Chapter IV
Reservation Politics and Gujar-Pahari Issue
Chapter IV

RESERVATION POLITICS AND GUJJAR-PAHARI ISSUE

Introduction

The main objective of reservation has been and is to redress inequality so that all citizens who surely require equality are assured "the provision of a social minimum" or in other words, in the total social, cultural and economic milieu of the country "all boats are enabled to float" that in real terms would imply moving towards inclusive growth. But reservations are now driven by vote bank politics. This has become soft option for political parties and has assumed the role of vote gathering device. The whole purpose of bringing about an egalitarian society has got distorted and, often the problems of the genuinely poor and disadvantaged do not get addressed in real terms. Though the overall limit, as laid down by the Supreme Court of India, is 50 percent for all types of reservations put together, various states have exceeded the limit considerably by various legal and administrative strategies. Political parties suggest measures as devices for improving their election prospectus and often use it as a path to gain power and influence. It directly or indirectly encourages reservation agitations and utilizes such mechanisms in a way that the issue of reservation becomes surrogate for caste politics.

Fragmentation

At the time of the partition of the subcontinent of India there had been a systematic division on regional, ethnic and communal lines in the state of Jammu and Kashmir suiting the political interests of the government of the time. Today the division has trickled down to Mohalla and village level. Firstly the divisions at province level are now significantly visible within the state. Jammu's Dogras and Laddakhri Buddhists stand against the Kashmiri speaking people of the Valley. Muslim Paharis against Muslim Gujjars and Bakkarwals, Sunni Muslims against Shia Muslims, Hindu Dogras against Hindu Rajputs, Hindus of Jammu Kuthwa against Muslims of Rajori Poonch-Doda, Buddhists of Leh district against Muslims of Kargil district, Kashmiri speaking Muslims of Doda, Baderwah, Rajouri, Poonch against Pahari-speaking Muslims of the same area. Another significant division is between well developed urban Srinagar and rest of the rural Kashmir. The divisions are now
deeply embossed in the minds of people. Now they are demanding autonomy which further has re-enforced such divisions. The nefarious designs of such people got vent with the creation of Laddakh Autonomous Hill Development Council in 1995. In addition to it, the state government was compelled to appoint a Regional Autonomy Committee for Jammu province. Recently, a new wave of division started for the creation of new districts and tehsils. The sole reason of the above divisions is the preference of exclusive party agendas over genuine decentralization model. The regional tension, divisiveness and the disparity existing in the state of Jammu and Kashmir is not new. It was way back in 1961 when some grievances arose in Jammu that led to the appointment of Gajendragadkar Commission which under political pressure, recommended the establishment of Regional Development Boards which sowed the seed of the communalism in the state.\(^2\) To the end of 80’s, almost all the state government departments were bifurcated or trifurcated. Most of the state level posts were replaced by divisional level posts. The reservation for socially backward classes and ethnic groups created further social, regional and political fragmentations.

**Ambiguous Criteria for Reservation:**

The practice of reservation has been there since the independence of the country, for which the pretext is given to upliftment of the economically weaker sections of the society. As per the statics, about 40 percent of total population of India is enjoying reservation on various grounds.\(^3\) The criteria for reservation have always remained controversial and debatable. Either, it has been adopted on caste basis, area basis or on profession basis. On caste basis, entire population of Scheduled Castes of the country has been given the status of reserved category, keeping in view their bad economic condition in general and their social exclusion in particular. Similarly, some tribes have been included in the list of Scheduled Tribe categories and they have been also identified with their caste like Meena community of Rajasthan and Gujjar Bakkarwal of Jammu and Kashmir etc. While as some communities have been identified with their professions like Cobbblers, Barbers, Carpenters etc., and these sections have been given reserved category status with the name of social castes in Jammu and Kashmir. Not only this, another formula has been adopted in the state of Jammu and Kashmir on the basis of geographical area, which is called Resident of Backward Area (RBA) and the area adjoining Actual Line of Control (ALC). The irony of the fact is that while including these groups in the list of reserved categories,
no barrier has been put between millionaires and the poor of the same group which was given the status of reserved category. Result, the poor of the group is still at the worst end while the millionaire of the community is enjoying the benefits of reserved category. While the criteria for the other backward classes have been based on the socio-economic and educational profile of the particular community, contrary to it, in the Jammu and Kashmir state, the RBA and ALC category has been included in the OBC list of the state.

The Issue of SC Reservation

While to talk of SC Issue, the introduction of the Inter-District Recruitment (Amendment) Act 2010 was the best example of the politically motivated action of the state government. Despite enjoying the numerical majority in the State Assembly, the National Conference (NC) chooses to go by the Congress Party stand on the Inter-District Recruitment (Amendment) Bill. It shows how the state’s politics is subservient to the preferences of Congress Party. The message conveyed was clear that state political parties can compromise their mandate for the sake of their bosses at the centre.

The Act in its amended form is bound to divide communities and groups on geographical lines. The Act is also unjust to the state’s Muslims particularly those belonging to the Kashmir Valley. As per the amended Act, the Scheduled Castes that comprise of certain Hindus particularly of Jammu region will now enjoy 8 percent reservation in all the districts of the state. Whereas there are no Scheduled Castes in the ten district of the Valley but they will enjoy their reservation too. This is the best example of vested interests of the national parties in the state of Jammu and Kashmir who motivate to consolidate their vote banks in Hindu dominated areas at the expense of Muslims. The Act is not only against the Muslims of the state but also it has a potential to further divide the state on ethnic, religious and geographical lines. This Act raises some serious questions on the basic idea of reservation applicable to the state of Jammu and Kashmir.

The Issue of RBA (Resident of Backward Area)

Further to talk of RBA issue, the state of Jammu and Kashmir seems to take reverse turn on the developmental path because more and more people are demanding the backward status for their areas. It is again the issue of misnomer work of the
policy makers. It is only in the state of Jammu and Kashmir that geographical area had been made the criteria for granting reservation quota to backward and underprivileged classes. Besides it, in this backward area category there has been no ban or barrier between the poor and the millionaires but the only criteria is to be a resident of that particular area. Revenue records are sufficient to claim resident of backward area (RBA) category. It does not matter, whether they are living in the cities or the posh colonies of the metropolitan cities. We have hundreds of examples where the wards of high ranking officers are snatching the rights of those poor people who deserved to be given special chance to excel but unfortunately the creamy layer of the community is the only beneficiary of the area based reservation policy. It has been established that granting the reserved category status is a major aim to bring underprivileged section of the society at par with advanced category but the “benign discrimination” has been misused or moulded to suit vested interests, as RBA status has been extended to areas which enjoy educational and other facilities at par with people of advanced categories. As a result, the state has been consigned to the hands of an incompetent administrative officers, undeserving doctors and unqualified engineers. The State Commission for Backward Classes is flooded with thousands of requests for inclusion and complaints of exclusion. In the state of Jammu and Kashmir a number of villages with all necessary educational facilities and high social status are enjoying the fruits of RBA status. The irony of the fact is that the tehsil headquarters with all facilities have been listed in the RBA category due to vote bank politics.

In order to implementing the Mandal Commission recommendations, like all the states, Jammu and Kashmir too appointed a permanent body in order to include and exclude the areas and categories from the list of reserved categories. The Jammu and Kashmir State Commission for Backward Classes (SCBC) was constituted in 1997. The Act says that the government should revise the list contemplated under section 2 (d) of the Act after expiration of every ten years period. The objective is to exclude from such lists those classes who have ceased to be backward or for including in such lists new backward classes. Fifteen years have passed when the Act was promulgated but there has been no exclusion of any area from the RBA list. According to justice Bhat, Chairman SCBC, in an Article published in Kashmir Life, “Upto March, 2009 there were 1755 representations pertaining to grant of RBA or
reserved category status pending with the commission. Out of it 1154 are from Kashmir and 601 from Jammu division”.

The Jammu and Kashmir Reservation Act, 2004\(^4\) says that the children of any person whose annual income from all sources exceeds Rs. 3 lacs or such amount as may be notified by the government from time to time in accordance with the prescribed norms shall be excluded from the category of socially and educationally backward classes. However, the Jammu and Kashmir Reservation (Amendment) Bill, 2009 proposed that “the income ceiling shall not apply to a person who has lived and completed entire school education from an area identified as backward or areas adjoining Actual Line of Control, as the case may be, and in case such schooling is not available in such area, from the nearest adjoining area.”

**The Issue of OBC’s**

Another major issue confronting the state of Jammu and Kashmir pertains to the other backward classes who always remain the matter of debate from. Due to persistent and stringent demand of the neglected socially and educationally backward classes, the Government of India appointed the first Backward Class Commission “Kakasaheb Kalelkar Commission” on 29\(^{th}\) January 1953. After a detailed ground work the Commission submitted its report on 30\(^{th}\) March 1955, listed 2399 castes as socially and educationally backward class.\(^9\) Pursuant to its criteria, the Government of Jammu and Kashmir also appointed a committee which recommended 50 percent reservations for Muslims of Kashmir, 40 percent for Jammu Hindus and 10 percent for Kashmiri pundits. This decision itself was flawed as it was done on communal lines, which was antithetical to the Constitution of India and was subsequently struck down by the Supreme Court in the case of *Triloki Nath v. State of Jammu and Kashmir*\(^{10}\).

