

# **INTERNALLY DISPLACED PEOPLE**

**A Study Of The Social Implications Of Militancy In Kashmir**

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**CHARU MALHOTRA**



**Centre for the Study of Social Systems**

**School of Social Sciences**

**Jawaharlal Nehru University**

**New Delhi – 110067**

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जवाहरलाल नेहरू विश्वविद्यालय  
JAWAHARLAL NEHRU UNIVERSITY  
NEW DELHI 110 067

Centre for the Study of Social Systems  
School of Social Sciences

**CERTIFICATE**

Certified that the dissertation entitled, "INTERNALLY DISPLACED PEOPLE: A STUDY OF THE SOCIAL IMPLICATIONS OF MILITANCY IN KASHMIR" submitted by Miss. Charu Malhotra, in partial fulfilment of the requirements for the awards of degree of Master of Philosophy has not been previously submitted for any other Degree of this or another university. To the best of our knowledge this is an original work.

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

Prof. Anand Kumar

(Chairperson)

Dr. Nilika Mehrotra

(Supervisor)

*Dedicated*  
*To*  
*My Parents*

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## **TABLE OF CONTENTS**

<b>Introduction</b>	<b>Kashmiri People As Internally Displaced</b>	<b>1-26</b>
<b>Chapter 1</b>	<b>Alienation And The Rise Of Kashmiri Sub-Nationalism</b>	<b>27-48</b>
<b>Chapter II</b>	<b>Problems Of The Internally Displaced Kashmiri People</b>	<b>49-67</b>
<b>Chapter III</b>	<b>Response To The Situation And Survival Strategies</b>	<b>68-81</b>
<b>Chapter IV</b>	<b>Role Of Government And Humanitarian Agencies</b>	<b>82-98</b>
<b>Conclusion</b>		<b>99-107</b>
<b>End Notes</b>		<b>108</b>
<b>Appendix</b>		<b>109-117</b>
<b>Bibliography</b>		<b>118-121</b>

## **TABLE OF FIGURES**

<b>Figure 1</b>	<b>Map of Jammu and Kashmir</b>	
<b>Figure 2</b>	<b>Comparative forced displacement: IDPs and refugees, 1964-1996.</b>	<b>23</b>



Reproduced from *Embassy of India (Washington D.C.) website*

**Figure 1 – Map of Jammu and Kashmir**

Area: 2,22,236 sq. km. out of which 78,114 sq. km. is under illegal occupation of Pakistan, 5,180 sq. km. illegally handed over by Pakistan to China, and 37, 555 sq. km. is under illegal occupation of China.

## INTRODUCTION

### KASHMIRI PEOPLE AS INTERNALLY DISPLACED

Human displacement took place in society since ancient times, whether due to war, conquest or natural calamities. However, in recent times the scale of conflict induced displacement has increased, leading to the increase in the numbers of refugees or internally displaced persons. The present study analyzes the process of internal displacement among the Kashmiri people. It looks at the social implications of internal displacement. It explains the causes and manifestations of internal displacement among the Kashmiri people, their degree of access to the basic services and their protection needs.

The displaced persons are not viewed as passive victims but as 'agents' who bring about new modes of social organization. The study views how actors play a role in bringing about new modes of social organization. The role of government and humanitarian agencies' response to the condition of internal displacement is analyzed within the prevailing structure. The significance of agency on the part of the displaced people, state and non-state actors are to be recognized.

Since the end of cold war, increasing numbers of people have been forced to leave their homes as a result of armed conflicts, internal strife and systematic violations of human rights. Whereas refugees have an established system of international protection and assistance, those who are displaced within their national borders, fall within domestic jurisdiction and under the authority of state concerned, without legal or institutional bases for the international community to provide protection and assistance. The internally displaced Kashmiri people have been forced out of Kashmir because of the rise of armed conflict in Jammu and Kashmir.

There are various perspectives through which the issue of displacement can be analyzed. According to Adelman (1999) “refugees are the products of modernity. Their plight became acute when the processes of modernity became globalized, when the political system of nation states first become extended over the whole globe and efforts were made to sort the varied nations of the world into political states.”<sup>1</sup> The modernist form of discourse supports a discourse of vulnerability. It fosters or reflects the notion of responsibility to act or intervene on the part of humanitarian agencies. The modernity discourse gives insight into how order is to be established by addressing the needs of the displaced people.

The post-modernist discourse with the focus on the responsibility to otherness leads to emphasis on refugee voices and visions. Both of these viewpoints are significant, as the voices of the marginals are as important as that of the state and non-state actors. Foucault in his work ‘Discipline And Punish’ in 1975 sees institutional provisions such as prisons and asylums as the way power is exercised in society. They embody discipline deprive those involved of liberty and exist to serve the interests of those in power. For Foucault, therefore the main emphasis is on the inclusion of voices of the marginals in society (Wallace, Wolf 1995: 407). In the analysis of the refugee experience therefore the refugees’ voice and visions are to be included along with those of the humanitarian agencies.

There is a tension between modernist and postmodernist frameworks in providing a basis for ethical responsibility. Modernist frameworks support a responsibility to act in the world in ways, which are justifiable with an obligation to acquire reliable knowledge to guide one’s actions. Post modernist framework on the other hand, support a responsibility to otherness, a concern not to impose order on to



the World but instead to allow the emergence of other voices and visions (Ager 1999: 17).

The above perspectives represent two extreme views. A third way of analyzing refugees and displaced persons is to view how they exercise agency. Although structures exist, the displaced people, the state and humanitarian agencies use rules and resources in reproducing structures through space and time. In 'Constitution Of Society' in 1984 Anthony Giddens puts forward the view that sociologists and lay actors are both involved in developing 'sensitizing concepts', which allow us to understand how individuals in the process of interaction produce and reproduce the social structures (Cohen 1989). The agency on the part of the victims and the other institutions in addressing the situation needs to be recognized. The role of the state governments, NGOs, UN and other international bodies on the one hand, and the victims the displaced people on the other hand is both significant in addressing the problem of internal displacement.

### **Clarification of Concepts Used**

The concepts used throughout this work are 'internal displacement', 'refugee' 'social implication of internal displacement on Kashmiri people' and 'response-strategies'. 'Internally Displaced People' are people or groups of people "who have been forced or obliged to flee or to leave their homes or places of habitual residence in particular as a result of, or in order to avoid the effects of, armed conflict, situations of generalized violence, violations of human rights or natural or human made disasters, and who have not crossed an internationally recognized state border."(Hampton 1998: 5) The definition does not encompass those who migrate because of economic causes.

IDPs and refugees face similar conditions as far as the coercion that compels their movement and the sociological impact of displacement is concerned. The difference between IDPs and refugees mainly lies in the fact that while refugees are made to cross international borders, IDPs live in a refugee- like condition within the country itself.

'Refugees' constitute those forced from their homes as a result of war or political oppression; in terms of the Geneva Convention of 1951 the term 'refugee' has a narrower definition, in referring to a person

"Who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or unwilling to avail himself of the protection of that country; or who not having a nationality and being outside the country of his former habitual residence...is unable or, owing to such fear, is unwilling to return to it..." (Article 1, Geneva Convention, 1951)<sup>2</sup>

By 'social implication of displacement' on Kashmiri people I mean how displacement has impacted the social organization of the Kashmiri people- kinship networks, gender relations, family organization, neighbourhood relations, community bonding, marital status. There is an analysis of the ways in which the displaced people exercised their agency to bring about new modes of social organization.

The term 'response strategies' stresses the motivation of internally displaced persons, the creativity and comprehensiveness of their strategies and actions, and their reflectivity regarding their situation, position and options. The term 'response strategies' is borrowed from the work of Vincent and Sorensen (1998), 'Caught Between Borders: Response Strategies of the Internally Displaced' and Hampton (1998) 'Internally Displaced People: Global IDP Survey'. The activities of displaced

Kashmiri people reach far beyond merely securing physical survival, even when that is critical. Internally displaced persons, and others living under dire circumstances, are also social and cultural beings, and issues of identity, dignity and social standing remain important to them and are incorporated in their strategies.

## **Methodology**

This work is based mainly on secondary sources of data collection. A qualitative analysis of various journalistic articles, texts and reports was undertaken. Being born and brought up in Jammu, where the majority of the displaced migrated my personal observations helped me in the analysis of the data. Although fieldwork was not permitted during this course I got an opportunity to visit Kashmir in February 2004. During this time I observed to the situation prevailing in Kashmir.

In order to do a quantitative analysis of the situation, I got statistics from the Relief Commissioner's office in Jammu to get an idea of the size of the internally displaced persons. However, though statistics were available for Jammu and Delhi where the displaced people migrated, no accurate statistics are available for other places in India.

Although tremendous amount of material is available on refugees, but there is not enough works which do a qualitative analysis on concrete cases of Internal Displacement. In the case of Internally Displaced Kashmiri People, although material was available on the displaced Kashmiri Hindus- (their life in camps survival strategies, coping mechanisms) there was scarcity of qualitative studies of the minuscule population of displaced Kashmiri Sikhs and Kashmiri Muslims.

Much of works available on Kashmiri Hindus were writings of Kashmiri Hindus themselves. Not enough accounts were available on displaced Kashmiri Muslims or Kashmiri Sikhs.

Since internal displacement mainly increased in the 1980s, there is lack of qualitative studies on specific cases of internal displacement. Although abundance of accounts are available on the predicaments of the displaced Kashmiri people there is a dearth of sociological studies. More holistic studies with a theoretical analysis of internal displacement need to be undertaken.

In the process of the study one book that was really helpful is Hampton's (ed.) 'Internally Displaced People: A Global Survey', 1998 which is a global survey on the situations of internal displacement across the globe. It critically analyzes the definition of the internally displaced people and compares it with those of refugees. It also analyzes the response of the humanitarian agencies. To have a perspective on the situation of forced migration the work that I found most reliable is Ager's (ed.) 'Perspectives On The Experience Of Forced Migrations', 1999. It is a collection of essays with a modernist or post-modernist perspective on internal displacement. To look at internal displacement theoretically through the lens of structuration theory the book that provided me with a sound understanding was Cohen's 'Structuration Theory: Anthony Giddens And The Constitution Of Social Life', 1989.

Increase in the number of ethnic conflicts is one of the major causes of internal displacement within nation-states. Nandy in the book 'Ethnic Futures', 1999 has given a definition of 'ethnicity' in the current globalized setting. The displacement of the minority community from the Kashmir valley was to an extent a result of the majority- minority dynamics. He analyzes how global resonances are felt in local majority- minority conflicts and vice-versa. The assertion by the displaced Kashmiri people or the minority community of Muslims in India of their marginalized position provides an example. Similarly Appadurai in the 'New Logics Of Violence', 2001 has visualized the democratic potential of globalization through the rise of the various

social movements, which is a response to the increasing violence against the minorities, contrary to the elites of society.

The analysis of the rise of subnationalism and the spread of alienation among the people of Kashmir was done through the studies of Verma (1994) 'Jammu And Kashmir At The Political Crossroads' and Wani (1995) 'Kashmir; Need For A Sub-continental initiative.' Verma has also studied the life of the displaced people in the various camps outside the valley. Kaw's (2001) 'Kashmiri Pandits: Looking To The Future' is the product of a seminar held by various members of the displaced minority. It has a collection of essays by various Kashmiri Hindus which provides insights on what problems the displaced people faced in the new surrounding and what survival strategies they employed like the emergence of various networks and organizations.

Gender relations get transformed in the process of displacement and so has been the case in Kashmir. This is analyzed through Manchanda's (2002) book, 'Women War And Peace In South Asia: Beyond Victimhood To Agency.'

### **Forced Displacement and the Concept of Nation-State**

Increase in the number of ethnic conflicts is one of the major causes of forced displacements within nation-states. In the contemporary scenario of globalization there has been large-scale international migration and also migration within the countries due to the improvement in the means of transport and communication. On the other hand the mobilization of the communities along ethnic lines has also increased. Turton (2002) in the essay 'Forced Displacement And The Nation-State' puts forward the view that forced displacement has become an increasing phenomena within nation-states. According to Turton (2002) when we speak of a 'nation' we speak of a homogeneous cultural community with a common language and common

values, sentiments and attachments. When the idea of nation fuses with that of the state we have a culturally homogeneous community, which exercises control over a given territory. Thus we have a 'nation-state'. 'Forced displacement' is the involuntary movement of (usually) a large group of people due to external pressure. Forced displacement is both a threat to, and a product of, the international system of nation-states.

The nation-states however do not have congruence of political and cultural boundaries. Many of today's states are multi-nation states. Therefore most of the nation-states are not culturally homogeneous. Because of the large scale migrations the nation-states are becoming more culturally heterogeneous.

The study of forced displacement should therefore tell us something about the pressures that the nation-state is under at the beginning of the twenty-first century and how it is likely to change in response to such pressures. A refugee or a displaced person is 'out of place' (Turton 2002; Oommen 1990). There is therefore a contradiction between 'citizenship' as a universal right and 'nationhood' as an identity ascribed at birth and based on a sentimental attachment to a community.

According to Turton (2002) the international Refugee Regime is the nation-states' response to the refugee problem, from which it follows that the prime purpose of the regime is not to protect refugees but to protect the international system of nation-states by normalizing the figure of the 'refugee'. The international refugee regime is a set of laws, norms and institutional structures for managing and controlling the refugee flows. The principal laws are the 1951 UN convention relating to the status of refugees and its 1967 protocol. The principal norms are the right to claim asylum and the right of voluntary return.

## Globalization and Ethnicity in South ASIA

According to Nandy (1999) there has been an ethnicization of politics in South Asia. Majority-minority dynamics influence conflicts in various places as has been the case in Kashmir. There has been an increase in the ethnic conflicts within nation-states and a large number of dominant ethno-religious groups have developed minority-complexes within the process of nation-building. This is the case of the 'Hindutva movement' within India or the spread of 'Islamic movement' in Jammu and Kashmir. The majority and minority ethnic nationalisms are not primordial and ancient nor exclusively modern inventions. Modern state building and the consolidation of national borders in the post colonial period have invented new forms of collective identity. In the context of globalization nation state building has often created the very ethnic identities, confrontations and violence that states proclaim as ancient and then purport to control it.

According to Nandy (1999) whether in the form of ethnic nationalisms, demand for minority rights and local struggles have been shaped by global discourses on governance, development and structural adjustment programmes, as much as by human rights discourses, which increasingly acknowledge, if not emphasize cultural diversity. "Ofcourse, these apparently global discourses are themselves shaped within national societies as well as across national borders and exchanged over long distances, a process that alerts one to the fact that the local is not so local, nor yet is globalization quite as distant a process from local issues as it is sometimes thought to be" (Cf. Appadurai 1996; Sassen 1996)<sup>3</sup>. Relations between states and societies are then increasingly being monitored by an emergent 'global civil society' within and across national borders which is sensitive to minority issues. In South Asia the convergence of local and global discourses on minority rights and identities has

forced governments to take note of the fact that nation states are not homogeneous cultural units. For instance, the global discourses such as the spread of Islamic fundamentalism has had an influence on local discourses such as the pan-Islamization of Kashmir valley. Nandy (1999) questions the fixed or closed notions of ethnicity. “The mobilization of groups along linguistic, regional or ethno-religious lines can no longer be analyzed merely in national contexts nor are ethnic identities self-evident categories”(Cf. Nandy 1999: 11). The convergence of local and global discourses implies that the concept of ethnic identity has gained a new meaning.

Nandy (1999) has defined the concept of ethnicity. ‘The minority and the majority community are engaged in the tussle for national hegemony in the democratic processes and ethnicity has emerged as an important basis of collective identity.’ Minorities can be defined in two senses: “to refer to numerically small groups and or to politically marginal groups.” (Cf. Nandy1999: 11). Numerical majorities and minorities are themselves constructed and manipulated, just as ethnicity is in group struggles for power. There is a resonance of global discourses in local ethnic conflicts. Local social movements such as environmental and indigenous peoples’ rights movements are influenced by international human rights discourses, which also result in ethnic mobilization.

There has been an overall increase in the scale of majority and minority ethnic conflicts and also a corresponding increase in solidarity among people who felt marginalized to demand for self-determination across the bounds of the nation-states. There has been an increasing stress on agency and a participation of local communities across the globe whether it be pertaining to the human rights discourse or any other social movement.



There has been the tendency by groups who have felt marginalized within the nation-state to reinvent new collective identities. The result has been mobilization of groups along ethnic lines. This is particularly the case in the Kashmir crisis where the Kashmiri Muslims felt alienated due to economic and social reasons and mobilized against the minority community- the Kashmiri Hindus who fall within the majority category within the nation-state. The result has been the weakening of the concept of 'Kashmiriyat' symbolic of Hindu-Muslim unity.<sup>4</sup>

According to Appadurai (2001) globalization has a positive connotation for some. But for migrants, people of colour and other marginal people in society, it is a source of worry about inclusion, jobs and deeper marginalization. In this era of globalization the movement of finance capital is fast, multiplicative and invasive of national economies. It is matched by new kinds of migration, both elite and proletarian, which create unprecedented tensions between identities of origin, and identities of aspiration for many migrants in the world labour market.

Appadurai (2001) states that there has been an increase in macro-violence in the last two decades, with a relative marked growth in intra-state versus inter-state violence. There is a virtually worldwide genocidal impulse towards minorities. It is because of this that new social movements, criticism and mobilizations have appeared across nation-states attempting to address the issues pertaining to the minorities. Therefore globalization has a democratic potential that can only be understood through the specific forms of violence against minorities.

But minorities do not come pre formed. They are produced in the specific circumstances of every nation and every nationalism. For instance, Muslims are seen as a minority within India while Hindus are viewed as a minority within Kashmir. Minorities, in a word, are metaphors of the betrayal of the classical national project.

It is because of this impulse to extrude minorities that the state is unable to guarantee sovereign right to its people. This is the case of the minorities in Kashmir- the Kashmiri Hindus who have been displaced from their homeland.

## **Globalization and the Erosion of Refugee Protection in the South**

One of the significant reasons for the increase in the size of the internally displaced persons is the policy of containment of the refugees. In the post 1945 period the policy of Northern States has moved from the ignorance of refugees in the Third World, to their use as pawns in Cold War Politics, to their containment now. The influx of the new asylum seekers; in the 1980s signaled the expansion of refugee studies. According to Chimni (1998) a 'new approach' took shape, which critiqued the established positivist approach to refugee law and created the myth that great dissimilarities characterized refugee flows in Europe and the Third world. It advocated the denial of the exile bias or refugee law; reliance on the solution of voluntary repatriation; and responsibility of the state of physical origin. In legitimizing the 'new approach' a key role, so far ignored, has been played by the knowledge production and dissemination functions of UNHCR.

Between 1950 and 1989, during the cold-war era, the West encouraged a depoliticized discourse in refugee studies. The positivist approach, which dominated international refugee law in these decades, with its emphasis on the separation of the legal and political spheres, represented the perfect embodiment of this depoliticized discourse. The regime's legality was of such great significance that it compelled the removal of the chronological and geographical limitations of the 1951 convention by the adoption of the 1967 protocol relating to the Status of Refugees.

persecution as against refugees in and from the Third World. Third, reference was made to the fact that the revolution in the transport and communications system made the old regime outdated as it removed the 'natural barriers to movement that kept the numbers of direct asylum seekers tolerably low and thereby shielded the West from having to confront certain fundamental tensions.' Fourth, it was alleged, that in contrast to refugees from Europe, most of the asylum claims made by non-Western asylum seekers were unauthentic, representing a hidden movement of economic migrants rather than political refugees. Fifth, it was pointed out that third World refugees, unlike the European refugees, are uprooted by internal and not international conflicts, and for this the post-colonial state was responsible (Chimni 1998).

There is little doubt that the ideology of new humanitarianism is closely linked to the ongoing process of globalization. Refugee protection is no exception to this deployment of the language of rights. The ideology of humanitarianism has used the vocabulary of human rights to legitimize the language of security in refugee discourse, blur legal categories and institutional roles, turn repatriation into the only solution, and promote a neo-liberal agenda in post-conflict societies leading to the systematic erosion of the principles of protection and the rights of refugees.

