

**Living at the Borders: A Study of West Pakistan Refugees in the
Akhnoor and Suchethgarh Areas of Jammu**

*Thesis submitted to Jawaharlal Nehru University in partial fulfillment of the
requirement for the award of the degree of*

DOCTOR OF PHILOSOPHY

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DECLARATION

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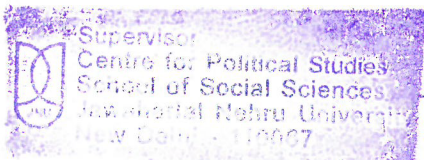
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ABBREVIATION

ACR	Additional Commissioner Revenue
ADR	Additional Divisional Commissioner
AK-47	Avtomat Kalashnikova
BADP	Border Area Development Programme
BJP	BharatiyaJanata Party
BOPEE	Board of Professional Entrance Examination
BPL	Below Poverty Line
BRO	Border Roads Organization
BSF	Border Security Force
CBSE	Central Board of Secondary Education
IB	International Border
ICDS	Integrated Child Development Scheme
IDP	Internally Displaced Persons
IGNOU	Indira Gandhi National Open University
ITBP	Indo Tibtean Border Police
ITI	Industrial Training Institute
J&K	Jammu and Kashmir
JAKLI	Jammu and Kashmir Light Infantry
JKA	Jammu and Kashmir State Archives
JKPSC	Jammu Kashmir Public Selection Commission
JKSSB	Jammu Kashmir Service Selection Board

LOC	Line of Control
MGNREGA	Mahatma Gandhi National Rural Employment Guarantee
MJR	Movement for Justice of Refugees
NC	National Conference
NEET	National Eligibility cum Entrance Test
NPR	Non Permanent Resident
OBC	Other Backward Caste
PDP	People's Democratic Party
PMFBY	Pradhan Mantri Fasal Bima Yojna and
POJK	Pakistan Occupied Jammu Kashmir
PRC	Permanent Resident Certificate
ReT	Rehbar-e-Taleem
RWBCIS	Restructured Weather Based Crop Insurance Scheme
SBA	Swach Bharat Abhiyan
SC	Schedule Caste
SDM	Sub Divisional Magistrate
SRE	Security Related Expenditure
SSA	Sarva Shiksha Abhiyan
ST	Schedule Tribe
SWD	Social Welfare Department
SWD	Social Welfare Department
WPRAC	West Pakistan Refugee Action Committee
WPRs	West Pakistan Refugees

GLOSSARY

<i>Awam-e- riyasat</i>	people of the state Dogra Maharaja
<i>Gairmulkhi</i>	people not of native land
<i>Ijazatnama</i> after ten	a permit given to the residence of the state during Dogra rule in J&K years continuous residence in state during the time of J&K to hold land
<i>Jagir</i>	the right to the assessed land tax in an area given in lieu of salary
<i>Jagirdar</i>	the holder of the jagir
<i>Jatha</i>	band of the supporters
<i>Kafir</i>	non believer
<i>Kanal</i> Kashmir also to	it is traditional unit of land area which is equal to 5400sq feet refer to cultivators
<i>Marla</i>	it unit of area used in Indian Subcontinent
<i>Mulki</i>	of the country native of as a reward of the service of the bigger states such as Kashmir, Mysore those of Rajputana.
<i>Patwari</i>	village accountant
<i>Raja</i>	king ruler under the colonial rule the title Maharaja used for the ruler
<i>Rayatnama</i>	(<i>special order</i>)its a residence permit given to the people the people in
<i>Sharanarathi</i>	a person who has taken a refuge in place other than his homeland
<i>Tehsil</i>	a revenue subdivision including several parganas
<i>Tehsildar</i>	office in charge of the tehsil
<i>Wazir-e- Wazarat</i>	minister of the jurisdiction of specific area
<i>Zamindar</i>	literally ‘landholder’, the individual responsible for collectin

Introduction

The proposed research focuses on the continued marginalization of the partition refugees in India, especially in the Jammu region. Recent events and scholarships have pointed out persistent troubles with the legacy of partition and the precarious State of the refugee population in many parts of the country. This study has focused on a population that has so far escaped scholarly attention and scrutiny. It intends to look at the West Pakistan Refugees (hereafter WPRs) residing along the border areas, like Suchethgarh and Akhnoor of the Jammu region. Specifically, we will study the social, political, and economic conditions of the WPRs, with the help of specific questions on their marginal existence in Jammu and Kashmir.

There are several issues to investigate in this thesis; the central question revolves around citizenship, both in general and in particular terms. It draws attention to the role of the Permanent Resident Certificate (PRC) as an essential document necessary for practical access to services, benefits, and livelihoods besides property in the region(J&K). A significant part of the study will try to highlight the exclusion and marginalization that takes place on the ground resulting from the WPRs lack of the PRC. The WPRs thus form a paradoxical segment that is considered Indian citizens. Still, they remain practically stateless in J&K. The J&K state does not consider them as their citizens, given the special status of State under the Indian constitution, which provides dual citizenship to natives of the State for seven decades. Due to this exclusion, the WPRs do menial jobs, mainly in the unorganized sector, including casual labourers in nearby Jammu factories.

Another issue of the study is to understand how the living conditions of the WPRs are affected by the various types of conflicts they encounter while living in the border areas. The population has to regularly face the repercussions of cross-border tensions, fears of militancy, and various forms of normalcy, which contribute to persistent uncertainty in their lives, like the disruption of their agricultural livelihood and inhabitation. Since the partition, J&K has witnessed two major wars with Pakistan, which further changed the borders of the State with the 1965 and 1971 wars. Notably, the Chhamb sector of the State has undergone drastic changes, and the effect has forced significant numbers to migrate from their native places. These refugees have been provided with facilities to regain their livelihood, like land, a plot for house

building, and money, as they are Permanent state residents. The thesis gives a comparative study to analyze the different section of refugees in the state and how respective governments has dealt with their issues.

A crucial aspect of the study is the hostility between India and Pakistan that has led to the militarization of the border on both sides, often leading to skirmishes between the Border Security Force (BSF) and the Pakistani Rangers. The border residents cannot enjoy a settled life without continued border hostilities, fear of life, and frequent evacuations. The volatility on the border often reduces their concerns to the basics – the protection of their lives and safeguarding their property when they involuntarily migrate to safer places. However, their dependence on the land brings them back to face the vagaries of the aggressive border until the situation forces them to evacuate again. In their continuous movement, they face many hardships making them highly dependent on the facilities the State provides. The militarized borderland presents a zone of exception where the respective security forces and government constantly undermine the fundamental rights to life, livelihood, and movement.

The more significant attempt here is to stretch the border idea by thinking about refugees. The study begins with the border as a physical location, which is why we look at refugee settlements on the physical barrier. The study wants to probe if this marginalization is not accidental and plays a structural, long-term function in the process. We take cues here from thinkers like Hannah Arendt and Agamben, who suggest that 'refugees' present a new kind of political subject that can provide a much-needed critique of the modern state system and essential lessons for the practice of democracy.

The thesis has explored the role of successive Centre and state governments and regional parties in this regard, forcing the WPRs to live in precarious conditions for many decades. Despite their significant number, the regional parties ignore them because of a perceived fear of a change in the composition of the local population. Significantly, during the 2014 election campaign, the Bhartiya Janata Party (BJP) promised to provide the WPRs with proper access to their rights and citizenship. However, in 2019 they fulfilled their promise by repealing special status, which was the stumbling block in the lives of WPRs.

A Brief Background on Research Problem

The problem of WPRs dates back to the partition of the subcontinent in 1947 based on the two-nation theory, which led to large-scale migration and destruction. The onslaught of communal frenzy divided people into religious lines and forced them to leave their native places for safe places. Thousands of people left their native land and moved to the other side of the newly carved-out international border, accompanied by unprecedented violence. Amidst these tumultuous days of partition, roughly 5,764 families of WPRs from villages in the Sialkot area arrived in the Kathua and RS Pura areas of the Jammu province of the J&K State in 1947 (Khanna 2012) ¹. They migrated from villages like Khansopur, Kato Banda, Mahalla, Ambalepur, Chare Chak, ChakSaquerde, KatlyLaardae, Jurewala, Jorewala, Wajree and several others of tehsil Sialkot (now in Pakistan) to the Indian side. The data collected by the WPRAC (West Pakistan Refugee Action Committee) estimates that the total number of voters of WPRs is approximately 55,000 in J&K. Several other families of WPRs settled in the areas of Punjab, Delhi besides other states of India. (WPRAC, 2011)

In the early days of partition, Jammu and Kashmir did not witness as massive an influx of refugees as it was in Punjab, Bengal, and other parts of India. The main reason for the arrival of WPRs families to Jammu was the area's connectivity with Sialkot, connected by the Jammu-Sialkot Railway link and by road. The people of Pakistan's western provinces also shared cultural and economic ties with Jammu's Dogra natives. In the initial years of the crisis, the WPRs were welcomed in Jammu as their relatives were habitants of villages bordering Pakistan. The respondents stated during my previous field research.(Raj, 2016)² With the rise of J&K's internal problems and migration of large-scale refugees from the Poonch and Muzaffarabad areas, cracks began to appear between WPRs and displaced people from Pakistan-Occupied Jammu and Kashmir (POJK) areas arrived in Jammu city and the situation intensified. It led to a significant political shift, and the Princely State's Maharaja acceded to India on October 27, 1947. Consequently, it seems that the official machinery of J&K developed different political and economic yardsticks for these

¹ The council of States (Rajya Sabha), The petition of Jammu Kashmir Sampark Prakosht (BJP) through its national convenor TN Nazdan, submitted by Avinash Rai Khanna (MP) vide reference number: M.P (RS) D-422 dated 20th March 2012. The present documents accessed from the WPRAC President Labha Ram Gandhi on 28th September 2016.

² Interview conducted on 13th of September 2016, Labhu Ram and Jagdish Raj both WPR from village Chakroi of R.S.Pura of Jammu and Kashmir shared their views.

groups. While sections of the WPRs did not want to settle down in Jammu and Kashmir, assurances of their permanent settlement from state authorities, mainly by Sheikh Abdullah, the stalwart leader of J&K, made them decide otherwise.

Literature Review

Many works are available on themes associated with borders, refugees, migration, and citizenship in general and India in particular. This section has thematically divided the literature review into two broad sections to develop a comprehensive understanding of the issue.

A. Theoretical Frameworks on Partition, Refugees, and Citizenship

The review under this section divides into the following areas (a) the Partition, Refugees, and Communal Violence question, (b) the Citizenship question and development process, and (c) the resolution of refugees with rehabilitation policy and other benefits.

The year 1947 is remembered for the division of the south Asian sub-continent into the two independent nations of India and Pakistan. The partition divided one country into two parts; today, boundaries marked by barbed wire separate the borders of India and Pakistan. Although the experience of division is different for those who physically experienced partition and those who know about it through stories, one aspect that everyone commonly understands is the extreme suffering and misery of the events. It carries the traces of hostile sentiments of "us and them", "our nation, their nation" and the fundamental difference between the past and present. (Butalia 2015)³ The stigma associated with a hostile past still exists in society and is frequently passed down from generation to generation. As a result of some political leaders' choice to divide the country based on religion, individuals began migrating, changing the identity of the country and its people. These people acquire a new identity of refugees at the place of their arrival. The memories of their journey are full of their tragic encounters with specific incidents of violence unleashed on them by the majority community. The other painful memory focuses on the women's unrecoverable loss of property and "honor" during the open violence during communal riots. The vast literature available to study the partition of India and Pakistan mainly comprises different themes like the creation of new borders, nation-states, the role of political leaders, and their

³Urvashi Butalia *Partition the Long Shadow*,(ed.). (New Delhi: Zuban Publisher, 2015) p 155-177.

perspectives on an understanding partition. Much academic work covers how the tragedy unfolded in the Punjab and Bengal region on the Indian side. There were riots, massacres, and organized slaughters of Muslims in the Hindu-dominant areas and vice-versa, which drove respective minority communities out of their homeland overnight.

Ian Talbot, Gyanendra Pandey, Paul Brass, Yasmin Khan, Vazira Zamindar, and others have written extensively about the partition's violence and inhuman aspects. Such experts' views tremendously aid our understanding of the history of violence before and after the partition of 1947. Beneath these incidents of communal violence and massacres, however, as these scholars have pointed out, the violence and terror served specific political objectives. Historians like Ian Copland have shed light on the communal history of the princely states of Punjab. He argued that no single party can be blamed for the outbreak of the communal riots in Punjab; instead, several groups of communal organizations like the RSS and Akali Dal played a significant role in the August 1947 riots (Copland, 2002 Khan, 2007).⁴ He further narrated how different communal organizations planned the riots that broke out in various cities in the rest of India. At the same time, there were spontaneous attacks that led to genocides and the ethnic cleansing of the minority community in specific regions. Most of the people migrated in the shadow of terror rather than any love for the new country. After decades, as Brass pointed out, they still find themselves as aliens in the homelands (Brass 2003, 2005, Copland 1995, Pandey 1999 2006)⁵ There is a long list of occurrences of communal violence in Punjab, especially from March to the August of 1947. The study made by Talbot reveals that these communal riots happening all over Punjab paved the way for the Independence, after the bloodshed. The violence which

⁴Ian Copland, "The Master and the Maharajas: the Sikh Princes and the East Punjab Massacres of 1947," *Modern Asian Studies*, Vol. 36 (July 2002).

Yasmin Khan. *The Great Partition: The Making of India and Pakistan*, (London: Yale University Press) 2007.

⁵Paul Brass. "*The Production of Hindu-Muslim Violence in Contemporary India*" (Seattle: University of Washington Press (2003). Also see, Paul Brass. "The Partition of India and Retributive Genocide in the Punjab, 1946-7," *Journal of Genocide Research*, (2005) See, Ian Copland. "The Integration of the Princely States: A Bloodless Revolution?," *Journal of South Asian Studies*, Vol. XVIII. (1995) See Ian Copland. *The Master and the Maharajas: the Sikh Princes and the East Punjab Massacres of 1947*, *Modern Asian Studies*, Vol. 36. (July 2002) see Gyanendra Pandey. "*The Construction of Communalism in Colonial North India*" (Delhi: Oxford University Press.) 1992 Also see Gyanendra Pandey. "*Reflections on the Reconstruction of Partition*," (Calcutta: K.P. Bagchi) 1999. See Gyanendra Pandey. *Remembering Partition: Violence, Nationalism and History in India*, (Cambridge: Cambridge University Press) 2001 Gyanendra Pandey. "*Routine Violence: Nations, Fragments, Histories*," (Delhi: Permanent Black) 2006.

occurred had the more significant motives of revenge, looting, and the political frenzy for creating community dominance. The key question that intrigued everyone is how these riots spread to such large areas quickly. Talbot claims that the organizations formed on a religious basis played big role. These organizations were trained and well accumulated with arms, so they largely instigated their communities to fight for the 'nation'. These riots changed the picture of Punjab, notably separating its twin cities, Amritsar and Lahore large scale migration held on religious lines of millions of people (Talbot, 2007)⁶.

Unlike every other part of the State, Hindus and Sikhs slightly outnumbered Muslims. Within eleven weeks, starting with August, systematic savageries, similar to those already launched in East Punjab and Patiala and Kapurthala, Hindus and Sikhs eliminated the entire Muslim population, estimated at around 500,000 (Bhasin 2005)⁷ The British policy of divide and rule weakened the relationship between Hindus and Muslims, leading to forced migration and communal violence.

The partition of British-ruled India ruptured the social community bonds and promoted 'efficient administration' to control the people. Punjab had caught up with an epidemic of communal violence that had ripped apart Calcutta (August 1946—The Great Killings), Noakhali (East Bengal), and Bihar. In these three episodes, Chawla, claims these acts of violence polarised the Punjab community. Some violence was, of course, 'spontaneous' and motivated by the desire for loot or revenge. He further claims that Muslims were the common enemy of the Hindu-Sikh, united in the region. It led to the strengthening of communal disharmony and created a violent situation. However, alongside this was highly planned and politicised violence, which shared some of the same traits as Brass. He claims that the violence is attributed to the post-independence communal conflict in North India. Brass and Talbot have observed that the 1947 Punjab violence was 'politically motivated, unlike the 'traditional' communal/religious violence. It had a purpose to carve out control over territory and to displace the concerned minority population whose identity was reduced according to religious

⁶Ian Talbot. "Partition Memory and Trauma: Voices of Punjabi Refugees migrants in Lahore and Amritsar," *Sikh Formations*, 2;1,3-16 <http://dx.doi.org/10.1080/17448720600779786> . Also see Ian Talbot "A Tale of Two Cities: The Aftermath of Partition for Lahore and Amritsar 1947-

1957" (*Cambridge University Press: Modern Asian Studies*), Vol. 41, No. 1 (Jan., 2007), pp. 151-185

⁷Anuradha Bhasin Jamwal. Prejudice in Paradise-Distorted histories and divisive myths have made the Kashmir conflict messier. Communalism Combat, (Zafar Meraj Newslines January 2005), www.sabrang.com/cc/archive/2005/jan05/cover.html

labeling. Partition did end with communal violence. It was just a part of the bigger event. Asghar Ali claims that communal riots which occurred with the country's political and economic situation were the same as those observed during the partition of the continent in 1947. Very few riots were spontaneous outbursts of communal hatred. There are almost always other factors involved, not the least important being the involvement of political leaders(Engineer, 1992)⁸ An outburst broke a short lull of communal frenzy in 1947 in Punjab, Delhi, and Bengal in particular and all over north India (Engineer, 1992)⁹The victims were killed by people of other religions solely on religious grounds. Following the riots, largely impoverished innocents were slain, and the role of mohalla goondas was at its peak to do such activities. He asserts that the happenings of partition, including communal violence, are only economic reasons, but politics and economy played an important role.

Joya Chatterjee defines how to partition made on the Radcliff line affects Bengal and divides the people on the religious line in new nation-states. She focussed on why the political elites wanted the partition, whether they ever thought the people would have to leave homes during partition, and uncovered the assumptions underlying their demands. Her research examines how, when partition was imposed, the founders of West Bengal sought to recreate their new homeland. Still, the flight of individuals based on religion painted a different picture. Along with the geographical boundaries, it impacted Bengal's social and political structure((Chatterjee 2007) ¹⁰The polarised society developed after the partition in West Bengal changed the fabric of the society. Like her, experts have conducted in-depth research on communal violence and its effects on people's narratives from the Pakistan area to India in the setting of Punjab. Ian Talbot and Gurharpal Singh focus on the Punjab region. They focussed on the communal massacres that sparked a chaotic two-way fight between the communities of Hindus and Sikhs from Pakistan and the Muslims from India. This violence led to the forced migration of the people from their native land. Thousands of women were kidnapped on both sides of the border. They became victims because they symbolized community honor(Talbot Singh 2007)¹¹ Their work focused on the causes,

Asghar Ali Engineer. "Genesis of Communal Violence," *Economic and Political Weekly*, Vol. 27, No. 5 (Feb. 1, 1992), pp. 189-190, <http://www.jstor.org/stable/41625321>

⁹ibid

¹⁰Joya Chatterjee.*The spoils of Partition Bengal and India, 1947-1967*(New Delhi: Cambridge, 2007)

¹¹Ian Talbot and Gurharpal Singh.*The Partition of India* (New Delhi: Cambridge University Press, 2009)

consequences and contestations surrounding the 1947 partition experience of violence, migration and resettlement made in 1947 through testimonies and oral history. The debate over the partition and the communal violence is brought up by Paul Brass, who argues that the legacy of the partition was the unwritten "informal rule" that political demands based on religion were impermissible to the Indian State. This violence took place and eventually led to ethnic cleansing (Brass 1974)¹² In this, Urvashi Butalia extensively studied the partition through the personal narratives of the people from India and Pakistan. She covers all the castes and communities to understand how the partition was different to the different sects of the population residing during that time (Butalia 2000)¹³ In her book *The Other Side of Silence* seemed to be dissatisfied with the earlier writings on the partition. Her goal was to examine the experiences of the millions of people living through this period. She focuses on interviews but has also looked at newspapers, diaries, memoirs, letters, etc. She explores the experiences of women, Dalits, children, and religious communities, which were not dominant in the earlier partition literature. Butalia also details the interfamilial violence against women to save their 'honor.' Hindu/Sikh men shot, stabbed, and burned or beheaded 'their' women family members to ensure Muslim males would not appropriate them (Butalia 2000)¹⁴.

In contrast, women took poison and collectively drowned themselves in wells. Butalia also included Dalit women and children in her study. She writes about the gendered experiences that girls and boys have and claims that gender also affects the fate of the abducted boys and girls. She notes that because dalits did not have a property and were less likely to be targeted for theft, their fate during partition was very different from that of their middle-class counterparts. Apart from this, dalit women might be free of rape since their male kin was not within the honor-dishonor fold (Butalia 1998)¹⁵ The next issue is women's abduction and recovery, addressed in the works of Nonica Datta, Deepti Misri, and several others. They focus on how laws are essential

¹²Paul Brass, *Language, Religion and Politics in North India* (Cambridge University Press, 1974)

¹³Urvashi Butalia, *The other side of silence: Voices from the Partition of India*. (Duke University Press, 2000).

¹⁴ *ibid*

¹⁵Urvashi Butalia. "The Other Side of Silence: Voices from the Partition of India," (New Delhi: Viking) 1998.

for women. (Datta 2009, Misri 2014)¹⁶ Through the narrative of the Shubshani, Datta had tried to uncover the feelings of hostility and revenge among the communities, which started in 1940 when Shubshani's father was killed, and the family claimed Muslims did it. When the partition broke out, according to the narrative of Shubshani it's time to take revenge on the Muslims (Datta 2009)¹⁷.

Menon and Bhasin started their work by writing about the women in their own families. The narratives reveal sexual violence against women. Women, according to them, were either "ours" or "theirs". Menon and Bhasin point out that the women body was treated as 'territories to be conquered, claimed or marked by the assailant'. Many women were subjected to intra-familial violence, "forced to die at the hands of men in their own families". The male honor required male control over the sexuality of the female to stop interreligious marriage or conversion. Many women during 'enemy' attacks took poison, jumped into fires or off bridges, or drowned in wells. Men and even some women termed these acts as 'willing sacrifice' (Menon and Bhasin 2009).¹⁸ These particular incidents are portrayed in several novels and movies that show the women saved' their modesty. From the above literature on the partition by different authors, it is clear that the partition, which seems to be the event of violence and migration, actually covers more themes of gender, class, and caste.

Besides academic work, literary work has contributed a lot to understanding the Partition of 1947. Saadat Hasan Manto's collections of short stories are often taken to serve as history's "alternate archives" in this context. Manto wrote fascinating stories about partition, through which he uncovered the cruelty, tragedies, pain, and human empathy witnessed during partition. The partition was, for many, a fundamental bewilderment. The epic story of Manto's "Toba Tek Singh reveals this sense of bewilderment. The story recounts the effects of partition on a very particular portion of the population. The story's character is a Sikh inmate named Bishan Singh who, fifteen years earlier, had gone mad and was left in an asylum by the family. Everyone in the asylum calls him Toba Tek Singh, the name of his village. Being mentally unstable, Bhisn Singh had to leave the nation, which became Pakistan after partition,

¹⁶Deepti Misri. *Beyond Partition: Gender, Violence and Representation in Postcolonial India*, University of Illinois Press, 2014. Nonica Datta, A daughter's testimony pg 49–205 March 2009 <https://doi.org/10.1093/acprof:oso/9780195699340.003.0002>

¹⁷ ibid

¹⁸Ritu Menon and Kamla Bhasin. *Borders and Boundaries: Women in India's Partition*, (New Delhi: Kali for Women 2000)

and migrate to the Indian side as he was a Sikh. He refused several times to leave the asylum, but at last, he was brought near the barbed wire and asked to move toward the Indian side. He had his last breath between the borders of two nations, which conveyed that he belonged to none of the nations (Murphy 2003).¹⁹ The people of post-colonial India and Pakistan went through a long experience of trauma about their identity, nation, and citizenship. They were suddenly estranged from old neighbours and acquaintances, experienced loss of family and property, etc. Manto's stories like *Toba Tek Singh* ask, are people willing to leave their homes and move to unknown places? Have the government and political leaders made any plans for dealing with the percussions of partition? If not, then on whose behalf and for who was the partition executed? The story makes one to think and increasingly explore the process of partition from the perspectives of experience on the ground. However, a very different sense of the border can be found in the literature by popular authors. Khushwant Singh, in his famous novel 'Train to Pakistan', describes Mano Majra, a small village that lies near the Indo- Pak border in Punjab. The village had escaped the violence of partition and was one of the few places where Sikhs and Muslims lived harmoniously. The story is narrated through a set of characters-Hukum Chand, Juggut Singh, and Iqbal. The lives of these three become entangled, finally leading to a turn of events that tests the ties of friendship, loyalty, and love among members of the two communities that had been living in peace for years. A major part of the novel talks about the village's pre-partition life, which undergoes a fundamental change during the partition (Singh 2016)²⁰. The short stories of Manto show how each community started targeting the women of the other community. The community's men took revenge by abducting women of 'opponent' communities in *Khol do*. These are not isolated narratives. Many other short stories and novels have focused on the condition of abducted and disappeared women and children (Manto 2014)²¹. Several novels have also dealt with the condition of sexually assaulted women and their 'illegitimate' children born after the partition. Such children were not recognized by

¹⁹ Saadat Hasan Manto, *Toba Tekh Singh* Translated from Urdu by Richard McGill Murphy September 2003 <https://wordswithoutborders.org/read/article/2003-09/toba-tek-singh/>

²⁰ Khushwant Singh, *Train to Pakistan*, Penguin 2016

²¹ Saddat Hassan Manto, *khol do*, 2014, <https://urduwallahs.wordpress.com/2014/08/02/khol-do-saadat-hasan-manto/>

either nation and came to be known as 'children of partition'. Novels like *The Midnight Children* (Rushdie 2013)²² explores this crisis.

Similarly, the movie *Earth* portrays the relations between the two communities living together in a village before partition. Before the partition, they would celebrate the festivals of each other's community and gossip in the nearby park. But their life world gets fragmented once communal hatred surfaces in the village. The movie is based on the novel *Cracking India* by Bapsi Sidhwa. It vividly shows how people who were close friends during pre-partition days and who enjoyed flying kites together on the terrace of each other's houses suddenly became enemies after the partition began. Now they rejoice watching their friends' houses burn from the same balcony (Sidhwa 2007).²³ The famous partition novel '*Tamas*', by Bhashim Sahni narrates the story of fractured community bonds and feelings of hostility engendered by loot, plunder, and abduction of women, within localities. Many abandoned their homes due to the short refuge from their neighbours and were met with hatred (Sahni 2008).²⁴ Through his novel, Sahni has shown the emergence of distrust between two significant communities that had long-shared neighbourhood ties. As the two nations became independent, fear reigned among the people on both sides of the border.

The point of this discussion is to underline that the process of partition is not a simple administrative division of territory. Apart from the tragedy and suffering, it raises a crucial problem for citizenship. Citizenship of a nation-state implies that a person is recognized under the laws of the land as a country member and enjoys social and political rights denied to outsiders and aliens. A person without the citizenship of the State in which s/he resides is termed as "stateless". In India, we come across several identity cards issued by various state authorities, like ration card, aadhar-card, passports, and voter identity cards, which serve as documentary proofs of citizenship status in the entire country with, however, the notable exception of Jammu and Kashmir. In the work of Zamindar, we find the post-partition changes based on marking the border and how the identity of the people changes through them it also discusses the economic settlement of the property across the border. She also made a point on the citizens' question of who are the citizens and elaborated it with the

²²Salman Rushdie *Midnight children* Novel, Rhuk 2013

²³ Bapsi Sidhwa, *Cracking India*, milkweed edition, 2007 also see, Movie *Earth* accessed on May 2018 <https://youtu.be/6z2-EXkFfEY>

²⁴Bhashim Sahani, *Tamas*, Penguin 2008 also see https://www.youtube.com/watch?v=_KxfbavDwvk

documents proving the nationality of the person, especially passports (Zamindar 2007)²⁵ which means the passport was an essential document for the people after 1947.

Neerja Gopal Jayal, in *Citizenship and its Discontents*, traces the concept of citizenship in India from the late colonial period when the constitution was being drafted. The partition raised the major question of who should be granted this right to citizenship. This right was first given to the sons of the soil and later to displaced refugees or other migrants. The more extensive debate on citizenship in India is contested primarily in terms of legal status, enjoyment of rights, identity, and belongingness. The idea then shifts to how the government uses the constitution to address the issue of citizenship status for refugees and all other citizens in the context of the law, as explored by Jayal. She also deals specifically with the question of poor migrants, largely dalits and adivasis, from Pakistan into the border districts of Rajasthan. She shows how their marginal social status and political unreliability render them undeserving subjects awaiting citizenship for decades. Without legal recognition, they cannot enjoy political and social rights (Jayal 2013).²⁶ The constitutional history of the Indian State on the question of granting citizenship to people residing in its territory has been brought forth by Anupama Roy in "*Mapping Citizenship in India*". She traces the development of the Citizenship Act in India, particularly during the constitution-making process. She discusses how prevalent legal practices and people's assertion for rights made the legislature introduce several amendments to the notion of citizenship. After Independence, everyone residing in India had the right to become a citizen (Roy 2016).²⁷ Both Roy and Jayal have extensively focused on post-partition citizenship and the government's response to refugee demands for citizenship.

²⁵Vazira Fazila Yacobali Zamindar, *The Long Partition and the Making of the South Asia*. (Columbia University Press, 2007)

²⁶Niraja Jayal Gopal. *Citizenship and Its Discontents: An Indian History*. (Harvard University Press: 2013)

²⁷Anupama Roy, *Citizenship in India* (Oxford India Short Introductions: 2016) Also see Anupama Roy. *Mapping Citizenship in India* (Oxford University Press: 2010)

B. Partition, Refugees and Citizenship Question in Jammu and Kashmir

The review under this section is divided into the following areas (a) Partition of 1947, J&K state and Accession Accord, (b) the Citizenship Question in continuation from monarchical rule to Democratic rule in J&K, (c) Citizenship Question and Refugees in Contemporary J&K. After the partition of India, Jammu and Kashmir experienced political unrest, especially during the invasion by Pakistani tribals in October 1947. J&K observed an attack from the Pakistan side in the Poonch areas. On October 22, 1947, the tribespeople launched an attack along the Jhelum valley road. These raiders attacked many exiled people, especially Hindus and Sikhs from today's POK region, who made their way toward the Jammu side. Krishna Mehta recalled the death of her husband in her memoir that she was residing with her husband and family there in government quarters in Muzaffarabad. Her husband, Duni Chand Mehta, was a member of Kashmir Civil Services and was posted as Deputy Commissioner of Muzaffarabad (Wazir -e- Wazarat) in the State in 1947. When her husband was shot dead by tribesmen, the attackers reportedly shouted, 'you kafir' (infidel) go down on your knees and tell your religion. We represent Pakistan. Are you a Hindu or Mussalman?" When Duni Chand spoke about his religion, he was set on fire. After the death of her husband, she had to migrate with her children to Jammu city (Mehta 2005).²⁸ The present incident was from the POJK area of the State. Several other incidents like this are jotted down by different authors claiming about the deaths, loot, and violence on the Hindus and Sikhs residing in the POJK area. These raiders did not find any resistance from the army of Maharaja as the number of the army was significantly less. This particular incident of the tribal invasion from the North West Frontier forces the Maharaja to make a political decision for his State. After encountering violence in the areas of POJK these raiders reached Baramulla, a town 40 km from Srinagar (Akbar, 1991). These events caused unrest in J&K's history because Muslims from POJK collaborated with invaders hostile to the Dogra monarch. These events led to the historical drift of politics in Jammu and Kashmir; the new State evolved after this. The question for Maharaja Hari Singh was what would be the status of J&K, whether it would accede to Pakistan and India or remain independent. The debate continued as significant leaders of

²⁸Krishna Mehta, *Kashmir 1947, A Survivor's Story* (New Delhi: Penguin Books 2005)

the State believed that the State should go with Pakistan because of geographical and demographic compulsions.

The role of Hari Singh was vital as he requested Lord Mountbatten and the Indian Government to send an army to a particular area to save his people. In reverse, he is ready to sign the accession with the Indian government. This specific incident changed the political history of Jammu and Kashmir. After October 27, India's constitution gave the J&K state unique status and declared it a constituent part of the country. This process culminated with a hope of survival in the new form with the instrument of accession. The dark memories of monarchical rule paved the way for a new ray of democracy in the State of J&K. It was J&K's first step towards democracy as it abolished the monarchy.

The accession of Jammu and Kashmir to India, on October 27, 1947, by Hari Singh led to the development of the constitution of Jammu and Kashmir. A.G. Noorani, gave a detailed narrative of the Kashmir tragedy from political, diplomatic, legal, and, more importantly, human angles. It makes us understand the ongoing conflict in the State. The Jammu region changed demographically after 1947. It underwent many changes in its numerous principalities (Noorani 2014).²⁹ Jammu had twenty-two principalities, of which Jammu was called Sardar (Puri 1983).³⁰ The population in Jammu is heterogeneous, comprising Hindus, Muslims, and Sikhs (Puri 1983).³¹ To a large extent, the post-independence politics of Jammu is the story of inter-religion and intra-regional relations between religious and cultural identities within the region (Puri 1983)³² Jammu region holds a diverse character with people of different religions, languages, and cultural groups putting up here. Communal conflict, ceasefire violations, and the Indo-Pak war of 1965 and 1971 changed it.

The cease-fire line created after the war of 1948 between India and Pakistan changed the Jammu Muslim majority into a minority when thousands of Muslims of the State

²⁹ A.G. Noorani, *The Kashmir Dispute 1947-2012*, OUP Pakistan 2014

³⁰ Balraj Puri. *Simmering Volcano: Study of Jammu's Relation with Kashmir*, (New Delhi: Sterling publication 1983) p. 1-5 The states under it known as Akhnur, Bhimber, Kishtwar, Khari-khariai, Kotali, Punch,

Rajouri, Reasi, Bahu, Balor, Banddralta(Ramnagar), Bhaderwah, Bhadu,Bhoti, Chaneni,Dalpatpur, Jaserota,Lakhanpur, Mankote(Ramkote), Samba, Trikot and Jammu some of these states were ruled by the members of the same family.

³¹The census data of the different time period of J&K state accessed from the State Archive of Jammu

³²*ibid*, p9

migrated to Pakistan's side³³, and many families from the POJK and West Pakistan areas landed in the Jammu region. Ranabir Samaddar's argument in the collection shows that the respective responses the Government of India gave to refugees from Pakistan and Bangladesh were the exception rather than the rule. The stories of the various refugees serve as examples for the authors' assertions that the Indian polity sidesteps the problem. (Samaddar 2003)³⁴ Whereas Hannah Arendt's observation is that in modern times we have created a new type of human being: those who are sent to concentration camps by their enemies and confinement camps by their friends (natives of the land). The case of West Pakistan refugees in J&K is similar when they face cross border tensions and settle in temporary shelter homes in different regions of Jammu for their survival. Ranabir Samaddar, in his article, *Forced migration situations as exceptions in history?* explains how post-colonial state like India political sense has merged rights, ethics, and law to generate specific conceptions about forced migration to define refugee status. Statelessness is, a condition, or a combination of conditions that create what can be called a limit situation and limit experience, which can mean being situated at the limits of a situation and experiencing the limits of a situation, both of which we have defined in this case as citizenship (Samaddar 2016).³⁵ It may also become increasingly difficult to distinguish between a refugee and a stateless group. Newer identity practices imposed by States may produce the stateless condition.

Adarsh Sein Anand, explained the importance of the constitution of Jammu and Kashmir within Indian constitution through Article 370. The J&K constitution provides citizenship rights for a citizen who resides in the State and possesses a permanent resident certificate. The J&K's constitution was enacted by its own Constituent Assembly, composed of the representatives of its people. The J&K constitution had a provision that made Permanent Residence Certificate (PRC) mandatory for availing state jobs and other facilities and to enjoy social, political, and economic rights in J&K state (Anand 1980)³⁶.

Haimanti Roy's in her monograph looks at how both states tried to maintain the sovereignty of their territories by curbing the crossing of borders. A 'document

³³*ibid* p 3

³⁴Ranabir Samaddar *Refugees and the State- Practices of Asylum and Care in India, 1947-2000*; Sage Publications India Pvt. Ltd 2003, B-42, Panchsheel Enclave, New Delhi

³⁵Ranabir Samaddar, *Forced migration situations as exceptions in history? Int. J. Migration and Border Studies, Vol. 2, No. 2, 2016*

³⁶ Adarsh Sein Anand, in his *Development of constitution of Jammu and Kashmir, 1980*

regime' was created where one needed various papers authorized by state authorities to cross the border (Roy 2012)³⁷. Roy argues that the formulation and implementation of official policies regarding minorities, refugees, and citizenship were not only a function of state legislations imposed from above but were manipulated and negotiated by ordinary citizens to make their claims. It shows how both states failed to understand the lives of the border Landers and how the hastily drawn boundary disrupted the socio-economic lives of the people living in the districts contiguous to the border. The illegal flow of goods and people without proper paper across the international border was 'a constant reminder of the limits of state authority at the periphery. However, the J&K State has received many new guests, as migrants and displaced refugees, during the wars of 1947, 1965, and 1971. However, the lack of the PRC renders these migrants and refugees in a permanently precarious state, subject to economic and social exclusion in actual practical terms. "Article 370: The constitutional History of Jammu and Kashmir' Noorani takes us to the project's central hypothesis. The Jammu and Kashmir constitution since Dogra rulers has had the provision of state subject which got changed as PRC in the 1956 constitution of J&K. The right to hold a PRC cannot be claimed by those who have migrated to Jammu and Kashmir due to provisions and practices formulated during the rule of the Maharaja.

Ravinder Kaur describes the everyday life of the refugees to show how the governmental imaginary of 'the refugee' became a powerful framing device for state policies that positioned the post-colonial State as an empathetic guardian of displaced people, as well as an all-too-visible screen behind which the state functionaries practised policy distinctively; citizenship appears as a polymorphous field upon which the distinctions and hierarchies of new subjects were negotiated with the post-colonial State. This distinctive citizenship becomes particularly visible within the impressive imaginary of 'refugee' – a discursive lens through which to view the simultaneous processes of *being made* and *becoming* citizens of post-colonial India. *With the State's* interventions to resolve the 'refugee problem' was influential in shaping the new citizenry, even though it sometimes reified the old social distinctions and prejudices

³⁷Haimanti Roy, *Partitioned Lives. Migrants, Refugees, Citizens in India and Pakistan, 1947-1965*, New Delhi: (Oxford University Press: 2012)

of, for example, class and caste.(Kaur 2009)³⁸ She further argues that with this, the new citizenry was shaped distinctively concerning refugees' degree of dependence on the State for survival and recognition. The arguments that underpin the central idea concern the identity and imaginary of 'refugee' that both State and migrants sought to define and appropriate. The condition of being 'refugee' was an important tool to gain political influence and to bargain concessions from the new State and, therefore, subject to negotiations that could enhance one's position in contemporary society. While looking at the case of the WPRs in J&K with other displaced persons, we find it juxtaposed in the citizenship provision, particularly with context to the class and caste of these WPRs.

Significance of Research

This work is significant for multiple reasons that are enumerated below.

1. The work is significant from a legal and political perspective that focuses on citizenship, the primary factor used and needed for livelihood while residing in any nation or State. Although the J&K State is different from the other states of India and how the citizenship formulates here, how old iniquitous citizenship provisions have survived and impacted the life of WPRs needs further investigation.
2. The recent citizenship question in J&K has not been explored in vivid detail. No such work is available on J&K and the WPRs that deal continuously and separately. Not much work is available on the current condition of WPRs that has been described as a site where border tensions are smoldering in Suchetgarh and Akhnoor; it has not been analytically researched in historical terms till now. This research will address the citizenship question in J&K and the WRRs with the benefit of historical hindsight to look into the continuation and differences in how the present historical moment is configured. Additionally, this study will examine

³⁸Ravinder Kaur “*Distinctive Citizenship*” *Refugees, Subject and Post colonial State in India’s Partition, Cultural and Social History*, Volume 6, Issue 4, pp. 429–446 © The Social History Society 2009 <https://doi.org/10.2752/147800409X466272>

how J&K's citizenship influences and directs the democratic process, how the State's unresolved citizenship issue fuels rights dispute there, and how it affects political behaviour. The work is significant because of the choice of research issue with universal potential. With the rapid rise of the refugee question, it has gained political overtones across the globe. Theoretically, it can understand by invoking Giorgio Agamben's "bare life" and Hannah Arendt's perspective on the refugee condition, where issue as a conceptual category has to do with matters that transcend the local environment and the inner life of the individual. Hence, considering refugees and citizenship questions as an issue means dealing with a question of utmost public importance that is not limited to the concerned person or region but contains the potential of universal significance empirically. Therefore, this work focusing on particular cases adds to a universal issue that is changing the political counters globally and nationally.

3. The work is both empirical and normative in its orientation. While it seeks to bring out the empirical realities on the ground, it is simultaneously concerned with the normatively charged concepts like rights, equality, and power. This work is significant as it also aims at enriching the existing ideas of political study on citizenship.

Objectives

1. The study will attempt to empirically and theoretically understand the issues of stateless identity and citizenship in the case of West Pakistan Refugees.
2. The study will focus on the issue of citizenship rights in Jammu and Kashmir.
3. It will focus on the issue of the Permanent Resident Certificate in the case of West Pakistan Refugees and discuss the exclusion it implies.
4. It will also briefly compare the WPRs and other segments of refugees in J&K.
5. Finally, the study will try to find out the reasons for discrimination against West Pakistan refugees by the state authorities and the role played by national and regional parties, including the local population.

Specific Research Questions

1. What is the status of the partition refugees in J&K?
2. What legal and constitutional provisions of Jammu and Kashmir accord citizenship rights and importance to the PRC? How do these provisions relate to the partition refugees?
3. What role is played by the state government and the Union government in rehabilitating the refugees in the State? As we shall see, this role differs to the different segments of refugees.
4. What is the position of different regional and national political parties on the issue of granting PRC to other sections of people in the State?
5. What are the problems West Pakistan refugees faced due to the denial of PRC?
6. What are the possible reasons for excluding West Pakistan Refugees from the purview of citizenship rights?
7. What are the specific problems faced by the West Pakistan refugees living at the physical border of India and Pakistan? Does it lead to intensification and further marginalization of their precarious existences as refuge

Research Methodology

This work has followed mixed methods based on empirical fieldwork and a textual study conducted at several archives and multiple sites. This research is qualitative, and data has been collected from primary and secondary sources. A purposive sampling technique has been used to select the border villages where the population of WPRs is found to reside in good numbers. To make the sample representative, the demography, caste class, gender, and age have been considered. Data collection from the identified sample has been done using various tools, including interviews. We have conducted structured and unstructured interviews, questionnaires based on casual conversations, and focused group discussions among groups like the POJK DP. The 1965 and the 1971 war refugees residing in different tehsils of Jammu. More than 60 interviews were conducted with the other communities of partition survivors living in different districts of the Jammu region to understand the impact of the 1947 partition in Jammu and Kashmir. To trace data from the two study-related locations; three field visits were conducted the first round took place in June and July 2019, the

second in November and December 2019, and the third in February and August 2021. Moreover, during the lockdown period of 2020, telephonic interviews were also conducted. During each round of field visits, an average of 15–20 days were spent in these villages: Deora, Rajpura, and Jamana Bela of Akhnoor and Suchetgarh, Chakroi Badyal Qazian and Korotan of Suchethgarh thesil., over a hundred interviews were conducted with male, female, youth, a few elderly people, and children from these eight villages of WPRs residing to follow up on research. To investigate the everyday living condition of WPRs I had travelled daily to their villages for the periods selected for my visits. The method would be ethnographic for the study, where I have conducted participatory observation on their dietary practices, clothing, daily and monthly expenses, source of income, and their interaction with government officials and policies as well the role of local state functionaries towards them. I have also visited the shops, factories, small-scale industries, and informal units of the Jammu area, where the WPRs work to maintain their economic status and occupation. I have also also visited the particular locations, villages, and temporary shelter homes during the conflict time of 2018. The regular interactions with the Block Developmental Officer (BDO), Tehsildar, and Sub Divisional Magistrate to know their perspectives on the problems of rehabilitation scheme and other border areas issues and the government policies implemented and adopted for their settlement and compensations.

We have conducted structured and unstructured interviews and focus group discussions, among groups like the POJK DPs, the 1965 and the 1971 war refugees, who reside in the different tehsils of Jammu. We have dug up and consulted several documents related to refugees in the State archive, particularly around the periods the Dogra Maharaja brought up the issue of State Subjecthood in the Princely State. Other primary sources of information include news reports from local newspapers and vernacular like *The Daily Excelsior*, *The Greater Kashmir*, *The Kashmir Times*, *The Early Times*, and *The Jammu Prabhat* (English and Dogri newspapers). Lastly, several government reports and recommendations by various working groups like the WPRs Action Committee also form an essential and extensive resource for the study. To study at length the question of the PRC regarding the WPRs I have extensively consulted documents in the State archive, particularly those held in the political section on the Maharaja's time between 1914-1927, when the issue of the State Subjecthood was brought up in the State. The archival work will also examine the

Constituent Assembly debates on the J&K State, the J&K Legislative Assembly debates, the Act of Citizenship in J&K, and the different petitions submitted to the High Court and Supreme Court on the issue of PRC.

Chapter Summary: The thesis consists of five chapters. Studying the issue of WPRs residing in Jammu and Kashmir requires a background in the existing literature on refugees, especially from the partition, the creation of borders, and the significance of citizenship documents like (PRC) in people's lives after 1947. In addition to these topics, it has also covered the boundary dispute and the residents' situation since 1947. The second half of the introduction covers the methodology, the main questions, and the scope of the study.

First Chapter: Partition and Border Making: Creating a New Identity

Borders are the markers of national and territorial identity or, at worst, a bitter retelling of history rather than places where people live and whose lives are constantly impacted by the shifting contours, fragility, and yet the static nature of the borders. The first and least examined, is the process of drawing borders after the country was divided in 1947, which gave the residents new identities. The three lines—the Durand, Radcliffe, and McMahon Lines—are typically the focus of research on the border between India and Pakistan. An effort has been made to analyze the partition in this chapter by examining the secondary literature. More specifically, we looked at its subsequent impact on border formation, focusing on the international borders of Jammu and Kashmir and the Line of Control with Pakistan. This chapter addresses the central question of what borders mean to the people and the State. It also highlights the borders drawn in Bengal and Punjab and compare with those outlined in Jammu and Kashmir. The chapter aims to provide an overview of how these borders evolved and explored how some things can only occur at borders that are quite different from the non-border areas.

Second Chapter: Refugees and Citizenship laws in Jammu and Kashmir

This chapter discusses the evolution of the state subject provision from the Dogra era when there was hereditary state-subjecthood (later equivalent of the Permanent Resident Certificate) which was upheld in the new constitution after J&K joined the

Indian dominion in the year 1947. According to the land laws of Jammu and Kashmir, only sons and daughters of the soil are eligible to become citizens of J&K. The chapter covers how this led to a controversy surrounding the issue of WPRs and their PRC status. Due to the absence of a PRC document, the legal provision in the state constitution of J&K essentially defined the status of refugees. The chapter provides background information on how PRC became significant enough to enjoy all civil, social, and economic rights within the State. It mainly concentrates on social, political, and economic factors to examine the significance of the PRC for the State's citizens. The chapter divides into three sections.

The first section addresses the issue of state subject-hood during the Dogra rule and various movements that led to the inclusion of a state subject provision in the J&K constitution after independence. The history of Jammu and Kashmir, which adopted the federal structure model and signed the Instrument of Accession to join the Indian Union, is discussed in the second section. We take up how to follow the accession agreement. Residents of Jammu and Kashmir had been enjoying a special dual citizenship status under Articles 370 and 35A of the Indian Constitution. The significance of the Permanent Resident Certificate, as enshrined in Jammu and Kashmir's constitution is highlighted in the process. The third section of the chapter deals with the abrogation of Jammu and Kashmir's special status in August 2019. With these new developments, those who have undergone a special capping process are now eligible for a domicile certificate while making the PRC useless in many ways. Thus after the abrogation of Article 370, the WPRs has finally become legal residents of Jammu and Kashmir. The chapter also covers the significance of the special identity certificate, formerly known as the "State Subject document,". A constant theme of this chapter is the legal provisional status of the natives in contrast with the refugees residing in the State and how the specific law of permanent resident certificate affected the lives of WPRs. The chapter relies heavily on archival documents, petitions, and legal case judgments filed in the Supreme Court and the Jammu and Kashmir High Court to flesh out this history.

Third Chapter: Comparison of Different Sections of Refugees and the Rehabilitation Schemes in Jammu and Kashmir

This chapter deals with the more significant fact that there were two groups of displaced people in Jammu in 1947: The chapter based on the different rehabilitation policies introduced by the Indian government for the WPRs and Pakistan-Occupied Jammu and Kashmir (POJK) from 1947 to the present day. In the process, it draws attention to the stark contrasts between the various government-sponsored rehabilitation programmes for the refugees under study and the displaced people of Jammu and Kashmir. The chapter discusses how the presence of refugees and displaced persons in Jammu and Kashmir have frequently shaped politics in the past seven decades in unexpected ways.

The first section of the chapter discusses the Partition Refugees, specifically the West Pakistani refugees, who had arrived in the Dogra Princely state after India and Pakistan were divided in August 1947. We deal with how these WPRs are marginalized and how that affected their lives compared to other displaced groups in Jammu and Kashmir. After spending seven decades in the State, their settlement was still pending at the time of writing. The government of Jammu and Kashmir has treated them as second-class citizens. The central government recently offered these WPRs a unique rehabilitation package after repealing Articles 370 and 35A; this package is covered in more detail in the following chapter. The second section of the chapter follows another section of displaced people who arrived in late October 1947 from Pakistan-occupied Kashmir in the Jammu region. These POJK displaced persons had to travel from their homeland to camps in Jammu city. However, in contrast to other 1947 refugees from the partition, these individuals did not receive standard one-time financial assistance and were not treated equally with other 1947 refugees in India. Fortunately for them, the current government has again addressed their issue and provided these refugees with a one-time settlement through the PM Fund. The chapter relies on records and data from the archives and available secondary sources. The chapter demonstrates how the State chooses to be included in the rehabilitation policy and not by adopting a sense of urgency in one situation and purposeful restraint in another case by illustrating the deprivation of one set of refugees and extending the privilege to another.

Fourth Chapter: How Past and Caste Decide the Future: The State of WPRs

Drawing upon the fieldwork, the chapter studies the detailed demographic and socio-economic conditions of the WPRs residing in villages in the Akhnoor area. Primarily relying on individual testimonies, the chapter discusses the history of their sufferings and struggles, spanning three generations up to the present. We investigate how their status in the Class and Caste-hierarchy contribute to their structural exclusion from the larger society in mapping the economic and occupational profiles of this refugee population and their social and political status. The chapter is based on extensive fieldwork in the bordering villages in the Akhnoor area conducted during field visits in the years between 2018 to 2021. This chapter makes an attempt to situate these interviews in the form of a narrative, which touches upon many aspects of refugees' lives, besides the usual social and economic. We study their emotions, thoughts, particular utterances, body language, and colloquial expressions to convey their everyday socio-economic and political experiences holistically. This extensive data provides an opportunity to generate a thick and finely-grained understanding of the lives of WPRs; how they live; what they eat; what their customs, rituals, and beliefs are; and the geographical location and physical properties of their houses. How do class and caste compositions play a significant role in the lives of WPRs? This is the more crucial theoretical query that we are attempting to answer here.

Fifth Chapter: Conflict and Unequal citizens: WPRs living along Suchetgarh border

This chapter explains the life of WPRs living along the border-edged villages of another tehsil, Suchetgarh, in the Jammu district. Suchetgarh tehsil falls within striking distance of the Pakistan Rangers' episodes of fire exchange, as the international border runs right along these villages. This region often becomes a hotbed of more comprehensive public discussion whenever things get violent, and tensions escalate between the two neighbours. A constant cloud of uncertainty and mortal danger perpetually hangs over the populace as it remains uncertain about how long local life will stay normal. Ironically, the present situation stands in sharp contrast to the pre-partition days when the famous Jammu-Pakistan rail link passed through the area running towards Sialkot in Pakistan and also passing within some kilometers from these border villages. It was ironically, a corridor of mobility across

the wider region. The chapter is based on my field visits to the villages of Suchetgarh between 2016 and 2021. To strengthen the chapter, data is collected from secondary literature and many official orders that formed the primary source regarding the construction of bunkers, compensation for victims of the border conflict, and other government officials' reports which were supplemented to understand the scenario. This chapter describes and investigates the challenges that the particular physical space presents to West Pakistan refugees who arrived from across the border in the 1947 turmoil. This site is located directly in the borderlands, providing a unique context and foundation for the study. Therefore we critically engage with transitional space concepts to better comprehend the nature of the WPR's displacement and settlement here. It allows us to understand both the cultural similarities and differences critical to understanding the immigrant experience, and the challenges we face due to the difference in their immediate location.

Specific conceptual issues arise in the current case due to the political difference between the displacement the WPRs are experiencing today and their history as non-citizens of Jammu and Kashmir. After discussing these topics in detail, we examine the borders, considering the State's and its agencies' extensive presence. By analyzing the local social relations and the State's role, we understand a triangle of power relations in the borderlands between the State, the regional elite, and the local people. I try to argue that the WPRs occupy a space outside this triangle. It increases the marginalization of the WPRs and governs daily life in the borderlands. The chapter concludes that borders have different meanings for different actors but also embody a manifestation of power relations in society at various levels. It is a space of contested rights, access to services, and contested citizenship. This chapter makes an effort to examine the multiple aspects of the WPRs population in Jammu and Kashmir because they reside perilously close to the line dividing India and Pakistan. The ongoing conflict in the region makes these WPRs' lives more precarious and distinguishes them from residents of non- borderland localities.

Conclusion

Since the WPRs community in Jammu and Kashmir lives precariously near the border between India and Pakistan, this chapter investigates the numerous facets of these people. The region's persistent violence makes these WPRs' lives more vulnerable and

sets them apart from citizens of borderland towns. The concluding chapter of the thesis will address the questions posed at the beginning of this research project. It will summarize the findings of the fieldwork chapters and test the hypotheses in light of these findings. Finally, it will attempt a more considerable theoretical reflection on the identity of a refugee and the importance of citizenship in a democracy like India today.

Chapter 1

Partition and Making of Borders: A creation of new Identity

“A border is a diving line, a narrow strip along a steep edge. A borderland is a vague and undermined place created by the emotional residue of an unnatural boundary. It is in a constant state of transition. The prohibited and forbidden are its inhabitants. Tensions grips the inhabitants of the borderland like a virus. Ambivalence and unrest resides there and death is no stranger”.

(Gloria Anzaldua, 1981)¹

Introduction

Borders are more like delineators of national and territorial identity or, at most, a painful retelling of history. People have used lines to divide the earth into different nations for thousands of years. Maps, fences, border lines, and other features help to distinguish between these countries. The meaning of geographic borders varies depending on where a person resides. They can be viewed as geographical representations of land control and regions with institutional values. Since borders delineate the national state's territorial space, which was handled by the army and BSF guard and patrol, borders are frequently both zones of security for those who live outside of them and places of the conflict who resides close to it. Violent conflict can be observed, rather than by the lines on maps that elicit feelings of security and unease. These boundaries serve as connectivity and peace zones where neighbouring countries can share peace and fire. However, who reside on the periphery, territorial boundaries are determined by their impacts on their day-to-day lives, particularly when contested. Establishing borders following the 1947 division of the country is the most important and least studied since it gives the local population a new sense of identity. The three lines—the Durand, Radcliffe, and McMahon Lines—are frequently examined when studying the border between India and Pakistan. The question to be analyzed is whether this still true after the borderland has been altered in different

¹Gloria Anzaldua, “Borderlands/La Frontera: The New Mestiza,” <https://www.shmoop.com/ethnic-studies/gloria-anzaldua-quotes.html>

ways at different time intervals for residents? The shaky character of the borders does not continuously touch people who live along borders, and their lives, fragility, and static existence affect them in many ways. But in the recent COVID 19 lockdown, residents encountered new delineations of the city lines that separated them from one another. Entry for visitors coming from outside the country is not permitted, and they must adhere to certain rules. The gateway became the focal point for entry into a territory, and the authorities had erected a series of checkpoints to monitor visitors arriving from other states. This chapter aims to look into how and based on what criteria the borders of postcolonial South Asia were drawn after the division in 1947, emphasizing Jammu and Kashmir. It discusses the partition and its effect on the borders making process, and how it becomes important for the nations as well as its residents. In other words, it explores how practices, processes, and narratives maintain their locations while also demonstrating where borders and perceptions of borders appear during the unrest and on regular days.

Understanding partition and its aftermath

For the people of South Asia, 1947 represents a new beginning in terms of nation, identity and socio political spheres. With millions of people migrating across the Indian subcontinent, the creation of boundaries permanently transformed the political and cultural environment. Screams from the massacres and riots rang across the nation before people could pay attention. When the enormous migration ended, around two million people had been killed. These political upheavals and violence have harmed, destroyed, or dispersed families, communities, and entire societies. The issues of intergroup conflict, widespread migration, creation of borders, citizenship, rehabilitation, and other topics have all been thoroughly examined in partition literature. The division's unfinished business is still being felt 75 years later. The subcontinent was left with new borders and, as a result, new issues due to the bitter communal bloodshed that followed the British departure and the subsequent political compulsions of specific fights and claims for sovereignty over particular territories. The borders between India and Pakistan, which Sir Cyril Radcliff drew in a hurry, have significantly more geographical and historical ramifications than a straightforward split of land. They have bred animosity and hostility on both sides of the border, which have been nourished by the political establishments in

Islamabad and New Delhi and fuelled by battles and skirmishes waged there. The identities of the individuals who live within the boundaries of the designated lines are explained by these borders, which primarily distinguish between "we" and "them" based on religion and drive many to cross over to the opposing side. Even after decades of migration, the migrants' physical trip ended when they crossed the border, but there seems to be no relief from the emotional pain these survivors experience even after several decades (Menon and Bhasin, 2000).² Even today, Pakistan and India are still looking for their identities.

