

**MARGINALIZATION AT THE BORDERLANDS:
A STUDY OF THE PIR PANJAL REGION IN
JAMMU AND KASHMIR**

*Dissertation submitted to the Jawaharlal Nehru University
in partial fulfillment of the requirements
for the award of the Degree of*

MASTER OF PHILOSOPHY

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2017



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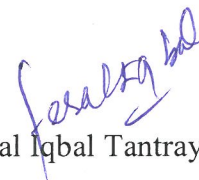
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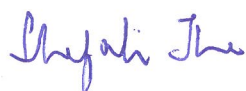
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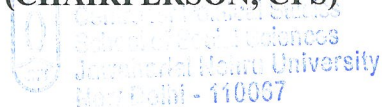
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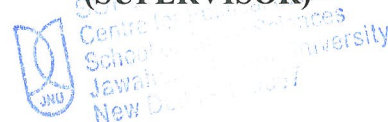
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Acknowledgements

Completion of this M. Phil dissertation was possible with the support of several people. I would like to express my sincere gratitude to all of them. Firstly, I would like to thank my supervisor Dr. Sudhir Kumar Suthar for helping me clear the ambiguities in my arguments. He has been extremely helpful and encouraging right from the beginning. His deep insight on the subject helped me a lot throughout my research work. I owe a special debt to him for his keen guidance and unfailing support throughout the contemplation of this research work.

No research is possible without the Library, the centre of learning resources. I take this time to express my gratitude to all the library staff of the Jawaharlal Nehru University for their services.

I would like to acknowledge the support and encouragement from my friends Khalid Yaqoob, Khalid Zaffer, Urfaan Ahmad, Tanvir choudhary, Ajit Kumar, Tarif Sohail, Nazim, Azeema Saleem, Syed Sabeel, Umar Ahmad, Mohsin Shah, Ishtiaq Ahmad Shauq, Husnain, Waseem. Their circle of friendship has enriched my life and broadened my horizons. There are number of friends too numerous to mention here who have also helped in innumerable ways.

I am also thankful to the resident of Jhulass, Salotri and Suvinaar village bordering the actual line of control of Poonch District in Jammu and Kashmir for their warm hospitality and patience in answering my questions during the field work.

This acknowledgement will be incomplete without acknowledging the support, encouragement and love of my soulmate Kamini Sharma. I would take this opportunity to thank her for always being there.

Finally, I must express my very profound gratitude to my family: my parents, my uncles and aunts, my sisters and my brothers Asif Iqbal and Amir. Who have supported me all throughout the course of my study. This accomplishment would not have been possible without them. Thank you.

Fesal Iqbal Tantray

For my Late Dada ji

*Who has been an ever present source of inspiration and encouragement
to me...*

CONTENT

Acknowledgement

Abbreviations

List of Tables, Maps and Photos

Chapter 1: Introduction 01

- *Introduction*
- *Brief background of the region*
- *Review of literature*
- *Methodology an Methods applied during field work*
- *Overview of the field work*
- *Research questions*
- *Scheme of chapters*
- *conclusion*

Chapter 2: Conceptual Framework: Tracing the Margins 19

- *Introduction*
- *Theorizing marginalization at the borderlands*
- *Marginalized borderlands*
- *What makes the Pir Panjal different from others*
- *Making of the Pir Panjal borderland*
- *conclusion*

Chapter 3: Alienated Borderlands of the Pir Panjal Region 38

- *Introduction*
- *Displacement*
- *Firing and Shelling*
- *Landmines*
- *Conclusion*

Chapter 4: Narratives of Marginalization: Field Study in the Borderlands	53
• <i>Introduction</i>	
• <i>Contemporary Poonch</i>	
• <i>Case studies from the borderland villages</i>	
• <i>Life at Line of Control</i>	
• <i>Conclusion</i>	
Chapter 5: Constitutional Provisions, State Initiatives and Ground Reality	72
• <i>Introduction</i>	
• <i>Fundamental rights: basic human freedoms enshrined in the constitution of India</i>	
• <i>Directive principles and state initiative</i>	
• <i>Hill area development programme</i>	
• <i>Border area development programme</i>	
• <i>Sarva Shiksha Abhiyan</i>	
• <i>Conclusion</i>	
Conclusion	86
Bibliography	91

Abbreviations/ Terms

ALC	Actual Line of Control
J&K	Jammu and Kashmir
LOC	Line of Control
AFSPA	Armed Forces Special Powers Act
SSA	Sarva Shiksha Abhiyan
NCSC	National Commission for Scheduled Castes
NCST	National Commission for Scheduled Tribes
SCs	Scheduled Castes
STs	Scheduled Tribes
NCM	National Commission for Minorities
NCPCR	National Commission for Protection of Child Rights
POCSO	Protection of Children from Sexual Offences
NCW	National Commission for Woman
NHRC	National Human Rights Commission
SHRC	State Human Rights Commission
NGO	Non Government Organisations
HADP	Hill Area Development Programme
BADP	Border Area Development Programme
NCBC	Nation Commission for Backward Classes
JKREGS	Jammu and Kashmir Rural Employment Guarantee Scheme
MGNREGA	Mahatma Gandhi National Rural Employment Scheme
POK	Pakistan Occupied Kashmir
AJK	Azad Jammu Kashmir

List of Tables, Maps and Photos

Tables

Tab 1: lists of districts and blocks of the Pir Panjal region bordering Pakistan	02
Tab 2: Religion wise population data of Pooch and Rajouri district	34
Tab 3: landmine casualties per year	48
Tab 4: list of district and blocks of the Pir Panjal under BADP	81
Tab 5: educationally backward blocks in the Pir Panjal region	82

Maps

Map 1: map of Jammu and Kashmir depicting the Pir Panjal region	03
Map 2: map showing the districts of J&K sharing boundaries with LOC	06
Map 3: J&K post 1947	26
Map 4: map of J&K showing LOC along Poonch	56

Photos

Photo 1: Mohd aziz one of the victim of mines from Poonch	62
Photo 2: destructed school of Jhulaas by shelling	68
Photo 3: tomb of a student in front of the school	68

Figure

Figure 1: cease fire violation at the borders of J&K per year	45
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CHAPTER 1

INTRODUCTION

This study attempts to understand the everyday lives of people at the borders in case of Pir Panjal region of Jammu and Kashmir. The everyday life in border regions is often construed in terms of territorial sovereignty and national security. However an existing literature on it tends to ignore the uncertainty and threat faced by the people of the conflict ridden borderlands at the Actual Line Control (ALC)¹ in the Indian state of Jammu and Kashmir. In terms of location, the state of Jammu and Kashmir is sharing borders with other states that makes it a 'border state'. Fringe covers an extensive piece of its zone whether as International Border (IB) or Line of Control (LoC). While the LOC forms a large part of the border, the IB is 210 kilometers, and the rest around 788 kilometers is LOC. The LOC was known as the Ceasefire line that was established in 1949 after the war between India and Pakistan was suspended. This ceasefire line was drawn on the basis of position held by the combatants at the time of fighting between them ended and was supposed to be a temporary one. This dividing line was marginally altered during India-Pakistan war in 1965 and 1971 and was renamed as LOC in July 1972 (Bose, 2003). The extensive coverage of the borders within the Jammu and Kashmir gets reflected from the fact that, of the 22 districts, borders run through the 10 districts, of these five districts fall in Jammu region; namely, Jammu, Samba, Kathua, Rajouri and Poonch. Both the districts of Ladakh; Leh and Kargil are border districts. In Kashmir, border runs through three districts; Badgam, Baramulla and Kupwara.

Poonch and Rajouri two districts of Jammu region are commonly known as the Pir Panjal region because of the geographical location of these two districts and both the districts are border districts. Eight blocks (Balakote, Mendhar, Mandi, Poonch of Poonch and Sundarbani, Nowshera, Rajouri, Manjakote of Rajouri) of these two districts are linked with the LOC (source; planning dept govt of J&K).

¹ In Jammu and Kashmir borderlands along the LOC are called actual line of control (ALC). So in my thesis I will be using both the terms interchangeably.

District	Number of Blocks	Name of Blocks
Rajouri	4	Sunderbans, Nowshera, Rajouri, Manjakote
Poonch	4	Balakote, Mendhar, Poonch, Mandi

Table 1 List of the districts and blocks of Pir Panjal region bordering Pakistan in Jammu and Kashmir (Source: Planning Department, Government of Jammu and Kashmir, http://planningcommission.nic.in/plans/stateplan/sdr_jandk/sdr_jkch6.pdf)

Pir Panjal is a mighty mountain range separating Jammu province from Kashmir valley but this is also often used to refer to the districts of Rajouri and Poonch. The region shares a long outskirt of more than 200 kilometers with Pakistan Occupied Kashmir (PoK) which is known as Line of Control (LoC) (Cease fire line till 1972). These locales are situated toward the north west of Jammu city and include a range of 4034 square kilometers of generally uneven landscape. There are a substantial number of debatable goes over these reaches. Poonch is the most vital town in the zone, situated on the banks of the Poonch River which depletes a vast zone of mountain nation, gathering various streams that stream out of the grandiose Pir Panjal extend. Whereas in the Valley you have a homogeneous Kashmiri-speaking population and 95% of the people are Muslims, while the Jammu division is characterized by overlapping identities. It has a Hindu majority but these border districts have a Muslim majority – Rajouri 60% and Poonch 91%. The towns have non-Muslim majorities – Poonch 66% and Rajouri 59%. Markers of identity are more on the basis of caste, tribe and language rather than religion. Caste is a pre-eminent category having continuity across the religious divide, e.g., Muslim-Rajputs (Choudhary 2015).

India and Pakistan fought a war in 1947-48, in which Pakistan held that India had fraudulently occupied the erstwhile princely state of Jammu and Kashmir whereas India held that Pakistan had shown aggression by invading into Jammu and Kashmir that had legally acceded to India on 22 October, 1947. A United Nations mediated ceasefire came into effect on 1 January 1949 and the Armies of Pakistan and India agreed to maintain status quo and not to unilaterally invade into territory guarded by each other. This de-facto line which divided the state came to be known as the Ceasefire Line. Which was later accepted as the Line of Control (LOC) under the

Simla Agreement concluded between the Indian and Pakistani Prime Ministers in 1972 (Bose, 2003).



Map 1: Map of Jammu and Kashmir, the marked region depicts the Pir Panjal Region. (Source: https://commons.wikimedia.org/wiki/Atlas_of_Jammu_and_Kashmir#/media/File:Kashmir_map.jpg)

Actual Line of Control (ALC) is a term used by the Government of J&K to refer to the area on the Indian side near to the LOC. The Communities living in the rural border villages of the Pir Panjal region try to survive and sustain in the midst of cross-border conflicts, militant infiltration and Army administration. The present study attempts to document the challenges faced by these communities who reside in backward and remote hilly borderlands that have become a battlefield with Pakistan

for more than six decades and whose problems of living in a militarized zone have been overshadowed by the singular political and academic focus on the Kashmir Valley.

This study attempts to highlight the marginalization faced by the borderlanders, those residing at the borderland, which is of a different nature as their location at the border and the geographical topography underlines the processes that mark their marginalization. Their location at the border of Pir Panjal region is pertinent to their marginalization because the border between India and Pakistan has been a source of contention given the history of the region and the continuing tensions between the states of India and Pakistan. These tensions between the two sovereign nations manifest in the form of cross firings, shellings, mine blasts, infiltrations of militants, army attacks and high degree of militarization at the borderlands.

Marginalization of people at the Pir Panjal region marked by the uncertainties and vulnerability of their everyday lives as mentioned earlier is different from the marginalization faced by the people of Kashmir valley. The uncertainties and threat to life prevails in both the regions but the concentration of Kashmir movement in Kashmir valley, studied by various scholars and part of an active debate on the denial of rights to the people which obscures similar conditions at the borderlands of Pir Panjal region. One important distinction between the marginalization at these two regions lies in the source of such marginalization. The concentration of Kashmir movement in the valley becomes a source of tension in the region with problems of militancy and high militarization. In the valley certain demands by the people whether it is their freedom or autonomy or some other demand has been the source of contention between the state and the residents. Where as in the case of Pir Panjal region people are neither the part of any movement nor do they demand any such thing except peace to live. Their just being at their homes and in their lands makes them a victim of firing shelling and mining.

Brief Background of Pir Pajal Region

Following the independence of India from the British colonial rule on 15 August 1947, the ruler of the princely state of Jammu and Kashmir, Maharaja Hari Singh, regained his sovereignty. The ruler remained undecided whether to accede to India or

Pakistan. In the Muslim-majority Poonch jagir (feudatory) of Jammu province, ex-soldiers of the British Indian Army (who had participated in the Second World War) rose in revolt against the oppressive double taxation by the local jagirdar and the ruler of J&K. They were backed by the tribal raiders assisted by the Pakistan Army. They declared the whole of Poonch including Rajouri except the town of Poonch as 'Azad Kashmir' territory. Hindus and Sikhs fled to towns from Muslim-majority villages. When the tribal invaders tried to Srinagar, the summer capital of the state, the ruler acceded to India on 22 October, 1947. It took a year for the Indian Army to reclaim one-third of the territory of Poonch jagir when ceasefire was declared on 1 Jan, 1949. The Muslim majority Jammu province had by then become a Hindu majority province. The remaining territory of Poonch and Rajouri became Poonch-Rajouri district with a 230 km border with Pakistan occupied Kashmir along the LOC. This district was bifurcated into Poonch district and Rajouri district in 1967 for administrative convenience. According to Husain and Manchanda (2013, 131), "Some 60% of the families in Poonch and what eventually became Rajouri district, found themselves divided following the waves of cross-border migration in the wake of the 1947, 1965 and 1971 wars". Sandhya Gupta (2007) noted in her study that entire families and sometimes even many villages fled across the border. After the borders were fenced about 30 villages of the border districts of Poonch and Rajouri were left divided by the fenced border.

The people of Poonch and Rajouri have faced the devastating impact of war in 1947 and 1965. Borders have continued to be the markers of state sovereignty and territorial integrity yet it does not mark its cultural limits as diverse ethnic groups and communities are spread across borders. A piece of divided land may very well be one cultural community as a whole. The territorial aspect of borders makes resettlement a source of both anxiety and fear. As Husain and Manchanda (2013) observe that, "That moment of disruption and uprooting gets reconstructed as territories and people shift due to vagaries of crossfire shelling, endemic wars and negotiated settlements. In 2004, when there was a buzz about Pakistan president Gen Pervez Musharraf's proposals for settling the Kashmir dispute, the people of Rajouri and Poonch, especially the Hindus, were haunted by the fear of territorial "adjustments" once again unsettling them. The border remains an active participant in their lives."



Map 2: Map showing the districts sharing boundaries with LOC

Source: http://kashmirdivision.nic.in/PdfDocs/maps/jk_district_boundaries.pdf

The border villages adjoining the ALC in Poonch and Rajouri districts are the worst affected by ceasefire violation and unprovoked firing by Pakistani troops. From January 2013 till October 2013, more than 105 ceasefire violations out of 130 were across Poonch and Rajouri districts. People living at the ALC experience structural inequalities i.e. reduced opportunities for education and income and more often than not depend on the Indian Army as a source of employment. They also experience cross-border firing, migration to Government camps in cities during heavy cross-fire and militant infiltrations. The communities at ALC villages identify themselves as economically, socially and educationally marginalized due to their strategic location (Indo-Pak border) and the hostile nature of the borders.

Brief Review of Literature

The majority of the writing on Kashmir issue since 1947 has concentrated on an area and strife as opposed to outskirts or effect of borders on individuals' lives. Unrecognition of the borders that were created at the time of partition which is still a contested line between India and Pakistan resulted in ignoring the authorized citizens of the borderlands. These citizens from the newly created borderlands were the victims of the partition and border creation. Whole literature on the state started revolving around the concept of territoriality, explaining Kashmir conflict and solution to it, but did not cover the sad story of the inhabitants of the borderlands who were affected by the partition and border creation. Violence that accompanied the partition did not end for the borderlanders. With the drawing of the new boundaries there started the phenomenon of 'extended violence', which has become a routine and inescapable part of daily life (Hans, 2004).

Though there is ample literature on Kashmir conflict (Bose, 2003; Ganguly, 1997; Lamb, 1992; Schofield, 2004; Mahapatra and Seema, 2007) and concomitant issues with respect to borders and borderlands yet there is little analysis of the bottom up approach to borderland studies in general and study on people residing in borderlands (hereafter borderlanders) in Jammu and Kashmir (j&k) in specific. The study intends to analyze the Pir Panjal region (region consists of two border districts i.e; Poonch and Rajouri) as a borderland through the perspective of the perpetual state of tension, insecurity, marginalization and uncertainty given the history of India- Pakistan conflict with Kashmir as the bone of contention for decades.

Much of the academic literature on Jammu and Kashmir (J&K) till date has revolved around the complex historical dispute between India and Pakistan; politics within the state with special emphasis on the political actors of the Kashmir Valley; identity politics of different regions: Jammu, Kashmir and Ladakh in demanding political, administrative and financial autonomy in their respective regions; identity politics of different ethnic groups such as the Gujjars, Bakkerwals, Dogras, Paharis, Kashmiris, Kashmiri Pandits etc (Jha 1996; Bose 1997; Ganguly 1997; Wirsing 1998; Behera 2000; Schofield 2000; Chowdhary 2010). Recently studies have been undertaken on the socio-economic and political marginalization of the Muslims of Jammu (Choudhary 2015) and the Drogpas tribal community of Ladakh (Bhan 2009, 77). In

the analysis of marginalization of the state citizens from social, political, economic and educational life of India or in intellectual and civil society activism against human rights violations faced by them, focus has predominantly been on the Kashmir Valley to the detriment of the people living at the militarized borders of the state.

The people belonging to different groups – Paharis (people speaking Pahari language across religious communities), Gujjars, Bakkarwals and Gaddis (people engaged in transhumance across religious communities), Hindus (non-Dogra speaking Hindus including Scheduled Castes and other socially and educationally Backward Classes) and Sikhs face disadvantage at two levels.