The backward classes of the state were constantly ignored and discriminated against. Notably first time the Gajendragadkar Commission in 1967 made some recommendations for determining the multiple criteria for backward classes like economic backwardness, occupation, place of habitation, student ratio and caste in relation to Hindus.\(^{11}\) It also recommended the fresh revision of reservation policy based on the above mentioned multiple criteria. So the Government of Jammu and Kashmir appointed a high powered committee (J.N.Wazir Committee) which took
fresh revision. On the basis of its report, the new rules were framed, which provided for 8 percent reservation for SCs and 42 percent for backward classes including 2 percent reserved for Laddakh district.12 During the scrutiny of these rules, the Supreme Court while pointing out certain defects directed the state government to cure these defects. So again a committee under the chairmanship of Justice A.S. Anand was constituted in September 1976. The committee submitted its report in September 1977, and recommended 2 percent reservation for social castes, and inclusion of RBA and ALC categories with 27 percent reservation in the broad category of socially and educationally backward classes. The atrocious system of reservation was followed by Mandal Commission in 1980. The Mandal Commission in its report submitted on 12 December 1980 identified 63 castes, communities in Jammu and Kashmir as “socially and educationally backward classes” and recommended 27 percent reservation for them.13 The commission had not recommended any reservation for “Residents of Backward Area or Areas Adjoining the Line of Control” in the state of Jammu and Kashmir or in any other part of India.

Subsequently, the Mandal Commission recommendations were challenged before the Supreme Court in the case titled Indira Sawhney v. Union of India14 in which the court held that the States and Union Territories under section 123 (A) provides for constituting a permanent body within four months for entertaining, examining and recommending upon requests for inclusion and under inclusion in the list of backward classes.

Following the judgment of the Supreme Court, the Jammu and Kashmir Government which was under Governor rule at that time also appointed retired Justice K.K. Gupta Commission, which proved an eye-wash as the said commission worked only on the report of over-ruled Anand Committee of 1977 whereas this fraud can very well be judged from the below:15

1. SC 8%
2. ST 10%
3. Socially and Educationally Backward Class:
   (i) RBA 20%
   (ii) ALC 3%
   (iii) Weak and Underprivileged Classes Social Castes 2%
4. Handicapped person 2%
Formally, the state government appointed a permanent State Commission for Backward Classes in 1997, with eminent retired jurists but the commission even after the passage of 15 years failed to provide 27% reservation to socially and educationally backward classes identified by Mandal Commission. The inclusion of backward area and areas adjoining to Actual Line of Control under section 2(o) of the Act and Rule 4(c) of the SRO of 2005 is against the provisions of Article 15(4), Article 16 (4) and Article 340 of the Constitution of India. The RBA and ALC people does not carry the stigma of social backwardness. In addition to it, Mandal Commission nowhere mentioned the area wise reservation on geographical basis. Further, the National Commission for Backward Classes, New Delhi, also does not accept RBA and ALC reservations for central government services. Thus the backward classes are not only discriminated in state but also are debarred from the reservation by the central government also because of the ambiguous policy of the state. Only mere 2% social castes of the state of Jammu and Kashmir get reservation in the centre under 27 percent reservation quota meant for other backward classes.

The Gujjar-Pahari issue

The issue of multiple ethnicities and diverse languages, which should have been a source of strength for the state, has become a disadvantage as it has become a constant point of friction among the diverse identities in the state. There are several historical facts behind the Gujjar-Pahari issue. In the early years of their arrival, the Gujjars of Jammu and Kashmir took direct confrontation with Rajput clans for political and strategic reasons. Rajput being the Zamindars have been employing Gujjars and tillers, domestic help and casual labourers for centuries. The tussle between Zamindars and tillers is an old story. Even today the social differentiation continues to be a major factor for the gap between Gujjar-Pahari inhabited areas. Thus there seems a huge potential for social unrest which is being proliferated by the political parties.

As far as the contemporary internal conflicts in Jammu and Kashmir is concerned, the political and social clashes between the Gujjars and Paharis are perhaps one of the most serious challenges to internal peace at the micro-level and an emerging impediment to solving the Kashmir issue at large. This conflict between the Gujjars and the Paharis transcends all regional boundaries and religions within Jammu
Chapter IV Reservation Politics and Gujjar Pahari Issue

and Kashmir and beyond. Historically, this fault line erupted several decades ago but the issue became sharpened in 90's when Gujjars were included in the Scheduled Tribes list of the state. The situation worsened when a similar demand was made by numbers of other groups and castes from Muslims, Hindu and Sikh groups unified under a Pahari speaking community.

The controversy is taking much heat day by day on a large scale because the political parties extend selective patronage to one community against other for vote bank politics. It is only the political parties and the government of the state who helped, directly or indirectly in escalating conflict between the two communities from time to time. This resulted in the tension between Gujjars and Paharis who nurse huge contempt for each other. In Rajori and Poonch districts of Jammu province and some parts of Baramulla, Kupwara, Bandipora and Badgam districts of the Kashmir province where these communities are predominant, the Gujjar-Pahari divide becomes a dominant factor in all decisions-political and administrative, from selection of candidates for assembly elections, appointment of ministers in the cabinet, nominating office bearers of political parties to posting of government officers at different levels in the districts, even identifying government projects like schools, dispensaries, roads and bridges etc. Instead of resolving the issue, the political parties are playing the Gujjar and Pahari cards which further aggravate the situation and sharpen the conflict.

As we know that India has the second largest concentration of tribal population in the world constituting 8 percent of the total population. According to the census of 1991, these tribes are mainly found in the states of Madhya Pradesh, Utter Pradesh, Bihar, Orissa, Maharashtra, Rajasthan, Andhra Pradesh and in the Northeast. There is no definition of Scheduled Tribes in the Constitution of India; however, these essential characteristics include primitive trades, geographical isolation, distinct culture and educational and economic backwardness. In order to bring these tribes at par with main-stream through upliftment in social, economical and educational fields, the Government of India set up a separate Ministry for Tribal Affairs to give a boost to the welfare of the Scheduled Tribes and the Scheduled Castes.

The state of Jammu and Kashmir has many areas which remain cut-off from the rest of the world due to snowfall on the passes because of fair weather roads and long distances from the capital cities: Jammu and Kashmir. The rate of the essentials
in these areas remains very high and the purchasing capacity of the people residing there is very low. These areas are located almost along the Line of Actual Control or form a part of forested areas in the Valley and in Jammu province. These include Leh, Kargil, sub-division Gurez, Uri in district Baramullah, district Poonch, district Rajouri, Kurnah, Keran, Machal, Jamnagand, Kenthawali, Lashdat of district Kupwara and some inhibitions in Kashmir Valley and in Jammu. These regions are inhabited by linguistic minorities exhibiting diverse cultures and speak languages that include Pahari, Balti, Dard, Sheena, Gojri, Ladakhi etc. For the speedy development of people of these areas and bringing them at par with accessible and advanced areas in educational, social and economical fields, the government declared these areas decades ago as 'bad-pocket areas'. Later on these areas were declared as 'backward areas' and more recently the inhabitants of these areas were declared as Scheduled Tribes. Ladakh and Kargil districts have gone one step ahead with the formation of Hill Development Council in these districts.18

Gujjar Perspective

The Gujjars, in Jammu and Kashmir are a nomadic Muslim tribe who form the third largest community in the state after the Kashmiri Muslims and Jammu Dogras. Besides Jammu and Kashmir, the Gujjars are a significant and distinct ethnic, cultural and linguistic identity in more than ten states of Northern and Central India with faith lines in Islam as well as in Hinduism.19 Ever since 1947 there have been organized attempts by the ruling class to politicize the Gujjars of Jammu and Kashmir to meet their interests.

Gujjar leaders are of the opinion that they were first politicized in 1970s when Prime Minister Indira Gandhi cultivated them and propped them up as a possible counter-weight to the Muslims of the Valley. The first step in this direction was the recognition of the Gojri language and allocation of time on Jammu and Kashmir Radio Station for its programmes,20 though this was a genuine demand, but came as a political concession from Government of India. However, the quest for the Scheduled Tribe status under the Indian Constitution, which provides recognition and some privileges, however, took a long time to achieve these benefits. They started articulating their grievances in the early 60s. But all their endeavors to persuade the government to take some concrete measures in order to regenerate their socio-cultural and politico-economic life failed to evoke any response till 1974. It was only in 1975
that Sheikh Abdullah, who came back to power as Chief Minister, after a gap of 22 years, did try to mollify them by holding out an assurance that in future 4 percent seats would be reserved for them in the medical and engineering colleges and that a Gujjar and Bakerwal Advisory Board would be set up in order to look into the problems of the community as well as ensure its all round development.  