Although there are many ways to examine and comprehend the idea of boundaries in postcolonial South Asia, let's start with its history and hegemony. Partition as the starting point presents issues since it implies an overly straightforward and causal connection between the present and the past. Furthermore, the study in this chapter does not support the idea that Partition is to blame for the issue of boundaries in postcolonial South Asia. Even those who supported the Partition could not have imagined modern militarized borders, land mines, bunkers, and makeshift shelter dwellings would be the outcome of it in later years.

Let's ask, "What did Partition do?" while remaining critical and reflective of both orientations. The freshly drawn lines serve as the primary territorial representation following the division. With the construction of the fence wire separating "them" and "us," political issues entered a new phase and definition of identity, which is broadly known as borders. Partition has been studied from the specific lens like historical perspective of colonial and post colonial history countless literature has been available on the formal transfer of power, views and debates of the political actors. It has remained trapped in a "nationalist" psyche that challenges the possibility of a non-partisan discourse or what political historian Ayesha Jalal describes as the inevitable branding of "made in India" or "made in Pakistan" (Jalal, 1996).³ On the other hand, Vazira

²Ritu Menon and Kamla Bhasin, *Borders and Boundaries: Women in India's Partition*, (New Delhi: Kali for Women, 2000) p. xi.

³ Ayesha Jalal, *Secularists, Subalterns and the Stigma of 'Communalism': Partition Historiography Revisited* *Modern Asian Studies* Vol. 30, No. 3 (Jul., 1996), pp. 681-689, Cambridge University Press

Zamindara "asks us to broaden our definition of partition violence to include the bureaucratic violence of defining political boundaries and nationalizing identities, which has become unending in some lives." Zamindar exemplifies the power of bureaucratic control and brutality in disrupting everyday life, as well as the circumstances that made it impossible for either the Indian or Pakistani governments to fully or simply use a logic of state rationality in the aftermath of separation (Zamindara, 2007).⁴ She further describes the significance of borders in passport's mechanism for identifying national identification of the individuals who resides in the demarcated boundary.

To understand the borders we must begin by understanding, analyzing, and tracing its ramifications, and manifestations on the lives of the people who are associated with it. To challenge the continuities and impacts of Partition beyond the border conflict, scholars like Talbot and Gurharpal Singh have covered the comparative study by presenting the Punjab and the Bengal cases where they had explained the concept of homeland, territorial division the dislocation of the population and the political use of the weapons in one particular region like Punjab. Their study provides the particular narratives and difficulties of the people faced during the peak time of the partition occurrence in the respective regions (Talbot and Singh, 2009)⁵ As a result we know more about the partition means there than in other provinces⁶ this has created the lack of balance between Partition studies and points to the need for comparative work within the framework of border creation. The studies of border areas mean 'Borderlands' and how these impact on post-Partition economies, societies, ongoing conflicts, and governmental function has never been thoroughly investigated apart from the work of Schendel in the Bengal borderlands. But the study has limited affect and cannot be generalized to nations borders.

⁴ Vazira Fazila-Yacoobali Zamindar, *The Long Partition and the Making of Modern South Asia: Refugees, Boundaries, Histories*, (2007) New York: Columbia University Press,

⁵ Ian Talbot, Gurharpal Singh. *The Partition of India*. New York: Cambridge University Press, 2009.

⁶ Schendel I am not refugee Rethinking Partition

Imagining and identification of the borders

*“Borders only become borders when cartographies come into existence”*⁷

In South Asia, borders and boundaries affect the everyday life of millions in profound manner. South Asia borders are “agents of active politics”⁸. In South Asia, borders acquire a political shape and remain D. Tripathi and S. Chaturvedi integral to domestic political discourses (Tripathi 2015). To understand the criticality of these borders in South Asia we also need to explore, in a geo-historical perspective, how borders were created in the region. Borders are like human beings having their histories that are region-specific (Tagliacozzo 2016). As observed by Schendel and Maaker “[M]any of Asia’s borders owe their existence to colonial state making and the violent histories that this involved” (van Schendel and Maaker 2014, 3). In South Asia, most of the present day borders were demarcated by the British to overcome their security anxieties. These borders, therefore, are the result of war, conflict and victories while sometimes they were drawn as an outcome of diplomatic efforts and administrative convenience.⁹ it is important to acknowledge that Partition has multiple, contested, and diverse meanings for different postcolonial states but also variations between regions within India like Bengal or Ladakh.¹⁰

The term border has been a fundamental component of the 20th-century discourse of nation and state. The conventional sense of sovereignty has further reinstated and dominated the debate, which Robert Sack defines as “an attempt by an individual group or an entity to affect influence pr control people phenomena, and relationships by

⁷ Romila Thappar Notes from the open house organised by ‘History of Peace’ on 24 Dec 2017 Kolkata <https://indianculturalforum.in/2017/12/28/borders-only-become-borders-when-cartographies-come-into-existence-professor-romila-thapar-somok-roy/>

⁸ Banerjee, Paula. 1998. Borders as Unsettled Markers in South Asia: A Case Study of the Sino-Indian Border. *International Studies* 35, no. 2: 180–91.

⁹ Dhananjay Tripathi & Sanjay Chaturvedi (2020) South Asia: Boundaries, Borders and Beyond, *Journal of Borderlands Studies*, 35:2, 173-181, DOI: 10.1080/08865655.2019.1669483 <https://doi.org/10.1080/08865655.2019.1669483>

¹⁰ For an overview of Partition in different parts of India that diversify our understandings on locations and their subsequent implications, see Urvashi Butalia, ed., *Partition: The Long Shadow* (New Delhi: Zubaan, 2015)

delimiting and asserting control over a geographical area” (Sack 1996).¹¹ It defines the relationship between the nation- state borders as both symbiotic and existential. It isn't easy to imagine a border without a nation-state and nation state without borders. The reasons for the continuity of traditional border security are found in every nature of the nation state, which derives its justification from the idea of total sovereignty over its territory and its successful maintenance (Breg and Houtum 2003)¹². However, in recent times, a range of case studies highlight the peculiarity of the border as space and an institution established and sustained but the exceptional interplay of borders and borderland. The border as space is vibrant and ever-responsive to the changes that occur along its length and around it. As Nurit Kliot and David Newman argues “for the most political scientist, boundaries are viewed as constituting a given territorial fact, a static, unchanging feature, rather than one which has its internal dynamics and which influences, and is influenced by the patterns of social, economic and political development which take place in the surrounding landscapes- the frontier regions or borderland” (Kliot and Newman, 2000)¹³. This debate leads to the meaning of borders in a larger context covering all the domains not only specific to territory.

To identify, a nation or a place, maps and old photographs are proof of the existing history. They are objects of power and knowledge, the distance, the miles, the nautical. Where the boundaries begin and end, they speak the language of the state, politicians, bureaucrats, and armies. They applied to the people but never represented them. Like what does the phrase Kashmir to Kanyakumari mean? Is it just gauging the NH44 road or measuring the distance from the north to south of India? Ranabir Samaddar describes “maps are barred subject” they arouse suspicion. Less discussion about them is preferable because they symbolize anxiety so they are not to be mentioned. Maps and a country's fragility both play a part in the political sensitivity of boundaries, especially in India (Samaddar, 2012).¹⁴

¹¹ R. D Sack, 'Human territoriality' 1986, Cambridge University Press

¹² Berg et.al 'Routing borders between territories, discourses and practices' Burligton, Ahgate p.18

¹³ Nurit Kilot and David Newman (ed.) 'Geopolitics at the end of the twentieth century: the changing world political map. London, 2000.

¹⁴ Ranabir Samaddar, The Nation Form: Essays on Indian Nationalism, Sage, 2012

Moreover, the term borders refers not only to the geographical bounds that the general public refers to. Gabriel describes similar phrases as it employs transience, transgression, monitoring, and the need for continuous border creation and reiteration and provides a new meaning to the everyday language (Gabriel, 1998).¹⁵ These boundaries lead to certain kinds of barriers which are plainly characterized as nothing more than an imaginary one, in the sense that it excludes indistinguishable people except for the conception of their identities (Anderson, 1983).¹⁶ The most obvious of them is the issue of enemy identification - the mark: language, skin colour, physical traits, clothes, and countless cultural rules - none of these serve to distinguish friend from foe, Pakistani from Indian. Sankaran Krishna calls this tendency "cartographic anxiety, which refers to the politics involved in creating maps, especially in Post colonial India to define the national territory as it is considered as the iconic symbol to maintain the borders (Krishna, 1994).¹⁷ In Hannah Arendt's words, the cartographic line is as such also a juridical line that territorializes sovereignty and determines who can have, 'the right to have rights and the right to belonging'.¹⁸ Hannah Arendt, writing from the middle of a long and terrifying twentieth century, articulated the new predicament of statelessness in a world reduced to nation-states, 'when belonging to the community into which one is born is no longer a matter of course and not belonging no longer a matter of choice' (Arendt)¹⁹ It is both historically specific (Partition, 1947) and of our age, is a political condition, as Arendt explains, which includes both 'minorities' and 'refugees' – those rendered xenos (foreign, strange) within the territorial limits represented by the cartographic line, and those rendered xenos by crossing those limits.

Recent Scholarship on borders, particularly work on biopolitics in border studies, has enriched and broadened our understanding of the subject. No longer to be viewed just as lines drawn along the national periphery, borders have become more diverse and diffused, existing in various forms (overt and covert) and serving different purposes.

¹⁵ Karen Gabriel, Manning the Border Gender and War in 'Border' *Economic and Political Weekly*, Vol. 33, No. 15 (Apr. 11-17, 1998), pp. 828-832

¹⁶ Benedict Anderson's, *Imagined Communities: Reflections on the Origins and Spread of Nationalism*, Verso, London, 1983

¹⁷ Sankaran Krishna, "Cartographic Anxiety: Mapping the Body Politic in India," *Alternatives: Global, Local, Political* 19, no. 4 (1994): 507–21

¹⁸ 7 Hannah Arendt, *The Origins of Totalitarianism*, Meridian, Cleveland, Ohio, 1962 [1951], pp 296–297

¹⁹ Arendt, *The Origins of Totalitarianism*, op cit, p 296

There could be socioeconomic, political, regional, local, and global borders. Mass policing and surveillance at airports, of the population moving from one county to another, to cinema halls, and various other everyday places represent the new forms of border manning. Chris Rumford pointed out that borders may appear more concrete and visible to some than others. He highlighted the different experiences of the borders for the businessman, the academic person traveling to a conference, and the itinerant agriculturalist or unskilled worker (Rumford, 2008)²⁰. Etienne Balibar has propagated the notion 'borders are everywhere' to suggest the dispersed, multi layered and polyvalent nature of borders as against the canonical approach towards borders as mere territorial divisions. Balibar forcefully argues that 'the idea that the borders are concentrated in particular places and along well-defined lines should be associated with the nation-state bordering preferences, rather than being features of border per se' (Balibar, 2002),²¹ this, however, does not imply, as he argues that borders are fading away. In fact, borders are being multiplied and dispersed throughout the social body.

Contemporary theories of diffused, multilayered borders have added new vigor to border studies indicating a shift away from state-oriented studies towards studies of the spatial mobile population, cultural politics, gated communities overlapping local and global transboundary, discriminatory border practices, and so on.

Borders are built to enclose and divide, giving state agencies more control. In order to keep the border secure, a variety of administrative and legal controls on citizen and non-citizen mobility are required. Despite the fact that the state apparatus at the borders and borderlands appears to be protecting and facilitating migrants, it is actively contributing to systemic fear and threat. (Gellner 2013; Hausner & Sharma). Similarly, (Prescott 1965) identifies borders as markers of actual state power over their own societies in his work. Leaders of nations have attempted to make the state the dominant force in their societies in the past, but the scope of such imposition and practise on "the people" is debatable. The conflict between the "state" and the "people" is most visible in the margins, such as the borderlands. According to the author, borderlands "are geographically defined areas that can be drawn on a map like any other region." It is

²⁰ Chris Rumford cosmopolitan spaces: Europe, Globalisation, Theory. New York , Routledge, 2008 p. 41

²¹ Etienne Balibar, Politics and the Other Scene. London, Verso 2002, p. 84

emphasised that this region is home to 'borderland communities' with distinct socio-cultural, linguistic, and political characteristics (Baud and Van Schendel, 1997 argue that the 'borderland community' is so different from everyone else that they feel 'ethnically and emotionally part of another non-state entity'). This is due to the once-united region's shared history, geographical proximity, and, most importantly, refugees from West Pakistan shared culture, language, and tradition, as thesis will explain in detail in further chapters.

In the above-discussed scholarship, it has been clear that borders are the creation of the partition, which provides identity through territorial demarcation. Later it uses several tools like maps, roads, and fences to describe who belongs to which parts. The partition of 1947 created borders in the nations, and people residing in specific areas are identified through these restricted spaces, providing identity to residents. The most prominent expression of obsession with borders in South Asia manifests in the form of militarization of border, which in all respects is exceptionally hostile for human habitation.

Partition and Border making process in Jammu and Kashmir

“So what is separation’s geography?

Everything is just that mystery.

Everything is this roar that deafens:

This stream has branched off from the Indus, in little Tibet,

just to find itself where Porus Miles down (there it will join the Jhelum)

Lost to Greeks, it will become, in Pakistan, the Indus again.

Leaning against the Himalayas (the mountains here are never in the distance),

wine glass in hand, I see evening come on.

It is two months since you left us. So this is separation?”²²

²² Agha Shahid Ali in [Separation’s Geography: ‘By the Waters of the Sind’](http://daak.co.in/separations-geography-gha-shahid-alis-waters-sind/) <http://daak.co.in/separations-geography-gha-shahid-alis-waters-sind/>

In the above lines, the famous Kashmir poet narrates the mystery of the geography that separated nature in the borders constructed. This natural separation also leads to personal separation through the borders between India and Pakistan. This section will cover the history of Jammu and Kashmir's borders, as it is a dynamic site that will provide a different world within the existing one. Since 1947, the Jammu and Kashmir borders have been the site of numerous conflicts, prompting the countries to fight several wars in 1947, 1965, 1971, and 1999, resulting in barbed-fenced borders at the international boundary (IB), which is 198 kilometres long and runs from Kathua district to Akhnoor in the Jammu region's Plains. The Line of Control (LOC) stretches 740 kilometres from Akhnoor district to Poonch and Rajouri in Jammu region and Kupwara in Kashmir. The unsettled question of the status of the Jammu and Kashmir partition and its aftermath is far from the historical texts of the Partition Studies. Suppose we have to get the details of the Partition occurrence in Jammu and Kashmir. In that case, we have to go back to the memoirs of the state administration, the unpublished records of the archive from the Princely history largely forgotten or ignored.

Jammu region of J&K, called 'city of temples', was not demographically the same as before 1947. There were five districts or Wazarats in Jammu province: Jammu, Kathua, Mirpur, Udhampur, and Riasi during the Princely Ruler before 1947. It underwent many changes in its principalities after the signing of the Instrument of Accession by Maharaja of the J&K with India in 1947 (Puri, 1983)²³ At present, Jammu has ten districts, of which Jammu is called Sardar. The population in Jammu is heterogeneous, comprising Hindus, Muslim, Sikhs (Census, 1921, 41,61).²⁴ To a large extent, the post-independence politics of Jammu is the story of inter-religion relations but also of intra regional relation between religious and cultural identities within the region (Puri, 1983).²⁵ Jammu region holds a diverse character with people of different religions,

²³ Balraj Puri. *Simmering Volcano: Study of Jammu's Relation with Kashmir*, (New Delhi: Sterling publication, 1983) p. 1-5 The states under it known as Akhnur, Bhimber, Kishtwar, Khari-khari, Kotali, Punch,

Rajouri, Reasi, Bahu, Balor, Banddralta (Ramnagar), Bhaderwah, Bhadu, Bhoti, Chaneni, Dalpatpur, Jasrota, Lakhampur, Mankote (Ramkote), Samba, Trikot and Jammu some of these states were ruled by the members of the same family.

²⁴ The census data of the different time period of J&K state, data collected from the Jammu State Archives.

²⁵ *Ibid* p.9

languages, and cultural groups residing here. Jammu was one of the state's most populous regions before partition of 1947. A large number of Muslims were residing in different areas of Jammu. The people follow a specific culture different from the other two regions of the state. Dogra is the predominant community on the basis of the language Dogri they speak.

Whereas the Kashmir province before 1947 had only three districts: Kashmir North (Baramulla), Kashmir South (Srinagar) and Muzaffarabad. The Kashmir valley has a distinct identity and is dissimilar to the culture prevailing in Azad Kashmir or Pakistan - held Kashmir. Before 1947, only Muzaffarabad district of Pak held Kashmir, which was in Kashmir province. The rest of the districts of the Pak-held Kashmir were either in Jammu province or the frontier province of Ladakh, now called the northern areas in Pakistan. Even the Muzaffarabad district was closer to the Jammu region in language or cultural terms (Puri, 2003).²⁶ The frontier districts include Ladakh and Gilgit. In reality there were only two governors' provinces i.e., Jammu and Kashmir, with headquarters in the cities of Jammu and Srinagar, respectively (Census, 1921).²⁷ These provinces were controlled by the then Maharaja, acting through his ministers and departmental heads whose jurisdiction extended to all over the state in their respective spheres. The state also had Jagirs and the Dependencies: Poonch Jagir, Chenani Jagir and Frontier Illaqa. These areas were ruled by their independent Rajas in the form of Jammu and Kashmir (Census, 1921).²⁸ The main power centre in Azad Kashmir has been Muslim Rajputs, proud of

²⁶ Luv Puri, Towards a Softer Border Economic and Political Weekly, May 31 - Jun. 6, 2003, Vol. 38, No. 22 (May 31 - Jun. 6, 2003), pp. 2116-2117 Published by: Economic and Political Weekly Stable URL: <https://www.jstor.org/stable/4413613>

²⁷ File no. P/sd 478. The Census of 1921 J&K Accessed on September 12th 2017 from Jammu State Archives.

²⁸ The data collected from the census report of 1933 of J&K State. The total of the state, as adopted at the present Census is 84,471 square miles. Altogether these two provinces and the frontier areas include ten districts and thirty one tehsils in the state proper. The dependencies include total thirteen tehsils and Illaqa under it. Source Jammu Archives accessed on September 15th 2017.

Note: The district areas comprise of different tehsils are provided as following. **Jammu** district includes tehsils as Jammu, Akhnoor, Samba, Ranbirsinghpura. **Kathua** district includes tehsils Kathua, Jasmergarh, Basholi. **Mirpur** district includes tehsil Mirpur, Bhimber, Kotli. **Udhampur** district includes tehsils Udhampur, Ramnagar, Ramban, Bhadarwah, Kishtwar. **Riasi** district includes tehsil Riasi, Rampur Rajouri. **Kashmir north** includes tehsils Sri Partapsinghpur (Badgama), Uttarmachhipura and Baramulla. **Kashmir south** includes tehsils Srinagar, Anantnag, Kulgam, Awantipura. **Muzaffarabad** includes tehsils Uri, Karnah, Muzaffarabad. **Ladakh** includes tehsils Skardu, Kargil, Ladakh (including Masur village situated in Tibetain territory). **Gilgit** includes itself only. **Poonch Jagir** includes Illaqa are as Haveli, Sadhonti, Mandhar

their martial past. All of them are non-Kashmiri speaking and have close ties with the border districts of the Jammu region. During the partition, large-scale migration of Muslims took place from the region to Pakistan Occupied Kashmir and different parts of Pakistan from Jammu city. The number of families were divided overnight, as a daughter was separated from her parents, brother and vice versa. Most Muslim families migrated to Punjab province of Pakistan from Jammu.

One of the partition survivor from Jammu narrates about the happenings of the 1947 during an interaction. Bashir Ahmed hails from village Raika of tehsil Jammu, five miles from the Royal Princely Palace of Mubarak Mandi Jammu. Narrating the tragedy, he said Muslims came to know about impending threats, communal clashes after many refugees arrived in Jammu, and Muslim localities were targeted. Recalling his personal loss Bashir said, that a jathha (group of rioters) armed with sharp-edged weapons barged into his village around 10 A.M. Shouting ‘Maharaja Hari Singh ki Jai ho’ Along with other families, my family fled from the village, leaving behind all the material possessions and went in hiding in woods for several days. The jathha murdered the people they found, plundered the houses, and set them on fire. We saw our house burning in the jungle. We had no food, so our elders visited the plundered houses late in the night to find some ration. They collected a few leftover grains and cooked them in the jungle to survive. In the chilling nights of late October –November, we warm ourselves with a few torn and burned-out blankets recovered from our homes. The reports of attacks on Muslims were pouring in from different areas of Jammu, so Maharaja-led administration declared the Gandhi Nagar area as Camp, which was seven kilometers from the Maharaja Palace. The camps were established for Muslims willing to go to Pakistan. On the eve of *badi eid* (Bakar Eid), around 3 A.M. unit of the Gorkha army arrived at Gandhi Nagar, which was filled with Muslims, encircled them from four sides, and took away the weapons carried by the Muslims. They opened fire from all sides, which continued for at least three hours. The entire area was covered with corpses, and blood flowed. It was winter, and mother had hidden my three other siblings and me under a quilt and blankets. Bashir further said that my uncle and other relatives were killed in this massacre. Their

and Bagh. **Chennani** includes itself. **Frontier Ilaqa** includes areas are as Punail, Ishkoman, Yasin, Kuhand Ghizar, Hunza, Nagar and Chilas.

bodies were recovered late, but we couldn't bury them as the situations were appalling. Somehow my grandfather survived this attack and in night he ran to the city area to collect money from Shah ji (a shopkeeper who takes care of family accounts) but didn't return, and we waited. In the morning, Sheikh Abdullah and other leaders, including Sardar Buddhi Singh, arrived in the area and relocated the survivors to the safe location of Digana camp. The wounded were treated there; however, only a few survived, while others died. The Muslim ordeal did not stop there; several children died at an alarming speed in the Digana Camp. As time passed, the ratio of casualties increased, and the people discovered that rioters poisoned the source of the drinking water of the queen's pond. My mother and tayi ji (aunt) were the only women in our family with eight children. We were not able to go anywhere so we remain with the majority of people under difficult circumstances. This genocide lasted approximately forty days. After Sheikh's government took the reins from the Maharaja, the camp inmates were shifted to a new camp in Jammu, but that night, we were attacked by the Sikh community in which a few people were killed. Most Muslims in Jammu city and adjoining areas were either killed or deported to Pakistan; I was unaware of this because I had not seen any dead bodies. Allaha has a better understanding of the situation. Later on government ordered that wherever you find an empty house, you take it and settle there; the government provided rations in the early days. My family settled in a house at Dalpatian Mohalla owned by Muslims. We stayed there until 1956 while the government assisted in the recovery of stolen animals. We returned to our ancestral village Raika which was destroyed in 1947. Bashir reassumed their ancestral property and started doing his hereditary business of selling milk. Though Bashir story did not tell us about the community ties directly but there are many ordeals of Muslims in Jammu region who Hindu families protected. This narrative clearly demonstrates how the state apparatus uses violence against the Muslims of Jammu and its surrounding areas, even though the role of the state apparatus is to assist in crossing the borders safely, they were killed in a planned manner by using force and making them vulnerable. This is a clear example of the mass violence planned by state machinery. Sneedan also argues that Hindu Maharaja and refugees orchestrated the violence that occurred in Jammu against Muslims from Pakistan, who took shelter in Jammu, along with the huge participation of right-wing

forces of Rashtriya Swayam Sevak Sangh. Sneedan estimates that between 70,000 and 2,37,000 Muslims were killed in the city and the villages of Jammu. The narrative of Bashir gives a glimpse of such figures. It is also claimed from various newspaper reports of that time that about 200,000 Muslims just disappeared. At the same time, the rest remained untraceable, having presumably been butchered, or died from epidemics or exposure. The rest fled to West Punjab. He further argues that the massacre that occurred was caused by a chain of events which brought the Kashmir dispute into the limelight. (Jamwal 2005) Other factors are violence in neighbouring Punjab, which provides ground for replication of same in Jammu. Singh, Iyer and Gairola argues that Hindu and Sikh refugees from 'Azad Kashmir' and West Punjab, along with Sikh deserters of the Sialkot unit, massacred Muslims, and calls the "mad orgy of Dogra violence against unarmed Muslims" as one that ought to put any self-respecting human to shame. This is claimed to be an action in reaction to violence. The communal enmity grew stronger and more widespread as a result of these incidents. Strikingly, there are only scanty primary archival reports which enumerate the lives lost in terms of numbers. The correspondent for The Times reported that Partition had resulted in the 'elimination of two-thirds of the Muslims last autumn which entirely changed the present composition of eastern Jammu Province'. According to him, 237,000 Muslims had been systematically exterminated in the province in October 1947 large-scale Muslim killings took place in several other places dominated by Muslims, particularly in Udhampur city, Chenani, Ramnagar, and Reasi. Communal marauders killed several Muslims in Bhaderwah (about 150 kilometres from Udhampur) Muslims were massacred in Chhamb, Deva Batala, Manawsar, and other adjoining areas of Akhnoor, Kathua and Samba districts with several of them fleeing to the other side of the border on their way to Jammu.

In a similar way the Poonch region of the J&K also witnessed such incidents in 1947. Poonch was the state's only district bifurcated between the two countries. During the partition, Poonch was the worst affected district of the state. Many Muslim families were separated from each other and many Hindus and Sikhs has to migrated toward Jammu side during the 1947.

One respondent from the Poonch principality survivor of 1947 narrated the changes that took place at that time. Suchwant Singh was born in village Kotli of tehsil Muzzafrabad, famous for waterfalls located at a distance of 124 kilometers from Jammu city, at present part of Pakistan-controlled Jammu and Kashmir. Reminiscing about the 1947 turmoil that forced his family to relocate, he said, "On that day, my elder brother, sister, and mother left the house and moved to the other side of the village to reach the Srinagar city. Grandmother, and I stayed at home". The next morning the nagging of my hair by my grandmother woke me up. She gave me baked prantha, unaware of ongoing happenings in the village. I took a bite and soon heard gunshots-like sounds in the village. I'm not sure what I was thinking then, but I brushed it off as crackers were going off in the village of Kotli. I was out in the fields with my friends while the gunfire-like sounds was continuously heard. At a distance, I found a villager, we call him uncle (Chaacha) was drenched in blood, which was oozing out from a wound in his head. In a trembling voice, the uncle asked us to go back home. I hurriedly ran back home and told my grandmother about *uncle "maaji chaache ki khoon ki naddi fat gyi hai."* Grandmother uncles' blood vein got burst. She was probably aware of the ongoing situation, so she consoled me and asked me to speak slowly.

After few hours, we also left our village Kotli and came to the bottom of a wooden suspension bridge over the river Jhelum. People gathered in large numbers to cross the rope bridge and go to the other side. Meanwhile, 'I was hit by a bullet or splinter, I have no idea, but I started crying,' he continued, lifting his trouser and showing the mark of a wound on his thigh. 'My grandmother tore her dupatta and tied it around the wound, but the blood continued to flow. She borrowed a match box from a fellow, burned a piece of her dupatta, and placed it over my wound. The bridge was long, and people on the other side began cutting the ropes, hoping raiders should not be able to cross the bridge under any circumstances. Halfway across the bridge, one of the ropes broke out, leaving the bridge shaking. My grandmother handled the situation so deftly that she quickly carried me on her back, tied the bedsheet around me, and ran the remaining bridge in no time. As we reached the bus stop from where we had to take a bus to Srinagar, people gathered there and informed us that the bus had already left. From people at the bus stop, my grandmother asked about my mother and two siblings. Some said they moved to

Srinagar, while others feigned ignorance. Some people told me my mother had moved with the kafila to the next village and we should follow her. Rainfall began, but the people's march continued. When we reached the next village, an eyewitness informed my grandmother that a relative from the extended family had murdered her daughter-in-law and granddaughter to save their modesty. The person said his wife and daughters were also killed this morning and their bodies were thrown into the river Jhelum. With a heavy heart, my grandmother inquired about my brother but could not get any information. News of attacks, killings, and burning of houses was pouring in from all villages.

Along with grandmother and thousand others anticipating the raiders' attack, we remained stranded in the woods for three days without food or water. The situation was so serious that the river flowed a few meters away, but we could not fetch water. We are afraid that if we were found, the raiders would kill us as the raiders are killing the people from the Hindu and Sikh community. I recalled my grandmother giving me water from the animals' foot holes created over earth surface and filled with rainwater. I drank it. Despite precautions, the raiders found all hiding in the woods. The raiders apprehended all two days later and shifted us to the POJK's Domel area. Muzaffarabad's villages were destroyed by that time, with houses being burned, looted, and plundered. He continued, "I also saw how the young girls were separated and taken to different locations." The raiders have complete domination over the area. They gave us two options, "either convert to Islam or die". Some people had good sense and were assured of accepting Islam if given time. Hundreds of people were locked inside a house. Around four o'clock in the evening, our elders held a meeting and drew a strategy to survive. Some said daughters were taken away, while have no idea about other women and it is better to die in our own religion. Some people attempted to break the doors and succeeded. They fled, but the raiders opened fire, and many jumped into river Jhelum. My grandmother also ran and threw me in the river but I landed at the bank. She did not jump and picked me up and took me in her lap sitting along bank.

The people who survived were taken back into raider's custody. Many survivors were sent to camps, while others died due to a lack of food and medicine. Meanwhile, one of the raiders inquired about my family and offered help. He brought both of us to his

home. His name was Sultan. He gave us food and clothes, but grandmother could not eat properly for many days together. We spent several days at his home, and his grandmother told him about my missing brother. Sultan contacted nearby villages and finally found him from other villages. He could not bring him at his home so he helped send him to my father, who was posted on Indian side. In a letter to my father, Sultan wrote, "I am sending your first parcel, and if the situation remains fine I will soon send your next parcel."

After a few months of this October event of 1947, a few months later, the situation normalized, and all non Muslims were sent to the government established camps in Lahore, Pakistan. We stayed there for few months. Our camp was in jail of Lahore, Pakistan. After a few months in the summers, with the government's help, we were sent to India via Ferozpur Punjab side. We arrived in Ludhiana and were transported to Jammu via Amritsar. My father was posted in Srinagar, and our family of four began a new life in a new area with people from neighbouring or similar villages of Pakistan Occupied Jammu and Kashmir.

This narrative has highlighted the plight of the people who abide the wearisome days and later on how the government helped people get to a safer place and begin a new life in new borderland. It was difficult for him to recount all the details of the incident completely, but he does so to narrate layers of communal violence targeting minorities by Muslim majority but also narrates community bonds shared by people. Sultan was a raider, but community feelings overpowered the hatred, and he helped the so-called enemies. In the early days of the conflict whatever the people do to save their lives is done on their own, and the state only intervened and helped after months, but some relief has been provided.²⁹ This incident states that the memories of the partition are complex but that these complexities have not faded or eroded over time from the lives of the survivors. This anecdote also states how the migration have shifted the narrative of the homeland to the borderland or other country in the lives of those who were migrated.

²⁹ Interview conducted with Suchtwant singh at his residence in Jammu on August 28th, 2019

Moreover, the struggle of the Partition survivors over geography to define our home and our land has existed throughout history. The irony is when the arsenal of imperialism and colonial conquest, people became the survey and statistic for the government and for them, the map denying them their basic rights to have access to their homeland. People shared we were force to flee from our native places for these boundary creations. Among these interviews, some were born in the camps and shared their experience of partition in Jammu and Kashmir. Caught between history, time and territory, they are the people who get trapped beneath the collapsing lines that willed nations into existence. They are the unacknowledged casualties when those arbitrary borders shift even a little. Like Suchtwant Singh and Bashir many partition survivors were victims of ethnic cleansing and genocide and made the borders of their lives in the newly created nations. In their journey to new places, they talked about starvation, the destruction of their homes and communities, sexual violence and rape abuse, torture and killing of others, difficult flight or escape, and forced exile. Many of these survivors reside in places known today as camps , dotted with bunkers, checkpoints, and guns. Their every move is under surveillance, landlocked between disquiet and desperation. They are not in search of the truth about the world, just about themselves, which are discussed in length in the further chapters of the thesis.

The POK incident created a new history in Jammu and Kashmir as it ended up with cease-fire line, which was created after the war of 1948 between India and Pakistan. This changed the Jammu Muslim majority into a minority when thousands of the state's Muslims migrated to Pakistan (Puri, 1983).³⁰ The Jammu region, which used to share a rail link with Pakistan via the Suchethgarh border, stopped after the 1948 cease-fire line. This rail link route started from Bikram Chowk, Jammu, to Sialkot in Pakistan. Jammu's economic relations were with the Sialkot area, and Jammu had no direct link with the rest of India (Snedden, 2013).³¹ On the other side, the state also shared cultural ties with Himachal Pradesh due to its Parhari culture, language, and Hindu community. People of the state also shared relations with Punjab state, but no road link existed before

³⁰*Ibid* p. 3

³¹Christopher Snedden. *Kashmir the Unwritten History*, (Harper Collins 2013)

the 1947 rail was the only way to reach Punjab from J&K. (Vaid, 2002).³² These incidents gave the state a new identity and people residing here.

After witnessing the turmoil in October 1947, the Princely State J&K signed the Instrument of Accession, became an integral part of India. Since then, the borders of J&K have been regarded as one of South Asia's most complex, violent, and dangerous. Kashmir issue has dominated the political landscape with little attention paid to the border areas. Ignorance is largely the result of the political question of the Kashmir-based struggle over the last seven decades; it does not breed contempt but prejudice. There are competing perspectives on how India claims Kashmir and how Pakistan and the international community perceive it. J&K, with its distinct history dating back to 1947, J&K remains contested with contested histories and challenging geographies, making the border narrative, including the IB and LOC, complex and multi-layered, having a significant impact on the lives of people on both sides of the divide, particularly border residents. The fact that J&K has a unique and distinct history and political dynamics that are both causes and consequences of the India-Pakistan conflicts creates a more complex border narrative that cannot be simply defined and marked by territory and the presence of formidable fencing. Though there is ample literature on the Kashmir conflict and related issues, less has been analyzed in context to the borders of J&K. The contention between India and Pakistan over Jammu and Kashmir prompted the division of states with a noteworthy par with china and Pakistan in 1947. India claimed this Muslim-majority state to prove itself as a secular state³³, and Pakistan claimed it to be a theocratic state. Since the late 1940s the contention has taken a drawn-out turn, bringing about three undeniable wars in 1947, 65, 71, and a constrained war in 1999 with gigantic bearing for the nation and individuals of the state. Malcolm Anderson argues, “contemporary frontiers are of simple lines on the map, the unproblematic given of political life, where one jurisdiction or political authority ends, and another begins, they are central to understanding political life. This is the simple way to see the borders

³²S.P Vaid. *How Partition Rocked the Jammu region*, (Jammu: Shyama Publications,2002)

Also seeManu Khajuria “Hari Singh was more than a Hindu king who ruled over a Muslim majority state” (*Daily O*)September 21st 2015 accessed on May 7th 2017 www.dailyo.in/politics/maharaja-hari-singh-jammu-and-kashmir.../6363.html

³³ Bose 2009

through the barbed wires, but it does not end here. The complex part of the borders gave the often dramatic questions concerning citizenship, identity, political loyalty, exclusion, inclusion, of the ends of the state's" (Andreson,1996).³⁴ He further notes that frontiers between the states are institutional and processes as the institution are established by political decisions and regulated by legal texts. The frontier is the essential political institution with no rule-bound economic, social or political life in complex societies that could be organized without them. Like all institutions they have their own set of internal rules which govern their behaviour, much of which becomes self-perpetuating and resistant to change. Institutions at the border control the degree of inclusion and exclusion, the degree of permeability, and the laws governing transboundary movement—the movement of people and goods from one side of the border to the other (Andreson, 1997)³⁵, which can be observed at the international border as well as LOC.

The LOC, known as the 'ceasefire line' (CFL), emerged immediately after the partition of the erstwhile state of Jammu and Kashmir. It was drawn on the basis of positions held by the combatants when the war ends in 1948. However, this temporarily accepted line was altered again during the wars of 1965 and 1971 between India and Pakistan and renamed as Line of Control (LOC) by an agreement between the two countries in July 1972 (jammu.nic.in/SRO). The LOC in Jammu province starts from Akhnoor and ends in Poonch district. It established and divided the territorial jurisdiction of India and Pakistan in the J&K region. it lies in the mountainous range marked by slopes, jungles and in some parts it is snowbound as well. Muslims population largely resides near the LOC barring a part of Akhnoor and a pocket in Nowshera. The inhabitants along LOC represent a different set of cultural zones. The majority of them are Paharis and Gujjars barring the thesil Akhnoor in Jammu which falls under the dogri speaking area and Mandi Poonch ,which is largely inhabited by Kashmiri speaking people (Chowdhary, 2010)³⁶ the interplay of identity, politics and conflict is fairly complex and nuanced in the case of people living along the LOC. According to Navnita Chadha Behra the overlap of religion, caste and sects is quite visible in the sub region of

³⁴ Malcolm Andreson frontiers refions in Western Europe, london frank cas1996

³⁵ ibid

³⁶ Rekha Chowdhary Identity Politics in Jammu and Kashmir, New Delhi, Vitasta Publishing Pvt.Ltd, 2010

Poonch and Rajouri. The region carries very ambiguous and fluid identities, which are being used and operated for various purposes by various groups.(Behera, 2006) ³⁷. This has been observed that the LOC is an easier route for infiltration by the militants in the past decades, which created many problems for the state and residents. At the same time, the International Border (IB) ranges from the Akhnoor to Kathua districts of J&K and falls in the plains of Jammu, land which is quite fertile and productive. Hindus and Sikhs inhabit it, the majority who have migrated from West Pakistan and Pakistan Administration Jammu and Kashmir. In addition to this, the accessibility to the urban centers is close from here, and the availability of health, education, and transportation is easily accessible in comparison to LOC. In the context of the cross-border tensions, both IB and LOC face almost similar causalities. These skirmishes lead to the temporary displacement of the population to safer places. The data of the previous years describe it as

Contextualising the Jammu and Kashmir border

According to David Luudden, the pain of partition was very unevenly distributed on the people who settled in the borderlands, as they were directly and personally affected more than those who resided in non-borderland areas. As a result, a large portion of the population is forced to live in precarious conditions daily. Over the last seven decades, the nature of borders has shifted from porous to highly militarised and securitized. People's histories and identities were rewritten by new lines on the map enforced by a standing army and border security forces. As I travel through the border villages of Jammu and Kashmir, I discover a map that differs from the one I thought I knew but when I look at the entrenched barbed wires border security forces, mine-placed fields, and bunkers. I discover a different world with a different history. The borders in Jammu and Kashmir encircle and suffocate the people rather than guarantee them liberty. What they frequently referred to as justice was a deep longing to make sense of their loss as a border resident in a conflict-prone J&K.

³⁷ Navnita Chadha Behra 'Demystifying Kashmir, Washington D.C. Brooking Institution 2006

The border in Jammu and Kashmir borders can be examined in the context of what Oscar Martinez calls 'alienated borderland' marked by extremely unfavourable conditions such as those in the J&K International border (IB) as well as at the Line of Control (LOC).³⁸ By and large border in our parts of the world are limiting, restrictive and containing³⁹ and that applies to both IB and LOC in J&K. The relationship between the sovereignty and responsibility is complex and shaky. The phenomenon seems localised in the subcontinent. Notably, the state's ethno-culture fabric has been pierced from the establishment of artificial borders. A practice in keeping with the deduction of borders have created many of the modern states with least attention paid to the identity, blood relations and shared culture of the people inhabiting the areas, this has led to many interstate border conflict with wide ramification for border people.⁴⁰ The periodic shifting of territory and people witnessed across the IB and LOC only made matters more complicated. Aggarwal argued that drawn and redrawn by battles and treaties the line is identified by traces of blood, bullet, watchtowers and ghost sentiments left from recurring wars between India and Pakistan.⁴¹ Whereas Smith argued that the regular disturbances along the borders has given rise to an atmosphere of irresolution in which conflict and uncertainties at the borders become a haunting presence that allows for a particular set of political narrative to take root even when the border is out of sight.⁴² Similarly Passi highlighted that borders are never to be found only in border areas. This kind of peculiarity evoked and embodied in everyday life of the inhabitants of J&K border districts, and beyond that in its urban space as well. These border spaces are being utilized by both countries India and Pakistan to serve their national interest⁴³.

³⁸ J Martinez, *Border people life and society in the U.S. Mexico borderlands* Arizona University of Arizona Press, 1994.

³⁹ Wilson and Donnan (eds.) *Border Identities: Nation and state at International frontiers*, p12-13 Cambridge University Press 1998.

⁴⁰ "Seema Shekhawat and Debidatta Aurbinda Mahapatra, (Eds) *Afro- Asian Conflict Changing Contours , Costs and Consequences* New Century Publications, 2008, New Delhi,"

⁴¹ R Aggarwal *Beyond lines of control: Performance and politics on the disputed borders of Ladakh, India* Durham, Duke University Press, 2004

⁴² M Roger Smith *Citizenship borders and human needs* University of Pennsylvania Press 2013

⁴³ Anssi Passi *A border theory an unattainable dream or a realistic aim for border scholars?* In *Wastl-Walters Doris (ed.) A Research Companion to border studies*, Aldershot Ashgate p 11-31

The borders are both physical and imagined, and the extent of the imagined territory depends upon which side of the border one is in.⁴⁴ the imagined boundaries vary according to religion, region, and ethnic identities. Political leanings for the residents of the borders the fantasy of the imagined border is a luxury and the reality is just a grim ugly line on the map where the control of the army on their side ends. The control of the army of the other side begins.⁴⁵ The debate and discussion about imagined borders, nationhood, and conflicts is irrelevant for the population residing near the zero line. Instead, what matters is the constant state of anxiety, panic, and fear they experience, as well as the paradoxical distance separating them from a village with the same name on the other side despite being close to a forbidden land. Militaries trap them on and near this zero line as they work near the border and fire, landmines, border skirmishes, and other hostile border manifestations engage them. According to popular belief, borders are the heroic locations where soldiers demonstrate their bravery to defend territorial boundaries; however, borders are almost never associated with the real people who live there and go about their daily lives because they are the ones who have to pay the price for the chauvinistic brand of valor. Living on borders is like living on the margins where everyone has forgotten about you, and the concerned authorities have abandoned you.

Over the last few years, there has been a gradual rise in casualties at the border between India and Pakistan.⁴⁶ the borders become more volatile, leading to death casualties and loss to many residents. On the other side the border continues to sever relations between families and friends across the border. For instance, the FB page of Ponchi Parivaar “created by Romi Sharma has helped the residents of both sides of the Line of Control (LoC) and IB. The group brings together relatives, well-wishers, and residents of the villages that suffered in the war of 1947.⁴⁷ the group organizes timely talks on the issues of both sides of borders. It has members from both nation. Likewise,

⁴⁴“Benedict Anderson, *Imagined Communities Reflections on the Origin and Spread of Nationalism*, London, 1983,”

⁴⁵ “Anuradha Bhasin Jamwal, *Living on the Margin Complex Narratives of People Living on the LOC* CDR, 2015,”

⁴⁶ “Abhishek Waghmare, ‘Indian Army’s Death Toll of 64 in 2016 Highest in Six Years: 31 Terrorists Killed This Year,’ *Firstpost*, September 21, 2016.” <https://www.firstpost.com/india/indian-armys-2016-death-toll-of-64-is-highest-in-six-years-31-terrorists-killed-this-year-3013554.html>

⁴⁷ “Shubhangi Swarup, ‘A Portrait of a Village on the Border,’ *Live Mint*, August 11, 2017. (Accessed August 15, 2017),”

the effect of border violence and the war on historical sites, places of worship, tangible and intangible history, and culture is something that cannot be measured. The divided families have suffered the most due to partition and have not been paid attention in the academic and political realms. Despite some peace initiatives took by the government, such as India Pakistan bus services, trade relations are focussed, but the larger concern of the divided families issues has not been addressed yet. For both nations, the issue of fencing, surveillance, and the militarization of borders was the top priority.

Conclusion

This chapter has briefly explained the concept of borders created after the 1947 partition, particularly in Jammu and Kashmir. The main concepts discussed here are how these borders have changed with the passage of time. The chapter has also highlighted how borders have been modified to meet the nation's interest in the last seven decades. As these illustrations suggest, there is an underlying relationship between where the border is located and what it does to the people associated with it. This chapter thus presents a significant gap in how South Asia borders have been studied and what they mean to people who reside near it. The chapter also highlights that an individual's identity is marked through the borders. The chapter has explored the history of partition and its affect in the Jammu and Kashmir with anecdotes of the survivor to understand about the incidents occurred. These anecdotes uncover the various layers of violence, migration of people from one place to another and later develop an understanding of the borders. Jammu and Kashmir had unique borders from the rest of the country with International Borders and Line of Control which are highly securitized with time intervals as the militancy grew in the state. Overall, the above discussion provides an overview of the historical and political milieu in which Jammu and Kashmir borders and the identity of its residents are formed. Understanding the this context helps situate the chapter more broadly and explains the various factors that make borders a delicate yet persistent issue in Jammu and Kashmir.

Chapter 2:

Refugees and Citizenship laws in Jammu and Kashmir

Introduction

Partition has created a new identity for people in South Asia. They were termed as refugees, migrants, and displaced persons, and formed the category of "other". Most of these new people face problems in availing the benefits of citizenship in their new homeland. Citizenship confers a distinct identity on the individual. In India, ration cards, Aadhar cards, voter cards, passports, and a variety of other documents are accepted as proof of identity of a citizen. Citizens require these cards to receive various state benefits, entitlements, and political rights. Only a person with this citizenship right can demand and enjoy other civil, social, and economic rights. Part II of the Indian Constitution (articles 5-11) addresses the issue of Indian citizen identification. It distinguishes between citizens and aliens on 'Indian territory.'

In contrast to an alien, a citizen has certain rights and responsibilities (Roy, 2010).¹ Nirja Jayal Gopal argued that citizenship is the privilege of the unmarked because, for those belonging to variously disadvantaged groups, the road to citizenship lies only and paradoxically through being marked as different, and implicitly even inferior (Gopal,2019).² Whereas T.H. Marshall defines citizenship as "free and equal members of a political community", it stems primarily from viewing citizenship as a process of expanding equality against social class inequality, a feature of capitalist society. He emphasises the claim to have the right to citizenship in the country in which one resides (Marshall, 1950).³ When it comes to the state of Jammu and Kashmir, we discover that its citizens had a special status in the state enshrined by Indian Constitution and Jammu and Kashmir's separate constitution. They were referred to as 'special citizens' because they had a special status under Dogra Maharaja's reign and later in the Indian Constitution. This 'special status' does not apply to the citizens of other Indian states during colonial and post-colonial time period.

¹A. Roy, Mapping Citizenship in India (OUP 2010) p. 36.

She deals with cases of migrants, displaced persons and abducted women of the partition turmoil. Through this she builds the difference between the citizens and the aliens in legal framework. 56,(2018) 132-134.

² Nirja Gopal Jayal (2019) Reconfiguring Citizenship in Contemporary India, South Asia: Journal of South Asian Studies, 42:1, 33-50, DOI: <https://doi.org/10.1080/00856401.2019.1555874>

³T.H. Marshall, Citizenship and Social Class and Other Essays (Cambridge Press 1950).

Historically Dogra rulers ruled over Jammu and Kashmir from 1846 to 1947. On May 18, 1846, “the Treaty of Amritsar” established the state following an agreement between the British colonial government of India and Raja Gulab Singh, the then-Governor of Jammu. Gulab Singh had to pay the British Colonial government seventy-five lakh rupees (Nanakshahee) in exchange for complete control of the state.⁴ Gulab Singh receives all the hilly or mountainous country with its dependencies situated to the eastward of the river Indus, and westward to the Ravi River,(Puri, 193)⁵ including Chamba but excluding Lahul, of neighbouring Himachal Pardesh (Puri, 1983).⁶ The agreement was made solely between the British government and Maharaja Gulab Singh, with no regard for the people's interests. Following the Amristar Treaty, several formerly independent principalities and regions, including the valley of Kashmir, Jammu, Ladakh, Baltistan, Mirpur, Poonch, Muzafarabad, Gilgit, Nagar, and Hunza, as well as other smaller kingdoms and hill states became part of new principality Jammu and Kahsmir.(Wasim,⁷ The three distinct regions of the state of Jammu, Kashmir, and Ladakh were merged into a single political entity known as Jammu and Kashmir, under Dogra Maharaja. Mridu Rai argues that the Pre-colonial sovereignty accompanied the British and Dogra efforts to establish the princely state of Jammu and Kashmir, which established a Dogra-Hindu ruling class over Kashmir, without considering the interests of its people. She further emphasised on shifts to the political and religious mobilisation of Muslims, primarily in response to recognition of their history, their numerical power, and the failure of the Dogra - Hindu princely state to satisfy their demands⁸ which come up with hereditary state subjects laws.

The first section of the chapter introduces the historiography of the hereditary State Subject Certificate during the Dogra Princely regime in Jammu and Kashmir. It will focus on the movements led by Kashmiri Pandits and Dogras through their respective organisations that included hereditary state subject laws in the princely state of

⁴ “Treaty of Amritsar, Article 3” <http://www.kashmirnetwork.com/justju/stuff/treaty.pdf>

⁵ Balraj Puri, *Simmering Volcano: Study of Jammu’s Relation with Kashmir* (New Delhi: Sterling publication, 1983) p. 1-5.

⁶ “Between War and Refugees in Jammu and Kashmir; Displacement, Borders and the Boundaries of Political Belongings” <https://content.ucpress.edu/chapters/12127.ch01.pdf>

⁷ H.K. Wasim “History revisited: Narratives on Political and Constitutional changes in Kashmir(1947-1990)” <http://www.isec.ac.in/wp.htm>

⁸ Mridu Rai. *Hindu rulers, Muslim subjects: Islam, rights, and the history of Kashmir*. (Princeton: Princeton University Press, 2004)

Jammu and Kashmir. The Maharaja's inclusion and exclusion of residents is also the primary concern of the investigation to grant this document to reap the benefit in the political and economic spheres of the Jammu and Kashmir state. The work of Chitralkha Zutshi has laid emphasis on the impact on the political economy of the Kashmir Valley, leading to a redefinition of the relationship between the Dogra state and the majority community of Kashmiri Muslims. While the Dogras faced constant scrutiny, Kashmiris found themselves in a twice-removed situation of colonial rule, with dual loyalties and no clear path to redress their grievances. Despite being subjects of the greater British-Indian Empire, Kashmiris shaped their identities through the Dogra State's legitimacy apparatus, which constantly sought to balance its definition in terms of Hindu idioms,⁹ will be studied out.

The second section will focus on the history of Jammu and Kashmir, which adopted the federal structure pattern to become a part of the Indian union after signing the Instrument of Accession. This accession agreement grants Jammu and Kashmir residents the special status of dual citizenship under Indian Constitution Articles 370 and 35A. This section will highlight the importance of the Permanent Resident Certificate enshrined by the constitution of Jammu and Kashmir. It analyzes how the Hereditary State Subject remains an essential document in people's lives to attain the Permanent Resident Certificate. It analyses the political, social, and economic importance of PRC documents. It will discuss what conditions are necessary to get the benefit of the PRC for different sections of people residing in the state.

The third section of the article dealt with the abolition of Jammu and Kashmir's special status after around a hundred years of its introduction. This new development renders the Permanent Resident Certificate document ineffective and introduces the domicile certificate to people who have undergone a special capping process. The chapter attempts to debate the significance of the special identity certificate, formerly known as 'State Subject document'/PRC. It recently got revoked by the Union government. It was providing a unique identity to the residents of Jammu and

⁹Chitralkha Zutshi. An ongoing partition: histories, borders, and the politics of vivisection in Jammu and Kashmir. *Contemporary South Asia* 23, no. 3 (2015): 266-275. Also See: Chitralkha Zutshi. *Languages of belonging: Islam, regional identity, and the making of Kashmir*. Orient Black swan, 2003.

Kashmir, and how these new documents impact people's lives under the politics of hyper nationalism.

The thrust of this chapter is on the legal provisional status of the natives as well as refugees residing in the state, and how this specific law of permanent resident certificate. It describes how it affects the lives of WPRs while staying in the state of Jammu and Kashmir. The chapter relies largely on the study of archival documents, petitions, and legal case judgments filed in the Supreme Court and the Jammu and Kashmir High Court. The key question involved in the inquiry was this, what are the preeminent challenges to citizenship today? How does the citizenship landscape in Jammu and Kashmir look today when viewed through the prism of the three components of citizenship in terms of legal status, rights, and identity in the context of the West Pakistan refugees?

Section I

Historiography of Movement and mobilisation for Identity and Rights

When sovereignty was vested in the monarchical court, an articulation of subject people as rights-bearing subjects developed in the princely state of Jammu and Kashmir. The state subject is primarily concerned with the identification of persons residing in the state's territories and the specifications of the state's territories.¹⁰ The demand for special rights can be traced back to the late nineteenth century, when natives began to perceive a threat from the Punjabi Hindu community. The threat perception was rooted in some political developments by Maharaja Paratap Singh. He changed the court language in 1889 from Persian to Urdu and English¹¹. Despite being a sovereign princely state the interference of Britishers can be ruled out. The change made by Maharaja had an impact on especially literate Kashmiri Pandits (Hindus) population working at different positions in Maharaja Administration as preference was these Kashmiri Pandits in recruitment to administration jobs.¹² In response to such actions, popular demand for an authentic state identity (mulkhi) sworn. Later on the successive Dogra Maharajas were forced to hire only state

¹⁰Ghulam. Shah, *State Subjectship in Jammu and Kashmir* (Srinagar 1998) p. 18-21.

¹¹ P.N. Bazaz, *Azad Kashmir: A Democratic Socialist Conception* (Lahore Pakistan, Ferozsons 1950)

¹² Mridu Rai, *Hindu Rulers Muslim Subjects: Islam, Rights and the History of Kashmir* (Permanent Black 2004)

subjects for state administration positions¹³ in the 1920-30s second movement, focus on the redefinition of the 1912 definition of state subjects, which was based entirely on economic recognition of land occupancy and proprietary rights. It limited the state patronage to those who possessed an *ijazatnamah*¹⁴. The Maharaja had the power to confer state own community land and was empowered to grant or withhold the right of occupancy to subjects.¹⁵ Chitrlekha has argued that securing state services is important for Muslims but was unaware of its importance in the early days as the majority was illiterate¹⁶. Through the movement of 1920's the local inhabitants raised the question of how they used to dominate state services before the change of the court language; outsiders (Punjabi Hindus and Sikhs) currently dominated the state by acquiring the *Rayatnama*¹⁷

Kashmiri Pandit reformist organisations initiated the agitation for the demand of State Subject certificates; they began a campaign against Punjabi Hindu settlement in Kashmir. Sanatan Dharma Sabha launched an anti-reformist campaign against Arya Samaj and Punjabi Hindus calling for "Kashmir for Kashmiris". They demanded a clear definition of what it means to be a Kashmiri and how their own country treats them. Shankar Lal Kaul, a Pandit who wrote under the pen name 'Kashmiricus,' published a scathing indictment of the Dogra States recruitment policy in the United India and Indian States in 1921. He argued in a pamphlet banned by Maharaja Administration,

"Kashmiris are treated as strangers in their own house. In their own country their status is nil. A post of rupees 40 falls vacant in some office... ninety to one an outsider is brought to fill up – and the state officials who indulge in the luxury have not good sense enough to bring at least a good a man from outside to fill up the post , as could be available in Kashmir ... a good –for –nothing outsider almost illiterate – but whose qualification is a communal or geographical alliance with some powerful official in the state –is given a post to which a Kashmiri graduate may aspire... The latest civil and military lists of the state present the miserable spectacle of 5 percent Kashmiri Hindus, 1 percent Kashmiri Mussulmans –and the less than 7 percent of the state subjects-and by state subjects we mean the children of the soil of Jammu and Kashmir – whatever the state authorities may mean by it.... The state has established

¹³ C. Robinson, *Body of Victim, Body of Warrior* (University of California 2013) p 37

¹⁴ Document shows the permission granted by Maharaja Darbar or the State Administrative bureaucracy to hold the land occupancy in the J&K.

¹⁵ P.N.K. Bamzai, *A History of Kashmir: Political, Social and Cultural* (New Delhi: Metropolitan book 1962)

¹⁶ Chitrlekha Zutshi, *Languages of belonging: Islam, regional identity, and the making of Kashmir.*(Orient Black swan, 2003).

¹⁷ Special order of a residence permit given to the people in Jammu and Kashmir after ten years of continuous residence in the state during the time of Dogra Maharaja.

two colleges and..... every year and more students pour into them – and what are their prospects? The state has encouraged them to be ambitious.....diverted them from and unfitted them for pursuing humbler occupations- in short the end is it has ruined them”(sic).¹⁸

From the above letter, it is clear that Pandit Shankar Lal Kaul's letter represents a public perception, particularly among literate Kashmiris. Those literate natives of the state have no opportunity due to the Maharaja regime preference for non-Kashmiris over natives of the state for various government jobs. Anger against Punjabis could also be traced back to an attempt by Kashmiri Pandits and the Dogra Sabha, which collaborated in 1920 to change the definition of the term "Hereditary State Subject" to exclude outsiders from state employment opportunities.¹⁹The state's first political parties organized protests in response to populist demands to reserve 'Kashmir for Kashmiris' argued by Mridu Rai. In the struggle against the Punjabi Hindus' dominance, the Kashmiri Pandit community strategically broke new ground for mobilisation, speaking not just for Kashmiri Hindus, but for Kashmiris in general and all state subjects.²⁰ This identity document debate broke the region's barriers and religious identities, and the larger question of 'we and they' emerged in Jammu and Kashmir. Later, the definition was made of who would be considered residents of the princely state.

