DISPLACEMENT AND CATEGORISATION
A STUDY OF INTERNALLY DISPLACED PEOPLE (IDPs) OF AKHNOOR IN JAMMU AND KASHMIR

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MASTER OF PHILOSOPHY

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DECLARATION

I declare that the dissertation entitled **"Displacement and Categorisation: A Study of Internally Displaced People (IDPs) of Akhnoor in Jammu and Kashmir"**, submitted by me for the award of the degree of **Master of Philosophy**, at Jawaharlal Nehru University, is my own work. The dissertation has not been submitted for any other degree, either at this University or anywhere else.

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CERTIFICATE

We recommend that this dissertation be placed before the examiners for evaluation.

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Dedicated to my dear Grandpa

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LIST OF ABBREVIATIONS

ACHR	Asian Centre for Human Rights
CFL	Ceasefire Line
GOI	Government of India
IB	International Border
ICRC	International Committee of the Red Cross
IDD	Internal Displacement Division
IDMC	Internal Displacement Monitoring Centre
IDPs	Internally Displaced People
LoC	Line of Control
NHRC	National Human Rights Commission
OCHA	United Nation Office for the Coordination of Humanitarian Affairs
PoKDPs	Pakistan Occupied Kashmir Displaced People
SHRC	State Human Rights Commission
UN	United Nations
UNCHR	United Nations Commission on Human Rights
UNGA	United Nation General Assembly
UNHCR	United Nations High Commissioner for Refugees
WPR	West Pakistan Refugees

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CHAPTER 1

INTRODUCTION

The research examines the significance of labelling and categorization in the policy-making, to address the specific needs and interests of those displaced people who get caught in the local particularities. As David Turton notices,

> "We speak of flows, streams, waves, and trickles of migrants...the metaphors we use to talk about migration require us to think of migrants as an undifferentiated mass" (Turton 2003)

If one widens this argument of Turton and applies it to the study of Internally Displaced People[1] (IDPs), one can say that there exist diverse local, context-dependent particularities in the process of displacement as well. The study argues that the 'categories' and 'labels' used by the government such as refugees, migrants, IDPs play an extremely vital role in the process of rebuilding the lives of displaced people. This signifies that any humanitarian relief and solution to the problem of displacement is contingent upon its respective local context. Displacement cannot be understood in isolation from its historical, political and cultural context that indeed describes its nature and type. Since the existing policies on internally displaced in India do not employ the legal term Internally Displaced People and instead refer to them as 'migrants,' the research attempts to explore how such inappropriate use of categories undermines the unique displacement experiences and demands of the IDPs.

Jenkins argues that one thing which is central to knowledge and all kinds of classification is 'categorization'. Classification is based on 'identification' by which internal identification (self or group) is differentiated from external (others). The latter is categorization. Jenkins notices that collective identity can be socially constituted on two analytical grounds- groups and categories (Jenkins 2000:8). Social identity is thus always bilateral- the way we perceive ourselves and the way we are perceived by others. Goffman (1983) is of the view that in the interaction, individuals possess some degree of

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[1] Internally Displaced People are legally referred in abbreviated form as IDPs and for the convenience hereinafter I will be addressing them as IDP or forced migrants.

control on the way others perceive them. Jenkins named it 'internal-external dialectic' of identity i.e. self-image and public image (ibid:7). He further argues that the quintessential symbolic interactionist form of such dialectics is 'labelling'. The interaction between internal (self-identification) and external (categorization by others) identification can result in internalization, when one gets authoritatively categorized under an institutional setting. What matters is who shapes external identification i.e. public image and whose 'definition of the situation' is accepted? Regarding categorization, history and context count, besides content and consequences of such categorization. Since the state is authorized to bureaucratically categorize people, such categories thus play an extremely important role in the construction of social identity, a mix of self-image and public image.

Tajfel and Turner (1979) pointed out that categorization is a part of social identity. As in-groups are groups we identify with, and out-groups are ones that we don't identify with, and may discriminate against, such political categorizations become a source to further our perception of us and them. Political categorization also act as social categorization and results in labelling. Scholars like Sorensen & Stepputat (2014), Zetter (2007), see 'labelling' as a political process and an important attribute of the state. They see categories like refugees, migrants etc. as labels which are employed by bureaucracy to validate the state's authority. Thus the political categories used by the state such as migrants, refugees, IDPs etc, in the process of social identity, also act as social categories (in-group vs. out-group) wherein, natives consider them as out-groups or deviant. In my research, the term labelling and categorization thus will be used interchangeably as they are employed to represent both political as well as social processes.

Bernard Cohn (1996) in his work *Colonialism and its Forms of Knowledge* elucidates the connection between knowledge and power in the process of orientalisation of India by the British and the categorization of Indian society by the British for better control and governance. He explicates how British in colonial India tried to employ certain ways of knowledge to further the project of imperializing India, through what he calls 'cultural technologies of rule' (1996:57-58).

Bernard Cohn notes,

> 'the vast social world which was India had to be classified, categorized and bounded before it could be ordered' (1996:21-22)

The problem of internal displacement has become a major issue of the modern world. In the late 1990s, as the armed conflicts and development projects increased around the world, IDPs outnumbered refugees by two to one (Martin 2005:6). The problem seems to be incessantly growing by every year and yet there exists no legal definition for IDPs. The Indian state does not use the category 'IDP' in the legal framework and policy instruments but refers to such displaced masses as 'migrants' (Cohen 2004:2). The research tries to analyze the politics of 'labelling' and 'categorization' and its significance in the policy making. Sociology of forced migration has emerged as an important subject to understand the various dynamics of displacement and assists in building more comprehensive policies to deal with its impact on society.

I have divided my study into three sections. In the first section, I attempt to study IDP as a concept and the various theoretical approaches that have developed around this concept over the past years. By focusing on the conceptualization of the forced migration, I will try to understand how well the concept accommodates the diverse experiences of different IDP communities. In the second section, I will deal with policies and legislations of the state as well as international organizations in tackling the issue of IDPs with special emphasis on the significance of "labelling" and "categorization" in the realm of policy making by the state. Polzer points out that the focus on policy labels, and more broadly categorization, creates some analytical problems of categorical invisibility as the host population, self-settled IDPs fall out of such categories, and hence the problems faced by them in the process remains invisible (2008, cited in Stepputat and Sorensen 2014:90). By focusing on the theory of categorisation, the role of the state in categorizing displaced masses as migrants, refugees, IDPs, etc. and the criteria behind it will be understood. Further, by studying the case of Akhnoor[2] IDPs of Kargil war, the research attempts to explore the experiences of internally displaced people and the socio-

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[2] Akhnoor is a sub division in the Jammu district of Jammu & Kashmir. It is a rural area near the LoC (Line of Control) border that India shares with "Pakistan administered Kashmir".

economic changes they undergo during displacement. As the majority of these IDPs preferred to self-settle in new locale rather than returning to their native place, it tries to explore through the case study whether IDPs can be considered as a homogenous group or each section has its own unique experience of displacement. In discussing the case of Akhnoor IDPs, I will try to highlight the role that pulls factors play besides the push factors in the internal displacement. This is to advance the argument that displaced people are not merely passive victims but also active agents during their displacement process.

Displacement as a phenomenon has been studied from different perspectives. While majorly scholars have invested in finding the reasons behind it, some scholars are engaged in studying the concept per se and challenging the ways it has been approached till far. Further, some researchers are more concerned with the area of policy formulation for better assistance to the displaced people. IDPs are considered as involuntary migrants and fall under a broad category of forced migration that has been studied from two major perspectives.

One school of thought known as "conventional narrative of forced migration" looks at the category of forced migrants as people who are vulnerable and are always in a state of limbo (Holtzman & Nezam 2004:12). Scholars like Sorensen (2014) and Nick Van Hear (1998) have tried to fit different kinds of migrants into a common framework. Richmond categorizes forced migrants under "reactive migrants" who unlike proactive migrants make involuntary movement and possess little or no agency[3] (1994:59, cited in Turton 2003:9). Likewise, Van hears (1998) believes that IDPs fall under involuntary migration and hence have few or no options.

The second school of thought which is "critical approach" to the study of forced migration argues that forced migrants are not just passive victims but active agents in their course of displacement as they more or less adapt to their new environment (Turton 2003). It is located in the structuration theory as perpetrated by Anthony Giddens (1984). The

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[3]Those events of which the individual is the perpetrator is called agency. Giddens attaches immense importance to this concept. Agency refers to the capabilities of doing things. "Agency concerns events of which an individual is perpetrator, in the sense that the individual could, at any phase in given sequence of conduct, have acted diifferently" (Giddens 1984:9)

scholars of this school of thought like David Turton (2003) and Nevzat Soguk (1999) base their argument in Giddens' concept of agency-structure relationship according to which humans are active agents who through interaction produce structures using their agency[4] and are in turn shaped by those structures. Turton argues that forced migrants should be seen as "ordinary people" or "purposive actors" (2003:2). He argues that the most important quality of displaced people is their agency and that cannot be ignored[5]. He further goes on to question the 'language' of forced migration and points out its dehumanizing impact on forced migrants who are simply seen as passive victims of their circumstances, possessing no rational and independent decision-making capacity. This kind of dehumanizing impact of the 'language' of forced migration is seen to be put into 'practice' by states as well as international organizations in certain ways (via labels and categories) in which they try to manage and control the forced migration issue.

In Foucault's view by combining the language and practice, discourse is produced or what he called 'discursive formation' which in turn generates meanings to concepts and produces knowledge. Thus, according to Foucauldian idea, it is this discourse of forced migration which gives power to the states, governments and the host community's people, especially of rich northern countries to look at forced migrants not as individuals and ordinary human beings with 'agency' who are just caught up in certain social and historical circumstances but as dehumanized and passive masses (Foucault 1980, cited in ibid:10).

In the field of sociology, labelling is seen and studied as a part of all kinds of social communications, as has been highlighted by Goffman (1969) but labelling is also a feature of public policy (in practice as well as speech). Hence, labelling is an aspect in the political and legal discourse as well. Wood highlights, by studying and emphasizing the importance of 'labelling' it can be found that all the processes of regulation, management,

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[4] Those events of which the individual is the perpetrator is called agency. Giddens attaches immense importance to this concept. Agency refers to the capabilities of doing things. "Agency concerns events of which an individual is perpetrator, in the sense that the individual could, at any phase in given sequence of conduct, have acted diifferently" (Giddens 1984:9)

[5] Turton believes that even in the most difficult circumstances humans strive to maintain individual decision making capability as was observed in the Nazi concentration camps (Turton 2003)

and control which even the actors do not recognize themselves, are largely influenced by the process of 'labelling' (Wood 1985:347). He further argues that the importance of labelling in the policy discourse has been underestimated. Labelling has a structural influence upon the different institutions involved in the process of policy making and their ideologies, which in turn manage people. His concern is fundamental and not peripheral as the process of labelling is highly imperative in shaping the categories, under which people are often socialized to think and act.

Problems that call for the attention of the government and require policy construction are defined in certain ways which lead to a single label or category defining and representing the experience of entire displaced community or the whole situation of an individual family for that matter. Soguk argues that instead of looking at forced migrants from a common lens, the multifarious refugee experiences should be acknowledged and emphasis should be paid on their 'capacity of agency against all the odds' (1999, cited in Turton 2003:12). In the process of displacement many IDPs lose their family, property, social network as well as social identity (Morris 1987, cited in Marx 1990:190) but there are many who transfer to locations which they keep prepared in advanced and hence do not incur very heavy losses (Colson 1971, cited in ibid: 190).

Thus, the critical approach is against the functionalist theory that looks at migrants as deviants and hence dysfunctional for the society. The process of displacement and the initial stages of it are undoubtedly difficult, but once they start settling down in the new locale, many prefer it rather than moving back. This is pertinent to the case of the Akhnoor displaced, as many of these displaced families preferred self-settlement in the host community rather than return migration (Mandal 2009:34).

Category of Internally Displaced People (IDPs): A theoretical framework

Many times, the most difficult part of dealing with a problem or concept is to define it. That is the kind of predicament which the community of scholars has always faced about the category of internal displacement. There exists no universally acceptable definition for IDPs and conceptualization of internal displacement. Some scholars believe in a narrow definition of IDPs, limiting internal displacement to the uprooting of people as a result of the conflict, armed rebellion, and violence only, while others emphasize for a broader scope of IDPs, including even those who got displaced due to developmental projects and natural disasters (Mooney 2005:9). The most popularly used working definition was set out by Secretary General Boutros-Ghali in a UN Commission on Human Rights Report issued in 1992 (Korn 1999). It explains the internally displaced as

> "persons who have been forced to flee their homes suddenly or unexpectedly in large numbers, as a result of armed conflict, internal strife, systematic violations of human rights or natural or man-made disasters and who are within the territory of their own country."[6]

It was only during the early 1990s, that scholars started paying attention to the issue of internal displacement. In 1992 a United Nations Commission on Human Rights (UNCHR) suggested the UN Secretary-General to appoint someone to the newly formulated post of Special Representative of the UN Secretary-General for Internally Displaced People. Though the position existed, still Special Representative Francis M. Deng did not have the mandate to assist the Internally Displaced Persons. Within the UN system, only UNHCR is the main body that has ever assisted the IDPs in situations where they are found. According to Cohen and Deng (1998) in certain situations if UN does not provide assistance, even the UNHCR doesn't involve itself seriously with the IDP issue and remains reluctant because it is unwilling to compromise its main work with refugees.

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[5] Commission on Human Rights, analytical report of the secretary general on Internally displaced persons, E/CN,4/1992/23 (United nations, February 14, 1992). Available at http://www.refworld.org/pdfid/45377b620.pdf pp 11

The two defining factors of an IDP are: Involuntary/coerced departure and the movement of an individual within his/her own country (Hampton 1998). The first factor helps in distinguishing an IDP from migrants who willingly leave their home and have the choice to safely remain in their original place; and the second factor distinguishes IDPs from refugees. By definition, refugees are the people who cross their country's territory. However, when looked in other respects like socio-economic and cultural, both categories of refugees and IDPs often experience similar deprivations and risks.

Emanuel Marx tries to explain the term refugee sociologically. He defines a refugee as a person whose "social world[7]" is disrupted (1990:190). He argues that to understand the world of refugees sociologically, one needs to focus on the reasons behind the transformation of people into refugees and study the events that preceded, accompanied and followed their displacement. Further, he says that to understand the intensity of disruption and transformation of refugee's social world, sociologists should focus on their social networks. This in a way puts the functionalist view of society as a closed system, under question. This analysis of the refugee can also be applied to the study of IDP situation keeping aside the legal differences between the two.

Difference between Refugee and IDP

The main difference between IDPs and refugees lies in the fact that while refugees are made to cross international borders, IDPs live in a refugee- like condition within the territory of the state. Since refugees cross the national border in search of refuge, thus they enjoy legal refugee status and are entitled to certain rights and protection. It is noticed that the reports on displaced people do not make any distinction between these two different categories. It is quite often the geography that determines whether a person qualifies for international protection or not. Thus geographical distinctions become the main determinant of legal classification of displaced people. As commented by Jennifer Hyndman,

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[7] By 'social world', Marx meant the networks and relationships of the migrants along with all the forces that impact that at a particular moment (Marx 1990:189)

'only marginal differences of time and space may distinguish an IDP from a refugee…... Borders breed politics and uneven geographies of power and status' (2000, cited in Lischer 2007:150)

However, since IDPs fall under the jurisdiction of their own national government and might not claim any additional rights than those shared by the fellow citizens, IDP is hence not a legal status. It is thus important to understand that IDP definition is not a legal but descriptive definition as has been correctly pointed out by Mooney and thus is less privileged than the category "refugees" (Mooney 2005:14). The definition of IDPs only describes the factual details of an individual being uprooted within the country of his/her habitual residence. As a result it is not inclusive of the special protection and assistance that IDPs need in certain situations, as the national governments responsible for protecting them are sometimes reluctant or fail to do so and in some cases are itself the cause of their displacement (Conversi 2005, cited in Rao 2013:5).

These labels thus do not exist in a vacuum. They are not only formed as a part of certain policies and programme to tangibly represent them but in the bureaucratic process gets transformed to differentiate and institutionalize the categories of entitlements and eligibility. In such a way, the labels become accepted and convenient shorthand as they develop their legitimacy and rationale over time (Zetter 2007:180).

The sociological distinctions between concepts of migration and refugeehood lack in precision (Mazur 1988:44). From a sociological viewpoint, there is thus no difference to be found between the two terms refugee and IDP as well because the post displacement problems endured by both the groups are more or less the same and the difference lies only in the degrees of it. Hence as argued the primary differentiating factor between voluntary and displaced people in a sociological perspective, is the relationship of the displaced with the state (Hein 1993, cited in Sorensen and Stepputat 2003:88).

Many a time it is observed that in the case of IDPs, displacement leads to movement into some part of the country where the culture and ethnicity are very different especially in the case of India, a land quintessentially known for its diversity. Thus, the reason that

refugees move across co-ethnic countries becomes a little blurry with that of IDPs, when looked from the sociological point of view, as the post-displacements effects remain almost the same. The major difference lies in legal terms and the protection policy framework. However, even if circumstances and the implications of displacement are similar for IDPs and Refugees, it can be said that their needs are different at many levels. Though differences exist in the legal status and the following entitlement to protection and succor from humanitarian communities, the causes of displacement and the experience of being displaced are often similar for both IDPs and refugees. IDPs, just like refugees often feel like strangers in the refuge place.

However, the normative framework is clearly different at international level. The term 'refugee' is basically a legal categorization and thus denotes a legal status which is ascribed after the displaced fulfill certain basic criteria, which are internationally accepted. But no such legal status exists for the IDPs at the international level. While the rights and responsibilities of the refugees are specifically regulated by universal and regional instruments which are also binding in nature, the United Nations High Commissioner for Refugees (UNHCR) responsibilities and commitments towards IDPs are still in the phase of evolution.

Since the integration of refugees occurs in a foreign country, it consequently involves higher complexities in the durable solution for integration process, as it entails a greater number of socio-cultural and legal elements. On the other hand, integration of IDPs in situ takes place within one's own country, and consequently, the legal and socio-cultural elements could be comparatively less complex than those of refugees.

The relationship between UNHCR and the state is less specified and hence clearly in developing stage. There are also differences in the approaches towards durable solutions. Though many similarities may exist in the reintegration of returning IDPs and returning refugees, in the context of refugees, voluntary repatriation has a legal base as they enjoy the legal right to decide whether to return to his/her home country or not. But in the case of IDPs, as there is no involvement of international dimension, there is the absence of

legal grounds for a solution, along with the right to freedom of movement within the country and to the right to choose one's place of dwelling.

Classification of IDPs

The universally acknowledged definition of IDPs recognizes three kinds of displacement: development induced, conflict-induced and natural disaster-induced[8]. The differentiation is based on the causes that led to the displacement of people. Why people get displaced? What reasons lead to the uprooting of natives from their place to origin are the criteria by which IDPs are divided into three major categories as per the definition of Secretary General of UN Commission on Human Rights.

Conflict-induced displacement is caused by armed conflicts which last quite long and continues beyond actual hostilities. Protracted displacement is often the result of such armed conflicts where the process of finding durable solutions for IDPs is stalled, and people remain in displacement for five to 20 years (IDMC/NRC 2012). Disaster-induced displacement which is the result of natural hazards has become another important reason of internal displacement especially in the context of climate change. Finally, people may be forced to leave their homes because authorities or private actors implement developmental projects such as dams, mines, etc. leading to development-induced displacement. Since this research is on internal displacement from Akhnoor, which was the result of the armed conflict of Kargil war, the major thrust of the study is on conflict-induced displacement.

In case of India, the data shows that majority of internal displacement is the result of government projects and is hence triggered due to development causes (Lama 2000:24). Though the collection of appropriate data and information becomes highly difficult in India's case with the lack of a central authority to deal with the refugee and migration issues, still various reports published so far highlight that development induced displacement remains the dominant kind of internal displacement in India. However, with

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[8] This can be viewed here http://www.refworld.org/pdfid/45377b620.pdf. Commission on human rights, forty-ninth session, notes by the secretary general on Internally displaced persons, E/CN.4/1993/35 (United nations, 21 January, 1993), para. 34

growing times different causal factors are giving rise to displacement in India, most noticeable of which are ethnic and border conflicts. In India, Lama (2000) has located the causes of internal displacement on different grounds, out of which, the most common are highlighted below:

Development-induced displacement

It is the most dominant cause of internal displacement in India. For centuries people have displaced to give way to developmental projects like dams, highways, industries, mines, smart city projects, etc. Rapid development required the acquisition of vast lands that resulted in massive displacement. Since there is a lack of government data regarding the same, the data collected by independent researchers show that nearly 65 million people have been displaced within India due to development objectives and various government initiatives between 1950 and 2005 (Brookings Project Report 2013). The doctrine of 'eminent domain[9]' establishes that state has the authority to take away ownership of land from a private entity for a public purpose. Thus, the right of an individual to land is not absolute. Moreover, until recently it was not the legal responsibility of the state to rehabilitate or resettle the displaced masses. But with growing mass agitations and protests against such state actions, new policies have been framed to assure rightful compensation as well as rehabilitation of the displaced people.

Conflict-induced displacement

In India, there has been two major kinds of conflict-induced displacement: Armed conflict and border conflict. The armed conflict led to major displacement as can be seen in the case of northeast India. The separatist movement in many northeastern states such as Assam, Nagaland and Mizoram became largely extremist in nature and to curb the violence created by secessionist groups, the retaliatory responses of the state government using armed forces generated large amounts of displacement within the country (Lama 2000:24)

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[9] The Government of India has re-introduced in 2015 the Right to Fair Compensation and transparency in land acquisition, rehabilitation and resettlement (amendment) bill, 2015, also known as Land bill. The bill has been criticized for exempting certain projects such as development, defense and three others from social impact assessment and leaving the resettlement of the displaced at the discretion of the government. This can be checked at http://www.thehindu.com/news/national/land-bill-six-facts-you-need-to-know/article6978832.ece

Similarly, in the case of Kashmir, a secessionist movement that has taken the shape of war between the state and the militant groups has led to a situation of anarchy in the state leading to mass displacement of people, especially the Kashmiri pundits[10]. Despite the fact that their conditions were miserable in the camps, they preferred it over returning to their homelands fearing persecution (ibid:25).

In the border areas of Jammu that lie near LoC (Line of Control), mass displacements took place during the wars between India and Pakistan. Most of these border induced displacements were of temporary and semi-permanent nature. However, post 1999 Kargil war, a large number of border residents of different villages in Akhnoor tehsil of Jammu were forcibly displaced, the majority of whom never returned to their native places even after the declaration of the ceasefire (Shekhawat & Mahapatra 2006: 4).

Localized violence and identity-based movements

The claim for identity-based autonomy has given rise to many movements in India as is seen in the case of Punjab and Assam. The Khalistan movement led by Sikhs in Punjab demanding a separate independent state for Sikhs as well as the claim for a separate Bodoland by the Bodos in Assam led to large-scale displacements of the people who did not belong to these majority groups (MCRG 2006). The atrocities committed on bodo people in Assam have given rise to a steady flow of internally displaced.

Besides, localized violence resulting from caste or communal riots as observed in Bihar, Uttar Pradesh, Mumbai city has forced people to live in camps and become refugees in their own country. The 'son of the soil' doctrine that emphasizes on indigenous and native people solidarity against non-indigenous people has also contributed to this problem.

