

Setting Right the Focal Point of J&K Tribal Politics

What is the issue?

The Jammu and Kashmir Delimitation Commission has recently shared its interim report which has caused debate across the various regions with most parties expressing their reservations and disappointment.

What is delimitation?

- Delimitation literally means the act or process of fixing limits or boundaries of territorial constituencies in a country or a province having a legislative body.
- Section 60 of the **J&K Reorganisation Act, 2019** says that the number of seats in the Legislative Assembly of UT of J&K shall be increased from 107 to 114.
- The creation of the new seats, the 2019 Act said, will be by way of delimitation of the constituencies determined by the Election Commission.
- The Delimitation Commission for J&K was appointed in 2020 headed by Justice (Retd) Ranjana Prakash Desai.
- The J&K Delimitation Commission came into existence under provisions of Part V of the J&K Reorganization Act, 2019 and Delimitation Act, 2002.
- The exercise is based on the 2011 census.
- The last delimitation in J&K was conducted in 1995.

What is the interim report about?

- **Seats-** The interim report has proposed an increase of 6 seats in the Jammu province which will take its total representation in the legislature to 43.
- An increase of 1 seat has been recommended for Kashmir, which will come to have 47 seats.
- It does claim to treat the whole UT as one unit for seat distribution.
- **Reservation-** It has proposed reservation of 9 seats for Scheduled Tribes (ST) which is for the first time that seats have been reserved for the ST community in the legislative Assembly of J&K.
- The commission has also proposed reserving 7 seats for Scheduled Castes (SCs).
- **New maps-** The Delimitation Commission has changed the maps of all 90 assembly constituencies across the UT.

Article 332 of the Indian Constitution talks about reservation of seats for Scheduled Castes and Scheduled Tribes in the legislative assemblies of the States

Why has the proposal triggered a controversy?

- The People's Alliance for Gupkar Declaration (PAGD), a group of J&K-based mainstream political parties has protested against the delimitation award saying that the panel's

recommendations are divisive and unacceptable.

- They cited that this will tilt the electoral balance in favour of the Hindu-majority Jammu division at the expense of the Kashmir Valley, which has a Muslim majority population.
- Critics of the delimitation have pointed out that the exercise should have been carried out after the completion of 2021 Census.
- It has been alleged that there is a mismatch in the apportionment of seats between the Jammu division and the Valley.
- Some political parties cited that the entire exercise was illegal since the abrogation of Article 370, which conferred special status on J&K, had been challenged in Supreme Court and a decision was pending in the matter.

The People's Alliance for Gupkar Declaration (PAGD) is an alliance of seven parties in Jammu and Kashmir that is seeking the restoration of the erstwhile state's special status along with Article 35A, which was revoked by the Centre.

What reasons were cited for the absence of reservation for the tribals in J&K earlier?

- **Article 370-** The presence of Article 370 has often been given as a reason for absence of reservation for the tribals.
- But, nothing in Article 370 has prevented the provision of political reservation to STs or extension of the Forest Rights Act (FRA), 2006 to J&K.
- **Lack of political will-** A proposal was made in 2007 to introduce a Bill in the Assembly to ensure these political rights but nothing materialised.
- This lack of political will stemmed from an unwillingness to share power with groups ethnically and culturally different from both Dogras and the Kashmiris, the two predominant power groups in J&K.
- **Dominance of power groups-** The Valley-based parties were not in favour of political reservation and those Jammu based were against the Forest Rights Act.
- The end result was the continued subjugation and disempowerment of STs in J&K.

What was the impact of dilution of Article 370?

- The dilution of Article 370 on August 5, 2019, and the subsequent Jammu and Kashmir Reorganisation Act, 2019 changed political dynamics in the region.
- It promised the tribals political reservation under Article 332 and led to the extension of the Forest Rights Act, 2006.
- It has changed the nature of tribal politics in J&K.

What are the challenges in tribal upliftment?

- **Disempowerment-** In the rest of India, political reservation both to the Lok Sabha and the legislative Assemblies has been in place since the time the Constitution has come into force.
- The Forest Rights Act has been in place for around 17 years, yet, tribals continue to be socially disempowered and economically deprived.
- **Implementation-** Implementation of the Forest Rights Act is also a major issue.
- **Political relevance-** Community leaders, especially tribal youth, need to understand the significance of the tribal vote which is a deciding factor in more than 18 seats in addition to

the reserved ones.

- **Absence of united front-** Though seats were to be reserved for STs, it hardly changes the ground reality because even without reservation, in the 2014 elections, 9 Gujjar candidates won the Assembly elections.
- But as they were from different parties, they were unable to present a united front and ensure tribal issues were not neglected.
- **Marginal tribes-** It is very unlikely that these marginal tribes such as the Bakerwals, Gaddis and Sippis, would be able to adequately represent themselves.
- **Women empowerment-** No development of any community is possible without the empowerment of women.

What solutions can be adopted?

- There is a need for awareness and conscious attempt by the leadership to prioritise tribal interests over party politics.
- Tribal politics also has to address the political, social and economic empowerment of marginal tribes.
- Women have to play a major role in tribal politics and their participation and leadership has to be made feasible and suitably promoted.
- They have proven their leadership in the District Development Council (DDC) elections, and it needs to be strengthened further.

References

1. <https://www.thehindu.com/todays-paper/tp-opinion/setting-right-the-focal-point-of-jk-tribal-politics/article65054210.ece>
2. <https://www.news18.com/news/explainers/explained-why-jk-delimitation-commissions-proposal-has-sparked-a-controversy-4595624.html>
3. <https://indiankanoon.org/doc/688355/>
4. <https://www.deccanherald.com/national/national-politics/explained-what-is-gupkar-alliance-917040.html>