Significantly, the national definition in 1912 excludes nomads and migratory peoples such as Gujjar and Bakerwal herders, whose grazing lands were generally held as khalsah (government property). It also barred residents of Jammu and Kashmir's internal feudatory dependencies from participating in recruitment of the state (e.g., Poonch Jagir, Chenani Jagir, and the frontier chieftainships). Members of excluded groups demanded recognition as state nationals in mass protest movements in the 1920s and 1930s.²¹ To address flaws in the definition of State Subject, the movement attempted to provide another definition of State Subject, according to which a person could only be eligible for state subject-hood if they could demonstrate hereditary residence in the state for at least five generations. The title of state subject excluded

¹⁸ Press cutting of an article titled 'Miserable Kashmir' published in the United India and Indian States, Madras, dated Thursday, 22 September 1921, in OER, Political Department, 1921, File No. 73/97-C, JKA. Cited from Mridu Rai, *Hindu Rulers Muslim Subjects: Islam, Rights and the History of Kashmir* (Permanent Black 2004) p.250-251

¹⁹*ibid.*p.251

²⁰*ibid.*

²¹*ibid*

those who had presented a *Rayatnama* or those who had acquired rights through a simple contract while serving in the state, then they will be eligible to have benefits for employment in state services.

After 1920, a strong movement in the valley arose against the Dogra ruler of the state, led by Kashmiri Pandits and Dogras, demanding equal opportunity and rights for all residents in state jobs, including Muslims and nomads, excluded in the 1912 definition. A few months later, Maharaja Partap Singh issued the circular, which reads;

In the future, no non-state subject shall be appointed to any position in the state without his express order passed in council, and each such proposal shall be accompanied by a full written statement of why it is deemed necessary to appoint a non-state subject qualified and available to hold the position proposed. Similarly, no scholarship or training expenses of any kind will be granted to any non-state subject. He also directs the senior member of the council to select and form a committee comprised of six official and four non-official representatives from the Jammu and Kashmir provinces(*sic*).²²

Such orders emphasized the importance of state subjects, which became important due to the demand for support among Kashmir Pandits and some educated Muslim population, who felt discriminated by Maharaja administration on communal and religious lines. Chitrallekha claims that Muslim residents of the Kashmir province faced widespread discrimination. The Jammu region's Kashmiri Pandits and Dogras were given the majority of jobs in the state, while Muslims in Kashmir valley lived in poverty, most working as peasants or labourers. The movement sparked equal rights for all natives spread throughout the Princely state, including the Jagirs, who were independent under the Maharaja regime²³. Later, in 1922, the committee was formulated to develop a suitable definition of the term "state-subject". Only a small proportion of citizens have a chance of becoming state servants, and the question of which class of the population they should belong to is far less important than the other issues involved in the broader problem of who should enjoy the status of state subject.²⁴ Before coming up with a new definition of state-subject' the committee also

²²File no. 213 General Department, Circular to Senior and Foreign Member of Council vide order No 2, dated 12th of May 1922, 225 O.S, His Highness Orders regarding employment of Hereditary State Subjects, State Archives Jammu and Kashmir.

²³ Chitrallekha Zutshi, *Languages of belonging: Islam, regional identity, and the making of Kashmir*. Orient Black swan, 2003.

²⁴File No. 12/S.S of 1924, Revenue Department, State Subject Definition, JKSA, accessed from Jammu Archive

Note 1 The definition stated as (1) The importance of the increasing the indigenous element in the state services. (2) The effect of the jurisdiction of our courts of the definition. (3) The acquisition of

dealt with the defects in the definition of state subjects, framed in 1912.²⁵ it was a state subject, classes were classified of persons as, Clause A Hereditary state subject Clause B Naturalized state subject Clause C Statutory state subjects And here the possession of Immoveable property made the prime and sufficient qualification to acquire state subject. It further defines that the State subject might acquire such property and therefore in our state acquisition of such property (but not mere possession) would be prime facie evidence of the fact that person is acquiring a *Rayatnama*²⁶ may hereafter be granted following the laws and rules for the time being in force. the Hereditary State Subject Certificate which further explains that; No non-state subject shall acquire immovable property or any interest therein within the state unless by succession, testamentary or intestate, or by leases of not more than twenty years' duration. This is a crucial clause that asserts migrant settlement. No state subject shall be eligible for state service unless specifically sanctioned by His Highness the Maharaja Sahib Bahadur in council or in the case of certain posts specified in his name. Except in exceptional circumstances, no land should be granted by Durbar to any non-State Subject in the future. No scholarship, stipend, or training expenses will be granted to non-state subjects. Regarding the state services the committee laid down that the temporary measures for ten years that the recruitment should be confined to Clause A if a suitable candidate be not available from that class, then Clause B naturalized state subject should be given preference to the statutory state subject falling under Clause C. The reason for making Rayatanama, and later Ijzatnama, a necessary condition for granting state-subjecthood was to ensure that

immoveable property within the state which is restricted to state subjects. (4) The claims of the domicile community and of old families. (5) The efficiency of the services (6) The Franchise (*sic.*) With the exception of point (1), refer in the above definition, the rest do not seem to suggest a definition of the term 'state subject which would be wide in scope and application the following read in the said document.

²⁵*ibid.* p. 6 **Note 2** It defines the defects in the said clauses of the present definition; Clause (1) of the present definition is not the definition but a confession. Clause (2) does not define the class to whom the *Rayatnama* may be ordinarily granted and lays down no procedure. Clause (3) it compounds nationality with domicile. Clause (4) the term descendant is usually wide. Clause (5) is enlarging scope in the state service rather it has to restrict the scope for the said purpose. 1) Any person domiciled within the State and actually and voluntarily residing therein or serving the state, who himself or whose direct lineal male ascendants has or have continuously so resided therein or served the state for a period of forty years or more. (1) Any child of any person born within His Highness dominions and allegiance. (2) Any person born out of His Highness dominions whose father was a state subject at the time person's birth and either was born with Highness Dominions and allegiance or was at the time of that person's birth in state services. (1) Any person who has duly acquired the status of state subject under Clause 2 and 3 of the definition of the term state subject sanctioned by His Highness the Maharaja Sahib Bhadhur in 1912 any child of any such person.

²⁶ Ghulam. Shah, *State Subject Ship in Jammu and Kashmir* (Srinagar 1998) p.138- 141.

the person to be granted state-subjecthood was eligible to be a resident of the state. This provision was also intended to help Punjabis working in the state integrate. The ruler was gracious to them. The majority of them are educated and have cultural ties to the Dogra Maharaja.

Introduction of Hereditary State Subject Certificate by Dogra Ruler

The proposal of an official document called Hereditary State subject certifying the natives was first discussed in the state in 1924, during the regime of Dogra ruler Partap Singh. Since then, the issue of state-subjecthood has played a significant role in the lives of Jammu and Kashmir residents. The Hereditary State Subject provisions were adopted as the basis of their legal frameworks for recognising citizen-subjects of the erstwhile Princely State of Jammu and Kashmir by the states of Jammu and Kashmir.²⁷ Maharaja Hari Singh issued the first legal order which defined a 'Hereditary State Subject' in 1927. The definition of the term 'Hereditary State Subject', include all persons born and residing within the state before the commencement of the reign of His Highness the late Maharaja Gulab Singh Sahib Bahadur and also the person settled therein before the commencement of the *Samvat 1942* (1885) and have since been permanently residing therein. The Hereditary State Subject would be issued after due enquires by the *Wazir Wazarat*²⁸ in whose charge the candidate for state services had been residing. The certificate then had to be submitted by the Accountant General for the approval in J&K Council.²⁹ It was a watershed moment for residents of Jammu and Kashmir, where the legal subjects were identified. There began using the concept of 'son of the soil,' as the benefit of state services was given exclusively to a specific section of the state's residents. This provision of granting state subject was not applied to foreigners or non-state subjects residing in the state, which was used earlier in the case of Punjabi Hindus. However, a few months later, in 1927 However, a new definition of the term State Subjects was divided into three categories defining the state subject class in the state.³⁰

²⁷ "Between War and Refuge in Jammu and Kashmir Displacement, Borders, and the Boundaries of Political Belonging" <https://content.ucpress.edu/chapters/12127.ch01.pdf>

²⁸ Administration body in the Princely regime

²⁹ File No. L-27-28 Entry of state subject in to state services, Revenue Department section State Archives Jammu.

³⁰ The Jammu and Kashmir Government Gazette Vol.39 20th April 1927 Judicial Department (3rd Publication)

Significantly, the new definition classified state subjects, implying an institutional hierarchy in access to citizenship. According to the above notification, hereditary state subjects were treated as first-class state subjects, while many others were given the status of second-class and third-class state subjects. This notification also paved the way for an outsider to obtain state subject status by acquiring immovable property under an *Ijzatnamah*, followed by the execution of a *Rayatnama* after ten years of continuous residence in the state. These moves failed to satisfy either an increasingly vocal Kashmiri Pandit community or the Dogra Sabha who were not in favour of giving citizenship rights to outsiders at any cost. Given their reservations, Hari Singh introduced a new definition in 1927 that specifies certain conditions for becoming a hereditary state subject of J&K. In this, he specifically stated that no one who did not fit the bill would be allowed to work in state services or purchase agricultural land in the state.³¹ Kashmiri Pandits and the Dogra Sabha were pleased with the ruler's new concessions. These concessions put them in a better position to compete with the Punjabi community, which they saw as a threat. With these developments, Kashmiri Muslims, who had not previously been involved in the agitation, began mobilizing for

Note 4 Class 1- All person born and residing within the state before the commencement of the reign of His Highness the late Maharaja Gulab Singh Sahib Bahadur, and also person who settled therein before the commencement of Samvat year 1942, and have since been permanently residing therein.

Class 2- All persons other than those belonging to Class 1 who settled within the state before the close of the Samvat year 1968, and have since permanently resided and acquired immoveable property their in.

Class 3- All persons other than those belonging to Classes 1 and 2 permanently residing within the state, who have acquired under *Rayatnama* any immoveable property therein, or who may hereafter acquire such property under an *Ijzatnamah* and may execute a *Rayatnama* after ten year's continuous residence therein

Note I: In grant of State scholarship, State land for agricultural and house building purposes and recruitment to State services State subject of class 1 should receive preference over other classes 2 and 3. Order dated 31st January 1927.

Note II: The descendants of the person who have secured the status of any class of the state subject will be entitled to become the state subject of the same class. For instance, if A is declared as a state subject of Class 1 his son and guardian will ipso facto acquire the status of the same class 2 and not of Class.

Note III: The wife or a widow of a state Subject of any class shall acquire the status of her husband as State Subject of any class as her husband, so long as she resides in the state does not leave the state for permanent residence outside the state.

Note IV: For the purpose of the interpretation of the term State Subject either with reference to any law for the time being in force or otherwise, the definition given in the notification as amended up to date shall be read if such amended definition existed in this notification as originally issued.

³⁰ Report of the commission to define the term 'State Subject' cited from Mridu Rai, *Hindu Rulers Muslim Subjects: Islam, Rights and the history of Kashmir* (Permanent Black 2004) p.253.

³⁰The 1927 Notification of the state subject includes the clause in the initial day for the provision of the state subject which was issued by the Wazir Wazarat of the respective areas but when the provinces were divided into districts the expression of Wazir Wazarat became interchangeable with that of Deputy Commissioner cited from Ghulam Shah, *State Subject ship in J&K* (Srinagar 1998) p.53

³¹ Mridu Rai, *Hindu Rulers Muslim Subjects: Islam, Rights and the history of Kashmir* (Permanent Black 2004) p.253.

their own rights, believing they were as much "sons of the soil" as Kashmiri Pandits. As rules regarding state-subject hood were implemented in 1927, due consideration was given to the certificates of State-Subject hood issued by the Revenue authorities in all fields, including admission to educational institutions, entry into state services, acquisition of immovable property, and other similar rights and privileges.³² Specific new provisions were formulated in such a way as to give minimal access to the property to migrants who wished to settle down and work like a protectionist regime in the interests of the locals of the state. The provision which claimed that subjects of the monarchy had durable rights was repealed in the 1927 state-subject definition. It also created a legal mechanism for state-subjects to make claims on the Princely State by limiting the Maharaja's ability to confer land rights and restricting employment in government institutions for state-subjects. Later, between 1932 and 1936, Maharaja Hari Singh redefined the state subject and accepted the Jammu and Kashmir Constitution Act (1934), which established the state's first Legislative Assembly—the Praja Sabha. The Praja Sabha had only advisory powers with limited direct popular participation. However, its establishment legalised political parties in the Princely State, and several regional and trans-regional parties arose after 1932.³³ Concurrently with the 1934 Constitution Act, an amended Hereditary State Subject Order (1932) was drafted. It established three classes of state subjects as well as a hierarchy of rights based on claims to immovable property, agricultural land, bureaucratic labour, and taxation limitations. Although these rights were not directly related to political representation, Praja Sabha representatives (appointed by the Maharaja) used the recognition and distribution of land rights to confer political rights to certain subjects.³⁴

This section has attempted to explain why the hereditary state subject provision was introduced in Jammu and Kashmir. It demonstrates how Kashmiri Pandit and Dogra populations, initiated the demand for state subjecthood, which became an important agenda of Kashmiri Muslims' rights movements. It also discussed how different

³²The 1927 Notification of the state subject includes the clause in the initial day for the provision of the state subject which was issued by the Wazir Wazarat of the respective areas but when the provinces were divided into districts the expression of Wazir Wazarat became interchangeable with that of Deputy Commissioner cited from Ghulam Shah, *State Subject ship in J&K* (Srinagar 1998) p.53

³³*ibid*

³⁴ "Between War and Refuge in Jammu and Kashmir Displacement, Borders, and the Boundaries of Political Belonging" accessed on April 12th, 2016 <http://content.ucpress.edu/chapters/12127.ch01.pdf>

sections of the population live within the state, and its Jagirs have taken its benefit. It also explains how the sovereign ruler changed land laws to maintain control over subjects and contain popular uprising. It also shed light on the influence of the Britishers on the Dogra ruler to make changes in the state, which served their interests.

Section II

Indian Federal System and Constitutional Provision for Citizenship in Jammu and Kashmir

This section explores that Jammu and Kashmir was not the only state granting their citizens special rights. Many other states, including North eastern states, Andhra Pradesh, Goa, have special privileges and powers under the Constitution of India and provide their citizens cultural and economic security on land sale, forest rights, and tribal protection. According to Article 371 of the Indian constitution “A Naga customary laws and ownership and transfer of land and its resources. It shall apply to Nagaland only after the state Assembly passes a resolution to do so. Article 371-G, which deals with special provisions concerning Mizoram, has similar nature and the same way the other articles from Article 371 B- J also defined similar provisions in the respective state where they are applied.”³⁵ Certain states practice this feature of the extension of the federal structure of India under the union. Whereas, Jammu and Kashmir constitution was not the mere exception which had a provision that made Permanent Residence Certificate (PRC) mandatory for enjoying social, political, and economic rights in Jammu and Kashmir State under the Indian Constitution.

While the rest of the newly formed India was transitioning to a democratic form of government with equal rights, the people of Jammu and Kashmir State remained under monarchical rule. The state of Jammu and Kashmir, which had been granted autonomous status under the colonial Raj until 1947, refused to accede to India or Pakistan at the time of partition and decided to remain independent.

³⁵Article 371 Also Accords Special Provisions to States ... <https://www.news18.com/news/india/article-371-also-accords-special-provisions-to-states-especially-in-northeast-2259303.html>

Pakistani invaders attacked the Jammu and Kashmir a few months after partition in 1947. Thousands of Hindus and Sikhs were displaced due to the attack from the areas now known as Pakistan-occupied Kashmir (POJK). To save their lives, most of them fled to the Jammu region. The Maharaja had no choice but to save his people's lives from the attack. He wrote a letter to Lord Mountbatten, the Governor General of the Indian state, requesting intervention to save the lives of the people of Jammu and Kashmir. In exchange, he was willing to integrate with the Indian state. He went on to say that if India did not help, he would have to concede to Pakistan.³⁶ Following that, the Indian army arrived in Jammu and Kashmir to protect the lives of its people. Maharaja Hari Singh of Jammu and Kashmir signed the instrument of accession with the Indian state on October 26, 1947, in exchange for saving his subjects' lives. The Governor General of India Lord Mountbatten accepted the agreement, which stipulated certain conditions. The Maharaja agreed on three issues: defense, foreign policy, and communications. Another noteworthy state was that Jammu and Kashmir be granted special status in the Indian constitution, limiting the Centre's interference in Jammu and Kashmir's affairs.³⁷ There was also a provision for a separate flag, constitution granting dual citizenship to the natives of Jammu and Kashmir. The accession amendments changed the citizenship provisions once more, resulting in the formation of the PRC (Permanent Resident Certificate).

To comprehend historical events, it is necessary to examine the progression of time. When the Instrument of Accession was signed, drafting the Indian Constitution was still in progress. The Constituent Assembly of India convened for the first time on December 9, 1946, and approved the Draft Constitution on November 26, 1949. The Constitution of India finally took effect on January 26, 1950. The larger question of granting the citizenship rights of the state was of prime concern. Though Jammu, and Kashmir have witnessed a remarkable transformation, the main question is who is a citizen and who will be an alien. Neerja Gopal Jayal explores the concept of citizenship in India, beginning with the late colonial period when the constitution was being drafted. In India, the more significant debate on citizenship is primarily

³⁶Christopher Snedden, *Untold history of the people of Azad Kashmir* (Oxford University Press, 2011) p. 25-28.

³⁷“Accession Agreement, Indian Government and Jammu and Kashmir state Maharaja 1948”. <https://thewire.in/76079/public-first-time-jammu-kashmirs-instrument-accession-india/>
Also see, Amitabh Mattoo “Understanding the article 370” *The Hindu* December 6th 2013 www.thehindu.com/opinion/lead/Understanding-Article-370/article11640894.ece

contested regarding legal status, enjoyment of rights, identity, and belongingness. Jayal delves into the question of who is a citizen of the nation-state and who is not; she says that without legal recognition, they cannot enjoy political and social rights.³⁸ Anupama Roy's traces the Indian state's constitutional history on the issue of granting citizenship to people who live on its territory. She traces the evolution of India's Citizenship Act, particularly during the constitution-making process. She discusses how prevalent legal practices and people's desire for rights prompted the legislature to make several changes to the concept of citizenship. Both Roy and Jayal have written extensively about post-partition citizenship and the government's response to refugee requests for citizenship in the context of Indian Constitution. Both scholars claimed citizens should be constitutionally defined. For Jammu and Kashmir to describe, the citizens go to its constitutional provision as the state was not purely dependent on Indian state to follow all its provisions.

Jammu and Kashmir held a special status and followed its state constitution laws to grant state citizenship to its citizens during the Princely regime. Adarsh Sein Anand explained Article 370 of the Indian Constitution, which grants autonomy to Jammu and Kashmir, is found in Part XXI of the Constitution, approved by the Constituent Assembly of India. It was a temporary provision enacted to govern Jammu and Kashmir while the Constituent Assembly of Jammu and Kashmir created and framed a separate constitution for the state.³⁹ The Jammu and Kashmir Constituent Assembly was empowered to repeal Article 370 entirely. Still, following the dissolution of the Jammu and Kashmir Constituent Assembly, without a recommendation to repeal Article 370, the provision became a permanent feature of the Indian Constitution. Anand explained the citizenship right in Jammu and Kashmir is granted by the Jammu and Kashmir constitution to a citizen who resides in the state and has, most importantly, a Hereditary State Subject. On September 14, 1954, the provisions of Article 35 (A) were made by Presidential order under Article 370 (1) (d) and were received by Bakshi Ghulam Muhammad, the then-current Prime Minister of Jammu and Kashmir. Article 35(A) of the Indian Constitution empowers the legislature of Jammu and Kashmir State to define Permanent Residents and grant them special rights and privileges. It is worth noting that the people of the princely state of Jammu and

³⁸N. J. Gopal. *Citizenship and Its Discontents: An Indian History* (Harvard university Press: 2013)

³⁹A.S. Anand. *The Development of the Constitution of Jammu & Kashmir* (Light & Life Publishers: 1980)

Kashmir were “State Subjects,” not British Colonial subjects. The Maharaja of Jammu and Kashmir granted legal recognition to the status of state subject in 1927, under the Hereditary State Subject order, which was only applicable to state subjects and no others residents. Article 35 (A) confirms what was already in the state subject status for all citizens of undivided Jammu and Kashmir, but it does not apply to Pakistan-occupied Kashmir. Jammu and Kashmir was the only state in British India to be given the option of retaining state-subject laws. Some provisions to define permanent residents were adopted in the context of Article 35 (A) of the Jammu and Kashmir constitution, which was being drafted at the time.⁴⁰ Later, in 1956, the Jammu and Kashmir constitution was passed. Part III of the constitution, which contains provisions relating to the Permanent Resident Certificate, went into effect on November 17, 1956. Section 6 of the state constitution of Jammu and Kashmir specifies who is considered a permanent resident of the state.⁴¹

Unless the context requires otherwise, all references to Hereditary State Subjects of Class I, Class II, or Class III in any existing law shall be construed as references to permanent residents of the State. From the -mentioned Permanent resident certificate rules, it is clear that the state has purposefully made provisions that empower the rights of former state subjects. As stated in one of the notifications, no new citizen is legalized in the state that arrived during the partition because, according to the law, they did not complete the ten years of residence until 1954.⁴² This is because, to become a permanent resident of the state, a person must be or be deemed a citizen of India, in addition to meeting the other requirements and conditions outlined in Section 6 of the Jammu and Kashmir constitution. It should be noted that the grant of permanent residence to state residents and the conferment of Indian citizenship must

⁴⁰ S. Varadarajan. Constitution Torn to Shreds as RSS Indulges Article 370 Fantasy in Kashmir, The wire, 6th August 2019 <https://thewire.in/politics/constitution-torn-to-shreds-as-rss-indulges-article-370-fantasy-in-kashmir>

⁴¹ **Note 5** when the provinces were divided into districts the position of ‘Wazir Wazarat’ became interchangeable with that of the Deputy Commissioner. The issue of state subject lies with Deputy Commissioner only which was earlier made by the above Wazir Wazarat.

Under the provision of the present constitution in section 8 and section 9 the definition of the person to be considered as permanent resident and for future acquisition of permanent resident ship power has been entrusted to the state legislature exclusively. With prescribed procedure as how such bill which define the permanent residents and make provision for the future acquisition of permanent resident ship shall be passed in the legislature. There is no authority to confer permanent resident ship on any person except as provided by the law to be made by the Legislation. The Jammu and Kashmir State Constitution, Section 6 on Permanent Resident Certificate 1956.

⁴² The Jammu and Kashmir State Constitution, Section 6 on Permanent Resident Certificate 1956.

be compatible with one another, and the arrangement does not affect the Indian nationality of these residents.

The constitution's framers devised a method of protecting traditional state subjecthood without violating the Indian Constitution. Article 16(3) and Article 35⁴³ both apply to the state of Jammu and Kashmir, with the exception that clause (3) of article 16⁴⁴ states that the parliament of India has the power to require residence within the state as a qualification for employment concerning the state of Jammu and Kashmir, such powers belong to the Legislature of the Jammu and Kashmir only and are exclusive. The Jammu and Kashmir constitution includes a special provision with the state legislature to count down any changes in the condition of granting the Permanent resident Certificate in the state.

In 1963,⁴⁵ the Jammu and Kashmir government enacted the Jammu and Kashmir grant of the Permanent Certificate (Procedure) law, which governed the issuance of a Permanent resident Certificate.⁴⁶ After the verification process, the government fixes a time limit of thirty days for PRC issuance. The verification documents required to be submitted to these authorities are classified in the form of current Records and old records.⁴⁷ In case of granting PRC to a minor citizen(below 18 years) of the state, the

⁴³**Note 6** The constitution of India empowers parliament for making laws prescribing any requirement as to residence, authorised parliament to fix the residential qualification which would apply to the entire states except to Jammu and Kashmir. The state shall not be constructed as reference to the State of JAMMU AND KASHMIR and that of in article 35(a) the reference of the article 16(3) shall be omitted in its application to the state of Jammu and Kashmir, Jammu and Kashmir Grant of the Permanent Resident Certificate (Procedure) act, 1963. Act No.XIII of 1963 published in government Gazette dated 27th of March 1963 cited from G. Shah, *State Subject Ship in Jammu and Kashmir* (Srinagar 1998) p.138- 141.

⁴⁴ The state shall not be constructed as reference to the State of Jammu and Kashmir, that of in article 35(a) the reference of the article 16(3) shall be omitted in its application to the state of Jammu and Kashmir.

⁴⁵ G. Shah, *State Subject Ship in Jammu and Kashmir* (Srinagar 1998) p.138- 141.

Note 7 The definition of the act requires (a) Certificate means a PRC granted under this act. (b) Competent Authority means an officer appointed as such by notification by the government for purpose of this act. (c) Permanent Resident means a person who is or is deemed to be a permanent resident under section 6 of the constitution of Jammu and Kashmir. (d) Prescribed means certain rules to be followed during the grant of PRC specific are the finger prints and the signature of the applicant shall be affixed before the competent authority in the manner prescribed.

⁴⁶ **Note 8** Any citizen of Jammu and Kashmir, who needs a Permanent Resident Certificate, writes an application to the *Tehsildar* of the concerned area, with a three rupees stamp as court fee per applicant. Divisional Commissioner, Additional Divisional Commissioner (ADC), Assistant Commissioner Revenue (ACR)/ Sub District Magistrate (SDM) are authorized by the Government (Revenue Department) to issue state subject/ Permanent Resident Certificate in particular areas.

⁴⁷ **Note 9** the details of the current record (a) Application on the prescribed format. (b) Affidavit of the applicant/father/guardian /Adult children (if any) declaring that they/he/she are/is permanent resident (s) of the Jammu and Kashmir, State as defined in the constitution of Jammu and Kashmir and that he/she/they has/have neither obtained a PRC from any other area of the State nor has/have applied earlier for the purpose from elsewhere and that the contents of affidavit are true and nothing has been

concerned authorities ask for an Affidavit from the father or grandfather of the minor, stating that he is a permanent resident of Jammu and Kashmir state and has not migrated to any other state. However, there was an essential exemption of the structure of documents that are Princely states records. These old records are being sought from displaced migrants who fled Pakistan-occupied Jammu and Kashmir in 1947. The Revenue Department (deals with land and property) requires the papers to issue a Permanent resident Certificate to a newly born child of those who migrated in 1947. As a result, these records are vital for POJK migrants from 1947. However, the Revenue Department does not require these records when issuing PRCs to Jammu and Kashmir natives.⁴⁸ These documents are intended to demonstrate that the individual has resided in Jammu and Kashmir since the Dogra era. The records mentioned above indicate unequivocally that the state considers the interests of hereditary citizens supreme when drafting citizenship laws. However tough provisions are made to assimilate or accommodate people who came to Jammu and Kashmir during partition from the areas which were part of J&K. Still, no provisions were created for those who arrived from Pakistan or India during the 1947 or later period. Without this document in the state the person has no rights to access any welfare schemes or other benefits provided by the government.

Domains where PRC is required

concealed thereof and if the information provided in the application is proved contrary to what has been stated, the applicant shall be liable to penal action as per law/rules in force. (c) Attested photo copy of Ration card. (d) Birth certificate from School/Municipality/Police station/Medical Officer /Village Chowkidar. (e) Certified/attested copy of the current voter list. Copy of the voter list of 1951/1957, if available is required. (f) Copy of PRC of father/grandfather/husband (In case of non-availability an affidavit shall be attached to this effect). (g) Certified copies of Misal Haqiyat Jamabandi/ShajraNasab prior to 1944-AD. (h) Current Revenue record viz. Jamabani /Khasra Girdawari and ShajraNasab. (i) Provided that in respect of a person who belongs to nomadic family of Gujjar and Bakerwal community and does not possess any immovable property in the State, the application shall be accompanied by the following documents as envisaged under notification SRO 92 dated 20th March, 2001, issued by the Revenue Department, under endorsement No. Rev (LB) 70/97 dated 20-03- 2001, namely:- (1) Permanent Resident certificate of father or grandfather; (2) Copies of voter list from 1957 onwards; (3) Copies of revenue record by virtue of which he has obtained immovable property under Government Order No. LB-6, S-432 etc. OR Copies of revenue record where under immovable property has been acquired under Agrarian Reforms Act-1976; (4) Copy of Choola-Bandi (5) Copy of Forest Moto of 1944 Provided further that the competent authority after satisfying itself about the genuineness of the claim, made by a person applying for grant of Permanent Resident Certificate and on production of atleast three of the aforementioned documents, may grant the certificate.

⁴⁸ Note 10 (a) Form 1-A "Alif"/certified copy of the cancellation Register, in case of POK displaced persons, wherever required. (b) Certified copies of Annual Revenue Record before settlement (Misal Haqiyat Jamabandi/Shajra Nasab before 2002 Bikrimi preferably from 1994 or 1995 or 1996 BK from the years of 1936, 1937, 1938 A.D.) (c) Current Revenue record viz. Jamabani /Khasra Girdawari and ShajraNasab.

In J&K, the state's special status is maintained by all the government authorities in the state. After making the J&K constitution, state residents should enjoy all benefits of the state, exercising their rights based on their possession of PRC. This document provides a unique identity and differentiates between residents who possess it and those who do not. In J&K, almost all domains of social, political and economic life in J&K, the Permanent Resident Certificate (PRC) is required to identify the individual to determine whether s/he is a hereditary subject of the state. Almost all the benefits of the state, like access to professional education, scholarship, state government employment, and ownership of immovable property, are provided based on the PRC document. No outsider from other states of India can claim these rights. They are only meant for 'sons of the soil' in the state.

Property Rights of the Permanent Residents

Land is one of the essential components of an individual's life. It can be bought or treated as the property one inherits and then passes one's heirs. In the case of Jammu and Kashmir, the PRC protects immovable property of the state's residents. The PRC holders have an exclusive right to own property in the state territory. Any outsider, whether an Indian citizen or a foreigner, is denied permanent access to land in J&K. They cannot buy or sell land in the state. The exclusive ownership right of land or property lies with the citizens of the J&K state, who are hereditary state subjects and holders of PRC. However, industrialists can use land on lease for a maximum period of 99 years.

The Jammu and Kashmir Land Settlement Act identified the state citizens as *kashmirmulki* (who had land claims and rights possession given by the government). In the case of *Devi Das Vs*, the legislation also identified a category of people who did not have such rights—the *gairmulki* (people who do not belong to the land). *Panna Lal (AIR 1959 J&K 62)* it was seen that state subject provision was necessary for acquiring property in the state.

“The judgement of the case arose on the question of the disposal of immovable property other than land as defined in the Land Alienation Act 1955 by will in favour of a non-permanent resident and it was held that a bequest of immovable property other than land is not amount to transfer with the meaning of section 5 which prohibit transfer of immovable property situate in the state in favour of a person who is not a permanent

resident of the state. A bequest of house in favour of anon- permanent resident was accordingly upheld".⁴⁹

In another case, PrakashVs. Shahni (AIR 1956 J&K 83) claimed that Mrs.Shahni was the real owner of the disputed property, which was purchased *benami* in the name of Bindu Ram.

The judgement declares that she was not a permanent resident of the state as she was married to one who is non resident of the state came from the areas of Sialkot during the disturbances in the 1947 as refugee. When her husband died she purchased land under the *benami* because the D.C. of Jammu refused her application for the PRC.⁵⁰

Thus, restrictions on the acquisition of land in the state by the non-permanent residents have been imposed by various legislative measures. These measures are protected by both the constitution of the state of J&K and the Indian constitution. These restrictions on the transfer of immovable property in the state to non-permanent residents have been imposed through various regulations, Irshads, Hidayats and State Council Resolutions issued during the rule of Maharaja Hari Singh. One such Irshad No.226, dated 26th Maghar Svt, 1943(1886 C.E.), by Maharaja Partap Singh reads as:

A person who is non State Subject of the State is in effect prohibited the mortgage of any land situated in the state in favour of any person who was resident of British India.⁵¹(*sic.*)

After fourteen years on 9th Maghar, svt. 1957 (1900 C.E.), the ruler issued another *Firman* reiterating the restriction contained in the previous order. The Transfer of property act of Svt. 1977 (1920 C.E), in section 139, states that:

Sub section 139(1) saved in general terms the operations of all Regulations, Hidayats, Resolutions, Ailans, Rules and customs are valid in restricting and regulating the transfer of immovable property in any part of the J&K state. Sub section. (2) Give the list of Hidayats and others containing such restrictions and rules. Out of the nine Irshads, Ailans and Firmans are important out of which six of them prohibiting transfer of immovable

⁴⁹ This case does not seem to have attracted attention of the government even other cases like Prakash Vs. Shahni (AIR 1956 J&K 83) in the post PRC cases this case is made as the reference point to deal with the Judgements of that cases.. Gmhumal Shah, *State Subjectship in Jammu and Kashmir*(Srinagar 1998) p.31-34.

⁵⁰ *ibid.*

⁵¹ Property rights of the Permanent residents of the state cited from Ghulam Shah, *State subject ship in Jammu and Kashmir*(Srinagar 1998) p. 38-49.

property to non –state subjects and three prohibiting transfer of Dharmarath ,Wakf and temple properties.⁵²(sic.)

Clause (h) of section 140 of the Transfer of the Property Act substitutes “a permanent resident of State or any financial institution or corporation managed and owned by the government of India” by the words “a permanent resident of the State.” The bill conferred the right of leasing out land in the State of Jammu and Kashmir to only permanent residents of the State.⁵³It is clearly mentioned in the above act that only PRC holders of the state can purchase and sellthe land in the state territory of J&K.

Scholarship

In the state of J&K scholarship schemes have been introduced by the state government to provide financial aid to students. The Department of Social Welfare provides scholarship schemes such as pre-matric, post-matric, and pre-matric scholarships to minorities, post-matric scholarships to minorities, and the post-matric scheme of merit cum means for minority students.⁵⁴ These are based on caste and minority basis. All these educational scholarships have different eligibility criteria; some are in the form of merit scholarships for people with low family income, while others are given to minority and SC/ST students. These scholarships are available

⁵²In the year svt.1977 (1920AD) an attempt was made at consolidating and enacting the then existing law of state resulting in the enactment of Sri Pratap Singh Maharaja of J&K, Law consolidation Act, svt1977; (iv of 1977) Cited from the GhulamShah,*StateSubjectship in Jammu and Kashmir*(Srinagar 1998) p 38-49.

Note: list of the aforesaid Hidyat, Irshads and orders **1.**Irshad No. 226 dated 29thMaghar, svt. 1943. **2.**Irhad dated 23rdMagh, svt. 1962. **3.**Irshad dated 30thJeth, svt. 1968. **4.**Irshad dated 6th Swan, svt. 1960. **5.** Order dated 9thMaghar, svt. 1957. **6.**Robkar mentioned in Majmua circulate judicial. **7.**Irshad dated 15thBaisakh, svt. 1966. **8.**Irshad No. 760/2076 dated 4thPhagan, svt. 1974. **9.**Irshad dated 11thBaisakh, svt. 1966. The Irshad mentioned in the item no. 1-6 above prohibit, restrict and regulate transfer of immovable property in the state to a person who is not a permanent resident of the state.No. 7-9 prohibit and regulate transfer of Dhramarth property, Wakf and temple property. All these are found in the Mujmua circulated Judicial (Urdu) 1946-1950 Bikrami and the Booklet published by J&K government in the Revenue Department entitled *State Subject and Permanent Resident: Definition and Ijzatnama Rules (as amended upto date) with orders and instructions: and the Jammu and Kashmir laws* 1958, Edition.

⁵³ J&K Transfer of Property Act, Samvat 1977 bill passed, *Greater Kashmir* 10th Feburary 2018

<https://www.greaterkashmir.com/jammu/jk-transfer-of-property-act-samvat-1977-bill-passed>

Also see:Office of the inspector General of Registration Notification No. 31-P dated 20th June 1928, mentioned that with the previous approval of His Highness the Maharaja Bhadur communicated under the Minister-in- waiting’s No.2015 dated 7th April 1928 that for the purpose of Registration and transfer deeds of property the state departments will be deemed to fall within the meaning of the term ‘Hereditary State Subject’.

⁵⁴ The information about the scholarship in detail is available on the official website of the Department of Social Welfare, J&K, in the section on welfare Schemes. The section states that only a permanent resident of the state can avail benefit of the scheme <https://jksocialwelfare.nic.in/>

only to those who possess a Permanent Resident Certificate in the state. Various government rules/circulars make PRC mandatory to avail the benefit of any scholarship scheme.

Employment

In the state of Jammu and Kashmir there are two recruitment boards, administered by the state government to manage recruitment in gazetted and non-gazetted posts in various government departments. These are the Jammu and Kashmir Service Selection Board (JKSSB) and the Jammu and Kashmir Public Service Commission (JKPSC). Recruitments in most departments like health, education, civil, judiciary etc. are looked after by these two boards. The responsibility for recruiting employees of gazetted cadre in different state departments lies with the JKPSC, while recruitments in grades two, three, and four are the responsibility of JKSSRB. The Civil Services Classification, Control and Appeal rule of 1956⁵⁵ makes it mandatory that the applicant applying for a government job in the state should be a permanent resident of the state and hold a PRC. As per the notification issued by JKSSRB following Section 15 of J&K Civil Services Decentralisation and Recruitment Act 2010, the Rules have been notified under SRO 375 of 2010 dated 21-10-2010. The notification states:

Under the mode of recruitment mentioned in title 5 of the said SRO, which divides the jobs in the district cadre, divisional cadre and the state cadre mention that the person should be the permanent resident of the state without PRC he/she cannot be eligible for the post.⁵⁶ It applies to all the jobs the JKSSRB board introduced for the various post on different grade scales.

JKPSC looks after recruitment to gazetted posts in the state in various departments. It conducts several exams and interviews to select the candidates. For the Combined Services Competitive Examination (KAS, Kashmir Administration Services) under its

⁵⁵ The Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rule, 1956, issued by the General Department under Order No. 962.C of 1956 dated 14th June, 1956, and published in Government Gazette dated 14th June, 1956 (Extra.) The Kashmir Civil Service Rules (General) were first sanctioned in 1939. These Rules were repealed by the Kashmir Civil Service Rules (General), 1954 sanctioned by Council Order No. 1277-C dated 16-9-1954. And the said Rules of 1954 stand repealed by the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956. In its clause of qualification serial no. 17 it clearly mentions that only the permanent resident of the state can avail the benefit of a job in the state. jakfinance.nic.in/ accessed on 6th of November 2016.

⁵⁶ The above criterion is mentioned on the website of JKSSB <https://jkssb.nic.in/> in the section on rules and regulations. Detailed information is available.

SRO-38 of 2008 dated 1-12-2008, in section number 5, the condition for eligibility is mentioned as follows:

In order to be eligible to compete in the examination a candidate must satisfy the condition namely, the permanent resident of the state.⁵⁷

In the notification for the post of the lecturer in the Health and Medical Education Department under the notification of 05-PSC (DR-P) of 2014 dated 3-3-2014 it is clearly mentioned that the applicant should be a permanent resident of the state.⁵⁸ From the above it is clear that PRC is one of the important documents to get a job in the state.

Political rights

A citizen's rights are owed to her membership of a nation- state where s/he resides. Being a citizen of India a permanent resident of the J&K State is eligible to hold the office of President, vice President, Judge of the Supreme Court or High Courts, Attorney General of India or Governor or Chief Minister of most states in India. But a non- State Subject cannot become a Chief Minister or even a legislature member in the state of Jammu and Kashmir.⁵⁹ In the state of J&K, one has a right to vote or participate in the parliamentary, State Assembly, Panchayat or Municipal Corporation or town committee election only if s/he possesses the PRC. This right exclusively lies with the PRC holding citizens of the state. The state does not grant the right to cast a vote to those who do not have a PRC. The constitution of J&K lays down the criteria for contesting elections as follows:

J&K Constituent Assembly incorporated in J&K Constitution discriminatory provisions under Section-51 (Qualifications for membership of the Legislature.- A person shall not be qualified to be chosen to fill a seat in the Legislature unless he is a Permanent Resident of the State), Section- 127 (Transitional provisions.-Until other provision is made in this behalf under this Constitution, all the laws in force immediately before the

⁵⁷ The above criteria is available on the official website of the JKPSA in the examination part http://jkpsc.nic.in/pdf/SRO_387_AMENDED_2016.pdf

⁵⁸ The application is available on the official website in its Archive section accessed on 6th of November 2016.

jkpsc.nic.in/

⁵⁹ Being the resident of India the rights of political, social and others are automatically attached with the people of the J&K but the same are not applied to the people residing in J&K state who are non PRC holder to have the benefits of the state policies, schemes and other rights.

commencement of this Constitution and applicable to any public service or any post which continues to exist after the commencement of this Constitution, as service or post under the State, shall continue in force so far-as consistent with the provisions of this Constitution) and Section-140 (The elections to the Legislative Assembly shall be on the basis of adult suffrage ; that is to say, every person who is a permanent resident of the State and who is not less than Eighteen years of age on such date.⁶⁰

The history of the state shows that even today, non-PRC holders are not allowed to participate in the election process, and the case of WPRs shows that clearly.

The Issue of Professional Education and National Eligibility Examination Test (NEET)

Only permanent residents of the state are eligible to take admission in the Engineering and Medical courses in colleges in the state. The Board of Professional Entrance Examinations (BOPEE) conducts the entrance tests for these courses. It is stated in the state constitution that only hereditary residents of the state can avail professional education in state colleges. On the National Eligibility Examination Test (NEET) J&K state witnessed hue and cry against the attempts to implement it. This decision of the Central Government was unwelcomed by the hereditary residents of the state and the regional political parties. The civil society and regional political parties of the state claim that it is a violation of the special status of J&K. The separatists in the valley said that NEET is designed against the special status of the state and attempts to degrade Article 370 of the constitution which safeguards the unique status of J&K. Political parties, civil society and students have voiced concerns over the directive which makes NEET mandatory for admission in medical courses. Former Chief Minister Omar Abdullah said, “The exam is against the interests of our students and clearly goes against the spirit and essence of the state's special status.”⁶¹

⁶⁰The qualification of the candidate is mentioned in it for the election in the state cited from Ghulam Shah, *State Subjectship in Jammu and Kashmir*, (Srinagar 1998)

⁶¹ NEET Row: ‘Law if implemented will have serious ramifications’ Kashmir convenor.com <https://kashmirconvenor.com/2016/05/02/neet-row-law-if-implemented-will-have-serious-ramifications/>

The exam is meant for the admission in the engineering and medical colleges across the nation according to the score attained by one in that. The rules of it made to the J&K state also and the movement led by the people as state holds special provision in the Indian constitution and can't allow Indian citizens to have professional education in their colleges which is meant for the original PRC holder of the state only.

The introduction of NEET in the state gave an opportunity to students of other states to get selected in J&K state medical colleges. This angered the hereditary subjects of the state. Earlier the field of professional education in state medical colleges was accessible only to PRC-holding residents of the state. The Jammu and Kashmir government filed an application in the Supreme Court seeking exemption for the state's aspirants from appearing in NEET for medical courses, by invoking Articles 370 and 35 (A) to plead the case.

“A three-member bench of the apex court headed by Justice Anil R Dave observed that even if NEET is implemented in the state this year, only state subjects or permanent residents, shall be entitled for admissions, and not students from outside the state, in Medical and Engineering Colleges of Jammu and Kashmir”. The bench comprising Justices Shiva Kirti Singh and Adarsh Kumar Goel subsequently sought views of the Government of India and the CBSE. “The NEET will only provide the merit list and nothing more. Therefore, only permanent residents will be eligible for admissions in Jammu and Kashmir,”⁶² the three Judge bench of Supreme Court ruled. In his arguments, former Attorney General of India GopalSubramaniam, representing J&K, referred to Article 370 of the constitution of India which grants special status to state, and submitted that as far as J&K was concerned, the state be made exempt from the NEET.⁶³ The 42nd amendment act of the Indian constitution was not extended to the state of Jammu and Kashmir. The item “education” falls under the state list for J&K, and state authorities have exclusive power to regulate education in the state. Issue of NEET, the state government has stated that under Articles 370 and 35A of the Indian constitution, J&K state enjoys the special relationship with the Union of India unlike any other state.

It has been observed from the above discussion that the native or the POJK people fulfill the criteria to have the PRC as their prior connection to the princely state based on their ancestral records in the state Revenue Department. So they are eligible to have PRC document in their lives and can avail of its benefit in their socio-economic and political spheres. The case of WPRs is different as they have no prior connection

⁶²NeerajRohmetra, “No CET but State Subject, reservation laws to apply for J&K in NEET – II” *Daily Excelsior* May10th. 2016 <https://www.dailyexcelsior.com/no-cet-state-subject-reservation-laws-apply-jk-neet-ii/>

with the J&K, so they can't avail the benefit of the PRC in their lives under the constitutional provisions of Jammu and Kashmir.

Women and Permanent Resident Certificate

Women in J&K society have always been identified based on their relationship with their father, brother, husband, or son. Even today, most women do not seem to hold an independent identity. The issue of state-subjecthood in Jammu and Kashmir, as far as women are concerned, follows the same practice. When different Maharajas of the state formulated the provision of state-subjecthood, it essentially imagined men as primary upholders of subjecthood.

In the history of the state of Jammu and Kashmir, the proposal to grant state-subjecthood to women was discussed for the first time in memorandum No. 2430/E dated 6th June 1932. The Government of Jammu and Kashmir Home Secretariat, Education Branch, for submission to Maharaja Bahadur put it forward. It said:

On the representation of the Chief Inspectors of Girls schools, that school women teachers experiences difficulties in obtaining hereditary state subject certificates, The home Minister accordingly solicits that sanction of the state subject certificate issued in the favour of the husband in case of married teachers and by father or brother of unmarried teachers was quite sufficient to show that the women teachers are hereditary State Subjects. After discussing the case in Council His Highness the Maharaja Bahadur has been pleased to accept the proposal. He further observed that this ruling will apply to all cases where a lady requires her state subject certificate. (*Sic*)⁶⁴

This was a landmark development in J&K regarding the status of women in the state. They were categorized as state subjects because their father, brother or husband was a state subject. While making independent constitution of J&K, the women of the state continued their struggle to get recognized as permanent residents. The induction of new rules in 1932, the women of the Princely state got the equal rights of state subject certificate in the state, but with certain changes, these are as

The right of the women in the state is valid till marriage, if she marries within in the state territory and with permanent resident certificate holder she can renew her certificate on her husband name. In case she marries out of state boundary with non permanent certificate holder she loses all her right being the daughter of the state and she can't access the right of

⁶⁴File No. 118/mis-48-1932 Orders regarding Production of State Subject certificate to ladies General Department JKSA accessed from Jammu archives on 12th September 2016.

purchase sold of immovable property, professional education and the employment in the state.⁶⁵

Later on in mid-sixties when the Revenue Minister of Jammu and Kashmir issued an executive order directing all deputy commissioners to issue certificate of permanent residence to women with an added provision- “valid till marriage. The status of the resident-ship of these women's resident-ship would be automatically altered when they married a non-PRC holder. A group of women in state challenged this sudden imposition of statelessness on women who married non-PRC holders.

Section 6 of the Constitution of J&K initially notified that the state subject issued by the State of J&K directed for stripping off the daughters from the right of state subject, of the State marrying to Non-State Subject.

In the case of Dr. ShusheelaSawhney who was working as the Assistant Professor in obstetrics and Gynaecology department in the Government Medical Jammu on adhoc basis. RavindeerMaadan who applied for being appointed in the post of assistant professor she got selected. Dr. Sawhney challenged her selection as she is married to non State subject. The Full Bench judgement of Hon'ble High Court of J&K makes their position that if the women State subject merely marrying a non-State subject will not lose her right of being State Subject.⁶⁶

Before and after the amendment in the laws about the women regarding PRC, no movement was launched by any political, social or other organizations for granting citizenship rights to women who married non-state subject holders. But some women went to court to stake claims over property and other benefits. The outcome of these cases has significantly influenced the provision of granting PRC to the women in J&K. The clause of ‘valid till marriage’ is no longer used by state authorities. But the status of children born to these women or single mothers or divorced women remains uncertain until the abrogation of special status. After the introduction of Domicile laws J&K state the women who married outside the state were also given citizenship rights under it.

⁶⁵State Constitution of Jammu and Kashmir (1956)The above rule is mention in its section 6 where the Permanent Resident Certificate Provisions for the citizens are mentioned.

⁶⁶V Jhanji, “State Of Jammu & Kashmir, vs Dr. SusheelaSawhney on 7 October, 2002, AIR 2003 J K 83, 2003 (1) JKJ 35”.
<https://indiankanoon.org/docfragment/1409240/?formInput=constitution%20of%20jammu%20and%20kashmir%20act>

Section III

Abrogation of Jammu and Kashmir's Special Status and aftermath

The irony of Jammu and Kashmir is that the state was founded under unusual circumstances, and unique rules were enacted in response to those circumstances. Still, the state has continued to yearn for its original status after several years. The state is already in disarray due to militancy, border conflict, and other issues, and it needs to be addressed with extreme caution; rather than adding to the chaos, the union revoked Article 370.

Following the abolition of special status, the argument has shifted back to the topic of natives versus outsiders and brought hegemonic assimilation of Jammu and Kashmir into India by weakening the state's institutions. The domicile policy establishes a dangerous precedent for eroding the Indian union's asymmetrical federal structure and increasing the center's control over various Indian states. When we look at the larger picture, we can see those eleven other Indian states, including Nagaland, Assam, Manipur, Andhra Pradesh, Sikkim, Mizoram, Arunachal Pradesh, and Goa, have special privileges and powers under the Constitution that provide them with cultural and economic security on issues such as land sale, forest rights, tribal customs and land rights protection, and so on. For jobs in Uttarakhand Class III and Class IV, only the residents of the state are eligible who have a domicile certificate proving they have been residing in the state for the last 15 years is mandatory. Similar domicile rules apply in Maharashtra, Gujarat, Assam, and Meghalaya, with a certain percentage of recruitment to the locals.⁶⁷ In the case of the neighbouring state of Himachal Pradesh, other than natives, no outsiders are permitted to purchase the property. Whereas in Jammu and Kashmir, people from outside Jammu and Kashmir buy land in the union territory. In a gazette notification, the central government omitted the phrase “permanent resident of the state” from Section 17 of the Jammu and Kashmir Development Act which deals with the disposal of land in the union territory. However, the amendment did not allow the transfer of agricultural land to non-agriculturists except in a few cases.⁶⁸ All Kashmiri Pandit organizations, as well as

⁶⁷ Indian Express, Domicile or not: How 10 states, 1 UT recruit for government jobs, 19th August 2020 <https://indianexpress.com/article/india/how-10-states-1-ut-recruit-for-government-jobs-6560664/>

⁶⁸ Hindustan Times, 2 years of abrogation of Article 370: 5 big changes in Jammu, 5th August 2021 <https://www.hindustantimes.com/india-news/2-years-of-abrogation-of-article-370-5-big-changes-in-jammu-and-kashmir-101628130402726.html>

Dogra Sabha and related organizations, welcomed the dilution of state subjects' laws of J&K for which these same Kashmiri Pandit and Dogra organizations had begun a long struggle in 1912 and got these introduced in a Muslim majority state.⁶⁹

New Domicile laws and counter effects in Jammu and Kashmir

After Article 370 in 2019 the Hereditary State Subject was completely revoked but replaced with Domicile law in Jammu and Kashmir and a different domicile law in Laddakh. The new domicile order for J&K has created a new category of J&K residents that any Indian citizen can become through a process. Section 3A of the J&K Reorganisation (Adaptation of State Laws) Order of 2020, under the J&K Civil Services (Decentralisation and Recruitment) Act, defines the domicile as any Indian citizen, according to the notification. "Person who has resided for fifteen years in the UT of Jammu and Kashmir or has studied for seven years and appeared in class 10th/12th examination in an educational institution located in the UT of J&K. Children of those central government officials, All India services officers, officials of PSUs and autonomous bodies of central government, public sector banks, officials of statutory bodies, officials of central universities and recognized research institutes of central government who have served in Jammu and Kashmir for a total period of ten years or children on parents who fulfill any of the conditions in sections."⁷⁰ This new domicile policy clearly states that non-state subjects of Jammu and Kashmir are now eligible to be the Union Territory's domicile if they meet the specified conditions. This new rule of granting Domicile has weakened the once tough provision to get J&K citizenship and was considered a privilege for natives.

Only grade four jobs – the lowest on the employment ladder – were reserved for this new domicile category to residents of Jammu and Kashmir in the first order on April 1, 2020. Jammu, in particular, was in uproar. The initial order of the Reorganisation Act was amended twice more. The phrase "have served" was changed to "shall have

⁶⁹ FirstPost.com, Kashmiri Hindus Welcome step to abrogate Article 370, 6th August, 2019 <https://www.firstpost.com/india/kashmiri-hindus-welcome-steps-to-abrogate-article-370-dream-of-returning-to-their-homeland-7117391.html>

⁷⁰ Jammu and Kashmir reorganisation Act 2019 <https://egazette.nic.in/WriteReadData/2019/210407.pdf>
Also see: https://www.pmindia.gov.in/en/news_updates/cabinet-approves-issuance-of-the-jammu-kashmir-reorganisation-adaptation-of-state-laws-second-order-2020-in-relation-of-jammu-kashmir-civil-services-decentralisation-and-recruitment-act/

served" for central government employees. This is a significant change. While "have served" only applied to employees who had served for ten years before this order was issued, "shall have served" applies to anyone who has already served for ten years or will serve in the future. To avoid legal ambiguity, they have also changed "shall be deemed a domicile" to "shall be a domicile." There appear to be fewer checks and balances in issuing a domicile certificate, and authority is granted to a junior bureaucrat (Tehsildar). In the case of a Permanent Resident Certificate, the deputy commissioner, who heads the district administration, had the authority to verify the residentship and thus ensure multiple checks before providing the final document. After a few months of implementing the new domicile rules, the government announced hiring around ten thousand people and made a domicile certificate a requirement for applying. This decision indicates a push to encourage people to apply for a domicile certificate and start the process, as well as a deliberate move to remove the Permanent Resident Certificate from the ground and expedite the registration of people as domiciles.

Accepting non-state subjects as domiciles will be viewed as a naturalization process, as they must follow a procedure similar to that used to obtain citizenship⁷¹ in most modern states worldwide. This new category of residences has been introduced successfully. The right to vote and run for office can now be exercised by any Indian citizen with a domicile certificate, a privilege previously reserved for permanent resident certificate holders. This transformation will not only change the demography of Jammu and Kashmir, but it will also significantly impact the cultural and social milieu of the residents of the hilly terrain. The abrogation of the special status from Jammu and Kashmir provides an opportunity for the WPRs in Jammu and Kashmir to hold citizenship status under the new Domicile policy. The WPRs is one of the most vulnerable section of the J&K resident category who were deprived of the state's basic benefits since the 2020 Domicile laws majority of the WPRs in Jammu and Kashmir had availed the benefit of this document.

Conclusion

⁷¹ See Annexure how the Domicile of the native and the WPRs are different. In the section that the applicant is eligible in terms of the following clauses of rule 5 of Jammu and Kashmir grant of Domicile certificate(Procedure)Rules, 2020
Clause 1 (a) defines the person possess the PRC and Clause 2(b) defines the person is not a PRC holder of J&K

This chapter discusses how the citizenship question evolved from a feudal principality to a democratic state of Jammu and Kashmir. The journey of citizenship in Jammu and Kashmir from the Hereditary State Subject to a Permanent Resident Certificate (PRC) to the domicile certificate post Article 370 revocation points toward the erosion of the Indian Union federal structure. The few years have witnessed a complete change in the issue of citizenship. The abrogation of special status has pushed towards hegemonic assimilation of Jammu and Kashmir into Indian Union by weakening its distinct cultural and political character and democratic federal feature. Let non-locals obtain domicile rights and settle permanently in the region allows for the gradual dissolution of the Kashmir valley's and the Jammu region's distinct identity. Jammu witnessed a strong resentment against the new job policy induced by Union. Despite the ban on protests, the resentment over social media platforms was so intense that it forced the government to revoke the law.⁷² In the recent Parliament report, thirty-four non local had acquired property (land) in the Union Territory of Jammu and Kashmir after the abrogation of 370, which was earlier limited to the residents of Jammu and Kashmir having Permanent Resident Certificate.⁷³ Moreover, after Article 370 revocation, WPRs got a new identity of citizens under the domicile rule of J&K. now they can access the socio-political benefits rendered by the government. The WPRs have been living at the margins for the last seven decades without proper rights.

⁷² The Print, J&K Police to trawl social media posts slamming domicile law, act if there's 'instigation', 3rd April 2020 <https://theprint.in/india/governance/jk-police-to-trawl-social-media-posts-slamming-domicile-law-act-if-theres-instigation/394466/>

⁷³ The Indian Express, 34 non-J&K residents have bought land in UT, 31st March 2022 <https://indianexpress.com/article/india/34-non-jk-residents-have-bought-land-in-ut-govt-in-lok-sabha-7843352/>

Chapter 3

Comparison of Different Sections of Refugees and the Rehabilitation Schemes in Jammu and Kashmir

Introduction

In 1947, two sections of displaced people migrated to Jammu, those from West Pakistan and those from Pakistan Occupied Jammu and Kashmir. This chapter proposes understanding the conditions of these displaced people in Jammu and Kashmir. It will provide the historiography of the arrival of the particular refugee and displaced person groups in the Jammu region. The attempt in the chapter is to look at the first task before the newly independent State of Jammu and Kashmir, i.e., the rehabilitation of these refugee groups. It will also highlight the glaring differences between government-sponsored rehabilitation schemes for displaced persons. A comparative analysis of the rehabilitation measures adopted by the government for West Pakistan Refugees and displaced persons from Pakistan-Occupied Jammu and Kashmir draws out a comparison of the treatment meted out to them. This chapter demonstrates how the presence of refugees and displaced people in Jammu and Kashmir has shaped politics in the last seven decades, often in unexpected ways. The chapter carefully delineates the contours of interaction between the newcomers and the indigenous population in Jammu and Kashmir.