Firstly, despite facing both ceasefire violation, militant infiltrations and living under an Army regime under AFSPA (Armed Forces Special Powers Act) similar to that of the Kashmiris, they are treated as ‘others’ in the Kashmir region and as ‘militants’ in the ‘Jammu’ region (if they are Muslims). In the rest of India, they are treated suspiciously as Muslims of J&K, who are perceived as ‘anti-national’ and sometimes as ‘terrorists’ because of which they are denied houses for rents or sale and discriminated against in educational institutions by fellow students. They feel that in addition to being marginalized from the benefits of social protection they are discriminated against for belonging to a politically disturbed state. Secondly, the multidimensional deprivation (social, economical and educational) of the people inhabiting the ALC irrespective of their caste, class, religion or gender has hardly been studied or discussed in a manner that can influence policy decisions of the Indian Government.

Though all literature on the Kashmir dispute begin with a historical reference to Poonch district, the unfortunate neglect faced by the people of this district from fellow citizens and the state government and Indian government has not been substantially documented in academic scholarship. The purpose of this research is to make an attempt in bridging the wide gap in the existing literature by generating data on the social, economic and educational marginalization faced by these communities through instrumental case studies. Being permanent residents of the ALC, these people bear a unique marginalized identity which this study proposes to understand in detail.

Though literature on the border villages of Poonch and Rajouri district is few, some studies are available on the marginalized communities of the state who also are residents of these districts. Save the Children's (a non-governmental organization) (Frozen Education 2010) report includes the educational status of special groups such as Gujjars, Bakerwal and Gaddhi communities, the impact of militancy on women and children as well as earlier documents on the history of education in seven backward districts of J&K. Their study identified four related factors that constrained children's participation in schooling: (1) Family related factors (2) School related factors (3) Institutional factors (4) Political unrest. An independent audit team on financial management and procurement related to Sarva Shiksha Abhiyan (2011) visited 29 schools including 4 surprise visits, 14 in Rajouri District and 15 in Kupwara District of J&K. It is clear from the data collected on schools that even the most basic facilities have not been met, despite 7-8 years of interventions such as the Sarva Shiksha Abhiyan (SSA). Naresh Kumar (2008) assessed the functioning of SSA through a case study of a locale in Janipur Housing Colony conducted in Jammu city in 2007. He says that efforts have not been made by the state government to initiate people-centred programmes. The institutions such as Panchayati Raj have not been involved in implementation of SSA. The main reasons for higher drop-out as given by the teachers and Village Education Committee members were - low infrastructural facilities by the government and ignorance and illiteracy of parents. These field studies have focused on urban areas of backward districts and the educational marginalization faced by children at the Actual Line of Control villages are still understudied.

Existing literature on the identity politics in J&K has acknowledged the existence of regional and sub-regional marginalization and deprivation with respect to the power enjoyed by the Kashmir region. Balraj Puri (2010) has written about the different identities of people in Jammu, Kashmir and Ladakh regions. He says that in Jammu region, people identify themselves as Jammu, Pahari, Gujjars, Dogra, Gaddi and other smaller identities. He says that the Pahari community lives on both sides of the ALC and on Indian side in Rajouri and Poonch districts of Jammu region and parts of Baramulla and Anantnag districts of Kashmir region and it includes Muslims, Hindus and Sikhs. He notes that the urge for Pahari identity became sharper after the Gujjars acquired a Scheduled Tribe status. The people speaking Poonchi, Muzzafarabadi and

Mirpuri identified themselves as ‘Pahari’ to claim Scheduled Tribe status which will give them a share in economic and political power (Puri 2010, 39).

On the heterogeneous culture of the Jammu region, Rekha Chowdhary (2010) has observed that whereas in the Valley there is a homogeneous Kashmiri-speaking population and 95 per cent of the people are Muslims, the Jammu division is characterized by overlapping identities. On the whole, the Jammu division has a Hindu majority but the border districts have a Muslim majority – 60 per cent of Rajouri and 91 per cent of Poonch are Muslims. On the other hand, the towns of Poonch and Rajouri have non-Muslim majorities – Poonch 66 per cent and Rajouri 59 per cent. Identity in Jammu division is asserted more on the basis of caste, tribe and language than religion with caste being a pre-eminent category across the religious divide (presence of Rajput caste in Muslims). Like Puri, she also notes that the divide between tribal and non-tribal categories has got deepened following the Indian government’s decision to provide scheduled tribe status to the Gujjar - Bakkarwal communities, thus disadvantaging the Paharis. She says that there is a common linguistic and cultural linkage across the four major languages – Dogri, Pahari, Gojri and Punjabi in Poonch and Rajouri (Chowdhary 2011). She says that it is not just the Hindu Right groups that complain against the Kashmiri-centred power structure of the state government but also the Muslims of the Jammu division. They hold a grievance that the political elite of both Jammu region and Kashmir region have not addressed the educational, economic and social backwardness of the border districts and deliberately neglected the tourist potential of these regions that could provide significant source of employment (Chandran 2009, 1-7). On the security of people living in the border villages, Husain and Manchanda (2013) conducted field studies in 2012 in Poonch and Rajouri districts. They note that, “In the militarised border regions of Rajouri and Poonch (Jammu & Kashmir), the boundaries are blurred. Violence had breached the security of people’s homes, changing their lives forever. Despite the enormity of the violence done to their lives and livelihood, the cry for justice seems to be missing. The region appeared to have been enveloped in hopeless resignation (emphasis added)” (Husain and Manchanda 2013: 131) .According to them, in contrast to the largely ethnically homogenous Kashmir valley, the people of Poonch and Rajouri belong to diverse ethnic, religious and linguistic communities. They observed that while the women lived in sparsely populated remote villages or at

isolated places called 'dhoks' at higher altitudes, the men migrated to Punjab or Jammu for seasonal employment continually "negotiating the family's survival between the security forces and the militants" (ibid). They noted that there was no outcry against arbitrary killings, mass disappearances, and sexual violence in these border districts, while across the Pir Panchal range in the Kashmir Valley there has always been public outrage at violations of human-rights. They observe that "The hill districts of Rajouri and Poonch present a mirror to the Valley's future face as active militancy is contained, the ubiquitous bunkers dismantled and thickets of troops withdrew to discreet but permanent camps and militarisation gets normalised as a way of life... The strategic significance of these border districts has been demonstrated in the three wars producing permanent entrenchment of military encampments... The challenge of militancy has multiplied troop deployment threefold" (ibid, 133). As discussed above, detailed study has not been undertaken regarding the various dimensions of marginalization faced by the people living in the ALC.

Methodology And Methods Applied During The Field Work

Qualitative research methodology has been used to understand the everyday marginalized lives of the people residing in the rural villages adjoining the ALC. Instrumental case study method has been used to understand the marginalization faced by people living at the actual line of control. The instrumental contextual analysis is done to get a general comprehension of a phenomenon utilizing a specific case or cases. The case chosen may be a typical case to describe a more general phenomenon and helps in generalizing the result to similar cases.

Both structured as well as unstructured interviews were used while interviewing the respondents. Interviewing includes verbal interchange as well as face to face interaction with the respondent in order to elicit information. In the structured interviews some predetermined set of questions were scheduled which were written beforehand, which were both open as well as closed ended. In unstructured interviews there are no predetermined set of questions and the researcher is free to ask whatever is appropriate according to the situation. The researcher has complete freedom regarding choice of words, content, question etc. Focused group discussions were also used where members of a family or neighbors joined in a discussion regarding their everyday experience with the state.

Overview of the Field Work

The field work has been conducted in three border villages (Jhulass, Salotri, Suvenar) of Poonch district in Jammu and Kashmir. The study mainly tries to understand the multiple deprivations and backwardness (social, political, economic and educational) faced by the people living near the line of control. It also throws light on the human right violations in these regions during the cross-border cease fire violation from across the border. Interviews with the people help us to understand clearly the hardships faced by them in their daily lives as a resident of the villages bordering the actual line of control. It shows the indifferent attitude of the Centre as well as the state government in securing the rights of these citizens who are the most vulnerable and marginalized section of the society. Most of the interviews were conducted from the economically vulnerable section of the society. Each interview is unique and significant in its own right in understanding their vulnerability as each person tries to explain the vulnerability and marginalization differently. The role played by the district administration and the army in catering to the welfare of the people is also evident from the interviews.

The reason behind the selection of these three villages (Jhulaas, Salotari and Subenaar) as the case study for the field work is the continuous tensions of cease fire violation along the borders of these villages. These villages are in the range of 5 km from the Line of Control (LOC) Salotari and Subenaar are not even 1 km away from the Line of Control. All these villages have a huge number of mines victims and the residents of these three villages have been displaced and migrated many times from these villages to some other safer places. Salotari and Subenaar village are like army camps, both the villages are fenced from all the side by the army. Like army camps these villages have an entry gate where army makes the entries and nobody from outside is allowed to enter the village without a proper purpose and entry. The researcher while on field work of these villages had to submit the identity card (ID) at the army post and had to provide the reference of a villager to enter the village for a specific period of time. These villages are surrounded by the wires and lands of the villagers are full of mines which took the lives and limbs of many villagers. When

asked about the civil administration to a villager named Aziz², 50, said; “in my whole life I have never seen anything called civil administration except during the elections. For people like us army is the government, administration, state and in the places like ours we live by will of army not God”.

Research Questions

What are the problems faced by the borderlanders residing in the areas adjoining the Actual Line of Control (ALC)?

What problems do they face in their everyday lives as residents of hostile and sensitive borders experiencing frequent cross-border violations?

How nature of discrimination and exclusion in a conflict prone area at the borderlands is different from other borderlands?

What are the schemes and affirmative policies of the central and state government for the people living at ALC? Are these schemes effectively implemented to enable the people of the ALC villages to effectively participate in the mainstream of the nation?

The research study proposes to test the hypotheses that the people inhabiting ALC face social, educational and economical marginalization and misrecognition in the mainstream Jammu region and Kashmir region, due to the topography and strategic geographical location between India and Pakistan (which has made J&K a subject of territorial dispute for more than half a century). It also attempts to evaluate the policies and schemes of the central and the state government in addressing this marginalization and in facilitating the people of these areas to participate in the educational, economic and social progress of the mainstream nation. In other words, this study questions whether the marginalization suffered by these people living in remote, backward and highly insecure areas has been adequately recognized and adequate redistributive measures have been adequately formulated and implemented by the central and state governments so that they have full access to dignified life as free and equal citizens. To this purpose, the thesis is divided into three chapters.

² Mohammad Aziz is a resident of village Salotari along LOC who was interviewed on 22 June 2017 during field work.

Scheme of Chapters

Chapter 1 locates the research study on marginalization of people living at the borderland adjoining the ALC within the theoretical framework of liberal democracy. In the liberal democracy of India, despite the constitutionally enshrined social and economic justice for all citizens, there are many sections of citizens who have no access or limited access to public resources, basic human rights and socio-economic development. This chapter briefly reviewed the concept of borders, borderlands and making of Pir Panjal region as a borderland through a brief historical framework. Marginalization of different sections of people from equal participation in the socio-economic and political life of the mainstream nation can take place on many intersecting bases. Such marginalization worldwide has been due to historical prejudices such as the historical operation of caste system in India, racial prejudice in the West, patriarchal prejudice against women worldwide or on the basis of religion, culture, ethnicity and language of the numerical minorities or on the basis of region such as the inhospitable and remote regions of a nation are excluded from the benefit of infrastructural and economic progress of the mainstream or on the basis of border disputes.

This chapter attempts to understand the cause of marginalization of militarized border areas within liberal democracy; it then discusses the concepts of borderland, borders and marginalization within liberal democracy and sovereignty within the liberal framework. It attempts to conceptualize marginalization as relative exclusion from participation in the mainstream of the nation due to social, economic and educational backwardness faced by certain sections of people due to their social identity, geographical location or historical factor. It discusses how borderlands especially contested borderlands as of Jammu and Kashmir are places where sovereignty is at its best. And attempts to understand how certain places or geographies are prone to marginalization.

Chapter 2 discusses the forms of marginalization at the borderlands of Pir Panjal region. How the marginalization, exclusion and alienation of these borderlands is different from other borderlands of the state of Jammu and Kashmir. What makes the borderlands of Pir Panjal sensitive, vulnerable and full of uncertainties? Further the chapter attempts to present the gloomy picture of borderland of Pir Panjal region and

narrates the incidents of cease fire violation and displacement because of the shelling and mine blasts. So this chapter tries to narrate the process of marginalization on the Actual Line of control and discusses the violent incidents of mine blast, cease fire violation and analyses the data of last few years.

Chapter 3 is based on the field work conducted in three border villages of Poonch district in Jammu and Kashmir. It discusses the field study that has focused on the everyday lives and identity of the peoples living at the Actual Line of Control to understand their marginalization in terms of geography and international politics. This chapter attempts to bring out the multidimensional deprivations (social, economical, and educational) experienced by the people residing at the actual line of control through qualitative research methods. It attempts to identify the causes of the marginalization of these people and tries to capture the uncertainties of their lives while living in such a sensitive place.

Chapter 4 discusses the provisions of safeguards and affirmative action available in the Constitution of India and the Constitution of Jammu & Kashmir for the marginalized and vulnerable groups such as the Scheduled castes, Scheduled Tribes, other socially and educationally backward classes, minorities, women and children. It also discusses the central and state level policies and statutory bodies available for the welfare and grievance redressal of such groups. The aim of reviewing the constitutional measures and state intervention is to locate the position of the marginalized groups vis-a-vis the liberal principles of liberty, equality and justice espoused in both the constitutions; to lay a foundation for the further evaluation of policies and governance at the Actual Line of Control whose inhabitants experience multiple forms of historical, social, economic and educational marginalization..

In conclusion, the present study has observed that the marginalization, discrimination and alienation at the borderlands of Pir panjal region is not only in the form of social, economic, political and educational it is something beyond that. At such a borderland where certainties of living are less than the certainties of dying and people are not safe at their homes and in their lands makes this case worse than other forms of marginalization and exclusion. Alienation and marginalization of these borderlands

did not stop here, the literature on Jammu and Kashmir confined the analysis to the rigid realist paradigm which mostly revolve around the power-centred states, their policies and contestations on borders with utter disregard to the people who live in such contested zones (Mahapatra, 2011). Though the state government had designated the people living at ALC as belonging to ‘socially and educationally backward class’ that gives them a reservation of 2 per cent in public educational institutions and government services this has not been adequate for the following reasons: (i) people of the towns rather than those residing in ALC villages take benefit by making ALC certificates by corrupt practices (ii) the reservation is of no use to them as people from other rural backward areas have 10 per cent reservation even though they do not suffer the distinct problems of living in a militarized rural backward zone near the point of cross-fire (iii) the affirmative action of reservation does not enhance the educational, medical and other basic public facilities of these villages. No other special program or policy has been designed for them despite the people of these areas having to face multiple deprivations due to their life in militarized and conflict prone area and as residents of remote, hilly and economically backward areas. This study concludes that apart from the overdue need to implement effectively the already available socio economic development schemes for hilly areas and border areas by the state government, there is a need for developing special programs for improving the economy of these areas by promoting eco-sensitive tourism and celebrating the cultural, linguistic and ethnic diversity of these people. Such affirmative policies would be tools of recognition of the marginalization faced by these people on account of arbitrary conditions such as their place of birth in a remote and international conflict zone.

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CHAPTER 2

CONCEPTUAL FRAMEWORK: TRACING THE MARGINS

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

(Gloria Anzaldua, 1981)

Introduction

Political boundaries and borderlands are subject to the sovereignty of the states and are often described as the sensitive areas- exceptional and dangerous. As Dunnan and Wilson (1999) argued, ‘borderlands are the sites of symbols of power’. That power is of the state and is clearly visible through high militarization at the borderlands and fencing of the borders. This fencing at the borders is the territorial limit of a state and its sovereignty. Borders and border lands are the extreme examples of markers of sovereignty of states and this extremity makes these areas as the sensitive and dangerous both. Sensitivity with respect to the territoriality of the state and concomitant insensitivity towards the people residing in the region in context of their vulnerability due to perpetual potential of conditions to deteriorate into ceasefire violations, cross border firing, shelling inter alia that poses a threat to social and economic life of inhabitants of borderlands. The thesis explores and provides insights to what sensitivity means for those who live in these areas and why do these areas persist as areas of conflict and confusion and how geographical and political situation of these spaces impact the residents of such spaces.

Theorizing Marginalization At The Borderlands (Actual Line of Control)

Though there is ample literature on Kashmir conflict and concomitant issues with respect to borders and borderlands yet there is little analysis of the bottom up approach to borderland studies in general and study on people residing in borderlands (hereafter borderlanders) in Jammu and Kashmir in specific. The study intend to

analyze the Pir Panjal region³ as a borderland through the perspective of perpetual state of tension, insecurity, marginalization and uncertainty given the history of India and Pakistan conflict with Kashmir as the bone of contention for decades. The contention amongst India and Pakistan over Jammu and Kashmir has prompted division of the state, with a noteworthy part staying with India, rest being separated amongst China and Pakistan; in this way prompting production of forced borders and borderlands in a recent unified domain. The contention over the state of Jammu and Kashmir began soon after the segment of India and Pakistan In 1947. Both the newly independent countries claimed the territory of Jammu and Kashmir for realizing two different political ambitions that was the fundamental reason behind the partition. India claimed this Muslim majority state to prove itself as a secular state (Bose, 2009) and Pakistan claimed the state for being a theocratic state. Since late 1940s the contention has taken a drawn out turn bringing about three undeniable wars, in 1947-48, 1965, 1971 and a constrained war in 1999 with gigantic bearing for both the nations and in addition individuals of the state.

To address these questions the dissertation explores the relation between the bordered region of the state of Jammu and Kashmir named Pir Panjal region and the process of marginalization triggered and sustained by the conditions in which borderlanders of these region are embedded in their everyday lives. As Malcolm Anderson (1998) succinctly observed “all political authorities and jurisdiction have physical limits- a characteristic often regarded as so obvious that it does not warrant further comment. But where the limits are located, and the purpose they serve influence the lives of all the people separated by the frontier”.

