

Scheduled Tribes of Jammu and Kashmir : Issues, Government Response and Challenges

Nishant Katoch

Research Scholar

Bhagwant University , Ajmer

ABSTRACT

Scheduled tribes are amongst the most socially, economically as well as politically deprived and disadvantaged communities. This paper intends to study the various issues which these people are facing in the state of Jammu and Kashmir like poverty , unemployment , lack of education, paucity of essential medical facilities etc. Besides, the government response in the form of various schemes and welfare measures taken to address these issue as well as the challenges at the implementation level will also be discussed .

Key words : Scheduled Tribes, Jammu and Kashmir , Issues , Welfare Measures, Challenges.

INTRODUCTION

India is both geographically as well as culturally a very diverse country. More than 125 crore people ascribing to different socio-economic backgrounds, cultures, ideologies, religions and regions live together as one nation. Tribal population forms an indispensable part of this rich diversity of our country and adds its own flavour to it.

According to the 2011 census report, the tribal population of the country is 10.45 crore which corresponds to 8.6% of the total population of the country. It is interesting to note that about 89.97% of them live in rural areas whereas 10.03% live in urban areas. Geographically the tribals inhabit two distinct areas – the Central India and the North Eastern India. More than half of the tribal population is concentrated in central India and a considerable part of the remaining reside in the North Eastern India. State of Jammu and Kashmir accounts for 1.4% of the total tribal population of the country.

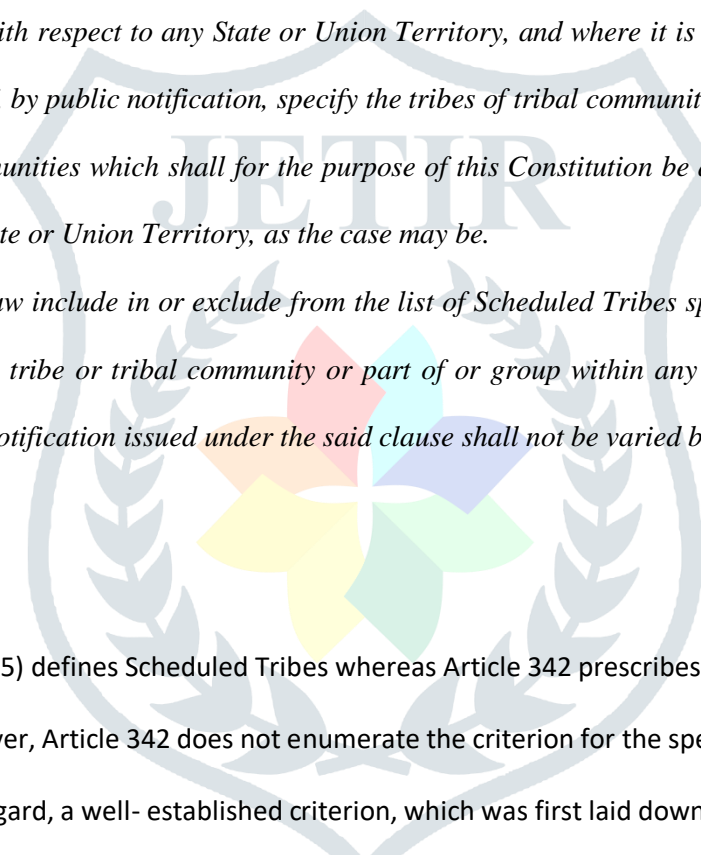
Tribals are amongst the most marginalized and disadvantaged communities owing to their relative isolation and continued primitive mode of sustenance. The framers of Indian Constitution recognized the tribals as a weaker section of the society and therefore introduced the concept of scheduled areas and scheduled tribes to specifically uplift these communities. Besides, many policies and welfare schemes have also been started by the Government of India and respective State Governments from time to time for the upliftment of the tribal community.

Here we will discuss the problems being faced by the Scheduled tribes of Jammu and Kashmir, the various schemes and welfare measures taken by the government as well as the challenges that hamper the implementation process.

