

JATS AND THEIR CASE FOR RESERVATION

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DECLARATION

This is to certify that the dissertation entitled "*JATS AND THEIR CASE FOR RESERVATION* ", is submitted by Urvashi Shaukeen, in partial fulfilment of the requirements for the award of the degree of **MASTERS OF PHILOSOPHY** of this University, this is her original work and has not been previously submitted to any other university.

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CERTIFICATE

We recommend that this dissertation be placed before examiners for evaluation.

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*DEDICATED TO
MY GRANDMA
PARENTS
AND
MY HUSBAND*

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ABBREVIATIONS

AIR: All India Report

ART: Article

CAD: Constituent Assembly Debates

DAC: Dalit Action Committee

OBCs: Other Backward Classes

NUP: National Unionist Party

SC: Supreme Court

SCs : Scheduled Castes

STs: Scheduled Tribes

SEBC's: Socially and Educationally Backward Classes

INTRODUCTION

INTRODUCTION

Indian society has been described as a ‘compartmental society’ which consists vast number of groups who maintain distinct and diverse lifestyle. The unique feature of Indian society is its division into Castes¹. For centuries together social injustices based on caste, creed, religion, class etc. have been the bone of contention in Indian society. Caste with its ideology of graded inequality and with its package of social disabilities imposed on lower castes played a major role in weakening our social fabric. It is also responsible for keeping a major chunk of population socially and educationally deprived and economically backward for millennia. Over a period of time, we have developed a system of social stratification in which society is divided into two conflicting groups of people, the haves and haves-not. The former group had the monopoly over economic, political and social power which it still largely continues to do so and the later were denied their rights in all the sphere of life.

The hierarchical system of socio-economic power of the traditional Indian society has placed the higher caste groups in commanding position of dominance and forced the lower caste groups to remain submissive. Even after the independence this trend has continued and whatever socio-economic transformation has taken place on limited scale due to forces of modernisation and the policy of reservation had failed to break the monopoly of upper castes and classes. Hence, even after more than six decades of the Indian independence the SCs, STs and OBCs remain to be the most vulnerable sections of our society.

The specific constitutional provisions intended to safeguard the interests of the Schedule Castes (SCs) and Schedule Tribes (STs) are: abolition of untouchability and prohibition on its practice in any form (Art. 17); prohibition of ‘begar’ or forced labour (Art. 23). Consideration of the claims of the SCs and STs in appointments to services and posts in connection with the affairs of the Union or a State (Art. 335); Reservation of seats, in

¹ The word “caste” is not an indigenous Indian term. It is used to correspond to several Indian terms, but has no exact equivalent in Indian languages. According to Mandelbaum (1970:29), the term ‘caste’ has been pinned to too many social entities – endogamous group, a category of such groups, a system of social organization. The term can be best used as an adjective that refers to the highly stratified social system.

proportion to their numbers, for the SCs and STs in the Lok Sabha (Art.330) and in the Vidhan Sabha (Art. 332), provisions of Schedule VI: and National Commissions to look into their grievances and generally an avowal of strong partisanship to them. Article 46 states that the state shall promote with special care the educational and economic interest of the weaker sections of the people, and in particular, of SCs and STs, and shall protect them from social injustice and all forms of exploitation. Other provisions of the constitution pertaining to preferential measures include anti-discriminatory directives and according formal inequality to all citizens, empowering the state to make provisions for the advancement of socially and educationally backward class of citizen (Art. 15(4)) and for the reservation in appointments or posts in favour of any backward class of citizens which in the opinion of the state is not adequately represented (Art. 164). But it is an irony that till date is that neither the caste system has weakened appreciably nor have the socio-economic conditions of the weaker sections improved substantially. Harold Gould² points out that in the contemporary urban India caste persists in the forms of complex networks of interest groups while in the rural India it functions as a system of social strata which are hierarchically graded, endogamous, and occupationally and ritually specialised. In both communities (rural and urban), caste continues to persist as a social institution.

According to the annual report (1990-1991) of Ministry of Welfare, Government of India, most of the Scheduled Castes still suffer from social discrimination and economic deprivation. The stigma of untouchability continues to occupy a central place in all their sufferings. It further reveals that about 78 percent SCs are below poverty line. Most of the bonded labourers in the country are from the Backward Classes. The report of the commissioner for SCs and STs (1987-89)³, even makes a shocking revelation about the deteriorating conditions of the people of the weaker section of the society, especially the SCs and STs.

OTHER BACKWARD CLASSES (OBCs)

The Other Backward Classes (OBCs), which constitute the third category of Backward Classes along with the SCs and STs, are entitled to special provisions in education and

² Harold Gould, *The Hindu Caste System*, Chanakya Publications, New Delhi, 1987, p. 156.

³ Report of the Commissioner for Schedule Castes and Schedule Tribes, 1987 – 89.

employment. Unlike, the SCs and STs, they are not given the privileged of political representation through the reserved constituencies.

The term 'Backward Classes' has loosely been used in the Constitution and now mainly refers to the Other Backward Castes and few backward segments of the minorities. They are also placed above the ex-untouchable groups and below the twice-born castes. They need special protection and help for their economic and social uplift. In 1917, the State of Travancore used the term 'Backward Communities' which include all educationally and economically backward communities. But in the Madras presidency, the 'Backward Classes' was used to refer to the strata above untouchables. The term "Backward Classes" had no uniform meaning at the national level. Hence, after the Independence a Commission at all-India level was appointed in 1953 under the chairmanship of Kakasaheb Kalelkar to find out which castes of Hindus, Muslims, etc. were really backward according to certain standards – educational, social, economic, etc. The commission had also to find out the difficulties under which they worked and to make recommendations with regards to the steps taken by the Union or any State to remove such difficulties and improve their condition. The commission prepared a list of 2399 castes and communities and suggested several measures for their social and economic development. About 70 percent of India's total population was considered backward using caste as the key factor in listening.

Various states had also appointed separate commissions to identify the Backward Castes and Communities found within the state and recommend measures for their socio-economic amelioration. For instance, in 1947, the Bihar Government made provisions of Scholarship for the OBCs in the post-matriculation studies. In 1951, it announced a list of backward classes, which constituted 60 percent of the state's population. In 1948, the government of U.P also gave educational concessions to OBCs, including 56 castes and covering 65 percent of the state's population. Thus, even before the implementation of the constitution, the notion of the Backward Classes became significant in policy and they were given concessions by the different state governments.

The Second National Backward Classes Commission known as the Mandal Commission was appointed in 1978-79 under article 340 of the constitution. The commission observed that backwardness was both social and educational. Caste was also a class of people. In

case a caste as a whole was found socially and educationally backward, reservation for the entire caste could be allowed. According to the Mandal commission report, the OBCs constitute nearly 52 percent of the India's population. The commission identified castes and communities as backward and recommended a reservation of 27 percent of government jobs and educational facilities for them.

The Janta Dal led by V.P.Singh came to power at the centre in 1989 and tried to implement the recommendations of the Mandal Commission Report. This led to the violent resentment by the upper castes/classes causing several deaths through self-immolation in North-India. This ultimately results in the fall of the Janta Dal Government. The Congress party came to power after that in the early 1990s, and taking note of the changing scenario and the judgement of the Supreme Court, it implemented the Mandal Commission Report, of course with much dilution, in order to pacify the rising discontent among the opposing groups.

THE STATE COMMISSIONS OF INDIA

However, before the implementation of the Mandal Commission Report, since there was no agreement with regard to the criterion for determining backwardness, states were left free to evolve their own criteria and prepare lists of backward groups. Several caste groups across India demanded their inclusion in the category of Backward Classes in the process. Even relatively developed caste formations such as Lingayats and Vokkalingas in Karnataka, the Ezhavas and Nanyars in Kerala, the Reddis and Kammas in Andhra Pradesh, Nadars and Vaniyars in Tamil Nadu, Kurmis, Ahirs and Koeries in Uttar Pradesh and Bihar came to exert pressure for their recognition as Backward Classes.

Prior to the Mandal Commission, the Government of Andhra Pradesh prepared a list of 92 communities in 1970 as backward and reserved 25 percent of government jobs for them. Similarly the Government of Bihar introduced the policy of job-reservation for 128 backward castes and communities in 1978 under the recommendations of the Mungeri Lal Commission as mentioned earlier. Today 26 percent of jobs are reserved for backward classes in Bihar. In 1972, the Government of Karnataka appointed a Backward Class Commission with L.G.Havanur as its chairman. The Commission prepared a list of the Backward Classes based on the criteria of caste and economic standing. A reservation of 32 percent of the jobs was recommended for these classes which were later increased to

the 40 percent. The Kerala Government appointed a Backward Classes Commission under the chairmanship of P.D.Nettur, which submitted its report in 1970. The commission recommended the criteria of educational attainment, economic position, and appropriateness in the appointment to the government services and social backwardness. Today 25 percent of the jobs are reserved for the backward classes in Kerala. In Maharashtra 14 percent and in Tamil Nadu 50 percent jobs are reserved for the listed backward classes. The Uttar Pradesh Government appointed a second Backward Class Commission under the chairmanship of Chhedi Lal Sathi in 1975 as a result of which 58 communities/cases are listed as backward and 15 percent of the jobs came to be reserved for them. Similarly the State of Jammu and Kashmir has reserved 40 percent of the jobs for the Backward Castes and communities.

THE BACKWARD CLASS MOVEMENT

It may be said that the above mentioned commissions and their recommendations were the result of the various types of movements launched by the backward classes in different parts of the country. Also, the backward class movements aimed at capturing political power and socio-economic ascendance in the states of India. The Backward Castes leaders insisted upon the caste as the basis of determination of backwardness. The important backward class movements in the pre-independence included Jyoti Rao Phule's movement in the Bombay Presidency (1870-1930), and the anti-brahmin movements in Madras. Jyoti Rao Phule founded the Satyashodhak Samaj in 1873. The leadership of the Samaj came from the Backward Classes, namely, the Malis, Telis, Kunbis and Satis. Phule himself was Mali (gardner). Social service and giving education to women and lower caste people were the main aims of his movements. Brahmins opposed the movement as it challenged their supremacy. Phule aimed at the complete abolition of the caste system and socio-economic inequalities.

South India saw an anti-Brahmin movement in the leadership of E.V.Ramaswamy Naicker. The Dravida Munnethra Kadgam (DMK) was formed by C.N.Annadurai in 1949. And in 1970, M.G. Ramachandran founded All India Dravida Munnethra Kadagam (AIDMK). These political parties have taken an anti-brahmin stance in politics. The Sri Narayan Dharam Paripalana Yogam (SNDP) movement in Kerala, started by Sri Narayan Guru, had also worked in the past for the upliftment of the backward communities like Ezhavas.

The Backward Classes which included mainly peasant castes of various descriptions with a low ritual status are a dominant force in the economic and political life of the people in the country side. The maximum benefits of the Green Revolution, rural development schemes and of political democratisation and adult franchise have gone to some of these peasant castes which are numerically dominant in various states of the country. More precisely, land reforms have given them opportunity to make claims of ownership of the land which they cultivated as tenants. The adult franchise has provided an incentive for their political mobilisation and participation. The status of castes like Kurmis, Ahirs, Koeris and Kunbis in Uttar Pradesh and Bihar has kept rising on account of their benefitting from commercialisation of agriculture. They have also formed several caste organisations, both at the regional and national levels, All India Yadav Mahasabha (AIYM), All India Kurmi Kshatriya Sabha, All India Jat Mahasabha, etc. The notion of the Prajapati or AJGAR castes has also emerged which signifies unity among the major agricultural castes like, Ahir, Jat, Gujar, etc. The Kurmis and Koeris in Bihar initially formed a socio-political organisation in association with the Yadava which is known as Triveni Sangam.

Thus we see that the social reform movements including the backward class movements have actively been encouraging or facilitating the upward social mobility among those castes which are said to be placed at the intermediary levels in the caste hierarchy. These movements supported by legislative measures in the pre-independence period had prepared the ground for the backward classes to become aware of their subordinate status in the traditional social structure and try out ways and means to get over the stigma accorded with it. With the dawn of independence, the cause of the social amelioration of the depressed and oppressed became the prime concern of the founders of the new and free India. With this the constitutional measures have given to the people of the backward castes and communities a promise for a human dignity and equality in the society. This, in turn, has stimulated their social mobility.

There is no doubt that a certain number of people belonging to the lower strata of the society have been successful in upgrading their educational, political and economic advancement. The new sources of secular education, modern employment and opportunities that came to be linked from caste affiliations and participation of the masses

in the political arena slowly undermined traditional sources of legitimacy. The socio-political consciousness among the backward classes, especially in the post-independence period has given them a sort of assertiveness in the matter of decision-making and power-sharing at every level. The implementation of the recommendations of the Mandal Commission Report is the case in point.

To put it more correctly, the effort of balancing the traditionally imbalanced social structure has created a rupture in the old social fabric cunningly woven by the Brahmanical thoughts and philosophy. Consequently, a new type of power-conflict within the existing social structure is on. This power-conflict pits the hitherto neglected backward classes against the upper castes. Now the backward- forward politics is the principal axis of political mobilisation in India. Caste is still playing the central role but its focus has now changed from social to political mobilisation. The backward classes are getting politicised at an alarming rate which is posing a serious threat to the old socio-political order.

RESEARCH PROBLEM

This work deals with the intermediate caste in the caste hierarchy, the 'Jats', who are now asking for the reservation under the OBC provisions. In some states like Rajasthan, Uttar Pradesh, Madhya Pradesh and in Delhi, they have secured reservation already. Their agitation is now to get themselves included in the central list for the Other Backward Classes. They have recently mobilised themselves in Haryana to get the reservation at the state level in Haryana. This study explores the question whether it is justified to grant reservation to the Jats, given the criteria employed for the purpose.

The present study is an attempt to understand the reservation phenomenon, by comparing the social groups under the banner of SCs, STs and OBCs. How relevant is reservation issue for Jats is a central question I am exploring in my research. By using the primary and secondary data in this study, I would like to explore the conditions of Jats in different states where they have got reservation and are demanding reservation under the category of OBCs. So with the help of qualitative and quantitative method, I would like to elucidate how far reservation is relevant for the Jats when we look at their social, economic and education perspectives from the lens of Mandal Commission.

CHAPTERISATION

The first chapter entitled 'Backward Classes and Reservation in India' deals with the concept of protective discrimination which is a policy to recompense certain sections of the society from their historic deprivations. It includes the distinction between the Scheduled Castes, Scheduled Tribes and Other Backward Classes. The chapter further describes the first and the second Backward Class Commissions and their recommendations and its effect on the society. The first Backward Class Commission was set up in 1950s and Kakasaheb Kalelkar was its chairman. The job of this commission was to identify the socially and educationally backward classes and suggest the criteria for the same. Caste was not the only criteria but was one of the important element to identify the backward classes. At the national level, the second Backward Class Commission was set up under the chairmanship of B.P.Mandal, during the Janta government regime in 1978. The commission identified 11 indicators for the identification of the backward classes and each indicator was given separate weightage. This chapter also discusses the relevant Supreme Court cases on the issue.

The second chapter entitled, 'Formation of Jats as a Political Constituency', dwells on the Jat identity and their self-definition of themselves overtime. The impact of the Arya Samaj on the community highlighting the role of two main leaders, Sir Chhotu Ram in Punjab and Haryana and Choudhary Charan Singh in Uttar Pradesh is highlighted here. We have discussed the report of the backward classes Commission of Haryana to highlight the factors that are fuelling this agitation.

The third chapter entitled, 'Justification and Defence of the Demands for Reservation caste conflicts between Jats and lower castes, tries to look into the criteria mentioned by the Mandal commission report regarding the OBC category. It also looks into the matter of reservation and the why Jats are asking for it. Does this agitation for the reservation by the Jats earlier in the state of Uttar Pradesh and now in Haryana has some effects in the society or not. Does this question of reservation have any element of social jealousy by Jats towards the other caste like Ahirs, Yadavs, Kurmis and the lower castes(Dalits) as well and the areas of conflict.

CHAPTER- I

CHAPTER I

BACKWARD CLASSES AND RESERVATION IN INDIA

INTRODUCTION

Social backwardness of an individual and/or a group is society and time specific. The social structure places certain individual/groups in a particular position of disadvantages, and they cannot claim themselves to be equal with the rest without special consideration. Such a disadvantage is not an outcome of one's own choice. Factors that determine social backwardness include the objective position of the group in terms of its economic condition in the social structure, and the prevailing value system related to status, occupation, and lifestyle.

Social backwardness is not insurmountable. Though the factors responsible for its change with the change such as the economic structure, do not get transformed automatically. This requires intervention in the socio-cultural milieu, and the economic and political structure. Those who suffer from deprivation make efforts to remove the factors responsible for their plight. And, the state in the interest of overall social development of, take actions to change the social structure and create conditions whereby socially backward groups and individuals can overcome their backwardness. The range of actions and ideologies adopted for reducing social backwardness fall in the political arena.

India is a multi-ethnic and multi-religious society where Caste is an important social fact which has compartmentalised the Indian society. Caste system involves existence of large number of groups who pursue different avocations and modes of life. These groups are hierarchically⁴ organised into low and high, not only for ritual purpose but also for secular pursuits. Caste system has persisted overtime and contemporary social relations in India are deeply marked by it. Due to this, certain specific forms of discrimination have existed in the Indian society, social movements have called for an end to such discrimination. To

⁴ Louis Dumont uses the concept of 'Hierarchy' in his famous book "Homo Hierarchicus". He suggests that 'Hindu society is caste society' and this has determined the concept of untouchability as religious instead being social.

improve the status of the people, the Government of India, and several State governments, have introduced the notion of Protective Discrimination in the form of Reservation Policy.

India's present experiment with protective discrimination, progressive or compensatory discrimination is a unique attempt made by the framers of the constitution to liberate major section of the Indian population from centuries of degradation, humiliation and painful existence inflicted by the hierarchical caste system.

The constitution of free and independent India is committed to the creation of an equalitarian society. The framers of our constitution wanted to provide adequate safeguards to the depressed classes and OBCs in order to enable them to catch up with the more advanced sections of the society. Some reservation policies are also meant to protect the differences. The policy of reservation of seats in legislature, public services and educational institutions was incorporated in the constitution to protect the concerned from unfair competition. Thus the policy of Reservation envisages a better life for the traditionally underprivileged and exploited. It is a temporary measure complementing the long term ones and constitutes an important item in the comprehensive remedy to the removal of social disability by birth.

This policy of protective discrimination has tremendous significance in a welfare state, especially in a democratic socialistic state like India. In fact India has gone much further than the traditionally egalitarian western societies such as the United States. Lelah Duskin has rightly commented that, "Nowhere else is so large and under privileged minority granted so much special treatment".⁵

PROTECTIVE DISCRIMINATION AND OBCs: A CONCEPTUAL DEFINITION

Protective discrimination depends upon the understanding and construction of the society in which it has to be practised. The policy has different connotations like compensatory discrimination, progressive discrimination or positive discrimination. It is hereby preferred to use the term "compensatory discrimination", as the term indicates a policy to recompense certain section for historic deprivations and to remove present handicaps. It also carries an implication that discrimination will cease when compensatory treatment

⁵ Lelah Duskin, 'The Backward Classes: Special treatment policy', in *Economic and Political Weekly*, Vol.13, 1961, pp. 1665-68.

will remedy these conditions. Thus, this policy advocates social change by prescribing constitutional, legal and administrative remedies. It aims at achieving certain specific goals. These are removing social and religious disabilities of certain specified groups like SCs (scheduled castes) and SEBCs (socially and educationally backward classes) in organized sector of country's economic and political life and protecting them through legislative action and executive orders. Compensatory discrimination, therefore, aims to bring to an end social injustices and exploitation and to enable them their victims to participate in the national mainstream with full citizenship rights.

Indian constitution has listed 3 categories of underprivileged section of society; they are SCs (scheduled castes), STs (scheduled tribes) and OBCs (other backward classes) (or SEBC). It is relatively easy to identify SCs and STs as SCs denotes the former untouchables while STs are distinguished by their physical isolation and tribal culture. But the term OBC is difficult to define as it changes its meaning according to time and place. The constitution does not specify the term OBC nor lay down any criteria for identifying the beneficiary groups. Indian Constitution also provides reservation for women. The Constitutional (108th Amendment) Bill or Women Reservation Bill, that awaits the approval of the Lok Sabha proposes to provide 33% of all seats in the Lok Sabha and state legislative assemblies to women. The Upper House Rajya Sabha has passed the bill on 9 March 2010.⁶ Women get 33 percent reservation in Panchayati Raj System (meaning village assembly, which is a form of local village government) and municipal elections. There is a long-term plan to extend this reservation to parliament and legislative assemblies.⁷ In addition, women in India get reservation or preferential treatments in education and jobs. Certain men consider this preferential treatment of women in India as discrimination against them in admissions to schools, colleges, and universities. Progressive political opinion in India is strongly in favour of providing preferential treatment to women in order to create a level playing field for all of its citizens.

⁶ "Rajya Sabha passes Women's Reservation Bill". *The Times Of India*. 9 March 2010.

⁷ Women are seeking 33% reservation in jobs, promotions, The reservations business Indian Express, 11 August 1998.

In an attempt to understand the term OBC, one needs to examine the history of the term. The term ‘Backward Classes’ was first used in 1870 by the Madras Administration in the framework of an ‘affirmative action policy’ favouring the under-educated. This led to the widening of the backward classes list from 39 to 131 communities. By 1920s, the Untouchables claimed the right of being treated as a distinct class⁸. In 1918, Mysore government appointed a commission to find out the question of encouraging members of the “Backward Communities” in the public service⁹. Later in 1921, in the state (Mysore) preferential recruitment of “Backward Classes” was established, according to which they were defined as “all communities other than Brahmins, who are not now adequately represented in the public services”¹⁰. The ministry report refers to its rise as a synonym for the depressed classes and in contradiction to “non-brahmins”¹¹. In 1925, a government resolution of Bombay province defined Backward Classes as all except Brahmins, Prabhus, Marwaris, Parsees, Bania and Christians¹². Another Indian Statutory Commission (The Hartong Committee) defined backward classes as: ***‘Castes or Classes which are educationally backward; which included the depressed classes, aboriginals, hill tribes, and criminal tribes’***. It was also recommended that the Backward Classes as defined above should be given job reservation in government services¹³. In 1930, the State Committee in Bombay proposed that the wider group should be called “Backward Classes”, which should be sub-divided into depressed classes (i.e. untouchables); aboriginals and hill tribes; OBC (including wandering tribes). They proposed that the group currently called Backward Classes should be renamed intermediate classes.

⁸ P.Radhakrishnan, ‘ Backward Classes in Tamil Nadu, 1872-1988’, *Economic and Political Weekly*, 10 March 1990, pp. 509-17.

⁹ A. 1920, Government Order (G.O), referring to the 1911, G.O., is reprinted in Mysore Backward Class Commission, 1961; pp.57-61.

¹⁰ Ibid., pp. 58.

¹¹ Reform Enquiry Committee, 1925; as quoted in the Galanter’s *Competing Equalities*, Oxford University Press, 1984, pp. 160.

¹² Government of Bombay Finance Dept. No. 2610, of Feb 5, 1925; cited by G.Omvedt, *Cultural Revolt in a Colonial Society: The Non-Brahmin Movement in western india 1873 to 1930*, Bombay 1976, pp.343.

¹³ Indian Statutory Commission (Hartong Committee); 1929; pp.339.

