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भारत सरकार
नई दिल्ली-110 066
MEMBER-SECRETARY
NATIONAL COMMISSION
FOR BACKWARD CLASSES
GOVERNMENT OF INDIA
NEW DELHI-110 066

DO NCBC Advice No. 3, 4 Chandigarh/97

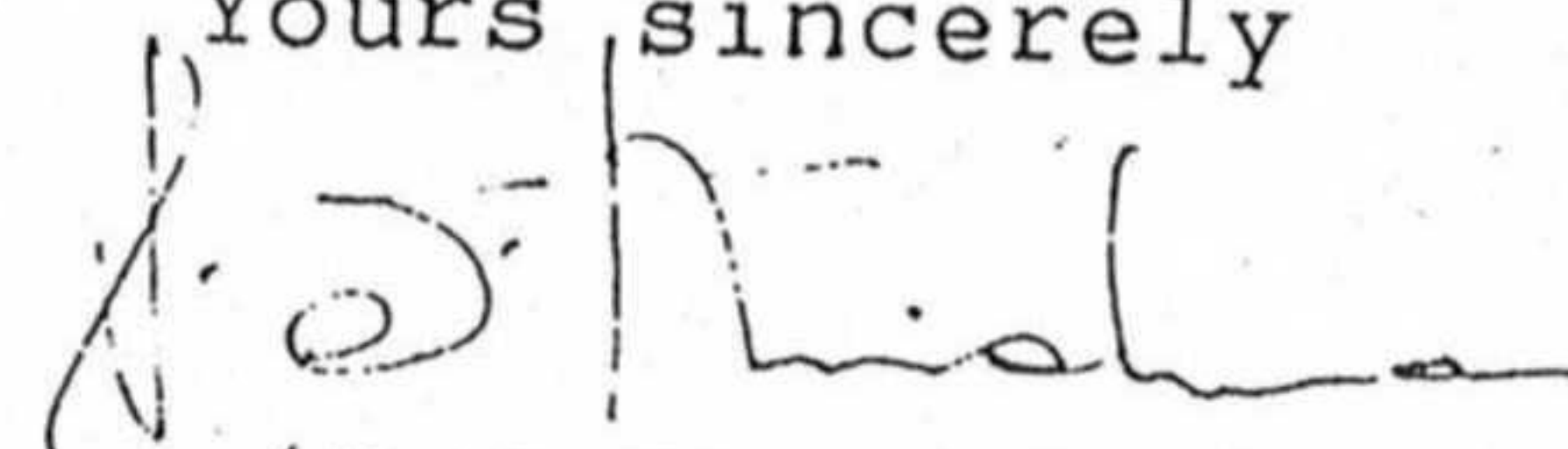
02. 01. 1998

Dear Shri Bakshi,

I am sending herewith the Advices of the National Commission for Backward Classes under Section (1) of the National Commission for Backward Classes Act, 1993 for Inclusion of "Gujjar" and "Saini" castes/communities in the Central List of Backward Classes for the Union Territory of Chandigarh, for necessary action by the Central Government under Section 9(2) of the Act.

Happy New Year,

Yours sincerely


(P.S. KRISHNAN)

Encl: As stated

Shri K.K. Bakshi
Secretary
Ministry of Welfare
Shastri Bhavan
NEW DELHI

NATIONAL COMMISSION FOR BACKWARD CLASSES

Chandigarh Bench

Findings

Case: Request for Inclusion of "Gujjar" in the Central List of Backward Classes for the Union Territory of Chandigarh.

Per Shri P.S.Krishnan, Member -Secretary,

I. Request

This case arises from the Request received in this Commission from the Secretary, Gujjar Samaj Kalyan Parishad, Gujjar Bhawan, Chandigarh Sector 28-D, Chandigarh for the Inclusion of "Gujjar" in the Central List of Backward Classes for the Union Territory of Chandigarh.

