

SIX- DECADE STRUGGLE OF THE VALMIKIS FOR RIGHTS IN JAMMU AND KASHMIR: DELIVERANCE AND THE WAY AHEAD

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ABSTRACT : The Constitution (Application to Jammu and Kashmir) Order, 2019 issued on 5 August, 2019 made all the provisions of the Constitution of India applicable to Jammu and Kashmir by superseding the Constitution (Application to Jammu and Kashmir) Order, 1954. The Order of 1954 had introduced Article 35-A in the Constitution of India which had protected the special rights and privileges of the permanent residents of the State of J&K as defined under Section 6 of the Constitution of Jammu and Kashmir, 1957. This Article and the permanent resident status however wreaked havoc on the Valmikis of Punjab living in Jammu and Kashmir for the last more than six decades. The special rights and privileges reserved for the permanent residents of Jammu and Kashmir were actually the basic human rights and the deprivations of such rights to the Valmikis reduced them to less than human. With Article 35-A gone since 5 August 2019, Jammu and Kashmir made a Union Territory since 31 October 2019 and the new domicile law in place since 31 March 2020 by virtue of the Jammu and Kashmir Reorganisation (Adaptation of State Laws) Order, 2020, they have become entitled to all the rights, a lot however is required to be done to remedy the injustices done to them in the past. This paper, based on the study conducted on this group under the project granted by the Indian Council of Social Science Research (ICSSR), gives a detailed account of the settlement of the Valmikis in Jammu and Kashmir and of the various problems and human rights violations faced by them which need to be considered while formulating policy for them.

KEYWORDS: Valmikis, Safai Karamcharis, human rights, fundamental rights, Constitution of India

I. INTRODUCTION

The Constitution of India in Article 17 abolished practice of untouchability in any form in India. The inhuman practice of manually removing night soil including removal of human excrements from dry toilets with hands, brooms or metal scrapers; carrying excrements and baskets to dumping sites for disposal, is not only disgraceful but the highest degree of human rights violation. Since earlier times, sweepers, scavengers or in modern times 'safai karamcharis' have had many names in different parts of the country. Apart from Valmiki, they have been known as 'Chuhra', 'Mehtar', 'Khatik', 'Halalkhor' etc.¹ The name Valmiki however comes from an ancient tribal saint who wrote the epic Ramayana. According to the Indian Census of 2001, the Valmikis formed 11.2 per cent of the Scheduled Caste population in Punjab and were the second-most populous Scheduled Caste in Delhi. In Punjab, the Valmikis are among the main depressed castes of Punjab though caste identity has substantially declined in recent times in Punjab. The Valmikis is the caste that follows Hinduism. A majority of dalit communities in Punjab including the Valmikis have left their traditional occupation and have acquired respectable professions. Only a few families of Valmiki community in Punjab today continue to do scavenging work². The present paper focusses on the historical discrimination faced by the Valmikis who were brought to the State of Jammu and Kashmir in the year 1957 by the then State Government and were subjected to such inhuman treatment and discriminations by the successive Governments in the State that will shake the conscience of the human race.

The Valmikis in the State of Jammu and Kashmir (now Union Territory) were brought from Punjab in the wake of strike that happened in the year 1957 in the State of Jammu and Kashmir, when municipal workers in Jammu went on an indefinite strike. Waste was lying everywhere in the streets of the city. One whole month passed but residents of Jammu and Kashmir were still suffering due to the municipal workers' strike. The city was on the verge of becoming a city full of garbage. Situation came to a standstill and the Municipality in Jammu region of the State was completely paralyzed. Taking note of the situation, the then Prime Minister of Jammu and Kashmir, Mr. Bakhshi Ghulam Mohammed called an emergent meeting of his cabinet ministers where discussions went on for hours and finally the cabinet reached on a decision to call municipal workers from neighbouring State of Punjab. Hundreds of workers (Safai Karamcharis) who belonged to Valmiki Community

were called in Jammu and Kashmir mainly from Gurdaspur (Noor Mahal, Shahkot areas), Amritsar (Gharwali Gate, Nurpur, Raja Sansi, Bandala, Mirzakadiyan, Ajnala, Khas, Chirag, Putalighar areas) and Batala tehsils of the State of Punjab. The then Health Officer of the Municipal Corporation of Jammu city, Mr. Modi, was given the task of making all the arrangements to bring these Safai

Scavenging in India: A Disgrace to the Country, Concept Publishing Company (1997).

² “Sikhism and the Caste Question” by Surinder S. Jodhka in Caste in question: Identity or Hierarchy edited by Dipankar Gupta, Sage Publications (2004).

Karamcharis in the State. The said Health Officer of the Jammu Municipal Corporation, who had his in-laws in Punjab, brought them to the State of J&K through acquaintances on the promise of providing them jobs in the State. 272 persons (Valmikis) were brought to the State from Punjab at that time.³ Free transportation was provided to them as well as the permits under the permit system of the State were also relaxed for these Safai Karamcharis.