However, after the 1935 Government of India Act, the untouchables were designated as ‘Scheduled Castes’ which continued even after the independence and the lower castes were referred to as ‘Other Backward Classes’. Pt. Nehru used the term during his first speech, on December 13, 1946, before the Constituent Assembly, and announced that special measures were to be taken in favour of ‘minorities, backward and tribal areas and depressed and other backward classes,’¹⁴ but did not elaborate it further. The Constituent Assembly did not clarify this notion but raised the stakes since OBC’s, as they came to be called, were eligible for affirmative action programmes.

The debates went on for several decades. Thus, the term never acquired a definitive meaning at All-India Level. The term had acquired meanings in local contexts, although these differed to some extent. After the listings of Supreme Court, the usage as a synonym for untouchables is dripped away and two broad usages has emerged;

- a. As the more inclusive group of all those who need special treatment and,
- b. As a stratum higher than the untouchables but nonetheless depressed. This double usage continues till today. The former in the usage of backward classes in the wider sense (including SCs and STs) and the later usage is equivalent to “Other Backward Classes”.

CONSTITUENT ASSEMBLY DEBATES ON OBCs

Even in the Constituent Assembly there was a long debate on the question of OBCs. The question referred to giving certain powers to the states to reverse appointments or posts for those sections of the society who were socially and economically backward¹⁵. The term Backward Classes did not exclude the Scheduled Caste but definitely included many others. This led to a series of debates in the Constituent Assembly. The Supreme Court members feared that the term Backward Class was too broad and too vague. They suggested therefore that it should be replaced by other terms such as Scheduled Castes, depressed classes or at least such terms should be added to the text.¹⁶

¹⁴ Constituent Assembly Debates(C.A.D), Vol. I, New Delhi:Lok Sabha Secretariat,1989, pp. 59.

¹⁵ Article 11(3) of the Draft Constitution which became Article 16(4) of the constitution.

¹⁶ C.A.D; vol. VII; pp. 686-687.

Other like T.T. Krishnamachari argued that the term Backward Classes had not been defined and that it would become “a paradise for lawyers”¹⁷. Some defended the term as doing justice to the silent masses of the really backward castes and groups without excluding the SCs and STs¹⁸. Still others opposed the very use of the term because it hindered the free exercise of the equality principle. They demanded the clause should be deleted.¹⁹

Dr Ambedkar in his final remarks referred to the three points of view among members.²⁰ The first and the second which were similar defined the principle of equality of opportunity for all citizens on the basis of individual merit, and therefore opposed reservations of any sort for any class or community. The third view held that the principle of equality of opportunity is good theoretically but there must at the same time be a provision made for the entry of certain communities which have so far been outside the administration. Ambedkar argued that the Drafting Committee had attempted to reconcile these different views and found it necessary to use some such qualifying phrases as backward to refer to these communities in whose favour reservations had to be made, although that term did not originally find a place in the fundamental rights passed by the assembly. Such reservations according to him should not exceed certain limits. When asked what is a backward community, Dr Ambedkar defending the draft, explained, “We have left it to be determined by each local government”. According to Christophe Jaffrelot, Ambedkar seemed to be apprehensive that a clear-cut definition of the OBC would transform them into an all powerful social coalition involving the bulk of society:

‘A backward community is a community which is backward in the opinion of the state government [...]. if the local government included in this category of reservations such a large number of seats, I think one could very well go to the Federal Court and Supreme Court and say that the reservation is of such magnitude that the rule regarding equality of

¹⁷ Ibid.; pp.689.

¹⁸ Ibid.; pp.687.

¹⁹ Ibid.; pp. 681,682, 689.

²⁰ Ibid.; pp. 702.

opportunity has been destroyed....'²¹ A backward community is a community which is backward in the opinion of the government.²² It was anticipated, then, that the Backward Classes other than the SCs and STs were to be designated at the local level. The delegation to local authorities undoubtedly reflected an acceptance of the divergence of existing practices, a desire to preserve flexibility, and an awareness of the difficulties of prescribing universally applicable tests of backwardness in view of varying local conditions. It may also have been presumed that Backward Classes were sufficiently potent politically to look out for their own interests on a local level, and unlike SCs and STs, central control of their designation was not required to ensure the inclusion of the deserving. However, the central government was not completely excluded from the process. The President is instructed to appoint a Backward Class Commission.²³ The Constitution does not provide any special central machinery for the supervision of programmes for Backward Classes. But Article 338(3)²⁴ provides that the commissioner of SC and ST shall include in his duties such other groups as the president may specify on receipt of the report of the Backward Classes Commission. It is not clear from the text that this presidential specification is meant to be exclusive.

The Supreme Court found that exclusive presidential power with regard to defining and specifying the Backward Classes is not contemplated by the constitution. The matter seemed to belong to the domain of the state. An important concern in deciding the basic criterion for designating the Backward Classes was the need to exclude advantaged groups from the list of Backward Classes so that the benefits would flow to the really deserving groups. But even before the constitution came into force there was a great expansion in the employment of Backward Classes category. Several states created such a category for the first time, and of those who already had it, several expanded the benefits conferred upon the Backward Classes. The Central Government was pressed to extend its scheme of post

²¹ For instance, Dharam Prakash, from Uttar Pradesh, suggested that Depressed Classes or Scheduled Castes should be used instead of nebulous notion of 'backward classes', Vol. 7, pp. 702, as cited in Christophe Jaffrelot's book *India's Silent Revolution: The rise of the low castes in north Indian politics*.

²² Ibid.; pp. 702.

²³ The Constitution of India, Article 340.

²⁴ Ibid; pp. Article 338(3).

matriculation scheme of scholarships to OBC and when it did so, it compiled lists of Backward Classes in each state for this purpose.

In an attempt to confine the possible meaning of Backward Classes, the working of Article 15(4)²⁵ was keyed to that of Article 340²⁶, which provided that not yet established Backward Classes Commission should list the socially and educationally Backward Classes of citizens. Some speakers drew assurance from the notion that the listing by the commission and subsequent presidential specifications would be determinative. Others assumed that the identity of Backward Classes would remain a question for the state governments and counselled trust in their good faith. In general the Southern states have granted wider benefits to OBCs in comparison to the Northern states.

Those classes which are politically influential and dominant monopolized the benefits granted in their state. There has been fierce competition among the communities for being classified as backward to gain concessions and privileges. Once classed as backward they want to cling to the privilege forever. Thus, the policy tends to become self-perpetuating and has created a vested interest in backwardness. The policy has in fact become a tool of aggrandizement in the hands of numerically large and politically dominant groups.²⁷ The land-owning dominant castes and not the landless peasants remain the major beneficiaries. The position of really downtrodden has not improved. Thus different states follow different policies towards OBCs, which became a tool to manipulate vote.

The Central Government failed to provide any uniform policy for OBCs as it has done for the SCs and STs. In 1951, the Supreme Court, in the State of Madras vs. Champak Dorairanjan Case struck down the Madras Government's communal reservation in educational institutions. This sparked off the agitation all over South India and resulted in the passing of the first amendment to the constitution for safeguarding the interest of the Backward Classes. As a result clause (4) of Article 15 was added in 1951 to bring

²⁵ Ibid; Article 15(4).

²⁶ Ibid; Article 340 refers to 'socially and educationally backward classes'.

²⁷ Andre Beteille, 'Politics of Caste', *Indian Express*, New Delhi, Aug. 12, 1972.

Articles 15 and 29 in the lines with Articles 16(4)²⁸, 46, and 340; and to make it constitutional for the state to reserve seats for backward classes, Scheduled Castes and Schedule Tribes in the public educational institutions, as well as to make other special provisions as may be necessary for their advancement. But Article 15(4) is an enabling provision like Article 16(4) and the reservation, render either provision, not exceed legitimate limits.²⁹ It does not create any fundamental right in favour of a member of the classes specified in Article 14. Thus in India, the extent of reservation to be made is primarily a matter left for the state to decide, subject, of course to judicial review.³⁰ On this ground the reservation should not be so excessive to render the guarantee of equality by Article 16(1)³¹ or Article 335 meaningless. Thus, the reservation of more than 50 percent of vacancies as they arise in any year or a carry forward, rule, which has the same effect, will be outside the protection of the Article 16(4). Due to this reason the following special provisions for Backward Classes have been struck down as a fraud on the constitution –

- (i) Reservation of 68% of seats in all institutions such as engineering and medical colleges in Mysore.
- (ii) Though Caste was a list for determining backwardness among Hindus, It was not obligatory to apply that test and a determination of backwardness based on the relevant consideration, other than caste was not void merely because it ignored Caste.
- (iii) Caste can also be one of the considerations for determining backwardness.

It is to be noted that while Article 16(4) simply mentions any backward classes of citizens, Article 15(4), qualifies the expression by the words socially and educationally. In order to satisfy the requirement of the Article 15(4), the class must be both socially and educationally backward.³²

²⁸ Article 16(4) refers to ‘backward classes of citizens’. It reads: ‘Nothing in this article shall prevent the state from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the state, is not adequately represented in the services under the state’.

²⁹ State of Andhra Pradesh vs Balram, A.1972 D.C. 1375(1395), Rajendran vs Union of India, A.1968 S.C.507. as quoted in D.D.Basu, “shorted constitution of india, sept, 1988, pp.67.

³⁰ State of Punjab vs Hiralal, A.1971.S.C.1777.

³¹ Triloknath vs State of J&K, A. 1967, S.C.1283(1285).

³² Sagar vs State, A.1968, A.P.165(174).

Article 15(4) mentions the SCs and STs together with Backward Classes. It makes it clear that the clause refers to the classes of the persons other than the members of SCs and STs. At the same time it is also clear that such classes may be classified as backward to SCs and STs. At the same time, the fact that SCs can be enumerated by presidential order and the fact that for members of SCs and STs there is provision for legislatures (Article 330, 332), while there is no such reservation for members of the Backward Classes, which shows that the problem of Backward Classes outside the SCs and STs is not so acute that they cannot be specified by enumeration, but must be determined by applying an objective test.

Given the ambiguity and undefined nature of the term Backward Classes, the first Backward Class Commission was appointed in 1953. Various state governments set up committees/commissions to identify the OBCs. However, not all the states formulated their own OBC lists and despite legitimizing mechanisms of the committees/commissions, the exercise of listings and extent of reservation for different groups of communities remained a constant juridical issue before the higher judiciary in India.

THE FIRST ‘BACKWARD CLASSES’ COMMISSION

The Backward Classes Commission was appointed on 29th January 1953 to determine whether any section of the people.... (in addition to the Scheduled Castes and Tribes...) should be treated as socially and educationally backward classes; and, if so to lay down the criteria for the same, and in accordance with such criteria prepare a list of eleven members, mostly low caste representatives but its president, Kakasaheb Kalelkar, was a Brahmin.

The members of the commission came up with four criteria's for defining OBCs:

- 1 low social position in the traditional caste hierarchy of Hindu society;³³
- 2 lack of general educational advancement among the major section of a caste or community;
- 3 inadequate or no representation in the Government Service; and
- 4 inadequate representation in the field of trade, commerce and industry.³⁴

³³ However, the existence of Muslim or Christian ‘backward castes’ was also recognised (Report of the Backward Commission, Vol. 1, Delhi, Government of India, 1955, pp. 6).

Caste was not the only criteria but it was an important element. The commission came up with the list of 2,399 castes, representing about 32% of the Indian Population, as forming the bulk of the 'Socially and Educationally Backward Classes'. The commission gave two recommendations to readdress the backwardness of the OBCs. First, that they should benefit from a 70% quota in technical education institutions (including disciplines such as applied sciences, medicine, agriculture, veterinary studies and engineering)³⁵. Second quotas had to be reserved for them in central and state administrations; 40% of the vacancies in classes III and IV, 33.3% in class II and 25% in class I.³⁶

There was no uniform response of the commission regarding the identification of the 'backward classes' and the 'reservation scheme' as out of eleven members five members dissociated themselves from the report objecting to caste as the basis of classification as compared to other socio-economic indicators and feared that caste-based quotas would prolong and deepen casteism instead of releasing India from its social system. Even the chairperson, Kaka Kalelkar, in his forwarding note, virtually rejected the report stating that "it would have been better if we could determine the criteria of backwardness on principles other than caste"³⁷. He found the caste test repugnant to democracy and inimical to the creation of "a casteless and classless society" by perpetuating and encouraging caste divisions.³⁸ At several places, Kalelkar stated that only individuals and families should be the units whose backwardness is ascertained.³⁹ His main point of departure was towards the methods used by the commission: 'It is only when the report was being finalised that I started thinking anew and found that backwardness could be tackled on a basis or a number of basis other than of caste'.⁴⁰ Besides like other dissenters of the report, he also

³⁴ Ibid., pp. 46.

³⁵ Ibid., pp. 125.

³⁶ Ibid., pp. 140.

³⁷ Government of India Report, 1955, pp. 14.

³⁸ Ibid., pp. 14-15.

³⁹ Ibid., pp.4,14.

⁴⁰ Report of the Backward Classes Commission, Vol. 1, op. cit., pp. 4.

feared that the caste-based quotas would foster 'Communalism and Casteism [which] are bound to destroy the unity of the nation and narrow down the aspirations of the people'.⁴¹

Last but not the least, Kalelkar made a plea in favour of reservation based on economic criteria which would enable the government 'to remove the bitterness which the extremely poor and helpless amongst the upper class Hindus feel that they are victimised for no fault of their own'. He suggested that the state should extend its help to all families with an income of less than Rs 800 a year. Kalelkar submitted his own criteria for identifying the OBC's without any reference to caste on the basis of these considerations.⁴²

The Kalelkar Commission Report was submitted to the Home Minister, Govind Vallabh Pant. Pant disapproved of the use of caste as the most prominent criterion for identifying the backward classes. He considered that 'the recognition of the specified castes as backward may serve to maintain and even perpetuate the existing distinctions on the basis of caste'.⁴³ The report was tabled before Parliament accompanied by a memorandum by Pant on 3rd September 1956, but was not even discussed. The report was dismissed in Lok Sabha debate, by the central government and, even before that, by most of the dissenters as well as Kalelkar's covering letter did not recognise caste as a legitimate criterion for affirmative action. Therefore, Caste and caste-based reservations were disregarded in favour of economic criteria, socialist programmes or national unity, even though these claims contradicted Article 16(4) of the Constitution in which economic criteria are not mentioned.

Thus, the Kalelkar Commission report was never passed in the Parliament and hence failed. The issue remained and led to setting up of the Second Backward Classes Commission in 1979 by the Government of India.

⁴¹ Ibid., pp.13.

⁴² His list comprised women, residents of rural area, 'those who are driven to the necessity of working with their own hands', 'those labouring under the sun and in open air', unskilled workers, landless peasants, those who do not have enough or any capital, those who are 'working as mere clerks', those with poor and uneducated parents, those who lack ambition and have no opportunities, those who have no means of support, the inhabitants of backward regions, the illiterates, those incapable of understanding the modern world and using its avenues for social mobility and those who believe in magic, in superstition and in fatality. (Report of the Backward Classes Commission, vol. 1, Delhi: Government of India, 1955, pp. 14-15).

⁴³ Memorandum on the report of Backward Classes Commission, Delhi: Ministry of Home Affairs(n.d)p.2.

Table1.1.**The OBCs Population according to the First Backward Classes Commission**

	Total population (1951)	Estimated population	% of OBC population
Assam	9,043,707	2,865,934	31.6
Bihar	40,225,947	15,321,746	38.1
Bombay	35,956,150	11,009,745	30.6
Madhya Pradesh	21,247,533	7,902,586	37.2
Madras (including Andhra)	57,016,002	12,680,945	22.2
Orissa	14,645,946	1,356,373	9.3
Punjab	12,641,205	2,565,087	20.2
Uttar Pradesh	63,215,742	26,010,161	42.6
West Bengal	24,810,308		9.1
Andhra	added in Madras		
Hyderabad	16,655,108	13,766,090	73.8
Madhya Bharat	7,954,154	1,936,980	24.4
Mysore	9,074,972	5,963,902	65.7
PEPSU	3,493,685	442,397	12.7
Rajasthan	15,290,797	3,431,326	22.4
Saurashtra	4,137,359	1,216,475	29.4
Travancore- Cochin	9,280,425	912,272	9.8
Ajmer	693,372	297,699	42.9
Bhopal	836,474	294,534	35.2
Himachal Pradesh and Bilaspur	1,109,466	315,101	28.4
Coorg	229,405	63,727	27.8
Delhi	1,744,072	317,906	18.2
Kutch	567,606	201,170	35.4

Manipur	577,635	35,490	6.1
Tripura	639,029	69,432	10.6
Vindhya Pradesh	3,574,690	1,376,307	38.5
Andaman & Nicobar Islands	30,971	-	-
India	356,829,485	113,510,830	31.81

Source: Report of the Backward Classes Commission, Vol. III, op.cit., pp. 14-15

SECOND BACKWARD CLASSES COMMISSION

Second Backward Classes Commission was appointed by the President on 1st January, 1979. The commission popularly known as the Mandal Commission, after its chairman B.P. Mandal along with the other eminent experts drawn from a number of social science disciplines as members to determine the indicators of backwardness. The commission submitted a report in December 1980 that stated that the population of OBCs, which includes both Hindus and Non-Hindus, was around 52 percent of the total population. This commission was set up to investigate the condition of socially and educationally backward classes within the territory of India. The terms of reference were:

- (i) To determine the criteria for defining the socially and educationally backward classes;
- (ii) To recommend steps to be taken for the advancement of socially and educationally backward classes of citizens so identified;
- (iii) To examine the desirability or otherwise of making provision for the reservation of appointments or posts in favour of such backward classes of citizens which are not adequately represented in public services and posts in connection with the affairs of the union or any states; and
- (iv) To present to the president a report setting out the facts as founded by them and making such recommendations as they think proper.

It eventually used the following composite index of backwardness consisting of social, economic and educational indicators:

Social

- (i) Castes/classes considered as socially backward by others.
- (ii) Castes/classes that mainly depend on manual labour for their livelihood.

(iii) Caste/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.

Educational

(v) Castes/classes where the number of children in the age group 5-15 years who never attended school at least 25% above the state average.

(vi) Castes/classes where the rates of students drop out in the age group of 5-15 years is at least 25% above the state average.

(vii) Castes/classes amongst whom proportion of matriculation is at least 25% below the state average.

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 kilometre 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.⁴⁴

The three types of disabilities are not of equal importance for the purpose of measuring backwardness. Separate weightage was given to 'Indicators', in each group. All the social indicators were given a weightage of 3 points each, educational indicators, a weightage of 2 points each and economic indicator a weightage of one point each. Economic indicator, in addition to social and educational indicator, were considered important as they directly

⁴⁴ Government of India, Backward Class Commission (B.P.Mandal:chairperson) Report, 7 vols, 1981, New Delhi, Controller of Publications.

flowed from social and educational backwardness. This also helped to highlight the fact that socially and educationally backward classes are economically backward. It will be seen that from the values given to each indicators, the total score adds upto 22. All these 11 indicators were applied to all the castes covered by the survey of a particular state. As a result of this application, all casts which had a score of 50 percent (i.e. 11 points) or above were listed as a socially and educationally backward and the rest were treated as 'advanced'.

An important reason for separate weightage was given to the indicators of backwardness was because the groups under investigation were considered to be not uniformly placed with regard to being "socially and educationally backward classes". If socially, educationally and economically backward people also belong to the lower castes, this is not their fault. This is a consequence of their age-old deprivation, oppression and exploitation by privileged castes/classes in the Indian society. Further, the commission holds that the method of socio-educational field survey was 'objective' because the point system did not allow any subjective assessment. This method was found to be a 'highly dependable in practice' because as a result of its application most of the well known socially and educationally backward castes were identified as backward. However, in some cases, the findings based on socio-educational field survey happened to be inconsistent with the living society reality. Further, for identifying OBCs in the central government services the commission used two criteria for both Hindu and non-Hindu communities. In respect of employees belonging to the Hindu communities, the following criteria were adopted:

- (i) An employee was deemed to be socially backward " if he does not belong to any of the three twice born (Dwij) 'varnas'i.e; he is neither a brahmin, nor kshatriya nor a vaishya" ; and
- (ii) He was deemed to be educationally backward " if neither his father nor his grandfather had studied beyond the primary level" as regard the non-hindu communities(i) an employee was deemed to be socially backward if either, (a) He is a convert from those Hindu communities which have been defined as socially backward as in case of the Hindu communities above, or (b) In case he is not such a convert, his parental income is below the poverty line, i.e, Rs 71 per head per month.

Here it must be noted that, an employee is qualified for membership of OBCs only if, both socially and educationally he was found to be backward according to the above criteria. Educational backwardness was given equal importance to position in the Varna-Caste hierarchy. Hence, the criticism that the Mandal Commission has recommended reservation only on the basis of caste is not justified. In fact, it adopted a “multiple approach” for the identification of OBCs for the purpose of reservation. It took into consideration various criteria i.e, non-caste social criteria as well as educational and economic while placing castes/classes in the category of OBCs. Caste criterion has given only a meagre importance in the whole scheme.

The critics of the Mandal Commission have advocated the adoption of economic criteria at two levels. One stream of the critics opines that reservation should be made only on the basis of economic backwardness irrespective of social and educational backwardness. But this view is not in consonance with the provisions of the constitution. While imposing prohibition on discrimination on grounds of religion, race, caste, sex or place of birth.

Article 15(4) declares that nothing shall prevent the state from making “special provision for the advancement of any socially and educationally backward classes of citizens”. Moreover, Article 16(4) of the constitution specifically empowers the state to make “any provision for the reservation of the appointments or posts in favour of any backward class of citizens which, in the opinion of the state, is not adequately represented in the services under the state”.

Hence, it is very clear that the constitution provides for giving preferential treatment through special measures such as reservation in jobs by the state only on the basis of ‘social and educational backwardness’. The advocacy of reservation solely on the basis of economic criteria does not have constitutional sanction. Another stream of opinion supports reservation for OBCs in principle but suggests that economic criteria should be applied within that category so that the well-off section amongst OBCs does not corner the benefits. This concern is genuine but understanding of the problem seems to be inadequate. Infact, application of economic criteria within OBCs for reservation will be largely negated if this measure is put into practice.

The Mandal Commission also highlighted the pitiful representation of OBCs in public service. Let us have a look at the figures regarding representation of OBCs, SCs and STs in central government. The proportion of OBC's (including both Hindu and non-Hindu castes and communities) is 52 percent of the total population, their representation in central government services is 4.69 percent in class 1, 10.63 percent in class 2 and 24.40 percent in class 3 and 4. Whereas overall employment of SCs and STs in central government services is 18.71 percent, it is merely 12.55 percent for OBCs.⁴⁵

As stated above, critics argued that economic criteria should be applied within the OBCs so that the benefits of reservation are not skimmed off by the well-off section of this category and the really backward section left out. However, if the economically well off and therefore educationally advanced section of the OBCs is excluded, only the poor and ill-educated, under qualified or uneducated section would remain to take advantage of the provisions of reservation which they, in practice, cannot take because of their educational backwardness. As a result, jobs reserved for the OBCs shall largely lie unfilled.

