

Reservation issues and tribal politics in Jammu and Kashmir: A case study of Gujjars

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Abstract - India is a home to multiple tribal communities. Tribes constitutes around 8.6% of the total population of India (Census, 2011). Nomadic tribes constitute around 7% of the population and consists of more than 500 tribal communities across India (Rao and Casimir, 2003). In Jammu and Kashmir, Gujjar community is listed as scheduled tribe and consist of 11.9% of the total population of the state of the Jammu and Kashmir (Census, 2011). This paper is an ethnographic account of some earliest instances of politics of reservation in Jammu and Kashmir which Gujjar communities initiated in wake of the Constitution (J&K) Scheduled Tribes Order (Amendment) Bill, 2023 and the J&K Reservation (Amendment) Bill, 2023. Gujjar community which is listed as Nomadic tribe and is the third largest ethnic community of Jammu and Kashmir. Gujjars have been given tribal status in 1991, under article 342 of the Indian constitution. this paper is about how the modalities of reservation policy is played upon politically which brings reconfigurations of different communities in the region. It discusses the politics of reservation and the problems among Gujjar community with respect to the inclusion of other ethnic communities in schedule tribe (ST) category and how Gujjars mobilize and protest the latest legislature on their reservation.

Key words: Gujjar, Reservation, Pahari, Ethnicity, Politics, Mobilization

I. INTRODUCTION

Reservation can be described as an effort to advance equal opportunities in government and educational institutions. Various communities in India have faced marginalization in socio- cultural, economic, and educational spheres based on their caste and occupy lower positions in the caste hierarchy. Most of these communities are categorized as Schedule caste (SCs), Schedule Tribe (STs) and Other Backward Classes (OBCs). The constitution of India through its Article 15 & 16, provides them special benefits through reservation. The notion of reservation in Indian constitution was enshrined so that these marginalized classes can be uplifted and match the privileged ones. The reservation policy of India is based on caste system. The caste system in Indian society is considered as hierarchical, with Brahmins at the top and Harijans or schedule caste at the bottom of the varna system. Caste system is the main factor specifying rank in the Hindu social hierarchy. The constitution of India allows for positive discrimination to achieve equal opportunities and equal status in society. It restricts any division or discrimination based on caste, colour, religion, ethnicity, sex etc. (Article, 15). Reservation in the state policies to the marginalized groups has been provided based on caste backwardness and the provisions granted to them. The caste communities are identified rather than chosen based on sociologically defined groups. Such identified groups were given special benefits in the form of reservation in various educational, economic, and political institutions. A number of sociological studies suggests the prevalence of caste system among Muslims in South Asia (Ahmad 2018,). In Jammu and Kashmir, Gujjar are listed as scheduled tribe and were given reservation in 1991, under article 342 of the Indian constitution. The purpose of this paper is how the modalities of reservation policy is played upon politically which reconfigures various communitarian relationship in Jammu and Kashmir. This paper discusses the politics of reservation, problems among Gujjar community with respect to the inclusion of other ethnic communities in schedule tribe (ST) category and how Gujjars as a community politically mobilize to address this situation.

II. METHODOLOGY

This study is based on the empirical study and involves both qualitative and quantitative data. Data is collected while during the Gujjar agitation through participant observation along with other methods of data collection like interview are used for data collection. Data was collected from two Gujjar tribal leaders of the

Jammu and Kashmir, Gujjar students in Jammu University, who were in forefront of the agitation and fifteen students from the Gujjar community pursuing their higher studies at Central University of Punjab. The secondary sources of data collection include published material like census of India reports, Reports of the National commission for Scheduled Castes and Scheduled Tribes, Directorate of Economics and Statistics Survey, it also includes the relevant material from the journals, books, magazines, and online sources.