But the Gujjars complained that all these commitments turned out to be mere rhetoric, that the Sheikh Abdullah did constitute the Gujjar and Bakerwal Advisory Board, but it utterly failed to do anything concrete for the neglected community as it was (and is) a powerless body. The only substantial step that the Sheikh’s administration took was the construction of a few Gujjar hostels which to the utter dismay of the Gujjars were put under the charge of those persons who were close to the state government.  

The Gujjars, however, achieved a major breakthrough on April 1991, when the President of India at the instance of the Chandra Shekhar’s caretaker government took a momentous decision and conferred on the Gujjars and Bakkerwals the status of Scheduled Tribe. The 19th April decision entitled the Gujjars and Bakkerwals to a share of 10 percent in the state services and other sectors. And it also entitled the Gujjar dominated areas to liberal financial grant. According to the leaders of the Gujjars and Bakerwal community, the Pahari leadership had taken the view, that the April, 19, 1991, Government of India decision was the fall-out of the feudal Gujjars conspiracy hatched to wipe out the Pahari culture and usurp the share of the backward and neglected Paharis of Rajouri and Poonch districts in the Jammu region and Kupwara and Baramullah districts of Kashmir Province.

In other words, the Gujjars held that the decision of the Central government had produced two-fold impact:

First, it provided for a definite mechanism which would enable the Gujjars and Bakkerwals to secure their due, if not fully, at least partly, in the state’s politico administrative and economic structure; and

Secondly, it stimulated the rapid growth of a movement by Paharis in Rajouri, Poonch, Kupwara and Baramulla districts for achieving the Scheduled Tribe status. The arguments advanced by the Paharis were that they like the Gujjars and
Bakerwals speak a distinct language and, hence, they should also be treated as the Scheduled Tribe.

The simmering volcano erupted in 1989, when first time, the Pahari speaking people of Rajouri, Poonch, Kupwara and Baramullah districts had confronted Gujjar when the central government leaders came out with a categorical assurance that the Gujjars and Bakerwals, along with Ladakhis, Sippis and Gaddis, would be given the status of Scheduled Tribe. As a matter of fact, that year they met the then Chief Minister, Dr. Farooq Abdullah, and also demanded Scheduled Tribe status for the Pothwari-speaking Muslims. The crux of their argument was that they, like the Gujjars and Bakerwals, constituted a distinct group and are living along with them, and therefore, they also deserve a special and preferential treatment.

As for the state government’s response is concerned, it fully endorsed the demand and set in motion a process which was to culminate in the grant of Scheduled Tribe status to such sectors of population. The state government, however, conveniently overlooked the other aspect that there was a substantial chunk of other non-Muslim Pothwari speaking people who had migrated from the Pakistan administered Kashmir to the Jammu region in the aftermath of partition in 1947. The people saw through the game and naturally demanded a similar treatment. The immediate consequence of the demand made by the Pothwari-speaking non-Muslim migrants was the collapse of the state government’s proposed plan. So, the government decided to keep the Gujjars out from the purview of the Jammu and Kashmir Scheduled Tribe Order of 1989, which conferred the status of Scheduled Tribe upon the Baltis, Bedas, Bats, Botos, Brokpas, Dards, Shinas, Chaugas, Garras, Mons and Purigpas.

Convinced, that their language plank had failed to carry conviction with the powers-that-be after the fall of Dr. Farooq Abdullah’s government on January 19, 1990, the Potwari-speaking people approached the then Governor of Jammu and Kashmir, Girish Chander Saxena, and told him that Rajouri, Poonch, Kupwara and Baramullah districts housed- apart from the Gujjars and Bakerwals- Paharis, who are also tribal people and that they should be treated in the same fashion as the nomadic Gujjars and Bakerwals. They strongly advocated their case and Girish Chander Saxena lost no time to set up a Pahari Board on March 7, 1992 with its jurisdiction extending to all the areas of Rajouri, Poonch, Kupwara and Baramulla districts.
Chapter IV Reservation Politics and Gujjar Pahari Issue

The Gujjars alleged that the Pahari Board was constituted for the purpose of controverting the newly gained influence of the grossly neglected Gujjars and Bakerwals and can be seen from the fact that it consisted of seven Kashmiri Muslims, five Rajput Muslims, one Sayyid and one Hindu at the time of its Constitution at present it consists of eight Kashmiri Muslims, eight Rajput Muslims, two Sayyids and four non-Muslims. Besides, the Chief Minister, Minister of State for Social Welfare; Financial Commissioner, Planning and Development Department, Additional Chief Secretary, Education Department, Secretary, Social Welfare Department; and Secretary, Academy of Art, Culture and Languages are its official members and Minister for Finance, Minister of State for Power and Minister for State for Forests special invitees.

Not content with this, Pahari speaking people again reiterated their demand immediately after the establishment of the Pahari Board in favour of Scheduled Tribe status. Their plea was that, it alone could meet their political aspirations and economic needs. However, they failed to convince Girish Chander Saxena of their claim to all rights under the Scheduled Tribe status owing to the bitter opposition by the Gujjars as well as the pressure of the Pothwari-speaking refugees for similar rights and privileges.

In 1993, Girish Saxena was replaced by General K.V. Krishna Rao as the State Governor. This development emboldened the votaries of Pahari identity to again press for Scheduled Tribe status. And, so strong was their pressure that General Rao was constrained to come out openly in support of the Paharis and made a statement on December 18, 1993 in such strong terms saying that the Paharis rightly deserved Scheduled Tribe status. He had already strongly urged the central government to take necessary steps in this regard, and he would soon meet the then Prime Minister P.V. Narasimha Rao to clinch the issue in favour of the Paharis. But this proved to be far more rhetoric than a reality.

The Gujjars held that the December 18 declaration makes it absolutely clear that the Paharis had deeply influenced the state government and requested the Governor to reject outright serious objections of the leading Gujjars and other prominent political and non-political leaders against the creation of the Pahari Board, as also against the official move that sought Scheduled Tribe status for Pahari speaking people.
It is pertinent to mention here that the Gujjars have been vehemently opposing the April 19, 1991 decision on six grounds, which according to Gujjar leaders are:

First, the constitution of Pahari Board and the proposed move to grant Scheduled Tribe status to the Paharis are part of the deep-rooted conspiracy of the political parties to reestablish their hegemony and domination in Rajouri, Poonch, Kupwara and Baramullah districts.

Secondly, there is nothing in the official records, statute books, historical works, sociological and anthropological studies which could even remotely suggest the existence of any such nomadic tribe as Pahari in Jammu region, or for that matter in Kashmir province, as a matter of fact, the entire population of Jammu and Kashmir could be termed as Pahari as the whole of the state is a mountainous region.

Thirdly, the Paharis have all along claimed themselves to be the descendants of the ruling clans and called themselves as Rajas, Sardars, and Peerzadas and so on.

Fourthly, there is no reference whatever to show that the Paharis have at any point of time been recognized as members of the Other Backwardness Classes (OBCs).

Fifthly, the entire Pahari controversy is the brain-child of the leaders who, in collaboration with certain vested interests, are desperately seeking to frustrate the Gujjars’ firm resolve to obtain additional seats in the State Legislative Assembly and tilt the balance in favour of the hitherto neglected communities.

And, sixthly, the government has completely overlooked the legitimate claims of those who migrated from the Pakistan administered Kashmir in 1947 and took shelter in the refugee camps set up in Jammu, Kathua and Udhampur districts. The exclusion of these people from the Pahari Board is being construed as something mischievous by the Pothwari-speaking non-Muslim, including the Hindus and Sikhs. And, the demand in favour of inclusion of the Pothwari-speaking non-Muslim or the non-Muslim migrants from Pakistan administered Kashmir in the Pahari Board is something mischievous for the protagonists of Scheduled Tribes status to the Paharis, as they do not subscribe to the thesis that the entire population of the Pakistan administered Kashmir or of the entire state, is Pahari. 29

Established tribes are always well defined with their roots fully known and identified. The people of established tribes have their own distinct common ethos, traits of life and cultural background.
A renowned linguist, A. G. Grierson, in his widely-acclaimed book *Linguistic Survey of India* while referring to Pahari language observes that the word Pahari means of or belonging to the mountain and is especially applied to the groups of languages in sub-Himalayan hills extending from Bhaderwah, north of Punjab to eastern parts of Nepal. He, in addition, classifies Pahari language into three groups and writes: in the extreme East there is Khas-Kura of eastern Pahari, commonly called Nepali, the Aryan language, spoken in Nepal. Next in Kumaon and Gharwal we have Central Pahari languages, Kumauni and Gharwali, Finally in the west we have the Western Pahari languages spoken in Janusar-Bawar, the Shimla hill states, Kulu, Manali and Suket, Chamba and western Kashmir.\(^ {30} \)

As per the Census Report of India, 1941, Western Pahari language was spoken by 5,31,319 persons in the entire Jammu and Kashmir State. Of these, 3,60,870 resided in the Jammu region, 2,37,582 persons in Chenani and Poonch Jagirs and in Kashmir province the number of Western Pahari-speaking persons had been 1,70,432 persons.

