zamindars lost their Zamindaris due to heavy arrears of payment of land revenue and Zamindaris were sold mainly to the Jat Zamindars. During the War 1914-1919, Jats were represented on

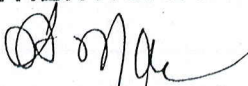
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Member-Secretary

every front where Indian troops were to be found and their conduct was remarkable – one of the best and most trustworthy of the fighting races of India. In recognition of their sterling worth the 6th Battalion Jat Light Infantry was made a Royal Battalion. Geographically Jats population are mainly in the States of Punjab, Haryana, Delhi, Uttar Pradesh and Rajasthan.

The Jat Society had been a democratic society based on brotherhood. Their polity and economy had also the element of democracy. The tradition of panchayat or general assembly had also been very rich in resolving the disputes. There is no sub-caste system among the Jats. Child marriages were not in practice among the Jats. Pologamy was also non-existent. The joint family system was very much in vogue. Widow marriage was prevalent among the Jats. Female infanticide, the crime which was so common among Rajputs, was practically unknown among Jats. Jat women and girls were equally important to men and boys because both constituted agricultural workforce. The Jat women performed duties of household along with agricultural operations. Sati system was also non-existent. The children of concubines are also have right of inheritance. They are mainly vegetarians. They are fond of milk and milk products. They used to abstain from drinking liquor. They have clean habits in their living. Being rural folk they were very fond of wrestling, thus physical exercise was their daily practice. Among agricultural communities, education among Jats was not widespread. Education is not required for their professional skills and cattle breeding. Zamindars were inclined to get education. However, from the beginning of 20th Century, the zeal for education among the Jats is appreciable.

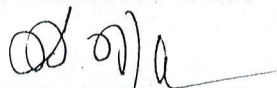
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The Jats have an important place in Indian History and Society. The Jats belonged to the Indo-Aryan stock of race. Irrespective of their racial origin still the Jats are known as sons of the soil. In the four fold of Vedic society the Jats were the Kshatriyas. They were included among royal races of India. Since a long time the Jats had been fine warriors and peasants. Their presence in ancient India is witnessed with a series of facts. During medieval period the Jats rose to all round power and prominence. The mergence of Jat states around Delhi, Brij area and Doab had been an important phenomenon. Initially the Jats resisted the British but in the post-mutiny period they became a favoured community of the British. Thus, the Jats emerged as a powerful community in the post-mutiny period. The Jats were in possession of best fertile land of North-West and Northern India. Their numerical strength in the areas of their inhabitation was worthy in comparison to other social groups or communities. Thus, the Jat was a prosperous community. At the same time they formed a healthy society. The Jat society was free from various prejudices and social evils. The only bad basic defect was their illiteracy.

The caste system is a specific peculiarity of Indian society. It was not thrust upon by any external force. Obviously, it was the outcome of its natural growth. But at the same time there is a long tradition of resistance of caste system. The Jainism and Budhism opposed the divine base of caste system. Such efforts and movements could not succeed in abolishing the caste system, but these relaxed the caste rigidity from time to time. During the British rule the caste system could not be weakened, while there

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were lot of potentialities of its destruction. But the British themselves strengthened the caste system for their colonial end.

Social and religious reform movements of the 19th century opposed the caste system, but could not succeed in abolishing this obstacle in the path of social progress. Raja Ram Mohan Ray openly criticized the caste system as it had been responsible for many misfortunes in the past and which prevented the growth of unity and solidarity among the Indian people. His ideas regarding the problems of the caste system were quite clear but he could not initiate any campaign against it. The Brahmo Samaj concentrated mainly on spiritual and religious issues and deviated from the social issues. It became a kind of elite organization and could not reach to the downtrodden people who were in majority. It could not become effective because of its limited geographical expansion. The Arya Samaj movement also opposed the caste system. It attracted larger population, but could not enlist its followers from the lower castes. Moreover, it was the supporter of fourfold divisions of society or varna system. Therefore, the communities belonging to shudra category opposed the Arya Samaj. The other social reform organizations also could not make much progress in weakening the caste system.

The Jat community had played an important role in the social, economic and political life of North and North West India through the ages. They are considered as an ancient tribe of India. The anthropological, literary, linguistic, physical and racial evidences support the view that the Jats belong to the Aryan Stock. Their social, cultural and religious customs and traditions are similar to

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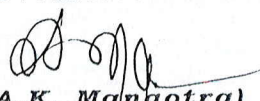
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Prominent Hindus who are of Aryan origin. For a long time Sindh remained the cradle of Jats and from there they migrated to other areas. During the medieval period they migrated from Sindh and in this process they settled finally on both the banks of river Yamuna and developed a system of community brotherhood known as Bhaichara system of land holding. In Punjab, Delhi and U.P., the Jats flourished under the imperial patronage. But in Rajasthan they remained victims of feudal exploitation and oppression. The Jats emerged as a powerful community in the post-1857 period. They were in possession of best fertile land of North-West and Northern India. Their numerical strength in the areas of their inhabitation was worthy in comparison to other social groups of that area. Thus, the Jats were prosperous and formed a healthy society.

The Jat community was a prosperous landed community. The Jat Mahasabha gave top priority to educational efforts. By the end of the 19th century a sizable educated middle class and a class of professionals came into being, who were occupying large number of posts in government departments, business, public life and politics. The educational progress during the years 1907-1929 of the Mahasabha's activities was appreciable. On the eve of independence, the Mahasabha consolidated the social and political strength of the Jat community. The Jat community got wider social identity and recognition. In the post-independence period the Jats played prominent role in the political field.

39. In the report of the NCBC dated 28-11-1999 (per P.S.Krishnan, the then Member-Secretary), it is stated that the Jats

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in Punjab are advanced community in all aspects and they are not socially backward. The Jats of Punjab mostly following the Sikh religion but some of them also following the Hindu religion, have been self-respectful and truthful, like the Kammas and Reddies of Andhra Pradesh.


The NCBC while rejecting the various contentions of the Jats about their social, educational and economic backwardness, considered the Gurnam Singh Commission report and held that the Haryana Jats are not socially backward and in fact they are socially advanced.

The position of Jats in Delhi also the Commission considered the report of the Backward Classes Commission of the Government of the National Capital Territory of Delhi (NCT of Delhi) and other studies conducted by Social Scientists in Northern India mentioned in the brief summary of the opinion of Prof. K.L.Sharma and held that the Jats of Delhi have also got the advantage of urban and metropolitan residence and also the advantage of sharp rise in the value of properties in the metropolis and its outskirts, are not socially backward.

So also in the case of Uttar Pradesh, the Commission considered various reports and after holding a public hearing and the relevant data gathered by Maj. Rishi Pal Singh held that Jats in Uttar Pradesh are not socially backward and in fact they are socially advanced.

In so far as Rajasthan Jats are concerned, the Commission held that the Jats of Bharatpur and Dhaulpur Districts are not socially backward and in fact they are socially advanced.

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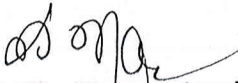
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Similarly in respect of Madhya Pradesh Jats, the Commission held that Jats of Madhya Pradesh are not socially backward but they are socially advanced.

Thus, the NCBC in its report dated 28-11-1997 stated that on the basis of the data and analysis, the NCBC records its finding that the Jats of Bharatpur & Dhaulpur Districts of Rajasthan, Haryana, Delhi, Uttar Pradesh and Madhya Pradesh are not socially backward and in fact they are socially advanced.

40. In so far as NCT of Delhi is concerned, there was no State List of Backward Classes till the Supreme Court Judgment in the Mandal Case dated 16th November, 1992. Pursuant to the judgment in the Mandal case, the Expert Committee on Backward Classes was appointed by the Government of India on 22nd February, 1993 and as there was State Backward Classes Commission, the Delhi Government by its Notification dated 20-4-1993 constituted the Delhi State Commission for Backward Classes. Thereafter, based on the first report of the Delhi State Commission for Backward Classes, the NCT of Delhi vide Notification dated 20-1-1995 notified 53 cases in the State List of Backward Classes. The second report of the State Backward Classes Commission identified 'Jat' for its inclusion in the OBCs list of Government of NCT of Delhi and accordingly the Government of NCT of Delhi issued notification dated 31-5-2000. Thereafter, the Commission also identified some other castes and as a result of which, there are 65 castes notified as State Backward Classes in the NCT of Delhi. After inclusion of the 'Jat' caste/community in the State List of Backward Classes, a request was made for inclusion of 'Jat' caste/community in the

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Central List of OBCs for the NCT of Delhi but that request was rejected by the NCBC vide its advice dated 9-11-2010 repelling various contentions advanced by the 'Jat' caste/community. In fact, the Delhi State Backward Classes Commission rejected the claim of Jats for inclusion in the State List of Backward Classes in 1994. Subsequently, the State Commission entertained the request of the 'Jat' caste/community and based on the report of two Professors viz. Shri J.S. Gandhi, Professor, Jawaharlal Nehru University and Shri B.K.Nagla, Maharishi Dayanand University, Rohtak recommended for inclusion of 'Jat' in the State List of Backward Classes and the State Government accepted the aforesaid recommendation and included 'Jat' caste/community in the State List of Backward Classes. The NCBC pointed out various anomalies of the said report and held that even assuming the State Commission has got power of review being an Advisory Body, still there must be in existence objective material warranting interference by way of review. The social backwardness was not at all considered. Even while considering the educational backwardness, the adequacy of representation in the services are also not properly considered. The State Backward Classes Commission does not automatically bind the NCBC as held by the Supreme Court that the NCBC has to act independently and need not agree with the report of the State Commission for Backward Classes alone. The said two Professors had equated the alleged economic and educational backwardness with the social backwardness and treating all the three at par without specifically going into the question in what respects Jat community suffered social discrimination and the

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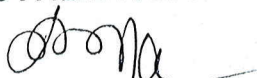
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extent of such discrimination. The backwardness must be as the result of social ridicule and discrimination suffered by the community. The IIPA report shows that several Jats claimed themselves to be Shudras. The Shudra status by itself cannot be considered to be proof of backwardness. There are many backward sections and castes among shudras, who are not backward such as Kammas and Reddis, etc. in South India. The guidelines prepared by the NCBC were not properly adhered to.

The IIPA have conducted survey covering five districts. The survey was aimed at ascertaining demographic, social, educational and economic status of the community. As per the report of the IIPA with regard to social treatment, 51.1% of the families of Jats felt that they are treated "well", 19.2% of families of Jats felt that they were treated "normally" and 29.7% of families of Jats felt that they are treated as "inferior". Thus 70.3% of the families of Jats in the NCT area have felt that they are not subjected to any social discrimination. Overwhelming majority of the families have no grievance in regard to their social status. The fact that some of the Jats felt that they were not treated as equals to Brahmins and Kshatriyas, by no stretch of imagination, can be considered as social discrimination lowering the community to the position of a backward class deserving special benefits under Article 16(4) or 15(4) of the Constitution of India. As per the report of IIPA, 66% of the Jat families practice pardah system. Agriculture is the hereditary occupation of Jats. Jats are also not educationally backward. The literacy rate of general population is 83.7%, whereas the literacy rate of Jats is 85.7%. Economically also they are not backward. In fact in so

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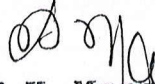
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far as the political position is concerned, as per the report in 45 villages two Ministers, six M.L.As., four ward members, five councilors were found, which means that political representation of Jats is very high but not meager as mistakenly stated in the IIPA report. On examination of the report of IIPA, the Commission was of the view that the 'Jat' as a class cannot be treated as a backward class. Ethnically they are at a higher level; they are of Indo Aryan Descent; their educational level is high; and the social status they command is far higher than the ordinary sudras. In the absence of social and educational backwardness coupled with inadequacy of representation in the services, Article 15(4) and 16(4) do not apply for the purpose of treating Jats as a backward class.

41. The report of the NCBC dated 9-11-2010 in so far as Delhi is concerned kept pending and in so far as the other States of Haryana, Madhya Pradesh, Uttar Pradesh and two Districts of Bharatpur and Dhaulpur of Rajasthan were kept pending from 1997 onwards and only in December, 2013, without taking any decision either accepting or rejecting the Advices and without assigning any reasons, simply requested the NCBC to reconsider the advices, though the advice of the Commission is ordinarily binding upon the Central Government and as per the Judgment of the Supreme Court in Indra Sawhney case.

42. No doubt, the pendency of the Writ Petitions is not a bar for the NCBC to reconsider or for a fresh consideration if sufficient material or data is available fulfilling the requirements as per the guidelines and questionnaire establishing their social, educational and economic backwardness. As per the judgment


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of the Supreme Court in *Indira Sawhney Vs. Union of India* (1992) 3 Supp SCC 217, certain objective social criteria have to be specified before any group of citizens to be treated as a backward class. The Supreme Court also held that the backward class for a relative term must be judged by the general level of advancement of the entire population of the State. Based on the Supreme Court Ruling in *Indra Sawheny case*, the Five Judge Bench Judgment of the Supreme Court in *B.Archana Reddy v. State of Andhra Pradesh* 2006(6) ALD 582 and the Seven Judge Bench Judgment of the High Court in the case of *T.Muralidhar Rao v. State of Andhra Pradesh*, have laid down the following criteria for identification of backward classes:

- (a) The Commission has to formulate objective criteria for determining social and educational backwardness.
- (b) The Commission must notify the proposed criteria to enable effective participation in the inquiry by the citizens.
- (c) The Commission must collect the data by conducting a field survey covering the entire population. The Commission must record oral and documentary evidence. This is an empirical exercise not a research study.
- (d) The Commission need not conduct a door to door survey, but it must use an adequate and a representative sample of the investigated community/class determine backwardness.
- (e) The Commission must apply the criteria to groups or classes and examine whether they satisfy the criteria to be considered as a backward class.
- (f) Before designating a community as backward, the Commission must conduct a comparative analysis of that group with the rest of the society.
- (g) The Commission has to investigate whether the said backward classes are inadequately represented in the services of the State.

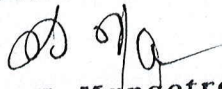
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43. Under Section 9 of the National Commission for Backward Classes Act, 1993 (NCBC Act, 1993), the NCBC shall examine requests for inclusion of any class of citizens as a backward class in the list and after hearing tender such advice to the Central Government as it deems appropriate. As per the very language of Section 9, the Commission is bound to examine any requests for inclusion in the list of backward classes. The Commission only tenders advice and gives recommendations. Although the advice of the Commission is ordinarily binding under Section 9(2) of the Act, it does not by itself adjudicate any rights and liabilities. Consequently the principles of review which are applicable to judicial and quasi-judicial authorities may not be strictly applicable to the Commission. But to reconsider its earlier advice, there shall be a relevant material fulfilling the criteria and methodology adopted by the Commission in its guidelines and questionnaire. In the given case, no doubt, there is no bar on the NCBC to revisit its earlier advice and reexamine the same again subject to the fulfillment of the aforesaid criteria. Under clause (4) of Article 15 of the Constitution of India, the State can make any special provision for the advancement of any socially and educationally backward classes of citizens. But consequently before including 'Jats' in the list of backward classes, the Commission must find that they are socially and educationally backward for the constitutional benefits. To determine the social backwardness, the Commission has to conduct a comparative exercise by comparing them with similar other backward classes.

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44. In the Judgment of the Constitution Bench of the Supreme Court in the case of Ashok Kumar Thakur v. Union of India (2008) 6 SCC 494, it is held as under:

“And in Indira Sawhney case the majority held that the ideal and wise method would be to mark out various occupations which on the lower level in many cases amongst Hindus would be their caste itself and find out their social acceptability and educational standard, weigh them in the balance of economic conditions and, the result would be backward class of citizens needing a genuine protective umbrella. And after having adopted occupation as a starting point, the next point should be to ascertain their social acceptability. A person carrying on scavenging becomes an untouchable whereas others who were as low in the social strata as untouchables became depressed. The Court has cautioned that the backwardness should be traditional. Mere educational or social backwardness would not have been sufficient as it would enlarge the field thus frustrating the very purpose of the constitutional goal. It was pointed out that after applying these tests, the economic criteria or the means test should be applied since poverty is the prime cause of all backwardness as it generates social and educational backwardness”.

The NCBC is therefore of the opinion that in the absence of any fresh relevant material, it is advisable not to consider the case of ‘Jats’ caste/community for inclusion in the Central List of Other Backward Classes for the NCT of Delhi and other States.

45. However, the question that arises for consideration is as to whether any sufficient material is available fulfilling the criteria to recognize ‘Jats’ as a backward class or not ?

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The sum and substance of the written representations received in favour of the Jats in respect of NCT of Delhi, Haryana, Uttar Pradesh and Uttarakhand is as follows:

DELHI

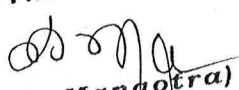
FOR INCLUSION OF JATS OF DELHI IN CENTRAL OBCLIST

SUB: - INCLUSION OF "JAT" OF DELHI.

By:-

- (1) Smt. Darshana Solanki, Delhi- 110041
- (2) Shri Ishwar Singh, Najafgarh, New Delhi- 110043
- (3) Shri Azad Singh, Najafgarh, New Delhi- 110043
- (4) Shri Prem Singh, Najafgarh, New Delhi- 110043
- (5) Shri Darshan Lal, Najafgarh.
- (6) Shri Raj Kumar Sharma, Najafgarh.
- (7) Shri Saroop Singh, Haryana.
- (8) Shri Man Mohan Rohilla, Delhi.
- (9) Shri Ram Kishan Sharma, New Delhi.
- (10) Shri Gurdayal Verma, New Delhi.
- (11) Shri Raghubir Sharma, New Delhi.
- (12) Shri Ramkaran, New Delhi.