WHO ARE SCHEDULED TRIBES ?

The clause 25 of Article 366 of The Constitution of India defines Scheduled Tribes as “*such tribes or tribal communities or part of or groups within such tribes or tribal communities as are deemed under Article 342 to be Scheduled Tribes for the purpose of this Constitution*”.

Article 342 of The Constitution of India provides that :-

- 
- (1) *The President may with respect to any State or Union Territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the tribes of tribal communities or parts of or groups within tribes or tribal communities which shall for the purpose of this Constitution be deemed to be Scheduled Tribes in relation to that State or Union Territory, as the case may be.*
- (2) *Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1) any tribe or tribal community or part of or group within any tribe or tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.*

We can say that Article 366(25) defines Scheduled Tribes whereas Article 342 prescribes the procedure to be followed for their specification. However, Article 342 does not enumerate the criterion for the specification of any community as Scheduled Tribe. In this regard, a well- established criterion, which was first laid down by Lokur Committee, is followed. It is based on certain essential attributes such as:-

1. Indication of primitive traits
2. Distinctive culture
3. Shyness of contact with the community at large
4. Geographical isolation
5. Backwardness

In the state of Jammu and Kashmir it was in 1989 that for the first time eight communities namely *Balti, Beda, Bot, Brokpa, Changpa, Garra, Mon* and *Purigpa* were granted Scheduled Tribe status vide Constitution (Jammu and

Kashmir) Scheduled Tribes Order, 1989. Further, four more communities namely *Gujjar, Bakarwal, Gaddi* and *Sippi* were also granted Scheduled Tribe status vide Constitution (Jammu and Kashmir) Scheduled Tribes Order, 1991. As per 2011 Census, the total population of Scheduled Tribes in Jammu and Kashmir is 14.9 lakhs which corresponds to 11.9% of the total population of the state and 1.4% of the total tribal population of the country.

Geographically, the Scheduled Tribe population is spread throughout the state of Jammu and Kashmir. Balti, Beda, Bot, Brokpa, Changpa, Garra, Mon and Purigpa are found in Ladakh region whereas Gaddis and Sippis reside in the southern districts of Doda, Kathua and Udhampur. On the other hand, Gujjars and Bakarwals are almost found in all parts of the state except Leh, with higher concentration in the districts of Poonch and Rajouri . The district wise distribution of the population is shown in Table 1.

Table 1 :- Distribution of Tribal population in various districts of Jammu and Kashmir.

State/District	Total Population	ST Population	Percentage
J&K	12541302	1493299	11.9
Anantnag	1078692	116006	10.75
Budgam	753745	23912	3.17
Bandipora	392232	75374	19.21
Baramulla	1008039	37705	3.74
Doda	409936	39216	9.56
Ganderbal	297446	61070	20.53
Jammu	1529958	69193	4.52
Kargil	140802	122336	86.88
Kathua	616435	53307	8.64
Kishtwar	230696	38149	16.53
Kulgam	424483	26525	6.24
Kupwara	870354	70352	8.08
Leh	133487	95857	71.80
Poonch	476835	176101	36.93
Pulwama	560440	22607	4.03
Rajouri	642415	232815	36.24
Ramban	283713	39772	14.01
Reasi	314667	88365	28.08
Samba	318898	17573	5.51
Shopian	266215	21820	8.19
Srinagar	1236829	8935	0.72
Udhampur	554985	56309	10.14

Source : Census 2011

ISSUES

Most of the tribals live in far flung areas, as such they face many problems such as low literacy rate, poverty, paucity of modern health care facilities and many more. Some of these issues faced by Scheduled Tribes are discussed as under :

1. Education

Education plays an important role in the progress of humanity in general and a nation in particular. It is very unfortunate that while our nation is marching ahead towards realizing higher literacy rate with quality education yet the tribal population is struggling to get basic education. Right to Education and Sarva Shiksha Abhiyaan have given a boost to the literacy rate in the country but owing to certain social stigmas, migratory nature as well as lack of infrastructure, Scheduled Tribes are still lagging far behind the national average. Against the overall literacy rate of 73% the literacy rate of Scheduled Tribes stands at 59% as per Census 2011 report.