The Census Report of 1941 gives district-wise breakup of the number of Western Pahari-speaking people of Jammu and Kashmir which is as follows:\(^ {31} \)

**Table 4.1. Number of Pahari Speaking People in Jammu and Kashmir as per Census 1941**

<table>
<thead>
<tr>
<th>District</th>
<th>Western Pahari</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jammu Province</td>
<td></td>
</tr>
<tr>
<td>Jammu</td>
<td>63</td>
</tr>
<tr>
<td>Kathua</td>
<td>4,312</td>
</tr>
<tr>
<td>Udhampur</td>
<td>38,507</td>
</tr>
<tr>
<td>Reasi</td>
<td>60,628</td>
</tr>
<tr>
<td>Mirpur</td>
<td>19,778</td>
</tr>
<tr>
<td>Jagirs</td>
<td></td>
</tr>
<tr>
<td>Chenani Jagir</td>
<td>869</td>
</tr>
<tr>
<td>Poonch</td>
<td>2,37,582</td>
</tr>
<tr>
<td>Kashmir Province</td>
<td></td>
</tr>
<tr>
<td>Baramulla</td>
<td>9,681</td>
</tr>
<tr>
<td>Ananthnag</td>
<td>5,156</td>
</tr>
<tr>
<td>Muzaffarabad</td>
<td>1,55,595</td>
</tr>
<tr>
<td>Frontier District</td>
<td>17</td>
</tr>
<tr>
<td>Ladakh</td>
<td>5</td>
</tr>
<tr>
<td>Gilgit leased</td>
<td>---</td>
</tr>
<tr>
<td>Gilgit Agency</td>
<td>---</td>
</tr>
</tbody>
</table>

147
George Grierson in the census report referred to above makes it clear that Pahari language was common name of various languages, classified by him in three main groups- Western Pahari, Central Pahari and Eastern Pahari. Professor Sudheshwar Verma, yet another internationally known linguist in his monumental works on Himalayan languages, especially of Jammu and Kashmir, has offered an identical view. T. Grahame Bailey's Linguistic Studies from the Himalayas and Shiv Nath's *History of Dogri Literature* also tell the same story.

The people of the Pahari tribe have not been able to identify clearly to which group their Pahari dialect belongs. Their concept of Pahari-speaking tribe as such appears quite vague and ambiguous.

It is also significant to mention that they have not approached the Gajendragadkar Commission, the Sikri Commission, the Wazir Commission (1969), the Anand Commision (1976) and the much-talked about Mandal Commission and have demanded the status of Scheduled Tribe, or pleaded for all those concessions to which the other backward classes are entitled.

The Gujjars allege that there is no doubt that the people of the Pahari Tribe belong to the upper strata and respectable class of legislators. Some of the Paharis are experienced bureaucrats, well off businessmen, landlords and above all what the Gujjars call them, the earlier masters. Their move for staking claim to the Scheduled Tribe status, it appears, have a particular objective and design to achieve. What can be this design? It can easily be deduced even by a layman that the motive behind the move is to seek enlistment of Pahari-speaking people in the approved list of Scheduled Tribes and compromise the privileges granted to the Gujjars and Bakerwals. And, they have succeeded in their game plan to a considerable extent, notwithstanding the fact that they have failed so far to obtain the Scheduled Tribe status.

It appears that neither the Pahari leaders nor the rulers are prepared to look over facts. Leaders, on the contrary, are making one statement after another to the effect that their government is committed to making the central government to accept the Pahari's demands. Similarly, the Pahari leaders have intensified their campaign in order to achieve the status the Gujjars and Bakerwals were granted 22 years ago.

The Pahari leaders ably backed by the National Conference Government, have nearly succeeded in convincing the higher ups in New Delhi in favor of their
Chapter IV  

Reservation Politics and Gujjar Pahari Issue

demands. According to them what is likely to be accepted by the Union government at the behest of the National Conference leaders is the compromise formula, worked out by the Paharis residing in Rajouri, Poonch, Kupwara and Baramulla districts to marginalize the already marginalized Gujjars and Bakerwals. According to this compromise formula, the Paharis have given up their demand for Scheduled Tribe status and instead demanded Scheduled Tribe area status for all the four districts viz Rajouri, Poonch, Kupwara and Baramulla.

The favorable attitude of the authorities to the compromise formula has only served to anger the Gujjars and Bakerwals who point out that to declare Rajouri, Poonch, Kupwara and Baramulla districts as Scheduled Tribe area would be to negate all that has been done so far to ameliorate their politico-economic and social life. Yet another refrain of them is that the cry of the Paharis for Scheduled Tribe area status for Rajouri, Poonch, Kupwara and Baramulla district alone smacks of an intrigue against them.

During the last twenty five years, the Gujjars have submitted a large number of memoranda to the Indian Prime Ministers and others in New Delhi concerning the grave dangers that would follow on the introduction of changes brought about by the crusade directed by the Paharis speaking people of the state. Two points are common in all these memoranda. One is that the demand putforth by the Paharis has all the ingredients of snowballing into a major conflict and that the demand, if accepted without following the laid down criteria, has the sufficient potential of triggering widespread disturbances in the border belt. The other is that the grant of political concession as demanded by certain affluent and influential people would simply lead to a situation as it existed between 1947 and 1991 under which their life was only one of toil and penury. 33

It seems desirable to reproduce here at least one of the several memoranda 34 submitted by the leading Gujjar. A study of it would help us to determine their attitude to the controversy triggered off by the Paharis. It was submitted to the Prime Minister in 1993 and reads like this:

"Many ethnic groups, after recognition of Gujjars, Bakerwals, Gadis, Ladakhis and Sippis of the Jamu and Kashmir State as Scheduled Tribe, have now started demanding this status. Some political leaders with shady bonafides are trying to make out a case for securing similar benefit for a particular area of the State
on the plea of being Paharis (term recently invented). In support of their contention, they have projected some irrelevant and illogical points which carry no weight for consideration. The motive behind such a move is more political than just and lawful demand. These leaders are desperate to retain their hegemony and domination over the tribes. Among these leaders are some Ex-MLA’s and Ex-Ministers who want to undo the benefits of reservations of seats in the Legislative Assembly in the State. They are well conscious of the strength and might of these tribes declared as Scheduled Tribes and apprehended that myth of the majority, which they have been claiming, shall be once for all shattered.

“Those leaders had been claiming to be members of upper classes and are manipulating this status for three districts of the State with an eye to deprive the Scheduled Tribes of the State of the benefits ensured by the Constitution. They are also a part and parcel of the bureaucracy which has inbuilt bias and prejudice against the tribes. Had they been fair and just towards these tribes, there would have been no socio-economic and political injustice.

“Whenever the Central government wanted to accede to the demand of conferring Scheduled Tribe status on these tribes the ruling clique on one or the other pretext scuttled this issue. Since the Central government has now very rightly and lawfully recognized those communities as Scheduled Tribes, the biased and vested interests in the bureaucracy abetted by these leaders have started creating obstacles in the sincere implementation of the programmes and policies, meant for the tribes under the Constitution.

“Those who are now making out a case for Scheduled Tribes status are, without any logic, confining themselves to areas of district Poonch, Rajouri and some parts of Baramulla and Kupwara district, and have started calling themselves as Paharis. In fact, the entire Jammu and Kashmir state is hilly and mountainous region and all people living in the state could be called as Paharis.

“The demand has absolutely no justification and is the outcome of a deep-rooted conspiracy of those who are responsible for present turmoil and trauma in the state.

“We are not against any particular community to be declared as OBC or Scheduled Tribe in the state, but would like to bring certain very relevant points to your kind notice for examination and verification so that a judicious view is taken to finally settle the issue lest it opens a Pandora Box.
“In Jammu and Kashmir no community, class of people or inhabitants of any region ever called themselves as Paharis in the past and, contrary to it, the entire State is mountainous and hilly and all those living in the state could be in a common parlance called Paharis like people of Himachal Pradesh and Garhwal region of Uttar Pradesh etc.

“People speaking Dogri language and its other sister-dialects in Jammu region have been in fact claiming Dogri as Pahari as reflected in many census reports and other records as their mother-tongue as both the names symbolized one language. There is no particular class of people who could be said to have Pahari different than Dogri as their mother tongue.

“There is no identification or definition of any such tribe who claims to be Paharis by virtue of its being inhabitant of particular area, or speaking particular dialect and, therefore, attributing this term for a confined area has absolutely no justification.

“The interpretation of Pahari region also does not fit in because it would only exclude people from plains of Jammu, Udhampur and Kathua districts. And, by implication exclude only members of a particular community. Thus creation of such a region on flimsy and parochial groups is bound to create bitterness and estrangement between various sections of people living peacefully and amicably since ages.