In India, the Mandal report argued, the caste system was the main root-cause of structural inequality and because of this the notions of merit could not apply here as it is done in a society where the individual is the bearer of value: 'it is an amalgam of native endowments and environmental privileges'.⁴⁶ Therefore, Mandal Commission had no inhibition in recognising the caste as the main and important factor in the backwardness of the OBCs: 'Caste is also a class of citizens and if the caste as a whole is socially and educationally backward, reservation can be made in favour of such a caste on the ground that it is socially and educationally backward class of citizens within the meaning of Article 15(4).⁴⁷ But commission did not regard the caste as a sole criterion for the definition of the OBCs. Infact, it evolved an index based on eleven indicators subdivided into three categories – whether the group was regarded as backward by others, whether it depended on manual labour and whether or not its member married at a young age. The social indicators were given heavier weighting than other criteria and thus the OBCs were

⁴⁵ Data mentioned above has been taken from the Mandal Commission Report.

⁴⁶ Report of the (Second) backward classes commission- First part, pp. 23.

⁴⁷ Ibid, pp.62.

defined as caste groups. This is much evident from the table below, where the commission ventured to present an overview of Indian society under the title ‘Distribution of Indian Population by Caste and Religious Groups’.

TABLE 1.2.
Distribution of Indian Society by Caste and Community according To Mandal
Commission

	% of total population
Scheduled Castes and Scheduled Tribes	22.56
Scheduled Castes	15.05
Scheduled Tribes	7.51
Non-Hindu communities, religious groups	16.16
Muslims	11.19
Christians	2.16
Sikhs	1.67
Buddhists	0.67
Jains	0.47
Forward Hindu castes and communities	17.58
Brahmins (including Bhumihars)	5.52
Rajputs	3.9
Marathas	2.21
Jats	1
Vaishyas/Banyas	1.88
Kayasthas	1.07
Others	2
Remaining Hindu caste/groups to be treated as be OBCs	43.70*
(Religious groups which may also be treated as OBCs)	(8.40)
Total	100

*Derived figure.

Source: Report of the Backward Classes Commission – First Part, op. Cit., pp.56.

Critics have pointed out that this table is drawn from several sources (the 1931 census for the forward castes and the 1971 census for the SCs/STs and the religious groups) and arrived at a figure of 52% for the OBCs through a roundabout route.⁴⁸

What does Mandal Commission say on Jats?

There are eleven references to the Jat community in the report of the commission. Out of these eleven, ten imply only one conclusion: that Jats are backward community, at par with the other backward castes like Yadavs, Gujjars, Kurmis, Keoris and Lodhs. Only one reference inexplicably puts Jats in the category of twice-born castes i.e. Brahmins, Rajputs, Banias and Kayasthas.

Page 40 Of Mandal Commission report⁴⁹ while talking of 1931 Census in the State of U.P., says, “ On the backward class front, the peasant castes of, Yadavs, Jats, Gujjars, Kurmis and Koeris developed a high degree of affinity.” The report mentions that Ch. Charan Singh, a Jat, was the first minister in U.P. to have come from a backward community in 1952.

Page 44 Of the commission report talks about, “Ahirs and Jats in Haryana belong to neither to the three varnas i.e, Brahmins, Kshtriyas, Vaishyas, nor to SCs and STs. It is clear that Jats and Ahirs belong to shudra caste in varna system.

Page 282 “Relations between Jats, Yadavs, Kurmis, Koeris on one hand and SCs on other are pretty strained.

⁴⁸ P. Radhakrishnan wrote for instance that that the Mandal Commission’s ‘estimate of the OBC population is a hotpotch, arrived at by subtracting from 100 the population percentages for SCs, STs and non-Hindus (22.56 and 16.16 respectively) as per the 1971 Census, and the percentage for “forward Hindus” ’ (17.58) as extrapolated from the incomplete 1931 Census, and adding to this derived sum ((43.7) about half of the population percentage for non-Hindus (8.4) ’. He also criticised the fact that for ‘its “socio-educational survey”, supposedly its most comprehensive inquiry, the Commission selected only two villages and one urban block from each district’ (P. Radhakrishnan, ;Mandal Commission Report: A Sociological Critique’ (ed.), Caste-Its Twentieth Century Avatar, pp. 207).

⁴⁹ Government of India, Report of Second Backward Classes Commission, B.P.Mandal: Chairperson, 7 Vols, New Delhi, Controller of Publications, 1980, pp. 44,282,292.293.

Page 292 “the upper peasant castes of Yadavs, Jats, Kurmis, Koeris and Lodhs formed about 16.4% of U.P. population according to the 1931 census.”

Page 293 “Yadavs of eastern U.P. and Bihar consider themselves to be equivalent to Jats. Out of this affinity among them arose the AJGAR movement, the acronym for Ahir, Jat, Gujjar movement. “Thakurs, Kayasthas, Baniyas, Bhumihars and Brahmins were seen as exploiters of the Yadavs”.⁵⁰“The impact of Arya Samaj has been considerable on Jats and Yadavs”. These statements in the reports according to the advocates of reservation for Jats say that the latter never claimed to be backward. That would be below their self-respect. It however, does not mean that they should be excluded from the benefits of reservation accrue to other castes and communities on par. If there is such a view, it pertains to a few elite people of the community. But the majority wants reservation for their welfare and upliftment. Jats are a peasant caste. While they might to be descendents of some legendary Kshatriya king, and take great pride in their regal ancestry claims for welfare should be grounded on hard social facts. Claims to be hallowed past is nothing but a manifestation of what the renowned sociologist, Prof. M.N.Srinivas termed as process of *sanskritisation*. These advocates further argue that according to various commissions like the Gurnam Singh commission, Lodha commission and other scientific surveys the conditions of Jats is not better than the Gujjars, Ahirs and Yadavs.⁵¹

SUPREME COURT CASES

The word “reservation” has attained a particular legal significance in matters relating to public employment. The concept is founded on separating individuals or groups having certain characteristics (pertaining to backwardness as per Articles 15(4)⁵² & 16(4)⁵³ from

⁵⁰ The above information is taken from the Petitions filed by the Jat leaders of All India Jat Maha Sabha to National Commission for Backward Classes.

⁵¹ This above statement was said by the General Secretary of All India Jat Mahasabha in an Sabha held specially to ask the community for Reservation for their own benefits;

also *Jat Jyoti*, New Delhi: published by Prof. Jgdish Kumar Gehlawat on behalf of People Oriented Science and Technology Society, August 2008, pp.33.

⁵² *Chitralkha v. State of Mysore*, AIR 1964 S.C. 1823 (1827), as quoted in D.D.Basu, “Introduction to the Constitution of India”, 2009.

⁵³ *State of U.P. v. Dr. Dina Nath Shukla*, (1997) 9 S.C.C. 662 (para 7): A.I.R. 1997 S.C. 1095, as quoted in D.D.Basu, “Introduction to the Constitution of India”, 2009.

the general category of candidates and conferring on them the benefit of special treatment. It is discrimination made in favour of the Backward Classes vis-à-vis the citizens in general and has been referred to as 'Compensatory Discrimination' or 'Positive Discrimination'.

CONSTITUTIONAL MANDATE

The Constitution of India has provided various protections and safeguards for Public employment to the persons belonging to the Scheduled Castes and Scheduled Tribes, keeping in view the discrimination and disabilities suffered by these classes to catch up and compete successfully with the more fortunate ones in the matter of securing public employment. Specific provisions for reservations in services in favour of the members of Scheduled Castes and Scheduled Tribes have been made as follows in the Constitution of India:-

Article 16(1): There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

Article 16(4): Article 16 provides for equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State, Nevertheless, "nothing in this Article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any Backward Class of citizens which, in the opinion of the State, is not adequately represented in the services under the State".

There have been two Constitution Amendments incorporated in Article 16(4), they are:-

Article 16 (4-A) : Nothing in this Article shall prevent the state from making any provision for reservation in matters of promotions, with consequential seniority, to any class or classes of posts in services under the state in favour of SCs/STs which in opinion of state, are not adequate by represented in the services under the state.

The 77th Amendment to the Constitution has been brought into effect permitting reservation in promotion to the Scheduled Castes and Scheduled Tribes.

The Supreme Court has emphasized that Article 16(4A) ought to be applied in such a manner that a balance is struck in the matter of appointments by creating reasonable

opportunities for the reserved classes as well as for the other members of the society. However, the Constitution (Eighty- First Amendment) Act, 2000 has added Article 16(4B) to the Constitution. The Amendment envisages that the unfilled reserved vacancies could be carried forward to the subsequent years and these vacancies are to be treated as distinct and separate from the current vacancies during any year.

Article 16 (4-B) “Nothing in this Article shall prevent the State from considering any unfilled vacancies of a year which are reserved for being filled up in that year in accordance with any provision for reservation made under clause (4) or clause (4A) as a separate class of vacancies to be filled up in any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty per cent reservation on total number of vacancies of that year.”

As per this amendment the rule of 50% reservation laid down by the Supreme Court is to be applied only to normal vacancies. This means that the unfilled reserved vacancies can be carried forward from year without any limit, and are to be filled separately from the normal vacancies. This Amendment also modifies the proposition laid down by the Supreme Court in *Indira Sawhney*.

Article 335: This Article provides that “the claims of the members of the SCs and STs shall be taken into consideration, consistently with the maintenance of efficiency of administration in the making of appointments in services and posts in connection with the affairs of the Union or of a State”.

Article 16(4):- This clause (4) expressly provides for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the state is not adequately represented in the services under the state. Here the term state denotes both Central and State governments and their instrumentalities. The power conferred on the State can only be exercised in favour of a Backward Class and therefore, whether a particular class of citizens is backward, is an objective factor to be determined by the state.

It was held in **Triloki Nath vs. State of J & K**,⁵⁴ that *State determination must be justiciable and may be challenged if it is based on irrelevant considerations.*

Mere poverty cannot be a test of backwardness. Cultivators of land, designated as backwards on the measure of the size of holdings, is impermissible. Economic consideration alone, opposed to other considerations (e.g., educational backwardness), is not sufficient designate a community as backward.

In **Mohan Kumar Singhania vs. Union of India**,⁵⁵ explaining the nature of Article 16(4) the Supreme Court has stated that it is an enabling provision conferring a discretionary power on the state for making any provision or reservation of any backward class of citizens which in the opinion of the state is not adequately represented in the service of the state. Article 16(4) neither imposes any constitutional duty nor confers any Fundamental Right on any one for claiming reservation. It is left to the discretion of the state. The state government takes the total population of the backward class and their representation in the state services and after doing the necessary exercise makes provision for reservation and provides the percentage of reservation for the posts.

I. WHAT ARE “BACKWARD CLASSES” U/Art. 16(4) of The CONSTITUTION?

There is an overwhelming majority in the nation that is still backward – socially, economically, educationally, and politically. These victims of entrenched backwardness comprise the present Scheduled Sastes (SC), Scheduled Tribes (ST) and Other Backward Classes (OBC). Even though, these classes are generically the "Backward Classes," the nature and magnitude of their backwardness are not the same. The words “Backward Class of Citizens” occurring in Article 16 (4) are neither defined nor explained in the Constitution though the same words occurring in Article 15 (4) are followed by a qualifying phrase, “Socially and Educationally Backward Classes”.

In the course of debate in the Parliament on the intendment of Article 16 (4), Dr. B.R. Ambedkar, expressed his views that “Backward Classes” are which nothing else but a collection of certain castes.

⁵⁴ All India Report(AIR) 1967 Supreme Court(SC) 1283.

⁵⁵ AIR 1992 SC 1.

Incidentally, it is also necessary to point out that the Supreme Court in all its decisions on reservation has interpreted the expression 'Backward Classes' in Article 16 (4) to mean the "socially and educationally backward". It also emphatically rejected 'economic backwardness' as the only or the primary criterion for reservation under article 16 (4) and observed that economic backwardness has to be on account of social and educational backwardness. The true meaning of this expression has been considered in a number of cases by the Supreme Court starting from *Balaji* to *Indira Sawhney*.

(1) In *M.R. Balaji vs. State of Mysore*⁵⁶, it was held that the *caste of a group of persons cannot be the sole or even predominant factor though it may be a relevant test for ascertaining whether a particular class is backward or not.*

The two tests should be conjunctively applied in determining backward classes: one, they should be comparable to the Schedule Castes and Schedule Tribes in the matter of their backwardness; and, two, they should satisfy the means test, that is to say, the test of economic backwardness laid down by the State government in the context of the prevailing economic conditions. Poverty, caste, occupation and habitation are the principal factors contributing to social backwardness. Use of the criteria of economic status and occupation is permissible.

(2) In *Indira Sawhney Vs. Union of India and Ors*⁵⁷, the Court observed that:-

The meaning of the expression "Backward Classes of citizens" is not qualified or restricted by saying that it means those other backward classes who are situated similarly to Scheduled Caste and/or Scheduled Tribes. Backwardness being a relative term must in the context be judged by the general level of advancement of the entire population of the country or the State, as the case may be.

There is adequate safeguard against misuse by the political executive of the power u/Art. 16(4) in the provision itself. Any determination of backwardness is neither a subjective exercise nor a matter of subjective satisfaction. The exercise is an objective one. Certain

⁵⁶ AIR 1960 SC 649

⁵⁷ 1992 Supp (3) SCC 212

objective social and other criteria have 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.

‘Caste’ neither can be the sole criterion nor can it be equated with ‘class’ for the purpose of Article 16 (4) for ascertaining the social and educational backwardness of any section or group of people so as to bring them within the wider connotation of ‘Backward Class’. Nevertheless ‘caste’ in Hindu society becomes a dominant factor or primary criterion in determining the backwardness of a class of citizens.

Unless ‘caste’ satisfies the primary test of social backwardness as well as the educational and economic backwardness which are the established and accepted criteria to identify the ‘Backward Class’, a caste per se without satisfying the agreed formulae generally cannot fall within the meaning of ‘Backward Class of citizens’ under Article 16 (4), save in given exceptional circumstances such as the caste itself being identifiable with the traditional occupation of the lower strata - indicating the social backwardness. And ‘Class’ has occupation and Caste nexus; it is homogeneous and is determined by birth.

(4) Further in case of **Jagdish Negi vs. State of U.P.**⁵⁸ the Court held that –

“Backwardness is not a static phenomenon. It cannot continue indefinitely and the State is entitled to review the situation from time to time.”

II. PART III OF THE CONSTITUTION IN RELATION TO RESERVATION IN PUBLIC SERVICE

Article 14 is in general terms whereas Articles. 15 and 16 are of specific nature. Succinctly put the combined effect of Articles. 14, 15 and 16 as far as public employment is concerned, is that they guarantee non-discriminatory treatment of citizens in matters relating to public employment. Religion, race, caste, sex, descent, place of birth, residence or any of them cannot be the basis for discrimination against a citizen in matters relating to public employment or office under the state.

⁵⁸ AIR 1997 SC 3505.

Reservation in favour of backward classes of citizens is dealt with by clause (4) of Art.16. It is an enabling provision. Clause (4) has an over-riding flavour as the opening words “Nothing in the Article shall prevent the State from.....”, suggest as Mudholkar, J. referring to these words in *Devdasan* pointed out: The over-riding effect of clause (4) on clause (1) and (2) could only extend to the making of a reasonable number of reservation of appointments and posts in certain circumstances. That is all”.

The view in *T.Devadasan vs. Union of India*⁵⁹, that Art. 16(4) was an exception to Art. 16(1) received a severe setback from the majority decision in *State of Kerala v. N.M. Thomas*⁶⁰. The latter held that 16(4) was not an exception to Art.16(1) but that it was merely an emphatic way of stating a principle implicit in Art.16(1). The view taken in *N.M Thomas* has been accepted as the correct one and by the majority in *Indira Sawhney* where the Court pointed out: “Indeed, even without clause (4), it would have been permissible for the State to have evolved such a classification and made a provision for reservation of appointments/posts in their favour. Clause (4) merely puts the matter beyond any doubt in specific terms.”

III. ARTICLE 16(4) AND ARTICLE 335

Article 335: provides that “the claims of the members of the SCs and STs shall be taken into consideration, consistently with the maintenance of efficiency of administration in the making of appointments in services and posts in connection with the affairs of the Union or of a State.”

There has been some debate as to whether Article.335 had any limiting effect on the power of reservation conferred by Article. 16(4). The nine judge bench of the Supreme Court in *Indira Sawhney* considered the argument that the mandate of Art.335 implied that reservation should be read subject to the qualification engrafted in Art.335 i.e. consistently with the maintenance of efficiency of administration. Dealing with the argument majority framed an issue as to whether reservations were anti-meritarian? The majority then observed that may be efficiency, competence and merit are not synonymous concepts; may

⁵⁹ AIR 1964 SC 179

⁶⁰ AIR 1976 SC 490

be it is wrong to treat merit as synonymous with efficiency in administration and that merit is but a component of the efficiency of an administration.

While the argument of the Court that merit cannot be considered independently from the requirements of a job, one could still argue for the relevance and significance of merit at the stage of initial recruitment, without necessarily rejecting considerations of reservation. If the constitutional promise of social justice is to be redeemed, the requirements of a polity cannot be defined independently of it. Further given an opportunity, members of these classes are bound to overcome their initial disadvantages and would compete with—and may in some cases, even excel candidates recruited through open competition. It is undeniable that nature has endowed merit upon members of backward classes as much as it has endowed upon members of other classes and what is required is an opportunity to prove it.

But in case of Article 16, Article 355 would be relevant. It may be permissible for the government to prescribe a reasonably lower standard for Scheduled Castes/Scheduled Tribes/Backward Classes consistent with the requirements of efficiency of administration. It would not be permissible not to prescribe any such minimum standard at all. While prescribing the lower minimum standard for reserved category, the nature and duties attached to the post and the interest of the general public should also be kept in mind. Further there could be certain services and positions where merit alone counts for the purpose of efficiency. In such situations, it may not be advisable to provide reservations.

IV. EXTENT OF RESERVATION

The state is not entitled to make a cent percent reservation. That would be violative of Article 16 of the Constitution. The Supreme Court has ruled time and again, that where there is not only one post in the cadre, there can be no reservation for the backward class with reference to that post either for recruitment at the initial stage or filling up a future vacancy in respect of that post otherwise the same would amount to 100 per cent reservation. A single promotional post can also not be reserved.

In *Indira Sawhney case* the majority pointed out that clause (4) of Art. 16 spoke of adequate representation and not proportionate representation—although the proportion of population of Backward Classes to the total population would be a relevant factor. After

referring to the earlier decisions of the Court, the majority concluded that the reservation contemplated in clause (4) of Art. 16 should not exceed 50%. It also pointed out that for the purpose of applying the rule of 50%, a year should be taken as the unit and not the entire strength of the cadre.

V. CONCEPT OF CREAMY LAYER

The Government of India has evolved the criteria for exclusion of certain socially advanced persons/sections from the benefits of reservation available to the OBCs in civil posts and services under the Government of India and this is called the “Creamy Layer criteria.” In the *Mandal commission case*, the Supreme Court has clearly and authoritatively laid down that the socially advanced members of the backward class, the “creamy layer”, has to be excluded from the backward class and the benefit of reservation under Article 16(4) can only be given to a class which remains after the exclusion of the “creamy layer”. It is for the state to decide the ceiling for the creamy layer, after taking into account the relevant considerations.

CONCLUSION

Constitutional Reasoning, court judgements and reports of Committees and Commissions have clearly distinguished between reservation to the SCs and STs in India on one hand and other sections of Indian society who deserve compensatory benefits on the other. The Backward Classes has evolved as an important category through such deliberations. While the category cannot be dissolves into an aggregation of castes, it cannot be stipulated without invoking caste either. Over the years the laws of the land, and particularly court judgements have succeeded in demarcating some of the central attributes of this category. The Mandal Commission has also invoked the Jats as a caste akin to many other castes which have been declared as coming under the category of Backward Classes. We need to explore to what extent the Jats are entitled to be considered within the category of Backward Classes in substantial respects.

CHAPTER- II

CHAPTER II

FORMATION OF JATS AS A POLITICAL CONSTITUENCY

INTRODUCTION

**“The Jats are not only Hindu Caste: of course they are a Race”
(John Saymore in Round About India 1953)**

In sixties the Jats constituted about one-fifth of the population of Baluchistan, Rajasthan and Delhi and if Pakistan is included, 2 to 5 percent of the population of Sind, North-West frontier, Haryana and Uttar Pradesh.⁶¹ Until the beginning of the thirteenth century, the Jats had been a compact people having community of blood language, and to large extent has common religion⁶². The Jats, as a peasant caste, are organised into exogamous patricians. However, at present about one-third of them are Muslims, one-fifth Sikhs, and rest are Hindus.⁶³ In Northern India the Jats form the bulk of population in the western districts of Uttar Pradesh, particularly in Rohilkhand Division and in central Doab of rivers Ganga and Yamuna. They are also found in central India in the former state of Rajputana, in Sind (now in Pakistan), and some northern areas of Kashmir.

Some Jats settlements can also be seen in the State of Delhi and in the districts of Aligarh, Mathura and Agra in Uttar Pradesh. In these areas Jats are tied to the land and are agriculturalists par excellenc⁶⁴. According to Yogendrapal Shastri; proceeding from south

⁶¹ The New Encyclopedia Britannica, Vol.6,15 Edition, Encyclopedia Britannica,Inc, London, 1987,p.-150.

⁶² K.R.Qanungo, *History of the Jats*. New Delhi: Published by Surajmal Memorial Education Society, 1925, p.1.

⁶³ Ibid.

⁶⁴ Risely, Herbert. *The People of India*. (ed. By William Crooke, W.Thacker and Co.), London, 1915, pp. 76-79.

of Delhi along the Jamuna, we find the Jats more numerous in Mathura and further south in Agra. They are mostly cultivators.⁶⁵

DISPUTED ORIGIN OF JAT COMMUNITY

According to A.H. Bingley, the Jats are Aryans of the same stock like the Rajputs and the name of the race which they belong to was Yadu or Jadu, the title of the famous Kshatriya clan to which the demi-god Krishna belonged. Others who maintained that they are Indo-Scythians, identify them as the same race as gypsies of Eastern Europe.⁶⁶

There are different theories about the origins of the Jats⁶⁷. Cunningham, Ibbetson and James Tod are of the opinion that the Jats are of *Indo-Scythian* stock who entered Punjab from their home on the onyx about a century before Christ. But Tod classes the Jats as one of the great Rajput tribes, while Cunningham differs with Tod in holding the Rajputs to belong to original Aryan stock, and Jats to be a later wave of immigrants from the north-west.⁶⁸

Nesfield is of the opinion that the word Jat is nothing more than the modern Hindu pronunciation of the Yadu n Jadu which is now represented by the modern Jats⁶⁹. According to Deshraj, in his work *Jat Itihas*, has laboured much to quote that various writers whether Indian or Foreigners had wrote that Jats are true Aryans and they belong to the same stock likewise the Rajputs⁷⁰. But K.R.Qanungo is of the opinion that, there is no mention of the Jats in ancient Sanskrit literature and Jats are the natives of India.⁷¹ But still it is difficult to prove or disprove any of these theories of origin of Jats.

⁶⁵ Yogendrapal Sashtri, *Jat Kshatriya Itihas*, Haridwar,1943,pp.24-25.

⁶⁶ Bingley, A.H, *History Caste and culture of Jats and Gujjars*, New Delhi: Ess Ess Publications,1978, pp.1,2.

⁶⁷ Dwivedi, Girish, 'Origins of Jats' , *Journal of Indian History*, Vol. XLVIII, Aug.1970, pp.377-393.

⁶⁸ Census of India(1901), vol.I , pp.74; M.C.Pradhan, *The political system of the Jats of Northern India*.