The chapter divides into two sections. The first section of the chapter will discuss Partition Refugees, namely the West Pakistan refugees who had arrived from Pakistan in the Dogra Princely state after the division of India and Pakistan in August 1947. Their settlement issue is still pending after completing seven decades in the State. They were treated as secondary citizens by the government officials of Jammu and Kashmir and remained at the margin in the relief and rehabilitation package disbursement for seven decades. Recently after the Abrogation of Article 370 and Article 35A Central Government facilitated these WPRs with a special package.

The second part of the chapter will address displaced people from Pakistan-occupied Kashmir who arrived in late October of 1947, a few months after WPRs landed in the State of Jammu and Kashmir. These POJK displaced persons had to make their journey from their native land to refugee camps and rehabilitation process in Jammu

and Kashmir. But compared to other partition refugees of 1947 these were not granted onetime financial support and were not treated equally at par with other partition refugees in India. Their onetime settlement dispute had recently fuelled their mobilisation in the State and influenced how the government responded to it.

Through the comparative study of these two sections of the refugees and displaced persons in Jammu and Kashmir, the chapter looks at the rehabilitation policies as introduced by the government of India for the refugees coming from West Pakistan, POJK and Chhamb refugees and how the Government of Jammu and Kashmir dealt with it. The chapter elaborates upon the acts and policies framed by the Central and State government to probe the rehabilitation problem further. The chapter explains the marginalisation and its impact on the lives of WPRs in comparison to other displaced groups in Jammu and Kashmir. The chapter relies on the archive's primary data and secondary sources.



Map1: The Jammu and Kashmir Princely State acquiring areas in 1925.¹

¹ The present map picture is captured from the Jammu state Archive on 19th September 2016 from the Census report file of J&K 1935.

Section I

West Pakistan Refugees (WPRs)

An overview of WPRs in the Jammu region

Partition, migration, and subsequent non-integration of Jammu and Kashmir with India had impacted the WPRs lives, resulting in human rights violations, maltreatment, and denial of statehood. The key questions about their social identity, political rights, and economic rights for seven decades. This section will study the West Pakistani Refugees (WPRs) who migrated from erstwhile West Pakistan, mainly from *tehsil* Sialkot, which is adjoining to Jammu region, during 1947. The WPRs had to wait for seven decades to rehabilitate and get equal citizen status in Jammu and Kashmir.

The problem of WPR livelihood sustainability stretches back to 1947 when the subcontinent was partitioned based on the two-nation principle, resulting in large-scale displacement and damage. Mass communal fury split individuals into religious lines and caused them to flee their regions for safe places. Thousands of people fled their homes and crossed a newly carved international boundary, accompanied by extraordinary violence.

A small group of these refugees, known as West Pakistani Refugees (WPRs) who entered Jammu and Kashmir from the western side of the newly drawn border, are kept from social and political integration in India. These Hindu and Sikh families of WPRs had migrated from villages the Khansopur, Kato Banda, Mahalla, Ambalepur, Chare Chak, Chak Saquerde, Katly Laardae, Jurewala, Jorewala, Wajree and several others of *tehsil* Sialkot (now in Pakistan) to the Indian side. They arrived in the districts of Kathua and RS Pura in the Jammu sector of the J&K State and currently reside on the India-Pakistan border. Whereas, other families of WPRs settled in Punjab, Delhi, and other Indian states during the 1947 migration from Pakistan to India.

In Jammu, a large number of WPRs families are Hindus, with only a few Sikhs. A considerable proportion of the Hindu population is categorized as Other Backward

Caste (OBC) or Schedule Caste (SC). Nai (Barber), Doods, Shupri Wattal, Teeli, Loharas, Gharati, and other castes are among them. More than 90% of WPRs are from the Schedule Caste category. They dwell on the edges of Jammu region's main city regions, mainly in bordered villages, and their primary source of income is informal jobs, agriculture, and allied works. Working in factories, as hawkers, masons, labourers, barbers, and carpenters, or as service boys in local stores, or as casual labourers in various industries are examples of informal jobs. The number of refugees had increased significantly, from 5,764 to 18428 households, with an estimated population of 80,000 to 100,000 million individuals.

A few households own tiny plots of agricultural property, contributing a little portion of their family income. A few respondents have also claimed that the state government issued Permanent Resident Certificate (PRC) status to a few WPRs families to hire them as sweepers in state departments. During the early years of their journey, a considerable proportion of West Pakistan migrants spoke Sialkoti Punjabi. However, after more than seven decades, these individuals have adopted the native Dogri language dialect. However, assimilation has remained highly fragmented.

TEHSILS	CONSTITUENCIES	FAMILIES OF WPR
Akhnoor	Akhnoor and Chhamb	1970 families
Bishnah	Bishnah	2116 families
Hiranagar	Hiranagar	1419 families
Jammu	Gandhi Nagar, Jammu East, Jammu West, Marh, Nagrota, Raipur Domana	5007 families
Kathua	Kathua	3204 families
Ranbir Singh Pura	Ranbir Singh Pura and Suchetgarh	3100 families
Samba	Samba and Vijaypur	1612 families
Total Tehsils	7 15 constituencies	18428 families

Table: 1.1 The above table briefly shows the residing areas of the WPRs in the State of J&K in different *tehsils*. The WPRs are mainly residing in rural areas. From the above data it is estimated that the total numbers of voters of WPRs are 55000 approximately²

Jammu as their displaced location

When the partitioning of India and Pakistan began in 1947, it resulted in the migration of many people based on religious identity across newly constituted borders. Dogra

² The data is accessed from the WPRAC Office.

Princely ruler, ruled over the State of Jammu and Kashmir. As many fled to India from Sialkot, the Maharaja ordered the Army (state forces) to block the border and prohibit anyone from entering the State. When the Maharaja learned of the massacre of Hindus, he directed the Army to enable them to cross the border because they had relations in the Jammu region. Because of their geographical and cultural proximity to Jammu, a number of West Pakistan refugees picked the State to migrate to in 1947. Partition days created circumstances in which people were forced to flee their houses and look for a new places to live. The leading cause for the entry of WPR families in Jammu was the area's accessibility to Sialkot, which is accessible by both the Jammu-Sialkot Railway link and by road. Sialkot was 92 kilometres from Gurdaspur and 98 kilometres from Amritsar in Punjab, and only 38 kilometres from Jammu.³ People from Pakistan's western provinces used to have cultural and economic links with the Dogras of Jammu. During the early years of the conflict, WPRs were welcomed in Jammu because their relatives lived in villages bordering Pakistan. Staying with relatives was the most natural option for many of them. Other reason for Jammu is because they believed a Hindu ruler ruled the State and that they would be safer there.⁴

One of the respondents, Hans Raj has been residing in the village Badyal Qazian of tehsil R.S.Pura since 1947. He vividly recalled numerous occurrences during the partition and spoke extensively on the situation of WPRs in J&K during the interview, in contrast to the majority of my other respondents. Hans Raj appears to be one of the last surviving members of that generation, who fled Pakistan with the first group of Sialkot refugees and survived the challenging trek through the terror and brutality of the partition riots, which he recalls with great detail. His narrative offers fascinating background to the origin of the refugee settlement we are looking at to understand the historical context of 1947 in the WPRs.

Hansraj said, "I was around twelve or thirteen years old, and my family was originally from the village of Salariyan, which is around three kilometres from the main Sialkot tehsil. During the partition of 1947 we were forced to flee from our village. However, my ancestors decided to stay in J&K while others of our family relocated to Punjab.

³ Distance metre indicating the distance between Sialkot and its adjoining areas
<http://timeanddate.com/worldclock/distances.html?n=1237>

⁴ Interview conducted on 13th of September 2016, Labhu Ram and Jagdish Raj both WPR from village Chakroi of R.S.Pura of Jammu and Kashmir shared their views.

On a fateful day we abandoned our village, we travelled entirely by foot. There was a major threat to lives during the day hours as there were reports of groups of looters wandering in the villages. Where the villagers used to sleep in their courtyards, they laid down cots and placed wooden logs covered with cloth so that it appeared like people were sleeping. Charkhas was placed on the cots to suggest an older man lying on the bed while folding his legs. After making all these ruses, we left the village. During the journey on foot towards the Jammu side, we came across many villages burnt down by rioters and people killed during the day. Many friends and family members of fellow travellers died while travelling, and other factors also contributed to the deaths of others, such as the aged, the illness, and a few children. I don't know the exact number of those killed in riots, but there were reports that many people lost their lives".

"After we crossed the Tawi River we reached the village of Makwal, where you now find the post of BSF (Border Security Force). The rioters destroyed the village, and we had nothing to eat. While leaving home, we only carried a few clothes and money. Six of us in the family had no vessel to cook food. After searching a lot in the burnt village, we recovered a bowl and vessel from the ashes. We washed them, cooked food in them, and ate from the same vessel. When we reached the Tawi River Bridge, we saw the dead bodies of men and women. Even dead bodies of kids were lying next to their dead mothers. When our group finally reached the village of Bazeck, we found it deserted. The houses were vacant, and a few domestic animals were wandering here and there. The government of J&K state asked the migrants to settle down in such villages and in various camps for a few months. Later the government provided some of the Muslim property and lands to the WPRs what is important to note is that the journey to Jammu was not entirely random. While many refugees from Pakistan migrated to Punjab, this particular section deliberately chose Jammu for several reasons".

Hans Raj had cultural and social ties with the Hindus living in Jammu, where some of his relatives were already residing. Another reason for migrating to Jammu was the availability of abandoned agricultural land, following the migration of Muslims from the area. Hansraj and others like him were fortunate because they got some land. In contrast, their relatives who moved to Punjab or other states were settled in camps and given comparatively smaller portion of land, on which only tiny houses could be

constructed. Hansraj said, “During the early days of partition, we felt very much privileged compared to our relatives as we were given land while our relatives were not. But over time, the feeling got transformed. He fondly remembers the days spent under the Maharaja’s benign rule when they could use the land and property left behind by Muslims who migrated to Pakistan. However, things changed drastically after Pakistan launched attacks in October 1947. The tribesmen attacked the Indian State from Pakistan. Tribesmen, supported by Pakistan Army, captured vast areas of Poonch and Muzafrabad, which are not part of Pakistan Occupied Jammu and Kashmir (POJK). These attacks forced thousands of Hindu and Sikh families to migrate further towards Jammu.”

The camps offered different facilities to these recently displaced POJK residents. They were also given land by the government and settled in various areas of State as they were treated as natives of the State. It is from this juncture, Hansraj recalls, that their crisis commenced. “The government gave us four acres of land but the scenario changed after the migration from POJK. The state government took away two acres of land from the WPR families and distributed them to POJK refugees. We WPRs left with only two acres of land, yet we have no right over this land in the revenue records.” (Raj 2018)⁵

According to Hansraj, nearly 60% of WPRs have a few *kanals* of land, allotted by the Sheikh Abdullah government but their community had no registration right on the land⁶. Others who had no access to land work as agricultural labourers or do other menial tasks. It is interesting to note how there are conflicting sentiments among the WPRs about the land where they have lived for more than seventy years. They see themselves partly as protectors of this land in the face of Pakistani aggression, the other fact that this area lies right next to the border makes livelihood highly precarious for them. The permanent precariousness of their lives has made them desperate and dependent on the promise of successive regimes and political parties.

⁵The words are expressed by Hans Raj during the interview on June 16th 2018.

⁶The legal occupancy on land does not hold by the WPRs in the state as they are not considered as citizens of the Jammu and Kashmir under the Constitution of the state.

“The Union government led by the BJP is our last hope. Our people have pinned their hopes on Narendra Modi ji, who assured us during an election rally in 2014 that if the BJP came to power, his government would solve the problems of WPRs (Raj 2018).⁷

Defining the statelessness of WPRs in Jammu and Kashmir

The 1951 United Nations Convention on the Status of Refugees and the 1967 Protocol on the Status of Refugees remain unsigned by India till the present day. On the other side, the occasionally passed legislation treats these refugees in India on adhoc basis. To rehabilitate the partition refugees these legislative measures were referred. Stateless individuals and refugees can be distinguished as independent legal categories because stateless individuals lack both nationality and State protection, but refugees do not. (UNHRC 1995)⁸ On a fundamental level, both refugees and the stateless lack protection and are underrepresented groups in society.

Labhu Ram, a septuagenarian, claimed that we are "sharanarthis" on J&K state territory. We are doubly victimised in J&K because, despite being Indian citizens, we cannot take advantage of Central schemes while living there. Every time we visit a government agency to apply for a particular programme, a government employee requests an identity from the State we do not own. We WPRs were denied such benefits. Though we are Indians but bereft of benefits given by the Central government in J&K. Due to the separate citizenship rule, the WPRs population face economic deprivation. We are dancing to the tunes of one or the other government. “We are the children of nowhere and no one”. Every time we face step-motherly treatment from the state government. The tragedy is that though our forefathers were refugees who had migrated, now we have the fourth generation, which is still considered refugees, which is very unfortunate. The government should stop calling us refugees as we are born here, contributing to the State, and deserve equal citizenship status of J&K. The state government has discriminated against non-

⁷ *ibid*

⁸ The convention came into force in 1960, in Collection of International Instrument and Other Legal Texts Concerning Refugee and Displaced Persons, Geneva: UNHCR, 1995, p.75

Muslims for the last seven decades. We are denied to many benefits because we are Hindus, Labbu Ram said.” (Ram, 2018)⁹

The WPRs are not refugees in legal terms; their State is different in J&K, as they have Indian citizenship and enjoy all like others citizens. However, they are not citizens of Jammu and Kashmir, according to the provision of the separate constitution of State. As we know, during the partition of 1947, they fled from Pakistan to Indian and were granted Indian citizenship according to the citizenship rules of 1955. The WPRs are Indian citizens, having all customary Identity proofs like the Aadhar Card, Election Voter Card, Ration Card. But despite all these identity certificates, the WPRs are leading an identity-less life, particularly in J&K.¹⁰ In J&K state, the WPRs reside at the margin and have not granted any political, social or economic rights by State government in the last seven decades. WPRs were denied to participate in elections for State’s Legislative Assembly, admission to professional educational colleges, and employment schemes as per the rules framed from time to time by state government under J&K’s constitution. Though mostly live in rural areas, they are not allowed to participate in Panchayat elections.¹¹ The Panchayat representatives (Sarpanch) are made from the nearby village to run the functioning of the village. WPRs are debarred, we have noted before, primarily because of the right not to access Permanent Resident Certificate rules according to J&K’s constitution, which also grants the right to vote in elections in the State.¹²

Another irony with these WPRs families is that they were residing in the Jammu region before the process for framing J&K’s constitution, no provisions were included in the constitution for their permanent settlement until 2019. The previous chapter shows the law governing PRC and discusses who cannot avail of the grant as per laws and who enjoys its privilege. As we know, the state government during the period between 1954 to 1957 passed several stringent laws debarring these refugees from

⁹ Interview conducted with him in his village Chakrohi of thesil R.S.Pura where is earning his livelihood through the small shop which is made in one of his house room, dated 7th September 2019.

¹⁰ The above argument is generated on the basis of the interviews made with these refugees settle in different villages of tehsil R.S.Pura of J&K. The families reveals all the above mentioned documents made according on the recommendations of the central Government, and then also they are bereft of PRC in state.

¹¹ Leaders of West Pak Refugees in J-K poll fray dated 9 April 2009
archive.indianexpress.com/news/leader-of-west-pak-refugees-in-jk-poll-fray/442206/

¹² This rule is mentioned in the constitution of Jammu and Kashmir for taking part in the process of the state election particularly mentioned in the rule no. ----- of the JK constitution this section particular deals with the election provisions.

getting citizenship rights (PRC) in the future.¹³ According to that definition incorporated in the J&K constitution, under Part III Section 6, the WPRs do not qualify to be citizens of J&K, as they do not fulfill the criteria of state citizenship laws. The WPRs population has led various protests, demonstrations, and filed petitions in courts of law to redress their demands from time to time under the banner of 'The west Pakistani Refugee Action Committee (WPRAC)' but failed to get any solution till 2019. When the BJP-led government abrogated the most stringent article, hampering them from becoming equal citizens in Jammu and Kashmir, it relieved the WPRs community.

While the WPRs live in precarious conditions, mainstream political parties always use them for vote bank politics during the parliamentary elections. Many families have just one room shelter where even milch animals share space at arm's distance. Many houses do not have toilet facilities despite the Swatch Bharat Abhiyaan. Few villages of WPRs avail the benefit of the scheme. Still, several more are waiting for their turn.¹⁴ The field visits in the respective areas of the WPRs in the Jammu region provided the layers to understand the issues of the community.

Political parties play a major troll during the time of elections. Each political party usually made certain announcements before elections that faded after the results. The most important of these is treating them as state residents by giving them access to PRC rest, employment, education, and other services. Many interviewees claimed that although politicians from various parties come and go, our problems remain the same. The expression of the political parties' representatives about the WPRs issue in the State, is mentioned as,

“The then Revenue Relief and Rehabilitation Minister in National Conference-Congress coalition government (January 2009 to 2014), Raman Bhalla, who was from Congress stated, “Our Party seeks to grant PRC to WPR but other parties have objections over its.”¹⁵ Whereas Peoples Democratic Party (PDP) president Mehbooba Mufti had said, “Grant PRC to WPR is a major issue, on which Indian government can take any decision”.¹⁶ All Party Hurriyat Conference Chairman, Syed Ali

¹³ Leaders of West Pak Refugees in J-K poll fray dated 9 April 2009, archive.indianexpress.com/news/leader-of-west-pak-refugees-in-jk-poll-fray/442206/

¹⁴ The analysis is made through the field visit to the specific villages of the WPR in the tehsil R.S.Pura of J&K.

¹⁵ Brijesh Singh 'Kashmir Ki Soteli Santane' (Tehalka Magazine Hindi edition, published on 31st December 2012).

¹⁶ *ibid*

Shah Geelani observed, “We are in strong opposition to grant PRC to WPR. If Indian government has sympathy with these refugees, they can take them to their own land and settle them there.¹⁷ Both the factions of Hurriyat Conference, Jammu and Kashmir Liberation Front (JKLF) and even mainstream parties like NC, have termed the settlement of WPR a move aimed at changing J&K’s demography”.¹⁸

On December 15, 2012, Member Parliament of National Conference, elected from Anantnag Lok Sabha Seat, said in the House that the Government of India should take steps to rehabilitate WPRs, settled in J&K outside the State. He said settling these people in the State will change the Muslim majority character of J&K.¹⁹ Senior BJP leader Nirmal Singh said they wanted to ensure full voting rights and proper citizenship for the WPRs on humanitarian grounds. He insisted that the move would not change J&K demography, as separatists and some mainstream parties claimed.²⁰ These are the political personalities’ statements from various political parties, which reflect their concern for the WPRs problem and the political stance taken by their parties regarding these refugees.

Government Initiative towards WPRs

In 2007, Ghulam Nabi Azad, the State’s then-Chief Minister, formed a committee under the chairmanship of Sh. G D Wadhwa to investigate the State’s refugee issues. The committee made several favourable recommendations, which were, predictably, only partially implemented. Advocate Bachan Lal filed a writ petition in the Supreme Court on behalf of West Pakistani Refugees, no. 7698 of 1982, seeking redress of their grievances. “In its ruling (AIR 1169, 1987 SCR (2) 369) on February 20, 1987, the Supreme Court indicated that it was unable to offer any relief on the plea the state assembly is empowered to change relevant laws, such as the Jammu and Kashmir Representation of Peoples Act, the Land Alienation Act, and other such legislation.”(Kalgotra 1987).²¹ Significantly, displaced people from Pakistan

¹⁷ ibid

¹⁸ Sameer Showkin Lone *BJP equates settlement of WPR with that of Tibetians in J&K*, (The Citizen published on January 19, 2015).

¹⁹ Sant Kumar Sharma, *Indians Unwanted in J&K* (The Jammu Heights, by published in March 2013), p. 7-10.

²⁰ Sameer Showkin Lone *BJP equates settlement of WPR with that of Tibetians in J&K*, (The Citizen published on January 19, 2015).

²¹ O C Reddy, Bachan Lal Kalgotra vs State Of Jammu & Kashmir And Others on 20 February, 1987 1987 AIR 1169, 1987 SCR (2) 369) <https://indiankanoon.org/doc/19271/>

Occupied Kashmir (POK) in 1947, 1965, and 1971 were taken seriously by the State, with the then government allotting agricultural land for cultivation for the people who fled to Pakistan. It appears that there was still a distinction between refugees from Kashmir and Pakistan because the government did not give any amenities for West Pakistani refugees even after they had been in J&K for several years.

Rehabilitation Package by the current regime for WPRs

Since 2014 the Bhartiya Janta Party has taken up the issue of the WPRs, residing in the Jammu region; they had assured them to grant them citizenship rights, which was the stumbling block to their development. In 2018 the Central Government announced onetime financial assistance for the refugees residing in the State. The central government has announced that thirty lakh per family will be disbursed to the West Pakistan refugees for rehabilitation before the abolition of Jammu and Kashmir's special status.²² Later on, after the abrogation of the special status, the committee's of the Ministry of Home Affairs (MHA), in its 224th report on the Union Ministry's demands for the grant for the year 2020-2021 reduced the amount from two hundred crore to only one crore now per family will receive the amount of 5.5 lakh instead of thirty lakh.²³ The reason for the decrease in the amount mentioned by authorities is the Jammu and Kashmir government has yet to finalize the authentic details of the beneficiaries under the scheme titled Financial Assistance to Families of WPRs Resided in J&K.

While many West Pakistani refugee respondents claimed they had not yet received money from the Financial Assistance Scheme, WPR respondents expressly contended that they have the paperwork required to declare the procedure, but most of them lack

²² The Economics Times, Parliament panel recommends Rs 30 lakh package for West Pak refugees, December 22 2015 <https://m.economictimes.com/news/politics-and-nation/parliament-panel-recommends-rs-30-lakh-package-for-west-pak-refugees/articleshow/50285758.cms>

²³ India today, West Pakistan refugees now getting J&K domicile status, Rs 5 lakh financial assistance 7 July 2020 <https://www.indiatoday.in/india/story/displaced-pakistani-refugees-now-getting-j-k-domicile-status-rs-5-lakh-financial-assistance-1697973-2020-07-07>

it. Hence only a small number of families receive their portion. On the other side, the WPRAC had requested the establishment of a relief commissioner who would deal with their concerns and ensure the rapid payment of compensation. WPRs held many delegations and meetings with authorities, but no such fruitful decision came out. Until now, only a few families of WPRs have benefited from the central government's package, which is around a hundred out of the population of two lakh. The concerned Tehsil officials from Suchetgarh mentioned that despite organising awareness camps for WPRs in various localities/villages of the tehsil Suchetgarh, to apply for the financial assistance, people are still not processing their applications. According to the officials, most WPRs do not have enough supporting documentation to submit the application, which is why there has been a delay in their case. For the last seven decades, the WPRs did not feel the importance of documents in their lives as it was not decisive as one might think. They were not eligible for benefits like job reservations (as are other dalits in India), admission to professional colleges, or scholarships for their children because of their status as "Refugees" in Jammu and Kashmir. WPRs have been denied land ownership benefits, which require the documents.

As per the official record from the Suchetgarh tehsil the families out of 3100 families²⁴, only forty applications were processed for the final dispersal of Financial Assistance Schemes, whereas only 17 families out of 40 had received the amount in their respective bank accounts²⁵. Until today, only 274 families of the WPRs had received the final amount of financial assistance. The reason stated by the officials at tehsil office, he said most of the West Pakistan refugees had attained government jobs in the State, either the second generation or the extended families. Since the families split up and were hesitant to pursue the application claim, it is issued in the name of the first-generation immigrant from Pakistan. On the other side, from the fieldwork assessment of Akhnoor tehsil, which also comprises 1970 families of WPRs²⁶; it is observed that the primary beneficiary of the Financial Assistance scheme is the families from the upper caste background. At the same time, many Dalit families have processed the application in the concerned office in the last few years but still waiting for the dispersal of the amount in their bank accounts.

²⁴ Data drawn from the WPRAC, the table is discussed in the chapter

²⁵ Government of Jammu and Kashmir Office of Deputy Commissioner Jammu Notice DCJ/DP/2021-2022/ 113-115 regarding the Financial Assistance Cases of WPRs in Jammu and Kashmir, Dated 24th August 2021.

²⁶ *ibid*

As one of the responders from Suchetgarh explained during the field visit, "Modi ji usually sends people to Pakistan, and we have the origin of Pakistan with our identification once we become registered in the papers, it would be simple to obtain a target for them. They will send us to Pakistan". She further said that my children are the fourth generation, and I don't want to put the suffix of the refugee with their identity. If the situation favours my children, they will earn money in the future with their hard work, but once the tag of refugees is attached to your identity document, you can't remove it. So, why put the future of the coming generation in a complicated situation by receiving a minimal amount of 5.5 lakh.²⁷ Like Renu Devi, other WPRs also feel helpless or doubtful about the process as to what will happen to them after this assistance. Many families are waiting to receive the amount as they have been fixing their dreams with this amount.

The current situation of WPRs in Jammu and Kashmir

West Pakistani refugees in Jammu and Kashmir have remained a distinct community that has yet to be integrated into mainstream society in Jammu and Kashmir in particular, even after the abrogation of the special article. Nonetheless, they have survived by engaging in various subsistence economic activities for decades. They are also articulating their issues through civil society engagement, and they have been the arousal of new aspirations for their life, livelihood, and identity within the more significant developmental dynamics of society.

In the initial days of their arrival, these refugees, who came from a poor and illiterate society, could not foresee the negative consequences of their decision to migrate to Jammu. They were unfamiliar with state subjects, later known as Permanent Resident Certificate (PRC), which used to be the essential document in Jammu and Kashmir. Their decision to relocate to a new country set them on a never-ending path of complications and hardships to define their identity and avail benefits. Their statelessness is mainly due to Article 35A of the Indian constitution and Article 6 of the Jammu and Kashmir constitution. The Indian Constitution empowers the legislature of Jammu and Kashmir to define "permanent residents" of the State and

²⁷ Interview conducted with Renu Devi on January 17th 2021 at her residence village Suchetgarh, R.S.Pura Jammu

grant them special rights and privileges. Article 6 of the Constitution, section 8 (a) of the Village Panchayat Act, 1958, section 4 of the Land Alienation Act, 1995, rule 17(a) of the Jammu and Kashmir Civil Services (Classification, Control, and Appeal) Rules, 1956, and Article 140 are all legal frameworks that only benefit permanent residents of the State. In 2019 West Pakistani refugees recognised as Indian citizens. But earlier, they are regarded as outsiders, demonstrating their social marginalisation. Despite this, the State has provided rudimentary assistance in their settlement by allowing them to keep the occupied government/EP lands²⁸. This community has mobilised to secure and improve their livelihood. These stateless people have been living in the State for the past seventy years without receiving any benefits. Still, despite continuous denial, poverty, and backwardness, they refuse to leave Jammu as they depend on the occupied land. This land is the sole reason for the stay of WPRs in the State of Jammu and Kashmir. After the financial assistance, the recent government has also announced to give land rights to West Pakistan refugees in Jammu and Kashmir.²⁹ With such changes, WPRs could live a stable life and raise their children's futures in the best ways.

Although it turned out to be a mistake for the West Pakistani refugees to enter the State of J&K, things will be better if these property ownership rights are eventually provided. The fact that the State did not issue them a Permanent Resident Certificate, which is essential for J&K citizens, and that their ancestors were not born in the State there made for a dismal history. Regarding government positions, young people from the community are ineligible owing to a lack of PRC. Their children cannot enter the State's professional and technical colleges. After 2019, WPRs in the State of J&K will have improved status thanks to the domicile certificate. Despite being Indian nationals and having lived in the State for more than seventy years, they are not allowed to purchase or possess real estate there, but now their future will be different. Many WPRs participated in the DDC election in the State for the first time in 2020³⁰ nevertheless, because they are not state subjects, they are only eligible to vote in

²⁸ Order No. 578-C of 1954-Wadhwa committee Report

²⁹ The Tribune, Pakistani refugees to be given land ownership rights in Jammu and Kashmir, 17th September 2022 <https://www.tribuneindia.com/news/j-k/pak-refugees-to-be-given-land-ownership-rights-432446>

³⁰ Kashmir Reader, WPR in Jammu say justice done after 70 yrs of struggle, November 29th 2020 <https://kashmirreader.com/2020/11/29/wpr-in-jammu-say-justice-done-after-70-yrs-of-struggle/>

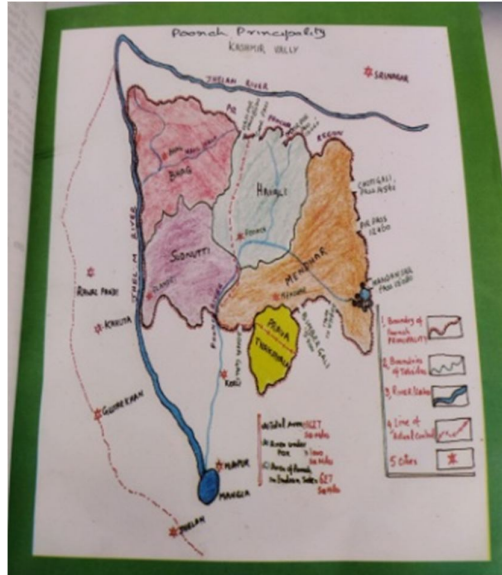
Lok Sabha elections. Additionally, WPRs, are not allowed to vote or run in Panchayat and Vidhan Parishad elections which is no longer an issue for them now they have equal political rights in the State. To get assimilated with the native population, the WPRs are demanding for the special package, which is more discussed in detail in further chapters of the thesis.

Section II

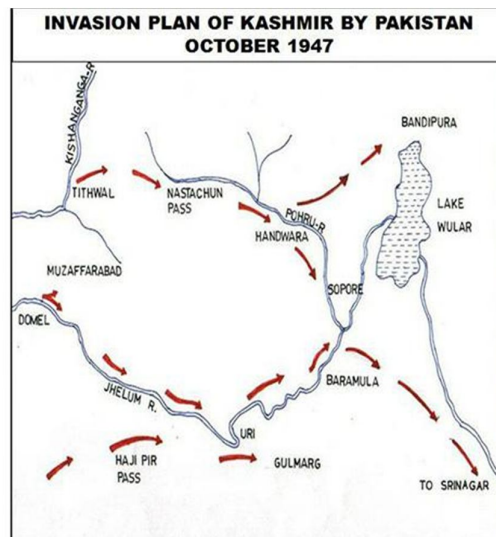
Pakistan Occupied Kashmir Displaced People

In this section, we will engage with the Pakistan Occupied Jammu and Kashmir (POJK) or Displaced People (DP) who had migrated to the Jammu region when a tribal invasion broke out in the Poonch region in the later months of 1947. The majority of rebellions in the area who attacked were Muslims. They also captured some parts of the State on the west and north side of Dogra Princely State by establishing their authority (Bazaz 2005)³¹. Pakistan and few areas in Poonch Jagir supported these invaders'. This section will briefly overview the POJK displaced person migration to the settlement in the Jammu region. On the foremost part, it will focus on the government's response to address rehabilitation issues of POJK people by announcing, framing, and executing different policies and relief packages. Personal accounts of DPs were collected to gain knowledge of their hardships and status, providing insight into these problems. People who had personally experienced the migration from their homeland to the Jammu region were given priority to understand the issues of the POJK population in J&K.

³¹ P. N. Bazaz. *Azad Kashmir: A Democratic Socialist Conception* (Srinagar: Gulshan Books, 2005) p 7.



Map 2: Poonch Principality showing different areas before the 1947³²



Map 3: The war map showing the migration route of people in Jammu and Kashmir during 1947-1948³³

An Overview of the POJK Displaced Population

The region presently referred to as Pakistani Occupied Jammu and Kashmir (POJK) was not mentioned in historical documents as it is Jagir of Poonch. The Wazir of

³² The map is accessed from the State Archive of Jammu on 26th August 2016.

³³ https://bsmedia.business-standard.com/_media/bs/img/article/2020-10/22/full/1603344935-4156.jpg Accessed 1st Feb 2022.

Poonch administrated it and was also a part of J&K Dogra ruler. The Poonch region was divided further into two divisions Muzaffarabad and Mirpur. Muzaffarabad division consisted of five districts: Bagh, Neelum, Muzaffarabad, Poonch, and Sudhunuti, while the Mirpur division comprised Bhimber, Kotli, and Mirpur(Census 1931).³⁴ The Maharaja of J&K had political jurisdiction in this area and was administered by him, even though the PoonchJagir had its own independent Raja. The POJK is the name given to the area after a communal frenzy broke out in late 1947 in Poonch Illaqa, leading to the large-scale migration of Hindu and Sikh families. When a spate of attacks occurred, it signalled an outbreak of hostilities against the Dogra Maharaja of J&K.

Christopher Snedden argues that the conflict between the Poonch area residents and the Maharaja of J&K begins quite earlier than the invaders' attack. With the spreading agitation in the area of Poonch, the local population found support from Pakistan, and by late 1947 invaders had arrived in the area with ammunition and weapons(Snedden, 2013) .³⁵ Pakistan supported these invaders in capturing the area of Poonch Jagir into Pakistan. Eighty percent of the population in the area was Muslim, while the remaining twenty percent were Hindus(Census 1931).³⁶ As a result of the attacks, according to government records, it is claimed that approximately 31619 Hindu families migrated from (POJK) region. These migrants of POJK reside in camps established in the Jammu district (Khajura 2014).³⁷ They were, of course, part of the larger post-partition migration taking place in India during 1947. Like in other bordering states, there was migration from both sides in J&K as Muslims fled from various areas of Jammu district to Pakistan while Hindus and Sikhs migrated from Muslim majority areas towards Jammu city. The Muslim population residing in the extreme border areas of the Mendhar and Mandi in today's Poonch and border areas of the ThanaMandi, Budhal, and Manjakote in present-day Rajouri came to witness

³⁴ The area of Poonch is mention in the census data 1931 of the J&K state published in the Ranbir Press Jammu. The subsidiary table iv mention in the variation in the natural population claim that the *Poonch jagir* holds 387,384 actual population during the census in the area was made.p.72 Chapter 1 of Distribution and movement of population accessed from Jammu Archives on 20th of September 2016.

³⁵ Christopher Snedden. "*Kashmir the Unwritten History*" (Harper Collins: 2013) p.8-12.

³⁶ Census of the J&K 1931, the Section on Jagirs area and the population is mentioned p. 44-47 accessed from the Jammu Archive on 20th September 2016

³⁷ The records prevailing with the PRO officer Jammu accessed through the RTI report by Human Right Activist O. P. Khajuria Jammu, RTI No.Rev/RTI94/2010dated June 16th 2014.

widespread migration. These Muslims migrated to Rawalakote, Bagh, and Mirpur, which today is under the control of Pakistan(Relief Department, 1971)³⁸.

With such changes in the region, communal tensions had started in Bagh and Rawalakote localities in the Poonch area on August 22 of 1947, when a group of Muslims reportedly attacked the non-Muslims living in Bagh and Rawalakote areas of the Poonch district. They started fighting with the forces of Maharaja with arms and ammunition sent apparently from Pakistan. Similar incidents took place in Mirpur, Bhimber, Kotli towns where villages were attacked in a coordinated and sequential manner. Along with two and a half tehsils of the JagirPoonch, the entire Mirpur district, some of Muzaffarabad, and other areas came under the control of Pakistan through partition and invasions. On the other side, Hindus and Sikhs living in the areas of Bagh, Haveli, Rawalkote, Kotli, Sudhnoti, and Mirpur, with hopes of returning home after the cessation of hostilities, fled from their homes in a hurry, without taking movable property Vaid, 2002).³⁹ According to scholars, the attacks by invaders resulted in the killings of hundreds of innocent people. They forced thousands to flee from their homes (Bloreia, 1997)⁴⁰ in areas where most of the population was Hindus and Sikhs. These families shifted to Jammu city areas, leaving behind their moveable and immovable properties.

The Hindus and Sikhs substantially migrated from the Muzaffarabad and Mirpur districts to Jammu city and the adjoining areas of Poonch and Rajouri town, to make their new settlements (Vaid, 2002).⁴¹ Apart from causing geographical alienation in the life of these people, the displacement aggravated economic insecurity, separation from the community, and rights of belonging to the land and other forms of private and shared property. The displaced persons found such an experience fraught with the questions of identity, personal insecurity, and lack of rights accompanying citizenship. In unfamiliar settings, a sensation of isolation and alienation replaces a sense of belonging or rootedness in a place that provides the security of commonality

³⁸“Disbursement of relief to DP-1947-1965-1971” <http://www.jkmigrantrelief.nic.in/>

³⁹ S.P. Vaid . “*How Partition Rocked Jammu and Kashmir*”(Jammu: Shayma Publication 2002) p. 10-17

⁴⁰ S.S. Bloeria. “*The Battles of Zojila, 1948*” (New Delhi: Har Anand1997), p.39

⁴¹ S.P. Vaid . “*How Partition Rocked Jammu and Kashmir*”(Jammu: Shayma Publication 2002), p.8-12

and access to resources and amenities (Caernea, 1996).⁴² After reaching Jammu, these families were accommodated in camps established in different areas of Jammu district like Nagrota, Purani Mandi, Simbal Camp, Badyal Brahmana camp, and Chattha.⁴³ People who resided in these camps were later allowed to stay in the districts of Kathua, Samba, and Rajouri of Jammu province. According to the revenue department documents, “out of these 31619 POJK families, 5300 families subsequently opted to settle in other parts of India and 26319 families were settled within the State. Out of the total number of families, 22719 families later settled in the rural areas and the remaining 3600 settled the in urban areas”(Revenue Dept, 2014)⁴⁴.

Madan Lal, an eighty-year-old man who lived through this experience, vividly tells me his memories which admittedly grew weak with his age. He moved with his family from POJK to the village of Bnuta in the tehsil R.S.Pura in the early 1960s, where he currently resides. “Originally a resident of the village Mangh of tehsil Plandari district Poonch, Madan Lal had to migrate along with his mother, three brothers, and one sister in 1947 when communal clashes broke out in his area. Nostalgic about his childhood, MadalLal recalled the newly constructed house of his grandfather, who ran a shop and had handsome earnings. He spoke about his grandmother and mother, who used to milk cows and did household chores, whereas he, along with his brother, went to school in a nearby village, while his father- a school teacher- was posted at Jagdev High School Rawlakote in 1947. Madan Lal also recalled good relationships with Muslim neighbours. Tehsil Bagh of JagirPoonch, during the late month of partition days of 1947, witnessed demonstrations against the Dogra Maharaja’s regime various areas. His father used to write diaries for Waazir, explaining gatherings in the protests”.

“The Hindu population was in the minority and was 20% of that area's total population. The Hindu population was settled in villages Thorad, Mangh, Reharda, Hunramarha. In the last diary, written by my father and sent by hand to Wazir of Poonch, the Wazir had replied and assured help for the Hindu community. After a few days, the Wazir of Poonch assigned my father, a special duty and a special magistrate. The work assigned by Wazir was to visit Hindu hamlets and take stock of the situation. One day the special magistrate took my father with him and started their journey. Many people gathered in Mangh village to listen to a special magistrate. My

⁴² Michael M. Caernea, “Public Policy Responses to Development Induced Population Displacement”, *Economic and Political Weekly*, Vol.33, No.12 June 15, 1996.

⁴³ S.P. Vaid, “*How Partition rocked Jammu and Kashmir*”(Jammu: Shayma Publication 2002) p.62-67.

⁴⁴ Jammu and Kashmir, Revenue Department document dated 20th of October 2014.

father reportedly gave moral and religious speeches, asking them to live harmoniously. People later told us about the speech of my father. We heard rumours from people that all were killed while my father's hands were cut down by Muslims, as a mark of punishment for writing secret diaries for Wazir. The migration of Hindus started from all villages after the firing incident on 5th of October 1947. My family did not receive my father's dead body, and later we learned from the "Chura community" that all three were buried. A pamphlet was found at the firing site, which reads, '*kafir ka yeh hi hasshar hoga*'. The slogan which resonated prominently in the area was '*Narra eh takbir, looten gen Jammu aur Kashmir, poonch saadi jagir.*' (Lal, 2018)⁴⁵

Madan Lal said, "this incident broke the decades-long relationship between Hindus and Muslims brethren. Muslims now questioned every movement of Hindus, most of whom were outsiders. Native Muslims helped the Hindus by suggesting they shifted to safer places. The killing of the Judge of Bagh Tehsil and the burning of his house further aggravated the situation, which led to large-scale migration amid similar incidents in nearby villages. Most migrating Hindus assembled at Thiterodh village, from where they reached Rawlakote after taking night halts in Rehadha, Thorad and Mangh village. With the help of Army, the group of over 3000 Hindus arrived Poonch city after three day journey. The number of migrants in Poonch city swelled to 25000-30000 in twelve days, but food and medicines were scarce in the camps. After a few days, the government contemplated shifting migrants to Jammu city from Poonch, but it was not possible as only Poonch city was under the control of the Army. Still, nearby hills were under the control of Muslim rebellions. After the instrument of accession was signed and the Indian Army arrived in Poonch, only then were migrants airlifted to Chatha and Nagrota camps in the Jammu district. Many migrants came to Jammu from Poonch in 1953 and were allotted land according to a fixed scale of land Khushki or Abi under 1954 -578- C (Rehab, 2007)⁴⁶ document. The families settled in urban areas were provided plots of land and quarters along with some meagre compensation. As per an estimate, over ten Lakh *Kanals* of land was to the migrant families, out of which seven Lakh *Kanals* was evacuee property and the remaining

⁴⁵Interview conducted with an individual of POJK DP, Madan Lal resident of R.S. Pura on 24th of March 2018.

⁴⁶ It is chief Secretariat General Department Order dated 7th of May 1954 which holds subject of allotment of land to displaced persons in J&K under certain conditions provided by G.M.Bakshi Prime Minister of the J&K. According to this order only the specific unit of land is made allotted to the displaced persons in the state in the urban or the rural areas. Jammu State Archive. Also see, Draft Report of the committee Constituted Vide Government Order No. REV/REHAB/151 of May 9th 2007

was state land (RTI, 2014)⁴⁷. Some of the families complained of not getting land as per fixed scale. The documents relevant to the population thus migrated states as,

“A displaced person means any person who is a permanent resident of the State and who on account of the setting up of the Dominions of India and Pakistan or on account of civil disturbances or fear of such disturbances in any area occupied by Pakistan has after the first day of March, 1947 left of been displaced from his place of residence in such area and who has been subsequently residing outside such area in the State and also includes the successors in interest of such person.⁴⁸ Another document of 1476 – C of 1950 also mentioned about “as who is to be considered as DP in the State, Those who have the state subject of J&K state made under the Maharaja order of 1927.⁴⁹ These people were forced to flee from their native land not voluntarily but because of the threat of persecution by Muslims in their area. The political condition of the State made them depart from their homeland, and that too was forcible, not voluntarily”.⁵⁰

Camp Life and rehabilitation of POJK Displaced People

Vishwanath was sitting with stubble at his son's house in the HatliMorh area of tehsil and district Kathua, taking tobacco from traditional hukkha. Vishwanath was among those migrant families who had settled in village Sunari of tehsil Basohli of district Kathua after migrating from village Thorath of tehsil Bagh of district Poonch in 1947.

“Recounting the violent days of 1947, Vishwanath claimed that their family members hid under heaps of maize to escape Kawalis attack in the village Thorath. He claimed that the brutal killing of milkman Tula Ram in village Thorath, who was hanged with a tree and nailed, led to large-scale migration and a worsening situation in their village. Haphazardly, the migrating families took blankets, quilts, money, and some food with them and started their journey from their native villages, which were later set ablaze by Kawalis.”

Though the migrating groups also came under attack, the Army saved them, paving the way for the families to reach Poonch city. He claimed that some people died of starvation and also due to scarcity of salt. Some women saved their modesty after jumping into the river. As there was no road link between Poonch and Jammu, the

⁴⁷ Details from the office of the custodian (Ex-Offico Provincial Rehabilitation Officer) Jammu claimed by the RTI activist dated as 19th March 2014.

⁴⁸ The document available with POK DP in the J&K, however after the Indo- Pak wars of 1965 and 1971 and the consequent migration of people from the Chhamb area and other adjoining districts like Samba and Kathua therefore quoted definition has been broadened. Now the DP in J&K state includes all the four categories viz. DP of POK 1947, Chhamb DP of 1965 and 1971(Camps and Non Camp).

⁴⁹ The document dated as 16th of December 1950.

⁵⁰ Document regarding the POJK.

migrants came to Jammu later, whereas old, sick women and children were airlifted to Jammu and later settled in migrant camps.⁵¹ My father Ram Saran became the camp in charge, he registered all persons arriving in the camps and helped them to give rations to all, and provided facilities in the camp according to government orders. After a few months, there was a governmental order to disperse the refugee camps. As the government file in this regard stated:

“It is stated as these dispersals of camps must be done without delay. In this process, the GOI will help us break the Nagrota and the Chatha camp into small units as suitable places and continue the present facilities till they are reasonably resettled in the shortest possible time. The representatives from the GOI are must as our State does not have the resources to feed until resettlement or even after that”.⁵²

The 1947 POK displaced persons had thus taken shelter in relief camps established at Nagrota, Chatha, Company Bagh, Frashkhaana at Jammu city and outside State in Jalandhar, Hoshiarpur, and Yol Camp in Himachal Pardesh. The majority of people stayed in Nagrota and Chatha camps. Later on, a few families were also given sewing machines and clothes as help. And children of refugees studying in schools were also given some scholarships. By the end of 1953, refugees staying in several camps were shifted to various places for rehabilitation.⁵³ The documental record of the Provisional Refugee Officer (PRO) Jammu mentions that around 33000 families are registered with the office, which came from different areas of POJK and settled in other camps of Jammu region.

Vishwanath family remained in Chattha camp for a year and then moved to Nagrota camp as the government dismantled other camps. The problems of the camp were raised primarily by food scarcity, and led to the death of many POJK people. The government documents record this:

“The aid to the refugees is given in the form of food grains and salt only last year clothing too was given in the deserving cases, but this year, the scale of the ration is uniform everywhere viz. 6 seers per head per month.⁵⁴ An

⁵¹ Interview with Vishwanath a POJK DP resident of Basholi tehsil of Kathua District J&K on 23rd March 2017.

⁵² File no. A 81 (F) supply Secretariat, Revenue Department JSA. Order No. 1760-64/45 dated 30-08-1949 titled as dispersal of camps established in the Jammu and resettle the people is made through the WazairWazarat, Rehabilitation Section Jammu.

⁵³ *ibid.*

⁵⁴ Letter no B-367/49 dated 20-08-1949 from the Ministry of the rehabilitation Srinagar. p. 28 File A 81 (F) supply secretariat, Revenue Department Jammu State Archives.

appeal has been made by the officer for the food position and supply in the PoonchIllaqa to avoid the food crisis in the area”(sic).⁵⁵

In the year 1951 vide government order under 578-C⁵⁶ mentioned that the “POJK displaced received a few chunks of land, which was only half of the total land the families owned under the reign of Jagir Poonch. Vishwanath Sharma claimed that his family were allotted six acres khushki land in Basholi area of Kathua district, which was barren. They paid to the state government of Jammu and Kashmir for that. His father wrote a letter to the relief commander to reimburse the money which would be deducted from the amount allotted to us”. It read as,

“Ram Saran and Gnapat Rai representatives of the refugees from the Non-liberated areas of Poonch rehabilitated in Bahsoli district Kathua letter to Rehabilitation officer for the loans. The rehabilitation Minister GOI on 7-01-1960 announced that each refugee family would be awarded a compensation of rupees 3500, but rupees 1000 would be given in cash and rupees 2500 would be adjusted towards the land allotted to each refugee family. In this letter, they made their plea that the other refugees got the best land we has just barren fallow land with us. We should be given the land free and the compensation of 3500 rupees in cash. We were settled in the most backward area of the State. It is difficult to nourish our dependents from this land”.⁵⁷

In the later years, most of the money was distributed by the relief and rehabilitation department through cheques in various areas like R.S. Pura, Bishnah, Samba, Poonch, “Vide order no.254 of 1965ownership rights were granted to POK refugees on 243000 *Kanals* land allotted to them. However, in respect of 6,80,850 kanal of land allotted to them as Evacuee Property, such rights have not been given on the pretext that GOI considered POK a part of India and conferring of ownership right in respect of such property would send a wrong signal to the outside world”(Das, 1957) .⁵⁸ POJK who relocated to rural areas were not given a comprehensive settlement package or rehabilitation plan. They constructed houses wherever they found space and set up temporary huts or sheds on evacuee property or government land. Later, over Forty-

⁵⁵ Letter no. B367/49 dated 8-9-1949 made by rehabilitation officer to the Deputy supplies Minister J&K,p27

⁵⁶ *ibid.*

⁵⁷ Letter obtained personally from the family of the Ram Saran during my interview with them, it was submitted to the Prime minister of the Jammu and Kashmir dated 8-02-1960. Family share valuable paper information whatever they were having of their ancestral father with them.

⁵⁸ Jagannadha das, Amar Singh vs Custodian, Evacuee Property, 29 March, 1957Equivalent citations: AIR 1957 SC 599, 1957 1 SCR 801. Also see Joginder Kour vs State of Jammu and Kashmir, High Court case, 2014

six colonies were built in various parts of Jammu City to rehabilitate the POJK people, and each of these families was granted a plot measuring 10 Marlas each⁵⁹.

In 1957, “1600 new quarters in urban areas were constructed by the Government of India (GOI) through the Central Public Works Department. These were allotted from 1958 to 1960, with 1180 quarters allotted one quarter to a family of five members. Besides, 600 families were allotted 700 plots, with cost of each plot/quarter fixed at Rs. 2200 in Jammu and 3700 in Udhampur. These plots were on seven *Marlas* of land while the quarters were constructed on one and half *Marlas* land” (CPWD, 1957). In 1960, the government distributed ex-gratia grants of Rs. 3500 to POJK urban families. Of this sum, Rs. 2500 was subtracted before each family received their final payment. This shows that the government did not settle them based on the partition refugees or displaced person status and considered their rehabilitation under review. After a decade, the POJK population received ownership rights on land granted to them by the government under the constitutional rights of J&K in 1971.

The POJK population expresses deep trauma and frustration at what they see as a continued exclusion from the local citizens and the government of Jammu and Kashmir in the last several decades. They thus remain on the margin of the local society. However, the extensive measures and periodic schemes offered by the union and state government to rehabilitate this population are no less significant in their case. Such schemes, including financial assistance, loans, and land allotments, are done periodically and without delays.

The Rehabilitation schemes

We need to understand that the rehabilitation scheme of the Jammu and Kashmir government was slightly different from the schemes undertaken in eastern Punjab after the Partition of 1947. One reason was that the Union as well as state government had so far has technically not accepted and recognised the partition of Jammu and Kashmir, and the future of POJK DP takes a serious obstacle in this regard. While the land allotted in Punjab is based on the land, the migrants owned in Pakistan, it was done on equal basis in J&K as all were allotted equal land irrespective of their

⁵⁹ *Ibid*

previous land holding (Vaid 2013).⁶⁰ These allotments were done after the winding up of camps through a lottery system conducted under the direct supervision of the Joint Rehabilitation Board. The POJK DP who had stayed in Jammu camps had allotted agricultural land ranging from 4-8 acres per family. Those who settled in urban areas were provided plots/quarters besides cash ex-gratia of Rs. 3500/- per family. For those families that did not get land allotted as per prescribed scales, the Government of India sanctioned cash compensation in lieu of land deficiency. Others were allotted land /plot/quarter per fixed scale for rehabilitation. The displaced families who did not settle in Jammu & Kashmir were paid an ex-gratia of Rs. 3500/- per family at the time of their registration with the Rehabilitation office of Jammu. After 1950 when the camps were dismantled, each family of POJK DP was allotted 8 acres of irrigated and 12 arces of non-irrigated land. Besides, each family was given a loan of Rs. 500 to build a house and buy plough, bulls, agricultural implements and seeds. This loan had to be paid after two years on simple interest, and the interest rate was 4.5%. Due to persistently poor socio-economic conditions, loan amount was not paid back to the government on time. The authorities had deducted from the Ex-gratia grant paid in 1960 (Vaid, 2013).⁶¹

Later on, in order to rehabilitate POJK DP of 1947 the government passed, “cabinet order no. 578-c of 1954 dated 7-5-1954 decided to settle them by providing land to families residing in rural areas under scale 4 acres of Abi or 6 acres of Khushki land per unit of the family irrespective of the size and strength of the family.

A. Per member of the family

6 *Kanals* of Abi or 9 *Kanals* of Khushki in R.S.Pura and Jammu tehsils.
9 kanalas of Abi or 14 Khushki elsewhere in the Jammu Provinces.

B. In the case of a family consisting of three or less members, the land entitlements shall not be less than

2 arces of Abi or 3 arces of Khushki in the R.S.Pura and Jammu tehsils.
3 arces of Abi or 4 1/2 arces Khushki elsewhere in the Jammu Province”.⁶²

⁶⁰Dr.S.P.Vaid. “*Pangs of Separation*”(Jammu :Shyama Publication 2013) p 39.

⁶¹*Ibid*.p .40.

⁶² Letter no. 109 dated 1-9-1949 forward from The Grow More Food Officer Jammu to the Governor of Jammu p. 24 of File A 81 (F) supply secretariat, Revenue Department (JSA) accessed from State Archive of Jammu.

Note: A survey was further conducted of both Jammu and Kathua districts regarding the Evacuee property and the allotments were made out of them on the spot as well as areas so far not allotted. These were given to the tenants to cultivated land. The scheme of rehabilitation thus tied in with a

As per this order 21,116 POJK families were settled in different parts of the State, and 6,80,850 *Kanals* of Evacuee Property land and 2,43,000 *Kanals* of state land was allotted to them. The displaced families who choose to settle in urban areas were provided 1,628 quarters and 793 plots in six colonies namely Bakshi Nagar, Nowshera, Udampur, Rajouri, Natipora Srinagar and housing colony at Patoli Jammu.

Subsequently, “vide order no 254-c of 1965 the government granted ownership of the allotted land to the POK DP in 1947. Absolute ownership in respect to Evacuee land could not be granted due to legal binding in J&K state Evacuees (Administration of Property) act Samvat-2006 (Revenue, 1949) ⁶³. However, the displaced person cultivating Evacuee land personally as on Kharief 1971 were deemed occupancy tenants and recorded as such in section 3-A of the Agrarian Reform act 1976. However, they were to enjoy no rights to transfer their ownership of occupancy/tenancy by sale, mortgage, or gift subject to the provision of the alienation of land act Samvat 1995 and tenancy act Samvat -1980”.

Despite allotment of about ten lakh *Kanals* of EP/state land, the POJK DP of 1947 still feels aggrieved by the rehabilitation package already extended to them, which they consider insufficient and some of the families have not been provided land as per the scale prescribed by government. In order to address this demand the GOI in the year 2000 provided amount of rupees 6.17 Crore for payment of compensation against the land deficiency at the rate of rupees five thousand per kanal subject to a ceiling of rupees 25000 per family out of this the amount of the rupees 4.23 Crore stand disbursed to 1873 families. The GOI further revised the package and allowed compensation at rupees 30000 per kanal subject to a ceiling of rupees 1.50 lakhs per family. For this purpose, an amount of rupees 49.00 crore in the year 2008 was provided to them by the government. During the verification, nearly 2814 claims were found genuine for payment of compensation against the land deficiency.

Prime Minister Package Scheme 2019

The current NDA-led regime had shown concern about the issue of the POJK DP under the Prime Minister’s Development Package-2015, approved a rehabilitation

larger policy objective. The states aim was how to bring more and more land under cultivation through which the agricultural production will increase and self sufficiency in food grains could be achieved by the year 1951.

⁶³*Ibid.* The letter provided by the government of J&K under the Revenue Department of the state providing the ownership right to the DP on their land in the state placed in the same above file.

package with an outlay of Rs. 2000 crores. After 70 years, the Government of India recently sanctioned a compensation package, for POJK families, with Rs. 5.5 Lakh to each family. The order reads,

“On 22nd December 2016, No. 31/1/2011 R&SO, Ministry of Home Affairs, Government of India in a letter No. R&R/ Rehab/CSC/19/2015 and 14/6/2016 for the Rehabilitation Package for displaced from POJK and Chhamb under the Prime Minister’s Development Package for J&K, 2015 directed to Chief Secretary Government of Jammu and Kashmir Civil Secretariat Jammu. In this letter the government of approved the proposal for providing central assistance of rupees 2000crore for the 36,384 families from POJK of 1947 and Chhamb displaced persons of 1965 and 1971as one time settlement. As decided by the government of India the amount of central assistance of rupees 5,49,692 per family will be distributed through Direct Benefit Transfer (DBT) to the eligible beneficiaries by the central government directly and the State Government will transfer the State’s share of rupees 308 per family. The state government have stipulated credible and verifiable documents to identify the beneficiaries”.⁶⁴

According to this Central government scheme, to mitigate the hardships of the POJK displaced families, the Government of India provides Rs. 5.5 lakhs per family settled in Jammu & Kashmir. As per the scheme, eligible beneficiaries are identified by the Government of Jammu & Kashmir and their proposals duly authenticated are forwarded to the Government of India for release of financial assistance. Thereafter, the Central share and the State share of financial assistance are disbursed to the beneficiaries directly in their Aadhaar-linked Bank Accounts through Direct Benefit Transfer (DBT) mode. Disbursements are made to all eligible beneficiaries authenticated by the Government of Jammu and Kashmir, until the close the scheme, which is up to 31st March, 2021. Later on, the scheme was extended till March 2022 as the country is going through the Pandemic crisis, and many can’t avail of the benefit for mentioned period. So far an amount of rupees 30.84 Crore has been disbursed in favour of 2524 families and the process is going on.⁶⁵ As per the

⁶⁴ The above letter is shared by the MJR-47 an organisation during interaction on March 19th 2017.

