CONCLUSION AND SUGGESTIONS

The societies all around the world are highly stratified. Indian society is also composed of intersecting and overlapping groups and subgroups based on religion, sect, vocation, wealth, language, location and political affiliation. However, one of the most significant features of the Indian society is the hierarchal caste system. These caste barriers from centuries together created a highly stratified societal structure with a hierarchy of castes and communities separated by barriers of exclusiveness and social inequality.

With the passage of time, the perpetual injustice leads to conflict. The history is replete with instances of conflict arising from inequality. The classes excluded from culture, education and jobs have raised their voices against those whom they saw as their oppressors. In western societies, these conflicts have essentially been drawn on economic lines. The third world countries, however, are witnessing conflicts on the basis of primordial divisions like religion, race, and caste, and this is only natural because these have been the basis of stratification in traditional societies.

However, every problem arises with its own inherent solution. Since the very dawn of civilization, it has been the dream of mankind to build a just society. The Indian constitutional philosophy is based on the notion that certain social group in India are inherently unequal and are victims of social discrimination and thus require compensatory treatment. At the time of making the Constitution of India one could have hardly thought the policy of reservation would become a major source of social and political unrest. From the beginning, one’s experience with the quota system is only a crude strategy of social reconstruction, it had lead the society to traumatic tensions.

In the modern India the extension of reservation has evoked violent group response, street violence and political conflict. The perpetual expansion of the reservation has become the tool of aggrandizement in the hands of political parties which always try to strike political bargains from backward classes which permanently want to retain the privilege of being classified as backward even at the expense of the really needy and the deserving. Even the ruling parties often see the advantages in the system for winning their political supporters. Backwardness has become a vested interest and any attempt of withdrawal of concessions from
designated backward groups is strongly resisted. This results in cast riot and social tensions.

After almost 60 years of the implementation of reservation policy, it has reached a stage where both its supporters and critics are unhappy about it, the former are unhappy because it has not brought a noticeable change in the social and economic conditions of the disadvantaged groups. Majority of them still continue to be socially isolated, illiterate and poor. Its critics complain that in matters of employment, promotion and admissions, reservations have been stretched too far at the cost of merit, efficiency and equity giving rise to frustration and alienation among the unreserved categories. Once a concession is granted, it takes the form of a right as the time passes and the beneficiary individual or group resists any attempt to withdraw it.

Moreover, the Scheduled Castes and Scheduled Tribes constitute almost 30 percent of the population and no party in power at the center or in the states can take the risk of abolishing the reservation granted to them and lose the support of this solid vote-bank in subsequent elections. Parties out of power also cannot displease these categories for almost the same reasons. They put pressure on the ruling party in another way by instigating other backward sections of the society to demand similar benefits. In such a situation the ruling party cannot afford to remain far behind and in its apparent zeal to help the poor and the down-trodden sometimes overreacts. It projects itself as the sole guardian of the weaker sections by granting them all sorts of benefits irrespective of their long-range implication for the nation.

Special programmes of financial aid, special scholarships, special training programmes, relaxed standards in admissions and recruitment etc. are illustrations of various steps taken to keep these groups contended and happy. Whether these concessions are reaching to the poorest of the poor among them is hardly anybody’s concern.

There is no doubt that no social institution containing so large an element of inequality and discrimination towards the majority of people can survive for a long period in a purely social democratic set up. So this reservation policy was the method contemplated by the founding fathers of constitution to compensate with the centuries old disadvantages that the depressed classes had to face due to the social stigma.
The history of reservations is replete with the record that the real benefits have never trickled down to the intended beneficiaries because the latter had never an opportunity to come to the educational level required for the earmarked claim, as the persons for whose benefit the provisions were made in the constitution, suffered throughout from the lack of educational upliftment. The unintended outcome of the intended purpose behind reservations went on multiplying, this leads one to the crucial point at stake whether the son of Deputy Inspector General of Police or that of a Commissioner of Revenue from Scheduled Castes or Scheduled Tribes or other backward classes is entitled to the benefits of reservations? In the same context comes the question whether the son or daughter of an illiterate peasant or labourer from the Scheduled Castes or Scheduled Tribes or other backward classes would ever be entitled to claim much less than getting the reservation?

There are some problems attributed to reservation policy.