As the jobs in the State of Jammu and Kashmir were restricted only to the Permanent Residents of the State of Jammu and Kashmir (as specified in the J&K Constitution⁴), the State Government by amending the rules granted exemption to the Valmikis from the requirement of being the State Subjects/Permanent Residents of the State of J & K for the purpose of job in the State Government. Under Rule 35-B of the Jammu and Kashmir Civil Service Regulations, 1956 in the case of every new entrant into the Government service, the concerned authority empowered to make the appointment was to certify that the applicant is a ‘State Subject’, later called ‘permanent resident’ under the Constitution of Jammu and Kashmir, 1957. A permanent resident of J&K meant those citizens who had lawfully acquired immovable property in the State of J&K, or had been ordinarily resident in the State for not less than ten years prior to 14 May 1954.⁵ Since Valmiki community came to J&K in 1957, they were given exemption from producing the State Subject under the sweeper category only. This meant that they/ their progeny could not seek an employment other than that of a sweeper in the State of J&K.

II. SETTLEMENT OF THE VALMIKIS IN JAMMU AND KASHMIR

On coming to the State of Jammu and Kashmir in 1957, the families of the Valmikis were settled by the J&K State Government in the Jammu Division of the State. These 272 Valmiki Safai Karamcharis were allowed to make their hutments/ small houses on the land assigned by the State Government in the municipal area of Jammu. However, they were not provided any documents of title for such properties.

³ Information obtained from Jammu Municipal Corporation through an RTI (RTI No. JMC/S/RTI/Comp/1681-82 dated 27/06/2013).

⁴ Section 6 of Part III of the Constitution of Jammu and Kashmir, 1957 (now repealed). Only the permanent residents of the State of Jammu and Kashmir were entitled to ownership of property, recruitment in State services, scholarships, settlement in the State by virtue of the special provision under Article 35-A of the Constitution of India.

⁵ *Supra* note 4.

To confirm the status of the houses in their possession, in February 2012, the Valmikis sought information from the Town Planning Organization Jammu, Government of Jammu and Kashmir through an RTI regarding their living accommodation. The Town Planning Organization asked the Valmikis to seek this information from Managing Director, J&K Housing Board, Jammu or Commissioner, Municipal Corporation Jammu.⁶ In March 2012, in response to the query under RTI by the President of the Valmiki Community about the Government concrete houses made by the Government in their colony, the Planning and Development Department asked to seek the information from the Housing and Urban Development Department.⁷ In response to the RTI dated 27-06-2013⁸ also, the Municipal Corporation, Jammu gave only the names and parentage of the 272 Valmikis and remained silent on their addresses.

In November 2014, Sh. Gharu Bhatti, the President of the Valmiki Samaj (now Valmiki Mohalla Trust) filed two RTIs to the Municipal Corporation⁹ regarding:

- (i) Accommodation/facility provided to Safai Karamcharis brought from Punjab by the J&K Government in the year 1957.
- (ii) The reasons for the construction of 40 houses (20 *pacca* and 20 *kaccha*) in Gandhi Nagar bearing khasra No. 73, the persons to whom allotment of these houses was made and the fund utilized for the construction of these quarters.

However, no response was received from the concerned Department in the matter.

The President of the Valmiki Mohalla Trust, Gandhi Nagar Jammu has himself prepared a list of 45 houses allotted by the State in the colony. The list provided by the President of the Valmiki Mohalla Trust, Gandhi Nagar gives the following lane-wise information of 45 houses:¹⁰

⁶ Letter No. CTPJ/RTI Act/ 2011-2012/1063-67 dated 03/02/2012 by the Public Information Officer, Senior Town Planner, Jammu to Mr. Gharu Bhatti, the President of the Valmiki Samaj, Jammu.

⁷ Letter No. PD/NG/RTI/31/12 dated 30/03/2012 by the Under Secretary to the Government, Planning and Development Department, Jammu and Kashmir to Sh. Gharu Bhatti, the President of the Valmiki Mohalla Trust, Gandhi Nagar, Jammu.

⁸ *Supra* note 3.

⁹ RTIs dated 28/11/2014 by Sh. Gharu Bhatti, the President of the Valmiki Samaj to the Municipal Corporation, Government of Jammu and Kashmir.

¹⁰ The list was made by Sh. Gharu Bhatti, the President of the Valmiki Mohalla Trust, Gandhi Nagar, Jammu in 2015.

Type of Construction of House	Lane No. 1	Lane No. 2	Lane No. 3	Total
Temporary (kaccha)	00	12	17	29
Concrete (pacca)	06	00	10	16
Total	06	12	27	45

The written record pertaining to houses in other colonies of the Valmikis in Jammu is also not available.

The study revealed that in 1957, on being brought to the State, the Valmikis were housed by the State Government in the then newly constructed shopping complex towards the left of the Swarn Theatre (opposite Monika Super Market) in the Gole Market area of Jammu city and a dairy farm and JDA Complex in the Mini Market of the Green Belt colony of Jammu city from where they were later settled in the areas of Gandhi Nagar, Bakshi Nagar, Kot Bhalwal, Dogra Hall, Purkhu, Resham Ghar, Preet Nagar and Qasim Nagar of Jammu District. Initially they were settled by the State Government in four places in Jammu city - Gandhi Nagar, Dogra Hall, Bakshi Nagar and Resham Ghar colonies. 45 houses (shown in Table above) were constructed for them by the State in Gandhi Nagar¹¹, 40 in Dogra Hall, 21 in Bakshi Nagar and 6 in Resham Ghar. Rest all houses have been built by the Valmikis on land occupied around the State allotted houses. Some of the Valmikis are living in Preet Nagar, Qasim Nagar, Purkhu and Kot Bhalwal where they purchased the land on personal affidavits.

