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Reservation and Scheduled Tribes of Jammu and Kashmir: Assessment of Educational and Health Status of Tribal Women in District Anantnag

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ABSTRACT

India has always been looking for the approaches to ameliorate the conditions of the weaker sections. There are numbers of constitutional provisions and enactments, in the light of which different schemes have been framed so to improve their socio-economics, health and education. Likewise, the tribes of Jammu and Kashmir, after their identification in 1989, have got reservations along-with many schemes, some of which are run by specific corporations and establishments with the similar goals. The tribal women in the state have to face the triple discrimination, being Muslim tribal women. This paper, a primary study based in Anantnag district, attempts to define and describe the extents of discriminations faced by these tribal women particularly in the health and education sectors. Some interesting facts have been brought to book like the negligible presence of the tribal women in the higher echelons of education along-with the pathetic health conditions. The paper presses for the sheer necessity to improve the health standards and numbers of these tribal women in the higher echelons of education. Paying no sincere heeds from the authorities and policy makers will keep all these things only to be discussed in the coffee-shops, delicious restaurants, cozy offices and cold gatherings as the things have been going since the inception of the ameliorative attempts to the tribal women of Jammu and Kashmir.

KEYWORDS: Weaker Sections, health standards, education, triple discrimination, etc.

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INTRODUCTION

Soon after India adopted its constitution in 1950, the country set on its journey to seek overall progress of the nation. On the material front, development in sectors like infrastructure, connectivity, education, poverty and agriculture were demanding immediate attention and on the other hand, the social menaces like discrimination, untouchability, and hierarchy were creeping up to disturb the social fabric of the state. The framers of the Indian Constitution were very much aware of these existing political, social, and economic inequalities. The chief architect of the Constitution, Dr B. R. Ambedkar clearly indicated the need to redress this gradation in the society or the stability of this free nation will be in jeopardy. In his last speech in the constituent assembly, he says,

“We must begin by acknowledging first that there is complete absence of two things in Indian Society. One of these is equality; on the social plane, we have in India a society based on privilege of graded inequality which means elevation of some and degradation of others. On the economic plane we have a society in which there are some who have immense wealth as against many who are living in poverty... In politics we have equality and in social and economic life we have inequality. We must remove this contradiction at the earliest possible moment, or else those who suffer from inequality will blow up the structure of political democracy which this Assembly has so laboriously built”¹

Thus, the framing fathers of the Constitution had taken the plight to ensure justice- social economic and political, as set forth in the Preamble and thus inserted an extraordinary phase for the upliftment of the masses of humanity from the morass of subhuman social existence, abject poverty and economic exploitation. It thus, adopted the policy of preferential treatment, known as the policy of protective discrimination, in favour of these weaker sections of the society to make up for the effect of these inherited inequalities and remedy historic injustice. In this respect few concrete measures were taken like:

- (i) Constitutional Articles
- (ii) Legislative Enactments
- (iii) Reservation Scheme

Andre Beteille has explained the need for these endeavors in ‘*Distributive Justice and Institutional Well-Being*’ he says, “Reservations in India were aimed to give the depressed and backward castes a helping hand without which competition with the upper castes would have become unfair and uneven... A fair representation of these groups would certainly enhance the representative character of the state”². The governments at the central and at the provincial levels are trying their best to restructure the hierarchically rigid structure of the society. Numbers of policies, schemes, laws and welfare measures have been undertaken in this context for the welfare of these highly disadvantaged sections particularly Scheduled Castes (SCs), Scheduled Tribes (STs) and Other Backward Classes (OBCs). However, the special focus will be on Scheduled Tribes. The paper will however, focus on the tribal women of the state of Jammu and Kashmir, before briefing about the scheduled tribes.