II. Public Hearing

2. The two-Member Bench of the Commission for Chandigarh consisting of Hon'ble Member-Secretary, NCBC Shri P.S.Krishnan and Hon'ble Member, NCBC Shri Navtej Puadhi, held a Public Hearing inter alia to examine this case at Chandigarh on the 8th April, 1997. At the Public Hearing the Chandigarh Administration was represented by Shri N.S.Kang, Finance Secretary (who was also in charge of Backward Classes Welfare), Chandigarh Administration, Shri K.K.Khandelwal, Deputy Commissioner, Chandigarh and Shri Sanjeev Khirwar, Director, Social Welfare. The community was represented by Shri M.C. Chhokar Secretary, Gujjar Samaj Kalyan Parishad, Chandigarh.

III. Facts

3. At the time when the Expert Committee on Backward Classes prepared the first phase Central List of Backward Classes on the

4. After the Supreme Court's Judgement in the Mandal case, the Administration of the UT of Chandigarh undertook the preparation of a List of Backward Classes which has since been notified vide Chandigarh Administration's Notification No. F-III-SW/OBC/95/1245 dated 27th June, 1995. The "Gujar" Caste/Community is not found included in this List. During the Public hearing the Bench informed the representatives of UT. Administration that the Gujjar Caste has been included in the State and the Central List for Haryana and for Punjab.

i). Chandigarh Union Territory was carved out of the erstwhile Punjab State (now Punjab, Haryana and part of Himachal Pradesh) and is also the joint Capital of both the States of Punjab and Haryana. The Gujjar Caste is already included in the list of Backward Classes for Haryana & Punjab whereas in the Himachal Pradesh they have been declared as Scheduled Tribe . This Caste was also in the list of BCs in Chandigarh U.T. earlier but unfortunately it has been left out.

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P. S. KATZMAN
Member of the Board
Director
for Education

iii). The Parishad also stated that their representation in the Govt. Service at various levels is negligible . The main occupation of these people is "farming and dairying" on a very small scale, income from which is hardly enough to make both ends meet. Their land holdings are very small.

iv). The Parishad also stated that they are "Contemptuously called as Gwalas, Dodhias or Doodhias by other people".

v). No Student belonging to this community is studying in the Medical/Engineering or any other professional Course. Even in the Ordinary Schools/Colleges the number of Gujjar Students is negligible. This is because of illiteracy and poor economic conditions of their parents.

6. As mentioned by Crooke (The Tribes and Castes of the North Western India, Vol. II, Cosmo Publications, Delhi, 1974 originally published under the title "The Tribes & Castes of the North Western Province & Oudh", Calcutta, 1896) citing General Cunningham, Gujjars are found in great numbers in the North-West of India. The Bench notes that Gujjar or Gujar is included in the list of Schedu'ed Tribes or the Central List of Backward Classes in all other States of North-West India as given below:-

- | | |
|---------------------|--|
| 1) Jammu & Kashmir | - Scheduled Tribe (included in 1991) * |
| 2) Himachal Pradesh | - a) Scheduled Tribe (in the "old areas" of the State)
b) Backward Class (in the merged area only) |
| 3) Delhi | - Backward Class |
| 4) Punjab | - Backward Class |
| 5) Rajasthan | - Backward Class |
| 6) Uttar Pradesh | - Backward Class |
| 7) Haryana | - Backward Class (Included in the State List in 1995. Included in Central List in 1996 on the Advice of NCBC). |

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7. From the descriptions contained in Ibbetson ("Punjab Castes", Low Price Publications, Delhi, first published 1916) and Crooke ("The Tribes and Castes of the North Western India", Vol.II, Cosmo Publications, 1974, originally published under the title "The Tribes & Castes of the North Western Province & Oudh", Calcutta, 1896), it emerges that the Gujjars were primarily "cowherds" of the more hilly areas of the Punjab and adjoining tracts of Himachal Pradesh and Uttar Pradesh --the present Chandigarh falling in this belt. As cowherds of the hill areas they are distinguished from "Ahirs the Cow herds of the plains". A recent work by Darshan Singh Manku ("The Gujar Settlements: A Study in Ethnic Geography, Inter-India Publications, 1986) which concentrates on Gujar settlements in the present Punjab, refers to them as pastoral nomads who moved into the Punjab Kandi, the region which was then uninhabited (be-abad), forested (jangli), and barren (banjar) where woodland and hill pastures provided grass for their animals. He links their movement into Punjab to the pressures of the Mughal Kings, the Rajputs (who were rulers and controllers of land, but had suffered loss of political and economic power) and the Jats (land-owners and efficient farmers) which cumulatively forced the Gujjars to settle in the less productive and marginal areas like Kandi, Ghar, Changar, Siwalik Hills, and other uplands. The tract thus described by Manku includes the sub-montane areas and adjoining areas of Punjab, Himachal Pradesh and Haryana. According to Manku, Gujjars were never good farmers but have been cattle raisers par excellence. Manku categorises the Rajputs as rulers who controlled all the lands and Jats as owners and cultivators of land and the Gujjars as essentially graziers who were pushed into the marginal areas, such as the Punjab Kandi. According to one of the theories of origin of the Gujar discussed by Manku (i.e., the theory of Indian origin as against the theory of foreign origin, which according to him is gaining importance and acceptance steadily,) their homeland is placed in the Mount Abu region in Rajasthan, from where their migration northward took place, their large scale migration