“Advocates of so-called Paharis, of late, have been asserting that the population of districts Rajouri, Poonch and Tehsils Uri and Karnah is 2.35 lacs. These figures are not only factually incorrect but also highly misleading. In fact, the population of districts Poonch and Rajouri and parts of Baramulla and Kupwara as per present (1993) estimates are more than 8 lacs. Besides this, there are 4 lacs of people of Pakistan administered Kashmir belonging to Poonch, Rajouri, Baramulla who are all Hindus and Sikhs and had migrated in 1947 to this side and presently scattered all over Jammu and other parts of the country. Any benefit given to people presently residing in district Rajouri, Poonch, Baramulla cannot be denied to those who belong to these districts and are living as refugees. The total population, keeping in view these facts, comes about 12 lacs and under these circumstances any concession to such a large chunk of population without proper study and examination shall render the whole exercise infructuous and the fate of the downtrodden and oppressed shall never change.

“Since independence state government has instituted various committees and commissions such as Gajendragadkar, Wazir and Anand Commission from time to time to identify and declare weaker sections and other backward classes for the
purpose of their socio-economic upliftment. No such class known as Pahari figures either as a weaker sections or a backward class in any (of the) reports of these commissions. Rather, no such class existed even for consideration. Therefore, the claim of the status of Scheduled Tribe for people who are not even OBCs is not legally maintainable.

It is also intriguing to find that protagonists of Paharis have never made any demand in the last 50 years of being backward. And it is also not a matter of coincidence alone that no historian or public man could discover that the people living in the entire region adjoining Pakistan administered Kashmir have common culture and are backward. The Mandal Commission, which has made an in-depth study of the people of Jammu and Kashmir, also did not find any such class and thus these people did not find any mention in the report.

"There is no such tribe known as Pahari living in the district of Poonch, Rajouri, Baramulla and Kupwara. There are many Pahari speaking and Dogri speaking communities such as (a) Jats, (b) Battees, (c) Telis, (d) Lohars and Tarkhans, (e) Mochis, (f) Julahas, ((g) Hajams,(h) Rains, (i) Markbens, (j) Bhalas and other social groups with a sizable population and the communities mentioned above have nothing in common. If the language or dialect is the criteria then these backward classes are also scattered all over the State and mostly already declared OBCs cannot be left out.

"In the light of above facts it is requested that the matter may kindly be got verified and examined through agencies under the command so that further implications arising out of the confusion created by vested interested could be avoided and sincere implementation of the concessions granted under law are ensured to the Scheduled Tribes of the State."

This over 20 year old controversy between the Gujjars and Paharis over the crucial issue of Scheduled Tribe status needs to be resolved forthwith to the satisfaction of all and all those who genuinely deserve some extraordinary care owing to their extreme backwardness must be treated as such.

The Pahari Movement

The word "Pahari" literally means "belonging to hilly or mountainous areas". The very word describes the true nature of the people. They dwell far away from main roads except a few cities/towns viz, Poonch, Rajouri, Surankote, Mendhar, Mandi, Nowshera, Sunderbani, Kalakote, Karna and Uri, where Pahari population has clustered in absolute majority.35 The Paharis claim that, being Pahari majority districts
and tehsils, these areas are continuously ignored in developmental activities and other amenities as compared with other district and tehsil headquarters of the State. Tilling hilly lands and cattle rearing had been their main occupation and the only source of earning as livelihood. The partition of 1947 had been the main cause of their sufferings. It parted their families almost never to meet again. Border restrictions, day to day skirmishes and shelling and loss of grazing area further intensified the sufferings of the people everywhere on the border area. The advent of militancy proved the last nail in the coffin.

To promote and safeguard the educational and economical interests of these weaker sections of the society is one of the basic obligations of the government. To alleviate the sufferings, the border regions were declared ‘Bad Pocket Areas’ and the benefits of the schemes were equally shared by all the sections of the people in respect of reservation for recruitments, border allowances for the government employees, scholarship etc. From the time of partition till 1990, the people in these areas were jointly identified as a single unit with all the benefits accruing equally to Paharis, Gujjars, Bakerwals, Sheenas and Ladakhis, without any discrimination on the basis of name, caste or creed. This had created a sense of unity amongst these groups and a feeling of being the members of the same family without any consideration of the differences in languages that they speak.

It was in 1989 that the Jammu and Kashmir government recommended to the Union Government vide cabinet decision number 159 dated 8-8-1989, the following seven classes to confer Scheduled Tribe status upon:

1. Pahari speaking
2. Gujjar Bakerwal
3. Argone of Leh
4. Sheena Dard
5. Gaddi
6. Sippi
7. Balti

**Struggle for Scheduled Tribe Status**

It was in the year 1991 that these communities were declared Scheduled Tribe on the basis of their culture, language, geographical location and poor living
conditions, except the Paharis, by the Central government. It has been since then that
the Pahari people intensified their demand, that the Gujjars, Bakerwals and Paharis
who reside in the same areas, face equal hardships and disadvantages must be entitled
to equal rights.

The Pahais complained that in spite of the common locations, almost same
occupations, lingual similarity, the Paharis represent a distinct social identity. It is
ironical that demographically the Gujjars and the Paharis are counted as one lot but in
respect of privileges and benefits it is the Gujjar class, the one-fifth of the totality that
is benefitted and four-fifths, the Paharis are deprived altogether. Politically and
statistically the Paharis are included to swell the Gujjar population and reap more and
more benefits. It is pertinent to point out that not a single separate Gujjar habitation
exists in the state. \(^\text{38}\) They have settled everywhere in small number and form a part of
the Pahari population.

Sir Walter Lawerence in his book *Valley of Kashmir* in Chapter XII has
identified Paharis as Gujjars by saying that

“They are semi nomadic tribe which grazes buffalos and goats
along the Himalayas and Shiwaliks. They have for some time past
turned their attention to Kashmir where they rapidly make
clearings of forests and built their flat, topped houses for
themselves and their precious Buffalos. Their language known as
Parimu or Hindkoh is wholly different from the Kashmiri
language and they rarely intermix with the Kashmiris and when
they take to cultivation they grow maize rather for Buffalo then
for themselves. They are ignorant inoffencive and simple people
and in their relations with the state they are infinity more honest
than the Kashmiris.”

Parimu and Hindkoh are the languages spoken by Paharis only not by Gujjars
as is stated above. It is pertinent to mention here that the Scheduled Tribe status was
awarded to communities more or less on linguistic basis vis-à-vis Balti, Dard, Sheena
and Gojri, but Paharis were neglected altogether, though the other communities
enjoying Scheduled Tribe status also did not qualify for Scheduled Tribe status as per
the laid down parameters, but still a political decision of Government of India favored
them. Initially Government of India was not convinced about the merit of the demand
of the Gujjars and Bakerwals for Scheduled Tribe status: that is why they were not
included in the original notification issued in 1989, but they were included in the
subsequent notification after reconsideration of their demand by the Registrar General
of India who treated Gujjars and Bakarwals as a marginal case, but left out Paharis who also sailed in the same boat and had a similar criteria.

In the first list of the Jammu and Kashmir Scheduled Tribe Order of 1989, the Scheduled Tribe status was conferred upon the Baltis, Bedas, Bats, Botos, Brokpas, Dards, Shins, Chaugas, Garras, Mons and Purigpas.

The Paharis held that the then Registrar General of India who visited the state to assess the living conditions of various classes claiming Scheduled Tribe status unfortunately identified Paharis as Gujjars. This discrimination and injustice with Paharis is evident from the fact the Registrar General of India even recommended 'Prigpas' of Ladakh for tribal status on the grounds that these people have a distinct culture as they believe in spirits and keep animals. Remarkably, the report of Registrar General of India was silent about the geographical isolation of Prigpas which historically is the only criteria to identify the Prigpas (Prig is the valley from Zanskar to Kargil) because Prigpas comprised of 53781 souls out of the total population of 77433 in Kargil district at the time of survey. Discrepancies in their identification by Registrar General of India led to controversies and writ petitions among the claimants of Scheduled Tribe under Prigpa category. Later on, a clarification was issued by the then Deputy Commissioner of SC/ST Government of India which clearly stated that the two communities ‘Chungpas’ and ‘Prigpas’ actually denote the inhabitants of specific regions i.e. Chang valley and Prig valley respectively; their inhabitants could either be Buddhists or Muslims. The clarification by C.B. Tripathi reveals that Prigpas of Ladakh have been granted Scheduled Tribe status purely on the basis of geographical location rather than culture, belief and living habits. The grant on which Registrar General of India recommended the Schedule Tribe status to this community clearly shows that recommendations of Registrar General of India were ambiguous.

The Paharis claim that, contrary to the Prigpas, the Paharis have more distinct culture, history and language and are also inhabitants of specific region along the line of Actual Control inhabited by Gujjars and Bakarwals and other Scheduled Tribes communities as well. The state government while recommending the other tribals of the state for Scheduled Tribe status have also recommended Paharis in the same file at S. No. 1 vide cabinet decision no. 159 of 1989 which is also quoted in its recommendation letter No: PSSW/03 of 06/2003. As in view of the facts mentioned
above it is clear that the Paharis have a strong claim to the status of Schedule Tribe as any other ethnic group that has been notified as Scheduled Tribe. Government of India, at the level of prime minister has repeatedly held out assurances that this demand will be accepted to satisfy the genuine aspirations of Paharis and to honour the political commitments made by the leadership of the country. So, it is absolutely essential that the Paharis are treated in the same way as were treated ethnic groups.