As Malcolm Anderson (1997) argues:

“Contemporary frontiers are of simply lines on map, the unproblematic given of political life, where one jurisdiction or political authority ends and another begins; they are central to understanding political life. Examining the justifications of frontiers raises crucial, often dramatic, questions concerning citizenship, identity, political loyalty, exclusion, inclusion and of the ends of the state”

³ Region consists of two border districts i.e; Poonch and Rajouri

Malcolm (1997) further notes that frontiers between the states are institutions and processes. As institutions they are established by political decisions and regulated by legal texts. The frontier is the basic political institution: no rule bound economic, social or political life in complex societies could be organized without them. Like all institutions they have their own set of internal rules which govern their behavior, much of which becomes self-perpetuating and resistant to change. Border institutions govern the extent of inclusion and exclusion, the degree of permeability; the laws governing trans-boundary movement—exit from one side of the border and entry into the other side. In contrast to this argument, Paasi (1998) considered borders as simply lines in the sand or on the map.

In the similar vein Johnson and Graybill (2010: 2) argue,

National borders represent the territorial embodiment of a bundle of ideas that modern states have propagated and enforced. They tell us that all of humanity is divided up among discrete nation-states; that these nations have sovereign powers over particular territory to the exclusion of other nations; and that, collectively, nations exercise this sovereignty over all the earth.... The mere fact of living within a nation's borders implies that one is the product of that nation's past, and that one's own fate is inextricably linked to that of one's fellow countrymen above all others.

Borders also symbolize the 'national identity' of people by clearly making a distinction between 'us' who are part of this identity and 'them' who live across the border. Those who live across the border are not only excluded from the national identity but also serve as the reference point for defining the limits of our identity. With national identity assuming the most crucial political space in the modern world, this distinction is of great consequence. It helps reinforce the cultural constructs underlying the nation-state (Anderson, 1996: 2). Though there has been sufficient transformation in its conceptualization, 'border' continues to remain an important category both for defining the limits of the state as well as providing an identity to people. State provides identity to the people by giving them citizenship and they are recognized by this identity as the people of a particular state. Sometimes people residing across the border between two countries are of same family or ethnic group but lines between them makes them and provides them different identities. Borderlands of Pir Panjal region are having a lot of such cases where dividing line

named LOC that is an ‘artificial boundary’ has created a separating wall between many families. Borderland identify as an area on both sides of the border where social life in its multiple forms is affected by the border itself, forming a distinct ‘borderland milieu’ (Martinez 1994).

Martinez (1994, 6–10) gives a four-fold model of borderland with each model differentiated on the basis of ‘different degree of cross-border interaction and prevailing tendencies in a borderland’. These four models include the alienated borderlands, coexistent borderlands, interdependent borderlands and integrated borderlands. The alienated borderlands are impacted by the tensions, violence and instability and reflect almost no interaction between people on both the sides of border. As different from the alienated borderlands, the coexistent borderlands provide some basis of formal and limited interaction between the two sides. As against these two models, the model of interdependent borderlands represents a very dynamic cross-border interaction. A stable international environment as well as a favorable economic scenario makes way for the interaction between the two sides. The fourth model of integrated borderlands represents a close interaction both between the states as well as the people of the two bordering countries. However, despite this distinction, borders remain the borders, at the edge of the states and presenting a case of ‘differing’ and ‘special circumstances’. By nature all borderlands, regardless of their location or level of interaction, function in an environment ... that springs from boundary-related phenomenon. As the peripheries of nations, borderlands are subject to frontier forces and international influences that mold the unique way of life of borderlanders, prompting them to confront myriad challenges stemming from the paradoxical nature of the setting in which they live. Borders simultaneously divide and unite, repel and attract, separate and integrate. These opposing forces have the effect of pulling borderlanders in different directions, causing stress in both the private and public domains... (Martinez, 1994: 25)

Borderlands of Pir panjal region assertively come under alienated borderland category as the subsequent chapters will focus upon the everyday hostile conditions that further exacerbate the process of integrating these authorized yet unrecognized people into processes make them state subjects. The paradox lies in their status that makes them citizens of the state whose sovereignty is played upon, animated and realized through

their region debilitating their status as full citizens. Ceasefire violations, cross border infiltrations of militants and across the border of this region have overshadowed the attempts by the state to establish cross-border interaction and establish cross border business. The cross LOC bus service named Karvan-e-Aman was started on June 20, 2005 by the government of India and government of Pakistan between Poonch and Rawalkote. Despite the fact that transport benefit has been going ahead between the two sides for as far back as 11-years, yet the quantity of J&K inhabitants flying out to opposite side has demonstrated a lofty decrease. The travelers from J&K side involve just 28.32% of the aggregate 16710 workers who have traversed the line over these years (“11 years of Poonch-Rawlakote cross LoC bus service,” 2016). The volatile conditions and perpetual insecurity result in stringent security checks and fulfilment of other state formalities in the area where national security is not only a priority but also a valid reason for denying these services. This has resulted in lesser and lesser number of people being able to access the bus services over the year.

Caught in the animosity between India and Pakistan, the borderlanders of Jammu and Kashmir are constantly caught up in the situation of instability and uncertainty. As borderlanders, the people of the border area face the kind of challenges which people at the center do not necessarily face. Hence geography or the space plays a significant role in the development or marginalization of people. As Dan Trudeau and Chris Mcmorran argue that, “how is space fashioned to privilege some groups and marginalize others? How does space contribute to the social exclusion of particular groups?” (Dan Trudeau and Chris Mcmorran, 2011).

To quote Dan Trudeau and Chris Mcmorran,

“Marginalization is a process of becoming peripheral. Description of this process follow a center-edge analogy, in which actors at the edge are disempowered in comparison to actors at the center, who are privileged and dominant.”

Borderlands are these “peripheries” only, where the sovereignty of a state ends and where the borderlanders live a life of instability and uncertainty as secondary citizens under “extremely unfavorable conditions” and are being marginalized and excluded in their everyday lives.

As Martinez (1994) points out, *“borderlands are shaped by their distance from the political and economic centers of the state”*.

The borderlands in Jammu and Kashmir (J&K) represents a case study of “Alienated borderlands” one of the four categories of borderlands categorized by Martinez. Martinez (1994) notes that such borders operate in ‘extremely unfavorable conditions’ defined by various conditions including warfare, political disputes, intense nationalism, ideological animosity etc. such conditions lead to ‘militarization and establishment of rigid controls...’ neither there is routine cross border interactions nor of normal lives of borderlanders.

To say the least, *such tension filled climate seriously interferes with the efforts of local people to lead normal lives. International trade and substantial people to people contacts are very difficult if not impossible to maintain. The ever present possibility of large scale violence keeps these areas sparsely populated and underdeveloped.* (Martinez, 1994)

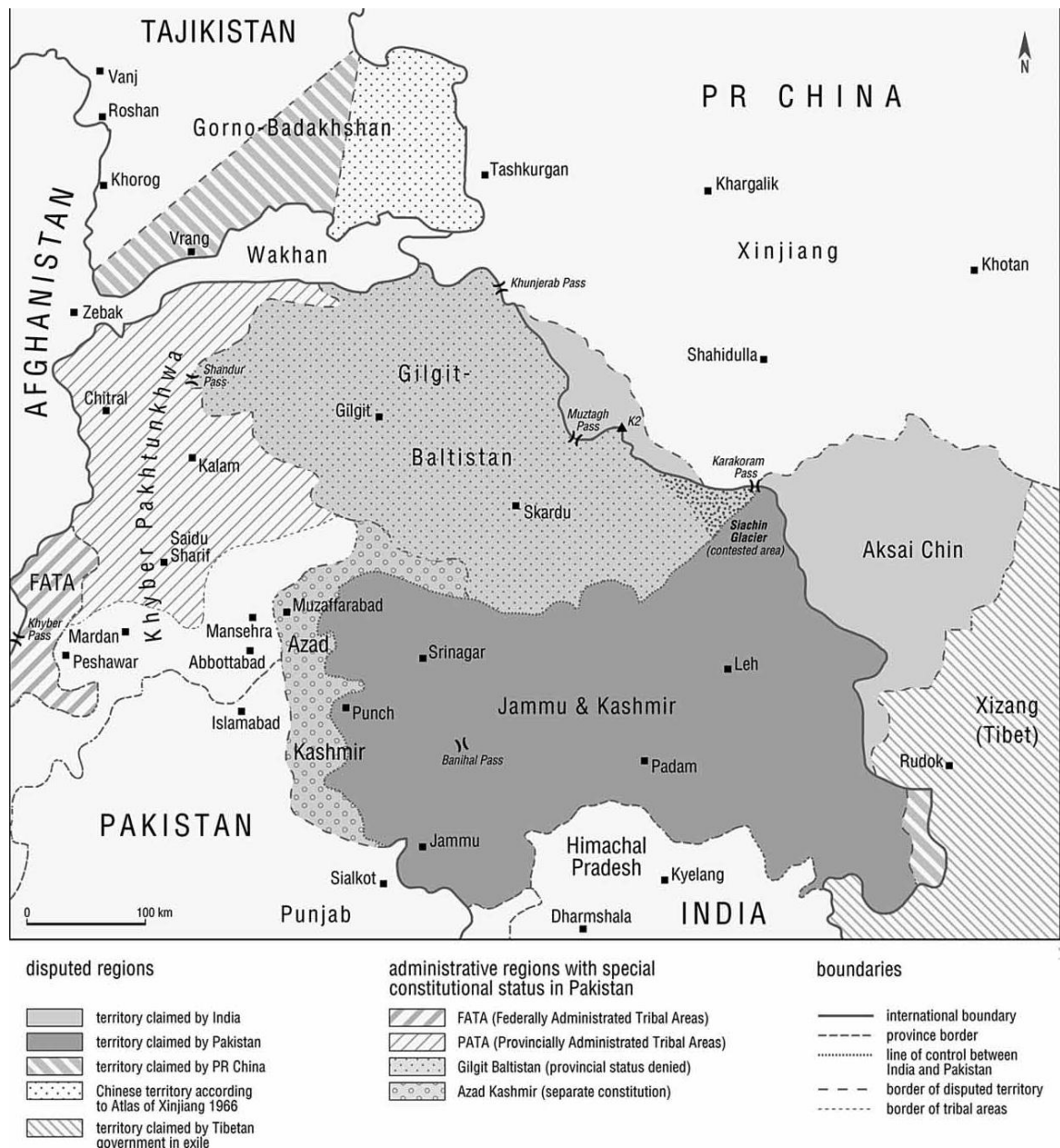
Marginalized Borderlands

Border is a partition line between two states where the barbed wire and fencing marks territorial limits but not the distinction between two cultures. The real border of the virtually borderless imagination of these peoples manifests in separation, most of it not voluntary but forced upon them. This division and production of the cutting edge states have given little consideration to the character, blood relations and shared culture of the general population occupying the regions. This forced territorial division without considering basic human social instinct like identity, culture and blood relations etc. has led to many inter-state border conflict with huge ramifications for border people.

Analyzing the borders in Jammu and Kashmir is troublesome as a result of the way that separated from the generally settled border touching a couple of areas of the Jammu division of the state, known as International Border (IB), there is a vast piece of unsettled border now known as Line of Control (LOC). Attracted 1948, at first as a cease fire line and this line since then has been a line of threats amongst India and Pakistan. The hostility on this line was transformed into three major wars between these two nations and making and remaking of this line too. The making remaking

and erasing of the borders have material, psychological, social, cultural, political and physical implications for the borderlanders, moving beyond the mere changing of lines on map. This changing borders may mark the end of the war but the beginning of many battles for the people at the borderlands. The presence of army and other security forces make it impossible to maintain an indifference to changing borders which carry within the possibilities of division of culturally and socially similar groups of people, affecting familial and kinship ties and a threat of another making, remaking or erasing of border line. Everywhere throughout the world, the life of the general population living near the borders is altogether different from the life of the inland individuals. In Jammu and Kashmir, this is especially so because of the reason that the antagonistic vibe amongst India and Pakistan as kept the borders unstable. Not to discussion of the wars that have been battled on the borders, even in the peacetimes, the outskirts have been loaded with perils. Whether it is peacetime or wartime, war or no war, ceasefire or no ceasefire, guns never felt silent on the borders. For the borderlanders, it has been a continued story of violence since 1947. Violence that accompanied the partition did not end for the borderlanders. With the drawing of the new boundaries there started the phenomenon of 'extended violence', which has become a routine and inescapable part of daily life (Hans, 2004).

Uncertainty, unsettled life and abnormal conditions of living, therefore, are 'normal' for these borderlanders. Instability influences the personal satisfaction of the border occupants. The tricky idea of the border that is unusually unstable creates a mind of dread. With uncertainties characterizing their lives, they fail to make full use of all the life opportunities. With real life danger looming large, their priorities are linked with the basic instincts of survival, added to this are the compulsion to evacuate frequently and shift to safer places. Border impacts the lives of the people more than one way. Apart from the fact it places them physically at the dead ends with all kind of restrictions and vulnerabilities, it marginalizes them in many other ways.



Map 3: Jammu and Kashmir post 1947

Source: Kreutzmann, H. (2015). Boundaries and space in Gilgit-Baltistan. *Contemporary South Asia*, 23(3), 276-291.

What Makes Pir Panjal Different From Others

Most of the literature on Kashmir issue since 1947 has focused on territory and conflict rather than border or impact of borders on people's live. Unrecognition of the borders that were created at the time of partition which is still a contested line between India and Pakistan resulted in ignoring the authorized citizens of the borderlands. These citizens from the newly created borderlands were the victim of the partition and border creation. Whole literature on the state started revolving around

the concept of territoriality, explaining Kashmir conflict and solution to it, but did not cover the sad story of the inhabitants of the borderlands who were affected by the partition and border creation⁴. On the one hand the inhabitants of borderlands of the state became the authorized citizens of India but at the same time ignoring their miseries of the partition made them unrecognized citizens on the other hand. The creation of political subjects in the continuities and discontinuities that mark the practices of sovereignty of nation states and citizenship in times of globalization wherein the authority and legitimacy for governing people and managing resources has been handed down, changing the discourse on citizenship with respect to human rights for all as a claim rather than a legal status, is pertinent to understanding transformation of citizenship in urban cities as different from a regressive trajectory of the same at borderlands. In various countries, illegal immigrants have acquired the status of immigrants and subsequently citizenship of the host country often accentuated by the country of their origin for various reasons such as war, political violence, widespread unemployment inter Alia. This has in a way signaled, albeit incipiently, the weakening of the immediate connection of citizenship to national loyalty. Within countries, the good governance has led to the divergence of powers concomitant with handing down governance to non-stop actors. This has led to claims for acquiring citizenship which makes it as an 'enabler', enabling one to participate politically, economically and socially. As Saskia Sassen (repositioning citizenship, 2002) observed "The formal equality granted to all citizens rarely rests on the need for substantive equality in social and even political terms. In brief current conditions have strengthened the emphasis on rights and aspirations that go beyond the formal legal definition of rights and obligations".

But the participation and access to rights may not precede the status acquired or the fulfilment of social citizenship. One such example is of urban poor in various parts of the Indian state living as illegal residents in unauthorized colonies. Albeit, their poor living conditions and no access to basic services is seen as an obstacle in realizing the rights that come with them as citizens of India. They are recognized slowly and through claims made on the basis of an unfulfilled yet recognized status on papers as citizens. Such recognition takes place in the form of ration cards, aadhaar card,

⁴ In 1947 the state of Jammu and Kashmir was divided and major part of the Pir Panjal region was captured by the Pakistan which is known as Azad Jammu and Kashmir (AJK).

residential proof and other state provided documents and formalities that provide one with right to access welfare schemes and state services. Such transformation of the concept of citizenship has not taken place at borderlands where state sovereignty has been asserted for the valid claim to security made by the state in the name of the people on a plank that is coterminous to the understanding of nation state, nationalism and sovereignty deeply embedded in historicity and territoriality of the state at the borders of Jammu and Kashmir.

In the cases of urban cities, rights as citizenship has trumped the unauthorized subjects yet their recognized rights. In the case of borderlands, rights of borderlanders have been trumped by the threat national sovereignty and to Indian citizens. Here, paradoxically, the unquestionable national security and threat to sovereignty are hierarchically placed at the top wherein citizenship becomes pertinent to ones identity as a potential suspect for the state or potential target for the state across the border. The symbolic acts of strength and weaknesses are played off at the border. The daily living conditions in this case do not mark citizenship as an enabler, rather citizenship as a burden for borderlanders as the inconvenience caused is one's national duty. They are therefore authorized citizens yet unrecognized by the state.

The claims of many scholars marking the gradual emasculation of state sovereignty in the wake of globalization, emergence of non-stop actors and decreasing war, but at borderlands the conceptual claims of nation state have been practiced in the most visible and overt manner. During the 1981-92 civil war, Salvadoran migrants even though citizens of El Salvador were directly and indirectly excluded from El Salvador through political violence, enormous economic hardship, and direct persecution (Mahler 1996 cited in Sassen). Similar exclusion takes place through marginalization of citizens who are included as bearers of national identity and national security yet excluded from processes that mark the full participation of citizens.

Borders and borderlands of Jammu and Kashmir are heavily militarized since its creation. After September 11, 2001 attack in United States of America the security and militarization took a new form across the world. Security of state and their borders were totally transformed which is impacting the borderlanerds who were already living under harsh conditions. Agamben's composition on the part of condition of special case in the present day sovereign state framework have been

generally speculated in the year since the 11 September 2001 attack and the improvement of the talks of the worldwide war on dread to extend the security hones in a wide range of nations. The representation of terrorism, by many governments around the world, as a grave threat to national security that lacks a definite end provides the necessary justification for expanding powers definitely (Jones, 2008). The Armed Forces Special Power Act (AFSPA) is such an act that grant special power to forces was passed by Indian parliament to control the “disturbed areas” and in 1990 it was passed for the state of Jammu and Kashmir. AFSPA has existed since the 1990s in the state and still continues to constantly abuse human rights that are guaranteed under the constitution and separate provisions made by the state. Such violations take place on a large scale from gang rapes to arson and looting in the cities. Borderlands of Pir Panjal are also the part of “disturbed areas” as per the state and central government. Armed Forces Special Power Act (AFSPA) and its impunity to the armed forces at the borderlands of Poonch-Rajouri districts makes the lives of the borderlanders more insecure, vulnerable and has created a state of emergency at the borderlands of Pir Panjal region.