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starting in the ninth century A.D.

8.. According to Manku, till the first half of this century, the Gujjars of the study area (in Punjab, but close to Haryana and Chandigarh) were associated mainly with buffalo rearing. In the past they were a nomadic pastoral tribe but had among them cultivators as well, but have never been good cultivators. The geo-ecological conditions of land covered with grass, shrubs, and woods on the hills fulfilled the requirements of their traditional way of life and attracted the pastoral Gujjars but repelled the agricultural groups such as the Jats. According to him, had there been sufficient and good cultivable land in the Kandi, the agricultural groups, such as the Jats, would have occupied it and pushed the Gujjars farther into the Himalayas.

9. Manku describes changes in the livelihood activities of the Gujjars in the recent decades after Independence. Cattle rearing is no longer their main occupation and the grazing in the hills was statutorily checked and the number of animals reared declined. Buffalo raising and the commercial sale of milk has shifted to towns and cities to which a number of Gujjars of the Punjab Kandi moved. Agriculture has risen in importance, though their agriculture was and to some extent even today is considered as inefficient. In the areas inhabited by them, dissected terrain and sandy and unproductive soils have been permanent disincentives to good farming and they had to depend on rain-fed (barani) farming. So Gujjars practice low yield dry farming and the majority of them are marginal farmers. Manku has noted considerable improvement in the recent past as a result of adoption of new techniques, commercialisation of agriculture, and urban influences supported by road network, but the progress is uneven even in Punjab, greater in the Beas-Sutlej Kandi and less in the Changar and Ropar Ghar which immediately adjoins the Ambala area of Haryana.

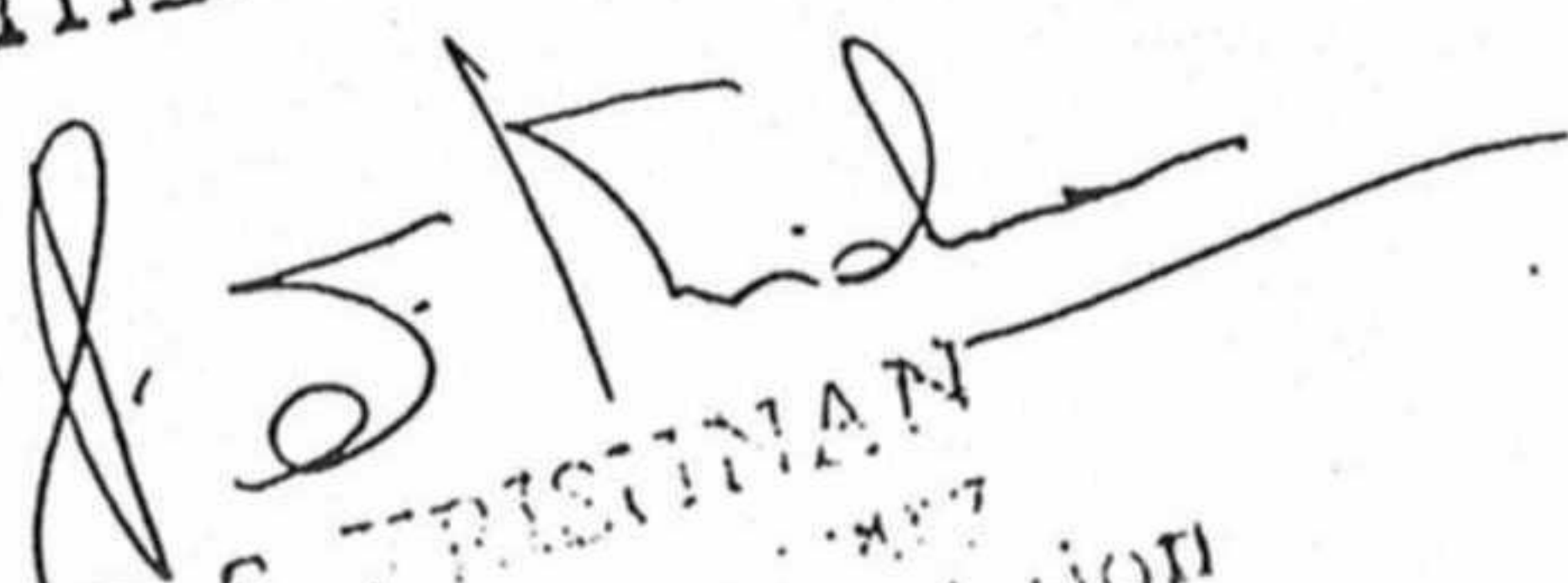
10 From the account of Ibbetson and Crooke and the recent work by Manku, focussing primarily on the Gujjar settlements of