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[10] The mass exodus of Kashmiri pundits of 1990 that took place in the wake of militancy and growing insurgency in Kashmir amounts to one of the largest scale internal displacement in India. More than 3 lakh Kashmiri pundits became refugees in their own state post 1990.

<u>Natural-disaster induced displacements</u>

Due to natural calamities like floods, earthquakes, landslides, cyclones, etc, a large amount of population gets displaced in India every year. The natural disaster induced displaced in India was reported to be the largest in the world in 2015 with the size touching above 3 million[11]. The major cause of it remains to be floods. It was reported that the Assam and Bihar floods alone led to the displacement of above 1 lakh people in 2016.[12] It is highly serious problem that such displacement is not even recorded once compensation and relief is provided to the affected (Lama 2000:25).

Propositions of the study

1) Similar to migrants, who are seen as well-informed social agents, internally displaced people are also active agents who take into consideration certain pull factors and shape their resettlement. Therefore, instead of studying displacement only by looking at 'push factors', certain 'pull factors' should also be taken into consideration such as a network of displaced people, their agency, and their various kinds of 'capitals[13].' IDPs are not just passive victims who get displaced as a result of certain push factors but also manipulate options to guide their process of displacement.

2) The state policies for aid and assistance of IDPs use certain categories. The categorization of people is highly imperative for the state, as these categories act as a bureaucratic and administrative tool to deal with the masses. The significance of the appropriate usage of categorization in the state policy is to be acknowledged as it plays an important role in meeting the specific needs of the different displaced communities.

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[11] IDMC global report 2016 data shows that the size of displacements due to disaster in India by 2015 was 3,655,000. Available at http://www.internal-displacement.org/globalreport2016/
[12] http://www.internal-displacement.org/database/country/?iso3=ind
[13] It refers to Bourdieu's concept of capital possessed by individuals, which is mainly of four types as he stated: cultural, social, economic and later he added symbolic to it. The IDPs make use of these capitals to establish themselves in the host community.

3) Displacement is a "unique experience" which differs from one IDP community to another as well as from one group of people to another, as each context has its local particularities involved. There is no doubt that on a broader level, the experiences and issues faced during the process of displacement are more or less the same but it cannot be seen as a "one size fits all" category. Displacement which is considered to be a negative and tragic experience of an individual also has some positive sides to it. Instead of formulating general patterns of displacement and its implications, the social, political and historical circumstances in which this experience is embedded should be realized.

Research Questions

The research will attempt to address the following questions:

- Can it be argued that besides the established push factors (such as conflict, ethnic violence etc.); certain pull factors also exist in the decision-making process of the Internally Displaced People, especially in their choice of host community?

- Should the state policies and the categories/labels employed in the rehabilitation process of displaced people, take into account the local particularities involved in each displacement case or is there a need to frame a uniform legislation for the displaced?

- Is the choice of settlement or return influenced by factors such as age, class, gender, ethnic identity, etc.?

Research objectives

- To understand the significance of labels and categories in the policy making process of the state to meet the needs of a particular displaced group.

- To examine the role of the international organizations and the state governments in dealing with the IDPs during the post-displacement period.

- To explore and understand the reason behind the shift in the nature of displacement from temporary to semi-permanent to permanent displacement post-Kargil war.

- To understand the role of both push as well as pull factors in guiding the decision-making process of displaced people in their choice of destination and find out the principal factors.

Organization of this study

The study comprises of five chapters. The first chapter is the introductory chapter which discusses the main framework of the study like research questions, objectives, methodology, research field and conceptual framework of the study, detailing the concept of IDP and different kinds of forced migration. It also includes the details of field work. Following this, the second chapter will provide an understanding of the responsibilities of state and the international organizations which special analysis of the significance of labelling and categorization in the framing of state policies for IDPs.

The third chapter deals with the historical background to the issue of displacement and the nature of the conflict in India, specifically focusing on the state of Jammu and Kashmir. This will help in building an outline for the next chapter which will discuss the case of Akhnoor IDPs in detail.

The fourth chapter is dedicated to the case of Akhnoor IDPs of Kargil war. It looks at the reasons behind the displacement and the impact that this displacement had on the lives of

the displaced people. To support this I will present the data that I collected during my interviews, the focus of which was to explore different aspects of displacement ranging from the socio-cultural impact of displacement on their lives, their decision to not return even after years of displacement, to their settling down in the city and the kind of hardships they faced in the process. By analyzing the case of Akhnoor IDPs, the chapter tries to highlight how displacement is a unique experience for every community and tries to answer whether return migration is the preferred end goal of every displaced. Finally, in the concluding chapter, I will summarize the important findings of my research.

Methodology of the study

This study is based on the already established literature on IDPs as well as migrants and refugees, since there is a dearth of literature on IDPs in the field of sociology. This in turn is supported by interview data that I collected during the field work.

I am using the terms Internally Displaced People (IDP) and forced migrants interchangeably. Besides that the term 'agency' is used in two different contexts- one, regarding the international bodies/organizations that are working for the IDP issue, and second, in referring to the Giddens' concept of 'agency' by which he meant the 'capability' of individuals to act. I start by reviewing the established literature around my research area to get a better understanding of the existing data which in turn helped me in building my research hypothesis and questions. For theoretical arguments sociological work that existed around the concepts of agency and structure, social network, and role of different 'capitals' in displacement and resettlement process will be useful. Further, to get an in-depth knowledge of the case of Akhnoor IDPs, government and civil society reports and newspaper reports were consulted. Besides, a few interviews with the IDPs of Akhnoor who did not move back to their native place were also conducted.

Interview design

The interview questionnaire was semi-structured comprising of few close-ended questions, and mostly open-ended questions which encouraged the respondents to narrate the story of their displacement and the ways in which it impacted them. The interview was structured around seven broad themes: 1) basic general information of the respondent 2) pre-migration phase [life as a border resident] 3) life in the camp 4) processes in the host community 5) push and pull factors 6) question of return migration 7) state and non-state actors' role and assistance.

In total 12 interviews were conducted, nine of which were recorded and the rest three could not be recorded because of some unsuitable conditions. However, the major points were penned down in those interviews. My nativity to the place came in handy as I could communicate with the people in local dialect 'Dogri' which many preferred during the interview. However, to preserve the anonymity of the respondents, pseudonyms are used in this work.

The research universe and sample

The universe of my research comprised of Akhnoor IDPs who belonged to different villages of Akhnoor tehsil of Jammu and got displaced from their native place during the Kargil war of 1999 and did not return to their villages even after the declaration of ceasefire and initiation of return migration process. The focus was on the elder members of the displaced families i.e. above 50 years of age as they would have more knowledge of the multiple displacements they went through being a resident of a porous border. However, to understand the inter-generational mobility, some young members (21-35 years) were also interviewed. The total sample size was twelve people, out of which 8 were males, and only 4 were females. The sampling technique employed was snowballing sampling. The researchers who have already worked in this field were contacted, and through them, further contacts were gathered. Besides that due to my nativity to the place I could find few contacts who further gave me a reference of the other IDPs. Thus personal contacts and snowballing technique were used in collecting the sample. The sampling comprised of common villagers except one who was the president of the West

Pakistan refugee action committee and was proactively engaged with the cause of the refugees in the state. Though he was not specifically working on the case of Akhnoor IDPs, the interview with him gave me insights into the role of local NGOs and political parties in assisting the displaced.

Two of the respondents were in the army and had left the village before the Kargil war broke out. Two were government employees, one worked as a teacher, and the other was an engineer. Rest two male respondents were shopkeepers. In the case of female respondents, both were housewives before displacement but now used to assist their husbands in running the shops.

In the case of young generation respondents, the male respondent was working in some private company outside the state and in the case of female respondents; one was a student, and another was a government employee.

| NAME | GENDER | AGE | OCCUPATION | |
			PRE-MIGRATION	POST-MIGRATION
SHYAM	MALE	60	SHOPKEEPER	SHOPKEEPER
RATAN	MALE	58	SHOPKEEPER	SHOPKEEPER
ASHOK	MALE	53	ARMY PERSON	RETIRED
LABHA RAM	MALE	54	PRESIDENT OF WEST PAKISTAN REFUGEE ACTION COMMITTEE	
HARI	MALE	59	ARMY PERSON	SHOPKEEPER
RAVI	MALE	60	TEACHER	TEACHER
MADAN	MALE	54	GOVT. EMPLOYEE	GOVT. EMPLOYEE
GEETA	FEMALE	56	HOUSEWIFE	HOUSEWIFE
RASHMI	FEMALE	54	HOUSEWIFE	HOUSEWIFE
AMIT	MALE	27	STUDENT	PRIVATE EMPLOYEE
ROSHNI	FEMALE	30	STUDENT	GOVT. EMPLOYEE
SEEMA	FEMALE	23	STUDENT	STUDENT

Table 1. Details of the interviewed individuals.

Limitations of the study

The first limitation of the study is the dearth of sociological work in the area of forced migration. Forced migration that has become an ever growing issue of the current world has not been paid due attention by sociologists and anthropologists. Hence, there is a paucity of literature, especially theoretical groundwork in the sociology of forced migration. It has been a neglected area in sociological studies both at the macro level and micro level. I would not call it a limitation per se but merely a difficulty that I faced while doing my research. Further my study only focuses on the vagaries faced by the displaced, who once uprooted did not return to their villages. It does not engage with the ones who after displacement moved back to their villages. Hence, the problems faced by the return migrants are not studied under this research.

Research Field

The focus remains on the sociology of forced migration and analyzing the theoretical and empirical work in this field. There are various discourses prevailing in the field of refugee and IDP studies within which the study of forced migration has been covered. The field of migration was studied more by the economists and geographers in the early stages of its inception. However, these disciplines covered very specific aspects of the migration and hence remained a little restricted. Within the sphere of anthropology, for instance, the new discourse that developed about refugees and IDPs mainly focuses on challenging the victimization discourse. On the other hand, psychologists concentrate majorly on the individual adaptive responses of refugees/IDPs to the changing environmental circumstances. Political scientists have been paying attention to the response of the international refugee institutions, immigration policies surrounding asylum, and the administration of assistance to refugees while geographers have been concerned with the spatial pattern of flight and resettlement (Bascom 1998). This provoked the need for a sociological study of migration as a social process. The sociological branch for the study of forced migration has emerged as an interdisciplinary subject.

Since sociology is a subject which focuses on studying almost every aspect of migration, it tries to study forced migration by linking it with social networks, structures, process on regional, national as well as global level. On the other hand, it studies how migration results in loss of one's identity and results in community disintegration. Further, it looks into redefining of one's identity in the host community and processes of rebuilding community (Castles 2003).

However, sociology during its embryonic stage was chiefly concerned with the issues of integration and order in the emerging industrial societies. One major goal of the western countries was to capture colonies. The chief concern of sociology and anthropology at that time was to understand the basic functions and structures of different communities and societies to control "dangerous classes" (industrial workers) and "dangerous people" (the ones who resisted colonialism) (Connell 1997). In the early stages, sociology thus focused mainly on the developmental models which attempted to establish the superiority of western model. Following this, in the works of Parsons and other functionalist's like Durkheim, one finds models of social order and conformity. This leads to two conclusions.

First, the functionalist school considers a stranger i.e. "other" as a deviant and hence considers it potentially harmful. This can be seen in the assimilation theory that developed in the USA as a result of the mass immigration that took place during the early 20th century (Gordon1964, cited in Castles 2003:23). Assimilation theory is influenced by the work of Robert E. Park & Burgess (1921) and the Chicago School. In the view of assimilationist theory, a migrant is an outsider in the host community and migrant community's native culture is harmful to the host community. Hence they argue that migrants must undergo a process of acculturation and their re-socialization becomes essential for their survival in the new community. This process involves giving away the original native culture and adopting values, norms of the receiving community. So the functionalist school argues that the immigrant should be integrated if not assimilated to keep the harmony intact. Migrants who cluster together, to fight racism and exclusion and follow their native culture, values and norms are seen as a threat to the social cohesion (Castles 2003:14).

Assimilation theory which had its roots in the American study of race relations looked at migrants as subordinate groups who must become completely integrated into the dominant host society. The theory was developed in contrast to the concepts of accommodation, competition, and exclusion. However, the theory has been criticized for attaching too much significance to the host community which is considered to be dominant and neglecting the agency on the part of the migrants who can also influence the host community and affect their culture resulting in what is termed as 'melting-pot culture.' Besides that, the migrant community can follow their own distinct culture and practices and still reside along with the host community which is highlighted in the debates centered on the concept of 'multicultural society.' Since, the theory was developed from a vantage point of race and superiority of one race over the other, whether it still holds relevance in today's world of globalization and multi-culturalism is questionable.

With the increasing global economy model, ideas like transnationalism have developed, and as a result, the number of immigrants to the developed countries has been growing which is resulting in multi-cultural societies where the immigrants are not just maintaining strong cultural ties to the places of origin but also less likely to accept assimilation. Transnationalism as a term is defined as a process by which migrants create social fields across national boundaries through their routine activities (Basch et al. 1994). This concept of transnationalism which focuses on transnational networks, flows, relations, social fields and different forms of capital brought a significant shift from the traditional sociological approach (Giddens 1995, cited in Stepputat and Sorensen 2014: 88).

Though forced migration is a field which is defined by national or international legislations to a large extent, it has been quite influenced by the newly developed paradigm of 'transnationalism.' This indeed is notable as the concepts such as 'diaspora' have gained currency (Sorensen et al. 2002). This model could also be applied to those IDPs who instead of returning to their place of origin, prefer to self-settle down in the host community or develop "mobile livelihoods" across rural-urban divides (ibid). Appadurai argues that the relations of people tend to be seen as naturalized with the place, in discursive practices (1988, cited in Malkii: 24).

Culture as a concept is seen in connection with the nation and is thought to be rooted in the place. This naturalization of the relation between a place and people produces a kind of phenomena which makes displacement appear 'pathological.' Since the functionalists emphasize on the maintenance of order, they would firmly hold the belief that a close relationship exists between individuals and the nation-state to which they belong. This means that culture, tradition or identity is viewed only in relation to the homeland and whatever does not fit into this pattern is seen as a deviation or anomaly.

Malkii argues that Appadurai's work very powerfully explains how "cultures" get territorialized (ibid). Criticizing this notion of ecological immobility, Malkii argues that there has developed an awareness of a global social fact, by which he meant that, now mobility has become chronic for people, and they are routinely displaced in the process of which they invent homes as well as new homelands which cut across territorial and national borders, thus not in-situ but through their memories of the place and claims to the lands that they might not corporeally be inhabiting anymore. She argues that as in the global world people are developing stronger identification and relations with the culture, rather than soil, it makes it difficult to 'territorialize' people (Malkii 1992: 24). This is observed in the case of the IDPs of Akhnoor, many of who rebuilt their lives in new locales, also hold attachments to these new settlements, considering it to be their home. The post-modernist approach thus basically attempts to 'de-territorialize' the people and place link, which had been naturalized by the functionalist perspective and thus is more inclusive of the issues of displaced people.

However, the structuration theory as propounded by Giddens (1984) provides the most relevant approach to understand and address the issue of displaced people. It not only criticizes the functionalist stand, according to which, displaced people are 'out of place,' since they are not in their 'native places' which are considered to be their 'original habitats,' but also does not follow the post-modernist stand. It offers a middle approach, as it helps in viewing displaced people as normal individuals, who post displacement utilize their agency (capacity) to understand and rebuild their lives in the new situation and under new conditions. Giddens structuration theory argues that individuals produce and

reproduce social structures in the process of interaction; this encourages the integration of the displaced people in a new area (receiving society).

Forced migration: conceptual debates

Forced migration has been studied from two main approaches: one is referred as "classical/conventional forced migration narrative" (Sorensen 1997:145, Holtzman & Nezam 2004:12) while the other way can be referred as "critical approach" to forced migration studies (Peksen 2012:16).

Classical forced migration narrative

This approach is based mainly on three premises. It considers 'push factors' to be the main decisive force in the displacement of people and believes that by an analysis of the push factors, the voluntary and involuntary migrants can be distinguished from each other. Secondly, they argue that it is possible to identify common stages of forced migration. Thirdly, it is believed that forced migration is the result of abrupt and unexpected events which result in a situation wherein the displaced are caught in circumstances of emergency and unprepared uprooting from their native place resulting in severe vulnerability in future. Migrants have an altogether different experience of movement whereas IDPs who are forced to take flight from their native place experience the movement very differently and need better assistance to survive post displacement.

The role of push factors

As the first premise of the classical approach to forced migration talks about the close relationship between the push factors and human mobility, it becomes necessary to understand the decisive role these factors play in the displacement of people. Migrants are divided into two main kinds based on the motivations of the individuals who migrate as well as the conditions of the sending and receiving places; the two groups are voluntary and involuntary migrants (Hear 1998:10, cited in Peksen 2012). Terminologies such as compulsory migrants and economic migration are also employed to refer to the

voluntariness and involuntariness of migration (Mooney 2005:13). In the case of voluntary migrants, the role of push factors is relatively less dominant, and the migrants are attracted to the conditions that are available in the place of destination. They are seen as active agents who are well informed about their decision of moving from one place to another and make cost-benefit calculations of migration. In contrast to this involuntary migration is guided mainly by strong push factors in which migrants are left with no other option but to displace immediately.

Forced migrants fall under involuntary migration as they move from their place of origin against their will. Forced migrants are seen as victims of sudden emergencies who suffer from "unique needs and heightened vulnerabilities" (ibid: 18). It is thus argued that they unlike voluntary migrants are not pulled out but pushed out from their native place.

However, there is a lack of consensus on what all push factors can be included in defining forced migration. The UN definition of forced migration as well as the Guiding Principles on Internal Displacement associate forced migration with groups who escape persecution because of belonging to a particular race, religious group, nationality or due to natural disaster, development induced as well as armed conflicts and human rights violations. They do not include economic factors like extreme poverty, famine, starvation, etc. The definition was thus criticized to be limited in its scope. But it is argued that it is critical to maintaining the difference between IDPs and economic migrants. As Cohen and Deng state that while formulating the definition of IDPs, it was proposed that persons who migrate due to economic reasons such as extreme poverty, should be included in its ambit. However, till date, the IDP definition is not inclusive of these groups as the element of coercion remains unclear in most of the cases (1998: 17, cited in Mooney 2005:13).

Further, David Turton argues that making push factors the sole reason for distinguishing forced migrants from other migrants can be problematic. He stated that in identifying 'forced migrants' the main methodological problem is faced in the application of the term forced migration. When examined closely it is revealed that most of the forced migrants' decision is the result of a complex interplay of predisposing events and external constraints. It seems that even in their decision-making, there are elements of both choice

as well as compulsion, of course varying in their significance, impact and salience (Turton 2003:8-9).

This means that though forced migration is based on push factors, there exists classification of certain pull factors that qualify to be considered as strong reasons for the cases of forced migration. Economic capital also plays an important role and in many cases co-exists with other factors; this makes the whole understanding of voluntary and involuntary migration more complex than it seems[14]. Therefore to say that economic migrants (e.g. of voluntary migrants) have a lot of choices and forced migrants to have no choices whatsoever, will not be appropriate (McKay 2009:11, cited in Peksen 2012:19). This also brings to notice that study of forced migration should not be only centered on push factors. Instead, significant importance should be attached to the agency-structure relation in studying experiences of different forced migrants.

Common stages of forced migration

What is the process that follows displacement? A forced migrant goes through certain stages post displacement which according to the conventional forced migration narrative are common across all forced migrant cases. They believe that there exist two different worlds for a forced migrant-one of nativeness and other of rootlessness. Sorensen who propagates classical approach argues that there are three basic stages of every displaced and they can be summarized as 'home-out-home' (Sorensen 1997:145-146). Firstly, home is where the displaced has lived before displacement and where s/he locates his/her identity and integrity as that is their socially and culturally familiar environment. After displacement follows the stage "out" where one is in limbo and has no home to call. Finally, after integrating and settling down in the host community, the new home is developed, and thus the process completes (Sorensen 1997, cited in Peksen 2012: 20).

Anthropologists like Malkki and Appadurai talk about the idea of 'Nativity' and 'home.' Malkki argues that in anthropology native place is viewed as the place where one lives in

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[14] The empirical work of Aysa-Lastra, 2011 in Colombia highlight the importance of certain factors that exist in the destination place and cannot be neglected in the study of IDP population of Soacha, Colombia.

peace and has an undisputed identity and to which a person is naturally adapted and which one calls its 'homeland.' He refers to this as 'spatial incarceration of native' (Malkki 1992:29). Appadurai believes that natives are those who are incarcerated and confined to the places they belong (Appadurai 1992:35). Thus home, the native place of an individual is considered the right place and any kind of uprooting from that place are viewed as a socially disruptive experience followed by loss of social and cultural capital that ultimately leads to loneliness. As Oliver Smith argued that following displacement, the communities undergo alienation and a feeling of powerlessness as they no more belong to their familiar environments and with the dispersing of kin groups to different settlement sites, they get disintegrated as their community structure, and social networks disrupt (Smith 1991:133).

Like functionalists, the conventional forced migration scholars consider society to be a complete and integrated whole and consider any deviation a threat to its integrity. Every element of the society should fit in the established framework for a smooth functioning of society. Stein (1981) argues that displaced people after displacement, should find them a new home, and they must integrate into the new host community to uphold the completeness of the society. It is the migrants who should change their behavior and way of life as per the norms and culture of the host society. They like functionalist believe that migration, especially forced migration which is abrupt and sudden in nature, poses a serious threat to the integrity of the society and its "complete whole" structure.

Displacement without any preparation

Classical forced migration study argues that there is always unpreparedness on the part of the masses during their displacement which is abrupt that leaves people with no time to gather resources or make preparations of any other kind. They generalize the forced migrants considering them as one homogenous category who have to leave suddenly and unprepared. But as Kunz[15] (1973) talked about different categories amongst forced migrants, it highlights that all the forced migrants cannot be categorized under one kind of

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[15] Kunz talks about anticipatory and acute refugees. Here anticipatory refugees are related to voluntary migrants who are prepared to leave and have a preferred destination for their new life.

experience. Different case studies reveal different degrees of preparation on the part of the displaced which needs to be acknowledged instead of generalizing their experience.

Thus it can be observed that conventional narrative on forced migration neglect the agency on the part of the migrants who play a transformative role in the host societies. They are not merely passive victims who only socialize by integrating into the host community but also are active participants in making and shaping of the society. Their ethnic composition brings changes in the new society, and their arrival might also pose few challenges of housing, infrastructural difficulties, etc. The agency of a displaced person in choosing their destination with more opportunities and safer life cannot be ignored.

Critical Approach to the Concept of Forced Migration

This approach tries to deconstruct the classical understanding of forced migration and also proposes that for understanding forced migration, categorizations need to be evaluated more analytically. Instead of looking at the state and other institutions, this approach tries to focus on the displaced people per se and their actor-structure relation. Though the institutions and state authority are not ignored altogether, the focus is majorly laid down on the experience of the individual and their networks and their relation to the structures. A critical approach is thus concerned with the question how displaced people perceive their experience of displacement and their situation post displacement? How do they get displaced? How do they manage during the flight from one place to another? And how does their socio-economic and cultural background influences their choice of settlement as well as post displacement experience? Thus it is safe to say that critical approach believes in understanding forced migration through individual experiences and acknowledges the subjectivity of displacement process rather than generalizing it. In fact, it's been observed via different case studies of displaced people that many times even the persons belonging to the same family or background share different experiences of displacement and thus interpret the same displacement differently. As Roque argues that different structural factors and individual abilities can lead to different displacement experience (2008:380).

