

## **CHAPTER FOUR**

### **PERSONAL HEARING ON MEMORANDUMS RECEIVED IN THE MATTER OF RESERVATION TO SPECIAL BACKWARD CLASSES**

#### **1. GUJAR, GURJAR CASTEE/CLASS:-**

By submitting memorandum dated 21.08.2012, the representatives of Gurjar community has submitted that the State Government in the month of June 2007 had got conducted thorough study of social and educational status of Gurjar community. Result of the study showrd that 90% population of Gurjar community was inhabitant of the belt spread from Sikar to Sirohi. They live with their cattle in poverty, humility and meekness. They are known as Animist and Herdsmen. They use to move restlessly with their cattle, as such their social and educational conditions remained lamented. They raised demand that 5% reservation for them may be ensured.

**Shri Amar Singh Kasana and Shri Hari Singh Mahuwa** appeared before the Commission while referring Jas Raj Copra Commission's report and submitted that social, educational and economical condition of all the four castes, viz., Banjara, Gadia-Lohar, Gurjar and Raika-Rebari is versed. They are dependent on agriculture and livestock. They are deprived of government services. In written submissions, representatives of Gurjar community have stated that social level of all the four communities is at very low padastle. It has further been submitted that they have not yet been benefitted by 1% reservation provided to Special Backward Class. They have, thus, requested that 4% more reservation may be recommended for them.

On 03.09.2012, **Shri Kalu Lal Gurjar, Ex Minister & President Rajasthan Gurjar General Body** appeared with a delegation headed by **Shri Ram Gopal Guard, Ex Zila Pramukh, Jaipur**. They have submitted that these communities are nomadic and for livelihood they have to live in remote areas cut off from main stream of societys.

They are customized of many social evils like Child-marriage, polygamy, live-in (Nata) relationship, divorce etc. Condition of women is lamented. Since they are socially and economically backward they do not have any other source of income for their livelihood except agriculture and livestock. They are educationally backward also. They do not have representation in government employment. According to **Shri Kalu Lal Gurjar** Gayari/Gadaria is also the part of Gurjar Community. **Shri Samunder Singh Bainsla** of Yuva Chetna Sangh, Karauli has reiterated the same and stated that non inclusion of this community in the list of Scheduled Tribes deprived them from the basic facilities. Similarly, **Shri Ram Singh Prabhakar**, National Vice President, All India Gurjar General Body, New Delhi, in his memorandum has stated that members of these communities live on hills, plateaus and jungles with their cattle. Most of them are illiterate. During the time of Princely States, these communities have been categorized

as criminal caste. They were not included in Scheduled Tribes.

On 06.09.2012 during the course of hearing **Shri Ram Kishore Kasana** and **Nanak Ram Gurjar** submitted a representation and stated that Gurjar community is economically, socially, educationally and politically backward. No one from this community was selected in IAS, IPS, and IFS. Members of Jat community hold possession over 70% seats in government employment.

On 07.09.2012 **Shri Nathu Singh Gurjar**, Ex Minister and representative of Gurjar community appeared with delegation and submitted that main traditional occupation of Gurjar community is cattle breeding and partially it is agricultural. Average income is Rs. 18/- per day. According to him conservatory traditions prevail in their community. Making reference of the report of Jas Raj Chopra High Powered Committee appointed by State of Rajasthan, he further submitted that population of Gurjar community lives in jungles and on hilly areas along with

their cattle. They were provided 5% reservation but that could not be implemented. **Shri Sanjay Gurjar, Shri Vijendra Singh Supa** and **Shri Roop Singh** have also stated that Gurjars live on hills. They also submitted habitat map to support their version, which is Appendix-23. They are devoid of general facilities and they are cut off from the mainstream of society.

