

Draft Paper:

Mitigating the Impact of Covid and Conflict: Empowering & Securing Futures of Children Belonging to Pastoral Communities of Jammu and Kashmir

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Introduction

The erstwhile state of Jammu and Kashmir, now bifurcated into the Union Territories of Jammu and Kashmir and the Union Territory of Ladakh, is home to one of the largest pastoral transhumance communities in the Himalayas. It was only after over four decades of the end of British Colonial rule that certain pastoral groups were accorded the status of ‘Scheduled Tribes’ and extended state policies of affirmative action owing to their marginalised and peripheralized position against the majority. The Constitution (Jammu & Kashmir) Scheduled Tribes Order, 1989 and the Constitution (Scheduled Tribes) Order (Amendment) Act, 1991 notified twelve communities in Jammu and Kashmir as ‘Scheduled Tribes’ however, it was not until the Census of 2001 that the tribes were officially enumerated (Suri and Raina, 2016). The erstwhile state of Jammu and Kashmir, as per the Census of 2011, has over 10 per cent of tribal population comprising of just under 15 lakh individuals. The tribal population in the region predominantly practices Islam, primarily comprising of the Gujjars and Bakarwals. While the Gujjars comprise of over 9.8 lakh individuals to become the largest tribal community in the region, the Bakarwals number over 1.1 lakhs and are the third largest in terms of numbers.

The Gujjars and Bakarwals undertake biannual migration to access the high-altitude pastures of Kashmir and Ladakh in summers, and traverse down to the plains of Jammu region and the base of Pir-Panjal during winters along with their flock. The phenomenon of transhumance is integral to their subsistence and is intrinsic to their customary notion of work and identity. The social reproduction of the Gujjar and Bakarwal tribe stems from ‘Sunnah’ in Islamic tradition and is associated with ‘Khanabadoshi’ or nomadism as a way of life. The cyclical migration serves to secure the ‘twin-tribe’s’ livelihood driven the need to access pastures all year round for their flocks. The phenomenon of transhumance acts as an anchor against which the lived experience of the tribe can be located and any impact of the former bears upon the latter. The existing circumstances of these pastoral communities can be spatially located against the varied affects imposed upon their ability to practice transhumance. It is in this context that the research unravels the impact of conflict and the Covid pandemic on the work and education undertaken by children of the Bakarwal community of the border state of Jammu and Kashmir.

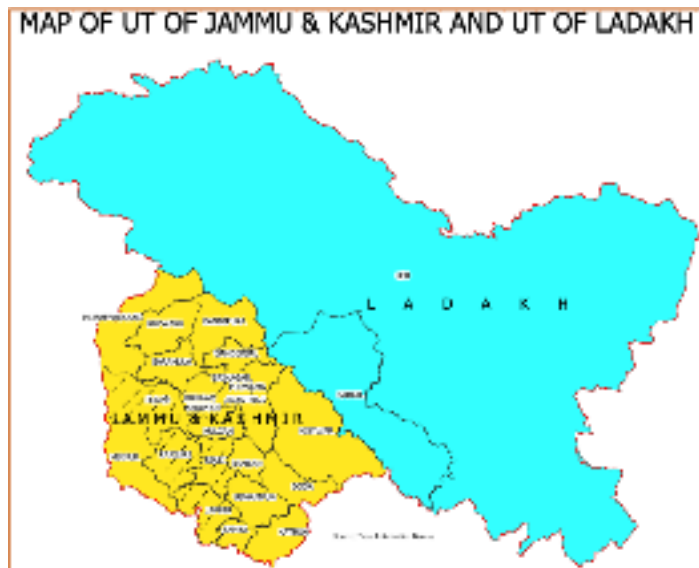
Method

Social exclusion discourse has been criticised as inadequate for viewing marginality. In this regard, the notion of differential or 'adverse inclusion' into the state, market or civil society becomes more appropriate to locate marginality or chronic poverty (du Toit 2004). The notion of adverse inclusion becomes useful to analyse how localised livelihood strategies are actuated and deterred by economic, social and political relations both spatially and temporally through unequal power regimes (Hickey & du Toit 2013).

Scholars have emphasised the significance of 'political ecology' in understanding various forms of struggles involved in controlling natural resources (Jayal 2001), and also in gaining insights into the responses of local actors to the challenges and opportunities posed by global discourses of conservation, environmentalism, sustainability and development (Gupta 2018). Watts (2000) argues that political ecology understands the complex relationship of nature with society through a careful study of 'forms of access and control over resources and their implications for environmental health and sustainable livelihoods'.

The researcher shall employ an Institutional Analysis and Development framework (Ostrom in Abitbol and Flechas 2008) to unravel the dialectic between locals and state institutions in the border areas of Jammu & Kashmir (Ostrom 2005). The framework would be bolstered with the use of the Conflict Theory (Allan 2011) refined by Lewis Coser to analyse the interplay between class and power affecting work in the border districts. Furthermore, the concept of the political economy of work (Spencer 2009) would aid in the task of analysing the communitarian work practices of the tribe.