The Paharis allege that the file and recommendations remained unattended from 1989 with the Government of India, they have released Scheduled Tribe and Scheduled Castes Order in 2002 in the Gazette\(^{42}\) of India on 8\(^{th}\) of January 2003 in the Second Schedule (2) in the Constitution “Scheduled Tribe (Utter Pradesh) Order, 1967” made after entry 5 and insert “Gond, Dhuria Nayak, Ojha, Pathari, Raj Gond in the district of Maharaj Ganj, Sidharth Nager, Basti, Gorakpur, Deoria, Mau, Azamgarh, Junpur, Balia, Gazipur, Varanasi, Mirzapur and Sonbhadra, 13 Pathri (in the district of Sonbhadra)”

In the Constitution (Scheduled Tribe) Utter Pradesh while inserting entry 6 Pathari (Pahari) inserted as Scheduled Tribes in the district of Sonbhadra at serial no 13, and in Orissa entry no 29 at the end inserted ‘Pahari Kharia’ and in UP at serial no. 6 the name Pathari is inserted with not only by name but by culture and resembles with all the above groups with Pahari of Jammu and Kashmir and so same insertion or amendment is possible in case of Paharis of the state of Jammu and Kashmir.\(^{43}\)

**Constitution of Advisory Board for the Development of Pahari Speaking People**

According to Pahari leaders it is against this injustice that the Pahari speaking people had launched an organized movement under the banner of Pahari Cultural and Welfare Forum and several other organizations and approached the then Governor of Jammu and Kashmir, Girish Chander Saxena, and told him that Rajouri, Poonch, Kupwara and Baramulla districts housed-apart from the Gujjars and Bakerwals-Paharis, who are also tribal people and that they should be treated in the same fashion as the nomadic and the tribal Gujjars and Bakerwals. The Governor after acknowledging their demand constituted, The Jammu and Kashmir State Advisory Board for the Development of Pahari Speaking People in the year 1989 in the light of the cabinet decision no: 227 dated 20-10-1989 vide government Order No: 1439-GAD of 1989 dated 26-10-1989 with Governor/Chief Minister of the state as Chairman of the Board and the Vice Chairman having Minister Of State status
nominated by the government may be from the members of the Pahari speaking community. The Board was first constituted in the year 1997 vide Government Order No: 444-GAD of 1997 dated 27-3-1997 and the last in the month of November, 2010.\(^{44}\)

The terms of reference of the Board are:

1. To identify the specific schemes which will benefit Pahari Speaking Community under various developmental sectors, their prioritization and earmarking of funds.

2. Finalizing Annual Action Plan and recommending allocations/earmarking of funds including additional developmental schemes wherever necessary along with allocation of funds.

3. More emphasis on educational upliftment by way of establishment of Pahari boys/girls hostels and grant of scholarship etc.

4. Formulation of Pahari sub-plan on the pattern of Tribal sub-plan for filling up of critical infrastructural gaps including income generation activities by respective District Development Commissioners in consultation with State/ District Pahari Advisory Board members

In 1993 Girish Chander Saxena was replaced by General K. V. Roa as the State Governor, the Paharis came again with their demands. Endorsed by the recommendation of the State Cabinet, the Governor of the state during the President’s Rule after conducting the thorough genesis of the case again made strong recommendations in favour of Pahari speaking people. The recommendations of the Governor of Jammu and Kashmir state are reproduced here\(^ {45}\):

"That the Pahari Speaking People of the state are mainly concentrated in remote border areas and are put to considerable economic distress, as is evident from their backwardness in reference to socio-economic indices. On the one hand they are not able to compete with higher sections of the society, who are better placed in terms of socio-economic position as also in terms of access to services like education and health care, due to the above mentioned disadvantages.

"That the Pahari speaking people, despite sharing the same kind of disadvantages as faced by the Gujjars an Bakerwals, have been caught in the unfortunate middle (Trishanku Swargl). It is imperative that the Pahari speaking people are also brought into the mainstream of the developmental process, by providing them the same benefits in terms of scheduling as tribes on priority
basis for reasons of equity and ensuring equitable development, in fact, they are convinced that all their ills are due to their being denied justice. The undercurrent of simmering discontentment amongst the Pahari speaking people because of an obvious gap in development could well lead to an agitational approach, if there is further delay in scheduling of these people as tribes by the government of India. The State cannot afford to do without their continued support and responsible behavior in the present security scenario, more so, in view of the fact that the areas inhabited by Pahari speaking people are close to the Line of Control and they always remained loyal and steadfast.

So, the Governor, K. V. Krishna Rao, came out openly in support of the Paharis and made a statement on December 18, 1993 that ‘the Paharis rightly deserve Scheduled Tribe status. He had already strongly urged the central government to take necessary steps in this regard and that he would soon meet the then Prime Minister P. V. Narasimha Rao to clinch the issue in favour of the Paharis.

The Government of India has itself admitted presumably on the basis of some reliable records that Pahari is a language spoken by 60 different ethnic groups. Existence of Hindu, Muslim and Sikhs within the Pahari community does not weaken their case for ST status as it has been granted to communities of different faiths like Christians, Buddhists and Hindus.

Political commitments of Pahari movements

Earlier, the then Prime Minister H.D. Devegoda during his public meeting at Uri and Rajouri in February 1997 has in clear terms made commitment to grant Scheduled tribe status to Pahari speaking people. The former Prime Minister Mr. Atal Bihari Vajpayee on 8th December 1998, in a mammoth public gathering at Tangdhar (Kupwara) also agreed in principle to issue the orders of Scheduled Tribe status to Paharis very soon. A Pahari delegation led by Mirza Addur Rashid, former MP, along with other Pahari MLAs called on former Prime Minister, Mr. Atal Bihari Vajpayee on August 28th 1999 and demanded Scheduled Tribes status to Paharis and the Prime Minister assured the delegation for releasing the ST status soon. The delegation made a reference and reminded the prime minister of the assurance given by him in a public rally at Tangdhar (Karnah) during his visit to Jammu and Kashmir state in the year 1998 that Pahari community will be declared Scheduled Tribe.
It is quite relevant to mention here that the then Chief Minister Farooq Abdullah had reiterated his government’s commitment that due status will be given to Pahari speaking people. Dr. Farooq Abdullah wrote a letter to P.C.Sethi, the then Home Minister, Government of India, that the people living in areas like Gurez, Karnah, Keron, Machal, Poonch, Rajouri, Leh, Kargil etc be declared as Scheduled Tribe. It is clarified that the areas mentioned above are those areas where the entire population is Pahari. Besides this some villages among these areas are partially inhabited by Gujjar and Bakerwals. It is unjustified that people living in the same peculiar conditions and geographical isolation are given different status- one community has been accorded Scheduled Tribe while the other has been ignored. The then Chief Minister Dr. Farooq Abdullah on 18th December, 1999, said that the Government of Jammu and Kashmir will seek Scheduled Tribe status for Paharis.

Further, in reply to an un-starred Rajya Sabha question No: 2399 the government stated in a written reply on 13th August, 2001, that the then Prime Minister Mr. Atal Bihari Vajpayee while addressing a public gathering in Karnah in Kashmir on 8th December 1998 had announced that the proposal of Paharis for Scheduled Tribe status will receive consideration of the government and the issue will be resolved very soon. The then Chief Minister of state, Dr. Farooq Abdullah while releasing fresh addition of the Shamasbari, a Pahari magazine on April 20th 2001 had assured status for Pahari people of Jammu and Kashmir state. In February 2, 2002, the state cabinet had constituted a sub-committee for granting the Scheduled Tribe status to people living in the Pahari areas. The grant of ST status was part of National Conference’s election manifesto and the process for this had been initiated about three years ago.

Dr. Farooq Abdullah, the then Chief Minister of Jammu and Kashmir state, had categorically announced in the State Legislative Assembly on the 1st day of the Assembly Session on 5th April, 2002, that Pahari people of the state will be declared Scheduled Tribe before the Assembly elections of that year:

“Special emphasis will be paid on promotion of backward communities including Gujjars and Bakkerwals, Gaddis, Scheduled Castes and Scheduled Tribes. The government will strive for the extension of Scheduled Tribes status to the Pahari tribals of the state.”
Mr. Ghulam Nabi Azad, the then in-charge Congress Party for northern zone and former Chief Minister, promised to take up the issue of Scheduled Tribe status to Paharis on 29th December, 2002. Congress also promised to agitate for the extension of Scheduled Tribe status for the Pahari Speaking population of the state besides fulfilling the long pending demands of Scheduled Tribes communities of the state. He promised to take up Scheduled Tribe status for Paharis. Congress on 28th Dec, 2002, assured the Pahari Speaking People, that their demands regarding the grant of ST status would be favourably recommended to central government by the coalition government in the state. Mr. Omar Abdullh, the then Minister of State for External Affairs stated that the then Chief Minister Dr. Farooq Abdullah is vociferously pursuing the case of Schedule Tribe status with the Union Government and a decision to this effect was likely to be taken very shortly, however, in the mean time the state government was ready to accord OBC status to Paharis. He also publicly promised that OBC status to Paharis will be given very soon. On October 28th 2003 the then Chief Minister of Jammu and Kashmir state, Mufti Mohammad Sayeed assured in a public meeting at Kannah that he will approach Prime Minister of India to explore possibilities of granting Schedule Tribe status to Paharis on the basis of geographical conditions. His government unanimously recommended, through a cabinet decision twice, Schedule Tribe status for Paharis.