⁶⁹ Nesfield quoted in M.C.Pradhan, *The political system of the Jats of the Northern India*,pp.3.

⁷⁰ Deshraj, *Jat Itihas*, 1978, pp. 85-95.

⁷¹ Qanungo,K.R, *History of Jats*, Vol. 1, pp.6.

Various authors have also mentioned Jats as a race and/or tribe or caste. Here Jats are seen as a caste which indicates a system of social stratification as it is more rigid than a class and characterised by hereditary status, endogamy, and social barriers rigidly sanctioned by custom, law, religion, and majority of its members having same or kindred profession. They are indeed a bold peasantry, their country's pride. Accustomed to guide the ploughshare and wield the sword with equal readiness and success, they are considered as second to no other Indian race in industry or courage. In physique, they belong to the same ethnic group as the Rajput and Khatri, and according to Ibbetson, represent a type, which "approaches most closely to that ascribed to the traditional Aryan colonialists of India. Their stature is mostly tall, complexion fair, eyes dark, hair on face plentiful, head long; nose narrow and prominent but not very long".⁷² In appearance Jats are sturdy and possess well-built body.

During the Mughal era, Jats are mentioned as *Zamindars* in the subas of Agra, Delhi and Lahore. They mainly had the work of collecting the revenues which was given to them by the Mughal Emperors. *Ain-i-Akbari* is the only source which provides information about the caste and ethnic identities of zamindars of almost each paragona of the Mughal Empire. Jat Zamindars are shown as a dominant socio-economic group in the above Subas. Abul Fazl in his *Ain-i-Akbari*, not only mentions them as one of the agricultural castes of the north India, but more importantly he provides varieties of information regarding their areas of inhabitation, the revenue, their military strength, nature of grant (*sayurghal*) and the agricultural productions etc.⁷³ Other Mughal sources also describe the Jats as a socio-economically very active caste of the areas from Punjab to Agra-Mathura region. They have also been identified as a conscious caste in terms of the exercise of their land rights. Jat zamindars are also shown holding armed power by the *Ain-i-Akbari* and also contributed to the maintenance of law and order.

Therefore, from the point of caste hierarchy, Jats were next to the *dwij* (*dwija*) castes in the rural north-west India, but they were never favourites of the priestly, landowning and

⁷²Ibbetson, quoted in the Punjab Glossary, ii. 366.

⁷³ Abul Fazl, *Ain-i-Akbari*, Vol. II, Eng Tra. By Col. H.S.Jarret, further corrected and annotated by Sir J.N.Sarkar, Delhi, 1994, pp. 193-206.

money lending castes. Jats were also never an isolated group because those who were exploited, dehumanized and oppressed could never be isolated from their mandarins. They were also socially and educationally backward. In the present era, people called Jats live in Northern India all around Delhi. A good proportion of agricultural land in this region is owned by them. It is difficult to find, anywhere in the world, a more homogenous and closely knit settlement than that of Jats⁷⁴. Jat gotras are akin to those found in other communities in India like Rajput, Gujjar, and Ahirs. Jats are considered as a small representative group, of a once great and vastly populated people, who have retained their original name⁷⁵. The only members of this community who are partially retaining the title of Jat are Jat Sikhs or Jut Sikhs, as they are known by this name in Punjab. Some are of the view they are called Jut Sikhs not because they are originally Jats but because Jut means an agriculturalist.

SIMILARITY BETWEEN JATS AND JAT SIKHS AND ROLE IN ARMY

North West region of India has been a site of invasions, conflicts, agitations and martyrdoms and that is why Punjab has always remained a boiling cauldron for various social and political movements. Due to its richness in the land and other resources, it has always been the central focus of invaders. In Punjab, the British experimented by creating an new agrarian frontier through its massive irrigation works that opened huge tracts of land in the arid western districts, leading to large scale migration and settlement of the new canal colonies. And by the second half of the 19th century i.e. after the event of 1857, the Punjab was acclaimed as the sword arm of the British Raj.

This resulted in an intimate association with the military as large number of Punjabis came to be recruited in the Indian Army. By the end of 19th century, the Punjab had replaced North-Central India on the grounds of recruitment by supplying more than half of the combatants for the entire force (*see the below table*) and up to the outbreak of Second World War, the Punjabi element of the Indian Army never fell below sixty percent. This indicates the dominant influence of the Army in the Social, economic and political development of Punjab.

⁷⁴ Joon, R.S, *History of Jats*, Rohtak(Haryana), 1967, pp.4.

⁷⁵ Ibid.

TABLE 2.1.
RECRUITMENT OF PUNJABIS, 1858 – 1910

YEAR	PERCENTAGE OF THE PUNJABIS IN THE ARMY
1858	32.7
1880	27
1890	30
1900	50.6
1910	53.7

Source: Extracted from *Annual Caste Returns of the Native Army, 1880-1910*, IOR:
L/MIL/17/4/221,223,224,226.⁷⁶

Given this pattern of recruitment, very specific very specific sub-divisions were done within the category of ‘martial races’ and many regiments that time narrowed their selection on the basis of particular sub-castes, clans, tribes and localities. Although the Jats were regarded as a ‘martial race’ one of the Recruitment Handbooks produced by the Army Headquarters for officers recruiting for and commanding Sikh regiments spelt out who were considered suitable recruits: “*Only Sikhs belonging to the dominant peasant Jat caste and adhering to the Khalsa creed were deemed ideal recruits and should be targeted for Sikh regiments*”.⁷⁷ Such a preference gave rise to the inferior complex among the other castes and tribes. In short, such policies inducted the people of the region in new found social hierarchy. This divide increased in 1860’s with the policy of the John Lawrence, based on “divide and rule”. Recruitment was carried out in such a manner as to reproduce historical cleavages. The class basis of recruitment and organization and the careful nurturing of class tradition actually helped to reinforce caste and class compartmentalization in the Indian society. This compartmentalization had its major impact on Punjab, as the number of recruitment from this Province was high.

⁷⁶ Young, Tan Ti, *The Garrison State: The Military, Government and Society in Colonial Punjab 1849-1947*, New Delhi: Sage Publications India Pvt Ltd., 2003.

⁷⁷ Captain R.W.Falcon, *Handbook on Sikhs for use of Regimental Officers*, Allahabad, 1896, pp.65. He has served in the fourth Sikh Infantry Regiment in the Punjab Frontier Force, and later as a district recruiting officer in the Sikhs districts.

Further prior to 1870's, before the major canal colonies were opened, land grants and leases of wasteland had been distributed by the British in the Punjab for those who served in the military campaign in 1857 and Afghan wars. Due to this the bulk of the military grantees were settled in the four large colonies: the Chenab, Jhelum, Lower Bari Doab and Nili Bari. Actually all these policies of recruitment had been done by the British to gain the loyalty of the recruits but in retrospect it has widened the cleavage across different segments of population in the region.⁷⁸

JAT IDENTITY AND ARYA SAMAJ MOVEMENT

In between the sixteenth and nineteenth century, the Jats had an overlapping of the elements of - dialect, ritual and religion. The language spoken by the Jats in the Hindi belt is mainly Jatu and Bagri⁷⁹. Jatu had been modified by Punjabi and Ahirwati dialects of Gurgaon and was called Deswali or Desari in Haryana (Haryana)⁸⁰. This dialect is also spoken by the lower caste in the Rohtak district of Haryana. In Hissar, Jats and lower caste spoke the Bagri. There are numerous dialects among the Jats, varying according to the geographical and gender specificities.

The ritual of Karewa (cohabitation) or Chadar andazi distinguishes Jats from the upper-caste Hindus. It is also known as Kapda, as it involve the remarriage of a widow or a deserted wife and was performed after the women and her husband informed the assembled relative of their intension to live together⁸¹. This practice was not performed by the other castes like, Brahmans, Rajputs, Kayasths, Baniyas, the Muslim gentry and also by the Bharatpur Jats who frowned upon widow remarriage or the practice of keeping a

⁷⁸ Nicholas Dirks in *Castes of Mind: Colonialism and the Making of Modern India*, has argued "how through colonial ethnology and 'colonization of the archive', caste emerged as the dominant trope for the British in making sense of India and how India should be ruled. Caste had become a specifically colonial form of civil society" (Dirks, Nicholas B, *Caste of Mind: Colonialism and the Making of India*. Princeton University Press, 2002, pp.60.) He has also discussed this fact that British Indian Army after 1858 was based on the theory of "martial races", which were distinguished by loyalty, military fidelity and mainly independence. And because of this the Jat Sikhs came to be recognised as one of the most prominent martial races of India giving them a national character.

⁷⁹ Rohtak, District Gazetteer, pp. 97

⁸⁰ Hissar, District Gazetteer, 1904, pp.4

⁸¹ Tupper, C.L.(ed.), *Punjab Customary Law*, Vol.ii, Calcutta, 1881, pp. 91-96, 173-174.

brother's widow. It was also not common among the caste like Ahirs, GujJars, Chamars, Mallahs, Pathans and Mughals.

The fortune Of Jats improved during the late eighteenth century when they were recruited into the army by Begum Samru and George Thomas. The main contribution to the formation of the Jat identity was of the significant religious tradition⁸². One was the Kachha tradition⁸³ was embodied in syncretic heroic cults; the other was reformist which conformed to a set of moral codes and non-brahmanical percepts.

The Kachha tradition had fluid notions about vegetarianism and often inspired the poor Jats and the reformist tradition had influenced more the educated and well-of Jat strata⁸⁴. Reformists Movements like the Arya Samaj and Brahmo Samaj launched by new English educated Indians in the nineteenth century⁸⁵ had their deep impact in Punjab⁸⁶. British conquest and the introduction of western concept of the administration and legal setup initiated a series of complex changes. In the process of establishing uniform administrative setup over the newly conquered territories, Bengalis became a significant element of administration in the Punjab. Along with the Bengalis came their newly acquired ideas of western radicalism and modernity. As English education, started spreading in the Punjab, largely due to efforts of Christian missionaries, the Punjabi youth in turn were attracted to the ideas of the Brahmo Samaj, propagated by the Bengalis.⁸⁷

⁸² Alavi, Seema, *The Sepoys and the Company: Tradition and Transition in Northern India 1770-1830*, New Delhi, 1995.

⁸³Kachha Tradition is adopted by Jats and is described as a form of worship which avoids the symbols of orthodox Hinduism(known as pucca tradition). Jats describes that they have their own form of worship. The Jats never visited neither the shivaliks nor the Vishnu temples of the Brahmins.

⁸⁴ Datta, Nonica, *Forming an Identity: A Social History of the Jats*, New Delhi:Oxford University Press, 1999,pp.25.

⁸⁵ Oberoi, Harjot,, *The Construction of Religious Boundaries, Culture, Identity and Diversity in Sikh tradition*, oxford, 1994, pp. 278.

⁸⁶ Oberoi, Harjot, "The Construction of Religious Boundaries, Culture, Identity and Diversity in Sikh tradition", oxford, 1994, pp. 278

⁸⁷ Jones, K.W, " The Bengali Elite in post independence Punjab, an example of Inter-Regional in nineteenth century Punjab", *Indian Economic and Social History Review*, III, No. 4 Dec, pp. 20-30.

The Arya Samaj is no longer a vital force in contemporary India, and in the sweep of newer religious movements; it is difficult to say why the Arya Samaj once loomed so large. Swami Dayanand Saraswati, a Gujrati Brahman had founded a new religious community within the larger Hindu fold but he neither violated nor abandoned the Hindu tradition⁸⁸. The Arya Samaj is a complex system of “beliefs” and “practices” which Dayanand Saraswati certainly did not invent. He preached a vision; the organisation and the institution came much later. Kenneth W. Jones, in *Arya Dharam: Hindu Consciousness in nineteenth century Punjab* reminds us of the formidable vitality of the movement and offers an explanation for its strength. The Arya Samaj became vital to the process of modernisation and identity formation among the Punjabi Hindu intellectual elite during an interesting movement of social transformation, during the late nineteenth century when the grip of the British came to be challenged and a new Hindu identity came to be reinforced.⁸⁹

In 1877 Swami Dayanand Saraswati arrived in Lahsore at the invitation of educated Punjabis, resident Bengalis and one Sikh aristocrat, Sardar Vikram Singh Ahluwalia⁹⁰. Arya Samaj got a foothold in Haryana with the opening of its branches in the 1880's at Hissar and Rohtak. With both these branches the two brothers of a family in Rohtak (District of Haryana) were associated named Dr. Ramjilal and Ch. Matu Ram. These two were the founding members of Arya Samaj in Haryana. They both started spreading the teachings of Swami Dayanand and Arya Samaj movement was accelerated among the Jat leaders and soon became dominant in the areas where Jats were in majority. These leaders established various Gaushalas and Gurukuls which were the resource centres for the spreading of teachings of Arya Samaj. In the 1880's the Samaj also created its branches in various other places in Haryana, such as Karnal, Jind, Sirsa, etc., that had strong Jat presence.

⁸⁸ Bahadur, Etee, 'Arya Samaj and Caste Reform', Unpublished Dissertation, New Delhi: JNU, CHS/SSS, 1966, pp. 1-4, 85-86.

⁸⁹ Jones, K.W., *Arya Dharam: Hindu consciousness in the Nineteenth century Punjab*, New Delhi, Manohar Publications, 1976.

⁹⁰ Jones, K.W., *Hum Hindu Nahin : Arya Sikh Relations*, 1887 to 1905, Journal of Asian Studies, Vol. 27, No. 3, May 1973, pp. 458.

Swami Dayanand toured southeast Punjab in 1879 for the first time when he went to Ambala and Rewari. Among his earlier followers in the region were Lala Lajpat Rai, Pandit Lakhpal Rai, Lala Chura Mani and Chandu Lal, who set up a branch of the Arya Samaj in Hissar in 1889 and built a temple there in 1893. During the 1880s, they intensified their activities among the Jats especially in Hissar, where Lala Lajpat Rai practiced law. In the 1880s, a branch of the Arya Samaj was established in Rohtak by Rai Sahib Sansar Chand, who succeeded in drawing the villages of Sanghi and Kiloj in Rohtak into the Arya Samaj fold. The cultural links with Rajasthan and the migration of the Jats from the Bikaner region also contributed to the dissemination of the Arya Samaj in the Hissar-Rohtak tracts in the 1890s. Swami Dayanand had visited Rajasthan in the 1870s. His nine day long stay in Bharatpur is said to have bolstered the Arya Samaj cause in the region.

During his nearly fifteen months in the Punjab, Dayanand founded a series of Arya Samajis throughout the province. His vision of a Hinduism based on the infallibility of the Vedas, shorn of idolatry, polytheism, Brahmanical domination and the intricacies of the Jati system possessing rationality and modern science, forced ready acceptance among educated Hindus. During the next few years many young Hindus deserted the Brahmo Samaj for this new Aryan ideology, finding in it values and attitudes more relevant to the realities of religious competition in the North.

Swami Dayanand's major targets for criticism were Hinduism, Islam and Christian Missions. For Jones, Dayanand's idea caught on in Punjab as nowhere else in India due to communal competition among conversion and British policies that tended to play one group against another. Jones choice of the title "Arya Dharam Hindu consciousness in nineteenth century Punjab" is itself a comment on the movement's social role, the Arya Samaj was a new Dharma a set of religion based on social values which serve as an alternative to existing Sanatan Dharm. The Arya Samaj was predominantly a creation of urban merchantile caste with their client Brahmins yet in the context of Punjab's large religious communities, a caste based movement could not succeed. Jones helps us to understand the new Arya Samaj movement as a Biradari, a communal social unit superseding caste which could also serve as a vehicle for the intense communal politics.

In Haryana, Arya Samajist precepts harmonized with several elements of existing religious cultures. Thus pilgrimage was rejected along with the hegemony of the Brahmans. The other rituals were done away with and were replaced by monotheism, community worship, physical training, gurubhakti, seclusion of women and cow-protection. Along with these many values and traditions from local cults and sects were appropriated. With being 'modern' and 'reformist', Arya Samaj gradually became a religious culture in the southwest Punjab. It also became a successful movement among the Jats, many of whom began a dialogue with the Arya Samajist preachers. The Jats of Haryana, more than other caste or community, became staunch followers of Dayanand Saraswati's Arya Samaj. Although Swami Dayanand was a Brahman, but Brahmans were totally in opposition to the Arya Samaj, it being anti-idolatry, whereas idolatry for most of the non-landed Brahmans was an occupation and a means of livelihood.

The Jat ideologues claimed that Dayanand had himself borrowed from the teachings of Jambhji, their sadhu-sant (holymen)⁹¹. They felt that they had been stigmatized by the superior communities like Shudra, primarily because they practised Karewa⁹² and ate Basi (stale) food. According to Deshraj Thakur, the Jats were neither allowed to sit with the Brahmans, Mahajans and Rajputs nor mount a horse in their presence. A Jat woman had no right to wear a string (izzarband) as her belt on her petticoat; she was only permitted to use a coarse thread made from reeds. Nor was she allowed to wear a nose ring⁹³. The Rajputs prohibited the Maliks (Jat caste) from wearing a turban⁹⁴. Such instances were highlighted by many leading Jat figures in public life, educationalists, journalists, and reformers. Jats attributed the success of the Arya Samaj to the fact that Dayanand had endorsed Karewa and gave it a new name, Niyog (a temporary alliance between a married man and a married woman)⁹⁵.

⁹¹ Shastri, Kshatriya, pp. 611.

⁹² Similarly, like the Hindu Jats, when a widow is remarried among Muslim groups, she did not have to go through the full *Shadi* ceremony, but was married by *Nikah* alone. On the striking resemblance between the Jats and Pathans and Rangers in practising Karewa; also see, C.L. Tupper (ed.), *Punjab Customary Law*, vol ii (Calcutta, 1884), pp. 91-96, 173-174.

⁹³ Sangwan, *Kisan Sangharsh*, pp. 41.

⁹⁴ Ibbetson, *Punjab Castes*, pp. 41.

⁹⁵ Raj, Thakur des, *Jat Itihas*, pp. 74-76.

For the Jats, whose status in Hindu Hierarchy was ambiguous, Karewa connected them to a neo-vedic tradition, and thereby enhanced their social status. This point is underlined in Jat literature, though the Sanatanists and the British viewed Karewa disparagingly as a lower caste practice⁹⁶. Jats explicitly criticised the Brahmanical rituals and started idealizing the Swami and they started saying that, ‘by giving us the distinction as gurus or Brahmans, Dayanand elevated us to a higher status’.

According to Ram Swaroop Joon, a Jat historian from Rohtak, Jats were so kind towards Swami Dayanand that they had adopted the principles which Swami has laid down for the community’s self-improvement:

1. God is the source of all knowledge. He is also omnipotent, omniscient, formless, faultless, just, kind and indestructible.
2. It is the sacred duty of every Arya to read, teach, hear and talk of the Vedas.
3. One should accept the truth and give up falsehood.
4. Every action should be dictated by Dharm.
5. The chief objective of the Samaj is the Physical, spiritual and social improvement of the world.
6. One’s behaviour with others should be in accordance with Dharm.
7. One should try to promote knowledge and do away with ignorance.
8. One should not be satisfied with one’s own welfare but consider the progress and wellbeing of everybody.
9. All should obey the rules of society. Yet everyone should be free to choose his own path.⁹⁷

Therefore, it can also be said that Dayanand Saraswati was hailed as a hero for the Jats. He became a modern replica of the deified warriors and saints in the region. In the 1880s, the Arya Samaj founded new associations and organizations to enlarge its constituency among the Jats and helped them strengthen their identity as a devout and self-controlled warrior caste, and not merely as a sturdy country folk. The Arya Samaj endorsement of

⁹⁶ Encyclopedia of Religion and Ethics, pp. 60.

⁹⁷ Joon, Ram Swaroop, *History of Jats*, pp 198-99.

Karewa enabled educated Jats to observe it and encourage widow remarriage. Ramjilal did so in 1905. He wrote in his diary,

*'She had a male child from her earlier marriage. She is looking very poor. She is of good character and conduct. She is not ugly looking. I saw her with her mother at Barahi. I would like her to be my wife in case I do not find anything that goes against her.'*⁹⁸

This made the practice of Karewa more popular among the Jat households. The puranic Brahmans, whose position was greatly eroded in rural areas with the coming of the Arya Samaj movement and its adoption by the Jats, held a Panchayat in Rohtak and expelled the Jats from what they perceived to be a wider Hindu Jati (community). Brahmans did not allow the Jats to wear the sacred thread and mounted a campaign against them in 1906⁹⁹. The Arya Samajist group, headed by Pandit Ganpati Sharma, defeated the puranic pundits in an open Jat panchayat and inspired thousands of Jats to wear the sacred thread and follow the vedic ritual¹⁰⁰. Large scale conversion of Jats to the Arya Samaj took place between the years 1905-1912. The emergence of the Arya Samaj had many visible effects in the region. It was common for converts to read the Satyarth Prakash, observe Sandhya, participate in Havan and Updesh, sing bhajans and develop an interest in cow protection.

Certain specific teachings of the Arya Samaj took root among Jats such as endorsement of monotheism and opposition to idol-worship. There was condemnation of infant marriage and encouragement to widow remarriage. Arya Samaj discouraged bathing in sacred streams, pilgrimages and other popular practices of Hinduism. At the same time Arya Samaj did not succeed in eradicating worship of plurality of gods and goddesses. The worship of Shiva continued to remain popular among the Jats. Shiva is known as Rudra and Mahadeo and his worship is generally associated with Nandi the sacred bull, the favourite attendant of Lord Shiva.

⁹⁸ Juneja and Mor (ed.), *The Diaries of Dr. Ramji Lal Hooda*, 1989, Hissar, pp. 45.

⁹⁹ Datta, Nonica, *Forming an Identity: A Social History of the Jats*, Delhi: Oxford University Press, 1999, pp. 60-61.

¹⁰⁰ Vidyalkar, P., *Arya Samaj ke Sau Varsha aur Haryana main uska prabhav*, Rohtak, 1976, pp. 27.

Jats readily came under Swami Dayanand's banner of Arya Samaj and supported his movement which aimed at infusing a new spirit of awakening and self-reliance in the Hindu society. The Jats viewed the Arya Samaj in a variety of ways towards the end of the 19th century. They gave up their initial reservations and adapted themselves to a new mode of collective life. Doubtless, there were some feeble protests against the emerging hegemony of the Arya Samaj, but these voices gradually died down. The Arya Samaj inspired the Jats via existing beliefs and cultures. This, in a large part, accounts for its success as an ideology and a movement. By the early twentieth century, the Jats entered public life as political actors, moral pundits, school teachers, lawyers, popular scholars and peasant sepoys. With this grew the notion of a homogeneous Jat community. The Arya Samaj played a vital role in the cultural and political mobilization of the Jats and their emergence as an assertive community. Arya Samaj movement also paved the way for upliftment of women through educational opportunities, removal of social evils like smoking, drinking, sati tradition, purdah system etc. It also made the village life easy because of removal of superstitious practices like offering meals to Brahmins on full-moon nights and on marriages, birth and even death.¹⁰¹

At the same time it has to be noted that the diffusion of the Arya Samaj precepts and associated quami narratives had far reaching consequences beyond its direct impact on the community. First, the emerging Jat identity created tension with the Muslims. The prevalent syncretic culture came to an end. Secondly, it alienated colonial officials. The result was a new colonial stereotype which represented the Jats as violent and clannish by nature.