In the state of Jammu and Kashmir the overall literacy rate stands at 67.2% whereas in the case of Scheduled Tribes it is 50.6% which is far below the national average of 59% for ST's (source: Census 2011 report). It is quite interesting to note that there is a sharp contrast in the education level among different tribes of Jammu and Kashmir. Balti, Bot, Brokpa and Purigpa are highly educated whereas Gujjar, Bakarwal, Gaddi and Sippi have low literacy rates. Bakarwals are amongst the most illiterate communities of the country. Further, the literacy rate is lowest among the tribal women in Jammu and Kashmir. For an overall perspective see Table 2

Table 2 : Literacy Rate

S.No	State	Persons		Males		Females	
		All	ST	All	ST	All	ST
1	India	73	59	80.9	68.5	64.6	49.4
2	J&K	67.2	50.6	76.8	60.6	56.4	39.7

Source : Census 2011

2. Health

The famous proverb "Health is wealth" clearly sheds light on the importance of good health in our lives. Only a healthy person can take a pro-active part in socio-economic activities of daily life. Government of India has been consistently making efforts to provide affordable medical facilities to its citizens. Ayushman Bharat scheme is a recent development in this direction. However, the fact remains that the overall health indicators show a grim reality of the health sector in our country and it is even worse in the case of the Scheduled Tribes (see Table 3).

Table 3: Some important Health Indicators.

Health Indicator	Scheduled Tribes	Total
Neo-natal Mortality Rate	39.9	39
Post Neo-natal Mortality Rate	22.3	18
Infant Mortality Rate	62.1	57
Child Mortality Rate	35.8	18.4
Under Five Mortality Rate	95.7	74.3
Childhood Vaccination	31.3	43.5
Percentage of Households covered by a Health scheme/Insurance	2.6	31.9
Anemia among women	68.5	55.3

Source : NFHS, 2005-06, Ministry of Health and Family Welfare, GOI.

Most of the tribals live in far-flung areas where they have no access to modern medical facilities, that is why, even today they continue to use their traditional knowledge of medicines based on wild herbs to cure the diseases. Besides they also fall prey to superstitious belief systems which hold evil spirits responsible for causing diseases to their men as well as cattle. As a result they suffer at the hands of self-acclaimed gods men who exploit the innocent tribals on the pretext of curing them. The government must make all necessary provisions so that the tribal population may avoid such superstitious belief systems and instead avail modern medical facilities.

It is interesting to note that the overall sex ratio of Scheduled Tribes in India is 990 whereas in the state of Jammu and Kashmir it is 924. Mainly the Bot and Brokpa tribes of Ladakh and also the Bakarwals have registered very low sex ratio.

3. Unemployment The level of unemployment is very high among the tribals. Cattle rearing , agriculture and the allied fields used to be the source of employment for the tribals population. With the decline in the traditional mode of sustenance along with negligible parallel education and skill development opportunities, the tribals have been rendered unfit for jobs in the modern day industrial, service sector and other related fields driven market which requires high level of skill and descent educational qualification.

Most of the tribals work as day labourers in agricultural fields or on construction sites. Though the government has started many skill development initiatives and scholarship schemes for the tribal youth, yet much more needs to be done especially at the implementation level so that the young tribal generation may get their long pending dues and also become capable to contribute to the growth and development of the nation.

4. Poverty Owing to the primitive modes of sustenance most of the tribals live such a life whereby the resources are just sufficient enough to meet the requirements of the body. Various definitions and criterions have been suggested by different economists and the committees appointed by the Government of India, prominent being Lakadwala committee and Tendulkar committee. Generally, poverty has been defined as the total per capita expenditure of the lowest expenditure class which consumed 2400 kcal/day in rural areas and 2100 kcal/day in urban areas. This is the least amount of nutrition required to sustain the human body.