III. A BRIEF SKETCH OF GUJJAR COMMUNITY IN JAMMU AND KASHMIR

Nomadic tribes in India constitute around 7% of the total population and consists of more than 500 different communities (Rao and Casimir, 2008). Nomadic tribes which are also called as 'Nomads' are the communities which move from one place to another to earn their livelihood rather than settling in a permanent location. Nomads move periodically or cyclically and return to their original places at various points of time. Cambridge International dictionary of English (1995) defines a 'Nomad' as a member of a group or people who move from one place to another rather than living in one place all the time. In India, Nomadic communities can be classified into three major categories. Hunter-Gatherer, peripatetic and Pastoral nomads. Pastoral nomads are largest in number among all the three types of nomadic tribes. They raise the herd of various types like cattle, sheep, goats, camel, horses etc. and move to the places with suitable pastures for their herd. The Gujjars of South-Asia belongs to the pastoral nomads and follow their herds over an extensive territory in search of seasonally available pastures on which their flock depend. In India, Gujjars are mainly concentrated in Jammu and Kashmir, Himachal Pradesh, Uttar Pradesh, Uttarakhand, Rajasthan, Delhi, Maharashtra, Madhya Pradesh, Gujarat, and Haryana and constitutes around 10% of the India's population. Gujjars are 'allied in blood' to the Huns who poured into the Indian subcontinent after attacking the Kishan kingdom of Kabul (Smith, 1999). In Jammu and Kashmir, Gujjars are the third largest ethnic community followed by Dogra and Kashmiri. They are listed as nomadic tribe and constitutes around 11.9% of the total population of the Jammu and Kashmir and 69.1% of the total tribal population of the union territory (Census, 2011). The union territory of the Jammu and Kashmir lies in the northern part of the Indian subcontinent. It is in the Himalayan mountains. The union territory shares borders with the state of Himachal Pradesh and Punjab in south. According to census 2011, the total population of the union territory is 1,25,41,302 with an area of 2,22,236 sq.km. it is a land of different cultures, religions, linguistic and ethnic groups which are distinct in their looks, dress, customs, language, and traditions. Some self-narrative account of Gujjars mentions that historically, Gujjars belonged to the Georgia in central Asia which is also called as Gurijstan where they migrated to Iran and Afghanistan and finally entered Indus valley (Khattana, 1992). From where they started migrating towards south reached Gujarat and spread to different places of India like Punjab, Uttar Pradesh, Rajasthan, Haryana, and Jammu and Kashmir (Chauhan, 2001). Various studies on the Gujjars of Jammu and Kashmir like Warikoo (2000) argues that Gujjars in Jammu and Kashmir can be classified into three categories and include, Dodhi Gujjars, Zamindar Gujjars and Bakerwal. Dodhi Gujjars are nomadic and transhumant and are dependent on milk and milk products, the term 'Dodhi' is used for a person who own and sell the milk in market. they are engaged in animal husbandry and livestock rearing. Their income is generated from milk and milk products.

Dodhi Gujjars and Bakerwal move from one place to another in search of pasture and food. They follow a process of seasonal movement from low land to high altitude pasture for a period of five months, i.e., May to September. Gujjars dependence on pastures pushes them to follow the process of transhumance. It is a seasonal movement of people with their livestock from one elevation to another in search of pasture. The name Bakerwal implies high altitude goat herders and shepherds. Zamindar Gujjars are permanently settled, practice agriculture and work as labourers to earn their livelihood. Gujjars of the Jammu and Kashmir are socio-politically backward and face several problems in their day-to-day life. Gujjars lack in communication as majority of them live in rural area and are not able to contact administration due to which they are unaware about the various schemes meant for them and unable to communicate their problem with the higher authorities. Gujjars have very low literacy rate in comparison to the other ethnic communities of the state which give rise to the unemployment. The government has made some provisions for the reservation of seats, but still the number of employees from Gujjar community is very less. They cannot afford to avail the benefits because of poor educational growth. Mobile schools are there with very less educational facilities and remain less functional because of the weather conditions. The school dropout rate among Gujjar children is high and manpower is required for cattle rearing that is why they marry at an early age. They are migratory people with no permanent land, so, it is difficult for them to settle at one place permanently. With their cattle they are not liked by the other societies to settle near them. Gujjar nomads live in a poor economic condition without proper shelter, hygiene, and are unaware about different lifestyle advancements like health, communication, technology etc. there are no medical facilities in the tribal areas for which Gujjars have to run to the urban areas which takes a lot of time and in most of the cases results in loss of life especially, in case of pregnant women. Usually, Gujjars approach to the hospitals during life threatening situations and in forests they do not get accessibility to medical facilities in those far off areas.