SCHEDULED TRIBES

The term 'Scheduled Caste', 'Scheduled Tribe' has also not been defined by the anywhere in the constitution book even after it has been included in the articles like 15, 16, 19, 46, 243, 244, 275, 330, 332, 334, 335, 338, 339 and 342. However, in the light of Article 342, the term 'Scheduled Tribe' has been mentioned in Article 366 (25) as,

“Scheduled Tribes” means such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under article 342 to be Scheduled Tribes for the purposes of this Constitution”^{3, 4}

The definition and the identification of a tribe or tribes is left to the jurisdiction of state and judiciary. Although many scholars have attempted to define the term but the most acceptable definition in the Indian context has been put forth by D. N Majumdar, wherein he says,

*“A tribe is a social group with territorial affiliation, endogamous with no specialization of functions, ruled by tribal officers, hereditary or otherwise, united in language or dialect, recognizing social distance from tribes or castes, without any social obloquy stigma attached to them, as it does in the caste structure, following tribal traditions, beliefs, and customs, illiberal of naturalization of ideas from alien sources, above all, conscious of a homogeneity of ethnic and territorial integration”*⁴

In 1965 Lokur Committee has laid down the following essential characteristics for a community to be identified as Scheduled Tribes:

- Indications of primitive traits,
- Distinctive culture,
- Shyness of contact with the community at large,
- Geographical isolation, and
- Backwardness^{6,7}

The Constitution of India has laid down many provisions for their advancement and welfare. Article 15 prohibits the discrimination on the grounds of religion, race, caste, sex or place of birth. To preserve their distinctiveness, article 19(1), allowed them the freedom to roam, reside and settle in any part of the territory of India.

For the political empowerment of the Scheduled Tribes, the constitution has reserved seats for them in House of People (Lok Sabha), State Legislative Assemblies, Panchayats and Municipalities in Article 330, 332, 243D and 343T respectively. In Lok Sabha, they are entitled to 7.5% reservation i.e. 47 seats from 543 seats are reserved for Scheduled Tribes⁸. Their isolation has bereft them from the modern means of education and its various entitlements. For their educational advancement, these tribals are also entitled to benefit from the special provisions under Article 16 (5) which eases their way to seek admission to educational institutions including private educational institutions, whether aided or unaided by the State. Furthermore, article 46 of the constitution, directs the state to promote their educational interests with special care and to protect them from

social injustice and all forms of exploitation. In proportion to their population, they have been reserved with 7.5% seats in the central government jobs and the government aided institutions across the country.

These tribal communities usually occupy the inaccessible and the far-flung areas of the country. Hence, the aloofness has made them miss the boat of development more badly than the Scheduled Castes. However, the government has come up with some specific welfare schemes and programmes in order to mitigate the gaps created in the course of development as,

- (i) Scheme of Development of Primitive Tribal Groups (PGTs)
- (ii) Scheme of Market Development of Tribal Products/ Produce
- (iii) Vocational Training Centers in Tribal Areas
- (iv) Scheme of Coaching for Scheduled Tribes
- (v) National Overseas Scholarship for Scheduled Tribe Students
- (vi) Rajiv Gandhi National Fellowship for ST students
- (vii) Top Class Education for ST students
- (viii) Establishment of Ashram Schools in Tribal Sub-Plans
- (ix) Post Matric Scholarship for ST students
- (x) Pre Matric Scholarship

However, there is a separate Union Ministry called as the Ministry of Tribal Affairs under the Government of India which was constituted in October 1999 carved out from the Ministry of Social Justice and Empowerment. It looks for overall policy, planning and coordination of programmes and schemes for the development of Scheduled Tribes.⁹

SCHEDULED TRIBES (STs) IN JAMMU AND KASHMIR

In the historical context, for the first time, two of such communities namely *Gujjars*ⁱ and *Bakerwals*ⁱⁱ were identified as backward communities in 1969 by Janki Nath Wazir Committee⁹. Their inclusion in the list of backward communities only entitled them to avail those facilities of government available to any other backward community. Subsequently, in 1977, Justice Adarsh Sen Anand Committee recommended 4% reservation to these two communities. However, the committee did not recognize them as scheduled tribes.

Implementation of the recommendations of the second national backward class commission also known as “Mandal Commission” after the name of its chairman B. P. Mandal in 1990, triggered off protests and demonstrations either in favour of reservation policy or against it in almost all states of India including Jammu and Kashmir. In the state of Jammu and Kashmir many protest and demonstrations were organized by those communities which were living in mountainous and hilly regions. They were demanding the status of ST for them.