AFSPA comprises of a sum of eight segments. Authorized in Jammu and Kashmir, Section 3 of the demonstration manages the 'bothered regions' which are proclaimed just by the focal or state governments or the legislative head of the state. Segment 4 of the demonstration manages the unique forces gave on the military. These unique forces include:

Any dispatched officer, warrant officer, non-authorized officer or some other individual of comparable rank in the military who may:

1. In the event that he is of conclusion that it is essential so to accomplish for the support of open request, in the wake of giving such due notice as he may consider vital, discharge upon or generally utilize constrain, even to the causing of death, against any individual who is acting in repudiation of any law or request until further notice in drive in the irritated region disallowing the get together of at least five people or the conveying of weapons or of things equipped for being utilized as weapons or of guns, ammo or touchy substances.

This statement of the demonstration fundamentally gives military work force the privilege to flame on individuals, collecting or conveying arms and ammo soon after a notice. The issue here is whether military work force really give such a notice and what is the extent of abuse of this power presented on them.

2. In the event that he is of supposition that it is fundamental so to do, crush any arms dump, arranged or sustained position or safe house from which equipped assaults are made or are probably going to be made or are endeavored to be made, or any structure utilized as a preparation camp for outfitted volunteers or used as a hang out by furnished packs or absconders needed for any offense.
3. Capture, without warrant, any individual who has submitted a cognizable offense or against whom a sensible doubt exists that he has conferred or is going to submit a cognizable offense and may utilize such compel as might be important to impact the capture. The military have the ability to capture individuals on the grounds of sensible doubt however what might arrange as 'sensible doubt' has neglected to be said again and again.
4. Enter and hunt, without warrant, any premises to make any such capture as previously mentioned or to recuperate any individual accepted to be wrongfully controlled or bound or any property sensibly suspected to be stolen property or any arms, ammo or hazardous substances accepted to be unlawfully kept in such premises, and may for that reason utilize such drive as might be fundamental, and grab any such property, arms, ammo or touchy substances.
5. stop, look and grab any vehicle or vessel sensibly suspected to be conveying any individual who is an announced guilty party, or any individual who has submitted a non-cognizable offense, or against whom a sensible doubt exists that he has conferred or is going to submit a non-cognizable offense, or any individual who is conveying any arms, ammo or dangerous substance accepted to be unlawfully held by him, and may, for that reason, utilize such drive as might be important to impact such stoppage, pursuit or seizure, all things considered.

Areas 5 of the demonstration, enable the military to tear open locks, almirahs and so forth and look and seize, Section 6 of the demonstration, permits the capture of any individual who has arms or ammo or is under the doubt of having such arms or ammo and hand such people over to the cops. At last Section 7 of the demonstration manages, the security of the officers as they are acting under great confidence and no legitimate or whatever other procedures perhaps started against this segment at last gives lawful insusceptibility to the officers (MHA Report, 1992).

The Armed Forces Special Power act (AFSPA) is a black mark on Indian democracy as the act curtails the maximum human values like right to life, liberty and dignity. As per the Indian constitution even during the state emergency right to life and other cannot be curtailed in Indian state but this is not the case with the borderlands of Pir Panjal region that is already at the gun point and is a contested borderland where AFSPA type of draconian laws are in forces.

As Agamben (1998) argues that sovereign power have the ability to declare a state of emergency and that state of emergency suspends the rule of law. During a state of emergency the sovereign that creates and enforces laws is able to operate both inside and outside the legal system simultaneously. The Armed Forces Special Power Act (AFSPA) in the state of Jammu and Kashmir gives the impunity to the Armed Forces that is part of sovereign power to operate outside the legal system.

Agamben (1998) makes a distinction between a political citizen, who enjoys rights under the law, and “Bare life” of *Homo Sacer*, when these rights are taken away by the sovereign power. As Jones (2009) argues, “the *Homo Sacer* is the embodiment of the state of exception as an individual who is no longer protected by the law although still subjected to the violent consequences of it”. Stripped of legal status and expelled from the political community, *homo sacer* is exposed unconditionally to the potential for killing by anyone. *Homo sacer* ‘is in a continuous relationship with the power that banished him precisely insofar as he is at every instant exposed to an unconditional threat of death’ (Agamben, 1998).

Agamben (1998) argues that the spaces of exception are like the concentration camp system of the totalitarian states. Borderland of Pir Panjal are also the concentration camps where sovereign power of the state is tested by the state itself and inhabitants

are not different from Agamben's *Homo sacer*. Borders are the spaces where territory of the world is divided between different sovereign authorities and who employ different tactics to control particular populations (Butler, 2004; quoted in Jones, 2009). Therefore political borders is the place where sovereign practices rub up against each other and makes the borders as the key sites to respatialize and locate the state of exception (Salter, 2006; 2008).

As Jones (2009) argues;

“The state of exception, beyond its manifestation in the form of the camp, is most obvious today at the margins of the sovereign state political system in the borderlands, a space that is fundamental to both the sovereignty and security of the state”.

Contested borderlands of Pir Panjal region is an unrecognized region not as territorial subject but as a political, social and economic entity which includes its habitant too. Habitants of the borderlands of Pir Panjal are being alienated since partition and by the virtue of being at disputed borderland they are living under a constant state of emergency. The process of marginalization at this borderland is very different from the mainland of the country, just being the resident of the borderland makes them marginalized which is further worsened because of the nature of the borderland and other vulnerable conditions which is not the case with mainland citizens. The second chapter will further deal with the nature and process of marginalization and what makes this borderland different from other borderlands of India in detail.

Making Of Pir Panjal Borderland

Undivided Kashmir, which was formed in 1846 under Amritsar Treaty after uniting different regions under a single Dogra administration remained status quo till its division in 1947. The diverse and beautiful northern part of the Indian subcontinent, with sobriquets like ‘Switzerland of the East’ and ‘Paradise on Earth,’ turned into a wellspring of dispute between the two recently independent states of India and Pakistan in 1947. While the ruler of the princely state, Hari Singh was experimenting with the idea of remaining independent, both India and Pakistan staked their claim over Kashmir. Hari Singh requested a standstill agreement with both states that was accepted by Pakistan while India asked for further

negotiation (Snedon, 2013). Much remains disputed about the events that followed. The uprising in Poonch and later infiltration of armed groups from Pakistan in undivided Kashmir complicated the situation. The invaders occupied the Muzaffarabad region of undivided Kashmir on October 22, 1947 and then advanced towards Srinagar in the Kashmir valley. Hari Singh signed the instrument of accession with India on October 26, 1947. The legality of accession was contested by Pakistan. India on the other hand contended that it had legal rights to the entire pre-1947 Kashmir. On October 27, 1947, Indian troops were sent to Kashmir and a full-scale war started between India and Pakistan

The princely state of Jammu and Kashmir which was formed in 1846 under Amritsar Treaty after uniting different regions under a single Dogra administration remained status quo till its division in 1947. The total area of the undivided state of Jammu and Kashmir is 222797 sq.km including 78114 sq km under the control of Pakistan and 42,685 sq km under that of China, of which Pakistan handed over 5130 sq km to China in 1963 under an agreement (Mahapatra, 2011). This division of the state and creation of the de facto border in the state of Jammu and Kashmir affected the lives of the thousands of the residents of the state, thousands of the people got displaced and hundreds of the families got divided. In terms of location, the state of Jammu and Kashmir is a 'border state'. Border covers a large part of its area whether in the form of International Border (IB) or Line of Control (LoC). While the LOC forms a large part of the border, the IB is 210 kilometers, and the rest around 788 kilometers is LOC. The LOC was known as the Ceasefire line that was established in 1949 after the war between India and Pakistan was suspended. This ceasefire line was drawn on the basis of position held by the combatants at the time of fighting between them and was supposed to be a temporary one. This dividing line was marginally altered during India-Pakistan war in 1965 and 1971 and was renamed as LOC in July 1972 (Bose, 2009). The extensive coverage of the borders within the Jammu and Kashmir gets reflected from the fact that, of the 22 districts, borders run through the 10 districts, of these five districts fall in Jammu region; namely, Jammu, Samba, Kathua, Rajouri and Poonch. Both the districts of Ladakh; Leh and Kargil are border districts. In Kashmir, border runs through three districts; Badgam, Baramulla and Kupwara.

Poonch and Rajouri two districts of jammu region are commonly known as the Pir Panjal region because of the geographical location of these two districts and both the districts are border districts. Eight blocks (Balakote, Mendhar, Mandi, Poonch of Poonch and Sundarbani, Nowshera, Rajouri, Manjakote of Rajouri) of these two districts are linked with the LOC⁵.

Pir panjal is a mighty mountain range separating Jammu province from Kashmir valley but this is also often used to refer to the districts of Rajaouri and Poonch. The two districts share a long border of over 200 kilometres with Pakistan Occupied Kashmir (PoK) which is known as Line of Control (LoC) (ceasefire line till 1972). These districts are situated toward the north west of Jammu city and include a region of 4034 square kilometers of for the most part sloping territory. There are an extensive number of debatable goes over these reaches. Poonch is the most critical town in the territory, situated on the banks of the Poonch River which depletes an expansive zone of mountain nation, gathering various streams that stream out of the elevated Pir Panjal extend.

Whereas in the Valley you have a homogeneous Kashmiri-speaking population and 95% of the people are Muslims, while the Jammu division is characterized by overlapping identities. It has a Hindu majority but these border districts have a Muslim majority – Rajouri 60% and Poonch 91%. The towns have non-Muslim majorities – Poonch 66% and Rajouri 59%. Markers of identity are more on the basis of caste, tribe and language rather than religion. Caste is a pre-eminent category having continuity across the religious divide, e g, Muslim-Rajputs (choudhary 2015).

District	Total population	Muslims	Hindus	Sikhs	Christians
Poonch	476835	90.45%	6.24%	2.5%	0.20%
Rajouri	642415	62.71%	34.54%	2.41%	0.15%

Table 2: Religion wise population data of Poonch and Rajouri district. (Source; District census 2011, <http://www.census2011.co.in/district.php>)

⁵ source; planning dept govt of jk.

Conclusion

This chapter briefly reviewed the concept of borders, borderlands and making of Pir Panjal region as a borderland through a brief historical framework. Historical narrative of the region is important to contextualize the research and understand the contemporary condition of borderlands wherein border is embedded in its history of making and unmaking along with its regional culture, post-partition discourse and interaction between the states. The chapter explores borderlands as subject to the sovereignty of the states, often described as the sensitive areas- exceptional and dangerous. Borderlanders of a democratic state are the citizens of the state, wherein citizenship is a status exceptionally difficult to claim as the daily living conditions pose an obstacle in accessing the rights available to citizens of India. The unpredictable living conditions are conducive to marginalizing of the population at borderlands which will be further explored in the next chapter to substantiate the study of borderlands as locus of marginalization through the study of Pir panjal region. The nature of marginalization at borderlands is intimately connected to the making of a border, the authority of the sovereign state in matters concerning national security and citizenship as the marker of identity when it comes to targeting by enemy states or compensation for the loss of lives and livelihood by the state.

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CHAPTER 3

ALIENATED BORDERLANDS OF PIR PANJAL REGION

“We, the borderlanders of Line of Control (LOC) have faced many deaths in such a short life. Each cease fire violation brings a death like situation to us. There is nothing like, ‘war-like’ situation here, it has always been a ‘war’ for us. The surgical strike about which the whole nation is proud of, we people at the borders face the retaliations of such strikes, not them”.

(Tarif Ahmed, resident of Jhulaas village at LOC)

introduction

A report by parliamentary panel on Home Affairs headed by former Home Minister P. Chidambaram on ‘Border Security: Capacity Building and Institutions’ has concluded that “after 1971 war, the present is the most vulnerable period for the borders of the country” (Rajya Sabha Report, 2017). In the highly militarized borderlands of Pir Panjal region (Poonch and Rajouri District) the boundaries are obscured. Brutality at the borderland had crack the security of the general population's homes, changing their lives until the end of time. To quote The Indian Express, “almost every village on the line of control has shelling story; lives lost, limbs maimed, houses wrecked” (Nirupama, 2016). The vulnerability of border areas is best exemplified by the recent series of cease fire violations and tension at the borders in 2016. On 3rd May 2017 two civilian were killed in the Nowshera sector of district Rajouri including a thirteen year old girl and many others were injured (Zaffer, 2017). In the year of 2016 Pakistan security forces violated the cease fire along the Line of Control 268 times said the Minister of state for defence replying to a question in Rajya Sabha. In 2016 after September 29 surgical strikes, more than 27,000 people in J&K were temporarily shifted to safer places and locations (Vijyata, 2017).The affected people of such incidents are always neglected and despite facing such a violence, the cry for justice seems to be missing. The high journalistic appeal of news reports lies in the complex historical dispute between India and Pakistan with more emphasis on the expected nature of untrustworthy enemy state of Pakistan, the bravery of Indian soldiers.

Albiet, it is not my intention to comment on the nature of news reports. My reference to the news reports further brings out the other side of living on the borders and the impact of concomitant problems of the lives of the residents and only the economic, political and social marginalization of borderlanders within the Jammu region but also with in the larger framework of a liberal, socialist and democratic state of which they are the citizens.

The bilateral hostility, showed in four wars and various wars like circumstances amongst India and Pakistan, affected the general population of the area in both general and also particular ways, which got additionally duplicated with the onset of the militancy in the Jammu and Kashmir in late 1980s. The intricate linkage between the external dimension (indo-pak conflict) an internal dimension (militancy in Jammu and Kashmir) added to the ordeal of the border people in the various ways (Mahapatra, 2011). The infiltration of militants at the LOC had its obvious bearing on the people of this region as they had to confront the activities of both the security forces as well as the militants in their daily lives.

The analyses below focus on the issues which the people of this region at the border confront in their daily lives and are the cause of their marginalization. I deal with the issues of displacement, fire and shelling, mining, multi-tier security system, division of families and communal riots.

Displacement

Looking at the border from a central point or considerable distance renders it as a sharp line between two sovereign countries but it is the proximity that makes it a zone having some width with blurry lines, the repercussions of which are felt by people residing in borderlands and those administering the same. Displacement, relocation (or rather dislocation) and evacuation is the result of disturbances caused due to wars, heavy firing, shelling, escalating tensions having the potential of causing war and even the mobilization of security forces, all this forming an important feature of a contentious border between india and pakisatan. The term displacement carries within a sense of urgency due to which people are displaced having little or no control over the decision-making that causes the same. The division of the state in 1947-48 led to mass exodus of people from both the sides of the states of India and Pakistan. People

were displaced from borders created overnight, reducing them to the status of displaced persons from erstwhile subjects and future citizens of either state. It marked the beginning of a perpetual state of instability for to-be borderlanders. The decades old fluctuating reliability of states on both sides, on and off diplomatic efforts for maintaining cordial relations at the same time overwhelming suspicion has kept the Kashmir conflict alive with borders being animated on the lives of people through subsequent wars, war scares and skirmishes. In the wake of 1965 which is considered as the second war over Kashmir between India and Pakistan, a large number of people had to migrate from the areas closer to borders but larger migration took place in the twin districts of Poonch and Rajouri (Chowdhary, 2015). Here many people feeling the pressure from the Army, crossed the LoC (Line of Control) (ibid.). Zafar Choudhary (2015) unearthed the silent yet discernible story of 1965 Indo-Pakistan war which made loud claims over the historical unfolding in Jammu, especially Rajouri and Poonch (together forming the erstwhile Poonch district). The missing elements of 1965 war from its narrative and the discourse around it, mitigated through various documentaries, news reports and programs, commentaries, books and events, have been, as Zafar Choudhary observes, the deeper wounds the 1965 war inflicted in Jammu region particularly the districts of Rajouri and Poonch. Key components of 1965 war, Operation *Gibraltar* was the strategy of Pakistan to cause an uprising in Kashmir under the garb of local agitation and cause unrest. The second one, operation *grandslam* was to cut lines of communication through Jammu and annexe the state of Jammu and Kashmir (ibid.). Operation Gibraltar was exposed before it could be executed. Pakistan had raised an initial regular force of 8000 assisted by 7000 volunteers (ibid.). The tentacles of the operations were spread through nine task forces, later admitted by Pakistani generals of being undisciplined, overambitious and secretive of each other. This led to one of the Pakistani task forces going off track in the areas having no strategic importance for the army. This time it was the greater distance from army formations, instead of the proximity which becomes the reason for attack, that caused the subsequent situation of absence of state and rule of Pakistani razakaars with many people fleeing the areas after losing property. In early to middle of July 1965 some three to five thousand armed volunteers or may be the regulars of Pakistani Army sneaked into Poonch and Rajouri. Some estimates of locals suggest this number above 10,000. Some locals estimate a number higher than 10,000 and remember them as Razakaars volunteers drawn from their own culture and speaking

the same language. The two districts of Rajouri and Poonch faced the consequences of partition as more than thousand families were divided therefore borders marking sovereign states were imposed over the social frontiers that extended beyond them. The Razaakars invigorated their area of influence through a pleasant atmosphere of cordiality and trust, more evident in the atmosphere of unpleasant Army action post 1948. Hundreds of government employees left their jobs and joined ranks with the Razakaars who had soon established their own 'local governments' in the villages. Hindus and Sikhs living in the rural areas fled towards the towns and their houses destroyed at many places and lands taken over by local supporters of the Razakaars (ibid.). There are varied narratives and distinct voices from every corner making sense of their own realities, but they all do converge on one common point in their responses that the writ of Razakaars abruptly vanished between end of September and early October. The subsequent operation clearance by the army to comb out the Razakaars from the region led to burning of houses and crops. Estimates from different areas of action suggest that no less than 2000 people were killed in 'Operation Clearance' in 1965 (ibid.).

The Chamb area in the Jammu region was ceded to Pakistan under the Shimla agreement in 1972 when the ceasefire line was rationalized as the line of actual control ("Chamb Refugees awaiting relief", 2001), which resulted in the dislocation of as many as 4,300 families (Chowdhary, 2015). Relocation, along these lines, is an a vital part of the life of the borderlanders as they continue carrying between their local place and the shanty camps, at whatever point the border is exasperates or even it is captured to be aggravated sooner rather than later (Mahapatra, 2011). The volatility of borderlanders marked by displacement and further living in camps for uncertain periods without basic amenities denies them a state of 'normalcy', opportunities to live a stable life with a rupture in their socio-cultural life that revolves around borderlands.

