

PAHARI SPEAKING PEOPLE OF JAMMU AND KASHMIR QUEST FOR SCHEDULED TRIBE STATUS: AN EXPLORATORY STUDY

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ABSTRACT

The Pahari speaking people literally belongs to hilly mountainous areas of Jammu and Kashmir. Like other ethnic groups, the Pahari speaking people are also socio-economically and educationally backward and are lying at the bottom of the developmental ladder. To promote and safeguard the socio-economic interests of this weaker section, number of alleviative measures has been drafted by the government of the state. Besides the alleviative measures, the Pahari speaking people have vehemently propounded the demand for scheduled tribe status as granted to other ethnic groups in 1991. The demand of the Pahari speaking people for scheduled tribe status was greatly endorsed by the ruling political parties of the state. But these Paharis speaking people being a linguistic group from different religions were found not eligible for the inclusion in the scheduled tribe list. Despite being a linguistic group, the demand of the paharis were vehemently advocated by all the political parties and ruling governments of the state from the 1990's onwards. All this conundrum needs to be explored that if the Paharis are not found eligible for the scheduled tribe status then how come their demand are being strongly advocated by the ruling political parties for their inclusion in the scheduled tribe list. This paper is an attempt to evaluate the claims of the Paharis speaking people and explore the political commitments made by the different leaders for the reservation of these Pahari speaking people.

INTRODUCTION

Jammu and Kashmir is a pluri-cultural, pluri-lingual and pluri-religious state of India. In a sense, it represents sub-continental diversity. The state of Jammu and Kashmir is inhabited by different communities, some settled, quite a few are nomadic. The prominent ethnic groups of the state are Gujjars, Bakerwals, Dogras,

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Laddakhis, Kashmiris, Paharis. The Paharis are the people from diverse races, castes and religion whose distinct cultural heritage, life style and mother tongue has ascribed them a composite cultural identity.

The Pahari speaking people are living in the areas of southern upper hills of Pirpanchal particularly from western Banihal to Muzaffarabad, Drawa and Nangaparbath adjoining areas. Their history can be traced from *Tariekh-e-Pahaad* by Mohammad Ali, *Rajgani-Rajwar* by Mirza Zaffarullah, *Aqwami Poonch* by Munshi Mohammad-din Fouq and *Galdan* by Mohammad Yaqob Khan and *Tariekhe-Jabwal* by Awatar Singh Chib.² After partition, the Hindu and Sikh Pahari population migrated from Pakistan administered Kashmir to this side of border. Their dwellings are mainly in Jammu, R.S pora, Sambal camp, Bakshinager, Rehari and in areas of Rajouri, Poonch and Baramullah. Amongst Muslim Paharis, the Rajputs are in majority who classify themselves into different castes like the Thakur, Kamlak in Ilakqa Badal, and the Jaral Malik in Thana Darhal, the Jaral in Rajouri, Behroute, Manjakote and in Mendar, the Ferozal, Manhas, Chib, Chadak, Thakyal, Domal in Uri, Khakey in Hatmal, the Bambay, Rajay in Karna etc³

These people are mostly concentrated in hilly and border areas of the state stretching from Badhel in Rajouri up to Keran and Teetwal in Kupwara, living in these remote distant areas have restricted their socio-economic mobility. The geographical-cum-topographical conditions coupled with border area have made their life hard and miserable. Devoid of day to day normal facilities of education, healthcare, financial support and social upliftment, they are facing lot of miseries, hardships, aggression, tension, violence etc, prevalent on the borders from the last 70 years.⁴ Being the peripheral areas, these are continuously ignored in the developmental activities and other amenities as compared with other areas of the state. Tilling hilly lands and cattle rearing had been their main occupation. Border restrictions, day to day skirmishes and mortar-shelling and loss of grazing area further intensified their sufferings. The armed conflict from last 30 years had a heavy toll on the life of these Paharis.

