

CHAPTER NINE

CONSIDERATION OF QUANTIFIABLE DATA OF VARIOUS FACTORS PLACED BY THE STATE GOVERNMENT FOR RESERVATION TO BACKWARD/SPECIAL BACKWARD CLASSES:

For taking action under the provisions contemplated under Articles 15 (4) and 16(4) of the Constitution of India, Hon'ble Supreme Court while discussing the issue in many important cases such as Indra Swahney, M. Nagraj, Ashok Thakur, Suraj Bhan Meena and S.V. Joshi, has come to a single conclusion that if State is desirous of giving reservation to a class or classes in Special Backward Classes category it is mandatory for the State to collect quantifiable data of all the factors like, social backwardness, educational backwardness, economical backwardness and inadequate representation in Government services and to place the same before the State Other Backward Classes Commission. The commission will thereafter critically examine and analyze the quantifiable data amongst other

things. If in the opinion of the Commission case of reservation is made out it will make recommendation to the State. The State can initiate action for reservation thereafter.

The State Government has placed before the commission notification of the year 2008 declaring certain castes as Special Backward Classes; Acts regarding granting 5% reservation to Special Backward Classes in educational institutions and in government services; and quantifiable data of various factors collected in compliance of the direction of Hon'ble High Court. The Commission has to critically examine, consider and analyze the quantifiable data amongst other things within legal frame work and constitutional limitations. The present task of the Commission is to prepare a comparative report regarding social and educational backwardness and inadequate representation in Government services.

The State Government has placed quantifiable data of various factors through Institution of Development Study.

The report submitted by the Institution refers to -
"Educational & Social Backwardness in Other Backward Castes/Classes in Rajasthan". Besides above, many parties, petitioners and social organizations have also placed primary data and other material.

Institution of Development Study in its report has placed comparative data regarding social and educational backwardness and inadequate representation in Government services and other factors of 81 castes notified in Backward Classes.

The Institution has conducted survey, both in village areas and urban areas. From the Panchayat Samities of all the districts five villages from each Samit were chosen. In city areas 13 cities and town were chosen.

Regarding study of comparative backwardness and conducting survey on various factors, following memo of understanding was signed between the Government and Institution of Development Study.

TERMS AND CONDITIONS OF MOU

This memo of understanding is made on 31st May 2011 between the Director, Social Justice & Empowerment Department Jaipur, representative of Government (here-in-after to be referred to as First Part of the agreement) and Director, Institution of Development Study, representative of the Institution (here-in-after to be referred as Second Part of the agreement). The aim of the agreement is to collect and submit the information regarding other backward classes as has been observed by Hon'ble Rajasthan High Court in petition No. 1349/2009 (public interest litigation) decided on 22.12.2010.

1. A survey shall be conducted in the light of observations made by Rajasthan High Court in petition No. 1349/2009 (public interest litigation) decided on 22.12.2010.
2. All the 82 castes notified as Backward Classes in the list notified by State of Rajasthan shall be included in survey.

3. For conducting survey of all the 82 castes. "Sample survey technique" shall be adopted. The conclusion shall be drawn by applying scientific method as adopted by the Institution.
4. Survey shall be conducted keeping in view the directions given by Hon'ble Rajasthan High Court in which educational backwardness and inadequate representation in government services is also included.
5. Survey shall be conducted both in urban areas and village areas.
6. Survey shall be conducted in 6 months.
7. Surveying agency shall submit progress report every fortnightly to the departmental committee.
8. Department of Social Justice & Empowerment shall make all possible assistance to the surveying agency.

In MOU it was made clear that sample survey technique would be adopted and conclusion would be drawn by applying scientific method as adopted by the Institution.

Survey would be conducted keeping in view the directions given by Hon'ble Rajasthan High Court in which social backwardness, educational backwardness and inadequate representation in government services would be included. A bare perusal of the report submitted by the Institution reveals that sample of castes/classes of villages and cities was lacking scientific method and proportional formula. For sample of a caste, index of population percentage in the State was not taken into consideration. Proportional formula in village sample and urban sample was also not taken into consideration. The following table shows above lacunas:

Table No. 1 : Caste –wise Sample (No. of Households Covered)

S.No	Caste Groups	Rural	Urban	Total
1	Jat	13150	590	13740
2	Gujar/Gurjar	9300	1131	10431
3	Kumhar (Prajapati)/Kumawat/Suara	6915	1602	8517
4	Mali/Saini/Bagwan	4147	1918	6065
5	Badai/Jangid/Khati/Suthar/Tarkhan	3534	384	3918
6	Kanbi/Kalbi/Patel/Patidar Anjana/Dangi Patel/Kulmi	3569	4	3573