Firing and Shelling

Firing and shelling is a common occurring along the borders where it becomes a symbolic gestures for showcasing national strength and answering mutual hostilities and suspicion. The content analysis of local newspapers by Debidatta Aurobinda Mahapatra (2011) points out killing of 72 people in cross-border firing in a period of

May 2001-2003, firing took place as many as 1007 times since January to May 15, 2003 claiming lives of 29 people, 29 cattle and damage to 49 houses. In Ranbir Singh Pura sector of Jammu region, 800-900 acres of land came in the direct range of firing on May 4, 2002 when India and Pakistan were engaged in coercive diplomacy in the aftermath of the attack on Indian Parliament in December 200. The firing led to destruction of the whole ripe crop in the fields affected. Following ‘surgical strikes’ undertaken by India against Pakistan on 29th September 2016 to dismantle the terrorist camps along the International Border, heavy firing and mortar shelling by Pakistani army took place in forward villages of Chakala, Battal, Keri and Palatan in Pallanwalla sector in Akhnoor tehsil of Jammu district. Pakistan also resorted to heavy shelling at Tarkundi in Balakote sector of Poonch district and Kanga Gali and Panjgrain in Manjakote sector of Rajouri district targeting forward Army posts and civilian areas (“Heavy Shelling in Pallanwala, Rajouri, Poonch sectors”, 2016). There had been huge increase of ceasefire violations by Pakistani troops along LoC and IB since surgical strikes by the Army along the border. Seven civilians were killed and three injured in Jammu’s Samba district and Rajouri districts on November 1, 2016 according to The Hindu news report (“Seven Civilians killed in firing, mortar shelling by Pakistan”, 2016). One of the news articles in The Hindu titled “Life along the Lie of Control” dated November 10, 2016 aptly captured the repercussions of cross border firing on borderlanders pointing out how cross-border tensions affect the lives and livelihoods of civilians along the border and the psychological impact of living in constant fear of attack. It must be juxtaposed with an incident mentioned in the same news article drawing upon the author’s experience in August 2015, the year marked by the ample incidents of cross-border firings, saw two residents along the India-Pakistan border get off a vehicle and rush towards a bridge. Their houses in nearby village had been destroyed. This marks the life of all the people living along the vulnerable borders. A number of villages in Poonch and Rajouri still lack underground bunkers, exposing the civilians to unnecessary injuries and threat to life with no proper hospital facilities in the radius surrounding them.

The borderland people, living with in the contested spaces have to face the frequent firing and shelling from across the borders. Even a hostile and aggressive statement from a political leader may lead to firing and shelling. While interviewing the residents of one of the closest village, Salotari of tehsil Poonch at the Line of Control

the uncertainty of such incidents was very much evident in their tales. The lives of these borderlanders are entwined with the larger political and diplomatic strategies pursued by the state.

Tarif Sohail⁶ (26), resident of Jhulas village of Poonch, narrated the story of uncertainty and fear of shelling and firing to the author. To quote him, “firing and shelling can take place anytime here at this border. This borderland is not just a borderland which separates the two states but this is a war zone since its creation in 1947. These fencing (while pointing towards border fencing at LOC) are the so called ceasefire line now Line of Control had never been in control in the past neither is it in control today”. Cease fire violation at these borderlands are again on the rise after 1999-2000 Kargil war. These borderlands had never been silent since their creation that in itself is contested. After kargil war the cease fire violation was not this much hostile and regular but from last few years the violation of cease fire at the borders is on hike, especially after that surgical strike of 28th September 2016. To quote Sanjib (2017);

“The number of ceasefire violations (CFV) by Pakistan along the Line of Control (LoC) in Jammu and Kashmir rose by an astounding 392 per cent in six months after the surgical strike by India’s special forces in the intervening night of September 28-29”.

From April 2016 to September-end, Pakistani troops violated the ceasefire treaty 50 times while in the next six months, from October 2016 to March 2017, the number rose to 196, a whopping rise of 392 per cent (Sanjib, 2017). Ceasefire violations at the Line of Control (LOC) has been a major issue for both the state government of Jammu and Kashmir and central government of India from a security point of view, but the concern for the victims of shelling and cross firings, normalized in the discourse regarding border areas, seldom find its way into the reactions by the state leaders. As it is evident from the statement of Home Minister Rajnath Singh on 29th October 2016 where he assured the nation of befitting reply to Pakistan firing (*“Forces giving befitting reply to Pakistan firing: Rajnath Singh,”* 2016). Cease fire violations at the Line of Control (LOC) have always brought the security forces and army in the news but the daily life experience of the people of the borderlands and

⁶ Tarif sohail is a resident of Jhulaas village of Poonch at LOC who was interviewed on 26 June 2017.

harshness and their loss have hardly been the discourse at any place. Almost every village and villager near the LOC have a woeful shelling and mine blast story. They are marginalized in different aspects of life and their marginalization has not been recognized and are alienated. At least one incident of cease fire violation by Pakistan has been reported daily along the line of control (LOC) in Jammu and Kashmir in 2015 and 2016 (“Pakistan Violated Ceasefire Every Single Day In 2015 And 2016: Home Ministry,” 2017). On 15th august 2015 in a village named Basooni (5 km away from LOC) of Poonch five people were killed; the Sarpanch, the village school master, an army porter and two school boys (Nirupama, 2016). On 3rd october 2016 in Gali Maidan village of Poonch that is just 1km far from LOC a shell from Pakistan gutted a BSF administrative base and 27 shops, the villagers are still shocked (Nirupama, 2016). On 13th may 2017 in Nowshera sector of Rajouri, a 50 year old man and a 13 year old girl were killed and many others were injured (zaffer, 2017). On 11th may 2017, a women has died and another man injured in pakistan firig in Nowshera sector of rajouri (“Woman Dead In Pakistani Firing In Jammu And Kashmir's Nowshera Sector,” 2017). On 1st june 2017, a General Engineering Reserve Force (GREF) labourer was killed while two others including a BSF jawan were injured as Pakistan violated cease fire in Krishnagati sector of Poonch (“Labourer killed, two injured as Pakistan violates ceasefire,” 2017). These incidents above shows the kind of difficulties the borderlanders face in their everyday life and how they are forced to live a life full of insecurity, uncertainty, fear and deaths. Their daily life experience is nothing but the experience of facing death and even they are not safe in their homes and lands. These incidents like cease fire violations, mines blasts and mere being the borderlanders has been the source of their marginalization and this marginalization is embedded in the history and is going on from 1947 since the division of Jammu and Kashmir.

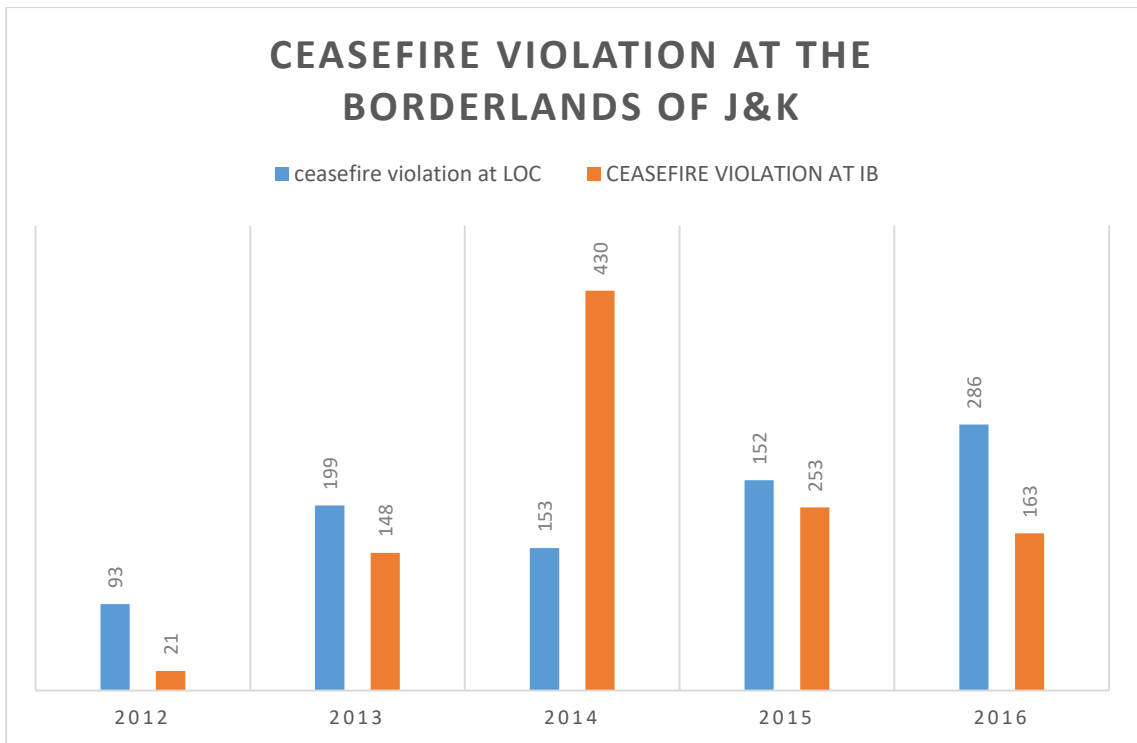


Figure 1: Cease fire violation at the borderlands of Jammu and Kashmir per year.

Source: Rajya Sabha question and answers

Landmines

The ceasefire line was a porous arrangement and between 1948-1965 thousands of people crossed it many times over as emigration and immigration continued sporadically (Chowdhary, 2015). Post 1965 period was marked by Indo-Pak hostilities followed by 1971 war; border security was increased, borders were tightened and mines were planted up and down the borders, in developed land and fields, around foundation and even houses to hinder the movement across the borders. Mines became pertinent to the increasing militancy in the late 1980s. The perusal of newspaper reports show a total of 70,100 acres of land in Jammu, Kathua, Rajouri and Poonch districts was brought under army's control after initiation of Operation Parakram launched after the attack on Indian Parliament in 2001. These landmines not only pose a hazard to life of civilians and their cattle along with other wild animals, but also takes away their land which serves as a source of livelihood for many.

In October 2015, there were over a dozen landmine explosions along the LoC in the frontier Poonch district as a result of massive forest fire covering an area of about

three square kilometers (“Several landmine explode in forest fire on LoC”, 2015). A Srinagar based human rights defender group in their review of 2015 observed how unexploded shells and IED (Improvised Explosives Device) was “turning playing fields into death traps” as it led to death of eight minors in littered explosions. Three children lost their lives over army planted landmines in Nowshera town in Rajouri district of Jammu. The landmines in the border areas of Jammu and Kashmir bordering Pakistan and the Pakistan Occupied Kashmir (PoK) have claimed more than 1800 lives of innocent persons, including soldiers, during the past ten years (Vaibhavi, 2011). The residents of the borderlands of Pir Panjal region are the worst victims who have fallen prey to these land mines. Both India and Pakistan during 1990s had buried thousands of mines along the Line of Control and both the countries have not signed the Ottawa Treaty.

Unlike 160 countries, India and Pakistan are not signatories to the Ottawa Treaty, officially known as the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines which came into force in 1999. As a result, this conflict zone has seen many deaths caused by these deadly landmines. Those who embraced death, according to the survivors of such blasts, were the lucky ones as many women, children and elderly who lived on to narrate the horrendous tales are also victims of ignorance, government apathy and poverty (Ashutosh, 2013).

Based on the field work done by authors, news reports and other preliminary investigations by researchers, following problems were identified as dominant in the narratives of the residents of the borderlands of Pir Panjal region. Asutosh (2013) while narrating the saddening stories of the victims of land mines in district Poonch, argues, that people are not only killed or disabled by these incidents but the impact of these incidents on the mental health of the residents is far more severe. The victims of such incidents have sold out there land and other type of properties to get themselves treated and how government have not provided them any kind of compensation.

Deen Mohammad, in his early 50s, currently residing in Deegwar village in Haveli Tehsil, lost his right leg in a landmine blast near his house and eventually his only son, Mohammad Haneef (19) also met the same fate. Both the bread earners of the family are physically disabled now (Ashutosh, 2013)

Ashutosh (2013) further argues that many young victims of these events were forced to stop their education and spent their lives alone, begging in Poonch town for their survival. The victimhood of the borderlanders narrated by the author explains how tough terrain snatches away their right to life. The life of the borderlanders of these two districts is in miserable conditions, there lands re mined, there houses are shelled and the residents are disabled and killed. During Parakaram operation when all the borders were sealed with land mines an estimated two million mines were laid and which had a drastic effect on the lives of the people, Poonch district accounts 62% of the landmines victims in Jammu and Kashmir (Sabha and Rita, 2013). Sabha and Rita (2013) in their work, ‘India: people’s experiences of living in the militarised border regions of Rajouri and Poonch (Jammu and Kashmir)’ have narrated the tragic and horrifying stories of the victims of landmines and other kind of violence faced by the residents of these borderlands.

In the territory of Jammu and Kashmir, from 1990-1999 an aggregate of 889 regular civilians were killed and 7,798 harmed by mines and IEDs. From 1994-1999, there were 1,461 mine and IED casualties in Kashmir valley (Land Mine Monitor report, 2000). The aggregate number of setbacks in India is not known. In the vicinity of 1999 and 2015, the Monitor recognized 3,191 casualty initiated mine/ improvised explosive devices (IEDs) and ERW casualties in India (1,083 killed; 2,107 injured; 1 unknown) (Land Mine Monitor report, 2016). Out of 28 lakh disabled people in the country, J&K has a population of 3,61,153 — the highest in the country (Khajuria, 2015).

Civilian Casualties due to Mines and IEDs in State of Jammu and Kashmir (1990-1999)

YEAR	CIVILIANS KILLED	CIVILIANS INJURED
1990	12	185
1991	41	551
1992	98	683
1993	79	719
1994	120	1196

YEAR	CIVILIANS KILLED	CIVILIANS INJURED
1995	153	1021
1996	106	1153
1997	85	756
1998	103	786
1999	92	743
TOTAL	889	7798

Table 3: land mines casualties per year.

Source: Landmine and Cluster Munition Monitor

There is no precise data of land mine victims as mines were planted even in the remote areas. There would be a lot of unregistered cases of mine victims too. Recently NGOs have come to rescue the mine victims, Prietam Trust is one of such NGOs from Poonch which is headed by Jagveer Singh. “We are helping the mine victims by providing them with artificial limbs. Our organization has so far provided artificial limbs to nearly 4317 mine blast victims”, Jagveer Singh, a retired school principal who is running Pritam Spiritual Foundation in Poonch.

“Out of the total mine victims in the state, 62 percent belong to the border district of Poonch (quoted in Vaibhavi, 2011).

Conclusion

The chapter briefly discusses the marginalization and violation of borderlanders of Pir Panjal region in the form of cease fire violation, mine blasts and displacements inter alia. The people of the region are socially, politically, economically and educationally marginalized but they are being discriminated since the creation of contested borders known as Line of Control. They are being discriminated Because of being a resident of such a sensitive and vulnerable region. The degree of sensitivity and uncertainty of the region was witnessed while talking to the people of the region. Tarif, a resident of jhulaas while talking to the researcher said; “we are living in world where we have to pay for others doing. What is happening in Delhi we will have to pay for that here in our Houses. Every villager near the Line of Controls know what happened after

surgical strike. Whole nation was proud of that surgical strikes but not the people of this region. Actually we are facing the retaliations of that surgical strike here.” The people of this region are the victim of cease fire violations, mine blasts, infiltrations, and geographical backwardness but the bigger tragedy with them is that they have not been recognized neither by state government nor by the central government.

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CHAPTER 4

NARRATIVES OF MARGINALIZATION: FIELD STUDY IN THE BORDERLANDS

The field work of this research has been conducted in three border villages in the Tehsil Haveli of the Poonch district in Jammu and Kashmir. District Poonch is located in the Southwestern foothills of the Himalayan Pir Panchal range. Poonch is one of the remote districts of the Jammu and Kashmir State, located on the Line of Control (LOC). It is surrounded by Kashmir Valley (Budgam, Baramula, Kulgam and Shopian districts) in the north-east; Rajouri district in the south and Pakistan Occupied Kashmir (POK, also known as Azad Kashmir) in the west (<http://poonch.nic.in/>). It is popularly known as ‘Mini Kashmir’ because of its snowcapped mountain ranges, thick forests, meadows, waterfalls and beautiful valleys. It is also known as the ‘Land of Sufis and Derwaishs’, ‘area of warrior tribes and people of good reputation’ (Maini, 2012). To Snedden, the people of Poonch were traditionally and politically “different from rest of the Jammu province including the Mirpur district. People were of different stock... Communications of people of Poonch and trade relations were more with western Punjab than eastern districts of Jammu” (Snedded 2013).

A brief history of the district is important to contextualize this research. Poonch has been a sovereign state since 850 A.D. when a local horse trader Mr. Nar, declared himself the Raja of Poonch⁷. In 1596 A.D., it came under the Mughal rule under Emperor Jahangir who nominated local leader Sira ud-din as the Raja of Poonch. After the decline of the Mughal rule, in 1798 A.D., a Gujjar leader Rooh-ullah-Sangu became the Raja. In 1819 A.D., Poonch came under the rule of the Sikh empire under Maharaja Ranjit Singh of Lahore, who ruled it through local leader. After the Anglo-Sikh war, in 1850 A.D., Poonch came under the Dogra rule. It became a feudatory under Raja Moti Singh who recognized the sovereignty of Maharaja Gulab Singh as the ruler of Jammu and Kashmir. Thus the Poonch State became a jagir (feudal land) under the dual control of Maharaja of J&K and the Dogra Raja of Poonch. Since the Poonch region is surrounded by hilly and mountainous terrain, very little land is available for agriculture. Even before 1947, as is the case today, only the Hindu

⁷ (<http://poonch.nic.in/>).

majority districts of the Jammu province – Jammu and Kathua had fertile plain lands and the “Muslim majority districts of Poonch, Reasi and even Mirpur were hilly areas with no major contribution to agricultural and horticultural produce”. Choudhary quotes from the 1941 census, “In the winters many men would go to the Punjab looking for work to supplement the meager income extracted from land holdings”. Christopher Snedden observes that “this migration mainly affected two Muslim majority districts of Jammu province - Mirpur and Poonch.”(Choudhary 2015).