Thus unlike the conventional approaches that look at displaced person as a passive victim, critical approach tries to locate the displaced person in ordinariness and normality and not as some deviation. This approach argues that it will be wrong to ignore that displaced people try to influence other actors in the field and try to increase their capital by transforming one type of capital into another, as per their social and class position (Peksen 2012:29).

Turton argues that displaced people should be viewed as 'ordinary people' who are stuck in specific political, social and historical circumstances (2003:2). According to Peksen (2012) critical approach thus emphasizes on two important aspects: 1) social world and the relationship of displaced people with the social reality, 2) individual experiences or what Emanuel Marx refers to displaced people's 'innumerable ego-centered social worlds' (1990:193).

Critical approach argues that there exists a commonality between political categories, legal definitions and the experiences of the displaced individuals. However, due to the generalization and objectification of displacement experience, such particularities based upon time and space specific experiences are neglected in the policy-making categories (Peksen 2012:30). Thus critical approach stresses upon the role of pull factors in the process of displacement and gives importance to the experiences of each displaced individual. It does not deny the strong role of the push factors in the forced displacement of place but also emphasizes upon the factors existing in the destination place to understand displacement.

CHAPTER 2

CATEGORIZATION AND LABELING: THE ROLE OF STATE AND INTERNATIONAL AGENCIES

In analyzing the process of internal displacement, especially while studying the rehabilitation and resettlement process, it becomes extremely significant to look at the response strategies and the policy framework of the state as well as the non-state actors such as NGO, humanitarian agencies, etc. I have argued in my hypothesis that the displaced people are not mere victims but also have an active role to play in defining their future post displacement i.e. they rely primarily on their agency, in carving out their future course post displacement. However, there is no denying that the state and non-state actors have a major role to play in providing them with protection, a guarantee of rights and safety along with aid, relief, and other material assistance. Thus, the theme of this chapter is to understand the role of state and other non-state actors in the situation of internal displacement by focusing on the politics of categories and labels in the policy making.

After the displacement, people get deprived of their sources of livelihood, and they become highly dependent on the relief and assistance that they seek from the state for their survival. It is believed that forced migration shares a very 'symbiotic relationship' with the state as the definitions of IDPs and refugees are legal and quasi-legal in nature (Betts 2009, as cited in Sorensen and Stepputat 2014:88). Earlier in the 1970s and 1980s, forced migration as an issue was associated and considered to be primarily the responsibility of humanitarian agencies. However, Zetter (2007) suggests that since then, the state has been assigned the center stage in forced migration issues, which is implicit in state's role as the guarantor of fundamental and human rights, as the ultimate authority on questions of sovereignty and territorial entry and as a signatory to the international conventions.

Labelling as a process involves the formulation of definite categories which results in stereotyping through standardization and disaggregation. When these categories are used in institutional settings, they assume considerable power as the process of labelling leads

to defining of a group of clients and prescribe to them a set of needs such as protection, shelter or food, along with deciding the appropriate channels of distribution. In the context of humanitarian aid and assistance, such institutional action and prescriptive approach eventually acquires its legitimacy and precisely this is how institutional identity is formulated (Zetter 1991:44). In this process of separating an individual's needs from the context and fitting the person into a reconstructed programmatic identity, an important distinction is created between 'case' and 'story' (Wood 1985:13). In this way, a stereotyped identity replaces an individual's identity, with a prescription of categorically assumed needs. Thus an individual's story is reconstructed into a case or category through the bureaucratic system. As Schaffer puts

> What is being exchanged is the way in which people can present themselves as applicants and present their wants and needs for the items and privileges of institutional services. That is a disaggregation into programme terms ….It reduces the whole man and family into formal sets of compartmentalized data ... a sort of individuation and alienation of a man from a large part of his being (Schaffer 1977:32).

However, George Lakoff believes that categories are employed by society to different kinds of social processes so that they can be orderly managed, as he argues there is hardly anything more reasoning than categorization to human perception, thought, speech and action (1987:5). Categories are central to seeing, thinking and acting. When people are categorized under certain labels under legal terms, it entails certain rights. This means that inappropriate usage of categories can create confusions and hinder the delivery of right service and assistance especially in the case of vulnerable groups who need help. Besides that modern state governs the population by categorizing them into social groups. The modern state is seen as a real manifestation of territory, its history and the society (Cohn 1996:3).

Internal displacement is not a very recent phenomenon in the world or for that matter in India. However, this issue of internal displacement became more systematic and regular in nature only with the arrival of 'modern' state and advanced means of production (Basu

IDP Report 2012). Basu argues that it was chiefly due to the development of the idea of 'national' state which popularly came to be known as 'nation-states' post second world war that the balance (ethnicity and community based) of the traditional demography was threatened to a degree.

The notion of the state being a manifestation of the divine, evolved in the philosophy of Hegel who argued that 'state was the final march of the absolute in history, taking on a God-like character' (1807, cited in Fukuyama 1989:4). This is reflected in the way development projects leading to displacement is conveniently justified by the national leaders and policy makers. The displacement of masses is viewed as inevitable and legitimate, a part of the development which should be accepted in the larger national interest. As the first prime minister of India, Nehru stated during the foundation of Hirakud Dam project (1948) in Orissa which risked thousands to face the grim situation of displacement,

> If you have to suffer, you should do so in the interest of the country.' (Roy 1999, quoted in Basu 2012:19)

The IDPs in Jammu and Kashmir, whether they are the Kashmiri Pandits or Akhnoor Kargil war displaced face a peculiar kind of marginalization in their own country, which is of not getting acknowledged as 'IDPs' but being looked at as 'migrants.' Officially, the status of IDP entitles a person to the international aid and humanitarian assistance as well as protection especially due to the failure of state government in fulfilling their responsibilities. The Indian state, however, views that any international interference about the matter of internally displaced must

> "remain within the bounds of the concept of sovereignty, which should not be diluted in any manner. This implies that such action should be at the request of, or with the consent of, the country concerned" (ACHR 2003).

Foucault developed the idea of 'Reason of state' that emerged during the late 18th century replacing the earlier form of 'governance'[16] and giving way to a new art of governing which gives priorities and emphasis to all those activities that could lead to the strengthening of the state and its power (Foucault & Rabinow 1997:69). Can it be argued that state in protecting its sovereignty is deliberately not employing the term IDPs and referring to them as migrants as that would not draw any intervention from international realm? It has been argued that under the garb of 'sovereignty,' many states deny protection to IDPs by obstructing international assistance and thus violate the human rights of the IDPs who exist within the territory of the state (Weiss and Korn 2006: 5, Cohen and Deng 1998:2). On similar lines, Nikolas Rose argues that as a structural organization state employs many schemes and policies by masquerading them as progressive and protective but which are in turn meant to strengthen its functioning and validate its authority and sovereignty. He further argues that the modes of government should not be analyzed only in terms of 'political rationalities' but also regarding 'government technologies' that is the complex of documents, schemes, calculations, techniques amongst others which the authorities use to achieve government ambitions (1992, cited in Rose et al. 2006: 85). The argument can be seen in terms of Althusser's work who while talking about the Ideological State Apparatus[17] (ISA) highlights how ideology is used as a tool by the state to exert control over the individuals that are interpellated as subjects by the state (1971:129). In other words in discussing the relationship between the state and its subjects, he argues that ideology is the strongest tool at the hands of the state to control its subject. The use of different categories and labelling of the displaced people in an arbitrary manner can be a way of controlling the masses through ideological apparatuses.

Since displacement and migration exist simultaneously, many of the IDPs are unaware of the rights that they possess as forcibly displaced and hence do not raise demand or seek registration under the particular category. Many of the Akhnoor displaced whom I

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[16] According to Foucault, earlier art of governance was based on the idea of traditional values, wisdom, divine law or from common virtues like thoughtful decisions, seeking assistance from best advisers etc.

[17] Althusser talks about ISA in terms of reproduction of existing condition of production i.e. to maintain the material status quo. There exist religious, political, legal and other such ISAs. This concept however can be used to see how state uses the various 'categories' it produces to control its subjects and maintain its political status and sovereignty.

interviewed were not aware of the legalities of the terms and the rights attached to them. Especially, most of the older generation people are not clear with the legal terminology. They are unaware of the rights associated with certain labels and hence accepted the label of 'migrant.' But once they understood how important these nomenclatures are and what each term stands for, they argued that the term migrants is not what shall be employed for them, as migration as theirs was forceful and involuntary displacement under the circumstances of war and border conflict. President of the Association of the West Pakistan Refugees,[18] whom I interviewed during my fieldwork, also stated that the label and categories used to describe the displaced persons whether they are Kashmir IDPs or WPRs or Akhnoor IDPs are very important because accordingly the responsibilities are to be shared by the government. However, certain displaced communities like that of Kashmiri Pandits have raised the demand for the IDP status, but have been denied that by the government time and again. Thus it becomes highly important to understand labelling and the politics of manipulation that is involved in the labelling process.

Significance of labelling and categorization: Context of displacement

Against the general policy-defined nature of forced migration studies, a significant contribution to the field has been made by Foucault (2007) and Cohn (1996) who analyzed how policy labels and categorizations work regarding power relations and with what effects.

Bernard Cohn's (1996) work *Colonialism and its forms of knowledge* helps in understanding the reasons behind a state's process of labeling and categorization. He examines the linkages between British colonial rule (power) and knowledge and how in the process linguistic strategies of codification and categorization played a crucial role. In the first chapter titled '*The command of language and the language of command*', he discusses the shift in the administrative language and examines how linguistic strategies

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[18] West Pakistan Refugees are those people who fearing persecution at the time of partition, migrated from Pakistan and settled in Jammu, especially near the border areas. They are either referred as 'Refugees' or 'displaced persons' in official papers.

were employed by British in the process of subordination, control, displacement and distancing. The second chapter titled '*Law and the colonial state in India*' highlights the doctoring of Indian legal codes by the British to further imperial domination. He argues that in order to render India available for subjugation and colonization, endless new categories and codification were formulated by the British (Cohn 1996: xv). Thus Cohn provides the reasons why the colonial state for instance resorted to such practices, the purpose was to make governance easier and produce governable subjects.

On similar lines, Foucault (2007) also notes that there exists an inextricable relationship between knowledge and power. In *Security, Territory, Population* Foucault defines governmentality as allowing for a complex form of

> "power which has the population as its target, political economy as its major form of knowledge, and apparatuses of security as its essential technical instrument" (2007:144)

He further explained through the concept of 'biopolitics', how government tries to control the entire populations by regulating the people who live within a territory, by maintaining records of deaths, births etc. (ibid:16).

Labelling is particularly seen as a forceful and special attribute of administration and bureaucracies and hence a very significant means of state performance (Stepputat and Sorensen: 2014). There is lack of national IDP policy in India and it is argued that the government systematically refers to IDPs as "migrants," as a result of which government only provides humanitarian assistance and in general denies state protection to such citizens[19]. Wood notes that

> 'Labelling is a way of referring to the process by which policy agendas are established and more particularly the way in which people, conceived as objects of policy are termed in convenient images' (Wood 1985:1).

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[19]   http://www.hindustantimes.com/comment/a-home-for-Kashmiri-pandits-why-we-need-a-policy-for-internally-displaced-people/story-cDIyAF9UT2cLHSrnqMFE4L.html

He considers labelling as a tool of 'political manipulation.' As Zetter also argues that the process of differentiating and categorizing refugees is based on practices that are highly instrumental in serving the interest of the state (Zetter 2007: 181). He further argues that labelling is an act of politics and it involves not only authority but also conflict. It, therefore, refers to a relationship involving power in which certain labels are more conveniently imposed on situations as well as people, comparative to others. Through the process of labelling, specific interests and values are represented to be valid universally via the state authority (Wood 1985: 348). Wood also questions why the state came to be accepted as an authority which imposes legitimate public action and how does this legitimation persist? He argues that this process of legitimation of state authority is insidious and involves 'labelling' (ibid).

The label and the authority involved in creating those labels (a state in the case of IDPs) is the deciding factor in determining who can have the right to access the particular resources and privileges that a label entails. A central feature of the categorisation process is disaggregating and differentiating of individuals and their subsequent identification with a particular label in the legal framework, such as 'refugee,' 'landless,' 'IDP,' 'single parent' etc. By separating needs of an individual from the context and in this process by reconstructing them into a programmatic identity, an important distinction is created between 'case' and 'story' (Wood 1985:13).

A story of an individual is thus transformed into a bureaucratic label/category under the institutional needs, and in the process, the individual loses its identity with the ascription of an identity of the 'other.' Portes argued that by employing the Mertonian idea of 'unintended consequences" of a social action, it can be figured out why the policies around IDPs or migrants fail (Portes 1997, cited in Castles 2003: 25). Castles points out that what is more pertinent for sociologists to question in the case of wrong use of labels is whether the researchers got it wrong or did the politicians and bureaucrats ignored it? (Castles 2003: 26).

He locates the reason in both of them by stating that such 'policy-driven' research not just leads to poor sociology but also bad policies. This is due to the limited focus of empirical

research which is most often driven towards providing a solution to an urgent bureaucratic problem, as a result of which it does not look deep into more fundamental causes and more permanent solutions. Thus the recommendations given in the process are a result of a very narrow range of options (ibid).

Zetter points out that with the development of international migration regime, labels have proliferated and include fresh ones such as 'trafficking victims,' 'deportees' and such others, along with the defining of new challenges such as climate change and environment degradation (Zetter 2007). The vulnerable displaced communities while seeking protection and humanitarian assistance try to fit themselves within the accepted hegemonic categories and labels. Katrina Powell argues that, 'refugee' is a much sought out term because it entails real and strong material gains and hence it is noticed that the displaced people innovatively end up reproducing labelling expectations which further reinforces the problem of inclusivity/exclusivity with regard to the officially constructed administrative and legal discourse of refugee and displaced (2015, cited in Tremblay 2016: 95).

It has been pointed out that the humanitarian aid and assistance should be decided as per the needs of the displaced and not according to any particular category (ICRC Report 2009). It is argued that IDPs rarely are homogeneous group. The label exists, but within it, different people are vulnerable in diverse ways which mean they have diverse and specific requirements. Thus, within the realm of existing legal standards, specific needs of diverse groups such as children, women and the elderly should be recognized.

Malkii also cautioned that to understand the analytical value of a label like 'refugee,' one has to view it under a descriptive and broad legal frame, which not only includes socio-economic statuses but their personal histories along with their psychological situations (Malkii 1995: 496). To adequately address the context-specific displacements, it is hence necessary to allow some flexibility and avoid the pattern of standardization.

In my work, labelling and categorisation becomes very crucial to understand the problem of making clear distinctions between voluntary and forced migration. Migration, when

used in general terms, is thought to be voluntary in nature. But migration is also non-voluntary in nature which falls under the category of forced migration. Such is the case of IDPs who leave their native place as a result of certain push factors, be it conflict, development projects, etc. Thus, the use of proper labeling becomes extremely important in such cases as each label and categories are policy-defined. The difference between a migrant and IDP has to be laid down clearly, and the state governments have to be sensitive in using these categories. To qualify IDPs as "migrants" risks ultimately the level of their rights While migrants do not enjoy any special rights, IDPs have certain special provisions for national and international aid and protection.

Controversy around the IDP label

Roberta Cohen and Francis Deng (1998) claim that internal displacement is not that recent a phenomenon and believe that major cases of displacement occurred either during the Cold War or were strongly affected by Cold War politics. It is primarily because of invisibility of internal displacement during the Cold War period that it is frequently reasoned to be a post-cold war development. They hold the view that it was particularly the growth of media, particularly the telecommunications, which had an increased impact in bringing the issue of IDPs to public attention.

However, from time to time there have been contradictions around the use of the term IDP. It is, in fact, argued by some humanitarians that the label 'IDP' is less than useful (Stepputat and Sorensen 2014). A senior manager with field experience in Asia and Africa says about the IDP label,

> "From the operational management perspective, it is very frustrating. It is potentially very misleading. An IDP can be better off than a non-IDP who suffers in the same situation. The label doesn't tell us anything" (ICRC report, 2009)[20]

For many years editors and reporters were reluctant to accept and use the term "Internally displaced persons" as it was seen as an odious terminology. They referred to internally

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[20] Internal displacement in armed conflict facing up to the challenges, accessed on
https://www.icrc.org/eng/assets/files/other/icrc_002_4014.pdf

displaced persons as 'internal refugees' or sometimes, inaccurately even "refugees." Even the human rights organizations, humanitarian agencies and other such professional working bodies on uprooted masses did not prefer the term IDP. It was reasoned that the term "refugee" immediately and strongly evokes an image of people who are trying to flee persecution. But the term "internally displaced persons" is argued to be too many words and seen as too 'antiseptic' or 'clinical' as it does not automatically create an identifiable image of distress (Weiss & Korn 2006:14). It fails to convey the fact that in some instances these people are the most destitute, exposed to disease and hunger and abused by rebel movements as well as governments.

Relevance of categorisation in the case of Akhnoor IDPs

Under the constitutional federal asymmetrical provisions, it is the state of Jammu and Kashmir, which alone has the responsibility towards the refugees and the internally displaced persons residing within its borders (Tremblay 2016:99). The state government of J&K has denied the displaced people of Akhnoor, the status of internally displaced in the wake of the fact that their displacement is largely temporary. These displaced are not recognized as IDPs and are referred to as 'migrants.' However, many of them have stayed in camps for years, and their displacement has shifted from temporary to semi-permanent and permanent over time. Cohen argues that by identifying these people as 'migrants' and not IDPs, the government sheds its responsibility of providing them assistance on humanitarian grounds and also averts the projection of state as a failure in protecting its citizens (Cohen 2004: 2).

'Migrant' is a very vague term to use as it can be interpreted in various ways ranging from voluntary to forced migration. There exists a lot of difference between a voluntary migrant and an involuntary/forced migrant. The former chose to move from their native place and hence can be just mobile people while the latter are those who were expelled and left with no viable option but to leave their place of origin. In the process of forced migration, many lose their property, family as well as their social network and position in the process of moving (Morris 1987, quoted in Marx 2016:190).

The data on migration is collected by Indian government based on two criteria: place of birth and place of last residence. In case a person's current place of residence is not the same as the place of birth, he/she is put under the category 'migrant' by the Indian census. Likewise, if a person's current place of enumeration is different from his/her place of the last residence, the person is considered a migrant as well. In the Indian migration report 2011, there are about eight chapters on the different facets of Indian migration based on Indian census data (Sebastian 2011:1). This highlights that the state's criteria for labelling an individual 'migrant' do not take into consideration any such factor which highlights the reason of IDP's movement from one place to another (i.e. violence, conflict etc.)

Thus, clubbing IDPs into a category of migrants will be unfair as it would fail to bring to light that their flight was under forced circumstances and not voluntary and they deserve to be provided with assistance and protection by the state. Today most of the countries affected by internal displacement have enacted laws or strategies and policies specifically addressing IDPs.

IDP group of Kashmiri Pandits has been demanding that the central government acknowledge their status as IDP and not migrant. They argue that the "migrant" label implies that the Kashmiri Pandits have made a voluntary movement from the Kashmir valley. This in turn hinders several rightful claims that they could make being an IDP (IANS, 20 June 2010[21]).

Little attention has been paid to the plight of Akhnoor IDPs and the category of IDP is largely neglected in the government reports. The parliamentary standing committee on home affairs' in its seventy-fifth report (2001) on cross-border terrorism and insurgency in Jammu & Kashmir, has paid minimal attention to the IDPs of Jammu's sub-division of Akhnoor.[22] The report focuses chiefly on the problem faced by the displaced Kashmiri population but neglects the issue of people who were evacuated from the border villages

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[21]http://www.thaindian.com/newsportal/uncategorized/displaced-kashmiri-pandits-seek-special-status_100383428.html

[22] "Cross Border Terrorism and Insurgency in Jammu and Kashmir," Seventy-Fifth report by the Parliament Standing Committee on Home Affairs, Rajya Sabha, Government of India, New Delhi, July 2001.

of Akhnoor sector in Jammu and suffered equally during Kargil war. There has been no mention of border villages of Akhnoor which were evacuated during the Kargil war and the problem faced by the displaced. Even under the category which includes the demands raised by 'representatives of border displaced' only Kashmiri displaced have been discussed while there is a separate section for 'Representatives of Kashmir displaced' detailed in the committee report. In fact, the committee does not even employ the legal category 'IDP, but there is an overlapping use of terms like 'migrants' and 'displaced' roughly throughout the report. The report mentions that around 12000 families were displaced from the border areas in Jammu region since June 2000, out of which only 2000 were provided with provided tented accommodations. Though this committee report was published just after two years of Kargil war, still it has chiefly focused on the Kashmiri displaced, and the plight of the displaced masses from the border of Akhnoor sector has not been specifically covered.

The committee report briefly mentions that besides the valley displaced Kashmiri Pandits, attention should be paid to the people displaced from the border districts of Jammu division as they face the brunt of cross-border shelling during wars and have undergone devastation several times. It mentions how during the Kargil conflict they were direct victims of the war as there was a huge loss of livestock, property, standing crops and human lives. The report mentions that the committee 'sympathizes' with these people and hopes that state government will find a solution to their problem.

Policy framework and instruments for IDPs

The refugees and IDPs have different agencies catering to their respective issues. While refugees have a separate agency set up by the international legislation-UNHCR, IDPs lack any such single agency catering to their specific needs. Refugees are protected under the international humanitarian law and international human rights law while as internally displaced people are left at the discretion of the respective state governments. Internal displacement is thus mainly seen as a domestic issue. Roger Zetter suggests that by formulating a separate label of 'IDP,' it can be said that an attempt has been made to

restrict and contain the forced migrants so that they cannot access the more resourceful and privileged label 'refugee' (Zetter: 2007 177).

Weiner (1996) was one of the earliest scholars to develop a classification of conflicts producing refugees. Through his research, he tried to understand how institutions and governments can prevent the displacement of people across borders by changing the conditions that create such situations. He illustrated four categories of conflict- ethnic conflicts, inter-state wars (covers anti-colonial wars), non-ethnic conflicts and escape from the revolutionary and authoritarian regime (Weiner 1996, as cited in Lischer 2007:145). His concept can be widened to be applied to the case of IDPs as well. The utility of these categories, however, is highly dependent on the kind of questions asked. For instance, to government officials, the crossing of international border by a displaced person is usually one of the most salient characteristic of displacement but to a human rights activist such distinction is hardly important as too them all displaced people are victims (Lischer 2007).

Deng (2012) and other thinkers tried to change the discourse of displacement by viewing sovereignty, not as a territorial but normative concept, that is 'sovereignty as responsibility,' still the primary responsibility for the protection and welfare of the IDPs continues to rest with the national government. This clash between respect for human rights and non-interference in the internal affairs of states shows that rather than seeing the paradigm as an all or nothing proposition that must collapse under the weight of accumulated deficits, concepts interact with evidence. They evolve and transform. This is a view of science which is inspired from Karl Popper who argued that 'by peeling away the layers through the open debate of what is demonstrably falsifiable, we come closer to the truth of the concepts at the core of a model' (Popper, quoted in Weiss & Korn: 2006). In this context, it means the protection and assistance provided under the notion of 'sovereignty as responsibility' clashes with the prerogatives of the state authorities who view sovereignty as a powerful tool which lets the state to do whatever it wishes to do to its citizens. Though various guidelines have developed around the internally displaced people, in practice, the most central component of internal displacement is still 'state sovereignty.'