In the wake of such intense mobilization and demonstration a presidential order i.e. an order by the President of India, was issued in 1989, for notifying some communities of Jammu and Kashmir as scheduled

tribes. The order is known as Constitution (Jammu and Kashmir) Scheduled Tribes Order, 1989. It defines 'Scheduled Tribes' as,

“The tribes or tribal communities, or parts of, or groups within, tribes or tribal communities, specified in the Schedule to this Order”¹⁰

The Schedule initially included eleven communities namely,

- *Balti,*
- *Beda,*
- *Bot/Boto,*
- *Brokpa/Drokpa/Dara/Shin,*
- *Changpa,*
- *Garra,*
- *Mon,*
- *Purigpa,*
- *Gujjar,*
- *Bakarwal and*
- *Gaddi* ¹¹.

Subsequently, another community namely *Sippi* was included in the schedule of tribes in 1991 by an amendment through presidential order no. 3 of 1991. In this way the category of ST was introduced as late as 1989 in Jammu and Kashmir.

Population

The twelve communities having the status of STs belong to different regions and religions of the state. Gujjars, Bakerwals and Baltis who are mostly located in the Kashmir valley are Muslims, Gaddis and Sippis from the Jammu regions follow Hinduism whereas Buddhism is followed by *Bedas, Botas, Brokpas, Changpas* and *Garratribal* groups, mostly distributed in the Ladakh region of the state.

The population of 1493296 of these tribal communities, according to the Census 2011 is composed of 1493296 persons. These STs of the state constitutes 11.91% of total population of the state where as it accounts to only 1.43% of the total population of STs of the country. The population composition of the different Scheduled Tribe Communities is shown in

Table 1 below.

Table 1 Population of Scheduled Tribes of Jammu and Kashmir

S. No.	Name of the Tribe	Population		
		Total	Males	Females
1.	Balti	51918	26473	25445
2.	Beda	420	216	204
3.	Bot/Boto	91495	45295	46200
4.	Brokpa/Drokpa/Dara/Shin	48439	25240	23199
5.	Changpa	2661	1335	1306
6.	Garra	504	275	229
7.	Mon	829	418	411
8.	Purigpa	39101	20119	18982
9.	Gujjar	980654	510710	469944
10.	Bakarwal	113198	59621	53577
11.	Gaddi	46489	23808	22681
12.	Sippi	5966	3064	2902

Source: Census 2011

Benefits

The scheduled tribes have been provided 10% (near about 2% less than their proportion in the population of the state i.e. 11.91%) reservation in education and employment. It should be noted here that scheduled tribes, unlike scheduled castes of the state have not been provided any reservation in the state assembly. Nonetheless, they have reservation facilities in local bodies. As per Jammu and Kashmir Municipal Act, 2000, 24 out of 918Municipal Committees are reserved for scheduled tribes.

In addition to the reservations, there are many schemes that are framed to safeguard the interests of the STs in the state. Many welfare schemes aimed for the educational advancement along-with the financial improvement for these groups of people. Some of them are,

- Pre-Matric Scholarship for Scheduled Tribe Students in J & K
- Post-Matric Scholarship for Scheduled Tribe Students in J & K
- Rajiv Gandhi National Fellowship Scheme for SC/ST Students in J & K
- Stipend to ITI students from OBC background (includes STs as well)

Like scheduled castes they many welfare bodies are also constituted particularly to address the specific issues of Scheduled Tribes in the state, for example:

- Social Welfare Board
- Gujjar & Bakarwals Board

- State Commission for Backward Classes
- The Jammu & Kashmir SCs, STs & BCs Development Corporation

Sample and Universe of the Study

The paper is the extract of the extensive fieldwork carried in the district. 8 villages have been used in the study from 8 Tehsils of Anantnag District of the state of Jammu and Kashmir, from which a sample of 10 households was selected via random sampling. The villages have been selected purposively with the characteristic feature that these villages must be the occupied by Tribals and be included in the list of Residents of Backward Areas (RBAs), the motive. The following table contains the list of the selected sampled villages from each Tehsil.