The implication of the central place that the ideology of humanitarianism had come to occupy in the strategy of Northern states and its justification of the use of force is that refugee issues are too important to be left to specialized organizations like UNHCR (Chimni 2000). The changed perspective of the new approach is a clear indication of the causes of the increase in the size of the IDPs in comparison to the refugees. However, there should be a cognizance of the cases of involuntary repatriation and the role of the UNHCR should be to address the needs of both the refugees and the IDPs in a just way where situations may arise.

## South Asia and Forced Migration

Forced migration due to ethnic conflict is a frequent feature in South Asia. Forced migration in modern South Asia began with the partition of India in 1947. The transfer of power to independent India and Pakistan was followed by the transfer of 20 million people with the governments of India and Pakistan undertaking to rehabilitate the displaced people. However 50 years after the plight of refugees and IDPs is unenviable. Migration into South Asia has taken place from Afghanistan, Tibet and Myanmar. In addition movements within the region include more than 1.5 million Tamil, Chakma, Lotshampa and Bihari refugees. Sumit Sen (1998) states that there are no regional or national legal mechanisms for protecting displaced people in South Asia, the level of government assistance is minimal, and access for the UNHCR or ICRC is either restricted or denied (Hampton 1998: 142).

There are far more IDPs than refugees in South Asia. Apart from Tamil, Chakma and Lotshampa people displaced by ethnic unrest, the majority are victims of natural and manmade disasters. Natural and manmade disasters are widespread in India, Bangladesh and Nepal, and persecution of minorities leading to displacement is prevalent in Sri Lanka, Pakistan and Bhutan. UNHCR and the special rapporteur have a regional approach to the IDPs in Sri Lanka. With the exception of Tamils in Sri Lanka, only national NGOs have had a role in advocacy and assistance programmes for IDPs. Any regional initiative for IDPs would be considered a violation of national sovereignty. Home to over 25 percent of the global population with 50 percent of the World's poor, the governments of South Asia need consistent and predictable policies for the IDPs. Governments need to cooperate with UNHCR and ratify the 1951 refugee convention and 1967 protocol. The human rights treaties need incorporation

and implementation for effective national protection, rehabilitation and resettlement policies for forcibly displaced people.

### **Size of the Internally Displaced People**

There are an estimated 20-22 million people internally displaced by conflict around the world, almost twice the number of refugees Vincent (1998). In a study commissioned by the Norwegian Refugee Council (NRC) for the 1998 Global IDP Survey, Susanne Schmeidl (1998) noted that in 1970 there were 5 million IDPs from five countries; by the end of the 1980s, there were 7 million in 10 countries. (Vincent and Sorensen 1998:1; Hampton 1998). Between 1980 and 1990, the numbers both of internally displaced persons and refugees nearly tripled, to 22 million from 23 countries and about 17 million from 50 countries, respectively. From 1990, significant demographic changes took place in the two groups. While the estimated number of refugees declined from 1990 onwards, internal displacement increased sharply, peaking at 27 million in 32 countries in 1994 (Hampton 1998).

### **Conflict and Displacement from the Kashmir Valley**

Intermittent violation of human rights at the hands of militants and security forces has become a major problem in Kashmir since 1989. The Hindus, Sikhs and Muslims inhabiting Kashmir have been forced to flee the valley since January 1990. According to Mishra (1999), 2.5 to 3 lakh people have been displaced from Kashmir. There are around 49,760 registered displaced families.

Although displaced throughout India the concentration of the displaced people is mainly in the Northern regions of the country. The Kashmiri people have been displaced to regions like Punjab, Haryana and Himachal Pradesh apart from Delhi and Jammu (Thakur 2000). Abundance of material is available referring to the plight of

the displaced Kashmiri Hindus in contrast to the displaced Muslims, Sikhs or other communities. Among the displaced people, the specific experiences of the lower class vary from the higher and the middle class.

Unlike refugees who cross international borders the displaced Kashmiri people must rely upon India to uphold their civil and human rights. India has chosen not to invite external assistance as it sees any kind of international assistance as a threat to its state sovereignty. India is not a signatory to the 1951 Geneva Convention or the 1967 protocol. Although India is recognized as a refugee-receiving state, it does not have any coherent law to deal with the problem of refugees or the IDPs. India does not even recognize that the displaced Kashmiri people live in a 'refugee-like' existence in camps and simply nomenclatures them as migrants. The home ministry deals with the formulation of policies for the rehabilitation and settlement of refugees. The state governments are entrusted with the responsibility of protection and maintenance of the refugee camps at the local level (Kumar 2001). Whatever assistance is available to the displaced Kashmiri people, it is at the national level and has been minimal. Therefore the international community has limited options to protect these people.

### **Guiding Principles on Internal Displacement**

In the growing debate on how best to enhance protection and assistance for internally displaced people, many proposals have been put forward. Entitled the guiding principles on internal displacement, they were presented to the UN Commission on human rights in 1998 by Francis M Deng, Representative of the UN Secretary General on Internally Displaced Persons. The guiding principles fill a major gap in the international protection system for the internally displaced people. They set forth the rights of the IDPs and the obligations of governments and insurgent forces in

all places of displacement. They offer protection before internal displacement occurs (that is, protection against arbitrary displacement), during situations of displacement, and in post-conflict return and reintegration (Hampton 1998). The Guiding Principles have come into existence only in 1998. These Guiding Principles however have not been applicable to the internally displaced Kashmiri people. India has denied any kind of external assistance and so they have not been applicable to the displaced Kashmiri people.

The Guiding Principles affirm the right of IDPs to request international humanitarian assistance, the right of international actors to offer such assistance, and the duty of states to accept such offers.

Although not a binding instrument, the Guiding Principles have immense practical value in providing a yardstick for monitoring the treatment of IDPs. They can be expected to strengthen the advocacy work of humanitarian, human rights and development organizations on behalf of the displaced people and can also be of use to the governments in drafting laws to protect internally displaced people. By offering an authoritative statement of the rights of internally displaced people, they should raise international awareness of their plight. Over time, they could contribute to the creation of a moral and political climate in which they might attain the force of a customary law.

The challenge of securing protection for IDPs is one that requires international effort not only by the international community but at the national and local levels as well.

## **Problems and Opportunities of Displacement**

The nature of the conflict, its intensity and duration determined the choices available to the displaced Kashmiri people forced to leave their homes. These choices

were also determined by a host of other factors: the proximity of international borders, urban centers, the location of family, clan and community members, financial resources, the kind of help available from national and international bodies and so on. The displacement of the Kashmiri people has mainly been in proximate areas of Northern India because their kin living there have provided them support. While for the upper class Hindus, Muslims and Sikhs it has been possible to move abroad the lower class displaced people mainly live in camps in Delhi, Jammu and Punjab.

It is interesting to note how displacement changes people's perceptions of their environment and how new circumstances determine local coping mechanisms and power relations. A broader analysis of displacement requires indicators not simply restricted to physical circumstances; some areas of research is required for a better understanding of how people adapt to forced migration. (Hampton 1998). Field research has to be undertaken that begins with the assumption that IDPs are social actors rather than categories of need. An anthropological perspective may yield some practical suggestions for how external agents should approach the social, psychological and physical needs of the displaced communities and how assistance packages could more readily reflect the aspirations of the communities concerned. Displacement might then be regarded as a transformation-a process-rather than a fixed or temporary reality in people's lives.

Migration is necessarily disruptive for individuals and communities alike. It can, however become an impetus for personal or political gain as well as loss. For the upper class displacement can mean taking to new opportunities. On the other hand for the lower class it means loss of ones indigenous source of livelihood. This is especially true for Kashmiri people living in camps outside Kashmir. It redefines one's own and other's own perception of nation, community and even family.



A look at how people live amongst upheaval and strive towards some degree of control over unfolding events may challenge the conceptual limitations of terms such as 'vulnerable groups', 'beneficiaries', 'target groups' and the like (Sorensen 1998). Within political, economic and physical constraints of war, people create social networks and may still shape their present and future.

Aid workers, journalists and policy makers tend to present displacement as a series of linked events—from war to flight, refuge, return, and resettlement. For those caught up in social upheaval however the experience of displacement may be punctuated by more fundamental changes. No doubt the loss of one's territory does have an adverse consequence on the displaced people as a universal category, but the experience of the double disadvantaged the poor, the women, and the children is different. The displaced Kashmiri people do not exist as a homogeneous category. There are divisions of class, gender and religion among them. The attempt is not to homogenize the divisions but to analyze the specific experience of displacement among them. The study does not aim to exaggerate the problems faced by the displaced people. The attempt is to recognize the differences and not universalize the condition of the lower class displaced Kashmiri people with that of the higher class for whom displacement may have meant opening up of new avenues of education and employment and a settled life in new urban areas.

For example, one of the major results of the conflict in Kashmir is widowhood. This is not only a matter of personal loss but also a challenge to a whole set of social and political mores for the people concerned.

The displaced people have personal and social histories, they constitute heterogeneous groups with competing interests, and they act with different goals and ambitions in mind. This study, focuses on the internally displaced Kashmiri People –

Hindus, Sikhs and Muslims who have been forced to flee from armed conflict, situations of generalized violence, violations of human rights such as right to life, property, liberty etc. During temporary settlement and the return/reintegration phase, internally displaced persons often mix with the local population.

### UNHCR's Mandate for IDPS

The UNHCR systematically collects information on refugees, but IDP numbers are confined to those 'peoples to concern' within its operational mandate. Until the 1990s, UNHCR's involvement with IDPs was unsystematic and ad hoc. Due to changing circumstances, UNHCR had more recently redefined its mandate to allow for the inclusion of IDPs in certain situations, resulting in a new set of guidelines. The 1997 guidelines indicate that UNHCR will take responsibility for IDPs under the following general conditions.

- when such people are present in or going back to the same areas as returning refugees (like Guatemala, Mozambique);
- If they are living alongside a refugee population and have similar needs for protection and assistance. (for example, Afghanistan and former Zaire);
- where the same factors have given rise to both internal and external population movements, and where there are good reasons for addressing those problems by means of a single humanitarian operation. (for example, Bosnia); and
- where there is a potential for cross border movement and where the provision of assistance to the internally displaced may enable them to remain in safety in their own country (UNCHR 1997: 117 Cf. Hampton 1998: 25).

These guidelines, however still do not allow UNCHR universally to aid IDPs.

The Indian government is not allowing the UN to interfere in Kashmir, as India views

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it as a domestic issue and has thus restricted any kind of outside intervention. The involvement is viewed as a threat to its state sovereignty.

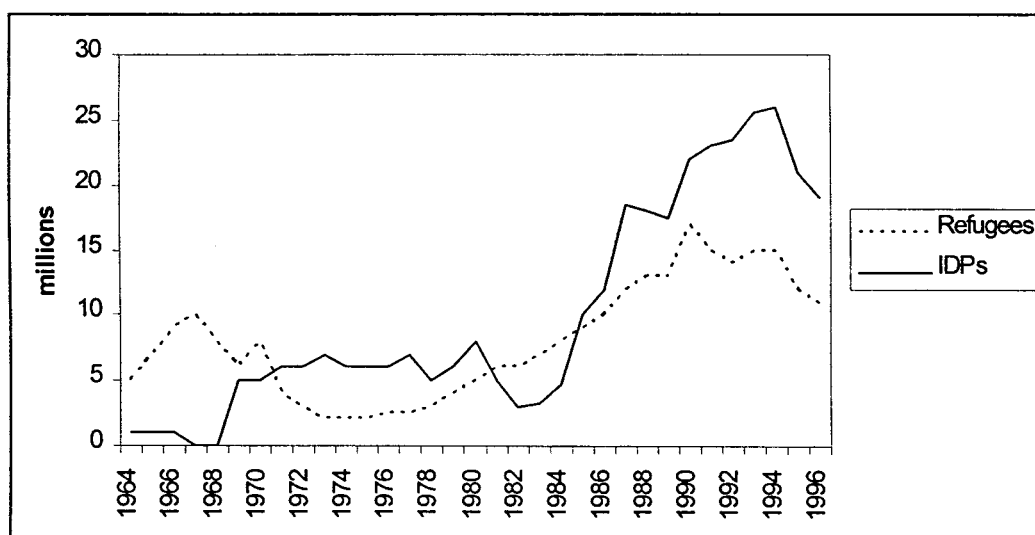
## **Comparative Trends of Forced Displacement**

The definition of IDPs focuses in large part on people who, if they cross a border, would qualify as refugees, both under the OAU convention and the Cartagena Declaration and arguably, in many cases, under the narrower definition of refugee convention as well. But it also includes people who would not qualify as refugees, for example those uprooted by natural or human-made disasters as based essentially on cases where governments respond to such disasters. The argument for including natural disasters is based on cases where governments respond to such disasters by discriminating against or neglecting certain groups on political or ethnic grounds or by violating their human rights in other ways. The same reasoning applies to the inclusion of human-made disasters, such as nuclear or chemical accidents. What distinguishes IDPs from the refugees and should make them of concern to the international community is the coercion that impels their movement, their subjection to human rights abuse emanating from their displacement, and the lack of protection available within their own countries.

A clear upward trend of internal displacement becomes visible from 1982 until 1994 (ignoring a short decline in 1988 and 1989) after an initial decline in the early 1970s. More specifically, in 1970 there were about 5 million IDPs from five countries and 9 million refugees from 25 countries. By 1980, IDP estimates increased to 7 million from ten countries. Refugee numbers were slightly more than 6 million from 38 countries in the same year. Between 1980 and 1990, estimates for both types of displacement almost tripled with 22 million IDPs from 23 countries and about 17 million refugees from 50 countries.

From 1990 significant demographic changes took place between the two groups. While the estimated numbers of refugees declined from 1990 onwards (despite a continuous increase of refugee-sending countries from 50 in 1990 to 63 in 1994), internal displacement increased sharply, peaking at 27 million in 32 countries in 1994. However after 1995 estimates of IDPs also dropped markedly, even though the number of countries reporting IDPs was still increasing (Hampton 1998).

While a few large refugees and internally displaced populations have been reduced, there is a continuous rise in the countries reporting such displacement. In addition taking size and duration into account, the 1990s is seeing a shift from large-refugee displacements to increasing internal displacement. Forced migrations have far fewer opportunities of escaping across borders in the 1990s.



**Figure 1 – Comparative forced displacement: IDPs and refugees, 1964 - 1996**

Source: Hampton, J (1998) Global IDP Survey

Stremlau (1998) states that the two principal reasons contributing to the apparent increase in internal displacement are the changing nature of conflict and the rise in communal violence since the end of the cold war (Vincent and Sorensen 1998:

2). Increasingly, civilian displacement has become a military or political objective of communal violence. Another reason for the increase in internal displacement is the declining willingness, on the part of some states, to accept large refugee inflows. That attitude effectively denies the right to asylum and limits the ability of internally displaced persons to escape national boundaries.<sup>5</sup> European governments are frequently singled out for their restrictive policies towards asylum seekers; but those kinds of policies are cropping up all over the World (Vincent and Sorensen 1998).

In other words, a major difference between IDPs and refugees might be the conditions that allow (or discourage) exodus across international borders.

The average length of displacement in Asia is about eleven years for refugees and six years for IDPs. There are eleven countries with 'chronic' refugee migrations and four with 'chronic' internally displaced populations of which India is an example. In the case of displaced Kashmiri people, within India, however the duration has exceeded the average length because of regionalism, separatism and fundamentalism prevailing in the state.

### **Impact of Displacement on Women**

It is important to look at how gender relations get altered due to the process of displacement. Women who were dispossessed due to displacement stretched their roles to work outside their homes. Women in the Kashmir insurgency have been boxed into the human rights discourse of victimhood-as victims of direct violence, of rape as a weapon of war by the security forces and of indirect violence that has made them widows, half-widows of the disappeared and mothers of sons killed or orphaned. The conservative patriarchal ideology of the Kashmir struggle cast women as symbols- grieving mother, martyr's mother and raped Woman. It developed an instrumental relationship with women as the frontline of the propaganda war over

human rights violations by the Indian state or the militants. The women shaped survival and resistance strategies.

Manchanda's (2001) study of the rise in militancy in Kashmir has shown how the women who were victims of conflict and displacement exercised agency. They also exercised their agency in their negotiations with the militants and the security forces to promote their cause.

Mattoo's (1997) review essay, 'An Unvarnished Tale Of An Uprooted Kashmiri Woman' analyzes the sorrow plight of a woman who has been the victim of displacement. For single women with a low status in society displacement has meant further complications.

There are various causes for the conflict-induced displacement from the Kashmir valley. Political alienation of the people, unequal access over scarce resources, spread of Islamic fundamentalism are some of the are some of the main reasons for the rise of sub nationalism in the valley leading to the displacement of the minority community. Chapter I- 'Alienation and Rise of Kashmiri Subnationalism' analyzes how the conflict-induced displacement manifested itself. Chapter II- 'Problems Faced by the Internally Displaced Kashmiri People' attempts to give an analysis of the impact of displacement on the social life of the displaced people. Chapter III- 'Response to the Situation and Survival Strategies' mainly focuses on the response strategies of the internally displaced and their exercise of agency to bring about new modes of social organization. In Chapter IV- 'Role of Government and Humanitarian Agencies' there is a critical analysis of the role played by the government and the other humanitarian agencies. The Conclusion comprises of some reflections on the situation of Internal displacement among the Kashmiri people.

## **Objectives of the Study**

- To understand the situation of internal displacement with specific reference to the displaced Kashmiri people.
- To understand the condition of the displaced Kashmiri people during the pre-flight, flight and the re-settlement stages.
- To examine and analyze the capacity of the displaced people in addressing their own problems apart from national or international aid.
- To analyze the needs of vulnerable groups, in particular displaced women and children and identify special strategies to address their needs effectively.
- To analyze and critically examine the ways and means whereby UNHCR, humanitarian agencies and other government bodies can be more effective in addressing the needs of the internally displaced people.

## ALIENATION AND THE RISE OF KASHMIRI SUB-NATIONALISM

Ethnic conflict based on demands for secession or greater autonomy has generated significant internal displacement in India. Violent social conflict in India has led to some internal population movements. As in 1947-48, fearful minorities seek safety in areas where they constitute the majority. In the 1980s, for instance, Hindu and Sikh migrations meant that the Hindus moved out of the Sikh-dominated Punjab and the Sikhs residing in other Indian States moved in. In 1983, the violence in the Indian State of Assam compelled thousands of Bengalis to flee for safety to the neighbouring Bengali-dominated Indian State of West Bengal, where refugee camps were established (Zolberg et al. 1989).

In the northeast, relations between the state and tribal minorities have long been problematic, leading to outbursts of violence or prolonged insurgencies. The minorities are here geographically concentrated and traditionally have viewed external authority as an imposition on their semiautonomous status. Faced with the greater administrative penetration of the postcolonial state and threatened by growing in-migration of the low-land people – who for their part sought to escape the explosive population pressures on the land in the Bengal deltaic region – the indigenous people struck back. There is therefore significant internal displacement in the North East induced by ethnic conflict.

In 1996 many Adivasis usually called Santhals of Assam were displaced. About 30,000 non-tribals, or outsiders who dominate trade and professions and control prime urban property, mostly Bengalis were uprooted by violence in Tripura in early 1997. Also, the continuing clashes between Nagas and Kukis have moved the two population groups. 2.5 to 3 lakh people have been displaced from the Kashmir



valley and 15,000 Reang tribals fled Western Mizoram. Conflict-induced internal displacement in India is approximately 390,000 (Hampton 1998: 142).

Similarly there is conflict-induced displacement in Kashmir. Kashmir continues to be a problem; almost as intractable as it has been right-from the time the question of its relationship with India arose in 1947. Today most of the Kashmiri people feel alienated from India. Large-scale internal displacement took place from the valley during 1989-90 when the region came under the control of many secessionist groups.

### **Size of the Internally Displaced Kashmiri People**

Almost 2.5 to 3 lakh Kashmiri people have been displaced from the valley- Hindus, Muslims and Sikhs. There are around 49,760 registered displaced families, 28,561 are living in Jammu region; 19,339 in Delhi; and the rest in other parts of country. According to Omprakash Mishra there are around 3000 Muslim and Sikh families who have migrated (Hampton 1998: 143). According to data obtained from the office of the Relief Commissioner in Jammu, in 1998, 28561 families (which could easily mean 1.5 lakh people) had registered as migrants with the office. Of them 25,250, nearly 89 percent are Hindu families. 1468 are Muslims families, 1803 are Sikh families and 75 are 'other'. Registration entitles the migrants to relief and rehabilitation. According to the Jammu relief commissioner's office the number of families registered upto 2004 is 34, 608 that is approximately 1.7 lakh people.<sup>6</sup>

Statistics are necessary to appreciate the size of the problem; but they are, at best, estimates and, at worst, misleading. Disagreements over definition and the lack of institutional resources mean that internally displaced persons are rarely counted.