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Punjab Kandi which adjoins Chandigarh it is seen that Gujjars were primarily a pastoral people, their main occupation was cattle rearing with agriculture practised in soils of inferior fertility and based on rain-fed (barani) farming. It is also seen from Manku that in the recent decades cattle raising has been losing and agriculture gaining in importance as their main occupational and livelihood activity.

11. During the Public hearing the representatives of the Community stated before the Bench that they are more backward than the Saini and Kamboj castes/communities. The Kamboj caste has already been included in the Union Territory list of B.C.s which was notified in 1995. The Bench told the representatives of the U.T. Administration that the Gujjar caste/community has been included in the State & Central B.C. Lists for Punjab at the first phase itself and State list of Haryana in 1995 and in the Central List of B.C. for Haryana in 1996 on the Advice of the NCBC. The Bench further impressed upon the representatives of the U.T. Administration that this is a very simple case and the U.T. Admn. can decide that case immediately. On this point they agreed to get study about this caste & community and give their report. Eight months have already passed and the U.T. administration has not so far given any report. It is not possible to wait indefinitely for the UT Administration's Report. Nor is it necessary in this case to wait any more since there is adequate independent evidence to come to a clear conclusion about the social status of this caste. The Bench also noted that the U.T. Administration of Chandigarh has not yet set up a permanent body, to examine the Requests of Castes/Communities/Synonym for inclusion in the list of other backward classes inspite of Supreme Court's direction that such a body be constituted both at Central level and at the level of States within four months of the Mandal Judgement in 1992.

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During the Public hearing those present who were from different sections of society as well as from U.T. Administration not only did not object to the proposed inclusion of "Gujjar" in the central list of B.C. for Chandigarh, but also supported it.

IV. Findings

The cumulative effect of the occupational and livelihood patterns of the Gujjar and their impact on their social conditions are such that in some parts of the North-West of the country, viz., Jammu & Kashmir and the "old areas" of Himachal Pradesh, they were found to be categorisable as Scheduled Tribes, while in the other parts of the North-West region, their occupations and livelihood patterns modified by recent developments and trends and their impact on their social conditions are such that they were found to be categorisable as Backward Classes. The position of the Gujjar caste in Chandigarh could not be better than in Haryana, Punjab, Delhi, it could be only worse. The Gujjar caste was included in the list of Backward Classes by the State Government of Punjab in 1974 and this would have covered the Gujjars of the Chandigarh as now constituted, if Chandigarh not been separated from Punjab in 1966.

1. It is therefore, the Finding of the Bench that:-

1) The evidence and facts discussed above are mutually corroborative and cumulatively show that the Gujjar of Chandigarh is a socially and educationally Backward Caste.

