

Jat reservation in Haryana

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Abstract

Reservation is a form of quota-based affirmative action. Reservation in India is the process of facilitating a person in education, scholarship, jobs, and in promotion who has category certificates The Central Government of India as well as the various State Governments categorizes certain socially backward castes as Other Backward Classes (OBC). The castes listed in this category have been eligible for affirmative action benefits since 1991. Collectively, these castes have reserved quotas in government jobs, admissions to educational institutes, scholarships and other areas. In India Jats constitute about 2% of country's population and are spread over several states in north India from Jammu and Kashmir, Himachal Pradesh, Punjab, Haryana, Delhi, UP, Madhya Pradesh, Gujarat. In Haryana Jats make up roughly a quarter population. This paper discusses the evolution of current agitation by Jat's.

Keywords: Jat, Reservation, Haryana, OBC

Introduction

The communities which are included in OBC are different in different states. The OBCs have 27 % reservation. Like many other castes, the Jats have sought to get themselves included in the OBC category in order to get the reservation benefits. Before 2016 protests, they had already been given OBC status in 7 states: Chhattisgarh, Delhi, Himachal Pradesh, Madhya Pradesh, Rajasthan, Uttar Pradesh and Uttarakhand. In spite of this also, Jats are not included in the Central Government's list of OBC castes.

Reservation in India

Reservation is governed by constitutional laws, statutory laws, and local rules and regulations. Scheduled Castes (SC), Scheduled Tribes (ST) and Other Backward Classes (OBC), and in some states Backward Classes among Muslims under a category called BC (M), are the primary beneficiaries of the reservation policies under the Constitution – with the object of ensuring a level playing field. The primary stated objective of the Indian reservation system is to increase the opportunities for enhanced social and educational status of the underprivileged communities and thus uplift their lifestyle to have their place in the mainstream of Indian society.

The Constitution of India states in article 16(4): "Nothing in [article 16] or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes." Article 46 of the Constitution states that "The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation."

History of the reservations system

In August 1933, the Prime Minister of Britain, Ramsay MacDonald, introduced the Communal Award, according to which separate representation was to be provided for the

Muslims, Sikhs, Indian Christians, Anglo-Indians, Europeans, Dalit.

Reservations in favour of Backward Classes (BCs) were introduced long before independence in a large area, comprising the Presidency areas and the Princely states south of the Vindhyas. Chatrapati Sahuji Maharaj, Maharaja of Kolhapur in Maharashtra introduced reservation in favour of non-Brahmin and backward classes as early as 1902. This was the first official instance (Government Order) provided for reservation for depressed classes in India.

Even after the Indian Independence there were some major changes in favour of the STs, SCs and OBCs. One of the most important occurred in 1979 when the Mandal Commission was established to assess the situation of the socially and educationally backward classes. In 1980 the commission submitted a report, and recommended changes to the existing quotas, increasing them from 22.5% to 49.5%. In 1990s the recommendations of the Mandal Commission were implemented in Government Jobs by Vishwanath Pratap Singh. This period was routinely extended by the succeeding governments. The Supreme Court of India ruled that reservations could not exceed 50% (which it judged would violate equal access guaranteed by the Constitution) and put a cap on reservations. It has become a fact that benefits of reservation have confined to flourished section of that community, those who are poor and deprived of that section are not getting benefit.

Present caste-based reservation system of Union Government

Category as per Government of India	Reservation Percentage as per Government of India
Scheduled Castes (SC)	15%
Scheduled Tribes (ST)	7.5%
Other Backward Classes (OBC)	27%
Total constitutional reservation percentage	49.5%

For the general class 50.5% seats are available and not reserved.

Who are the Jats?

In India Jats constitute about 2% of country's population and are spread over several states in north India from Jammu and Kashmir, Himachal Pradesh, Punjab, Haryana, Delhi, UP, Madhya Pradesh (MP) and Gujarat. In Haryana Jats make up roughly a quarter population. The community probably owns three-fourths of agricultural land in Haryana, with the Jat being synonymous with the 'zamindar' just as much as the Bania with the trader.