Even if those receiving some form of national are counted, those who never receive such assistance and who are far from the sight of media may never be counted.

## **Internal Crisis**

Ever since Kashmir became a part of India it has been denied free and fair elections barring once in 1977, and the state has repeatedly come under the rule of the Central Government. Time and again there has been a political vacuum in the state.

Article 370 of the Constitution of India was the major issue during election campaigns. The nature of campaigning and canvassing revolved around it. It symbolised the ethnic consciousness of Kashmir people, that their state had been given a special status within the Indian union. The accession of Kashmir took place in exceptional circumstances in which the government of India committed itself to a plebiscite and guaranteed full autonomy for Kashmir. Over the years the terms of accession have been diluted and Article 370, which defines the special nature of Kashmir's relations with India, lost most of its protective clauses with the centre acquiring powers to make this article defunct. The appointment of Jagmohan against the wishes of the National Conference shows the government of India's complete disregard for Article 370 of the Constitution (G N 1990).

After the removal of Sheikh Abdullah the principles of democracy were flouted to the detriment of national interests. Corruption became the order of the day. The accord of 1975 could not re-establish trust and confidence between centre and the state. Sheikh's removal for playing with the idea of independent Kashmir was followed by the growth of secessionist groups, Plebiscite Front being the leading group. The situation in Jammu and Kashmir by the end of 1989 developed into an 'invisible war'. The conditions in the state deteriorated to such an extent that by October 1989 people in the valley were virtually seized by an all-pervasive dread of

militant violence. Any call from the militants for a 'civil curfew' began to be obeyed without any resistance or complaint. Contrary to this, all assurances of safety from the government lost credibility with the people. The growing alienation of youth in the state, largely rooted in the economic crisis, found an outlet in communal organisation.

Wani (1993) states that the aggressive electoral strategy conducted by Congress-I in course of elections of 1983 reinforced this mistrust in the state machinery and stirred the people towards Dr. Farooq Abdullah. Later, this fear articulated into an open protest thereby highlighting the underlying sentiments of ethnic consciousness of Kashmiri particularism in the elections of 1987.

The 1987 Assembly elections also showed an exceptional increase in the participation of fundamentalist organisation. In Kashmir it was manifested in the "Muslim United Front" (MUF). The Congress-NC alliance took advantage in the scene and thwarted the interests of MUF.

The militants, who identified the Indian State and its infrastructure at the local level as their enemy, virtually overpowered the state apparatus and rendered the police and local bureaucracy completely demoralized. Initially, they began by making frenzied religious propaganda, slogan shouting, sticking posters on walls and poles, spreading rumours and by killing some CRPF jawans, policemen, IB officials, retired judges, bureaucrats, managers, politicians etc. Some close relations of policemen were also gunned down and their houses bombed. The militants also penetrated into the police intelligence network and the administrative apparatus of the state. By January 1990 the state authorities lost control and failed to prevent the situation from going out of hand. Despite the claims of arrests, killings of militants and seizure of arms, ammunition and explosives by the Government, there has hardly

been any let-up in violence and killing, kidnappings, extortions, destruction of property to on unabated. People are sandwiched between gun-totting militants on the one hand and state forces on the other (Verma 1994).

## **External Crisis**

According to Verma(1994) a 'Topac' plan was formulated by the Zia-ul-Haq regime in Pakistan. The process of instigating of local Kashmiri youth was again revived around mid-1980s. It is believed that the late Gen. Zia had worked out a plan called 'Operation Topac' (named after Topac Amin, an Inca Prince, who fought a non-conventional war against Spanish rule in the 18th century) in April 1988 for nurturing local insurgency with the objective of establishing an independent state by liberating the Kashmir Valley from Indian domination. The major components of this three-phased 'Topac' plan were as follows:

- Promote a low-level insurgency against the state government, so that it is under siege, but does not collapse and fall under central rule.
- Whip up anti-India feelings amongst the students and peasants, preferably on some religious issues, in order to enlist active support for rioting and anti-government demonstrations.
- In collaboration with Sikh extremists, create chaos and terror in Jammu and divert attention from the valley at a critical juncture and discredit the regime even in the Hindu mind.
- Attack and destroy base depots and headquarters located at Srinagar, Pattan, Kupwara, Baramulla, Bandipur and Chowkiwala by covert action at a given time.

- Some Afghan Mujahideen, settled in Azad Kashmir, will then infiltrate in selected pockets with a view to extending areas of influence.
- Finally, a special force under selected retired officers belonging to Azad Kashmir, with the hard core consisting of Afghans, will be ready to attack and destroy airfields, radio stations, and block the Banihal Tunnel and the Kargil-Leh Highway.
- Detailed plans for the liberation of Kashmir valley and establishment of an independent Islamic State in the third phase will follow (Verma 1994).

Even Muslims were not spared, forced reforms, in the name of religion took away the freedom of the people in a big way in the valley. 'Jehad' for a theocratic state snapped the age-old ties of communal amity and brotherhood. Frequent attacks on security forces, particularly in crowded places, caused the loss of precious lives in cross firing and destruction of property in Srinagar and other towns.

### **Security Forces in the Form of a Police State**

The security forces faced punitive action from time to time because they have committed some excesses. The 'crackdown operations', custodial deaths, rape, illegal detention etc., have antagonized most people in the valley. The gang rape of women in full view of her children and other family members sent shock waves in the entire region leading to complete curfews, processions and slogan shouting.

The word 'crackdown' referred to the security forces' cordoning off a city locality or an entire village with the purpose of conducting search operations. During the crackdown their inability to distinguish between a militant and an ordinary Kashmiri led to a huge loss for the Kashmiris in terms of life and property. Every now and then they misbehave with women. There have been some instances of rape. It is not so much the brutality and torture, which made people so despise the security

forces. It is their utter lack of discipline and self respect which made the armed forces appear an object of fear rather than contempt (Kishwar 1998).

However, the issue of excesses has often been blown up to widen the gulf between the state authorities and the Muslim masses. At times, the militants have also spread false information to malign the security forces. Besides this, many a time, excesses have been caused because of provocation by the militants.

Jammu and Kashmir is a border state whose future was supposed to have been decided through plebiscite in both India and Pakistan-controlled Kashmir. Consequently, the state has experienced a heavy dose of army presence. When there was a crackdown operation on the other hand the army had treated everyone with contempt, not distinguished between civilians and terrorists and destroyed peoples' houses. The Kashmiri people therefore felt alienated as this situation made them feel that they were not trusted with full citizenship rights.

Given the total political vacuum, and the fact that even the Panchayat elections could not be held for a long time, people have no real channel for grievance. The state police does not have as much responsibility as the security forces. The existing political vacuum combined with the paralysis of the state government machinery has meant a total alienation between the army-run administration and the local people.

People alleged that though hundreds of women have been raped, only a handful of cases have been registered because of the social stigma attached to being identified as a rape victim.

The Muslims in Uri are mistrusted by the militants to be 'mukhbirs' (informers). They can not even go to Baramula openly. The people of Uri have this reputation because they are close to the border. Both sides suspect them of being

informers. On the other hand, there are instances where the security forces beat up people on the suspicion that they are ' mujahids' (militants).

According to Kishwar(1998) the anti-India sentiment of the ordinary Kashmiris is based on their personal suffering. Ordinary Kashmiris do not exaggerate their suffering but are equally upset by both security forces and militants. Kashmiri Muslims relent that they suspect every Muslim with a beard.

### **Access to the Educational and Economic Resources**

According to Kishwar (1998) the average Kashmiri's anger and hatred is focused on the Central government and its armed forces. They display very little anti-Hindu feeling and would not be in favour of driving out Kashmiri Hindus. However, sections of the educated elite among the Kashmiri Muslims showed a sense of antagonism towards Kashmiri Pandits(Hindus) because in matters of education and employment they were in conflict with the Hindus who come in direct conflict with the Pandits who are far better educated and, therefore, get jobs more easily. The resentment of educated Kashmiri Muslims is due to the fact that the Pandits had got used to dominating on account of being economically and educationally better off and never reconciled to the spread of education among Kashmiri Muslims. The Pannun Kashmir outfit, started at the instigation of the Home Ministry, has been demanding a separate homeland in the valley for Kashmiri Pandits. This has made them even more suspect in the eye of the Kashmiri Muslims. The Kashmiri Hindus, a minority in relation to the Kashmiri Muslims had a major share of the economic resources. The politics of the state however has been dominated by the Kashmiri Muslims.

## Militants-Selective Targets

Apart from the killings, the militants have taken hostage thousands of people consisting mainly of politicians, tourists, senior government officials, technocrats, security and intelligence personnel etc. The strategy of kidnapping, among others, has helped the militants in earning publicity, securing the release of their jailed fellow militants, instilling fear of the gun and demoralizing the state authorities (Verma 1994). Since the beginning of 1989, non-Kashmiri Hindus in Kashmir, a tiny number, started receiving notices to quit Kashmir. The non-Kashmiri Hindus, professionally a trading community was considered a 'soft target' by the militants. Threats aimed at dislodging them from Kashmir were followed by bomb blasts and arson in their homes and business establishments. Threats began to have their effect. Panic gripped the community and many of the non-Kashmiri Hindus sold their property at throwaway prices and left the valley.

The Kashmiri Pandits were the next target. An intense campaign of hatred and vilification was launched. Secessionist organizations called for a boycott against those opposing the secessionist movement in the state. Kashmiri Pandits, the Hindus, Kashmiri Sikhs and other minorities were exhorted to join the liberation struggle. In many places they were compelled to join anti-India processions. At the same time some Urdu Press in the valley blamed the Hindus for having helped India to annex Kashmir by fraud and force. Notices and warnings, addressed to people against 'mukhbiri' or collusion with the government of India were circulated. This created a fear psychosis among the non-Muslims. These new variety of militants spread rumors that they have prepared a hit list of non Muslims and threatened that this threat may be executed unless they quit the valley. Besides, non-Muslims were threatened through letters, posters and even through advertisements in the press.



A big chunk of displaced Muslims were activists of nationalist parties, relatives of political leaders and employees. They migrated following the kidnapping of Prof. Mushir-ul-Haq, vice-chancellor of Kashmir University, and spurt in the killing of political personalities. Prominent personalities were thus made frequent targets so that a fear could be instilled among the minority communities and among the Muslims who supported the minorities.

### **Pre-Flight Community Relations**

In the valley the Kashmiri Muslim neighbours did not ask the Hindus to flee from his home. The fear of the gun, however, kept away the former from offering physical protection to the fleeing Pandits(Hindus). The physical cleansing on ethnic lines was engineered and materialized by youth for this purpose. The Muslim neighbours in closely-knit neighbourhoods were closely watched lest they offer any physical help to the displaced minority community and persuade them to stay behind in the valley.

### **The Rise of Kashmiri Subnationalism**

There is the concentration of the Muslim ethnic group in the valley. Although the Muslims in India constitute a minority relative to the majority Hindu population, within Kashmir they constitute a majority. Therefore Kashmir presents a unique case. Kashmir has a majority of Muslims and minorities of Buddhists, Hindus, Sikhs and other communities. Political rights of the latter are relatively circumscribed. To the extent the Kashmiri nationalist struggle was oriented towards the majority 'Kashmiri Muslims' it had therein a structural flaw. The rise in Kashmiri sub nationalism has to be viewed with regard to this ethnic group. Modern state building and the

consolidation of national borders in the post colonial period have congealed and invented new forms of collective identity (Nandy 1999).

There have been a variety of reasons for mobilizing people into protest agitations in Kashmir. The early Kashmiri independence movement, whose roots go back to the uprising against the Dogra regime in the 1930s, saw itself principally as a nationalist struggle, 'demanding a proper representation for the Kashmiri Muslims in the administration of the state'.

A combination of external and internal factors led to the rise of sub-nationalism within Kashmir. Pakistan's Inter-Service Intelligence took advantage of the domestic problems faced by India. According to Joshi (1999) the destruction of the Babri Masjid, in 1992, and the alienation of the Indian Muslim community was taken advantage of by the ISI. Efforts to subvert the loyalty of the Kashmiri Muslims were stepped up. But the initial activity, ranging from bomb blasts to other forms of subversion was conducted with the use of Kashmiri militants.

The militant movement in Kashmir, during the course of initial few years, had blunted the ethno-cultural edge of Kashmiri identity to a major extent. The nationalistic component of Kashmiri identity, which had gone into a phase of dormancy, was being replaced by the complete Islamic orientation. At one end of the spectrum was one school of thought, which based Kashmiri sub-nationalism (or nationalism) on ethno cultural lines. At the other end was another school, which sought to base Kashmir sub nationalism on Islamic lines. The post independence Kashmiri society witnessed the heightening of this tension to a major extent. Both the political groupings were asserting to organize Kashmir society according to their differential perceptions. However, the nationalist current, with an ethno cultural strand, dominated the socio-political scene (Joshi 1999).

The Islamic orientation of Kashmiri sub-nationalism manifested in the mobilization of students and youth in the later part of the decade 1970-80 in Kashmiri society. The conglomeration predominantly urbanized and educated youth formed the Students Islamic Federation. The Iranian revolution provided great ideological inputs in this new mobilization of youth. Be that as it may, this new orientation and the subsequent mobilization were in fact, quite alien to the socio-cultural ethos of Kashmir society. Due to various socio-historic reasons, the ethno-cultural edge of Kashmiri sub nationalism had remained quite sharp.

The rising Hindu fundamentalism and militancy in Jammu and Ladakh regions of Jammu And Kashmir state further consolidated the new mobilization in Kashmir. It appears that student, and youth groupings in Kashmir were the first to recognize the armed struggle as the potential method to realize the objective of islamisation of Kashmiri society.

### **Target of Social Institutions**

In the first phase of militancy in Kashmir in the year 1989, the pattern to be followed by the Caliphate ideologues became quite visible. The thrust appeared to bring about structural changes at the cultural levels of Kashmiri society. Thus, in the first instance, all cinema houses, beauty parlours, wine shops, bars and video centers were vanished from the society. An Islamic code of conduct, particularly, was formulated for women to be imposed on the society.

Slowly and steadily, an attempt was made to discourage the people to seek remedies through normal judicial processes under the law of the land. The eloquent articles and discourses were published in the local vernacular press to focus on the virtues and expediency of Islamic laws over the secular laws. In the year 1990, there was a proliferation of militant groups in Kashmir. According to Punjabi(1999),

majority of these groups advocated 'Nizam-e-Mustafa' (System based on Islamic Shariah Laws) as the objective of their struggle in Kashmir. Islamic state and / or linkages with an Islamic state (Pakistan) became the predominant theme of the majority of these groupings. Gradually, the term freedom was replaced with 'jihad', which, according to them, was launched 'to reorganize the society by imposing the laws of God and inviting the people to truth,' (Roy 1999: 188). The Taliban regime in Afghanistan too targeted the social institutions in a similar way in Afghanistan.

A large number of official buildings, including schools and colleges all over Kashmir have been set ablaze. The educational institutions for girls became special targets of attack as some militant outfits were opposed to the present system of education for girls. The news media in the Kashmir valley was completely paralyzed. The Srinagar newspaper staffers, whenever they wrote any critical note on militants, wrote under a pen name. Likewise, reporters of several newspapers (under threats) either migrated to Jammu or managed their transfer outside the state. Some major newspaper suffered violence.

The pattern, which was followed in Kashmir in 1989, appears to be in tune with the one being followed by Jamaat-i-Islami in Pakistan. However, the objective appears to be similar, i.e. bringing about structural changes by changing the cultural values and norms and uniting Muslims societies on the basis of Caliphate ideology (Verma 1994).

### **Exodus of the Minority Community**

Some of the militant and fundamentalist outfits did try to involve the Pandits in their anti- India and 'pro-Nizam-e-Mustafa' struggle by holding out a promise that they would be given protection as a minority community in the Muslim State to be governed in accordance with the Islamic tenets. Some of them even asked them to

abandon their culture and religion and embrace Islam. Besides killings, abductions and intimidations, militant violence led to a large scale migration of the Kashmiri Pandits from the valley.

While discussing with a representative group of 75 displaced Kashmiri people in Chandigarh, Punjab (70 Hindus and 5 Sikhs), Verma (1994) found that none except six youthful migrants was personally harmed or threatened to leave the valley. Fifty of them said that their Muslim neighbours rather told them that they would help them against any eventuality. But keeping in view the deteriorating conditions they did not stop them from migrating till the return of normalcy. Moreover, nineteen displaced people said that initially it were their Muslim neighbours who advised them to migrate for safety for some time.

The displaced Kashmiri people reported that they felt very much threatened in an atmosphere of continuous violence, particularly during January-February 1990 when the major exodus took place. The atmosphere was so oppressive that thousands of slogan shouting people came to the streets against the alleged coercion by the state forces. Several lives were lost and property was destroyed.

The propaganda was well thought out from across the border. Songs appealing to Kashmiri Nationalism recorded on cassettes (reportedly prepared across the border) blared on the public address system in mosques. The loudspeakers in mosques were also used for calling upon the people to come out on the streets. Most of the mosques were reportedly blazing forth the 'Azadi' line from their loudspeakers. Warnings were announced on the loudspeakers, through posters and local newspapers to Kashmiri Hindus to leave the valley or accept 'Nizam-e-Mustafa'. Many migrants stated that they were helped by the authorities in reaching bus stands, airports etc. The killing of some popular minority leaders had already created a fear psychosis

among the Kashmiri Pandits. Most of them were either Government employees (teachers, doctors, para-medical staff, engineers, technicians, clerks, etc.) or businessmen.

The Kashmiri Pandits resisted the onslaught for sometime. In the process they suffered humiliations at the hands of the Islamic fundamentalists. Their business establishments, temples and residential quarters were attacked. Their women were raped and dishonoured. Many were killed. The Muslims like Ghulam Nabi Mir of Kandi, Kupwara, did come forward in defence of the pandits and to protest against the terrorists busy in clearing the villages of all the Pandits. But they, according to Hamida, wife of the slain Ghulam Nabi Mir, were done to death. Not one Muslim came for his burial - Ghulam died labeled a Hindu mukhbir (informer). Hamida's reputation was ruined beyond repair - after all, she was the widow of a mukhbir. She felt that she would be hanged to death had she stayed on in the village, so she ran for her life and her children's lives. She came empty-handed, but with "a heart brimming with pain" (Hari Om 1998)<sup>7</sup>.

The victims of militancy did wait for the government to come to rescue and perform its legitimate duty. But the authorities remained totally indifferent. Unable to withstand the April 14, 1990 terrorists' threat to leave the Valley within 48 hours or face death the minority ultimately decided to quit the Valley, leaving behind property and everything worth thousands of crores. It is however a different matter that the leftists, the secularists, and the human rights activists started a disinformation campaign almost immediately to cover the frightful face of communalism and to mislead the World opinion holding the then State Governor, Jagmohan, squarely responsible for the exodus of Kashmiri Pandits from the Valley. The Pandits' flight from the Valley was as equal to a plan hatched from outside the state. It had nothing

to do with Jagmohan. The situation was too bad when Jagmohan assumed office (Hari Om 1998).

According to Verma (1994) like Kashmiri Pandits, a large number of Punjabi traders also fled the valley after attacks on non-Kashmiris. Most of them were businessmen dealing the wholesale marketing of cloth, provisions, medicines, pan-cigarettes, transport etc. Moreover, several Sikh families, after the killings of their co-religionists (police officers etc.), also migrated, particularly from places where their population was less concentrated.

The case study by Mahmud (2004) of recent migration from the border districts of POK is quite revealing. Thousands of Muslims families in the border areas of Uri, Keran, Tangdhar, Machel, Kupwara, Poonch, Rajouri and Mendhar fled to Pakistan occupied Kashmir. Most of them migrated either due to the scare of 'crackdown' operations or were lured away by agencies across the border. Over 35,000 Kashmiris left their homes for POK over the last decade. The migrated families have made their tiny mud-brick villages in different parts of POK with the help of local administration and the civil society.