7	Nai/Sen/Vednai	2549	557	3106
8	Sad/Swami/Bairagi/Jangam	2053	1019	3072
9	Ahir (Yadav)	2311	208	2519
10	Kayamkhani	529	1976	2505
11	Raika/Rebari (Debasi)	2367	50	2412
12	Jogi/Nath/Sidh	1484	470	1954
13	Daroga/Ravana-Rajput/Hazuri Wazir	1460	106	1566
14	Lohar/Panchal	1222	163	1385
15	Dhakad	1376	4	1380
16	Vishnoi	1376	1	1377
17	Gadaria (Gadri)/Gayri/Ghosi (Gvala)	1289	0	1289
18	Dhiver/Kahar/Bhoi/Sagarvansi-Mali/Keer/Mehra/ Mallah (Nisad)/ Bari/Bhisti/Machhuara	633	599	1232
19	Halali/Kasai	132	1079	1211
20	Rawat	1132	67	1199
21	Teli	930	219	1149
22	Sindhi Musalman	1016	0	1016
23	Mev	880	1	881
24	Swarankar/Sunar/Soni/Jadia	600	238	838
25	Mahabrahiman (Acharaj)/Fakir (working in Kabristan)	525	302	827
26	Banjara/Baladia/Labana	759	48	807
27	Gadeet Nagauri	3	778	781
28	Darzi	550	149	699

29	Janwa/Khardiya (Sirvi)	623	75	698
30	Julaha	51	646	697
31	Chippa (Chhipi)/Bhavsar/Nama/Khatti- Chippa/ Rangrej/ Neelgar	437	209	646
32	Kelal (Tak)	515	116	631
33	Badwa/Jachak/Bhat/Jaga/Rao	481	133	614
34	Dangi	554	0	554
35	Giri/Gosain (Gushain)	504	12	516
36	Kachhi (Kushwaha)/Shakya	507	0	507
37	Lakhera (Lakhara)/Kachera/Manihar	259	192	451
38	Gadia Lohar/Gadolia	255	180	435
39	Mirasi/ Dhadi/ Langa/ Mangniyar	337	87	424
40	Mochi (Non Hindu Caste)	0	417	417
41	Raisikh	408	1	409
42	Deshwali	202	194	396
43	Kandera/ Piniyara	247	133	380
44	Lodhi (Lodha)	341	0	341
45	Odd	285	34	319
46	Dakot/ Deshantri/ Rangasami (Adbhopa)	246	45	291
47	Charan	283	7	290
48	Sondhia	281	1	282
49	Kirar (Kirad)	279	1	280
50	Kharol (Kharwal)	228	4	232

51	Nagarchi-Damami/ Rana/ Baiti (Barot)	101	90	191
52	Dhobi (Muslim)	28	137	165
53	Ghanchi	149	1	150
54	Mer (MehratKathat/ Mehrat/ Ghodat/ Cheeta)	133	12	145
55	Bagaria	133	7	140
56	Kunjada/Raen	1	104	105
57	Sikligar/ Bandoosaz (Usta)	0	96	96
58	Madari/ Bazigar (Non Hindu Caste)	67	13	80
59	Gaddee	68	1	69
60	Farooki Bhatiyara	1	66	67
61	Multanies	64	2	66
62	Mogia (Mogya)	65	0	65
63	Nyaria (Nyargar)	1	61	62
64	Ratth	60	0	60
65	Patwa (Phadal)	9	44	53
66	Kherwa	40	0	40
67	Bharbhujia	17	22	39
68	Lodhe- Tanwar	39	0	39
69	Kotwal	36	0	36
70	Chobdaar	24	11	35
71	Silawat (other than Sompura & Murtikaar)	6	24	30
72	Satiya Sindhi	4	20	24
73	Sapera (Non Hindu Caste)	4	20	24

74	Sirkiwal	2	20	22
75	Nut (Non Hindu Caste)	13	9	22
76	Tamoli (Tamboli)	12	6	18
77	Thathera/ Kansara (Bharava)	0	14	14
78	Kheldar	14	0	14
79	Chungar	0	7	7
80	Hela	6	0	6
81	Jagri	5	0	5
	Total	74211	16937	91148

Note: Orphan children category is excluded from the notified list of OBC in the State in the survey as they cut across all caste groups. Some of the caste groups were not found in the villages.