Colonel **Shri Kirori Singh Baisla** and **Shri Himmat Singh** have also represented that members of Gurjar community live in forests and 99% population is nomadic. The women of this community are compelled to live in one dress during whole summer, rainy season and winter. Swatters and woollen shawls are rarely available to them and are looked as luxury items for them. For giving birth to a child, the women of this community are taken to 5 kos away from the home on a cot ride on four shoulders. Per capita income is Rs. 13/- per day. Education awareness is zero per cent. They are devoid of general facilities. Since they have to live in remote areas cut off from the main

stream of society, they are socially and educationally backward. Representation in government employment is negligible. **Shri Attar Singh, Advocate, Shri Prem Singh Sendra, Shri Himmat Singh and Shri Attar Singh** also supported their version.

On 10.09.2012 representatives of Gurjar community **Shri Jawahar Singh Baidham, Shri Man Singh Gurjar, Smt Alka Singh, Shri Hari Singh Mahuwa, Shri Rajendra Singh Vidhuri, Parliamentary Secretary, Shri Mahendra Singh Khandela and Shri Gopi Chand Gurjar** while referring to the report of Chopra Committee and judgments of Hon'ble Supreme Court submitted that in special circumstances more than 50% reservation is permissible. Gurjar community is socially and educationally much backward and they do not have adequate representation in government employment, therefore, they deserves benefit of 5% reservation. While making reference of polyandry, they submitted a copy of article published in India Today's 5<sup>th</sup> September 2001 edition. In

that article Swaroop Gurjar has stated that it is no evil to keep relations with so many males provided they belong to same blood. While referring an article published in news paper Dainik Navjyoti, 2<sup>nd</sup> June 2002 edition captioned, "**Still wife is shred by brothers**" they tried to canvas that Gurjar community is highly backward.

On 12.09.2012 **Shri R.R. Baisla, Dr Roop Singh** and **Shri Atar Singh**, Advocate appeared and submitted that comparative data show that Gurjars are socially and educationally more backward than other backward classes and since their representation in government employment is negligible, they should be granted benefit of reservation under Special Backward Classes.

**Shri Kirori Singh Baisla** appeared before the Commission on 13.09.2012 and submitted report containing information about Gurjar community. He also submitted a DVD and photo album of villages and Dhanies inhabitant by Gurjars. He submitted that Gurjars are nomadic. This

community is socially, educationally and economically extremely backward.

**Smt Radhika Johari**, President, Shri Ram Rameshwar Dham Charitable Trust, Jaipur appeared on 21.09.2012; **Dr Vikram Singh Gurjar** and **Shri G.R. Khatana** appeared on 23.09.2012 and **Shri Girraj Prasad Ghuraiya**, Pattern, Dausa Zila Gurjar Mahasabha appeared on 29.09.2012. They laid emphasis on the fact that even after 65 years of independence the Gurjars have not been included in Special Backward Classes even though this community is socially, educationally and economically backward. **Smt Radhika Johari** submitted a copy of DVD of documentary film prepared on backwardness of Gurjar community. She made reference of many social evils prevailing in the society, such as live-in (Nata) relation, ceremonies offered after death, polyandry, child marriage, carrying out 'shradh' on Dipawali festival etc.

On 05.10.2012 **Colonel Kirori Singh Baisla**, President & Convener Gurjar Aarakshan Sangharsh Samiti



submitted a representation. In it, inter alia, following has been mentioned:

1. It is a historical fact that having animal husbandry occupation, Gurjar is nomadic tribe and it is included in Scheduled Tribes in the State of Jammu & Kashmir and Himachal Pradesh.
2. Word, 'gurjar' is derived from the principal profession followed by the tribe: 'gau' (Cow) and 'jar (earnings - estate)' originated from 'Prakrit' language, meaning thereby earner from cow. Gurjar community is a community whose members pull their livelihood by cattle breeding. Since time immemorial, this community is being identified by the name of Gurjar, Gujjar and Gujar.
3. To protect their animal, to protect himself from disease, to make weather forecaste and to save their culture, members of this community worship Kalas Deo, Bhomyaji, Pareet etc. The worship of these deities is being performed in every house. These

deities (Ghudla) enter in to the body of a person and make forecaste about time of rain, whether, disease, natural calamities, treatment etc. The Gurjars keep themselves alert and for treatment of evils they use to take steps as suggested by these deities, for that they use magical and mystical formulae for worship or attainment of super human power, they use to practice sorcery, colloq etc. This is part of their culture, which push them in backwardness.