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- (13) Shri Bhupender Sharma, Delhi.
- (14) Shri Inder Singh, Delhi.
- (15) Shri Ramavatar Sharma, Delhi.
- (16) Shri Sudhir Kumar, Delhi.
- (17) Shri Sudarshan Kumar, Delhi.
- (18) Shri Omprakash, New Delhi.
- (19) Shri Ramchander, New Delhi.
- (20) Shri Harish Kumar, New Delhi.
- (21) Shri Deepak Kumar, New Delhi.
- (22) Shri Sadanand Soni, New Delhi.
- (23) Shri Naresh Panchal, New Delhi.
- (24) Shri Prabhati Lal, New Delhi.
- (25) Shri Satbir, New Delhi.

The above said representationists have no objection if the jats are included in the Central List of OBCs for Delhi

HARYANA

FOR INCLUSION OF JAT IN CENTRAL OBC LIST

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Representation by:-

1. **Akhil Bhartiya Jat Aarakshan Sangharsha Samiti Haryana (Sh. Hawa Singh Sangwan Ex commandant)**
2. **Sanyukt Jat Aarakshan Sangharsha Samiti (By Sh. H.P. Singh Parihar**


moved representations claiming the inclusion of Jat in Haryana in the Central List of Backward Classes for the State of Haryana on the following grounds.)

The above said organization put their claim for inclusion of Jats in Haryana in the Central List of Backward Classes and rested their claims on the following points.

1. Socially Backward:-

1. The Jats Community has been declared as **Sudras** by the Hon'ble Lahore High Court in its judgement A.I.R. 1936 page 551 titled Jaginder Vs. Kartara.
2. Swami Dayanand in his book **Satya Prakash** while explaining the widow marriage considered the Jat Community as **Sudra Varna**.
3. It is noticed that pandits are showing the children of Jat as **Sudras** while preparing their Janam Kundlis.
4. A Jat history written by Kali Ranjan Kanoongo during 1925 also given many references showing Jat as **Sudras** by some ancient writers.
5. An autobiography as Savraj- Ke- Swar late Shri Ranbir Singh Hooda father of the Chief Minister of Sh. Bhupinder Singh Hooda had written that the Jats were being called **Sudras**. **Although the Jats are not Sudras but surely a backward caste.**
6. They and their women and children's work in the fields and depend upon agriculture, animal husbandry and earn livelihood by agriculture. Their manual labour in agriculture involves not only the men but women and children's. The Kaka Kalelkar Commission and

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Mandal Commission has unequivocally accepted that the caste which earns their livelihood by agriculture, animal husbandry and by putting manual labour falls in the category of backward classes.

7. Jat community is still suffering from the tribal characteristics. Honour Killing, prohibition of marriage between Sahgotra and excommunication are examples of their backwardness. A Jat family still sleeps in the shade where animals are also tied.

2. Educationally Backward:-To press their claim for inclusion in the Central List of Backward Classes for Haryana Jats claim that the Jats are Educationally Backward and to substantiate the claim it is written in their representation that to determine the educational status of a community the Mandal Commission asked each and every state of India to provide its community wise data but since no data was ever provided to the Commission. The Mandal Commission in order to determine the educational status of the community adopted its own criteria by using its own discretions and found the ruralite as Educationally Backward and as per this logic of commission the whole Jat communities are Educationally Backward as 95% of Jats lives in the villages ever after long period of independence, So the Jat community fulfill this condition also. Due to their economic conditions the literacy rate is very poor and the drop rate at the matriculation level is very high. The graduation rate is also toward very low side. Hence this is a educationally backward community.

3. Economical Condition:-

1. It is regarded that the economical condition of Jat community is worst ever as at present 90% of the community is dependent upon farming. Census report, 2001 says that 70% farmers in Haryana having less than 5 acres of land holding. The land holdings are becoming smaller and smaller. Whereas the National agriculture report says that less than 10 acres of land holding is a profession of deficit. It is further realized that more than 90% farmers are under debt and are surviving with Kisan Credit Cards and almost all the

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New Delhi

vehicles purchased by the rural Jats are on loan from banks. Thus it is clear that the Jat community is Economical Backward.

4.To press the demand forcefully

The Akhil Bhartiya Jat Aarakshan Simiti (ABJASS) has been holding peaceful rallies and sammelans across the country for its demand for extension of OBC status for Jat community.

On 13th June 2010 the water supply to the Delhi was stopped by Jats.

On 28th July 2010, Dharna at Jantar Mantar. During Dharna on the calls of 10 Jan Path and PMO, Jat delegation were called by Senior officials who promised to organize meeting with PM Dr. Man Mohan Singh, but no appointment was ever given for meeting.

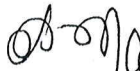
On 13th September, a symbolic Dharna and Highway blocking was organized at 62 places on the same day. The same day a Dharna organized at **Mayyad** in Hisar a young Jat Suneel Shyran sacrificed his life for the cause.

On March 2011 the Jats sat on Railway tracks in UP & Haryana and so many agitation had been taken by the Jat community to press their demand of OBC status.

On 19 Feb, 2012 community resumed its agitation by blocking railway tracks in Haryana. The community continued Dharna during days and chilling nights. The level of atrocities perpetrated by Congress led government of Haryana heightened on the night of 5/6 March, when it lathi charged and opened fire on the peaceful community and mercilessly killed a youth namely Sandeep Kadvasra. So many alike agitations has been taken by the Jat community to press their demand of OBC status.

Jat community has decisive strength on more than 120 Parliament seats and if the issue of reservations is not taken up it would cause all round opposition during election in 2014.

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UTTAR PRADESH

FOR INCLUSION OF JATS OF U.P. IN CENTRAL OBC LIST

By:-

(26) Shri H.P. Singh Parihar (Sanyukt Jat Aarakshan Sangharsha Samiti)

(Forwarded by Ch. Vijendra Singh, Ex. Member of Parliament, Aligarh, U.P.)

(27) Shri Yashpal Malik (Akhil Bhartiya Jat Aarakshan Sangharsha Samiti)

(Forwarded by Smt. Krishan Tirath, Minister of State (Independent Charge) for Women and Child Development)

(28) Shri Devender Nagpal, Member of Parliament

(Forwarded by Shri Sushil Kumar Sinde, Home Minister, India)

(29) Shri Yashpal Malik (Akhil Bhartiya Jat Aarakshan Sangharsha Samiti)

(Forwarded by Ms. Chandrash Kamari Katoch)

(30) Shri Rasheed Mahmood, Member of Parliament, Rajya Sabha

(Forwarded by Dr. Sharmila Mary Joseph K.)

(31) Shri Yashpal Malik (Akhil Bhartiya Jat Aarakshan Sangharsha Samiti)

(Forwarded by Shri Arjum Ram Meghwal, Member of Parliament, Bikaner, Rajasthan)


(32) Shri Yashpal Malik (Akhil Bhartiya Jat Aarakshan Sangharsha Samiti)

(Forwarded by Ms. Shruti Choudhary, Member of Parliament, Lok Sabha)

(33) Shri Yashpal Malik (Akhil Bhartiya Jat Aarakshan Sangharsha Samiti)

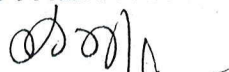
(Forwarded by Ms. Girija Vyas, MP)

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Commission for Backward Classes

- (34) Shri Yashpal Malik (Akhil Bhartiya Jat Aarakshan Sangharsha Samiti)
(Forwarded by Dr. Manohar Singh Gill, Member of Parliament)
- (35) Shri Yashpal Malik (Akhil Bhartiya Jat Aarakshan Sangharsha Samiti)
(Forwarded by Dr. Murli Manohar Joshi, Parliament, Lok Sabha)
- (36) Master Bhup Singh (Akhil Bhartiya Jat Mahasabha, Tehsil-Bilari)
(Forwarded by District Magisterate, Moradabad)
- (37) Shri Virpal Rathi, M.L.A.
- (38) Shri Jagarveer Singh Sirohi (Akhil Bhartiya Jat Aarakshan Sangharsha Samiti)
(Forwarded by Achhe Lal Singh Yadav, Distt- Magisterate Bulandsahar)
- (39) Shri H.P.Singh Parihar, National President (Sanyukt Jat Aarakshan Sangharsha Samiti)
- (40) Dr. Balram Jakhar, Former Speaker Lok Sabha, Chairman (All India Jat OBC Reservation Coordination Committee)
(Forwarded by Dr. (Mrs.) Praveen K. Singh)
- (41) Shri H.P.Singh Parihar, National President (Sanyukt Jat Aarakshan Sangharsha Samiti)
- (42) Shri H.P.Singh Parihar, National President (Sanyukt Jat Aarakshan Sangharsha Samiti)
- (43) Shri H.P.Singh Parihar, National President (Sanyukt Jat Aarakshan Sangharsha Samiti)
- (44) Shri H.P.Singh Parihar, National President (Sanyukt Jat Aarakshan Sangharsha Samiti)
- (45) Shri Arya Ramsharan, EX- MLA Sadabad, Janpad- Hathras, Uttar Pradesh
- (46) Shri Major General Shyoraj Singh Ahlawat , VSM (Akhil Uttar Pradesh Jat Mahasabha)
- (47) Shri Arya Ramsharan, EX- MLA Sadabad, Janpad- Hathras, Uttar Pradesh

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- (48) Dr. Balram Jakhar, Former Speaker Lok Sabha, Chairman (All India Jat OBC Reservation Coordination Committee)
- (49) Major Rishipal Singh, Retd. Advocate C-44, Abdul Hamid Ganj, Raksha Puram, Meerut, Uttar Pradesh. (Forwarded by Shri Pawan Malviya, Section Officer)
- (50) Shri Yashpal Malik (Akhil Bhartiya Jat Aarakshan Sangharsha Samiti)
(Forwarded by Vijya Pal Singh, Distt officer, Kanth)

Reasons in support for inclusion of "Jat"

The Following facts are submitted regarding the inclusion of Jat in Central List of Backward Classes for state of Uttar Pradesh.

Grounds for inclusion:-

- (1) The people of this community live in the villages.
- (2) This caste earns the livelihood by agriculture, animal husbandry and by putting their manual labour.
- (3) In the past as a result of human population, explosion the land has been divided and further sub divided. This division of land has made 20% of Jat people land less and land holding of 75% Jats are too small to carry on profession of agriculture.
- (4) The Jat community has inadequate representation in the Govt. services.
- (5) That because of the poor economic condition the Jats people are not in position to provide education to their children and that's why majority of the children drop at 10th class standard.
- (6) The women and children of the Jat community put manual labour in the fields.
- (7) The Jats are comparatively illiterate.

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- (8) Mandal Commission on the basis of study by **TATA** Institute of Bombay put AHIR, KURMI, GUJJAR, SAINI at same pedestal.
- (9) The Kaka Kalelkar Commission mentioned the Jats in the backward list of the state namely Bhopal, Bihar, Bombay, Himachal Pradesh, Cutch, Madhya Pradesh, and Saurashtra.
- (10) In the year 2001, U.P. Government constituted Social Justice Committee under the Chairmanship Hon'ble Minister Hukum Singh who adjudged the Jat community not only backward but more backward.
- (11) Kaka Kalelkar Commission, Mandal Commission have unequivocally concluded and accepted that all those castes who earn their livelihood from agriculture, animal husbandry and by putting their manual labour falls in the category of Backward Class.

UTTARKHAND

1. H.P. Singh Parihar, National President, Sanyukt Jat Arakshan Sangharsh Samiti

Ompal Singh Rathi, Patron, Jat Arakshan Sangharsh Samiti, Uttarakhand.

2. Yashpal Malik, National President, Akhil Bharatiya Jat Aarakshan Sangharsh Samiti

Satender Malik, President, Uttarakhand.

- (i) Already in undivided Uttar Pradesh a detailed survey was conducted under the Chairmanship of Shri Hukum Singh.
- (ii) Based on the report Jats of Uttarakhand to be included. In Higher Education Jats strength only 0.32%. Medical 1.37% and Technical Education 0.37%.
- (iii) As per the Judgement of Lahore High Court in the case Joginder Singh (vs) Kartara - AIR 1936 Lahore, Page 551, Jats belong to Social Backward Caste - Shudra.

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MADHYA PRADESH

I. Yashpal Malik, National President,

Akhil Bharatiya Jat Aarakshan Sangharsh Samiti, Madhya Pradesh

(i) Mandal Commission identified all peasantry castes like Kurmi, Lodha, Yadav but failed to include Jat.

(ii) As per the Judgement of Lahore High Court in the case Joginder Singh (vs) Kartara – AIR 1936 Lahore, Page 551, Jats belong to Social Backward Caste – Sudra

(iii) Baldev Singh (vs) Thasildar 2000(4) AWC2781 held

“Jat Singh” being also a “Jat” is a backward caste.

(iv) Submitted Tabulation about the position of Jats in Higher Technical and Medical Education.

II. Har Narayan Jat, President, Jat Sabha, Bhopal, Madhya Pradesh

(i) Due to inclusion in some states, Jats are partially benefited.

(ii) In Madhya Pradesh Jats are in BC list since they are Backward.

(iii) Politically and Culturally also Backward.

(iv) In Primary Education Female Literacy is 30% Male is 40%

Higher Secondary Level Female rate is 5% Male is 10%.

In Higher Education both Male & Female have 5%

UTTAR PRADESH

I. Maj. Gen. S.S. Ahalawat, President, Akhil Uttar Pradesh Jat

Mahasabha

1) As per Mandal Commission Report Yadav, Kurmi, Gujjar, Lodh Saini, Mali and Jats are peasantry castes. Except Jats all castes included.

2) Without detail survey NCBC rejected Jats during 1997 by relying on Dr. Deepankar Gupta Report. Jats are in 1267 villages in 22 Districts but Gupta surveyed only 5 villages. Hence that report is not valid.

3) During Public Hearing held on 7-10-1997 only one Member Sr Akshya Bhai Sahu Chaired and assured to decide after survey. But without survey rejected.

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4) Elaborately explained the reasons to review the earlier order by NCBC.

II. Lt. Col.(Retd.) S.S. Duhoon, Patron, Samyukt Jat Aarakshan Sangharsh Samiti

- 1) Commission rejected UP Jats on 28-11-1997 to be reconsidered Since it was without any proper survey.
- 2) NCBC has to rely on Hukum Singh Committee Report.
- 3) Medical Education on 38% are Jats. Technical education only 10%
- 4) As per Dipankar Gupta Report (Page 100) Agricultural Income per Acre is Rs.3500/-. Hence Jat Farmers cannot be considered rich people.
- 5) Comparative data with other Castes also given to prove Jats are Educationally Backward.

III. Dr. Satya Pal Singh, IPS (Retd.)

Forum for Social Re-engineering, Meerut, UP

1) Jats are Shudras. He referred K.R. Kanungo and Lahore High Court Judgement, 1936. Johinder Singh (vs) Kartara – AIR 1936 Lahore Page-551

2) Kaka Kalelkar Commission Report concluded Jats are Backward Class people.

3) As per the report of Prof. Ajit Kumar Giri, Institute of Development Studies, Lucknow (2011) Educationally Yadavs 3.7%, Gujjars 2.5% and Jats 1.9% only.

IV. Yashpal Malik, National President,

Akhil Bharatiya Jat Aarakshan Sangharsh Samiti, UP

1) For OBCs in UP Reservation was given on 10-3-2000. Hukum Singh Report applicable.


2) Mandal Commission identified all peasantry castes like Kurmi Lodha, Yadav but failed to include Jat.

3) As per the Judgement of Lahore High Court in the case Joginder Singh (vs) Kartara – AIR 1936 Lahore, Page 551, Jats belong to Social Backward Caste – Sudra

4) Govt. of UP appointed Social Justice Welfare Committee for survey on 26-1-2001 and based on that Jats become BCs.

5) Baldev Singh (vs) Thasildar 2000(4) AWC2781 held “Jat Singh” being also a “Jat” is a backward caste.

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6) Submitted Tabulation about the position of Jats in Higher, Technica and Medical Education.

V. Er. Brajpal Singh Paisal, President, and

Shri Gajendra Singh Payal, Gen. Secy., Jat Sabha Zila Meerut, UP

1) Based on the report submitted by Tata Institute of Social Sciences, Bombay before Mandal Commission Chapter V relates to UP (Pages 292-295) Jats to be included in Central List.

2) 1997 verdict by NCBC is without any survey.

3) Including women all are participating in Agri work.

4) No reason to exclude Jats by Mandal.

GUJARAT

I. H.P. Singh Parihar, National President, Sanyukt Jat Araksha Sangharsh Samiti

1) Inclusion of Gujarat Jats in Central list. Population 6.50 lakhs.

2) Jats are migrated from Rajasthan and Haryana to Gujarat.

3) Socially, Educationally Backward.

II. Mavjibhai Patel, Ex-MLA, Gujarat

1) To include Anjana Gotra in Jat as OBC.

2) Request to include Anjana Gotra – Anjana Chaudhary, Anjana Patel and Anjana Desai as Jat Gotra in Central List.

3) Rajasthan Anjana Gotra is included in State and Central List.