Historically speaking, the state government of Maharaja notified April 20, 1927, state subject certificate to all residents of J&K State thus ensuring them equal rights. As POK is still considered legally and politically part of disputed Jammu and Kashmir State, therefore all migrants have equal rights and responsibilities by virtue of the same law. The POK government upheld the law till 1989 by giving the state subject certificate to all the displaced Kashmiris. Until recent court decision, government did not acknowledge the same 1927 law. The deputy commissioners as well as the Kashmir Council were denying the issue of the state subject certificates to the migrant families. The sudden shift in the bureaucratic procedure sent shockwaves

not only amongst the refugee community but also Kashmiris on both sides of the fence. To them, the state subject status is the key to equal basic rights (Mahmud 2004).

Interestingly, several Muslim families also fell to the migration spree within India. An appreciable number of them, in terms of background, represented relatively better-off businessmen, politicians, medical practitioners etc. Facts collected from inter-state bus terminal and railway station in Delhi revealed that from July to November 1990 as many as 10,000 people, mostly Muslims, reached Delhi and some of them joined their relatives in Bombay and Calcutta. If the Muslims are soft on the militants, the security forces crack down on them and if they try to help the security forces, the militants get them. According to Verma (1994) in 1991-92 thousands of families of Kashmiri Muslims migrated to different areas in India. Some of them went abroad and settled in countries like Saudi Arabia, Iraq, Iran, Malaysia, U.K., U.S.A. Owing to the growing threat of extortions and slump in the trading activity in Kashmir, businessmen shifted to better areas in the plains and converted big showrooms and shops into forwarding agencies. The flight of money and manpower continues unabated. Many of them have either kept some members of their families or servant back home to protect their belonging from looting and arson (Verma 1994).

Violence in the valley thus created several categories of displaced people. Many Kashmiri families live like refugees within the valley itself. Of them a couple of thousand consist of those whose houses were gutted and damaged in bomb blasts and cross firing between the militants and security forces. Besides, some shifted from their original localities to safer places and now live in mosques, temples or tents in Srinagar city. Some families of Kashmiri Pandits also moved to rented apartments near the military cantonment in Srinagar, whereas the bulk of them migrated to



Jammu, Delhi, Punjab, H.P., Gujarat, Haryana, Rajasthan, M.P., U.P. and other towns outside the valley. (Thakur 2000).

### **Attack on Kashmiri Identity or Kashmiriyat**

Kashmir nourished the philosophies of Buddhism, Shaivism, Vaishnavism. Rulers of Kashmir gave shelter, honour and wealth to the foreigners. Buddhism and Shaivism existed side by side and received recognition in Kashmir till the 14th Century. Never was there any conflict among the various sects. This is the land of rishis, saints, monasteries, temples, educational and spiritual centres had given birth to victorious and honourable scholars. One more bright and encouraging side of 'Kashmiriyat' is that on this land oneness was brought about in different castes and communities (Singh 2000).

According to Singh (2000) Islam spread in Kashmir under the influence of the Sufi sect and much of the valley may have already been converted to the faith even as it was ruled by Hindu monarchs till the 14th century. Kashmiri Islam had developed its own characteristics shaped by the followers of great teachers like Sayyad Ali Hamdani (1314-85) who belonged to the Naqshbandi Sufi order and injected a dose of orthodoxy into the religious life of Kashmir. Liberal and orthodox trends characterized the rule of Muslim sultans. While some like Sultan Sikandar (1389-1413) and Ali Shah (1413-29) persecuted Hindus and desecrated temples, others like the great Zainul Abedin (1420-70) not only restored the right of the Hindus, but also passed laws to protect the minorities. (Joshi 1999). One more bright and encouraging side of 'Kashmiriyat' is that on this land oneness was brought about in different castes and communities (Singh 2000).

## Attack on Historical Monuments

In the midst of controversial assertions: Indian security forces blaming Kashmiri militants and foreign mercenaries, and the latter blaming the former, the historical, cultural and spiritual monument of Sheikh Nooruddin Noorani in Charar-e-Sharief in Kashmir has been reduced to rubble.

The local Kashmiri press reveals that the militants and the foreign mercenaries, particularly from Pakistan and Afghanistan had secretly entered the town in December 1994. They subsequently occupied the historical Khanqah, which was attached to shrine, and was meant to provide night shelter to the devotees who visited the shrine. In the month of March 1995, the local population of Charar-e-Sharief town, living in the adjoining area of Holy shrine, apprehending the trouble and sensing the mood of militants en-masse vacated their homes and left the area. It is reported that more than eighty percent population had left the town (Punjabi 1995).

On 9th May 1995, the entire Charar-e-Sharief locality was destroyed in a devastating fire. In another fire, during the night of 10th-11th May, the shrine along with the historical Khanqah was completely devastated. The architecture of the shrine, the practices and traditions followed at the shrine had made it the brightest socio-religious Centre symbolizing Kashmir ethos, known as 'Kashmiriyat'. The revered Sheikh was 'Alamdar-e-Kashmir' (leader, torch bearer of Kashmir) to the Muslims, and 'Nund Rishi', (The pious and favourite rishi of the Hindus of Kashmir). Sheikh Nooruddin, restructuring the historical Rishi order had embarked on the spiritual reconstruction of Kashmir society during the same period. He urged his people to rise above the distinctions of religion.

Any mausoleum of a saint in Kashmir draws huge crowds particularly from the rural folk of the valley. However, certain religious-social groups in Kashmir do

not approve of these specific practices. According to them, these were un-Islamic practices and hence the efforts should be made to make them non-recurrent in the society.

With the onset of militancy in Kashmir in 1990, the Pro-Pakistan and pan-Islamic oriented militant groups tried to exhort the people to desist from these very specific practices, which were rooted in Kashmir identity or 'Kashmiriyat'. The resistance on the part of the people led to tensions and even clashes. According to Punjabi (1995), the resistance of the people in Batmaloo in Sringar, when they were restrained by militants from celebrating the annual Urs (a birth or death anniversary of a saint or rishi) of Batmoal Rishi, the burning down of a part of Khanqah adjacent to the mausoleum of Baba Payamuddin Rishi in Tangmarg, and a bloody clash in which a few people died in Aish Muqam where militants had tried to prevent the local villagers from celebrating the Urs of Baba Zainuddin Rishi are some illustrations to the point. Thus, there has been a persistent effort to dilute and ultimately obliterate the symbols of 'Kashmiriyat'. However, there has equally been resistance to these attempts as well.

The destruction of Charar-e-Sharief had a dangerous fall out. The destruction of a few Hindu temples and torching of migrant Kashmiri Hindu houses could lead to a dangerous communal polarization not only Jammu and Kashmir State, but other parts of India as well. The resentment of Kashmir Muslims against such acts which were described quite an anti-thesis of the teachings of Sheikh Noorudding Noorani, halted this process of polarization (Punjabi 1995).

### **Neglect of Kashmiri Language**

Initially Pakistan lent armed support to the JKLF, they soon withdrew it and began propping up their own captive organizations with the purpose of undermining

and attacking the JKLF because of Pakistani rulers are determined to suppress the Kashmiri sentiment for Azadi. Therefore, the continuing neglect of the Kashmiri language and the promotion of Urdu are an integral part of the agenda of the pro-Pakistani groups in Kashmir. Their agenda is to banish the Kashmiri sentiment of Azadi and promote a pro-Pakistani sentiment. Yet, despite all this, a large majority of Muslims in Kashmir continue to feel like a Kashmiri first and Muslim next (Kishwar 1998).

### **Observation**

The rise of Kashmiri sub nationalism cannot simply be explained on the basis of ethnic conflict between the majority and the minority communities. A conglomeration of factors led to the present crisis such as the competition for educational and economic resources by the majority and minority communities, alienation of Kashmiri people with the Indian state, external intervention in the state and also the relationship of the security forces with the civil society.

The target of the minority community was engineered by the Islamic fundamentalists to spread communal tensions in the valley. Although majority and minority conflict over scarce resources existed, most of the Muslims did not support the eventual exodus of Kashmiri Hindus from the valley. Badri Raina (1992) in the article 'A Window To India' holds that militancy led to the loss of lives of many Kashmiri Muslims. Therefore Hindus were not the only target of the militants. It was a combination of factors, which led to the spread of violence in the valley and the eventual displacement of the communities- Hindus, Muslims or Sikhs. Most of the Kashmiri Muslims who fled were members of nationalist parties.

The fact that the Muslims who helped the Hindus were targeted implies that every attempt was made by the Islamic fundamentalists to weaken the bond between

the Hindus and Muslims. Social institutions of the society were targeted and attempt was made to relegate the Kashmiri language to the background- a marker of identity of the Kashmiri people. Therefore all attempts were made to bring about a social transformation in society. In this insecure atmosphere there was no option for the minority communities Kashmiri Hindus and Sikhs, and some members of the majority community the Muslims than to migrate from the valley.

## PROBLEMS OF THE INTERNALLY DISPLACED KASHMIRI PEOPLE

The internal displacement among the Kashmiri people has had various social consequences, which need to be analyzed. One of the chief social consequences has been the ushering in of violence in the state. The spread of violence and consequent uprooting has impacted the social organization of the displaced people- kinship networks, neighbourhood relations in the new setting, gender relations, form of household, and concept of community identity.

The sense of 'cultural loss' by which is meant that the communities in exile from ones' homeland experience the feeling of alienation from the culture associated with one's territory. Violence has had a multi- dimensional impact on the Kashmiri people. It has impacted the mind, body and soul. In an attempt to understand the impact of violence in Kashmir a multidimensional approach addresses the various issues.

According to Schroeder and Schmidt (2001) we should take a multi-faceted approach to violence that is a combination of operational, cognitive and experiential and cognitive approaches. The operational approach, focusing on the etics of antagonism; in particular on the measurable material and political causes of conflict. It implies that violence is never completely idiosyncratic. The cognitive approach, focusing on the emics of the cultural construction of war in a given society; violence is never completely sense or meaningless to the actor. The experiential approach that looks at violence as not necessarily confined to individual subjectivity, something that structures people's everyday lives, even in the absence of an actual state or war. It implies that violence is never a totally isolated act. Violence is meaningful to all victims, perpetrators and audiences. Thus in visualizing violence in Kashmir we have

to take into account the Islamic fundamentalists, the minority community and the national and international audiences.

The ideas of nation-state and history in this respect have begun to play new, more important political-psychological roles in South Asia (Nandy 2002). Ethnic conflict and violence has led to the spread of a 'sense of uprootedness' among various communities. There have been the displacements of Afghan refugees into Pakistan and within Afghanistan itself due to the influence of the Taliban in the last decade. The displacement of Srilankan Tamils into India and into other places in the interior of Jaffna due to conflict between the LTTE and the Srilankan government provide similar examples.

In India, the spread of the culture of uprootedness has produced new cultural dislocations, anxieties and social tension as in Assam between the Bengali migrants and the indigenous population in the 1970s. Nandy (2002) states that many communities that looked settled till recently, experienced colossal dislocation through migration, war, uncontrolled urbanization, and mega-development. A large part of the world is now inhabited by people who have experienced or carry within themselves memories of uprooting. This is the case of displaced Kashmiri people. Even when we talk nowadays of a global order dominated by one superpower, that power represents, among other things, the culture of the immigrants, the displaced, the people who feel a sense of cultural loss because of dislocation and people who have to undergo re-acculturation-on return to the homeland.

Social and political violence can sometimes bind a fractured self within, as is the case of Islamic or Hindu fundamentalists. For religious fundamentalists thus ethnic conflicts provide some kind of psychological security.

Displacement of Kashmiri people due to the spread of Islamic fundamentalism in the valley has meant a deprivation from their territorial heritage, surroundings, and indigenous homeland.

### **Flight of Kashmiris from the Valley**

Razdan (1999) has given various personal narratives of the Kashmiri people subjected to the violent conflict, which resulted in their exodus. Mrs. Sarla (name changed), a young beautiful Pandit woman, briefly narrated the confusion that compelled her to leave the valley and the spirit that enabled her to return to it along with her family.

“I and my family used to live in Rawalpura Colony of Srinagar till the month of December 1989. Day after day, the posters pasted on walls in the city warned Kashmiri Pandits to leave the valley. Sometimes, the Urdu papers published from Srinagar carried similar warnings sponsored by the militants. One fine morning we discovered that some of our close friends and relatives had fled without even whispering to anyone about their flight from Srinagar. At last our turn arrived. I too left Srinagar by air and my husband followed me to Jammu by road.”<sup>8</sup>

Mrs. Sarla’s narrative explains how the propaganda was carried on to evacuate the members of the minority community. The narrative throws light on the subjective experience of violence associated with displacement from the Kashmir valley. However such individualized personal narrative should be linked to the social processes of displacement (Ager 1999). There should be an analysis of the causes of the conflict, how it is meaningful to the victims, perpetrators and audiences and an analysis of the subjective experiences of the displaced. The political alienation of the Kashmiri people along with propaganda against the minority community who occupied all the important positions in the valley were two main causes why the



sparks such as rumours of rape of Hindu girls by the Muslims, music before mosques, pasting of posters before walls led to the spurt in violence. Varshney (2002) states that Hindu- Muslim violence in India is primarily domestic. International factors are not causes but sparks to which different places in India react differently.

Audiocassettes roaring slogans on Islamic Jihad were played to inculcate fear among the Pandits and other minority communities. Synchronised sounds emanating from various mosques were so effective that they simulated a foot-march by a million people through Srinagar streets for the liberation of the valley. In addition, the local press published warnings addressed to Pandits and non Kashmiri Hindus asking them to leave the valley or face the consequences. Similarly, posters were pasted on poles and walls all over with a stern message for the minority community.

The government in the valley was inefficient. Political alienation and the spread of Islamic fundamentalism in the valley thus created conditions for the migration of the minority communities from the valley. According to Razdan (1999) the minorities who migrated were spared the atrocities that the Muslims were subject to later by the fundamentalists if they did not support their cause. Many Muslim families fled later.

Since then, these migrants have been living in different places outside the valley of Kashmir in India. They are either subsisting in the refugee camps, or in rented accommodation or with their relatives and family members already employed outside the Kashmir Valley (Razdan 1999). The resettlement of the displaced Kashmiri people has been in Delhi or Jammu for the principal reason that these two places provided familiar surroundings where most of their kin were already staying. The kinship ties thus provided major support mechanisms for the adjustment of the displaced in the new setting (Rao 1970). According to H.K. Thakur (2000) the other

places where the displaced have migrated are Himachal Pradesh, Gujarat, Haryana, Rajasthan, M.P. and U.P. However no adequate statistics are available regarding the size of the displaced people for all these latter states.

## **Violation of Human Rights**

Incidents involving extortions, molestations, rape, forcible marriages, torture etc., are some of the other related aspects of militant violence in the valley. Death by strangulation, hanging, amputations were not uncommon. When the Pandits fled, the sights were set on the Muslim populace. Wandhama, Telwani, Sangrampora, Chittisinghpura massacres led to the loss of many lives in Kashmir. These events created a fear-psychosis among the minority communities and among the Muslims who lent support to the Hindus especially the members of the nationalist political parties. These events meant that the displaced had to live in a state of fear in their everyday lives.

Although such events can have major impact, on individuals, there is concern that an overemphasis on discrete experiences of trauma can encourage an acutely individualized and decontextualized view of the refugee experience. Such events must be conceptualized within the full breadth of the refugee experience (Ager 1999).

## **Separation**

According to Ager (1999) flight from one's homeland clearly represents an event, which is likely to prompt major emotional and cognitive turmoil. One of the responses to the separation from homeland is a wish to return. There is a sense of 'cultural loss' among internally displaced people. They feel a sense of 'cultural loss' as their culture is de-linked from their homeland.

Displacement has meant that they are reduced to a position of outsiders within their own country. They feel a sense of 'cultural loss', as they cannot visit ones own ancestral land because of the 'fear of the gun'. The problem of foreigners or outsiders is the disjuncture between their historical and cultural roots on the one hand and the territory of their origin on the other. The delinking of culture from territory is at the root of the problem of foreigners or outsiders in the contemporary India (Oommen 1990).

Mattoo's (1997) review essay, 'an unvarnished tale of an uprooted Kashmiri woman', brings an honest tale of a woman Kshama Kaul displaced from her geographical and cultural set-up and left to wander in an alien homeland. 'Samay Ke Baad' is the document originally written by Kshama Kaul that Mattoo has reviewed. Mattoo states that in the document "there are moving details of how festivals were prepared for and celebrated in the natural habitat, to throw into greater relief the contrast between the scene in Kashmir and that in exile. The rituals that were laden with meaning back home seem grotesque in the changed locale...An unforgettable image is that of her mother's pitiful belongings rolling in the dust of the metropolitan road, when the cart carrying them from one shelter to the other overturns. Among the objects that eat the dust is the household deity." (Cf. Mattoo 1997: 71).

## **Resettlement in a New Host Community and Neighbourhood Relations**

Initial arrival in the host community by the displaced population entails that the displaced people have to face many hardships. These may range from finding a roof to cover one's head to finding a means of livelihood. Their way of life gets

altered which has an impact on their everyday relations. The treatment that they receive makes them constantly aware of their otherness in the new surrounding.

Neerja Mattoo (1997) explains how the ethnic differences manifest themselves in the relationship of the displaced community with their neighbours. In the review of Kshama Kaul's documentary Neerja Mattoo has shown how to a prospective landlord the displaced woman is only a 'meat-eating intruder'. The displaced people were initially viewed as 'migrants' who added to the burden of the metropolis. The following extract will illustrate:

"I am giving this coop the respectability of a room. The blackened ceiling.... broken shelves, a dirty floor. Just as big as our bathroom back home. He stands against the door and says: You people eat meat, fish, onions, everything. You are Kashmiris."

The Kashmiris find the heat and the dust of the North Indian plains where they moved in large numbers unbearable. Displacement has therefore meant that the displaced people have to adjust to a new ecological and social setup.

### **Resettlement in the Transit Camps**

After the flight from Kashmir a resettlement is entailed. While the members of the upper class and the middle class continue to have a descent living in the new places, the members of the lower class live in an improper condition in the various camps in Jammu, Chandigarh, and Delhi. Some form of registration procedure may be crucial with regard to receipt of food, assistance and other support at the time of reception.

Most of the camps for the displaced are set up in Jammu region. According to Verma (1994) eighteen camps have been set by the administration for the displaced people in the Jammu region. Such camps are located in Jammu. Largest camps of the

uprooted people are at Purkhoo, Mishiwala and Nagrota. A large number of displaced families have been accommodated in government dwellings, at Top Sherkhania, Janipura, Sarwal and Reasi. These people have not been given camp status, which involves government assistance and subsidies. In Delhi, there are fifteen camps sponsored by Delhi administration in community halls spread across the city. The transit camps are located in Amar Colony and Lajpat Nagar.

An analysis of the condition of the camps depicts about the state of the displaced Kashmiri people in these camp conditions. In Jammu the lower class among the displaced community live in torn tents, one-room cellars, dingy houses, shops and garages. A visit to the Kashmiri emigrants camp reveals the extent to which they have to suffer inhuman conditions. P.S. Verma (1994) has given an account of a number of migrant families living in the Geeta Bhavan, Jammu, where there were unhygienic conditions. The camps at Nagrota, Mishriwala and Muthi have even worse conditions. Most of these Pandits were living comfortably in their own houses before they were forced to leave the valley. The camps consist of one-room tenements constructed by the government. In the beginning they lived in tents, but one after the other all tents have started acquiring permanent structures. The camps in and around Jammu city house 90 percent of the internally displaced.

P.S. Verma (1994) states that in Chandigarh too, over 40 Kashmiri migrants, belonging to ten families, have been living in two halls and two small rooms of the community centre in sector No.20. The sanitary conditions there are unsatisfactory. Also, the living conditions suggest that the internally displaced do not have any privacy.

The ratio of number of families staying in the camps compared to those in private rented accommodation is coming down. It was never high as in other cases of

mass exodus. Many Kashmiri displaced families received strong support of their community members and relatives staying in Jammu, Delhi and elsewhere. Sizeable sections of the displaced people from the valley were educated and a sizeable number of them were government employees. It was thus possible for a large section of them to manage to avoid the harsh condition of living in the camps.