The nation-states are seen as predominantly preoccupied with constructing nationhood which often is based on pursuing cultural homogeneity. As the state is engaged with the sub-nationalisms struggling with one another, displaced people with no political power often end up at the bottom of such hierarchy.

Legal framework at international level

The UN GA resolution 428 (V) of 1950 established the UNHCR, and it does not make any mention of the internal displacement problem or any specific protective policies related to them[23]. However, Article 9 of the Statute of the Office was added to the Resolution later, and it authorizes the High Commissioner for Refugees to

> "engage in such activities (…) as the General Assembly may determine, within
> the limits of the resources placed at his disposal."

As a result of this annexed provision, the ambit of the UNHCR has widened and become inclusive of the other groups of forcibly displaced people who otherwise are not considered competent to fall either individually or collectively in the category of the refugee as defined by the Statute.[24]

However, the most significant contribution to the problem of internal displacement is made by, the Guiding Principles on Internal Displacement which were issued by the secretary-general of the United Nations in 1998 and subsequently recognized by the UN General Assembly as "an important international framework for the protection of internally displaced persons."[25]

There are thirty principles established by the secretary-general, and they also emphasize on the sharing of responsibility by the international community in providing protection to the internally displaced in situations wherein the concerned governments are not in a

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[23] http://www.unhcr.org/4d944e589.pdf
[24] http://www.unhcr.org/excom/EXCOM/45dd5a712.pdf
[25] UN G.A. Res. A/RES/60/1 (Oct. 24, 2005).

position or not willing to extend humanitarian assistance as well as safeguarding the right of their respective citizens.[26]

Guiding principles on internal displacement are not considered to be an independent legal source per se, but they are mere guidelines that nations should follow along with other international humanitarian laws as well as refugee laws in dealing with the problem of the internally displaced. These principles are the most important source as this framework is laid down by an authority to identify the rights and set the standards for the kind of protection and assistance that needs to be provided to the internally displaced.

These guiding principles lay down the legal definition of what constitutes an Internally Displaced Person and is accepted universally. It defines IDPs as:

> Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an international border (Deng 1999:484).

Mooney observes that the IDP definition has tried to strike a balance "between too narrow a framework that risks excluding people who share similar characteristics and one so broad that it loses focus on the distinct protection and assistance needs arising from forced displacement" (2005:13). The principles protect such people and guarantee them basic human rights to live a life with dignity (OCHA 2004). These principles are thus the basic layouts addressing specifically the issue of the IDPs worldwide. They cover almost the entire issues related to IDPs, from providing them with minimal assistance and succor and protecting them against violation of human rights as well as assisting them in return and resettlement (OCHA 2004)[27]. These guiding principles on internal displacement focus on four core areas of displacement to provide assistance and protection to the IDPs. They look at protection against forced displacement and during displacement. Further, they look into the kinds of provisions for humanitarian assistance and role of international agencies.

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[26] UN Guiding Principles on Internal Displacement can be found here
https://docs.unocha.org/sites/dms/Documents/GuidingPrinciplesDispl.pdf
[27] https://docs.unocha.org/sites/dms/Documents/GuidingPrinciplesDispl.pdf

There are 30 principles in total that can be classified into four broad areas as mentioned below:

1. Protection against forced displacement

This is the first step which is prior to the process of displacement. It tries to prevent forced displacement and lays down the conditions and grounds on which forced displacement is impermissible. The principle prohibits the displacement that violates certain rights such as the right to life, dignity, security or liberty of affected people is to be prevented.

2. Protection during displacement

This is one of the most important sections of the guiding principles on internal displacement as it covers a vast array of rights of the IDPs. So firstly general norms regarding human rights are laid down and then related to them the specific rights of the IDPs are highlighted that gives effect to such norms. For instance, a general norm is that no one should be exposed to the inhuman and cruel treatment. Now affirmation to this norm prevents forced to return or forced resettlement of the IDPs in their native area unless and until the area is safe and secure and there is no more scope of any such activity that led to displacement in the first place.

3. Provisions relating to humanitarian assistance and role of humanitarian agencies

These are another important set of principles as they help IDPs claim their rights from the international realm in case their respective government or state fails to provide for the assistance and aid. The humanitarian assistance that is provided by the international agencies working for such causes should be permitted by the state in case the IDPs falling under their particular territory demand it. Recently, their scope of assistance has been increased from providing mere assistance to also protecting them and guarding the human rights of the displaced people. In many cases of displacement around the world, it was witnessed that mere feeding the IDPs and not protecting their basic human rights did not do very well in helping them reshape their lives and resettle (OCHA 2004).

4. <u>Principles related to return, resettlement and reintegration</u>

The provisions included under this category state that it is the primary duty of any competent authority dealing with the process of displacement to provide assistance in the return and resettlement of the internally displaced people in their original place or any other part of the country and help them live a life of dignity. This final principle which deals with 'resettlement and reintegration' makes sure that IDPs enjoy all the basic rights of the citizens and they live a life of dignity as they should be allowed to voluntarily decide whether to return to their native place or settle down in any other part of the country. This is quite pertinent as many times they are forced to return to their original places despite their wishes; as was reported in the case study of Akhnoor IDPs of Jammu district which I will discuss in detail in the fourth chapter.

However, it is observed that these guiding principles were not applied in the case of internally displaced of Kargil war. Since India did not accept any interference by the international authorities, these IDPs were deprived of the external assistance, and it has been seen that such external aid and succor has not been available in the case of Akhnoor IDPs in Jammu and Kashmir. Since the IDP issue falls under the domain of the state, it thus becomes a matter of sovereignty, and any interference from the international agencies is seen as an infringement of the state's sovereignty (Weiss and Korn 2006:5).

As a result of lack of formalized system and an established support network, IDPs do not even get to enjoy basic human freedom especially when state's fail to provide them protection and aid. There are only 17 countries in the world that have laws framed specifically for addressing the issues of IDPs. India still lacks a national legal framework for IDPs.

Except for few countries of Asia like Republic of Korea, Japan, and Sri Lanka, most of the Asian governments have been extremely apprehensive of the international aid and assistance regarding it as unnecessary interference and threat to their sovereignty. India also has not been very comfortable in letting the international aid and succor reach its internally displaced people. Most of the Asian nation-states argue that under the garb of such protection and humanitarian assistance, the powerful nations might end up

interfering in the internal matters of weak and less powerful countries. Moreover, they also suspect that such international interference will reflect them as a weak state in front of their citizens who failed to provide them protection and a better life (Cohen 2004: 4)

Internal Displacement in Jammu and Kashmir: Response of the Indian Government

When it comes to legal set up, India's stand is quite different from many other countries. Unlike countries like Columbia, Mexico, Russia and some others who have established national laws for internally displaced people, India does not have any such national legal framework for the IDPs. India has only adopted 'policies' for the internally displaced people[28]. Thus, the guiding principles for internally displaced people are not included in the domestic legal system of India.

Denial of displacement on the part of the government has resulted in overshadowing of domestic legislation on IDPs. There has been very limited incorporation of IDP issue into domestic laws of India, as there exists no legal mandate for the IDPs in the 'Protection of Human Rights Act (NHRC 2006)[29]. Indian government proposed 'communal violence (prevention, control, and rehabilitation of victims) bill' in 2009 to address the problem of the people displaced due to communal violence. However, the provisions that the bill entails are not in line with the Guiding principles on internal displacement. This policy provides no safeguard against the ones who are displaced double or triple times which has been noticed in the past as a result of poor resettlement planning and inadequate assessment of projects, especially the dam projects which induced displacement resulting from submergence of land (CSW Report 2010[30]). This is one of the major lacunae of the bill as it makes the communities vulnerable to periodical displacements.

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[28] http://www.internal-displacement.org/assets/publications/2016/UNHCR-GPC-Reg-Framework-IDP.pdf
[29] National Human Rights Commission (NHRC). [1993] 2006. *The Protection of Human Rights Act, 1993*. New Delhi: NHRC.
[30] Christian Solidarity Worldwide (CSW), May 2010, India: Communalism, anti-Christian violence and the law . Available at
http://www.online2.church123.com/attach.asp?clientURN=christiansolidarityworldwide2&attachFileName=8db6d55425881be240955fd95c832785.attach&attachOriginalFileName=CSW_Briefing_India_May_2010_2.pdf

Moreover, there is significant variation between various states in the support for long-term solutions to the problem of IDPs. In the absence of a federal legal policy for internally displaced people, the approach of the Indian state to tackle the issue of IDPs has been very ad hoc and case to case basis. There exist sharp differences in the relief provided to the different IDPs of India. While national responsibility has been taken for some IDPs like that of Kashmiri Pandits very seriously, it did not pay equal importance to the 2 lakh displaced people in the northeastern India who escaped ethnic and tribal conflicts (Cohen 2004: 6). Another report by ACHR highlighted the same discriminatory response of Indian government to IDPs stating that the government had a much more generous approach towards the Kashmiri IDPs as compared to the IDPs elsewhere in India (ACHR October 2003).

Even in semi-autonomous Jammmu & Kashmir, the State Human Rights Commission (SHRC) has no policies or legislations to deal with the issue of internal displacement (Lama 2000: 25, Dey and Chaudhury 2007: 6). Jamwal argues due to the lack of a state legislation, some IDPs are provided with better assistance and rehabilitation, and rebuilding of life is comparatively smoother for them. She argues that this sharp divide in treatment was seen during the 1990s when mass exodus of Kashmiri pandits took place from the Valley who took safe refuge within the state in Jammu, udhampur and other parts of the country like Delhi and Maharashtra, as people belonging to other communities who got displaced from other areas of the state at the same time did not receive the same amount of attention and status as Kashmiri Pandit migrants. The people who got displaced from other regions of the state such as Doda did not receive an equal level of assistance and treatment. Only those who could afford to approach the courts received the ration and same benefits after facing prolonged litigation (Jamwal 2004:246).

While some states (provincial states) encouraged the return of the displaced masses, others preferred compensating IDPs in the new place by providing them some grants and assistance with housing. Besides, there exist vast differences in the degree of aid and compensation provided by the different states to the IDPs. There is no denying that the central government provides assistance to the displaced living in relief camps in Jammu,

Tripura, and Assam, but in comparison to Kashmiri Pandits, it has been on a much lower scale (GOI 2005)[31]. The differences in state responses have been discussed in deeper detail in the following chapter, by drawing a comparison between the cases of IDPs in Jammu and Kashmir and Assam.

The question that arises is why there exist such differences in the treatment of IDPs? Is it that the state policies pay attention to the local particularities and the context of each IDP case and deal with them accordingly? Is there any criterion established by the state or is it merely politically-driven? Jamwal (2004) highlighted three reasons for the differences in the treatment of different IDPs. Firstly, it depends on the level of education and awareness of the victims and their reach and accessibility to power and media corridors. Second, the roles of state players like politicians and leaders who only look at the plight of IDPs as an opportunity to do their politics and fulfill their agendas. Lastly, the non-state actors also play a crucial role as they shape the IDP issue in a particular way and their aid and assistance activities construct the atmosphere around displacement which could either be communally or regionally provocative or neutral (Jamwal 2004:245).

Thus, in comparing the treatment of Kashmiri Pandit IDPs to other cases of displacement in the state, the first reason as highlighted by Jamwal is quite apt as Kashmiri Pandits is a highly educated community of Jammu and Kashmir and hence could voice their pain and raise their plight louder than other displaced communities. Moreover, strategically they are quite an important community as they were the only Hindu minority community in the majority Muslim valley of Kashmir and hence were demographic significant (ibid: 246). In this case, it does not seem that subjectivities and the socio-cultural background were taken into consideration, in dealing with the various displaced communities as many of the Doda and Akhnoor displaced, if looked in terms of backwardness and poverty, were worse off than the Kashmiri Pandits.

It has been argued that since the government of India has no national policy, its approach towards the different cases of internally displaced in the country remains altering as it is mainly left to the respective state governments to handle and manage the issue of IDPs.

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[31] Government of India (GoI), Ministry of Home Affairs, 2005, Notes on demands for grants 2005- 2006: Demand No. 55, Other expenditure of Ministry of Home Affairs

In certain cases, the government seems to take serious actions while in many other it is blamed for marginal responsibility. The foreign assistance is rarely allowed to reach these areas as the government remains highly sensitive to the question of sovereignty, believing that such 'humanitarian assistance' is growing into a façade through which the powerful states try to meddle in the internal affairs of a state (IDMC 2010: 19). For instance, in one of its publications, the US Committee for Refugees recommended that the matter of internal displacement in the northeastern India requires greater national attention and it also suggested Indian government invite the international humanitarian agencies and permit them to offer their assistance in providing aid and protection to these IDPs.[32] India views that any international interference with regard to the matter of internally displaced must

"remain within the bounds of the concept of sovereignty, which should not be diluted in any manner. This implies that such action should be at the request of, or with the consent of, the country concerned" (ibid:10).

There have been several cases where the government has categorized the internally displaced people as 'migrants' and in some extreme cases also as 'terrorists' either to avoid the responsibility of their protection and resettlement or in case they were incapable of framing policies and developing certain laws to help the displaced masses (UNHCR 2006:160)

Though, it has been observed in many cases of forced migration that the displaced people use their agency during the whole process of displacement and tend to rely on the already established social structures like, family, kin networks, village community or other social links in planning out their resettlement and rehabilitation[33] (Sorensen and Vincent 2001:269). But the protection and assistance provided by the government is very significant to them in the process of resettlement. Those who do not have much resources at their disposal have to completely rely on the governmental aid and assistance in the

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[32] https://www.brookings.edu/wp-content/uploads/2016/06/20040504-1.pdf pp6
[33] A case study conducted by Sorensen and Vincent on forced migrants that they have mentioned in their work "*Caught Between Borders: Response Strategies of the Internally Displaced*" highlighted this kind of trend. *(2001: 269)*

initial days of displacement. They, many times end up spending years in the camp life where the government relocates them, to be eventually returned to their places of origin.

The displaced people living in the camps were provided with ration and relief by the government. They were provided with 11 kgs of free ration which comprised of 2 kgs rice and 9 kgs flour and cash relief of Rs 400 per member each month which was conditioned to a limit of Rs 1600 per family at the maximum. Besides this, 10 litres of kerosene was supplied to each family (Shekhawat & Mahapatra 2006:29). On the other hand, those who did not live in the camps and self-settled in the new locations were provided relief only for six months as one of the informants confirmed during the interview. However, eventually, even this supply of ration, water and other basic amenities provided by the relief camps begin to be shifted back to the native places to force people to move back to their villages.

This report by Shekhawat and Mahapatra (2006) highlights the discrepancy on the part of the government and the dissatisfaction of the displaced people of Akhnoor. During my interviews with few of the IDPs, one thing became clear that they do not deny the fact that aid and relief from the government kept coming howsoever minimal in amount till the time they stayed in the camps, but once they moved to self-settle in the new areas rather than returning to their villages, they had to rely on their resources and self-efforts. However, for the damage to their houses and shops, people were given basic compensation. Ratan, one of the IDPs told in his interview that he got compensation of Rs 10,000 for his damaged shop but nothing for his house.

The informants also told that they were provided with small pieces of landholdings to settle down in a safer area. However, this new location of resettlement did not offer many opportunities for the future as it was not a residential area and mostly was a barren arid land where they could not even cultivate. So people instead of resettling in those areas preferred either to return or self-settle in Jammu city.

This shows that many displaced persons consider the role of state and other non-state organizations as secondary to their own 'agency[34].' The role of the state is mainly important to the ones who lack resources and are solely dependent on state aid and succor. Most of the informants living in Jammu city stated that it was not the external support from the state but their own resources such as social networks, kins and other resources that helped them survive in the host territories. To integrate into the new place, they employed various strategies. They mainly relied on their own families for any social and mental support. The kin networks played an extremely important role as many informants confirmed. Most of them stayed with their relatives, stayed on rent until they succeeded in re-establishing themselves in the new environment.

And this is evident from the fact that most of the IDPs, be it Akhnoor Kargil war displaced or Kashmiri Pandits chose self-settlement in towns and cities where they could assure some future opportunities for their children and thus strived for living a better life. This in a way proves that during the process of displacement, the IDPs, rather than being passive victims, use their agency and the resources[35] at their disposal to build a life that is economically stable and fulfilling at social and cultural level. They use the capital such as skills, knowledge and social networks that they developed and achieved before displacement to survive in the host community. Thus, as pointed out by Mazur, it is the people per se, who through their creativity, capacity and other skills learn and adapt to the new territory (Mazur 2004: 38).

The role of multilateral and humanitarian organizations

The informants did not share a very positive experience about the non-state welfare organizations such as NGOs, international humanitarian agencies, etc. Few of them mentioned about Red Cross providing them with necessities such as blankets and food in the camps but overall their attitude towards the welfare organizations was quite

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[34] Agency here refers to the concept of resources and conscious act on the part of an individual as been talked by Giddens in his structuration theory.
[35] Resources in this context refer to Bourdieu's concept of capital that is possessed by an individual which is mainly of four types as he stated: cultural, social, economic and later he added symbolic to it. The IDPs make use of these capitals to establish themselves in the host community.

ambivalent. Their assistance was only restricted till the time they lived in camps but not in the villages post return. Also in the process of rehabilitation and resettlement in the host community, their assistance remained negative. A project was initiated by Oxfam to help the displaced people living in camps in Akhnoor by installing hand pumps and making drinking water available. Besides this, they also launched an education programme and built toilets and bathrooms (Shekhawat & Mahapatra 2006: 33).

The national governments are willing to allow the international communities in assisting the displaced mostly in cases of natural and anthropogenic disasters. But as far as the displacement is conflict-induced or triggered by some other political cause, the states have remained reluctant to permit the international realm to interfere (Cohen 2004:5). There is a multitude of international organizations that are working for the IDPs by offering them protection and succor to resettle and reintegrate. Especially, the absence of a formal international agency to cater to the need of the IDPs has led to what is known as "collaborative or cluster" approach that encourages all the agencies to come together and collectively share the responsibility in fighting for the cause of internally displaced (UNHCR Report 2006: 168). The various organizations and multilateral agencies that provide protection and aid to the IDPs are listed below:

United Nations High Commissioner for Refugees (UNHCR) is an international organization dealing with the problems of forcibly displaced masses, be it refugees, asylum-seekers, internally displaced or other cases of stateless people. However, as the abbreviation reflects, the major focus of the UNHCR is to assist the refugees, as it was established particularly for the refugees post cold war, in 1950, in the wake of millions of Europeans have fled their homes. Nowhere in their statute, they mention the word, internally displaced or forced displaced and thus have remained very specific of the refugees.[36] It is only recently that they have widened their ambit to cover the issue of internally displaced as well but it is not a binding on them.

The Office for the Coordination of Humanitarian Affairs (OCHA) is another United Nations body that has been dedicated to dealing with any emergencies that threatens

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[36] This can be checked here http://www.unhcr.org/protection/basic/3b66c39e1/statute-office-united-nations-high-commissioner-refugees.html

humanitarian ground, since 1991. But it is again not a specific agency set up for IDPs and hence does not address the needs and demands of IDPs exclusively. In 2002, a special office was created in the OCHA, to deal with the problems of Internally displaced and is termed Inter-agency Internal Displacement Division (IDD), which proposes, "sectoral approach" that means to divide areas of responsibility and assigning it to different agencies. (UNHCR 2006:169).

UNICEF also collaborates for providing assistance to IDPs, especially to the children who fall victim to such tragedy. Besides these UN bodies, there are other independent bodies like ICRC, IOM (International Organization for Migration) that grant help in case of IDP issue.

The special representative of the Secretary-General on the human rights of the internally displaced is the chief advocate fighting for the rights of the internally displaced. The most important of all responsibilities of the international as well as of national level agencies is to provide protection to the displaced people, and it is also the most difficult task. Only UNHCR and ICRC have the legal mandate to carry out the protection work (UNHCR 2006:169). Often the internally displaced people are forcibly returned to their native place by the state government, to project a state of normalcy. Thus in case of state governments fail to protect their displaced people, the international agencies can negotiate their access to such masses and provide them protection by preventing them from any forceful return to a state of danger. The crux of the matter is that in several situations these international regimes mediate state norms and these norms might be the only hope for displaced persons who are being denied protection by their national and regional governments.

Undoubtedly, the external support system has a very significant role to play regarding protection and material aid, especially to the displaced families that lack basic resources. These organizations by providing appropriate assistance complement the capacities and skills of the IDPs in rebuilding and re-establishing themselves. In this process to avail resources and enjoy the rights guaranteed under a particular label, categorizing displaced people under the appropriate label becomes imperative. Hence, there has been the demand for IDP status by the PoKDPs (Pakistan occupied Kashmir displaced people), WPRs

(West Pakistan Refugees) and the Kashmiri Pandits within the state of Jammu and Kashmir. After years of displacement, they do not want to be categorized as 'temporary migrants' but demand the status of 'Internally Displaced Persons' (Tremblay 2016:102, PTI 2015[37]). Thus, it can be said that people try to fall into certain categories or fit into particular labels, as in the legal realm, these become the bureaucratic tools and the only source to enjoy certain rights and avail specific benefits from the government.

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[37] http://www.greaterKashmir.com/news/189807-story.html

CHAPTER 3

HISTORICAL BACKGROUND OF DISPLACEMENT: THE CONTEXT OF JAMMU AND KASHMIR

Since 1947, when India gained its independence at the cost of the partition of the country into two sovereign nations- India and Pakistan, the state of Jammu and Kashmir has been facing the brunt of this partition; even though almost seven decades have passed this historical event. The partition of India was not a smooth process as it was followed by communal riots that resulted in forced displacement of masses from either side of the newly created border between India and Pakistan. The partition resulted in massive displacement, both internal and external. The conflict that developed with the birth of India as a new state in 1947 resulted in the largest-scale displacement of people in history due to a conflict that surrounded the birth of two new countries; still, India has no national policy formulated regarding the IDPs. Three communities Hindus, Muslims and Sikhs were involved in communal riots that led to the large-scale massacre, looting and one of the worst sort of violence was perpetrated resulting in a huge influx of refugees in both the countries.

The 'international refugee regime' at that time instead of recognizing all such cross-border displaced as 'refugees,' only labeled those migrants as refugees who had been 'deprived of their nationality.' And thus only a few were eligible to get internationally recognized as refugees and could avail the protection and assistance. A report prepared by Vernant (1953, cited in Robinson 2012:346) on post-war refugees (commissioned by the UN in the year 1951) arrived at the conclusion that since partition refugees do not lose their nationality, they are not labeled as refugees by the international community. Since the cross-border movement of Hindus to India and Muslims to Pakistan did not accompany any loss of their nationality, hence they were denied the refugee status (Henderson 1953, as cited in Robinson 2012:346). Under such conditions, the refugees created by Indian partition were viewed as part of a transnational migration[38] or internal

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[38] *Transnational migration* is defined as "a process of movement and settlement across international borders in which individuals maintain or build multiple networks of connection to their country of origin while at the same time settling in a new country" (Fouron & Glick-Schiller 2001:60).

refugee flight (Tremblay 2016: 97). This highlights the significance of the accurate labeling as a 'label' is the only instrument in legal terms for a displaced to avail all the help and benefits that are promised under it. It entails certain rights, provisions of aid and succor that one can avail only if one falls under the category.