The ethnographic survey entailed in this project would be located in the analysis of customary practices of the Bakkarwal tribe. The data shall be juxtaposed against previous survey on child labour undertaken by the researcher in 2016; before the pandemic & federal shift in J&K. Such surveys would help in factoring in temporal and spatial variance in activities for an accurate understanding of specificities of embedded realities affecting tribal livelihoods. Secondary research would include a critical analysis of constitutional protections afforded to tribes and their children, besides policies instituted for their welfare.



EXTENT OF THE FIELD

Owing to the transhumance nature of livelihood amongst the tribes, the spatial and temporal expanse of data collection was determined within the field. The proposed ethnography was undertaken in J&K using the Census 2011 district level data to identify high concentration districts and specific geographical belts the members of the Bakkarwals might inhabit. Taking the aid of snowball sampling technique, the researcher limited the expanding scope of spatiality during the fieldwork. The researcher located the nomadic pastoralists at their winter abode in Jammu and Rajouri. A mere spatial location of the field is insufficient as temporality locates the circumstances of the field. The research work includes narratives and observations post-abrogation of Article 370 to a period after the end of (Covid) pandemic 'lockdowns'— and not necessarily the end of the spread the deadly virus.

Locating Multiple Marginality

On the one hand on witnesses an expanse of published work locating the 'marginal' status of tribal communities across the world, including the Indian sub-continent, against hegemonic social groups. These data sets utilise various indices such as literacy, work participation rate, health indicators— to name a few – to justifiably locate the peripheralized position of the tribal

communities in 'modern' nation-state. While useful, such methods, by omission or by commission, often create compartmentalised viewing of the problem and reduce the 'subject' to a dataset which finds no space for the 'voice'— literally and metaphorically. Establishing 'multiple marginality' (Harris 2013) one can create linkages and locate multiple dependencies of various social requisites, observed across indicators, to assert the need for a holistic social circumstance for the emancipation of a social group. Secondly, by including narratives from the community once can centre the lived experiences and aspiration of members and re-establish human agency for members of the community, as agents actively participating and reacting to the project of 'development'.

A survey of past published literature with respect to the tribes of Jammu and Kashmir highlight socioeconomic marginalisation, discrimination, gender bias and oppression which exacerbate the vulnerability of children of tribal communities. (Faridi 2020) Using multiple sources, the review places indices of literacy, economic status, and **health** of tribal communities of Jammu and Kashmir to create bridges between various impediments afflicting the Bakarwal community. Unfortunately, there is a paucity of disaggregated data specifically attributed to the Bakarwal tribe.

The vulnerability of children is exploited to make them undertake work, of the social groups across India, Scheduled Tribes bear the largest percentage of child workers at 6.7%. In J&K, using Census 2011 data, child labour between 5-14 years of age can be viewed through Workforce Participation Rate. The total Work Participation Rate for children between 5 – 14 years of age, including main and marginal workers, exists at approximately 4 per cent, with female children more likely to work than male children at approximately 4 per cent as opposed to 2.9 per cent. However, the incidence of child work in Scheduled Tribes of Jammu and Kashmir is double to the region's rate over 8 per cent, with the incidence in male children being 8.2 per cent and 7.9 per cent for female children from tribal communities. The nature of work is primarily rural within the community with WPR being approximately 8 per cent in total and for female and male children, as opposed to urban work ranging from 2.9 per cent (total) and 3.3 per cent in male and 2.5 per cent for female children (Census 2011). However, such dataset needs to be contextualised as they represent crystallised definitions of child work in a neoclassical framework which do not reflect hegemony, **the needs of customary practices, and social-reproduction amongst tribes.** This is not to invalidate such data as the scope and understanding of child work is limited, and often justified, which lowers the expanse of exploitative work undertaken by children. (Faridi 2020).

Much like the previous indicator, once one locates the metrics for education through the lens of 'literacy' and access to formal education, the children of Schedules Tribes lag behind. A cursory glance of data reveals that as against the national average of 73 per cent, and J&K's average of about 67 per cent, the average for STs in Jammu and Kashmir trails at 50 per cent (ecostat jk). While about 60 per cent of males within the ST community are depicted as literate, less than 40 per cent of females are shown to be literate with a gap of about 16 per cent against the state's average for each sexes. In total about 34 per cent of ST populace in Jammu and Kashmir possess less than primary education, approximately 22 per cent have studied up to middle school, and about 14 per cent have attained higher education; only 2 per cent are graduates or above (DE). While academics from within the community and without have located access to education (Rahi, Suri, Anita Sharma) however, the analysis is undertaken without centring the hegemonic nature of 'modern' education which acts as a significant tool in shaping the political, economic, social and cultural location of the pastoral tribal community within the nation-state. A **Gramscian lens** aids in locating the use of formal education as a tool of change and the position of Bakarwal in response to 'neoliberal' push for formal literacy.