In Jammu and Kashmir, the constitution of Jammu and Kashmir has notified twelve tribal communities as schedule tribe. Eight communities are given tribal status in 1989, whereas Gujjars and Bakerwal were given tribal status in 1991. Most of these tribes are found in Ladakh region. In Jammu and Kashmir, Gujjars are spread in different regions and are found in every district of the Union territory. Majority of them are found in Poonch (36.93%) and Rajouri (36.24%) followed by Kishtwar (16.54%), Ramban (14%), Anantnag (10.75%), Udhampur (10.15%), and Doda (9.57%), districts of the Jammu and Kashmir (Census, 2011). In Jammu region, Gujjars are more in number than the valley of Kashmir because Jammu region is mostly a mountainous area with abundant pasture land on the Shivalik's and its Pir Panjal range. The Gujjar, Bakerwal and Shinas (Shin and Dard), are Muslims and adds up to eighteen lakhs in population. The Gaddis and Sippis are Hindus and adds up to less than two lakhs in population. There is near about 150 castes or Gotras in the union territory of Jammu and Kashmir out of the total 900 castes of the Gujjars scattered in Indian subcontinent. Gujjars are divided into several Kabila, Gotra, and Dera. Some of their main Gotra are Khattana, Kassana, Paswal, Gegi, Gors, Kohli, Doi, Rathore, Mehlu, Bhati and Lodha etc. Each Kabila has its own Muqaddam and a council of jirgas panchayat. Muqaddam controls the clan and looks after its needs at local level. Jirgas administer justice in civil and criminal cases to which the members of clan are the parties. The Gujjars forms a distinct identity in the Union territory of Jammu and Kashmir. they are mainly identified based on their occupation and settlement. They are generally known to be nomadic even many of them have abandoned their nomadic way of life and have settled and taken to cultivation. So unique is their identity despite their stay in Jammu and Kashmir for centuries together. they maintain their identity in terms of language, customs, and culture. Dera is basic unit among the Gujjars. They count their members and describe their grazing and Kafila groups in terms of the number of Dera's. A Dera comes usually into existence when a person establishes an independent household which normally happens after marriage (Khattana, 1992). To quote Khattana, the presence of Gotra among the Gujjars seems to be derived from their Hindu ancestry. This supports the fact that names of the Gujjar gotras are same as found among the Hindu Gujjars in other parts of the country.

IV. POLITICS OF RESERVATION WITH RESPECT TO GUJJAR VS PAHARI'S (1970-2022)

In 1991, Gujjars were given reservation under Article 342 of the Indian constitution and were declared as Scheduled tribe based on their culture, language, geographical location, and poor living conditions by the central government. Pahari, also demanded for the reservation as they share the same cultural and geographical features with Gujjars. The constitution does not specify the criteria to determine schedule tribe status. However, characteristics such as primitive traits, geographical isolation, distinct culture, backwardness, and shyness of the contact have been taken as criteria to categorize a community in ST list. The roots of tension between Pahari and Gujjar communities started in 1970s when Prime minister Indra Gandhi visited Jammu and Kashmir and on the request of Gujjar leaders sanctioned rupees 12 crore for their development keeping their economic vulnerability. After that Sheikh Mohammad Abdullah government came and constituted a board of the development of Gujjars and Bakerwals, established residential hostels and created infrastructural facilities for the educational upliftment of the Gujjar children. Therefore, tensions began in the Pahari community and they felt neglected by the central government and were denied benefits which are given to other communities living in the same area under same cultural conditions. Thereafter, Pahari also started a movement and made Pahari welfare forum in 1975 for scheduled tribe status (Maini, 2011). The problem started when other communities living in districts like Poonch and Rajouri where Gujjar and Bakerwals were dominant, began calling themselves Pahari and intensified their demand for the same reservation benefits, on the grounds that being neighbours of Gujjar and Bakerwals, they too face the same hardships in availing education, health, and other basic amenities. In 1989, the government of Jammu and Kashmir recommended the grant of schedule tribe status to the various communities, the central government granted ST status to all the recommended communities which include Brokpa, Balti, Beda, Changpa, Garra, Mon, Purigpa, Gaddi and Sippis. In 1989, the Jammu and Kashmir government led by Farook Abdullah recommended that Pahari's should be included in the schedule tribe list along with Gujjars, Bakerwal, Gaddis and Sippis. However, the recommendation was rejected by the Registrar General of India on the ground that there was no caste or tribe of that name in its records. In response to the popular demand from Pahari's living in border areas of Rajouri and Poonch districts who argued that they lived in same areas as the Gujjar Bakerwals and faced similar educational and social backwardness. The government in 1989, set up an advisory board for development of Pahari speaking people. The board defines Pahari's as all people living in Rajouri and Poonch except those who were STs. As the Pahari continue to demand for ST status, the centre sought repeated clarifications from the Jammu and Kashmir government about their status as Schedule tribes. In 2012-13, the Jammu and Kashmir government commissioned a study by Amin Peerzada of Kashmir University, which its report supported the Pahari's demand. The PDP-BJP government led by Mehbooba Mufti sent the report to the centre with its supporting recommendation, however the case was rejected once again on the ground that Pahari was not an ethnic group. Earlier, in 2014, the Omar Abdullah government brought a bill proposing a 5% quota