Table 2 Selected Villages from their Respective Tehsils

Name of Tehsil	Name of Village
Bijbehara	Dodopatti
Dooru	Agnoo/Zamalgam
Larnoo	Rein-Arther
Qazigund	Nagress
Shahabad	Kapran
Shangus	Chaklipora
Srifugufwara	Gojratpas Upper
Srigufwara	Gojratpas Lower

Source: Primary Data

TRIPLE DISCRIMINATION MET BY JK SCHEDULED TRIBES

The socio-economic and educational developmental indicators show that these STs of J and K have been benefitted by the reservation policy but not to the extent the Scheduled Caste category of the state have. Mere 40.29% literacy rate of STs in the state, as shown by Census 2011, is enough to explain their predicament in the education. They are lagging by about 18 percentage points to the literacy rate of the STs at the national level (58.96%). The STs of J & K are alarmingly behind the state literacy rate and the national literacy rate with about 26 and 32 points respectively. A meager improvement 2.79% from the last census in the literacy rate of STs in the state shows that educationally, they are the weakest among all the disadvantaged sections of the state. Their isolated habitats and aloofness becomes a greater impediment to ward off the backwardness, unemployment, poverty and illiteracy.

EDUCATIONAL STATUS OF TRIBAL WOMEN

As explained above, the educational status of the STs is no good in the state. The females face the triple discrimination as in the first case they have to face the gender discrimination followed by being the followers of the faith who are in minority in the country. The story doesn't end here but their tribal affiliations also create hurdles in their developmental pathways. They face considerably due to these three prime qualities which have sufficient bearing in their socio-economic, health and educational status. The following Table 3) comparatively shows the percentage of the literates and the illiterates in these selected sampled villages.

Table 3 Educational Status of Tribals of the Sampled Population

Educational levels	Total (In %)	Males (In percents)	Females (In percents)
Illiterate	34.4	21.9	45.4
Below Primary/ Informal Education	3.5	4.2	2.6
Primary	25.4	26.2	23.1
Middle	18.5	20.7	15.3
High School	11.7	16.0	6.6
Higher Secondary	4.2	7.2	0.9
Graduation	1.8	3.4	0
Doctorate	0.2	0.4	0
Madrassa	0.2	0	0.4

Source: Primary Data

From the table it is clear that the females are at the additional disadvantage for the only reason of being females. They are usually considered as ‘*meant for the household chores only*’. Even at some places it was confirmed that what they will do after studying, they have always to be inside their homes. Plus it is an investment on spending on the males than on females.

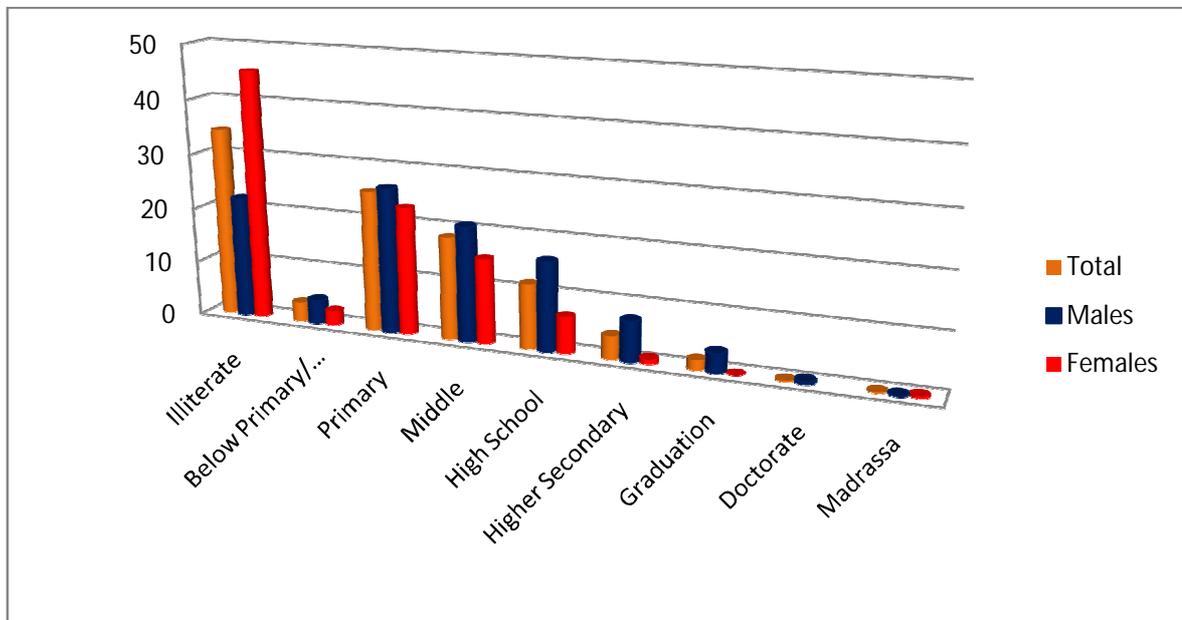


Figure 1 Graphical representation of the numbers of tribal males and females in Education