The movement of Swami Dayanand became more successful in Punjab, Gujarat, Rajasthan and Uttar Pradesh and Jats followed the teachings of Swami Dayanand more than any other community in India. Jats helped the movement financially too by establishing many Arya Samaj Mandirs and Anglo Vedic Schools and Gurukulas. The politics of Haryana picked up momentum in the early years of the twentieth century with the launching of Ch. Chhotu Ram's weekly, *Jat Gazette*, in 1916. In response to this Pandit Sri Ram Sharma launched his Haryana, *Tilak*, in 1923. They both became the local caste leaders of Jats and

¹⁰¹ <http://www.jatland.com>

Brahmans and at the same time important regional leaders of Unionist Party and the Congress .

CHHOTU RAM AND JAT AS PEASANT

Chhotu Ram was a son of an illiterate small Jat peasant proprietor in the village of Rohtak district of Haryana. He entered into public life under the patronage of Ramji Lal Hooda. He was one of the first Jat peasant to become part of the intelligentsia. In fact, he became an organic intellectual in the Gramscian sense since he constantly lobbied on behalf of those from his own background.¹⁰² In 1907, he wrote in *The Imperial Fortnightly* an article entitled 'The improvement of India village life' which established the mainstays of the ideology of the Kisan. He hailed that villages of India are so backward and no progressive society can leave his large section to remain stationary'.¹⁰³

Chhotu Ram studied Sanskrit rather than English. He was particularly concerned with *the educational and economical backwardness of Jats*. He recounted: "My several years of study in Delhi brought me into close contact with students from the highly cultured sections of Delhi society. My relations with them were always entirely cordial, but, in friendly banter, these urban comrades always styled their school and college fellows from the country side as rustics, clowns and bumpkins. Jats came in for a particularly heavy share of these epithets. The epithets were used in perfectly good humour, with no desire to hurt, and no conscious sting to them, but it would be idle to pretend that they did not proceed from an undercurrent of a feeling which, though innocent in appearance, had a vein of disrespect and disdain from my class. Unpleasant heart-searching followed, and nurtured the sapling which had been firmly planted in me by the couplet which said, 'in the ordinary course of nature, thousands upon thousands are born every day, but he alone is truly born whose birth leads to the elevation of his race'. This couplet (hitopedesha) which I had read in one of my text-books for the first time in 1897 had sowed in my young

¹⁰² Chhotu Ram was the first politician to articulate in analytical terms of the opposition between rural and urban India.(Cited in M.Gopal, Sir Chhotu Ram – A Political Biography, Delhi: B.R. Publishing Corporation, 1977, pp.16)

¹⁰³ Chhotu Ram, 'The improvement of Indian Village Life ' in K.C.Yadav (ed.), The Crisis in India, Kurukshetra, Haryana Historical Society, 1996, pp.72.

breast the seed of that inchoate desire which in later years grew into powerful passion for uplifting my class educationally, socially, economically and politically.”¹⁰⁴

In an article published in the college magazine in 1907, Chhotu Ram reflected on ways to improve life in rural areas, to end the isolation of people and curb the monopoly of the village Bania, ‘the incarnation of Shylock in our times’.¹⁰⁵ In 1920s Chhotu Ram with Mian Fazl-i-Husain, a Muslim leader who was equally eager to organise the peasants in Punjab, formed the National Unionist Party. In 1923, the party’s election manifesto focussed on the needs of ‘the Backward Classes’-, which did not benefit from a ‘just and fair’ representation in the public services of the province and were exploited by ‘the economically dominant classes’. This term – the backward classes – was used as a synonym for the peasants as indicated by the party’s promise to ‘preserve intact the Punjab Land Alienation Act as a measure of protection to Backward Classes’.¹⁰⁶

After the 1923 electoral success of the NUP, Fazl-i-Husain became Chief Minister of Punjab and Chhotu Ram Minister of Agriculture in 1924. He was thus largely responsible for amending the Land Revenue Act so as to fix the term of a normal settlement at a minimum of forty years and the state’s share at a maximum of 25% of net assets in passing the Regulation of Accounts Bill. This protected debtors against the malpractices of moneylenders and made the Punjab Land Alienation Act work in favour of the “agricultural tribes”. The NUP government also reduced water rates so that cultivators got better conditions for irrigation, last but not least, the Punjab Agricultural Produce Marketing Act reformed the marketing committees of the mandis (agricultural market places), with peasants representing two-thirds of their members and traders one-third. Gokul Chand Narang, an Arya Samajist leader who owned several sugar mills protested that ‘Through this legislation, penny worth peasants would sit alongside millionaire

¹⁰⁴ Datta, Nonica, *Forming an Identity: A Social History of the Jats*, Delhi:Oxford University Press, 1999, p.88.

¹⁰⁵ ‘The improvement of Indian Village Life’, cited in Gopal, Chhotu Ram ,p.24-30; Balbir Singh, Sir Chhotu Ram:Selected Speeches and Writings (New Delhi,1996), pp.244-9.

¹⁰⁶ M.Gopal, Sir Chhotu Ram – A political Biography, delhi: B.R.Publishing Corporation,1977, pp.59.

mahajans [banyas] in the committee’. Chhotu Ram replied: ‘the Jat deserves no less respect than the Arora mahajan [Aroras are Banyas from Punjab].[...] The time is not far off when the hard working peasant would leave the worshippers of money far behind’.¹⁰⁷ He also propagated the idea of Biradari (peasant brotherhood) among Ahirs, Gujjars and Rajputs – hence the Acronym AJGAR (Cobra) got popular.¹⁰⁸ Nonica Datta also points out that, Chhotu Ram used two entwined languages: one was of Jat cultural assertion and the other was that of homogeneous rural community embodying the elements of peasant culture.¹⁰⁹

With Chhotu Ram, the Jats had invented a new idiom of politics, Kisan Politics, which emphasised socio-economic cleavages. This kind of agenda offers this caste and other peasant castes a new sense of identity for their social emancipation. In Uttar Pradesh a leader with same excellence, Ch. Charan Singh articulated his ideology after the independence of India.

CH. CHARAN SINGH: JAT WITHIN THE ENCOMPASSING IDENTITY OF KISAN

Charan Singh wanted to establish an egalitarian society. He spelled out that, “For creating an egalitarian society the reins of power of the country should lie in the hands of the 80% of the population, uneducated and poor, which lives in the villages”.¹¹⁰ Charan Singh represented the class of peasant proprietors which he had begun to shape with the land reform he had initiated after independence in Uttar Pradesh.

The peasants mostly belong to the lower or intermediate castes. Among the intermediate castes, the Jats formed the most significant group. Although they represented only 1.6% of the state population of Uttar Pradesh but were concentrated in western UP where they competed with the Rajputs for the status of dominant caste. They were hardworking

¹⁰⁷ Ibid.,pp.108.

¹⁰⁸ Datta, *Forming an Identity*, pp.108.

¹⁰⁹ Ibid, pp.112.

¹¹⁰ G.Ravat(ed.), *Chaudhary Charan Singh: Sukti aur Vichar*, New Delhi, Kisan Trust, 1985, chap. 6.

farmers. The lower castes were either the service castes (e.g. Nais/Barbers or Telis/today-tappers) or cultivating castes (Kurmis, Lodhis, Koeris, Gujars) or pastoral castes like Ahirs (cowherds), a large caste representing 8.7% of population. In Uttar Pradesh, the capacity of the Congress Party to co-opt local notables after independence was reflected in the social profile of the electoral candidates fielded by the Congress. Congress had accommodated the upper caste politicians as it is evident from the table given below rather than accommodating the lower caste. The over-representation of the higher castes among Congress MLAs was very high and continued to rise from 1952-62, from 58 to 61%, whereas the lower castes remained very under-represented with less than one-tenth of the MLAs.

Charan Singh identified himself with the interests of peasant-proprietors from an early date. In 1939, he introduced in the Legislative Assembly of the United Provinces a Debt Redemption Bill, which brought much needed relief to indebted cultivators; an Agriculture Produce Market Bill was intended to protect cultivators against the capacity of traders, and a Land Utilisation Bill which sought to transfer the proprietary interest in agricultural holdings to the tenants who deposited ten times the annual rent to the government as compensation to the landlord.¹¹¹ Like Chhotu Ram, Charan Singh too was eager to protect the peasants from merchants, moneylenders and urban population as a whole. Charan Singh gave priority not to the industry but to agriculture. In 1939, Charan Singh even proposed a 50% quota in public administration in favour of the sons of the farmers. The All India Jat Mahasabha supported his proposal although he was less wedded to caste affiliations as such. Instead he wanted to subsume caste into a new peasant identity. This approach was undoubtedly dictated by his own social background since his caste, the Jats, occupied an intermediary position and was not numerically dominant. Though, technically, they have to be classified as Shudras, the Jats formed a dominant castes and there were labourers working under them or acting as their tenants.

As revenue minister in charge of land reform in Uttar Pradesh after independence, Charan Singh's strategy had been to promote the interest of the middle class peasantry by abolishing the zamindari system. Charan Singh projected himself as the spokesperson for

¹¹¹ Goyal (ed.), *Profile of Chaudhary Charan Singh*, pp. 6-7.

Village India against the city-based, parasite elite, presenting the village community as a harmonious whole. The sense of community was a vital thing among the peasantry, providing a natural foundation for collaboration or co-operative action¹¹². From Gandhi, Charan Singh drew inspiration¹¹³ and ignored the deep social contradictions and class antagonisms between the landowners, tenants, sharecroppers and labours and dwelt instead on consensual processes of conflict resolution.

Charan Singh paid little heed to caste.¹¹⁴ He was inspired by Swami Dayanand's teachings. He once said: 'Arya Samaj is my mother and Maharishi Dayanand is my Guru'.¹¹⁵ Charan Singh was not inclined to the question of relaxation in the entry conditions for OBC candidates, he in no way favoured reservation of posts for them in the services or seats in the legislatures.¹¹⁶ He did not want to develop positive discrimination but rather to see caste abolished. He did not highlight caste cleavages but championed the interests of the peasants against those of the town. Charan Singh's Kisan politics enabled him gradually to build a coalition encompassing the cultivating castes ranging from OBCs to the intermediate castes. This coalition, in fact was the old AJGAR grouping that Chhotu Ram had already developed in Punjab, minus the Rajputs. While, there was no representative of the (often landless) Untouchable castes in this grouping, it included a wide range of castes, from the OBCs to intermediate and upper castes.¹¹⁷

¹¹² Charan Singh, *Joint Farming X-rayed – the problem and its solution*, Bombay: Bharatiya Vidya Bhavan, 1959, pp. 270.

¹¹³ Ravat (ed.), *Chaudhary Charan Singh: Sukti aur Vichar*, ch. 8.

¹¹⁴ Singh, *Joint Farming X-rayed*, pp.259.

¹¹⁵ Ravat, *Chaudhary Charan Singh: Sukti aur Vichar*, ch.6.

¹¹⁶ An Observer, *Who is a Casteist?*, New Delhi: Kisan Trust, 1984, pp. 59.

¹¹⁷ J.Christophe, *India's Silent Revolution: The Rise of the Low Castes in North Indian Politics*, Permanent Black, New Delhi, 2003, pp. 288-89.

TABLE 2.2.
Caste and Community Of Uttar Pradesh Congress MLA's,
1952-62 (%)

	%	in	1952	1957	1962
		UP*			
<i>Upper castes</i>	20.4		58	56	61
Brahmin	9.2		28	22	27
Rajput	7.2		13	15	19
Banya	2.4		8	8	8
Kayastha	1		5	6	3
Bhumihar	0.4		1	1	1
	0.1		1	1	0
Tyagi					
Other	0.1		2	3	3
<i>Intermediate Castes</i>	1.5		3	2	2
Jat	1.5		3	2	2
<i>Low Castes</i>	41.		7	6	6
Yadav	8.7		3	2	2
Kurmi	3.5		2	2	2
Other	27.5		2	2	2
<i>Scheduled Castes</i>	20.9		21	24	22
Chamar	11.8		14	16	16
Pasi	3		3	2	1
Other	6.1		4	6	5

Muslim	14.6	11	10	8
Total	100	100	100	100
		N=390	N=286	N=249

*According to the 1931 census.

Source: Adapted from R.C. Meyer, 'The Political elite in an Underdeveloped Society: the case of Uttar Pradesh in India', PhD thesis, University of Pennsylvania, 1969 (Political Science), pp. 175-8.

JAT PRESENCE

The southeast of Punjab has been known for the Politics dominated by the Jats. Here Hindu's have formed themselves into a Jat group. Jats are in majority in state of Haryana, Uttar Pradesh, Rajasthan and in a reasonable ratio in Punjab.

In Haryana, Rohtak district is regarded as the epicentre of the Jat politics and is responsible for providing the 'Jat' epithet to this region and indeed, to that of the province. This district was also the constituency of Chhotu Ram, the Jat leader behind the mobilization of Jats and responsible for creating the Jat Group in the provincial politics. Jats are found numerically in large numbers in the region namely, Ambala, Gurgaon, Hissar, Karnal and Rohtak in Haryana¹¹⁸. From the above mentioned regions, numerically Rohtak constitutes large number of Jats. According to the Census of 1921,¹¹⁹ the population of Rohtak district was 772,272 and Jats were accounted for 262,195 people or one-third of the population of the district. Jats were also held as the big proprietors with the bulk of agricultural land with them. With their twelve major *Gots* (patrilineal clans) and 137 minor ones, they controlled, in 1910, 385 villages in the district out of a total of 530. And significantly, in many of these 'Jat villages', they held a near monopoly of landownership. For example, in village Kanaudha, the Jat landowners were in possession

¹¹⁸ Census Of India, 1931, Punjab and Delhi, Punjab Census, 1933, XVII, part I, Report, Lahore: Civil and Military Gazette, pp. 339-40.

¹¹⁹ Punjab Census, 1921, 1923, XV, part II, Lahore: Civil and Military Gazette, pp.2. The other caste in relation to Jats were much smaller in numbers. Jats therefore, emerge as a single largest caste in rohtak district of Haryana. The caste complexion of Rohtak district in 1921 was as follows : Jat, 262,195; Brahmin,71,917; Chamar,65,804; Bania,46,814; Rajput,46,468; Dhanak,24,044; Chuhra,23,514; Ahir,17,064; Kumhar,13,954; Tarkhan,13,390; Nai,13,070; Mali,12,106; Faquir,9,383; Gujar,7,789.

of 99.22 percent of the total cultivated land.¹²⁰ Again, in the village Gijhi, the Jats, comprising 83.89 percent of the landowners, held 92.99 percent of the total cultivated land¹²¹. In fact not only in Rohtak district but in other districts of Punjab Jats were considered to be foremost among the landowning castes of Punjab.¹²² When the agricultural was more or less the solitary prop of the provincial economy, the ownership of agricultural land inevitably established the dominance of the Jats in the area. The settlement report of Rohtak district of 1910, which includes the last consolidated list of caste divisions, throws the social and economic patterns into bold relief.¹²³ The Hindu Jats emerge as a sole owner of 60 percent of cultivated land in the District; rest of the land is owned by the Jats who had converted into Islam in the nearby villages. In comparison, the portion of land owned by the other castes includes, Muslim Rajputs owned 7 percent, Hindu Rajputs 4 and half percent, Brahmins 6 and half percent, Ahirs 2 and half percent, Baniyas and Pathans about 2 percent each, of the total cultivated land. The remaining 15 and half percent of the land was owned by miscellaneous castes and government boards. This shows that Jats are economically and numerically are the single largest dominant caste in Haryana with specific to the Rohtak district.

Regarding the social status of the Jats, it is difficult to define in the ritualistic framework of the caste hierarchies. The census authorities of 1901 confessed that Punjab defied a systematic classification of castes.¹²⁴ For example, the social superiority of the Brahmin did not exist in Punjab, and though Brahmin could be sacredocally superior, yet socially he was described as 'lowest of the low'¹²⁵. On the other hand, regarding Jats – who were

¹²⁰ Chowdhary, Prem, *Political Economy of Production and Reproduction: Caste, Custom and Community in North India*, New Delhi:Oxford University Press,2011, pp.36-37.

¹²¹ Ibid, pp.37.

¹²²Ibid, pp.37.

¹²³ Final Report of the Third Regular Settlement, 1905-10, 1910, Rohtak District, Lahore: Civil and Military Gazette, pp.10.

¹²⁴ Punjab Census, 1901, 1912, XVII, part 1, Report, Lahore: Civil and Military Gazette, p.337. The report in this connection gives the example of janeo (the sacred thread) which was donned by the twice born, that is, the Brahmins, nearly all over India in Punjab also, the Brahmins wore the Janeo but apart from them, the janeo wearers could be found among the other castes as well, for example the Nai who ministered to the castes who wore the Janeo. Among Jats also, Janeo was worn in certain villages but this did not have the effect of raising the Janeo wearing Jat above the level of non-wearing Jat. Ibid,pp.324.

¹²⁵ Ibid,pp.338.

in ritual hierarchy a peasant caste all over India and were ritually ranked in Punjab after the Brahmin, Rajput and Khatri – the Punjab census of 1910 laid down: ‘there is no caste above Jat’. The social status of Jat was further complicated by their differing social status in the different regions of Punjab. In central Punjab, for example, a Sikh Jat did not consider anyone his social superior, not even a Rajput. Elsewhere in Punjab, the Jats, by and large, claimed Rajput origin. The Jats of south-east Punjab, who were declared to be the same stock and type as that of central Punjab, also claimed the Rajput origin¹²⁶. However, M.N.Srinivas¹²⁷, writes about the dominant caste and is of the view that the status of Jats is of a ‘dominant caste’ which is the case seen in the Rohtak district of Haryana. They are economically and numerically stronger than any other caste in this district, the Jats satisfied yet another norm of the ‘dominant caste’ that is, in the ritual hierarchy also, they did not occupy ‘a low ritual status’. In the agrarian society of Punjab, the norms, as seen to be operating and also as encouraged by the British, did not conform to the ritualistic concepts and were necessarily in relation to the amount of land that was held in possession by a particular caste.¹²⁸ It is clearly seen that the Jats are in much dominant position in Rohtak. In the agrarian setup of the district, the other castes are in relation of servitude to the landowning Jats who stood as single largest receivers of the services from the other castes. The superiority of the Brahmins have declined severely by the early twenties with the propagation and acceptance of Arya Samaj, especially among the landowning Jats of Rohtak.

TABLE 2.3.

Classification of 530 villages in Rohtak District (Haryana) according to the Caste of the Major Proprietors:

CASTE	No. of Villages held in			
	Gohana	Rohtak	Jhajjar	Total
Jat	97	99	189	385

¹²⁶ D.Ibbetson, *The Punjab Castes*, Lahore: Government Printing Press, 1916, pp.100-5. In fact, M.N.Srinivas specifically mentions Jats as the ‘dominant caste’ in Punjab. See *Caste and Modern India and Other Essays*, Bombay: Asia Publishing House, 1962, pp. 90.

¹²⁷ For the concept of features of ‘dominant caste’, see M.N.Srinivas, ‘The Dominant Caste in Rampura’, *American Anthropologist*, Vol. 61, No. 1, February 1959, pp. 1-16.

¹²⁸ For details, see Punjab Census, 1901, XVIII, part 1, Report, Lahore: Civil and Military Gazette, pp. 324-5.

Rajput	1	6	20	27
Brahmin(Hindu)	7	8	12	27
Ahir	-	-	25	25
Brahmin(Muslim)	12	13	-	25
Afghan	3	-	12	15
Gujar	-	1	6	7
Biloch	-	-	4	4
Kayastha	-	2	2	4
Mahajan	2	1	-	3
Sheikh	-	1	2	3
Sayyad	-	2	1	3
Fakir	-	-	1	1
Total	123	133	274	530

Source: Punjab District Gazetteer, Rohtak, 1910, 1911, III-A, Lahore: Civil and Military Gazette, 1911, pp.68.

During the late 1960s Kisan politics also made its impact in Uttar Pradesh under the leadership of Ch. Charan Singh. Jat farmers had long been the crucible of Kisan Politics because they embodied the independent – minded peasant proprietor, not only in UP but also in neighbouring Punjab, its real birthplace. Jats are specially numerous in the Punjab plain where they ‘commonly are several times as numerous as the second most popular

castes'¹²⁹. But Jats are also a dominant caste in West Uttar Pradesh and in some parts of Rajasthan as well. This may be one of the reasons that they have found the superiority of Brahmins difficult to accept and have followed the reformist movements of Sadhs and followed Arya Samaj.¹³⁰ This creed, which showed no respect for Brahmins (and even did without them for all ritual matters), was the sectarian remedy for caste oppression open to the Jats.¹³¹

Jats were also regarded as a dominant caste in Rajasthan too. According to the Census, the population of Rajasthan was divided between 393 castes and tribes in 1931 and only nine of these castes and tribes were constituted by more than 300,000 persons, a good indication of a very important fragmentation. The upper castes and the Jats were represented in the largest number of regions in the state and constituted 30 percent of the population whereas the two important OBC castes, the Gujjars and Malis, constituted only 8% of the total. The central feature of the land tenure system of princely states in Rajasthan was a hierarchical system of ownership. The landlords were mainly Rajputs, and due to lack of formal right of occupancy in jagir areas, non-Rajput tenants (mostly from the Jat community) were subordinated to the Rajput rulers (Saxena 1996: 127) and did not have independent access to land. In the early 20th century, after several centuries of unquestioned Rajput hegemony, Jats-led peasant uprisings against jagirdari system surfaced (Narain and Mathur 1990: 20).

In the politics of Rajasthan there was dominance of the upper caste and the jats which can be easily depicted from the table below:

¹²⁹ J.Schwartzberg, 'The Distribution of selected castes', *Geographical Review*, 15(1965), pp. 488.

¹³⁰ N.Datta, *Forming and Identity: A Social History of Jats*, Delhi: Oxford University Press, 1999, pp. 7.

¹³¹ Ibid.,pp.38-9.

TABLE 2.4.

Political Generation and Caste Mobilisation in Rajasthan (%)

Castes and Communities	1919-30	1931-36	1937-41	1942-46	TOTAL
Brahmin	85	62	46	26	47
Rajput	-	-	4	6	4
Mahajan	8	23	38	35	32
Kayastha	8	8	6	3	6
Jat	-	8	6	23	10
SCs and STs	-	-	-	3	1
Muslims	-	-	-	3	1
Total	(N=13)	(N=13)	(N=52)	(N=31)	(N=109)

Source : Sisson (1972:62)¹³²

As it emerges from the table, the lower castes and Muslims were absent from the leadership of these movements. Brahmins and Mahajans represented more than 60% of the leadership in the Praja Mandals between 1919 and 1946. There was limited recruitment from the Rajputs. Only few young Rajputs were attracted to these movements as nationalist organizations. Moreover, the presence of Rajputs in the Praja Mandals was in the areas which did not have a long tradition of conflict between Rajput Lord and peasant caste tenant.¹³³

Jats also participated in the social reform movement with the help of their Political organisation 'Kisan Sabhas' originated in 1920s. These organisations were established in the areas where the Jats were in large numbers and also the Rajputs, the landed aristocracy were also found in large numbers¹³⁴. The upper castes and Jats dominated the sociology of the Rajasthan Congress after its formation in the year 1946. These two categories constituted 58.7 percent of all the Congress MLAs between 1952 and 2003. The Jats

¹³² Sisson, Richard, *The Congress Party in Rajasthan, Political Integration and Institution building in an Indian State*. Berkeley: University of California Press, 1972.

¹³³ Ibid, p.64.