The bodies of the Muslim pastoral tribes have been sites of inflicted violence in Jammu and Kashmir. The legacy of such violence stems from the colonial legacy of the state and society against the tribe, and embeds itself as everyday interaction with the pastoralists in the form of encroachment, physical and material violence and criminalisation. History presents an obfuscation of state sponsored violence under the aegis of Hari Singh in 1947 in Jammu region leading to mass exodus of Muslims from Pir-Panjal and Chenab Valley (Rahi; Geelani, TKW) in order to engineer a demographic shift and transform the region of Jammu into a Hindu-dominated spatial expanse. Subsequent wars with China and the Pakistan in the 60s and 70s along with popular uprising in Kashmir in the 90s, had a significant impact on the lives and material conditions of the pastoralists (Suri and Hooda 2014; Sharma; Bhan). Increased militarisation of the region led to creation of impenetrable borders, such as the LAC and the LOC, along traditional migratory routes and closed off highland pasture through enclosure movement by the military in the form of military camps. Pastoral children continue to be victims to unexploded munitions such as live shells left behind in pastures (Athar Parvaiz). The youth of the pastoral community have had to endure the vagaries of violence upon their bodies and their aspiration, all the while trying to survive and sustain 'Khanabadoshi' as a way of life. The impunity accorded to, and invisibilisation of, historical violence has had an overreaching adverse impact on the pastoralists today, especially their children. Conflict in the region has morphed beyond its popular understanding— as an inter-national state backed action between India,

Pakistan and China— with non-state actors such as militants and terrorists as one of the participants. It would be parochial to ignore the **affectations of market, society and environment** as progenitors of contemporary violence against which pastoral children of the Bakarwal community become soft targets in everyday contestations to manufacture and replicate hegemonic relations within the nation-state.

‘Situating’ State Policy for Tribal Children

While recognising disparities and differences amongst its subjects, the Indian state has created institutional mechanisms to remedy and emancipate vulnerable social groups. The double marginality of Bakarwal children – as tribesfolk and children – find instrumental provisions to tackle the structural marginalisation faced by them. This section shall locate the main policy actions and provisions particularly relevant to the needs of the Bakarwal children, especially during the pandemic.

The state of Jammu and Kashmir constituted in 1974 the ‘State Advisory Board for the Development of Gujjar Bakerwal’ under the aegis of the Tribal Affairs Department of the Government of Jammu and Kashmir. The aim of the board was primarily to locate factors resulting in social and economic ‘backwardness’ of the tribes of Gujjars and Bakarwals and provide measures for ‘socio-economic development’ of the community (Tribal Affairs Department n.d.). The advisory board comprises of fourteen ‘nominated’ members from the Gujjar and Bakarwal tribe – historically mostly comprising of the landed elite. The advisory board is delegated to implement two schemes under the Tribal Sub Plan viz. the Management of (Gujjar-Bakkarwal) Boys and Girls Hostels, and the Development of Gojri Language and Culture. The hostels are set up across districts of Jammu and Kashmir to provide boarding and lodging for children of the Gujjar and Bakarwal tribal community who have completed primary education. At present there exist 19 boys hostels and 6 girls hostels in the state under this scheme (ecostat jk). The aim of these hostels is to provide lodging for so that children of the two tribes can seek an education.

In addition to, the State Advisory Board, the ‘Jammu and Kashmir Scheduled Castes, Scheduled Tribes & Backward Classes Development Corporation Limited’ was established in 1986 as a non-profit wholly owned by the Government of Jammu and Kashmir with ‘welfare’ and ‘service’ as its objectives. The Corporation aimed at working for “socio-economic and educational

upliftment of its target groups, to provide better self-employment avenues so that they can become economically independent and self-reliant members of the society” (Tribal Affairs Department). Using financial schemes of Bank Tie Up, Direct Financing, Educational Loan, and Skill Development Programmes the state could provide avenues for individuals to empower themselves. The Scheduled Tribes has the provision for accessing Direct Financing Scheme to meet the objectives stated above (Butt and Gupta).

However, it is pertinent to note that, while the advisory board and the development corporation was set up in 70s and 80s, the pastoral community of Bakarwals, was not recognised as a tribe until 1991 with the promulgation of the Constitution (Jammu & Kashmir) Scheduled Tribes Order, 1989 and the Constitution (Scheduled Tribes) Order (Amendment) Act, 1991 which notified the presence of twelve tribes in the region. This led to the extension of statutory provisions to the community for protection and development, including the 10 percent for admission in educational institutions, direct recruitment and promotion in government servicesⁱ and (JK Gazette 21 Oct 2005- The J&K Reservation Rules). It was in the 2001 Census that the twelve Scheduled Tribes were enumerated officially for the first time (Suri and Raina, 2016).