In 1947, the people of Poonch fought against the oppressive and discriminatory system of dual rule under the Dogra Maharaja Hari Singh of Jammu and Kashmir. Poonchi people were denied of important land reforms that were implemented in the state after the 1931 uprising in Kashmir valley. Snedden notes that “when the proprietary rights were granted to landholders in J&K in 1933 as a result of Glancy Commission, Poonchis were excluded”(Cited in Snedden 2013). According to Richard Symonds, Muslim Poonchis, particularly the soldiers returning from fighting in the Second World War (but not Hindus or Sikhs) were forced to pay a number of taxes such as Chula (hearth) tax, bakri (sheep) tax, wife tax (for more than one wife), widow tax, forest tax, import and export tax a horse tax on 50 percent of the purchase price (Snedden 2013). The local officials in the Poonch administration, the bulk of whom were Hindus, were inefficient and corrupt as they were discontented with lower pay and slow rate of promotion than their counterparts in either the J&K state or Indian Administration. The Poonchis also suffered from “increasing cost of living, a situation made worse by the unproductive nature of their lands and the heavy taxes levied on them” (ibid). These observations show that historically the people of Poonch have faced hardships and discrimination socially, economically and politically.

Before the tribal invasion from Pakistan, the feudatory of Poonch consisted of four tehsils– Bagh, Sadhnuti, Mendhar and Haveli. During the Indo-Pak war of 1947, two and a half tehsils of Poonch went under the illegal occupation of Pakistan and are now a part of Azad Jammu Kashmir (AJK). Tehsil Mendhar and the remaining area of tehsil Haveli remained with Indian state of J&K after the accession of the state to India. After the ceasefire between India and Pakistan came into force on 1 January 1949, the divided part of Poonch was governed by an administrator till 1952 (Snedden

2013). In 1952, these tehsils were merged with the neighboring Rajouri region to form Rajouri-Poonch district till 1967, when for administrative convenience it was again bifurcated into two parts as district Rajouri and district Poonch. Under the Simla Accord of 1971 between India and Pakistan, the ceasefire line of 1 January 1949 became the Line of Control (LOC), with both sides agreeing to no unilateral change of status quo.

Contemporary Poonch

In contemporary J&K, Choudhary observes that the twin districts of Poonch and Rajouri, together comprising the Pir Panjal region have 46.60 percent of the total Muslim population of the Jammu province (Choudhary 2015). According to the J&K government's school education department report (2016), 94.78 per cent population of Poonch resides in rural areas whereas 5.22 per cent resides in urban areas of Poonch district whose total population is 4,76,977. He notes that the two districts of Poonch, Rajouri and the Doda sub-region on the east, are distinct from the Dogra belt of Jammu province as they are predominantly populated by Paharis and Gujjars" (Chowdhary 2010). From Government records, he asserts that the people of these districts have been deprived of the benefits of social and economic development experienced by other regions of the State. In 1981, Poonch, Rajouri and Doda districts which comprise of the entire Chenab valley and the Pir Panjal regions were among the 11 districts with below average literacy level in J&K.



Map 4: Map of Jammu and Kashmir showing LOC along Poonch.

Source; <http://www.un.org/Depts/Cartographic/map/profile/kashmir.pdf>.

Even twenty years later in 2001, Doda and Poonch continued to be in the same list while other districts like Kargil had moved up to the category of districts with above average state literacy level. In terms of health care, he notes that “Doda, Rajouri, and Poonch were among the nine districts with low health care development index in 1980-81” (Choudhary 2015). According to the official statement from the Poonch district administration,

“Industrial environment is totally absent and commercial activity exists on a very low scale. Peoples have small pieces of land for cultivation. The poverty tells adversely upon the life style of the general population which cripples their purchasing power and renders most of them fragile to withstand the abnormalities of consumer market. There are many unemployed youths in the district and the people usually try to go for the government jobs as the potential in the private sector is bare minimal. Unemployment problem among youth, both skilled and unskilled workers is quite large when compared to other districts of the State.” (<http://poonch.nic.in/>).

Rekha Chowdhary, has also observed that “on various indices of economy and development, these areas fare much worse than other parts of the region and feel neglected both in the context of ‘Kashmir centric’ power politics as well as in the context of ‘Jammu centric’ discourse of the regional elite. This feeling of neglect is therefore reflected in the demands for Hill Council (on the pattern of Leh and Kargil Hill Councils) both in the Doda as well as the Poonch-Rajouri sub-region. (Chowdhary 2010, 128)” The Poonch district has the highest concentration of Muslim population in the Jammu division, as 91.92 per cent of Poonch’s total population is Muslim (ibid). Among the Muslim population there are diverse cultural and linguistic identities such as Gujjars, Bakarwals, Paharis, Kashmiris, etc. who speak different languages, the most common of them are Gojari, Pahari, Punjabi, Pothwari and Kashmiri. Even though they form a part of the Jammu division of the state, the people of Poonch are happy to identify themselves as Poonchi rather than as a Jammuite. Though the districts of Poonch and Rajouri bordered Azad Kashmir or Pakistan occupied Kashmir, and though they bore the brunt of Indo-Pak war of 1947 and 1965, they remained untouched by militancy for many decades. According to Choudhary, it was only in “the late 90s that these areas became active in militancy-related activities. The complicity of the local population in the militancy, especially among the Gujjars inhabiting the upper reaches of these areas, however, has been based less soon the emotional reasons and more on material and situational reasons-they are either forced to provide food and shelter to the militants or are lured by money” (Chowdhary 2010).

Overview of the Field Work

The field work has been conducted in three border villages (Jhulass, Salotri, Suvenar) of Poonch district in Jammu and Kashmir. The study mainly tries to understand the multiple deprivations and backwardness (social, political, economic and educational) faced by the people living near the line of control. Interviews with the people help us to understand clearly the hardships faced by them in their daily lives as a resident of the villages bordering the actual line of control. It shows the indifferent attitude of the centre as well as the state government in securing the rights of these citizens who are the most vulnerable and marginalized section of the society. Most of the interviews were conducted from the economically vulnerable section of the society. Each interview is unique and significant in its own right in understanding their vulnerability as each person tries to explain the vulnerability and marginalization differently. It also throws light on the human right violations in these regions during the cross-border cease fire violation from across the border. The role played by the district administration and the army in catering to the welfare of the people is also evident from the interviews.

Methodology and Methods applied during the Field Work

Qualitative research methodology has been used to understand the everyday marginalized lives of the people residing in the rural villages adjoining the ALC. Instrumental case study method has been used to understand the marginalization faced by people living at the actual line of control. The instrumental case study is done to get a general understanding of a phenomenon using a particular case or cases. The case chosen may be a typical case to describe a more general phenomenon and helps in generalizing the result to similar cases.

Both structured as well as unstructured interviews were used while interviewing the respondents. Interviewing includes verbal interchange as well as face to face interaction with the respondent in order to elicit information. In the structured interviews some predetermined set of questions were scheduled which were written beforehand, which were both open as well as closed ended. In unstructured interviews there are no predetermined set of questions and the researcher is free to ask whatever is appropriate according to the situation. The researcher has complete freedom

regarding choice of words, content, question etc. Focused group discussions were also used where members of a family or neighbors joined in a discussion regarding their everyday experience with the state.

Case Studies from Borderland Villages

The field work was conducted from 20 June, 2017 to 30 June 2017 in three adjoining villages within a distance of three to four kilometers – Jhulass, Salotri and Suvinaar. These villages are notified as Actual Line of Control (ALC) villages and the residents can claim a reservation of 2 per cent in state public services and state financial loans under the category of Socially and Educationally Backward Classes. Two of them, Salotri and Suvinaar have almost 95 per cent Muslim population, majority from Gujjars and Bakarwals (cattle herders) community. The third village Jhulass has a mixture of Hindus, Muslims as well as Sikh population. All the three villages are known for their religious harmony and peaceful co-existence of different communities. Even during the height of militancy during 1995 – 2001, there were no instances of communal violence. During the recent 2008 incident of shrine board dispute, when the whole state of J&K witnessed communal tensions, these villages remained peaceful. Even during cross border ceasefire violation, most of the villagers did not leave their home, though some of them migrated to the nearby city (Poonch).

The area in which this field work is conducted has not been explored earlier by researchers for academic purpose. The social welfare indicators which have been enquired into in this research are the educational, health, electricity and transportation facilities available to the people living in these villages. Their political participation and economic status have also been studied through the interviews. Through these interviews the researcher has tried to understand the role of the state in bringing about social justice to the people living in militarized zones experiencing militant infiltration and cross-border firing on daily basis. The topography of the villages where the field work has been conducted is very uneven. The villages are situated entirely in hilly region with homes separated by a distance of almost one kilometer. Even though the researcher hails from the same region, he had to take permission from the Indian Army to enter into two villages – Salotri and Suvinaar – which are very close to the border (a distance of one kilometer). These two villages are surrounded by Indian Army from all sides. No person from outside these villages is

permitted to enter without the permission of the Army. To prevent unauthorized people from entering these villages are fenced with live electric wires by the Indian Army.

Case Studies from Actual Line of Control (Salotari and Julaas village)

Location, Topography and Demography

The village Salotri is located in the southern tip of the Poonch district and is very close to the LOC. The village having approximately seventy households is located in the hilly region with uneven terrain and very little land available for cultivation. Because of the rugged terrain houses are located very far from each other. The next door neighbor of a household lives at least one kilometer far from them. This along with the lack of pucca motorable roads in the hilly areas made it difficult to reach out to maximum number of respondents. All the villagers of this border village belong to Muslim community. The second village is Jhulaas, is about two kilometers away from the LOC. It is also a designated ALC village. Like the other two villages, Jhulass is located in the hilly area of Poonch district. It has a rugged terrain and large scale agriculture is not possible. Though the two villages of Salotri and Suvinaar are more close to the border than Jhulass, this village remained the central place of conflict during the height of cross border firing and militancy between 1990 and 2002. It has population across all religious groups (Hindus, Muslims and Sikhs) though the number of Muslims is larger than any other religious group. Jhulaas has a good history of communal harmony. During the decade of militant infiltration and continuous cross border firing the difficulties of survival was faced by all religious groups equally.

Life at Line of Control (LOC)

When asked about living so close to the LOC surrounded by the Army, Zayida⁸ (45) said, “I actually belong to Naushera town which is almost 130 kilometers away from this place (her husband’s home). In the early years of my marriage, when this place was completely new for me, I felt very scared of the frequent cross border firing and infiltration. Now it’s almost sixteen years and it has become part of my daily routine.

⁸ Zayida is a resident of Saalotari village was interviewed on 22 June 2017.

Things have not changed much except that now I am not afraid. Even when the militancy was at its height in the late 1990s, I used to stay by myself at nights with my young children.” Sadiq showed the author the frontier area of Azad Jammu and Kashmir (AJK or Pakistan Occupied Kashmir) which is clearly visible from his home. Since the ceasefire line (now LOC) divided the people of Poonch in 1949 by a militarized boundary, some members of majority of the households live either side of the border now. Many of Sadiq’s relatives are living in Chera city of AJK. He had recently visited them by Poonch-Rawalakot bus service. The Poonch Rawalakot route – an old route to AJK was closed during the height of militancy in late 1990s and opened in 2006. Ansar, (45) lamented that, “After the decade long militant insurgency during which the militants from Pakistan Occupied Kashmir (POK) infiltrated the LOC at Poonch and Rajouri, the people from Poonch are mistreated in Hindu majority Jammu district. They are seen with suspicion as militants and treated in undignified manner. On the other hand, the people from Poonch have always been treated as outsiders in the Kashmir Valley as the Poonchis do not share the language and culture of the Kashmiris despite the majority of them being Muslims. Living at the border, we feel like we belong neither here nor there.”

Mohammad Aziz (50) who has lost his leg in a mine blast while grazing his cattle near his house. When he was asked about the life experience at such a hostile borderland, Aziz said, “Our life is worse than animals, like them we don’t have a secure life here, there is no escape to shelling, firing and mine blasts even in our own homes and lands. We are not safe in our own houses neither can we afford to migrate to some other places.” He, very succinctly puts forth the marginalization faced by the people in the border villages as, “Government haven’t provide any kind of compensation to the victims of firing and mine blasts, I went to the Deputy Commissioner for help they send me back with empty hands. We have sold our lands to get ourselves treated. Even today there is neither landline telephone network nor the mobile network. There are no public ration shops available in my village and we still grow the food we eat (subsistence agriculture). There has never been a medical dispensary in our village since my childhood. We lack even minimal transportation facility in case of medical emergencies. Many families have lost their children and other family members in cross-border firing and land mines. None of us have received compensation from the government. The only progress that I have seen in my life is

the setting up of a primary school. No government – central or state – remembers that we are also equal citizens like the people in the rest of the country. It is not just the people of Kashmir valley who live in a militarized zone. We are also surrounded by the Army since birth. We have also faced torturous investigations and human rights violations both by the Army and the militants. Half of our families are on the other side of the border and we suffer from negligence for no fault of our own. What is the use of conducting elections in remote areas like ours if our basic demands are not met even after six decades of accession?”



Photo 1: Mohammad Aziz (50) one of the victims of mine blast of village Salotari

The life experience of the people of other village Jhulaas was no different from the resident of Salotari. The people of Jhulass have always been the first in the line of fire

whenever Indo-Pak relationship deteriorates and tension escalates leading to high intensity cross border firing and bombing. Tarif (27), said, “It was during the 1999 Kargil war when our lives were in complete danger. The Army asked all of us to either build underground bunkers or to vacate the village as soon as possible. Thus in order to save our lives all of us started making our own bunkers. After the 2003 Indo-Pak ceasefire agreement, there is peace and the cross border firing also does not happen with that intensity. Yet in many homes you will find those old underground bunkers. As teenagers we had seen brutalized bodies of young and old men. Once I was playing in the village ground with my friends when the Army brought in the body of a man it said was militant. But we knew he was a Bakkerwal (member of nomadic tribe) who had come from far for grazing his cattle. His abdomen had been smeared with dozens of bullets and they wrapped his middle portion in gunny bag tied it in barbed wire and asked the elders to perform his funeral rites. Growing up as kids we have offered funeral prayers to unknown militants and acquaintances and relatives who were either killed by bullets or beheaded by militants. When a person dies here no questions are raised; no enquiries done, they are all simply buried. People say that so and so person was killed by the Army or by the militant and the matter ends there. No one knows who killed the person or for what reason. If a civilian is killed a paltry sum of three or four thousands is given to the poor family members. In the past two years since the Bharatiya Janata Party (BJP) has come to power in the centre and also as a coalition partner in the state government, there has been a rise in the instances of cross-border violations from both the sides. We fear that this may escalate in future bringing back the days of migration.”

Bola Singh said, “Ninety percent of the villagers migrated twice from Jhulaas during 1999-2000 because of the heavy firing across the border. They stayed in the city for at least eight months in the first instance and for four months the second time. The education of their children during this year was completely disturbed. During the peak of militancy the local villagers were often caught between the Army and the militants. Entire families were killed by militants when they did not give food and shelter to the militants, whereas the Army tortured them if they had given shelter and food. We have seen mutilated bodies of militants and civilians. Some youngsters of our own village who worked in Army as informers were also killed brutally by militants. The Army had itself unleashed brutalities during the 1965 war and hundreds of women

were raped and killed. There was no enquiry by the Army or any governments.” Every home in the village had traumatic experiences across generations as this region has witnessed two Indo-Pak wars in 1947-48 and 1965 and the side effects of the 1999 Kargil military conflict. In the recent years, the Indian Army has organized many goodwill programmes e.g. sports programs for youngsters like cricket, football and kabaddi matches and tournaments. The Army has constructed a stadium for playing and to organize sports events as part of confidence building measures with the villagers. It also organizes many functions every year whether celebrating Independence Day or Republic Day in which people from all the three villages participate.

Economy

The daily economic activities of the people of this village are rearing cattle, engaging in subsistence agriculture in their small fields, working as daily wage laborers in collecting sand from rivers for construction purposes, driving commercial transport vehicles (passenger jeeps) collecting leaves from nearby forest for household fuel and feeding cattle. Women engage in household work and child rearing as there are no livelihood opportunities available for them. It is very difficult for the people of the village to sustain their livelihood. One of the respondent Zayida, (45) said: “We are living in very poor economic condition with no other source of income except some cattle. My husband does not have any government job. He is in Saudi Arabia working as a labourer and he is the sole bread earner in our large family of twelve members.”

Mohd. Sadiq, 40, said that his only income came from rearing cattle with which he hardly sustained his family of ten members. Sadiq further lamented about the indifferent role of the state towards the youth of the border villages. He said, “Since there is no hope of any private industries being set up in our areas, the state government is expected to fulfill the role of employer. Yet in this entire village, you will hardly find any youth having a government job. Majority of them are working as labourers. Some of them work as truck drivers; some do the work of filling sand in tractors etc. There are many young men who are working as porters in the Indian Army, which is after all a very tough job. But the wage they get is very less – four to five thousand rupees per month.” He too had worked in the Army as a porter but because of such low wage, he was not able to continue. Iqbal, 45 was asked about

Jammu and Kashmir Rural Employment Guarantee Scheme (JKREGS) under which the state government has to provide hundred days of guaranteed wage employment in every financial year to every household whose adult members volunteer to do unskilled and manual work. He said that the topography and weather of the area does not permit the availability of work for hundred days and even so, very few families who are related to the Panchayat members or have other influence are able to get the job cards and that mostly the wages are disbursed very late.

Saleem, 28, said that as daily wage workers engaged in filling sand in tractors from river banks they earn 300 rupees per day whereas in JKREGS scheme they get just 120 rupees per day for eight hours of manual work and that too seasonally for around fifty days in a year. He said that “since no private industries are available nearby at the sensitive border area the state government is looked upon to make policies that will provide venues for gainful employment. It is expected to provide good quality education in an accessible and affordable manner so that the educated youth can find better employment. But still most of the youth here are uneducated and illiterate that they work as manual laborers in pitiful condition. None of the respondents had heard about Hill Area Development Program or Border Area Development Program under which the central and the state governments are supposed to provide for the development of infrastructure in the hilly and sensitive border areas respectively by providing employment opportunities to local people.

Unlike the other two villages, most of the people of Jhulaas live in better socio-economic conditions. Considerable numbers of households have members who have government job (teachers) and a better livelihood. But still there are many who live in a very poor condition. Madan Lal, 40, a daily wage worker said that his locality had no water or electricity facility. He said his wife is working in the village primary school as a midday meal worker where her salary was fixed at one thousand rupees per month but for the past six months she had not received her salary. The youth of Jhulass are very much interested in being recruited in the Indian Army as they do not have any other career option. Many of them have their relatives and brothers serving in the Army in different parts of the country. The Army is also very interested in youths of this region for securing their strategic objectives. The Army personnel

themselves provide free physical training to these youth so that they can easily qualify the physical tests for the entry level jobs whenever recruitment begins.