III. DISABILITIES AND PROBLEMS FACED BY THE VALMIKI COMMUNITY IN JAMMU AND KASHMIR

(1) Ownership of Property

Valmiki people in Jammu and Kashmir, being non-permanent residents, remained barred from purchasing any land or owning any property permanently in the State of Jammu and

¹¹ In Gandhi Nagar, as informed by Sh. Gharu Bhatti, the President of the Valmiki Mohalla Trust, the colony of Valmikis is spread in approximately 43 Kanals. The Valmiki Temple is established in 5 Kanals. 10 Kanals of land is covered by a graveyard and a cremation ground. The graveyard is for the Valmikis belonging to Christian community and covers an area of 9 Kanals and the cremation ground is in 1 Kanal. In the rest of the area, the houses of the Valmikis have been raised.

Kashmir. Many of them possess land allotted to them by the State, most of them are in the possession of State land occupied by them on their own and some possess land purchased by them from local residents. They have their houses on their lands, most of which are *semi- pucca* structures. However, none of them has the legal documents pertaining to the land in possession. Neither of those who are allotted the State land nor do those who have occupied the State land have the legal documents of such land. The personal affidavits on which the land

stands purchased by those living in Preet Nagar, Qasim Nagar, Purkhu and Kot Bhalwal also do not hold good in law. As such the occupation on the basis of such affidavits continues to remain unauthorized in the eyes of law due to which the Valmiki continue to reel under the sense of insecurity.

The Valmiki came to J&K in 1957 and their population has grown ever since, their number from 272 has currently grown into few thousands. The legal heirs of these Valmiki Safai Karamcharis are currently living in almost six decade old structures. The situation is such that the space allotted to such sweepers is a very limited one, the legal heirs of second, third and fourth generations of such sweepers have built multistoried structures over small pieces of land held by them as they could have only the vertical divisions of their houses on the enlargement of their families due to their inability to purchase any more land in the State of Jammu and Kashmir being non-permanent residents of the State. Their colonies have become slums because of zero facilities of development. Those legal heirs of such 272 sweepers, who wished to purchase and acquire more land to accommodate and settle their families comfortably, could not do so because their right to acquire and hold property was taken away by the State legislations. All land legislations of the State denied this right to them as under those laws this right was vested only in the permanent residents of the State.

The Jammu and Kashmir Property Rights to Slum Dwellers Act, 2011 also provided relief of property rights to slum dwellers, but 272 sweepers of Valmiki community and their legal heirs being non-permanent residents were not entitled to any such rights.

Thus, the State land legislations completely denied the right to acquire and hold any immovable property in the State to the members of the Valmiki community.

(2) Education

Though literacy rate is low in Valmiki Community, but with the passage of time, a change has reflected in the lives of Valmiki youths and their attitude towards education. Children of Valmiki are more inclined towards study and especially the youth are more interested in higher studies. Many of them have attained higher education. However, the children of Valmiki community residing in J&K were denied admission into professional and technical courses such as B.Ed., MBBS, BE, etc, because of non-grant of the Permanent Resident Certificates to them. Due to the same reason, they were not considered entitled to the State/ Central scholarships.

(3) Employment

In their place of origin (Punjab), the occupation of the families of the Valmiki was farming. However, in the State of J&K, they were engaged as the Safai Karamcharis. In spite of living in different areas of the State for the last 62 years, Valmiki were debarred from applying for any government job, except sweepers, in J&K because they were denied Permanent Resident Certificates¹². Their children could study up to the graduation/ University level but were not eligible to apply for government jobs in the State. Even though they were well qualified and fulfilled all the necessary conditions and criteria, they were denied any State Government job other than that of a sweeper. Well deserving children of Valmiki community were not given opportunity to join any professional course like MBBS, B.Tech, etc. in the State of Jammu & Kashmir even though their parents had been serving the State for the past six decades.

Presently in Jammu and Kashmir, the Valmiki are predominantly in the occupation of Safai Karamcharis with a few of them in some other menial jobs. Most of them are working as Safai Karamcharis in Jammu Municipal Corporation where they have been engaged in the work comprising manual scavenging, septic tank cleaning and sewer line cleaning. Nearly 1/3 of them are working as Safai Karamcharis on contractual basis in the Jammu Municipal Corporation, some against the posts of retired Safai Karamcharis, a few are in private service, i.e., working in call centres, as helpers in beauty salons and shops and a few are driving auto- rickshaws owned by local residents.