Owing to the transient nature of existence of the pastoral tribe, the Jammu and Kashmir government had established ‘Mobile Primary Schools’ in 1970s to facilitate education of children across seasonal migration. While permanently located schools were expected to take care of pastoral children’s education in the plains and lower reaches during the winter months, mobile primary schools would aid in providing an education once the pastoral groups migrated back to highland pastures in the upper reaches of the Pir Panjal mountains. These Mobile Schools essentially comprised of a single teacher from within the community, who would migrate with the tribe. The concept was evolved into ‘Seasonal Educational Schools’ in 2005 which eschewed the mobile nature of the educator and set up ‘Seasonal Camps’ in higher reaches during the summer phase of transhumance. Instead of migrating with the pastoralists, a teacher would remain at temporary camps of the nomads in highland pastures in areas with relatively high concentration of children requiring an education. However, the teacher was not allocated full time but, an ‘Educational Volunteer’ from within the community operating under the authority of the Zonal Education Office. Education via Seasonal Education Camps is restricted to primary level – up to Class 5th – with the task being left to settled primary schools in the lower reaches and plains during the winters post- October (Suri 2014; Kavita and Hooda 2014). The provisions for such schools ought to be, in contemporary times, imperatively linked to the Right of Children to Free and Compulsory Education Act, 2005 (GoI), a fundamental right extended via

Article 21-A of the Indian Constitution with The School Education (Amendment) Act-2013 (Government of Jammu & Kashmir 2013).

‘The Directorate of Tribal Affairs,’ another section of the Tribal Affairs Department, was set up in 2008, which extends educational aid to tribes of Jammu and Kashmir through the provision of Pre-Matric and Post-Matric Scholarship Schemes, Eklavya Model Schools and Residential Schools. In addition to such schemes, the Directorate regulates the Special Central Assistance under the Tribal Sub-Plan, enforced using Article 275 (1) of Constitution of India, to provide basic amenities for the creation of income and productive assets for opportunity generation, protection against exploitation and oppression in order to provide ‘human resource development’. A 30-70 split towards infrastructure building and family income generation could be used for family and Self-Help Groups or Community groups, indirectly aiding the creation of a safe space for growth of children.

With the aim of providing “quality education and enhancing learning outcomes of students; bridging social and gender gaps in school education; ensuring equity and inclusion at all levels of school education; ensuring minimum standards in schooling provisions; promoting vocationalisation of education” (Government of Jammu and Kashmir n.d.), Samagra Shiksha Abhiyan consolidated ‘school’ education as a holistic endeavour from pre-school to senior-secondary levels. It subsumes the aims of Sarva Shiksha Abhiyan (focusing on Primary Education) and Rashtriya Madhyamik Shiksha Abhiyan (focusing on secondary education) while envisioning an inclusive and equitable education in accordance to the Sustainable Development Goals for Education. The scheme seeks to bridge social and gender gaps in school education and also promotes its vocalisation, which is especially relevant to the context to pastoral communities.

Besides educational schemes one can locate safety nets established for the welfare of children which seek to protect them from exploitation, violence and address health, nutrition and developmental needs of children. These schemes are not specifically reserved for tribal communities but, are directed to children of the pastoral groups as well. Integrated Child Development Scheme bears the potential to secure nutritional and developmental needs of early childhood with provision of nutrition, immunisation, growth and health monitoring as well as pre-school education. ICDS also includes schemes for young girls via ‘Scheme for Adolescent Girls’ for out of school pre-adolescent girls to aid their empowerment, improve their health and

nutrition and knowledge there-of, and aid in transitioning back to formal school education (Mission Directorate ICDS n.d.). The POSHAN Abhiyaan scheme under the ICDS allows for convergence of various programmes covering Anganwadi Services, National Health Mission, Drinking Water and Sanitation, Public Distribution System, Rural Employment Guarantee Scheme to name a few. The department also implements the 'Ladli Beti Scheme' providing cash incentives to the girl child so as to inhibit low Child Sex Ratio. However, the scheme is applicable only in eight districts of the State viz. Jammu, Kathua, Samba, Kishtwar, Anantnag, Pulwama, Budgam and Srinagar (Mission Directorate ICDS n.d.). An essential policy to ensure nutritional security amongst tribes remains the Public Distribution System under the National Food Security Programme – implemented in the state from 2016 ('National Portal of India' n.d.). In addition to PDS, Mid-Day Meal Scheme seeks to ensure access to food for children while attaining an education.

Laws such as the Child Labour (Prohibition and Regulation) Amendment Act, 2016 are vital to prevent exploitation of children from the pastoral communities especially when Work Participation Rate amongst tribal children remains **high in the region (Faridi 2020)**. Similarly, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was extended to Jammu and Kashmir in 2019 and exists as an important institutional mechanism to protect children of Scheduled Tribes from violence by hegemonic communities. Finally, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 exists as a vital institutional mechanism for pastoral communities to secure the right to occupy forest and practice occupation therein. Such a right is quintessential for pastoral children of the Bakarwal tribe whose identity and growth are intrinsically tied to the forests which are integral to their transhumance mode of living. The forest rights act was extended to the region only recently October 31, 2019 and implemented on September 13, 2021 (Makhdoomi 2022) and functions under the aegis of the Forest Department of Government of Jammu and Kashmir – not Department of Tribal Affairs.

The institutional measures provided by the state towards the welfare of children, and by extension in certain cases the pastoral children of Bakarwal community, seem expansive and inclusive of their socio-economic needs. The policy outlines ground themselves using values of inclusivity, access and holistic development – aiming to reduce the marginal status of the communities and their deprivations as located across various indices. However, a structural

analysis of such laws and policies using institutional analytical tools aim in juxtaposing the policy text against grounded realities of pastoral children from the community during the pandemic.