The Jats conform fully to the idea of a 'dominant caste', a term the eminent sociologist M N Srinivas used to refer to any community that is both numerically strong in a village or local area, as well as wields power through control over land.

Jat Reservation

Central OBC quota

According to the National Commission for Backward Classes (NCBC) guidelines, to be classified as OBC, a caste has to satisfy the following criteria:

1. Social
2. Educational
3. Educational

In 1997, the NCBC reviewed a demand to include Jats from Delhi, Haryana, Madhya Pradesh, Rajasthan and Uttar Pradesh in the Central OBC list. In July 2011, the NCBC suggested that the Indian Council of Social Science Research (ICSSR) conduct a survey in 6 states to analyze the socio-economic status of Jats. The original plan involved a comprehensive survey, but this was later reduced to a sample survey, to be supplemented with data from the Socio Economic and Caste Census 2011 (SECC). On 19 December 2013, the Union Cabinet asked NCBC to expediate the process and make a decision based on existing material. As a result, the NCBC dropped the sample survey plan, and the ICSSR then undertook a month-long literature survey.

The NCBC, however, disagreed with this report's conclusion about the status of Jats in Haryana. According to NCBC, this report was flawed because it based on a "very selective" survey conducted by the Maharishi Dayanand University, Rohtak. Through analysis, on 26 February 2014, the NCBC unanimously ruled that the Jats in Haryana did not meet the OBC classification criteria.

Haryana SBC quota

In 1991, the Gurnam Singh Commission report recommended including Jats of Haryana in the state's OBC list. However, the Bhajan Lal-led Congress State Government did not implement these recommendations.

In 2004, the Congress leader Bhupinder Singh Hooda promised the Jats of Haryana a reserved quota, while campaigning for the 2005 State Assembly elections. The Congress won the 2005 election, as well as the 2009 election in Haryana. Before the 2014 election, the Hooda-led Congress government included Jats (including Sikh Jats) and three other castes (Ror, Tyagi and Bishnoi) in a new "Specially Backward Classes" (SBC) category. In October 2014, the BJP won the 2014 Haryana state elections. The party won relatively few seats in the Jat-dominated central region.

Nevertheless, the BJP supported the Jats because it sees the Jats as vital for its electoral success in the forthcoming 2017 Uttar Pradesh elections. In July 2015, when the SBC quota was rejected by the Punjab and Haryana High Court, the BJP government filed a review petition against this decision in Supreme Court.

Why do Jats still want what they want?

A simple answer to this would be unemployment. Jats are unfortunately not able to get what they aspire for. They need reservations not because they feel their caste is a backward caste but because Indian economy has not been able to provide sufficient employment opportunities to the youth.

According to various reports, young Jats have not been able to gain access to the kind of education that would equip them adequately to enter the field of services. Since most of them fail to get admissions in government educational institutions they find no other option but to opt for an exorbitant 'substandard' private education thus leading them to run into heavy debts. This is true not just for Jats but many such youngsters who are technically engineers and MBA graduates but end up applying for posts such as clerks and peons at government institutions. This makes us realise that the inherent problem is not just the reservation policy but also our economy's failure to produce the required number of employment opportunities.

According to an article by *The Indian Express*, during the year 1992-93 India's population was 839 million and there were 19.5 million public sector jobs. Now, Indians are 1.2 billion in number but the number of public sector jobs has shrunk to 17.6 million.

Evolution of Current Agitation by Jat's

The Jat Reservation Agitation was a series of protests in February 2016 by Jat people of North India, especially those in the state of Haryana. The protesters sought inclusion of their caste in the Other Backward Class (OBC) category, which would make them eligible for affirmative action benefits. Besides Haryana, the protests also spread to the neighbouring states, such as Uttar Pradesh, Rajasthan, and also the National Capital Region.