CASTEE WISE POPULATION PERCENTAGE OF BACKWARD CLASSES OF THE STATE:

Last caste wise census was conducted in the year 1931. Thereafter caste wise census was not conducted. Increase in population in Backward Classes is normally in equal ratio though the increase in population in forward classes is bit less in comparison to backward classes. The commission has decided that for calculating estimated population, census conducted in the year 1931 should be

taken as basis. Census conducted In the year 1931 in Rajasthan State was in two parts:

1. Rajputana Regency
2. Ajmer Merwara

The commission has calculated the population at his level through research officer merging both the parts together, according to which estimated population of each caste comes as under:

Table No. 2 : As per Census 1931 Caste-wise population of Backward Class

No	Caste Groups	Population in Rajputana I	Population in Ajmer Marwar II	Total Population I & II	Percentage Population Census 1931
1	Jat	1042153	29992	1072145	9.097
2	Gujar/Gurjar	526791	35063	561854	4.767
3	Mali/Saini/Ragwan	369173	14663	383836	3.257
4	Kumhar(Prajapati)/Kumawat/Suara	357751	16005	373756	3.171
5	Badai/Jangid/Khati/Suthar/Tarkhan	209937	7620	217557	1.846
6	Daroga/Ravana-Rajput/HuzuriWazir	177104	10182	187286	1.589
7	Ahir(Yadav)	182165		182165	1.546
8	Nai/Sen/Vednai	166096	7029	173125	1.469

9	Mev	167530		16730	1.421
10	Gadeet Nagauri	166096		16606	1.409
11	Raika/Rebari/Debasi	135820	2396	13826	1.173
12	Rawat	27804	82939	11073	0.940
13	Dhakad	96158	802	9630	0.823
14	Lohar/Panchal	81070	4108	8518	0.723
15	Teli	80015	4773	8478	0.719
16	Jogi/Nath/Sidh	76204	2668	7882	0.669
17	Gadaria(Gadri)/Gayri/Ghosi(Gvata)	77370	516	7788	0.661
18	Swarankar/Sunar/Soni/Jadia	73455	3402	7687	0.652
19	Vishnoi	69873		6987	0.593
20	Kanchi(Kushwaha)/Shakya	60510		6051	0.513
21	Mahabrahman(Acharaj)Fakir	54859	2134	5693	0.484
22	Ratth	52671		5267	0.447
23	Dangi	50898		5089	0.432
24	Darzi	47398	2102	4950	0.420
25	Kelal/Tak	42876	1551	4442	0.377
26	Sindhi Musalman	43587		4358	0.370
27	Badwa/Jachak/Bhat/Jaga/Rao	39882		3988	0.338
28	Kayamkhani	35686	730	3641	0.309
29	Chippa(Chhipi)/Bhavsar>Nama/Khatti chippa/Rangrej/Neelgar	33225	2134	3535	0.300
30	Sondhia	34257		3425	0.291

31	Charan	35548		35548	0.302
32	Giri/Gosain(Gusain)	29648	1002	30650	0.260
33	Sad/Swami/Bairagi/Jangam	29044		29044	0.246
34	Mer(Mehratkathat/Mehrat/Ghodat/Cheeta)	3084	25649	28733	0.244
35	Dakot/Deshantri/Rangasami(Adbhopa)	27353	625	27978	0.237
36	Kandera/Pinijara	26388	1357	27745	0.235
37	Dhiver/Kahar/Bhoi/Sagarvansi-Mali/ Keer/ Mehra /Mallah (Nisad)/ Bari/ Bhisti/ Machhuara	23980	3717	27697	0.235
38	Halali/Kasai	24847	1335	26182	0.222
39	Banjara/Baladia/Labana	23409		23409	0.199
40	Julaha	17087	758	17845	0.151
41	Mirasi/Dhadi/Langa/Mangniyar	17051	664	17715	0.150
42	Kirar(Kirad)	15697		15697	0.133
43	Silawat(Other then Sompura&Murtikaar)	13776	570	14346	0.122
44	Lakhera(Lakharar)/Kechera/Manihar	12985		12985	0.110
45	Lodhi(Lodha)	9057	1387	10444	0.089
46	Nagarchi-Damani/Rana/Baiti(Barot)	10035		10035	0.085
47	Kharol(Kharwal)	7477	1634	9111	0.077
48	Gadia Lohar/Gadolia	8699	48	8747	0.074
49	Deshwali	5861	2765	8626	0.073
50	Odd	7757		7757	0.066
51	Nut(Non Hindu Caste)	7083	574	7657	0.065
52	Tamoli(Tamboli)	6104		6104	0.052