⁶⁵ Information gathered through the RTI filled letter no. 801/300-301 dated 17-06-2014 against the Government of J&K Revenue Department no. Rev/RTI/94/2010, the reply available dated as 19th of June 2014. In the same RTI the case of the Chhamb refugees of war 1965 and 1971 is also mention regarding the rehabilitation process in the state and to draw the comparative analysis between the two refugees. The rehabilitation of Chhamb refugees was implemented / monitored by the Chhamb Displaced Person Rehabilitation Authority constituted by the Ministry of Home Affairs GOI. Through the details it came out that around 10,065 families shifted from the 46 villages of the area. Around 8100 reported in the camps and remaining made their arrangement outside the camps. Camps families were settled in the 156 basties where residential plots were allotted to them. they were also provide the land in three districts of Jammu. More than two lakh kanals of land was allotted those families who complained of the land deficiency as per prescribed scale GOI accordingly provided funds to tune of 3 Crore five lakh for the payment of compensation to 699 families. The non-camps Chhamb displaced

government record, an amount of Rs.308.15 Crores has been disbursed up to November, 2017 to 6601 such families⁶⁶. Governmental Website traced that majority of the POJK displaced families had availed the benefit of the PM package from all the Jammu region district. The exact figures of the families are 5300 who had availed such benefit till now. (Excelsior 2019)⁶⁷ it is claimed from many respondents as well as from the government data that the maximum number of POJK families had benefited from the scheme in the last few years after it was announced.

Conclusion

The chapter has analyzed the rehabilitation programme offered by the Centre and state governments to the refugees and displaced people of 1947 living in Jammu and Kashmir. Each section of the chapter describes a certain category of refugees or internally displaced people and how the government has addressed their problem by providing them with various packages to help them start their livelihood. It is evident from the debate above that the government did not provide the West Pakistani refugees in Jammu and Kashmir with a suitable settlement package. After seven decades of settlement in Jammu and Kashmir, the current administration handled their issue and declared them equal beneficiaries on par with the rest of the state's displaced population.

In the case of POJK population, the amenities of camps, rations, and other necessities were provided to the afflicted displaced population during the wars of 1947. After the camps were distributed, they were given land with ownership rights. However, since they occupied the state of Jammu and Kashmir's evacuee property, there is still uncertainty about the land ownership rights in many cases. Many POJK DP were concerned about losing land as par with WPRs after the special status was revoked because the government owns a portion of their property. In POJK compared to the WPRs, the rehabilitation measures were pretty well.

people were provided cash compensation of the 25000per family as ex-gratia relief by GOI. They also demand for the benefits of the tenancy rights in the analogy of the POK DP 1947.

⁶⁶ Government of India Ministry of Home Affairs Lok Savha unstarred Questions no. 2444 to be answered on the 2nd January 2918/ Pausha 12, 1939(Saka) Facilities for Hindu Refugees L.S. US. Q.No.2444 for 2.01.2018

⁶⁷ Daily Excelsior, Centre approves Rs 5.5 lakh relief for left out PoK refugees, 2019

<https://www.dailyexcelsior.com/centre-approves-rs-5-5-lakh-relief-for-left-out-pok-refugees/>

When we examine a specific group's unique case study in the following section, it presents a startling contrast. The WPRs appear to be the most vulnerable and impoverished group of refugees in Jammu and Kashmir. In that scenario, the POJK displaced have had a better stable economic and social situation. However, they are ranked lower than the displaced Kashmiri Pandits in Jammu and Kashmir in case of compensation and various government scheme benefits.

The chapter provides the individual case of the survivors from the section of refugees of 1947 and states their major rehabilitation issues in the new land after migration. The details in the chapter demonstrated how state played its role by denying one group of refugees their rights while granting those rights to another group of refugees, where both faced similar problems.

Chapter 4

How past and Caste decides the Future: The state of WPRs

Introduction

The present chapter deals with the lives of West Pakistan refugees (WPRs), who reside along the edges of Indo-Pakistan international border, in the villages of Akhnoor region of the Jammu district of Jammu and Kashmir Union Territory. The chapter is based on field visits conducted in the years of 2019 to 2021. The field visits were conducted in three rounds; the first round was in June-July 2019, the second in November-December 2019 and the last round was in February and August of 2021. Moreover, during the lockdown period of 2020, telephonic interviews were also conducted. During each round of field visit, an average of 15-20 days was spent in three villages Deora, Rajpura, and Jamana Bela of Akhnoor. The main reason behind selecting these villages was the number of WPRs, which were settled in large numbers, particularly in these villages. In-depth and focused group discussions were conducted to gather data. The focused groups usually comprised of four-five males, four-five females, seven to eight youth, and a few elderly and children from each of these villages. An attempt has been made to situate these interviews in the form of a narrative, through which many aspects of refugees' lives, such as their emotions, thoughts, particular utterances, body language and expressions are brought out and holistically convey their everyday socio-economic, and political experiences. This extensive data offered an opportunity to get a detailed understanding of the lives of WPRs, how they live, what they eat, what are their customs, rituals, and beliefs, as well as the geographical location of their houses. The key questions involved in the enquiry were this: How do class and caste compositions play a significant role in the lives of WPRs? The chapter also attempts to examine various other dimensions of the WPRs population in J&K. Interviewees were given the liberty to speak in detail and highlight significant aspects of the refugee's issues and experiences. Over 90 interviews were conducted, and only 20 were selected and have been used in the chapter. The languages spoken by these refugees are Dogri and Punjabi, which are their native languages. As the interviewer understands and speaks Dogri, all the interviews were

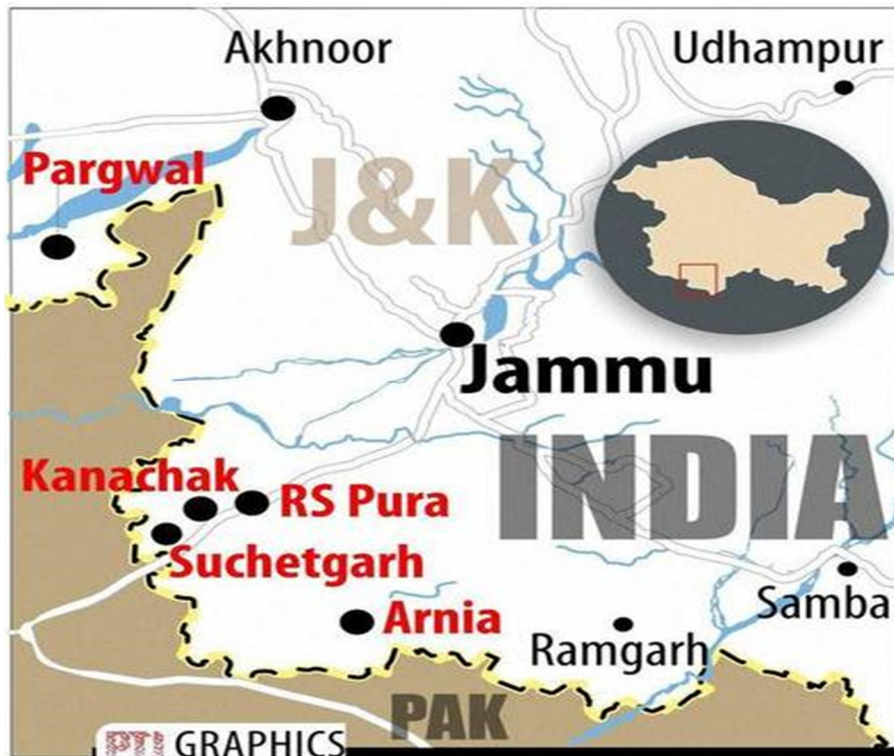
conducted in Dogri language and later transcribed into English. After the transcription of these interviews, the data was coded, following which some prominent patterns and themes emerged. Based on these themes after proper scrutiny, the data is analyzed.

WPRs is not a homogenous group comprised of a mixed population having fault lines along socio-economic, caste, class as well as gender aspect. Despite WPRs being collectively denied all opportunities in State because of PRC complexities, some of them have relatively more socio-economic resources. They can access some carriers ranging from migrant labour to daily labour in the locality. This chapter plots the narratives like a journey through this demography. We begin by looking at the elderly and older women, then move on to the people in the middle ages and their house dynamics in individual families, followed by an engagement with the youth, the children, young girls, and those caught up in extraordinary unfortunate circumstances. As we shall see, these unfortunate circumstances have to do with the frequent conflict situation in the locality, subjecting the people to firing, shelling, injuries, loss of property, and loss of family members regularly. It also makes their existence subject to taking shelter in bunkers, which are, in addition to the above, unevenly distributed and with very poor or no facilities. The second reason behind their circumstances is the almost entirely neglected status in the government-distributed network of benefit schemes. Some of these are discussed in the chapter regarding their impact on the people. Finally, a common threat among the visible pattern is the transfer of political support of this population from Congress to BJP since 2014. In fact, many WPRs people have reposed their faith in BJP to serve them a better future. However, some members are already disappointed with the bureaucratic delay in the promised benefits and feel politically alienated.

Mapping the research area

Akhnoor is located along the bank of river Chenab in the north-east side of Jammu region. It is 55 kilometers from the winter capital city Jammu, the NH 144A connects it. The same national highway also connects Rajouri and Poonch with the winter capital. Akhnoor is divided into seven administrative tehsils, namely Akhnoor Khaas, Chowki Choura, Maira Mandrian, Jourian, Kharah Balli, Khour, and Pargwal. The Dogra

(natives) population, refugees from West Pakistan, Chamb and Dev Batala make up the population in these tehsils. On account of religion the area has majority of Hindus while Sikhs and Christians make up a tiny minority according to the 2011 census. The caste composition of the villages is Brahmins, Rajputs, Other Backward Classes and Schedule Caste. The researcher took the help of friends and acquaintances and assistance from the West Pakistan Refugee Action Committee President and the Area President of Akhnoor to conduct different rounds of field visits and reach out to a large number of respondents.

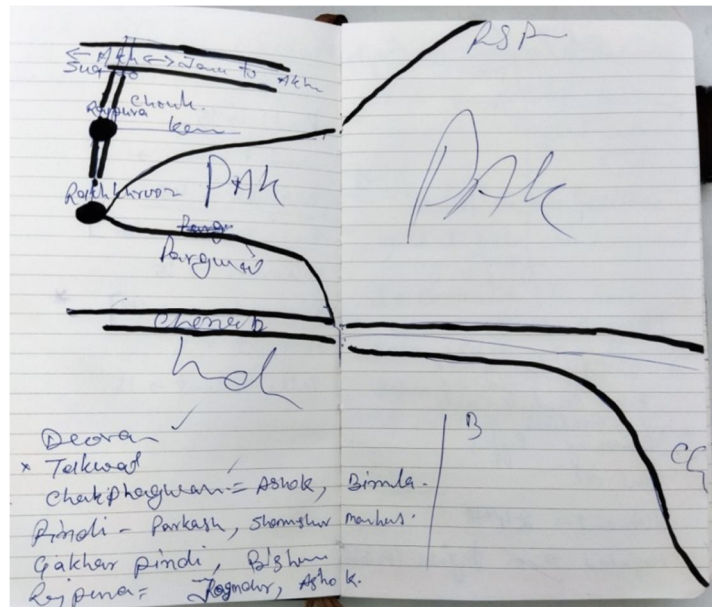


Map showing the Akhnoor region in J&K¹

¹Map showing the Akhnoor area in J&K
<https://www.google.com/url?sa=i&url=https%3A%2F%2Fwww.tribuneindia.com%2Fnews%2Farchive%2Ffeatures%2Fpak-rangers-target-border-out-posts-in-akhnoor-sector-114137&psig=AOvVaw1qdN61cnJOKqRJwu3bsVgT&ust=1672219504157000&source=images&cd=vfe&ved=0CA8QjRxqFwoTCLDF2Z29mfwCFQAAAAAdAAAAABAE>



The google image of the areas where the fieldwork has been conducted



Sukhdev Singh Manhas drew the map to help me understand the area during the fieldwork (Photo by Author)



Map 1: Showing areas of tehsil Akhnoor in the census report of 1961²

At the crack of dawn of 9th December 2019, the alarm broke my deep winter sleep in the village Chattha, which was around 8 kilometers from Jammu city. The coziness of my quilt wanted me to lie down on the bed, but my pre-fixed appointment with Mr. Manhas, forced me to wake up. Mr. Manhas was a resident of Deora village of Akhnoor, who was the Area President of West Pakistani Refugees of Akhnoor, and he had assured to

²Map showing the areas of tehsil Akhnoor region, in census 1961

https://www.google.co.in/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwjytaDvnL_7AhXmT2wGHQhJCC4QFnoECCAQAQ&url=https%3A%2F%2Fcatalog.lib.uchicago.edu%2Fvufind%2FRecord%2F4905458%2FTOC&usg=AOvVaw39JIVInw51t3loKON9TLcg

felicitate interviews with WPRs. I had to board a bus from the Jammu Bus stand to reach Akhnoor, where my cousin dropped me. There were two types of buses, Super-fast and Full-stop, standing outside St. Peter's School at KC Road Jammu, which were plying for Akhnoor. The full-stop bus stopped at each stop and took over one and a half hours to reach Akhnoor, while Super-fast had a few stops and took around an hour. Unsure about the stoppage of Super-Fast buses at Sua-No. 1, I first enquired from the conductor, who shouted, "*Super Super Akhnoor Akhnoor,*".

In his mid-fifties, with a fair complexion and a round face, the conductor had a well-built body with a potbelly. A black hand bag was hanging on his arm, and he nodded affirmatively to my question and said, "Hurry up, as the bus is about to leave". I climbed the two stairs of the bus from the back door. The condition of the bus was not as bad as I was expecting. It had a sitting capacity of 44-45, with an aisle separating pairs of two and three seats. The bus was full of passengers, and I found a seat on the left side of two seats. My co-passenger was a middle-aged man in a brown-colored jacket and a plastic bag in his hand. He occupied the window seat while I sat on the other side around roughly 8:30 AM.

Soon seats were occupied, and some passengers were standing with every new stoppage more passengers boarded and huddled together. The majority of passengers on the bus were daily wage earners. These daily wagers wore worn-out clothes; some wore sweaters and inexpensive windcheaters. The women wore woolen shawls while the majority wore cheap plastic shoes and socks. Some passengers appeared to be well-dressed and seemed to be government employees. A few were reading *Amar-Ujala*, a Hindi newspaper, and some others were gossiping and seemed to be known each other.

The driver was continuously blowing the horn, and the bus was taking halts at mentioned stops. As the bus reached the Jammu-Poonch National highway, the driver accelerated. Punjabi songs were playing on the music system. Some sad songs followed some peppy songs. Not interested in the songs played on the bus, some young boys started playing recorded songs of their choice on their mobile-phone speakers. As the bus covered a few kilometers, a group of labourers boarded the bus along with their kids. The male

labourers were carrying mason-tools while female had steel-tiffin boxes in their hands. The kids were carried by their parents or stood between the parents, holding their Pants, Sarees or hands. The bus conductor was issuing instructions to stand away from doors and let other passengers board the bus "*Bachee Ko Goad Mein Lo* (Take your children in lap), *Peeche Ho Jao* (Get Back), *Thodi Jagah to Banao* (Make some space), *Sab ko Jana Hai* (Everyone has to go).

One labourer said, "*Bhai Humein Age Utarna Hai*(*Brother we have to de-board soon.*" The conductor assured them he would stop the bus whenever the stop arrived. Meanwhile, the bus became jam-packed; outside the windows, the sunlight struggled to dispel the dense fog. The fog had also engulfed the under-construction Jammu-Poonch Highway, forcing the vehicles to move slowly. As he reached me, I gave him a fifty rupee note and said Sua No. 1. I asked him to let me de-board the bus at my destination. He assured me that my destination was still far away.

As the bus reached Domana, which was around 13 kilometres from Jammu city, the labourers in the bus requested to stop the bus, but the driver didn't pay any attention and sped away. The labourers started shouting and screaming at the conductor, "*Tumein bola bus rokhne ko kya tumein samaj ni ata humaar stop aa gya hai humein utrana hai bhai. Rok, Rok, rok.* (We told you to stop the bus. Are you unable to understand what we are saying? Our Stop has arrived we have to de-board the bus. Stop, Stop, Stop).

The shouting and screaming later turned into an exchange of abusive words. Other passengers also started shouting at the bus driver, "*Kya pee kya chala rha hai sala ye samaj ni aa rha tuje bo kab se bol rahe hain gadi rokhta kyon nahi.* (Are you drunk and driving? They are telling you to stop the bus for the last few minutes, but you don't understand).

The labourers were screaming badly and threatened the driver, *Tu janta nahin hai humein saale Gadi Rok*(You don't know us. Stop the bus). Unmindful of threats, the driver was driving at full speed. The bus crossed over five kilometers in that heated exchange, and the driver started scolding the conductor. "Why did you board the people

whose stop is in the midway? “Don’t you know all this”? Finally, the bus stopped and labourers de-boarded. The driver increased the volume of the speaker so that no voice of labourers could reach him. It left me nervous whether he would stop at Sua No. 1 or not? Another female passenger (probably a government employee) asked the conductor to stop the bus but the driver did not listen. Once again the screams ensued. The female yelled and said she was a regular passenger and all drivers stopped buses here. But the conductor reprimanded, “*Iss bus mein baithne ko kisne bola, aap ko kisne bola. Local matador mein aaya kro, aise thodi hum kahin bi rok de*” (Who told you to board this bus?) Board a local matador .We can’t stop the bus anywhere). The female responded that she boarded only after asking him (conductor). The ambiance again heated up, and co-passengers commented on the driver, “*Yeh saala pagal hai*” (He has gone mad). And finally, the driver put breaks, and female passenger got off the bus. The next stoppage was “*Babe da Talab*”. I quickly got up from my seat and struggled to navigate the crowded bus. The co-passenger claimed that Sua No. 1 was still far away but I replied that driver’s attitude did not seem very friendly so it was better to be near the door. After a lot of struggle, I finally made my way to the door and as the bus was about to reach Sua No. 1, the conductor shouted for the passengers to come near the door. Finally when the bus was about to reach, the conductor shouted, “*Chalo Chalo!*”. Though I had already reached the door, the conductor asked other passengers about me. “*Idher ek kudi hi unn utarna ha*”(There was a girl, who had to de-board at Sua No. 1). I said, “*Ji uncle idher hun mein*(Yes Uncle I am here). The conductor said, “*Theek hai, theek hai, agla stop tumahara hai*”. Finally, the bus stopped at Sua No. 1, 23 kilometers from Jammu city, and I de-boarded the bus. This was to become my routine for many days, and several such incidents happened each day.

A journey from Sua No. 1 to border villages

The Sua No. 1 stop appeared to be a mini bazaar, with paan shops, cigarette shops, and hawkers selling groundnuts and other eatables to the commuters. There were fruit and vegetable vendors, some small general stores with cosmetic items, and a sweet shop with local *namkeen Mathi*, *Semiaan*, and other bakery items. People were standing close to the shops, and some were purchasing eatables or other necessary items from the shops.

Behind the line of shops, there were residential houses, and on the right side, the other side, a canal full of muddy water was flowing. One finds mini-buses for Gurah-Manhasan, Pragwal, Channi Tanna, Jamana Bela, Rajpura, and some other small villages, standing in front of the shops and waiting for passengers. Some auto rickshaws shuttling to some villages were also standing there. Most of the above mentioned villages are close to the Indo-Pakistan border and continuously face border skirmishes.

It was 9:30 AM, but the weather was still cold, while fog and scanty sunlight made the cold more intense. I boarded a matador for village Deora which had over 40-50 households. The matador started their journey on the unpaved and dilapidated road, passing through fields. Some fields were ploughed by tractors to sow a wheat crop. Seasonal vegetables such as radish, cauliflower, spinach, *kaddam*, *sarson ka saag* were also growing in some fields.

After around 20 minutes, the matador arrived at the first security checkpoint, being manned by Army. A long wooden log painted red was used as a security barrier to stop the vehicles. On both sides of the road, the Army Dogra Regiment was present. Three army personnel, dressed in army fatigues and black boots, appeared with AK-47 guns slung on their shoulders. The Army Jawans were observing each passerby with suspicion. As the matador stopped, one army personnel entered and quickly frisked the passengers. Most of the passengers were locals, but two painters, who appeared to be from other states and dressed in paint-splattered clothes, were asked to come down and prove their identity.

After proper checking by the Army, the labourers were permitted to board the matador again and it was allowed to cross the barricade. As the matador was moving on the road, which ran parallel to the river Chenab, the first Line of defense was visible on the other side, around 200 meters from the road. The river bed between the road and river Chenab was infested with natural vegetation (called *Khadd* in local parlance), making it a small forest. The matador crossed several villages of tehsil Pargwal, with small temple like structures measuring nearly 2 feet high and painted in pink white and green dotting the road sides. Some temples had iron gates, while others were open and were popularly

known as Dehris (temples where the departed soul of a dead person resides and is now treated equally as gods). The area also had temples of Shiva and other popular deities.³

After nearly forty minutes of the journey, the matador finally reached Pargwal, a small market comprising cosmetics shops, general stores, sweet shops, tea stalls, stationery shops, and vegetable and fruit vendors.



Pargwal tehsil Matador stand (Photograph by Author)

Outside the cloth shop, stoles and shawls were displayed, along with winter clothing like ladies' suits. After crossing the main bazaar, the matador reached its stand. From this stand, matadors to nearby villages Rajpura, Deora, and other border villages could be boarded, but the matadors' timings vary. For villages, with a large population, the matador services had a good frequency of roughly one matador at an hourly interval. The

³ Refer Appendix

matador service was not frequent for some other villages, and the same matador visited the village in the morning and served as the only transport service in the afternoon when it returned. There was no matador service after 4 PM in many border villages, and if the villagers had any emergency, they had to rely on their transport. The matador I had boarded in the morning had to visit Deora at around 11 AM, so I left for Deora from the Pragwal matador stand after a halt of 15 minutes. The weather was cold while the fog was thinning with the sun coming up. Along the roadways, in the plain open fields, people could be seen busy doing their daily chores such as cutting grass, washing dishes or clothes, tending livestock etc.

At around 11:20, the matador conductor informed me that we had reached Deora, and I got off the matador. I had to walk a few meters to reach the centre of village. I tried to make a phone call, but the poor network connectivity didn't allow me to text my family that I had reached the village.



The entry point of Village Deora (Photograph by Author)

I could immediately notice the militarization of the landscape. There was a vigilant army in the villages, with many standing on watchtowers with pointed guns. Similarly, I

travelled to other villages like Rajpura and Jamana Bella in a similar manner to reach out to the families of WPRs. One had to change matadors from Pargwal to other villages. Significantly the transport facilities in the villages of Rajputs were frequent, and they could avail of matador facility till 4 pm. Still, on the other hand, in the border villages, with a large number of Dalits population, the transport facilities were poor, and the last matador returned from those border villages as early as 2 pm. To take the last matador back from these villages, I was compelled to wrap up my work by 2 pm to return to Jammu city. The roads leading towards the interior of such villages had many potholes and broken badly at several places, especially in the Dalit villages, which had no pucca lanes and proper sewerage. In contrast, the roads in the Rajput locality had full facilities of an appropriate system of drainage and roads.

After interacting with the villagers, I later learned that roads in these villages were built in the year 2000. Before that, villagers travelled by foot to Pargwal without matador connectivity. People had cycles, and a few families owned two-wheelers at that time. Roads were constructed, and transport services began to those villages. After the year 2000, under new schemes of Border Roads Organization (BRO) and Border Area Development Programme (BADP)



Lanes of the village Jamana Bella with the majority of Dalit Population

(Photograph by Author)

The First generation of WPRs at the borders: Caste determines their plight

On the veranda of her house located in the village Deora, which is around one kilometers from Indo-Pakistan's international border, I met the Octogenarian lady Koushalya Devi an upper-caste Rajput, who was basking in the sun. She was sitting on a cot, had covered her legs with a red blanket, and wrapped her upper body in a cream-coloured shawl when I entered her well-furnished pucca house. On one winter afternoon in December 2020, despite wearing spectacles, she could not recognize me, when I greeted her. A native of the village, who was accompanying me, briefed her about me. She warmly welcomed and asked her daughter-in-law to attend to the guest. Her daughter-in-law (52-55 of age) offered a chair and went to the kitchen to make tea. In the meantime, I had a detailed

interaction with Koushlaya Devi, who replied my questions at great length about the difficulties faced by refugees at the borders.



Koushlaya Devi at her residence in village Deora⁴ (Photograph by the author)

Economic condition

The house had a pucca boundary wall and an iron gate at the entrance, while the walls of the four-room house, with a separate kitchen and a lobby, were painted white. Most of the rooms had windows for proper ventilation while doors and windows were neatly painted in chocolate brown colour. The courtyard had cemented floor while the rooms had white marble flooring, five-seater sofa-set in the drawing, and box-beds in two bedrooms besides a well-furnished kitchen with all types of utensils in the kitchen shelves. The family had four acres of agricultural land at a stone's throw from the house. The family owned a tractor along with a motorcycle. The husband of Koushalaya Devi was recruited

⁴ Interview conducted on 10th of December 2020 with her at residence village Deora, Akhnoor.

in the JAKLI⁵ (Jammu and Kashmir Light Infantry) in the early years of 1950's. Out of four sons of Koushalaya Devi, three were in Army and their families had shifted and settled in Paloura, a ward of Jammu Municipal Corporation. The fourth son looked after the four acres of agricultural land with a decent irrigation system for round-the-year supply. The family got good produce from the agricultural land, with around a year's supply of vegetables for family consumption from a small piece of land owned near the house. The family also owned a few bovines whose fodder was arranged from the family's agricultural land. The excess milk was sold in the market and acted as a family income source. Clearly, indicates that the family's economic condition was fairly well off, despite living close to the border.

Nostalgia about partition and migration

Explaining the hostile conditions during the migration, Koushalaya devi said that even during regular days, it is not safe to reside close to *dushman* (*Enemy*). The fear of firing from the other side continues to haunt the border dwellers all the time. The situation turned more dangerous during the skirmishes. Koushalaya Devi witnessed three Indo-Pak wars in 1947, 1965, 1971, and 1999. "The border and the fencing did not exist till the year 2000 but after the hostilities between India and Pakistan during the Kargil war of 1999, barbed wire fence was installed making the life of border dwellers quite difficult as frequent firing episodes were witnessed along borders, forcing the villagers to shift to safer places", she said.

She recalled that before the migration of 1947, her family was resided in a village near Jauraian of Akhnoor (now in Pakistan). Recalling the troublesome days of 1947, she said that the non-Muslim villagers left the village and migrated towards Jammu city to save their lives as communal clashes were happening in various parts of the Jammu region. Most non-Muslim villagers, including West Pakistanis left behind all their material assets and started their migration. The only road connecting Jourian with Jammu passed through the Akhnoor Bridge over river Chenab. The Maharaja administration closed the bridge

⁵ The Jammu and Kashmir Light Infantry (JAK LI) is an infantry regiment of the Indian Army it came into force in 1947.

for vehicles to save the villages of Jammu city from invaders. Koushalaya Devi was in her early teenage years when her family members, along with other Hindu families from different villages, walked on foot for around 30–40 kilometres to reach Jammu after a few days. The migrating refugees were advised to walk a few kilometers only after they were relatively sure of safety, the next day's journey would be planned. There were threats of attacks, so after several days of walking and halts, the family of Koushalaya devi finally reached the Paloura camp. They stayed for over a year in the camp. After the situation calmed down, the family of Koushalaya devi revisited the ancestral village. Still, the house was found burned, other items were either plundered or looted, and no Hindu families were left in the town. With everything destroyed, Koushalaya Devi said, my family had no option of returning but to stay on in the Paloura camp in Jammu. After staying for over one year in Paloura camp, the government allowed the refugees to settle down in the lands near the Indo-Pakistan border. Koushalaya devi said that her family selected a land adjacent to her previous village so that if normalcy returned, the family could return to the native village.

Rehabilitation conundrum unlawful holders of land

The Jammu and Kashmir administration did not provide any assistance to rehabilitate the refugees, as done in other parts of the country. The land which the refugees occupied was not allotted to them by the government, but the refugees were asked to settle wherever there was available land. The family of Koushalaya Devi started cultivation in the new area and began their livelihood from zero. She said that her family was economically well off before the partition as her father was a government school teacher and earned well enough to feed the family. Still, the migration changed everything, and the family was forced to begin their livelihood from scratch without assistance from the government.

Koushalaya Devi got married after one year of her migration to Jammu. Her husband was already recruited in the Jammu and Kashmir Light Infantry regiment (JAK LI) of the

Indian army and retired in the year 1971 from the post of Subedar⁶. Apart from the job, the family owned some chunks of land, as noted before.

In the 1965 war, the villagers migrated to safer places again. Following the war, the Pakistan Army captured the Chamb sector area, and the Koushalya family's resides were very close to it. For the safety of thier lives, they had to reside in camps for a few months, and once normalcy returned, the family could relocate to the same place. After a few years, the 1971 war started, and once again, the border residents had to face the repercussions, but this time their village faced lesser risks. They migrated to camps for a few weeks. However, as the situation at the borders worsened after the 1999 Kargil operation, the shrinking of agricultural land began. With the fencing and land mines emplaced in the agricultural land, the refugees lost large swathes. This is because although land was allotted to refugees they had no legal rights over it. Due to the lack of PRC, so the disbursal of compensation and other benefits were not provided to the refugees, as highlighted by Koushalaya devi. With the denial of ownership over the land, the problem of survival became acute. The second generation of WPRs (Koushalya sons) had fewer opportunities for government jobs and were forced to do menial jobs in the surrounding areas. Those who were able to be recruited into the army were lucky , but later on, the recruitment process asked for the PRC as the militancy was increasing in the state, and the WPRs were cast in under doubtful light.

Shifting Political Stance

Koushalaya devi explained that as time passed, the condition of the WPRs worsened as the community struggled to attain a livelihood and permanent settlement. In the last seven decades, every political regime had promised to settle their dispute, but Koushlaya said nothing came out of i. all in vain. She claimed that she was a Bhatariya Janta Party supporter, despite her entire family being Congress supporters. Her whole village supported the BJP, except for three or four families. The reason for their faith in the BJP is simple only the BJP promised to give the WPRs refugees the rights of citizens of the

⁶ Subedar was the second-highest rank of Indian officer in the military forces. Indian officers were promoted to this rank on the basis of both lengths of service and individual merit.

J&K. Hence from the last election in the year 2014 onwards, the WPRs kept supporting BJP and joined the BJP. Indeed Koushalaya went on to say that no one could call the WPRs outsiders because the Prime Minister had repealed the provision that labelled WPRs as such in Jammu and Kashmir. Today, she claimed, everyone is equal, at least on the face of it.

The narrative of Koushalaya devi offers important insights into the difficulties faced by upper-caste Rajput WPRs during the partition, and during rehabilitation thereafter. However, the story got totally changed when it came to the WPRs from the lower caste. Though the 1947 turmoil had forced the migration of people, who belonged to different castes, the impact of turmoil, migration, and its aftermath had diametrically different implications for the refugees, who belonged to lower strata of the caste hierarchy.



Bindro Devi at her residence in Rajpura⁷ (photograph by the author)

⁷ Interview conducted with her on 22nd December 2019 at her residence Village Rajpura, Akhnoor

Economic Condition

The octogenarian Bindro Devi, who was also a West Pakistani Refugee (WPRs), belonged to the *Megh* caste (Dalit) and came under broad category of Schedule Caste (SC). Due to partition, she said her family migrated from Sialkot area in Pakistan and settled the Rajpura village of tehsil Pragwal Akhnoor. The Rajpura village sits at around one kilometers distance from the Indo-Pakistan borderline. Whenever there is conflict, mortar shells and machine gun bullets land in villagers' houses.

Bindro Devi was resting on a cot in her courtyard when I met her. she had undergone a cataract surgery when I visited her on one winter afternoon. In contrast to Koushalaya, her house had no boundary wall, the courtyard floor was kuccha and polished with cow dung, and the boundary was marked by white putty (Parola). A rose plant was blossoming in the centre of the courtyard but no proper tending of the plant seemed to have been done since months. The family had six members, including Bindro devi, her son and daughter-in-law, and three grandchildren, living in a house with only two Pucca rooms and one small kitchen. There was no balcony or lobby in the house. Infact the house seemed to be under-construction since last many years as iron rods gutter out from the roof, suggesting a verandah in the making. The house lacked stairs to climb the roof. Black patches had appeared on the house's blue walls, explaining that these were painted decades back. The rooms were poorly furnished. The floors were kuccha and there were no cupboards, but steel-trunk boxes were placed in one room to store the clothes and bedding. There were four-five plastic chairs, while flatbeds were kept in both rooms. The family had no toilet, and members were defecating in open fields. One bathroom was half-constructed in one corner of the house, with three walls but no permanent door. No water tank was placed on the roof, no kitchen sink, and the family had to clean their dishes near the hand-pump. Bindro could not afford to keep any bovine animal as the family could not purchase fodder, feed the cattle, and depend on the market for the milk and necessary dairy items. Her daughter-in-law had converted one room into a multi-purpose room storing beds, trunks, beddings, and quilts. The other where Bindro Devi slept had a single cot and few tattered and frayed blankets. The family owned no vehicle;

they owned only 8 Kanals⁸ of land, distributed among four sons. Each son thus had only 2 Kanals⁹ of land. The family had got some land allotted by the government, but it was right near the border, and when fencing was done in 1999 it was taken over by the fencing. The family had very little produce from the remaining land. Narrating the condition of her family, Bindro said that her husband was working as a labourer. She had admitted her sons to a government school. Still, the family needed money, so the sons started doing menial jobs in their teenage and, since then, have been working as labourers in different areas of Akhnoor.

Partition's impact on their life

Like Koushlaya, Bindro said that her family left their village in Pakistan and came to Akhnoor, which was only a few miles away from her ancestral village. In the early days of 1947-48, her family stayed in the fields, took refuge under trees and in the bushes. Later they settled in Punjab. There were not too many disturbances in Jammu in the early months of 1947 but the situation changed after the arrival of refugees from Pakistan occupied Jammu and Kashmir (POJK). More changes could be observed when Maharaja Hari Singh of Jammu and Kashmir signed the Instrument of Accession and joined India. Bindro's natal family, which had moved to Gurdaspur in Punjab, solemnized her marriage in a refugee family settled in Akhnoor. Her husband had no earnings when she was married. They depended on the agricultural land allotted to them by the government of Sheikh Mohammad Abdullah. It was around 4 acres¹⁰ because the same caste group dominated her village, and few families from the upper castes reside. She did menial work in the houses of the upper castes of the adjoining villages to help the family, especially during the harvesting season. when you are a refugee, a Dalit, and poor Bindro underlines the opportunities shrink to nothing. Our main goal was Bindro said just for the family. There was a document called the PRC according to her that said WPRs were not eligible to avail any benefits in the state at par with other residents. "We belonged to

⁸ One kannal is equal to 5445 square feet where as 8 x 5445 is 43560 Square feet.

⁹ 2 kannal is 10890 square feet.

¹⁰ 4 acre land is 174240 square feet

Schedule Caste (SC) community, but the benefits given to the SCs of State of Jammu and Kashmir were not given to the SCs belongs to WPRs”, she said.

On the Rehabilitation of WPRs rights, Bindroo Devi explained that her husband has been active during campaigns to mobilize the community for their rights since 1970. He had participated in several rallies and protests across Jammu and Kashmir but received nothing and died hoping for permanent settlement in J&K. More than seven decades have passed since they completed migration to this side, but they are still tagged as refugees and live without being permanently settled by the government.

Shifting Political Stance

Like most WPRs families, Bindroo Devi’s family had supported the Congress party in the Parliamentary elections before Modi came to power in 2014. When the later promised to settle WPRs, Bindroo Devi’s family, like many other WPRs, voted for the BJP. As she explained, the first time Modi became Prime Minister, her son attended his rally in Jammu where he promised to settle WPRs by repealing Article 370. Then, the second time after coming to power again, he fulfilled his promise by abrogating Article 370 and another article, 35A, giving special rights to J&K citizens. Bindro now wished to receive the compensation announced by the central government for the WPRs so that she could distribute the money among her sons before she died. Earlier, Bindro recalled, “the government had promised to give us 25 lakh but now it is reduced to 5.5 lakh rupees.”¹¹ Other elderly residents of Akhnoor hoped for the same compensation and citizenship rights under the new domicile law, which could help settle these refugees in the state.

The second generation of WPRs: Border Conflict and denial of PRC by State new worries

The first generation of WPRs in Jammu faced problems such as no proper rehabilitation policy and no compensation for the losses suffered during the partition. Starting a new life in a new area and breaking ties with their past neighbours is a struggle to make new

¹¹ Financial Assistance under PM Package for the West Pakistani Refugee <https://jammu.nic.in/>

ties with the new neighbourers, who didn't welcome these new guests with open arms but saw them with suspicion and a hostile attitude. The same hostile attitude later became a common abusive epithet in the language of locals, who kept calling them 'Pakistanis' even after 70 years of partition. The first generation was more concerned about the land and earning a livelihood as the state government allowed them to hold the lands left out by the Muslims, who migrated to Pakistan. The problems for the second generation compounded as the State witnessed two wars with Pakistan in 1965 and 1971. Many WPRs who had settled in the Chamb sector of Akhnoor were forced to relocate after Pakistan captured the area.

Moreover, the Jammu region also recorded an influx of new refugees from the areas captured by Pakistan. The new refugees also demanded land given to them by the State government after taking back large swathes from the WPRs. This shifting of land was done to settle the new refugees, who were State Subjects (holding PRCs), while the WPRs had no PRC with them. The WPRs were regarded as outsiders. Initially, they were allowed to participate in paramilitary forces, but later divested of even that.

Socio Economic Condition

Baldev Raj (60) of Jamama Bela, owned a small hut that has been his house for many decades. His wife, son, and daughter had lived for long in his house. Under Prime Minister Grameen Awas Yojna, Baldev got one pucca room constructed near this hut, which became their new house. This one room house had two single beds, a few beddings, and three quilts. The furniture included one sewing machine placed under the bed with a few trunks and a broken dessert cooler, besides some old tattered clothes making up their material assets. The unpainted walls had turned grey due to dampness. The kucha floor had patches at places, which were repaired with raw cement. The room had one window frame but no windows or panes. The family had only a few utensils, an LPG cylinder, an unused stove, and a heater in one corner to cook food. The corner of the room served as a kitchen. An old television set was placed on the only shelf that does not

work. The family had nearly three Marlas¹² of land in the village and owned a goat but no cows.

Baldev Raj appeared to be a keen reader of Hindi newspapers and read the news related to WPRs with great interest. "*Modi is devta for us. (He is god). No one else can do what he did for us by abrogating Article 370 and Article 35A*", Baldev Raj said. Narrating the problems of the refugees, he said his younger brother had qualified for the ground test for Army recruitment in 1999. He had all the documents but not the PRC. One only needed a matriculation certificate and a character certificate earlier for recruitment in the Army. After the increase in the militancy in Kashmir, the government introduced new laws, making the PRC mandatory for the army and paramilitary recruitment. Thus, Baldev's brother was denied a job due to the lack of PRC, and he started ever since.

PRC an important document for various welfare schemes

Yeh PRC/ State Subject toh humare liye fandha tha

The PRC was not a requirement for selection selected in Army and Paramilitary forces, it is also a stumbling block for the livelihood opportunities for the WPRs. Baldev Raj said they were thus forced to do menial jobs in and outside the state, adding that he had studied till class 9th but failed to find any job in the state, even the Class-IV job, which was easily available to the state residents. Thus he started working as a painter since 1975. Later, he fled to Delhi to earn money as the village had little work opportunities. In the initial days, it was difficult to survive in Delhi, as he lived in a rented home with eight others. He purchased everything they needed from outside and saved very little amount he earned. He said, "I even planned to go abroad and earn a livelihood there, as many migrant labourers go from Delhi to Saudi Arabia, Dubai, and other Arab countries, but I failed to collect the amount one needs to pay the agent managing all those affairs.

¹² One marla is equal to 272. 251 sq. ft which means he own 816.752 sq ft.



Baldev Raj at his residence in Jamana Bela¹³ (Photograph by Author)

Because he had family responsibilities. Baldev returned from working for a few years in Delhi, and started working in the local market of Akhnoor and nearby areas. He had worked in different areas of Jammu. As he grew older, he became tired of a painter's manual work as he had to stand the whole day to carry out the task. At present, he was cultivating one acre of land, which his father had acquired after migrating across the border in 1947. Like Bindro Devi's family, his land had been reduced to a great extent after the fencing along borders and the division of land among family members. Due to the heavy unseasonal rainfall, they lost grains this year in 2019-2020. There was less production from seasonal agriculture. However, the government did not compensate the WPRs for damages to agriculture, as such benefits were restricted only for the PRC holders according to the Jammu and Kashmir land laws. Baldev also stated that with permanent occupancy of the land have been compensated by the government in keeping with the loss of their crops. But the WPRs were left out of the provision of compensation,

BJP as the only political hope for the WPRs

¹³ Interview conducted with Baldev Raj on 10th February 2021 at his residence Jamana Bela of Akhnoor

Fortunately, it seems there is no PRC requirement after the abrogation of the Article 370 and 35A but the issue of land rights is still unclear. Even though the government has granted Domicile Certificate, the WPRs require a special package to be accommodated in Jammu and Kashmir at par with other refugees. Baldev Raj added that the community had struggled a lot in the last seven decades: "My son had studied up to class 10th but failed to get any job in the state due to the lack of PRC". Now, he was working at the barber shop in Pargwal's main bazaar. If special packages like the Kashmir Pandit's recruitment are also provided to the WPRs, according to Baldev, youths will benefit from the abrogation. Baldev seemed upbeat and looking forward to the government's announcement of orders, and he believed that the BJP was their only hope for the future and no other political party could win anymore. If the People's Democratic Party (PDP) and a National Conference (NC), continued to rule, Baldev felt they wouldn't be granted citizenship rights in their lifetimes. "I supported the Congress in the early years, but they did not benefit us. Since 2014, I have been a Modi supporter and will remain till my last breath as he is the one who removed the tag of refugees from our identity. Now we can cast our vote in all the elections".

Recalling his experience before abrogation of Article 370, Baldev Raj said that during the elections, the voter list always mentioned them as Non-Permanent or NPR (Non Permanent Resident). Even during the election days of the village panchayats, the *Lambardar*¹⁴ and tehsildar¹⁵ visited the village and ensured that no WPRs would be voting at the state level elections. "We were thrown out of queues and tagged as refugees in the panchayat and state-level elections". Baldev said, It was humiliating for us to have lived in the state for over seven decades and considered as outsiders. After the abrogation of article 370, he believed they were we are equal with the other citizens of J&K. However, the neglect of the seven decades called for special packages, including special jobs, reservation in professional courses and scholarships, etc. for the WPRs, according to Baldev Raj said.

¹⁴ The person who holds the revenue records at the village level.

¹⁵ Tehsildar is a tax officer accompanied by revenue inspectors. They are in charge of obtaining taxes from a tehsil with regard to land revenue. A tehsildar is also known as an executive magistrate of the relevant tehsil.

Border a stumbling block for livelihood

Kuldeep Singh¹⁶ (aged 55 years) hails from village Deora of tehsil Pargwal, Akhnoor, said his grandfather had migrated from Sialkot Pakistan, and settled in village Deora in the year 1947. Explaining the every day struggles at the borders, Singh said that since 1984, the situation has remained volatile, and the frequency of cross-border firing episodes increased. The increasing frequency has made the lives of refugees at the borders more vulnerable as they have to migrate to safer places, whenever there is a firing from across the border. After the wars with Pakistan, the eruption of militancy in 1989 and the Kargil war of 1999, the situation has become more problematic for the border dwellers. Their movement to their lands for tending crops, sowing the crops, and doing other crop-related works have become subjects of monitoring, with the schedule getting fixed to visit the fields.

According to Mr. Singh, before 1989, the villagers had an informal negotiation with their Pakistani counterparts, working along the other side of the border in their fields. The Indian farmers were free to venture into the fields during day or night and did their work as per their choice. Still, with the growth of militancy in the Kashmir region, the government has put curbs on movement by installing fences and barbed wire and restricting farmers' movement in their fields. Many villagers have lost large tracts of land in the border fencing. The government monetarily compensated those who had permanent land occupancy, but because the WPRs had no permanent land occupancy, they were not compensated for the loss of land, Singh testimony matched with others we have heard before.

He further said that following the loss of land and uncertainty over the agricultural produce from the land, the WPRs were forced to engage in menial jobs as other opportunities shrunk for them. "I am a farmer doing agriculture on over one acre of land. I have a tractor, and my son is also doing agriculture. If nothing special in terms of

¹⁶ Interview conducted with Kuldeep Singh on 24th of December 2019 at his residence village Deora, Akhnoor

benefits is be given to the wards of WPRs, the future of WPRs will remain the same for upcoming generations”, he said.

In 1947, when his grandfather came to Jammu, the family got nearly four *acres* of land, which was later distributed among the four brothers. The family now holds one acre of land on which Singh grows seasonal grains like wheat and rice. However, he said, “The crop we reap is not sufficient to survive for six months. Toh Bas Guzara ho jata hai iss mein” To meet the other requirements of the family, Singh works as a daily wage labourer on construction sites in Pargwal and Akhnoor. The earnings are still short of providing enough to feed the family of three children and a wife.

Explaining the practical difficulties of refugees further, he said that refugees could go to Jammu city for work and earn some handsome amount, but that too was a costly affair. “Jammu is nearly 50 kilometers from my village, and reaching early in the morning to Jammu city for menial jobs is tough as one has to start the journey early morning so that the labourer should be in the labour market before 9, along with daily bus and matador fare. If someone takes room in Jammu city, besides the rent of the room and daily expenses, including food, it will cost around Rs. 6000–7000 per month. The daily wage of labourer could be reach up to a maximum of 500 per day, but if the expenditure will be 6000-7000, out of 15,000 what will the labourer send to the family”, Singh asked. He confirmed that most refugees did menial jobs near their villages or at tehsil level. Apart from this, if some refugee has over one acre of land, s/he can keep bovines and by selling milk, some earnings can be saved. Singh has one cow and sells around 5-6 kilograms of milk everyday in a nearby sweet shop. .

Singh had not completed my school education as WPRs were not getting jobs in the state due to denial of PRC. His son is also forced to do menial jobs to survive, as he has no other option. They cannot take a loan as they have no permanent rights over land and cannot be mortgaged. Earlier, they demanded PRC, but now the demand has lost significance after the revocation of Article 370, now the demand of WPRs is that they want equal status like other refugees, especially like the 1947 POJK refugees who were given land, and now assistance of the 5.5 lakh rupees per family. Also, Singh insisted,

they want jobs for our children under special packages like those given to the Kashmiri Pandits. In fact, although they were residents of the border areas, we do not have a border certificate, which also helps the youths get jobs with certain relaxation points.



Interaction with the WPRs men in the Village Deora Author's Photograph

Loss of loved ones in cross border conflict

I lost my son to this conflict

It is clear that after the 1999 Kargil war, the border area became more volatile, and many casualties were reported from the villages of Akhnoor and Suchetgarh. Some villagers lost their family members in the firing or mortar shelling from across the border, while many were injured and lost limbs and other body parts in the landmine blasts. These landmines were planted during the preparations for the Kargil war, by the Border Security Forces (BSF) in the agricultural fields of the farmers, which fell along the border. One such mortar shell had fallen in the house of Joginder Kumar of Rajpura in the year 2000, when he lost his son.



Joginder resident of Village Rajpura¹⁷ (Photograph by Author)

Showing the framed picture in the showcase of his one-room house, Joginder said, "On one sunny day of year 2000, my son Ajit was in the field and had gone for toilet, when a mortar shell landed near him and exploded. One splinter hit him and seriously injured him. He fell, and I ran to rescue him but found him drenched in blood and oozing out from the wound. I somehow arranged a vehicle to shift him to Pargwal hospital, around ten kilometers from the village. We brought him to the hospital, but there were no facilities, and even proper first-aid was not given to him. The Pragwal hospital authorities shifted him to the Government Medical College and Hospital, but until we shifted him, he died".

Recalling the tragic death of his elder child, Joginder said he was in 5th class and a brilliant student in the class. The sudden loss of such a young and coping with such a

¹⁷ Interview conducted with Joginder on 18th of March 2021 at his residence village Rajpura, Akhnoor

tragedy has not been not easy for the family all the more, because of human-made conflict. Joginder said there were many such narratives of the border villages, of families who lost their loved ones in the conflict. “No government authorities or political representatives will discuss these conflicts in the Jammu border villages. On the contrary, whenever there are casualties in Kashmir all the media and government immediately pay attention and render maximum help to their families. Similarly, Joginder felt if the same incident occurred with the border residents who are PRC holders, they would have received all assistance from the relevant authorities in terms of compensation and employment under SRO 43¹⁸. But the WPRs were excluded from those benefits. At the same time, being poor, many of these families keep cows to supplement their livelihood, but lot of animals die from bullets or mortar shells in the cross border firing. The government does not compensate for the cows or the human lives lost in the process. “The WPRs face discrimination in every step”. Joginder said.

Interestingly, during conflict situations, people help each other out more than usual because the government provides no vehicle facility to transport them to safer places or hospitals. Many people have thus died on the road and in some cases and clearly due to a lack of timely first aid facility, Joginder highlighted that there was no primary health care facility in the village. The villagers rely on the Pargwal primary health care centre or have to transport patients to Sub District Hospital Akhnoor or the Government Medical College Jammu. It becomes difficult to survive during the turmoil. The villagers remained confined to the four walls of their house. All activity and everything stops for border dwellers. “It gets difficult to feed ourselves as we are daily laborers. *Kya kamayenge toh khaengye?*”, Joginder said.

Joginder has a wife, two daughters, and two sons. He owns five marlas of agricultural land where he cultivates seasonal crops and also works as a waiter in the marriage

¹⁸ These rules may be called the Jammu and Kashmir (Compassionate Appointment) Rules, 1994. These rules shall be deemed to have come into force from the 24th day of September, 1991. It also defines that if a civilian who dies as a result of militancy related action (or due to enemy action on the line of Actual Control/International Border within the State of Jammu and Kashmir) not involved in militancy related activities and total income of the family from all sources does not exceed Rs. 5000/-per month as assessed by the Revenue Officer not below the rank of an Assistant Commissioner. The person should be PRC holder of the state to avail the benefit of the jobs.

palaces of Jammu and adjoining areas of the Akhnoor belt to support the family. He owns a one room house measuring approximately about 20X12 feet. Small portions of the only room are divided into partitioned spaces to serve as kitchen, bedroom, storeroom, and living room. The roof of the house is made of “*Khad*” and the floor was polished with *Gobar* and a white Choker.

Political lineage

Like others we have met in the chapter, the family had previously supported the Congress in the Legislative Assembly election, but have now switched to the BJP. This party had assured WPRs that when they came to power in a majority, they would repeal the special status and they did it. “*Jis party ne kam karna hota hai bo krti hai* (The party which has to do work, it does)”. Until my last breath, Joginder said, “I will worship Modi and ask my children to do the same”. But Joginder also has some reservations about the Party. “It has been more than two years since the abrogation of special status by the central government, but we have not been given any benefit yet. The government had given us a domicile certificate but no assurances about land occupancy rights or other schemes. We are hoping to have something in our favour after the global pandemic situation becomes normal as the government is busy managing this”, Joginder said.

The choice to work in border edged fields comes with the economic setup of the family



Geeta Devi cleaning grains at her residence village Rajpura¹⁹

(Photograph by the author)

The economy of border areas is mainly agricultural, and most border residents have small pieces of land as their major source of economy. Both male and female folk are involved in agriculture-related work, but the income from this source is not enough to run the family. Thus, most men have to do some or other menial jobs to supplement the agricultural income to run the family as male members have to migrate to markets for jobs. Most agriculture-related work, including tending the crops, cutting fodder from fields and feeding animals after chopping no less than thrice a day, watering the crops, and cleaning weeds from crops, are done mostly by women. Thus, they are vulnerable to conflict as these agricultural fields are within easy range of the mortar shells and bullets fired from Pakistani side.

Such experiences are common as narrated to me by Kamla Devi (65 years) from village Deroa of tehsil Pargwal, Akhnoor. She was knitting a sweater for her husband, when I visited her on one sunny afternoon of January 2020. She told me about her experience during such conflicts, "Around ten years ago, I, my daughter, and sister-in-law were working in the fields. We were cutting grass (*fodder*) for the cattle. Suddenly, gunfire

¹⁹ Interview conducted with Geeta Devi on March 6th 2020 at her residence village Rajpura Akhnoor

broke out from the side of Pakistan. The entire area is a plain belt with no hills, mounds, or shelter to escape the fire. The sound of gunfire and the raining of bullets and mortars amplified. The trees started shaking, producing a strange sound. The Indian side also responded to the fire, and before long, all three of us were caught between the firing from both sides. Frightened, I instructed all to lie down in the fields. But we were shivering and crying and took refuge with a few inches of the field *bund*²⁰. Even the shelter near the field bund was unsafe as mortar shells could explode, and their splinters could hit anywhere. We were between the devil and the deep sea. If we stood up and ran, there was a high chance of getting hit by a bullet. The bullets were flying over us and everywhere with blazing trails. Finally, making our way while in the lying position, we reached a water channel and remained there for over two hours. Our family arrived in the fields when the firing stopped, and we returned home in the dark. My daughter was so terrified by the incident that she never visited the fields for the next few years”. Though Kamla Devi had witnessed a terrifying incident, while working in her fields, many other WPRs had no or minimum land and were forced to work in others’ lands to earn the family's bread and butter.

Thus Geeta Devi, a resident of the village Rajpura was forced to work in others’ fields to earn a living for her family. Belonging to a Dalit caste, Geeta worked in the fields of some upper-caste people as her family owned only a few marlas of land. Her family had sown fodder in their few marlas of land for the only cow they had possessed. Geeta had to do some allied agricultural work to earn other family requirements. She was, for all practical purposes, a daily wage labourer. “We are totally dependent on daily labour. If we earn, only then we can cook something. But I get only minimum wages from agricultural related works” she had no other option as there are no factories or industries in the nearby areas where they could find work and get some decent wages.

Geeta works in the fields of upper caste families during peak cultivation time, harvesting crops, planting rice and cutting grass season, but earns a very meager amount. During the

²⁰ Bunds (also called *teras*) are small barriers to runoff coming from external catchments (and possibly to a field where crops are to be grown). Bunds slow down water sheet flow on the ground surface and encourage infiltration (groundwater recharge) and soil moisture.

time of harvesting the crops, she said, “I don’t take money in return from the owner but prefer grains. We get nearly 5-6 kilograms of rice/wheat per day. I collected around 2 and a half sacks of grains this season. Though my husband works as a daily wage labourer elsewhere, during the peak cultivation or harvesting season, he also works in the fields and collects grains for the family”. Geeta expressed that the family receives no facilities from the government and is engaged as a daily wage labourer for earnings.

Narrating the loss she suffered due to conflict, she told of an event that took place nearly fifteen years ago. One day the firing started during daytime. Her sister-in-law was washing dishes in the courtyard as the fire continued. She left the utensils and ran inside the house but failed to reach the door. A shell splinter hit her, and she cried out. The family members rushed to pick her up, but she was in a pool of blood. The family shouted for help but to no avail. During firing, the roads were closed. No vehicle movement was allowed, and it wasn't easy to reach the hospital. She died within a few minutes, leaving behind her six-month-old daughter. The daughter was later raised by her grandmother, who was grown up without any memory of her mother. Since such events took place, the situation has improved a little lately. The army helps the injured to go to the hospital and provides first aid and more treatment if necessary. Geeta spoke of bunkers in their village. Though the bunker conditions are pathetic and lack many facilities, the poor, like Geeta can still use them during the firing or emergency. Such emergencies are also common because their houses catch fire as they are made of grass and wood, but the bunkers are concrete structures and relatively offer momentary safety.

We can see that the border firing also impacts the castes differently. The family members of people, especially those in lower economic and caste starta, have to work in the fields while those from upper caste can take the assistance of lower caste (poor) people to work. Thus, the border conflict impacts the lower caste refugees more intensively. Though the majority of village residents depend on the agricultural fields for their income, agricultural work becomes a question of survival for lower-caste people while the upper caste refugees have other options available to them. The difference in the experience comes clearly across in the narrative of Ritu Manhas.

Seeing women, privacy, and their hygiene through the lens of caste

Narrating about her last firing experience on the Indo-Pak border in 2018, Ritu Manhas²¹ (a Rajput), who was in her late thirties, from village Deora of tehsil Pargwal, said, " I was alone at home; the children were in school, my husband and father-in-law had gone to work and my mother-in-law had gone to a relative's house. I was watching television when the sound of bullets and mortar shells started knocking on my ears. I got scared. I called my mother-in-law and told her about the incident; there was some fire, so I thought (*goli chli aisa lagta hai*), but there was no evidence of it outside. My mother in law reprimanded and said, "Don't look for bullets outside it's not safe outside".

"Later on, after disconnecting the phone, Ritu observed the sound of firing stopped. She thought perhaps she confused it with another sound. But firing started again, and a splinter hit the window pane of the room where Ritu was watching television. She came out crying". The family had to spend the whole night in the dark in the storeroom as the firing continued with the frequent exchange. They couldn't cook food that night as the kitchen was outside in the corridor. The children were brought back by their father on his way home from work on a motorcycle because the Army stopped vehicle movement, and the School van was not allowed to pass.

Apart from these, she said, it was difficult for the family members to use the washroom constructed outside, near the entrance of the house. The family members had to crawl to get over there. Fear and anxiety frequently increased urination and pooping, but the family members had to control it. Still, Ritu's family was lucky to have their toilet. All the border dwellers had to face such problems during the firing. Still, many families with weak economic status have problems that become manifold, particularly in this regard. In reality, poor families cannot build toilets as Despite having social welfare schemes like Swach Bharat Abhiyan or (SBM), they don't have toilets. Even those, who got toilets made under SBM, have abandoned using the same due to fear of accidents. The fear was triggered by an incident when a villager had died after the roof of a toilet, constructed

²¹ Interview conducted with Ritu Manhas at her residence in village Deora, Akhnoor on 12th of December 2019

under SBM, collapsed killing the resident. A large number of villagers, especially from poor families, continue to visit the open fields for urination or defecation



Basket showcasing the remnant of the mortar shells (Photograph by the author)

The conflict situation makes these extremely to tackle. “During the firing and shelling, it becomes difficult for us to move out of the house and go for a nature call. We are forced to defecate near the house or wait until things return to normal,” said Kamini and her sister Anu. Both were residents of village Rajpura. They further related how it was difficult for them to go to the fields frequently during their monthly periods (menstrual cycle) and manage everything. “Sometimes we have stomach aches and frequent cramps and we need toilets but due to poor economic condition, we depend on open fields. Where they visit during the dawn and dusk, ignoring those working in the fields and the army personnel.