4. Occupation of cattle breeding and Herdsmanship keeps them illiterate.
5. As and when dynasties fought battle for expansion of their empire, the victorious Kings used to merge the agriculture land and areas lying nearby to river banks in their empire to increase the treasure. On that occasion Gurjars were subjected to loot and were being imprisoned. To protect their cattle and to protect their self expectedness, Gurjars used to give sacrifice. In such circumstances, Gurjars had to live

far away from other communities in forests, on hills, on hilly land, in wild terrain and near river banks.

They used to lead life of restless movers (wanderers).

6. To protect the culture and self expectedness, Gurjars adopted many new customs including veil system, child marriage etc.
7. By making rules in Police Manual 1861, Gurjars were categorized as criminals and restless movers and the community was banned.
8. When in 1857 Freedom Battle was crushed, the Britishers imposed Criminal Tribe Act 1871 and 1928 on freedom fighters and their wards. Criminal Tribes were categorized as de-notified tribes. The Gurjars belonging to Haridwar, Saharanpur, Mujaphphar Nagar, Dehradun, Bijnaur and Muradabad fell under de-notified tribes.
9. British government kept them under the category of criminal tribe for a century. Under section 23 they were compelled to live like animals.

10. After independence, the Union Government got conducted a survey in the year 1952. Kaka Saheb Kalelkar Committee treated Gurjar as Scheduled Tribe and recommended as such.
11. Since inception, Gurjars constrained them in their own tradition, customs, evils, orthodoxy, etc. on the pretext to save the culture. Reference of education is remote in this community.
12. Members of Gurjar community live with their tribes in villages and Dhanies of Aravali hills. Their livelihood is very hard. Geographical loneliness in impassable roads shows their backwardness.
13. People of Gurjar community use to move from one village to other along with their animals like sheep, goats, cows, buffalos for feeding it.
14. Members of Gurjar community believe much in magical and mystical formulae, colloq, etc. In the state of sickness they use to treat sick person by calling deities and Bhopas for colloq.

15. Out of total child marriage performed in Rajasthan 70% of it is performed in Gurjar community.
16. 90% houses of this community are made of mud and thatched roof.
17. Members of Gurjar community drinks water of and take bath in same river, water channels, ponds etc. in which animals also do the same. In about 70 villages having Gurjar inhabitancy, drinking water facility is not made available by the government.
18. Women of Gurjar community still bath in open. In most of the villages of Dausa Tehsil children wanders in semi-nude condition and are compelled to wear torn cloths. Gents also remain semi-nude.
19. Gurjar community has been categorized as Scheduled Tribe in the State of Jammu & Kashmir. The State of Himachal Pradesh has declared Gurjars as Scheduled Tribe. The State of Utter Pradesh has sent recommendation to Union of India long back in the year 1994 to include Gurjars in Scheduled Tribes.

Gurjars of the State of Punjab are deprived of any development after the years 1958 and 1959.

20. In the year 1981 Central Social Welfare Board asked the State Government to give its opinion to include certain Classes in Scheduled Tribes. The then Hon'ble Chief Minister Shri Shiv Charan Mathur refused to accept the claim of Gurjar and recommended on 17<sup>th</sup> October 1981 that Gadia Lohar and Banjara Classes may be included in Scheduled Tribes. No action has yet been taken on that recommendation.
21. Reservation to competent Jat community caused Gurjars to traditionally put them under backwardness.
22. Union of India, 60 years ago, has prescribed 5 indicators for inclusion of a caste in Scheduled Tribe. In Rajasthan 16 Districts are heavily inhabitants of Gurjars. Out those, District Collectors of 7 districts reported that Gurjars fulfill all the five indicators; 5 reported that Gurjars fulfill 4 indicators; 3 reported

that Gurjars fulfill 3 indicators and 1 has reported that Gurjars fulfill 2 indicators.