The initial phase of the protests as "peaceful". Starting on 12 February, the Jats organized non-violent protests for reservation by blocking railway lines and roads. The protest was led by Hawa Singh Sangwan, a retired CRPF commandant and the Haryana chief of the All India Jat Arakshan Sangharsh Samiti. On 14 February, another faction of the community, led by khap leaders organized a Jat Swabhiman ("self-respect") rally.

On the other side non-Jats opposed to their demands organized counter-protests. On 18 February, a group of non-Jats protesters clashed violently with a group of lawyers protesting against 2016 JNU sedition controversy, mistaking the lawyers for Jats. Later on, they also came into conflict with the Jat students. On the same day, the police allegedly beat up some Jat students in Rohtak, while trying to open a blockade. Police also raided a Boys' hostel, and reportedly assaulted the Jat students, an occurrence which was "captured on camera and circulated over social media."

Following these incidents, several incidents of inter-caste violence took place across Haryana.

By 22 February, the protests were estimated to have caused a loss of ₹ 340 billion (US\$5.1 billion) in northern India. The Northern Railways has suffered a loss of ₹ 2 billion (US\$30 million) while more than 10 lakh (1,000,000) passengers have been affected.

“Jats of Haryana have resorted to violence which reflects both their desperation as well as frustration over getting them included in the OBC Other Backward Classes (OBC) list.”

Deprivation of Property

The method adopted for the agitation was very wrong. Blocking roads, railways and movement of public and supplies was an unpardonable act.

In Rohtak district, a mob set fire to vehicles, shops and a petrol pump at Kalanaur.

From Rohtak, the violence spread to Jhajjar. On 20 February, the Jats burnt the shops belonging to Punjabis and Sainis. The Punjabis and Sainis later retaliated by vandalizing the Chhotu Ram dharamshala of the Jats. On 21 February, the Jats attacked the Chhavani Mohalla, where they targeted shops, vehicles and houses belonging to Sainis, Nais and other backward castes. A statue of Rao Tula Ram was also vandalized. The protesters blocked highways and other roads in Chandigarh, Karnal, Kaithal and Rewari districts. Railway tracks in Panipat and Sonapat were damaged and uprooted at several places between New Delhi and Ambala.

Violent incidents were reported at several places in the state:

- In Bhiwani district, the house BJP MP Dharambir was vandalized and several buses were set on fire in Tosham. In Loharu, an ATM and the official records of a cooperative bank were burnt. Police *chowkis* (outposts) at Mundal and Kharak were also set on fire.
- In Rewari, non-Jats burnt effigies of Jat ministers Birender Singh, Captain Abhimanyu and Om Prakash Dhankar.
- In Sonapat district, the protesters vandalized a hotel and a college owned by a Member of Parliament (MP); they also set fire to a rice mill.
- The agitating Jats had also blocked many roads leading to Delhi, with protesters squatting and even placing truck/bus tyres, tree branches and other articles on the roads.
- Curfew was in place at several towns and districts including Rohtak, Bhiwani, Sonapat, Jhajjar, Hisar and Hansi.

Victims (Women)

Vehicles with women passengers were reportedly stopped on the national highway near Murthal, they were dragged out into the nearby fields and raped. Though the police dismissed the incident as rumour, eyewitnesses said at least 10 women were sexually assaulted.

Sources said commuters going towards the National Capital Region (NCR) were attacked by 30-odd goons. Their vehicles set afire, most ran for shelter. Some women could not flee. They were pulled out, stripped and raped.

The Army and paramilitary forces were deployed in large numbers to control the situation. Yeshpal Malik, the president of the Akhil Bhartiya Jat Arakshan Sangharsh Samiti, blamed the BJP and BJP-affiliated groups for inciting the violence.

Kartar Singh, the Haryana chief of Rashtriya Swayamsevak Sangh, has opined to media that had he been the state's Chief Minister, he "would have ordered shooting of Jat protesters."