III. Amit Haribhai Chaudhary, MLA, 37-Mansa, Gujarat.

1) Based on Mandal Report Anjana Chaudhary included in Gujarat State BC List where it is not SC. Hence to be added.

IV. Yashpal Malik, National President,

Akhil Bharatiya Jat Aarakshan Sangharsh Samiti

1) Request to correct the Central list of OBCs by inserting words "Hinc and Sikh" for the State of Gujarat.

HIMACHAL PRADESH

I. H.P. Singh Parihar, National President, Sanyukt Jat Araksha Sangharsh Samiti

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- 1) HP Jats are still suffering from the Tribal characteristics
 - 2) Govt. of HP already added Jat/Jaat Sikhs in the State BC List.
 - 3) Educationally, Socially HP Jats are Backward.
- II. Er.B.S. Dhillon, Social Activist and Ch. Karan Singh, Social Activist

Una District, Himachal Pradesh

- 1) HP Jats are mainly Agriculturists 50% are Agri labourers. Some other are working in stone breaking, Ferrying Boat etc.
 - 2) History of HP only one MLA from Jat.
 - 3) Low Education rate and more drop outs.
 - 4) 10-15% Jats only having propel houses remaining are in Kacha Houses.
 - 5) Jats in HP are 6.86 lakhs.
 - 6) Public held by NCBC on 3.7.2008 for considering Jat/Jaat and 5 other castes but in the order Jat/Jaat was not found place.
- In Advise No.9/HP/2008 Jat neither included nor rejected.

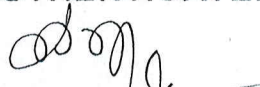
DELHI

- I. S.P. Singh, President

Surajmal Memorial Education Society, New Delhi

- 1) During Public Hearing on 13-5-2008 we given written submission that was not considered.
 - 2) Justice Gumal Mal Lodha Commission clearly given the social backwardness of Jats.
 - 3) Gujjar, Ahir, Jat, Saini etc. are agricultural communities. Except Jat all included.
 - 4) Jats are mainly Class III and IV employees. In schools drop-outs are more.
 - 5) The IIPA Report also clearly mentioned about the backwardness of Jats. Whole report not considered by NCBC.
- II. Raghbir Singh Rana, General Secretary, World Jat Aryan Foundation.

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1) Jats lands at Delhi were acquired by Govt. for Rs.2 per sq.mtrs.
All lost land.

2) Jats living in J.J. Colony, Jahangirpuri are all labourers.

3) If included they will join Govt. of India Institutions.

III. Navdeep Singh, Advocate, New Delhi

1) Jats are not respected by upper caste Hindus.

2) High rate Purdha system and Child Marriage among Jats.
Socially Jats are backward.

3) Jat children not able to get good Education.

4) Consider Lipi Mukhopadhyaya Report and include Jats.

IV. Tarif Singh, President

Jai Pal Singh, General Secretary

Jat Samaj, Najafgarh, New Delhi

1) Lodha Commission Report and Study Report of Dr. J.S. Gandhi
to be considered.

2) Child Marriage is widely prevailing among Jats.

3) Jat Youths are Jobless. 63% are Business and 2.4% are only
in high positions.

4) Drop out at School level is high 69.6% . Only 14% join in 1st
Standard and 4% only reach 10th Standard.

V. S.P. Singh, President, Surajmal Memorial Society, New Delhi

1) During Public Hearing on 13-5-2008 we given written
submission that was not considered.

2) Justice Gumal Mal Lodha Commission clearly given
the social backwardness of Jats.

3) Gujjar, Ahir, Jat, Saini etc. are agricultural communities.
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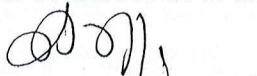
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VI. Yashpal Malik, National President,

Akhil Bharatiya Jat Aarakshan Sangharsh Samiti

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National Commission for Backward Classes

New Delhi

Mangeram Tewatia, President, Delhi Pradesh

- 1) Mandal Commission identified all peasantry castes like Kurmi Lodha, Yadav but failed to include Jat.
- 2) As per the Judgement of Lahore High Court in the case Joginder Singh (vs) Kartara – AIR 1936 Lahore, Page 551, Jats belong to Social Backward Caste – Sudra
- 3) Baldev Singh (vs) Thasildar 2000(4) AWC2781 held “Jat Singh” being also a “Jat” is a backward caste.
- 4) Submitted Tabulation about the position of Jats in Higher, Technical and Medical Education.

VII. H.P. Singh Parihar, National President, Sanyukt Jat Araksha Sangharsh Samiti

- 1) Jats Educationally Backward. In rurally 45.73% are illiterate only 15.48% are literate.
- 2) Jats and Gujjars 1/3rd population literate, whereas Yadavs 50% literate.
- 3) 25.59% Jats are labourers, 6.39% are manual labourers.
- 4) During 1997 NCBC rejected solely on the ground that Gurnam Singh Committee not considered.
- 5) Should be included.
- 6) Originally Jats owned lands now most of them are landless.

Based on his letter dated 17-02-2014

Rebuttal on the points raised by objectors against Jat reservation during Public Hearing on 10-02-2014 to 13-02-2014 at Delhi.

- 1) Allegation that Jats are occupying Prime Ministership is false. Ch. Charan Singh was PM only for 6 months. Devi Lal was only Deputy PM.
- 2) Only one Jat Cabinet Minister and one Chief Minister throughout the Country.
- 3) Only 2 Jat MPs and 5 MLAs from UP.
- 4) It is not correct that Jats are big Farmers.
- 5) It is not correct that Jats own large number of Educational Institutions.
- 6) As per the Judgement AIR 1936 Lahore 551 Jats are Shudras.
- 7) If Jats are compared with Gujjar, Aheer, Saini, Lodha, Kashyap

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all are peasant class.

8) It is not correct that Jats are ill treating lower castes like Nai, Dhobi, Lohar, Badhi (carpenter) and Dalits.

9) Cases in Allahabad, Haryana, Rajasthan will be dismissed. There is no merit and stay in all cases.

10) Jats in Govt. service is low.

11) The contentions about IAS Officers in Magazine by Shri Rajbi Chikara is not correct. In UP, IAS strength 592 out of which only 2 from Jats. In UP IPS cadre 410 but none is from Jats.

12) Number of Judicial Officers in Higher Judiciary is very low.

In the year 2007 Total vacancies 81 Reserved Posts 31 Selected 41 out of Reserved Posts (OBC) 21 selected 10 out of which Jats 5. During 2009 Total vacancies 41. In 2012 Total vacancies 78 selected 10 Jats 3.

13) The report given by Prof. J.S. Gandhi of JNU and Prof. B.K. Nagla of Maharishi Dayanand University, Rohtak is correct.

14) Prof. B.K. Nagla of Maharishi Dayanand University, Rohtak not belong to Jat.

15) There is no Supreme Court Judge from Jat community and no Member in UPSC.

Allhabad High Court only 2 Judges from Jat community.

VIII. Shri Balram Jakhar, Former Governor

1) Various State Commissions given detail report for inclusion.

2) During Mandal Commission Survey, Jats due to ignorance failed to approach.

3) Jats Educationally, Economically and Socially Backward. Lower than other Backwards like Sainis, Gujjars.

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HARYANA

I. Prof. Jagdeesh Kumar Gehlawat, Senior Editor, 'Jat Jyoti' Magazine, Delhi

1) When Jats are included in the State List why denying to include in the Central list.

II. Sube Singh Samain, Spokesperson, Sarv Jat Khap, Haryana.

1) 90% Jats are Agriculturists and all are under heavy debts and loan borrowed from Banks and other Private Institutions.

2) Jats are at par with other farming communities like Ahirs, Sainis, Gujjars and Kurmis but Jats are not included.

3) Jats already declared as Socially, Educationally Backward Class people in number of States.

4) A.I.R. 1936 Lahore 551. Father-in-Law married widow Daughter-in-law Court held it is a valid marriage since Jats are Shudras.

III. Ch. Nafe Singh Nain, National President, Sarva Jat Khap Panchayat.

1) Request to include Hindu Jat, Muslim Jat, Sikh Jat in OBC list.

2) Swami Dayanand in his Book Satyarth Prakash mentioned Jats as Sudras since prevailing widow marriage. It is confirmed in Hindu Puranas like Padma Purana, Bhavishya Purana and Chachnama etc.

3) Jat Ladies are living among cattles and Kacha houses.

4) Mandal Commission included Gutka Jat., Chillan Jat, Tanwar et al. (Sl. No.40,43,62 and 73)

5) 15% Jats are manual labours.

6) Child marriages and widow marriages are prevailing even now.

7) Among Female Literacy Ratio is below 15%.

IV. Col. Retd. O.P. Sindhu, President, Jat Aarakshan Sangharsh Samiti,

Gurgaon, Haryana.

1) Mandal Commission Found Jat Community is at par with other Farming Communities. But Mandal failed to include Jats. (Para 8.40 on Page 40). Further Para 9.25 of Page 44 also in favour of Jats.

2) Gurnam Singh Commission and K.C. Gupta Commission mentioned Jats are more Backward than Ahirs, Gujjars and Sainis.

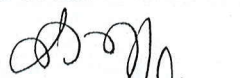
3) Jats are best Farmers and Soldiers but worst in Education.

4) Rajasthan Jats already given reservation. In same manner all are to be given.

45. The representations received objecting to the inclusion of the

Jats in the Central List from many backward

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Persons/leaders/associations and the gist of the said representations is as follows:

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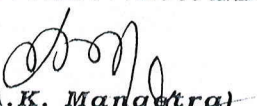
REPRESENTATIONS AGAINST INCLUSION OF JAT OF DELHI

Sub :-Against Inclusion of "Jat" of Delhi.

By:-

- (51) Shri Charan Singh Yadav, Najafgarh, New Delhi- 110043
- (52) Acharya Mahavir Singh Shastri, General Secretary, (Akhil Bhartiya Prajapati Kumbhkar Sangh) (Regd.), New Delhi- 110055
- (53) Dr. P.C. Patanjali, (Most Backward Classes Federation of India), Shalimar Bag, Delhi- 110088
- (54) Dr. P.C. Patanjali, (Akhil Bhartiya Ati Pichra Varg Mahasangh), New Delhi- 110045
- (55) Dr. P.C. Patanjali, (Most Backward Classes Federation of India), Shalimar Bag, Delhi- 110088
- (56) Shri Ram Sharan Bhati, Executive President, (Akhil Bhartiya Gujar Mahasabha), Padpadganj, New Delhi- 110091
- (57) Dr. P.C. Patanjali, (Most Backward Classes Federation of India), Shalimar Bagh, Delhi- 110088
- (58) Dr. Pramod Nagar, Advocate, Delhi.
- (59) Shri Subodh Kumar, H.No. 345, Munirka, New Delhi- 110002
- (60) Shri Ram Sharan Bhati, Executive President, (Akhil Bhartiya Gujar Mahasabha), Padpadganj, New Delhi- 110091

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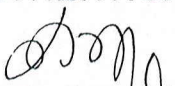
- (61) Shri Braham Prakash, General Secretary, (Delhi Ati Pichra Manch), New Delhi- 110082
- (62) Shri Braham Prakash, General Secretary, (Delhi Ati Pichra Manch), New Delhi- 110082
- (63) Shri R.P. Singh, 1337, Jud Bagh, Kotla Mubarak, New Delhi- 110003
- (64) Dr. P.C. Patanjali, President, (Pichra Varg Vikas Manch, Palam, New Delhi- 110045
- (65) Shri Krishan Kumar Arya, 333, Ishwar Colony, Bawana, Delhi- 110039
- (66) Akhil Bhartiya Vishwakarma Mahasabha.
- (67) Dr. Prem Chand Patanjali, President, (Pichra Varg Vikas Manch)
- (68) Shri Ombir Singh, OBC Reservation Raksha Samiti (Regd.)
- (69) Shri J.C. Gola (Pichra Varg Vikas Manch)

Sub:-Against Inclusion of "Jat"

The Following facts are submitted in protest against the move of inclusion of Jat in Central List of Backward Classes.

1. **Social Dominance:-** The Jat community in its magazine is also called as "The power of Jats" published by "World Art Research Foundation, Jat Shakti". The Jat Community has always been dominant, respectable and salutary one in Delhi. This Community has never been subjected to the victim of disrespect, dishonor and never felt oppressed in the society. 80% land has been occupied by the Jat community. In Delhi jats have more lands and they make buildings upto 5 or 6 floors on this land and after this Jat Community people given the plots to the other community peoples on rent and earn a lot of money by giving the houses on rents. In Village Panchayats, the head of the village panchayat

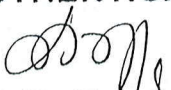
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are from this community and the large "Khap Panchayat" of 360 villages also belongs to this Jat community. There are more than 1500 gazetted officers of Jat Community in Delhi alone. In Sports, Virender Sehwag, Khajan Singh, Kapil Dev are also belong to Jat Community. In Film Industry Dara Singh, Dharmendra, Mallika Shehrawat, Rajat Tokas belongs to this community. In Delhi Sir Chhotu Ram & Nahar Singh educational institutions are belonged to Jat community. The Jat community has also industrialists, educationalists, professors, doctors etc. A lot of persons of this community are governors, Ambassadors, international repute, High Commissioners, Members of Planning Commission, People in Administrative services, People in Indian Police Services and are also enjoying the posts in Indian Foreign Service, Indian revenue service, officers in armed forces, Chancellors, Vice- Chancellors and Directors of various institutions of Government. There is a Jat regiment in the army in the name of Jat which indicates their social status. Dr. P.C.Patanjali in his representations says that the castes should be classified into BCs, Special BCs and Most BCs and the MBCs people are not called with their names but by their caste which is humiliating and demoralizing and wanted that a separate ministry at Central level be created for Most BCs because the condition of Most BCs is worse than SC/STs in the country and a commission be appointed to identify and suggest the bifurcation of BCs and MBCs which should consist of members and the chairperson from MBC.

2. Educational Dominance:- The Educational institutions of this caste have been running ever before Independence. Total 8 schools of Jats are in Dwarka are belongs to this Jat community. At present in Delhi the large institutions or universities are from this community and in villages 90% private schools also belongs to this community. Now a number of educational institutions are being run by the society like schools, Industries, Polytechnic, Degree College, Law College, Engineering and management colleges and institutes like - Surajmal Education and vocational institute, Janakpuri, Sir Chhotu Ram Engineering College, Kanjhawala ,Delhi, Vikas

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Bharti Public School, Rohini sector- 24, Lancers convent School, Prashant Vihar, Delhi Maan Public School , Holmbi , Jai M.P.S. Kherakhurd, Ch. Hazari lal Public School, Kherakalan, National Public School, Narela, M.D. Public School, Bawana, L.K. Public School, Mungespur and so many other public schools and 95% students of this community getting education in public schools because the persons of this community can afford such expensive education to their children. The educational status in female population is also 100% and after getting education, female of this community are on good posts also. Dr. Saroop Singh Delhi Universities are from Jat Community in State of Delhi.


3. Economic Predominance:-

(i) Land Holding:- They have Occupied major part of Agricultural Land.

(ii) Political Dominance:- At Present one Parliament Member (from outer Delhi, 8 M.L.A.s, 1 Minister in Delhi Government and approximately 40 Counsilors of M.C.D. in Delhi and many political parties are belongs to Jat community of Delhi. Out of 2.5% population of Jats in Delhi, total 10 legislators and 50 corporation corporators are belongs from this Jat community. Ch. Sahib Singh was the Chief Minister of Delhi. Jats has been Chief Ministers in U.P, Delhi also. Trade Unions of Govt. Department and other Govt. Officers/ Employees Associations like DUTA, GSTA, DUSU, Delhi Corporative Bank etc. have been governed by this Jat Community. There is no Parliament member and no legislator from any of the backward classes which shows the difference between the Jat community and real Backward Classes.

(iii) Economic Predominance:- This community owns more than 90% land in Delhi and other OBC castes were dependent upon the agricultural labour and allied services and also the residential and agricultural properties of Delhi

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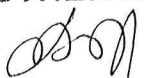

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Member-Secretary

National Commission for Backward Classes

are owned by Jat Community in proportion of 80% agricultural and 70% of residential in Jat dominated areas. And under the Land Acquisition Delhi Government enhances the rate of land itself from 25 lakh to 75 lakhs per acre and the private builders and developers are purchasing the land @ 2 to 5 crore rupees per acre and after the time of land acquisition at large scale by Delhi Govt, all the allied benefits, compensative and of rehabilitation policies in lieu of Land Acquisition have been provided to Jat Community and other castes have been ignored. In Delhi most of the Blue line buses are owned by the people of Jat community people and they have more than 50% taxi stands. In Villages out of 100 good houses, 90 good and developed houses are of Jats and out of 100 cars, 90 cars are belongs to Jat community which shows that the economic status of Jat community is very high and they are not backward.

They have adequate representation in Govt. Services:- Since the Jats are socially, educationally, economically and politically forward class. They have predominance in civil services of Delhi. The Majority of IAS, IPS, HCS and HP officers belong to this community. The Jat Community was having 4 governors of various states and 2 Lt Governors of Union Territory of Delhi namely Dr. Harswaroop Singh and Smt. Chandrawati. The Jat Community was having 14 Chancellors and 4 Vice- Chancellors in various universities and this jat community has also having retired judges. This community has also dominance in profession of lawyers, doctors, engineers, professors, lecturers, Head Masters or other communities in comparison to their strength of caste. This jat community has also having 150 Major Generals and the position of Jats in various institutions is also gone up every year. NCBC has already held that Jats are socially not backward during 1997 and 2010. In view of this Jats are neither Socially, Educationally nor economically backward caste and this community is one of the most influential communities so it should not be included in Central List of

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Other Backward Classes. The NCBC again rejected their claim in the year 2011 also.