Anu said when she reached puberty and her monthly periods began, she had a difficult time managing the sanitary pads, managing stains on her clothes, and found it difficult to return home from the lanes of the village after attending a nature’s call. So Anu learned how to tie the dupatta in such a way that the stain would not be visible. In times of urgency, they had to use the toilet of neighbourer, said Arti of Rajpura. All the girls shared the same reservation that even as girls from poor families had to encounter lot of

problems under normal circumstances, the situations became more serious during the conflict. Clearly, the WPRs, who had the toilets in their homes, were privileged enough to enjoy their privacy, but constructing a toilet was not in everyone's reach. The chances of having a private toilet roughly correlated with caste and economic status. As the toilet is more strongly associated with shame and modesty for the upper castes, and both the economic position and awareness of the benefit of having a toilet, both castes could be seen to play a decisive role in the household's access to a toilet.

In village Deora, most households had toilet facilities, and very few houses did not have the facility. The condition of toilets in the village of Bela Jamana was different, especially since the collapse of the roof of the government-constructed toilet. After they lost a woman in such an accident, the villagers became reluctant to use the toilets and were forced to use the open fields as their economic condition did not allow them to construct a new one properly. This asymmetry in the infrastructure and facilities extended from toilets to bunkers.



Toilets build under the Swach Bharat Abhiyan Sapna, Venu and Rishu in fields of the village Rajpura²² (Photograph by the author)

Bunkers for border residents under BADP: Benefit of scheme enjoyed by those who have land

Some economically prosperous refugees had constructed personal underground bunkers in their houses to save themselves from the firing and mortar shelling during the conflict. This was a distant dream for poor refugees. Most of these refugees, who are

²² Interview conducted with these young girls in village Rajpura, Akhnoor on 20th December 2019

economically-weak and belong to lower caste starta could not simply afford to take this step that involves security for life. Not even a single family from the lower caste WPRs had a bunker. But the WPRs from the upper-caste had constructed private bunkers in their houses. The Union government had launched several schemes for the development of bunkers in the border. The central government established the Border Area Development Programme (BADP) in the year 1986 for Jammu and Kashmir. Under this programme some community bunkers were constructed by the government. However, physically but reaching a community bunker often proved difficult for the families whenever there was conflict. The Ministry of Home Affairs in 2016–17, introduced a project under Security Related Expenditure (SRE) to ease the hardships endured by those living along the International Border and Line of Control in light of the Pakistani troops' repeated violations of the ceasefire (LOC).

Particularly in the state of Jammu and Kashmir, a project of Union Government was implemented under which it was decided to construct 14,460 bunkers including community and individual bunkers for the border residents, who live in the border regions under constant threat. In addition, the 13,029 individual bunkers were to be built in the districts of Samba, Poonch, Jammu, Kathua, and Rajouri. It was planned that there would be 1,431 large community bunkers that can house at least 40 people. The authorization to build 14,460 bunkers was granted to the state-owned construction company NBCC. As of the writing the chapter, the construction of nearly 8500 of the 9905 bunkers (8444 individual and 1461 community), authorized by the Ministry of Home Affairs had been completed while the remaining bunkers were at various stages of construction in the Jammu region.²³

As per government claims, all these community and individual bunkers have all the necessary amenities, such as running water, electricity, and food storage. These bunkers are located between 0 and 3 kilometers from the international border. Border dwellers can use them in the event of shelling and firing from Pakistan at any time. The village heads

²³ J&K: Government To Build 14,460 Bunkers To Shield Border Dwellers From Pakistan Firing, April, 5th, 2018, <https://www.india.com/news/india/jk-government-to-build-14460-bunkers-to-shield-border-dwellers-from-pakistan-firing-2981989/>

have been given the keys of the Community bunkers in the respective villages by the civil administration.



Bunkers build near the matador stand of village Deora (Photo by Author)



Rajpura village fields with Bunkers at the edge (Photo By Author)

Contrary to the government's claims, the border residents claim that the conditions of the bunkers are so pathetic that it is no less than a punishment to stay in the bunkers. As per

the villagers narrative and during the personal visit of the bunkers in the village Rajpura, Deora and Jamana Bela, it was found that the bunkers lack proper electricity connection, have no toilet facilities, ventilation, and roof in some bunkers was still unfinished. The floor of the bunkers was not properly constructed, with water seepage from the walls, leading to dampness in the bunkers. The groundwater level is not deep in the border areas of Akhnoor, so during the rainy season, the water-logging in the bunkers is a routine matter. During the rains, even 4-5 feet deep water is usually accumulated in the bunkers, the villagers informed. There is every possibility of reptiles living in the bunkers, and for the majority of the time, the bunkers remained closed, and no one takes care of them. The border villagers also reported that they were forced during conflict to move to camps or temporary shelter homes far from the native village.

Bunkers through Caste-lens

Some upper caste refugees had personal bunkers constructed in their houses. Apparently, when the Union government sanctioned bunkers for every village, the upper-caste quickly availed the scheme's benefit and got bunkers constructed at home. One of the respondent Garo devi talked about how the community bunkers, which were to be constructed on some public land, have been constructed in the land of some influential people who made the community bunkers their personal property. These families now use some of these bunkers to store grains, keep fodder, etc. On the other hand, the lower-caste refugees had very scarce land and no space was available for bunker construction. Many of them have bunkers but Garo Devi family had only four marls of land, and after the construction of house, only one Marla was left on which they were growing vegetables. The land has now been used up for a bunker. The family is left with no land for vegetables. Then again, the bunker has no facilities such as electricity, water connection or a kitchen.

Due to a lack of employment opportunities and land ownership rights, we are forced to live in the conflict zone, said Tarseem Singh Manhas²⁴, an upper caste resident of the

²⁴ Interview conducted with Tarseem Singh on January 12th 2021 at his residence village Jamana Bela, Akhnoor

village Jamana Bela. A shopkeeper by profession, unlike the low class and caste WPRs Manhas mentioned that residents could easily move into temporary shelter homes, where they got all the facilities like food, peace and restrooms, unlike the bunkers.

Around forty refugee families lived in the village, of Jamana Bela which according to Tarseem, fifteen are from the Rajput community while the rest are Scheduled Caste. He described the deteriorated state of the bunkers in his village. Before 2000, they didn't even have a single community bunker. The government built bunkers only after the 1999 Kargil War particularly, when the fence was created and mines were planted in the fields.

The village has currently three community bunkers, two of which are recently built. A few years ago, the central government announced a new programme that called for the construction of private and community bunkers. Manhas also got a bunker made in his house he admitted that reaching inside the community bunker during firing is itself a challenge. The community bunker is constructed quite some distance away from the village.

The villagers also described the several kinds of difficulties involved in the building of bunkers. In some locations, state land was unavailable, and the locals did not want to allow bunker construction on their land. In other places, the executing agencies have stopped working on some bunkers under the pretext of rising construction material prices. In net other bunkers, the tendering process is still ongoing, and the residents have had to suffer the consequences. Alleging an instrumental and limited approach, the border residents claimed that humans could run inside the bunkers but on the part of the state, how can one save the cattle and livestock from the gunfire? Many cattle perished in the firing. The residents of all three villages concurred that they continue to endure great suffering as a result of the border disputes.

The residents claimed that if the bunkers had adequate facilities, the villagers can still somehow manage the situation. But instead of personal or community bunkers, the government should offer apartments or land in non-border zones, so the border residents could lead a normal life. All those families, with good financial condition, have already

migrated to safer locations. Only those at the bottom of the economy and margins of the society continue to live at this physical border of the state.

Youth and their recent occupation being WPRs

Not Surprisingly, the younger generation of West Pakistani Refugees (WPRs), both male and female, have to work very hard to support their families and get an education, which could benefit their future. A few case studies of the youth from border villages offer different insights into the struggles of WPRs and border residents in Jammu and Kashmir.

Education status at the borders

Education is touted as a panacea for the development and growth of every community which transforms the life and lifestyle of new generations. However, the young West Pakistani refugees residing along the border villages face double marginalization. According to residents, those with better economic status have migrated from the border villages and earn therefore access decent education near the cit areas, while the youth from poor families have no choice but stay in the border villages and attend some poorly government run schools. Along with attending schools, the youth has to do household chores, agricultural work and some menial jobs to support the family. Often, in order to support the families, the youth from poor families become drop-outs and start doing odd jobs to support families according to the residents.

Infact they believed that even if some family managed to educate their wards, they will be ineligible for jobs due to non-PRC status, as admitted by said Garu Ram, a resident of the village of Deora, tehsil Pargwal, Akhnoor²⁵. Garu Ram's daughter had pursued education till graduation in humanities from Indira Gandhi National Open University (IGNOU) in distance mode. Garu narrated how she was qualified for a job of teacher at the primary school in village under different schemes of the government like RET²⁶ and

²⁵ Interview conducted with Garu Ram on 22nd of December 2019 at his residence village Deora, Akhnoor

²⁶ Rehbar-e-Taleem (ReT) was launched in Jammu and Kashmir to operationalize the schooling system at the gross root level.

SSA²⁷. She applied for the job on the post of RET, but someone complained against her and the Police started visiting the village making enquiries about his daughter. Police started asking other villagers about the credentials of Garu's family. Things took a turn for the worse As Garu told me, "One day, a Police Officer came along with two other police personnel, Sarpanch, Panch, and Namberdahar of the village to arrest me, stating that I had committed forgery with the identity documents of my daughter. I said I made just one certificate (Permanent Resident Certificate) because my daughter wants to do the jobs and she is well qualified".

Garu's daughter was not born in Pakistan but in the mid1980s in the same village where they have been residing since 1947. "Why must she bear the losses for being born into the family of WPRs? Now the special status has been revoked but there is a lot of competition for government jobs and children of WPRs have to compete with the children of settled population as there is no special concessions or reservation for WPRs", Garu Ram said.

Under the circumstances, it appeared that the majority of WPRs' children have not studied till graduation and there are no facilities for the same in the border areas." Besides, the schools get closed for many days whenever conflict breaks out. Exams get postponed. Due to the recent coronavirus, schools were closed, and education moved online. Those having money could purchase a smartphone, but the poor had no choice but to let their children drop out of school. Even if someone managed smart-phone the mobile signals in these border villages are very poor pointed out the resident Des Raj to make the matters worse.

²⁷ Sarav Shiksha Abhiyan is implemented as a flagship programme of Government of India for universalizing elementary education. The programme was launched in the State of J&K in the year 2002-03.



Village children going for tuition class Rajan singh Manhas with his younger brother Sajan Singh Manhas²⁸ Photograph by Author

While interacting with schoolchildren, it was observed that they are now almost entirely dependent on private tuition for their studies.

Rajan Singh one of these children studying in 5th standard in a private school in a nearby village. As Singh said, “We are unable to attend the online classes. *Humare pass touch phone ni hai jis par internet chalta hai aur humare gaun mein toh internet bi nahi chalta hai sirf call hoti hai.* They were promoted to the next class despite missing the exams

“Rajan’s father bought him and his younger brother who reads in 3rd standard a second-hand phone so they could attend classes but they couldn't join the classes due to poor network connectivity” Both of them go for private tuition, which takes place from 4:00 pm to 5:30 pm. The tutor charges 200 rupees for kids and 300 rupees for higher classes every month. The teacher helps them to do homework as she has access to all the Whatsapp groups for all the classes, according to Rajan. The teacher also help them to write the exams and sends the pictures of their script to the respective teachers, and later the result is declared after the process.

On being asked about his experience with the cross border firing, Rajan Singh Mahas said, "Firing is frightening for us. *Zameen Hilti hai Diwali wale bomb se bi zadya jor ki*

²⁸ Interview conducted with these both brothers on March 20th 2021 at their residence village Jamana Bela, Akhnoor

awaz hoti hai jab gole girte hai (...) We can't move from our rooms and go to the bunker, which is few feet away from our house. We keep confined to rooms and settle under the bed or in the storeroom. The last major outbreak of conflict continued for a few days and the situation worsened. Rajan family shifted their our Bua's house (Paternal aunt's house) at Purhku. Her mother and children stayed at Purkhu while my father stayed back in border village to take care of cattle and other belongings”.

Another worry

Munna, another child respondent from Jamana Bela village²⁹ said, I was appearing in my final exams of class 8 in 2015–16 when the conflict started. Due to the intense shelling and firing, the exams were postponed from the scheduled date. After things returned to normal, the exams were rescheduled. But this time, the question paper was so difficult compared to previous years that many students failed the exams. “Munna thought such incidents also explain the high dropout ratio among WPRs. The situation did not seem to improve for those who have attained a fairly high degree of education despite all struggles”.

The Micro Entrepreneur

²⁹ Interview conducted with Munna on December 18th 2019 at his residence village Jamana Bela.



In one picture, Pooja Manhas shows one of the Kurti, she had designed, while in another, she was busy stitching clothes. Photograph by author

Pooja Manhas (aged 23), a resident of village Deora, tehsil Pargwal, Akhnoor³⁰ lamented that despite being a post graduate, she was not eligible for any job. She has done her post graduation in Political Science through distance mode from the University of Jammu. Pooja said now she wanted to learn the skills of sewing clothes, but there was no skill development centre in the border villages. Under the Skill India Mission, government imparts training to the youth. But these schemes are restricted to the urban areas or to the urban centers, especially cities as Pooja pointed out. There could be some Skill

³⁰ Interview conducted with Pooja on January 19th 2020 at her village Deora AKhnoor

development Centre in Pragwal tehsil headquarters but to visit Pragwal daily for a girl is a costly affair Pooja rued. She explained that during the summers, her paternal aunt had visited the family and she learnt the skills of cutting and stitching from her clothes. Infact, Pooja seemed something of a micro-entrepreneur, conversant with the local commerce related to tailoring. As she explained to me, "There are different rates according to the design, like simple suits to designers ranging from 150-350 rupees. You can compare the price in the village from one case. If you want to stitch a wedding Lehenga in city, it costs nearly Rs. 5,000 but in the village, I had stitched wedding Lehengas. The stitching cost was merely Rs. 400. My wedding Lehenga was not similar to the wedding Lehenga stitched in the boutiques of cities. Still, there was not a stark difference either", Due to shortage of customers and market in the border villages, Pooja admitted that she has to sell his labour at very low price³¹.

It is important to listen to Pooja's recollection of her graduation to appreciate how hard one struggles to access higher education when living on the borders. Narrating about her college days, Pooja said, "I woke up at 4:30 or 5 am every day along with my mother. If I will not wake up by this time, it would be difficult to reach my college in Jammu city on time as the bus service to Jammu city was after one hour interval. I boarded bus at 6 AM in the morning from the Main Chowk of the village Deora. Each year of my graduation, there were different timings for college. Last year, my classes got over by 1:30 pm, but due to gating in the college, the gates opened up at 1:40 pm, and finally, I reached home in the evening". We found out that Pooja's story was typical of all the students of border villages who study in city colleges.

As Pooja said from 6AM to 9:30 AM, she would travel n bus or matador. In the morning it was okay but in the evening she had to wait for a long at the bus stop. Every day,

³¹ Explaining her ways of learning stitching skills, she said I crafted new design for clothes and wore them. My sister Polu clicked the photographs and later showed the design to the customers, on her phone. Pooja also showed the finished suits and kurtis, she has stitched. I have more Punjabi dresses that I have stitched. Pooja said she frequently insists on her teaching the skills of stitching but Pooja feels that she needs to focus more on her studies first, which is more important to her than this skill. On being asked how much she gave her for doing this work, she said, "No, I don't give her money but I bring something for her."

around 4 PM, she arrived at Sua No. 1, which is the main bus stop connecting Jammu and Poonch. Sometimes she rode direct matador to my village from Sua No. 1 while on other days she had to change matadors from the Pargwal matador stand. This meant waiting for half an hour to one hour to take a matador heading towards my village. When she reached home, she would wash the uniform and iron it to dry so she could wear it the next day. After that, she had dinner and went to sleep. Thus, she never got the time to actually study after all this. That's the reason she changed subjects from Commerce to Liberal Arts. She now wanted to do some course in Fashion Designing and wanted to open her own boutique. While conversing with other girls of the village, Pooja appeared to be the only girl from village Deora, who had studied up to University level, while other young girls of the village have been doing some agriculture related works, beautification or stitching work.

Learning new skills in the border villages was also not a simple and easy affair. The gullible villagers are also cheated by clever agents from cities. Narrating an incident that happened one year back, a few girls of Rajpura told me how one female agent of some company visited their village and assured that training will be provided to the girls about sewing and stitching against a fee of five hundred rupees. Anu and Rekha of Rajpura³² said they were happy after enrolling in the course. Rekha's mother paid the fees, and in return, that agent (a female) took their phone numbers and said they would call all who had enrolled when the course took off. Rekha was 12th standard dropout and was quite keen to learn sewing skills. However, even after more than a year since she had enrolled for the course, she neither got any call or nor get back the Rs. 500, she and Anu had paid for the training. As they said, "We villagers are illiterate and that's why people from cities loot us because they can't manipulate the city masses. It was just Rs. 500 for the women agent but for us poor villagers it was a huge amount as my mother had saved up that in a period of five months. The dreams of Anu and Rekha of learning the skills remained unfulfilled. The class and caste consciousness as well as the family's economic condition, helped Pooja to nurse an ambition at least but left Anu and Rekha, frustrated and disappointed.

³² Interview conducted with Rekha and her cousin Anu in December 28th 2019 at their residence in village Rajpura

The Desire for the Army

Corona might be curse for many but it was bliss for me and my family.



Ranjit Kumar, at his residence village Rajpura and in the second picture, in Army Barrack as Army potter (Author's Photograph)

Ranjit Kumar, a 19-year-old resident of village Rajpura of tehsil Pargwal of Akhnoor,³³ had studied up to class 10 at the government High School Pargwal. He had taken admission in higher secondary but could not pass the final exam and failed.

Born and brought up in the border village of Rajpura, Ranjit was passionate about joining the Indian Army but could not get through the final selection process. He later managed to join the Indian Army as a potter. He worked for six months in the border areas of Akhnoor and earned around Rs. 21,600 per as monthly salary. After the competition of his tenure, he again applied for the process of Potter recruitment but the authorities did not want to recruit the same people again. To support his family, he has started working in the shopping mall near the High Court of Jammu as a salesman, earns Rs. 9,000 as monthly salary. The working hours are from 10 AM to 8 PM. He stays at his aunt's house as his own house is too far from Jammu city and evening he cannot find a bus to his village in the evening. What is striking is that he has never been to the movies or gone for outing with friends as he had no excess money for entertainment. He had to give almost

³³ The rounds of interviews has been conducted with him in the last two three years.

the entire salary to support the family as his father worked as a waiter in a banquet hall and earned a very meager salary.

For entertainment, of course he watched movies on television at home. He loves to watch the program Crime Patrol as its episodes made him aware about the societal issues, particularly the ongoing crime in the cities, where he travels from his village for work. Interestingly, Ranjit also regularly listened to the news with his father in the evening. He used to be active on social media too, but now that Articles 370 and 35A have been repealed and internet services have been stopped in Jammu and Kashmir, he can not access any social media. He is particularly active on Facebook and Whatsapp, through which he keeps in touch with his friends. He feels that he keep supporting the BJP as this party has supported the cause of West Pakistan Refugees. If the Article 370 had been revoked earlier, Ranjit thinks he might have joined the Indian Army or Paramilitary forces by now.

At nineteen years of age, Ranjit seemed to have tried many odd jobs. He has worked as a labourer building the bunker in his village. He worked with the contractor and got Rs. 350 per day as a wage. It happened as a stroke of luck as the weather turned bad one day and the contractor had few labourers with him. He then asked the villagers to work for a day, around five to six young boys agreed to work for a day thereafter they became associated with the bunker-making process for the next seven to eight months.

Talking in the middle of the pandemic, Ranjit describe the irony of him

“Corona has now spread all over the world and there are fewer job opportunities but the time is right for me and my family. In the normal days, the army recruits the potters for a period of six months only but due to COVID 19, the tenure of potters had extended till normalcy returned as the recruitment process needs a physical test of a candidate. From December 2020 to December 2021, I served in the Army and now working in a Shopping Mall in Jammu city. When I was a potter with Army, I had a regular salary, the family survived the pandemic as my father worked as a daily wage labourer. He was not working until the lockdown opened up. For almost eight to nine months, my father had

no job. So I can say that this Corona is a curse for many people because it forced them out of their jobs, but I was working because of the pandemic and had saved a little money”, Ranjit said.

Narrating the plight of WPRs youth and their struggle with unemployment in Jammu and Kashmir, Ranjit said most villagers did not prefer to send their ward to schools after they become eligible for labour. According to him, the villagers feel it is better to train their boys in skills like mason, driver, tailor or electricity mechanic to earn something for the family. Like other residents we have met before, Ranjit had a strong claim about making some special packages available to the WPRs, who were behind the local population's access to education and jobs.

Being the local Businessman

Sanjay Sing’s shop is located at the matador stand of village Deora. He often listen to loud Punjabi songs on the television in his shop, as I entered the shop, he quickly lowered the volume. Sanjay Singh Manhas (Jhony), aged 24, is a resident of Deora in tehsil Pargwal. He has completed his 12th grade from Pargwal Government school and has since then he has been applying for government jobs with the Central Government. He has recently appeared in the railway recruitment exam but did not qualify in the written examination as he had not prepared well. He pointed out that the border residents did not have the facilities of coaching centers or libraries, even in the nearby areas of tehsil Akhnoor that are necessary to prepare for the competitive exams. If someone wants to take coaching, he has to visit Jammu city, which is around fifty kilometers from village Deora. It is difficult to travel daily, and most families can’t afford to stay in the city. So most students, like Sanjay, study to prepare for entrance exams. It was particularly difficult to prepare for current affairs as the border villages don’t have a regular supply of newspapers. So the likes of Sanjay rely solely on news channels regarding ongoing events worldwide. Sanjay likes to watch the channel Republic Bharat these days as he feels the channel covers all the major issues. Sometimes, he also watches channels like Aaj Tak and Zee News. Apart from preparing for the central government jobs, he has also taking care of his father’s cement shop in his village.



Sanjay Singh Manhas, at his shop in village Deora³⁴ (Photograph by Author)

However, Sanjay feels that there is no proper business in the village. It all depends on the season, like planting or Diwali festivals. His job is to sell cement, and construction is not very frequent in these parts. But that remain the major source of income for the family. Sanjay's family owns two acres of agricultural land, but a major portion of the land has passed under the fence, and the family is prohibited from cultivating the land by the Army as it is situated right at the edge of the border with Pakistan.

With the shrinking of land, a sizeable majority of the youth of the village have started doing private jobs. Sanjay's two elder brothers work as drivers (Sumo drivers) and earn 7-8000 rupees per month, while another brother works for a private company, in Jammu and earns around ten thousand per month. In a similar way, the other youths of the village are doing similar low paying private jobs. Many of them feel that only the BJP understands their sufferings. Since my childhood, Sanjay said, "My local classmates taunted me as a refugee and always termed me an outsider. When I got the chance to cast my vote in 2014, I decided to support the BJP as it was the party with the vision to change the status of refugees. Since then, I have been a staunch follower of the party". According to Sanjay his whole family and their village and community are BJP supporters. They supported the party in the 2019 election and it has produced result. The

³⁴ Interview conducted with Sanjay Singh on December 19th 2019 at his shop in village Deora, Akhnoor

Central government has abrogated the special status of J& K. “We are no longer outsiders now in Jammu and Kashmir. No one can call us refugees now”, sanjay said with conviction.

Hailing from an upper caste Rajput community, Sanjay Singh also got a civil contractor license in 2021 to work in his village. He feels that his family can not survive solely on the sales from the cement shop, and he needs to look into other options. PRC was a must for becoming a civil contractor in Jammu and Kashmir. Before the abrogation of Article 370, it is no longer so. Sanjay was able to get the card on 30/9/2021, after nearly two years of the abrogation of Article 370. Sanjay has all the reasons to hope for a better future since he trusts the BJP.

Not all youths are as optimistic as Sanjay, even among the upper-caste refugees. However, an interesting pattern can be seen across them. The aspiration to join the army appears to be a widely shared feature among refugee youths. Some of them, good at sports and athletics, have added incentives motivating them but without success, leading to despair like Mangat Singh.

Muje inam ka ni naam ki khawaish hai

Lamenting his birth in WPR family, Mangat Singh (30 years old) of Deora³⁵ said, that he attended Pargwal Government School till 10th grade when he had to drop out to support his family by doing some menial jobs. His family includes elderly parents, five sisters and two brothers. His family had migrated to the village Deora in 1947 and now owns one and a half acre of agricultural land. He works on his ancestor's land and sells milk of two cows and a buffalo to support family.

Hailing from an upper caste Rajput refugee family, Mangat Ram says since his childhood, he had desired to be in the Indian Army but being born in WPR family,spoiled his chances. Narrating his attempts to join the Indian Army, Mangat said, how in 1999 for the first time he had participated in the ground test and qualified. “I did not make it to the final list due to a lack of PRC”. Later on, he appeared again in the ground test of Jammu

³⁵ Interview conducted with Mangat Ram on 10th of December 2019 in village Deora, Akhnour

and Kashmir Police recruitment but once more PRC became a stumbling block. In 2015, he participated in the first-ever Jammu and Kashmir Marathon organized by the State Police Department of Jammu and Kashmir and bagged the fifth position in five kilometers, indeed Mangat seemed a fairly accomplished sportsman.

Mangat had won 19 medals, including many gold medals in national and state-level marathons, and had travelled to different states such as Rajasthan and Delhi for marathons. But Mangat said resignedly that all his medals were a waste of time. He couldn't use these medals to enter the sports quota and get work benefits. Even after the abrogation of Article 370, Mangat felt nothing had changed in their status. In March 2020, Mangat told me, “I participated in the Territorial Army recruitment. I passed the ground test but at last, they asked for the document proof, and the authorities gave PRC priority”. Despite the fact that, the PRC is repealed and he had spoken with community leaders, who assured something would be done, Mangat believes he will be over aged when something finally will be done”



Mangat Singh showing his Medals (Photograph by Author)

Government schemes dysfunctional towards the WPRs: The Ladali Beti Scheme and its implementation in WPRs

Most WPRs live below the poverty line (BPL/PHH) in the Union Territory of Jammu and Kashmir, but even the benefits of "Ladli Beti Scheme" have been denied to WPRs. it is one of the important schemes to help the poor raise their girl child with financial security. The scheme is started by Union government. Under the Ladli Beti scheme, the

government deposits Rs. 1000 on a monthly basis into the bank accounts of girls of the BPL/PHH gender. After a girl reaches her 21st year of age, she is offered Rs. 5 lakh for her marriage under the scheme. As part of the Modi government's main slogan "Beti Padao, Beti Bachao", this "Ladli Beti scheme" was initiated to provide financial assistance to poor parents for the education and marriage of their daughters.

Jankar Chand (45) a resident of village Rajpura in tehsil Pargwal³⁶ and resides in a one-room house with an open kitchen with his wife and three children. He works as a daily wage labourer as he had not got any job when he was eligible for it. Sharing a pile of documents with complete paperwork for the Ladli Beti Scheme for her daughter Riya, Jankar Chand said Riya was born during the time when the scheme was launched. According to Jankar Chand, these schemes are only on paper and are not useful on a daily basis to poor people. He further said, "Now my daughter is four years old but the social welfare officer has done nothing in her case. Earlier, the officers at different offices said you are not eligible for the scheme's benefit, but being a WPRs he is not provided the same. Even after the abrogation of Article 370, the officials in Integrated Child Development Scheme (ICDS) still demanded PRC from the beneficiaries along with other documents such as the girl's birth certificate, Aadhar card, ration card, and income certificate of the family", he said.

He stated that he had contacted the village Anganwari teacher about his situation, and she stated that government officials were still waiting for clarification on (WPRs). Chand stated that even after abolition of PRC, government officials still demanded the same. A copy of the proof of domicile certificate is attached to the file but no one is listening to the plight of refugees and we are forced to move from one office to another. I am a poor laborer. I can't go to these offices every day. If I will go, I will miss my daily wage. How will I feed my family? It is the responsibility of government officials to provide services to us", he said.

³⁶ Interview conducted with Jankar Chand in March 20th 2021 at his village Rajpura, Akhnoor



Jankar Chand at his residence Rajpura showing papers of his daughter's case

(Photo by Author)

Farmers' schemes

Over the last eight years, the country has benefited from multiple efforts made by the Union Ministry of Agriculture while the state department in the form of plans and programs for the welfare of farmers undertook several innovative initiatives. But the benefit of all these schemes cannot be availed by the farmers who are not permanent residents and the West Pakistani Refugees. Agriculture is the primary profession of WPRs, but in 2019, these small agricultural farmers had to incur many losses in crop production due to unseasonal rainfall, which destroyed most of the crop. Jagdish Raj resident of village Jamana Bela told me, "He had lost all the wheat due to unseasonal rainfall. Revenue officials from the Pragwal Tehsil office visited his village. They took stock of the losses but the (WPRs) were not considered in the compensation scheme as they do not have permanent ownership of the land as per the rules of the revenue department of Jammu and Kashmir." Raj further said, It was not the first instance that the WPRs have been left out from under the schemes of the government, on several occasions, the WPRs were not granted any benefit of any Scheme in J&K. Even the WPRs are not getting the benefit of Union government's Pradhan Mantri Kisan Samman Yojana (a total of Rs.6,000 per annum in three equal installments) as the installments are given on the name of the land-owner as per land records WPRs are not land owners but

have been tilling the land since 1947.”³⁷. Raj claimed that other schemes, such as Pradhan Mantri Fasal Bima Yojna (PMFBY) and Restructured Weather Based Crop Insurance Scheme (RWBCIS), launched nationwide in 2016, have not been implemented in Jammu and Kashmir. Implementing these in Jammu and Kashmir would bring huge relief to the WPRs farming community. He raised that The Fasal Bima Yojna, RWBCIS and "Meri Policy, Mere Haath" campaign has been introduced to encourage more farmers to enroll in the crop insurance programme etc. However, WPRs are still deprived of such welfare schemes. These schemes offer financial assistance to farmers, who suffer crop losses or damages to standing crops due to unexpected circumstances. In the Akhnoor region, most WPRs are involved in agriculture, but no relief has been rendered to them. Raj said, “We WPRs farmers are worried about the ongoing rumors that the state will take away the land from the families who have occupied it, as the state still owns the land and WPRs are just tilling it. If this is snatched, we will have nothing to survive”.

Schemes for physically challenged people

Shukar hai Modi bna hai PM hum toh chahte hai 20 saal rhe

Sanjay Singh (30), a resident of village Deora, told me "I was born with disabled left feet, but it wasn't a big problem when I was young," recalling the incident, he said, ten years back, my disabled feet developed an infection which spreads to my limbs. “I underwent surgery but lost my limb to preserve my other body parts.. Since then, I haven't earned anything. Earlier he was working at a tailor shop at Pargwal and learned the skill of tailoring. Every day, he travel by matador. The approximate distance is ten kilometers from my home village of Deora to Pargwal, where the daily fair is Rs. 10. He was earning rupees 4000 monthly but had to give Rs. 600 as rent apart from other expenditures”.

Sanjay³⁸ family is currently living on the ancestral land, which is approximately 2 acres and by doing agriculte they earns 30,000 and 40,000 rupees every six months but managing a large family of six members is difficult in that amount. Sanjay said his two younger brothers do not have any job. They are also doing agriculturerelated works and

³⁷ Interview conducted with Jagdish Raj in March 9th 2021 at his village Jamana Bela, Akhnoor

³⁸ Interview conducted with Sanjay Singh on December 20th of 2019 at his village Deora Akhnoor

fixing the large family budget, which is challenging for them. He further said, "I have all the documents apart from the PRC. Even if I were disabled but if I would not be born into a WPRs family, I would have got a job in Jammu and Kashmir as disabled people have many opportunities due to reservation". Sanjay said he had studied until sixth grade but seeing the family's financial situation, he started tailoring work now with one limb he can't travel on his own as he used to do it earlier". Disappointingly he said the physically challenged people in J&K have few educational institutions and hostel facilities. "People like me, residing in remote areas, can't get proper education due to a lack of facilities. I am getting a disability pension of Rs. 1,000 per month from the Social Welfare Department (SWD) but still face many problems during the COVID-19-triggered lockdown, as I couldn't go to the bank to have the amount debited from bank", Sanjay said.

Sanjay said that SWD filled forms for artificial limbs to specially-abled people a few months back, but nothing has been provided till now. "If the government will provide us with some home-based work, we can also earn well and support the family in a better way and won't be a burden to the government. The schemes of the government don't reach us, and we are just passing the days without any support system. Earlier, the tag of WPRs was a barrier to our development. Now, after the abrogation, we are on the same page, but we need special attention, which has so far not been granted", Sanjay while showering praises on Prime Minister Narendra Modi, he said, "I am grateful that Modi Ji is our Prime Minister because he has done what no one has dared to do in the previous seven decades. I hope he will be our PM for the next twenty years", Sanjay said, though the J&K government's Social Welfare Department (SWD) claims numerous schemes to benefit the physically challenged population in the Union Territory (UT), the department also claims that disabled people will have a four percent reservation in government jobs and such reservation rules have been framed for J&K now that special status has been revoked. However, a large section of WPRs are unable to avail the benefits of the schemes. It seems that all is on paper but nothing exists on the ground, said Sanjay Singh.



Sanjay Singh at his residence in village Deora (Photograph by Author)

Conclusion

The chapter discussed the problems of WPRs who are living at the borders and facing issues like regular border hostilities, lack of educational opportunities, lack of job opportunities, and denial of social and welfare schemes. The chapter has also developed how WPRs face discrimination on the caste parameter. The caste gives the privilege to develop the socio-economic sphere and makes one settle better. The narratives from the first-generation WPRs to the youth of WPRs indicate how caste operates in the WPRs. Other, theme that emerged in the chapter is how being undocumented individuals, these WPRs cannot participate in welfare programmes or obtain bank loans to start their work. The lack of documentation makes the conditions even more precarious for these WPRs in comparison to other displaced populations residing in J&K. This draws a similarity with the Agambenian theory of how the system of nation-states differentiates between naked (depoliticized) life (zoé) and a political form of life (bios) (Agamben 1998). similar undocumented WPRs are pushed to the margin and to the zones of exemption, outside officially recognized rights, rules, and norms, where they are exposed to invisibility, exploitation, exclusion, and violence.

Chapter 5

Conflict and Unequal citizens: WPRs living along Suchetgarh border

Introduction

This chapter focuses on West Pakistan refugees (WPRs) residing in the villages of tehsil Suchetgarh of district Jammu. Suchetgarh tehsil and many of its villages fall within striking distance of Pakistan Rangers' guns as the international border runs along the villages. This border often becomes volatile whenever tensions escalate between the two nuclear-armed neighbours. A cloud of uncertainty and mortal danger perpetually hangs over the populace and the West Pakistani Refugee families. The present situation stands in sharp contrast to the pre-partition days when the famous Jammu-Pakistan rail link passed through the area, joining Sialkot in Pakistan with Jammu.

The chapter is based on the field visits to the villages of Suchetgarh conducted between the years 2018 to 2021. The field visits were initially conducted in three rounds, with the first round done in June 2018, the second in May 2019 the third in December 2020. Various telephonic conversations were also conducted with the interviewees due to the situation caused by COVID 19 in 2020 and 2021. The final round of field visits took place in February and August of 2022. These extensive field visits allowed a close look at West Pakistan refugees' population (WPRs), covering their living conditions, eating habits, customs, rituals, and beliefs. To gather data in-depth interviews and focused group discussions were held with the elderly, middle age, youth, and children of WPRs and other refugee groups in the tehsil Suchetgarh villages of Chakrohi, Korotana and Suchetgarh. Each field visit round comprised 15-20 days of daily visits to the villages of Suchetgarh. A total of one hundred and twenty interviews were conducted from these different villages. Instead of presenting this compiled information as discrete data, an attempt is made here to situate these interviews in a narrative form. Twenty two interviews have been specifically used at length in the chapter where many aspects of refugees' lives, such as their emotions, thoughts, specific utterances, body language, and expressions, have been highlighted in detail. These interviews holistically conveyed their everyday social and political experiences of residing in Jammu's most volatile space.

To strengthen the chapter, primary and secondary literature has been also consulted. Many official orders regarding the construction of bunkers, compensation for victims of the border conflict, and other government officials' reports were added to buttress our understanding. The interviews described in the following pages were not conducted with a predetermined sample size. They were framed with specific questions in mind, and an interview guide was made according to which interviews were conducted. Dogri and Punjabi are the languages these refugees spoke when the interviews were conducted which were later transcribed into English when cited in the chapter.

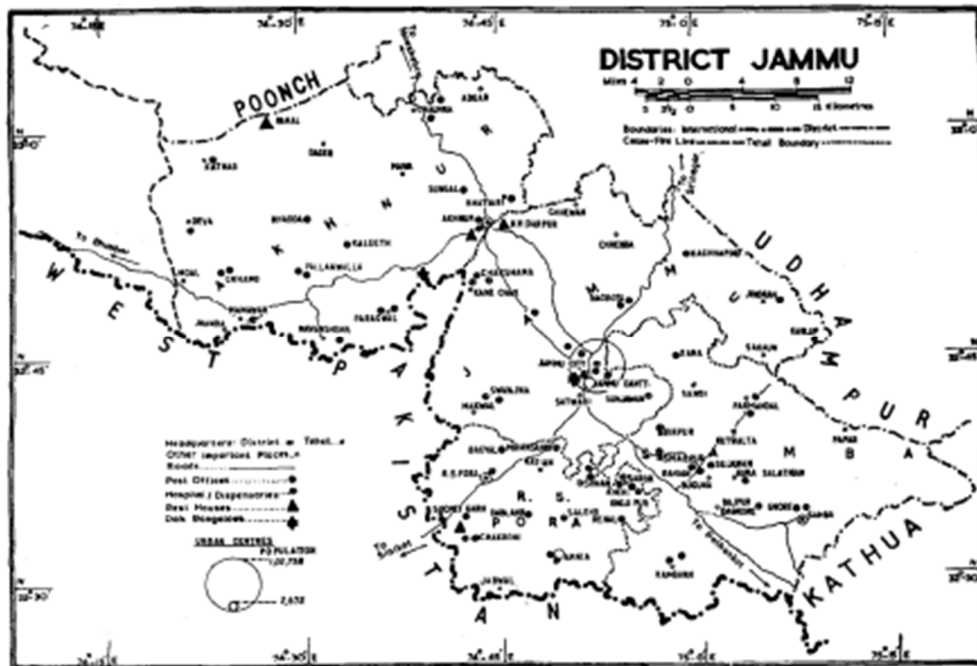
This chapter describes and investigates the challenges that the new location presented to the West Pakistan Refugees (WPRs) who arrived from across the border in the 1947 turmoil. The field location is in the borderlands, providing a context and foundation for the study and critically engaging with 'transitional space' concepts to understand the WPR's settlement here. It tries to comprehend the cultural similarities and differences to understand the WPRs experience and the challenges they face due to their location. These conceptual barriers arise in the current case due to the political difference between the displacement that the WPRs population is experiencing today and their history as non-citizens of Jammu and Kashmir. Following that, the power relations at the borderlands are highlighted, including an understanding of the state and its agencies' overarching presence in these areas. This is accomplished by comprehending local social relations and the state's role in the borderlands. It is supported by an understanding of the changing 'triangle of power relations'¹ in the borderland between the state, regional elite, and local people, where we have tried to contend that the WPRs occupy a space outside of the triangle. This increases their marginalization. It is critical to comprehend the formation of the Borderlands' 'interim space'² and how the state and people there make sense of it. This is what, broadly speaking, has been explored in the chapter.

Selection of Villages

¹AnssiPassi A border theory an unattainable dream or a realistic aim for border scholars? In Wastl-Walters Doris (ed.) A Research Companion to border studies, Aldershot Ashgate p 11-31

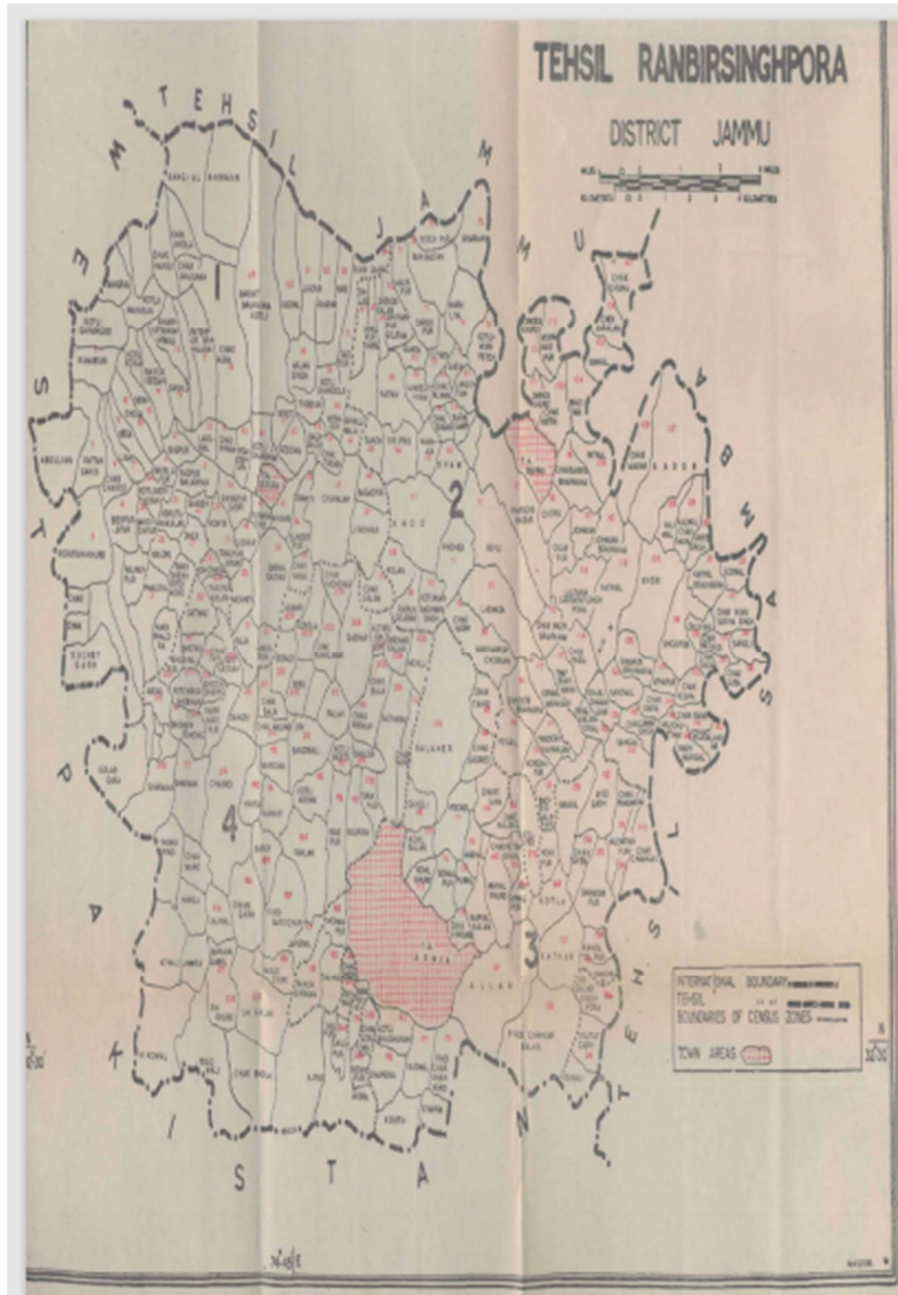
²*ibid*

According to the 2011 census, the majority of population in the Suchetgarh tehsil are Hindus, with a small number of Sikhs. The Dalits, Jats, and other backward classes make up the caste composition among the WPRs Hindu families of the villages. The villages studied in the chapter are Suchetgarh, Chakrohi, Badyal Qazian, Korotana, and Parlah, located near the zero line in the tehsil Suchetgarh. The villages have been selected to understand better the complexities of people's lives on the outskirts. As the study demonstrates, while the border situation and conflict have had a negative impact on people throughout this belt, there is a significant difference between how those existing on the zero line and those who live a few miles away from the zero line are affected by the border. The study has trained more focus on the WPRs along with other refugee groups residing here.



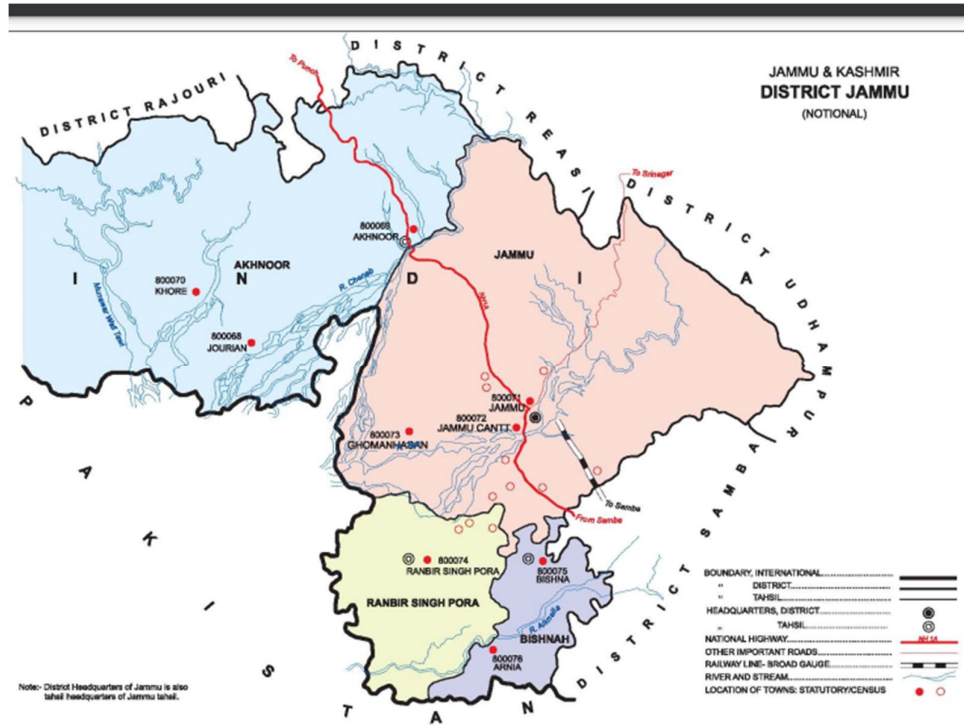
Map of Jammu and Kashmir in 1961³

³ Map of Jammu and Kashmir showing all the areas, Census 1961, https://www.google.co.in/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwjtaDvnL_7AhXmT2wGHQhJCC4QFnoECCAQAQ&url=https%3A%2F%2Fcatalog.lib.uchicago.edu%2Fvufind%2FRecord%2F4905458%2FTOC&usq=AOvVaw39JIVInw51t3loKON9TLcg

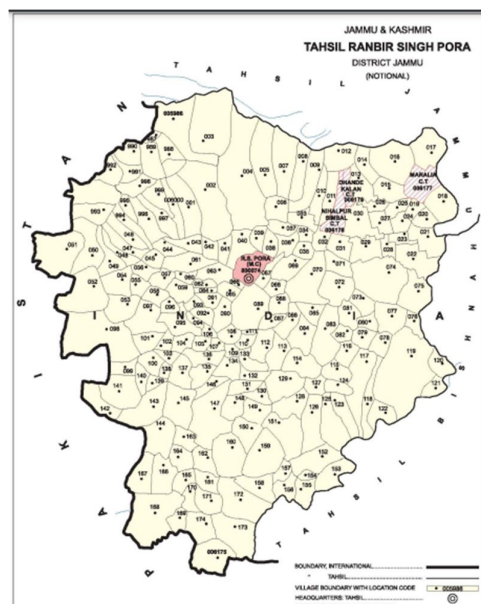


Map showing the areas of Suchetgarh under the Ranbir Singh Pura in census of 1961⁴

⁴Map showing the areas of tehsil Ranbir Singh Pura, Jammu region, census 1961
https://www.google.co.in/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwjtaDvnL_7AhXmT2wGHQhJCC4QFnoECCAQAQ&url=https%3A%2F%2Fcatalog.lib.uchicago.edu%2Fvufind%2FRecord%2F4905458%2FTOC&usg=AOvVaw39JIVInw51t3loKON9TLcg



Map of Jammu and Kashmir in 2011⁵

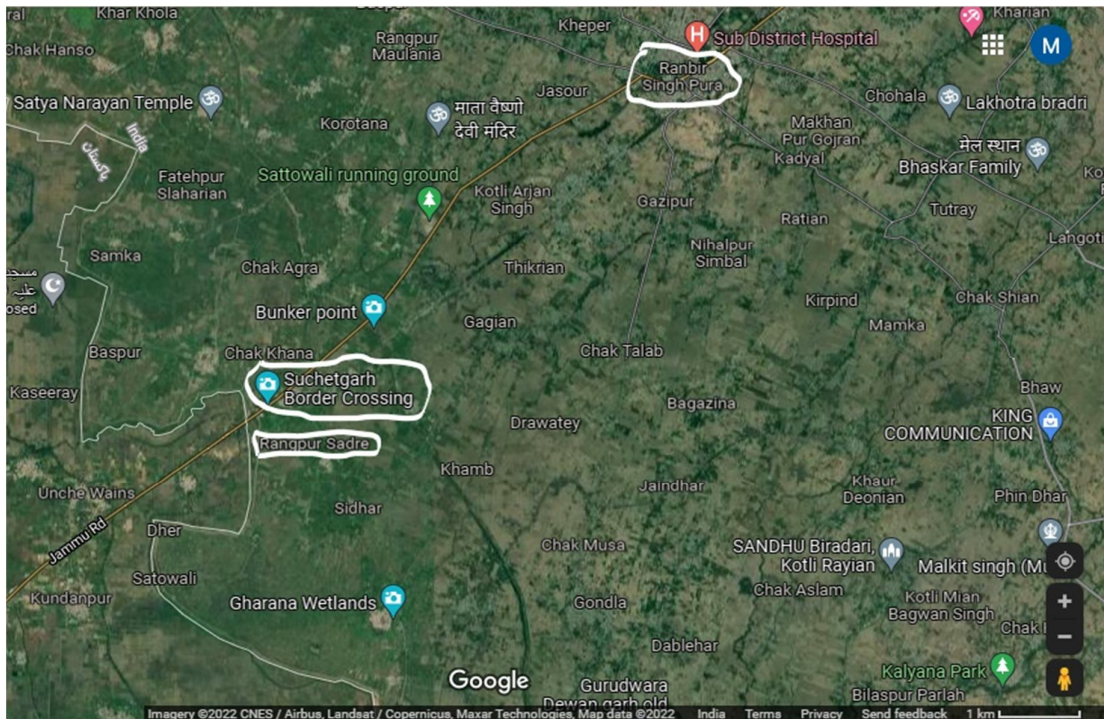


Area under the Sub district Ranbir Singh Pura in 2011⁶

⁵ <https://www.census2011.co.in/census/state/districtlist/jammu+and+kashmir.html>



Map showing areas under tehsil of Suchetgarh (Photograph by Author)



Mark areas indicating the field sites of tehsil Suchetgarh

⁶ <https://www.census2011.co.in/census/state/districtlist/jammu+and+kashmir.html>

Journey to the villages of Suchetgarh tehsil

The Suchetgarh tehsil is located at the International border between India and Pakistan in Jammu and Kashmir. It is located about 28 kilometers South of Jammu's district headquarters and 11 kilometers from R.S. Pura tehsil. Adjoining Suchetgarh tehsil is Block Bishnah, block RS Pura, Satwari Block, and Akhnoor tehsil. To reach the village of Suchetgarh, one must take a Bus from Satwari Chowk Jammu to R.S. Pura, which takes about an hour to get to the main bus-stand of R.S Pura. After that, walking a few miles from R.S.Pura bus stand, one can take an auto-rickshaw to the village of Suchetgarh. The other mode of transportation is horse-cart (Tonga), which is not very frequent in service, so most people take an auto to reach Suchetgarh village.

Geographically, the villages have vast plain stretches, and during winters, they remain covered with dense fog, and the sun is often not visible throughout the whole day. Even the Trikuta Hills, where the famous Shri Mata Vaishno Devi Cave Shrine is situated, is only visible on sunny days. During night hours, the illuminating lights over the Trikuta hills are easily visible from the villages of Suchetgarh tehsil. The vast lush green fields of wheat crops run next to the metallic road connecting the Suchetgarh village from the R .S. Pura. In some places, I found the green fields dotted with yellow flowers of the mustard crop. When the sunlight finally broke through the dense fog, the lush green fields and mustard flowers appeared like a background to the Bollywood songs of the 1990's where actors and actresses could be seen romancing in such fields. While traveling towards Suchetgarh, one passes many other villages, which are also part of the border area. The road linking R.S.Pura to Suchetgarh and the adjoining border village has been properly constructed.

As the Suchetgarh village draws closer, traces of the border and security infrastructure start appearing. Bunkers and a Ditch-cum-Bandh greet everyone around three-four kilometers distance from the Suchetgarh village, which is part of the security structure. The ditch is around 30 feet wide and over 10 feet deep, with a water level of approximately 4-5 feet deep, with bushes, vegetation, and plants grown all over. One side of the ditch had security bunkers constructed in 20 feet high artificial embankment (bund), with trees growing all over the embankment. Presently, security forces were not manning these bunkers, but they acted as a line of defence in case of

any eventuality during the war. The ditch prevented or slowed down the enemy forces, men, artillery, vehicles, etc., from entering the territory. The erection of over 20 feet high embankment acts as a barrier to prevent enemy forces from watching the Indian villages and the activities of Indian forces. The road to Suchetgarh village, passes by the Octroi post. The BSF bunkers and their residential quarters are located near the Octroi post point, and there is an old Raghunath temple near the post. The Suchetgarh village is 500 meters from the Octroi point. The road is accompanied by barbed wire fencing, and Pakistani Watch towers with Pakistani flags are easily visible to the naked eye from the road. The barbed wire fencing is manned by BSF personnel, who do not allow anyone to click photographs of the border. There are approximately twenty feet poles mounted with barbed wires separating the two sections of barbed wire fences, each measuring twelve to fourteen feet high, with an electric wire that runs throughout its length and is sign posted with a danger sign that reads, "*Do not Touch*". There are numerous watch towers and searchlights along the layers of concertina wires to watch the border and to prevent infiltrators from sneaking into the Indian side. Apart from such infrastructure, frequent movement of the BSF personnel in the villages is a common event in the villages Korotana and Suchetgarh, which are close to the zero line between India and Pakistan. Many West Pakistani Refugee (WPRs) families reside in Chakrohi and BadyalQazin. These are located at a little distance from the Indo-Pakistan border. The conflict-related situation, the presence of the state surveillance apparatus and the after-effects were less noticeable in the life of these villages life and the agricultural activities practiced there. The presence of the state does not operate along the same lines here as in the other two villages of Suchetgarh and Korotana. One could immediately notice the militarization of the landscape in the latter cases.

The researcher was able to obtain access to these places and the families of the WPRs after putting a lot of effort into getting to know the locals and developing a connection with them. It was only after several rounds of village visits that one could analyze and find out how the State regulates and restricts the movement at various levels. As a state resident and with some contacts among the villagers and village officials, the researcher did not feel it always necessary to take permission from BSF officials to visit the villages. Moreover, the appearance and knowledge of the local dialect was of immense help in collecting data from these sites.

Despite these benefits and residence in Jammu and Kashmir, the researcher was repeatedly stopped by BSF agents who wanted to know the reason for the visits. The BSF could track the researcher when she travelled by private rather than public transportation because the BSF authorities knew which villagers owned private vehicles. If any outside vehicle or outsider entered the village, the BSF officials kept a record of their name, address, the reason for the visit, and the length of the stay at the village entrance, at the first line of defence gate. It is a routine practice in the village, where all have to confront such restrictions of a strict and highly intrusive surveillance system.



Bunkers along the roadside on the Suchetgarh and its adjoining villages

(Photograph by Author)



Electric Barbed wire at the Suchetgarh border village (Photograph by Author)



**The first line of defence of BSF in the interior of the village Suchetgarh
(Photograph by Author)**



Pakistan side tower from the village Suchetgarh(Photograph by Author)

Historiography of the villages of tehsil Suchetgarh

Before the partition of India, Suchetgarh was an important railway junction (also called Octoria) between Jammu and Sialkot (now in Pakistan). It was the last location in the territory of the-then ruler of J&K, and the Punjab area began with Sialkot as an essential trade hub of that time. Muslim population dominated the village Suchetgarh while Hindus formed a small minority. Following the tribal invasion of October 1947, a large chunk of Muslims population migrated toward Pakistan. Their left behind lands were given to the Hindu refugees by the elected government of Jammu and Kashmir.⁷ Based on caste composition, the tehsil Suchetgarh has a high percentage of Dalit families who are called West Pakistan Refugees (WPR) as they had migrated from Sialkot in West Pakistan. Other refugees in the village are *Jats*, commonly known as *Chowdhay* refugees from the Chhamb Sector (DevBatala). A few families of other backward castes also reside here. The village is surrounded by lush green fields with fertile land and is best known for its indigenous Basmati rice (famous for its aroma), seasonal vegetables, and milk production. The border outpost also has an old temple and two strong rows of barbed wire more than 10 feet in height, separating the last line of defence from Pakistan. The combat BSF Jawans keep their guard along the fence lines and from the watchtowers. The Pakistani flag is hoisted over a watchtower on the other side of the border and can be easily seen from the fields surrounding the Octroi. In contrast, Pakistan's fields are easily visible to the naked eye. The closeness of Pakistan also means that the bullets fired from the guns of Pakistani Rangers directly hit the houses of inhabitants of the Indian side.