In Jammu and Kashmir the condition of tribal communities is much better (see Table 4) as compared to the pan India level but still the fact remains that most of the tribals live their lives just at the sustenance level.

Table 4 : Percentage of ST population below poverty line (Tendulkar Methodology)

S.No	State	Rural		Urban	
		2009-10	2011-12	2009-10	2011-12
1	India	47.4	45.3	30.4	24.1
2	J&K	3.1	16.3	15.0	3.0

5. Shelter

Traditionally most of the tribals were transhumants. Being seminomadic they did not construct permanent houses, instead they lived in temporary shelters. Bakarwals are a classical example, who even today lead such kind of a life style. They move with their sheep and goats to hilly areas and higher pastures during summers whereas with approaching winter season they come down to the plains. Among Gaddis and Sippis one or two members of the family move with the goats and sheep to higher reaches during summers and live there in temporary shelters called *Hadwari*. As the winters set in they descend down to the plains.

Now many of the tribal communities have settled down. Majority of these people who live in rural areas have *Kutchha* houses. Also, many of those who live in urban areas reside in temporary homes. It is imperative here to mention that among tribal communities sanitation receives least attention and the practice of open defecation is widely prevalent. As such it is the need of the hour to provide the members of these communities with permanent houses under Pradhan Mantri Gramin Aawas Yojana and Pradhan Mantri Shehri Aawas yojana in urban and rural areas respectively along with modern toilets under Swachh Bharat Abhiyaan.

6. Technological Backwardness

In the era of Digital India where we aspire to utilize the full potential of digital platforms to increase the efficiency of service delivery and transparent governance, the ST population of the country has been left behind. Since most of the tribals live in far flung areas, the technological penetration have not yet reached them. Besides, issues like poverty, lack of education and paucity of infrastructure have further complicated the process of digital transformation.

In Jammu and Kashmir, owing to the hilly terrains and lack of relevant infrastructure the tribals have been left behind in this fast developing technological world. Ranging from smartphones and computers to high tech transportation and medical facilities, which have become a norm of the day are still a dream to many of these tribals. It is the high time that the Government should immediately take necessary steps to ensure that the Scheduled Tribes are not left behind in this fast changing world.

7. Special Problems of Tribal Women Women in general have been historically deprived of their rights and were relegated to the confinement of four walls of the house. The aim of the modern progressive societies is to offer respect and equal opportunities for all irrespective of their sex, colour, caste, race or religion.

Tribal women are amongst the most illiterate women in our country with literacy rate of just 49.4%. This also holds true for the state of Jammu and Kashmir where the literacy rate for tribal women stands at 39.7%. As has been rightly said if a woman is educated the whole family is educated, thus it is the high time for the state government to take necessary measures to educate and empower the tribal women so that the whole tribal community may benefit.

They are also vulnerable to many women specific diseases and medical complications especially during pregnancy and at the time of delivery as the modern medical facilities have not yet reached the far flung areas where most of the tribals reside. Health indicators show high level of deficiency among the tribal women which not only is harmful for them but also to their children.

8. Problem of Political Representation Any marginalized community cannot develop until it gets political representation. With this thought in mind the framers of The Constitution of India provided for the reservation of seats for the marginalized communities in the Parliament of India, State Assemblies, Municipalities and Village level institutions. Scheduled Tribes have been granted these reservations under art 330(in Parliament), art 332(in State Assembly), art 243T(in Municipalities) and art 243D(in Panchayats).

This political reservation is applicable throughout the country except for the state of Jammu and Kashmir as the relation between the state and the Union of India is governed by art 370 of the Constitution of India. It is highly imperative of the state government to extend these provisions to the state at the earliest so that the tribal communities may get appropriate political representation.