for Pahari's, which was refused by the governor. The Pahari's finally got 4% reservation in jobs and educational institutions in 2019. After that Justice (retired) G D Sharma commission was appointed to identify groups that were socially, educationally, and economically backward. The commission in its report recommended ST status for Gadda Brahmins, Kolis, Paddari tribe, and Pahari ethnic group. The report was sent to the tribal affairs ministry and the registrar General approved it in year 2022. Paddari tribe live in the remote Paddar area of the hilly Kishtwar district of the Jammu and Kashmir. The Paddar region borders Zaskar, Ladakh in the north and East respectively and Pangi in Himachal Pradesh in the south, and the rest of Jammu and Kashmir in west. Like in the case of Pahari, the Gujjar Bakerwal opposition to the proposed inclusion of Paddari tribe in the ST list is based on the argument that they do not constitute a single ethnic group but are a mix of individuals from different castes and religions who speak a particular language. The word 'Pahari' is derived from Urdu word 'Pahad' which means mountains or hills and thus Pahadi refers to the 'people who live in mountains. They speak a distinct language 'Pahadi' and identify themselves as 'Pahadi speaking people.' their unique historical, linguistic, social, and political characteristics has given a new meaning to the word Pahari, once we speak out the word Pahari, it means we refer to a particular community of people whose mother tongue is Pahari and who are inhabiting in the Pir-Panjal range from the Middle Ages from river Jhelum (Maini, 2006). Pahari composed of the people from diverse races, cultures, castes, and religions. They are Hindu, Muslims and Sikhs which includes caste like Sayeed, Qureshi, Chib, Manhas, Brahmin, Pathan, Doi etc. Pahari also include people of Kashmiri origin who settled in the districts of Rajouri and Poonch over a period. The upper caste Hindus and the people who were displaced from the Pakistan occupied in Kashmir are also called as Pahari's.

V. NEW POLITICAL CONFIGURATIONS AFTER ABROGATION OF ARTICLE 370 IN 2022

The introduction of constitution (J & K) scheduled tribe order Amendment bill, 2023, in the parliament by the central government proposing to include several ethnic groups in the list of schedule tribe has led to protests among the Gujjar and Bakerwals community. The bill introduced in the parliament purposes ST status to be extended to the Pahari, the Paddari tribe, the Gadda Brahmins and the Sippis in Jammu and Kashmir. In 1991, Gujjars were given 10% reservation in government jobs and admission to educational institutions, but it is only after the abrogation of Article 370, they have been given political reservation. Pahari rationalise their background and tribal identity by asserting similarities with Gujjars based on geographical, social, political, and economic situation. The Gujjar Bakerwal see the inclusion of Pahari as being aimed at diluting their tribal rights as after giving tribal status to Pahari community, Pahari's can contest for seats reserved for the Gujjars under schedule tribe category. Although several state governments since the 1980 have recommended ST status for Pahari's, the centre has had a reason to reject the recommendation. Pahari's were always considered as a linguistically distinct group, 'Pahari speaking people' and were thus unable to fulfil the requisite criteria to be considered as scheduled tribe. That is why the bill referred to as 'Pahari ethnic group' and not as 'Pahari speaking people.'