4. Physical Education Dominance: - Jats are sound in economic power thereby it gives full opportunity in the field of sports to their wards. Full freedom of time and money provides the best chance to their wards to acquire skill in the field of sports and thereby their wards bring a number of medals at national and international levels. A number of Akharas are being run by Jat Community to train their wards in the field of sports. There is a number of sports persons of international fame who have been given handsome amount of awards together with high posts i.e. DSPs, Inspectors in Police Department of Haryana.

HARYANA

REPRESENTATIONS AGAINST INCLUSION OF JAT

By:-

- (70) Haryana Dakshini Lok Vikas Manch Rewari
through Prof. Ranbir Singh Yadav
- (2) Kumhar Maha Sabha, Hisar
through Col. OmPrakash (Retd.) Advocate, Hisar, Senior Vice
President
- (3) Haryana Beragi Sabha Haryana (Regd.)
by Virender Swami General Secretary
- (4) Most Backward Classes Federation of India
through J.C. Gola, Chief General Secretary
- (5) Yuva Sain Samaj Sangathan Haryana
- (6) Pichra Varg Sangharsha Samiti, Sirsa
through Gurdev Singh Rahi

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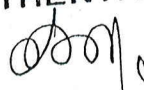


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New Delhi

- (7) Akhil Bhartiya Prajapati Kumhar Mahasangh
through Shri Shanta Kumar Arya, President
- (8) Haryana Pradesh Pichra Varg (Block-A) Kalyan Samiti
through Shri Shanta Kumar Arya
- (9) Yadav Samaj Sabha, Kurukshetra
through J.S. Yadav
- (10) Jila Kumhar Sabha (Regd.), Sirsa
- (11) Bharat Mukti Morcha
through Shri Subedar Purshottam, Vice President, Haryana.
- (12) Yadav Sabha (Regd.) Chandigarh, Yadav Bhawan, Sec- 12.
- (13) Jangid Brahmin Pradeshik Sabha, Haryana
through President Vidya Sagar Jangid
- (14) Rohilla Tak Sabha (Regd.)
through Om Prakash Rohilla, President
- (15) Pichra Varg Halka Safido
- (16) Indira Panchal Rashtriya Rahul Gandhi Sangathan
- (17) Dr. Ishwar Singh, Federation Backward Classes of Haryana.
- (18) Shri Kishan Chand Panchal, Shri Vishwakarma Panchal Samaj
Sudhar Sabha, Haryana.
- (19) Haryana Backward Classes Federation, Rohtak.
- (20) Jaswant Singh Panchal, Kamera Varg Kranti Morcha, Haryana
- (21) Pichara Varg (A) Kalyankari Samiti, Haryana (Regd.)
- (22) Rohilla Tak Sabha (Regd.)


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Commission for Backward Classes

through Baljit Singh Rohilla & OmPrakash Rohilla


- (23) Shri Vishwakarma Panchal Sabha Meham Chhoubisi, Rohtak.
- (24) Pichara Varg Adhivakta Bar Association, Hisar
- (25) Akhil Bhartiya Vishwakarma Panchal Mahasabha.
- (26) Shri P.K. Kaushik, Haryana
- (27) Shri Mahavir Singh Jangda (Deroliya), (Akhil Bhartiya Jangid Pradeshik Sabha, Haryana)
- (28) Shri Om Prakash Verma (Pichra Varg Sangh Regd. No. 6251, Panipat)
- (29) Shri Deshraj Verma S/o. Shri Sardara Ram (Haryana Kumhar Sabha, Barwala, Hisar)
- (30) Shri Kashmir Chand Kamboj (Haryana Kamboj Sabha, Distt-Sirsa (Haryana) (Regd. No. 1177)
- (31) Shri Rajender Tanwar, President (Shoshit Samaj, Haryana)
- (32) Shri Ajit Jangda, (Vishwakarma Seva Samaj Samiti) (Regd No. 3003)
- (33) Shri Virender Singh Bagoria (Haryana Kumhar Mahasabha) (Regd. No. 2105/99)
- (34) Shri Ramratan Katasia, (Haryana Samajik Nyay Manch)
- (35) Shri Subhash Chand Chechi & Baljit Singh Baisla (Akhil Bhartiya Veer Gujar Sabha, Haryana)
- (36) Shri Subhash Jangda S/o. Shri Surajbhan Jangda, Shri Rajender Singh Kumhar & Man Singhbhar)

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- (37) Shri Ramkumar Ramba (Prajapati Jagrook Sabha, Haryana)
- (38) Shri Ramkumar Ramba Prajapati (Haryana Pichra Varg Mahasabha)-
- (39) Shri Tejbir Sain (Rashtriya Kranti Sena, Haryana)
- (40) Shri Satyavan Verma, Mugalpura, Hisar, Haryana
- (41) Shri Chhatarpal Soni, (Maharaja Ajmirh ji Swarnakar Vikas Trust, Tilak Bazar, Talaki Gate, Hisar- 125001)
- (42) Shri K.L.Chawla, (Punjabi Swabhimani Sabha, Rohtak- 124001, Haryana)
- (43) Shri Lakhiram Gangwa, (Kumhar Mahasabha), Hisar, Haryana
- (44) Shri Rohtash Kumar Saini, (Saini Samaj), Sonapat, Haryana.
- (45) Shri Ramsaroop Grover, (Sagar Jan Kalyan Seva Samiti), Rohtak (Regd.), Haryana.
- (46) Shri Gagandeep Saini, (All India Saini Sewa Samaj), (Regd.), Gurgaon- 122001, Haryana.
- (47) Shri Hitesh Saini, General Secretary (All India Saini Sewa Samaj (Regd.), Gurgaon- 122001, Haryana)
- (48) Shri Prithvi Singh Kirodimal (Jila Kumhar Sabha, Sirsa, Haryana)
- (49) Rohilla Tak Sabha, (Reg. No. 757, Rohtak- 124001, Haryana)
- (50) Shri Balbir Singh Prajapati S/o. Shri Kanhaiya Lal Prajapati, General Secretary, (Akhil Bhartiya Prajapati (Kumbhkar) Mahasangh, Haryana.

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- (51) Shri Suresh Munjal, General Secretary, (Punjabi Sabha, Haryana (Regd.))
- (52) Shri Satyavan Verma, Journalist, Ex. Sarpanch, Vill-
Mugalpura, Distt- Hisar- 125113
- (53) Shri Satbir Singh S/o. Shri Hawa Singh, (Pichra Varg
Aarakshan Bachao Sangharsha Samiti), Israna (Panipat),
Haryana.
- (54) Shri Dhaniram Advocate, National President, (Akhil Bhartiya
Dhobi Maha Samaj)
- (55) Shri Bhup Singh Panchal, #645, Type-III, Panipat Thermal
Colony, Asan- 132105
- (56) Smt. Sushila W/o. Shri Mahipal. (Jogi Samaj Kalyanmanch,
Israna, Panipat, Haryana)
- (57) Kamera Varg Kranti Morcha, Jind, Haryana.
- (58) Haryana Pradesh Saini Vikas Sabha, Panipat Road, Gohana.
- (59) Shri Lal Bahadur Khowal, Advocate Distt Court, Hisar.
- (60) Shri Manoj Kumar Vishwakarma

Sub:-Against Inclusion of "Jat"

The Following facts are submitted in protest against the move of inclusion of Jat in Central List of Backward Classes.

- 5. Social Dominance**:-TheJat community has not been called or addressed by the term "Kameen and Kanduu". The Jat Community has always been dominant, respectable and salutary one in Haryana. This Community has never been subjected to the victim of disrespect, dishonor and never felt

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oppressed in the society. Member of Jat Community in Haryana are the owner of major part of the Agriculture Land and Backward Classes people are defendant upon the employment offered on their agriculture farm. In pre- Independence period and now a day this caste has rising social organization in the name of **Khap Panchayat** which pronounce "**Fatwas.**" They are **Dabangs**(Arrogant). The Jats are called Choudharies everywhere in Haryana. In the village of Jind and Rohtak a bridegroom of Dalit community was not allowed to perform **Ghurchari** (Ceremony of going to the House of Bride on Horse at the time of marriage) by the forceful Jats. In the Jat dominated areas the Jats called other community people not by their name but by caste like "Oe- Kumhar-Ke, Oe- Lohar- Ke, Oe-Sunar- Ke, Oe- Khati- Ke" are the proof of their Dabangness. There is a Jat regiment in the army in the name of Jat which indicates their social status. The Backward Classes such as artisans feel suppressed and could not dare even to speak the truth, as they were dependent upon the derivative employment in the agriculture dominated by Jats.

6. Educational Dominance:- The Educational institutions of this caste have been running ever before Independence. The All India Heroes Memorial Anglo Sanskrit High School Rohtak was establish in 1913 by "Jat Education Society" and now number educational institutions are being run by the society like schools, Polytechnic, Degree College, Law College, Engineering and management colleges. There are about 25 Gurukuls in which majority them has been established and run by persons belonging to this community like **Kanya Gurukul, Khanpur Kalan (Sonipat)** which has now been upgraded as full-fledged university as **Bhagat Phool Singh Mahila Vishwavidyalaya Khanpur Kalan**. There are number of academicians /Vice-chancellor who belong to this community in State of Haryana or in the Central.

1. Dr. Saroop Singh

V.C. Delhi University

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National Commission for Backward Classes
New Delhi

2. Prof. Bhim Singh Dahiya V.C. Kurukshetra
University.
3. Prof. R.P. Hooda V.C. Maharashi Dayanand
University Rohtak.
4. Prof. K.S. Khokhar V.C. Haryana Agri.
University Hisar.
5. Prof. H.S. Chahal V.C. Ch. Chhotu Ram Science &
Technology University
Murthal (Sonipat.)
6. Lt. Gen. RDS Sindhu V.C. Kurukshetra University.

and likewise Shri Vinay Kumar, R.P. Dahiya, Major Gen Bhim Singh Suhag, Dr. Saroop Singh has been Vice Chancellors, besides Prof. Ranbir Singh V. C. of NALSAR University Hyderabad.

7. Economic Predominance:-

(i) Land Holding:- Occupied major part of Agricultural Land.

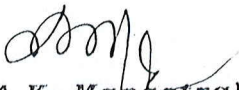
(ii) Industries:- Like DLF Limited, India Bulls are leading corporate houses run by person of this Community.

(iii) Political Dominance:-

Pre- Independence Era:- Maharaja Ranjit Singh (Punjab), Maharaja Surajmal of Bharatpur (Rajasthan), Maharaja Nahar Singh of Ballabgarh (Haryana) belong to this community.

After Independence: - A lot of persons of this community has been Ministers like Sir Chhotu Ram, Ch. Ranbir Singh (Father of Bhupinder Singh Hooda), Sh. Lehari Singh, Ch. Rijak Ram, Prof. Sher Singh. Particularly in Haryana for more than 31 years Chief Minister of Haryana has been a person of Jat Community and presently Sh. Bhupinder Singh Hooda also belongs to this caste. Dr. Saroop Singh, Choudhary Sultan Singh, Ch. Randhir Singh of Jat

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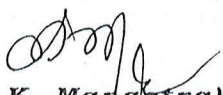
community has been Governors of the State and Smt. Chandrawati has been Leftinent Governor also. Atpresentin Haryana Assembly out of total 90 MLA and 27 MLA belong to this caste. Jats have been Chief Ministers in U.P, Delhialso. In Haryana Ch.Bansi Lal, Ch. Devi Lal, Ch. Omprakash Choutala, Master Hukam Singh and Sh.Bhupinder Singh Hooda have been Chief Ministers of Haryana which belongs to Jat Community.This community owns more than 90% tractors in Haryana. The Jat Sikhs already enjoying benefit of minority community.

They have adequate representation in Govt.Services:- Since the Jats are socially, educationally, economically and politically forward class. They have predominance in civil services of Haryana. The Majority of IAS, IPS, HCS and HP officers belong to this community. This community has also dominance in profession of lawyers, doctors, engineers, professors, lecturers, Head Masters or other communities in comparison to their strength of caste. Since for a period 31years Chief Minister of Haryana has been from the Jat Community only. In almost all the department of *Govt. of Haryana the representation of this community is outnumbered and they are holding the almost all the top post in the Departments.*

NCBC has already rejected the request for inclusion of Jat of Haryana in Central List of Backward Classes for Haryana in the year 1997. In View of this Jats are neither Socially, Educationally nor economically backward caste and should not be included in Central List of Other Backward Classes.

8. Physical Education Dominance: - Jats are sound in economic power thereby it gives full opportunity for sports to their wards. Full freedom of time and money provides the best chance to their wards to acquire skill in the field of sports and thereby their wards bring a number of medals at national and international levels. Pahalwan Dara Singh was world famous wrestler and Master Chandgi Ram Pahalwan was Hind Kesari.

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Pahalwan Leela Ram Mandola was Hind Kesari. A number of Akharas are being run by Jat Community to train their wards in the field of sports. There is a number of sports persons of international fame who have been given handsome amount of awards together with high posts i.e. DSPs, Inspectors in Police Department of Haryana.

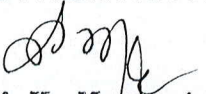
UTTAR PRADESH

Representations Against Inclusion of JAT of Uttar Pradesh

By:-

- (71) KapilDev Arya (Sanyukt Samajvadi Dal)
- (72) Nafiz Ahmed Salmani
- (73) AtiPichara Varg Kalyan Samiti, Uttar Pradesh
- (74) Shri Ram Singh Saini (Other Backward Classes)
- (75) Shri Braham Singh Prajapati (Janadhikar Sangharsha Parishad)
- (76) Shri Gajendra Pal Singh Prajapati & Tejpal Singh Saini (Ati Pichra Varg Sangharsha Samiti, Uttar Pradesh)
- (77) Shri Janeshwar Dayal Tyagi
- (78) Shri Than Singh, State General Secretary, (ST, SC, OBC officers Employee Mahasangh, Uttar Pradesh)
- (79) Shri Pradeep Kumar Verma, General Secretary, (Shiva Sangh).
- (80) Shri Anand Saini, Vill-Hansupura, P.O.-Noorpur, Bijnore, Uttar Pradesh.
- (81) Shri Ram Singh Saini, Gajendra Pal Singh Prajapati (Ati Pichra Varg Sangharsha Samiti)
- (82) Shri Tejpal Saini, Basantgarh, Shyohara, Bijnore (Ati Pichra Varg Sangharsha Samiti, Bijnore, Uttar Pradesh)
- (83) Shri Gajendra Pal Singh Prajapati & Tejpal Singh Saini (Ati Pichra Varg Sangharsha Samiti, Uttar Pradesh)

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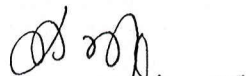
- (84) Shri Gajendra Pal Singh Prajapati & Tejpal Singh Saini (Ati Pichra Varg Sangharsha Samiti, Uttar Pradesh)
- (85) Shri Gajendra Pal Singh Prajapati & Tejpal Singh Saini (Ati Pichra Varg Sangharsha Samiti, Uttar Pradesh)
- (86) Shri Gajendra Pal Singh Prajapati & Tejpal Singh Saini (Ati Pichra Varg Sangharsha Samiti, Uttar Pradesh)
- (87) Shri Gajendra Pal Singh Prajapati & Ram Singh Saini (Ati Pichra Varg Sangharsha Samiti, Uttar Pradesh)
- (88) Shri Braham Singh Prajapati (Janadhikar Sangharsha Parishad)
- (89) Shri Fire Ram Prajapati (Rashtriya Ati Pichra Varg Mahasabha)
- (90) Shri Bhanu Prasasd Kushwaha & Others
- (91) Shri Gajendra Pal Singh Prajapati & Tejpal Singh Saini (Ati Pichra Varg Uthyan Samiti, Uttar Pradesh)
- (92) Shri Amarpal Lodhi, Bulandsahar, Uttar Pradesh.

Sub :-Against Inclusion of "Jat"

The Following facts are submitted in protest against the move of inclusion of Jat in Central List of Backward Classes.

- (1) The Jats are Dabang.
- (2) The Jat community is socially, educationally and economically advanced community. They are political advanced as well.
- (3) Many persons of this community has been ministers in Centre cabinet and State Cabinet. There has been Chief Ministers and Governors who belong to this community.
- (4) In the western Uttar Pradesh like Saharanpur, Meerut, Moradabad divisions the population of Jat community is approximately 2% where as their land holdings are 50% of the total land holding.