2) The "Gujjar" should therefore be included in the Central List of Backward Classes for Chandigarh at entry no. 3 as follows:-

"3 Gujjar"

L. S. Tejpal
29.12.97

P. S. Tejpal
29.12.97
P. S. TEJPAL
Member
National
Backward Class
Commission

V. Advice of the Commission

13. The Commission considered and agreed in full with the Findings of the Chandigarh Bench and decided to tender the following Advice to the Central Government in terms of Section 9(1) of the NCBC Act, 1993:-

Gujjar of Chandigarh is a socially and educationally backward caste. The "Gujjar" should therefore be included in the Central List of Backward Classes for Chandigarh at entry no. 3, as follows:-

"3. Gujjar"

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29.12.97

h. v. t. shi
1.1.98

P. S. Kishan
29.12.97

Kshayan
01.01.98

P. K. Shyamsundar
2.1.98

JUSTICE P. K. SHYAMSUNDAR
Chairperson
National Commission For
Backward Classes
Government of India
New Delhi.

AUTHENTICATED

P. S. Kishan
P. S. KISHAN
Chairperson
National Commission
for Backward Classes

NCBC Advice No. 4/97 Chandigarh

NATIONAL COMMISSION FOR BACKWARD CLASSES
CHANDIGARH BENCH
FINDINGS

Case: Request for Inclusion of "Saini" caste/community in the Central List of Backward Classes for Union territory of Chandigarh.

Per Shri P.S.Krishnan, Member Secretary

I. Request

This Case arises from the Request received in this Commission from the Northern India Saini Cultural Society, Chandigarh for inclusion of "Saini" caste/community in the Central List of Backward Classes for Union Territory of Chandigarh.

II. Public Hearing

2. The two-Member Chandigarh Bench of the Commission consisting of Hon'ble Member - Secretary, Shri P.S.Krishnan, and Hon'ble Member Shri Navtej Puadhi held a public Hearing, inter alia regarding this case at Chandigarh on 9.4.97. At the Public Hearing the State Government was represented by Shri N.S.Kang, Finance Secretary Chandigarh Administration, Chandigarh, Shri K.K. Khandelwal, Deputy Commissioner, Chandigarh and Shri Sanjeev Khairwar, Director Social Welfare, Chandigarh Administration, Chandigarh. The Community was represented by Shri Gurnam Singh, Shri Dayal Singh and Shri Tejyan Singh.

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on
Classes

III. Facts

3. At the time when the Expert Committee on Backward Classes prepared the first phase Central List of Backward Classes on the basis of the principle of commonality, i.e., by listing castes common to both the Mandal Commission's List for each State/UT and the respective State/UT Lists and when, on the basis of the Expert Committee's Report, the Government of India notified the first phase Central List in 1992, the U.T. of Chandigarh did not have a List of Backward Classes of its own and therefore no Central List was prepared at that stage and the same is yet to be prepared.

4. After the Supreme Court's Judgement in the Mandal case, the Administration of the UT of Chandigarh undertook the preparation of a List of Backward Classes which has since been notified vide Chandigarh Administration's Notification No. F-III-SW-127/SW/OBC/95/1245 dated 27th June, 1995. The "Saini" Caste/Community is not included in both the Mandal List and the U.T. list for Chandigarh.

5. The Society in their Requests Stated that:-

(i) The majority of the population of their Caste/Community is dependant upon agricultural income and they are having very small land holdings ranging from one marla to a few kanals. They normally grow vegetables to make the two ends meet. They have settled after partition of the Country in sub-mountainous areas adjoining the river belts and through their hard labour made the barren land cultivable.

(ii) About 90% of their population is residing in the areas which have been declared as backward area in the State of Punjab which mostly falls in the Districts of Ropar, Hoshiarpur, Gurdaspur and Jalandhar.

iii). About 75% of the population depending upon agriculture

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consists of tenants of big land lords or those who work on the Panchayat Land. They are unable to purchase land due to high prices and their meagre resources.