VI. THE POLITICS OVER THE ISSUE OF RESERVATION

The Gujjar-Pahari divide is a major political and social issue and this divide has become a dominant factor in all political and administrative spheres of J&K. Instead of trying to solve this issue in a collective way, the political parties and governments are playing Gujjar-Pahari cards by adding upper caste groups from different linguistic groups in schedule tribe category which further hardened their stand and sharpened the conflict. Gujjar tribals fears the inclusion of Pahari in the scheduled tribe list that will negatively impact their prospects of securing government jobs and admission to educational institutions. As the literacy rate of Gujjar community in Jammu and Kashmir is very low when compared to the other communities. They also believe that it will impact their political reservation too. It will facilitate the Pahari community, which is well off in all democratic and economic parameters, to contest for the assembly seat reserved for the Gujjars in schedule tribe category. This will result in increase in competition between Gujjar community and Pahari community for vote share, and may become reason for social conflict in future.

The table given below shows the literacy rate of Gujjars and Bakerwal community in different districts of the Jammu and Kashmir according to census 2011.

Districts	Total population	Bakerwal literate %	Gujjar literate %	General population
Kupwara	232,557	20.4	16.9	65.32
Baramulla	447,075	19.3	19.7	62.48
Srinagar	641,267	15.6	16.3	78.83
Badgam	226,167	18.3	21.7	74.23
Pulwama	281,518	20.1	17.4	66.21
Anantnag	463,197	14.6	15.5	73.01
Leh	68,278	100.0	88.2	68.21
Kargil	60,803	17.4	50.7	63.98
Doda	274,425	15.6	16.8	54.82
Udhampur	343,429	19.3	21.3	61.21
Poonch	156,398	30.8	34.6	69.08
Rajouri	234,228	20.5	32.9	72.45
Jammu	1,070,574	23.5	39.0	79.07
Kathua	307,370	18.8	19.3	74.11
Total	48,07,286	22.51	31.65	71.23

Table 1: Literacy rate of Gujjars and Bakerwal community in different districts of the Jammu and Kashmir. (Source, Census, 2011)

VII. STRATEGIES OF POLITICAL MOBILIZATION BY THE GUJJARS FOR OPPOSING THE ST STATUS TO PAHARI'S AND OTHER COMMUNITY

Gujjars mobilise their community by organizing rally, protest etc. the tribal leaders of Gujjar and Bakerwals have asked the ST communities to wear black badges, put the black flag on their houses and share the photos and reels on the social media handles. One of the triballeaders, whom I interviewed said (Guftar Ahmed), *"Pahari people belong to affluent classes of society. They are socially upper classes, economically well-off people with a literacy rate that is above the average in the union territory of Jammu and Kashmir. Pahari leaders also added that if these groups comprising of more than 60 castes come under the ambit of ST, they will elbow out the genuine tribes from the competition, who are the weaker sections facing poverty, illiteracy, and social discrimination."* The ST youth from Gujjar community hold protest to defend the tribal identity and to stop the dilution of ST status. Another leader (Zaffar Iqbal) said, during the protest that,

"The centre's move is an assault on a community that is historically marginalised. Some of us are unable to get education and jobs because of historical backwardness. Including the upper castes in ST category who historically are well off and traditionally ruled us for hundreds of years is unethical and will snatch our rights."