- Instead of bridging the gap between the Scheduled Castes and Scheduled Tribes on the one hand, and the rest of the Indian society on the other hand, this policy has indirectly widened the divide between the two. The beneficiaries of this policy have become objects of jealousy of those into whose privileges they are imagined to have cut because of reservations. This jealousy gets reflected in various forms in work places, towns and villages. This is not a very happy trend for national integration.

- As a result of reservation policy it was expected that in course of time the affected groups will throw up local leaders, like Ambedkar, who shall fight for the welfare of these depressed classes and see to it that more and more of them ascend the economic ladder.

- It is unfortunate that blanket reservation and ad-hoc quotas have been fixed at all levels, from primary education to professional colleges and skilled government jobs, when it is a well known fact that the percentage of literacy among the reserved categories is abysmally low. A number of nationalized banks and other public undertaking have not been able to fill office cadre reserved categories.

- This policy and its extension to backward classes has given rise to problems of law and order for those who are already facing a serious challenge from various separatist elements in Kashmir, Punjab and the North-East. The most serious
agitation against reservation was witnessed in Gujrat where political strategies led to the degeneration of this movement into communal riots which, so often, get sparked off in the state on one issue or the other.

Nehru was against undertaking any steps which would lead to separatism and create a psychology of dependence in this section of the Indian society. He had said so many times, that external props like reservation should be used only as a transitory measure to help the reserved categories to overcome the socio-economic handicap. Like Gandhi, he also favoured programmes to help them develop inner strength to compete in a healthy manner with other sections of the society on an equal footing. So long as they continued to rely heavily on the external props of reservation, they would not learn to stand on their own and the moment these external props are withdrawn they would find themselves in a helpless situation from where it may not be possible to pull them out easily.

The purpose of granting reservation to disadvantageous groups of Jammu and Kashmir was to uplift these weaker sections of the society. But this reservation has of late been misused or moulded to suit vested interests, as the criteria for granting reservation have always remained controversial and debatable. Either, it has been adopted on caste basis, area basis or on profession basis. On caste basis, whole population of Scheduled Castes has been given the reserved category status, keeping in view their bad economic condition in general and their social exclusion in particular. Similarly, some tribes mainly Gujjar Bakkerwal has been ascribed Scheduled Tribe status. Whereas some communities have been identified with their professions like cobblers, barbers, carpenters etc., and these sections of the society have been given social caste status under OBC reserved category in Jammu and Kashmir. Not only this, but one more formula has been adopted on the base of geographical area, like residents of backward area (RBA) and actual line of control (ALC). The irony of the fact is that while including these groups in the list of reserved categories, no distinction has been made between rich and the poor of the same reserved group. This led to the result that the poor become poorer and while rich of the community took lion’s share of benefits at the cost of others. The other loopholes of Jammu and Kashmir reservation policy can be noticed while analyzing that usually for OBC category, the socio-economic backwardness of the community is measured but contrary to it, in Jammu and Kashmir state, the RBA and ALC categories has been
included in the OBC list of the state which is not accepted by the National Commission for Backward classes. Thus only 2 percent of the social castes of the state are eligible for the 27 percent reserved quota for OBC at the national level.

Jammu and Kashmir is a pluralistic society with varied geography, religions, languages, ethnicity and cultures. This large diversity sometimes becomes hostile through not paying due need to the aspirations of diverse identities. The perpetual feeling of being neglected gave birth to conflicts and group tensions. Amongst the contemporary internal conflicts in Jammu and Kashmir, the Gujjars-Pahari controversy is perhaps one of the most serious challenges to internal peace at the micro level, and an emerging impediment to handle the Kashmir issue at large. This conflict between the Gujjars and Paharis, transcend, all regional boundaries and religious divides in Jammu and Kashmir. Historical literature traces the roots of tussle to several decades ago but the differences sharpened in 1991 when Gujjars were included in the Scheduled Tribe list. Therefore, tension began to simmer in the Pahari community. They felt neglected by the state and central government from the benefits which were being provided to other communities living under the same social, geographical conditions and face problems alike. Thereafter, the Paharis started a struggle for schedule tribe status.

The perpetual demand of the Paharis compelled the state government for opening a Paharis section in the Jammu and Kashmir Cultural Academy for the development of Pahari language and the Jammu and Kashmir Advisory Board for the development of Paharis speaking people was created for working as a nodal agency for building residential hostel for the Paharis student at every district headquarter and provide scholarship to Paharis student and fill the critical developmental gaps in the Paharis areas.