The village Suchetgarh was famous for border-related turmoil and conflict but it has recently recorded tourism-related activities, especially after the abrogation of the Special Status of Jammu and Kashmir. Like the Parade event at the Wagha border of Amritsar, Punjab, the BSF held a retreat ceremony at the Octroi Post on the International Border (IB), Suchetgarh, where flag hoisting was performed for the first time in 2021. Now the Suchetgarh border witnesses many tourists daily, especially during the summer and winter vacations; tourists visit to get a glimpse of the Pakistan

⁷ This has been generated through the census report data of before the 1947 from the State Archive of Jammu.

side. It is the only border of Jammu city that provides such a facility despite having high conflict at its borders. The government of Jammu and Kashmir has been promoting the border outpost of Suchetgarh as a new tourist destination for visitors. The government planned to hold retreat ceremonies on the pattern of Wagha Border daily, but the ceremony is currently only being performed every Sunday due to the pandemic. Apart from this, various other tourism infrastructure projects for developing Suchetgarh border tourism have been going on. Some of them are completed, while others are in final stages.

During my visit to the Octroi post, I stopped at the Zero line to find that there was only a pillar between me and the other side of Pakistan encircled with barbed wires. I spotted a thick, big old banyan tree standing in no man's land bearing a pole number 918. The tree's branches have spread across the boundaries of both nations. However, the Indian Border Security Force (BSF) and Pakistani Rangers guarding their respective borders did not cut the tree and instead painted the number 918 marking on it. The pillar 919 is made of concrete, but the pillar tree has become a point of attraction for visitors from all over the country. Interestingly, neither side claims the tree. India and Pakistan have constructed identical concrete platforms near the tree, where flag meetings between the BSF and Pakistan Rangers occur. Whenever the meeting is held on the Indian side, the Pakistan Rangers sit on the Indian platform, and the BSF officers cross the border to meet on the other side of the tree if Pakistan calls the meeting. Suchetgarh has also been designated as a crossing point for UN Observers visiting Pakistan and vice versa.



The site where the flag hoisting and BSF retreat ceremony takes place(Photograph by Author)





Suchetgarh border post: a no man's land between India and Pakistan.

(Photograph by Author)



Entrance to the Village Suchetgarh

(Photograph by Author)



A glimpse of village Suchetgarhlanes (Photograph by Author)

Suchetgarh: Village life and social fabric

The villages of the Suchetgarh tehsil of R.S.Pura Jammu are comprised of West Pakistan Refugees (WPRs) in large numbers, but other groups of refugees, especially the people from the Chamb sector, known as DevBatala or *65-Ke-Refugees* (refugees of 1965 war) also constitute a segment of the local population.

Before the 1947 partition, the villages were dominated by the Muslim population, which can be traced from the ruins of Sufi shrines (known as *Peer Babas*) found in the Suchetgarh. The ruins contain leftover debris and broken bricks, a damaged roof, a green shroud covering the shrine, and wooden slippers known as *khadwana* kept near the entrance while a heavy iron grader of around 18-20 feet long is placed in the open space.

Villagers believe that the sacrosanct shrine still has some supernatural power. The residents said awful things would happen to the village if anyone attempted to steal even one brick from the Shrine. One of the villagers narrated a story about a failed attempt to steal the iron grader by some miscreants a few years back. As they tried to lift the iron grader, it became too heavy, making it impossible to steal. It has been

observed that the village has a majority of Hindu and Sikh families but not even a single Muslim family. The Sufi Shrine is still in the village, and none have tried to encroach upon the shrine's land. The broken shrines of *Peer Baba* and even dilapidated mosques are present in the villages of Suchetgarh.

Such shrines are also found in the adjoining villages of Suchetgarh. One respondent from Korotana said that they have often heard the sounds of *yore* (Ghungroo) during the night, which is considered to signal the night watch (*Pehra*) by the Peers of the village. The villagers claimed that it would be difficult for them to continue living their life without the protection of these Peer Babas. These Peer Babas take care of every inhabitant, and because of the protection of Sufi shrines the villagers have to encounter fewer casualties in the villages. The respondents from different villages of tehsil Suchetgarh narrated how they celebrate the annual festival on these shrines by collecting money from the villagers and organizing a free-style wrestling (*shing*) and community fest (*langar/Bhandara*), serving *dal chawal*, *poori Kabuli chana*, *halwa*, or *kheer* for the pilgrims who pay homage on that specific day. During my field visit, I got an opportunity to participate in the annual fest organized at one of the shrines in the village Suchetgarh. People from all castes and classes from the village Suchetgarh and adjoining areas of the Jammu region gathered to pay homage to the shrine of Peer Baba. They can be found sitting and listening to verses chanted there.

The inhabitants believe that most of these peers, whose tombs (*majhars*) are located in the village, have a lineage among the Muslim population living there before 1947. The family at present who takes care of the tomb belongs to the WPRs. They are Dalits, but they believe in these peers nevertheless. During an interaction with devotees about their association with the shrine, the person replied that before 1947 his ancestors used to visit Suchetgarh village every month to take blessings from these shrines. After 1947, when his family moved to this side of border, they chose to settle near the shrines and have been living here since then.

Today, many tourists from Jammu and other districts visit Suchetgarh and these ancient shrines. Apart from nine such Peer-Baba shrines, the village has an old mosque, two temples, and one Gurudwara. Village-based religious activities such as *Sapta* and *Jagran* are organized here in the temple of Durga on yearly basis. Other activities include *Shastri Geeta Bhawan*, *swami Kuldeep Shastri*, and *guru sastang* in a

year. Narrating the condition of WPRs participation in such community or village gatherings, many women respondent said that caste plays a vital role in the village. Though the Dalit community of WPRs is in the majority, the DevBatala refugees (Jats) maintain a certain distance from them. Mamta Devi, Panch of Suchetgarh, said that the Dalit families cannot attend the morning and evening prayers or some special prayers at the temples. The Upper Caste Jat population didn't like that the Dalits also participated in such activities. The upper caste women attended the temple prayers in the early evenings as they had free time and good economic conditions. These upper caste women did not have to work like the Dalit poor women. Their family earnings were good as many have government jobs, but Dalits (Megh/ Bhagat) caste women had to clean cow sheds and dispense of the cow dung during mornings and evenings as most Dalit families' income depended on cattle rearing. The upper caste women also had leisure time for attending Kirtans, Saptas (Seven days prayers), and other temple festivals. In every village fest, particularly in the temples, the Dalit families contributed their share and also partook of *parsad* in the *bhandaras*. However, they were not allowed in the preparation of food or other related work of temples. Still, Mamta Devi was satisfied that at least Dalits were allowed to have food in the annual feasts organized in temples. But the Dalits of the village were not allowed to have food with them in the marriage ceremonies or other festivals of the Upper-caste neighbours.



Mosque in village Suchetgarh since 1947 (Photograph by Author)



Wreckage of the Mosque with iron pillar lying outlying in its courtyard

(Photograph by Author)

Partition journey to an existing border conflict: Narrative of Mikhi Ram



Mikhi Ram was an octogenarian with a thin, slim physique, wrinkled face, and grey moustache. He was busy with his hammer and stone, sharpening the cutter of the grass chopping machine when the ward member (*Panch*) Mamta Devi, of the village and introduced me to Mikhi Ram. She acquainted Mikhi Ram with my visit's purpose and requested to explain about 1947. “*Paa⁸ inko batao 47 ke bare mein.*” (*inform her about 1947 experiences*) she requested him.

Experiences of Partition

Looking up at the sky, Mikhi Ram⁹ took a deep breath, and started narrating his experience of the 1947 partition, telling me about his family's migration from Pakistan to Suchetgarh. Recalling his childhood, he said that Jammu was peaceful

⁸ The term is used to address the elder person of the community in the village of Suchetgarh which means uncle.

⁹ Interview conducted with Mikhi Ram resident of village Suchetgarh on 9th February 2021 at his residence at village Suchetgarh.

when the other parts of India and Pakistan observed turmoil, bloodshed, migration etc. Even in his native village of Sialkot in West Pakistan, turmoil had first started gripping the towns, which led to the migration of families of Hindus towards Jammu and Muslims towards Pakistan. A few families of Muslims were also leaving the villages of Jammu and going toward Pakistan in the early days of August. Having survived the turmoil of partition in his native village of Sialkot, his family had travelled by foot and came to his father's relative's house in the village of Suchetgarh with five brothers and three sisters. Their parents reached Suchetgarh village in the evening. In the day time, there was chaos all around, and nights were unsafe due to attacks of Jathas (Muslims and Hindu groups in Pakistan and India, respectively). His family was familiar with the area and stayed in the relatives' houses for months, especially during the famous Baishaki Mela, marriage ceremonies, and other family functions. As the family of Milkhi Ram had migrated in the early days of August, they did not face any human loss, but the significant loss was that of material assets of land, bovines, houses, and other goods. After coming to Suchetgarh, situation never became the same. Families were unable to return to their native villages and forced to start a new life in new lands, facing unaccounted problems of survival without any assistance from the State. Milkhi Ram father worked as labourer in the Jammu city to feed the family after migrating from Sialkot.

Unsettled Rehabilitation

As Milkhi Ram mentioned, his family stayed in a relative's house in Jammu for months after migrating from Pakistan in 1947. Being part of the WPRs population his family did not receive any government rehabilitation scheme benefits. But when the J&K government announced that people who had arrived from Pakistan could stay on the lands of Muslims who had migrated to Pakistan, Ram's family started cultivating a few kanals of land and continued their livelihood. According to Revenue department records, the family has not had legal land ownership for the last seven decades because of their refugee status (WPRs).

Border Hostilities

Milkhi Ram vividly narrated the uncertainties associated with the life of border residents. He said there was no such thing as stringently fenced borders until 1999.

The borders used to be so porous that one could not identify the villages at night. There were no such demarcated boundaries that one witnessed today. No barbed wires separated the boundaries between Indian and Pakistani villages and people could move freely to either sides. If the villagers' cattle from India or Pakistan strayed to the other side, they would bring them back home without any problem. They would move freely between villages on either side. As an adult, he used to drive an oxen cart in R.S. Pura for the family's survival. One night, when he was returning home from R.S. Pura on his cart, he forgot the way due to the darkness and ended up in a village in Pakistan. The border police (Pakistani Rangers) helped him with a torchlight to return to his village. Situations changed after 1999, Milkhi Ram said, "now if you find yourself near the fence, the possibility of being shot by forces can not be ruled out because of suspicion and hostile border conditions". Their fields were open till 1999, where they used to work with their Pakistani counterparts, chatting with them as all spoke the same local dialect of Punjabi. But after 1999, when the Kargil War broke out, the Indo-Pak border was completely fenced with two layers of fencing, while land mines were planted in the agricultural fields to prepare for war with Pakistan. Apart from the fence separating India and Pakistan at zero line, another fence was erected by the security forces in Suchetgarh village, creating another border within the border for villagers. Milkhi said he lost a large chunk of cultivable land under the border fencing process leading him to do menial jobs to help the family survive. His family did not get any compensation from the government as the West Pakistani Refugees (WPRs) did not legally possess the land. In contrast, the governmental authorities compensated other refugees in the same village as they were state residents and had necessary documents to claim land ownership and compensation.

New Hopes after Abrogation of Special Status

For the likes of Milkhi Ram, the revocation of Article 370, which was a major hurdle to granting citizenship rights and land rights to West Pakistani Refugees (WPRs), did not bring any major change in the life of refugees. "After over a year of revocation of Article 370, they still had no land rights and no special package had been granted to them according to Milkhi Ram. "*Jinko dena chichie unko kuch ni milta, sab aamiro ko milta hai*"The government serves the rich, not the poor. Those who were poor are still poor and they could not build a concrete house until today. *Nammak mirch sirf puri*

hoti hai. Ram currently owns a small piece of land to do agriculture. He reaped only two sacks of raw rice from the last cultivation season as most of the crop was destroyed by wild pigs. Milkhi received an old age pension of one thousand rupees, and except for that amount, he had no fixed monthly wages and was increasingly unable to do menial jobs due to old age. Two of his sons work at low paying jobs in the nearby area as there is a scarcity of menial work in the border villages. Milkhi appealed to the government (Modi-ji) to grant ownership rights to the WPRs, so they could lead a better life.

Explicating the realities of borderland: Loss of life and causalities

The term "borderland" refers to a region within a country that is influenced significantly by an international border, which is relevant to the current situation of Suchetgarh. As a result, it necessitates an overabundance of regulations and nationalist schemes and significantly more performance following the State's perspective. Despite their common history, borderlands are heavily regulated and militarised. The West Pakistan refugees find themselves in this 'in-between' space of conflict as they strive for a stable and dignified life. According to Baud & van Schendel (1997), borderlands, where the border does not coincide with natural or cultural divides, are potentially more complicated than borderlands, where these distinctions are more prominent. This distinction is helpful to emphasize the concepts of 'rigid and porous' borders in my research. As a result, a few key research questions emerge, such as how these borderlands become zones of extreme control and what impact this has on community life. Is Suchetgarh border a place for Hindu refugees to be accepted or rejected? What role does the community of WPRs on India's outskirts play in the larger Indian state system? In the following individual narratives, an attempt has been made to understand the nature of borders in Suchetgarh of Jammu region.

*“The bullet wove its way through the turban
And the blood splattered on the wall
As though someone had spat a mouthful of paan
A shower of fire and gunpowder fell
Head, torsos, hand flew in all direction, bursting
Like kernels of corn in a kiln*

Reduced to ashes, a trail of fire crackers”¹⁰

These lines from the renowned poetry of Gulzar are very true in the case of the border residents, whether in war or peace, as the Suchetgarh tehsil remains constantly vulnerable to shelling and firing throughout the year. Hence, the people who had settled here can never be free from uncertainties. Their search for settlement and certainty continues to elude them. The narrative of normalcy is shattered, and dislocation is imposed upon these people multiple times, especially in the past few years.

Continuous cease fire violation

During interaction with residents on the borders, one felt that every village touching the edges of the border has a story to tell – a story of losses to humans, livestock, houses, bullet injuries in firing incidents, and many more. The Nambardar of the village, Haveli Ram, (65) is a native of the J&K and has been residing in Suchetgarh since his childhood. Narrating his experience as a border resident, he said, “*Goli GharTak Pahunchati hai*” (Gun-fire reaches home). One could see the last home painted yellow and how it was destroyed in the recent firing. Media outlets had written about the family's pain since the destruction happened in January 2019, but no compensation has been granted to the family as yet.

Haveli Ram recollected how during the shelling in 2000, there were 19 explosions in their village, and two people (one man and one woman) were killed. Since then, there have been reports of frequent ceasefire violations in the past few years. More recently, from January to March 2019, the situation has been very volatile, and a constant threat hovers on the border dwellers that a bullet could come at any time, even now. The mere suspicion of someone crossing the border can escalate tension, and an exchange of fire can occur. The people on the border become hostages of this situation. Anything can trigger this process at any time. Haveli Ram recounted the case of those villagers who had suffered at the hands of cross border firing in the tehsil Suchetgarh and said, “the villages are packed with such stories where the survivors are waiting for compensation of their losses but nothing has been granted to them till now.”¹¹

¹⁰Gulzar, *Footprints on Zero Line*, Writing on Partition Harper Collins, India 2017 p32.

¹¹ Interview conducted with Haveli Ram on 6th January 2020 at his residence village Suchetgarh.

During my field visit to different villages, I encountered many such conflict survivors. These survivors included those who had lost their loved ones in shelling, suffered damage to their houses, death of their cattle, and bore corporeal injuries, among others. Following are a few narratives of the conflict survivors.

Everlasting pain and hopelessness: The case of Rita Devi and the death of his son in cross-border firing

*Log kehtehaibo chlagyahaimera dilni manta issbaatko*¹²

The yellow-painted three-room house with a wooden plank roof carries the marks of splinters of a shell, which had landed in Rita Devi's courtyard in the cross-border firing of 2018. Rita Devi (age 48 years) is a resident of village Korotana of tehsil Suchetgarh, who has suffered a lot in cross-border firing. Long back, her husband was hit by a splinter in his leg while working in the fields, and that incident made him unable to perform physical tasks. She was thus reduced to doing some menial jobs to supplement the family's income that is mainly run by selling milk from the three cows they own. Rita Devi has a framed, garlanded picture of her son Sahil and their ancestors at her house in the village. Recalling a fateful day in 2018 when she lost her 18 year old son, she said there was regular firing on the border, but it grew intense that day. Her only son Sahil was studying social sciences in the twelfth standard at her aunt's village, Bishnah, in the government senior secondary school. He had attended the village government middle school until the eighth grade, and then, with great difficulty, Rita enrolled him in a private school for the ninth and tenth grades. Her older sister, who lives in Bisnah, assisted with his studies. He was staying at her place and continuing his studies. We do not have sufficient money to send him for tuition classes, but he managed his studies well. In January 2018, Sahil came home to attend his cousin's sister's funeral. Later, he refused to return to his aunt's house and said that he wanted to prepare for army or paramilitary jobs. Sahil was active with BSF sports camps and had participated in these camps since his childhood and had won many medals in sports as well as studies. Without guidance at home or tuition support, he had secured 307/500 marks in class 10th. Rita was assured by his peer groups on a number of times that he would comfortably clear the physical test of the Army.

¹² Interview conducted with Rita Devi at her residence in village Korotana of tehsil Suchetgarh on 10th February 2021



Rita Devi at her residence in village Korotana



Rita's Son Sahil framed picture in their house showcase

Rita Devi then went on to recall the horrific incident: "We all had our morning tea, and Sahil said he would take tea after bath. I kept his cup of tea. He took a bath and changed his clothes, and within a few minutes cross border firing started." All of them

hid, closing all the doors and windows. In no time, a bomb landed in the courtyard, and the splinter broke the glass pane and hit Sahil in the head. They were all in the room, unaware that a splinter had hit Sahil. It was only when the blood started oozing out from the wound that Rita realized that Sahil was hit and was lying unconscious. She does not remember much thereafter. With the help of BSF, they took him to R.S.Pura hospital, but he was declared as brought dead. All the family's dreams and hopes of a bright future died with Sahil.

Later, the state government provided one lakh rupees as compensation but Rita Devi remained inconsolable. "Is it not a mockery with us?" Rita said, "Is the money a replacement for my son's life? It is not our fault that we're living on the borders. We are not living here by choice. We don't have sufficient money to go away from here." Rita's only wish is that her daughter should be given a government job under compassionate grounds so the family can survive. Showing a pile of papers, she said she had pursued the compensation case with the government, but nothing has been done so far as they did not have PRC. It is not easy for her family to arrange two square meals and the education of girls at the same time. Her elder daughter now stitches ladies' dresses and charges Rs. 150 per dress. The younger daughter studies at the degree college, R.S.Pura. "I have no money to marry these girls", a helpless Rita admits, "I can marry them only by taking a loan or selling some valuables. Once they are married, they will go to their new homes, and we will be left battling poverty".

Rajni Devi lost her only source of livelihood in cross-border firing

Rajni's narrative is similar to Rita Devi. She resides in village Suchetgarh lying near the zero line on the Indo-Pakistan international border with her nine-member joint family. The family owns a small plot of seven marlas on which they have constructed two rooms, one pucca/composite and two kuccha rooms with a mud roof. The entrance to the house has a tin gate; with an open shed to the left with a tin roof housing four cows. The family has an open roof washroom with a hand pump surrounded from three sides by brick walls, while the fourth side is covered with an old bed-sheet. Rajni remembered another horrific incident related to cross-border shelling. It was one fine morning around 7:30 AM when the firing on started. Rajni's husband had just finished milking the cows and went into the kitchen to keep the bucket of milk. Suddenly a shell landed in the courtyard and exploded with a big bang. Seven of the

cows died in the blast and the courtyard was filled with blood. The death of the cows, that were the only source of income, left the family in complete despair. The family solely depended on the cows to fulfill their needs; they sold milk to a nearby village shop and earned Rs. 20 per liter on an average. They did not have access to markets with better price. Selling milk in cities also involved other expenditures, including traveling fare, contacts, and time, so they depended on local shops to sell the milk. They used to sell around 15–16 liters of milk everyday, which helped support the family and meet their basic needs. Rajni had her sister-in-law's wedding in a fortnight when the tragedy struck. They were left with nothing and managed the wedding ceremony with great difficulty.

Later, the government gave compensation for only three cattle, at the rate of 30,000 rupees per cow as per their policy¹³, while claims for the rest of the four were ignored by the government. Following this tragedy, Rajni Devi's husband had to take up a menial job in an industrial area, as such jobs are scarce in the village. He currently works as a contractual labourer with the new hand pump connection company in Gangyal, Digana, Jammu, nearly 30 kilometers from his native village. Her husband leaves the house every morning at around seven and returns at around 8 PM. He gets Rs. 600 per day. He goes on a bicycle to Bidipur and joins his coworker on his motorcycle for the factory. The same routine follows in the evening. Rajni Devi's family had also lost large chunk of land in the fencing process, and no compensation had been given to them by the government since they were not legally land owners.

Surviving with the scars and pain of Border conflict

Another victim of cross-border firing in village Suchetgarh is Kamlesh Devi, (44)¹⁴. Narrating the fateful day in 2018, Kamlesh said, “I was cleaning the utensils when a mortar shell landed in our courtyard. The explosion and splinters of the shell hit four family members, while most utensils developed holes. The splinters even created holes in the tiffin boxes of the children.”

¹³New Nation, Rs 50,000 for death of each milch animal in cross-border firing by Pakistan, 2018
<https://english.newsnationtv.com/cities/jammu/pakistan-cross-border-firing-rs-50000-for-death-of-each-milch-animal-197016.html>

¹⁴ Interview conducted with Kamlesh Devi on 12th January 2021 at her residence village Suchetgarh

Showing splinter marks on her leg, she said the swelling due to the splinter wound in the legs did not get better. She could not sit and move properly. Similar splinter injury marks covered her whole body. Their girls hesitated to speak with the people who visited and asked about this incident. The girls did not like that the visitors took photographs and uploaded them on social media. Her daughter Sanjana underwent a five-hour surgery at the Government Medical College and Hospital Jammu. The bullets had hit her in the abdomen and legs. The villagers rushed and took the cousin sisters on a motorcycle to R.S.Pura Sub-district hospital around 10 kilometres from the village. During such events of firing and shelling, hardly any ambulance is made available for the border dwellers, in order to shift the injured to the hospital. The family of Kamlesh feels, quite naturally, like second-class citizens in their own country.

Sakshi's case was no less tragic. She underwent all the medical check-ups in the hospital during the three days stays of her injuries in the firing of 2018. But two months later, her condition changed drastically. There was swelling on her face, and she reported pain in the eye; the family initially thought it was due to cooking on an earthen stove, but after some days, she complained of low visibility. Only then did the family go to GMC Jammu for treatment and found that her eye was hit by a splinter, causing infection. The doctor suggested taking her to Amritsar, as it needed a quick operation to prevent loss of eyesight. The family moved to Amritsar, where Sakshi underwent eye surgery, and the treatment cost around Rs.50,000. The doctors suggested fish oil supplements for three months, which became an additional burden to the already ailing family economy. "Even today", Kamlesh said, "her medicine like antibiotics and eye drops are still under prescription, but due to lockdown and Corona, we cannot visit the hospital and wait to get things back to normal to have a check-up of Sakshi." The eye problem hinders Sakshi from pursuing her graduation in Humanities, and she feels hopeless about her future. The family has spent over Rs.1.5 lakh on the medical treatment of both girls and the treatment continues. But they did not receive any help from any quarter except Rs. 10,000 from the civil administration and Rs. 5000 from the Red Cross Society.

Sakshi appeared sad and depressed. "I want to study more, but due to my eye problem and poor financial condition, the family members are thinking about my marriage". She said they are poor and do not have sufficient money for treatment and to pursue

education. The family apprehends that if she focuses on studies and spends time reading, it might hurt the eye even more, so they don't want her to pursue studies. "I have to dump my desire for studies", Sakshi said, "I feel hopeless about my future, *Zindagibarbaadhogayihai* (My life has been ruined)".

Kamlesh said they want the government to give some pension to these kids who were the victims of cross-border turmoil. At least they could bear the cost of their treatment, and with this financial support, they would not have to depend on the family. She said there was a policy for compensation when someone lost their life, but with injuries to the residents, there was an option of very meager compensation, which is paid only to some fortunate ones.

Such anecdotes of the border residents revealed many cases of death, destruction, and physical deformities caused by the border skirmishes, which is normal in border existence. The residents feel betrayed by different political parties, and no government seems to have paid any serious attention to their problems.

Understanding displacement at the borders: Experiences of temporary shelter homes

The lives of border dwellers are full of uncertainties. Continuous war-like situations hover over them. They have to face the brunt of cross-border firing and shelling, which leads to continuous displacement in their lives. This displacement causes uncertainties in their livelihood and makes their lives extremely vulnerable. Whenever firing and shelling from across the border takes place, the government orders the border dwellers to shift to temporary shelter homes. These shelter homes are established in government schools at Tehsil headquarters. The families shift to the temporary shelters at night, and during the morning and day-times, the male members visit the villagers to take care of crops, cattle etc. Such life is precarious, to say the least, and there is no assurance of security for their material assets at home.

Sharing the experience of life in the temporary shelter homes, Gahra Ram, (64),¹⁵ a resident of village Suchetgarh, said, whenever there is border shelling, they have to move to a safer place, either to the houses of their relatives or to the temporary shelter homes established by the government. Due to the lockdown and

¹⁵ Interview conducted with Garha Ram on 19th February 2021 at his residence village Suchetgarh.

abrogation of Article 370, the villagers were relaxed as they did not face any cross-border skirmishes. But the situation changed in the last few years, and there have been frequent fires in the village from the Pakistan side. They had to face a loss in agricultural produce as they did not get sufficient time to attend to the fields. Ghara Ram said that mobility from the village to the temporary shelter homes during the shelling time is not easy. Though the government arranged vehicles several times, the villagers often moved on their own to save their lives. If the firing started in the morning, it became difficult to move. In the daylight, the Pakistan Rangers could easily see them. They are forced to leave behind their bovines and material assets unattended. In many families, one family member stays back at home to cater to the needs of bovine (fodder and water) and keep an eye on the house so there is no theft. Gahra owns 2 acres of land and earned his livelihood by producing traditional crops. Earlier, when there was no fence on the border, he had four acres of land, but 2 acres of land came under the fence, and he is left with only 2 acres. The then government did not compensate his family as WPRs; they did not hold the legal ownership rights over the land. Due to the shrinking of land, the border dwellers are often forced to move to city areas such as RS Pura or Jammu for some menial jobs. Many border villagers moved to town searching for work in the shops, construction sites, or as labourers in different areas. The son of Ghara Ram had been working in his agricultural fields, but due to the shrinking of land, he has kept three buffalos, and by selling milk and doing menial jobs, he has been supporting his family.

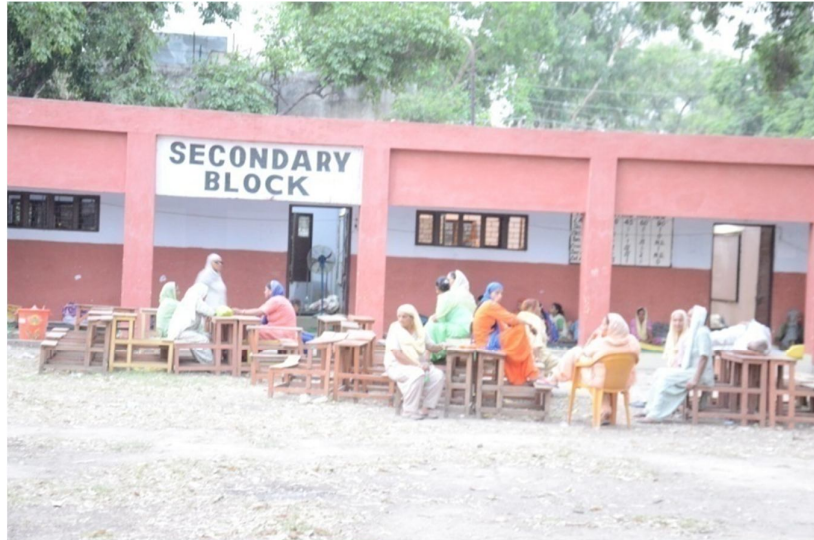
Narrating about his experience in the shelter home, he said it is highly uncertain how long one has to stay in the shelter home, so mostly the villagers send women and children first, and men go later to the shelter homes. To reach the government-established shelter homes in R.S. Pura they move either by their own vehicles, like motorcycles, auto, and horse carts, or government-arranged vehicles.

In the last two years, shelling has become so intense that border residents had to spend long stints in shelter homes before the abrogation of Article 370 (2019). The border dwellers had spent many weeks at the Government Boys Higher Secondary School RS Pura in the last couple of years, which was arranged by the tehsil administration R.S Pura. They had to often spend the night under the sky. Many times there has been a lack of sufficient arrangements for bedding and a shortage of space to accommodate

the people in the rooms of government school buildings. If shelling happens during the summer, it is challenging to spend nights in schools, as there are negligible or no fans or coolers in the shelter homes for all the shelter home residents. The rooms are given to women and children to sleep in, and men generally stay in open grounds or wherever they found space.

According to Garha, they have to live in inhuman conditions without proper facilities like toilets and privacy for women as they have to stay with the village men in the same shelter home every season. The shelter home life is difficult and with many challenges. They have requested various political party members to provide some land plots to border dwellers in safe locations, but they gave only assurances, which do not materialize.

Most border residents agreed that the ceasefire violations should be resolved permanently, whether through a full-fledged war or another method. The villagers also sympathized with the Pakistani populace, facing the same problems due to firing and shelling. But the border dwellers criticized the Pakistani Army for persistent ceasefire violations. There has been no high shelling for the last two years, but there are always sporadic ceasefire violations. The bullet marks and splinter marks are easily visible in every house and public place in the border villages.



Picture captured during the over night stay in the temporary shelter home at R.S.Pura on May 8th 2018 (Photo by Author)



Picture captured during the over night stay in the temporary shelter home at R.S.Pura on May 8th 2018 (Photo by Author)

Experiences of non-border areas women who married border dwellers

According to Martinez, “Alienated Borderlands are functionally closed areas where cross-border interaction is totally or near absent.¹⁶ Generally, there is tension in the borderlands, and inhabitants behave strangely, even though they are of the same ethnic groups or kinship groups”. As per the definition mentioned earlier, the border of Jammu and Kashmir can rightly be described as “alienated”. There exists an awful environment of insecurity and uncertainty on the borders of Jammu and Kashmir.

¹⁶ Martinez, Alienated Borderland, 1994.

People living there have been victims of the war-like situation, a bizarre and dangerous situation of 'No War No Peace' exists along the International Border and LoC in the Jammu and Kashmir.

Narrating about the border life Rajni, a native of non-border area but married to a border dweller of Suchetgarh, said there is a massive difference in both spaces: *zameen assman ka farak hai* (Difference between *earth and sky*). She had never seen the border before her marriage (2000). Rajni said, whenever there is cross-border firing and shelling, she felt like it would be better not to marry than to reside at the border. Life is hell, as you have no guarantee of the next seconds. The uncertainty always hovers over them. She recalled one such incident that one evening firing started when she was washing dishes in the house's courtyard. Her father-in-law rushed and shouted at her. *kyun marti hai ander aa jaldi, (Do you want to die, come inside fast)*. She was unaware if bullets or mortar shells could land in her courtyard. Within a few minutes, a splinter crashed into her courtyard; and that was the first time she encountered border life in a real sense. That night saw cross-border firing, and her family had to hide in the store room. *Bomb girne se Dhamaka jaise hota tha poora gaun hil jata tha phir daar zadya lagta tha*. People used to have kuccha houses; due to uncertainty at the borders, there was more threat of firing and destruction of houses, but now we have pucca houses, but the firing has been more frequent in the last few years. After the increase of casualties of border people and their bovines after 2000, the government decided to build the bunkers for the villages safety. Life at the borders is so slow we can't have access to the market or purchase anything. The phone services are also not working properly here. We have to go the house's roof to make a call. We can't avail the benefits of the internet here. There is a fence around us. It seems like we are in an open cage. The border residents lead different life while living in the same state. As geography changes, so the situation too shifted, and it impacted more who resides close to such uncertainties

Individual and Community bunkers: Many are incomplete, and those complete are in shambles

Most of the border dwellers, including West Pakistani Refugees (WPRs), have weak economic conditions, and poverty plays a big role in suffering the conflict. The poor people in border villages had mud houses or a few have cemented houses, but the

roofs or walls were not so strong that they could survive the shelling and bullets. The poor villagers had no financial resources to build some shelter on their own, so demand persisted for the past many years in the border areas for the building of bunkers so that during the time of shelling and firing, people could take shelter in the bunkers. So under a scheme, the Union government sanctioned two bunkers in each village. An individual bunker was approved for each villager, while community bunkers (3-4) in each panchayat were also sanctioned a few years back. The individual bunkers were constructed in the villagers' house, either in the courtyard or any available space.

In contrast, the community bunkers were constructed in some common space in the village. However, as per the information shared by the villagers, most of the bunkers were not completed and were partially built. Those whose construction was completed were in pathetic condition, which was found during the field visit. The bunkers which were partially constructed or completed were in a sorry state. Mostly, they have no electricity, toilet, or proper rooftop layer facility. The border residents claimed that if they have to spend nights in the rainy season, there is always a fear of snakes and other reptiles in the bunkers due to the moisture in the underground bunkers.

During rains, the bunker fills up with water, with no sewage outlet facility. During heavy firing and shelling, these bunkers become useless as one cannot come out from home and go into the community bunkers. These are located some distance from the villagers house, so most residents said it was impossible to reach these bunkers during the firing. The government had constructed these bunkers to show that something was done for the border residents, but in reality, the condition had become far worse, a border resident alleged.

The residents further lamented that it is uncomfortable to stay in the bunkers for pregnant, lactating mothers as well as a person with disability or those having long history of heart and lung problems. This was revealed by Kavita (40)¹⁷, a resident of the village Korotana, Suchetgarh, while showing her bunker. She further said that she got a bunker constructed with the help of government funding, but it is still lying incomplete. Whenever there is firing or shelling in the village, they hide in the rooms.

¹⁷ Interview conducted with Kavita on April 29th 2021 at her residence village Korotana, tehsil Suchetgarh

Whereas the Namberdar of the townSuchetgarhsaid they have eight bunkers in the village, but during the time of the firing, it is not possible to reach them as they are far from the homes.



Kavita showing a private bunker at her residence in village Korotana

(Photo by Author)

It was observed that the area is dominated by the WPRs and the 1965/71 war refugees, comprised of Jat community. In the allocation of private bunkers in the villages of SuchetgarhPanchayat, the caste system seems to have played a dominant role. For the construction of the community bunker, the panchayats had to provide the land, but the native Jat community mainly owned the land, and WPRs had very little land and no legal rights, as noted before. Since the local Jat community gave the land for the construction of community bunkers, so the community bunkers were constructed in the land of Jats. The WPRs had very few chunks of land and that too far away from their houses, so community bunkers were never allotted for WPRs. In the case of local Jats, they had lands near their houses, so they could avail of the community bunkers. The local Jat community also benefited from a government scheme to build bunkers on their private land and access them during the peak cross-border conflict,while the WPRs faced endless hurdles during the conflict.

Land plays a crucial role inthe building of bunkers as well as availing the benefit. The government bunkers are large and constructed a couple ofmeters from the village. Though there is no restriction on using these bunkers,the Jats reside in the middle or at the entrance of the village, so most bunkers are constructed close to their houses.On

the other hand, it is difficult for the Dalits like WPRs, who reside at the front row on the Pakistan side, to benefit from a bunker. Many respondents said that they have not obtained the benefits of the bunker so far as the bunkers are mostly incomplete and without proper facilities.



Private bunkers without proper rooftops in the village of Suchetgarh

(Photo by Author)



Condition of bunkers from inside in the village Suchetgarh (Photo by Author)

Livelihood between the fence and BSF security

Today the, agriculture depends on the BSF's consent: when they will open the gate and allow us to do work on our land.¹⁸

Vikas (31) had studied till class 10th at the government High School R.S Pura. He explained that his whole village comprises West Pakistani refugees. Around 250 out of 300 households are of WPRs, and 10-15 houses are from DevBatala, while the rest are locals of Jammu residing from before 1947. Narrating about the condition of refugees in his village and adjoining areas, Vikas said that they lack proper facilities, being the residents of the border areas, due to which families are forced to work in the agriculture sector despite many hurdles. He further said that only a few families had government jobs in the village of Suchetgarh. Some are in Army, and others engage in menial jobs as daily wagers. People don't find work in the factories, as the industrial areas of Gangyal, Bari Brahmana, and Birpur are too far from the villages. Besides, the factory's daily wage rate is meager and insufficient to run the family.

¹⁸ Interview conducted with Vikas resident of village Suchetgarh at his residence on 19th January 2021

Narrating about the uncertainties of the borders, he said most of the land, especially in SuchethgarhPanchyat, is very fertile, where the villagers grow crops like paddy, wheat, mustard, vegetables, and fodder for animals. However, now the land size has shrunk due to the fencing of the border. Though gates are built along the fence to allow people to access their land, it seriously restricts their agricultural activities. Regular farming, therefore, is not possible. The opening of gates is as per the scheduled timing of the Border Security Force (BSF), and it is only during this time that farmers can access their land and do agricultural activities. He further said that much of his land came under the fence while the time allotted by BSF to all the farmers was insufficient and impacted their overall level of productivity.

He further stated that he has only one acre of land after distribution between the family members. It is challenging to run a family without jobs or other financial support. He now has kept four buffalos and sells milk to earn a livelihood. Criticizing the government, he said it had formulated many welfare schemes for the border dwellers, but the benefits didn't reach the WPRs. Even the politicians of different strands are least bothered about them as WPRs are not vote banks for them. Even the welfare schemes do not reach them. The indifferent attitude of the administration and politicians is one of the reasons that the WPRs are compelled to stay in the border areas, under the shadows of enemy firing.

The land portion of border dwellers, including the WPRs, which comes under the fencing, has been completely encircled by the Border Security Force (BSF). The farmers have been allowed to visit and do agriculture in these areas but under strict surveillance and time-table. The BSF does not allow them to carry a mobile phone in the fields. The land has been completely encircled with concertina wires, and gates have been established to enter. If the farmers have to enter the land for agriculture-related work, they are not allowed to carry anything with them, including mobile phones and food. They have to write an application to the BSF officials for permission to enter the land. Women are not permitted to do agriculture. Sometimes, if some farmer wants to irrigate the fields at night, he is not allowed to as gates are closed during the night hours. Even during the day, three to four BSF personnel follow the farmers as part of providing security cover but on Pakistan's side, there are no restrictions for the farmers, and they move freely and do farming without any

restrictions, the villagers informed. They also added that crops require a lot of care, but the crops grown in the fenced land are not adequately taken care of by the farmers, so the yield is meager as most farmers prefer to sow fodder or crops that need significantly less maintenance as well as water.

Another respondent Rajkumar (52), of village Korotona, had just arrived from his field, carrying grass for his cattle, when I visited his house.¹⁹ Like the story shared by many other border dwellers, Rajkumar said that they do not get sufficient time for their activities. Every day they have to wait for the gates to open, and then move with the BSF people. The timing is very short, and farmers are forced to shortcut the process as BSF orders to close the gates anytime. Earlier, the farmers did not have to bother about timing and they would enter any time in the fields. They did not need anyone's permission to enter their lands. But now they need to have formal permission. "The border fencing has changed our relationship with our land", said Rajkumar, "I need to stop working one hour before the gate closes so I can get back to the gate, which does not leave me much time".

Most of the respondents stated that earlier the farming activity was family work. All members, including children and women, used to be working, saving time and production costs. With the gating system and land coming under the fencing, the whole agricultural activity has been severely hampered as the villagers are not allowed to take their women folk with them in the farming activities.

They have lost the facility of being in the fields for longer durations. "I used to be in my field before the sun arose and remained here till the darkness descended, but that is not possible anymore", Rajkumar said. Echoing the sentiments of many other border dwellers, Rajkumar stated, "being WPRs, I don't have ownership rights over the land, and so the compensation for fenced land is not given to us" Apparently, the government provides a compensation of Rs. 200 to Rs. 300 per Kanal of land, which comes under the fence but only to those who have ownership rights. This was denied to the WPRs for the last thirty years. However, the likes of Rajkumar is hopeful that after the abrogation of the special status of J&K, the WPRs would also get benefits and compensation at par with the residents.

¹⁹ Interview conducted with Rajkumar on 25th March 2021 at his residence Village Korotana tehsil Suchetgarh

The Army and BSF would become unfriendly to the villagers during episodes of tension, firing, and shelling as they had their priorities. When things are not normal at the border, the security forces only view things from the perspective of national security. All kinds of restrictions are then placed on people, which make their everyday lives difficult. There are a lot of restrictions on movement. But Raj Kumar said he is thankful for the current regime, which helped his sons get jobs in the Army. It has been two years since both of them were recruited in the Indian Army. With the WPR Action committee president Labha Ram Gandhi's initiative, they got this recruitment opportunity. The preceding three generations suffered and worked as menial workers. But now, after the abrogation of the special status and articles 370 and 35A, the youths are beginning to feel they are also equal to the other residents.

Survival of WPRs at the edges of the borders

Most WPRs, as well as other refugees, work and earn their living through agriculture, and land is their primary source of survival. The WPRs have a long history of involvement in agriculture, cultivation, poultry, and livestock rearing. WPRs living in the border villages of Suchetgarh are among the poorest members of the local society. Still, none of them can be said to come under the Below Poverty Line (BPL) category formulated by the government as they do not have BPL cards, which are mandatory to access government services meant for poor people. The reason behind this denial of BPL certificates is that they were considered Indian citizens but did not have the citizenship of Jammu and Kashmir, which was required to avail government benefits under State government schemes. Even the benefits of the welfare schemes of the Union government were denied to them as J&K state didn't recognize them as their natives. The problem of non-recognition and, thus, non-association resulted in WPRs being denied access to state-provided services such as public-health, education, livelihood, ration facilities, etc.

The Desire for Government job Kashmir Das

“The pain and agony of Kashmir Das, aged sixty years, resident of Chakrohi village of tehsil R.S.Pura of J&K, is haunting him since he was denied the job of Patwari in J&K Revenue department during his twenties due to the absence of PRC.”²⁰

Resting on a cot in one room of his kuccha house, Kashmir Das (60) and his family were watching a Bollywood movie starring Govinda on the Star Gold channel. A girl of twenty-four years was busy sewing with machine and stitching some clothes while another girl of nineteen was doing manual stitching. Kashmir Das has a wife, three daughters, and a son. Two of his daughters are married, while his son, daughter-in-law, and two grandchildren reside with him. The family has immovable property consisting of four acres of agricultural land, apart from the four to five Marlas' stretch of land in the Chakrohi locality.

Kashmir Das has built two rooms and a small kitchen with an earthen hearth on this plot. The pink paint on the inside wall has faded, while the outer walls are painted green, fading into white. The roof of the house is built with wooden logs, mud, and husk, while the floor is decorated with cow dung paste and the borders of the floor was done with a white-coloured particular type of local clay known as *prola*. There were two cots, one double bed, and two steel trunks inside the room, where the family members were watching television. A water cooler was placed under the television.

Kashmir Das recalled his youth as a part of memory that defined him. “I was in my mid-twenties in 1981-82”, he remembered, “Along with my friends, I did training of Patwari in the Jammu and Kashmir Revenue department for six months. After completion of training, everyone had to appear in an entrance test. Though I was allowed to do the training but was denied permission to appear in the entrance test, for which a PRC was mandatory. Except for me, all other candidates, who had completed training, were selected as Patwaris.” Some of his friends had weak financial backgrounds (similar to him), but their situation transformed drastically after getting the job. The denial of the job by the state government forced Kashmir to work as labourer and till the small chunk of land allotted. For the last few decades, he had worked as an agricultural laborer and a carpenter to run his family. Like him, his

²⁰Interview with Kashmir Das, resident of Chakrohi village, tehsil Suchethgarh on 21st September 2018.

children also pursued studies up to matriculation but did not go for higher education due to no possibility of finding a government job in Jammu and Kashmir.

Speaking about the fate of educated youth among the WPRs, Kashmir Das said in a choked and emotional voice, “What can the poor do except manual work? Apart from state government jobs, jobs in Central government departments require PRC, which we do not have. All my generation's educated youth have been doing odd jobs or labour work to earn bread and butter and run their families as agriculture does not pay much”.

Kashmir Das describes how the disastrous conflict between India and Pakistan has been haunting them for a long time. “Our village is next to the International border. One day, during my youth, I, with many other village youths, worked as daily wage labourers in the Joda agriculture government farm, which was just a few meters from the International Border (IB). A stray bullet pierced through my palm while digging in the field.” He was shifted to a hospital but no compensation was provided for the loss, neither by the management of the farm nor by the state government. With time, the wound has healed but it has badly affected his work and the family's economy. As he was the family's only bread earner, his son was forced to do manual work for stretches when the injury left him incapable of working.

He further said that most WPRs families are settled in areas adjoining the international border and were allotted land just a few meters from the fence. “The Army planted mines after the 1999 in the fields and even after de-mining, many remained in the agricultural farms, so many people inadvertently stepped on the mines and lost their limbs, hands and some even lost their lives.” Few bullet and mine victims, including even those with PRC, have not been provided compensation from the local government due to various formalities associated with the compensation process. When the question of WPR comes, there are very remote possibilities that any compensation will be provided to them”, Kashmir Das claimed. However, not unlike others, Kashmir Das hoped for a better future for his grandchildren after the removal of Article 370.

Educational status of the border villages

The condition of education in the border village of Suchetgarh is that most children have studied up to class 12th from the families of the WPRs and few of them are also enrolled in higher education at Degree College R.S.Pura. The students depend on the village government school for their primary education. Later they move to R.S.Pura government school for higher secondary, which is around eight kilometres from the villages, and villagers reported that there was a primary school in the village. Still, now it has been closed down as the village children are getting their education mostly from the nearby private schools. Many respondents from the village said that the children's education was going well before the pandemic, but the last year was wasted completely due to the lockdown. This year the government schools too had started functioning through online mode. The pandemic has pushed the world towards the digital side, but the life of the border resident is stagnant as there is no proper mobile network facility. Most of the time, the kids had to rush to the rooftop to connect to the class. Still, they failed to have proper access, and standing on rooftops at the border areas is not considered safe due to the threat of shelling and firing from across the border, Kamlesh from the village Korotana²¹ said. She further said one of her sons has shifted to a relative's house in R.S.Pura to regularly attend school as he is in class 8 and will appear in board exams of the state in the coming months. How will he manage his studies if he does not attend the classes? The family can't afford private tuition.

Echoing a similar status on education, Sonia from Suchetgarh, studying in class 7th at New model high school R.S.Pura, said that she was not attending the classes due to poor network. She had spoken to her teachers, and they have granted her relaxation as they are well aware of the circumstances of the border. She further said that education is too tough at the borders, and students don't have proper access to school. Families that can afford private schooling for their wards enroll them, while the rest of those who can't afford it are adding to the dropout ratio. Students are facing transportation problems to travel daily to R.S.Pura. The facility of public transportation facility is also poor.

The quality of education suffered during the covid period; since most border dwellers have weak financial backgrounds, and cannot afford costly phones, while only a few

²¹ Interview conducted with Kamlesh on 17th April 2021 at her residence village Korortan in Suchetgarh

had smartphones. In the case of networks, some have been using BSNL or Airtel. Both had good network for making phone calls, but internet connectivity was very poor, probably being at the margin of the border between India and Pakistan. The government has reduced the range of signals as part of security procedures. The students could not complete their studies with low internet connectivity in border villages.

Policy issues in the villages of Suchetgarh: The Disgruntled Youth: Interview with Vipin Kumar and Pardeep

The Jammu and Kashmir Reservation (Amendment) Act, 2019 extended 3% reservation in services and educational institutions to people living near the International Border (IB) in J&K, in line with the reservation given to people living near the Line of Control²² Despite being the residents of the border edged villages the WPRs cannot avail the benefits of the Border Area Certificate scheme to avail the government jobs due to denial of local citizenship of J&K.

One such disgruntled youth was Vipin Kumar,²³ a resident of village BadyalQaazian of tehsil RS Pura. Vipin said that his father had died in his teens, leaving behind his brothers and mother. His mother did a lot of hard work to educate them, hoping to lift the family from poverty. Vipin got admission to Government Navodya Vidyalaya School in Nud (Samba district). His mother had a lot of hopes as she believed he would get a government job. But all her hopes were shattered when she realized that her son would never get a job in the state without a PRC. After passing class 10th, Vipin thus left studies as there was no hope of getting a job. He and his two brothers and mother reside in the village, with no agricultural land apart from a plot of few *Marlas*, on which a small house was raised.

Cursing his forefathers, Vipin lamented, “Our grandfathers were fools who brought us here in J&K, where we have no rights without a PRC. We didn’t get any government jobs or any professional training. Our forefathers’ future was dark, ours is dark and our future generations would also be in the dark.” He was aware that the likes of

²² Colonel Balwan Singh Nagial, Indo-Pak War of 1971 and Forced Migration from Chhamb Sector, International Journal of Science and Research (IJSR) ISSN: 2319-7064

²³ Interview conducted with Vipin Kumar on August 18th 2021 at his residence village BadyalQaazian, tehsil Suchetgarh

Manmohan Singh, LK Advani, and numerous others also migrated from Pakistan to India in 1947 and reached the highest positions in the country. But the likes of them did not even get the benefits of MGNREGA schemes in J&K without PRC.

He further said that they have no agricultural land. His elder brother had been working in an industry in the Gangyal Industrial area, while his younger brother was working as a barber in RS Pura. “I worked in a hotel in New Delhi for three years, but with the meager salary I was getting there, it was impossible to save any money, compelling me to leave the job. I worked in a factory for one year but due to tough working conditions and some health issues, I left the job”, Vipin said. When asked about the MGNREGA work, Vipin Kumar said that the scheme was for PRC holders and not WPRs. “The Panchayat representatives are locals, who seek PRC cards for MGNREGA works, so they denied any MGNREGA job to us”, Vipin said, adding that in Jammu and Kashmir, the youth of WPRs were denied all facilities and benefits of various government schemes. The WPR youth cannot get loans from Banks to start a business. “The Bank seeks land records for mortgaging, but our land is not registered in our name, so we don’t even get loans”, Vipin lamented.

Like Vipin Kumar, hundreds of youth from WPRs households have left their studies midway and started working in factories to support their families. Over one hundred fifty families of West Pakistani Refugees (WPRs) reside in the village BadyalQazian. Out of over four hundred youth in the village, most young men are either working in private shops, factories or doing agricultural work. Only a few of the WPR boys work in Bari Brahmana's industrial units or Jammu's Gangyal industrial area. The industrial area of Gangyal and Bari Brahmana comprises various types of industries, including beverage production units, gun factories, generator set manufacturing units, wire manufacturing units, pharmaceutical industries etc. In most industrial units, workers are engaged on contract basis and have to work for twelve hours a day and earn nine to ten thousand rupees a month. So most of the youth preferred to work in local areas or in agriculture-related works. Moreover, the industrial unit owners also prefer labourers from outside rather than local youth, according to twenty four years old Pardeep Kumar, another village resident from BadyalQazian.

Working from an early age: Interview with Anuradha and the problems of the youth

Anuradha loved to read books and wanted to pursue higher education. But her family's weak economic condition and the absence of PRC have forced her to drop out of school. She is now contributing to the family income by doing tailoring.²⁴ "The sewing charges for a simple ladies' suit is one hundred rupees, and for a designer suit with lining, we take three hundred for stitching, " she said. There is no regular monthly income, but they get good business during marriage ceremonies. When asked if she plans to open a boutique, Anuradha said, "Such thoughts never come to us and it is hardly easy to start a business." (*Humko Aisi Soch Nhi Aati aur Business shuru Karna koi aasan Kam thodi Hai*).



Anuradha with her family at her residence in the village Chakrohi (Photo by Author)

Anuradha (23) is the eldest among three sisters and one brother, and she had to dropout of her school after class 8th due to the family's poor economic condition. As she narrated, they are West Pakistani Refugees (WPRs), due to which no one in the family is in a government job. Her father is a mason with a modest income, which is insufficient to meet all family needs. Her family had difficulty sending all the children

²⁴ Interview with Anuradha on 17th of December 2018 at her village Chakrohi of Suchethgarh tehsil, R.S.Pura, Jammu.

to school. Their prime aim is their marriage; her parents do menial work to keep the family going. Anuradha further said the marriage of a girl requires a minimum of three to four lakhs of rupees in their area. They are three sisters, and a huge amount of money is required for their marriages. Thus, her studies was like a burden on my family, due to which she left it after class 8th in 2007. She would feel very depressed when her classmates went to school, but she had to do tailoring at home to support the family. Anuradha added that there was no fixed income in tailoring, and she had to sit for long hours to complete her work during the marriage season. Despite working for many hours, Anuradha earned Rs. 2000-2500 per month, on an average. Although tailoring was not a very profitable line of work as there was great competition in the village itself, in the absence of any other avenue, this is what she did. “All WPRs are in a similar economic condition, and the girls usually have to leave studies after school and engage in tailoring”, she said, “some girls are employed in beauty parlour shops, while the rest WPRs families do household chores or agriculture work before and after their marriages”.

In addition, despite the fact that all WPRs belong to Scheduled caste communities, the Social Welfare department (SWD) scholarship of state government also requires the PRC. In the absence of it, WPRs do not get any support. There are many such Anuradha's in Chakrohi village and talking to them I realised how even access to a petty trade like tailoring is practically denied to the population. They are compelled to learn their skills informally and through local or kinship networks. Anuradha's cousin Rajni shared a telling story, “We learnt this profession from some friends as we are not allowed to do ITI (Industrial Training Institute) diploma in tailoring. I thought of taking admission at the ITI College R.S.Pura. But I did not get through as they ask for the PRC which I didn't have. In addition to exclusion from jobs, we are not even allowed admission to professional courses like the one at the ITI”.

Anuradha's mother Bhajno said that everyone in the family has to work in order to meet all the requirements of family. Bhajno also worked in marriage ceremonies or did domestic chores in villages to support her family. Bhajno said that majority of females of WPR families performed manual jobs. They work as maids in the houses of locals, clean dishes, sweep their houses, wash clothes and do some other chores. “Every maid gets one thousand rupees a month from each house, for cleaning and sweeping”, she said, adding that some of the women work in two to three houses.

“After finishing their domestic chores and seeing off their children and male members to work, the women go to work. The women finish their tasks at their employers’ houses by 1 or 2 PM and return to their homes to do some agriculture related work, like collecting fodder for cattle”, Bhajno Devi said, adding that WPRs own little agricultural land due to which most of the family members have to do some other work in order to generate extra income. Several WPRs families have cows and buffaloes. The work related to cattle is done by women and children.

Borders as political space: Benefits of 370

Politics at the borders is different from the mainland, as majority of the West Pakistan refugees are residing here. They do not have the similar rights as other citizens of the Jammu and Kashmir have. The political right to choose representative is not with them as they are not considered legal citizens of the state. Most of the respondents narrated how they are politically pushed to the back seat compared to the locals in Jammu and Kashmir. However, one of the respondents from the village Suchetgarh, Rajni²⁵ spoke about how she supported the BJP as this is the party that thinks about all the sections of the society.

Another resident Roshan, an activist, lamented how earlier people considered them to be Pakistani. That is no more the case after the abrogation of articles 370 and 35A, which granted special status to the residents of the erstwhile state of Jammu and Kashmir. The land will be transferred, Roshan hoped, to their name soon as they will also have the benefit of a domicile similar to the residents of Jammu and Kashmir. People are giving education to their kids, but uncertainty had always prevailed in their lives about the future settlements.²⁶

Ironically, Roshan said that people had applied for compensation before the abrogation of Article 370, but when the abrogation happened, people withdrew their forms and did not follow the compensation process, thinking it is better to think about

²⁵ Interview conducted with Rajni on 15th January 2021 at her residence village Suchetgarh

²⁶ Interview conducted with Roshan on 6th January 2022 at his office in village Chakrohi, tehsil Suchetgarh

the future of the children than to take the monetary benefit, so the families did not apply for the process. His views were supported by the official records of the Suchethgarh tehsil office, where the official in charge of the tehsil office informed that there are only twenty-five case files of compensation that have reached the office. People are not applying for compensation for the fear that they might be targeted as refugees in the official records, which will harm their children's future. "Many refugees had managed PRC from backdoor channels and even have got some government jobs. So if they would have got government job on fake PRC and today if they apply for compensation, a case of fraud could be lodged against such person, so maximum number of people avoid taking compensation", a local said.

The Tehsil officials informed that they had already organized awareness camps with the help of the local leaders and representatives of the concerned village regarding the rehabilitation package but people were not coming out and availing the benefits. He further said that compensation is also given to the POJK displaced population in comparison to the population of the WPRs. The families from the POJK have gained much, as they do all the paperwork on time and have all the documents. He also said that many WPRs in the villages are in government jobs and have Permanent Resident certificates, so if they apply for compensation, they have to give all the details about their earnings, which might be a case of forgery. So, due to the larger fear of losing their jobs, they are not showing up or claiming themselves as refugees.

Conclusion

The chapter has attempted to narrate the life of the border residents from the villages of tehsil Suchtegarh. It is an attempt to look at the various dimensions of the WPR population in Jammu and Kashmir because they live dangerously close to the demarcated border between India and Pakistan, and the constant conflict in the area makes WPRs' lives more vulnerable. It also differentiated the life of WPRs between borderland and non-borderland localities. It has provided an overview of how these borders evolved and explored how "some things can occur only at borders."²⁷ It concludes that borderlands not only have different meanings for different actors but are also a manifestation of power relations in society at various levels. It is a space of

²⁷Schendel, Willen van. *The Bengal Borderland: Bengal State of Nation in South Asia*. London: Anthem Press (2005).

contested rights, access to services, and contested citizenship. Keeping the emphasis on geographic boundaries, borders are frequently depicted in modern times as their 'physical manifestation'²⁸ as barbed wire fences, gates, border guards, and increased military presence.