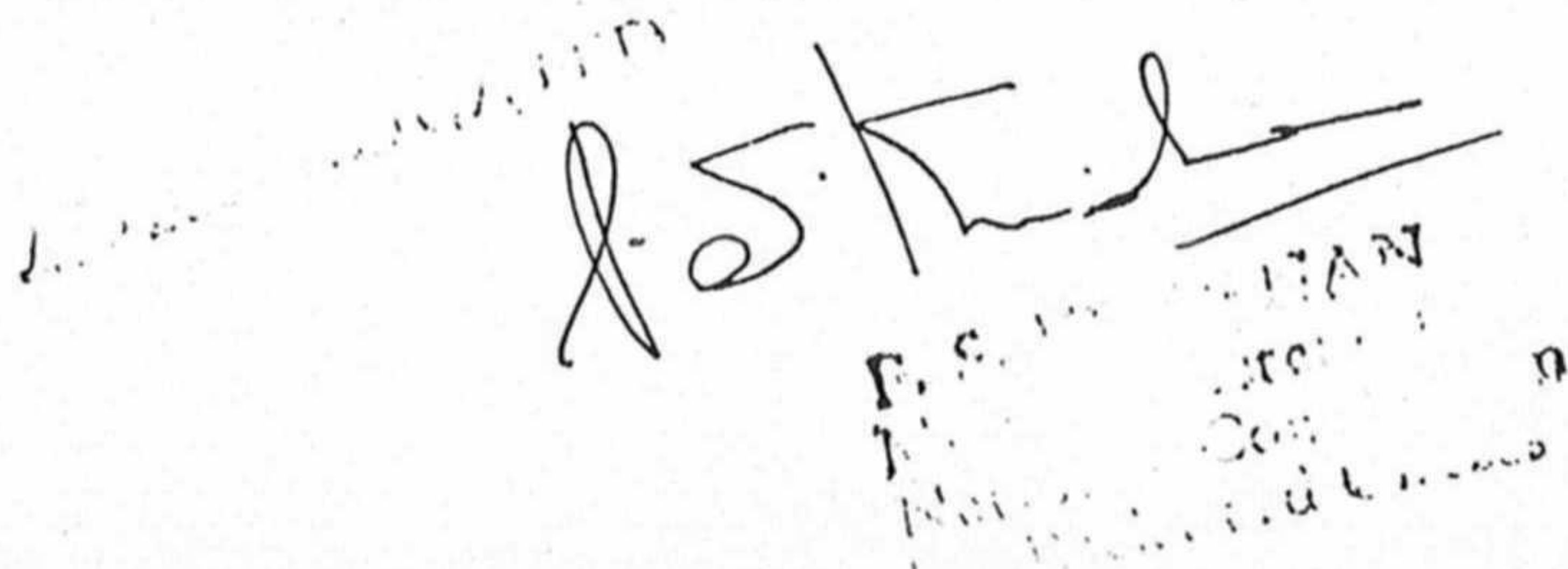
iv). The 'saini caste/community' is very backward educationally as well as socially in the state of Punjab and in the other adjoining states/UT e.g. Haryana, Chandigarh, Himachal Pradesh, Uttar Pradesh, Rajasthan, Delhi etc. The majority of the Population of the 'saini caste/community' is living below the poverty line.

v). Due to their poverty, they are unable to give proper education to their children in schools as well as in colleges. About 50% of their children hardly go upto matric standard and the majority of the others drop out at the College level. There are hardly 1% or 2% of the population who are graduates or post graduates or complete any professional degrees. Even, after getting their inclusion in the Backward Classes it will take decades for this community to cross the poverty line. The reservation in the educational institutions as well as in the services will hardly help 1 or 2% of its population at this stage.

vi). As per the ratio of population, there is hardly 1% of their population which has got representation in the Govt. Services. So, they are definitely in need of reservation in the educational Institutions as well as in govt. Services.

vii) As per the Mandal Commission Report, the Saini Caste has been included in the list of Punjab Backward Communities (OBC) at no. 75 of the list.

6. Ibbetson in his book the "Punjab Castes" (Low Price Publications, Delhi, 1993, first published in 1916) which he wrote based on the Census of the Panjab Province in 1881 carried out under his supervision classifies "Saini" along with "Mali" under the "Minor Agricultural and Pastoral Tribes" and says that

A handwritten signature in black ink is written over a rectangular official stamp. The stamp contains the text 'PUNJAB' at the top, followed by 'SAINI' and 'COMMUNITY' in smaller text, and 'OBC' at the bottom. The number '26' is printed to the right of the stamp.

"Sainis would appear to be only a sub-division of the Malis....The Mali, the Malakara or florist of the Puranas, is generally a market or nursery gardener.....He is found under the name of Mali only in the Jamna zone, including the eastern portions of Hissar, his place being taken by the Saini in the eastern sub-montane districts, and by the Arain or Baghban in the remainder of the Province." Ibbetson also writes that the "Malis and Sainis, like all vegetable growers, occupy a very inferior position among the agricultural castes....."