Navigating Lands and Laws to Survive – A Literal and Metaphoric Existence

(Need to rewrite)

As subjects of an ever-encroaching nation-state, very few communities have been able to preserve components of their identity which stem from pre-market notions of production and social reproduction. One community that defies this truism are the nomadic pastoralists of Jammu and Kashmir (J&K). Also known as the Gujjar-Bakarwal tribe, they form one of the largest transhumance communities in the Himalayas, undertaking biannual migration between the montane Himalayan pastures of Kashmir and Ladakh during summers, and the plains and Peer-Panjal ranges of the Jammu region during the winters. This biannual migration is integral to the social and cultural identity of the tribe; its value stems from the Islamic notion of Sunnah associated with 'Khanabadoshi', or 'nomadism'. The cyclical migration process is the twin tribe's primary mode of livelihood, ensuring that their flock has access to pastures all year round.

Bakkarwals considered themselves to have originated from Arabia. They consider their ancestors and themselves to be the followers of Prophet Muhammad and believe that their occupation of herding flocks was 'Sunnat' as it was also practised by the Prophet. This traditional practise of nomadic pastoralism known as 'Khanabadosh' is believed to be sanctified as it follows the practices of the Prophet. Their religious and cultural values of work find herding an essential tradition in Islamic faith, which kept them well fed and helped in the community's propagation.

Traditionally, work is divided according to gender and age in a household. Very few families employ outsiders to take care of the flock. The men take up arduous tasks of looking after and herding the flock, shearing, repairing tools, gathering food for the flock, procuring rations and ploughing and harvesting crops. Women mostly engage in care and domestic work such as rearing of children, cooking, procuring water and wood, spinning wool and making woollen clothing. The flocks are mostly herded by family members and hired help is very rare. Sometimes young girls also assisted the male members to bring back the flock to the enclosures.

Men and boys stay with the herd as it grazed at all times and even during adverse weather. Girls accompany the herd only for a brief amount of time.

Children are initiated into gender roles from a young age due to the labour-intensive nature of the nomadic pastoralism. The boys start to accompany their fathers as young as 10 years to herd the flock while girls help with household chores.

During migration, the men move with the flock while women pack up the belongings onto the horses and move alongside them. Every able member of the family is set to task during migration, including young children. The women move ahead and set camp and procure water while men and children follow with the flock. Often members of both gender, including children, assist in herding the flock during migration which remains a primary task.

Marriage of young adults is seen as necessary for divvying up responsibility of the flock and propagation of the social structure that ensures greater security of the flock and further division of tasks within the family. The flock owned by the father are divided in between his married adult sons, whose families share the responsibility of taking care of the flock. Even though the ownership is divided between sons, the flock is housed in the same pen and moved as one.

Traditionally education was mostly religious in nature. Thus, almost all of the elderly folk of the first generation were illiterate in modern school education but, were well versed in religious teachings. These elders did not think of any occupation for their children but, the inheritance of their own thus, almost all of the current generation of adults (the second generation) interviewed in Jammu did not go to school and did not look beyond the occupation they inherited from their fathers.

Over time certain factors has led to distress shift in occupational practises within the Bakkarwal community bringing about a shift in perceptions of work and education. Factors such as climate change, loss of flock due to accidents, disease and predators, restricted access to pastures due to government policies and conflict and increased competition with imported wool has forced the community to find work as daily wage earners.

The second-generation adults belonging to the landless community were forced to work as daily wage earners due to their lack of education and incapacity to learn new skills. Loss of flock took away their ability to raise capital for investing in land or new businesses. Appropriation of gender

roles allows for only men to work outside their homes while women continue engaging in care and domestic work. Despite the limited means, they sought school education for their children especially due to the awareness of occupational change.

Due to drastic reduction in access to mobile schools the Bakkarwal community sent their children to 'located' government schools in Anantnag district. The lack of mobile schools restricts continuous access of education for Bakkarwal children from the time they began their migration till they returned back to their native districts. Thus, their children would be without schooling for up to 6 months. However, it is to note that the winter region of the state, including some areas of Jammu, shuts schools for about 70 days. Unrest in Kashmir region also affects the functioning of the schools. The Bakkarwal community looks at education as a panacea for their hardship. The second generation seeks government jobs for themselves, which often require high school education and thus, render them futile in their attempts to seek such occupation due to lack of education. As a result, the second generation is desirous in sending their children to school for availing government jobs. However, due to an absence of ownership of landed property anywhere, their children are forced to move with their parents and miss out school as they migrate and reside in the plains of Jammu. There is no provision of inter-school migration for the tribe in the state. Furthermore, primary education in Kashmir is delivered in Urdu, which is not used as a medium in Jammu region hence, limiting Bakkarwals from pursuing education in the Jammu region.

The Bakkarwal community owning considerable tracts of lands has been able to maintain its practise of rearing flock, along with supplementing their income with agriculture or renting out property. This group also enrolls their children in school, being aware of the need for occupational shifts due to increasing challenges to flock rearing. Some families have managed to buy property in the Jammu region as well and reside in the same during periods of migration. This presence of residential property in Jammu enables them to send their children to school in the Jammu region, as often the mother of the children stays back with them even as the father migrates with the flock. This allows for greater attendance of such Bakkarwal children in school. Some families also access private schools for education of their children.