On the other hand, international borders are essentially social constructs experienced by individuals who cross them or are prevented from crossing them. Movement across borders has an impact on individuals as well as the socio-politics of the land. This chapter is an attempt to look at the various dimensions of the WPRs population in Jammu and Kashmir. As we have witnessed in the multiple narratives stated in the preceding pages, the WPR population occupy one of the most marginalized locations even among the refugee population. At the same time, there is a further, more marginalized segment of WPRs living at the border areas, whose lives are constantly wrecked by poverty, threat to life and constant uncertainty in the face of cross border military violence. The fact that a large number of this population happens to be Dalit or Scheduled Caste makes them even more vulnerable and exposed to the vagaries of life in a militarized zone. Although the abrogation of Article 370 has brought them a glimmer of hope, it is too soon for a change of fortunes for this population in the coming years, and urgent for us to attend to the desperate state of such population who are citizens but effectively exist without the rights that are guaranteed by belonging to a state.

²⁸Haselsberger, Beatrix, Decoding borders. Appreciating border impacts on space and people
Crossref DOI link : <https://doi.org/10.1080/14649357.2014.963652>

Conclusion

This chapter seeks to conclude the study by summarising the key research findings related to the research objectives and addressing various questions raised during the study. It will also delve into the study's limitations and suggest areas for future research. My study on the West Pakistan refugees in Jammu and Kashmir has drawn attention to the difficulties experienced by the refugees population in many ways and documented the phenomenon taking place along India's most volatile borders. On August 14 and 15, 1947, the creation of two nations forced the migration of many people to either side of the newly created boundary. The governments of the two new nations formulated some rehabilitation schemes for the new population, albeit with the bloody loss of many lives in the process (Menon & Bhasin, 1998). However, as we have witnessed in this thesis, the discussion on the settlement of the West Pakistani Refugees or WPRs continued to persist for more than seven decades. The larger problem of displaced individuals persisted in Jammu and Kashmir for more than seven decades with massive influx of migrants from Pakistan during 1947, 1965, and 1971 Indo-Pak Wars. These events resulted in transforming the borders and redefining the community identities in J&K. The present thesis enables us to understand how borders came to provide identity to the people, primarily focussing on the case of West Pakistan refugees residing in the J&K state after the partition of 1947.

The distribution and settlement of refugees in Jammu and Kashmir on humanitarian basis is the central idea that thematically unites the chapters. This humanitarian distribution of refugees is crucial to understand the plight of the WPRs in that region. The fieldwork with the WPRs and other refugees' groups that migrated to border regions of Jammu, provides new insights into understanding the division among refugees that are quite different from the geographical division. It practically means that besides the physical border, a different kind of border exists within human population as well, and that border defines who lives where and what are the circumstances they daily encounter.

An important factor is how the caste system affects WPRs status compared to other refugee groups in J&K, which is another critical aspect of the humanitarian distribution. The refugee population is divided into layers, similar to the layers in an onion, in which

one group of humans constitute the core, more protected and privileged while others, who constitute the outer layers and periphery, can be seen as increasingly more vulnerable to socio-economic and political difficulties. The residents of the peripheral layers may travel to the core, but they can never be considered part of it as their true location is always determined by their caste status or status as border dwellers. The research highlights the need to comprehend the status of the WPRs through their everyday lives or interaction in the social environment. It also investigates the state's function and its discriminatory use of integration to alienate people based on unique laws for seven decades.

Question of Identity

Chapters one and two in the thesis define an individual's identity in this regard after the partition of 1947. The first chapter explained how national identities are created based on newly created borders following the division based on the two nations theory. It also discussed the role of the State in defining the boundaries and creating the binaries of 'us versus them'. The chapter explains how the border exists in the real sense, quite different from its imaginary construction in popular representations. We cover a wide range of scholarship to understand the concept of borders here. The chapter further explains how a new boundary line was drawn in J&K after the signing of the instrument of accession between the Maharaja of J&K and the Indian government. The survivors' anecdotes from the POJK region and different war refugees help to understand the new identity of the residents and their transformation from natives to refugees after their migration. It also focussed on how geography played an important role in the creation of the identity of an individual.

The second chapter of the thesis is devoted to a detailed study of the identity documents of the residents. This chapter explains how it does not matter if someone legitimately resides within the territory of a defined state. They are practically considered as others or aliens until one has legal possession of certain specific documents considered as valid proof. The chapter thus focuses on the role and importance of government-sanctioned documents in an individual's life. It studies the role of Permanent Resident Certificate or the PRC in Jammu and Kashmir, which came to provide a unique identity to its residents after 1947. It is the absence of this document that made the WPRs a marginalized group in

the special status-holding State of Jammu and Kashmir for over seven decades. This illustrates how identity is never simple or static; it is dynamic and layered. As we saw, however, what distinguishes those residing near the border from others belonging to the same group is how readily their national identity can be called into question and taken away, either temporarily or permanently (Banerjee & Chaudhury, 2011 p.76). The WPRs therefore lacked a legitimate state identity as residents of the host state and did not effectively possess any rights in the state for over seven decades. The identity document was granted to these WPRs only recently, after the abrogation of articles 370 and 35A from Jammu and Kashmir whereby the status of WPRs changed from stateless citizens to citizens of a Union Territory.

Citizenship status and its benefits

In this way, what the WPRs desired for more than seven decades is citizenship in J&K and having access to the PRC and using its services. While citizenship has been described as a legal and political status, it can also be characterised sociologically as competent membership in a democracy, highlighting the constitutive nature of citizenship (Turner, 1994). Anyone who has citizenship is eligible for full community membership. It bestows a variety of privileges and duties on them (Beteille, 1996). It is an undeniable way to distinguish between people who "belong" and others who don't. While Chapter two underlined the importance of citizenship, Chapter three described how the WPRs could not avail the benefit of rehabilitation schemes and were forced to live under precarious conditions without citizenship documents. The discussion highlighted how critical were the PRC documents for the WPRs who could not avail the benefits of socio-economic and political rights of the state especially when compared to the other sections of refugees, who faced similar circumstances in their lives.

Although citizenship is usually verified through various paper documents, the PRC was the essential component in the lives of residents of J&K, in order to avail resources and benefits like jobs and scholarship, as well as political participation at the state level, and, significantly, land ownership. The WPRs have been living without social, political and economic rights since 1947. It was only in 2019 when the central government repealed the special status of J&K, that the WPRs were practically recognized as citizens of J&K.

They were granted the right to have domicile certificates which are expected to help them claim equal status at par with the natives of J&K.

Caste dynamics and WPRs

Drawing upon extensive ethnographic fieldwork, chapters four and five study the role of caste and how it has impacted the lives of WPRs who are settled along with other caste groups at two different locations of Suchetgarh and Akhnoor. The assimilation of the marginalized WPRs with the *Jat* community and native Dalits of the J&K has brought a new dimension to understanding the condition of the WPRs residing with these heterogeneous caste groups. As we have seen, the caste identity directly impacts the socio-political and economic status of the WPRs. Moreover, we discuss how their habitation right at the edge of the borders, and the uncertainties of the cross-border conflict routinely disrupt the lives of the WPRs in different ways compared to the other population residing at the same locations. They have been impacted severely and adversely by the agricultural land loss and lack of compensation for the land that came under the fencing. Being at the very bottom of the social pecking order with a status close to that of aliens, the WPRs never found a place in the regional-level politics for the past seven decades. Though they have access to the Border Area Certificate, it is of no practical use due to the lack of PRC.

At the same time, the thesis discusses how the Scheduled Caste status of the WPRs became an important factor in their deprivation and vulnerability, as different segments of refugees and displaced found favourable treatment and benefits from the political and administrative setup of the state. The WPRs have been doing menial jobs and contributing as a significant labor force in the local society, thus contributing to the economy of the areas (Suchetgarh and Akhnoor) where they are settled. They have been contributing to the economy of the State in a number of ways documented here, but facing the denial of citizenship rights and basic facilities for the past seven decades in return.

Conflict and the state of uncertainty

The thesis offers detailed accounts and valuable insights into the role that uncertainty plays in the lives of those who reside near the borders, where everyday existence is made precarious and dangerous due to conflict and hostile relationships between the neighbouring armies or forces.

Interestingly enough, the conflict at the borders has impacted different sets of population differently. Political boundaries and borderlands are subject to the sovereignty of the states and are often described as sensitive areas- exceptional and dangerous. As Donnan and Wilson have argued, 'borderlands are the sites of symbol of power'¹; that power belongs to the state which is visible in the high degree of militarization at the borderland and fencing of the borders. The fencing at the borders is the territorial limit of a state and its sovereignty. Borders and borderlands are extreme examples of state markers of sovereignty, and this extremity makes these areas sensitive and dangerous. Such sensitivity concerns the territoriality of the state and is accompanied by a concomitant insensitivity towards the people residing in the region, especially in the context of their vulnerability due to the perpetual potential of ceasefire violations, cross border firing, and shelling that pose a constant threat to the social and economic life of inhabitants of borderlands. The last chapters document and explain at length the impact of conflict on the lives of WPRs who reside at the borders' margins. It is where the physical border of the state converges with the humanitarian border of the population that we flagged before.

Research Methodology

This study in the thesis is qualitative, and data has been collected from primary and secondary sources. A purposive sampling technique has been used to select the border villages where the population of WPRs is found to reside in good numbers. To make the sample representative, the demography, caste class, gender, and age have been considered. Data collection from the identified sample has been done using various tools, including interviews. We have conducted structured and unstructured interviews,

¹Hastings Donnan, Thomas M. Wilson, *Borders, Frontiers of Identity, Nation and State*, Routledge, 1999

questionnaires based on casual conversations, and focused group discussions among groups like the POJK DP. The 1965 and the 1971 war refugees residing in different tehsils of Jammu. The method would be ethnographic for the study, where I have conducted participatory observation on their dietary practices, clothing, daily and monthly expenses, source of income, and their interaction with government officials and policies as well the role of local state functionaries towards them. I have also visited the shops, factories, small-scale industries, and informal units of the Jammu area, where the WPRs work to maintain their economic status and occupation. I have also also visited the particular locations, villages, and temporary shelter homes during the conflict time of 2018. The regular interactions with the Block Developmental Officer (BDO), Tehsildar, and Sub Divisional Magistrate to know their perspectives on the problems of rehabilitation scheme and other border areas issues and the government policies implemented and adopted for their settlement and compensations.

We have conducted structured and unstructured interviews and focus group discussions, among groups like the POJK DPs, the 1965 and the 1971 war refugees, who reside in the different tehsils of Jammu. We have dug up and consulted several documents related to refugees in the State archive, particularly around the periods the Dogra Maharaja brought up the issue of State Subjecthood in the Princely State. Other primary sources of information include news reports from local newspapers and vernacular like *The Daily Excelsior*, *The Greater Kashmir*, *The Kashmir Times*, *The Early Times*, and *The Jammu Prabhat* (English and Dogri newspapers). Lastly, several government reports and recommendations by various working groups like the WPRs Action Committee also form an essential and extensive resource for the study.

Specific Research Observations

Although they are part of the same group of partition refugees, because they reside in two different areas of the Jammu region, the WPRs have different sets of problems in maintaining their life and livelihood. In the villages of Akhnoor, it was observed that caste and class play an important role in the disbursal of welfare schemes and access to public resources and other facilities like access to mobility and related facilities like roads and lanes. The areas where the upper caste WPRs resides seem to have pucca roads. The

road connectivity is fine in these parts with the transport facility of the 4-5 mini-buses from the main tehsil to these connecting border villages. However, the villages where the Dalit population resides have dilapidated roads, with only one mini-bus reaching the town in the morning and the same taking back the passengers in the evening. People in these parts travel on bicycles or motorcycles, and Dalit villages suffer from a scarcity of personal vehicles due to their weak economic conditions, while the situation in the upper-caste-dominated villages is markedly different.

It has been observed that the youth from the lower caste are migrating or moving out of the state in search of livelihood. From each of the villages visited, it has been found that there are cases of at least 5–6 individuals who have already moved out while others are in the process of moving. At the same time, the youth from the upper caste, particularly the Rajput community, are making their livelihoods by serving in the paramilitary, army, and a few have engaged in local-level self-employment as taxi drivers, electricians, or other skill-based jobs. There are a few cases of people involved in the mills and factories of Jammu as the industrial area is far from their native places at a distance of around 70-80 kilometers. The poorer segments are left with the option of performing menial jobs in the Akhnoor tehsil.

The thesis shows that not only the refugees form an internally differentiated and heterogeneous category, but some of the extremely vulnerable groups also coincide with being poor farmers and Dalits who do mainly menial jobs. They seem to make up a different and distinct underclass among the refugees, one which the rest of the host society and the local state refuse to even acknowledge or recognize as refugees. The WPRs belong to this invisible class of refugees, who have suddenly become visible after the abrogation of Article 370. It must be noted, however, that this visibility has not improved their lives at least until the last legs of the research. But even worse is the case of the WPRs living on the borders. Displacement and familiarity with violence is a routine reality for them instead of being a single episode in 1947. They are caught up in the middle of the flux and uncertainty of migration forever.

For long, the WPR community considered the PRC a stumbling block in their progress and development. Naturally, they are thankful to the current central government for

striking it down, and most members of the community we met during the course of the research appeared to be committed supporters of the Bharatiya Janata Party for this reason among others. However, although the PRC has been struck down, even after two years of the abrogation of the special article, the overall status of the WPRs remains the same or a mixed bag at most. They have received no special package or special schemes of benefits up to this point, and most importantly, they have not received any sanction for ownership of their allotted land. Thus, even though many of the WPRs have lost the state-allotted land due to subsequent fencing of borders, no compensation has been offered to them so far. Lately, a Circular Road project is under development on their lands. Once again, the majority of those who depend on agriculture for their survival stand to lose in the process as they do not possess any legal ownership rights to their land.

Limitations of the study

The study is qualitative, and the purposive sampling technique was used to select the areas as well as samples to gather data. The results and findings of the study cannot be generalized, given the sampling technique and small sample size. There is a scarcity of secondary literature as well as government records of the entire WPRs population residing in various districts of Jammu region. The only source to get details of WPRs is the records compiled by West Pakistan Refugee Action Committee (WPRAC). However, the records could not be wholly relied on as many refused to identify as refugees. This denial of WPRs identity grew after the revocation of Article 370 and 35A. If the records of WPRs are systematically compiled with concrete details by some government or semi-government agencies, a more systematic study can be done on WPRs using the probability sampling method, and the results can be generalized. In the thesis, the sample is drawn from the villages of only two tehsils, but the WPRs population is residing in other tehsils of the Jammu region also which is not covered in this study. If that would be considered, the study would give a more comprehensive view about their problems. Moreover the study has tried to shed some light on the caste as how it determines the marginality of the WPRs. However, if concrete data about the caste-composition of WPRs is available, a more systematic study can be conducted to analyze the degree of caste significance in the marginalization.

Annexure 1

HIS HIGHNESS' GOVERNMENT, JAMMU AND KASHMIR.

R. O. P. J. - 15-4-27 - 30/100.

This is to certify that _____ son of _____ resident of village _____ Tehsil _____ District _____ is a State Subject of 2nd Class within the meaning of the Judicial Department Notification No. 81, dated the 20th April 1927 (reproduced over-leaf).

WAZIR WAZARAT,
Jammu District.

Full Description.
L-ft hand thumb and finger prints.

Height _____
Age _____
Marks of identification _____

Signature of the applicant _____

--	--	--	--	--

WAZIR WAZARAT,
Jammu District.

Ground on which the certificate is given. _____

Date: _____ 1927 .

Attested.

Dated _____ 1927 . Head of the office.

Designation.

For use in the audit office

Received with Dy. No. _____
Vt. No. _____

File in State subject certificate

File of _____

Date _____ 1927 . Auditee.

Images showing the state Subject granted to the residents of the Princely state by the Maharaja Administration (Photograph by Author)

Annexure 2

RQPJ-1969-15. 40

(See Rule 6, 5)

GOVERNMENT OF JAMMU AND KASHMIR

This is to certify that..... Rana Mohd. Hafiz son
of..... Mohd. Rafiq resident of village Mohalla Hatal H. No. 33
Tehsil..... Jammu District..... Jammu is a permanent resident
of..... J.K. State as defined in the Constitution of Jammu and Kashmir.

Rafiq
DEPUTY COMMISSIONER
JAMMU
District
Tehsil

FULL DESCRIPTION

Left hand thumb and finger prints

Height..... 5'-10".....
Age..... 36 years.....
Marks of identification.
A cut mark on the right
leg's ankle
Signature of the applicant
M. Hafiz

--	--	--	--	--

M. Hafiz
TEHSILDAR
JAMMU
CIRCLE NO. 1
JAMMU.

Grounds on which the certificate is given,
du his pais report of Tehsiladar Jammu Certificate
is hereby issued vide file no 10541/Re/1969-70
dated 26.1.69

Rafiq
DEPUTY COMMISSIONER
JAMMU
District
Tehsil

Dated.....19.....
Dated.....Head of the Office
Designation.

For use in the Audit Office

Dy. No. _____

Received with _____

Vr. No. _____

File in State Subject Certificate File
of.....

Dated 19..... Auditor.

Permanent Resident Certificate of a native of Jammu (Photograph by Author)

Annexure 3

Government of Jammu & Kashmir

This is to certify that Manik Sharma
 son of Sh. OM Paskash resident of village Manjoriya Polandon
 Tehsil R. S. Pura District Jammu is a permanent resident
Left Side as defined in the constitution of Jammu & Kashmir Govt.






Bac...
 (Na Ditta Bhagat)
 Addl. Deputy Commissioner
 JAMMU.

DEPUTY COMMISSIONER
 TEHSILDAR

District
 Tehsil

FULL DESCRIPTION
 Left hand thumb and fingers prints

Height..... 6'0"
 Age..... 15 years
 Marks of identification,
A Black mole on back
Mark on...

				
--	--	--	---	--

DEPUTY COMMISSIONER
 NAIB-TEHSILDAR

Grounds on which the certificate is given

S. S. Pura Circle No.

On the basis of report of Tehsildar R. S. Pura
 Vide No. 647/2 dated 15/11/47
 This certificate is given in accordance with this
 off. order No. 499 dated 20/11/47
 Dated 17/11/47 at Jammu
 Sd/- Manik Sharma
 Tehsil R. S. Pura Dist. Jammu.

Bac...
 (Na Ditta Bhagat)
 Addl. Deputy Commissioner
 JAMMU
 DEPUTY COMMISSIONER
 TEHSILDAR

For use in the Audit Office

- 1 -

Received with Dy. No. _____
 Vr. No. _____


File _____
 Dated _____ 19____ Auditor

Dated _____
 Designation _____

Permanent Resident Certificate of a person displaced from POJK to Jammu in 1947(Photograph by Autho

Annexure 4

Office of the Naib Tehsildar R.S. Pura



IDENTITY CERTIFICATE FOR WEST PAKISTAN REFUGEE RESIDING IN
THE STATE OF JAMMU & KASHMIR

This is to certify that Shri/Ms/Smt GILANI CHAND
S/O D/O W/O Shri BOHLU RAM formerly
a resident of village BEEHU Tehsil SIALKOT
District SIALKOT of undivided India (now Pakistan)
presently residing at H.No. _____ Street/ Lane No. _____
Mohalla R.S. Pura W.No. _____, village PHINDER,
Tehsil R.S. Pura, District Jammu is a West Pakistani Refugee after
having migrated from Pakistan during the Indo- Pak Conflict of 1947.

This Certificate has been issued on the basis of
the report of Lambardar, Chowkidar, Patwari
Halqa concerned and specific recommendation of
Sh. Labha Ram Gandhi President West Pakistani
Refugee Action Committee 1947.

No:- 1649/NT-4
16/3/12

BALAK
Naib Tehsildar
Naib Tehsildar
Harali

The identity certificate of the WPRs recently issued by the Naib Tehsildar by an order of the central Government of India. (Photograph by Author)

Annexure 5

Government of Jammu & Kashmir

This is certify that HIMANI DUTTA
 S/o of SH. VARINDER KUMAR resident of village NANDIY SAWAN CHACK
 Tehsil KATHUA District KATHUA is a permanent resident
OF J&K STATE as defined in the constitution of Jammu & Kashmir Govt.

**DEPUTY COMMISSIONER
TEHSILDAR**
District
Tehsil

FULL DESCRIPTION
Left Hand thumb and finger prints

Height 5'-2"
Age 14 YEARS

Marks of Identification
A BLACK MOLE ON THROAT
Signature of the applicant
Himani Dutta

Attested
**DEPUTY COMMISSIONER
NAIB - TEHSILDAR**

Grounds on which the certificate is given

*As per the records of the office
File No. 1111, Dated 2-11-2019
PC is being vide this office File No.
262-2/2020 dated 2-11-2019*

Puneet Sharma
Asstt. Commissioner (Rev.)
**DEPUTY COMMISSIONER
TEHSILDAR**

Dated _____
Dated 201 Head of the office
Designation

For the use in the Audit Office
-D-
Received with Dy. No
Vt. No
File _____
Dated _____ 201
Auditor

Scanned with CamScanner

**Form-B
(See Rule-6)**

**Government of Jammu and Kashmir (UNION TERRITORY)
Office of the Tehsildar Kathua**

Phone No:-01922234317 E-Mail:- tehsildarkathua007@gmail.com

DOMICILE CERTIFICATE

Certificate No:- KTH / Domicile/ 2732-56/1 Date: 26-8-20
21/6/2020

This is to certify that Miss/Smt/Sh. HIMANI DUTTA
 S/O/W/Sh. VARINDER KUMAR R/O NANDIY SAWAN
CHACK KATHUA Tehsil & District Kathua Post Office KATHUA
 Pin Code No. 184101 Aadhar No. 574435499 whose photograph is
 attested below is a Domicile of Union Territory Of Jammu and Kashmir.

That the applicant is eligible in terms of the following clause of rule 5 of Jammu and
 Kashmir grant of Domicile Certificate (Procedure) Rules, 2020.

Clause 1(c)

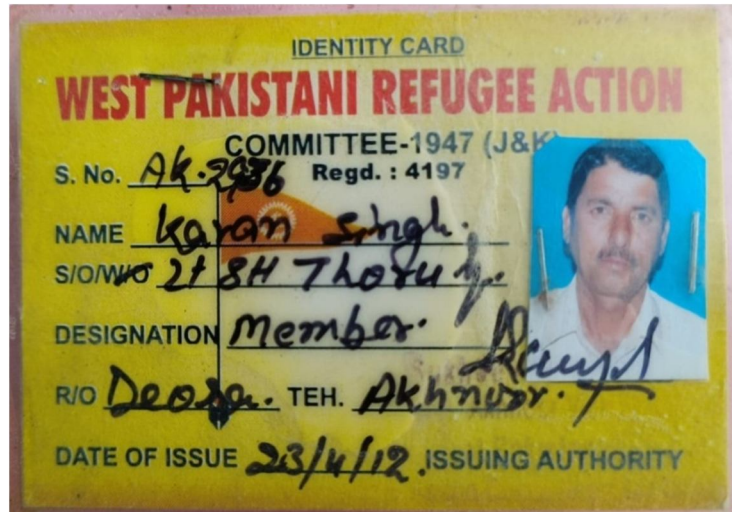
GOJRAV SHARMA
TEHSILDAR
KATHUA
Signature with seal of
Competent Authority
Name:- Gourav Sharma
Designation :- Tehsildar

GOJRAV SHARMA
TEHSILDAR of Officer.
KATHUA

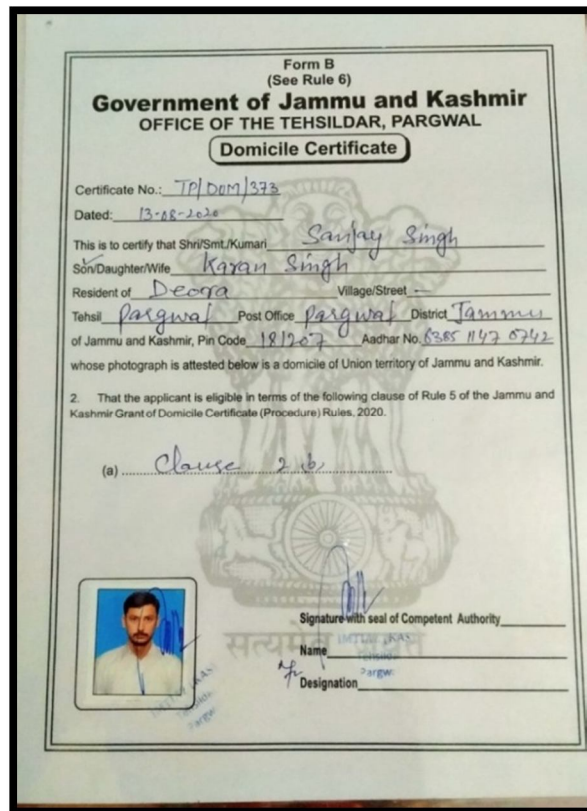
Scanned with CamScanner

The first image shows the Permanent Resident certificate of Himani Dutta second image is the Domicile Certificate. (Photograph by Author)

Annexure 6



The card issued by the WPRAC to recognised the families of WPRs residing in different areas of Jammu region



Domicile of the WPRs granted after the abrogation of Articles 370 and 35

(Photograph by Author)

Annexure 7



Watchtower of Army camp along the ditch on the way towards village Jamana Bela

(Photo by Author)



Villages fields along the Indo-Pak International border

(Photograph by Author)

Annexure 8



Dhehriyan visible in the border villages of Akhnoor (Photograph by Author)



Kamla Devi knitting sweater at her residence village Deora (Photograph by Author)

Annexure 9

5

OFFICE OF THE BLOCK DEVELOPMENT OFFICER PARGWAL
bdopargwal@gmail.com

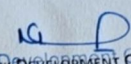
PROVISIONAL REGISTRATION CERTIFICATE

It is certified that Sh Sanjay Singh S/O Karan Singh
R/o Deora Panchayat Uzha Manhan Block Pargwal is provisionally
registered as contractor for execution of works upto 3.00 lakh under District Capex.

The form along with self- attested photocopies of requisite documents submitted in this
office for Provisional registration has been verified by the concerned Sarpanch & Panchayat
Secretary. (Copy of the recommendation certificate is appended below)

Reference no:-SSCI/CPO/2021-22/3183-92 Dated:-13-09-2021
File no:-Prov. Reg./Pargwal/2021-22/Pyt/ SM/26 dt 30-9-21

No:-BDO/P/2021-22/ 546
Dated:- 30-09-21


BLOCK DEVELOPMENT OFFICER
PARGWAL

Note: - Validity of this Provisional Registration certificate is 60 days from the date of issuance
subject to the condition that there is no objection from any other department/office/or agency.

Sanjay shared his provisional document of the contractor (Photograph by Author)



Jagdish Raj at his village Jamana Bela (Photograph by Author)

Annexure 10



Women of the village Jamana Bela (Photograph by Author)



Community bunkers constructed in the village Rajpura (Photograph by Author)

Annexure 11



Bus going towards R.S. Pura from SatwariChowk Jammu (Photo by Author)



Suchetgarh areas fields along the roadside (Photo by Author)

Annexure 12



Search towers along the roadside on the Suchetgarh and its adjoining villages

(Photo by Author)



Board indicating the BAPD programmers' erected on the roads of Suchetgarh

(Photo by Author)

Annexure 13



Raghunath temple at the entrance of the Octoria post at Suchetgarh (Photo by Author)



Villagers sitting under the Banyan tree at the centre of the village

(Photograph by Author)

Annexure 14



Yearly fest organized at the peer Baba shrine in village Suchetgarh (Photo by Author)

Annexure 15



Splinter marks on the wall of a house in village Suchetgarh (Photo by Author)



The yellow-painted house which badly impacted in cross border firing of 2018

(Photo by Author)

Annexure 16



Haveli Ram Namberdar of the village Suchetgarh at his residence (Photo by Author)



Rajni Devi at her residence in village Suchrtgarh of Jammu (Photo by Author)

Annexure 17



Kamlesh Devi, Showing her injuries got during the cross border firing(photo by author)



Annexure 18



Mamta Devi at her residence in village Suchetgarh (Photo by Author)



Vikas at his residence village Suchetgarh (Photo by Author)

Annexure 19



Kashmir Das at showing his wounded marked hand in cross border firing at his residence village Chakrohi (Photo by Author)



Primary Health centre in the Village Suchetgarh (Photograph by Author)

Annexure 20



Middle school of Village Suhcetgarh (Photo by Author)

Annexure 21



Landscape of villagers fields with fenced barbed wire and gates (Photograph by Author)

Annexure 22



Fields with gates and fences in the villages of Suchetgarh (Photo by Author)

Bibliography

Government Proceedings:

Jammu Kashmir State Archives, Jammu Repository
Political Department
General Department
Revenue Department
His Highnesses Private Papers

Published Government Reports and Records

Annual Administration Reports of the Jammu and Kashmir State, 1891-1920
Census Report of the Jammu and Kashmir 1921-1961

Newspapers

Daily Excelsior
Early Times
Kashmir Times
Greater Kashmir
Tribune
The Indian Express
The Hindu

Movies and Documentaries

Pinjar
Khamoshpani
Azad deshkeghulamlogha documentary on the WPR
Gadhar
Earth
Refugee
Wounded identities
Topi an animated short movie

Elaan

47-84 hunmeinkisnuwatan

Garamhava

Kyadillikyalahore

Abrabhavale

Azad DeshkeGhulam Log Documentary on West Pakistan Refugee

Mithi

Novels and other short stories

Saddat Hassan Manto short stories

Tamas by Bhisam Shani

Train to Pakistan Khushwant Singh

Interviews conducted

.Interview conducted with Milkhi Ram resident of village Suchetgarh on 9th February 2021 at his residence at village Suchetgarh.

Interview conducted with Rita Devi at her residence in village Korotana of tehsil Suchetgarh on 10th February 2021

Interview conducted with Vikas resident of village Suchetgarh at his residence on 19th January 2021

Interview with Kashmir Das, resident of Chakrohi village, tehsil Suchethgarh on 21st September 2018.

Interview conducted with Ritu Manhas at her residence in village Deora, Akhnoor on 12th of December 2019

Interview conducted with these young girls in village Rajpura, Akhnoor on 20th December 2019

Interview conducted with Rekha and her cousin Anu on December 28th 2019 at their residence in village Rajpura

Interview conducted with Haveli Ram on 6th January 2020 at his residence village Suchetgarh.

Interview conducted with Geeta Devi on March 6th 2020 at her residence village Rajpura Akhnoor

Interview conducted with Roshan on 6th January 2022 at his office in village Chakrohi, tehsil Suchetgarh

Interview conducted with Mangat Ram on 10th of December 2019 in village Deora, Akhnoor

Interview conducted on 10th of December 2020 with her at residence village Deora, Akhnoor.

Interview conducted with Jagdish Raj on March 9th 2021 at his village Jamana Bela, Akhnoor

Interview conducted with Baldev Raj on 10th February 2021 at his residence Jamana Bela of Akhnoor

Interview conducted with Kamlesh Devi on 12th January 2021 at her residence village Suchetgarh

Interview conducted with Tarseem Singh on January 12th 2021 at his residence village Jamana Bela, Akhnoor

Interview with Anuradha on 17th of December 2018 at her village Chakrohi of Suchetgarh tehsil, R.S.Pura, Jammu.

Interview conducted with Rajni on 15th January 2021 at her residence village Suchetgarh

Interview conducted with Munna on December 18th 2019 at his residence village Jamana Bela.

Interview conducted with Kamlesh on 17th Aril 2021 at her residence village Korortan in Suchetgarh

Interview conducted with Sanjay Singh on December 19th 2019 at his shop in village Deora, Akhnoor

Interview conducted with Vipin Kumar on August 18th 2021 at his residence village Badyal Qaazian, tehsil Suchetgarh

Interview conducted with Joginder on 18th of March 2021 at his residence village Rajpura, Akhnoor

Interview conducted with Pooja on January 19th 2020 at her village Deora AKhnoor

Interview conducted with Sanjay Singh on December 20th of 2019 at his village Deora Akhnoor

Interview conducted with Garha Ram on 19th February 2021 at his residence village Suchetgarh.

Interview conducted with Garu Ram on 22nd of December 2019 at his residence village Deora, Akhnoor

Interview conducted with Jankar Chand on March 20th 2021 at his village Rajpura, Akhnoor

Interview conducted with Kuldeep Singh on 24th of December 2019 at his residence village Deora, Akhnoor

Interview conducted with Rajkumar on 25th March 2021 at his residence Village Korotana tehsil Suchetgarh

Interview conducted with Kavita on April 29th 2021 at her residence village Korotana, tehsil Suchetgarh

Published Sources:

Abhishek Waghmare, '*Indian Army's Death Toll of 64 in 2016 Highest in Six Years: 31 Terrorists Killed This Year,*' Firstpost, accessed September 21, 2016."

Aggarwal, Ravina. *Beyond lines of control: Performance and politics on the disputed borders of Ladakh, India.* Duke University Press, 2004.

Agha Shahid Ali in *Separation's Geography: 'By the Waters of the Sind* accessed 20 September 2019'

Ahmed, Ishtiaq. "Forced Migration and Ethnic Cleansing in Lahore in 1947: Some first person accounts." *People on the Move: Punjabi Colonial, and Post-Colonial Migration* (2004).

Ahmed, Ishtiaq. "The 1947 partition of India: A paradigm for pathological politics in India and Pakistan." *Asian ethnicity* 3, no. 1 (2002): 9-28.

Anand, Adarsh Sein. *The Development of the Constitution of Jammu & Kashmir*. New Delhi: Light & Life Publishers, 1980.

Anand, Adarsh Sein. *The Development of the Constitution of Jammu & Kashmir*. Light & Life Publishers: 1980.

Anderson, Benedict. *Imagined Communities. Reflections on the Origin and Spread of Nationalism*. Verso, 2016.

Anderson, Malcolm. *Frontier Regions in Western Europe*. Routledge, 2013.

Ansari, Sarah. "Subjects or Citizens? India, Pakistan and the 1948 British Nationality Act." *The Journal of Imperial and Commonwealth History* 41, no. 2 (2013): 285-312.

Bali, Pawan. "West Pakistan refugees 60 years on, still refugee with no homeland." *Epilogue Magazine*, January.2008.

Balibar, Etienne. *Politics and the Other Scene*. Translated by Daniel Hahn, 1999.

Bamzai, Prithivi Nath Kaul. *A history of Kashmir: Political, Social, Cultural, From the Earliest Times to the Present Day*. New Delhi: Metropolitan Book Co, 1962.

Bazaz, P.N. *Azad Kashmir A Democratic Socialist Conception*. Kashmir: Gulshan Books 2005.

Bazaz, P.N. *The history of struggle for freedom in Kashmir*. New Delhi Press: 1954.

Bazaz, Prem Nath. *Azad Kashmir: A Democratic Socialist Conception*. Lahore: Ferozsons, 1950.

Behera, Navnita Chadha. *Demystifying Kashmir*. Brookings Institution Press, 2007.

Bhalla, Alok, ed. *Partition dialogues: memories of a lost home*. USA: Oxford University Press, 2006.

Bhalla, Alok. *Stories about the Partition of India*. Vol. 1 .*Indus*, 1994.

Bharadwaj, Prashant, AsimKhwaja, and AtifMian. "The big march: migratory flows after the partition of India." *Economic and Political Weekly* (2008): 39-49.

Bhasin, Kamla, and Ritu Menon .*Borders and Boundaries: women in India's Partition* .New Delhi: Kali for Women 1998.

Bhattacharjee, Saurabh. "India Needs a Refugee Law". *Economic and Political Weekly* (2008): 71-75.

Bose, Pradip Kumar, ed. *Refugees in West Bengal: institutional processes and contested identities*. Calcutta Research Group, 2000.

Bose, Sumantra. *The challenge in Kashmir: Democracy, self-determination and a just peace*. Sage Publications, 1997.

Brass, Paul R. "The partition of India and retributive genocide in the Punjab, 1946-47: Means, methods, and purposes 1." *Journal of Genocide Research* 5, no. 1 (2003): 71-101.

Butalia, Urvashi. "Unfinished Histories." *India International Centre Quarterly* 35, no. 3/4 (2008): 330-343.

Butalia, Urvashi. *Partition The Long Shadow* ed. New Delhi: Zuban, 2015

Butalia, Urvashi. *The other side of silence: Voices from the partition of India*. Duke University Press, 2000.

Chadha, Behera Navnita. "State, Identity, and Violence: Jammu, Kashmir, and Ladakh." Manohar, New Delhi: Google Scholar, 2000.

Chakrabarty, Bidyut. *The Partition of Bengal and Assam, 1932-1947: Contour of Freedom*. Routledge, 2004.

Chandra, Bipan. "Communalism and the State: Some Issues in India." *Social Scientist* (1990): 38-47.

Chandra, Bipan. *Communalism in modern India*. Vikas Publishing House, 1984

Chatta, Illays. "Terrible Fate: "ethnic cleansing" of Jammu Muslims in 1947." *Pakistan Vision* 10, no. 1 (2010): 117-140.

Chatterji, Joya. "The fashioning of a frontier: the Radcliffe Line and Bengal's border landscape, 1947–52." *Modern Asian Studies* 33, no. 1 (1999): 185-242.

Chatterji, Joya. *Bengal divided: Hindu communalism and partition, 1932-1947*. Vol. 57. Cambridge University Press, 2002.

Chatterji, Joya. *The spoils of partition: Bengal and India, 1947–1967*. Vol. 15. Cambridge University Press, 2007.

Chattha, Ilyas. "Partisan Reporting: Press Coverage of the 1947 Partition Violence in the Punjab." *South Asia: Journal of South Asian Studies* 36, no. 4 (2013): 608-625.

Chattha, Ilyas. *Partition And Locality: Violence, Migration and Development in Gujranwala and Sialkot, 1947-1961*. Pakistan: Oxford University Press 2011.

Chaturvedi, Roopesh. "The Partition of Indian Sub-continent: Problems and Literary Prospects."

Choudhary, Zafar. "Being Muslim in Jammu." *Economic and Political Weekly* (2008): 11-14.

Chowdhary, Rekha, ed. *Identity Politics in Jammu and Kashmir*. Vitasta Publishing Pvt. Limited, 2010.

Copland, Ian. "The further shores of partition: Ethnic cleansing in Rajasthan 1947." *Past & Present* 160 (1998): 203-239.

Copland, Ian. "The master and the maharajas: the Sikh princes and the East Punjab massacres of 1947." *Modern Asian Studies* 36, no. 3 (2002): 657-704.

Copland, Ian. "The Princely States, the Muslim League, and the Partition of India in 1947." *The International History Review* 13, no. 1 (1991): 38-69.

Corbridge, Stuart, Nikhila Kalra, and Kayoko Tatsumi. "The search for order: understanding Hindu-Muslim violence in post-partition India." *Pacific Affairs* 85, no. 2 (2012): 287-311.

Croissant, Aurel. "Unrest in South Thailand: Contours, causes, and consequences since 2001." *Contemporary Southeast Asia: a journal of international and strategic affairs* 27, no. 1 (2005): 21-43.

Das, Suranjan, and Śekhara Bandyopādhyāya. *Caste and Communal Politics in South Asia*. South Asia Books, 1993.

Das, Suranjan. "The 1992 Calcutta Riot in Historical Continuum: A Relapse into 'Communal Fury'?" *Modern Asian Studies* 34, no. 2 (2000): 281-306.

Das, Suranjan. "Towards an understanding of communal violence in twentieth century Bengal." *Economic and Political Weekly* (1988): 1804-1808.

Das, Suranjan. *Communal riots in Bengal, 1905-1947*. Oxford University Press, USA, 1991.

Das, Veena, ed. *Violence and subjectivity*. Univ of California Press, 2000.

Das, Veena. "Composition of the personal voice: violence and migration." *Studies in history* 7, no. 1 (1991): 65-77.

Das, Veena. "Introduction: Communities, Riots, Survivors-The South Asian Experience 'in Veena Das (ed), Mirrors of Violence: Communities, Riots and Survivors in South Asia.'" (1992).

Das, Veena. "Violence, gender, and subjectivity." *Annual Review of Anthropology* 37 (2008): 283-299.

Dasgupta, Rohit K. "Citizenship and Its Discontents: An Indian History: Partitioned Lives: Migrants, Refugees, Citizens in India and Pakistan, 1947–1965." (2013): 477-479.

Engineer, Asghar Ali. "Communal Conflict after 1950: A Perspective." *Economic and Political Weekly* (1992): 1782-1785.

Engineer, Asghar Ali. "Communal Politics: climax and Downfall." *Peace Research* 37, no. 2 (2005): 37-41.

Engineer, Asghar Ali. "Communal propaganda in elections: a landmark judgment." *Economic and Political weekly*

Engineer, Asghar Ali. "Communal violence and police terror." *Economic and Political Weekly* (1986): 382-383.

Engineer, Asghar Ali. "Communalism, Communal Violence and Human Rights." *India International Centre Quarterly* 13, no. 3/4 (1986): 161-172.

Engineer, Asghar Ali. "Ethnic Conflict in South Asia." *Economic and Political Weekly* (1987): 540-542.

G. Shah, State Subjectship in Jammu and Kashmir (Srinagar 1998) p. 18-21. (Not Found)

Gabriel, Karen. "Manning the Border: Gender and War in 'Border'." *Economic and Political Weekly* (1998): 828-832.

Ghose, Debobrat. "Kashmiri Hindus Welcome step to abrogate Article 370.", Firstpost. August 06, 2019. <https://www.firstpost.com/india/kashmiri-hindus-welcome-steps-to-abrogate-article-370-dream-of-returning-to-their-homeland-7117391.html>

Ghosh, Papiya. *Partition and the South Asian Diaspora: Extending the subcontinent*. Routledge, 2014.

Gloria Anzaldua, "Borderlands/La Frontera: The New Mestiza, accessed on 21 August 2016" <https://www.shmoop.com/ethnic-studies/gloria-anzaldua-quotes.html>

Guha, Ramachandra. "Opening a window in Kashmir." *Economic and Political Weekly* (2004): 3905-3913.

Guha, Ramachandra. "The challenge of contemporary history." *Economic and political weekly* (2008): 192-200.

Guha, Ranajit, ed. *A subaltern studies reader, 1986-1995*. University of Minnesota Press, 1997.

Gulzar, *Footprints on Zero Line, Writing on Partition* Harper Collins, India 2017 p32.

Hasan, Mushirul, ed. *India's partition: process, strategy and mobilization*. Oxford University Press, USA, 1993.

Hasan, ZoyaKhalid. "Communalism and communal violence in India." *Social Scientist* (1982): 25-39.

Hassan, Khalid Wasim. "History revisited: Narratives on Political and Constitutional changes in Kashmir (1947-1990)" *The Institute for Social and Economic Change Working Paper* 233.

Horowitz, Michael C., Alex Weisiger, and Carter Johnson. "The limits to partition." *International Security* 33, no. 4 (2009): 203-210.

Houtum, H. Van, and Eiki Berg, eds. *Routing Borders Between Territories, Discourses and Practices*. Routledge, 2018. <https://doi.org/10.4324/9781315193786>.

Jain, Jasbir. *Reading partition, living partition*. Rawat Pubns, 2007.

Jalal, Ayesha. "Secularists, Subalterns and the Stigma of 'Communalism': Partition Historiography Revisited." *Modern Asian Studies* 30, no. 3 (July 1996): 681–89.

Jammu and Kashmir Reorganization Act 2019

<https://egazette.nic.in/WriteReadData/2019/210407.pdf>

Jamwal Bhasin Anuradha, *Living on the Margin Complex Narratives of People Living on the LOC CDR* 2015

Javid, Azaan. "J&K Police to trawl social media posts slamming domicile law, act if there's 'instigation'." *The Print*. April 03, 2020

Jayal, Niraja Gopal. "Reconfiguring Citizenship in Contemporary India." *South Asia: Journal of South Asian Studies* 42:1 (2019): 33-50.

Jayal, Niraja Gopal. *Citizenship and Its Discontents: An Indian History*. Cambridge, MA: Harvard University Press, 2013.

JayalGopal, Niraja. *Citizenship and Its Discontents: An Indian History*. Permanent Black 2013.

Kaul, Suvir, ed. *The partitions of memory: The afterlife of the division of India*. Orient Blackswan, 2001.

Kaur, Ravinder, ed. *Religion, Violence and Political Mobilisation in South Asia*. Sage, 2005.

Kaur, Ravinder. "The Last Journey: Exploring Social Class in the 1947 Partition Migration." *Economic and Political Weekly* (2006): 2221-2228.

Kaur, Ravinder. *Since 1947: Partition narratives among Punjabi migrants of Delhi*. Oxford University

Khan, Saleem, Mohammad. *The History of Kashmir*. Kashmir: Gulshan Books 2006.

Khan, Yasmin. "The ending of an empire: from imagined communities to nation states in India and Pakistan." *The Round Table* 97, no. 398 (2008): 695-704.

Khan, Yasmin. *The Great Partition: The making of India and Pakistan*. Yale University Press.

Kothari Rita. *The Burden of Refuge Partition Experience of the Sindhis of Gujarat* (revised edition). New Delhi: Orient Black Swan, 2009.

Krishna, Sankaran. "Cartographic Anxiety: Mapping the Body Politic in India." *Alternatives: Global, Local, Political* 19, no. 4 (October 1994): 507-21.

Kumar, Ajay. "Impact of internal displacement in Jammu and Kashmir: study of Pakistan Occupied Kashmir refugees." *Indian Streams Research Journal* 2, no. 3 (2012): 1-4.

Kumar, Radha. "The troubled history of partition." *Foreign Affairs* (1997): 22-34.

Kumar, Surinder. Displacement and Identity. *Indian stream Research Journal* ISSN 2230-7850 vol.4. 2014

Lockwood, David E. "Sheikh Abdullah and the politics of Kashmir." *Asian Survey* 9, no. 5 (1969): 382-396.

Lui, Robyn N. "Such a long journey: Protracted refugee situations in Asia." *Global Change, Peace & Security* 19, no. 3 (2007): 185-203.

Mallick, Ross. "Refugee resettlement in forest reserves: West Bengal policy reversal and the Marichjhapi massacre." *The Journal of Asian Studies* 58, no. 1 (1999): 104-125.

Mandelbaum, David G. "Hindu-Moslem Conflict in India." *Middle East Journal* 1, no. 4 (1947): 369-385.

Mansergh, Nicholas. "The partition of India in retrospect" *International Journal* 21, no. 1 (1966): 1-19.

Marshall, Thomas Humphrey. *Citizenship and Social Class and Other Essays*. London: Cambridge University Press, 1950.

Martinez, Oscar J. *Border people: Life and society in the US-Mexico borderlands*. University of Arizona Press, 1994.

Mattoo, Amitabh. "Understanding the article 370." *The Hindu*. December 06, 2013.

Memon, Muhammad Umar. "Partition Literature: A Study of IntiārḤusain." *Modern Asian Studies* 14, no. 3 (1980): 377-410.

Menon, Ritu, and Kamla Bhasin. *Borders and Boundaries. Women in India's Partition*, 1998.

Menon, Ritu, ed. *No woman's land: women from Pakistan, India & Bangladesh write on the partition of India*. Women Unlimited: 2004.

Mitra, Subrata. "Citizenship in India: some preliminary results of a national survey." *Economic and political weekly* (2010): 46-53.

Moon, Penderel, Mark Tully, and Tapan Raychaudhuri. *Divide and Quit: An Eye-witness account of the Partition of India*. Oxford University Press, USA, 1998.

Nair Neeti. '*Changing Homelands Hindu Politics and the Partition of India*.' New Delhi: Permanent Black, 2011.

Nayak, Venkatesh. "The Back story of Article 370: A True Copy of J&K's Instrument of Accession." *TheWire.in*. August 05, 2019.

Nayar, Pramod K. "The forms of history: This Side, That Side, graphic narrative and the partitions of the Indian subcontinent." *Journal of Postcolonial Writing* 52, no. 4 (2016): 481-493.

Noorani, A.G. Article 370: Law and politics *Frontline Magazine*. Volume 17 - Issue 19, Sep. 16 - 29, 2000.

Paasi, Anssi. "A border theory: an unattainable dream or a realistic aim for border scholars?." *The Ashgate research companion to border studies* (2011)

Pakrasi B. Kanti 'The Uprooted A Sociological Study of the Refugees of West Bengal, India.' Calcutta: S. Ghatak 1971.

Pandey, Gyanendra. "The long life of rumor." *Alternatives* 27, no. 2 (2002): 165-191.

Pandey, Gyanendra. *Memory, history, and the question of violence: reflections on the reconstruction of partition*. KP Bagchi & Co., 1999.

Pandey, Gyanendra. *Remembering Partition: Violence, nationalism and history in India*. Vol. 7. Cambridge University Press, 2001.

Pandey, Gyanendra. *Routine violence: Nations, fragments, histories*. Stanford University Press, 2006.

Pandey, Gyanendra. *The construction of communalism in colonial North India*. Oxford: Oxford University Press 2006

Punjabi, Riyaz. "Autonomy in Jammu and Kashmir." *Strategic Analysis* 35, no. 2 (2011): 308-311.

Puri, Balraj. "Permanent Resident Bill: Questionable Legal, Moral and Political Basis." *Economic and Political Weekly* (2004): 1456-1457.

Puri, Balraj. *Simmering Volcano: Study of Jammu's Relations with Kashmir*. Sterling, 1983.

Puri, Balraj. "Unfolding History." *India International Centre Quarterly* 37, no. 3/4 (2010): 142-151.

Puri, Balraj. 'Refugee problem in Jammu and Kashmir'. Kashmir news. *Rehabilitation of refugees from West Pakistan* Economic and Political Weekly (1950) September 9 report.

Puri, Balraj. *Jammu and Kashmir: Triumph and Tragedy of Indian Federalism*. New Delhi: Sterling Publisher 1981.

Puri, Luv. "Towards a Softer Border." *Economic and Political Weekly* (2003): 2116-2117.

Puri Balraj, Refugee problem in Jammu and Kashmir

Rahman, Md. Mahbubar, and Willem Van Schendel. "‘I Am Not a Refugee’: Rethinking Partition Migration." *Modern Asian Studies* 37, no. 3 (June 25, 2003): 551–84.

Rai, Mridu. *Hindu rulers, Muslim subjects: Islam, rights, and the history of Kashmir*. New Jersey: Princeton University Press, 2004.

Rai, Mridu. *Hindu rulers, Muslim subjects: Islam, rights, and the history of Kashmir*. Princeton University Press, 2004.

Rajurkar, N. G. "The partition of India in perspective." *The Indian Journal of Political Science* 43, no. 2 (1982): 34-53.

Ranjan, Amit. "Home uprooted: oral histories of India's partition." (2016): 116-117.

Rao, M. S. A. "Some aspects of sociology of migration." *Sociological Bulletin* 30, no. 1 (1981): 21-38.

Reale, Egidio. "The Passport Question." *Foreign Aff.* 9 (1930): 506.

Robinson, Cabeiri deBergh. *Body of Victim, Body of Warrior: Refugee Families and the Making of Kashmiri Jihadists*. Berkeley and Los Angeles, California: University of California Press, 2013.

Robinson, Cabeiri Debergh. "Partition, Its Refugees, and Postcolonial State-Making in South Asia." *India Review* 9, no. 1 (2010): 68-86.

Romila Thappar *Notes from the open house organised by 'History of Peace'* accessed 24 Dec 2017 Kolkata <https://indianculturalforum.in/2017/12/28/borders-only-become-borders-when-cartographies-come-into-existence-professor-romila-thapar-somok-roy/>.

Roy, Anjali Gera, and Nandi Bhatia, eds. *Partitioned Lives: Narratives of Home, Displacement, and Resettlement*. Pearson Education India, 2008.

Roy, Anupama. *Mapping Citizenship in India*. New Delhi: Oxford University Press, 2010.

Roy, Haimanti. "Paper Rights: The Emergence of Documentary Identities in Post-Colonial India, 1950–67." *South Asia: Journal of South Asian Studies* 39, no. 2 (2016): 329-349.

Roy, Haimanti. *Partitioned Lives: Migrants, Refugees, Citizens in India and Pakistan, 1947-1965*. New Delhi: Oxford University Press 2012.

Rumford, Chris. *Cosmopolitan Spaces. Europe, Globalization, Theory*. Routledge Advances in Sociology Ser. Routledge, 2008. <https://doi.org/10.1604/9780203891438>.

Sack, Robert D. *Human Territoriality. Its Theory and History*. Vol. Series Number 7. Cambridge Studies in Historical Geography Ser., 1986.

Sahlins, Peter, William A. Douglass, Henk Driessen, Dan Rabinowitz, and Michael

Kearney. *Border identities: Nation and state at international frontiers*. Cambridge University Press, 1998.

Saint, Tarun K. *Witnessing partition: memory, history, fiction*. Routledge, 2014.

Samaddar Ranabir, *The Nation Form: Essays on Indian Nationalism*. Sage. 2012.

Samaddar, Ranabir. "The Historiographical Operation: Memory and History." *Economic and Political Weekly* (2006): 2236-2240

Samaddar, Ranabir. "Unanchored Political Subject?" *Economic and Political Weekly* 46, no. 7 (2011): 79-79.

Samaddar, Ranabir. *A Biography of the Indian Nation, 1947-1997*. SAGE Publications Pvt. Limited, 2001.

Samaddar, Ranabir. *Refugees and the state: practices of asylum and care in India, 1947-2000*. New Delhi/ Thousand Oaks/ London: Sage Publication, 2003.

Sathe, S. P. "Article 370: Constitutional Obligations and Compulsions." *Economic and Political Weekly* (1990): 932-933.

Schofield, Victoria. *Kashmir in Conflict: India, Pakistan and the Unending War*. London 2003.

Schendel, Willem Van. *The Bengal Borderland: Bengal State of Nation in South Asia*. London: Anthem Press (2005).

Sengupta, Vishnupriya. "Of "other" histories and identities: partition novels from the Indian subcontinent." *Social Semiotics* 19, no. 4 (2009): 499-513.

Serumaga, Mary. "The National Identity Card." *Transition* 117, no. 1 (2015): 182-191.

Sharma, Bodh Raj. "The Special Position of Jammu and Kashmir in the Indian Constitution." *The Indian Journal of Political Science* 19, no. 3 (1958): 282-290.

Sherman, Taylor C., William Gould, and Sarah Ansari. "From Subjects to Citizens: Society and the Everyday State in India and Pakistan, 1947–1970." *Modern Asian Studies* 45, no. 1 (2011): 1-6.

Shubhangi Swarup, 'A Portrait of a Village on the Border,' Live Mint, accessed August 11, 2017. <https://lifestyle.livemint.com/news/talking-point/a-portrait-of-a-village-on-the-border-111646985791314.html>

Singh, Amar Kumar. "Communalism in India: A socio-Psychological analysis." *India International Centre Quarterly* 7, no. 3 (1980): 157-163.

Singh, Deepak K. *Stateless in South Asia: the chakmas between Bangladesh and India*. SAGE Publications India, 2010.

Smith, Rogers M., ed. *Citizenship, borders, and human needs*. University of Pennsylvania Press, 2011.

Snedden, Christopher. "What happened to Muslims in Jammu? Local identity, "the massacre" of 1947' and the roots of the 'Kashmir problem'." *South Asia: Journal of South Asian Studies* 24, no. 2 (2001): 111-134.

Snedden, Christopher. *Kashmir. The Unwritten History*, 2017.

Snedden, Christopher. *Untold Story of the People of Azad Kashmir*. Oxford: Oxford University Press, 2011.

Sökefeld, Martin. "Jammu and Kashmir—boundaries and movements." (2015): 251-265.

Surti, Imran AK. "Trauma of the Partition in RahiMasoom Reza's" A Village Divided"." *Indian Literature* 54, no. 3 (257 (2010): 150-163.

Talbot Ian and Singh Gurharpal. "*The Partition of India New Delhi*" Cambridge University Press, 2009.

Talbot, Ian. "A Tale of Two Cities: The Aftermath of Partition for Lahore and Amritsar 1947–1957." *Modern Asian Studies* 41, no. 1 (2007): 151-185.

Talbot, Ian. "Partition, memory and trauma: Voices of Punjabi refugee migrants in Lahore and Amritsar." *Sikh Formations: Religion, Culture, Theory* 2, no. 1 (2006): 3-16.

Tan, Tai Yong, and Gyanesh Kudaisya, eds. *Partition and Post-Colonial South Asia: A Reader*. Routledge, 2008.

Tan, Tai Yong. *The aftermath of partition in South Asia*. Vol. 3. Psychology Press, 2000. Trauma." *Social Scientist* 40, no. 11/12 (2012): 53-62. *Weekly* (1989): 1324-1325.

Tiwary, Deeptiman. "34 non-J&K residents have bought land in UT: Govt in Lok Sabha." *The Indian Express*. March 31, 2022. <https://indianexpress.com/article/india/34-non-jk-residents-have-bought-land-in-ut-govt-in-lok-sabha-7843352/>

Varadarajan, Siddharth. "Constitution Torn to Shreds as RSS Indulges Article 370 Fantasy in Kashmir." *TheWire.in*. August 6, 2019. <https://thewire.in/politics/constitution-torn-to-shreds-as-rss-indulges-article-370-fantasy-in-kashmir>

Wadhwa Committee Report "A committee by state government for problems and rehabilitation of refugees in Jammu & Kashmir" 2007.

Whitehead, Andrew. "Bapsi Sidhwa and Urvashi Butalia Discuss the Partition of India." In *History Workshop Journal*, vol. 2000, no. 50, pp. 230-238. Oxford University Press, 2000.

Yusin, Jennifer. "The silence of partition: Borders, trauma, and partition history." *Social semiotics* 19, no. 4 (2009): 453-468.

Zamindar, Vazira Fazila-Yacoobali. *The Long Partition and the Making of Modern South Asia: Refugees, Boundaries, Histories*, 2007.

Zutshi, Chitralkha. "An ongoing partition: histories, borders, and the politics of vivisection in Jammu and Kashmir." *Contemporary South Asia* 23, no. 3 (2015): 266-275.

Zutshi, Chitralkha. *Languages of belonging: Islam, regional identity, and the making of Kashmir*. Orient Blackswan, 2003.