Valmiki youth today is reluctant to join traditional sweeper and scavenging jobs. However, the requirement of Permanent Resident Certificate from them remained a stumbling block in

015. *The Tribune*, 13 August 2016.

the realization of their dreams. Radhika Gill, a Valmiki girl, is residing in the State of Jammu and Kashmir since her birth. She is a sports woman and an excellent athlete. She is a rank holder in games like 'Shot Put' and '100 mtr Race' in 14th State Athletic Championship of Jammu and Kashmir. She has passed her secondary education and wants to join Indian Army. She is qualified for Grade III and Grade IV jobs in State services. In 2016, Radhika Gill applied for the post of constable (GD) in CAPFs (Central Armed Police Forces) in Open

Recruitment Rally, 2016-17. She was issued Admit Card for appearing in/going through the test at the Recruitment Centre.¹³ She qualified tests prescribed for the post.¹⁴ However, her candidature was rejected on the ground of non-production of the Permanent Resident Certificate.¹⁵ Radhika Gill filed a writ petition in the Supreme Court of India¹⁶ contending that in spite of having necessary qualifications for applying to the Government post she was denied the same for non-production of the Permanent Resident Certificate. She was told that she could apply only for the post of Sweeper in Jammu and Kashmir.

Eklavya, born in Jammu, belongs to the Valmiki community and holds a Bachelor's Degree in Arts and is also pursuing the Masters in Political Science. He was qualified enough to apply for admission in B.ED course. But merely because he was not covered under the definition of Permanent Resident of Jammu and Kashmir, he was considered ineligible to apply for admission in the said course in the colleges funded by the State. Also, he could not apply for any Government job under the State services or in the State's instrumentality.¹⁷

This was the position of children of Valmiki even after residing in the State of J&K since birth. The youth of Valmiki Community were continually denied the employment opportunity under the State Government services and its instrumentalities. Effect of such denial has been that the young generation of this community was forced to end its career in the job of sweeper only.

Promotions of Valmiki in the Job of Safai Karamchari

The irony was that the local Safai Karamcharis working in the Jammu Municipal Corporation who held Permanent Resident Certificates were entitled to promotions on acquiring necessary educational qualification but those Valmiki Safai Karamcharis who were brought

as issued to her on 02/09/2016.

¹⁴ Certificate to this effect was issued to her.

¹⁵ The Rejection Slip dated 20/09/2016 was issued to her by the Recruitment Board.

¹⁶ *Radhika Gill v. Union of India*, W.P (c)No. 398/2018.

¹⁷ Eklavya is also petitioner in Radhika Gill's case, sub judge in the Supreme Court of India.

to the State in 1957 were not entitled to the promotions, even after serving the State on the request of the State Government itself for almost six decades, because the Government of Jammu and Kashmir did not recognize them as the Permanent Residents of the State.

A PRC holder (local) Safai Karamchari could be promoted through selection by the Departmental Promotion Committee (DPC). He could be promoted to the following higher ranks:¹⁸

- (a) Sanitary Supervisor. The monthly pay of Sanitary Supervisor is approximately Rs 30,000 to Rs 33,000 (4400-7440+1800 Grade Pay).
- (b) Senior Sanitary Supervisor. The monthly pay of Sanitary Supervisor is approximately Rs 34,000 to Rs 35,000 (4400-7440+2400 Grade Pay).
- (c) Sanitary Inspector. The monthly pay of Sanitary Supervisor is approximately Rs 68,000 to Rs 70,000 (5200-20200+2800 Grade Pay).
- (d) Assistant Sanitation Officer. The monthly pay of Sanitary Supervisor is approximately Rs 70,000.
- (e) Sanitation Officer. The monthly pay of Sanitary Supervisor is approximately Rs 75,000.

However, the Valmiki Safai Karamcharis working in the Jammu municipality, though qualified for further promotions, had to continue only as sweepers. They were not considered for promotions due to non-grant of Permanent Resident Certificates to them. They worked in the field as Safai Karamcharis up to In-charge Supervisor but they retired without any further promotion. They retired in the pay scale of a Safai Karamchari.

Pension Benefits to Valmiki

As far as the pensionary benefits are concerned, in 1995, the Safai Karamcharis of Valmiki community employed in local bodies/municipality of the State who retired after 1988 and before 1998 were given the same pensionary benefit as the local PRC holder Safai Karamcharis. This was one time exemption given to the Safai Karamcharis to make them eligible for benefit of pension under Article 240-AAA of the J&K Civil Service

¹⁸ The information is based on the document received from Sh.Gharu Bhatti, the President, Valmiki Mohalla Trust, marking difference between PRC holder and non-PRC holder Safai Karamcharis of Jammu Municipal Corporation.

Regulations.¹⁹ Those who retired from the regular job of Safai Karamcharis from the Municipal Corporation, Jammu received pensions after retirement. Thus though the pension was paid to them, but they joined as sweepers (Safai Karamcharis) and also retired as sweepers.

(4) Voting Rights

Another important implication of not having PRC for the Valmikis was that the members of their community could not vote in the State Assembly or Municipal elections, they could vote only in the Lok Sabha elections. Such non-participation in elections at State level resulted into non-representation of these Valmikis in State Legislature and urban local bodies, in effect rendering this downtrodden community as voiceless class of citizens.

(5) Reserved Category Benefits

The Valmiki community in the State of Jammu and Kashmir consists of the Hindu Scheduled Caste people. However, there was no mention of the Valmiki community in any caste based census of the State. Though the Valmiki community belongs to the Scheduled Caste category in the rest of India but they were not issued Scheduled Caste Certificates in J&K for the reason that they did not have the Permanent Resident Certificates of Jammu & Kashmir. This discrimination deprived their families to avail any benefit of the Scheduled Caste category to which they were entitled under the policy of the Central Government or the State Government.