In majority of the landless groups, the children accompanying the families were too young to work. Thus, when in Jammu, their mostly stayed in deras or played near them. A few children were sent to work in orchards in Kashmir or as domestic workers. However, children over 10

years were seen to assist adults. While young girls were made to undertake care work, the boys were sent to graze the few animals that the family possessed. During, one time use survey, it was found that the boys left with the animals at 5am in the morning for grazing their flock and then return at 6pm in the evening. Boys from different communities would often herd and graze their flock together. The women and young girls would procure water before their departure and feed them before they left. The boys would not return for lunch or any other meal before 6pm, so it was necessitated that the women would deliver lunch to them (Picture 3). The children of this group were mostly unsure of their age and the class in which they studied and were mostly unable to answer questions regarding their aspirations or hobbies.

The children of landed Bakkarwals, were mostly sent to school in Jammu region. Thus, they continued to go to school and were not made to work after school. A few of those who went to schools in Kashmir and whose families owned a sizable flock would assist their families in grazing. In one such family, the father and the son had set up a temporary dera and enclosure in the Jammu hills, for grazing their flock, while the rest of the family was housed in a colony nearby. The duo, including the adolescent son, lived in the hills, alongside the flock, for almost a week on an end. The children of this group were acutely aware of their age and class besides being able to state their aspiration and hobbies.

1. Migration: Impact on Work, Economic

While the Indian state representatives keep making loud claims of benevolence towards the tribal population, the amalgamation of political shut down along with the pandemic lockdown for colonial considerations has brought nothing but misery to the Bakarwal nomads who had migrated and settled in the plains of Jammu during the winter. The shutdown immediately after the amendment to Article 370 of the Constitution of India, caught the Bakarwal community unawares and off-guard.

Already battling the vagaries of the political shutdown, the COVID-19 pandemic has acted as the last straw on the camel's back. Due to the imposition of nationwide lockdown measures to curb the spread of the virus, the Bakarwal community's migration schedule has been massively disrupted. Even as the Central and State governments of India set up policies such as *Vande*

Bharat, to aid the return of white-collar workers who had emigrated to foreign countries and across the nation during the lockdown, no such initiative was launched for this nomadic community. (Class)

Almost 800,000 nomads got stuck in cramped rented plots in Jammu till late April of this year, a full month's delay in setting out for the higher reaches.² During this period, the provincial government failed to provide any substantial aid to the tribe in the form of rations, medical assistance, rent relief, and fodder for the livestock.¹⁰ The increased cost of living, fall in income, and delay in transhumance shall bear a cascading effect on the livelihood and the lives of the nomadic community. The health and numbers of the flock, which cannot bear the summer temperatures in the plains, significantly deteriorated and shall continue to plummet as the delay in reaching the pastures shall reduce the availability of good grass in the high-altitude pastures. It was only by April 23 that the provincial government of IAJK allowed Bakarwals to travel as a complete dera or household – including the young and the elderly. However, the road back to the summer abode remains fraught with obstacles for the tribe. The provincial government sat on its haunches in issuing *Mattoos* or written permits required by the community for passage to their forest lands, claiming lack of stationary pads. Moreover, as stated by the J&K Advisory Board for Development of Gujjars and Bakarwals, the administration has refused¹¹ to issue *Mattoos* for milch animals viz. cows and buffalos, this being in accordance with the sectarian aims of transferring ownership of such animals away from the Muslim community. With each milch animal costing as much as INR 40,000, the Bakarwal community is set for a huge financial setback.

As the Bakarwals set out to migrate along their ancestral routes, often through COVID-hit zones, the administration failed to set up health facilities for the tribes folk and their livestock—both vulnerable to diseases and injury during the migration. The administration has also refused to allow the use of vehicles, which would have speeded up the movement of large animals and safeguarded vulnerable members of the community. The road to the higher reaches continues to be treacherous as the state administration has not engaged in the upkeep and clearance of snows from the route that the community used to migrate into regions as far as the Zaskar range in Ladakh.

All this while, the provincial administration failed to implement the now extended Forest Rights Act in the region, making the community vulnerable to evictions and denial of access to pastures in forest reserves in the Jammu region – limiting food sources for their flock. The shortage of food for the herd was exacerbated with no access to veterinary medicines and fodder from the Animal Husbandry department in the region. Bulldozing of Dhoks and Shelter

kilometre journey through the mountains—were forced to stay back in Jammu and find alternate sources of income. Many sold most of their flock of goats during the lockdown. The community now faces a mound of debt due to these distress sales—threatening intergenerational economic impacts as well.

2. Food and Nutrition

Owing to the economic blockade and closure of markets, the nomadic community could not trade with the local meat and wool merchants. The nomads usually supplement their livelihood by engaging in unskilled work in the construction sector and by accessing employment schemes such as the MGNREGS. However, due to suspension of such public and private activities, the members remained out of work for the duration of the winter, while their subsistence costs drastically increased due to the logistical jam in the Public (Food) Delivery System which could have been used to access food grains at a subsidized rate.