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Member-Secretary

National Commission for Backward Classes
New Delhi

- (5) The Jat community is educationally advanced community. 80% of Male and Female of this community are educated and they have more representation in the high technical education institutes in compare to the other communities, they have more than adequate representation in the Govt. services. They have adequate representation in IAS, IPS, PCS posts and degree college, Universities as professors, Lecturers and Headmasters and other government services whereas the representation of the Backward Classes is negligible in compare to Jat Community.
- (6) There is a regiment in the army which is known as Jat regiment which is sufficient to prove that they are socially forward.
- (7) Whether the persons belonging to the community DARZI, KURMI, BAGHEL, PAL, HALWAI, SUNAR, JHIMAR, LOHAR, ANSARI, TELI, BANJARA, LODHI are not capable of being compared with the social, educational and economic status of Jat?
- (8) During the Chief Ministership of Shri Ram Prakash Gupta in Uttar Pradesh this community has been illegally included in the list of Backward Classes without getting any recommendation from State Backward Commission and also without conducting any survey for the purpose. A Writ petition No. 27240 Dt. 13.05.2011 has been filed in Allahabad High Court, against this inclusion in Uttar Pradesh.
- (9) In the rural area the Jat community is living like Jamindars. They are owners of big land holding and have tractor and other advanced agriculture implements. The majority of the Jats living in big **Havelis** in the rural areas and are enjoying all the luxurious items like car, motorcycle, colour T.V., freeze. Majority of the families have constructed their kothis nearby towns and are providing modern and English education to their children's.

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Member-Secretary

National Commission for Backward Classes
New Delhi

(10) Whatever recruitment has been made in the department of basic education dept., middle education Dep't, police dept. for the last 10 years particularly in Saharanpur, Agra, Meerut, Moradabad divisions. More than 72% post has been given to this Jat community only. After inclusion of Jats in the State list of backward classes in the Uttar Pradesh majority of the post reserved for OBC category in the Government services has been grabbed by this only community because of their political influence. This fact can be verified by the commission through independent survey.

UTTAR PRADESH

1. Dr. Amritanshu, General Secretary, Federation of OBC

Employees Association, UP

2. G. Karunanidhy, General Secretary, All India OBC

Employees Association, Chennai

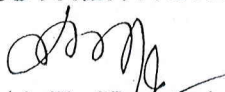
(i) Without verifying the real Backwardness of Jats they should not be included.

(ii) After Mandal Commission's List of Castes NCBC recommended to Govt. of India to include number of castes. In the same manner NCBC rejected Jats request to include in Central List for the States of Delhi, Haryana, U.P., Madhya Pradesh, 2 Districts of Rajasthan and Bihar. Now there is no change of circumstances arise to include.

(iii) On 19-10-2006 the Apex Court while upholding the constitutional validity of the Constitution (Seventy-Seventh Amendment) about Article 16(4) A in the case of M. Nagaraj (vs.) Union of India clearly stated that "the concerned State will have to show in each case, the existence of the compelling reasons, namely backwardness, inadequacies of representation and overall administrative efficiency before making provision for reservation". In the case of Jats none of the request maker not followed the above Judgement.

(iv) As per Hon'ble Supreme Court's Judgement in the case of U.P.

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Member-Secretary

National Commission for Backward Classes

Power Corporation Ltd.(vs) Rajesh Kumar and others

(C.A. No.2608/2011 dated 27-4-2013) insisted quantified data.

3. Tej Pal Singh Saini, Chairman and

Shri Gajendra Pal Singh Prajapati, General Secretary

Ati Pichada Varg Utthan Samiti, Bijnore, U.P.

(i) In U.P. and Uttarakhand Jats are included in the respective State lists. After inclusion 75% of posts in Government Services are taken away by Jats. It really affects poor OBC people.

Sl. No.	Reserve Post Name	No. of seats reserved for OBC	No. of Posts by JATs	No. of posts by Real OBC 78 Castes
1	B.T.C. Post for Baghpat Dist., 2010	27	21	6
Sl. No.	Reserve Post Name	No. of seats reserved for OBC	No. of Posts by JATs	No. of posts by Real OBC 78 Castes
2	2005-2010 District Panchayat Members in Meerut Dist.	8	8	0
3	2005-2010 Block Chairman, Bijnore Dist.	3	3	0
4	Police recruitment 2010	9450	9031	419
5	B.T.C. posts 2010 M.Nagar Dist.	85	60	25
6	B.T.C. posts 2010 Meerut Dist.	218	119	99

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7	B.T.C. posts 2010 Bijnore Dist.	27	18	09
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Jats are dominant in Politics, in the field of Education and Agriculture. They are not Socially or Educationally Backward.

4. Balraj, All India All India OBC Reservation Raksha Samiti, 246, Sector-4, Vartalok, Vasundhara, Ghaziabad, UP.

(i) Inclusion of Jats in Central List will affect real Backward Class people like – Kumhar, Teli, Nai, Saini, Yadavs, Gujjars, Sai Kurmi, Ansari, Kuresh, Vishwakarma, Pal and others throughout India.

(ii) Since Jats not attracted the criteria in Mandal Commission Report Jats are not included.

5. Karan Singh Saini, President, Ati Pichada Varg Sangharsh Samiti, Moradabad, UP

(i) Jats are dominant in Western UP particularly in Moradabad, Bijnore, Shahrampur, Sambhal, Meerut, Mathura, Agra etc.

(iii) Jats are lower than Brahmin and upper than other Backward class people.

(iii) In UP Police Department in Rampur and Amroha Districts,

Total Police Appointed	Gen.	SC/ST	OBC	Jats
Rampur : 1174	397	302	475	232
Amroha : 1200	268	342	590	302

Most of the applicants insisted proper survey to find the status of Jats before inclusion. All are stated Jats are not Socially or Educationally Backward. Jats are powerful in politics, service, business and industries.

If Jats are included other OBCs will be totally affected.

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Member-Secretary
National Commission for Backward Classes
New Delhi

DELHI

1) Shripal Saini, President, All India Saini Sewa Samaj, Delhi

2) Suman Saini, President, Apne Log Mahasangh, Delhi

(i) On 7.1.1995 Govt. of NCT of Delhi included number of castes in State Backward List. In that List Jats are not found place.

(ii) On 10-09-1993 R.N. Prasad notified various castes for inclusion from 14 States. In that also Jats not included.

(iii) Mandal Commission also not included Jats.

(iv) On 9-11-1990 NCBC rejected Jats. There is no substantive material produced before NCBC for review its order. As per Apex Court Judgement :

“ P.N. Thakershi (vs) Pradhyam Singh ji” the Jats request for review is not maintainable.

(v) Indian Institute of Public Administration Report dated 14-11-2000 also not in favour of Jats.

3) Ombir Singh Mandar, Advocate, President, OBC Reservation Raksha Samiti, Delhi

(i) Population of Jats 2.7 crore in Delhi. 1.8% population all over India

(ii) 2006 BBC London declared Jats are forward.

(iii) As per recent Allahabad High Court Judgment those castes having sufficient

shares are to be excluded.

(iv) IAS in Rajasthan : 20, UP : 6, Haryana & Delhi : 41, Punjab : 5,

MP : 4

(v) Same manner IFS, IRS and allied service also.

(vi) During 2012 alone 30 Jats selected by UPSC.

(vii) Delhi Police 30%, Haryana Police 70%, Punjab Police 50%, Rajasthan Police 35% are Jats. It is above than population.

(viii) Jat Generals 14. Till not 20 Major Generals from Jats.

(ix) More awardees including Padma Awardees are Jats.

(x) More District and Additional District Judges Advocates are from

Jats.

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(xi) In politics Jats are dominant. PM, Dy. PM, 18 CMs, 3 Lok Sabha Speakers, 13

Governors, 8 Ambassadors, MPs, MLAs, Corporators are Jats.

(xii) Delhi Police and Delhi Transport Corporation Jats are more in all levels.

(xiii) 61 Leading Actors, Models are Jats.

(xiv) More Academicians and Industrialists are from Jats.

4. R.P. Singh, Kotla Mubarakpur, Delhi

Survey Report submitted by D.K. Gandhi and Dr. B.K. Nagla is false report. Most of the applicants opposed Jats are rulers since from 18th Century. Dominant in Politics, Public Service and Business.

HARYANA

1. Shanta Kumar Arya, State President, Haryana Pradesh Pichda Varg

2) As per Article 340, Art.15(4), Art.16(4) Jats not eligible to include in the List of OBCs.

3) Social dominance, Educational, Economic, Political dominance of Jats

4) Large number of Jat Vice Chancellors, Academicians in Haryana and other States.

5) PM, Dy PM, CMs, MPs and MLAs in Jats

6) Civil Service, Police, Physical Education are occupied by Jats

7) Strongly opposing to include

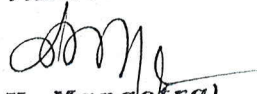
8) Since 1913 Jats are running number of Schools, Gurukuls, Higher Educational Institutions and Professional Colleges. In the Edn.

Institutions, they are appointing Jats and admitting Jat Students onl

2. Prof. Ranveer Singh Yadav, Haryana Dakshina Lok Vikas Manch, Rewari Haryana.

(i) Haryana Jats not attracted the Parameters as per Art.16(4)

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- (ii) As per Gurunam Singh Commission Report 1990, Jats represent 17.82% in Group A and B posts, whereas population is 16% as per 1931 census.
- (iii) The Khap Panchyat issue Fatwas that cannot be changed by anybody.
- (iv) They are ill treating Dalits and other OBCs.

3. Birendra Swamy, General Secretary, Haryana Bairagi Sabha, Rohatak, Haryana.

(i) In Haryana Assembly there are 27 Jat MLAs. Total MPs in Haryana 10. Jats 3

(ii) In 14th Common Wealth Games India won 32 Medals. Out of which 25 are by Jats.

4. Chander Bhan, Dy. P.A.(Rtd.), Advocate, Hisar, Haryana

(i) During 1954 Punjab Govt. given 2% reservation to BCs. After formation of Haryana during 1966 the same continued for 67 BC castes

(ii) 1979 BC Reservation was increased from 2% to 10%. On 1.1.79 Mandal Commission constituted and submitted its Report on 31.12.80 and recommended 27% to OBC. From 14-1-1980 till 1-12-89 that report was not implemented. When implemented during 1989 Jats opposed and burnt 300 buses in Haryana.

(iii) On 12-10-1993, Govt. of Haryana constituted second BC

Commission which recommended to include 5 castes namely

Ahirs, Gujjars, Mev, Lodh and Saini. For these 5 castes 11%

reservation recommended. 16% for remaining 67 castes.

(iv) Govt. of Haryana constituted Haryana BC Commission headed by Justice K.C. Gupta which recommended to include Jats, Jat, Sikhs, Rors, Tyagis and Bisnois. It was opposed by all. Then the task of survey for 5 castes were given to the Centre for Research and Rural Industrial Development (CRRID), Chandigarh. Since its survey against to Jats Haryana Govt. changed and survey given to MD University, Rohtak and Prof. Dr. Khajan Singh Sangwan, HOD Sociology was appointed as Project Director. He is a Jat. The above Committee given false report. Based on the report K.C. Gupta Commission Report is false. Based on the above Commission Report, 2012 Haryana Govt. without including 27% Reservation, 10% reservation for above 5 castes

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separately as a "Special Backward Class Reservation". It is illegal.

(v) Politically, Educationally, Economically, Industry, Sports, Cine Field Jats in Haryana are dominant and powerful.

5. Chander Mal Sanujo, Secretary, Vishwa Karma Dharm Sabha, Haryana

(i) Haryana BC Commission under the leadership of K. C. Gupta fixed social indicators=12, Educational Indicators=07, Economic Indicators=05 for 5 castes. Out of 12 indicators some are false, misleading and based on that reservation should not be given.

(ii) Total MPs from Haryana 10 among Jats 3 Total MLAs 90 Jats 26.

(iii) In IAS Total 176 Jats 41 (23.29%)
In HCS Total 197 Jats 96 (48.73%)

6. Dr. B.R. Verma, Gurgaon, Haryana

(i) Literacy Rate of Jats are high. Male 92% and Female 78%.

(ii) K.C. Gupta Commission Findings are false.

(iii) 60% Transport, 65% Tenders in various Fields, 80% Property Dealings 50% Agencies are Jats.

(iii) 12250 Registered Large and Small Scale Industries and 5000 unregistered Industries in Haryana owned by Jats only.

(v) In State IPS Officers 105 out of it Jats 26
DSP 175 out of it Jats 70

IAS Promoters 45 out of it Jats 22

HCS 220 out of it Jats 66

DRO (Revenue) 27 out of it Jats 7


Thasildars 86 out of it Jats 36

Naib Thasildars 194 out of it Jats 96

In universities also Teaching and Non Teaching staffs are more than 50% are Jats.

The contention of 'Jat' caste/community people is that their main occupation is agriculture and similarly situated agricultures such as 'Yadvas, Kurmis, Gujjars and Lodhs' are included in the

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Central List of OBCs for various States and therefore they also deserve to be included their caste in the Central List of OBCs. They also contended that over a period of time because of the division of the lands by generation to generation, the agriculture has not become viable and they are living on agriculture and animal husbandry and most of them are living on manual work. It is further contended that they have pledged their lands in the Banks for taking loan and they are indebted to the Banks and livelihood on agriculture has become unviable. Therefore, unless reservations are provided to them and their children, it may not be possible for them to lead a comfortable life. The Jats have accepted that they settle various disputes in the Khap Panchayat and the Khap Panchayats resolve various disputes not only among the Jat community but also among all other communities. In the Khap Panchayat they take impartial and fair decisions. It is further stated that education among 'Jats' is very meager and there is illiteracy among the Jat community and they are not adequately represented in political field. But they have fairly accepted that none of the Jats are casual labourers in their own village but they go to far-away places and do casual labour if it becomes very necessary.

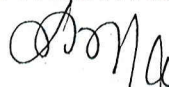
46. On the other hand the representatives of the Other Backward Classes vehemently pointed out that the contentions of 'Jats' are incorrect and untruthful. It is stated that Jats were Jagirdars now Zamindars and are having huge land holdings. Major part of agricultural lands and urban properties are with the Jat community people. They are educationally, economically and politically very advanced and having representation in the public

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services much more than the proportion of their population. It is stated that among the 'Jat' people, there was Prime Minister, Deputy Prime Minister, three Lok Sabha Speakers and always a 'Jat' has been the Chief Minister in Haryana State except one time. In the States of Rajasthan, Delhi and Madhya Pradesh also 'Jat' community people are either M.Ps., or M.L.As. It is stated that out of 78 M.L.As., in the last Delhi Assembly Elections, 28 M.L.As. are Jats. In the villages, all other backward classes people work for them in their fields and in their houses. It is further stated that they are the dominant people and they are 'dabang'. They dictate all other backward classes people and they are socially, educationally and economically in a more advanced position and their representation in the services is much more to the proportion of their population. It is stated that many of the State Services are cornered by the Jat people depriving the other backward and most backward classes people. They also contended that if the survey is conducted in all the nine States, the real facts will be revealed. They also contended that the State Governments managed to get those advices for their inclusion in the Backward Classes List. They have also made serious allegations stating that Prof. K.S.Sangwan and Vice Chancellor of Maharishi Dayanand University, Rohtak were 'Jat' and the report is a biased one. He further stated that the sample survey is not correct and they have designed and selected certain villages where the 'Jat' representation in the political field is less. It is further stated that there are no indicators at all adopted by the said two Professors in consultation with the State Backward Classes Commission with regard to their social backwardness. None of the relevant criteria

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of the NCBC with regard to social, educational and economic status of the 'Jat' caste/community was considered.

Similarly it is submitted that the inclusion of 'Jat' caste/community in the UP State List of Backward Classes based on the report of Hukum Singh is also without any justification as Hukum Singh himself is a 'Jat'. Various other serious allegations and averments have been made by them and all of them in one voice requested that a comprehensive survey required to be conducted and without the survey 'Jat' caste/community cannot be included in the Central List of OBCs for the aforesaid nine States.

In the Written Submission submitted on behalf of OBC Reservation Raksha Samiti, represented by Shri Ombir Singh, President, the following information was furnished:


"From the information received from PIO-cum-Dy. Commissioner of Police (Security) HQ, and PIO/Asst. Commissioner of Police Traffic (HQ) Delhi, it is apparent that in the State of NCT of Delhi people of 'Jat' community are well placed and their representation in government services is substantive and even more than the ratio of their population.

Sl.No. Information

1. 2038 Head Constables and 3753 Constables are posted in Delhi Police.
2. The caste-wise details of Head Constables and Constables is as under:-

Rank	Jat	Gujjar	Yadav
Head Constables	647 (32%)	72 (4%)	28(1%)
Constables	1185(32%)	250(7%)	22(1%)

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Sl.No. Information

1. 16 ACPs, 07 DCPS

2. The caste-wise details of ACPs, DCPS is as under:

Rank	Jat	Gujjar	Yadav
ACP	05 (30%)	01(6%)	01(6%)
DCP	----	01	----

The PIO/Dy. Commissioner of Police, 3rd BN, DAP, Delhi Police, Vikas Puri Police Complex ND vide his letter No.2158/RTI Cell (ID-319)/13/3rd Bn., DAP dated 26-11-2013 has also forwarded the relevant information under RTI which are summarized as under:-

TOTAL STRENGTH:

i) Constables	1319+101 = 1420
ii) H/Clerk	472+11 = 483
iii) ASI	21+14 = 35
iv) SI	= 35
v) Inspector	= 18


POST	JAT COMMUNITIES	GUJJAR COMMUNITIES	YADAV
Constable	499(39%)	42 (30%)	218(17%)
H/Constable	168(36%)	06(1%)	58(13%)
ASI	20(57%)	01(3%)	06(16%)
SI	11(31%)	00(NIL)	03(8%)
Inspector	03(16%)	00(NIL)	00(NIL)

Above figures are more relevant in comparison of their ratio of their population:-

JAT population

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2.7 Crores


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Gujjar Population	5.83 Crores
Yadav Population	13.7 Crores

Additionally following information is relevant to understand the effect of grant of reservation in States where people of Jat community have almost consumed substantive number of seats in OBC quota whereby they have made the purpose of reservation for OBCs defeated. Following are some examples:

R.A.S. (Rajasthan Administrative Services Class I Post)

JAT included in State OBC List in the year 2001 (From 2001 to 2011)

Total OBC candidates selected	30
JAT candidates selected	25
Others	05

In State of Uttar Pradesh where Jat is included in the State List of OBC following information reveals that they have occupied most of the OBC seats.