¹³⁴ Ibid, p. 74.

represented the single largest group with 20.2 percent; Brahmins formed 14.9 percent of the total and the Rajputs, 11.6 percent. This over representation of the Jats is a specific feature of the Rajasthan congress in comparison with the subordinated position of the Jats in the structure of the Congress in other states of the Hindi belt. Correlatively, the OBC only represent 5.7per cent of the Congress MLA's, a strong indication of the significant degree of conservatism of the caste structure of the party. The Congress system, and its clientelistic 'vote-bank' politics, has thus played a very significant role in the over-representation of the upper caste in Rajasthan's politics.¹³⁵

RESERVATION CLAIMS IN RAJASTHAN

Jats rapidly expanded their scope of participation in politics through the congress party in Rajasthan. In the late 1980's with the popularity of 'reservations' in the favour of 'backwards', the Jat leaders perceived the benefits of playing the game of quota politics too. They started putting pressure on state governments for having the Jats recognised as a part of the OBC. In Rajasthan, the Congress party supported their demand. But after the election of Ashok Gehlot, a gujjar, as a chief minister in 1998, the Congress government contented itself with appointing a commission to examine the claim of the Jats.¹³⁶ Following the victory of the Congress party in the elections, Jats were granted an OBC status in the state. Along with Rajasthan, Jats have got reservation in states including Uttar Pradesh, Madhya Pradesh, Himachal Pradesh, Uttranchal, Delhi and Chhattisgarh and now demanding it in Haryana as well as at the central level. The government of Haryana has appointed the Gurnam Singh Commission to look into the issue which found that Jats were more backward than the Yadavs of Haryana.

With the advent of the green revolution most of the benefits went to the agricultural community which is dominantly the Jats in Haryana. Green Revolution has increased the production of the foodgrains which in turn led to the increase in profit. With the changing times there has been the fragmentation of land, lack of irrigation facilities, low soil fertility, etc, which has resulted in poor growth and decline of green revolution. It has led

¹³⁵ J.Christophe and Sanjay, *The Rise of the Plebeians? Changing face of Indian Legislative Assemblies*, New Delhi: Routledge, 2009, pp. 169.

¹³⁶ Christophe.J and Sanjay Kumar, *The Rise of the Plebeians?The Changing Face of the Indian Legislative Assemblies*, New Delhi: Routledge,2009, pp. 179.

to a setback to agriculture. A section of Jats feel that they can retain their significance only through an enhanced representation in industry and public services.

RESERVATION AGITATION IN HARYANA

Jats have started asking recourse increasingly to violent forms of protest since no one paid heed to their earlier peaceful protests. They say that “if there is any community in Haryana which currently deserves reservation more than anyone else it is the Jat community.” Jats say that, ‘they are not adequately represented in Government jobs’ in Haryana despite constituting almost majority of Haryana’s population. Although, reservation in favour of Jats was announced way back in 1991 by the then Chief Minister of Haryana Hukum Singh after Justice Gurnam Singh Commission recommended reservation for 10 castes including the Jats. However, this measure was stalled through a case launched against the measure in Supreme Court.

GURNAM SINGH COMMISSION

The Haryana Government set up its first ever Backward Classes Commission on September 7,1990 consisting of the following members –

1. Mr. Justice Gurnam Singh, Retired Judge of the Punjab and Haryana High Court, Chandigarh – **Chairman**
2. Shri Mohari Ram Kamboj, Advocate, Mandi Dabwali, District Sirsa.- **Member**
3. Shri Sadhu Ram Saini, Chairman, Haryana Freedom Fighters Committee, Chandigarh- **Member**

The terms of reference of this commission were as under -

- i. To determine the criteria for defining the socially and educationally backward classes in the State, also keeping in view their economic conditions;
- ii. To investigate the reasons for backwardness of various agricultural classes/communities in the State such as Ahirs, Gujars, Sainis, Jats, Jat Sikhs, Rors , Meos etc;
- iii. To recommend measures to be taken for social and economic advancement of such backward classes; and
- iv. To examine the desirability of making suitable provisions for reservation of posts in the services of the state for such backward classes.

The commission held consultations with well-known academicians and experts before drawing up its recommendations¹³⁷. The following criteria were adopted by this Commission for the identification of socially and educationally backward classes in Haryana for the sample survey conducted for this purpose¹³⁸:

Social

- a) Castes/Classes considered as socially backward by others and by themselves.
- b) Castes/classes which mainly depend on manual labour for their livelihood particularly of female in work and its quantum is more than 15% of the state average.
- c) Castes/classes where percentage of persons employed in unorganized sector is more than that of the State average by 15%.
- d) Castes/Classes where participation of children in un-skilled manual labour in the unorganized sector is 15% of the state average.
- e) Castes/Classes where child marriages are common.
- f) Castes/Classes where widow remarriages like Karewa/Chaddarandazi/Reet are common¹³⁹.
- g) Castes/Classes labouring for their livelihood under the sun and in open air.
- h) Castes/Classes where a female child is considered as inferior to that of the male child and there is a lot of discrimination between the two in terms of necessary investment like food, clothing, education etc.
- i) Castes/Classes held as backward by the Government or by the courts of law.
- j) Castes/Classes lacking basic civic amenities like latrines, toilet facilities etc. and who are residing under unhygienic and unsanitary conditions in villages and towns.

Educational

- a) Castes/Classes where the rate of student drop out in the age group of 6-14 years is 15% above the state average.

¹³⁷ They included, Dr. P.N. Pimpley, Professor of Sociology, Punjab University, Chandigarh, Dr. Gopal Krishnan, Professor of Geography, Punjab University, Chandigarh, Dr. D.S. Nandal, Professor and Head Department of Agricultural Economics, Haryana Agricultural University, Hissar and Dr. R.K. Punia, Associate Professor of Rural Sociology-cum-Rural Sociologist, Haryana Agricultural University, Hissar.

¹³⁸ *Report of the Backward Class Commission (Gurnam Singh Commission) of Haryana, 1990, pp. 28 & 29.*

¹³⁹ Similarly, like the Hindu Jats, when a widow is remarried among Muslim groups, she did not have to go through the full *Shadi* ceremony, but was married by *Nikah* alone. On the striking resemblance between the Jats and Pathans and Rangers in practising Karewa

- b) Castes/classes where female literacy rate is 15% below the state average.
- c) Castes/classes wherein the percentage of population who have passed matriculation or its equivalent is 15% below the State average.
- d) Caste/classes in which the percentage of students studying in ordinary Government Schools is 15% above the state average,

OR

Cases/classes in which the percentage of students studying in public/convent schools (English Schools) is 15% lower than that of the State average.

- e) Castes/classes in which the percentage of students getting a 1st division in the matriculation examination is 15% below the state average.
- f) Castes/classes in which the percentage of illiterate parents-mother and father of the children in a household is 15% above the state average.
- g) Castes/classes in which the pass percentage of students in the matriculation examination is 15% below the state average.
- h) Castes/classes in which the percentage of people educated upto graduation level is 15% below the State average.
- i) Castes/classes in which the percentages of people educated upto postgraduate level or degree level in professional courses like MBBS, BE etc. is 15% below the State average.
- j) Castes/classes in which the percentage of students studying in vocational courses like ITIs is 15% below the state average.

Economic

- a) Castes/classes where in the average value of family assets is 20% below the state average.
- b) Castes/classes in which the percentage of Katcha or semi-pucca dwellings is 20% below the State average.
- c) Castes/classes in which the per capita area of a dwelling (roof) is 20% below the state average.
- d) Castes/classes in which number of households having consumption loan is 20% above the state average.

- e) Castes/classes in which per capita loan outstanding is 20% above the State average.
- f) Castes/classes where the infant mortality rate below the age of one year is more than 20% of the State average.
- g) Castes/classes where the Maternity Mortality Rate is 20% above the state average.
- h) Castes/classes in which the average land holding is below the State average holding by 20%.
- i) Castes/classes in which the average land holding is 2.5 or less than 2.5 standard acres.
- j) Castes/classes in which the average annual income from all sources of the household is 20% less than the state average.
- k) Castes/classes in which the average annual household expenditure is 20% below the state average.
- l) Castes/classes in which the average annual household saving (which includes investment) is 20% below the state average.
- m) Castes/classes in which the average non-government employment per 100 households in the organized sector is 20% below the state average.
- n) Castes/classes in which unemployment per household is 20% above the State average.

The Commission initially held the view that since economic backwardness led to social and educational backwardness, equal weightages could be considered to social, educational and economic criteria enumerated above. Since caste-wise census was discontinued in independent India and caste wise percentage of population figures were not available the Commission resorted to other reliable sources, such as election data, sample surveys undertaken by social scientists etc. Where there were major differences with regard to such estimates average estimates were employed.¹⁴⁰

¹⁴⁰ From the information available with MLAs the percentage of Ahir, Gujar, Jat, Jat Sikh and Rajput was estimated as 5.6%, 3.4%, 28.9%, 3.3% and 1.1% respectively. The estimated percentage of Jat Sikh, Jat, Ahir, Rajput and Gujar was taken as 4%, 23%, 5%, 3% and 2.75% of the total population of Haryana respectively. Political Scientists who deal with voting behaviour also quoted these figures and they generally appeared in the press with slight variations. In view of these circumstances, the Commission took the view that taking the averages of these figures and keeping the estimated population figures of Ahir, Gujar, Jat, Jat Sikh and Rajputs as 5%, 2%, 8%, 25%, 4%, and 3% respectively, would be appropriate. The estimated percentage population figures for Saini, Ror, Aggarwal, Brahman, Khatri/Arora, Kayastha, Chamar, Balmiki, Dhanak, Muslim (other than Meo and Gujar), Christian, Meo Bishnoi, Kamboj, and others were 2.5, 1, 5, 7, 8, nil, nil, 2, 0.7, 2 and 17 respectively.

Eventually the Commission decided to accord priority to social backwardness to identify the OBCs, and enumerated Ahir, Kurmi, Kohar, Jats etc. According to it ground realities indicated that the social status of Jat was equal to that of other OBCs of Haryana such as Ahir, Gujar, Saini, Lohar, Kumhar, Sunar, Khatri, and Kambhoj etc.

They not only shared hukka-pani¹⁴¹ but also extend access up to the kitchen among themselves. The Commission argued that higher castes such as Brahmin, Bania, Arora, Khatri, Kayastha and Rajput etc. consider Jats as low, often citing *Puranas* such as *Bhavisya Puran* and *Padam Puran*, that refer to Jats as *varanshankar* and *maleech*.¹⁴² The report of the commission came to be politicized. The critics pointed out that the purpose of the whole exercise of the commission was to include Ahir, Bishnoi, Gujar, Jat, Meo, Ror, Saini, and Tyagi (all dominant and powerful caste in Haryana) in the list of backward classes. They said that the commission overlooked other information that went against its intent. The report was full of anomalies and contradictions: several caste groups, already included in the list of Backward Classes of Haryana (Sunar, Teli, Khati etc.) had scored less than 30 points that required their removal from the list of backward classes. While initially the Commission wanted to make economic backwardness as on par with other modes of backwardness, eventually it was to say, “Who is rich today may be poor tomorrow and vice-versa, moreover this criteria is very tricky game”¹⁴³.

Using the recommendations of the Gurnam Commission Report the All India Jat Mahasabha pleaded the Community Case before the National Backward Commission on 13th May 2008 and filed affidavits on 7th June 2008 accordingly. The Mahasabha also argued that the social status of the Jat Community is equal throughout the country, but the governments were discriminating between the Jats by declaring them backward caste in Delhi, Rajasthan, U.P, Himachal Pradesh whereas Jats in Haryana, Punjab and Jammu region were being considered as high castes. That Jats were not residing in differed states

¹⁴¹ Hukka-Pani relationship was between the intermediate castes. It means that these castes used to share the food, water and sit together for smoke in the village. This shows that these castes did not have differences among them.

¹⁴² www.Jatland.com, ‘*Is Jat’s Demand for Reservation as O.B.C in Haryana Justified*’, article last assessed on 15th May 2012.

¹⁴³ Ibid.

as per their own desire but they were born in those regions. Since they were recognised as backward elsewhere in Haryana too similar treatment should be meted out to them.

The Mahasabha cited the data with regard to educational backwardness. The Commission had mentioned in its report that it had requested all the Indian states to provide caste wise educational data but all states failed to meet the demand. Eventually, the commission had to consider all the rural labour and farming classes as educationally backward, given the fact that most of the Jats were agriculturalists in their occupation. The Commission in its report had given the example of an urban boy, Mohan, and compared him to a rural boy Lallu whose father owned 4 acres of land and demonstrated that Lallu was educationally backward boy.¹⁴⁴ The Mahasabha further stated that according to the Gurnam Singh Commission report, Haryana Govt. letter dated 05-02-1991 declared Ahir, Gujar, Jat, Jat Sikh, Bishnoi, Saini, Ror, Tyagi and Rajput as backward classes. But the next government had dropped out the Jat and other five castes from the list due to its political prejudice giving without any reason.

AGITATION AND CONFLICTS BY JATS FOR RESERVATION

The Jat community has this time taken this reservation issue very seriously and had organized many rallies in different districts of Haryana. Here we mention some details of the rallies¹⁴⁵ :

SONEPAT (Haryana): The All-India Jat Mahasabha decided to organize a Jat Maha sammelan in Sonapat in October 27, 2010 to stair the demand of reservation for Jats in Haryana. The Sabha has put forwarded the demands to the government and cleared their intensions regarding their demands. The majority were the Jat farmers. Dharam pal Singh, state president said that Bhajan Lal who was become chief minister in 1991 has not implemented the recommendations of Gurnam Commission regarding reservation for the Jats. He also said that the majority of Jats. He also said that the majority of Jats are farmers and they do not get adequate money from the government during the sowing and the harvest season. And the subsidies are also low which in turn deteriorate the economic

¹⁴⁴ Gurnam Singh commission Report, 1990, pp. 28,

¹⁴⁵ This information has been taken from the regional newspapers of Haryana and Chandigarh : Amar Ujala, Dainik Bhaskar and The Tribune; www.tribuneindia.com .

position of the farmers. The lower castes who got included in the OBC list are much better off than us.

ROHTAK (Haryana): Jat Maha Panchayat

The Haryana Reservation Action Committee has convened a maha panchayat in Rohtak on October 19, 2008¹⁴⁶ to press the demand for including the Jat Community in the OBC category and extending the benefit of reservation to it. The maha panchayat was presided over by a former Chief Justice of the Kolkata High Court, Justice Devi Singh Tavetia. President of the All-India Jat Federation Bhale Ram Beniwal, who visits various parts of the state for mobilising Jats for the mahapanchayat, said the support of the Jats to any party in the coming Lok Sabha elections would be linked to grant of OBC status to them. He regretted that successive governments in the state headed by Jat Chief Ministers like Bansi Lal, Om Prakash Chautala and B.S.Hooda had let down the Jats and failed to give OBC status to them. Implementation of the recommendations of the Gurnam Singh Commission would be a major issue for seeking the support of the Jats in the elections, he added. He lashed out at Hooda for not fulfilling his commitment to give OBC status to Jats while in the opposition and alleged that he had done nothing in his direction during the past four in the office. He said the then Haryana Chief Minister, Hukum Singh, had given reservation to Jats in 1991 but later Bhajan Lal withdrew the benefit for extraneous reasons. “Give reservation. Get votes” would be the slogan of Jats in the elections and if the Hooda government failed to implement reservation, the Jats would ensure the defeat of the congress in all 10 Lok Sabha constituencies, he added. The president of the employees cell of the Jat Federation, Randhir Singh, said the Jats had suffered a lot due to the denial of reservation to them in educational institutions and job.

HISSAR (Haryana, Sept 4, 2010): A rally organised by Jat community members seeking reservation in government jobs and educational institutions went on rampage targeting government and private property. The rally took a violent turn¹⁴⁷. Two people were killed. Hissar bore the burnt, where curfew has been imposed in the parts of the city and Army called in. Traffic on the Hissar-Delhi National Highway 10 has been suspended. The All-

¹⁴⁶ www.tribuneindia.com/2008/haryana.htm.

¹⁴⁷ www.tribuneindia.com/2010/index.htm.

India Jat Aarakshan Sangharsh Samiti also clearly indicated to disrupt CWG events if centre failed to include Jats on OBC. “We shall show black flags to Queen’s batons entering Haryana on 26th and we would go up to any extent, if state and central government failed to accept our demand,” Yashpal Malik, the national president of Jat Aarakshan Sangharsh Samiti said. In Chandigarh, CM Bhupinder Singh Hooda, while appealing to th Jat communit to end the stir, announced a compensation of Rs 10lakh to the family of the youth killed in police firing, job to a member of his family and registration of the case against Subhash Yadav, who was last night removed as superintendent of police, Hissar.

CONCLUSION

In this chapter we have traced the crafting of Jat identity for a century. Jats came under the influence of the teachings of Arya Samaj and started upgrading themselves in the social order. Jats have always found it difficult to accept the Brahmin’s superiority, which partly explains why many of them followed the reformist movements of Sadhs¹⁴⁸. This creed did not show any respect for the Brahmins (and even did without them in all ritual matters), and was the sectarian remedy for what was perceived as caste oppression by the Jats¹⁴⁹. They started shifting from the identity of warriors to that of cultivators and agriculturalists in 20th century. They have proved their passion for agriculture. Commensual and connubial norms and practices of Jats as an agricultural community are akin to analogous castesm like Gujjars, Ahirs, Sainis, Kurmis, Yadavs etc.

In the post independence period, the beneficiaries from the decline of the upper castes were Jats who had always been prominent in the political sphere (Congress Party) due to their leading role in Kisan Sabhas. After independence, with the introduction of popular elections and the development of the party system, the Kisan Sabhas receded in the background and their members were largely absorbed in Congress system.

¹⁴⁸ Datta, Nonica. *Forming an Identity: A Social History of Jats*. Delhi:Oxford University Pres, 1999, pp. 7.

¹⁴⁹ *Ibid*, pp. 38-39.

The Jat identity is again on stir today. One of the routes of expression it has chosen the demand for reservation as OBCs. They have succeeded in some of the states, and this has made them to demand similar facilities in the other States and at the Union level as well.

CHAPTER- III

CHAPTER III

JUSTIFICATION AND DEFENCE OF THE DEMANDS FOR RESERVATION: CASTE CONFLICTS BETWEEN JATS AND LOWER CASTES

INTRODUCTION

Caste is not class, ethnicity or race. However, Caste is in Class to a considerable extent and in a genuine sense it is also a race and ethnicity¹⁵⁰. Since caste is present in one way or another in other system of social stratification, taxonomic problem persist relating to the distinctions of caste from the other stratifactory systems. Caste is increasingly becoming a matter of interpretation rather than substantialisation. Caste refers to a purposive rationality, and at the same time, it provides a description and explanation of the pathologies of modern polity and economy. It is no more an absolutised system as it was characterised by punitive acts like ostracism and social neglect. Caste outbursts, which occur occasionally by way of killing and torture of the violators of caste ethics, are incongruent with dwindling of the caste system in recent times.

There is no unilinear hierarchy of caste, in fact, today, multiple hierarchies characterise the Indian society. Caste are 'discrete categories', because they are no more related to each other oraganically, nor are they segmentary entities¹⁵¹. Inter-caste relations, which were the bedrock of caste system, have disappeared. Jajmani has become a defunct institution, and family and individual have taken over the place of caste in everyday life. Caste is thus losing its unique cultural ambience in Indian society. Increasingly, caste is becoming a desideratum, a state of mind, a plastic and malleable institution. No more hypersymbolisation is manifest to express caste differences and typifications on a

¹⁵⁰ K.L. Sharma, *Reconceptualising Caste, Class and Tribes*, Jaipur and New Delhi:Rawat Publications, 2001, p. 7.

¹⁵¹ Ibid.p.8.

continuing basis. Though there is a process of delegitimisation of the 'essential' of caste, yet the sporadic appearance of caste-based decisions, and articulation of religious and metaphysical interpretations of caste and its divinity, pose a serious challenge to the secularised understanding of social reality.

In this chapter we would like to look into the criteria recommended by Mandal Commission and how these criteria's are helping the Other Backward Classes to agitate for the reservation. This chapter will further look into the matter of reservation and why Jats are asking for it and till what extent it is justified. Does this agitation for the reservation by the Jats in the state of Uttar Pradesh and Haryana has some effects in the society or not. Does this question of reservation have any element of social jealousy by Jats towards the other caste like Ahirs, Yadavs, Kurmis and the lower castes(Dalits) as well and the areas of conflict.

Reservation in India is a form of affirmative action designed to improve the well-being of perceived backward and under-represented communities defined primarily by their 'caste' is a phenomenon that commenced with the coming into force of the Indian Constitution. There are laws (both Constitutional and statutory) wherein a certain percentage of total available vacancies in educational institutes and government jobs are set aside for people from backward communities and others. Scheduled Castes (SCs), Scheduled Tribes (STs) and Other Backward Classes (OBCs) are the primary beneficiaries of the reservation policies under the Constitution with the object of ensuring a level playing field¹⁵².

The reservation system has been a matter of contention ever since it was first introduced in the British occupied India and remains a point of conflict—nay, a form of protectionism [placing a 'handicap' upon certain communities] was introduced by the Mughals who levied 'jazia' tax against the Hindu traders. Many citizens who come from the upper classes find the reservation policy of the government biased and oppose it because they feel that it takes away their rights to equality. Moreover, not everyone who comes from the underprivileged communities supports the system because he/she says that it makes one feel disadvantaged. Thus, the reservation system is very complex.

¹⁵² en.wikipedia.org/wiki/reservation_in_India.

OBC RESERVATION ISSUE

The main objective of the Indian Government set before itself at the time of Independence was to reduce, if not totally remove, inequality through a process of planned social change. Inequality was conceived in a broad sense to include not only the disparities of income and wealth but also the unequal hierarchical relations between people drawn from different strata. In addition to the equal opportunities provided to every citizen as a fundamental right, compensatory discrimination, offering special opportunities to the deprived categories, was the instrumentality used to ensure equality of opportunity to the latter. However, in the practice, there is an intense battle between the two important principles that is equal opportunities for all and special opportunities for some. This battle has been going on in the Indian society, economy and polity. The application of the principle of special opportunities for the SCs and STs has generated lesser controversies in independent India as compared to the case of Other Backward Classes. It has been a case of turmoil in the northern part of the country. The First Backward Classes Commission recommended reservation for the OBCs in 1953, but there were several notes of dissent and chairperson himself strongly attacked the reservation of posts in government on the basis of caste after he had earlier signed the report. The use of caste was opposed in making reservation for the OBCs. However, in the seventies, several leaders of intermediate castes in north Indian states began to claim special provisions for their members on the ground that they were being excluded from the benefits of development which had been available to their counterparts in the southern and western states.

A new Backward Classes Commission was set up by the Union government in 1978 under the chairmanship of B.P.Mandal. The committee recommended the reservation of 27 percent to the OBCs along with the other ameliorative measures.

The V.P Singh government issued an office of memorandum on 13th August 1990 making 27 percent reservations in the jobs of central government and public sector undertakings including the banks to the OBCs.¹⁵³ This memorandum was challenged before the

¹⁵³ H.S. Verma, *The OBCs and the Ruling Classes in India*, Jaipur and New Delhi: Rawat Publications, 2005, pp.135.