7. Sainis' connection with Malis is also attested to by Crooke ("The Tribes and Castes of the North Western India, Vol.IV, Cosmo Publications, Delhi, 1975, originally published under the title "The Tribes & Castes of the North Western Province & Oudh", Calcutta, 1896).

8. The "Saini" caste/community has been included in the Central List of Backward Classes for the following states:-

S.No.	Name of the State	Entry No.	Name of the Caste/Community
1.	Delhi	38	Mali Saini Sagarwanshi-Mali Nayak
2.	Haryana	69	Saini (Included in State List in 1995 and in the Central List on the NCBC's Advice in 1996)
3.	Madhya Pradesh	31	Mali (Saini), Marar

(Saini was added as synonym in 1996, on NCBC's Advice).

The NCBC has also tendered Advice to the Central Govt. Vide NCBC Advice No. 4-8/1997 dt. 4.8.1997 for inclusion of the "Saini" as a synonym of the "Mali" caste/community in the Central List of Backward Classes for Rajasthan, where this synonym was included in the State List in 1994 on the State Commission's Advice.

9. The representatives of the Union Territory stated that Sainis are vegetable growers and Horticulturists. Some of them are also running dairies. In State Services their representation is almost negligible. The majority of Sainis profess Hindu religion while Some of them also profess sikh religion. They are educationally backward. Some educated Sainis migrated from rural areas of Haryana to Chandigarh and are working in class III post in the Govt. of Haryana. Sainis are mostly found in Rajasthan, Haryana and Delhi. They also stated that the Sainis caste/community has been included in the State List of B.C. of Haryana but is not included in the list of B.C. for Punjab & Chandigarh.

10. Speaking for the UT Administration, Shri Khandelwal, Deputy Commissioner, Chandigarh explained the patterns of occupation and living of Sainis and said that they are in fact Socially Backward. The Bench gave three months for U.T. Administration to examine the Request and give the report to the NCBC. No such report has come till now though eight months have passed since then. It is not possible to wait indefinitely for the UT Administration's report. Nor is it necessary in this case to wait any more since there is adequate independent evidence to come to a clear conclusion about the social-status of this

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for ...

caste.

11. The Bench also noted that the U.T. Administration of Chandigarh has not yet set up a permanent body in the Nature of the Commission or a similar body, to examine the Requests of Caste/Communities /Synonym for inclusion in the list of other backward classes inspite of Supreme Court's direction that such a body be constituted both at Central level and at the level of States within four months of the Mandal Judgement in 1992.

12. During the Public Hearing the representatives of the community said that they are socially Backward and their educational level is very low and that their representation in the services of the state is poor. Those present who were from different sections of the society said that the claim of the community is justified and correct.

IV. Findings

13. In view of the above facts, the Bench arrives at the following Findings:

- i). Saini is a Socially and Educationally Backward Class, and .
- ii). therefore, Saini should be included in the Central List of Backward Classes for Union territory of Chandigarh at entry no. 3 as follows:-

"4. Saini"

Advice of

Harvinder
29.12.97

P. S. Kishore
29.12.97

P. U. Singh
2.1.98

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P. S. Kishore
F. C. S. Kishore
Commission
1998

Advice of the Commission

14. The Commission considered and agreed in full with the above Findings of the Chandigarh Bench and decided to tender the following Advice to the Central Government under Section 9(1) of the NCBC Act:-

- i). Saini is a Socially and Educationally Backward Class, and
- ii). therefore, Saini should be included in the Central List of Backward Classes for Union Territory of Chandigarh at entry No. 4 as follows:-

"4" Saini"

La. Saini
29.12.97

P. K. Shyamsundar
29.12.97

Madan Singh
1.1.98

Shyamsundar
01.01.98

P. K. Shyamsundar
2.1.98

JUSTICE P. K. SHYAMSUNDAR
Chairperson
National Commission For
Backward Classes
Government of India
New Delhi.

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P. K. Shyamsundar
P. K. Shyamsundar
Chairperson
National Commission
For Backward
Classes