Anwar Chowdhary, the convenor of 'All Gujjar-Bakerwal Coordination Committee' a socio-political outfit to protest recent move by the central government on granting reservation to non-tribals said,

'Gujjars are the followers of one religion one caste while Pahari are a mix of both Muslims and Hindus,

and include upper castes from both the communities. By including them in the list of STs, the government is indirectly giving reservation to upper castes, defeating the very purpose of educationally, socially, and economically uplifting backward tribal communities. They said, Brahmins and Sayeds are upper castes among Hindus and Muslims and how could they be included in the ST list under the Pahari ethnic group. Gujjar-Bakerwal leaders are especially agitated with the proposed ST status for Pahari's and Paddari. Gujjars said, Gadda Brahmin are a branch of Gaddis while Kolis are a sub-caste of Sippis. Both these communities are already in schedule tribe list.'

So, Gujjar leaders perceive that the provision of separate reservation to other non-tribal communities is a political act by the ruling party keeping 2024 election in mind.

VIII. DISCUSSION

In 1991, following communities have been accorded tribal status in the state of Jammu and Kashmir, Balti, Beda, Bot, Brokpa Dropka, Changpa, Garra, Mon, Purigpa, Gujjar, Bakerwal, Gaddis and Sippis. Majority of them are in Ladakh region and are settled, whereas Gujjar, Bakerwal, Gaddis and Sippis are in Jammu region and are in the processes of sedentarization. The National commission for Scheduled Tribes in the year 2022 included four more groups in the schedule tribe category which involves Pahari ethnic people, along with the Paddari tribe, Kolis and Gadda Brahmins in the ST list. It is alleged by the Gujjars that the ruling government aims to spread its electoral success beyond the Hindu majority regions of Jammu. The ruling party in centre has been unable to establish an electoral foothold in the Muslim majority areas of Jammu and Kashmir. Grant of ST status to Pahari can help it gain support in these areas as Pahari candidates can contest seats reserved for STs. While the ruling government in centre does not intend to directly antagonise the Gujjar-Bakerwal, it does see electoral benefits in a Pahari-Gujjar divide. The ruling government political goal is to expand its electoral success beyond the Hindu majority districts of Jammu division and cobble up a majority to form the first elected government that will be formed after the constitutional changes of the August 5, 2019. The ruling government is not able to win elections in the Muslim majority areas of the Jammu and Kashmir and grant of the schedule tribe status can help it gain support in these areas due to which Pahari's can contest seats reserved for the scheduled tribes challenging the Gujjars. Similarly, the inclusion of Paddari in the schedule tribe can help the ruling government in election as some new constituencies were created during the delimitation process. The Gujjar community see the inclusion of Pahari and other ethnic communities in the category of schedule tribe as being aimed at diluting their tribal rights as after giving tribal status to Pahari community, Pahari's can contest for seats reserved for the Gujjars under schedule tribe category. Although several state governments since the 1980 have recommended ST status for Pahari's, the centre has had a reason to reject the recommendation. Pahari's were always considered as a linguistically distinct group, 'Pahari speaking people' and were thus unable to fulfil the requisite criteria to be considered as scheduled tribe. That is why the bill referred to as 'Pahari ethnic group' and not as 'Pahari speaking people.'

IX. CONCLUSION

It can be concluded that the Union territory of Jammu and Kashmir is a home to different ethnic communities. Gujjars are the third largest ethnic community followed by Kashmiri and Dogra's. they have been living traditional way of life since ages. Gujjars are reserved under scheduled tribe category in 1991, according to the article 342 of the Indian constitution. They have been given reservation by considering living the traditional way of nomadic life. Various features by which a tribal community were given reservation are included as primitive traits, distinct cultural identity, geographical isolation, social backwardness, nomadic way of life, social stigma, criminality, and shyness of the contact. The introduction of the constitution (J&K) scheduled tribe order amendment bill, 2023, fears Gujjars by including other Pahari ethnic communities of the Jammu and Kashmir in ST category. Gujjars fear that it will impact their political reservation as Pahari can contest from the seats reserved for the Gujjars in the union territory of Jammu and Kashmir. Gujjars are fighting back and have started protests for not to include other Pahari communities in the schedule tribe list. Therefore, we see that how the administrative category of 'tribes' are rendered fluid in accordance with the political context of certain time and how a marginalised community harness its resources to contest such political manoeuvre. The protests by Gujjar community is one such moves to understand such political dynamics.

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