The desperation of Jat leaders which is fast turning into frustration has led to a situation where they have perhaps come to the conclusion that their voice will not be heard unless they do something that becomes media headlines and that explains they are orchestrating mindless violence all across the state. In India, unfortunately, acts of violence make for best of media headlines and Jats have perhaps understood it better.

Committee of Naidu

The Government attempted to pacify the Jats by setting up a committee to look into their demand, and had indicated to lay out reservation by erecting a new "agrarian classes" category. The BJP government announced formation of a committee chaired by Union minister M. Venkaiah Naidu to look into the Jats' demands for reservation in the Centre's list of Backward Castes to be eligible for quotas in central jobs. This committee also includes central ministers Mahesh Sharma and Sanjiv Baliyan, party leaders Satyapal Malik and Avinash Khann. Union Home Minister Rajnath Singh said that the committee has been asked to submit a comprehensive report to find the solution of this problem as soon as possible.

How the Bill Came Into Action

The Haryana government had invited Jat leaders for talks on their quota demand with a promise of getting a bill on reservation passed during the ongoing Budget session that ends on March 31. It was essential to defuse the dangerous situation.

Chief Minister Manohar Lal Khattar said, "Jat Reservation Bill is being drafted after consideration of every aspect and discussion with all stakeholders. This Bill may be introduced in the Haryana Vidhan Sabha on any day during the ongoing Budget Session."

The Bahujan Samaj Party president Mayawati and 'yog guru' Baba Ramdev extended full support to the demand of reservation by the Jat community.

Jat Reservation Bill passed in Haryana Assembly

Jats and five other castes will now be eligible for reservation in government jobs and educational institutions in Haryana as the Assembly unanimously passed the Haryana Backward Classes (Reservation in Services and Admission in Educational Institutions) Bill, 2016, on 29 March.

The Bill was passed within 10 minutes of Chief Minister Manohar Lal Khattar moving it. The move comes days before the April 3 deadline set by the Jats, who had threatened a violent agitation if their demand for reservation was not met.

Six castes — Jats, Jat Sikhs, Rors, Bishnois, Tyagis and Muslim Jats — have been included in the list of Backward Classes by bifurcating it and creating an additional Block (C). There are 77 castes that were already covered under Backward Classes Block (A) and (B). As per the Bill, 10 per cent reservation will be granted to these six castes in Backward Classes Block (C) for Class III and IV posts and 6 per cent in Class I and II posts. They will get 10 per cent reservation for admission in educational institutions. According to the Bill, the total reservation has touched 50 per cent for Class I and II government jobs and 67 per cent in Class III and IV

government jobs. Chief Minister Khattar says the existing 27 per cent reservation for the OBCs will not be disturbed.

The OBC community has been opposing the inclusion of Jats in their category for reservation. Yashpal Malik, president of All India Jat Aarakshan Sangharsh Samiti and Former CM Bhupinder Singh Hooda dismissed the Bill.

Conclusion

The BJP is heading the government for the first time in the state, and the lack of experience could have led to an inaccurate assessment of the situation. The Jat agitation for reservations has been an annual affair around this time of the (February-March), 2016 since 2012. Finally, Jats got reservation in Haryana State. It is so absurd about these knee-jerk legislations that rather than providing comfort to the poorer OBCs with little assets, it forces them to compete against their powerful neighbours. It should remove weaknesses in reservations through consensus rather than recklessly expanding the list of beneficiaries. The founding fathers of the Constitution had dreamt that the ultimate aim of the job reservations was to annihilate the caste system. But the post-Mandal politics ended up nurturing the curse of caste by rousing a hysterical politicization of all caste groups.

It is reality that reservation can't be ended in Indian society because it becomes a political issue. If any government (State or Centre) tried to abolish this then it will be drastically bad for their vote bank and on the other side a spate of violence and unrest will accrue in whole India which will stuck all the system. In short we can say reservation benefit has confined to flourish class who have edge over deprived in every matter.

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