Supreme Court in the Indira Sawhney and others Vs. Union of India. The bench consisting of nine judges decided the case and ordained that the benefits of reservation should accrue to the OBCs only after keeping out the creamy layer of the listed OBCs. The Government of India and various state/UT governments were asked to fix the criteria for determining the creamy layer among the OBCs. Creamy Layer is related to the formation and determination of layer but not the strata. In case of OBCs, creamy layer is a forward part of Backward Classes that should be identified on the basis of its social advancement.

DEBATE ON RESERVATION FOR OBCs

The most notable aspect of the debate on the recommendations of the Mandal Commission and reservation for OBCs was the unmatching participation of those supporting and those opposed to them. The one who were supporting the reservation were the silent spectators and the others who were opposing it were very well organized, orchestrated campaign of disinformation and blatant partisanship misdirected and derailed the debate itself¹⁵⁴.

Mandal Commission had recommended the ‘multiple approach’ to find out the Backward Classes. Caste was not the only criteria to identify the backward classes but it include the educational and economic indicators as well. Caste was given only three points out of 12 points in the social criteria and 22 points in all (as mentioned in the 1st chapter). It was also said that if the socially, economically and educationally backward people also belong to the lower castes, this is not their fault. This is a consequence of their age-old deprivation, oppression and exploitation by the privileged classes/castes in the Indian society. Further, the commission holds that the method of ‘socio-educational’ field survey was ‘objective’ because the point system does not allow any subjective assessment. This method was found to be ‘highly dependable in practice’ because as result of its application most of the well known socially and educationally backward castes were identified as backward¹⁵⁵.

The critics of the Mandal Commission have advocated the adoption of economic criteria at two levels. One stream of the critics opines that reservation should be made only on the basis of economic backwardness irrespective of social and educational backwardness. But

¹⁵⁴ Ibid. p.278.

¹⁵⁵ Kameshwar choudhary, ‘Reservation for OBCs: Hardly an Abrupt decision’, *Economic and Political weekly*, Vol. 25, No. 35/36, Sept 1-8, 1990, pp. 1929-1931+1934-1935.

this view is not in consonance with the provisions of the constitution. While imposing prohibition on discrimination on grounds of religion, race, caste, sex or place of birth (Article 15), Article 15(4) declares that nothing shall prevent the state from making special provision for the advancement of any socially and educationally backward classes of citizens".

Moreover, Article 16(4) of the constitution specifically empowers the state to make "any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the state, is not adequately represented in the services under the state".

In addition, Article 340 of the constitution authorises the president of India to "appoint a commission... to investigate the conditions of socially and educationally Backward Classes and the difficulties under which they labour and to make recommendations as to the steps that should be taken by the Union or any State to remove such difficulties and to improve their conditions. . .".

Hence, it is very clear that the constitution provides for giving preferential treatment through special measures such as reservation in jobs by the State only on the basis of 'social and educational backwardness'. The advocacy of reservation solely on the basis of economic criteria does not have constitutional sanction.

Another stream of opinion supports reservation for OBCs in principle but suggests that economic criteria should be applied within that category so that the well-off section amongst OBCs does not corner the benefits. This concern is genuine but understanding of the problem seems to be inadequate. In fact, application of economic criteria within OBCs for reservation will largely negate the provision of reservation and amount to opposing this measure in practice. Here, let us have a look at the figures regarding representation of OBCs, SCs and STs in central government services.

From Table given below, we find that, though the proportion of the OBCs (including both Hindu and non-Hindu castes and communities) is 52 per cent of the total population, their representation in central government services is 4.69 per cent in Class I, 10.63 per cent in Class II and 24.40 per cent in Class III and IV. Their proportion is even lower than the SCs and STs who constitute 22.5 per cent of the population but

whose representation is 5.68 per cent in Class I, 18.81 per cent in Class II and 24.40 per cent in Class III and IV. Whereas overall employment of SCs and STs in central government services is 18.71 per cent, it is merely 12.55 per cent for OBCs. Moreover, representation of OBCs in some of the ministries, departments and public sector undertakings has been found to be nil in Class I and II services¹⁵⁶. In contrast, the forward castes and communities who constitute about 25 per cent of the total population have monopolised about 90 per cent of Class I, 70 per cent of Class II and 50 per cent of Class III and IV jobs under the central government.

Further, it is suggested that economic criteria should be applied within the OBCs so that the benefits of reservation are not skimmed off by the well off section of this category and the really backward section cannot be left out. However, if the economically well off and therefore educationally advanced section of the OBCs is excluded, only the poor and ill-educated, underqualified or uneducated section would remain to take advantage of the provisions of reservation which they, in practice, cannot take because of their educational backwardness. As a result, jobs reserved for the OBCs shall largely lie unfilled. The unfilled seats shall be dereserved after three years, as recommended by the Mandal Commission and consequently grabbed by the candidates belonging to the forward castes/classes.

TABLE 3.1

Representation of OBCs, SCs and STs In Central Government Services

Category of employees	Total No. Of employees	Percent of SCs/STs	Percent of OBCs
Class I	1,74,043	05.68	04.63
Class II	9,12,786	18.81	10.63
Class II and IV	4,84,646	24.40	24.40
All Classes	15,71,475	18.71	12.55

¹⁵⁶ Second Backward Classes Commission Report(Mandal Commission), 1980, PP 93, 95.

Source: Report of the Backward Classes Commission (1980), First Part, pp. 42.

CASTE WAR

The critics of the policy of reservation have time and again raised the bogey of heart burning to those meritorious candidates whose entry into the services would be barred. This argument has been noted by the Mandal Commission. The commission hold that this reasoning is based on 'partisan approach'. Here the real motive of the ruling elite is to preserve its priviledges¹⁵⁷. It is only the students and people belonging to the upper section of the society who are involved in agitation stir. The real intent in their concern for preference to merit and efficiency in the higher echelons of the administration. In fact, they cannot be expected to give up their priviledged position without a fight. The certain measures of the state, whether in economy, politics or administration are meant for sectional interests. In such cases one has to behave in a neutral manner. As regarded by the Mandal Commission it is the SEBCs who are going to be benefited and forward castes and communities to lose their dominance over administration. In 1980, the Mandal Commission commented that the chorus of alarm being raised against reservation for OBCs on the plea that this causes heart burning was 'sheer sophistry'. It also observed the furore against the reservation is not aimed at the principle itself, but against the new class of beneficiaries, as they are now clamouring for a share of the opportunities which were all along monopolised by the higher castes. It is also argued that the reservation will not remove the dividing lines of caste but institutionalise them by further codifying existing caste divisions and thus causing a 'civilisation havoc' to the country.

The exclusion and inclusion under the bracket of OBCs and identifying them is an explosive issue. This is where the porosity of OBC category comes into play. Unlike the dalits and adivasi groups in whose case inclusion in the scheduled category is comparatively less complex, the OBC do not have any strict socio-historical boundary even the state level. While one can keep arguing about who had origins in the shudra varna traditionally, contemporary decisions are made more on the basis of political popular considerations¹⁵⁸. This means that the inclusion in the OBC category will depend

¹⁵⁷ Ibid, pp.57.

¹⁵⁸ Suhas, Palshikar, 'Challenges before the Reservation Discourse', Economic and Political Weekly, Vol. 43, No. 17, April 26- May 2, 2008, pp. 8.

more on the political skills of the leadership from within the group and political bargaining power of that group in the state or nationally. This also leaves out the possibility of a periodic review of the social status of various groups and possible exclusion of some groups that have now crossed the threshold of status, opportunity and resources.

The experience of the last two decades shows that many groups are included in the OBC category mainly on the basis of their political clout – the example of the lingayats amply demonstrate this. The continuing demand in Maharashtra for inclusion of the entire maratha community in the OBC category is another instance of intertwining of state-level politics and social justice agenda. The recent demand of the Gujjars for the exclusion from the OBC category and inclusion in the ST category further demonstrates the inability of the OBC category to accommodate interests of many communities. More than a decade ago, the Gowari community from Maharashtra also made a similar plea for inclusion in the ST category¹⁵⁹. These instances show that as the OBC category keeps expanding in order to include the regionally upcoming caste groups, smaller castes would want to move out of the OBC umbrella and take refuge under a crowded category of STs at the state level. Even the lingayats occasionally demand inclusion in the SC category. This situation calls for a better organisation of the group boundaries for the purposes of administering social justice policy.

Reservation issue as we can say has been largely used by the political parties as a means of consolidating the electoral support of the intermediate and other lower castes. This is evident in the case of Janta party in Uttar Pradesh and Bihar and both Janta party and Congress in Gujrat. As the constitution remains ambiguous about the provisions pertaining to the Backward Classes; the process by which the intended beneficiaries of reservation are identified is an extremely debated issue and the main point debate in arriving at a consensual understanding, of the term ‘Backward Classes’ has been between the proponents of the view that preferential treatment should be conferred on the lines of ‘income’ or other ‘secular’ characteristics that would eschew communal groupings and those who believe that ‘Classes’ refer only to historic formations(caste and religious groups).

¹⁵⁹ Ibid, pp.9.

The new uproar by the Jats agitating for the reservation in the State of Haryana and in the Central list of the OBC has been in the limelight since few years. This community is asking for reservation for their development as they feel that they will prosper if they get the reservation benefits.

JATS STAKE ON RESERVATION IN DIFFERENT STATES

In Haryana there has been a continuous uproar by the Jats to agitate to come under the umbrella of OBCs in the state as well as in the centre. Recently, the Chief Minister of Haryana, Bhupinder Singh Hooda appointed a high level delegation led by the congress leaders for inclusion of Jats in the Central list of OBCs for reservation in Jobs and educational institutions of the central government irrespective of region or religion. This assurance was given by the Union Home Minister P.Chidambaram¹⁶⁰ to the delegation. The members of the delegation submitted a memorandum to Chidambaram and urged to consider the demand for the same. The members of the delegation pointed out that the Jats are essentially a rural and agrarian community, which greatly contributes to the country's agricultural produce. But, according to the delegation, it is a fact that more than 95 per cent of this community seeks livelihood as marginal farmers, with an average less than two acres of land holdings. The congress leaders also said that, "There is a strong feeling in the Jat community that they have been deprived of the benefit of reservation unlike other peasant communities with similar backgrounds". This has given them a sense of discrimination. The delegation also impressed that it was also logical that the Jats and other such communities should not be segregated and treated differently from state to state".¹⁶¹ The delegation took all the stakeholders on board. The delegation also requested that the Central Government should give this issue an urgent, serious and favourable consideration and the inclusion of Jats in the list of OBCs will be a socially just decision.

Likewise Haryana, Jats of Uttar Pradesh had also resorted to public protest and blocked the rail route between Delhi and Lucknow to demand their reservation in the central service recently. To many, the demand of the Jats for reservation did not seem justified, as in the public image they are prosperous and dominant agricultural caste. Now a question

¹⁶⁰ www.hindustantimes.com/punjab/chandigarh, 13th June 2012.

¹⁶¹ www.thehindu.com/opinion/op-ed/article_432445.ece. 18th May 2012.

arises that why there is increase in numbers of violent agitations for reservation by different communities competing with each other to get the status of Backward Class status?

The Jats constitute about 2% of country's population and are spread over other states in north India from Jammu and Kashmir, Himachal Pradesh, Punjab, Haryana, Delhi, UP, Madhya Pradesh (MP) and Gujarat. There is a larger concentration on Jats in the states of Punjab, Haryana, Rajasthan and western UP. Economically, politically and socially the status of Jats is not the same in all these states. The general economic condition of Jats is relatively better in Punjab and Haryana as they have larger landholdings in these states. In the Varna system Jats had an ill- defined status and were put below the upper castes, and are not subject to practices like untouchability. Upper castes still look down upon Jats as a rustic, uncultured and socially backward community.

In Rajasthan, which has the largest concentration of Jats, they enjoyed a low social status historically, except in the two princely states of Alwar and Bharatpur. They were mainly tenant farmers at the mercy of the Thakur landlords and subject to social discrimination. Rajasthan was the first state to give Jats the Other Backward Classes (OBC) status for reservation. Later, the governments of Himachal Pradesh, UP and MP also granted OBC status to Jats in their respective states. The Central Backward Classes Commission, which examined the issue of reservation for Jats in the late 1990s, found the demand of Jats of Rajasthan for reservation to be justified. The commission gave short shrift to the demand for reservation of Jats in UP, without examining the question in all its dimensions. Subsequently, on the recommendation of the commission, Jats from Rajasthan were granted reservation in central services also.

To many the demand of Jats for reservation appears to be unjustified because Jats are perceived as a rich and dominant agricultural class. This is far from reality as said by Ajit Kumar Singh that "due to successive division of land among sons and the continued stagnation of the agricultural sector, the economic condition of Jats has deteriorated substantially over time." The roots of the agitation for reservation can be traced to these changes. According to a detailed study conducted by Ajit Kumar Singh¹⁶² of 2,000 rural

¹⁶² Singh, Ajit Kumar, *Socio-Economic Status of Farming Communities in Northern India*, Lucknow, 2003.

households in five districts of Western UP, namely, Muzaffarnagar, Bulandshahr, Moradabad, Badaun and Mathura. The findings of this study are available in the book *Socio-Economic Status of Farming Communities in Northern India* (Lucknow 2003).

The study ranked 10 social groups and castes in rural western UP in terms of 30 indicators of socio-economic development. A look at the findings of the study would help us in understanding the genesis of the current Jat agitation. He has compared the status of three castes, namely, Jat, Yadava and Gujjar. The sample consists of 409 Jat households, 377 Yadava households and 179 Gujjar households. In many ways the three castes are similar to each other. Among the three, Yadava and Gujjar are generally accepted as belonging to backward castes. They were given reservation in UP government services much earlier. It was only the BJP government led by Ram Prakash Gupta which extended reservation to Jats. Many felt that Jats did not deserve this status. In fact, a sizeable section of relatively well-off Jats also were not happy with their inclusion in the OBC category, which hurt their 'pride'. However, this study shows that there are no significant differences in the socio-economic status of the three communities. In fact, in many respects Jats compare unfavourably with the other two castes. The facts which came out after this study done by the Ajit kumar is that all the three communities are educationally backward. About half of the Yadava and one-third of Jat and Gujjar household members are illiterate. Very few are able to go up to the graduate level or above. In this respect, the Yadavas are better placed with 3.7% family members with education up to graduate level and above. The corresponding proportion was 2.5% for Gujjars and 1.9% for Jats. Female illiteracy was also very high in all the three communities, varying from 43.6% for Jats, 52.3% for Gujjars and 63% of Yadavas. All the three communities depend mainly on agriculture and animal husbandry as their main occupation. Yadava and Gujjar communities were the main beneficiary of Zamindari abolition and acquired land rights over substantial areas, which they earlier cultivated as tenants. This led to their economic and educational development over time. However, with continuous subdivision of landholdings among all the sons under the prevailing law of inheritance, the average size of landholdings has been declining over time. The average size of holding in case of Gujjars, in sample, was 4.1 acre. The average holding of Jat households was lower at 3.4 acres and that of Yadavs still

lower at 3 acres. Almost one half of the holdings, in the case of Jat households and about two-thirds in the case of Yadava households were below 2.5 acres¹⁶³.

This shows that the position of Gujjars is better, as far as ownership of land is concerned as compared to the other two communities. With such a small size of landholdings, it is no longer possible for the rural households to live a decent life as farmers. The problem has been further aggravated by stagnation of agriculture during last two decades and declining profitability of agriculture due to the rising cost of inputs. The average household income from agriculture per household in our sample was Rs 17,739, Rs 14,860 and Rs 12,934 for Jat, Gujjar and Yadava households, respectively. Yadava households also earn much higher income from non-agricultural activities like animal husbandry and business. Total household income is lowest for Jat households (Rs 31,202) and highest for Yadava households (Rs 37,478), with Gujjar households falling in the middle (Rs 32,954). This comes to a monthly income per household of barely Rs 2,500 to Rs 3,000. Thus, the average income of the so-called rich agricultural class is less than that of a class IV employee of the state government. In annual per capita income Yadava (Rs 6,514) and Gujjar (Rs 6,482) households enjoy higher income as compared to the Jat households (Rs 5,849)¹⁶⁴. Thus, most of the households of these three communities fall below the poverty line of one dollar per capita per day expenditure.

Yadavs and Gujjar in UP got the status of backward class much earlier and were thus in a better position to benefit from reservation. In the survey conducted only 1.82% of the Jats were in government service, mostly in lower cadres. The corresponding figures for Gujjar and Yadavs workers were 1.72% and 2.99% respectively¹⁶⁵. In the category of private service too the proportion of Yadava and Gujjars was higher at 2.32% and 1.7% as compared to only 1.3% for Jats. Thus, with a shrinking economic base in agriculture the rural communities, including Jats, are looking for other job avenues.

It shows that Reservation in government services is one of the ways in which these aspirations can be fulfilled. When a community feels that other communities in their

¹⁶³ Ibid.

¹⁶⁴ Ibid.

¹⁶⁵ Ibid.

region who are economically and socially in similar conditions are getting the benefits of reservation, they also claim for the same status. Those among Jats who have got educated and obtained a government job also lend support to this demand to ensure that their community should not be discriminated in the labour market.

Therefore, the issue of reservation in government jobs is a much larger social issue and is not the same as the better delivery of services or any poverty alleviation programmes of the government. In fact, it is not and cannot be a poverty alleviation strategy as is sometimes wrongly conceived.

Reservation as an affirmative action is imbibed in our Constitution to ensure proper representation of economically and socially backward classes who are not well represented in government. It is not only an employment issue but having a wider participation in government institutions. Moreover, having a family member in the government service especially in a higher position has a multiplier effect on the larger community over time as it helps in securing access to many services and benefits which are normally denied. Reservation is not a question of poor economic condition but seen as a form of social deprivation together with economic condition. To hope that the various government programmes aimed at promoting socio-economic uplift of the rural people will do away with the need and clamour of reservation, as is argued by some, is surely misplaced.

The demand for reservation will wither away only when our economy generates sufficient jobs for all aspiring for them. This has not happened despite the sustained high growth in recent years. Violent protests, disruption of train and road traffic and the destruction of public property are encouraged by the delayed and unresponsive approach of the government. The governments, both at the central and the state levels, sleep over the legitimate demands of the people, till they find an expression in such violence. These demand become more vociferous just before the elections because the leaders, as well as the people, rightly feel that the government is willing to listen to them more sympathetically during such times. Jats have been raising the demand for reservation, at different forums, for nearly the past two decades. The lack of response from the government has forced them to resort to the present course of agitation. The government should develop a responsive and timely way of dealing with the demands of the various castes and communities in an objective manner based on detailed surveys and studies, rather than wait for the time till the problem becomes explosive.

This demand of Jats for reservation has come under the criticism by the social activists in Haryana. They argued that the reservation agitation has led to the caste conflict in the state. The members of many other castes staged demonstrations in various parts of the state opposing the quota benefit to Jat community. Apart from Jats, the other members of 16 castes gave representations demanding reservation under the OBC quota. Social activists feel that division on the basis of caste was visible during the Hisar Lok Sabha by poll campaign in October 2011. According to DR Chaudhry, the former member of Haryana Administrative Reforms Commission, “The situation has become explosive after tension between Jats and non-Jats intensified following the recent Jat agitation, including road blocks. The situation is leading to almost caste war as it happened between Gujjars and Meenas in Rajasthan, leading to several killings and violence on the issue of reservation a few years back”.

A leading lawyer of Rohtak, Raghbir Singh Hooda, said that, “With the shrinkage of job market in the government sector, more and more communities are clamouring for a share in the quota pie, pitting one community against the other, threatening to unleash a caste war in society. Barring SCs and STs, reservation to all other castes and communities is provided on economic grounds as is the case with 25% reservation to weaker sections for admission into private schools under Right to Education Act as the caste based reservation in society tends to perpetuate the menace of caste.”

CONFLICT BETWEEN JATS AND DALITS IN HARYANA AND PUNJAB

The constitution has merely prescribed, but has not given any description of the ground reality. Caste system is a major source, indeed an obnoxious one, of caste discrimination. In this section of the chapter we need to see - whether the caste atrocities on the lower caste has some connection with the demand of reservation by Jats? Does the reservation granted under the banner of Schedule Castes to the Dalits by the Indian Constitution is a reason behind the social jealousy by the Jats towards the lower castes?

Jats were the followers of Arya Samaj¹⁶⁶ which helped them to make their separate identity and contributed to the creation of a highly self-conscious and assertive leadership

¹⁶⁶ Datta, Nonica, Forming an Identity: A Social History of the Jats, New Delhi:Oxford University Press, 1999, pp. 146-147.

in the 1920s and 1930s. During this period in the southeast Punjab, there were growing Hindu-Muslim estrangement at different levels of society. A number of Hindu-Muslim riots had taken place in the aftermath of the khilafat and non-cooperation movement which had indicated the worsening state of inter-community relations in Punjab. One such riot took place at Panipat in early August 1925. The Panipat affair became the touchstone of Hindu solidarity and a critical issue around which religious passions were inflamed. Sympathy for the 350 arrested men, mainly Hindu Jats, turned into bitter and angry comments against the Muslim community generally and the Muslim police officials in particular.¹⁶⁷ Most of the clashes aroused between the Jats and Muslims were over cow-slaughter.

Not only Muslims and Jats had strenuous relationship but also the Jats and the Dalits. Earlier Jats and Dalits shared many practices together. Many Jats had observed Karewa with the Dalits and other low castes. Frequent pilgrimages by the members of both communities to the same sacred shrines, such as Ramdeo Gosayan of Ranicha in Bagar and Mairi ka Pir in Bikaner, reinforced the links between them.¹⁶⁸ The rise of the Arya Samaj movement had disturbed this social arrangement.¹⁶⁹ In 1926, a violent attack on the Chamars by the Jats at Gurgaon was a sign of changing times. The Jats singled out Goorkhi Chamar for conducting his daughter's wedding with much fanfare by entertaining the bridal party like the high castes and giving three gold ornaments as dowry.¹⁷⁰ The Jat zamindars were incensed by the Chamars, who had insulted them by emulating the high castes. They called a panchayat to devise a plan against the Chamars. A group of Chamar men, women and children were brutally attacked near Faridabad by some Jats.¹⁷¹ According to the same account, 'a few Chamars were beaten with lathis, a

¹⁶⁷ Tribune, 4, 24 August 1925; National Archives of India. Home Poll, 1925, File no. 298/25.

¹⁶⁸ Fagan, Hissar District Gazetteer, pp.12.

¹⁶⁹ By early 20th century the Dalits (Chamars) were employed as agricultural labourers by the jats. The Land Alienation Act no doubt exacerbated the tensions between the two communities. The non-agriculturists (especially the Barbers, the Nais) mobilized the Kamins and Dalits against the Jats. See Jat Gazette, 20 November 1929.

¹⁷⁰ Tribune, 28 March 1926 ; see Nonica Datta's 'Forming an Identity: A Social History of the Jats', pp.146-189.