Since India and Pakistan failed to receive any assistance from the United Nations, the two countries entered into bilateral treaties which came to be known as Inter-Dominion Conference Agreements. The definition of refugees adopted by the 'South Asian Refugee Regime[39]' differed from that of then 'International Refugee Regime.' It defined refugees as

> those persons who had moved across borders in the wake of political violence and who had been 'deprived of their ability to access and make use of their immovable property' (Robinson 2012:352).

It is argued by Lischer (2007) that cross-directional flow of refugees is a very common pattern in the border conflict-induced displacement. There often takes place trade and exchange of refugee populations. This pattern has been observed in the case of border skirmishes that took place between Chad and Sudan, and similar pattern could be observed between India-Pakistan after the partition and demarcation of boundaries. She further argues that such flow of refugees in both directions in search of security is nothing but a vain attempt and in the process, the two border states just end up further militarizing the common border they share (Lischer 2007:148).

External displacement that occurred due to large-scale cross-border movement of peoples along the newly created 'borders' created a refugee population in both the countries. This in turn resulted in large-scale internal displacement as competition developed between refugees and the old inhabitants on the issue of land, employment and such other opportunities (Basu 2012:2).

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[39] Robinson (2012) refers to the regime that developed in response to and in deliberate opposition to the development of International Refugee Regime in Europe during late 1940s as South Asian Refugee Regime. Accessed on https://academic.oup.com/jrs/article/25/3/344/1563492/Too-Much-Nationality-Kashmiri-Refugees-the-South

Basu stated that new power groups developed in these newly created states. These power groups whether political or economic comprised chiefly of majority population based on religious, ethnic and linguistic groups which led to the exclusion and marginalization of a large part of the population who belonged to the communities considered as 'others.' Such communities started feeling excluded and organized them to attain separation or liberation from the new nation-states and raised the demand for autonomy (ibid). There has been an increase in ethnic conflict-induced displacement due to such demands of separate land as has been observed in the northeast India as well as in the valley.

Zolberg (1988) was one of the first few to point out the contribution of the nation-states in the production of refugees. He argued that as nation-states started developing around the world, they concomitantly started generating refugee population in the form of the ones who did not fit in the established definitions of membership set by these nation-states. His theory is confirmed by the unprecedented scale of displacement that took place in the 20th century due to ethnicity with the creation of nation states in former colonial and multi-ethnic countries (1988, cited in Sorensen and Stepputat: 93). He further argued that the problem of refugees developed in the modern times territorial, sovereign states which have evoked massive forced migration. (Solberg 1983, cited in ibid: 88)

On similar lines, Basu views modern economy, especially the rapid mechanized development carried out by the state as a driver of mass displacements (Basu 2012:3). He argued that this process started during the colonial period but gained momentum only with the establishment of the nation-states. There started large-scale acquisition of land for the construction of industries, big dams, power stations, highways, etc. which made number of people homeless. To maintain a nation-state in a peaceful manner, both the citizens and the government must work in synchronization i.e. they should be capable of changing and adapting to the new circumstances, like new national ideas, developments in science and technology, demographic changes and changes in economic conditions. However, with the redrawing of administrative-territorial units (states/provinces/districts) in the new nation-state, especially in case of India, the age-old demographic balance became much more complicated and worse, which often jeopardized the whole situation enhancing the possibilities of internal displacement (ibid:2).

The state of Jammu and Kashmir lies between India and Pakistan and has been experiencing violence and conflict situation since partition. The frequent violation of ceasefire through cross border firing near LoC[40] and incessantly growing militancy in Kashmir have resulted in mass scale displacement in the state. Unlike the general trend of India, where the development-induced conflict is the most dominant form, Jammu and Kashmir have higher cases of conflict-induced displacement, and it is chiefly of the nature of armed conflict. In fact, the largest percentage of conflict-induced displacement in India springs from Jammu and Kashmir (Mandal 2009).

India and Pakistan share a border of nearly three thousand kilometers. The total length of this border is around 2900 km[41]. However, according to some other sources, the border is around 3323 km long (which includes the LoC in J&K). Almost one-third of this border goes through the state of J&K, out of which around 198 km is the international border, extending from Kathua to Akhnoor and around 778km is LoC extending from Akhnoor to Siachen Glacier in Leh. It is also considered to be one of the most dangerous borders in the world (Walker: 2011). Since it is one of the unsettled border disputes, the condition of these border residents remains unstable and fearful with continuous infiltration and presence of the army in the area (Chowdhary 2012:10). The disputed territory of Kashmir was divided after the Indo-Pakistan war of 1947 into two main parts by the UN declared ceasefire line in 1949, with India controlling 65 percent of the territory and rest with Pakistan. This arrangement was temporary in nature. However, after two wars of 1965 and 1971, Shimla agreement was concluded by India and Pakistan, in which this de facto demarcation line which divided Jammu and Kashmir into Pakistan-administered Kashmir and Indian-administered Kashmir was renamed as the Line of Control in 1972.

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[40] LoC stands for Line of Control a.k.a. Ceasefire line which extends from Akhnoor in Jammu to Siachen Glacier in Ladakh. It is a de facto border between Indian administered Kashmir and Pakistan administered Kashmir and is not legally recognized international border.

[41] PBS Release (July 26, 2005). *"Border Jumpers The World's Most Complex Borders: Pakistan/India"*. PBS. *Retrieved 11 march 2017*.

Indian-administered Kashmir consists of three regions- Jammu, Ladakh and Kashmir valley. In Jammu region, Hindus and Muslims are almost equal in population with Hindus having a marginal majority. In Ladakh, the population is the majority of Muslims and Buddhists with a Hindu minority while in Kashmir, the majority of the population is Muslim and prior to the displacement of Kashmiri Pandits in1990, around 2-3 percent of the population was Hindu (IDMC 2010:23).

## Nature of conflict and displacements in India

There is no doubt that conflict is a very broad and comprehensive category, yet it fails to accurately catch the different reasons for which people flee the violent situations. It is highly significant to know the exact type and nature of the conflict that induced the displacement – for example, genocide, civil war, border war; international intervention, ethnic conflict or militant and terrorist activities affect the displaced people but in particular ways. Their experience is based on local particularities and 'one size fits all' model is not suitable to understand it. The question of security, the degree of violence and protraction and many other such political factors matter in the process. Whether the displaced people will take flight across the international borders or prefer to stay within the borders of their own country highly depends on the type and cause of the conflict which could in turn help in predicting the probability of repatriation in future (Lischer 2007).

There are various cases of internal displacement in India sprouting from ethnic clashes, communal violence or armed conflict. In the absence of a central government agency looking into the problem of internal displacement, it becomes quite difficult to calculate the total number of internally displaced population in India. A report by IDMC (Internal Displacement Monitoring Centre) says that as of December 31st, 2015, the total number of IDPs due to conflict and violence in the world was around 40.8 million.[42] India continues to experience new as well as protracted displacements due to incessant armed conflict and communal violence with around 697,790 displaced as of April 2015, as per IDMC

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[42] http://www.internal-displacement.org/globalreport2016/

report[43]. Out of this, around half the numbers of such displaced people are from that state Jammu and Kashmir. However, these figures are likely to be under-representing the actual number of IDPs because in India IDPs tend to no longer be counted and considered under the category 'displaced' once official camps are evacuated and shut down, even if they remain in a state of displacement and do not return to their native homes[44] (IDMC 2013). This leads to lack of credible information of the exact number of the displaced which leaves thousands unassisted and unaccounted.
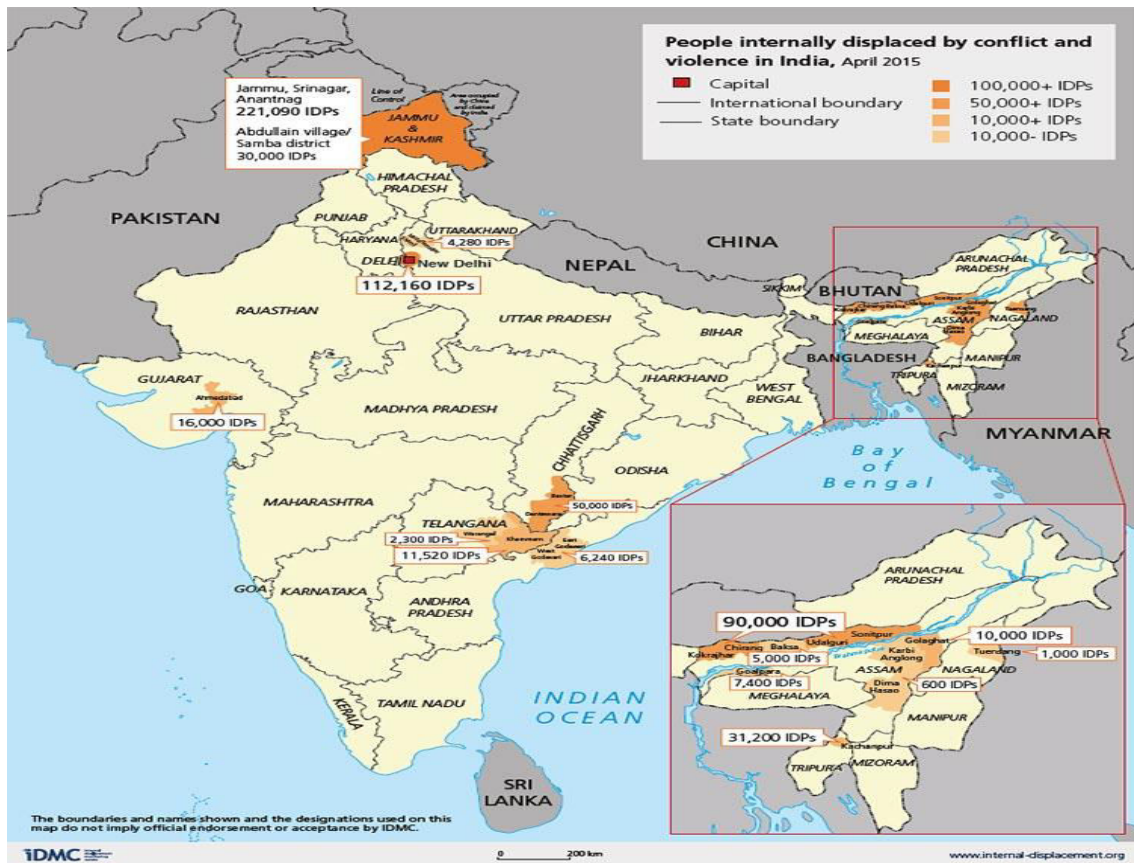
Source: IDMC Map of India: conflict-induced internal displacement as of 20th April 2015

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[43] http://www.internal-displacement.org/south-and-south-east-asia/india/2015/india-internal-displacement-as-of-april-2015

[44] IDMC » India: Internal displacement in brief http://www.internal-displacement.org/south-and-south-east-asia/india/summary as accessed on 20th April 2017.

Three major regions of India are affected by the problem of internal displacement, and each region has a very specific nature of problem leading to displacement. The central India (Chattisgarh, Andhra Pradesh, Jharkhand and West Bengal) conflict is between the government forces and the Naxalite (Maoist) insurgents over land and mineral resources in tribal areas. This Naxalite conflict has resulted in mass displacement. This movement was a peasant uprising which originated in the village of naxalbari in India's West Bengal in 1967 and later on took the shape of a conflict between the state and the Naxals.

By 2010, around 4,50,000 people are estimated to have been displaced from the tribal areas (IDMC 2010:14)[45]. These displaced people are the ordinary tribal villagers who are caught in the crossfire between the government's violent forces and fear of Naxals. There has been forced eviction and displacement of a large number of villagers who were put in the camps by the government. Such activities that involved uprooting of villagers from their home, destruction of their livelihoods is a gross violation of the Fundamental rights granted to these people as citizens of India under Article 14, 19 and Article 21 (Subash & Chathuri: 2007). Moreover, as India is a party to the International Covenant on Economic, Social and Cultural Rights, it is under obligation to abstain from forced displacements of masses and is supposed to prevent and protect people from such threats. Thus, such action by the state has been in violation of the UN Guiding Principle 9 which states that

> "States are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands" (OCHA 2004:5)

Another region which has faced large-scale internal displacement but has remained quite neglected is the northeastern region of India (Assam, Mizoram, Tripura, and Manipur), where the ethnoreligious strife and various state-sponsored development projects have led to conflict-induced and development-induced internal displacements, respectively. In the northeast India, there have been several cases of fresh as well as protracted displacement cases occurring over the question of ethnicity and land. The ethnic violence resulting from clashes between different tribal communities has led to mass displacements. Besides that,

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[45] http://www.internal-displacement.org/assets/library/Asia/India/pdf/201009-ap-india-overview-en.pdf

the counter-insurgency operations undertaken by the security forces have also forced people to flee their homes (IDMC 2010:4).[46] Different states of north east are engaged in ethnic clashes. In Assam, almost 47,000 people were displaced by ethnic violence between Bodos and Santhals in 1998. Besides that, the body-Muslim violence that took place in 2008 led to the displacement of around 125,000 people. Similarly, in Manipur, around 3,500 were internally displaced when the security forces launched counter-insurgency operations in 2009. Furthermore, an estimated number of 4,000 Nepali speaking people were forced to get displaced from Assam-Meghalaya border region as a result of ethnic violence (ibid: 7).

Similarly, in other states of India as a result of the communal clashes, people have been forced to live a life of IDPs. Like in Odisha, Hindu-Christian violence in 2007-08 displaced nearly 10,000 people. In the state of Gujarat, the Hindu-Muslim violence in 2002 turned around 19,000 natives into IDPs (ibid: 4).

However, one of the largest displacements that took place in India was in the state of Jammu and Kashmir. The mass exodus of the Kashmiri Pandits from the Kashmir valley in 1990 has been a case of protracted displacement. In the year 1990 mass exodus of Kashmiri pundits took place in the wake of militancy and insurgency. Around 60,500 Kashmiri families were registered as displaced (Ministry of Home Affairs, India, 15 July 2014)[47]. This amounts to 350,600 people as calculated by national family size average of 5.8 people according to the 2011 National Census[48]. Of this total, 38,100 families took refuge in Jammu, 19,300 families came to Delhi and the rest settled in other parts of the country (2011 census). The Kargil war of 1999 which was fought between India and Pakistan produced border war-induced displacements not just from the Kargil region of Jammu and Kashmir, but also from the villages adjoining the LoC (Line of Control). Thus, Jammu and Kashmir have been experiencing protracted displacement since the partition of the country took place.

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[46] INDIA: National and state authorities failing to protect IDPs A profile of the internal displacement situation 2 September, 2010, accessed on
http://www.internal-displacement.org/assets/library/Asia/India/pdf/201009-ap-india-overview-en.pdf

[47] http://pib.nic.in/newsite/PrintRelease.aspx?relid=106628
[48] http://www.censusindia.gov.in/2011census/population_enumeration.html

Since under the Constitution of India, security and the matter of dealing with the IDPs has been left with the state governments and the Centre has not framed any legislation for IDPs, wide discrepancies exist in the treatment of IDPs from state to state, and between situations within one state. Though considering the local particularities of the state and displaced cases, differences in the approach will exist but it has been observed that quite often the policies framed have remained ineffective, haphazard in manner and inconsistent, which has become evident when compared the rehabilitation and resettlement approach of governments in the case of IDPs of northeast India and Jammu & Kashmir.

In the absence of such a coherent policy for IDPs, biased and unequal treatment has been seen in the handling of displaced people in different states as well as within the states. Rather than taking into consideration particular issues of displaced masses, the governments in the state have not been successful in providing the adequate assistance and succor to the masses. The way state governments in eastern and central India have handled the situation of internal displacement has resulted not only in infringement of international guidelines but also breached multiple national legal instruments (Subash & Chathuri 2007:4). On the other hand, it has been said that the assistance provided by the Central and State governments to displaced Kashmiri Pandits is though not sufficient and adequate, but it is still much more comprehensive than that provided to other IDPs displaced by communal violence, conflict or human rights violations in other parts of India (Cohen 2004:6). In the following section, a comparison is drawn between the domestic responses towards IDP issue in the state of Jammu and Kashmir and northeast.

State responses: Jammu & Kashmir and Northeast

There have been drastic differences in domestic responses to IDP issue between Jammu and Kashmir and the northeast, ranging from variation in the protection of human rights to delivery of relief as well as resolving of a security problem (ibid:7). Though both the regions are ridden with violence, the measures taken to deal with the two situations have been different. The approach in Jammu and Kashmir has been to lessen the threats so that safe return of the displaced Kashmiri masses could be arranged while, in the northeast, to stabilize the situation of ethnic conflict, producing IDPs, strong violence has been taken place against the perpetrators (Rao 2013). Thus in the case of northeast rather than providing rights to IDPs, the government is much more focused on controlling the conflict situation (MCRG 2006:3).

Due to the lack of federal policy on the IDPs and moreover, with a denial of their existence in India, state governments end up altering their responses and justifying their actions about this issue. Firstly, it has been observed that many a time these justifications and actions are driven by political interests and particular motives (Rao 2013). In case of Kashmiri Pandits, it can be linked to the bilateral conflict that exists between India and Pakistan, as the efforts of the government in providing relief to the Kashmiri Pandit IDPs and prioritizing their safe return and resettlement in the valley, runs parallel with the role of Indian government in defeating militants in the state who are argued to have Pakistani affiliation. Since Kashmiri Pandits were the only group of Hindus in the only Indian Muslim-majority state, the return of this group has been conceptualized to be highly important for the demography of the state, and as a result, priority has been given to resolve the security situation for their safe return (IDMC 2010:45)

Secondly, state's response to the IDPs depends highly on nature of violence and the role of government in the conflict. In the state of Jammu and Kashmir, the process of internal displacement has been perpetrated either by the border conflict between the two countries-India and Pakistan or by the conflict between the security forces and the armed militants of the secessionist movement. The case of displacement in northeast is different, as there, the government and government-allied militia is one of the strong forces behind displacement (Rao 2013). Since the government is reluctant and unwilling to recognize

that its response to violence has contributed to displacement, there is hardly any recognition of the IDP issue and measures to protect and assist the IDPs are notably absent. Moreover, due to communal and ethnic nature of the conflict in the northeast, the government uses the reason of homogeneity[49], to evade responsibility to protect the victims of such kind of conflict (Conversi 2005, cited in ibid:4).

There is no doubt that Kashmiri Pandit IDPs in Jammu have been the largest recipient of protection and relief from the government. On the other hand, Northeast IDPs have been provided with insufficient aid and protection. Moreover, evidence suggests that they have been coerced to leave and build their sources of residence, livelihood, and sustenance (Mandal 2009: 35). However, within the state of Jammu and Kashmir, the state has had a discriminating attitude towards different cases of IDPs. As unlike the Kashmiri Pandits, the Akhnoor IDPs had to face the brunt of forced return to their native border villages which were still unsafe and lacked infrastructure.

The recognition of the problem of IDPs in India and the protection and assistance provided to them depends to a large extent on the government's perception, nature of conflict and the role of government in it. Thus, it can be understood that though there cannot exist 'one-size-fits-all' blueprint to provide solutions to the diverse local, context-dependent displacements but there is a need to have a basic central legislation which could act as a yardstick for the state governments to follow while paying adequate attention to the specific problems faced by the IDPs in a given situation.

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[49] In case of ethnic cleansing and genocide, victims and perpetrators are often unable to be distinguished due to the similarity in language, appearance, customs etc.

Nature of conflict in Jammu and Kashmir

Unlike other states of India, most of the cases of displacement in Jammu and Kashmir are conflict-induced except the Kashmiri Pandits' mass exodus and the case of around 15,000 people getting displaced as they were separated from their land as a result of border fencing in 2009[50]. Since 1947, there have been six waves of displacement in J&K from along the border. Post independence, the two major displacements that resulted in the largest number of non-returnee IDPs were of 1990 and 1999. The Kargil war, which took place in 1999 resulted in the displacement of around 1.52 lakh people from the border belt in Jammu and Kashmir (Mandal 2009). The table below brings out the district wise distribution of displacement resulting from Kargil war.

District from where displaced	Number (approx.)
Jammu	1,00,000
Kargil	24,630
Poonch	21,952
Kathua	17,692
Rajouri	10,327
Leh	3,245

Table2: number of displacements from different districts of J&K in 1999 Kargil war.

About 60,000 persons of 11,044 families from more than 20 border villages from Akhnoor, unlike other displaced of the Kargil war, did not go back even after cessation of the war and declaration of a ceasefire in November 2004 (Shekhawat and Mahapatra, 2006). Exceptionally almost all the 1,302 families of Niabat Khour village in Akhnoor did not return (Mandal 2009). The question to ask is why these families are not preferred returning to their native place. Since these people did not leave the land voluntarily but

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[50] **The Hindu**, 20 December 2009, They are fenced off in their own land
Internet : http://www.hindu.com/2009/12/20/stories/2009122061552200.html , accessed 11 february, 2017

under forced circumstances of war and conflict, what prevented them from moving back to their villages once the war was over and a ceasefire was declared? The report by Shekhawat and Mahapatra locate the reason in different aspects such as fencing of their lands (barring them from cultivation), better job opportunities in the towns, fear of life at the border and lack of assurance of a safe and stable life by the state (2006:4). It is evident that besides the immediate push factors there has been a certain degree of pull factors that played a role in the non-return of the IDPs to their native villages.

Furthermore, the war scares that followed later in the years due to several attacks that took place in different parts of the country also led to displacement from the villages adjoining border. The attack of December 2001 on the Indian parliament, fidayeen attack of 2002 in J&K and similar another such attack that takes place across the country creates war scares leading to massive displacement of masses from the border areas. A report on the total displacements in the state of Jammu and Kashmir between the year 1999-2002 highlighted that around 2,00,000 people became IDPs in their the state with a majority of displacement happening in Jammu (1,25,000), followed by Kathua district (25,000), Poonch (22,000) and Rajouri (9,000)[51]. Also, cross-border tensions with Pakistan displaced an additional 20,000 in October 2014 (Reuters 2014)[52] and a further 10,000 in December 2014/January 2015 (BBC 2015)[53].

Background

The root of this ongoing conflict situation and subsequent displacement in Jammu and Kashmir can be traced back to the time of independence which was followed by the partition of India into two nations- India and Pakistan, with the drawing of a new border. This inter-state conflict instead of getting resolved got intensified over time and eventually led to intra-state conflict in the Kashmir valley. It is argued that there exist two chief forms of conflict in Jammu and Kashmir- one is conflict over Kashmir (between India and Pakistan), and other is conflict in Kashmir (the situation of militancy in the

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[51] Hindustan Times, June 22, 2002
[52] http://news.trust.org//item/20141010070859-g23bz/?source=shem
[53] http://www.bbc.com/news/world-asia-india-30692286

Valley) (Shekhawat 2006:6). In my case study, I am looking at the displacement of people that stemmed from the issue of conflict over Kashmir. The conflict in Jammu and Kashmir is not merely of army-conflict nature but also has multiple other facets attached to it such as historical, cultural, ideological, territorial and strategic. Border demarcation remains to be a major problem behind all the skirmishes between India and its neighbours, especially Pakistan and China. The border that was created post-partition in 1947 i.e. International Border[54] (IB) and temporary border that was created subsequently by the ceasefire declaration in 1949 i.e. Ceasefire Line[55] (aka. LoC) has led to several kinds of displacements in Jammu and Kashmir (Sammadar, cited in Ghosh 2004:14).