GOVERNMENT RESPONSE

At the central level there are various institutions which are working for the welfare and development of the tribal population. At the apex, comes the Ministry of Tribal Affairs which shoulders the overall responsibility of managing the tribal affairs. For safeguarding the tribal rights there is National Commission for Scheduled Tribes. In finance sector there is National Scheduled Tribes Finance and Development Corporation which promotes various schemes like Bank

Tie Up scheme and Direct Financing. Further, there is TRIFED (Tribal Cooperative Marketing Development Federation of India) which promotes socio-economic development of the tribals,

In the state of Jammu and Kashmir it was only in 1989 that for the first time eight communities were declared as Scheduled Tribes and subsequently in 1991 four more were added to the list. Over the time, the state has developed a tribal development structure through which various schemes for welfare and development of the tribals are planned, implemented and monitored. This structure comprises of the following :

1. Department of Tribal Affairs It was in April 2015 that the then Chief Minister of Jammu and Kashmir , Shri Mufti Muhammad Sayeed created the Department of Tribal Affairs to be headed by a Minister. Earlier the tribal affairs were looked after by the Department of Social Welfare. The main responsibility of the department is to manage the tribal affairs of the state and coordinate with the Union Ministry of Tribal Affairs. Besides, other institutions like J&K State Advisory Board For the Welfare & Development of Gujjars and Bakarwals and Directorate of Tribal Affairs are under its control.

2. Directorate of Tribal Affairs The Directorate of Tribal Affairs was created in July 2008 with the following objectives :

- To design and develop programmes for tribal welfare
- To promote efficiency in the implementation process
- To establish an effective monitoring system
- To conduct periodic evaluation of various schemes

It has two directors one for Jammu division and the other for Kashmir division. The various schemes implemented by Department of Tribal Affairs are :

- Post Matric scholarship for ST students
- Book Bank scheme for ST students
- Construction of hostels for ST boys and girls
- Eklavaya Model Residential School

Also, the implementation of Tribal Sub Plan and grants for states under Article 275(1) come under the domain of the Department of Tribal Affairs.

3. J&K State Advisory Board for the welfare and Development of Gujjars and Bakarwals It was established in 1975 by Shri Sheikh Abdullah with primary function of advising the government on the issues related to the

welfare and development of Gujjars and Bakarwals. It has 60 members and is headed by the Chief Minister of the state. The functions entrusted to this board apart from its advisory role are

- management of ST Gujjar-Bakarwal Boys Hostels
- grant of Pre Matric scholarships
- development and promotion of Gojri language and culture.

4. J&K Scheduled Castes, Scheduled Tribes and Backward Classes Development Corporation Limited It was established in 1986 and is a registered company. It works for the soio-economic as well as the educational upliftment of the marginalized communities, Although its work is not specific to ST's yet the Bank Tie Up scheme for ST's is implemented by this company.

5. Ladakh Autonomous Hill Development Council (LAHDC) LAHDC was established through Ladakh Autonomous Hill Development Council Act of 1995 as an independent body and was provided with planning and policy implementation powers. There are two councils viz. LAHDC Leh and LAHDC Kargil. It consisted of 30 councillors out of which 26 members are elected through adult franchise in demarcated constituencies whereas remaining 4 members are nominated by the Governor. The councillors then elect the Chief Executive Councillor among themselves who heads the council. Administratively District Commissioner acts as the Chief Executive Officer.

Powers of the council

- to formulate the budget for the district
- excluding the forest land it has the power to the occupy, allot or use the land
- various schemes for the development of the district are formulated by the council
- to protect and promote the culture and language
- management of water resources
- promotion of the tourism
- imparting vocational training
- council enjoys the right to levy taxes
- protection of the flora and fauna

Thus LAHDC works for the overall development of Ladakh region where more than 80% of the population are Scheduled Tribes.

Besides these institutions there is a provision for 10% reservation in jobs for the ST's in the state of Jammu and Kashmir.

CHALLENGES

While implementing the various welfare programmes and developmental schemes for the upliftment of the Scheduled Tribes, the government agencies face a lot of challenges. Some of these challenges are described as under :

1. Communication

One of the major challenge at the implementation level is communication. Almost all the tribals have their own languages and as a result of their minimal contact with the general public it becomes difficult to communicate to them about the various programmes and schemes launched by the government for their benefit.