¹⁷¹ Ibid, pp. 147.

women and girls were shoe beaten, their backbelts were broken and their labouring instruments were taken away.¹⁷² On the same day, golden earrings worth rupees twenty eight were stolen from a Chamar and the following day crops were set to fire. The situation was so bad for the Chamars and swami Ramanand Sanyasi was seen as a friend in the difficult time. He was leading Arya Samajist and general secretary of the All India Dali Udhar. He along with the other Arya Samaj leaders, criticized the Jats. He bemoaned that the 'cattle and men were without food for three days owing to the blockade'¹⁷³. He describe his experience in the *Tribune*: I was with my companions, was half-way to Faridabad when a group of Jats with Lathis appeared and compelled the Chamars to take back the wounded to the village. I was ahead of the wounded. I asked the two policemen who had just reached the spot to stop the Jats from doing any mischief, but they paid absolutely no attention. I, however, got down and sat on the charpai (cot). In the meantime, the jats with lathis were abusing me and trying to forcibly throw me down from the charpai. Then at that moment the Sub-Inspector approached and I related to him what had happened. After warning the jats he made his way quickly to the village. But no sooner did the Sub-Inspector turn his back the jats gathered again and took the wounded back to the village. I, leaving my other companions of Faridabad on the spot, proceeded to the village to report the matter to the Sub-Inspector. No action was taken. The wounded are lying in the village without medical care.¹⁷⁴

MIRCHPUR AND JHAJJAR CASE

Haryana has been one of the fastest growing State. Its social structure continues to be, by and large caste ridden, especially in the state's rural areas. The Jats occupy a predominant position in the state, being the single largest group in the region. Harijans constitute one-fifth of the population. There are some confrontation between Jats and non-Jats particularly Harijans. The incident of murder of a Harijan couple by a landlord in village Morkheri in Rohtak highlighted the caste atrocities on Dalits¹⁷⁵. This was a discriminatory

¹⁷² Ibid.

¹⁷³ Ibid.

¹⁷⁴ Tribune, 28 March 1926.

¹⁷⁵ Caste Tensions in Haryana, in *Economic and Political Weekly*, Vol. 13, No. 38, (Sept, 23 1978), p, 1618.

treatment towards the lower castes. This focused on the bad treatment being done over the Harijans in certain villages. There have been reports of a social boycott of Harijans by landlords from being the essentials from the village shops and from drawing water from the village wells.

The Mirchpur case is an important case of the caste violence. It is an example of the absence of democratic principles and social equality in north India. This village is nearly 145 kms away from New Delhi and witnessed a ghastly scene of inhumanity and caste prejudice in form of the burning of Dalits houses by a mob belonging to Jat community from the same village. Mirchpur village which has a population of approximately 10000 people, and is situated in Narnaund talluk district of Hissar, Haryana. There are various castes groups like the Jat, Brahmin, Balmiki, Chamar, Dom etc. The Jat community which has the largest land holding, constitutes more than 50% of the population. Mirchpur claims to have one of the largest numbers of teachers in Haryana – and most of them are from the Jat community. Children from the Jat community mostly study in the private school while the Dalit students have no other option but to go for the government schools which are economically feasible for them. Due to lack of proper education infrastructure, members of Dalit community, more often than not, land up in providing labour services to the dominant Jat community. The village gram Panchayat is dominated by a Jat Sarpanch since the conception of Panchayat Raj system in the village. The members of the Balmiki and Chamar communities have developed their economic standards only through their daily wage labour work.

Historically, Mirchpur village has been notorious for such instances of caste violence. While speaking to the residents of the Balmiki basti, many residents spoke about the past record of the violence masterminded and directed by the Jat community. In one of the cases, a mother and son from the Dom caste were paraded naked throughout the village. Around 8-9 years back there was one more incident where the same Jat community torched house of a Kumhar and kicked his family out of their own village. The present case of burning Dalit houses should also be seen in this series of violence and humiliation perpetrated by members of the dominant Jat community. A father and his disabled girl

were brutally burnt by some of the Jat villagers and the whole Balmiki basti was torched by a mob.¹⁷⁶

Another similar incident happened in Jhajjar, where a Dalit was murdered for tanning the skin of a cow.

These incidents reflect many things. The Balmikis and other Dalits become the victims of caste violence in Haryana where the caste identities are sharpened and mingling is not allowed, when they assert and have a 'feel-good' factor for themselves, it means that the upper caste will be angry when a Dalit family is happy despite all their troubles as the Hindus most of the time wants them to stick to their traditional occupation and beg them for honour.¹⁷⁷ After getting the reservation in the form of Scheduled Castes, Dalits have delinked from the traditional occupations of manual scavenging and wants to get educated and do the work which give them respect. It is not easy for the upper caste to tolerate the new assertion of Balmiki in Haryana.¹⁷⁸

Caste in this country has its own peculiar nature. Whereby, every caste looks down against the caste lower to it in the order of the Caste system. Caste system does not allow different marginalized groups to come together against their exploitation to stand in solidarity for each other. But in the case of the upper castes, the scene is different. Soon after this incident took place, khap leaders of different castes came together to rescue their people who were arrested in this case. In the Indian social system¹⁷⁹ upper castes have strong caste solidarity and this solidarity comes from their socio-political and economic interests. As we have seen in other cases, the state always ultimately stands up for the interests of the upper castes. In the Mirchpur violence case, the police were just watching the calamity getting unfolded.

The reason why such violence has become a regular feature of Indian society is primarily because there is deep lacuna of consciousness on part of the state to annihilate hierarchies.

¹⁷⁶ www.nvone.com/2011/09/26, Mirchpur Incident.

¹⁷⁷ Ibid.

¹⁷⁸ www.hindu.com/2011/05/05/stories, Mirchpur caste violence.

¹⁷⁹ www.pragoti.in/node/3944, Caste Atrocities in Mirchpur, Hissar: A Fact Finding report.

The annihilation of caste has till date not become a national issue like other issues such as price rise, globalization etc. In case of Mirchpur violence, we could easily mark out that no politician of high standing has spoken on this issue in parliament. The politics in Haryana is dominated by the Jat community, so no political party wants to go against the Jat community. Therefore there is no criticism from the ruling party as well as opposition and other parties.

In Mirchpur village, the Dalit community is not that much aware about the Ambedkarite movement. The Dalit society is fragmented and not much unity persists among the marginalised. In Haryana the village economy is such which does not allow Dalits to go against the land owner. In Punjab also various cases can be traced of Dalit atrocities by the upper castes. Dalits are no longer better than their counterpart as in the other parts of India. However, what distinguished Punjab from the rest of country is that caste inequity persists here more in terms of landownership, social identification and dominant cultural patterns than of Varna system. Over the years the Dalits of Punjab have strengthened their economic position through their sheer hard work, enterprise and affirmative action but they failed to achieve a commensurate improvement in their social status. Armed with the weapon of improved economic conditions and social consciousness, the Dalits mustered enough strength to ask for a concomitant rise in their social status. Such moves of the marginalized find staunch critics among the Jats who often view Dalit assertion as a form of challenge to their dominant status in the agrarian society of Punjab. This in turn has sharpened the contradictions between Jats and Dalits that ultimately led to a series of violent clashes between them.

The SC population in the state of Punjab according to the 2001 census is 29 percent and the share of Dalits in the agricultural land is the lowest that is 2.34 percent. In other words, despite the fact of their being in highest proportion in the population of the agrarian state of Punjab in the country, a very small number of them are cultivators. Their share in the trade, industry, financial sector, health, and religious establishments in the state is also almost negligible.¹⁸⁰

¹⁸⁰ Sharma, Reeta. (2003). "Flames of Caste", *The Tribune*, June 21.

The constitutional affirmative action played an important role in the upliftment of the Dalits, in general, the monopoly of the Dalits on the leather business in the famous Boota Mandi in the Doaba sub-region of Punjab, and remittances turned out to be of crucial importance in overcoming their economic hardships. They have also been politicized to a large extent by the socio-political activities of the famous Ad Dharm movement¹⁸¹ and of the various religious centers (Ravidas Deras)¹⁸² that have inculcated a feeling of self-respect among them¹⁸³.

The Dalits mustered enough strength to ask for a concomitant rise in their social status. However, the Jats interpreted this Dalit assertion as a challenge to their long established supremacy in the state. This in turn has sharpened the contradictions between them and the Dalits. The Dalits, who for centuries have been subjected to humiliation and untold miseries, now learnt to say a firm no not only to the instances of violation of their human rights. Consequently, this has led to a series of violent caste conflicts between the Dalits and the dominant peasant caste of Jats in Punjab in last few years. The Jat-Dalit conflicts thus signify the emerging Dalit assertion and its serious implications for the asymmetrically structured agrarian society of Punjab. Such conflicts signs of emerging

¹⁸¹ Ad Dharm movement came into existence in 1925. It aimed at emancipation of the Dalits and their empowerment through cultural transformation, spiritual regeneration and political assertion. It was the first movement of its kind in North India that brought together the downtrodden to fight for their cause. It laid the foundation of Dalit consciousness and assertion in Punjab. Mark Juergensmeyer's seminal work is the pioneer study of this movement (Juergensmeyer, Mark. . *Religious Rebels in the Punjab: The Social Vision of Untouchables*. Delhi: Ajanta Publisher, 1988; see also Ram, Ronki. 'Untouchability, Dalit Consciousness, and the Ad Dharm Movement in Punjab', *Contributions to Indian Sociology(NS)*, Vol. 38, No. 3, September-December,2004, pp. 323-49.

¹⁸² According to a recent study, the number of such Deras has exceeded one hundred in Punjab (Qadian 2003). Since the publication of this study many more Ravi das Deras have been established in the state. In the year 2005 alone, the saints of Ballan have laid down the foundation stones of 12 Ravi das Deras (calculated from the Begumpura Shaher [Jalandhar] weekly).

¹⁸³ The Ad Dharm movement helped forge unity among the different Dalit castes in the state by bringing them together into the fold of Ad Dharm (an ancient and indigenous religion of the natives of India). This movement specifically focused on the ethnification of Dalit identity in the region than on treading the path of Sanskritization to move up the caste hierarchy, as was the case with the Adi Hindu movement (Jaffrelot 2003:149; and Chandra 1999:159). The Ravi das Deras provided the Dalits of Punjab the much-needed cultural space to connect them to their lost cultural heritage. These Deras also provided them the bare minimum of the infrastructure that required for the ethnification of their newly conceived Dalit cultural space. All these efforts helped significantly in the generation of the Dalit consciousness in Punjab.

Dalit assertion, which has all the possibilities of snowballing into serious violent conflicts, if kept ignored for a long time.

Another feature that distinguished Punjab from the rest of the regions in the country was the phenomenon of widespread landlessness among the Dalits and the absolute monopoly of the Jats on the agricultural land in the state. The hold of Jats on the land was also reinforced by the Punjab Land Alienation Act (1901) that deprived the Dalits along with other non-agricultural castes the right to purchase the land. Since Punjab happened to be primarily an agricultural state, the ownership of land assumed significant importance in determining social status. Dalits are extensively deprived of agricultural land in Punjab as compared to other states. Despite their highest proportion in the country, less than 5 percent of them were cultivators (lowest in India, 1991 census)¹⁸⁴. They shared only 4.82 percent of the number of operational holdings and 2.34 percent of the total area under cultivation (1991 census). Even today the landlessness rendered a large majority of them (60 percent, 1991 census) into agricultural laborers and made them subservient to the landowners, who invariably happen to be Sikh Jats. However, a significant change has taken place over the last few decades. Dalits have entered into a number of professions, which were traditionally considered as the mainstay of the artisan castes¹⁸⁵. This has led to a sharp decline in the share of Dalits in the agricultural work force in the state, which in itself has come down from 24 per cent in 1991 to 16 percent in 2001.

The subjugation of the Dalits got further deepened during the course of green revolution in Punjab. The process of green revolution transformed the traditional subsistence character of the agriculture into commercial and mechanical farming. The market oriented agriculture pattern in the post 1960's phase favored the landowners, which further marginalized the Dalits and widened the already existing divisions between them and the dominant peasant caste in Punjab. Interestingly, it was also during this phase of market-oriented agriculture that a new middle class of educated Dalits emerged in Punjab. The advent of this new class among the Dalits coupled with the rise of the Ambedkarite

¹⁸⁴ Census of India, 1991.

¹⁸⁵ Ram, Ronki. "The Dalit Sikhs", *Dalit International Newsletter*, Vol. 9, No. 3, October, 2004, pp.5-6.

movement in the region led to the formation of Dalit consciousness in the state. Traditionally they have been condemned as polluted and impure because of their occupational contact with animal carcasses.

SIKHS, JATS AND CASTE

In the Sikh caste hierarchy, the Jats claim to occupy the top position¹⁸⁶. According to Pettigrew, an Anthropologist who did intensive fieldwork on the Sikh Jats, is of the view that, “All Jats alike are brought up to be proud irrespective of what they possess in terms of education, wealth or power. No Jat defines himself as subservient and none can actually be trampled upon”.¹⁸⁷

Mostly concentrated in villages, the Jats are primarily landowners and agriculturists and are also widely considered to be the backbone of the Punjab peasantry. By virtue of their hold on the land they are popularly known as the dominant peasant caste in the state. “The Jat might be employed as a school teacher or service in the military but he sees his primary role as that of an agriculturist; his connection with land is what he holds most dear and what identifies him”.¹⁸⁸

The transformation of the Jats from the pastoral community into an agricultural one, and their allegiance to the Sikh religion revealed an interesting case of the empowerment of a lower caste community and the role of religion in that regard. In fact, what the Jats were fighting for in the seventeenth and eighteenth centuries, the Dalits of Punjab seem to have been struggling for the same over the last few decades in the contemporary Punjab. They have been fighting for an equal share in the sources of power in the state and for a

¹⁸⁶ Singh, Indera Pal. *Caste in a Sikh Village*, in Harjinder Singh (Ed.), *Caste among Non-Hindus in India*. Delhi: National Publishing House, 1977 pp.70.

¹⁸⁷ Pettigrew, J., *Robber Nobleman: A Study of Political System of the Sikh Jats*, Zed Books, London, 1978, pp.20.

¹⁸⁸ Kaur, Ravinder. ‘Jat Sikhs: A Question of Identity’, *Contributions to Indian Sociology (n.s.)*, Vol. 20, No. 2, 1986, pp. 233.

respectable status in the society. Though they have received some progression over the years in their economic status due to the constitutional affirmative action and ventures abroad, their lower social status remained intact. Unlike the lower caste Jats of the 17th and 18th centuries, they failed to overcome their social disability by embracing Sikhism. However, there is one major factor that distinguished the Dalit case from that of the Jats in the formative years of their struggle for the improvement of their social status. The case of reservation by Jats can be seen as a struggle for educational advancement and reservation in jobs as they are regarded as an intermediary caste. Jats were cultivators, landowners, nonchalant and a martial race. They also outnumbered other communities by their numerical strength within the Sikh religion. Moreover, the contradiction between the principal communities of the Khatri – the community to which all the ten Gurus belonged and also the one, which provided the initial following to the Sikh religion – and the Jats, was never sharp. Whereas the Jats remain a rural community heavily committed to agriculture, the Khatri are essentially urban-based and a mercantile community.

McLeod¹⁸⁹ quotes, “Unlike the Jats the Khatri have never shown any interest in Sikh identity as a means of enhancing social or ritual status ...”¹⁹⁰ Nor the markers of new identity ever provoked them. But in the case of the Dalits in Punjab, the situation is entirely different. Dalits in Punjab are posited in direct confrontation with the Jats over the struggle for social justice and dignity. Unlike the Jats of the eighteenth century whose opponent (Khatri) were in no way directly entangled with them in their profession (agriculture), some of the Dalits of Punjab are still tied with the Jats in the sector of agriculture. It is in this context that that the Jats, the landholders, and the Dalits, the landless agricultural workers, find themselves in a situation of direct confrontation. But there are many Dalits in the state who have improved their economic conditions by dissociating from their caste occupations and distancing them from the profession of agriculture. Some of them have joined Government services, went abroad, and established their own small-scale servicing units carpentry, barber, blacksmith shops etc.¹⁹¹ In this case they have not only improved their economic status, but have also liberated them from

¹⁸⁹ Mc Leod, W.H. *The Evolution of Sikh Community* . Delhi: Oxford University Press, 1996, pp. 98.

¹⁹⁰ Ibid, pp 99.

¹⁹¹ Ram, Ronki. ‘The Dalit Sikhs’, *Dalit International Newsletter*, Vol. 9, No. 3, October, 2004 pp.5-6.

the subordination of the Jat landowners. Now, they feel no longer obliged to respect their erstwhile masters (Jats) in the feudal way. Thus their changed economic relation has not only improved their economic status, it also propelled them to aspire for a commensurate social status. This is what that pitted them against the Jats, who take it hard to digest any such attempt, which would press them to dilute their dominant position in the rural society of Punjab. The Dalits's struggle for equal social status, thus, has led to the violent caste conflicts between them and the Jats in the state, and has all the probability of escalating into many more such conflicts in the near future.

JATS AND CASTE DISCRIMINATION

Caste discrimination in Punjab is unique in comparison to its observance in other parts of the country. The Brahminical tradition of social stratification, as discussed above, has never been so effective there. The word Brahmin was used in a derogatory form. The down play of the Brahmins in Punjab by the Sikh Jats might have diminished the purity-pollution practice to the benefits of Dalits¹⁹². However, it did not in any way help the Dalits to improve their socio-economic status.

The centre of power in Punjab revolves around the axle of land. Much of the land is owned by the Sikh Jats. Although Scheduled Castes in Punjab constitute high proportion of the population (29%) in comparison to the all India average of 16.3%, their share in ownership of land is negligible. Their being landless forced them to depend on the land-owning castes in the absence of alternative jobs in the agrarian economy of rural Punjab in the pre green revolution phase. Since cultivation required the services of the Dalits in its various operations, it was not feasible to strictly follow the system of untouchability based on the principle of purity-pollution. It does not mean that the Dalits were not discriminated in Punjab. They were very much discriminated. However, the context of their discrimination was different from that of the many other parts of India. The practice untouchability in Punjab was based the scheme of keeping the Dalits bereft of land ownership and political power in the state. Dalits were forced to confine to their lowest

¹⁹²Saberwal, Satish. 'Receding Pollution: Intercaste Relations in Urban Punjab', *Sociological Bulletin*. Vol. 22, No.3, September, 1973, pp. 256.

status in the villages of Punjab lest they dare to ask for a share in the power structures¹⁹³. In other words, despite the absence of the purity-pollution syndrome, the presence of the deep asymmetrical structure of power in the agrarian village economy of Punjab has subordinated the Dalits to the land-owning upper castes¹⁹⁴.

It can be seen from the above, that the Dalits were given reservation on the social basis as they were the victims of the age old discrimination, oppression and subjugation in the hands of the upper castes. There are incidences which we are sighting of conflicts between Jats and Dalits but there are no evidences of having any conflicts among Jats and other intermediary castes like Ahirs, Gujjars, Kurmis, etc. The demand of reservation which Jats are putting across can be seen as their urge for upgrading them in the educational institutions and in government jobs. The demand of reservation by the various social groups in the era of globalisation and liberalisation, reservation is being used as an instrument of progress for the individuals/community. When India goes for globalisation people intend to go for reservation to obtain state sponsored benefit.

Hence, With the introduction of the OBC's reservation through which other communities like Ahirs, Gujjars, Sainis, Kurmis etc. came under its umbrella but Jats were not included. This led to a feeling of 'excludedness' which has been engrained in the psyche of an average Jat. The Jat community feels that it has been a victim of social injustice for centuries together. Jats leaders claim that Mandal Commission report has mentioned that Jats fulfil all the criteria to be included in the list of OBC, but Jats didn't get the OBC status. Jats also claim that they are not adequately included in government jobs and their demand is more than legitimate.

Nevertheless, the system of reservation has the potential to challenge the hegemony and cultural dominance of upper castes. Reservation has paved the way for some members of backward castes to enter the middle class and share power and positions with the upper castes. This process howsoever meagre has to be accelerated and not thwarted. With the facility of reservation, upward mobility for a backward caste person is relatively easy. And

¹⁹³ Puri, Harish K. 'Scheduled Castes in Sikh Community: A Historical Perspective'. *Economic and Political Weekly*, Vol.38, No. 26, June 28-July 4,2003, pp. 2698.

¹⁹⁴ Jodhka, Surinder. 'Caste and Untouchability In Rural Punjab'. *Economic and Political Weekly*. Vol. 37, No. 19, May 11-17,2002, pp. 1815.

if a person moves up and becomes a member of the middle class his social backwardness, though not eradicated, is reduced. Nevertheless, with the class into which he has moved up his original caste identity will keep him in the minority. The majority of members of backward castes in the given structure-reservation or no reservation-cannot move up. Once a member of the backward caste gets a white collar job through reservation it can move upwards. This will create the possibility for larger number of families from various backward castes to enter the middle class, and discourage those who have so entered from using caste as a crutch and generate in them the confidence to forge a new identity.

However, if an adequate number of candidates from different families of various backward castes are not available, the positions should not be deserved, but offered only to the backward caste families who were once beneficiaries. If reservation is given religiously to those who are the real stakeholders, it won't create any hindrance in the path of the development of the backward classes.

CONCLUSION

CONCLUSION

The issue of upliftment of entire backward communities is a multi-dimensional social issue calling for an honest and sincere concern with a long term vision. Reservation was introduced since independence as an urgent and immediate measure, which did work well having brought about a significant positive and clearly visible result that none can deny. But, now with the changing times and mixed experience of implementation of reservation policy during last sixty years, circumstances now demand something beyond a single measure of mere reservation in few jobs here and there which too are diminishing day by day.

Reservation was resorted to as a commonly structured master solution meant for all the target beneficiary backward communities. It did work well in the initial period. But now its the right time to work out with an approach and specific measure for total upliftment of these groups. No doubt, it is a herculean task in a vast and highly diversified country like India where there are thousands of layers of caste gradations.

The problems of OBCs are to a major extent, different from that of SCs and STs. The common among the three target beneficiary is the inadequate economic and the educational progress. But the OBCs do not suffer from caste discrimination and caste hatred, though they are treated as lower in social hierarchy by the upper castes. The issue of reservation cannot be seen in isolation but it has to be linked with the overall social condition of backward classes at large and SCs and STs.

According to D.Parthasarthi¹⁹⁵, a notable sociologist, “The policy of reservation is not the only or even the best option for development in the context of a hierarchically placed society like India. Other options include provision of free, good quality education in schools which is accessible to everyone, land reforms by giving land to the actual cultivator, strict implementation of minimum wages, and a complete stoppage of all kinds of discriminatory behaviour whether in villages or in corporate sector. If all these were successfully implemented, there would be no need for reservations for any section of population. Not just western countries, but also the East Asian tigers such as South Korea, Japan, and China have been very successful in implanting the above measures. That is

¹⁹⁵ D.Parthasarthi, *Advocacy Internet*, Nov/ Dec, 2005.

why they are much ahead of India as far as social and economic indicators are concerned. If we were successful with the measures above, along with a properly designed and implemented policy of reservations, there would soon be no further need for such policies for an indefinite time. We have failed on these fronts and more so it is a deliberate failure. Since such failure benefits the already privileged groups, reservation remains to be an inevitable and justifiable option.

The absence of precise and definite criteria in identifying backwardness stands out as a primary limitation to a fair assessment of the problem of the backward classes. This can be discerned from the appointment of the First backward classes commission to the present day. Initially, all except the Brahmins were identified as backward. The criterion was the knowledge of English language. Later, caste emerged as the primary criteria.

It is clear that most of the times the benefits of reservation have gone either to the forward classes or to the upper strata of the backward classes themselves. There is an urgent need to conduct research on who the really backward or beneficiaries are, and who among them must be brought and entitled for reservation, in order to ensure that the benefits of social legislation go only to the deserving.

The problem of backwardness cannot be solved by appointing commission after commission. This can only demonstrate the absence of political will on the part of the government. First of all, a sincere effort should be made to establish an objective criterion to identify backwardness. Secondly, the government should show the necessary political will to apply this criterion.

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