With the drawing of these new boundaries there started the phenomenon of 'extended violence,' which became a routine and an inescapable part of daily life of 'border residents' (Hans 2004:280). Every time there is a resurgence of the conflict, victims of partition settled near the border are faced with displacement and fear of being uprooted once again.

Since the present state of Jammu and Kashmir was one of the princely states of India, post partition, it had the choice to either join any of the two newly created dominions or stay independent (Bose 2003:30). In Jammu and Kashmir, majority of the population was Muslim, ruled by a Hindu Maharaja named Hari Singh, who decided to stay independent. Howver, the political situation made the matter complicated as opposition developed against the Hindu ruler by his subjects, majorly the Muslim population (Lamb 1991:8)

Under such circumstances, Maharaja Hari Singh decided for a standstill agreement with both the newly independent nations which meant that

"the existing arrangements should continue pending statement of details."
(Grover, quoted in Shekhawat, 2006: 45)

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[54] International boundary is the line demarcated by Sir Cyril Radcliffe in 1947 between the Republic of India and Pakistan and is recognized internationally.

In the meantime, a rebellious uprising took place in Poonch[56] and Hari Singh requested India for assistance which was provided on the condition that Jammu and Kashmir acceded to India. Maharaja agreed to the terms and instrument of accession was signed between him and India. This instrument of accession and its legality became the biggest bone of contention between India and Pakistan and till the present day stands as the main cause of conflict between the two countries, having led to many wars and several displacements in the state of Jammu and Kashmir.

Besides these external factors, rise of militancy in the valley by the end of the 1980s added an internal dimension to the already existing problem in the state of Jammu and Kashmir, especially in the Kashmir valley, contributing to large-scale displacement from the valley to Jammu and other adjoining states of India. This intermingling of the external and internal dimension of the conflict further aggravated the problem of violence and resulted in fresh displacements in the state.

But with the development of an internal dimension to this already existing conflict, its nature transformed into a multidimensional and much more complicated problem than before. The secessionist movement that developed in the Kashmir valley further broke the emotional ties between the people of the state and India. Consequently, new conflict in the region rose between militants and Indian security forces (Cloughley 1999, cited in Rao 2013:5).This situation of conflict has affected the social, cultural, economic and political life of the people in the state in many ways. The conflict and violence seem to have become an integral part of people of the state. Damage and loss of property, psychological trauma, economic backwardness, breakage of social life, etc. have been the result of such conflicts. In addition to such problems, the conflict has created one major problem, and that is of IDPs. It has uprooted people from their native places, who were forced to take flight under unsafe and dangerous circumstances and made to live in a refugee-like situation within their own country. The massive scale forced migration of Kashmiri Pandits from the Valley in the late 1980s is one of the biggest and worst examples of militancy and conflict-induced displacement in the country.

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[56] Poonch was originally an autonomous principality of the princely state of Jammu and Kashmir, ruled by Maharaja hari singh's alternative family line. Presently, it is divided between India and Pakistan.

Along with the Valley, militant activities spread to the other districts of the state such as Rajouri, Poonch, Doda and Udhampur which led to inter-district displacements from the areas adjoining border to the safer areas, especially to the Jammu district. The pattern of movement followed by migrants as well as IDPs has been rural to urban. These displaced families stayed in camps for years, and some of them continue to stay in such conditions while others self-settled by building houses in the host localities. The guiding principles on internal displacement include provisions that deter the forceful return of the IDPs to places of danger and insecurity {General Assembly Resolution, 428 (V) 1950}. Despite such provisions, many times IDPs are left with no choice but to move back to their native place which might be risky and unsafe. As Shekhawat and Mahapatra mentioned in their report that most of the basic facilities that the state provided to the Akhnoor IDPs staying in camps were taken away so that they move back to their native villages. She argues this was done to showcase that a situation of normalcy is prevailing near the border areas and also to show that the government has succeeded in resolving the displacement issue (2006:11). Thus, there has been a breach of the guiding principles 14 which states that:

> 1) Every internally displaced person has the right to liberty of movement and freedom to choose his or her residence; and 2) In particular; internally displaced persons have the right to move freely in and out of camps or other settlements.

History of displacements in Jammu and Kashmir

The trend of displacement that started in Jammu and Kashmir in the year 1947 instead of slowing down, kept on growing and the problem has become so big and complicated that in current times, the total number of displaced people (permanent as well as temporary) equates the number of the natives of Jammu region (Shekhawat 2006:62). As India and Pakistan came on the brink of war on several occasions, it not merely affected the army that is directly involved in the war and fights but also the masses especially the border residents became the chief victims of wars and war scares since they were left with no other choice but to escape the border area that turned into a war zone and thus forced border residents to live a life of refugee within their nation-states.

The first displacement post-independence was the one that followed immediately with the Partition leading to large scale migration of people across country, fearing life and security. It was bi-directional in character as Hindus and Sikhs moved from what was now Pakistan towards India and Muslims of India started migrating towards Pakistan in mass numbers, leaving behind their ancestral property, houses, land, and other possessions. Bose notes that in both the cases, Jammu became the transit point because of its location (Bose 2003: 40). The influx of refugees and the stories of their traumatic experience gradually generated an environment of tension in this district which ultimately resulted in tension at the local level and communal killings all over the region of Jammu.

People on the border were caught up in this situation. The Akhnoor belt being closest to the border had to face the brunt of such violence. During this phase, around 15,000 people from the areas that fell near Pakistan border especially the Sialkot district got displaced and became refugees as they settled down in Jammu and Kashmir (Balraj Puri's interview with Shekhawat, cited in Shekhawat 2006). They came to be referred as West Pakistan Refugees (WPRs) and according to the official figures during the Holocaust of 1947, a total of 5,764 families consisting of 47, 215 souls migrated from West Pakistan and got settled in Jammu, Kathua and Rajouri districts of Jammu division[57]. Currently, there are around 18,428 people families of WPRs consisting of 1.5 million residing in the state, especially in the border belt of kathua, R.S. Pura, and Jammu districts (Tremblay 2016:103). These refugees have not been provided with the basic rights as they are denied the state subject by the J&K state which was not the part of the South Asian Refugee Regime[58] and hence treated discriminately than refugees in the other parts of the country.[59] The demand of the West Pakistani refugees that they should be given civil and political rights is still under consideration by the state government.

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[57] Labha Ram Gandhi, president of the west Pakistan refugees action committee, personal interview, November,3,2016.

[58] In 1949 India and Pakistan signed the Karachi Agreement, retroactively to include all Princely states in the 'South Asian Refugee Regime'. There was only one exception to this agreement: the state of Jammu and Kashmir (Robinson 2012)

[59] Labha Ram Gandhi, president of the west Pakistan refugees action committee, personal interview, November,3,2016.

The second kind of displacement took place from Pakistan-administered Kashmir in 1949. This displacement happened due to the creation of a new border i.e. Line of control that divided Jammu and Kashmir into Indian-administered Kashmir and Pakistan administered Kashmir. It resulted in large scale influx of Hindu and Sikh population from the areas that fell in the Pakistan-administered Kashmir such as Muzafarrabad, Bagh, Mirpur, Rawalkot, Kotli, Jhanger etc. It is believed that around 50,000 families got displaced during this period and they came to be known as Pakistan-occupied Kashmir Displaced People (PoKDP) (Shekhawat 2006:62).

Tremblay argues that the state responsibility differs with respect to PoKDP and WPR, wherein the former is recognized as Kashmiri citizens and latter are not. She further argues that the state of Jammu and Kashmir envisions and expects unification of Pakistan-administered Kashmir and Indian-administered Kashmir and hopes eventually there will be the return of all the migrants to their ancestral homes. Hence, these displaced are recognized as 'temporary migrants' by the state and provided with only temporary relief (Tremblay 2016: 99). Since Jammu and Kashmir was not made a part of 'South Asian refugee regime' and also since it enjoys a special status under the Indian constitution, India passed on the responsibility for the settlement of these refugees to the Jammu and Kashmir state (ibid:100). Thus bringing any change in the policies that deal with the question of refugees within the state, requires an amendment of in the constitution of Jammu and Kashmir State. Tremblay argues that politicians of the state are not willing to do that as they fear it will change the demography of the state. The move to settle West Pakistan Refugees has been called a 'wicked conspiracy' by the National Conference Party to change the state's demography; and termed as an 'aggressive attempt' by Hurriyat Conference (Tremblay 2016: 105).

The question here, hence, is not merely of displacement and rehabilitation with a certain amount of compensation but also of identity crisis that the displaced experience. Communities to whom their ethnicity is very precious and is the only constant source of unity and identity undergo an ordeal of identity crisis due to displacement as they do not get a right to choose their national identity (Jamwal 2004:245)

Besides war scares of 1950 and 1951, conflict over Jammu Kashmir took a serious war shape in 1965. Infiltration by Pakistan along the CFL (Ceasefire line) led to several skirmishes between the two countries and border residents were the first victims to face the brunt of this war as they were forced to undergo displacement either temporarily or permanently, every time the war broke. By the end of 1971, India and Pakistan got involved again in another war which though was not fought over the question of East Pakistan (now Bangladesh) but equally affected the border residents along the LoC due to cross-border firing. Around 4900 families are estimated to be displaced from ten villages of chhamb sector during this war (Shekhawat 2006: 63).

Ultimately Shimla agreement was signed by the two parties in which both nations agreed to settle the dispute mutually through bilateral talks and negotiations. However, Shimla agreement also failed to prevent the outbreak of another big clash between the two countries in 1999 which is popularly known as Kargil war which resulted again in a large number of displacements from the border adjoining villages of Akhnoor in Jammu district along with people from Kargil sector of Leh. This case I will discuss in detail in the following chapter as it is the main case study that I have taken into account to understand the local particularities and experiences that displaced people face.

CHAPTER 4

KARGIL WAR AND THE CASE OF AKHNOOR IDPs

In this chapter, I am dealing with the case study of IDPs who got uprooted from the villages[60] of Akhnoor tehsil[61] in Jammu during the Kargil war of 1999. Akhnoor is a sub-Division in Jammu district of Jammu & Kashmir, India and consists of 227 villages. The border is around 18 km away by road from Akhnoor, but the aerial distance is only some 8 km (official website)[62]. Many villages of Akhnoor tehsil are in the vicinity with border, located at a mere distance of 1-2 km from the border. The chapter focuses on the impact of displacement on structural as well as individual level such as social relations between men and women, amongst family members and kins. It tries to find out the kind of changes individuals go through in the process of movement from one place to another and in interaction with a new community in the host destination. Displacement changes people's perceptions of their environment and with new circumstances, they develop local coping mechanisms and power relations. Displacement is regarded as a transformation, a process, rather than a fixed reality in people's lives. There is no doubt it is a highly traumatic experience for the displaced but in the process they also use certain rules and resources to produce and reproduce the social structure. Displaced people interpret their society, attach meanings to their situation and also create an inter-subjective world in their unique ways. Thus, I believe that the transformation in the structure that takes place due to internal displacement can be understood in the best way by using the theory of 'Structuration.'

The importance of 'human agency' lies at the heart of the Structuration theory, and one of the most known and best-articulated efforts of integrating agency and structure is Anthony Giddens's structuration theory. At its core, Gidden's structuration theory with its focus on

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[60] Here a village is characterized in comparison to the urban centre, especially its degree of remoteness. A village is generally considered to be remotely located if there exists three or more hurdles in reaching the district town or main city. It can be the difficulty in reaching the district town due to non-availability of concrete road; more than one hour of travel to reach the district town; shortage of public transportation; and if the distance of the area is more than 20 kms from the district town.

[61] Tehsil is an administrative unit which is hierarchically above the village and below the district under the three tier panchayati system in India.

[62] http://www.akhnoor.nic.in/

social practices is a theory of the relationship between agency and structure. According to Berstein,

> "the very heart of the Theory of Structuration is intended to illuminate the duality and dialectical interplay between agency and structure. Thus agency and structure are like two sides of the same coin. He argues that all social actions involve structure and all structures involve social action. Agency and structure are thus interwoven in ongoing human activity or practice" (cited in Ritzer 2011:523)

Consistent with the emphasis on agency, Giddens accords great power to the agent. Giddens (1984) argues that structure only exists in and through the activities of human agents. His definition does not follow the Durkheim's pattern of viewing structure as external to and coercive of actors. So with this understanding in the background, he defines Structuration as premised on the idea that

> "the Constitution of agents and structures are not two independently given sets of phenomena, a dualism but represent a duality....the structural properties of social systems are both the medium and outcome of the practices they recursively organise," or "the moment of the production of action is also one of reproduction in the contexts of the day to day enactment of social life" (Giddens 1984:21)

Bourdieu (1986) talks about the contradictions and tensions that develop when people encounter and get challenged by different contexts. He explained the context regarding 'field' which he defines as the various arenas (social and institutional) where people compete for different kinds of 'capital' by expressing and reproducing their dispositions. Bourdieu has identified four different forms of capital - economic (material and financial assets), cultural (symbolic goods and skills), social (resources acquired by virtue of membership in a group) and symbolic- which together empower agents in their struggle for position within the "social space" (Bourdieu 1986:54). Bourdieu argues that on entering a new field, the habitus[63] will need to change or adapt. Habitus is thus not created through individual processes rather social processes resulting in patterns that are

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[63] Habitus is defined as a way society gets ingrained in persons in the form of trained capacities, structured disposition which guides the person to feel, think and act in pre-determinant ways (Bourdieu 1986:48).

transferrable from one context to another, and that also change over time. Navarro argues that habitus is not permanent or fixed in nature and goes under change when one encounters unexpected situations or over some period (Navarro 2006: 16). This implies that displaced people are relatively new players with a diverse set of habitus playing in the new fields of the host society aiming to adapt and survive. The displaced people from Akhnoor thus underwent social transformation due to structural changes as the social universe and the mental structures shared by the displaced individuals were in disagreement post displacement. The socio-cultural life of the displaced had been adversely affected by displacement (Shekhawat and Mahapatra 2006). But at the same time, the capital these people possessed as agents helped them to find themselves a position in the new 'social space.'

This study of displacement is based on the assumption that post displacement outcomes for the displaced people depend upon various factors such as their social, cultural, economic and gendered locations. The proposition is that the displaced people are also agents in the process of rebuilding their lives as they interpret and construct their experiences within the constraints of the structure. Heisler argues that sociology has shifted its focus from studying just single outcome i.e. assimilation to focusing on multifarious outcomes depending upon factors such as social and cultural capital, labour markets and various other institutional structures (Heisler, cited in Bretell 2013:4).

Tapan K Bose (1999) in his report "A Kargil war refugee camp" focuses on the media ignored issue of the plight of the civilian people during the indo-Pakistan border clashes in the Kargil area of Kashmir in 1999. He argues that the Kargil war which saw the rise of media excited jingo nationalism in India, had also, like all other wars its innocent victims who lost their near and dear ones and also shelters, leading the life of refugees in their land (Bose 1999:234). He visited a makeshift camp near Gagan Geer Village (85 km from Srinagar) in June 1999, at the height of the war to find unhygienic accommodation and the poor state of relief. Without belittling the sacrifice of the Indian soldiers, Bose, however, mediated a sad experience of the displaced.

As Banerjee notes,

> 'wars are never merely over territories but on people who inhabit those territories.' (2004:148)

The states often 'devastate the lives of people living in' the border areas. Such territory-oriented approach[64] towards the border subsumes the people and their responses in the interests of nationalism and state-oriented goals.

It is argued by Das and Sabyasachi (1998) that certain communities in India are perpetually more vulnerable to displacement compared to others, which in turn highlights a deep rooted and silent divide that is existing between the 'mainstream nationalist' and the so-called 'outsider' within the Indian society. It gets highlighted in the fact that out of the total IDPs in India, 40 percent are tribal who constitute merely 8.2 percent of the total population of India[65].

Ethnic-violence induced displacement in the border areas such as northeast and Jammu and Kashmir has resulted in the formation of several small, ethnically homogenous islands which lack social and cultural interaction. The surveys conducted on IDPs in India, on average, conclude that along with this phenomenon there has been considerable loss of social capital amongst the displaced people. Displacement leads to the absolute breakdown of social networks, and this has been noticed in many cases such as that of Sardar Sarovar project that resulted in development-induced displaced, who were resettled and rehabilitated by the government in altogether different states (Das and Sabyasachi 1998: 233).

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[64] Territorial approach to understanding border focuses on state's control over the territory and its assertion of sovereignty over it. It gives primacy to territory over people and hence reinforces the idea that borders are fixed and permanent in nature.

[65] http://censusindia.gov.in/Census_And_You/scheduled_castes_and_sceduled_tribes.aspx

Kargil War

The late 1980s witnessed the mingling of the external and internal dimension of the conflict with the hostility between India and Pakistan intensifying and simmering discontent of the people of the valley getting the moral and material support of Pakistan. Even till now if both of them were not altogether unrelated but from this juncture the two dimensions of the conflict intertwined inseparably (Shekhawat 2006:56).

In 1998 both India and Pakistan conducted nuclear tests that led to the further aggravation of tension and added complexity to the situation of conflict. In February 1999, India and Pakistan signed Lahore declaration wherein both sides agreed to intensify their efforts to resolve all issues, including J&K. However, after three months in May 1999 both crashed in Jammu and Kashmir in what is said to be the most serious engagement since 1971. It occurred due to Pakistan's attempt to infiltrate regular troops and militants into Jammu and Kashmir. On June 6, the Indian army launched Operation Vijay (meaning victory), a major offensive in Kargil and Drass sectors along with air strikes (Malik 2009). After a fifty-day long war, the hostility ended on July 14, 1999. During this war besides the displacement of a considerable number of masses from Kargil, heavy shelling near the border areas forced the people of border villages to abandon their native places and move towards the interior areas of Jammu region. There were several border villages of Akhnoor that had to be vacated in the wake of this war.

Banerjee (2004) argues that borders should be treated as independent political constructs since they generate specific kinds of political engagements and create their history. Making this point in the context of the LoC that divides the Indian and Pakistani parts of Kashmir, Banerjee states that although legally unrecognized, this border has nevertheless become 'ideologically sacrosanct,' leading to political instability and conflict in the region (Banerjee 2010, cited in Zutshi 2015:271). Banerjee further points out that the aggressive militarization by India around the border has alienated the inhabitants of this region. She argues that it is the ideological and militaristic meanings attached to it, rather than an innate enmity between India and Pakistan, that makes conflict along this border, as in Kargil in 1999, inevitable (ibid). On similar lines, Hans argues that border is not a merely political boundary but also engenders a language of its own (Hans 2004: 278). She calls it

a language of control as the inhabitants of this border area have lived in an almost perpetual state of war since 1948, a fact that has had enormous consequences on the lives of the residents especially the women.

Many of these displaced lived as temporary IDPs for a couple of years and then moved back to their original places. However, there were quite some families, especially from the Pallanwala and other adjoining villages of Akhnoor tehsil in Jammu which decided to settle down in the new locality rather than preferring return migration (Mandal 2009:34). The approximate numbers of persons displaced in Kargil, Leh, and Jammu were 24,630; 3,245 and 100,000, respectively. Interestingly, about 60,000 persons of 11,044 families from more than 20 border villages from Akhnoor, especially Khour block, did not return even after the cessation of war (Shekhawat & Mahapatra 2006:9). The reasons behind such decision of the displaced people can be located in few areas which not just include push factors but also involve certain pull factors emphasizing that people who get displaced are also influenced by some pull factors and by using their agency and resources try to rebuild a better life in a safer location. These factors are related to land, unstable and uncertainty of border life, better opportunities in the urban area, lack infrastructure in villages, etc. I will elaborate further on this under the section titled 'Question of return migration' at the end of this chapter.

Over the years in the camp, this displacement got transformed from temporary to semi-permanent kind. The border areas witnessed the unprecedented presence of the security personnel and the subsequent emergence of the five km security belt wherein the landmines were planted. Despite the fact that even before displacement the border people had been suffering due to prevailing tense situation on the border, displacement added to their predicament. It accentuated the sufferings of the border residents turned IDPs. Though many people left the camps and returned, majority of them were forcibly returned (ibid:6). Shekhawat and Mahapatra in their report argue that in order to make this return possible, the authorities used various tactics. Firstly, all the temporary schools that were established in the camps were shifted back to villages. Secondly, supply of even minimal facilities such as electricity and supply of drinking water were cut off. Third, the authorities destroyed the mud houses constructed by the displaced people in the camps.

Police forces were used by the authorities to prevent any kind of resistance from these people. Fourth, the functional dispensaries in camps were shut down and shifted to the respective villages. Lastly, there was stoppage of any supply of relief in the camps. As a result of all such developments, a lot of people returned but there were a significant number of people that still preferred to stay back (2006:11)

This action of government of forcing displaced persons and even tricking them into moving back to villages represents an infringement of IDP Guiding Principle related to return, resettlement and reintegration which prevents forced return of the IDPs to the native area unless and until the area is safe and there is no more scope of any such activity that led to displacement in the first place.

As per the survey carried by Shekhawat and Mahapatra (2006), these people were not willing to return due to following reasons. Firstly, some of the villages were located at a distance of less than one km from the border, which came under fencing and mining to reduce infiltration. Secondly, those people who were landless did not find it attractive to return post displacement as their houses had been destroyed in shelling, livestock had been killed and they saw better economic opportunities in the town. Thirdly, the unstable and fearful life of the border made them skeptical about a stable life post return. As Shyam living in Muthi area of Jammu district said

> My family has faced the wrath of war almost four times, and every time we had to leave our homes and take shelter in the interiors of the region to save our lives. We have lived in temporary displacement phase many times not just because of war but also due to persistent war like situation, war threats, border shelling, etc. During these times we had to stay in the camps, in schools, etc. But this unstable and nomadic life is not very comfortable; especially I did not want my children to go through the same experience. Though I wanted to return to my native place as I have spent my entire life there but seeing the bleak future of my children in the border adjoining village I had to take a decision and we preferred self-settling in the Jammu city as this time I had some resources at my disposal. My brother was staying in the city and we shifted to his place.

Another displaced named Ratan who is settled in Udaiwala area of Jammu city put forth his views in the interview.

> The life near an active border is full of fear and instability. Every now and then there was violation of ceasefire and we had to undergo temporary displacements. I had a government job, and for me, it was comparatively easier to settle down in a new place. But for many people like shopkeepers or the ones involved in agricultural activities, there was no other option but to return to the native areas despite the threat and insecurity. Being aware of the unstable situation at the border, I had bought a piece of land in the town and hence I could settle my family in the new location, but unlike me, many could not and had to forcibly return.

Akhnoor IDPs of Kargil war: Resettlement and rebuilding social life

The question of displacement and resettlement has been approached by various schools. The earliest orientation to the concept of resettlement came from a functionalist school that focused on cultural assimilation, psychological adaptation, and economic integration whereby refugees/IDPs could be adjusted in the society. Malkki criticized the functionalist model when applied to Refugee Studies. Social integration has been the central theme of functionalist school in sociology with their major focus on assimilation processes (1995: 51). The functionalist view of society sees displacement as an irregular phenomenon that does not fit the picture of a whole stable society. It is based on the premise that culture, identity or tradition can only be seen in relation to the homeland where one fits in, and any deviation from this is an anomaly.