Education and Healthcare

Zayida said, “I have three daughters and two sons. All, but one, go to the neighboring village (Jhulass) for schooling. In our village, we have one primary school and one high school. Most of the village children, especially female children study till tenth class and drop out because the higher secondary school in Jhulass village is far away. Since we live on the upper reaches of the hills our children have to walk down the stony hill path four to seven kilometers (depending upon the location of the homes) before they reach the concrete road by which it takes three more kilometers to reach the nearest higher secondary school in Jhulass.

Abdullah, 78, said “If you see our village you will know that no basic infrastructure is available like all weather roads, electricity or water facility even after more than sixty years of acceding to India. The schools here do not have qualified teachers. Local people who have been educated till tenth or twelfth class are appointed as primary school teachers. It is an endless cycle of poor quality education in which young children lose interest in education.” Raza, 65 said, “we do not have any health facility in our village. If anyone needs medical care, someone has to lift the sick person on shoulders and walk almost four kilometers to reach the road. Then one has to wait to get a bus to reach the city hospital which is thirteen kilometers away in Poonch town.”

Jhulaas village has better education facilities than the other two villages. It has a government primary school, a government secondary school and a government high school. Students from other villages come to Jhulass after primary schooling. There are also two private schools established by Christian missionaries. When asked about education in the border schools, a villager Tahir, 35, said, that the way they were taught in their schools is totally different from the way the children are taught in mainstream India. He explained in detail his experience in the government High School Jhulass, which is very much close to the LOC (just one kilometer). Because of such a close distance, whenever sudden cease fire violations occur, it affects the school also. He said, “Most of the time, our teachers tried to close the school before

the firing began but sometimes when the situation worsened suddenly, our teachers and students also got injured. Unlike the teachers in the mainstream India, the most important lesson that our teachers taught us was how to save ourselves if cross border firing begins suddenly; we learned how to hide ourselves in canals or to take shield of a tree or how to crawl under shelling and bombing.” Another elderly man, Bola Singh, 56, said, “Education of our children has always been disrupted due to our life near LOC. This is not a recent phenomenon. Since my childhood, I have witnessed that whenever tension arises between India and Pakistan high intensity shelling occurs across the LOC. Each household in this village and the nearby villages has a history of having lost at least one family member in the cross-border firing or in the minefields. Many children who went out in the grazing fields to play or graze cattle have been killed by mines or have become disabled. Neither the Army nor the state government has provided compensation. Parents usually do not send their children to school when shelling increases, which usually lasts for few months and this negatively affects their children’s education.

On the other hand, our village schools do not have good quality teachers as the teachers are also scared of duty near LOC. The state government appoints local people who have studied till tenth or twelfth as teachers and as a result the quality of education in our schools is very poor.” A young man Sumit Kumar, 26, who lives very close to the border fencing explained how the education of children remained completely disturbed during the period 1999-2000 of Kargil war. His family, like most others migrated to Poonch city because of heavy cr oss border firing. Though their classes continued during that period in the migration camps, it was in a very dismal condition. One of the schools that the researcher visited has the tomb of one student who was killed during the cross border firing in 1999.



Photo 2: Destroyed school of Jhulaas village by shelling across the borders.



Photo 3: Tomb of a student in front of school who was killed in cross border firing.

Water and Electricity

Water – the basic necessity of life – is also not easily available in this region. Sayeda, 26, said, “We get water from public pipes only once a week. Even then it is available for only one or two hours within which women from all households in the locality have to collect water for domestic needs.” Sadiq said, “Ours is a dry hilly area. The water for domestic needs is stored in a water tank which takes three hours to reach by walk as there is no motorable road. It is the village men who have taken the responsibility of providing water to households. During the day, all the male members of the households go for labour work whereas the women stay at home. The villagers have collectively agreed that male members from each household will take turns to go to the water tank once in a week and change the direction of the water towards our village. We get no help from the local administration”. When asked about electricity, Sayeda said “Though there is electricity, the supply is not regular. In some homes, the Army has provided solar electricity but we were not given that also.”

Local administration (Panchayat)

There is one common elected Panchayat for three villages of Salotri, Suvinar and Fhalor. Rubina, 46, said, “Never has any Panchayat member, either the Sarpanch (elected head of the Panchayat) or the Panch (Panchayat member), visited our place to enquire about our basic necessity. It was only during the election time did we last see them when they came to ask us to vote for their party”. Sadiq, when asked about the public services made available by the local administration said, “In our village people do not even know the name of the village Sarpanch. The last time I saw the sarpanch was when he came to attend a function in our village. We never get any benefit from the village Panchayats even for the provision of drinking water.” Like Zayida, he also said that the state administration did not promote any of their interests. They still did not have proper roads, transport, education and health facilities. Abdullah said, “Here people call the Panchayat members only to mediate in case of disputes like property disputes, physical fights on personal issues, elopement cases”. The researcher observed that the respondents were not aware of their rights through the Gram Sabha and the functions of the local administration. The elected Panchayat members are not held accountable for local area development as the people do not know anything about the government schemes through which funds are allocated to Panchayats.

The response of the residents of Jhulaas was no different from the people of other two villages. Mohammad Khadam, 65, said since his birth he has experienced the result of all kinds of conflicts and crises between India and Pakistan. Khadam has a very big joint family of about twenty two members living in very poor condition. None of his sons has any government job and all of them are engaged in seasonal contractual work (Carpenters at construction sites, agricultural laborers etc.). They have a small piece of land in which the family lives and they do not have enough land to cultivate. Khadam belongs to a tribal community of Peshawar Gujjar. Yet he did not get any benefit from the state government under the schemes and benefits available for tribes. When asked whether they have the Scheduled Tribe (ST) certificate, he replied, “No, but I also know that if we apply for this certificate we will get some benefit but the question is who will go for that as all the government offices are fully corrupt and there is no accountability also. It usually takes many months or even years in case of poor people without political influence to get one simple government document, so I decided not to waste my time. My sons and I go out for work in the early morning and come back by late evening so that we can sustain our family.”

Conclusion

From the case study of three villages Salotri, Suvinaar and Jhulass at the Actual Line of Control, it is observed that the people of these villages suffer from double marginalization: one is that of residing in remote hilly and backward areas and other is that of living in the zone of ceasefire violations on a daily basis where their everyday lives is caught in a state of continuous physical uncertainty. They lack the basic resources of education, health, water, roads, electricity in a manner that will enable them to find gainful employment and live a dignified life. The reservation policies of both the central and state governments have not benefitted these people. The development programmes like HADP and BADP have not brought about any visible change in the infrastructure or life of the people of these areas. The rural employment guarantee programme (JKREGS) also has not been able to provide dignified gainful employment in a way that community assets are created. The SSA has been functional to the extent that few schools have come up in the last two decades where none were available. Yet the quality of such education is of questionable value. Besides such deprived conditions of life, they also live in constant

threat of mortal danger in the face of daily ceasefire violations. The constitutional provisions of equality and justice have not been available to these people as they are not treated as equal citizens with equal right to life, education and state sponsored welfare activities. While the policies are available in letter they have not been implemented and local institutions like Panchayats have not been performing their statutory functions respectively.

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CHAPTER 5

CONSTITUTIONAL PROVISIONS, STATE INITIATIVES AND GROUND REALITY

Introduction

This chapter focuses on the provisions of the constitution of India and welfare measures by the state for the marginalized and vulnerable groups such as Scheduled castes, Scheduled Tribes, other socially and educationally backward classes, minorities and women. Constitutional provisions have aimed at providing social, political, economic, cultural and educational rights to every citizen of India. The welfare measures of the state aim at addressing the marginalization and discrimination faced by the people. Constitutional provisions reveal the objectives that the state intends to achieve. However, constitutional provisions provide us with the very basis on which violations of fundamental rights are recognized and addressed.

Fundamental Rights: Basic Human Freedoms Enshrined in the Constitution of India

The spirit of the constitution is enshrined in its fundamental rights which provides for those basic freedoms and conditions required for an all-round development of an individual. Fundamental Rights are given under Part III of the Indian constitution. Fundamental Rights are divided under six broad categories: Right to Equality (Article 14-18), Right to Freedom (Article 19-22), Rights against exploitation (Article 23 and 24), Right to freedom of Religion (Article 25-28), Cultural and Educational Rights (Article 29 and 30); and Right to Constitutional Remedies (Article 32-35) as the most important as it guarantees the enforcement of all other fundamental rights.

Fundamental Rights provide affirmative action or positive discrimination for certain vulnerable and marginalized groups as Right to Equality provides for equality before law and equal protection of the laws; no discrimination against any citizen on the basis of religion, race, sex, caste or place of birth. In order to promote equality of all citizens, it has provided for abolition of the practice of untouchability towards any human being, especially the scheduled castes. Even though the state cannot discriminate against anyone in the matters of public employment and access to public places, there are few exceptions. The state can make special provisions for the

advancement of women and children in case of access to public places which is otherwise open to all persons. Parliament may enact a law making domicile as a necessity for applying for some jobs which may require local knowledge of the region. It can further reserve seats in state services wherein scheduled castes, scheduled tribes or backward classes are not adequately represented. The state can make law to reserve seats in educational institutions (both public and private) for the advancement of any socially and educationally backward class of citizens or the scheduled tribes and scheduled castes.

The constitution of India upholds the Right to Freedom which includes freedom of speech and expression, Freedom to assemble peacefully without arms, The Freedom to form associations, Freedom to move freely and reside and settle throughout the territory of India and practice any profession. All these freedoms are subject to reasonable restrictions such as in the interest of state sovereignty, integrity, national security, public order, general public and protection of indigenous people and scheduled tribes. National security and state sovereignty assume greater importance when it comes to borderlands. As discussed earlier, borders are animated on the bodies of borderlanders. Despite the national importance of borders, borderland communities are often marginalized and constitute the category of spatially excluded (Judge, 2014). But in the case of Pir Panjal region, they are more than spatially excluded. Securitization of borders becomes the source of insecurities to these borderlanders.

These freedoms exist as paper tigers when it comes to the people at borderlands. A thoughtful statement by T.H Marshall (1950) is worth mentioning. He writes “...civil rights, which confer the legal capacity to strive for the things one would like to possess but do not guarantee the possession of any of them...Similarly, the right to freedom of speech has little real substance if, from lack of education, you have nothing to say that is worth saying, and no means of making yourself heard if you say it” (emphasis added). In case of borderlanders residing in the districts of Poonch and Rajouri, the freedom of movement is severely restricted due to presence of fatal and lethal landmines planted by militants as well as by the army to deter the infiltration of militants. Landmines, which have taken lives of hundreds of civilians, were used extensively when the tensions between India and Pakistan rose. As Rekha Choudhary

(2012) observed that almost each war has led to the mining of the border areas which has resulted in displacement of people, loss of their livelihood and incidents of loss of life and limbs. Along the LOC, Poonch Rajouri district is the most affected by Landmines. These mines become the reason for the death of farm animals that stray into areas with hidden mines. Loss of animals is also a loss of livelihood for villagers. Mines may also drift away into areas causing accidents such as a mine drifted from a mine field near LoC into a farm land due to heavy rains in Jhangar tehsil of Rajouri district that resulted in the death of three labourers (“J&K: Three killed in landmine blast in Rajouri,” Apr 4 2015, The Indian Express). One of the largest mining operation took place after the 2001 terror attack on Parliament. Landmines Action Report has noted that, between December 2001 and July 2002, India planted landmines along its 1,800-mile northern and western borders (Choudhary, 2012). In 2015, over a dozen landmines exploded in the border area of Poonch district after a huge forest fire that started on the Pakistani side reached Poonch (“Several landmines explode in forest fire on LoC,” Oct 4 2015, The Economic Times). This not only obstructs the movement of villagers, it also creates a perpetual state of mental fear due to such accidents that may take place even after precautions are taken.

Articles 21-28 of the Indian Constitution provide for right to life and personal liberty for all citizens; special provision for free and compulsory education to every child of the age from six to fourteen years (Article 21 A) upholding the value of equal basic education to all as education is conducive to realization of the full potential of an individual. Both these rights are severely compromised and secondary when it comes to giving ‘befitting replies’ to enemy state across the border, not without consequences for the army and civilians, but without any protection or safe zones for the latter in their status as citizens of India. In the atmosphere of suspicion and fear of being attacked, civilians become hostage to the situations they do not create at the first place. A secured environment and availability of schools is a sine qua non for providing education to children. Conditions allowing the access to educational opportunity lacks in the villages where the fieldwork was undertaken. In Basooni village in district Poonch which is about 5 kms from the LoC, on August 15, 2015 five people were killed including the village school master and two school boys amidst shelling from across the border when independence day was being celebrated at the army-run Pinewood school. Independence Day is marked as an important day

for Army's outreach program. One of the lessons taught at the school is to lie flat in case of shell explosion ("Lives on the Line: Almost every village on the LoC has a shelling story," Oct 16 2016, The Indian Express).

Directive Principles and State Initiatives

Directive Principles of State Policy (DPSP) are guidelines, non-justiciable in nature, given to the central and state government of India which seeks to uphold the spirit of the constitution. It underlines the values of freedom, justice, equality and secularism while framing laws and policies in order to establish a welfare state. Article 38 (2) of Indian Constitution directs the State to minimize inequalities in income, and eliminate inequalities of status, facilities and opportunities among individuals and groups of people residing in different areas or engaged in different vocations. Article 39(a) of the Indian Constitution directs the State that it should strive for establishing conditions in which every citizen (men and women) will have equal right to adequate means of livelihood; the ownership of material resources are distributed for common good; men and women are paid equally for equal work; children have the opportunity to develop in a healthy manner and with full dignity. Articles 42-43 make provisions for just and humane conditions of work and maternity relief; ensure a decent standard of life with full enjoyment of leisure and social cultural opportunities. Article 39A of Indian Constitution directs the State that any opportunity for securing justice should not be denied to any citizen just because of economic and other disability.

The opportunities for acquiring a well-paid jobs for the people of Poonch-Rajouri districts along the LAC are dismal. *Paharis* (the word means mountaineers, here it refers to people whose mother tongue is *pahari*) represent 57 per cent population of Rajouri district (www.rajouri.nic.in). The main occupation of the *paharis* is agriculture and allied services as due to their locational disadvantage they are economically backward (ibid.). They are dependent upon agriculture but due to agricultural area being on the slopes, irrigation facilities are not available. Also the climate makes cultivation of only Kharif crops possible. This has resulted in bleak opportunities for reaping the benefits out of their land holdings. Along the villages of ALC, cattle-grazing becomes main source of livelihood. The non-availability of infrastructure facilities and a secured environment, tourism industry has not been promoted in this region. There are many unemployed youths in the district and the

people are inclined towards getting government jobs as there is minimum potential in the private sector. Unemployment problem among youth, both skilled and unskilled workers is quite large when compared to other districts of the State (<http://poonch.gov.in/Topmenu/aboutpoonch.html>).

‘Operation Sadbhavna,’ as a social responsibility initiative taken by the army sought to establish close relationship with the civilians. It provided physical training to the youth so that they can be recruited as soldiers in the army. Paucity of job opportunities has also paved way for militancy as it pays them better than other jobs. Some youngsters work as porters for the army. There is lack of awareness among villagers regarding civil and political rights as they do not claim these rights through the legal channel in case of accidents like landmine explosion while working as porters in the army.

The constitution of J&K provides directions for the state government to secure rights of children and women separately under Articles 21 and 22 respectively. From the fieldwork undertaken in the three villages, it seems women are double marginalized as they were more vulnerable to life of poverty if they lost an earning member of the house. The categories of children and adult seem to be fluid as children have witnessed accidents, deaths, firings, shellings and constant presence of army which affect the children directly as they learn to cope up with this environment marked by constraints, fear and anxiety.

There was an initiative by the government under Sarva Shiksha Abhiyaan to provide children of nomadic ST communities’ educational facility in the form of “Seasonal schooling camps” in the upper ranges of Pir Panjal region (Suri, 2014). The remoteness of the Poonch district and its difficult geographical and highly inaccessible terrain poses an obstacle in improving the literacy rate in the area as there is lack of awareness among the people, especially STs regarding the importance of education and they do not see any long term benefits in sending their children to school resulting in their early withdrawal. The schools which are stationary also lack proper infrastructure (ibid.) and as it was also clear from the fieldwork. Teacher absenteeism is quite common in rural areas and schools do not have subject teachers at elementary schools which affects the quality of education (ibid.).

Article 41 provides for the state to make provisions within its economic capacity to ensure right to work, to education and public assistance in case of unemployment, old age, disability and sickness. A similar provision under Article 19 of the J&K Constitution directs the state government to secure right to work and public assistance to the permanent residents of the state. Article 23 of Jammu and Kashmir Constitution directs the state government to promote the educational, material and cultural interests of socially and economically backward sections and protect them against social injustice. Article 47 of Indian Constitution provides that the primary duty of a state should be to improve public health, raise the level of nutrition and the standard of living of its citizens. Similarly Article 24 of the J&K Constitution directs the state government to take steps to improve public health especially in remote and backward regions. The constitution makers have recognized that socially and educationally backward people of remote and backward areas need special forms of social protection through redistributive policies. The Indian Constitution provides special rights and positive discrimination to three important groups of people: the scheduled castes, the scheduled tribes and the other backward class of the society while the Constitution of J&K has provided special provisions of affirmative action for the scheduled castes and socially and economically backward sections. The making of these borderlands and concomitant marginalization is not recognized on a whole as the uniquely uncertain living conditions of these people is dependent on actions and policies of central government as well as inter-state relation i.e. between India and Pakistan

Under Article 338, the constitution of India provides for a commission for scheduled castes – National Commission for Scheduled Castes (NCSC) and Article 338A provides for a commission for scheduled tribes – National Commission for Scheduled Tribes (NCST). Under Article 340, the Indian Constitution has provided for the appointment of a commission to investigate the conditions of socially and educationally backward classes within the territory of India. Under Article 335 of the Indian Constitution, reservation is mandated for SCs and STs in public services, so that members of their community are proportionally represented bringing heterogeneity in the formulation and implementation of public policies. Under Article 330 of the Indian Constitution, reservation of seats is mandated for SCs and STs in the Lok Sabha (Lower House of the Parliament also known as the House of the People).