Life in the camp conditions is such that the everyday life of the displaced is altered. The displaced people who now are forced to live in camps while they had bigger houses back home. The lack of privacy, unhygienic conditions, inadequate sewage and drainage conditions were some of the problems to be faced in camps. The government's logic is that it cannot provide bigger dwellings for the refugees who are expected to go back some day.

### **Violent Conflict and Health Conditions**

There are reports, which have served to highlight specific trauma related symptoms (flashbacks, memory disturbance, panic, sleeplessness, etc.) in a significant proportion of refugees (Ager 1999). Violent conflict hits the social sectors of greatest need for women and their families. Health, education and welfare services are disrupted and undervalued as money and energies are diverted to fight insurgency. Moreover, given women's reproductive role, the implications of generalized violence for women are gender specific. Dislocation in health services particularly hits maternal health and the survival of children, for example, as a result of disruption of immunization schedules.

The displaced have faced enormous risks – during flight, in transit and upon new settlement – besides, the emotional trauma inherent leaving in one's abode, kin, territorial heritage and ancestral homes. Inevitably, those who left Kashmir carried unforgettable memories, pleasant dreams and nightmares, which remained vivid and

found strong historical linkage to the epochs to which the departing Pandits belonged (Kaul 1999).

“It was to turn us all into [trauma] patients”, said Abida, the sister of the JKLF chief Yasin Malik. Post-traumatic stress (PTS) disorders have reached epidemic proportions among women and children. In an independent survey of the Government Mental Hospital in Srinagar in July-August 1999, Prabal Mahato found that PTS cases rose from 1,700 in 1990 to 17,000 in 1993 and to 30,000 in 1988 (Manchanda 2001).

Terrorism and religious extremism and consequent displacement have had devastating consequences on the socio psychological, physical, health and demographic profile of the uprooted. Displacement has entailed deprivation of multiple rights. The damage wrought the social base, in terms of breaking up and dispersal of families, loss of identities and psychological set up is incalculable. It has been extremely difficult for the displaced to cope up with the trauma of losing their homes and habitat and severing of cultural and community ties. As observed elsewhere too, the displaced community has shown sharp decline in birthrate and a phenomenal increase in the death rate due to health and various psychological disorders.

### **Inappropriate Access to Education and Employment**

Competition for the access to the scarce resources increases among the various communities as a result of displacement by a community into a region.

For instance, the Jammu schools and colleges which had not been able to cope with the influx of prospective education seekers. There is also the usual resentment of locals against the displaced people as there is a competition for education and jobs. Most of the displaced people study in the additional shifts of the schools. According to the survey report of the Political Science department report 2002 of Jammu

University it was found that although schools had been provided for the displaced people they had lack of staff and other infrastructure facilities. The quality of education they got was therefore very poor.

According to Verma (1994) it has been difficult to get jobs for the displaced people. When the displaced people were selected for government jobs, they were not given postings in the Jammu or Ladakh regions but in the Kashmir region, where they could not go. The analysis therefore suggests that the displaced people have been in a disadvantageous position as far as the access to jobs is concerned.

### **Economic Loss**

In the period leading up to flight, many households experienced serious economic hardship as the result of disruption of income generating activity and/or shortage of food.

The minority communities have sold their houses to the obvious and only buyers in the valley, the Kashmiri Muslims. There is an eagerness of the local population to acquire the property at a comparatively lower price.

There has been extensive destruction- burning and blasting of places, schools, cinema halls etc. that has taken place. Both the militants and the security forces are responsible for this. The dwellings expected to be shelters of militants are attacked by the armed forces, and the militants attack dwellings used as camps by the forces. The dwellings of persons sympathetic to or participating in militancy have been destroyed by the armed forces. The charred remains of once revered buildings, such as the library next to the mosque at Hazratbal, are a visual reminder of past battles. Dal lake is thick and stagnant with weeds. The lives of the Kashmiris has been shaken by bomb attacks, cross firing and curfew. Their homes have been raided and sometimes destroyed because of frequent security operations. No house in the Valley was left



untouched, directly or indirectly from the extended curfews, 'crackdowns', arson and generalized violence. However, after the flight of the minority communities' Muslim neighbours and friends looked after their houses.

The insurgency left women vulnerable to male predatory violence and the worst kind of social and economic exploitation. Many widows and half-widows were dispossessed of their land. Women were often forced to turn to their maternal relatives or seek employment in the homes of others as cleaning women, something unheard of before militancy. Educated middle-class widows took to new professions, which had earlier been frowned upon, like nursing. But for illiterate women with children, the choice was stark either they had to place their sons in an orphanage or a carpet weaving factory (Manchanda 2001).

The militancy had impacted the tourism industry and all the other people connected with it. Tourism, which was the main base of the economy of the people of Kashmir, therefore got a set back. Moreover, frequent bandhs, curfews, strikes, violence, bomb blasts disrupted the entire commercial activity in the Kashmir Valley. The everyday life of the Kashmiri people got affected. In families, which had lost male earning members, women and children had to face destitution and a sharp drop in income levels (Verma 1994).

A large number of houses of the displaced Kashmiri people in downtown and elite areas of Srinagar are under the occupation of the local Muslim population, in some cases, with the consent of the owners. Some houses have even been rented out, earning the usurpers a regular income. Secondly, the local Muslim population occupied a large number of senior and junior appointments in the government, which fell vacant with the flight of minorities from the valley. In the business sector, with the flight of minorities, large trading houses and small-scale business outlets managed

and owned by minorities came under the full occupation and control of the majority population.

### **Displacement and its Impact on Family and Marriage**

Violent conflict in Kashmir has led to the loss of lives of the minority communities at the hands of the Islamic fundamentalists and also that of the Kashmiri Muslims at the hands of the militants or the security forces. This has led to the fragmentation of the families as many women are widowed and the children orphaned.

The upper class among the displaced population has gone to new areas in search of better avenues of employment. Kaul (2000) states how young boys and girls have gone to new areas within India and also abroad in search of better job opportunities. This movement to the industrialized and urbanized regions implies that there has been a consequent break up of the joint- families and the emergence of nuclear families.

The fact that the displaced minorities- the Kashmiri Hindus and Sikhs are scattered all over India and also in abroad implies that the people face a difficulty in finding the member of the same community to marry wherever they go. Also as Kaul (2000) has pointed out increasing numbers of women are taking up employment outside the home leading to an increase in the age at marriage among them.

### **Impact of Displacement on Women**

The fragmentation of families is the only factor to have been considered with any vigour in the context of refugees, and here primarily with respect again to the direct impact of military conflict (Ager 1999). The conflict in Kashmir has left many women widowed and dispossessed of other family members.

Rape and the sexual assault of women in situations of conflict, now, are recognized as a war crime. Rape in conflict is neither incidental nor private. In Kashmir, both security forces and armed militants have systematically used rape as a weapon to punish, intimidate, coerce, humiliate or degrade. The security forces on the other hand, deny as false the allegations of rape.

### **Redefinition of Community Norms**

In violent conflict, cultural violence against women gets magnified. The promotion of macho values legitimizes misogyny and a predatory construct of masculinity. Sexual violence against women by both the security forces and the militants is no accident of violent conflict and militarism. The case of women in Afghanistan provides a concrete example of how women were subjected to cultural violence by the Taliban regime.

In 1989, pamphlets were thrown in Srinagar's leading women's college, warning Muslim girls to wear purdah and Pandit (Hindu) girls to wear a tikka. As a protest, they insisted everyone would wear a 'tikka'. In the early days of militancy, there was still space for popular resistance to fundamentalist pressure to embrace a community identity that restricted women's autonomy and reinforced the communal markers of a differentiated Muslim and Hindu identity. This was before the mass exodus of the Kashmir Pandits in 1990, which communalized Kashmiri society. Appeals were made to the Kashmiri Muslim woman's allegiance to an Islamic identity. But Kashmiri women did not accept the burqa as a symbol of the Kashmiri cultural ethos and struggle. But the women in Srinagar resisted and observe a cosmopolitan dress code throughout the city: in buses, bazaars and restaurants. Very few women wear 'veils'. Most cover their heads with a dupatta (Manchanda 2001).

Particularly, the issue of sexual harassment and mass rape was used to foster alienation and hostility against the 'other' community and pushed women to identify with their community identity. Rumours spread like wildfire that Kashmiri Muslims were planning to rape Kashmiri Pandit women. The Kashmiri Hindu women however resisted the communalization attempt.

Women in nationalist struggles are configured as embodying the community/nationality's distinct (superior) tradition and cultural identity. The graphic representation of women's subordination as symbolized in the veil exposes the gendered nature of the process of constructing a nationalist identity (Manchanda 2001).

Everyday violence transformed women's lives. Women became indirect victims of the arrest; torture, disappearance and loss of loved ones. Also, women became direct victims of the physical violence of rape, kidnapping and murder. Violent conflict saw the collapse of the divide between the public world of men and the private world of women. Women 'stretched' their traditional roles as nurturers of their family and protectors of the community.

### **Impact of Displacement on Children**

One of the impacts of displacement on children is inter-generational conflict. Intergenerational conflict is, in consequence, generally a phenomenon, which is likely to increase rather than decrease over time from resettlement. Acute difficulties may arise after many years in the new setting; long after specific sponsorship supports have been withdrawn. Role reversals within families imply that children assume adult roles as consequence of their relative facility with language and it has a destructive impact on family life. Schools, as a major agent for socialization of refugee youth into the mores of a host society hold a key role in monitoring potential conflicts with in

families as a result of such acculturation. Children have frequently been unable to go to school and the standard of education has declined. Militancy for a number of Kashmiri youth has become a way of life. Older Kashmiri Muslims, who have known the valley at peace, regret the insurgency because they believe it has ruined the lives of so many without bringing about any political gain. The younger generation among the displaced people have got used to free doles that they are getting from the government. They have also fallen into bad habits such as playing cards (Razdan 1999).

It makes sense to focus on the special perspectives and needs of displaced Kashmiri children for three reasons; first, the experience of displacement during childhood comes at a delicate time in life, when children are constructing their personal, family and community identities; second, conditions of modern conflict and displacement target children in particularly harmful ways; and third, internal displacement raises issues of children's rights and legal standing (Hampton 1998). IDPs, because of their extreme vulnerability associated with separation from support systems, face particularly acute problems.

As Machel's (1996) study on 'The Impact of Armed Conflict on Children' makes clear, 'in the course of displacement, millions of children have been separated from their families, physically abused, exploited and abducted into military groups, or they have perished from hunger and disease'. Surveys cited in the Machel's Study indicate that mortality rates among displaced children can be as much as 60 per cent higher than rates for conflict affected, non-displaced children in the same country (Cf. Hampton 1998:18).

Research indicates that the act of displacement itself – its disruption, insecurity, the loss of role models, the experience of seeing adult protectors rendered

powerless can impair a child's capacity for normal development. As social mechanisms are disrupted by displacement, as community, family and personal identities are profoundly challenged; the continuity of experience necessary for normal development can be undermined.

Children's rights guaranteed by the Convention on the Rights of the Child (CRC) are nearly all put at risk by the poor conditions of displacement. These include rights to survival, protection, and development without discrimination. Lack of birth registration or other documents during the displacement period may provoke discrimination in efforts to obtain schooling, employment or participation in civic functions. Displaced children's rights to maintain cultural traditions or use their primary language may be challenged, simply by the circumstances of being displaced in radically different surroundings.

Some groups of children may confront especially traumatic conditions, and may require extra attention. These include children separated from their families, child combatants and other children who have been required to perform military duties, sexually abused children, children who have witnessed traumatic levels of suffering, and children with disabilities.

### **Condition of Minority Community Who Stayed Back in Kashmir**

Over the years, the number of people displaced from Kashmir increased. Despite the exodus, around 1220 families comprising of 5423 persons had stayed back in Srinagar, Baramulla, Anantnag, Palama, Badgam and Kupwara. According to Mishra (1999) the people who stayed back in the valley were mostly marginal farmers petty businessmen and low-income serving personnel. They had thrown their lot with the majority community during the height of militancy and chose to stay in the valley; but sporadic incidents throughout the nineties showed that the administration failed to

protect even this segment against the mechanization of the fundamentalist elements. In March 1997 the militants, starting yet another exodus of the Pandits who still lived in the valley, killed seven pandas. The killing at Sangrampora in Tehsil Badgom, took place when political climate in the state was showing a distinct improvement, as claimed by the government. Sangrampora killing put a break in discussion on the possible return of the exiled people. Some other developments also contributed to loss of interest in negotiation for the repatriation of these people. Most of the twenty-nine Hindu families who had gone back to their home town in Baramulla in 1996 found the condition extremely unsafe despite the assurances they were given and returned to live in exile in camps once again. In June 1997, the militants at Gulabgarh killed three young Kahmiri Pandits who were teachers. Selective killings of the minority community were once again witnessed when twenty-six 'baratis' of two marriage parties were butchered simply because they were Hindus at Wandhama. The anti-minority posture of violence in Kashmir and increasingly also in the Jammu region convinced the minorities that they possibly cannot return to their homes in the near future.

The militancy has spread its tentacles in Jammu region also. The Wandhama carnage was a severe setback to the morale of the minority community. Besides the Hindu and Sikh communities other ethnic and religious minority groups became vulnerable. Shia and Gujjar Muslims were also not spared and bomb blasts have been engineered in Buddhist dominated Ladakh region too. In July 1996, ten Hindu laborers in Ladakh were killed and several injured while they were asleep (Mishra 1999).

According to Mishra (1996) almost all the families whose family members were gunned down by the terrorists have received ex gratia relief from the state

government at the rate of Rs. One lakh per case. The government has also paid compensation for the properties destroyed by the militants. About 1000 cases out of about 2000 claims have been settled. The compensation, however, is only 50 percent of the minimum assessed loss of the property and has not been paid for property damaged by other means.

Therefore violent conflict has had a deep impact on the lives of the Kashmiri people. The everyday lives of the people in Kashmir has been altered because of the disturbances caused by the militants and acts of omission committed by the security forces. Adjustment in the host community demanded tremendous efforts by the displaced people. However the agency of the displaced people need to be recognized who through various coping mechanisms try and integrate with the local population in the new social setting.



## **RESPONSE TO THE SITUATION AND SURVIVAL STRATEGIES**

It is not the solitary occasion in Kashmir history that the Hindus have left the Valley following terrorist attacks. According to Hari Om (1998) the Hindus have been witnessing such agonizing situations from the beginning of the 14th century, when Shah Mir usurped the throne of Kashmir and thereafter very discretely sought to induce the aborigines to renounce their 5000 years old religion and culture and adopt the faith of the Muslims.

The fact is that it was with the demolition of indigenous rule in 1339 that there began an era which confronted the locals with a choice between religious persecution or proselytisation and migration. The Kashmiri Hindus, who were relatively weak and unwilling to relinquish their original habitat and landed property preferred to embrace the new faith.

During the period of Bud Shah's father, Sultan Sikander (1389-1413 A.D.), the Kashmiri Hindus had been offered three alternatives: death, conversion to Islam or exile from the Valley. Others migrated from Kashmir to safer places in India in a bid to save their identity and age-old culture (Hari Om 1998). Violent conflict has led to displacement in various situations but the efforts which are made by the community in adjusting to the new surrounding need to be taken into account.

### **Response Strategies**

The analysis of internal displacement must take into account the reflexivity shown by the displaced community in the new surrounding. Structures are therefore not external to the actors but are rules and resources produced and reproduced by actors in their practices. Uprooting and exile are associated with a number of personality traits. Immigrants are comparatively more pushy, risk-taking and often

less burdened by a harsh, repressive conscience and shared cultural norms in their professional and business deals.

Internal conflict in Kashmir and the resulting displacement is typically an evolving process involving the collapse of essential support structures at individual, communal and national levels. The response to social trauma is as varied as it is culture specific. Self-help can involve co-counseling groups, which sometimes involve external agents in psychological rehabilitation.

In this study the use of the term 'response-strategies' is preferred to 'self-help strategies' as the latter have a limited view of who internally displaced people are and what they do. The activities of displaced Kashmiris reach far beyond merely securing physical survival, even when that is critical. Internally displaced persons, and others living under dire circumstances, are also social and cultural beings, and issues of identity, dignity and social standing remain important to them and are incorporated in their strategies.

The term 'response strategies' stresses the motivation of internally displaced persons, the creativity and comprehensiveness of their strategies and actions, and their reflexivity regarding their situation, position and options. As victims of displacement, internally displaced Kashmiris have relied on friends and family for food and shelter in Jammu, Delhi, Punjab and other places. They have set up communication networks to transmit and receive information. The story of the migration of people, especially the minority communities and how they overcame insecurity, hardship and prejudice in the lands of their adoption, with a vastly different environment, is undoubtedly fascinating.

While the arrival of the displaced was marked by ethno-cultural, socio-economic and political pressures, their survival was the result of hard work, tenacity

of purpose and the will to succeed at all costs. They strove to adapt and adjust to the conditions in host societies and to integrate with them. They made use of the opportunities available to them, despite early difficulties, discrimination and deprivation in their struggle for success, which provided a strong motivation for them (Kaul 1999).

### **Defining Power Relations**

Displacement is a political process for citizens caught up in the struggle for power. Social identity and power relations are reformulated in the process of flight. One person's terrorist is another person's freedom fighter.

The people of Kashmir have reconstructed the notion of 'nationhood' and 'nationalism'. Before displacement took place the notion of 'Kashmiriyat', which is symbolic of Hindu-Muslim unity, was very strong. With the rise of Islamic fundamentalism and the exodus of the minority community Muslims see themselves as separate from Hindus. Aside from political movements per se, we could look more closely at how people draw upon their experiences of migration to generate alternative forms of organization based on a new political reality.

Many local cultural traditions have more established ways of dealing with the loss associated with displacement. These may involve religious ritual or communal reinforcement of a shared 'struggle'. In the case of Kashmiri Hindus there has been a growth of various political organizations, movements and associations. Disruption in social relations not only involves personal loss; it dismantles existing power structures and decision-making processes. There is the reinforcement by the community of a shared struggle (Sorensen 1998).

## **Integration with Local Population**

The locations in which the displaced people are allowed to live form the basis of their survival strategy and dictate, to a large extent, their ability to integrate with the local population and the economy. Too often aid agencies providing temporary shelter for the large number of displaced people fail to take into account the longer-term impact on the environment and the local resource base. 'Planning for' human settlement, rather than 'planning' of camps or sites would involve the assessment of a 'target area' as opposed to 'a target group'. Many of today's emergencies no longer fall into the category of temporary and short-lived. 'Planning for' human settlement implies that priority should be given to the social and economic rights of inhabitants in addition to technical and engineering issues. Furthermore, the recent emphasis on capacity building has forced humanitarian agencies and development to look more closely at local capacity to find complementarity. It requires an understanding of their cultural norms, their locally defined aspirations and their vulnerability patterns. (Hampton 1998).

Ethnic or religious affiliations are often the prime determinants of the success with which a displaced population integrates with the local population. Family or ethnic ties can also determine where people choose to flee- across borders or to major towns. It was therefore easier for the displaced Kashmiri Hindus, Muslims and Sikhs moved to regions like Jammu, Delhi, Punjab, Haryana and U.P. where community members of the same religious affiliation existed. Therefore social networks as kin relations play an important role in providing a support mechanism to people who migrate to a new area. The social networks help the displaced in finding a proper employment and community neighbourhoods help the migrants to adjust in the new areas (Rao 1970).

## **Economic Initiative**

Humanitarian interventions can be legitimate only when those seen as 'victims' become the agents of their own regeneration. Helping people 'at risk' to harness their often well-developed skills in survival and recuperation is the most effective kind of intervention. But participation is inherently a political- and politicizing- process: it implies a fundamental review of the roles of giver and receiver. The political economy of war and the fear of adding to, rather than abating, conflict has led many aid agencies to guard jealously their own resources and to hold partners increasingly accountable for aid disbursements.

Among the displaced Kashmiri people a sizable portion is from the urban middle class, rural landlord class particularly as is the case of the Kashmiri Hindus. But a number of them are of the urban small trader, lower class employee or rural small farmer category. The educated among them have taken up new jobs in urban areas in comparison to the uneducated lower class. While the Kashmiri Hindus have set up various communication networks (organizations and associations) no such strong communication networks are visible among the displaced Muslims or Sikhs. Such community organizations have given a strong sense of support to the migrants (Rao 1970).