The focus of the Functionalist School has always been on a linear model of integration which has been criticized. However, the notion of integration continued in the studies and research of migration, but the recent approaches explore integration as a more relational process, depending on the overall policy environment and acceptance; the livelihood opportunities of hosts and displaced people and the mutual relationship between these groups (Jacobsen 2001,cited in Stepputat and Sorensen 2014: 90). In the case of Akhnoor IDPs, the difference was majorly in terms of rural-urban divide. Against the former linear model, Michael Cernea developed a non-linear socio-economic model of impoverishment

risks regarding development-induced displacement (1997, cited in Stepputat and Sorensen 2014:91). The model pinpointed the loss of job, land and other assets, economic marginalization and social disintegration that results from displacement. With a few additions (violence, loss of education and political participation) the model has been suggested as valid in the relation to conflict-induced displacement as well. But at the same time, it has also been criticized for the limited space accorded to agency and capabilities of displaced persons (Muggah 2000, cited in ibid:91).

According to the essentialist conception, places are locations with unique and unchanging character. The essentialist notion of place thus suggests that all people have a natural place in the world. Refugees / IDPs are thus seen as being devoid of culture, place or identity as they are outside their natural place in the World. This notion thus views displaced people to never belong to a host territory and their condition is viewed as temporary. The solutions integration or relocation, for instance, would then be based on the belief that the displaced person will absorb the habits and beliefs of a new place and lose their old identity. Similarly, repatriation is done so as to put people back in their places whether done voluntarily or forcibly (Brun 2001).

However, a structuration approach is more appropriate for the study of refugees and the IDPs as it can link the self, other with the social structure in which the forced migrants are situated. It is needed that the impact of displacement on different levels of the social structure be studied and how structure and agency play out in the field of forced migration need to be paid attention.

When displacement happens, it causes not only destruction of property and goods but inflicts much more damage than that. The loss is more than of material possessions. The lives and social relations of people are left in tatters; new and often unfamiliar living environment impacts their lives in different ways as former support structures break down and people feel like refugees in their own country. There is no denying the fact that displacement destroys the social fabric of the communities and disrupts the family life. However it also entails certain positive changes in the life of some of the displaced masses, especially for the non-returnees who are successful in rebuilding life in urban

settlements. Displacement results in changes in the social structure of the displaced community as during the displacement process, social relations and identities held by people get influenced by various factors of the host community. However, the displaced people do not act as mere spectators in the process but actively participate and provide a new meaning to their new life. They do not act as mere victims but employ their survival strategies in the new contexts to cope with up with changes in their social structure. Soguk argues that instead of looking at forced migrants from a common lens, the multifarious refugee experiences should be acknowledged and emphasis should be paid on their 'capacity of agency against all the odds'(1999, as cited in Turton 2003:12). In the process of displacement many IDPs lose their family, property, social network as well as social identity (Morris 1987, as quoted in Marx 1990:190) but there are many who transfer to locations which they keep prepared in advanced and hence do not incur very heavy losses (Colson 1971, ibid). Though the IDPs are faced with constraints on various fronts, they strive to reproduce the structures that they had in their native place by employing their resources, abilities, and skills. This shows that IDPs by acting like agents reproduce recognizably similar forms of the structure after displacement in the new locales.

As people abandoned their native villages in the wake of the war in 1999, they searched for safer places to live temporarily. They ended up staying in places like government buildings, cowsheds, godowns, schools where they ended up living in harsh conditions with some assistance from state government. Many of them who did not possess resources and were completely dependent upon government had to live in slum-like conditions in the camps (Bose 1999:235). As the situation at the border did not improve, they ended up spending several years in the camp. However, once the ceasefire was declared, the government started withdrawing the facilities that it had provided to the displaced people living in the camps and under such condition, people were left with no other option but to return to their native place. Those who possessed economic and social capital instead of moving back to their native place settled down in the urban settlements to give a better future to their children and escape the protracted unstable life of periodic displacements and border life which was full of fear and insecurity.

This implies that the heterogeneity displacement experience entails should be acknowledged as the socio-economic position of the displaced persons play an extremely decisive role in their negotiation with the new society as well as state authorities. Thus heterogeneity that exists in the experience of displaced people implies that differences in the access to capital results in differential exercise of agency by individuals in the receiving society.

In this context it becomes highly pertinent to understand that the structural discourse followed by the government and human rights agencies focuses chiefly on the logic of return and the policies framed by them hence orient towards relief and temporary assistance rather than working towards rebuilding and reconstructing lives of displaced people in the new locale, in the light of which many IDPs whose socio-economic conditions are low and do not have access to resources end up being victims of forced return to unsafe environment (Manchanda 1999). This has been observed in the case of Kargil war displaced of Akhnoor villages as has been discussed above. So as has been argued by some scholars can it be said that it is high time to advocate a shift in the approach to the IDP issue by focusing on reconstruction of identity, home and even an 'imagined community' rather than getting tied to the idea of naturalized attachment to the native place which might have transformed beyond recognition (Manchanda: 1999, Basu: 2009)?

Malkii (1992) and Appadurai (1988) criticize the tendency of the anthropologists to attach people to places undermines ecological mobility. Malkii states that this 'naturalization of linkage' between place and people makes the displaced people appear as something abnormal or pathological in the host community who are frequently not seen as the insiders but as the 'other.' Moreover under the idea of a new global social fact, there has developed a new sort of awareness among the people as they have become chronically mobile and are quite routinely displaced, inventing homes and creating homelands even in the absence of national bases or territories i.e. not in situ, but with the help of memories of, and also claim on those places which they can or will no longer be inhabiting corporeally (Malkii 1992:24).

Of all the aspects of migration, the one that has drawn the most attention of the sociologists is the concept of integration. This process also holds relevance in the case of IDPs. Eisenstadt (1954) points out the re-socialization[66] of migrated people that follow during their integration process. He discusses three chief indices to get fully integrated into a new society. 1) Acculturation i.e. learning new roles, customs, and internalization of new patterns of behaviour 2) personal adjustment, so that there exist no indices of personal disorganization such as crime, suicide, etc. 3) institutional dispersion i.e. immigrants shall not be concentrated in one sector or location as that will seclude them and should not have a separate identity. Though there has been a lack of such comprehensive theories of integration concerning internally displaced masses, the same can be essential prerequisites in the case of IDPs as well.

Gordon points out certain processes for the integration of different ethnic groups. He argues that seven basic processes need to take place for different ethnic groups to get integrated and assimilated. This involves a change in cultural patterns of the migrated people (Gordon: 1964, as cited in Jansen 1969:68). This could be noticed in the case of Kashmiri Pandits, as they shared different cultural patterns from the host community but in the case of Akhnoor IDPs, both the displaced and host community shared the similar ethnicity and cultural patterns, and the assimilation was more in structural than cultural terms. Jansen (1969) argues if the social structure and culture of the origin and destination places of internal migrants are similar, then integration would be probably a minor problem for the migrants. During the interviews, many respondents confessed that they did not face many problems in getting assimilated into the host society and have been following the same cultural practices as they followed in their native place. The only changes that they experienced were the ones related to the modernization and urbanization aspect and regarding their lifestyle. Thus integration becomes quite easy for the IDPs if the assimilation regarding culture and race is natural.

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[66] He argues that the process of re-socialization is similar to that of basic socialization; difference being migrant has to familiarize with an already established social basis.

Rural-urban movement: Socio-cultural changes

To understand the policy framing of IDPs, it is significant to extrapolate forced displacement happening majorly to urban settlements, in the context of rural-urban migration. The majority of the displaced masses in the state of Jammu and Kashmir, such as Kashmiri Pandits have settled in different urban parts of the country, especially in cities like Delhi, Jammu, etc. Similarly, the non-returned Akhnoor IDPs settled down in urban areas in the interiors of the Jammu region. At the same time, there has been a growing trend of rural-urban migration in the state[67]. Jammu city in the state of Jammu and Kashmir has the largest number of rural migrants as well as IDP population (Datta 2012:18). These two phenomena are thus in a way reflecting the same pattern i.e. rural-urban migration, though for different root causes. This shows that all those factors and forces that resulted in displacement are all the more pushing individuals to become refugees or IDPs in the urban settlements (Tibaijuka 2010:4). Thus as argued by many, it becomes difficult to differentiate economic reasons for migration from those linked directly to conflict, violence and human rights violations (Sebastian and Ceballos 2010). In the case of rural to urban migration, studies have shown that people mostly move out of their villages due to decreased availability of land, employment, and opportunities. (Sovani 1961; Samsuddin 1981, cited in Sekhar 1997:22). Ravenstein's (1885) 'laws of migration' argued that it is mainly the rural people that migrate to urban areas in search of better opportunities and life. It can thus be argued that similar to the choices that the migrants make, displaced people also get influenced by certain pull factors and hence the phenomena of displacement chiefly to the urban areas. Karl Deutsch (1961) coined the term 'social mobilization' to denote most of the socio-demographic aspects of modernization. He defined social mobilization as

> "the process in which major clusters of old social, economic and psychological commitments are eroded and broken, and people become available for new patterns of socialization and behavior."

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[67] The 2001 census shows a rural-urban migration of 21.1 % in the state of Jammu and Kashmir. Accessed at
http://censusindia.gov.in/Data_Products/Data_Highlights/Data_Highlights_link/data_highlights_D1D2D3.pdf

The IDPs try to integrate into the urban settlement through their participation in the urban structures and with the aid they receive from their relatives and friends. This IDP influx into the urban areas also leads to the growth of informal settlements near the cities. Such informal settlements sometimes lead to mass eviction but sometimes get legalized by the state. Some localities around the city grow into full-blown settlements which eventually get annexed themselves to the city as a result of the gradual process of conurbation (Sebastian and Ceballos 2010:11). This can be seen taking place in Jammu city as well with the growing scale of IDP population. In the state of Jammu and Kashmir bulk of IDPs appear to have the same aspiration as migrants, that is, to remain in the city permanently. If settlement in the case of displacement is to be a durable solution, it requires the realisation of the entire spectrum of rights of IDPs, without discrimination, at least up to the level enjoyed by similarly situated non-displaced members of the population[68]. Since internal displacement in India is left with the state's to be governed and dealt with, it becomes all the more important that states take into notice the local implications and experiences of the IDP communities.

Altering of gendered boundaries

Historically, the policies regarding IDPs carry a discernible gender bias as they have failed to give due recognition to the needs, opinions, and experiences of displaced women. Though women and children are a more vulnerable group in the whole process yet very less attention has been paid to the plight of these two groups and the policies framed for displaced masses, do not cater to the specific needs of them. When displacement takes place, it leaves people in trauma. The new and unfamiliar environment affects the social roles and responsibilities of men and women in the family (Gururaja 2000:13). Displacement affects women and men differently, and the gendered relations undergo change post displacement. While the cohort of older males in the family face difficulties to secure the means to provide for their family which impinges on their self-esteem, the young teenage boys suffer from the demand and responsibility pressure that is put upon

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[68] Brookings-Bern Project on Internai Displacement, When Displacement Ends: A Framework for Durable Solutions', 2007, http://www.brookings.edu/ reports/2007/09 displacementents.aspx

them by their families, peers, and the political institutions (Datta 2012:18). The Akhnoor IDPs faced changes in their intra-family relations as they got severely affected due to the breaking of the patrilineal joint family system that was common (Shekhawat and Mahapatra 2006:18). Following displacement, the role of the family patriarch has changed along with the change in the division of labour. As during the interview Rashmi said,

> The life in the new locale is very different from the one that we lived in the villages. In our village, there were a lot of restrictions and rules we had to follow, especially as we lived in big joint families. Only male were the sole breadwinners of the family. We women were mainly restricted to the home chores. But after displacement, a lot of things changed. We don't live in a joint family anymore. Moreover since my husband is retired, now we both work together and run a shop. I have much more say in the family matters now.

The structure of families and households tends to alter along with which gender roles also alter. Adult and adolescent males often become separated from the family as they stay behind to maintain land or migrate in search of work. In such situations of displacement, the number of female-headed households increases significantly (Gururaja 2000). This not only places a very heavy burden on women as they become the sole supporters of their families. But besides that in many cases, the women are given more liberty and many practices that they used to follow in their native places become flexible. It has been claimed by family resource theorists that changes in education and occupation transform power relations within the family post displacement and during resettlement of immigrants (Blood & Wolfe 1960:55-56). Men have been traditionally expected to be breadwinners and financially support their family members by working outside of the home, but displacement leads to re-negotiation of space, labour and lifestyle post displacement. This can be seen in the case of Akhnoor displaced as the women have become more active participants in their husband's work. With the dissolution of hierarchy in the family structures, gender relations undergo a change as well, as of result of which women get more space in matters related to marriage, education, work etc. As many of the women who belonged to Akhnoor IDP community confessed in the interview that though they still follow the purdah system, it is not as rigid as it was in the villages.

Besides now they help their husbands in work in case they can, as Geeta stated during the interview:

> In the village where we used to live, my husband used to run a grocery store, and it was not considered suitable for me to assist him in the store. But post migration equations have changed. Now I assist my husband in his work at a shop in the new place. Besides that, the cultural and societal restrictions like purdah that I used to follow at the native place have relaxed.

However, it is seen that internally displaced women run a greater risk of facing gender-based violence which includes rape, sexual attacks, forced marriage, slavery or enforced prostitution. In certain cases it has been seen that within the family unit, the trauma and frustration of displacement often result in the growth of domestic violence, with incidences of marital rape and spousal abuse. Consequently, many of the internally displaced women undergo physical and psychological trauma (Mooney 1998). The women from Akhnoor villages did not agree to the former category of risks taking place, but they confessed that they became more prone to domestic violence and spousal abuse as their husbands was generally frustrated and troubled with sustaining the family. The loss of livelihoods is often seen by displaced men as loss of their self-worth, as the changed equation renders them "powerless."

In this connection, Guiding Principles on Internal Displacement have tried to accommodate provisions to address specific problems faced by internally displaced women by paying attention to the gender-related problems which are endemic to internal displacement (Gururaja 2000). The principles try to identify rights and guarantees that are relevant to the protection of women caught in the displaced situation.

Displacement experience: Intergenerational mobility

Intergenerational mobility is defined as a change in the social position that occurs over multiple generations. It is the degree to which status differences are either transmitted or not transmitted from parents to their children. This is seen as social mobility of children about their parents. Sociological literature is chiefly concerned with class and

occupational mobility (see Breen 2004[69]). Recently there has been the development of economic literature which examines the trends of mobility regarding income and educational attainment, which are seen as important indicators of intergenerational mobility (see Black and Devereux 2011[70]). In the study of the Akhnoor displaced, especially the ones that made a movement to the urban areas and settled down highlighted this trend.

Studies on migration show that, in the movement of people to higher-income nations from lower-income countries, on average, first generation migrants are positioned at the lower end of the income distribution in the host country, and chiefly it is the second generation that is successful in exploiting the opportunities for vertical mobility (Borjas 2006:58). For the old people, the displacement from rural-urban areas brought downward, or horizontal social mobility as their economic and social position went down in the social hierarchy post displacement, but amongst the younger generation, vertical or horizontal mobility has been prominently seen. This mobility amongst the second generation has been mainly regarding education, occupation and income i.e. both in social and economic terms.

Ratan who was a shopkeeper in the village told that he had a well-established business in the village and had almost six grocery stores running but post displacement; he faced a lot of hardships in re-establishing his business as the urban area had too much competition to offer. Now he is just a petty shopkeeper in a town. The pride and status that he enjoyed at the native place pull him back to the village, but then the question of security and safety for her daughters and their future made him take the harsh decision to stay in the urban settlement. The decision to self-settle in the urban area rather than non-return was mainly to seek better opportunities for children.

However, when it comes to the younger generation, many of them felt that the movement to the urban area proved much more fruitful for them as they got more opportunities for their future and greater exposure to studies. Through my interviews, I came to realize that different age groups hold different perspectives regarding the labels and categories. The

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[69] http://www.uvm.edu/pdodds/files/papers/others/2004/breen2004a.pdf
[70] http://www.nber.org/papers/w15889.pdf

younger generation does not prefer to be linked to their native place as they relate better to the place of arrival i.e. Jammu and hence they do not wish to be labeled as migrants or IDPs. They do not wish to move back to their native place as they find no opportunities for their future and thus consider themselves as residents of Jammu rather than migrants or IDPs as they feel after so many years of displacement, they are more integrated into the host community and do not want such labels to be used which might stigmatize them in a particular way.

On the other hand, the older generation considers themselves as displaced or migrants as they still at heart wish to move back to their native place provided there is absolute assurance of safety and protection. The young people argued that after settlement in the urban areas, initially they faced difficulty in coping up with the city environment, but eventually it proved beneficial for their career as they had more opportunities to explore. However, it is not safe to generalize this argument as many suffered regarding education during the displacement process as they had to stay in camps where they could not access education. As argued by Taylor it proves that displacement is a unique experience for every displaced family as well as individual and each has their own 'definition of the situation' of displacement (Taylor 1969:99).

Thus while the old aged people look at displacement as a sad experience and still feel their roots in the native villages, the young generation does not hold such attachments to their rural homes. They, in fact, see displacement as an opportunity as it was because of displacement that they came to the urban areas and settled down near the cities which provided them with more opportunities and exposure.

Intricacies of push and pull factors in displacement process

The study of forced migration gives immense focus to the role of push factors in the process of human mobility. The voluntary migrants are distinguished from involuntary migrants (forced) not just considering the willingness of the involved party but also by examining the condition of both sending and receiving places (Hear 1998:10). It is

believed that there is the interplay of push and pull factors in the migration process, wherein the forced migration is linked with the former and voluntary migration is seen to be chiefly associated with the latter factor. Push factors are those factors that encourage a person to leave his/her place of residence. These include considerations such as the personal safety, cost of living, genocide, conflict, development projects, environmental catastrophes, and such others. Pull factors, on the other hand, are the factors that attract a migrant to a new place such as job opportunities, better services, safe environment, cultural attractions, etc. Forced migrants thus fall under involuntary migration as they move from their place of origin against their will. They are seen as victims of sudden emergencies who suffer from "unique needs and heightened vulnerabilities" (Mooney 2005: 18). It is argued that they, unlike voluntary migrants, they are not pulled out but pushed out from their homeland. However, the studies show that forced migrants and displaced masses are not mere victims or passive spectators in the process but also possess agency and employ the different kinds of resources at their disposal to carve out a better future and life for themselves. As David Turton stated

> "The methodological problem when trying to identify 'forced migrants' is that it applying the term forced migration in the real world in such a way that it helps in separating out a discrete class of migrants, is almost impossible. On closer inspection, it turns out that most migrants make their decision to migrate in response to a complex set of external constraints and predisposing events. Of course, those constraints and events vary in their salience, significance, and impact, but there are elements of both compulsion and choice, it seems, in the decision making of most migrants" (Turton 2003:8-9).

He argued that making push factors the sole reason for distinguishing forced migrants from other migrants can be problematic. This highlights that no doubt push factors are the chief reason behind the displacement of the masses, but many of them also get consider certain pull factors in determining their course of life in this process. According to Ravenstein's (1885) "laws of migration," migrants move from areas of low opportunity to areas of high opportunity. The choice of host community (urban settlements) in this case determines the role of pull factors. Though the Akhnoor IDPs were provided with small land holdings, most of the IDPs did not prefer to settle down there, as they found the location to be non-beneficial both in terms of productivity of the land as well as opportunities for education and work. They either returned to their place of origin or

settled down in the towns nearby to the Jammu city. Since the movement has been from rural to urban areas, it shows that there has been some degree of purposive-rational behavior on the part of these IDPs.

As Jansen argued that pressure (push factors) from the place of origin can be accompanied by need (pull factors) from the place of destination and such spatial moves are most visible in the case of movement from rural to urban areas in developing countries today (1969:66). Locating involuntary migrants only in the context of push factors thus becomes questionable. To say that economic migrants (e.g. of voluntary migrants) have a lot of choices and forced migrants to have no choices whatsoever, will not be appropriate (Sonia McKay 2009, as cited in Peksen 2012:19).

Moreover, there has been a demand for widening the scope of IDPs and include even those people who have displaced to escape economic factors like extreme poverty, famine, starvation, etc. (Cohen & Deng 1998:17). Lischer argues in similar lines that besides violence, there can be several other reasons that may motivate a person to get displaced from a conflict zone. Many people who are not directly threatened by any persecution threat or conflict may also be motivated to flee due to various other reasons such as epidemics, economic devastation, or environmental degradation that endangers their livelihood sources (Lischer 2007:149).

In the case of forced migrants like IDPs, one can say that both push and pull factors play a role, doubtless of the fact that push factors are extremely a strong reason behind leaving the place but the non-return of these IDPs is accompanied by pull factors in the place of destination. Thus it is important to know displaced people's 'own account of motives' and 'own definition of situation,' just like it happens in migration studies of sociology as there has been growing reluctance to explain behaviour regarding objective structural factors (Taylor, as cited in Jackson 1969: 99). The stories of some of the non-returned Akhnoor IDPs also validate this argument.

Ashok who also escaped the war and decided not to return told that

> Life in a war prone area is full of uncertainty and fear. We were border residents and since I was in the army, I was mostly away from home. Because of random ceasefire violations we had decided many times to leave the village and settle down in the interiors of the Jammu city, as it was a much more safer and full of better educational and job opportunities for our children. We envisaged radical changes in our lives post displacement which we had anticipated and were thus prepared to face. Honestly to us, displacement was not a sudden shock, but something they we were aware of and hence were prepared about it as well. The border villages anyways lacked basic infrastructure and educational facilities for children. In 1999, as the atmosphere of another war started to build up, it provided us with a strong incentive to move away from the border area to rebuild a new and better life in the city.

Agency and structure: Role of social and economic capital

According to Hampton (1998), when the displaced people enter the host community, they also carry their social as well as personal histories along with them. Thus they do not constitute a homogenous group but are a diverse whole with different resources and goals mixed with the past and fresh experiences. This implies that significance of 'agency' on the part of displaced people must be acknowledged.

Displaced people are thus not merely passive recipients, but they use their agency to recreate themselves in the new setting. During the process of displacement, the displaced people sometimes exercise their choices on some aspects of their lives but at other times get constrained by the new social structure. Giddens (1984) lays down the concept of agency and structure which states that individuals produce and reproduce social structures in the process of interaction. Agency is the capacity of individuals to act independently and to make their own free choices.

> "Agency concerns events of which an individual is a perpetrator, in the sense that the individual could, at any phase in given sequence of conduct, have acted differently." (Giddens 1984: 9)

By contrast, the structure is the factors that influence the agency (such as social class, religion, gender, ethnicity, customs, etc.) and determine or limit an agent and his or her decisions. This is known as 'structuration theory' which if applied to the context of IDPs implies that after displacement they may create their social world within the new structure, using their agency to bring about new modes of social organization. The main proposition of "structuration theory" is that structure is both constraining and enabling (Giddens 1984: 25). Structures are thus not something external to social actors but are rules and resources that are produced and reproduced by actors through their practices (Marshall 1994). IDPs are thus thinking actors and innovate within the existing social structures. This means that although structures exist, the displaced people use their agencies in reproducing structures through space and time.