2. Migratory Nature

Another problem that the administration encounters is the migratory nature of the tribes. For providing education to the children as well as benefits of Anganwadi centres or for that matter PDS require the beneficiaries to be present at a particular location.

3. Lack of Education and technological knowledge

This is perhaps the biggest challenge for the government to address. Being educated enlightens the people about their rights and also ends to some extent their exploitation by the vested interests. Country is fast moving towards a digital revolution, in such a situation where the government is encouraging digitisation of the entire governance system it is highly important to educate the tribals about relevant technological aspects.

4. Corruption

One of the main reasons for the undue delay and in many cases failure of a programme is corruption. It is deep rooted in our system. Necessary measures must be taken by the government to end this practice.

5. Loop Holes in the System

Many schemes of the government are rendered ineffective merely due to the non-availability of the required strength of the officials and the vacancies lying pending for years. This has become the norm of the day and government must take this issue seriously.

6. Creamy Layer

An effluent creamy layer has developed among the ST's who despite enjoying the highest standards of life are taking undue advantage of the provision of reservation in jobs. As a result the deserving poor ST candidates are deprived of their genuine right. Thus the government must extend the concept of creamy layer as in the case of OBC's to the ST's as well.

SUGGESTIONS

1. The State government must extend those central acts and schemes to the state which are in the interest of the Scheduled Tribes such as the articles 330, 332, 243D and 243T. These articles pertain to the political reservation for the ST's.
2. The schemes and programmes should be target specific and a deadline should be set to ensure the time bound completion of projects.
3. Continuous and comprehensive monitoring of the projects must be undertaken.
4. Outcome based approach should be followed.
5. Those Departments, officials or NGO's who are outstanding performers must be publically facilitated so as to acknowledge their contribution.
6. The most important initiative should be to engage the locals in the process of the development of their region in general and community in particular.

CONCLUSION

After discussing various aspects related to the Scheduled Tribes of Jammu and Kashmir ranging from the issues these communities face to the challenges in the effective implementation of the various welfare programmes and developmental schemes started by the government, we come to the conclusion that although a significant effort has been made by the government yet the benefits have not percolated to the needy. Instead, an influential class has emerged among these communities who are taking undue advantage of the government schemes. Besides, the tribal development administration has also not yet fully developed in the state of Jammu and Kashmir. Owing to Article 370 which determines the special relationship between the State and the Union, many central schemes and acts have not been extended to the state. Political reservation for Scheduled Tribes and *The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006* are few examples in this regard. It thus becomes imperative for the state government to take a holistic view of the issues and challenges in the tribal development and take all necessary measures in the interest of the tribal communities.

References

1. Office of the Registrar General and Census Commissioner of India, www.censusindia.gov.in
2. Ministry of Tribal Affairs, Government of India, www.tribal.nic.in

3. Nazeer, Zubair. “*Structure of Tribal Development Administration in Jammu and Kashmir*”, Asian Journal of Multidisciplinary Studies, Vol. 4, Issue 12, November 2016.
4. Ghurye, G.S. “*The Scheduled Tribes*”, (Bombay, Popular Book Depot, 1963).
5. Department of Tribal Affairs, Jammu and Kashmir, www.tribalaffairs.jk.gov.in
6. Jammu and Kashmir Scheduled Castes, Scheduled Tribes and Backward Classes Development Corporation, www.jkscstbccorp.in
7. Ladakh Autonomous Hill Development Council, Leh, www.leh.nic.in and Ladakh Autonomous Hill Development Council, Kargil, www.kargil.nic.in
8. Andrabi, Azad Ahmad, “Development of Education of Scheduled Tribes in Jammu and Kashmir”, International Journal of Social Sciences Tomorrow, Vol. 2, April 2013.
9. www.google.co.in
10. Sofi, Umar Jan, “*Paradox of Tribal Development : A case of Gujjars and Bakarwals of Jammu and Kashmir*”, Journal of Sociology and Social Work, June 2013.