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Poor access to health services during the lockdown also became a pain point, an issue further exacerbated by the rampant starvation due to the community's suspended livelihoods. Without access to veterinary services and access to fodder, livestock died in large numbers too due to ill health and starvation. An increasing reliance on technocratic solutions, especially during the pandemic, exacerbated their marginalisation from state services, including their access to education and vaccination. Such policy insensitivity has acutely affected nomadic children's access to nutrition and education provided via policies like Sarva Siksha Abhiyan.

3. Education

Furthermore, with the closure of educational institutions and suspension of policies such as Mobile Schools, the tribal children continued to be denied an education. Winter-Online school Summer: no school supplement work to make up losses

The insidious nature of the colonial state also impedes the shift of traditional mode of production within the Bakarwal tribe on to the mainstream modes of livelihood which are highly skilled and require formal school education. The shutdown of public and private schools in conjunction with denial of 4G internet in IAJK since, August 5 last year; in addition to the state-backed shift to online modes of education during the pandemic, completely place the members of Bakarwal tribe at a disadvantage, who have historically been dependent on mobile schools for imparting traditional knowledge and culture to their children. This educational marginalization can be foreseen through the fact that 86% of children in the region cannot access online learning which is being valourized by the current Public Education Department. As private educational institutions are set to increase in the region, 'technocratic inegalitarianism' while imparting education will only rise and further marginalize future generations of Bakarwals, and limit their inclusion in formal work economy; one only set for increased competition with the opening of access to the non-natives.

The pandemic has also dealt a huge blow to the children of the Bakarwal tribes. The shift to online education has hardly considered their contexts of low digital literacy, unaffordable smart devices, and lack of internet access. Midday meals went amiss, affecting their nutritional requirements. The potential of [mobile schools](#) has been ignored amidst the privatisation and digitalisation of education. In effect, the pastoral children are being denied the Right to Education.

4. Sectarianism and Identity

The increase of sectarianism in the region post-amendment led to increased calls of eviction of the Bakarwal communities practicing Islam by Hindu nationalists of Jammu from the rented vacant plots that they inhabit in the region – leading to land conflicts, increase in rent, along with economic ostracisation of the community where the local populace refused to purchase dairy products from the Bakarwals, affecting their livelihoods.

The financial distress that followed saw distress sales of their flock at rock-bottom rates. The Bakarwal communities faced stigmatisation as “bearers of the coronavirus”. Rife Islamophobia ostracized the community from the dairy markets of Jammu. Tribes have been attacked by “cow vigilantes” on their journey back to the mountains over false claims of cattle smuggling; the [elderly](#) and [children](#) are chosen as soft targets, with the purpose of intimidating the community from practising their livelihood and settling in non-Muslim dominated zones.

Rashid, a Bakarwal, further narrates that the stereotyping of the community’s Muslim identity has directly resulted in dwindling takers for his dairy products during their winter stay at Jammu. Islamophobia and ignorance of pastoralist food habits have also led to multiple attacks by violent [cow vigilantes](#). These take place when pastoralists migrate with their flock, even after taking requisite permissions from the local administration.

Since the pandemic began, there has been an exponential increase in the number of administrative and social limits placed on the community’s mobility, so much so that the socio-economic consequences have been irreversible for many members. The tribe’s mode of transhumance production faces even greater volatility due to the social impediments of Islamophobia and ethnonationalism.

5. Climate Change and Access

Vital routes such as the Mughal Road were [closed for an extended period](#) into the summer due to “landslides in the upper reaches”, and “inclement weather”.

The colonial nature of forest & wildlife conservation laws have a legacy of treating the Gujjar-Bakarwal tribes as ‘[encroachers](#)’, instead of integral components of the ecosystem. Such state action goes hand in hand with the denial of livelihood and dwelling rights demanded by the community, as is envisioned under the Forest Rights Act.

Although the FRA was extended to J&K in 2019, the local government has only [delayed its implementation](#) while focusing instead on using the Forest Department to evict nomadic tribes from their forest dwellings, while disregarding the [Supreme Court Order of 2019](#) which halted evictions until all claims are settled. The intent of the local administration in criminalising the tribe is seen in how the Forest Department has been placed as the nodal agency for implementing the FRA, instead of the Tribal Department, as is the norm in other states.

The community returned back to their summer highland after bearing severe losses, with the hope of returning the following year to recuperate. However, 2021 drove the community further into penury and away from their traditional work practices. Instead of helping nomadic communities to implement the principles of the FRA and allowing local governance bodies to present their claims, the J&K forest administration has been sending eviction notices during the winter to their traditional dwelling zones in the summer highlands, in the midst of a pandemic, with a very short response time. The local administration has even tried evicting forest-dwellers [without notices](#), with Gujjar-Bakarwal community members being attacked and wounded during the drive.

Several members of the Bakarwal community, living on the periphery of Jammu, are choosing not to migrate back to the highlands this year. Conversations with them found the loss of flock over the past year to be the primary reason, with members having shifted to informal daily-wage construction work to subsist.