Since there is a dearth of sociological literature on IDPs, the concepts and theories that have been developed around migrants can be employed to comprehend the socio-economic and cultural experience of IDPs. It is argued that all immigrant incorporation into the host society is highly dependent upon social capital and this phenomenon can be applied to the case of internally displaced masses as well. Studies have revealed that the presence of kins and relatives in the place of destination play an important role in the adjustment and adaptation of migrants in the new and unfamiliar world (Choldin 1973; Lomnitz 1976, as cited in Sekher:25). The same pattern has been observed in the case of IDPs in Jammu and Kashmir who prefer to stay at their relatives rather than government accommodations.[71] Their integration in the host community depends upon their social and cultural capital to a large extent and by that one means their social networks and the kind of social relationships they share with the new community. Since in the case of Akhnoor IDPs, they share the similar ethnicity and culture (Dogra ethnicity) with the host community, the process of getting incorporated in the new settlement was relatively smoother and easier for them.

In his work, Portes claims that social capital can be decomposed into three different dimensions: 1) resources (assistance or information about migration), 2) recipients (potential migrants) and 3) sources (prior migrants) (1998:6). Social capital is thus

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[71] http://www.greaterKashmir.com/news/jammu/story/229868.html

nothing but interpersonal ties that are based on friendship, kinship or shared community bonds that help the non-migrants in the new set up by connecting with the prior migrants (Massey et al. 1993). By applying Portes' terminology of social capital, it can be argued that social capital acts as a resource (information about or assistance with settlement in a new location) that recipients (IDPs) access through their social ties and relations to the sources (prior settled kins or friends). Coleman (1988:118-19) described social capital as a resource for action which is "embodied in the form of relations with other people" and it can be converted to other forms of capital. Burt defines it as "at once the resources contacts hold and the structure of contacts in a network (1992:12)."

However, in contradiction to Coleman's idea that for the growth of social capital one of the necessary conditions is structural closure, Burt (1992) argued that to create social capital what is required is relative absence of strong ties in the new structure and the existence of "structural holes." But if this theory of migrant social capital is applied to the case of IDPs, it would not stand relevant as the IDPs will be capable of settling down in the receiving society only if they have strong ties with people there to support them in those times of crisis. Such ties help in living arrangements, transportation, and other daily life assistance.

Many of the non-returned Akhnoor IDPs confessed that after staying with friends and relatives for in the initial period of displacement, they tried to accommodate themselves in rented or acquired shelters. The interviews revealed that prior settled relatives or friend's assistance was extremely vital for the IDPs in adjusting and settling in the new locale. The displaced people who neither stayed in the camps for a long duration nor returned had the support of their relatives or friends. The sociological thinkers have focused on the social capital that IDPs employ in their settlement process. However, economic capital plays almost an equally important role in rebuilding a life post displacement. As per Bourdieu's (1986) views economic capital as the something that can be instantly and directly transformed into money and can be thus institutionalized into property rights as well. The class position of the displaced families is also very significant in deciding their course of life post displacement.

Question of return migration

Though forced migration is a field which is defined by national or international legislations to a large extent, it has been quite influenced by the newly developed paradigm of 'Transnationalism[72].' This indeed is notable as the concepts such as 'diaspora' have gained currency (Sorensen et al. 2002). This can be employed as a model to understand and create solutions for those IDPs who might prefer to develop their 'mobile livelihoods' across rural-urban divides rather than having to return to their 'place of origin' (Stepputat and Sorensen 2001). Though the matter of IDPs falls under the question of sovereignty of a nation, still the relevance of 'transnationalism' can be traced in the IDP studies. In the studies of transnationalism at international realm as we look at the 'diaspora' still holding its roots to the place of origin, similarly the IDPs like Akhnoor displaced preferred to settle in a new place, and some of them developed mobile livelihoods across rural-urban divides.

Appadurai (1988, cited in Malkii 1992: 24) argues that the relations of people tend to be seen as naturalized with the place, in discursive practices. Culture as a concept is seen in connection with the nation and is thought to be rooted in the place. This naturalization of the relation between a place and people produces a kind of phenomena which makes displacement appear 'pathological.' Malkii argues that Appadurai's work very powerfully explains how "cultures" get territorialized as he highlights how anthropologists by using ascriptions such as "native"[73] have tended to tie people to places (ibid). He emphasizes on the analytical consequences that such territorializing concepts have on the identity of the people who are classified under categories such as 'uprooted' and 'displaced.' Since both national and cultural identities are conceived in territorialized terminology, uprootedness or displacement is seen as a threat as it appears denaturing. This also suggests why government policies regarding displaced people are framed focusing and planning on their return to their 'place of origin' as it is considered to be their real 'homeland.' Besides that, the question of 'sovereignty' of the state also is very influential in determining the

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[72] 'Transnationalism' entails a focus on transnational networks, flows, and relations that has resulted in the most significant break in the sociological tradition of studying society as a nationalized 'container model'(Giddens 1995).

[73] Native status not only makes people appear to belong to certain place but it somehow incarcerates or confines people to that place.

policies of the government. Lischer (2007) argues that in the case of IDPs, there is more focus on the sovereignty of the state as the nature of policy responses to displacement is very state-centric. In the case of Akhnoor IDPs, government encouraged forced return apparently due to two reasons as highlighted by a report - First, to show to the nation and the world that normalcy has been restored on the border as the situation is generally considered tense till the time villages near the border remain deserted; and second, to make it appears that a safe and peaceful return of the displaced has been arranged by the government and thus the problem of displacement has been solved temporarily, if not permanently (Shekhawat &Mahapatra 2006:11)

However, criticizing this notion of ecological immobility, Malkii argues that there has developed an awareness about a global social fact, by which he meant that, now more than ever before, mobility has become chronic for people, and they are routinely displaced in the process of which they invent homes as well as new homelands which cut across territorial and national borders, thus not in-situ but through their memories of the place and claims to the lands that they might not corporeally be inhabiting anymore (Malkii 1992:24).

As the case of Akhnoor IDPs highlights that after getting 'uprooted' from their 'native' villages these IDPs did not prefer to return but found home in new places in the host community. It is quite similar to the process of transnationalism but on a regional level as these people still, hold attachments to their native land, cast their vote from their village constituency, many still cultivate their land in the villages but also feel equally part of the new receiving community. Thus rather than looking at displacement as something pathological through the lens of territorialization of cultural, national or regional identities, one should see it as a normal phenomena; as such sedentarist[74] assumptions about place and attachment leads us to define the process of displacement not as a fact related to socio-political context but as something innately pathological about the displaced (Malkii 1992).

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[74] Sedentrism as a concept means to conceive the relationships that people have to places in the naturalizing terms. It strongly territorializes the identities, whether cultural or national of an individual to a particular place. The usage of language such as indigenous, native, homeland etc is a part of sedentrism.

Stepputat and Sorensen (2001) argued that in many cases of displacement it has been observed that some of the IDPs prefer to settle in the new locale and develop chronically mobile livelihoods, especially across rural-urban divides. This is very much visible in this case study as these people after getting displaced moved towards urban settlements. While they held attachments to their villages, they decided to self-settle in the new areas under the influence of certain push and pull factors. The factors that prominently played a role in their decision of non-return are as enumerated below:

1)   The land is not just a natural resource but is also viewed as a commercial, economic, social and cultural resource which depends on the way it's valued by the individuals, families or communities (White & Ellison 2006). Land can be thus an extremely important factor for people to return to their native place. Especially in a rural agricultural economy, the attachment of the people to their land becomes the strongest pull factor outweighing all other push factors and brings people back to face the vagaries of the aggressive border. The study of the villages of Akhnoor IDPs shows that most of the land was used by the army people for mining and fencing during the Kargil war and thus rendered either inaccessible or barren and uncultivable. As a result, these displaced were unable to grow crops on their land for almost six consecutive years post displacement (Shekhawat & Mahapatra 2006). For many, it was the only source of livelihood, and thus they found no reason in returning to the villages. Most of these non-returned people either lost their land in mining and fencing or belonged to the lower strata of the society (ibid). Thus land which is a major factor for displaced masses to return to their native places was missing in this case and hence for these IDPs return did not strike as a natural option. However, in the case of Kashmiri migrants, the land was a chief factor to return to the valley as these people were the prominent landowner class of Kashmir and had been historically associated with power in the region (Datta 2012). Still, the question of security and safety prevented these people from returning to their 'homeland.' This highlights that safety and stability of life become even much stronger factor than land in the decision making of the IDPs.

2)   The constant fear of militancy, cross-border tensions and other forms of destabilization were faced by these border residents. Such uncertainties affected their

quality of life. So is the search for a settled life with might be accompanied by another kind of marginalization preferred over a life of constant fear and volatility near the border? Does conflict and border fear overshadow other kinds of marginalization? The case of Kashmiri Pandits who after years of displacement have preferred not to return to their homeland despite the loss of their land and power that they enjoyed in the valley (Datta 2012:18) seems to establish this argument. The displacement phenomenon in Akhnoor was such that incursion and counter-incursion by the armies of India and Pakistan kept the border alive. They had been facing prolonged displacement and making ceaseless efforts to bring to the notice of government the difficulties they faced by at the border but were only provided with temporary relief and shelter by the Government (IDMC report 2008). During my interviews with the senior citizens who have got settled down in the new places, one theme came out very strongly that the chief reason they did not prefer moving back was the guarantee of safety and security and future opportunities for their children. Lack of proper security and infrastructure left the people in a dilemma and they preferred self-settling in the host community rather than returning.

3)   Attractions of an urban area and the diverse scope of opportunities it presented to the displaced people such as jobs, better education, future options for the children, security and stability of life and overall promise of a better future that the new locale had to offer to these displaced masses became a significant factor in their decision to not move back.

4)   Culture is another important factor in the process of the settlement of displaced in the host society as it determines to a large degree whether the migrant/ displaced community can get accommodated and integrated into the receiving society. In case a migrant or displaced community share a different culture than the host society, it can result in psychological and cultural changes at multiple levels, making the integration difficult (Sam & Berry 2010). However as Jansen (1969) argued if the social structure and culture of the origin and destination places of internal migrants are similar, then integration would be probably a minor problem for the migrants.

Life as border resident

There has been a debate that border as an entity should be analyzed from the perspective of 'people' rather than being studied through the lens of state's assertive notion of 'sovereignty' accompanied by its control over the border(territory). It can be seen that the former approach gives primacy to border over people and thus reinforces the idea of fixity and permanence of the borders, while later approach upholds the notion that borders are nothing but human constructs which are created and enforced by the state and thus are not eternal but can be dissolved or altered by human initiative (Chowdhary 2012:21). The territorial approach towards the border subsumes the specific needs and responses of the border resident under the state-oriented responses and national framework, thus sidelining the people and making them invisible. Such approach leaves no room for the argument that there can exist any contradictions between the interests and responses of the people and the state; though the contradiction between the two is very clearly reflected during the times of the wars.

Banerjee (2004) argues that it has been quite often noticed that the states devastate the lives of people living in the border areas for the national cause. Manchanda et al. (2012:5) argue that for people who are not in the mainstreams but living at the margins of the state and are too vulnerable to compete for nationalist ideologies, where do they fit in the centrist notions of nation, state, and citizenship. The militarized notions that have developed around the national security of a nation turn the borderland into a one of exception, as the citizens residing there often face undermining of their fundamental rights to life, movement, and livelihood. To control the free mobility of people is inevitable during the war (Chowdhary 2012). The residents of the near villages of Akhnoor have faced displacement several times and have also had to make involuntary returns against their will.

All over the world, borders especially the ones which are infested with prolonged conflicts, have become quite restrictive and there has been excessive emphasis been given to the security along the border which has implications much beyond the border though. As Wastl-Walter notes, there are 'Borderlands' and not mere borders and these include the whole of society (2011:23).

According to Doris Wastl-Walter

> … borders are still ubiquitous, are manifested in diverse ways, and have various functions and roles. They can be material or non-material and may appear in the form of a barbed-wire fence, a brick wall, a door, a heavily- armed border guard or as symbolic boundaries, that is, conceptual distinctions created by actors to categorize components of belonging and exclusion. Such manifestations of borders affect people in their freedom of action and are perceived differently by different actors and groups. For example, which a brick wall may represent security for some, for others, it may be a symbol of suppression of and limitation to their freedom (2011:2).

Martinez argues that border can be rendered irrelevant by making it permeable which can in turn address multiple problems (1994:3). Most importantly, it would help in transcending the sovereignty issue of the state and thus allow the state to give primacy to cater to the interests and needs of the border residents. Thus LoC would transform from an 'alienated borderland'[75] into a borderland which is much more 'integrated borderland', the residents of which would enjoy secure and peaceful life as the traffic will flow between the two sides of the border without any restrictions and the nations will relinquish their sovereignty to some degree for achieving mutual progress (Zutshi 2015: 273).

Due to the border conflict and tense atmosphere between India and Pakistan, people living near the Line of Control have since partition has lived under the shadow of the guns and fear of war; and with each conflict, have displaced and searched for safer places. Uncertain and unsettled life is, therefore 'normal' for these border people (Chowdhary 2012). Uncertainties and fear of war affect the quality of life of these border residents who end up living in abnormal conditions. LoC being an active border produces an atmosphere of volatility and unpredictability which in turn generates a psyche of fear and insecurity amongst the masses. Joshi notes,

> 'with life itself being under danger, people cannot think of bettering their life opportunities. Displacement means abandoning the fields for months, and though compensated by the state, the compensation amount does not compensate for the quality of life' (Joshi 2012, cited in Chowdhary 2012:26)

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[75] Martinez explains 'alienated borderland' as the one which is practically devoid of routine cross-border exchange due to extremely unfavorable conditions (1994:6)

Thus with their lives being characterized with such degrees of uncertainties and danger the border residents of Akhnoor village were unable to fully exploit the life opportunities, as they kept focusing on basic survival activities. They were unable to enjoy a settled due to factors like fear of life, border hostilities followed by multiple evacuations. This in a way highlights that besides the war which became the immediate reason for displacement, there had existed a very strong reason for these border residents to move away from the unsafe atmosphere and live a more stable and secure life.

CONCLUSION

This research revolves around three main themes:

Firstly, the research attempted to reason that displacement experience is heterogeneous in nature and IDPs do not constitute a homogenous group but are a diverse whole with different resources and goals mixed with the past and new experiences. By studying the socio-economic implications of displacement on the Akhnoor IDPs, a large number of who did not return to their native villages, I argued that local particularities involved in a given situation, makes each IDP case, a unique case reflecting its context. Hence, 'definition of the situation' of the IDPs, should be taken into consideration by the state while framing the policies around their protection and relief (Taylor 1969). In the process of displacement people belonging to different age, class, and gender experience it differently. While the old aged cohort of displaced people wish to return back, the younger generation hold more attachments to the new locale, especially in case of it being an urban settlement. The experience of people who possess social and economic capital also differs from those who lack it, as the former are able to settle down themselves in the host community, even without the support of external agencies (state, NGOs etc). The latter either end up living in villages or return back to their villages under forced circumstances. In the process of resettlement in the host community, culture and ethnicity play an extremely important role. Since the Akhnoor IDPs shared the similar ethnicity and culture (Dogra) with their host community, they could integrate easily without facing any kind of discrimination. It is thus extremely important that protection and aid be based on needs and should not be purely category based.

A manual which had been prepared by Brookings Institution[76] for protecting IDPs argues that policies and laws around IDPs should not include a single model of IDP for three main reasons. First, around the globe, legislative patterns and traditions are so diverse that having a single uniform format would not be able to justify such plurality. Second, policies and laws around IDPs must be framed in a manner that takes into account the context-defined local particularities and addressing the specific issues faced by IDPs in a specific situation. Different groups of IDPs could have different needs, and demands and

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[76] The manual can be accessed at http://www.unhcr.org/50f955599.pdf

the policies should give particular importance to that, instead of uniformly applying the same policy framework to diverse IDP groups (Brookings Manual 2008: 6). For instance, the Akhnoor IDPs did not face much problem in integrating themselves in the host community as they shared similar cultural, religious and ethnic background. The difference was in the lifestyles as the movement was rural-urban in nature. So the problems related to issues such as earning a livelihood, children's adjustment to the modern educational system, psychological trauma, amongst others should have been the chief focus of the state. And finally, it is reasoned that such policies and laws should be based on an approach and assessment which is inclusive of all the relevant stakeholders, and which analyzes and consults the IDPs, among other things (ibid).

To advance this argument, the research asserts that displaced people are not mere victims, and mute spectators of the situation that they get caught in, but are also active participants in the creation of new settlements and rebuilding their lives in the new locale i.e. host community. As the study proves that there exists a role of pull factors besides the push factor in the decision making of the displaced people. The Akhnoor IDPs, rather than returning back preferred self-settlement in the new area and this movement was from a rural area towards an urban settlement, which in turn proved that the IDPs makes calculations during their flight and hence possess 'agency' just like other normal individuals (Hampton 1998) Giddens concept of agency and structure

In this process, Bourdieu's notion of 'capital'- the social, cultural and economic, play a highly vital role, as they are the chief resources at the disposal of displaced people to reconstruct their lives in a new society. By studying the case of Akhnoor IDPs, it got highlighted that kins network in the host community was a strong factor in the decision of these IDPs to settle down in the host community. Besides many of them who had been better off economically, could use their resources in self-settlement in the new locale while the majority of people when forced to vacate the camps, had nowhere to go but return to their villages which were still unsafe and lacked basic infrastructure.

Besides that, the role of culture and ethnicity in the rehabilitation of IDPs in the host community is very crucial, as sharing of similar culture and ethnic backgrounds, makes

the process of integration relatively easier and faster. As Jansen (1969) argued if the social structure and culture of the origin and destination places of internal migrants are similar, then integration would probably be a minor problem for the migrants. The Akhnoor IDPs shared the similar ethnic and cultural backgrounds with the receiving society which proved to be a boon for the non-returning IDPs, as they confessed not facing any discrimination in the new locale.

Secondly, the research attempted to find out the politics of labelling and categorization in the policy-making of the state, with a special focus on displaced people. How and why people are categorized under different labels and what impact does such labelling has on displaced people? The reluctance on the part of the Indian state to accept the phenomenon of displacement taking place across the country leads to a deliberate and contested exclusion of such internally displaced people from the IDP regime, which in turn results in the poor resettlement and rehabilitation of the people. The systematic use of the label 'migrant' rather than 'IDP' by the government has, consequently, resulted in lesser provisions for the IDPs in India.

Due to government's denial of the problem of displacement in the country, there is hardly any recognition of the specific needs of the IDPs as they are categorized under the label 'migrants' which prevents the IDPs from enjoying certain rights and resources that are attached to their label. Since the IDP issue falls under the domain of the state, as the state is given the absolute authority in dealing with IDPs, it thus becomes a matter of sovereignty and any interference from the international agencies is seen as an infringement of the state's sovereignty (Weiss and Korn 2006:5). Foucault (1997) argued through his idea of 'Reason of state' that new art of governing developed during the 18th century which gives priorities and emphasis to all those activities that could lead to the strengthening of the state and its power.

Nikolas Rose (1999) arguing in similar lines says that as a structural organization, the state employs many schemes and policies by masquerading them as progressive and protective but which are in turn meant to strengthen its functioning and validate its authority and sovereignty. Thus as argued by Cohen and Deng (1998) many states, under

the garb of 'sovereignty,' deny protection to IDPs by obstructing international assistance and thus violate the human rights of the IDPs who exist within the territory of the state.

No doubt, displacement is a tragic experience for the displaced people, and they are highly dependent on the protection and assistance that the state offers. Besides state, NGOs, international humanitarian bodies also provide aid and assistance to the IDPs post displacement. However, many displaced people despite such external support of agencies such as international agencies, state government, NGOs; the displaced people primarily attach preference to their support networks and use their capability and resources to carve their future post displacement. For instance, many of the Akhnoor IDPs did not stay in the camps and other accommodations provided by the state but preferred to stay with their kins and eventually self-settled themselves I the new locale rather than following the government's idea of returning back to the native villages as they found it unsafe and unstable for their children's future. Thus, in the long run, it is the 'agency' and 'capital' of the displaced people, developed before the displacement that helps them to survive and resettle in the host community.

Finally, the research tried to explore if the variations in the treatment of IDPs from state to state and case to case is due to state's consideration of context and local particularities of the each displaced community and their specific needs or is it politically driven. Since India, on the lines of UNHCR model, did not formulate federal/national IDP legislation and left it to the discrepancy of the states (provincial government), the study tried to understand if this model has proved successful in providing context-specific assistance and succor to the different IDP cases in different states. However, the literature and studies (comparison between Jammu and Kashmir and northeast) show that the differences in state responses are politically driven and not based on the needs and requirements of the IDPs.

The response of the two governments varies extremely in the provisions adopted during the displacement and its resolution. Due to the absence of a federal body to protect and monitor IDPs, there has been the perpetuation of unfair and inadequate state responses to the specific needs of the displaced masses. The Jammu and Kashmir state government had

a keen desire to defeat and combat the militants of Pakistan which in turn resulted in a favorable treatment towards the Kashmiri Pandit IDPs, while the response in the northeast, state government, has been involved in the conflict, and certain IDP groups were seen as insurgents, which prevented a fair and just treatment of these IDPs. Thus, nature of conflict, security situation and state's role in it are heavily correlated with state's response to a particular IDP case.

It is evident that the IDP protection and rehabilitation depends on the attitude and political interests and agendas of the state governments, as it is the chief authority to dictate the measures and provisions for IDPs, which quite often overshadow the respond to their specific needs (Rao 2013). Some IDP groups thus receive reliefs while other suffer as their rights and needs are not protected. If the government is itself involved in perpetrating the conflict, there is less likeliness that the needs of the IDPs will be protected, demonstrated by the case of Northeast. However, if government's interests align with that of the conflict victims, then greater priority is placed on the protection and rehabilitation of the IDPs, as evident in the Kashmiri Pandits case. Besides as Jamwal highlighted that education and awareness on the part of the victim i.e. displaced people also plays a very dominant role in deciding the kind of protection and assistance they receive from the government (2004:245). In comparing the treatment of Kashmiri Pandit IDPs to other cases of displacement within the state such as Akhnoor IDPs, it is quite apt as Kashmiri Pandits is a highly educated community of Jammu and Kashmir and hence could voice their pain and raise their plight louder than other displaced communities. Moreover, strategically it is a more important community than Akhnoor IDPs as they were the only Hindu minority community in the majority Muslim valley of Kashmir and hence were demographic significant (ibid: 246).

The Brookings manual (2008) is in disagreement with following a uniform model for different cases of IDPs. However, it provides the scope to identify relevant issues by offering a 'checklist approach,' rather than a list of mandatory provisions. But, in its each chapter, it mentions certain essential elements for regulating states and these minimum points the state should include in its IDP laws and policies, regardless of available resources. Taking this manual into consideration, it seems that a central legislation and

policy framework is required which contains minimum essential points for state regulation, along with other provisions for the protection and rehabilitation of the IDPs; and while transplanting these central provisions, rather than just copying the model, the states should regard the political and socio-cultural context of the displacement, along with specific needs of the IDPs in that given situation.

We have understood that the forced migration study involves two major approaches towards the displaced people- "classical forced migration narrative" and "critical approach". While the former considers displaced people to be passive victims, later tries to locate the displaced person in ordinariness and normality, with possession of 'agency' as other individuals. However, as the research shows, the experiences and characteristics of IDPs cannot be homogenized, as it varies from one case to another with each group having its own 'definition of the situation'. IDPs shall be looked at and studied from a multi-faceted approach and hence an approach that takes into consideration both conventional and critical schools of thoughts can be a better and wholesome approach to study them.

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