## **Rise of Political Movement Among the Displaced Kashmiri Hindus**

According to Hall (1992) the question of 'identity' is being vigorously debated in social theory. In essence, the argument is that the old identities, which stabilized the social world for so long, are in decline, giving rise to new identities and fragmenting the modern individual as a unified subject. This so-called 'crisis of

identity' is seen as part of a wider process of change, which is dislocating the central structures, and processes of modern societies and undermining the frame works, which gave individuals stable anchorage in the social world.

Therefore we see a change among the Kashmiri Hindus who as an 'imagined community'<sup>9</sup> believe in forging their Hindu identity more than their Kashmiriyat identity which is so symbolic of the Hindu- Muslim unity. Although displaced all over India the displaced Kashmiri people are victims of a shared struggle and heritage. The fact that the Kashmiri Hindus view themselves as separate from the Kashmiri Muslims is evident from the fact that 'Panun Kashmir' a movement of the displaced Kashmiri Hindus has demanded a separate homeland on the North East of river Jhelum with a Union Territory status. (Mishra 1999). The communities Kashmiri Hindus, Muslims and Sikhs now view themselves as separate from each other.

Several front organizations of the Kashmiri Pandits like the All State Kashmiri Pandit Conference(ASKPC), Kashmiri Pandit Sabha (KPS), Kashmir Samiti (KS), All India Kashmiri Pandit Conference (AIKPC), Panun Kashmir (Our Kashmir), Panun Kashmir Movemont (PKM), Indo-European Kashmir Forum (IEKF), Indo American Kashmir Forum, Daughters of Vitasta (Jhelum) have been set up to safeguard the interests of the Kashmiri Hindus.

## **Development of Communication Network Among the Kashmiri Hindus**

As the displacement of Kashmiri Hindus began a variety of associations were set up in India and abroad. The All India Kashmiri Samaj took the leadership role with Delhi as the nerve centre. These organizations have been a major source of support to the displaced people.

The objectives of the Samaj were essentially of a coordinating nature. The Samaj aims at propagating the Kashmiri language, culture and heritage. For this purpose a monthly journal 'Koshur Samachar' is published.

The Samaj has established a trust and it collects funds for providing relief to the displaced people. To bring about unity amongst various frontal organizations at Jammu, a Migrant Action Committee was formed for solving the problems being faced by the migrants in Camps at Jammu and Udhampur.

According to Moza (2001) historically, Kashmiri Pandit migrants settled in various parts of India, tried to live closer to each other for reasons of social contacts, safety considerations, commonality of mother tongue, common observance of festivals and to find adequate matrimonial alliances. Therefore the places in Jammu and Delhi provided the displaced people with strong support networks. For instance in Delhi Sitaram Bazar and Pamposh enclave are some of the oldest Kashmiri Hindus colony. It became necessary as also convenient for them to form a society, sabha, and association to perpetuate community traditions and culture as far as possible and thus preserve the community identity.

### **Attitude of the Displaced People Towards the Government**

The displaced people have become very bitter against the central and state authorities, for they feel completely ignored or left to their own fate. On occasions, they have launched agitations and even raised anti-government and anti-India slogans. The displaced people have exercised their agency by sending petitions to the NHRC that the government should implement the recommendations of the representative of the UN Secretary general (Saha 2000). The fact that the Indian government refers to them as migrants who are expected to go back some day has made them embittered.

The displaced people are not given the status of IDPs by the government. There is a sense of anger and mistrust towards the Indian government

## **Relations Between the Displaced and the Host Community**

In Jammu and Delhi regions interchange of cultural traits existed long before the displacement took place. Jammu and Delhi were therefore provided the most familiar surroundings where the largest number of the displaced migrated. In Delhi there are neighbourhoods like the Pamposh Enclave with exclusively Kashmiri Hindu population.

However as far as access to education and employment are concerned, the host community sees the displaced people as a threat especially in Jammu because the displaced people have taken to jobs, which would otherwise have been given to the members of the host community. The Jammu Joint Student's Front (JJSF) joined the Shiv Sena against the internally displaced people. The reason for their opposition appeared to be more political and economic in nature.

Therefore the displaced are viewed as 'intruders' by fellow citizens in the cultural region into which they have migrated. (Oommen 1990). Although the intruders face similar hardships like the refugees they do not have similar protection given to them by international humanitarian agencies as the refugees. The Shiv Sena in one of its statements alleged that hundreds of Kashmiri displaced people had been adjusted in banks, central government department and state government offices at the cost of Jammu people. Moreover, the displaced peoples' closeness to the BJP, with whom the interests of Shiv Sena clash in the politics of Jammu town was another reason for the loss of sympathy with the migrants (Verma 1994).



## Recreation of Cultural Symbols in the New Setting

The culture of the displaced people is delinked from the territory. Many of their fairs, festivals and ceremonies is closely connected with the land of their ancestors. Their life revolved around the mountains, rivers, gardens and springs. Displacement has meant a loss of their traditional places of worship. It is in Kashmir that their sacred places like Khirbhavani and Hari Parbat are situated. Around these shrines are inextricably woven the prayers and yearnings of Kashmiri peoples' and it is these sentiments which lent meaning and depth to their lives. Besides, much community life was centered around these shrines and the festivals associated with these such as Jeshtha Ashtami and the Nauratra.

Kalpna Sharma (2003) states how the displaced Kashmiri Hindus in Jammu have created an exact replica of Khir Bhavani which is originally in Kashmir – “smaller than the original, but faithful in detail”. The holy spring out of which the original temple grew is replaced hereby a marble tank filled with tap water. All form and no content. The displaced missed Kashmir so badly that they tried to replicate it here. Sharma (2003) has given an account of an old Pandit woman in a camp in Delhi who confessed that she could only make it through the hideous summers by sitting in front of the cooler, closing her eyes tightly and imagining that it was cool Kashmiri rain and not the wet machine-propelled air caressing her face.

“The rage follows quickly after disappointment when the eyes fly open and it is not Kashmir at all but a stinking cooler in a stinking room in a stinking refugee camp far, far away from Kashmir. I understand now the anger of the refugees, their bitterness towards all who were fortunate enough to remain in the Valley, be they Muslims or Hindus” (Sharma 2003: 69).

between Kashmiri Muslims and Kashmiri Pandits. After the exodus of the Kashmiri Pandits from the valley there has been a rise of the ethnic identity among a section who now see themselves as different from the Kashmiri Muslims. Kashmiri Pandits did not fit the Hizbul's game plan of spreading fundamentalism in the valley to facilitate accession to Pakistan. According to Behera (2000) although the Pandit exodus was more or less complete before the hizbul came to dominate the valley, its dire warning – 'Kashmiri pandit responsible for duress against Muslims should leave the valley within two days' published in the urdu daily alsafa on 14 april 1990, was critical in triggering the exodus. Subsequently, it warned the pandits against returning to the valley because they had joined hands with the enemy forces (the Indian government).

Many militants extorted 'donations' from people (particularly from businessmen), forced people to offer food and shelter at gunpoint, and often abused the womenfolk. Some were engaged in illegal sale of timber and contract killings. The mass processions demanding azadi had long ceased and increasing criminalization and degeneration of militancy disillusioned the people. The militants were now feared, there was no affection or respect.

'Kashmiriyat' was debunked because Islam did not recognize territorial nationalism. The only real ideology was the ideology of the Islamic caliphate transcending race, gender and territorial boundaries (Behera 2000).

The Kashmiri Pandits feel a need to preserve their identity in their forced dispersal from their ancestral abode in Kashmir into penny pockets scattered over the vast expanse of India. This finds expression overtly in the common celebrations of festivals, religious and social, which include matrimonial alliances and other fraternal

congregations and conclaves. The groups' sharing of misfortune lends to the forging of solidarity.

Till such time as a sizable part of the displaced community returns to its ancestral moorings, they continue to observe the rituals individually and join en masse in congregational celebrations as are being held by the various K.P. Associations notably at Delhi, Bombay and Calcutta. Even in the USA and the UK, members of the community foregather in large numbers in annual camps (Kaul 2001).

An attempt is also made by the Kashmiri Hindu community to preserve the mother tongue, which is a means of communicating and establishing links with ones kinsmen.

### **Alienation from the Kashmiri Ethos**

Because of displacement the children cannot be in touch with their cultural roots in the same sense. The children are also drifting away by and by from all other facets associated with this language – the music, the literature, the art, the essential rituals and even insofar as their culinary tastes are concerned. They find the surroundings uncomfortable owing to their unfamiliarity with their mother tongue. Kashmiri musical evenings and concerts are organized by organizations at frequent intervals to expose the children to Kashmiri literature and music. This is done in colonies, which has the largest concentration of Kashmiri populace.

The State of Jammu and Kashmir did not bother to adopt Kashmiri as the official language and instead promoted use of Urdu. Later, under the Constitutional compulsions, the Persian script was adopted as the official script for the Kashmiri language, to be taught in schools. Koshur Samachar in Delhi has made a bold attempt to present this vast Kashmiri literature, in prose and poetry, in Devnagari script.

Since a long time the Kashmiri Hindus learnt to read and write Urdu and Persian under Mughal, Afghan, Sikh or Dogra rule simply because Persian and Urdu were then the languages of opportunities and elite employment.

According to Kaul (2001) In the contemporary scenario the children study Hindi rather than their own Kashmiri in the Persian script. This has been one of the social consequences of displacement from the Kashmir valley. Kashmiri language, one of the definers of their Kashmiri identity has been neglected. The attempt to present the Kashmiri literature in Devnagri script which was earlier in the Persian script by the Kohur Samachar, Delhi is a clear evidence of the fact that they donot identify themselves with the Kashmiri Muslim population in the same way anymore.

### **Opportunities of Displacement**

The internally displaced people have admittedly been opened up to new visions and opportunities for their youngsters for training and jobs in areas and disciplines, which they couldn't conceive of, back in the Valley. That way, the turbulence of the last decade has been for them a blessing in disguise. The children of the higher class among the displaced population have gone out and settled in different parts of India with thousands of them having gone outside the country to America, England, Australia, New Zealand, Africa, the Middle East and also to the Emirates (Kaul 2001). Displacement has opened up opportunities for a section of the community.

### **Prospects of Return to the Valley**

The biggest complaint of the migrants is that their prospect of going back to their home looks bleak. No amount of rehabilitation in the place of refuge can equal to an opportunity for a safe and honourable return to the Valley. They love to think of

their return some day, if only for a short time, to savour its natural and other offerings, its history, tradition, culture, religion; have the gratification of contacting their long-lost kin and the satisfaction of touching their own roots, irrespective of difficulties, frustration and indignities (Kaul 1999).

Mishra (1998) states that Kashmiri Pandit Organizations have demanded that the state and central governments should stop pressing them to return to the Valley. In October 1998, the chief minister maintained that the conditions are not conducive for the return of the Pandits. The government has prepared a plan for the return of the displaced to the valley in two phases. In the first phase state government employees, would be sent back to the valley and posted in tehsil and district head quarters where security situation is better. In the other phase the other displaced people would be asked to return and necessary security cover for them would be arranged. People who hail from vulnerable areas would be accommodated in Government hired buildings in the secured places. The displaced population has rejected these proposals. They have charged the governments of attempting to expose the displaced people to the onslaught of terrorism by shifting them from camps in Jammu, Delhi and Udhampur to similar camps in the valley.

There is the haunting memory of persecution, suppression and conversions of the past and the fresh memory of the gory details of religious hatred against their community, of kidnapping, torture and brutal killings; of death, destruction and desecration. The ongoing trauma of exile and the details that pour in of a total transformation of the socio-political and cultural milieu of the Valley are the most daunting factors against the urge to return and forbid them from any such rash venture. If the minority community is to return it postulates rebuilding bridges with the alienated Muslim majority community and seeking afresh avenues for employment and means of survival.

## **ROLE OF GOVERNMENT AND HUMANITARIAN AGENCIES: FUTURE OF INTERNALLY DISPLACED KASHMIRIS**

### **Sufficiency of Institutional Arrangements for The IDPs - Response of The Indian Government**

The reflexivity on the part of the humanitarian agencies and the state needs to be recognized in addressing the problems of the displaced Kashmiri people. It is imperative to look at what the state and other humanitarian agencies have done for the displaced people as the IDPs due to displacement from their indigenous lands cannot exercise their citizenship rights in the same sense as before.

India is not a signatory to the 1951 convention and 1967 protocol on the status of refugees. It has a three-pronged mechanism to deal with refugee problem

The home ministry deals with the formulation of policies for the rehabilitation and settlement of refugees. The state governments are entrusted with the responsibility of protection and maintenance of the refugee camps at the local level. The ministry of external affairs is empowered with the responsibility of bilateral negotiation and to deal with the issue internationally. On the other hand, national human right commission, minority commission, and SC & ST commission are entrusted with the responsibility of ensuring overall human right, fundamental freedom and equal opportunity to all at the national level. However, the need for a legal framework is still necessary, as it would eliminate administrative inadequacy and ensure clarity, certainty and uniformity in procedures (Kumar 2001).

Although, India is not a party to any international convention on refugee, according to UNHCR it is being universally recognized as a refugee receiving state and holds a good record for ensuring minimum fundamental human rights to refugees.

However as far as the condition of the internally displaced Kashmiri people are concerned the Indian government has not addressed their problems adequately.

For the Govt. of India the displaced Kashmiri people are not like 'refugees' while Bangladesh intruders are and that is why they are nomenclatured as 'migrants'. The government of India has not even given them the status of being 'internally displaced.' This is because the government blames them for migrating on their own will.

The fact remains that the displaced Kashmiri people have not crossed international borders and taken refuge in an alien land but they live in a refugee-like condition within their own country. As per the formulations of the political elite the Kashmiri Pandits in absence of a refugee law in the country are migrants, not refugees or displaced persons.

The Government of India in its response to the International Commission of Jurists based in Geneva has acknowledged killings of Kashmiri Pandits and perpetration of morbid violence on them and also collapse of rule of law as cardinal factors leading to their mass exodus. This position of Government of India is taken because of political expediency and is at variance with the stance it has taken in the National Human Rights Commission.

The Government of India despite forced migrations from the Punjab, Kashmir and North Eastern states has not framed a refugee law to tackle with the humanitarian problem of internally displaced persons. The uncertain word 'migrant' firmly buttresses the state's stance that in view of their voluntary choice of being in self-exile they do not for any cogent reason deserve the status of being internally displaced.

The plight of the displaced Kashmiri people in the camps, tented rooms and rented slums resembles and is qualitatively the same as that of the refugees who have crossed international borders for refuge and protection.

To quote Salman Rushdie: "Exile is a dream of glorious return. Exile is a vision of revolution. It is an endless paradox, looking forward by looking back."<sup>10</sup> The anxiety of the evacuees to remain close to Kashmir, for their eventual return, under auspicious circumstances, to the Valley, is understandable.

Though some measures have been taken and half-heartedly implemented at official and unofficial levels, they are painfully inadequate. Few families have returned back to Kashmir and settled there permanently. However the frequent attacks by the militants has created a psychosis among them, which inhibits their return. A popularly elected government under Farooq Abdullah was installed in October 1996 and return of displaced with dignity and honour was listed as the top priority of the government. The state government had set up an apex committee in 1996 under the Minister for Revenue and Rehabilitation to go into the entire issue and finalize long term and short term solutions. A subcommittee headed by finance commissioner was appointed to prepare an Action Plan for the Return of Migrants. The interim report of the committee maintained that 'security depends more on the goodwill of the majority community than on government machinery' and that there were no visible signs of organized mobilization of opinion by the government or non-government agencies to create a climate of goodwill for social acceptability of the minority community.

The government has failed to secure the confidence of the displaced people due to the lack of credibility of its efforts even when it passed two legislations designed to protect their interests. The Jammu and Kashmir Migrants (Stay of Proceedings) Act 1997 provides for staying of all proceedings pending or which may



be filed against a displaced people for recovery of loan or immovable property in Kashmir. The Jammu and Kashmir Migrant Moveable Property (Prevention, Protection and Restraint on Distress Sales) Act 1997 provides for the prevention of the distress sales by the minority community. (Mishra 1999)

### **Relief Given To The Internally Displaced Kashmiri People**

According to the data gathered from the relief commissioner's office in Jammu in June 2004: -

- There are 42 relief zones in India.
- The number of relief families is 16,400.
- The number of non-relief families is 18,300.
- According to the relief commissioner of Jammu the government has spent Rs.200 million on compensation for displaced persons whose homes were burned down. And there has been provision of tented camps for the displaced people.
- The cash assistance given to the internally displaced is 38,000 lakhs(1992-2003).
- Free ration given is 88,000 quintals to 90,000 quintals (1992-2003)
- They get 9 kgs. of rice, 2 kgs. of atta and 1 kg of sugar per head per month.

Initially in 1990 the displaced were given Rs.1000 per family. From January 1998, Rs. 600 per family member are given subject to a maximum of Rs.2,400 per family. Schools and dispensaries have opened up for the displaced children. In the field of higher education there has been reservation of one seat in professional colleges of Maharashtra and Gujarat where allotment of the seats is done on merit basis.

However the survey report of the Political Science Department of Jammu University in June 2002 has shown that the displaced people found the camp conditions inadequate. Also the dispensaries and schools had lack of infrastructure, which was an indication of the inefficiency of the Indian government and pointed to the fact that the funds were being appropriated by an elite class.

## **UN and Internally Displaced People**

Although the UN has been responsive to the situation of internal displacement, its provisions have not been applicable to the internally displaced Kashmiri people because the Indian government sees the problem as its domestic issue and the external intervention as a threat to its sovereignty. Over the past decade, a multitude of humanitarian, human rights and development organizations have come forward to provide protection, assistance, reintegration and development support to IDPs. Many have shown themselves remarkably flexible in interpreting their mandates broadly to encompass IDPs in developing special expertise and skills to reach displaced people. Nonetheless, the overall response has been highly uneven, poorly coordinated and characterized by neglect of protection and human rights.

UN efforts to improve capacity and response to internal displacement really started in 1992 when, at the request of the Commission on Human rights, the then UN secretary general, Boutros Boutros- Gali; appointed a representative Francis Deng, to raise awareness of the problem and to investigate ways to improve protection and response. Among the options put forward for the IDPs are whether a new agency should be created, whether an existing agency should be assigned the responsibility or whether the strengthening of collaborative arrangements among agencies whose mandates and activities relate to IDP is the most practical alternative (Hampton 1998).

A more persuasive alternative is to enlarge the alternative of an existing agency such as UNHCR, which has already developed special expertise in working with displaced people. Yet in 1993 when the Netherlands proposed that the UN assign general competence for IDPs to UNHCR, neither UNHCR nor its executive committee endorsed the idea. In 1997, UNHCR was again queried about taking over responsibility for IDPs prior to UN Secretary-General's Kofi Annan's announcement of UN reforms. While appearing more willing to expand its role, it did not express readiness to shoulder the entire responsibility.

The choice has thus fallen on the residual option, that of strengthening and better coordinating existing collaborative relationships. In his July 1997 reform programme, the UN Secretary –General endorsed this option by assigning responsibility to the Emergency Relief Coordinator (ERC) for ensuring that IDP protection and assistance are addressed. To be effective, the ERC who has been coordinating the UNs overall response to humanitarian agencies since 1992 will have to assume a more active leadership role than in the past, allocating responsibility for IDPs and taking steps to improve the current system's response to the problem.

One step the ERC could take would be to assign principal responsibility for IDPs to one operational organization in each acute emergency. The organization chosen would be expected the IDPs situation, take a lead in developing strategies to ensure that their protection, assistance, reintegration and development needs are addressed, and directly address some of the needs itself, in collaboration with other agencies.

The designation of a principal agency should be done by the ERC with the approval of the Inter-Agency Standing Committee (IASC), a body composed of the heads of the World's major assistance and development organizations, including UN

agencies, the Red Cross Movement, the World Bank and the International Organisation for migration, plus three non-governmental organization (NGO) Umbrella groups. Resident humanitarian coordinators in the field who report to the ERC should then be expected to help mobilize the support of other agencies on behalf of the organization chosen: the needs of the IDPs are after all, varied and may require the expertise of different organizations. The extent to which the assistance, protection and reintegration and development needs of IDPs are being met should be monitored by the IASC. Particular attention should be paid to avoiding past practice of focusing on the provision of assistance with almost no attention paid to protection (Hampton 1998).