53	Mogla(Mogyra)	6079		6079	0.052
54	Ghanchi	5371		5371	0.046
55	Gaddee	5340		5349	0.045
56	Dhobi(Muslim)	5049	103	5152	0.044
57	Kunjada/Raen	4440		4440	0.038
58	Sapera (Non hindu Caste)	3765	393	4158	0.035
59	Janwa/Khardiya(Sirvi)	3697		3697	0.031
60	Bharbhujia	3643		3643	0.031
61	Thathera/Kansara(Bharava)	2856		2856	0.024
62	Patwa(Phadal)	2850		2850	0.024
63	Chobdaar	2479		2479	0.021
64	Nyaria(Nyargar)	2458		2458	0.021
65	Sikigar/Bandooksaz(Usta)	2083		2083	0.018
66	Mochi(Non Hindu Caste)	1420		1420	0.012
67	Jagri	918		918	0.008
68	Chungar	574		574	0.005
69	Kherwa	413		413	0.004
70	Kotwal	212		212	0.002
71	Madari/Bazigar (Non Hindu Caste)	186		186	0.002
72	Multanies	182		182	0.002
73	Kanbi/Kalbi/Patel/PatidarAnjana/Dangi Patel/Kulmi	65		65	0.001
74	Sirkiwal	43		43	0.000

75	Kheldar	34		3	0.000
76	Farooki Bhatiyara	16		1	0.000
77	Bagaria	Not men- tioned	Not men- tioned	0	0.000
78	Hela	"	"	0	0.000
79	Satiya Sindhi	"	"	0	0.000
80	Raisikh	"	"	0	0.000
81	Lodhe-Tanwar	"	"	0	0.000
	OBC CASTEE POPULATION TOTAL	4994566	273390	5267956	44.697
	Total Population Census of India, 1931	11225717	560292	1178604	100

COLLECTION OF PRIMARY DATA BY THE INSTITUTION:

The institution collected primary data by conducting survey on various factors in the form of questioner. The questioner prepared by the institution is Appendix-15.

Quantifiable data on various factors should have been collected by applying random survey method, which is scientific but in various circumstances the data have not been collected applying full random survey method but data has been collected applying purposive sample method. The result was otherwise affected.

To get backwardness index of various castes, the Institution has made survey applying following indicators:

1. EDUCATIONAL BACKWARDNESS:

- i. Illiteracy- Never admitted in school
- ii. Literacy- Not completed primary standard
- iii. Primary- Studied up to 5th standard
- iv. Middle- Studied up to 8th standard
- v. Secondary- Completed Secondary Course
- vi. Higher Secondary- Completed Higher Secondary Course
- vii. Graduation- Passed graduation in any subject
- viii. Post Graduation- Passed post graduation in any subject
- ix. Engineering-
- x. Medical Degree
- xi. Other technical diploma etc

2. Representation in government employment:

Survey was conducted dividing central services and state services in four categories.

3. Other indicators:

- i. Below poverty line
- ii. Bank accounts
- iii. Land ownership
- iv. Pendency of debts on family

4. Method of life style:

- i. Wanderer/herdsman
- ii. Fostering other's cattle
- iii. Traditional livelihood depends upon agriculture
- iv. Dependency upon cow grazing/grazing land
- v. Transmigration, signs of pitiable status
- vi. Occupation of family

5. Source of income:**6. Expenses:****7. Social backwardness:**

- i. Inter caste marriage
- ii. Procedure for taking decision in family
- iii. Sign of Social backwardness: decision in family
- iv. Woman status

- v. Other signs of social backwardness:
 - a. Bridal bid
 - b. Live-in relationship (Nata)/re-marriage
 - c. Child marriage
 - d. Tattooing
 - e. Drawing artistic designs on walls
 - f. Desire of son
 - g. Sex ratio
- vi. Change in life style
 - a. Change in dietary items
 - b. Change in living style
 - c. Change in residence
 - d. Change in apparels
- vii. Traditional customs regarding animals
- viii. Other indicators

8. Housing

9. Livestock

The indicator applied to assess backwardness was divided in three categories, (1) Social backwardness, (2)

Educational backwardness and (3) inadequate representation in government services. Separate indicators for each of the three categories were fixed and on that basis overall backwardness was considered. Under indicators- domestic decision and family decision for assessing index of backwardness, a comparative table was prepared by the institution. On the basis of analysis of data, the institution opined that Kotwal, Sapera, Rath, Sikariwal, Silawat, Kheldar and Chungar are top in the list, Gadia-Lohar is at 3rd number of the list, Gurjar at 6th and Banjara comes at No. 46 in priority. The backwardness index prepared by the institution is shown in table No.3 and is as under:

Table No. 3 : Backwardness Index (B.I.): Decision about families

S. No.	Caste/Category	B.I.	Position
1	Raika, Rebari (Debasi)	0.3990	1
2	Dangi	0.3748	2
3	Gadia-Lohar/Gadolia	0.3341	3
4	Kherwa	0.3167	4
5	Gadaria (Gadri)/Gayri/Ghosi (Gvata)	0.3082	5