In a move to win hearts of people, the state cabinet for the first time recommended to Central government to consider Scheduled Tribe status for the Paharis on 10th January 2004. The then Chief Minister, Mufti Mohammad Sayeed while addressing Gujjar Bakerwals one day convention at Jammu on 29th March 2004 defended his government's decision of Feburary 9th, 2004 regarding recommendation for granting Schedule Tribe status to Paharis people.

"I do admit that Schedule Tribe status was not given to Gujjar and Bakarwals in time but you should not react to the recommendation regarding same status for Pahari tribals”. He advised “we are not snatching your rights, all Pahari people are not rich and majority of them too deserve same benefits.”

On 9th February, 2004, The then Chief Minister, Mufti Mohammad Sayeed after getting Dogri included into 8th Scheduled, said the government would vigorously pursue with the centre for another long pending issue of granting of Scheduled Tribe status to the Pahari People of the state. The present government has also passed a
unanimous resolution in the State Assembly recommending Schedule Tribe status to Paharis to the Central Government as under:\(^{58}\)

"Resolution passed by the Jammu and Kashmir Legislative Assembly on 30\(^{th}\) of September 2005 (moved by Mr. Muzaffer Hussain Beigh, Law and Parliamentary Affairs Minister), "this house requests the central government to declare Pahari speaking people of the Jammu and Kashmir state as a Scheduled Tribe""

The cabinet of Jammu and Kashmir government has already recommended the inclusion of Pahari people in the Scheduled Tribe category and believed that they were an ethnic group for the inclusion. Giving the background the then Chief Minister said that the Registrar General of India has excluded Paharis when the Schedule Tribe status was granted to Gujjar and Bakerwals, it was felt that Paharis should not have been excluded and accordingly recommendation was made for their inclusion, and it was said that when two people are living at same place and under the similar conditions, we cannot include one and exclude the other.\(^{59}\) In July 2005, a team of legislatures, ex-ministers/ M Ps and members of Pahari Cultural Welfere Forum / Pahari employees Forum under the leadership of Mohd. Sharief Niaz, the then Minister for Power, Jammu and Kashmir state, called on UPA Chairperson Mrs. Sonia Gandhi, Home Minisiter Mr. Shivraj Patil and Mr. Ghulam Nabi Azad, the then Minister of Parliamentary Affairs and former Chief Minister of Jammu and Kashmir at Delhi. The Registrar General of India was present in the meeting and informed the members that even Gujjar and Bakerwals did not fulfill the criteria for their inclusion in Scheduled Tribe category but a political decision was taken by the then government to declare them as Scheduled Tribe. The then Home Minister directed the Registrar General to take a similar decision in case of Pahari tribals of Jammu and Kashmir in presence of the delegation members. So far nothing concrete has come out inspite of the commitment made by the Home Minister.\(^{60}\)

It is pertinent to mention that the earthquake of October, 2005 shook the Pahari belt Uri, Karonah, Poonch, Rajouri bringing sufferings and miseries to Pahari people which added to their backwardness. His Excellency, the then President of India, Mr. APJ Abul Kalam, Mr Mamohran Singh, the Prime Minister of India, and Mrs. Sonia Gandhi, UPA Chairperson while visiting Uri and Tangdhar and Karonah after a few days of the devastating earthquake expressed deep solidarity with the people living in these areas. The Prime Minister told that it was due to the politics of
vested political leadership who do not want Paharis to be uplifted. Further, the then Chief Minister of Jammu and Kashmir, Mr. Ghulam Nabi Azad, while releasing Pahari publication (Shamsbari) at a convention complex in Srinager on 20th July 2006 said that Paharis in Jammu and Kashmir are to get the Scheduled Tribes status shortly.61

As the state government had strongly taken up this matter with the centre, he pointed out that demand had been recognized by the Congress Party by incorporating the same in its election manifesto of 2002 and also in the Common Minimum Programme. Mr. Azad complimented Pahari tribals for the distinguished historical role they have played for the unity and development of Jammu and Kashmir. Inhabiting the vast areas of Poonch, Rajouri, Uri, Baramulla, Kupwara, Karnah and other border areas of the state Paharis constitute a vital component of the state’s composite culture and pluralistic character. Mr. Azad said on Oct.11, 2006 that the Paharis had not only demonstrated high standards of patriotism, time and again, but also contributed to the intellectual field.62 There could be no development of Pahari speaking people living in mountainous regions till they given special status of Scheduled Tribe and the efforts were on for the same. He said that Pahari hostels at Baramulla and Ananthnag were in full swing and directed the board members to identify the areas for opening of mobile schools under Serva Siksha Abiyan for Pahari students.63 He assured granting of Schedule Tribe status to Pahari speaking people. He, however, made it clear that there should be no clash among the Gujjars and Paharis on the issue as the quota given to Paharis would not be at the cost of Gujjars. Not even a half percent of the Gujjar quota would be reduced to give benefit to Paharis. They would be given their share from general quota.

The Paharis are of the view that those who claim that Paharis enjoy 20 percent of RBA quota including 3 percent of ALC are far from the reality. They even do not know that RBA is not meant for Paharis only as its jurisdiction has been extended throughout Jammu and entire Valley leaving municipal areas64 only. As such the remote areas where Pahari mostly reside cannot compete with accessible areas under RBA in the Valley or in Jammu division. Thus, the Paharis under RBA and ALC quotas remain as leftovers. This needs to be probed by any competent agency or through the High Court of the state. It is not out of place to mention here that Gujjars
in addition to their ST quota also enjoy the benefits under backward area (RBA) and ALC.

Enumeration:

In recent past Pahari Cultural and Welfare Forum in collaboration with State Pahari Advisory Board vide Govt. Order NO. PSP Board order N. 47-ABD/PSP of 2006 dated 24-01-2006 conducted door to door enumeration of Pahari/ Gujjar Bakerwal population and the same figures were released on 8th Nov., 2007 in a press conference at Jammu.

The total figures are as under:

**Table 4.2. Number of Gujjar Bakerwal in Jammu and Kashmir**

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Total Pahari/ G.B.</th>
<th>Pahari only</th>
<th>G.B. only</th>
<th>Pahari Votes</th>
<th>G.B. votes</th>
<th>Total Pahari/ G.B. votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>2398346</td>
<td>1820183</td>
<td>567163</td>
<td>979258</td>
<td>341690</td>
<td>1320948</td>
</tr>
</tbody>
</table>


While releasing the survey report, the Pahari leaders held that the figures confirm the fact that the Pahari population of the state stands at number three after Kashmiris and Dogras. As already mentioned, on account of certain similarities the Paharis are clubbed with the Gujjars and it is thought that they too are covered under Scheduled Tribe benefits. But the fact is that major group suffers deprivation and neglect. There lies the misidentification and confusion to be dispelled. At present this group is covered under the category of ‘Other Backward Classes’ only with other people of the state.

Stating that the issue of granting political reservation has potential to create ripples in the state, the then Deputy Chief Minister Mr. Muzaffer Baig said ‘the decision to the effect should be taken only by the consensus among the political parties in the state after the recommendation of the state government to grant similar status to Pahari speaking people by the central government.’

Reacting to the statement of Chief Minister wherein he had called for political reservation of Scheduled Tribe including Gujjars and Bakerwals, Baig said Paharis do not want to stand in the way of Gujjars and Bakerwals getting what was due to them but he insisted that government after getting consensus from various political parties
should push the case for ST status and reservation for Pahari community one of the reasons of backwardness of Paharis in the state is the inaccessibility in every field of life.\textsuperscript{66}

The Minister for Social Welfare of Jammu and Kashmir Mr. Ab. Gani Vakil in a meeting of State Advisory Board at Jammu strongly advocated the granting the Scheduled Tribe status to Paharis and said that a community which has been cohabiting the same place as their Gujjar brethren in an identical environmental and social milieu certainly deserves Scheduled Tribe status. Vakil also called for committee to explore the possibility of extending OBC status to Pahari community till the grant of Scheduled Tribe in pursuance of direction of the then Chief Minister Ghulam Nabi Azad.\textsuperscript{67}

On 8\textsuperscript{th} February, 2008 All Parties Pahari legislators arranged a party to celebrate a day of promises and to felicitate Mr. Muzaffer Hussain Beig for his re-appointment as Dy. C.M. at Garden Estate Trikuta Nagar, Jammu, where the then Chief Minister Mr. Ghulam Nabi Azad was the chief guest. The Pahari legislators jointly had arranged dinner for the guest participants just to celebrate the 20\textsuperscript{th} anniversary of ST status promises to Paharis and further promised to continue the struggle till the demand of the community is not met.\textsuperscript{68}

The Paharis along with other lingual and religious minorities suffer deprivation while residing in far flung and remote areas and this neglect has been felt very seriously by Pahari people. With a view to sort out some remedial measures they assembled at Heerpur district Shopian of South Kashmir on 9\textsuperscript{th} October 2011,\textsuperscript{69} the place which is equidistant from Kashmir Valley and Jammu region. In the day witnessed day long deliberation a resolution was unanimously passed to bring the community on the state developmental map as it is being willfully ignored by the state government which had turned a deaf ear towards their legitimate demands. The demands needed active consideration of the central government by way of direct funding and keeping these areas under vigil for knowing the factual position. The Resolution of Demands was put forth by the Chairman and explained point by point, which was unanimously approved in full by all the member delegates.