However in 1975, Sheikh Mohammad Abdullah's government tried to infuse confidence among these Pahari speaking people by establishing a separate Pahari department in the state cultural academy. Literary works like *Astha-adab*, *Sheeraza*, *Lokgeet* and *Lok Kahaniya* were started for publication. Furthermore, the broadcast in Pahari language started from Radio Kashmir Srinagar All India Radio Poonch, and Doordarshan Srinagar and

² Khush Dev Maini, *Pahari Qabayil* (urdu), Government of Jammu and Kashmir Advisory Board for the Development of Pahari Speaking People, Jammu, 2006, p. 18-19

³ Nazir Masoodi, Waadi ki Pahari Bastiyaan (in Urdu), *Shamsbari*, Special Edition No. 2, Srinagar, June, 2000, p. 8

⁴ Supranote 3

Jammu also started broadcasting programmes in Pahari language. Pahari language was also recognised in 6th schedule of the constitution of Jammu and Kashmir.

To promote and safeguard the educational and economic interests of these Pahari speaking people is the prime need of an hour so to protect them from alienation as the state of Jammu and Kashmir is already going through an armed conflict from last 30 years which had a heavy toll on the lives of the people and on the developmental scenario of the state. To do away their 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 for the students etc. All the benefits were equally shared by all sections of people like Paharis, Gujjars, Bakerwals, Sheenas and Ladakhis, without any discrimination on the basis of name, caste or creed. To provide constitutional guarantee to these alleviative measures laid down by the state government, it was in 1989 that the Jammu and Kashmir government recommended to the central government following seven classes for the inclusion in the Scheduled Tribe list:⁵

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

STRUGGLE FOR SCHEDULED TRIBE STATUS

The recommendations of the state government for scheduled tribe status for all these classes except Pahari speaking people were considered in principle in 1991. The decision of scheduled tribe status to these communities were declared on the basis of their poor living condition, geographical odd remote location, ethnic cultural identity. The Paharis complained that inspite of the common locations, almost same occupations, lingual similarity; the Paharis have been left out from the purview of benefits reaped by other similar ethnic groups like Gujjars and Bakerwals.

⁵ The Jammu and Kashmir Scheduled Tribe Order 1989

The Paharis allege that the misunderstood identity of the Paharis is itself very old as it is evident from the various historical accounts of Kashmir as Sir Walter Lawrence in his book Valley of Kashmir in chapter XII, he has identified Paharis as Gujjars by depicting the linguistic characteristics of Paharis as:

“They are semi nomadic tribe which grazes buffalos and goats along the Himalyas 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 inoffensive and simple people and in their relations with the state they are infinity more honest than the Kashmiris.”⁶

Parimu and Hindkoh are the languages spoken by mainly Paharis not by Gujjars as is stated above passage. Paharis are of the view that the Scheduled Tribe status was awarded to communities more or less on linguistic basis vis-à-vis Balti, Dard, Sheena and Gojjri, but only Pahari speaking people were left away. The parameters laid down for granting Scheduled Tribe status were also not fulfilled by other communities but still a political decision was incurred over them. Initially, the government of India was also not convinced about the merit of the demand of the Gujjars for Scheduled Tribe status: that is why they were not included in the original notification issued in 1989, but they were listed in the subsequent notification after reconsideration of their demand by the Registrar General of India who treated Gujjar and Bakerwals as a marginal case.⁷

The Pahari speaking people complained that the Registrar General of India during his visit for assessing the claims of various classes for Scheduled Tribe status had misunderstood 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 Genral 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

⁶ Sharafat Ali Khan, Why Scheduled Tribe Status to Pahari Tribals, Pahari Cultural and Welfare Forum, Srinager, 2011, p. 1.

⁷ Supranote 6.

that the two communities 'Chungpas' and 'Prigpas' actually denote the inhabitants of specific regions i.e. Chang valley and Prig valley respectively; their inhabitants are 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 point on which Registrar General of India recommended the Schedule Tribe status to this community clearly shows that the recommendations of Registrar General of India were ambiguous.⁸ The Paharis claim that, contrary to the Prigpas, the Paharis have more distinct culture, history and language and geographic isolation as they live along the line of control. So they too should be treated in the same fashion as other ethnic groups who were considered for scheduled tribe status.