However, the Pahari people remained adamant for the grant of Schedule Tribe status. The controversy between these two communities is becoming prominent on a large scale because of the fact that the political parties extend selective patronage to one community against the other for securing easy vote-bank. Infact the political parties and the state governments have helped, overtly or covertly, in escalation of conflict from time to time. There is a hidden tension between the Gujjars and the Paharis who nurse huge contempt for each other. In Rajouri and Poonch districts of
the 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 is a major political and social discourse in day to day life and their divide has become a dominant factor in all political and administrative decision. 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 project like school, dispensaries and roads and bridges, have became a major determining factor.

Instead of trying to resolve this issue in a collective perspective the political parties and the governments are playing the Gujjar and Pahari cards which further hardened their stand and sharpened the conflict. Psychological irritation due to social differences and willful tendencies of getting at odds with each other are commonly seen among them. There are serious and dangerous signals of an impending conflict in Jammu and Kashmir which is already going through a high level of armed conflicts. While the Gujjars-Pahari divide offers a huge vote bank dividend to the political parties, but further deepening of this divide will become unmanageable for the future incumbents.

To prevent further escalation one needs to understand who exactly these people are, what are the stakes involved, where can one place them in larger conflict zone of Jammu and Kashmir. What has gone wrong so far and how can these things be corrected.

Apart from the politics of reservation and reservation debates, amidst these reservation demands, the haunting question remains that, whether reservations alone are enough to bring the marginalized and disadvantaged groups to the mainstream and help them to achieve the level of other members of the society?

If Pahari demand for reservation is met what can be its fallouts on the holistic mainstream and reserved sections of Jammu and Kashmir state and finally how it will be observed by Gujjars; this remains a bigger curiosity. Shall Paharis only feel emancipated or empowered once Scheduled Tribe status is granted to them or do we really need a change in the discourse of reservation and welfare programmes meant for the marginalized in the entire country. Is the Pahari demand really a genuine story or merely the manifestation of the Gujjar-Pahari tussle and competition between the
two communities, is also a curious question to be looked at. Also if the Paharis
demand for scheduled tribe status is a Gujjar nightmare, and is enjoying of Scheduled
Tribe status by Gujjars itself a Pahari nightmare?

Do we need to do away with permanent reservations to different communities
and instead launch special developmental and welfare programmes aimed at inclusive
growth of the marginalized groups of the state? Can we really afford granting further
reservations to different groups at such a critical juncture when the state is facing
acute unemployment crises and youth bulge? The questions are so many, however,
with no satisfying answer till date.

Suggestions

The foregoing discussion clearly shows that all is not well with the reservation
policy and it is high time that a dispassionate thinking is focused upon it. The
following suggestions are mooted in order to make the reservation policy judicious,
reasonable and purposive.

➢ Government should do something seriously to preserve the culture of the
communities feeling discriminated and there must be an emphasis on conducting
studies/research and documenting their practices and life pattern.

➢ The difference need to be understood between Paharis and Gujjars as they are
identified as one lot which it is not. Therefore research needs to be carried out
on the culture and socio-economic aspects of the both communities.

➢ Government should definitely look into the upliftment of backward sections of
the society seriously. However granting a privilege forever is not an apt solution
to the problem. One time package for education, livelihood, or holistic welfare
of such groups can be a step forward but why is the granting of reservation to
any community so important. Government should seriously look into the
repercussions before granting any such status to any section of the society.

➢ The Pahari community is devoid of adequate socio-economic and educational
development. Therefore, a strong socio-anthropological insight is badly needed
to look into the culture and life pattern, identity crisis and overall pressing issues
of the Paharis.
The viable solution to resolve the historical divide between Gujjars and Paharis lies in the capability of the government to alleviate the socio-economic profile of the two communities. A survey of the socio-economic profile of all the communities in Gujjar-Pahari heartland can be another approach to reach an understanding on the needs and problems of these people residing in Jammu and Kashmir. To solve these problems, the central and state governments should act in a pragmatic way instead of succumbing to a policy of appeasement.

Both the communities are living in congruent geographical conditions and have adopted similar life styles. Both the communities either live in remote, far flung and inaccessible hilly areas mainly in the Pir Pahchal region or their basties (habitations) are located around LOC. So they face similar problems of economically backwardness. Therefore, both the communities need equal ameliorative measures. We cannot alleviate one community and left other in the shackles of backwardness.