Finally, the ERC should call the IASC's attention to situations of internal displacement that are neglected either because governments do not acknowledge the problem or request assistance, or because donors fail to respond effectively. As the reference point for IDPs the ERC should be expected to play a leadership role in seeing that all situations of internal displacement are identified and addressed. The recent inclusion of the Representative of the UN Secretary-General in IASC meetings as a standing member should help raise visibility of the IDPs. The recent inclusion of the representative of the UN Secretary-General in IASC meetings as a standing member should help raise visibility of the IDPs. So too the UN Secretary-General's reform programme which explicitly identified IDPs as falling between the gaps of different UN agencies.

### **New Approaches to Protection**

Providing humanitarian assistance, the UN Secretary-General pointed out in 1997, requires not only an efficient relief system but also 'a capacity to protect vulnerable populations to survive in hostile environment'. While many humanitarian

and development organizations have long interpreted protection to mean the provision of food, medicine and shelter, in more recent years, measures to ensure respect for human rights and physical safety of the affected population are being emphasized as an integral part of protection.

For both the International Committee of the Red Cross(ICRC) and UNHCR, humanitarian action has always been about ensuring the basic human rights and security of the victims as well as the delivery of the relief.

UNHCR likewise has undertaken extensive protection activities on behalf of the IDPs. These include monitoring the treatment of the threatened minority groups, intervening with the authorities to request protective action, investigating and prosecuting specific cases, and assisting governments to provide personal documentation. In situations of armed conflict or massive violations of human rights, UNHCR identifies its activities as assisting the safe passage of civilians through front lines, relocating and evacuating civilians from conflict areas, assisting besieged people unable or unwilling to move from their homes, intervening with local authorities to prevent the involuntary return of IDPs to areas of danger, and alerting governments and the public on to human rights abuses. UNHCR also has participated in reconciliation and mediation efforts between returning displaced people and local residents (Hampton 1998).

ICRC and UNHCR, however are not present in all situations and even when they are, they may not have the capacities or the mandates to deal with all protection problems, necessitating the involvement of others. UNHCR, in particular, has called upon the human rights system to increase its involvement. But the existence of so many other cases of internal displacement would make it valuable for the UN High Commissioner's office to set up a corps of UN human rights protection officers to be

activated in situations of internal displacement. Working together with humanitarian and development organizations, they could serve in safe areas and camps, monitor and assist with returns, and help to make areas of return more secure. While the international community has long accepted the field protection activities that humanitarian organizations such as UNHCR and ICRC provide similar acceptance needs to be extended to the protection activities of the human rights bodies.

NGOs have also begun to shoulder greater protection responsibilities in situations of internal displacement. Medecins Sans Frontieres (MSF), for example, has a policy of witnessing which includes establishing a presence near people in danger, reporting on their condition and engaging in public condemnation where there are massive and repeated violations of human rights and humanitarian law. The policy of World Council of Churches also calls for a wide range of protection activities for uprooted people, including advocacy, the provision of sanctuary and legal aid, conflict resolution activities and monitoring of returns (Hampton 1998).

At a minimum, international organizations and NGOs could take steps to enhance the security of their beneficiaries by designing assistance programmes to enhance protection. The provision of adequate lighting and settlement in Camps is another. This kind of preventive protection has for its source UNHCR's guidelines on the protection of refugee women and children, which some organizations are beginning to apply to IDPs.

Another means of providing protection is by reinforcing presence when protection problems arise. Although presence to be truly effective must be combined with some form of action, in some situations substantial numbers of outside representatives watching and listening can deter abuse. Organizations unwilling to engage in direct protection activities should at least report violations to those who can.

Increasingly, however, it is being argued that humanitarian and development organizations should forward information on human rights violations to human rights groups and others who are prepared to act upon it.

Protection can further be advanced by working together with the displaced people and with local communities and local authorities in finding solutions. Multiethnic programmes to encourage contact and trust among different groups also help to increase protection for IDPs. One way that international agencies and NGOs alike can effectively manage the risks of engaging in protection work is by banding together and taking joint stands. The adoption of joint positions can strengthen the overall impact of an initiative and at the same time reduce the risks involved for each participating organization (Hampton 1998).

Better training in protection problems needs to be provided to the staff of humanitarian and development agencies and to those in human rights field operations. Training should cover international standards, in particular the Guiding Principles on Internal Displacement and the compilation and analysis of legal norms upon which the principles are based. It should include instructions on how to identify human rights issues, how to report them, and how to alert at headquarters and in the field when displaced people are endangered. It also should include instruction in the practical measures for enhancing physical safety in the field. This could be by accompaniment, protective custody, neighbourhood patrols, protection watches, safe houses, interventions with the authorities, or evacuations of life-threatening cases. As women and children comprise the vast majority of IDPs, their protection needs should be emphasized. In particular field personnel should be aware that the way international assistance programmes are planned and implemented has direct bearing on the protection of these groups. The office of the UN High Commissioner for

Human Rights, together with UNHCR, could play a valuable role by organizing such training; so too could ICRC and NGO umbrella groups.

The resistance of governments and non-state actors will continue to be a serious obstacle to international involvement with IDPs as is the case of Kashmiri people. But the human rights and protection gap will also remain wide as long as human rights field staff is absent from most humanitarian emergencies and humanitarian and development agencies do not concern themselves with physical safety. The internally displaced Kashmiri people are clearly in need of international protection and assistance, which India has been unwilling to provide. A combination of legal, institutional and practical measures will be needed to address the situation of the displaced Kashmiri people.

### **Improving Protection for Internally Displaced Kashmiri Women**

The conflict in Kashmir has left women displaced and dispossessed. Many have become widows and have been economically and socially deprived. The displaced women have undergone an economic loss. Dislocation has led to emotional trauma and psychological disorders. However nothing substantial has been done to address the needs of the displaced women.

The response by the Indian government to the needs of the displaced Kashmiri women has been minimal. The UNHCR guidelines have not been applicable to the displaced Kashmiri women. UNHCR guidelines for the protection of refugee women and its guidelines against sexual violence should be applied to internally displaced women and girls, combined with the steps listed below:

- Make the collection of gender-specific information a routine part of assessments made by humanitarian and development agencies.



- Design assistance programmes to enhance protection, with attention paid to placement of latrines, lighting and how far women have to go for firewood.
- Designate women at food distribution points to prevent their having to trade sexual favours for food or simply receive inadequate portions.
- Maintain regular contact with internally displaced women to provide them with a sense of security and reassurance and develop with them preventive measures as well as protection strategies.
- Increase presence in the field when serious protection problems, such as sexual violence are reported.
- Recognize that rape is a criminal offence, requiring punishment and exposure; that steps may also serve as a preventive measure.
- Provide counseling and psychological treatment to those who have been raped and subjected to other serious human rights abuse.
- Engage in advocacy on behalf of displaced women with local and national authorities, initiate joint statements and positions, and bring cases to the attention of the UN Special Reporters on Violence against Women, donor governments and the media (Hampton 1998).

These guidelines of the UNHCR have not been applicable to the Kashmiri women subjected to violence and displacement. There is no initiation of gender-oriented programmes by the states to address the needs of women. There are human rights reports that Rape as a weapon of sexual assault was used by both the militants and the security forces. The security forces have denied the allegations of rape. Nothing has been done to address the trauma faced by women subjected to the maltreatment.

## Addressing The Needs of The Displaced Children

The guiding principle for all approaches to tackling this issue is that displaced children have precisely the same rights to survival, protection and development without discrimination as other children in the nation.

We should understand displaced children in the world in which they live: The disruption that accompanies displacement makes it especially crucial that outsiders take the time accurately to assess and evaluate the social context beneficial and harmful programmes; priorities of the people themselves; and what the community can do for itself. Local NGOs and community groups can be valuable partners.

The following guidelines are to be followed while addressing the needs of the displaced children: -

- The attempt should be to design and implement comprehensive approaches to meeting the needs of displaced children: Clearly, life saving steps always comes first during a displacement crisis. But displaced children are likely to face a range of other challenges in relation to their physical well-being, and their psychosocial health, their educational opportunities, their cultural traditions and their legal rights.
- The authorities should be held accountable for children: The representative of the UN Secretary-General, Dr. Francis Deng, has pointed out that national governments, by definition, have primary authority and responsibility towards their internally displaced citizens, including children and their families.
- The aim is to focus on durable solutions: If it is impossible to prevent large-scale displacement, the international community should focus immediately as soon as life-threatening conditions are stabilized – on steps to assist the displaced in voluntary – return to their home communities. The longer the

period of displacement, the greater the likelihood that children will suffer long-term harm.

- Ensure the survival and well-being of children by supporting the community: Second, family and community structures under stress should be assisted as whole units.
- Demand the gender issues receive careful attention: The chaos and social disruption of displacement greatly increase the likelihood that girl children will suffer sexual assault. Cultural factors may make girl children less likely to participate equitably in programme benefits, including nutrition, education or health care.

Nothing concrete has been done to address the issues pertaining to the displaced Kashmiri children. There is lack of infrastructure in the schools and dispensaries opened up for the displaced children. There is thus a misappropriation of funds allotted to the displaced by the elite.

## **IDPS and Refugees-A Comparative Analysis**

The IDPs and refugees have much in common concerning their conditions of forced migration- whether it is internal war, armed repression, ethnic conflict or any other violations of human rights. The problems, the two categories face in the transitory stages of settlement is also similar. While the refugees are displaced outside the national borders, the IDPs are displaced within the nation. The definition of IDPs however, also includes people displaced by natural or human-made disasters. The definition of refugees is well established in international law but there is still no consensus about the notion of internally displaced persons. IDPs are a very ill defined group of people (Hampton 1998).

The counting of migrating people in general, and people who are forcibly displaced, presents particular challenges. We are dealing with people on the move who in some cases may not even wish to be counted as people with needs. Refugees (and other international migrants) are more likely to be accurately estimated since in crossing international borders they invariably come to the attention of the host government and /or international agencies. IDPs, by contrast, remain within the borders of their own country and under the jurisdiction of their own government. Their movement is far less likely to be traced for a variety of reasons: government incapacity, failure to recognize minorities or insurgents formally; or a simple denial of the problem.

While refugees flee to a safe haven abroad, IDPs often stay in areas of conflict not necessarily accessible to international organizations. While some IDPs may receive assistance from various organizations (and their numbers can be estimated) many are often beyond the reach of third parties and do not benefit from assistance or protection.

Refugees lose their status when they return home, integrate into the local host country or resettle into a third country. In counting IDPs, however, we must determine whether they have settled permanently or are still awaiting an opportunity to return to their original domicile and this is the plight of displaced Kashmiri people.

While the refugees and IDPs face similar challenges because of displacement the difference between the two lies in where they are displaced. The IDPs can exercise a choice in settling outside their indigenous territory within the nation-state. The refugees on the other hand do not have the choice to resettle in the desired nation-state. The institutional arrangements available to the displaced Kashmiri people however are insufficient when compared to the refugees all over the World.

## A Hope for the Future

In the present scenario, the cultural component of Kashmiri sub-nationalism is again reasserting itself. The women in Kashmir have not accepted the new code sought to be imposed on them whole hog. The confidence of people in the normal judicial process is gradually being restored, and more people are now moving towards courts for adjudication and redressal. Both corruption and nepotism remain yet to be addressed in the society and polity in Jammu & Kashmir.

The bitter experience of social ostracism and of ecological alienation had been leading many of these migrants to see themselves afresh as Kashmiris rather than as Hindus.

An elected government in the state of Jammu & Kashmir came in office in 1996 after remaining under Governor's rule for the last decade. The government and the opposition political parties in the state are gradually trying to fill the political vacuum. Most of the militant outfits have vanished in oblivion and some others have joined the security forces in combating the left over militancy. A few others have floated their new political parties with an ultimate objective of participating in political and democratic process. Thus, barring Hizbul Mujihideen, the militant outfit seeking Kashmir's accession to Pakistan, and supported by Pakistan based Harkat-ul-Ansar (rechristened as Harkat-ul-mujahideen after being declared as international terrorist organization by the US), there are no major militant outfits now left in the state (Punjabi 1999). These are indications that the situation in the valley will improve in the valley. However, how much time will be required in confidence building and development of amicable relations among various community members is still questionable. It is also to be seen whether the fear psychosis among the members of the displaced minority will eventually be eliminated. Safe return of the minority

community also implies provision of adequate security and economic avenues. But the foremost concern is the development of friendly Hindu-Muslim relations, which has been the bedrock of 'Kashmiriyat'.

## CONCLUSION

IDPs through the use of various resources have brought up new modes of social organization within the changed surrounding. The state has exercised its agency in addressing the needs of the displaced Kashmiri people. The displaced people have not been passive actors but through various resources have brought about new social organization in the places where they resettled. Therefore as Giddens puts it in the 'Constitution Of Society', 1984 structures are not external to social actors but are rules and resources produced and reproduced by actors in their practices.

Pre-flight community relations of the minority and majority communities were amicable. With the flight of the minority communities, the Kashmiri Hindus and Kashmiri Sikhs the strong 'we feeling' of belonging to the Kashmiri community have vanished. The displaced minority feels a sense of envy for the majority Muslim community staying in the valley.

Kashmiri sub-nationalism, which earlier represented the interests of Kashmiri Muslims and Kashmiri Hindus, now typically represents the interests of the Kashmiri Muslims. With the flight of the minority communities – Hindus and Sikhs, the relations between the majority and minority community got more strained.

The spread of secessionist groups in the Valley and the emergence of various fundamentalist militant groups led the minority communities within Kashmir to flee for their life from the valley. The root cause of the problem cannot simply be the emergence of ethnic conflict between Hindus and Muslims within the valley. There are instances where the Muslims did come forward to help the Kashmiri Hindus. However, like the Hindus they were also victims of militancy and were labeled as

'mukhbir' (informer) if they provided help to the Kashmiri Hindus. There are also instances where the Muslims looked after the property of the displaced minorities.

The political and economic alienation of the Kashmiri people were the two main reasons why the Kashmiri Muslims (a sizable portion) took to militancy. Selective killings, target of historical movements, target of social institutions symbolic of 'Kashmiriyat' were carried on by the fundamentalist groups to drive a wedge between the Hindus and Muslims. Specific markers of community identity were however propagated by the fundamentalist groups like the wearing of veils by the Kashmiri Muslim women and wearing of a 'tikka' by the Kashmiri Hindu women. The fundamentalist groups had an interest in communalizing the situation so that Kashmiri Muslims see themselves as separate from the Kashmiri Hindus.

It is not only the ethnic conflict between Hindus and Muslims because of which the problem arose. Although unequal access to scarce resources may be one of the reasons for the rise of the conflict, other causes are the attitude of the security forces towards the Indian people, external involvement of ISI in the domestic issue and their manipulation of local issues, propagation of militancy in the state by aligning of alienated Kashmiri Muslims with the Pakistan sponsored militants by the neighbouring state.

For the Kashmiri people, the security forces represent the Indian state. The security forces have been present in the ground situation ever since India attained independence. The indiscriminate firing, allegations of rape, lost of dwellings of the common Kashmiri people during 'crackdown' operations have magnified the alienation of the Kashmiri people.

Lack of responsible government in the state ever since the state got formed and rigging during elections has shown that political alienation of the people has been



one of the root causes for the rise of militancy in the state. There had been a complete breakdown of the constitutional assembly in the state in the past decade. An elected government has come into office only now.

The displaced Kashmiri people faced various problems in the new setting. The India government has taken various initiatives like the provision of camps, schools, dispensaries, provision of ration and other cash relief. However, the displaced Kashmiri people faced various problems in the new setting. Unemployment, unhealthy conditions, and problems of adjusting to new ecological setting are some of the problems that they faced.

Despite the difficult circumstances some sections of the displaced people have shown marked strength in adjusting in the host community. The displaced people have adopted various response strategies. The agency of the displaced needs to be recognized. They are not only 'beneficiaries', 'target groups' or 'victims' but people who through their own efforts work towards the betterment of their conditions.

The present crisis arose because of the alienation of the Kashmiri masses. The alienation can only be removed if certain conditions prevail. Free and fair elections, establishment of democracy, development of friendly relations with the neighbouring states are some of the factors, which may have positive consequences for the restoration of peace in the valley.

The driving out of Kashmiri Hindus and Sikhs from the valley has strengthened the cause of Kashmiri Muslim sub-nationalism. Therefore, 'Kashmiriyat' which was symbolic of the interests of both Kashmiri Hindus and Kashmiri Muslims has taken a backseat. The Kashmir Muslim sub-nationalism is symbolic of the demands, interests and wishes of Kashmiri Muslims and not Kashmiri Hindus. If we critically analyze the situation then we find that the state of Jammu and

Kashmir also has other communities, Kashmiri Hindus, Buddhists, Sikhs, Dogris, Punjabis and Guggars. The separatist movement by the Kashmiri Muslims is not taking into account the interests of these latter groups. In the past although there was a proposal by the Jammu and Kashmir government for the communal trifurcation of the state, the Buddhists of Ladakh and the population of Jammu rejected this proposal. Therefore any movement in the state is bound to be a flaw if it does not take the various interests of the communities into account.

The misinterpretation of religion that is Islam by the fundamentalists and the use of religion for political gain led a section of Kashmiri Muslims towards militancy. The displacement of the minority community was well thought out in advance by the militants and Islamic fundamentalists. A safe return of the minorities can only take place if they are assured that peace and harmony prevails in the Valley.

### **Impact of Internal Displacement**

The exchange of cultural traits had been there between the local population in Jammu especially and the Kashmiri people –Hindus, Muslims or Sikhs long before displacement took place. It was therefore not very difficult for the displaced Kashmiri people to resettle in Jammu & adjoining areas. Delhi provided another familiar site in comparison to other parts of India. This explains why the majority of the camps got establishment in Jammu and Delhi regions. The adjustment of the displaced people to the local population was easier in these regions.

Internal displacement has led to various consequences- both positive and negative among the displaced Kashmiri people. The positive consequence can be that due to displacement members of particularly the higher and middle class have taken up new opportunities and jobs in various urban areas.

The negative consequences of internal displacement are that it has led to a state of loss: that is a loss of one's culture associated with territory, loss of homeland, loss of livelihood and economic belongings. The displaced people do not in a sense enjoy the same citizenship rights as before as now they cannot live in their own homeland.

Within the host community, the displaced Kashmiri people faced tremendous hardships. Initially there were economic hardships that they faced. Life in the camps or 'one room tents' has been quite disappointing for them. Miserable living conditions like unhygienic conditions, lack of privacy, lack of space, lack of proper ventilation are some of the problems to be faced in camps.

Loss of property, business and jobs due to displacement has meant that the displaced Kashmiri people have to face a new kind of economic insecurity and hardship. Finding a proper job had been their immediate concern on arrival in the host region. The educated among the internally displaced have been able to get jobs while the uneducated have to be content with menial job opportunities. The everyday life of the displaced people got altered in the new setting- they face new kinds of economic insecurities and it has also impacted their way of life. There have been changes in their diet, dress and marriage rituals in the new setting.

Uprooting and exile has had a psychological impact on the displaced. A sizable number suffer from psychological disorders such as anxiety, nervousness, tensions, post-traumatic syndrome. Displacement has meant a 'state of loss' where return to one's homeland is a vision to be accomplished.

The elderly people among the displaced find it difficult to adjust in the new surrounding, as their emotional attachment with Kashmir has been very strong. The

elderly displaced people feel a perpetual sense of nostalgia for the lost land of their birth, where their ancestors lived for centuries.

The younger generation had to go through the trauma of displacement at a very tender age. However, their attachment with Kashmir is not so strong as that of the older generation many young people have moved out to new urban areas and found permanent jobs. The small children are not fluent in their Kashmiri language- a marker of their identity and a mode of transmission of culture. The children are more fluent in Hindi or English for they converse with their comrades in these languages.

Violence and displacement has led to a huge loss for the displaced Kashmiri people. It has targeted the mind, body and soul and: we need to look at multiple effects of violence.

### **The Agency of the Displaced Kashmiri People**

Although the displaced people feel a sense of emotional and cultural loss when delinked from territory, there has been an attempt by the displaced Kashmiris especially the Hindus to propagate their culture through musical evenings and festivals. This is an attempt to transmit Kashmiri culture to the younger generation and to make them familiar with their roots. There has been a process of recreation of 'smaller Kashmir' wherever they went. The coming up of a temple-Khir Bhawani in Jammu represents a case of recreation of cultural symbols in the new setting through which they can identify themselves with.