23. Justice Chopra Committee has reported that Gurjar community does not fulfill all the indicators but even after more than 6 decades of independence localities of Gurjar community are islands of poverty, humility and meekness. This indifference is inadmissible and deserves to be rectified soon. Justice Chopra Committee has recommended that for gradual development of the people living in undeveloped areas, facility less areas and remote areas such as river, valley, hills, forest, and mountain special package is needed. In persuasion of the opinion of Justice JR Chopra, Smt Vasundhara Raje, the then Chief Minister had constituted Deo Narain Board for development of Gurjars and allocated a fund of Rs. 182 crores.
24. Gadia Lohar, so called descendants of Emperor Maharana Pratap Singh, was not included in

Scheduled Tribes even though they fulfill all the indicators. Bheels who had been included in Scheduled Tribes in the year 1954 are still at the verge of starvation.

25. Gurjar's life style as restless movers and cattle feeders can very well be visualized by roaming in Bhilwara, Chhittorgarh, plateaus of Udaipur, hilly areas of Hadoti, Sawai Madhopur, Karauli, Dholpur and Bharatpur.

In another memorandum it has been mentioned that in Central Government's departments like Custom, Railway and other similar departments located in Rajasthan not a single officer of Gurjar community is working on Group-A and Group-B posts, the table submitted is as under:

S.No.	Name of the post	Officer in Rajasthan
1.	IAS	Nil
2.	IPS	Nil
3.	IAS (allied)	Nil
4.	IFS	Nil
5.	Railways (DRM)	Nil



6.	Railways (ADRM)	Nil
7.	Custom	Nil
8.	RAJS	Nil
9.	Other All India Service	Nil

## **2. Raika, Rebarir (Debasi) castee/class:**

**Shri Ratan Debasi**, Deputy Chief Whip, Rajasthan Legislative Assembly & President Raika Pashupalan Agrim Pashupalak Sansadhan Sansthan, Barmer appeared before the Commission and submitted a representation. He submitted that Rebarir, Raika and Debasi are the castes in which members use to keep cattle without tying them on stake. They keep a very good number of animals with them. They use to move with cattle from one place to other. Since they used to restlessly move to graze the animals they are socially, economically and educationally most backwards. Population of this castee in Rajasthan is about 30 lacs but after 65 years of independence this castee has not yet been benefitted. It has been demanded that recommendation may be made to include this castee in

Special Backward Classes and benefit of reservation be given to the members of this caste.

On 01.09.2012 **Shri Ummed Singh** Vice President, Pashupalak Agrim Sansadhan Sansthan, Jaipur and **Shri Kheta Ram Debasi**, Secretary appeared and submitted forms related to castes/classes. They said that technical and professional education in the society is zero. On 10.9.2012 **Shri Khinya Ram Debasi** and **Shri Mewa Ram Debasi** appeared and on 12.09.2012 **Shri Lal Chand Raika** and **Shri Ummed Singh Rebarir** appeared and while disclosing lamented condition of Raika, Rebarir, Debasi they said that members of these castes use to move from one place to other with their animals and it has become their life style, which makes them deprived of medical facilities and transportation facilities. For their wanderer tendency they remain socially, economically and educationally backward. Their representation in government employment is negligible.