Although the table doesn't show much difference in the enrollment at the lower levels but at the higher levels the females are nowhere to be seen. The Figure 2 Numbers of Tribal Females in Education) clears the statement. The only area they have outnumbered males is the illiteracy. All the columns beyond the higher secondary education in case of females are empty. The picture is quite clearer in the following image (Figure 2).

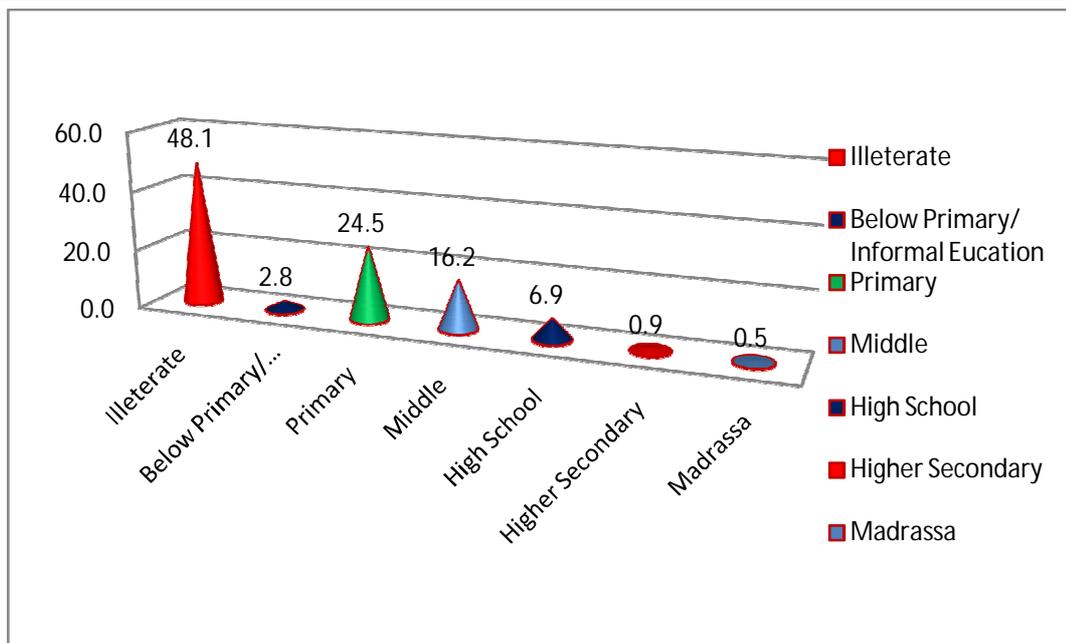


Figure 2 Numbers of Tribal Females in Education

This is quite a cause of concern especially in the modern days where huge talks, sermons and seminars are being delivered for the women empowerment. This all should be presumed a hoax when the bases are toothless.

HEALTH STATUS OF THE TRIBAL WOMEN

The inaccessibility and the difficult terrains at which they are located make it very challenging for any of the welfare measures to be disseminated to these areas. Thus they suffer socially, economically and more importantly, at times, they lack the immediate sophisticated medical attention, that puts numbers of patients at the risk of losing their lives. For example, the areas like Kargil, Zanskar, Oodi, Tangdhar etc remain cut off for the greater part of year to the state capitals. Every year, they have to brace up to store basic essentials for their harsh winters, wherein they have extremely challenging conditions to face. Some critical patients die due to the inaccessibility or the unavailability of the essential medicines, diagnostic machines, other equipments, etc. The following discussions will present a clearer picture of the entire scenario, wherein the special focus has been placed on the tribal women as far as their educational and health status are concerned.