The displaced Kashmiri people need to be recognized not simply as 'victims' but their agency needs to be acknowledged. The displaced people are not passive spectators. Through their active participation they have given a new meaning to their life in the current setting. Therefore structures as Giddens held are not only constraining but also enabling.

## **Relationship with the Host Community and Power– Politics**

The host population especially the people in Jammu views the displaced people as an economic threat who have taken the jobs, which were earlier, open to the local population.

The BJP at the Centre has had an interest in sympathizing with the displaced Kashmiri people especially the Hindus. They represent the Kashmiri Hindus as 'victims' and the Kashmiri Muslims as 'perpetrators'. This has resulted in communalization of the issue. The propagation of the notion of Hindutva or Hindu-nation has had an impact on the relationship between Hindus and other minorities within the nation. The Kashmiri Muslims who are in a majority in Kashmir are in apprehension of the role played by BJP.

Shiv Sena on the other hand, has aligned itself with the local population of Jammu against the displaced Kashmiri people who represent a 'competition' as far as the scarce jobs are concerned. This is very similar to Shiv Sena's role in Maharashtra where it has led the 'sons of the soil' movement.

Both the parties, the Shiv Sena and the BJP are taking advantage of the alienation of the communities for their narrow political gains. While one party views the displaced people as 'victims' another party views them as a 'threat'. There is not effort by the parties to solve the problems faced, but each party propagates its own interest, which is detrimental to the community relations. The main concern of the parties has been an increase in vote-banks.

## **Government Assistance**

Although relief is given to the displaced Kashmiri people in the form of cash assistance and ration, it is meager especially for the displaced people not living in

camps but in rented accommodations. The displaced Kashmiri people who had their own dwellings back in Kashmir find it difficult to adjust in the camp conditions. The lowest class among the displaced people has no option but to adjust in camps.

The funds given by the Central Government to the State Government is not properly utilized for the betterment of living conditions in the camps. If we analyze the situation further it is found that there have been loopholes in the functioning of the state government. In a survey conducted by the Political science Department of Jammu University in June 2002, it was found that the displaced people were not satisfied with the policies of the state government. The displaced people felt that a special committee should be appointed by the centre for the proper distribution of grants, which are given to Jammu And Kashmir State. It was also found that dispensaries and schools for the displaced people did not have adequate infrastructures. This is a clear case of misuse of funds by the upper class which are to be given to the lower class.

### **Identity Crises**

The displaced Kashmiri people in the present scenario face an identity crisis – the Kashmiri Hindus now see themselves as ‘Kashmiri Hindus’ separate from Kashmiri Sikhs and Kashmiri Muslims. Kashmiriyat a symbol of the composite culture is under threat and Kashmiri identity now means different things to various religious groups. Identity is therefore not static, but is in a perpetual state of transformation. Kashmiri – identity is therefore subject to a continuing changing process in history. The concept that there is a stable, holistic identity has long been dislodged.

There are multiple narratives and multiple ways of analyzing one's position in society. Therefore the narrative of a displaced Kashmiri Muslims seen as a 'Mujahid' is different from the narrative of displaced Hindu or Sikh seen as a victim.

## **Future Prospects**

It is controversial whether internally displaced Kashmiri people will ever return to the Kashmir valley. First and foremost condition for the return of the Kashmir people is the development of friendly relations between Hindus and Muslims within India and within the state of Jammu and Kashmir specifically.

The events at the national level and international level have had positive and negative influences on the relationship between majority and minority groups. Similarly the September 11<sup>th</sup> attack on the World Trade Centre led to an increasing apprehension directed towards the Asian Muslims all over the World. The Babri Masjid dispute for instance led to the alienation of Kashmiri Muslims within the Indian state. The positive gestures by Pakistan and India like the starting of Samjhota Express and a bus service between Indian and Pakistan is a step towards establishing amicable relationship between the minority Muslim community and majority Hindu community within India.

A fear psychosis is still alive among the displaced Kashmiri people, whose return will depend on the strengthening the nation of Kashmiriyat a symbol of Hindu-Muslim brotherhood. The notion of community, which was seen as a well-bounded entity, is questioned as the identification of the displaced with the Muslim community in Kashmir is not the same anymore. The concept of Kashmiriyat symbolic of composite culture needs to be strengthened if the displaced people are to eventually return.

## NOTES

### Introduction- Kashmiri People As Internally Displaced

<sup>1</sup>C.f. Adelman 'Modernity Globalization, Refugees and Displacement' in A. Ager ed. (1999:83). 'Refugees: Perspectives on the Experience of Forced Migrations'. According to Adelman the twentieth century became the century of refugees because of the division of the World into nation-states as protector of the rights of its citizens. Those fleeing persecution in one state had nowhere to go but to another state, and required the permission of the other state to enter it. Salvation was the epitome of what modernity stands in its most virtuous guise.

<sup>2</sup> Cited in J. Robinson Ed. (2002:30). In the book 'Development And Displacement' The 1951 convention relating to the status of refugees and stateless persons was held in Geneva in July that year. The convention spelt out the obligations and rights of the refugees and the obligations of the state towards refugees. It also sets out international standards for the treatment of refugees.

<sup>3</sup> Cited in Nandy ed. (1999:10). Ethnic Futures explain how global issues have local manifestations and vice-versa.

<sup>4</sup> The concept of 'Kashmiriyat' symbolized the Kashmir ethos. A saint of Kashmir- Sheikh Nooruddin, the torchbearer to the Muslims and the rishi of the Hindus upheld this concept. The saint asked the people to rise above the distinctions of religion and the concept laid stress on a composite culture in Kashmir.

<sup>5</sup> Refer B.S, Chimni, (1998). The Geopolitics Of Refugee Studies: A View From The South for more information on why refugees of the South and the Third World are denied asylum by the West.

### Chapter I - Alienation and the Rise of Kashmiri Subnationalism

<sup>6</sup> Statistics based on the Report obtained from the Office of the Relief Commissioner Jammu 2004

<sup>7</sup> The Muslims were affected by the militancy in the same way as the Hindus. However, the fear of being killed and being labeled an informer prevented them from helping the minority communities. For more information, refer B. Raina (1992) A window to India. Seminar. 392, April 1992 and Om Hari (1998) Beyond the Kashmir Valley.

### Chapter II- Problems of the Internally Displaced Kashmiri People

<sup>8</sup> Refer Razdan (1999) The Trauma of Kashmir for more personal narratives of the minority community who faced the agony of displacement.

### Chapter III- Response to the Situation and Survival Strategies

<sup>9</sup> Refer to the concept of 'Imagined Communities' B. Anderson (1983). Imagined Communities. for a fuller understanding of how the displaced Kashmiri people, although scattered, have a sense of oneness and belonging to the same community with a common language and cultural heritage.

### Chapter IV- Role of Government and Humanitarian Agencies

<sup>10</sup> Cf. M.L. Kaul (1999). Kashmir Wail of a valley. Even though the displaced Kashmiri people may wish to migrate to the valley, it will not be possible for them till they are assured that peace and tranquility prevails in the valley.



## APPENDIX

### Guiding Principles on Internal Displacement

Source: Hampton J. (ed.), 1998

In the growing debate on how best to enhance protection and assistance for internally displaced people, many proposals have been put forward. Entitled the guiding principles on internal displacement, they were presented to the UN Commission on human rights in 1998 by Francis M Deng, Representative of the UN Secretary General on Internally Displaced Persons.

#### *Introduction - Scope and Purpose*

1. These Guiding Principles address the specific needs of internally displaced persons worldwide. They identify rights and guarantees relevant to the protection of persons from forced displacement and to their protection and assistance during displacement as well as during return or resettlement and reintegration.
2. For the purposes of these Principles, internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.
3. These Principles reflect and are consistent with international human rights law and international humanitarian law. They provide guidance to:
  - (a) The Representative of the Secretary-General on internally displaced persons in carrying out his mandate;
  - (b) States when faced with the phenomenon of internal displacement;
  - (c) All other authorities, groups and persons in their relations with internally displaced persons; and
  - (d) Intergovernmental and non-governmental organizations when addressing internal displacement.
4. These Guiding Principles should be disseminated and applied as widely as possible.

#### *Section I. General Principles*

##### Principle 1

1. Internally displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced.
2. These Principles are without prejudice to individual criminal responsibility under international law, in particular relating to genocide, crimes against humanity and war crimes.

### Principle 2

1. These Principles shall be observed by all authorities, groups and persons irrespective of their legal status and applied without any adverse distinction. The observance of these Principles shall not affect the legal status of any authorities, groups or persons involved.
2. These Principles shall not be interpreted as restricting, modifying or impairing the provisions of any international human rights or international humanitarian law instrument or rights granted to persons under domestic law. In particular, these Principles are without prejudice to the right to seek and enjoy asylum in other countries.

### Principle 3

1. National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.
2. Internally displaced persons have the right to request and to receive protection and humanitarian assistance from these authorities. They shall not be persecuted or punished for making such a request.

### Principle 4

1. These Principles shall be applied without discrimination of any kind, such as race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth, or on any other similar criteria.
2. Certain internally displaced persons, such as children, especially unaccompanied minors, expectant mothers, mothers with young children, female heads of household, persons with disabilities and elderly persons, shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs.

## *Section II. Principles Relating to Protection From Displacement*

### Principle 5

All authorities and international actors shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, in all circumstances, so as to prevent and avoid conditions that might lead to displacement of persons.

### Principle 6

1. Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence.
2. The prohibition of arbitrary displacement includes displacement:
  - (a) When it is based on policies of apartheid, "ethnic cleansing" or similar practices aimed at/or resulting in altering the ethnic, religious or racial composition of the affected population;

- (b) In situations of armed conflict, unless the security of the civilians involved or imperative military reasons so demand;
- (c) In cases of large-scale development projects, which are not justified by compelling and overriding public interests;
- (d) In cases of disasters, unless the safety and health of those affected requires their evacuation; and
- (e) When it is used as a collective punishment.

3. Displacement shall last no longer than required by the circumstances.

#### Principle 7

1. Prior to any decision requiring the displacement of persons, the authorities concerned shall ensure that all feasible alternatives are explored in order to avoid displacement altogether. Where no alternatives exist, all measures shall be taken to minimize displacement and its adverse effects.
2. The authorities undertaking such displacement shall ensure, to the greatest practicable extent, that proper accommodation is provided to the displaced persons, that such displacements are effected in satisfactory conditions of safety, nutrition, health and hygiene, and that members of the same family are not separated.
3. If displacement occurs in situations other than during the emergency stages of armed conflicts and disasters, the following guarantees shall be complied with:
  - (a) A specific decision shall be taken by a State authority empowered by law to order such measures;
  - (b) Adequate measures shall be taken to guarantee to those to be displaced full information on the reasons and procedures for their displacement and, where applicable, on compensation and relocation;
  - (c) The free and informed consent of those to be displaced shall be sought;
  - (d) The authorities concerned shall endeavour to involve those affected, particularly women, in the planning and management of their relocation;
  - (e) Law enforcement measures, where required, shall be carried out by competent legal authorities; and
  - (f) The right to an effective remedy, including the review of such decisions by appropriate judicial authorities, shall be respected.

#### Principle 8

Displacement shall not be carried out in a manner that violates the rights to life, dignity, liberty and security of those affected.

#### Principle 9

States are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands.

### *Section III. Principles Relating to Protection During Displacement*

### Principle 10

1. Every human being has the inherent right to life which shall be protected by law. No one shall be arbitrarily deprived of his or her life. Internally displaced persons shall be protected in particular against:
  - (a) Genocide;
  - (b) Murder;
  - (c) Summary or arbitrary executions; and
  - (d) Enforced disappearances, including abduction or unacknowledged detention, threatening or resulting in death. Threats and incitement to commit any of the foregoing acts shall be prohibited.
  
2. Attacks or other acts of violence against internally displaced persons who do not or no longer participate in hostilities are prohibited in all circumstances. Internally displaced persons shall be protected, in particular, against:
  - (a) Direct or indiscriminate attacks or other acts of violence, including the creation of areas wherein attacks on civilians are permitted;
  - (b) Starvation as a method of combat;
  - (c) Their use to shield military objectives from attack or to shield, favour or impede military operations;
  - (d) Attacks against their camps or settlements; and
  - (e) The use of anti-personnel landmines.

### Principle 11

1. Every human being has the right to dignity and physical, mental and moral integrity.
  
2. Internally displaced persons, whether or not their liberty has been restricted, shall be protected in particular against:
  - (a) Rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment, and other outrages upon personal dignity, such as acts of gender-specific violence, forced prostitution and any form of indecent assault;
  - (b) Slavery or any contemporary form of slavery, such as sale into marriage, sexual exploitation, or forced labour of children; and
  - (c) Acts of violence intended to spread terror among internally displaced persons. Threats and incitement to commit any of the foregoing acts shall be prohibited.

### Principle 12

1. Every human being has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention.
  
2. To give effect to this right for internally displaced persons, they shall not be interned in or confined to a camp. If in exceptional circumstances such internment or confinement is absolutely necessary, it shall not last longer than required by the circumstances.

3. Internally displaced persons shall be protected from discriminatory arrest and detention as a result of their displacement.
4. In no case shall internally displaced persons be taken hostage.

#### Principle 13

1. In no circumstances shall displaced children be recruited nor be required or permitted to take part in hostilities.
2. Internally displaced persons shall be protected against discriminatory practices of recruitment into any armed forces or groups as a result of their displacement. In particular any cruel, inhuman or degrading practices that compel compliance or punish non-compliance with recruitment are prohibited in all circumstances.

#### Principle 14

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

#### Principle 15

Internally displaced persons have:

- (a) The right to seek safety in another part of the country;
- (b) The right to leave their country;
- (c) The right to seek asylum in another country; and
- (d) The right to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk.

#### Principle 16

1. All internally displaced persons have the right to know the fate and whereabouts of missing relatives.
2. The authorities concerned shall endeavour to establish the fate and whereabouts of internally displaced persons reported missing, and cooperate with relevant international organizations engaged in this task. They shall inform the next of kin on the progress of the investigation and notify them of any result.
3. The authorities concerned shall endeavour to collect and identify the mortal remains of those deceased, prevent their despoliation or mutilation, and facilitate the return of those remains to the next of kin or dispose of them respect fully.
4. Grave sites of internally displaced persons should be protected and respected in all circumstances. Internally displaced persons should have the right of access to the grave sites of their deceased relatives.

### Principle 17

1. Every human being has the right to respect of his or her family life.
2. To give effect to this right for internally displaced persons, family members who wish to remain together shall be allowed to do so.
3. Families which are separated by displacement should be reunited as quickly as possible. All appropriate steps shall be taken to expedite the reunion of such families, particularly when children are involved. The responsible authorities shall facilitate inquiries made by family members and encourage and cooperate with the work of humanitarian organizations engaged in the task of family reunification.
4. Members of internally displaced families whose personal liberty has been restricted by internment or confinement in camps shall have the right to remain together.

### Principle 18

1. All internally displaced persons have the right to an adequate standard of living.
2. At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to:
  - (a) Essential food and potable water;
  - (b) Basic shelter and housing;
  - (c) Appropriate clothing; and
  - (d) Essential medical services and sanitation.
3. Special efforts should be made to ensure the full participation of women in the planning and distribution of these basic supplies.

### Principle 19

1. All wounded and sick internally displaced persons as well as those with disabilities shall receive to the fullest extent practicable and with the least possible delay, the medical care and attention they require, without distinction on any grounds other than medical ones. When necessary, internally displaced persons shall have access to psychological and social services.
2. Special attention should be paid to the health needs of women, including access to female health care providers and services, such as reproductive health care, as well as appropriate counselling for victims of sexual and other abuses.
3. Special attention should also be given to the prevention of contagious and infectious diseases, including AIDS, among internally displaced persons.

### Principle 20

1. Every human being has the right to recognition everywhere as a person before the law.
2. To give effect to this right for internally displaced persons, the authorities concerned shall issue to them all documents necessary for the enjoyment and exercise of their legal rights, such as passports, personal identification documents, birth certificates and marriage certificates. In particular, the authorities shall facilitate the issuance of new documents or the replacement of documents lost in the course of displacement, without imposing unreasonable conditions, such as requiring the return to one's area of habitual residence in order to obtain these or other required documents.
3. Women and men shall have equal rights to obtain such necessary documents and shall have the right to have such documentation issued in their own names.

### Principle 21

1. No one shall be arbitrarily deprived of property and possessions.
2. The property and possessions of internally displaced persons shall in all circumstances be protected, in particular, against the following acts:
  - (a) Pillage;
  - (b) Direct or indiscriminate attacks or other acts of violence;
  - (c) Being used to shield military operations or objectives;
  - (d) Being made the object of reprisal; and
  - (e) Being destroyed or appropriated as a form of collective punishment.
3. Property and possessions left behind by internally displaced persons should be protected against destruction and arbitrary and illegal appropriation, occupation or use.

### Principle 22

1. Internally displaced persons, whether or not they are living in camps, shall not be discriminated against as a result of their displacement in the enjoyment of the following rights:
  - (a) The rights to freedom of thought, conscience, religion or belief, opinion and expression;
  - (b) The right to seek freely opportunities for employment and to participate in economic activities;
  - (c) The right to associate freely and participate equally in community affairs;
  - (d) The right to vote and to participate in governmental and public affairs, including the right to have access to the means necessary to exercise this right; and
  - (e) The right to communicate in a language they understand.

### Principle 23

1. Every human being has the right to education.
2. To give effect to this right for internally displaced persons, the authorities concerned shall ensure that such persons, in particular displaced children, receive education which shall be free and compulsory at the primary level. Education should respect their cultural identity, language and religion.
3. Special efforts should be made to ensure the full and equal participation of women and girls in educational programmes.
4. Education and training facilities shall be made available to internally displaced persons, in particular adolescents and women, whether or not living in camps, as soon as conditions permit.

### *Section IV. Principles Relating to Humanitarian Assistance*

#### Principle 24

1. All humanitarian assistance shall be carried out in accordance with the principles of humanity and impartiality and without discrimination.
2. Humanitarian assistance to internally displaced persons shall not be diverted, in particular for political or military reasons.

#### Principle 25

1. The primary duty and responsibility for providing humanitarian assistance to internally displaced persons lies with national authorities.
2. International humanitarian organizations and other appropriate actors have the right to offer their services in support of the internally displaced. Such an offer shall not be regarded as an unfriendly act or an interference in a State's internal affairs and shall be considered in good faith. Consent thereto shall not be arbitrarily withheld, particularly when authorities concerned are unable or unwilling to provide the required humanitarian assistance.
3. All authorities concerned shall grant and facilitate the free passage of humanitarian assistance and grant persons engaged in the provision of such assistance rapid and unimpeded access to the internally displaced.

#### Principle 26

Persons engaged in humanitarian assistance, their transport and supplies shall be respected and protected. They shall not be the object of attack or other acts of violence.

#### Principle 27

1. International humanitarian organizations and other appropriate actors when providing assistance should give due regard to the protection needs and human rights of internally displaced persons and take appropriate measures in



this regard. In so doing, these organizations and actors should respect relevant international standards and codes of conduct.

2. The preceding paragraph is without prejudice to the protection responsibilities of international organizations mandated for this purpose, whose services may be offered or requested by States.

*Section V. Principles Relating to Return, Resettlement and Reintegration*

Principle 28

1. Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavour to facilitate the reintegration of returned or resettled internally displaced persons.
2. Special efforts should be made to ensure the full participation of internally displaced persons in the planning and management of their return or resettlement and reintegration.

Principle 29

1. Internally displaced persons who have returned to their homes or places of habitual residence or who have resettled in another part of the country shall not be discriminated against as a result of their having been displaced. They shall have the right to participate fully and equally in public affairs at all levels and have equal access to public services.
2. Competent authorities have the duty and responsibility to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement. When recovery of such property and possessions is not possible, competent authorities shall provide or assist these persons in obtaining appropriate compensation or another form of just reparation.

Principle 30

All authorities concerned shall grant and facilitate for international humanitarian organizations and other appropriate actors, in the exercise of their respective mandates, rapid and unimpeded access to internally displaced persons to assist in their return or resettlement and reintegration.

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