Under Article 332 of the Indian Constitution, reservation of seats is mandated for SCs and STs in the Legislative Assemblies of the States (Vidhan Sabhas) except in the case of Jammu & Kashmir state where seats in the State Legislative Assembly are reserved only for SCs. The reservation of seats in the Lok Sabha and State Legislative Assemblies in a democracy like India is intended to give voice to the historically marginalized people in proposing, planning and formulating laws for the socio-economic progress of the nation.

All these articles indicate the constitutional provisions under which marginalization is recognized and discrimination is addressed through framing of policies. Therefore in the case of people of Pir Panjal region, their marginalization needs to be recognized in context of their location not only in terms of geographic isolation or inaccessibility, but the regional history and subsequent tensions in the region.

Hill Area Development Programme (HADP)

Hill Area Development Programme (HADP) in India started since the inception of fifth five year plan (1974-1979). The programme is concerned about the need to conserve the natural resources and irreplaceable eco-system in the most fragile and sensitive regions along with balanced regional development. The areas covered under this programme are the hill areas of the country particularly the region of Western Ghats in south India and Himalayan region in the north. It covers a total area of 21 percent comprising nine percent of the total population of India. The hill areas have been classified into two main categories, namely “(a) those that are co-extensive with boundaries of State or Union Territories i.e., the hill State and UTs and (b) those which form part or parts of a State, and which are designated as hilly” (<http://planningcommission.nic.in/plans/planrel/fiveyr/7th/vol2/7v2ch16.html>). The state of Jammu and Kashmir comes under the first category also known as special category state. The focus in the special category state has been on the development of social and community service as well as the infrastructure facilities during the fifth and sixth plans (1980-85), whereas the states of Assam, Uttar Pradesh, West Bengal, Tamil Nadu, and Western Ghats come under the second category of state. The main initiatives undertaken by the programme have been to provide the people with the basic daily social needs of energy, fodder, water supply, education and health care. In order to address the inadequacies of these basic needs, the programme had taken up

the implementation of alternative energy policies Viz. by providing electricity in place of using forest wood (usually carried by the women in these hilly areas), installing micro hydel power projects, supplying Kerosene cooking gas, and cooking devices like ovens etc. which help women to overcome a form of subjection as well as minimize huge amount of pressure on forest. Also the programme developed various strategies to make available the drinking water supply by building several hydraulic dams and water storage tanks reducing many instances of water borne diseases from drinking unsafe water. The HADP programme focused on improving the health facilities in the hilly regions of the states. It provided funds for the construction of new health institutions with special focus on women's health such as care during pre and post maternity periods in remote and inaccessible areas. The programme also focused on providing of education to the children in these remote regions by building small schools at the village level so that the local people could send their children to these schools (ibid). Recently in April 2015 a legislator of J&K state assembly, Engineer Rashid, on his tour of Pir Panjal region comprising Poonch and Rajouri districts said that "What one can without doubt say [is] that remote areas of Pir Panjal region have been neglected and have seen very less governance. The region has lagged immensely on developmental front" (RK 2015, 6 April). Even though the late Chief Minister Mufti Mohammad Sayeed had declared that there was a "huge potential of Rajouri and Poonch districts in heritage and leisure tourism", no efforts have been visible on ground (RK 2015, 25 June).

Border Area Development Programme (BADP)

The Border Area Development Programme (BADP) was first started by the Ministry of Home Affairs during the seventh five-year plan (1985-1990). The main focus of this programme was (a) to ensure balanced development in the border regions by providing adequate infrastructural facilities and (b) to ensure a sense of security to all the local population who live very close to the borders. The programme earlier was restricted to few bordering states but after ninth plan (1997-2002) it was further extended and included some other states as well. It now covers many of the states which are adjoining international borders with Myanmar, China, Bhutan, and Nepal. Today there are almost seventeen states which are covered under BADP. Jammu and Kashmir, Arunachal Pradesh, Assam, Uttar Pradesh, Uttaranchal, West Bengal,

Nagaland, Mizoram, Manipur, Himachal Pradesh, Gujarat, Bihar, Sikkim, Tripura, Rajasthan, Meghalaya, Punjab. The BADP programme was designed to help the people to overcome the social and economic marginalization they faced in these remote and inaccessible border regions. There are various executive agencies which are responsible for the implementation of all those policies and programmes coming under BADP. The various agencies involved in this execution are (a) State Government (b) Central Government (c) The paramilitary forces which are located in many states by the central government (d) The Panchayats at man levels/ district councils etc. In Jammu and Kashmir the BADP started as late as 1992-93 during the height of armed militancy in the state. The government introduced this programme in those districts of the state which are bordering Pakistan. In 1992-93 there were forty two blocks in the state where the BADP was implemented but in 1998-99 it was further extended to forty four blocks by including two more blocks of Nyoma and Durbuk in Leh bordering China. In Jammu and Kashmir the policy tried to address the problems faced by the peoples near to LOC. The everyday ceasefire violations from across the border make the life of the people staying near the Line Of Control (LOC) deeply insecure. This particular geographical location has made these people suffer from lack of basic public amenities. These people are lagging behind in terms of education, employment, social infrastructure, production oriented activities, road and transport, electricity, communication, health, water, rural sanitation etc. The people of the region staged various protest regarding the basic public amenities in the region. As, on 31 May, 2016 the villagers of Poonch district had staged a protest demonstration “demanding immediate repairs of a dilapidated road stretch” which had put the lives of people in peril in frequent accidents due to bad roads (GKNN 2016, 31 May).

From the time of its beginning in 1992-2002 the state government of Jammu and Kashmir under BADP has taken up various schemes in different sectors which include Education, Health, Construction (Community Centres, Bridges and Link Roads), Rural Sanitation, Power, Water Supply, Agriculture, Social Forestry, Food & Supplies, Irrigation & Flood Control, Animal/Sheep Husbandry, Horticulture, Information, Development of Public Parks and Industry (Development of Handlooms/ Handicrafts). According to the report of a working group on BADP, major share of funds under the programme is being spent on construction of Roads & Bridges,

Health and Education. The BADP programme provides for the strengthening of infrastructure in schools through its initiative of operation Black Board. It also conducts some non-formal education programmes to bring up all those children and girls particularly those who for several reasons were unable to continue their education. It has provisions for the opening of hostels facilities in colleges for all those students coming from these frontier regions.

District	Number of Blocks	Name of Blocks
Rajouri	4	Sunderbans, Nowshera, Rajouri, Manjakote
Poonch	4	Balakote, Mendhar, Poonch, Mandi

Table 4: List of the districts and blocks of Pir Panjal region bordering Pakistan that are covered under BADP in Jammu and Kashmir (Source: Planning Department, Government of Jammu and Kashmir, http://planningcommission.nic.in/plans/stateplan/sdr_jandk/sdr_jkch6.pdf)

Sarva Shiksha Abhiyan (SSA)

Sarva Shiksha Abhiyan (SSA) – the Government of India's flagship programme was aimed at achieving of Universalization of Elementary Education (UEE), as mandated by 86th amendment to the Constitution of India making free and compulsory Education to the Children of 6-14 years age group, a Fundamental Right under Article 21 A, is also operational in the state of J&K. SSA tries to open new schools in those homes which don't have tutoring offices and reinforce existing school framework through arrangement of extra classrooms, toilets, drinking water, upkeep allow and school change awards. Existing schools with deficient educator quality are furnished with extra instructors, while the limit of existing educators is being reinforced by broad preparing, gifts for creating showing learning materials and fortifying of the scholastic help structure at a bunch, square and locale level. SSA tries to give quality basic instruction including fundamental abilities. SSA has a special focus on girl's education and children with special needs. SSA also seeks to provide computer education to bridge the digital divide (<http://www.jkeducation.gov.in/ssaprofile.php>). SSA has been implemented in Poonch district of J&K since its inception in 2000.

District	Number of Educationally Backward Blocks (EBB)	Name of the Blocks
Rajouri	5	Manjakote, Budhal, Dharal, Rajouri, kalakote
Poonch	5	Poonch, Mnadi, Surankote, Mendhar, Balakote

Table 5: Educationally Backward Blocks in Pir Panjal region (Source: Suri. 2016. “Analyzing Government’s Role in Secondary Education in border district of Poonch of Jammu and Kashmir.” Issues and Ideas in Education & <http://www.dheodisha.gov.in/DHE/PDF/EEBs.pdf>).

Kavita Suri (2016, 52) notes that, “Poonch is considered as one of the backward districts of Jammu and Kashmir. Impact of hilly terrain, dense forest areas, high rainfall and non-connectivity through roads, poor implementation of the schemes etc. is clearly visible on the educational scenario of the district in the rural areas. This situation as such leads to low literacy rates in the district especially among the women, Scheduled Caste (SC) and Scheduled Tribe (ST) communities. (emphasis added)” She quotes Government sources to note that 53.39 per cent of males and 32.92 per cent females of rural Poonch are literate whereas 94.78 per cent of total population of Poonch belongs to rural areas (Suri 2016, 53-54). She notes that the education system in Poonch suffers from dearth of qualified teachers, disproportionate student teacher ratio in classes, lack of job satisfaction among the teachers that affects the quality of teaching, lack of facilitating school environment, lack of incentives for girl students and poor students who drop out in large numbers due to domestic work and poverty, lack of awareness of villagers regarding the value of education, absenteeism of teachers and lack of infrastructure in schools (toilet, drinking water, library, laboratory etc.) (Suri, 2016, 54-56). A news report published in May 2015 notes that out of 13234 toilets that had been approved to be built in schools established and functioning under Sarva Shiksha Abhiyan only had been completed and 700 toilets were work in progress (Geelani 2015). These statistics show that despite the functioning of programmes for improvement of educational level of the people in rural Poonch, it still remains educationally backward and the situation is worse in border villages as observed during the field work for this study.

Conclusion

The chapter has discussed the provisions of the safe guard and affirmative action available in the constitution of India and the constitution of Jammu and Kashmir for the marginalized and vulnerable groups. It has reviewed the state and the central level policies and statutory bodies available for the welfare and grievances of such groups. The aim of reviewing the constitutional measures and state interventions in the form of affirmative actions and development programmes has been to locate the position of te marginalized groups and to lay a foundation for the further evaluation of policies and governance at the Actual Line of Control where inhabitants experience multiple forms of historical, social, political, economic and educational marginalization.

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CONCLUSION

In recent years the border studies have engaged with the issues of the lives of border people and varied dimensions in contested zones (Mahapatra, 2011). This study is an attempt of the bottom up approach to borderland studies in general and study on people residing in borderlands of Pir Panjal region in Jammu and Kashmir (j&k) in specific. The study intends to analyze the Pir Panjal region (region consists of two border districts i.e; Poonch and Rajouri) as a borderland through the perspective of the perpetual state of tension, insecurity, marginalization and uncertainty given the history of India- Pakistan conflict with Kashmir as the bone of contention for decades. Most of the literature related to Jammu and Kashmir is missing this bottom-up approach to the area. Earlier studies mostly revolve around states power, their policies and contestation on borders but neglects the people who live in such contested spaces. The study tries to bring the people of the borderland to the center of the discourse rather than territory, conflict or national security.

Caught in the animosity between India and Pakistan, the borderlanders of Jammu and Kashmir are constantly in the situation of instability and uncertainty. As borderlanders, the people of the border areas face the kind of challenges which people at the center do not necessarily face. Hence geography or the space plays a significant role in the development or marginalization of people. Borderlands are these “peripheries” only, where the sovereignty of a state ends and where the borderlanders live a life of instability and uncertainty as secondary citizens under “extremely unfavorable conditions” and are being marginalized and excluded in their everyday lives. The borderlands in Jammu and Kashmir (j&k) represents a case study of “Alienated borderlands” one of the four categories of borderlands categorized by Martinez. Martinez (1994) notes that such borders operate in ‘extremely unfavorable conditions’ defined by various conditions including warfare, political disputes, intense nationalism, ideological animosity etc. such conditions lead to ‘militarization and establishment of rigid controls...’ neither there is routine cross border interactions nor of normal lives of borderlanders.

Analyzing the border in Jammu and Kashmir is difficult because of the fact that apart from the relatively settled border touching a few districts of the Jammu division of the state, known as International Border (IB), there is a large part of unsettled border now

known as Line of Control (LOC). Drawn in 1948, initially as a ceasefire line and this line since then has been a line of hostilities between India and Pakistan. The hostility on this line was transformed into three major wars between these two nations and making and remaking of this line too. The making, remaking and erasing of the borders have material, psychological, social, cultural, political and physical implications for the borderlanders, moving beyond the mere changing of lines on map.

This changing borders may mark the end of the war but the beginning of many battles for the people at the borderlands. The presence of army and other security forces make it impossible to maintain an indifference to changing borders which carry within the possibilities of division of culturally and socially similar groups of people, affecting familial and kinship ties and a threat of another making, remaking or erasing of border line. In Jammu and Kashmir, this is particularly so due to the reason that the hostility between India and Pakistan has kept the borders volatile. Not to talk of the wars that have been fought on the borders, even in the peacetimes, the borders have been full of hazards. Whether it is peacetime or wartime, war or no war, ceasefire or no ceasefire, guns never felt silent on the borders. For the borderlanders, it has been a continued story of violence since 1947. Violence that accompanied the partition did not end for the borderlanders. With the drawing of the new boundaries there started the phenomenon of 'extended violence', which has become a routine and inescapable part of daily life (Hans, 2004).

The study explores borderlands as subject to the sovereignty of the states, often described as the sensitive areas- exceptional and dangerous. Borderlanders of a democratic state are the citizens of the state, wherein citizenship is a status exceptionally difficult to claim as the daily living conditions pose an obstacle in accessing the rights available to citizens of India. India and Pakistan fought many wars on the territory that includes borders and borderlands too and both the states claim that the resident of these territories are the citizens of their state. The residents of the borderlands of the Pir Panjal are the authorized citizens of Indian state but they are living a life of a secondary citizens. In such a sensitive and vulnerable borderland like Pir Panjal borderland people are not even in a position of negotiating with the state. They are supposed to give up their every right if they actually have, for the

national security of a state which have never recognized them. Whereas the unauthorized people as of slums in Delhi can force the state to recognize their problems (Sasan, 2002).

In the cases of urban cities, rights as citizenship has trumped the unauthorized subjects yet their recognized rights. In the case of borderlands, rights of borderlanders have been trumped by the threat national of sovereignty to Indian citizens. Here, paradoxically, the unquestionable national security and threat to sovereignty are hierarchically placed at the top wherein citizenship becomes pertinent to ones identity as a potential suspect for the state or potential target for the state across the border. The symbolic acts of strength and weaknesses are played off at the border. The daily living conditions in this case do not mark citizenship as an enabler, rather citizenship as a burden for borderlanders as the inconvenience caused is one's national duty. They are therefore authorized citizens yet unrecognized by the state. The people of this region are the victim of cease fire violations, mine blasts, infiltrations, and geographical backwardness but the bigger tragedy with them is that they have not been recognized neither by state government nor by central government. As Saskia Sasan argues, that they are authorized people of the state, state claims them as its citizen but they have not been recognized of being so marginalized, alienated and discriminated (Sasan, 2002).

This study also focuses on the provisions of the constitution of India and welfare measures by the state for the marginalized and vulnerable groups such as Scheduled castes, Scheduled Tribes, other socially and educationally backward classes, minorities and women. Constitutional provisions have aimed at providing social, political, economic, cultural and educational rights to every citizen of India. The welfare measures of the state aim at addressing the marginalization and discrimination faced by the people. Constitutional provisions reveal the objectives that the state intends to achieve. However, constitutional provisions provide us with the very basis on which violations of fundamental rights are recognized and addressed.

Fundamental Rights provide affirmative action or positive discrimination for certain vulnerable and marginalized groups as Right to Equality provides for equality before law and equal protection of the laws; no discrimination against any citizen on the basis of religion, race, sex, caste or place of birth. In order to promote equality of all

citizens, it has provided for abolition of the practice of untouchability towards any human being, especially the scheduled castes.

The constitution of India upholds the Right to Freedom which includes freedom of speech and expression, Freedom to assemble peacefully without arms, The Freedom to form associations, Freedom to move freely and reside and settle throughout the territory of India and practice any profession. All these freedoms are subject to reasonable restrictions such as in the interest of state sovereignty, integrity, national security, public order, general public and protection of indigenous people and scheduled tribes. National security and state sovereignty assume greater importance when it comes to borderlands. As discussed earlier, borders are animated on the bodies of borderlanders. Despite the national importance of borders, borderland communities are often marginalized and constitute the category of spatially excluded (Judge, 2014). But in the case of Pir Panjal region, they are more than spatially excluded. Securitization of borders becomes the source of insecurities to these borderlanders.

These freedoms exist as paper tigers when it comes to the people at borderlands. In case of borderlanders residing in the districts of Poonch and Rajouri, the freedom of movement is severely restricted due to presence of fatal and lethal landmines planted by militants as well as by the army to deter the infiltration of militants. Landmines, which have taken lives of hundreds of civilians, were used extensively when the tensions between India and Pakistan rose.

There are various other schemes and policies like Hill Area Development Programme (HADP), Border Area Development Programme (BADP), Sarva Shiksha Abhiyan (SSA) which the study has tried to analyze in the case of the Pir Panjal region. Instead of these focused programmes these borderlands are still under developed and backward and the residents of these borderlands don't even have the basic necessities of life like water, health and education. While on the field work the researcher noticed the conditions of the schools and a villager Aziz said; "Here we do not have proper education facilities for our children, the school buildings are damaged because of shelling and schools remain mostly close due to tension along the borders. The education system here is different than other school. Students go to school to learn how to protect themselves during cease fire violation not to learn science or some

other thing.” So these policies and programmes and other steps by the governments are useless unless and until borders are not at peace. Each and every individual at the borderlands with whom the researcher talked wanted peace and a long term solution of the border problem which has been the source of discrimination and marginalization for the people living at the borderlands. Their marginalization is not just violation of the rights given by the constitution of India and Jammu and Kashmir for being a citizen which they never have been treated like that, just being a human they have right to live and live with dignity the basic right of any individual of any country or land. Even this basic right is being violated at these borderlands.

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