A joint Gojri-Pahari intellectual conferences can contribute in diffusing age old tensions between the two communities through dialogue and reconciliation, there is an urgent need for the restoration of the old traditions of brotherhood between them.

The Paharis have not yet been given a proper definition by the planning department of Jammu and Kashmir State and no proper survey has been made of their economic vulnerability. So there is an urgent need for conducting a proper socio-economic survey so that sustainable development of all sections of the society can take place.

For rebuilding confidence among the Paharis, a seat of chair can be established at the University of Jammu for a more systematic development of the Pahari speaking people.

There is an urgent need for greater understanding and reconciliation among these communities. To this end, NGOs, social activists and religious figures could come forward and start the journey towards peace and reconciliation. On the part of government, efforts should be made to strengthen ties between these communities to restore peace, happiness and harmony in these regions. These efforts will really help in de-escalating tensions between these two communities.
> If the government is really concerned about the upliftment of the poor people of the society, then why not to adopt the BPL formula. All the BPL households of the state whether they belong to any community, area or linguistic group be declared as reserved category without consideration of their caste or color. And this all should be done after cancelling all reservations based on area and caste criteria.

> The whole question of reservation needs a serious debate in the state at every level. Fostering the reservation politics in the state will kill meritocracy and increase the animosity among various sections of the society.

> Reservations should not be made a permanent feature. Any privilege provided permanently makes the beneficiaries a privileged class and gives wrong signals to others. This situation affects adversely the social harmony among the different sections of the society. So, only one generation should be permitted the benefits of reservation.

> Periodic review of reservation is necessary. Once a person has been benefitted, he should not be further provided quota. The benefits of reservation should be provided only once that is at the stage of admission in educational institutions or recruitment or promotion and not at every stage of one’s career.

> Identification and classification of backward classes should be dictated by the economic criteria of the household. A class which is declared as backward may turn out to be the most advanced in a particular region.

> Any decision of the government regarding extensions of the reservation to any group should be accountable to an independent authority as in most of the cases these decisions are based on political expediency. Further the government which is supposed to be reflected by merit, efficiency and expertise in specific branches of services must maintain a balance between merit and concession.

> It has been a premier goal of mankind to establish an egalitarian society. The political scientists should make an assessment by conducting an empirical study over the attainments of the members of any backward class. If it is found that the backwardness of a particular class has ceased to exist, the class should be removed from the orbit of reservation.
The politics of reservation and reservation debates apart, amidst these demands for reservation, the haunting question remains that, are reservations alone enough to bring the marginalized and disadvantaged groups to the mainstream. We really need a change in the discourse of reservation and welfare programmes run for the marginalized sections of society.

The permanent perpetual reservations to different backward communities should be abolished; instead special developmental and welfare programmes aimed at inclusive growth of marginalized groups of the state should be executed.

The definition of the whole area as the backward, and treating all residents therein as backward is unjustified as the classification of socially and educationally backward classes cannot be on the basis of geographic, climatic or backwardness of an area, as that backward region may also comprise of upper caste people, they would be sole beneficiaries of the reservation policy as enacted in the said Act and rules. Hence this creamy layer should be excluded from the purview of reservation.

Persons availing benefits of reservation through corrupt practices must be dealt severely. Acquisition of fake caste certificates should be made a cognizable offence, punishment should also be handed out to the offenders including the issuing authorities and forfeiture of all benefits secured through such certificates should be made compulsory.

The provision of protective discrimination enlisted in Article 15(4) and 16(4) and the mandate of Article 29(2) cannot be stretched beyond a particular limit. The state is bound to serve its people but there are some services which demand expertise and skill. In such services, there can not be room for reservation; merit alone must be the sole and decisive consideration for appointments.

The constitution should be amended. All extensions or prolongations of reservation should be done by the act of legislation and not by an executive decree.

Constitutional bench of Supreme Court delivered its historical judgment on November 16, 1992 in a case titled as Indra Sawhney and others Vs Union of India. In this landmark judgment Supreme Court held that
“Reservation is not an end in itself. It is a means to achieve equality. There will be no need for reservation or preferential treatment once equality is achieved. Every reservation founded on benign discrimination and justifiable adopted to achieve the constitutional mandate of equality, must necessarily be a transient passage to that end. It is temporary in concept, limited in duration, conditional in application and specific in object.”