The Pahari Cultural and Welfare Forum, under the Chairmanship of Sharafat Ali Khan also got Paharis registered with the National Commission for Backward
Classes, which is an indispensable step towards getting Scheduled Tribe status or OBC. It must be remembered here that one of the factors responsible for the rejection of Scheduled Tribe status to Paharis at the initial stage was the fact that this community had never been recommended by any central or state level commission for backward classes appointed by successive governments for the said purpose. The Pahari political leaders although aware of this fact continued to lure the people by promising ST status at the earliest but never even once approached any commission for the registration of Paharis.\textsuperscript{70}

Paharis appreciated the move put by Mr. Ghulam Nabi Azad, the Ex-Chief Minister of the state, who, during his tenure, pleaded the case of Scheduled Tribe status to the Paharis in five round table conferences. It is because of his efforts that Sagheer Commission along with recommending autonomy for the state of Jammu and Kashmir also advocated imparting Scheduled Tribe status to Paharis. For the first time, after two decades of struggle by Paharis, a central commission recognized the need of declaring Paharis as Scheduled Tribe.\textsuperscript{71}

The community was also included in the report of the Central Commission for Economically Backward Classes which on the direction of Prime Minister of India visited Kashmir during July-August 2009. After April 2010 Valley witnessed powerful demonstrations, stone pelting and lawlessness over the folly of state government when the law enforcement machinery failed completely. The Government of India on the recommendations of All Parties Delegation that visited the Valley sometime in June appointed three renowned and intellectual members of the civil society as interlocuters for assessing the situation in Kashmir Valley and recommending remedial steps for confidence building measures. After visiting the Valley, the interlocuters convened a series of meetings with the people from different areas of life including some renowned personalities, separatist leaders, and members of different political parties, NGOs as well as the members of the other non-political organizations at provincial, district and tehsil headquarters and discussed the issues related to the complicated problem of Kashmir. They also had a number of meetings with Pahari, Gujjar and Bakerwal delegations including Pahari Cultural and Welfare Forum headed by Sharafat Ali Khan and had a deep look into the neglected status of the Pahari community at the hands of respective state governments. The interlocutors felt it their moral responsibility to recommened ST status in favour of Pahari
community for removing the disparity among Gujjars, Bakerwalas and Paharis which are co-located communities. The recommendations of interlocutors afforded a fresh sigh of relief to the Pahari community.\textsuperscript{72}

The above proofs fairly strengthen the fact that the demand has been a continuous and persistent. On the one hand it is a continuous struggle and on the other hand it is by the government commitments/assurances and promises with the continuous delaying political tactics. The struggle continues and the delaying policy prolongs it. Briefly, the major events or facts of the Pahari movement are as:

Since 1989, all the Prime Ministers, Home Ministers and Presidents of India have accepted the demands of Paharis and assured to grant Schedule Tribe status to them. Likewise all the state Chief Ministers during their tenures have also accepted and recomended the justification of this demand and promised its fulfillment at the earliest. Realizing the gravity of the demand, it was included in the Common Minimum Programme of the present coalition government of the state and it existed in the election manifesto of National Conference in 1996 and that of Indian National Congress in 2002. BJP leadership has also agreed to settle the issue as was declared by former Prime Minister Mr. A. B. Vajpayee on his visit to Karnah and the case was also recommended by the state BJP leadership to the centre for approval. The recommendations of the Social Welfare Department to the Registrar General of India, the State Assembly Resolution of 2004 and the decision of the High Court of Jammu and Kashmir substantiate the demand. Former Chief Minister, Ghulam Nabi Azad has pleaded in favour of this demand in five Round Table Conferences, made announcements in many public functions in Poonch, Rajouri, Karnah, Uri, Convention Complex Srinagar and Abhinav Theatre Jammu, and time and again assured that the demand will be accepted. So far nothing has happened. The state governments have almost identified the entity of Paharis and extended them rights in sponsored schemes. For instance, both the Gujjar Bakerwalas and Paharis have separate Advisory Boards; Pahari language is introduced in the 6th Schedule of the Constitution of the state; scholarships from primary to university level are extended to Paharis. Free hostels have come up almost in all the districts of the state to provide free accommodation to the Pahari students, a Pahari wing has come into being in the State Cultural Academy and radio and TV programs in Pahari language are given the
right to promote the language and culture. A separate Pahari sub-tribal plan for Pahari tribe has been recently sanctioned by the state government.

Conclusion

The Pahari speaking people are lagging behind as compared to general masses, and therefore, deserve immediate protection and safeguards. The border areas of Jammu and Kashmir state along with Valley and forest areas are badly affected on account of disturbances and militancy. The state is declared as Disturbed Area Such a situation does not exist in any other state of India. Moreover, the case of Paharis is misunderstood, and that requires clearance of doubts and confusions. The government should view the case in real perspective.

The only aim of the reservation is to ensure that no section of the society is deprived of its rightful place in a true democracy. Reservation is a device right for participation in education, service and politics etc., It is now easily used as soft option by political parties as their vote gathering device. Political parties use reservation as a device for improving their election prospect and to gain power. The state of Jammu and Kashmir is not an exception to it, where reservation policy has always remained a tool in the hands of political establishment, suited to their vested interests. Every political party in power has amended the policy through their own unique criteria ranging from caste base, area base to profession base, ignoring the spirit meant for reservation enshrined in the Constitution of India. This negligence on the part of policy makers sowed the seeds of division at regional, linguistic, ethnic and communal lines which proved to be a Tower of Babel in the state.

The Government of Jammu and Kashmir has appointed a number of commissions and committees to sort out the issues but yet the reservation policy is being amended day in and day out in their own way. Somewhere the reservation is being demanded on caste basis, which is antithetical to the state of Jammu and Kashmir, as it is a Muslim majority state. Islam believes in an egalitarian society, which does not recognize the caste system, but still the caste based reservation policy continues to exist, which does not differentiate between the millionaires and the poor of the same caste. The defective pattern of reservation resulted in a race in which every section and group is demanding reservation on self defining criteria suported by the political parties.
The only possible solution for this conflict lies in the capabilities of the government to alleviate the socio-economic profile of the two communities. Giving the Schedule Tribe status to Paharis would further aggravate the situation. It also runs the risk of opening a Pandora’s Box of similar demands from other ethnic groups. It is strange to analyse that besides the demand of Paharis for ST quota, they already are the major stakeholders of 20 percent RBA category and 3 percent ALC category. The reservation policy needs a fresh review in the light of the burning issues, ranging from ethnic, regional, linguistic, communal social and political.
References


3. Ibid, p. 69

4. Act No. XVI of 2010

5. Arjimand Hussiann Talib, op.cit, p. 13

6. Choosy Reservation, Kashmir Life, p.4

7. Ibid.


10. Arjimand Hussiann Talib, op.cit, p. 14


12. Ashok Kumar Basotra, op.cit, p. 3

13. Ibid.

14. AIR 1993 SC 477


16. Ashok Kumar Basotra, op.cit, p. 4


18. Ibid, p. 3


20. Ibid, p. 4

31. Census of India, XII, Part I, 1941.
33. Hari Om, op.cit, pp. 97-98.
34. Memoranda of Paharis.
36. Ibid, p. 2
37. Ibid.
38. Ibid, p.3.
41. Sharafat Ali Khan, op.cit, p 5
42. The Gazette of India, Extraordinary, Part II, Section I
43. Amendment act of 2002 Gazette of India no 10 of 2003
45. Order No; D.O.GS/GoV © G/93 dated 26 December, 1993
Chapter IV

Reservation Politics and Gujjar Pahari Issue

46. Hari Om, op.cit., p. 90
47. Greater Kashmir 18 April, 1997,
54. Kashmir Times, 4th July, 2004
60. Hindustan Times 11th July 2005.
70. Khem Singh Bali, Pahari's Struggle for Regional Political Unity, p. 23.
71. Ibid.
72. Ibid. p.24