State BTC (Primary Teacher) Selection 2010 (Muzaffar Nagar)

i) Total candidates selected under OBC	85
ii) Candidates from JAT community	60
iii) Others	25

State BTC-2010 (Basic Teachers Course) Selection in District Baghpat (UP)

Total OBC seats	27
Candidates from JAT community selected	21
Others	06

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BTC Selection Dist. Bijnore (UP)

Total OBC candidates	27
JATs selected	18
Others	09

Besides it is further submitted that the people of Jat community have performed much better than those of other castes and have got selected in prestigious civil services which is much higher than the number proportionate to their population. In UPSC Civil Services Examination of 2012 the number of people belonging to Jat caste selected is 30 out of total 998 candidates from all over India.

Besides the member of Jat community has outstanding representation in Politics, Cinema, academics, sports, administration, judiciary, army, air force etc.


Speaker Lok Sabha

- (1) Dr. Balram Jakkar
- (2) Shri Ram Niwas Mirdha (Dy. Chairman, Rajya Sabha)
- (3) Sardar Gurdial Singh Dhillon

Governors:

- (1) Dr. Sarup Singh
- (2) Balram Jakhar
- (3) Virender Verma
- (4) Sultan Singh
- (5) Randhir Singh
- (6) Mrs. Kamla Beniwal
- (7) Dr. Har Swarup Singh

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- (8) Mrs. Chandra Vati Beniwal
- (9) Sardar Surjit Singh Barnala
- (10) Joginder Singh
- (11) Har Charan Singh Brar
- (12) M.S.Randhawa
- (13) Chief Marshal Arjun Singh

Ambassadors

- (1) Kanwar Natwar Singh
- (2) Dr. Har Swarup Singh
- (3) BNhagwan Singh
- (4) Maharaja Yadvender Singh
- (5) M.C.M. Arjun Singh
- (6) Maj. T.S.Bal
- (7) G.S.Chhattarwal
- (8) Shri Ajay Singh

Chief Ministers

- | | |
|---|-----------|
| (1) Chaudhary Charan Singh | U.P. |
| (2) Chaudhary Bansi Lal | Haryana |
| (3) Chaudhary Devi Lal | Haryana |
| (4) Chaudhary Hukum Singh | Haryana |
| (5) Shri Om Prakash Chautala | Haryana |
| (6) Shri Bhupinder Singh Hooda | Haryana |
| (7) Dr. Sahib Singh Verma | Delhi |
| (8) Mrs. Vasundhra Raje
(married to a Jat) | Rajasthan |
| (9) Sardar Partap Singh Kairon | Punjab |
| (10) Sardar Darbara Singh | Punjab |


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(Signature)
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Secretary, Classes

47. All India OBC Reservation Raksha Samiti, a registered society, filed objections dated 24-2-2014 for inclusion of the Jats in the Central List of OBCs in addition to the earlier representations filed by them submitting further material stating that the Jats have a Website viz. “www.Jat Forum.com.,” and a perusal of the said Website reveals the particulars of the Jat Officers in various services, highly dignified occupations/employment position, etc.
48. One Mr. Praveen Kumar Soni S/o. Shri Jagdish Prasad Soni of Bhiwani, Haryana gave a detailed representation dated 24-2-2014 objecting the inclusion of the Jats enclosing twelve annexures and in the said representation/objection, it is stated that the interference of the Government driving the NCBC to submit its report in favour of the Jats for their inclusion in the Central List of OBCs based on the reports, material and representation is against the spirit of the Constitution of India and is nothing but a political compulsion because the Jat caste is not entitled for their inclusion in the List of OBCs. It is further stated that it is also against the decision of the Supreme Court in the case of Indra Sawhney Vs. Union of India. As per the said judgment, certain objective social and other criteria has to be satisfied before any group or class of citizens could be treated as backward. If the executive includes, for collateral reasons, groups or classes not satisfying the relevant criteria, it would be a clear case of fraud on power.

The action is also against the view taken by the Supreme Court in the case of M. Nagarajan and Ashok Kumar Thakur case. The

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unacceptable demand of the Jat community being considered due to agitations of 'Jat' community and violent protests that is causing loss to private and public property, and disruption of the free flow of essential goods of life. Such a practice is unconstitutional, arbitrary and unreasonable. The political and illegal pressure of the 'Jat' community is forcing the Government to act against the law and infringing the fundamental rights of other backward classes. Jats are represented adequately in the public employment and in the politics also. The 'Jat' caste/community do not deserve to be included in the Central List of OBCs as they are not socially, educationally and economically backward. Jats are having high status in the villages and towns and they are addressed as Choudhary and even the lady belonging to the Jat community is being called as Choudharan in Haryana. 96% people belonging to Jat community have got agriculture holding which is a symbol of high status, as the price of agriculture land at present had arisen many folds, starting from Rs. 50 lakhs to 2 crore per acre. The social status of the Jats could be gauged from the fact that they do not cultivate the lands themselves but get it cultivated by engaging labour from other backward classes. Out of 90 MLAs in Haryana, 27 M.L.As. belong to Jat community (29% of the total population that is much more than their percentage of population). From Haryana, there are three Lok Sabha Members and one Rajya Sabha member. There are 168 Officers under IAS cadre in Haryana and out of 168, 72 belong to Haryana domicile and 96 belong to the other States. Thus the representation of Jat IAS Officers is 39% in Haryana. In Haryana, there are 19 Jat IPS Officers. There are 13 IFS Officers from the Jat community. There are 70 Jat Officers in the Higher

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Civil Services – executive cadre in Haryana, 6 Jat Officers under DFSC cadre and 55 Jat Officers in State Police Cadre. Thus it is stated that Jats representation in Class I, II, III and IV services are much more to their proportionate population.

It is also demonstrated by giving the details about the irregularities, incorrect figure as to how the Maharshi Dayanand University has prepared a report based on which the Justice Gupta Commission has declared the Jat and four other castes/communities as a special backward class for and above the 27% reservation out of open quota. Annexure P11A enclosed with the representation dated 24-2-2014 analyzing the report of MDU discloses the detailed particulars.

49. The Objectors have contended that Jats are a very powerful community having political approach and the way in which they have threatened the Government and attacked the house of the Home Minister and threatened to stop water, transport and essential commodities like milk and vegetables to Delhi by closing down all the buses leaving from Haryana and Uttar Pradesh to Delhi. They did Dharnas also and by intervention of the Courts Orders only, the Government was able to control them. Due to the pressure by the Jats to consider their demand in their favour, the Government appointed Group of Ministers to engage with the representatives of the Jat community periodically and to apprise itself of the progress of survey of the survey of the Jat community being conducted by the NCBC through ICSSR in six States. The Government earlier had sanctioned a huge sum of Rs.6,00,00,000/- (Rupees Six Crores) for the survey in respect of

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the 'Jat' community alone and even that process also has been given up and the Cabinet has taken a decision dispensing with the survey and requesting the NCBC to give advice based on the available reports and material only. Thus it is contended that the 'Jats' are more powerful and by adopting such methods only they have got included their caste in the State Lists of Backward Classes and attempting to play the same tricks for the inclusion of the 'Jat' caste/community in the Central List of OBCs. Such kind of pressure tactics cannot be adhered to. If the 'Jats' are included in the Central List of OBCs, it is stated that it is better to scrap the entire reservation policy or else to have the reservation in proportion to the caste population. By any means, the 'Jats' do not deserve to be included in the Central List of OBCs.

50. In fact the Mandal Commission in its report while establishing the population of other backward classes estimated the population of Scheduled Castes and Scheduled Tribes, Non-Hindu communities, religious groups and forward Hindu castes and communities. The Mandal Commission classified that the Brahmins including (1) Bhumidars (2) Rajputs, (3) Marathas, (4) **Jats**, (5) Vysa, (6) Kshatriyas, (7) other forward Hindu caste groups constitute 17.58% are Forward Hindu Caste/communities. The Mandal Commission, which was constituted under Article 340 of the Constitution of India classified that the 'Jats' are the forward Hindu Caste/community. Unless subsequent material, survey and other particulars relating to social and educational backwardness is determined, it may not be possible to change the classification of 'Jats'. No scientific approach by the State Backward Commissions Reports and other reports on which the

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Jats were included in the respective State Lists of the Backward Classes. Merely because the Jats are also Zamindars, Landholders, agriculturists like Yadavs, Kurmis, Gujjars and Lodhs, Reddies, Choudharys, who were all Sudras, cannot be said that they are socially and educationally a backward class.


51 . Analysis of “Reports and material already available”

(i) As per decision of the Union Cabinet conveyed to NCBC by Ministry of Social Justice & Empowerment (MoSJE) vide their letter number No. 20012/129/2009-BC-II dated 26th December, 2013, NCBC was “requested to reconsider its earlier decision of conducting a survey and to tender its advice for inclusion of Jats in the Central List of OBC based on the reports and material already available”. As a follow-up action to implement this decision, the first step was to identify what all material was already available which could give a comprehensive picture of the socio- educational and economic station of the Jats viz-a-viz other communities.

(ii) The Commission decided to request the Indian Council of Social Science Research (ICSSR), the leading Government organization in the field of social science research to take up this work on a crash basis. On their part, the ICSSR quickly set up an Expert Committee consisting of three leading researchers in the country in this field namely (i) Prof. K.L Sharma, Vice-Chancellor of the Jaipur National University, (ii) Prof. Amresh Dubey, Centre for Regional Development, JNU and (iii) Prof. Md. Aftab Alam, University of Delhi to take up this work.

(iii) The Expert Committee submitted a State-wise report based on the material studied by them and giving their views on the available material on the subject regarding the socio-educational-economic picture of the Jats viz-a-viz other communities as evidenced from the available material. The committee conducted this exercise in under a month's time and went through all the known material available on the subject pertaining to the 9 States under review. They studied a total of 68 reports/books/documents/monographs etc published on the subject. The views of the NCBC have been formed after a study of this report and also its own depth examination of the following 8 documents which were informally placed in one of the Group of

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Ministers (GOM) meetings held on the subject. The documents specifically indicated in the GOM meeting are as follows:-

- (i) Social Justice Committee report, Uttar Pradesh (2001)
- (ii) Socio Economic Status of Farming Communities in Northern India, Uttar Pradesh (2003) – Prof. Ajit Kumar Singh.
- (iii) Caste, Land and Political Power in UP, Uttar Pradesh
- (iv) Justice Gurnam Singh Commission Report, Haryana (1990)
- (v) Justice K.C Gupta Report, Haryana (2012)
- (vi) Justice Gumanmal Lodha Commission Report, NCT Delhi (1999)
- (vii) Dr. Lipi Mukhopadhyay Report, Delhi (2005)
- (viii) State Backward Class Commissions' Reports of the State Governments of Rajasthan, MP, HP and Gujarat.


(iv) The State-wise analysis of all the material which has been studied by the ICSSR and thereafter examined in depth in all its details by the NCBC is as follows:-

52. Haryana

(i) The Haryana State OBC Commission's Report of 2012 recommended reservations for Jats and four other castes as Other Backward Classes (Special Backward Class). The Report also stipulated that 10% reservation to the 5 communities (Jat, Jat Sikh, Bishnois, Rors, Tyagi) should be provided but it should not eat into the 27% reservation already being provided to the communities notified previously as Backward Classes. The State Government's notification also reiterated that the said communities shall not be included in the 27% reservation provided to the Backward Classes and shall not claim any share in the existing reservations for the Backward Classes.

(ii) The State Commission's Report of 2012 (popularly known as Justice K.C. Gupta Commission Report) is the primary document pertaining to Haryana of very recent origin which had been made available by NCBC to ICSSR who studied it in depth. The same report has also been thoroughly studied by the NCBC.

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(iii) The report of the Justice K.C Gupta Commission was primarily based on a survey conducted in the year 2012 by the Maharishi Dayanand University (MDU), Rohtak. The findings of the study indicated that on their occupational structure in Haryana, the Jats are a land owning community and nearly 87% of the Jats are engaged in agriculture. In Government employment, Jats have about 4.15% share in Class-I and Class-II services. However, they lagged behind as compared to Brahmin's (6.2%) and Baniya's (marginally ahead at 4.72%) share in Government employment in Class-I and Class-II services. However, the Ranking cut off placed Jats at 4.037 and looks arbitrary without any explanation and places the Jats in the third lowest category band.

(iv) The biggest flaw which came out during the examination of the report by NCBC and subsequently highlighted during the Public Hearing was that the MDU study was very selective (allegedly deliberately?) in nature. The MDU study collected data on 27 Social Indicators, 12 Educational Indicators and 10 Economic indicators. These were compared across 16 castes and rankings were given to each caste based on their performance on each of these indicators. The final outcome of the Survey was based on the aggregate of these ranking figures. Very tellingly, out of the 16 castes studied in this survey, 5 castes were those under present consideration and out of the remaining 11 castes, there were no castes examined which are considered comparable to Jats namely - the comparable figures for Ahirs, Yadavas, Kurmis and Gujars (which are otherwise said to be comparable OBCs and predominantly land owning communities) have not been studied at all for any of the Social, Educational or Economic parameters either in the MDU Report or in the Commission's report. Jats have been compared mostly with Rajputs, Bhramins, Maithili, Goswami, Gaur, Panjabi, Vaish which are traditionally considered as forward castes. Their comparison with other OBCs like Gujars, Ahirs, Yadavas and Kurmis is sorely lacking thus leaving a very big question mark on the selective collection of data by the Surveying agency. During the Public Hearing, many presenters pointed this out that if they are compared with these groups, the Jats will be seen to be superior. The outcome of the Survey was thus a foregone conclusion.

(v) In addition, the following additional issues have been analyzed by the NCBC and in some cases they were brought to its notice during the Public Hearings which took place on 10th and 13th February, 2014 in Delhi on the subject:-

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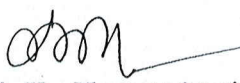
(a) Apart from Justice K.C. Gupta, the other Members of the Commission were Shri Jai Singh Bishnoi, Shri Som Dutt, Advocate, Shri Arjun Dev Gulati, Shri Rao Ranpal Singh and Shri Telu Ram Jangra. It is seen that Shri Bishnoi belongs to Bishnoi caste and Shri Som Dutt is a Ror. In other words, in the Commission, two of the Members had interests in the outcome of the case since Bishnoi and Ror castes were under consideration and thus the composition was not following one of the cardinal principals of Natural Justice which says - "Nemo Judex In Re Sua". A man shall not be judge in his own cause. The Report gave OBC status (albeit "Special") to Rors and Bishnois along with three other castes including Jats. Speaker after speaker after gave vent to this allegation of bias during the Public Hearing.

(b) Not only this, it is also seen that the report of the Justice K.C Gupta Commission was primarily based on the survey conducted in the year 2012 by the MDU, Rohtak. The project was implemented by the single Project Director, a retired Prof. K.S. Sangwan. Incidentally, he is also belonging to the Jat community. The Vice Chancellor of the MDU, Rohtak during the concerned period was Prof. R.P. Hooda who is also a Jat. All of them were accused of bias in the whole survey and subsequent report during the Public Hearings held in Delhi.

(vi) The survey was conducted among 49,817 households belonging to 16 castes drawn from all the Districts of Haryana. Interestingly, the comparable figures for Ahirs, Yadavas, Kurmis and Gujars (which are otherwise said to be comparable OBC communities) have not been studied for any of the Social, Educational or Economic parameters either in the MDU Report or in the Commission's report. During the Public Hearing, many presenters pointed this out that if they are compared with these groups, the Jats will be seen to be superior. The Survey compared the Jats mostly with higher castes like Bhramins, Rajputs, Punjabis, Vaish, Gaur etc which are in any case higher classes.

(vii) Moreover, the choice of villages where the survey was conducted was not done by MDU, Rohtak as "the Commission provided details of the villages/towns/cities from where data were to be collected for different castes". On going through the State Commission Report, the NCBC did not find any explanation of the methodology to select the specific villages in which the survey was to be conducted. It is stated in the Commission's Report that the number of urban areas

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for which the sample was to be collected was 83 and the number of villages (229) was divided amongst 12 castes based on their respective shares of population of the State. However, there is no explanation as to whether any standard methodology was followed in selecting the specific villages or whether it was subjective. For example, none of the villages selected had any MP, MLA, or Zila Parishad Member from the Jat community despite the fact that Jats are the dominant community in Haryana in these elected bodies. This selection of villages is thus also felt to be a weak spot in the whole exercise and was highlighted during the Public Hearings when many presenters stood up to say that only those villages were selected for this survey where the Jats are not well off thus adding to the bias.