In January 2016, a delegation of Valmikis approached the office of the District Development Commissioner, Jammu in the matter of Caste Certificates with the plea that Caste Certificates were earlier being issued to them but later were declined on the ground that such certificates may be used by them for employment purpose. The Valmikis did not have the Permanent Resident Certificates, so there was no possibility of Caste Certificates to be used by them for State employment. The then Deputy Commissioner pointed out that though as per SRO²⁰ 294, Rule 35-B, the benefit of caste could be availed by a candidate subject to the condition that he was a Permanent Resident of the State, however, the exemption at the end of that Rule provided that ‘.....sweepers are exempted from producing State Subject Certificates’. He had

¹⁹ Order No. LSG-123/MCK/88 dated 29/09/1995 issued in pursuance of the Administrative Council Decision No. 149 dated 28/09/1995 and with the concurrence of the Finance Department conveyed wide U.O. No. A-62 (94) 812 of 26/06/1995.

²⁰ State Revenue Order.

observed that there was no harm in issuing the Caste Certificates on the prescribed format under SRO 294 which could be used for employment as sweeper in Municipal Corporations, medical colleges and other places for recruitment to the post of Sweeper and for availing other benefits under various welfare schemes of the Central and the State Government. He had advised the Tehsildar Jammu to issue the Caste Certificates to the Valmikis subject to the fulfilment of other formalities and ascertainment of the caste credentials of the Valmikis.²¹

Thereafter 10-12 Caste Certificates were issued to the Valmikis. Later the process was halted. They again gave the representation to the Deputy Commissioner, Jammu²² for the issuance of Caste Certificates to them on which the Deputy Commissioner, Jammu issued instructions to the Tehsildar concerned to take necessary action. No further progress took place in the matter.

Even those who were issued the Caste Certificates under SRO-294 complain that derogatory word was used to denote their caste (instead of ‘Valmiki’) in the certificates issued to them.²³ At a time when in the rest of India, steps are being taken to stop the use of derogatory connotations for the Scheduled Castes,²⁴ it is not understood why the State of Jammu and Kashmir used such expression for the Valmikis.

(6) Basic Amenities

Ration Card, LPG, Electricity and Water Supply

Prior to the implementation of National Food Security Act, 2014 (NFSA)²⁵, the Valmikis were holding ration cards on the basis of exemption from producing the Permanent Resident Certificates. On the basis of such exemption, the ration cards were issued to them by the CAPD (Consumer Affairs and Public Distribution Department). However after the implementation of NFSA, they were asked to produce the Permanent Resident Certificate for the issuance of new ration cards under NFSA. Representation in this regard was made by the

²¹ Letter No. I/5370/2016 dated 22/01/2016 by the then Deputy Commissioner Jammu to the Tehsildar, Jammu/Bahu. File No COM/218/2015-ADDC.

²² Representation No.VMT/201/2019 dated 06/03/2019 by Sh. Gharu Bhatti, President, Valmiki Mohalla Trust to the Deputy Commissioner, Jammu.

²³ “Derogatory word used to identify Valmiki youth in caste certificate”, *The Tribune*, 15 December 2015.

²⁴ Cabinet Note/Balmiki/2011/670-709 issued by the Revenue Department, Government of the National Capital Territory of Delhi.

²⁵ NFSA was brought into force in the State of Jammu and Kashmir on 1 April 2016.

Valmikis to the Director CAPD Jammu.²⁶ A deputation of Valmikis led by their President also met the then Speaker, J&K Legislative Assembly, Sh. Kavinder Gupta and apprised him of this problem who requested the Director CAPD, Jammu to get the ration cards issued to the Valmikis on priority.²⁷ The matter was also represented by the Valmikis to the Chairman, District Level NFSA Committee (the then Deputy Commissioner Jammu) who directed the Additional Deputy Commissioner for examination and necessary action in the matter.²⁸ In pursuance to this, they were issued the ration cards in relaxation of the Permanent Resident Certificates.

The Valmikis have LPG connections in their houses. The State Government put the Valmiki colony in Core Area Development Plan of Jammu city for improving roads, lanes, water, and electric supply to the colony.

Regarding electricity, they do have some kind of electricity connection in their houses, though not regular in all cases. For long since their coming to the State of Jammu and Kashmir, they had been having the Electricity connections without meters. In the Valmiki Colony, Gandhi Nagar, they have two transformers, each 250 KV, one opposite Valmiki Temple and another in the graveyard. However, there is no proper networking of electrical wires in their colonies. The irregular network of wires forming meshes of wires hanging in the lanes of their colonies is spread throughout their colony posing the greatest danger to their lives. The same is the position in their other colonies. Some twenty years back, due to a rule made by the State Government that the salary of a State Government employee will be released only on the production of the Electricity bill of his/her house, the Valmikis working in Municipal Corporation were allowed to have the electricity meters installed in their houses. Prior to that the electrical connections were issued to the Valmikis by the State Power Development Department only on the introduction of the President of the Valmiki Mohalla Trust. In 2018, from September 2018 to December 2018, under the “Saubhagya” Scheme or the Pradhan Mantri Sahaj Bijli Har Ghar Yojana, 100 electrical meters were installed in the houses in the Valmiki Colony, Gandhi Nagar.