In the health sector, among the 80 samples, more than half of these households are engaged in some of the major health related ailments apart from the routine cough, fever and cold. Stomach aches and the hypertension are the chief health issues that have been reported by these tribals. The detailed kind of ailments found in the tribals is shown in the following table (Table 4).

Table 4 Health Issues of Tribals

Illness Type	Gender		Total
	Male	Female	
ENT Complains	3	1	4
Orthopedics	5	4	9
Ophthalmology	0	1	1
Stomach Aches	6	4	10

Gynaecology Matters	0	4	4
Hypertension	7	1	8
Disability	0	2	2
Cardiac Problem	0	1	1
Cancer	1	0	1
Liver Problem	0	1	1
Total	22	19	41

Source: Primary Data

It is pertinent to mention that none of these areas were having a well furnished health sub-center, where in a doctor and an *asha*³ are supposed to be there. Thus, overall the condition of the health sector is found to be very pathetic. The people have to travel long distances to see a doctor and at times that too is very problematic when they don't have the available transport at the right time particularly with the delivery patients and those that need immediate medical attention. Hence, the pathetic condition of the healthcare is very dismal and it at times takes toll on the life and property of the tribals. They may sometimes apply the home remedies when they know the doctors can't be approached at the right time. This may in turn have added adverse effects on their health. The treatment of males and females in the government and private run institutions is shown in the following figure (Figure 3).

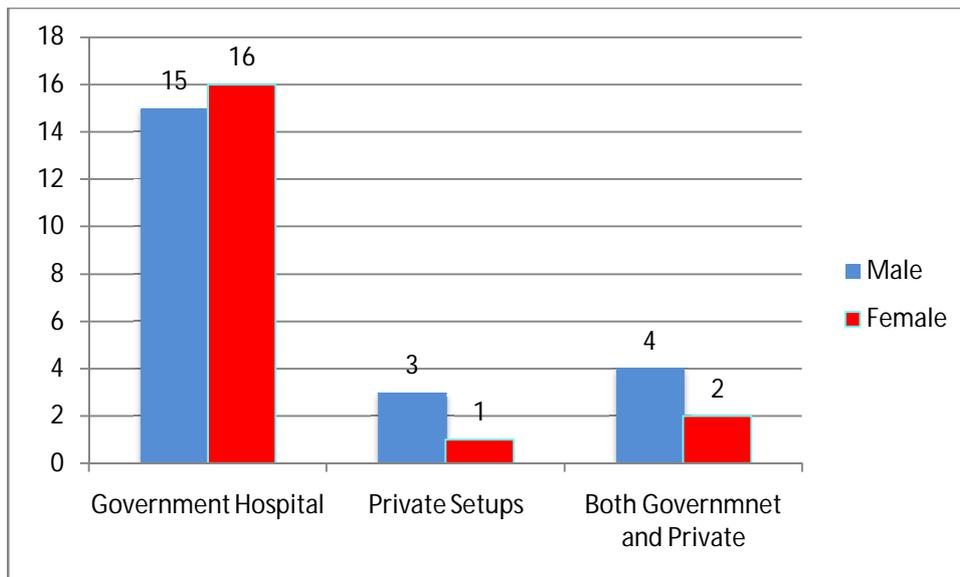


Figure 3 Treatment of tribal male and female patients

From the figure, it is evident that the patriarchal mindset is exercised in the society when the females are preferred to be treated at the government run hospitals while as males are preferred to be treated at private healthcare which is more hygienic and efficient.

CONCLUSION

Hence, the following points can be concluded from the above discussion.

- The educational status of the tribals is far less than the state and the national average.
- The tribal women figure nowhere in the educational levels beyond higher secondary education owing to number of reasons.

- The educational infrastructure is not also conducive for the girls to continue their education in their locales.
- The healthcare is also in the dismal shape of which the females face the larger burnt.
- The women are also not been cared by their household members as the figures show that they tend to spend less on the women health-care.

Hence, these tribal women are facing the triple discrimination in the state of Jammu and Kashmir, firstly being tribals, having Islam as their religion and the 'female' as their gender. Mere sloganeering and organization of the road-shows, talk-shows, debates, discussions won't do any good, unless the ground realities are seen or experienced. The pace that follows only has impact and the teeth to show.

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