(viii) While highlighting the fact that the Jats are not proportionately represented in the Government Services, the survey has forgotten (deliberately ?) to study the representation of Jats in the Armed Forces of the Union. What has only been studied is Direct Civil and Allied Services and Class I, II, III and IV Govt Services and the representation of Jats in these services. It is well-known that Jats, both Sikhs and Hindus, are among the communities well-represented in the Armed Forces including the officer categories. In the North-Western States, military service has been enjoying a higher level of preference and prestige. One would have expected that the Haryana Backward Classes Commission which has given as many as 37 tables apart from the Annexures, to give also statistics of representations of different communities in the Armed Forces, particularly in the officer categories. Its omission cannot be rationally explained and it can be presumed that if those statistics had been given, the case of the Jats of Haryana for inclusion in the list of Backward Classes would have completely fallen flat.

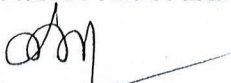
53. Justice Gurnam Singh Commission Report, Haryana (1990):

(i) This is one of the 8 books which were indicated in the GOM meeting. The Haryana Backward Classes Commission was set up under Justice Gurnam Singh in September, 1990 and submitted its Report in December of the same.

(ii) The following are the extracts of some of the observations of this Report:-

“ Accordingly to this, Jats are not only more backward than the other agricultural community like Ahir, Bishnoi, Kumhar and Suara

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etc., but also more backward than artisan/ artisanal and land occupation community.....

"The data also shows that the Jats are also behind almost all the Scheduled Castes."

"They are more also socially backward by their criteria than "Meo".

These observations themselves made in the face of the ground realities may be indicative of the bent of mind of the Commission.

(iii) In any case, the Gurnam Singh Commission Report was adequately covered in Advice of NCBC Number 26 (Haryana) dated 28.11.1997 which was sent to the Government of India rejecting the case for inclusion of Jats in the Central List of Haryana. The NCBC advice makes the following observations on the Gurnam Singh Commission Report as follows:-

"Thus what has been given as the backwardness score in the Gurnam Singh Commission is, to put it mildly, undependable, so far as Jats are concerned."

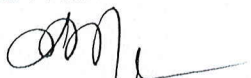
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(iv) "It is also difficult to believe that a larger number of percentage of Jat perceived themselves as Backward Classes than do Scheduled Castes."

54. NCBC Criteria for Social and Educational backwardness

The NCBC has evolved a set of guidelines, criteria, formats and parameters against which all claims for belonging to the OBCs are tested. This has been evolved by the NCBC primarily on the basis of the Mandal Commission Report and the Indira Sawhney case. The Mandal Commission after a detailed exercise had evolved 11

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"Indicators" or "criteria" for determining Social and Educational backwardness. These 11 "Indicators" were grouped under three broad heads i.e., Social, Educational and Economic. They are:-

A. Social

- (i) Castes/Classes considered as socially backward by others.
- (ii) Castes/Classes which mainly depend on manual labour for their livelihood.
- (iii) Castes/Classes where at least 25% females and 10% males above the State average get married at an age below 17 years in rural areas and at least 10% females and 5% males do so in urban areas.
- (iv) Castes/Classes where participation of females in work is at least 25% above the State average.

B. Educational


- (v) Castes/Classes where the number of children in the age group of 5-15 years who never attended school is at least 25% above the State average.
- (vi) Castes/Classes where the rate of student drop-out in the age group of 5-15 years is at least 25% above the State average.
- (vii) Castes/Classes amongst whom the proportion of matriculates is at least 25% below the State average.

C. Economic

- (viii) Castes/Classes where the average value of family assets is at least 25% below the State average.
- (ix) Castes/Classes where the number of families living in Kuccha houses is at least 25% above the State average.
- (x) Castes/Classes where the source of drinking water is beyond half a kilometer for more than 50% of the households.
- (xi) Castes/Classes where the number of households having taken consumption loan is at least 25% above the State average.

2. In the Indira Sawhney Case (No. 930 of 1990), the Supreme Court had held that "relevancy of the criteria involved by Mandal Commission (Chapter 11 X-1) has not been questioned by any of the Counsel by before us". Accordingly, the various bodies identifying the backward classes are required to use broadly the same criteria for identification of backward classes.

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3. It has also been laid down in the Mandal Commission that the relative weight-age of the Social, Educational and Economic criteria should be in the ratio of 3:2:1. In the case of Justice K.C. Gupta Commission's Report (Haryana Backward Classes Commission – 2012), the Commission followed 12 Social Indicators, 7 Educational Indicators and 5 Economic Indicators based on the field survey report prepared by the Maharishi Dayanand University (MDU), Rohtak.
4. These 12 Social Indicators were: Delivery at home, Maternal Mortality Rate, Infant Mortality Rate, Manual Labour, Age at marriage, Female Work Participation, Widow re-marriage, Inter-caste marriage, Traditional occupation, Discrimination against daughter(s), Civil & Allied Services, Classes 3-4 Services, elected representatives.
5. 7 'Educational Indicators' were-Never attended school, drop-out rate (age group 6-14), Percentage of Matric pass, Percentage of 12+2 pass, Higher studies, Technical skills, Professional Degrees, Female Literacy, Male Literacy and Type of school attended.
6. The 5 'Economic Indicators' were-Household income, Value of family assets, Housing conditions, Source of drinking water, Toilet facility, Percentage of persons working under sun, Fuel used in kitchen, Size of the land holding and Consumption of loans. All the three set of Indicators were given a relative ranking and the overall ranking was obtained after totaling all the Indicators-wise rank in the ratio of 3:2:1. Finally, all those cases who have obtained more than 50 out of 90 marks were declared as OBCs.
7. All of this methodical numbering and placing an arbitrary cut-off does not reflect the complexity of social relations and their interplay in our rural areas. The K.C. Gupta Commission has itself admitted that "The system of listing cases as socially and exceptionally backward on the basis of their score may appear somewhere arbitrary". An another place it is said "This survey would have no pretensions to be a piece of academic research".
8. If we make a comparison between the NCBC established criteria for Social, Educational and Economic backward classes laid down by the Mandal Commission and upheld by the Supreme Court in the Indira Sawhney case, we find that there are many glaring lacunae. The major Indicator of Social backwardness as laid down by the Mandal Commission was that the Caste or Class should be considered as a Socially backward by others. This is of prime

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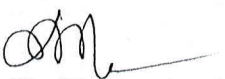
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importance for determining social backwardness. However, the MDU report and the resultant Justice K.C. Gupta Commission (which was totally based for this purpose on the MDU survey report) has not evaluated this aspect of Social backwardness of Jats at all. Nowhere has any attempt been made to ascertain from other castes (whether higher or lower) as to whether Jats are looked upon by others or not. In fact in the Gurnam Singh Commission Report, the Jats had held themselves to be even below the Shudras. Similarly, during the Public Hearings, many Jats were quoting from some 1930 Judgement of the Lahore High Court which stated that they were below Shudras also.

9. What would have been necessary in keeping with the NCBC criteria and methodology as recommended by the Mandal Commission and upheld by the Supreme Court would have been to ascertain whether Jats are considered as socially backward by others. Whether they are allowed the use of common wells or whether they are allowed to share the hooka-pani with other castes? Nothing of this was studied by the MDU or the State Commission. In fact, during the Public Hearing, speaker after speaker highlighted the fact that the Jats do not allow the lower castes to ride mares during marriages and that it is the Jats who look down upon other castes including many of the OBCs. Specific questions to this effect should have been asked not only to the Jats but also to the other castes which were surveyed by MDU. This is the most serious lacuna in the Report which was highlighted during the Public Hearings also. Speaker after speaker arguing against the inclusion of Jats in the OBC list vociferously pointed out that it is the Jats which treated all other castes (with the possible exception of Brahmins and Rajpoot) as backward. They do not allow them to sit on their 'Charpai', do not share 'Hookka Pani' with them and do not allow the lower castes to ride mares during the marriages. Not only do they employ other lower caste to do menial work for them, they also are very arrogant (the word "Dabang" was used again and again to describe them) - they also ill-treat them on occasions and subject them to punishments through their Khap Panchayats.

10. Similarly, there is a complete misinterpretation of the term "Manual Labour for their livelihood" which is the second criteria of Social backwardness evolved by the NCBC and based on the Mandal Commission Report. The MDU survey (and the resultant K.C. Gupta Commission Report) has found that a vast majority of Jats are involved in "Manual labour for their livelihood". What has not been

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brought out or attempted to be ascertained in the questionnaire is whether the Jats are working on their land or are they working on someone else's land as daily labourers? The survey clearly brings out that the Jats are a land owning community and it would be all but natural that they would be putting their labour on their own land to the extent possible. In addition they would be hiring manual labourers from outside. But, this is not to say that they are performing manual labour for others as their source of their daily livelihood. What the Mandal Commission said was that those classes are backward which take up manual labour for their livelihood and work as labourers in lands belonging to someone else. This has been completely misinterpreted by the MDU Survey as also the State Commission and all the Jats have been shown as Manual Labourers.

What the K.C. Gupta Commission should have done was to try and ascertain whether the Jats work as manual labourers on someone else's land or not. Then possibly the real picture of Backward Classes could have emerged. During our Public Hearings we asked many people (both 'for' and 'against') whether a significant proportion of Jats work as labourers on somebody else's fields. The reply was a resounding 'no'. All stated that they either work on their land or do some other non-manual work. They never work as manual labourers for their day to day living on somebody else's land. As such this second important aspect of the National Backward Classes Commission's criteria for determining backwardness was virtually misinterpreted by the MDU survey first and subsequently by the K.C. Gupta Commission's Report also. Jats working in the area of agriculture on their own fields has been taken as "Manual Labour" in the MDU survey whereas it was reaffirmed during the Public Hearings that most of the Jats are land-owning (87% as per MDU report) and they never do manual labour on anyone else's field. A rare case may be a Jat who will go to a far off place to do manual work on someone else's land.

11. What has been studied as indicative of social backwardness are indicators like Infant Mortality Rate, Maternal Mortality rate, Deliveries at Home etc. These are fairly irrelevant in the context of Social Backwardness as the same picture would emerge for most other similar categories of people in the State. These are Public Health Statistics and not indicators of Social backwardness especially when they cut across the whole gamut of society give or take a few exceptions.

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12. Another major infirmity in the K.C. Gupta Commission Report is that it has recorded evidence that 26 MLAs out of 90 in the Haryana Assembly were Jats. Similarly, 4 out of 15 MPs from Haryana were Jats. They are thus not only politically active, they have become Chief Ministers of Haryana for long periods of time more than all other castes put together. The Commission has given a very facetious argument to gloss over this point. They have stated:-

“No doubt there is a common perception in the State that Jats, Bishnois, Jat Sikhs, Rors etc are well to do and enjoy great social status due to their numerical strength and political dominance. But a deeper insight in the social conditions of these communities would reveal that the minuscule minority of these communities who have been well-to-do since beginning have progressed educationally and reaped the fruits of political and economic developments in the country but the vast majority has gone down in every aspect of social life. Let this dichotomous situation and social fact should not mislead us to wrong conclusions and deny these communities their due”.

12. In other words, the State Commission feels that if 26 out of the 90 MLAs and almost majority of the Chief Ministers have been Jats since inception of the State, it does not necessarily mean that the Jats have progressed socially, educationally and reaped the fruits of the economic and political power.

13. The NCBC is certainly not convinced by this facetious argument of the State Commission which only strengthens the feeling of doubt and bias in the Report which was amply highlighted during the Public Hearing. During the Public Hearing, people rose up to say that Jats have been Prime Ministers of not only India (Ch Charan Singh), they have even ruled abroad as the PM of Fiji.

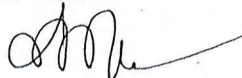
55. Uttar Pradesh

Social Justice Committee Report: Uttar Pradesh (2001)

This is a major report emanating from Uttar Pradesh State in the year 2001 which was listed amongst the 8 documents placed before the Group of Minister (GOM) Meeting. ICSSR has also examined this committee report.

2. The Committee was also popularly known as the Hukam Singh Committee and is today 14 years old thereby having a time

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limitation on the available data sets. It was a three Member committee set up under Shri Hukam Singh, Minister of Uttar Pradesh and having Shri Ramapati Shastri, Minister and Shri Daya Rampal, MLA as Members. However, this committee has neither studied all the social educational aspects of the Jat community and nor was it confined to be a study of OBC castes of Uttar Pradesh. The primary objective of this committee was to investigate all projects, organizations and facilities extended to SCs/STs and OBCs in the State of U.P. Another objective was to propose necessary alteration in the reservation for SCs/STs and OBCs after the formation of Uttaranchal State. The committee was also required to propose probable alterations in the SC/ST and OBC quota for the truncated State of UP.

3. The committee studied various preceding reports like the Mandal Commission, Kaka Kalelkar Report etc. They toured State of U.P and held meetings at divisional levels. They received representations and held public hearings and held discussions with the SCs/STs/OBCs Commissions of U.P.

4. It is thus seen that the study of social and educational and economic profile of the Jats or other OBCs was never a stated objective of the committee and nor was this aspect gone into in any detail. What was recommended after all the studies and meetings was as follows:-

- (i) 10% reservations to Schedule (A)-SCs and 11% reservations to Schedule (B) SCs
- (ii) Increase in the OBC reservation from existing 27% to 28%
- (iii) 79 OBCs were categorized into 3 Schedule for providing reservations as follows:-


OBC caste reservation:

- (a) Schedule (A) – one caste – 5%
- (b) Schedule (B) - 8 OBC castes – 9%
- (c) Schedule (C) - excessive OBC 70 castes – 14%.

Total for OBCs = 28%

5. In this breakup of OBCs, Jat was included in Schedule (B) i.e. the middle category of OBCs eligible for 9% reservation. No separate

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study of the Jats or their Social- Educational Backwardness was made.

6. It may thus be seen that in this Report the issue of Jats was studied as part of the larger OBC group of 79 castes only incidentally and was never the main subject of study or survey. It only placed Jats in the Schedule(B) of the OBC list and made them eligible for 9% reservation within the Schedule (B) quota. This is the only major takeaway for the Jat community from this Report.

7. The committee also went into caste-wise breakup of OBC category employed for all the 79 castes in Class-I and Class-II posts of Uttar Pradesh where they found that the percentage of population of Jats in OBCs was 3.6% whereas their percentage of representation in Group (A) was 5.5% and that in Group (B) was 4.27%. In other words, their proportional representations was collected at 190 thereby seeing that the Jats were doubly represented in Group (A) and (B) services with respect to their percentage of population. Consequently, they were eating into shares of the other OBCs in this category.

Nowhere is a case made out in this Report that the Jats of UP are a Socially, Educationally or Economically backward. The committee has only continued to treat the Jats as OBCs which they were declared in the year 2000.

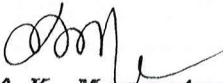
56. Social economic status of farming community in Northern-India by Shri Ajit Kumar Singh (2003)

This small book is a study of "upwardly mobile intermediate and backward farming communities of Western U.P, namely Yadav, Jat, Gujar, Lodh". An assessment has been made of their relative position and has also been compared with the upper castes and SCs/OBCs. But, the study is based on a very small sample of 2000 rural households selected from 20 villages spread over 5 Districts of Western U.P. This is a major weakness of the study.

1. After stating the various Indicators pertaining to demographics employment households income, assets, living conditions and other development Indicators the report concludes that:-

"The middle order consists of the backward castes, which fall in two distinct categories. The first category consists of the so-called intermediate castes comprising Jats, Gujars, Kurmis and Yadavs, who were the main beneficiary of the green revolution and have

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acquired political clout due to their numerical strength. They are the main land owning classes now and have progressed educationally as well and are seeking greater access to government jobs through reservation politics. These intermediate castes enjoy relatively better economic conditions as compared to Lodhs and the motley group of castes called Other Backward Castes or OBC, who together form the relatively poorer section of the middle classes in the rural areas."

2. From the above report also it is seen that the Jats (along with the Gujar, Kurmi and Yadav) are the main land holding class now and have progressed educationally as a whole and are seeking greater access to Government services through reservation. They are also the main beneficiaries of the green revolution and have acquired political clout out through their numerical strength. There is no case made out by study of A.K Singh that the Jat community is in any way socially backward or educationally backward especially when compared to other middle classes similarly placed.

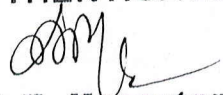
57. Caste and Class in India - K.L. Sharma (ED-1994)

This twenty year old book listed in the GOM meeting is a collection of 20 papers which were presented in a national seminar conducted by the Training for Development Scholarship Society (Pune) in December, 1987. The papers cover the complex dynamics of the nexus between caste and class in different States of India. The collection of articles highlights the fact that caste and class are inseparable aspects of India's social formation. However, the dynamics of the game varies from region to region and U.P is the subject matter of only one chapter with the Heading "Caste, Land and Political power in U.P" (written by Shri Imtiaz Ahmad and Dr NC Saxena).

2. This paper (the only one on UP) goes into the historical proportion of numbers of castes in U.P and the Jats have been listed as land owning castes along with the Brahmins and Tyagis. During the time of Akbar the Jats formed 20% of the revenue source of Agra District. However, the collapse of the Central Moghul Authority laid down the path for land control by caste groups like Jats, Gujars and Tyagis in the districts of upper Doab. The British policy was to protect the old hereditary peasantry in the position of their ancestral states.