²⁶ Letter dated 20.10.2016 by Sh. Gharu Bhatti, President, Valmiki Mohalla Trust to the Director, CAPD, Jammu.

²⁷ D.O. No. PS/SPK/LA/J/ dated 20.10.2016.

²⁸ Letter dated 08.11.2016 by Sh. Gharu Bhatti, the President, Valmiki Mohalla Trust to the Chairman, District Level NFSA Committee (the then Deputy Commissioner, Jammu).

Regarding water supply, they have water connection to their houses from the tube- well. In the Gandhi Nagar Colony, there is a tube-well in their colony/area which caters to the Gandhi Nagar and the Shastri Nagar areas. They don't have any knowledge whether any written order was issued for supply of water to their houses from that Tube-well, but the State PHE Department has laid down a network of pipes from that tube-well to their houses.

Condition of Roads and Streets

The colonies of the Valmikis/ their houses exist within/ adjoining the colonies of the local residents and the road network is common to all of them. However, the streets of their colonies are not properly made and maintained by the State as in the case of the colonies of the local residents. The condition of the streets of the colonies of the Valmikis is appalling. In rainy season, the lanes in their streets get blocked and the rainy water enters into their houses causing huge loss to many of them. The Nullah passing through the Gandhi Nagar Colony of Valmikis is also not cleaned, and remains a continuous source of diseases for them.²⁹

Health Measures

The facility of the State (now UT) hospitals has always been available to them, however, they do not have dispensaries in their localities. In Valmiki Colony, Gandhi Nagar, a dispensary was opened in the year 1984-85. It was opened in the premises the existing temple area) which was later made into the dispensary and the temple was shifted to the other part of the premises where it presently exists. However, the dispensary was closed in

about 1 and a 1/2 years of its opening due to non-regularity of the doctors.

(7) Facility of Bank Loans

The Valmiki working in the Municipal Corporation, who have a regular source of income, were granted the loan by the bank whereas others did not get the loan.

(8) Welfare Schemes

The Valmiki in the State of J&K also remained deprived of benefits of many centrally sponsored and State Welfare schemes for not being the permanent residents of the State. For the same reason, they have faced the denial of the benefit of many welfare schemes meant for

²⁹ Letter dated 18/05/2016 and Letter no. VMT/ 204 dated 24/08/2018 to the Commissioner, Municipal Corporation, Jammu; Letter no. VMT/214/19 dated 02/01/2019 to the Mayor, Jammu Municipal Corporation, Jammu by Sh. Gharu Bhatti, the President of the Valmiki Mohalla Trust. the Scheduled Castes in the State as the State did not issue them the Scheduled Castes (SC) certificates.³⁰ No welfare schemes were initiated specifically for them by the State or the Central Government.

IV. ORGANIZATIONAL ACTIVITY OF THE VALMIKIS

As Safai Karamcharis, the Valmiki are the part of the association formed by the local Safai Karamcharis of Jammu. For their colonies, Valmiki have formed two associations in their two colonies – one, Valmiki Mohalla Trust in the Gandhi Nagar Colony, Jammu and second, Valmiki Sadar Sabha in Dogra Hall, Jammu. In Gandhi Nagar colony, the first organization of the Valmiki was made with the name B(V)almiki Samaj with Sh. Foza Ram as its President.³¹ It was then made into Valmiki Mandir Sabha (Valmiki Welfare Association).³² In the beginning, Hindus (Valmiki) as well as the Christians were its members, however later only Hindus (Valmiki) remained its members. The temple administration was later made a separate affair and presently two Trusts exist in the Gandhi Nagar Colony. The community issues of the colony are taken care of by the Valmiki Mohalla Trust³³ and the Valmiki Temple Gandhi Nagar is under the control of Valmiki Temple (Anant) Trust³⁴ which has seven trustees and a Mahant. Baba Mohinder Das is presently the Mahant of the Trust. The shops outside the temple have been constructed and rented out by the Trust. In Valmiki Sadhar Sabha, Dogra Hall, the Valmiki (Hindu) and the Christian communities have their separate Presidents whereas in the Gandhi Nagar Colony, the President of the Valmiki Mohalla Trust is the President of both the communities. The Valmiki living in other areas are the members of either of these two associations. The Valmiki temples also exist in other colonies of Valmiki like Dogra Hall and Resham Garh in Jammu.

³⁰ “In J-K, most manual scavengers can’t get rehab benefits”, *The Tribune*, December 17, 2016; “Victims of caste bias, Valmiki struggle for basic rights”, *The Tribune*, December 11, 2017.

³¹ Copy of an Agreement dated 04.08.1984 shows Sh.Foza Ram as the President of the Balmiki Samaj on that date in the opening para of the Agreement.

³² Copy of a rent agreement by the then President of the Sabha, Jang Bahadur dated 02/04/1992 wherein mention of this Sabha/Association is found in its opening para and paras 2 (c), (e) and (f).