Their continuous struggle under the banner of Pahari Cultural Welfare Forum with other organisations have pressurised the government to an extent that an Advisory Board for the Development of Pahari Speaking People was established in 1989 with terms of reference as⁹:

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

POLITICAL COMMITMENTS OF PAHARI MOVEMENTS

There had been a series of political commitments from 90's by the leadership from State government to Union government. The demand of the Pahari speaking people for scheduled tribe status was vehemently advocated by the state cabinet and also endorsed by all the former governors particularly by the General K. V Krishna Rao as¹⁰:

⁸ Dr. Arif Khawaja, Commentary, *Greater Kashmir*, March 23, 2002.

⁹ Vide Government Order No: 1373-Gad of 2010

¹⁰ Order No; D.O.GS/GoV © G/93 dated 26 December, 1993

“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, despite sharing the same kind of disadvantages as faced by the Gujjars and 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.”

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.”¹¹

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 2004.¹² 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 February 9th, 2004 regarding recommendation for granting Schedule Tribe status to Paharis people.¹³

“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.”

The political leadership of the country have strongly advocated the demand of the Pahari speaking people for the ST status even a resolution was passed in the Legislative Assembly of Jammu and Kashmir:

¹¹ *Kashmir Times*, 5th April, 2002.

¹² *Kashmir Times* 10th Jan, 2004.

¹³ *Daily Excelsior* 29th March, 2004.

“Resolution passed by the Jammu and Kashmir Legislative Assembly on 30th 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”¹⁴

In simpler terms, it can be said that since 1989, all the ruling governments at the centre have accepted the demands of Pahari speaking people and assured to grant schedule tribe status to them. Likewise ruling parties in the state during their tenures have also accepted and recommended this demand and promised its fulfilment at the earliest. Realizing the gravity of the demand, it was included in the Common Minimum Programme of the United Progressive Alliance government and it also find space 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 it was strongly advocated by the 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 substantiated the demand. Former Chief Minister, Ghulam Nabi Azad has also pleaded this demand before five Round Table Conferences, and had made announcements in many public functions at Poonch, Rajouri, Karnah, Uri, Convention Complex Srinager and Abhinav Theatre Jammu, and time and again assured that this demand will be accepted.¹⁵

The State Governments have almost acknowledged the entity of Pahari tribe and extended them rights in sponsored schemes. For instance, both the Gujjar Bakerwals 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 Pahari students. 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, radio and TV programs in Pahari language do have their due time for broadcasting so to promote their language and culture.¹⁶ The separate Pahari sub-tribal plan for Pahari speaking people has been created in the budget of the state.

¹⁴ Order No. LA/ 4288-90/ legn/ 2005 dated 30/10/2005

¹⁵ *Greater Kashmir* 21 July 2006.

¹⁶ Sharafat Ali Khan, *Pahari Tribals and Political Commitments*, J&K Pahari Cultural and Welfare Forum, Srinager, 2008, p. 12.

The above mentioned developments at the central level and at the state level 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 has been delaying political tactics by the political leaders as is evident from their hallow commitments, assurances and promises.

CONCLUSION

The Pahari speaking people are undoubtedly socio-economically and educationally backward like other ethnic groups and therefore, deserve immediate safeguard and protection. The border areas of Jammu and Kashmir state along with Valley are badly affected on account of political disturbances and skirmishes across the border. The state is declared as disturbed area, such a horrific situation does not exist in any other state of India. Therefore the already vulnerable marginalised groups of the state are more prone to the victimization from the state machinery as well as by the extremist forces operating in the state. So there is an immediate need of the comprehensive measures to enable the security for these marginalised communities.

However, the government of Jammu and Kashmir has appointed a number of commissions and committees to sort out the issues of reservation scheme but yet the reservation policy is being amended day in and day out in their own suitable 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 which is supported by the political parties for their vote bank politics. The agitations for demand of reservation are noticeable from every hook and corner of the country.

The only possible solution for this situation lies in the capabilities of the government to alleviate the socio-economic profile of the backward communities. Reservation has failed to change the lives of these dumb millions who are still leaning at the ground, because prior to take benefit of the reservation scheme, we must be somehow literate enough to be eligible for government employment. Giving the schedule tribe status particularly 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 interesting to mention if reservations alone would have been an Allahdins lighting lamp then they are already the stakeholders among the reserved categories like; 20% Resident of backward Area

(RBA) category and 3% Actual Line of Control(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.