3. After studying various aspects, the paper finally goes on to say how the Zamindari system was abolished and how various

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Governments tried to introduce reservations to benefit their constituencies. On the issue of Jats, this paper concludes that "the intermediate caste in U.P can be broadly divided into three categories; i.e. Jats, Tyagis, Bhumihars, who have a considerable position in land, possess high ritual status and because of their regional concentration are dominant in the politics of a few districts". From this reading of the paper itself, it is clear that this study certainly does not categorize Jats into the backward classes. If anything, it only reaffirms their dominant position in the society based on their land power and their numerical strength in the areas under West UP.

58. Delhi

Justice Gumanmal Lodha Commission Report, NCT Delhi (2000)

This was one of the listed reports circulated in the GOM meeting as part of the available material on the subject. This Commission was set-up as the OBC Commission of NCT reservation of Jats in Government along with the a few other objections. This Commission examined the social standing, educational standing and economic standing of the 2500 households belonging to the 18 castes out of which 11 were already in the OBC category as per the Mandal Report. The households survey was conducted by a two-member team and included Prof. B.K. Nangla of MDU, Rohtak (who was also a Jat as pointed out during the Public Hearing).

2. The Justice Gumanmal Lodha Commission Report of the year 2002 has also been thoroughly examined by the NCBC earlier on when they gave advice in November, 2010 to the effect that " the caste community Jat as a class cannot be treated as backwardness and they are not socially, educationally backward".

3. However, the Government did not take any decision on this advice of the NCBC and the same has now been returned back to the NCBC for a review. The NCBC had made the following observations about the social stigma and social ridicule felt by the Jats (as highlighted by the two professors who conducted the study):-

(i) "We cannot agree with the above view since it is based on the subjective opinion of the members of the Jat community themselves as regards the alleged social stigma or social ridicule suffered by them. The fact that the Jats are demanding inclusion of their community in the List of Backward Classes and thus they are

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totally interested in portraying picture of their backwardness, should have cautioned the two professor to collect objective data for ascertaining the social and educational backwardness instead of acting upon the statements of the members of the community”.

4. The test evolved by the two professors and accepted by the Delhi Backward Classes Commission, with respect to social and educational backwardness is correct. The question of backwardness cannot be construed with respect to a few other classes which are allegedly of the same level. But the matter has to be examined from the point of view of social backwardness that afflicted the class in question resulting in educational backwardness ultimately culminating in inadequacy of representation in services”.

5. Considering all the respective issue and in view of the absence of data made by 9 representatives of the Jat community at Public Hearings, NCBC had decided to entrust the work to a research institution. This amounted to all virtual rejection of the recommendations of the Justice Lodha Commission by the NCBC.

59. Dr. Lipi Mukhopadhyay Report, IIPA, Delhi (2005)

This was another document listed by the GOM and this was a report prepared by the Indian Institute of Public Administration (IIPA) under the guidance of Prof. Mukhopadhyay. The IIPA formulated a structured questionnaire with topics of relevance to the subject and collected a total sample of 2000 households. The objectives of the study were to prepare a data-base for the Jat community in the light of the guidelines provided by the NCBC and to facilitate the decision making with reference to inclusion of Jat community in the OBC list. A total of 46 villages covered by 5 districts in Delhi was surveyed which was aimed at ascertaining demographic, social, educational and economic status of the community. The assessment of social stigma whether or not suffered by Jats was pointedly kept in view by the IIPA.

2. The outcome of the survey reveals that 70% of the families of Jats in the NCT felt that they are not subjected to any social discrimination. An overwhelming majority of families had no grievances in regard to their social status. As far as the educational backwardness is concerned the report came to a conclusion that the education level or literacy rate is in favour of the Jat community. While the literacy rate of the general population was 83.7%, it was 85.7% for the Jat community. Studying the political level of activity

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of the community, in 45 villages it found 4 ward members, 5 counsellors, 6 MLAs and 2 Ministers. On examining the report of the IIPA, the NCBC came to the following conclusion:-

“However, examination of the report of IIPA leaves no manner of doubt that Jats as a class cannot be treated as a backward class. Ethnically, they are at a higher level; they are of Indo Aryan Descent; their educational level is high; and social status they command his order higher than ordinary shudras. In the absence of social and educational backwardness coupled with inadequacy of representation in the services, Article 15(4) and 16(4) do not apply for the purpose treating the Jat as backward classes”.

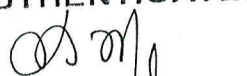
No case is made out for any review of the advice of the NCBC.

60. Himachal Pradesh

One of the documents listed amongst the 8 circulated is during the GOM meeting pertains to the State of Himachal Pradesh. The Himachal Pradesh State Commission for Backward Classes prepared a detailed report in October, 2002 regarding the inclusion of the Jat community in the State List of other backward classes. The Commission was headed by Justice Suresh Swaroop, Chairman and had 4 other members. The Commission had received 15 representations between 1994 and 2002 requesting for inclusion of Jats in the State List of OBC for Himachal Pradesh. The State Commission called for a Public Hearing in Shimla and also held local enquiries in 6 districts of Himachal Pradesh. Public representatives, officers and members of the Jat community were examined and a total of 854 witness heard. After following a 25 - point criteria for testing the eligibility of the community for inclusion in the State List of OBC, the Commission came to a unanimous view that the Jat/Jaat community fulfils all the parameters and is thus fit for inclusion for list of OBC.

2. It needs to be kept in mind that earlier during the year 1999, the State Commission for Backward Classes had, in the first instance, rejected the request of the Jat community for inclusion in the list of Backward Classes vide its advice number HPSCBC-14/93-12/1661 dated 01.07.1999. This recommendation had been accepted by the State Government on 18.03.2000 and hence there were persistent demands since that time to include Jats in the State List of OBCs.

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3. The report of all the State Backward Classes Commissions (in October, 2002) recommending the inclusion of Jats in the Central OBC List had earlier on been considered in depth by the National Commission for Backward Classes. The NCBC conducted a Public Hearing at Shimla on 17.08.2011 in which the Jat community was also discussed. The NCBC could not find any reasons for the State Commission on the second occasion (October, 2002) to reject the earlier advice tendered by the State Commission not recommending the inclusion of Jats in the State List of OBC (July, 1999). The NCBC also felt that the earlier advice of the State Commission rejecting the request of the Jat/Jaat community for inclusion has not been made available to the NCBC presumable due to the fact that the NCBC is not concerned with the question whether the State Commission was competent to review its earlier order in the absence of any provision in the Himachal Pradesh State Commission for Backward Classes Order, 1993 by which the Commission was constituted.

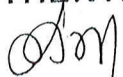
4. After examining the report and carefully weighing the evidence which came up at the Public Hearing, the NCBC had come to a conclusion that the evidence tendered was not sufficient for rejecting the conclusion one way or the other about the Social and Educational Backwardness of the Jats in Himachal Pradesh. Under these circumstances, the consideration for inclusion of this caste was deferred. And it still remains pending.

However, after the Public Hearing and after examining all the documents and material which was made available during the Hearing and even subsequently, the NCBC did not find any plausible evidence or logical reasons to recommend inclusion of Jats in the Central List of OBCs.

61. Rajasthan

As has been indicated in the preceding portion relating to Rajasthan, the Government of India vide its Notification number 12011/68/98-BCC dated 27.10.1999 included Jats of Rajasthan in the Central List of OBC with the area restrictions that Jats of Dhaulpur and Bharatpur districts would not be included in the list of OBC. This Notification was based on the recommendations of the NCBC. There was no separate survey or State Backward Classes Commission Report on which this advice/order was based. In fact the Jats were not included in the State List of Rajasthan until this time. However, immediately on the Notification by the Central

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Government, the State Government also issued a Notification number P.11(125)/R&P/SAKVI/74085 dated 03.01.1990 in which Jats were included in the State List of OBC excluding the districts of Bharatpur and Dhaulpur.

2. The matter regarding the removal of area restrictions for Jat of Bharatpur and Dhaulpur districts from the State List of OBC was considered by the State Backward Classes Commission under Justice R.S Verma in January, 2000. The Commission conducted an enquiry into the matter and heard some of the leaders of the Jat community on the issue. Some representatives were also heard against the motion. After briefly going into the historical status of Jats of Bharatpur and Dhaulpur and the status of their women, the Commission recommended the lifting of the area restrictions for Jats of Bharatpur and Dhaulpur districts. This recommendation was duly accepted and after Government of Rajasthan's Notification Order number 8/2000 dated 10.01.2000 the area restrictions of Bharatpur and Dhaulpur districts was removed in the State list.

3. The case was thereafter heard by NCBC during the recent Public Hearing held on 10th and 13th February, 2014 in which petitioners both 'for' and 'against' was heard at length by the full Commission. The preponderance of evidence adduced by those speaking against the motion was much more than that of those speaking for. Under these circumstances, the NCBC does not find any reason to interfere in its earlier order issued on the subject.

62. Madhya Pradesh

Though, there is no formal State-wide comprehensive report of the State Commission of Backward Classes of the State of Madhya Pradesh, Jat community was included in the State List of OBC at serial number 90 vide Notification number F9-39/99/54-1/52 dated 24.01.2002.

2. In the year 1994, the State Backward Classes Commission of Madhya Pradesh undertook a study of the Jat community in the two districts of Dewas and Hoshangabad. This study was conducted by two officers namely Dr. J.P. Patel, Deputy Director and Shri Braj Mohan Hazare (Researcher). The study listed 21 conclusions which they arrived at which also included the fact that Jats considered themselves to be equal to Rajputs and that their political situation is very good and that their social status is for those listed in the OBC. Accordingly, the State Commission did not recommend the inclusion

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of Jats in the list of OBCs and the Government of Madhya Pradesh accordingly turned down this proposal vide their letter number F9-39/99/1/54 dated 21.12.1999.

3. Thereafter many representations were received in the State Commission and the Commission again took up this case for inclusion of Jat in the list of OBC in January, 2002. Thereafter another study was conducted in the single district of M.P. State (Harda district) to study the Jat community in this district. This study was conducted by a Research Officers and an Assistant and they came to 23 inclusions which were not so favourable to the socio education status of the Jats of this district.

Based on a cursory study of the social-educational status of Jats of a single backward District of MP, the State Government declared them as OBCs in the State list. NCBC feels that there is no case made out to declare them as OBCs in the Central List for MP.


63. Bihar

Only a flimsy four-page report of the State Commission is available based on visits and discussions without any formal survey or study of Jats and Jat(Muslim) in 4/5 Districts of Bihar. Date is not convincing. Moreover, nothing concrete came out during the Public Hearings as a result of which NCBC cannot recommend inclusion.

64. On consideration of various reports, books and literatures, the NCBC is of the opinion that it is unable to give an advice based on these reports as requested by the Government of India in favour of the 'Jats'.

65. Merely because the Jats are agricultural community, it cannot be said that they should be treated on par or like other backward classes as was held by the National Commission in the Advice tendered in respect of Delhi Jats. No doubt, apart from the social and educational backwardness, there can be some other criteria for identifying the persons on the basis of occupation-cum-income without reference to the castes. The Supreme Court in the case of Indra Sawhney held that there can be another method to find social backward classes which is independent of the existing methodology of determining the social and educational backward classes. The identification of backward classes can be done without reference to the caste along with other occupational groups, communities and classes but that does not mean that, that is the only permissible

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method but indeed there may be some methods to identify groups or classes for example agricultural labourers, rickshaw pullers, drivers, street hawkers, daily wage workers, potters etc., as Backward Classes. But this is not the case here as the Jats are seeking to include their caste in the Central List of OBCs based on this criteria of belonging to a working class and as a matter of fact they themselves agreed during the course of Public Hearing that there are no daily wage workers, rickshaw pullers or street hawkers from their community. They have accepted that they do not do any agricultural labourers on others' land but they manually carry out agricultural operation on their own lands only. The persons involved in agriculture work are of two types. One are the agriculturists having their own land and cultivating their own land either by manual labour or by making use of any mechanized system. Some agriculturists who have own land or meager land also take on lease others' land and cultivate it. The other type of persons involved in agricultural operations are those who have no land of their own but who only do the agricultural labour for cultivating some others' land on hire basis. Therefore, the agricultural labourers alone (who works as labourers on some one else's land) could be recognized as a socially backward class. But however, even in respect of certain castes, though their occupation is manual agriculture and they had suffered social discrimination, they were not recognized as backward classes. If there is no social discrimination and their men or women are not doing any daily wage work in others land and their children are not contributing for income of the family by earning daily wage on agriculture, they cannot be treated as a backward class. Therefore, thorough enquiry/classification to ascertain the relative data/criteria is required to be made and in view of the aforesaid facts and circumstances, the Commission having considered the request of the Ministry of Social Justice & Empowerment to tender its advice for inclusion of Jats in the Central List of OBCs based on the reports and material already available without holding a survey, the Commission is of the opinion that The Jat community in any of these nine States does not deserve to be included as a backward class on any of the criteria and parameters laid down by the Mandal Commission and the subsequent judgments of the Supreme Court including the Indra Sawhney case.

66. In so far as the State of Haryana is concerned, the State Government also did not recognize them as a backward

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community as one of the Backward Classes communities eligible for 27% reservation. But the Haryana Government considered them as a Special Backward Class over and above the 27% reservation for backward classes and earmarked 10% of reservation for 5 castes. But however, it is contended that there cannot be any justification to separate one community that is 'Jat' to consider their request for inclusion in the Central List of OBCs for the State of Haryana while keeping the requests of other four castes pending.

67. Even according to the oral statements made by the representatives of the 'Jat' caste/community during the course of the Public Hearing, we come to know none of the Jats are living as daily wage workers or agricultural labourers and therefore no survey is required for determining their social backwardness.

68. In so far as their educational backwardness is concerned, it is stated by them that there are more dropouts at the high school level and there is less women education. But it is the contention of the Objectors that the 'Jats' are rich having large agricultural land holdings and owners of the buildings and the affluent 'Jats' are satisfied with the school education to engage themselves to look after their estates, agricultural lands and urban properties. The dropouts of 'Jats' in the high school level is not because of the poverty but for the reason that they are affluent to take care of their own family properties. It is further stated that 'Jats' women also got good education compared to other developed backward classes.

69. It is also stated that the 'Jat' caste/community was included in the Central List of OBCs for the State of Rajasthan, except the two Districts, and reservations were provided even without conducting any enquiry/survey and even before the 'Jat' caste/community was included in the State List of Backward Classes. The 'Jats' of Rajasthan are cornering all the Central Services of other backward classes and for example it is stated that in 2012, 'Jats' of Rajasthan have cornered majority of Central Services mainly I.A.S. and other important services. Therefore, it cannot be said that they are socially and educationally backward and that there is no inadequate representation in the Government Services.

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70. Even in the absence of the reservation in the Central Services in favour of the Jats, Jats are adequately represented in the Armed Services, Government Services and Educational Institutions and their literacy rate is good. Therefore, it cannot be said that they are socially and educationally backward.


71. A comprehensive and a detailed examination of all the material available on the subject has been carried out by the NCBC itself as also with the expert help of ICSSR. Details of the outcome of these examination have been given at the portion under the Heading **Analysis of "Reports and material already available"** (At Paras 49-61) Our examination of the various reports, material, books and oral submissions, leaves no manner of doubt that 'Jats' as a class cannot be treated as a backward class. Ethnically they are at a higher level; they are of Indo Aryan Descent; their educational level is high; and the social status they command is far higher than the ordinary shudras. In the absence of social and educational backwardness coupled with inadequacy of representation in the services, Article 15(4) and 16(4) do not apply for the purpose of treating Jats as a backward class.

72. For all the aforesaid reasoning, the Commission is of the unanimous opinion that the Jat caste/community has not fulfilled the criteria and the methodology for inclusion in the Central List of OBCs determining with regard to the social and educational backwardness. Therefore, they are not entitled for any special representation in the employment and educational institutions under Article 15(4) and 16(4) of the Constitution of India to treat them as a backward class and accordingly the Commission rejects the request of the 'Jat' caste/community for their inclusion in the Central List of OBCs for the States of (1) Haryana, (2) Gujarat, (3) NCT of Delhi, (4) Uttarakhand, (5) Uttar Pradesh, (6) Himachal Pradesh, (7) Rajasthan (Bharatpur & Dhaulpur Districts), (8) Madhya Pradesh and (9) Bihar as they are not socially and educationally backward.

III. ADVICE OF THE COMMISSION

The Commission in view of the above findings has decided to tender the following Advice to the Central Government under Section 9(1) of the NCBC Act for necessary action under Section 9(2) of the NCBC Act:-

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Member-Secretary

National Commission for Backward Classes
New Delhi

Request for inclusion of "JAT" caste / community in the Central List of OBCs for the States of (1) Haryana, (2) Gujarat, (3) NCT of Delhi, (4) Uttarakhand, (5) Uttar Pradesh, (6) Himachal Pradesh, (7) Rajasthan (Bharatpur & Dhaulpur Districts), (8) Madhya Pradesh and (9) Bihar be **rejected** as they are not socially and educationally backward communities.



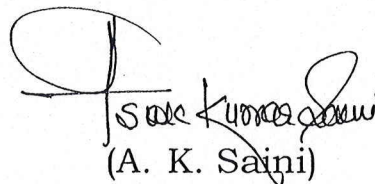
(Justice V. Eswaraiah)

Chairperson



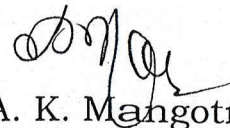
(S. K. Kharventhan)

Member



(A. K. Saini)

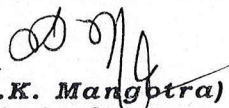
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