4. Conc of this section

While contemporary state-service delivery relies on identification markers and technology that is premised upon private ownership and a sedentary existence, this nomadic community [continues to be denied](#) much-needed welfare schemes like PDS and MGNREGS. It was only in the [early 1990s](#) that the administration accorded Gujjars and Bakarwals Scheduled Status with affirmative action in the field of education and livelihood. Policy apathy towards mobile communes has limited the benefits of these policies to those who could establish private ownership. It demanded sedentism, thereby disincentivizing the preservation, upkeep, and evolution of traditional nomadic practices that resist the challenges of a market economy.

Contrary to the central government's claims of emancipating nomadic tribes of J&K with the abrogation of Article 370, one has only witnessed increased marginalisation and disenfranchisement of these pastoralists. Instead of preserving traditional claims over local resources, the enforcement of new domicile rules in the region by the government allows for claims over resources (such as immovable property, private property, access to employment) to be made by non-natives, even as other Himalayan states uphold laws that protect native claims over local resources.

Living separate from urban dwellings, Bakarwal communities do not have access to public health infrastructure or food distribution systems, and are susceptible to the digital divide in the disbursement of information and resources to battle the pandemic. Such "technocratic inequality" (Afreen 2020) is laid bare in the Indian government's policy for inoculation against COVID-19, wherein residents have to access platforms via the internet to get the vaccine. Without mobile internet and smartphones in the mountains, a majority of these nomadic members remain invisibilized by India's [inoculation program](#). Their condition is made worse by an [administrative gag](#) on transparent COVID-19 reportage and government orders [limiting](#) the capacity of NGOs to provide medical resources to distressed members in regions where public health infrastructure remains absent.

A confluence of State, market, and social factors have made the practice of transhumance increasingly unviable and unsafe for the Bakarwal tribal community, forcing them to find alternate and spatially immobile livelihoods, without commensurate protection against exploitation. At this rate, the future of Nomadism in the region seems to be mutating from cohabitation with nature to confinement in urban jungles. The ‘Khanabadoshi’ identities of the Gujjar-Bakarwal are at risk of being subsumed into ‘Dehari’ labourers trying to eke a living in urban areas.

For the Bakarwals, “the constant sense of marginalisation and step-motherly treatment as ‘Bakarwals from Kashmir’ has made them wary of State institutions,” says Ch. Hussain from Thanamandi, in Jammu and Kashmir’s Rajouri district. Hussain’s comments highlight how historically these communities did not maintain much contact with urban settings—a disadvantage when the pandemic’s many lockdowns came into play.

The commensurate material marginalization through increased obstacles to transhumance mode of livelihood within the community is apparent.

The nomadic tribes have always had an antagonistic relationship to the modern state, which has actively criminalized, exploited, and encroached upon their territories through the colonial project. The collaboration of modernisation project of neoliberalism during the period of covid and its impact on nomads.

Preserving a Pastoral Future

Even prior to the pandemic, the combination of law, bureaucracy, and rights shaped by social sanction—all of which are influenced by India’s neoliberal State—come together to marginalise, if not undermine, the labour of the Bakarwals and the Van Gujjars. Their labour consists of livestock rearing and grazing—which is difficult to practice given the State’s attempts to sever their relationship with common pasture lands.

The need of the hour is a pandemic policy that is sensitive to the temporal and spatial requirements of the nomadic Gujjar-Bakarwal community. Members need to be included in

administrative decision-making, with healthcare facilities be made more accessible, and vaccination being independent of digital registration and identification. The government should integrate NGOs and local volunteers in their response protocol to allow for greater reach into the tribal regions of Jammu and Kashmir.

Cash transfers, ration packets, and medical kits should be provided to these nomadic communities, to ensure their safe migration. The J&K administration should set up subsidised transport facilities across nodal inter-district roads which are used by the Bakarwals during their migration to allow them to quickly and safely be translocated following COVID-19 safety protocol. Inclusive education policy must reflect upon access, lived realities, safe spaces, and nutritional needs under the Sarva Shiksha Abhiyan.

As world governments push to implement SDGs, the nomadic pastoralists of J&K should be given a seat at the table, seeing as to how an organic lifestyle and symbiotic ecological existence is inherent to their being. A just socio-economic tribal policy can only be created with fair political representation of the community. At the UN High-Level Dialogue on Desertification, Land Degradation and Drought on June 14, the Indian Prime Minister [used the example](#) of the Banni grasslands in the Rann of Kutch, wherein degraded land was restored to support pastoral activities and animal husbandry. “In the same spirit, we need to devise effective strategies for land restoration while promoting indigenous techniques”, he stressed; all the while, in the background, indigenous Gujjar-Bakarwal communities continue to be evicted from their native pasture lands.

Points to add:

Embedding Literacy against Education

Customary Education v Modern Work

-Tradition?

-Contextualised Need

-Material Shift

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Laws

ⁱ Reservation in promotion has been put on hold after the Jammu and Kashmir High Court Order declared it ultra-vires of Article 16 of the Indian Constitution (Mushtaq 2015). The matter lays before the Supreme Court (Mehal 2021).