³³ Established by the Valmiki Mohalla Trust Deed.

³⁴ The Request Letter on the Letter Head of the Valmiki Temple (Anant) Trust by Sh. Gharu Bhatti, the President of the Valmiki Mohalla Trust to the then Mayor, Jammu Municipal Corporation, Town Hall, Jammu for the maintenance of the Valmiki temple bears testimony of this.

Organizational Steps

The associations of the Valmiki have taken various steps like raising demands of the Valmiki with the State/Central ministers and the Government functionaries. A number of representations were made to the State Government of Jammu and Kashmir by the Valmiki Samaj or other organizations representing their cause.

In February 2002, the Valmiki submitted a memorandum to Sh. Harbans Singh (the then Minister of Labour, Employment, Printing, Stationery, Youth Services and Sports and Administration of Gurudwaras, Jammu and Kashmir State) who requested the then Revenue Minister, J&K Government to examine the issue of grant of Permanent Resident Certificates to the Valmiki and pass necessary directions in that regard.³⁵

In October 2003, the Valmiki Mohalla Trust made a representation to the then Deputy Chief Minister regarding the problems being faced by them and requested him to address their grievances.³⁶

In May 2005, by making reference to a memorandum of their demands related to the Revenue Department presented by the Valmiki at a public function organized by the J&K SC/ST/OBC Development Corporation at Valmiki Mohalla, Gandhi Nagar Jammu on 28 April 2005, Sh. Mula Ram, then Minister of Social Welfare, Government of Jammu and Kashmir requested the then Revenue and Rehabilitation Minister of the State of Jammu and Kashmir to pass appropriate orders for the redressal of the grievances of the Valmiki Community.³⁷

In June 2006, Akhil Bhartiya Valmiki Mahapanchayat, Jammu on behalf of Valmiki Safai Karamcharis submitted a memorandum (for grant of Permanent Resident Certificates) to the then Principal Secretary to the Government, Housing and Urban Development Department, Jammu and Kashmir State who forwarded it to the Revenue Department for necessary

³⁵ D.O. No. Misc/L&E/2002 dated 06/02/2002 by Sh. Harbans Singh, the then Minister of Labour, Employment, Printing, Stationery, Youth Services and Sports and Administration of Gurudwaras, Jammu and Kashmir State to Shri Abdul Qayoom, the then Revenue Minister, J&K Government.

³⁶ Letter No. VMT/104/03 dated 10/10/2003 by the President, Valmiki Mohalla Trust to the Deputy Chief Minister, State of Jammu and Kashmir.

³⁷ D.O. No. MSW/2005/ 626, Srinagar dated 19/05/2005 by the then Minister of Social Welfare, the State of Jammu and Kashmir to the Minister of Revenue and Rehabilitation, the State of Jammu and Kashmir.

action.³⁸ In September 2006, similar memorandum was submitted to the then Financial Commissioner, Revenue, Government of Jammu and Kashmir. However, no further progress happened in the matter.³⁹

In November 2006, Smt. Santosh Chowdhary, the then President of the National Commission for Safai Karamcharis also requested the then Chief Minister of Jammu and Kashmir to consider and approve the grant of Permanent Resident Status to the Valmiki as a special case in recognition of their services rendered over the years and in the time of need.⁴⁰ In response, the Chief Minister forwarded the matter to the then Secretary to Government, Revenue Department for examination of the issue under rules.⁴¹

In March 2007, the office of the then Financial Commissioner (Revenue), Jammu and Kashmir requested the then Divisional Commissioners of Jammu and Kashmir Divisions to furnish their comments/ views on the issue on an immediate basis to be placed for the information of the then Chief Minister.⁴² The then Divisional Commissioner, Kashmir gave the following comments/views:

the entitlement for grant of State Subject to Safai Karamcharis has to be examined and analyzed in the light of the prescribed criteria laid under Section 6 of the Constitution of J&K. Regarding appointment of a person in the State Service, not otherwise eligible for the same under the provision of the State Constitution/ Rules, is a policy matter to be examined and considered by the Government.⁴³

On 27 February 2008, the then Deputy Commissioner General, Government of Jammu and Kashmir requested the then Divisional Commissioner, Jammu to look into the matter

³⁸ Letter No. CMS/Gen/13/2006 dated 07/06/2006 by the Under Secretary to then Chief Minister to the then Principal Secretary to Government, Housing and Urban Development Department, the State of Jammu and Kashmir.

³⁹ Letter No. GAD/4/87/III dated 06/09/2006 by the General Administration Department to the Financial Commissioner (Revenue), Government of Jammu and Kashmir.

⁴⁰ Letter No. 11020/CP-3/NCSK/2006/4052 (12) dated 29/11/2006 by Smt. Santosh Chowdhary, the then President, National Commission for Safai Karamcharis, the Government of India to Sh. Ghulam Nabi Azad, the then Chief Minister of Jammu and Kashmir.

⁴¹ Letter No. CMS/H/227/20 dated 18/12/2006 by Sh. Ghulam Nabi Azad, the then Chief Minister of Jammu and Kashmir to Smt. Santosh Chowdhary, the then President, National Commission for Safai Karamcharis, the Government of India.