### **3. BANJARA, BALADIA, LABANA CASTEES/CLASSES:**

On 01.09.2012 **Shri Man Singh Banjara** and on 03.09.2012 **Shri Uma Shanker Banjara** appeared with delegation. **Shri Paras Ram Garasia** also appeared before the Commission. They disclosed that despite recommendation having been made to include Banjara caste/class in Scheduled Tribes this caste/class has not been included so far. Educational standard of this caste is very poor. They are socially, educationally and economically backward. Source of income is very limited. Female literacy in this caste is zero. Instead of sending girls to school they are being engaged in physical labour. As this caste belongs to nomadic tribe it leads isolated life and is cut off from main stream of the society. **Shri Kewal Chand Labana, Shri Kalu Lal Banjara** and **Shri Uma Shanker Banjara** reiterated the same and have demanded that this caste may also be included in Special Backward Classes. In representation, representative of **Hind Rajasthan Banjara Sabha** has stated that people of this

castee, having been led a nomadic life; in society having been prevailed social evils like child marriage etc.; and having been faced with poverty, is deprived of education. They have also demanded that special reservation may be given. **Shri Kewal Chand Labana** has further submitted that their society is more backward than Gurjar/Rohir society. According to him only Gadia-Lohar community is more backward than this society.

Under the leadership of **Shri Suresh Banjara**, State President, Banjara Sewa Samiti a delegation met to the Commission on 07.09.2012 and submitted written information relating to their caste/class. In written information he has stated that since in revenue record there did not appear any mention of Bagora Bhat, Maru Bhat and Baldiya Bhat and only Bhat word has been used, therefore, they are not getting benefit of reservation in Special Backward Classes.

**Shri Hari Bhau Rathore**, President, Rashtriya Vimukta & Ghumantu Jati Mahasangh appeared before the

Commission with delegation. He submitted that demand has already been raised to include abandoned classes, nomadic classes and semi nomadic classes in the category of Scheduled Tribes. He submitted that no demand was ever made to include this society in the category of Special Backward Classes but it has been included without any demand. He has submitted that this caste has been included in the category of Special Backward Classes and 1% reservation has been provided but so far as 4% more reservation is concerned since there is legal impediment, therefore,  $1 + 4 = 5\%$  reservation may be recommended within 21% reservation given to Other Backward Classes so that there may not be any impediment in implementation.

#### **4.GADIA-LOHAR, GADOLIA CASTE/CLASS:-**

President of Akhil Bhartiya Maharana Pratap Vanshaj Gadia Lohar Utthan avm Vikas Samiti, Jaipur representing Gadiya-Lohar caste and community's representatives appeared with written representation and have submitted that this society remained scorned, neglected, exploited,

oppressed, scolded and was deprived of fundamental rights and basic amenities. The society is socially, educationally and economically extremely backward.

On 01.09.2012 **Shri Ram Chandra Sankhla**, President, All India Maharana Descendants Upliftment Committee, Jaipur appeared before the Commission and submitted that members of this society live for whole life in carts. Cart is their house. They do not have permanent house.

On 04.09.2012, during the course of hearing, representatives of Gadiya-Lohar society demanded that State Government has made recommendation several times to the Union of India to include this society in the list of Scheduled Tribes but that has not yet been considered. Since they are socially, educationally and economically extremely backward, hence their representation in government employment is zero. Since the society is known as society of wanderers, the members cannot take advantage of Government policies. On 10.09.2012 also the

representatives demanded 5% reservation for them. Representatives of Gadiya-Lohar community have also demanded that their society may be classified as Special Backward Class so that they may get more benefits than Gurjar society.

**5. GADARIA (GADARI), GAYRI CASTE/CLASS:-**

**Shri Jagmohan Singh**, State President appeared before the Commission and stated that they are part of Gurjar society but they are not getting benefit of reservation. He further stated that they are cattle breeders. Situated on same footings, Bakarwal community having considered most backwards class has been included in the list of Scheduled Tribes in the Jammu & Kashmir and Himachal Pradesh. Representatives of Gurjar community have also agreed that Gadri, Gayari and Gadaria are part of their community.