⁴² Letter No. FC/Cord-MISE/574/06 dated 15/03/2007 by the then Deputy Commissioner (C) with Financial Commissioner (Rev) to the then Divisional Commissioner, Kashmir/ Jammu.

⁴³ Letter No. Div com/ LRS/PRC (SK)/249/07 dated 28/05/2007 by the then Divisional Commissioner, Jammu to the then Financial Commissioner (Rev), Government of Jammu and Kashmir.

personally and furnish his views/comments immediately for the information of the Administrative Department.⁴⁴

In February 2014, the then State President of Akhil Bhartiya Safai Mazdoor Sangh (ABSMS) filed

memorandum to the Bhartiya Janata Party for raising the issue of the Safai Karamcharis of all communities in the then ensuing Budget Session of Jammu and Kashmir Legislative Assembly mentioning in particular the issue of grant of Permanent Resident Certificates to the Valmikis from Punjab living in J&K since 1957.⁴⁵

In June 2015, Sh. Vijay Kumar, the then Member, National Safai Karamchari Commission, officially visited the Valmikis working as Safai Karamcharis in district Jammu and Katra town of district Reasi and those working under Shri Mata Vaishno Devi Shrine Board from 11.06.2015 to 13.06.2015 and after observation of their plight, highlighted the following problems of the Valmikis to Sh. NN Vohra, the then Governor of Jammu and Kashmir.⁴⁶

- (i) Non-grant of Permanent Resident Certificates to the Valmikis.
 - (ii) Confinement of recruitment of Valmikis by the State to only the job of Safai Karamchari despite attaining high education.
 - (iii) Non-adherence to the minimum wages to be paid to the Safai Karamcharis as directed by the Government of India.
 - (iv) No regular medical check up of the Safai Karamcharis by the Shrine Board.
 - (v) The Shrine Board run schools for Safai Karamcharis only up to class VIII.
 - (vi) In the name of accommodation facility by the Shrine Board, four families of Safai Karamcharis were accommodating in one house.
 - (vii) No proper water facility in their *basti* for drinking and sanitation purposes.
 - (viii) Increasing the aid given in the marriage of the daughter of a Safai Karamchari from Rs 20000 to Rs 1 Lakh.
- ⁴⁴ Letter No. FC-Cord-574-2006 dated 27/02/2008 by the then Deputy Commissioner General with the then Financial Commissioner (Rev) to the then Divisional Commissioner, Jammu.
- ⁴⁵ Memorandum dated 16/02/2014 by Sh. Dev Anand Gill, the then State President, Akhil Bhartiya Safai Mazdoor Sangh (ABSMS) to the Bhartiya Janata Party, Jammu and Kashmir.
- ⁴⁶ Letter No. 12011/03/VK/685/2015-NSKC by Sh Vijay Kumar, then Member, National Safai Karamchari Commission to Sh. N.N. Vohra, the then Governor, Jammu and Kashmir State.
- (ix) Loan facility for Safai Karamcharis working in the Shrine Board directly from the Shrine Board itself than from the banks.
 - (x) Dismissals of Safai Karamcharis without any reason and prior notice. Their reinstatement was pleaded.

He also pointed out the non-compliance by the State Administration of the directions issued by the Commission in a meeting held on 11.07.2014.⁴⁷

However, the State of Jammu and Kashmir never considered seriously the issues and problems of the Valmikis and the plight of the Valmikis remained far from improving.

V. CONCLUSION

Unemployment, lack of property and other economic disabilities as well as social disabilities have created a vicious circle of poverty around the Valmikis in Jammu and Kashmir. The deprivations faced by them clearly show the violation of their human rights and of the fundamental rights guaranteed by the Constitution of India to the citizens of India under Articles 14, 15, 16 and 21. With Article 35-A and the Constitution of Jammu and Kashmir gone, and new constitutional developments having taken place in Jammu and Kashmir which has now been made into a Union Territory, the hopes of the Valmikis are now pinned upon the government of the Union Territory of Jammu and Kashmir that justice will soon be meted out to them. The new domicile law, notified on 31 March 2020 which provides for 15 years continuous stay for entitlement to the domicile certificate of the Union Territory of Jammu and Kashmir, has entitled them to the Domicile Certificates that will take care of most of their problems. They will now get equal rights in the areas of education and employment, to vote in

assembly elections and to own immovable property in Jammu and Kashmir. The protection of all laws made for the benefit of Scheduled Castes has been extended to them and the Scheduled Caste Certificates will be granted to them. They will get the benefit of all Central Government and the Jammu and Kashmir Government welfare schemes for the people in general as well of those meant particularly for Scheduled Castes. The Government at the same time needs to consider their demand for the regularization of their colonies and proper housing arrangements for their families. Special recruitment drive for the youth of their community should be conducted by the Union Territory of Jammu and Kashmir and the

⁴⁷*Ibid.* Union of India. Dispensaries should be opened in their localities. Regular health checkups of their community members should be conducted by the Health Ministry so as to protect them from health hazards. Most importantly, the official enumeration of the Valmikis should be done by the Government of Jammu and Kashmir which has not been done till date. To cure the injustices of the past, affirmative action for them in the form of reservation within reservation for some years would be plausible.

VI. REFERENCES

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