The displacement at partition was concomitant with violence, both in the originating as well as in the host areas. It is noteworthy that the displaced people in the region have generally found migration outside the region neither possible nor congenial. This is a contained phenomenon in the sense that the region is the principal source for both originating and hosting its displaced persons, refugees and migrants. Often the conditions compelling displaced persons to flee their country of origin persisted for years which made their return problematic, despite the fact that they might have long outlived their initial welcome in the host country. This is apparent in the case of the 1947 PoK displaced persons who were until recently, unable to return to their homes due to the unsettled conditions.

Their involuntary displacement resulted in asset and job losses; breakdown of social networks; food insecurity and economic impoverishment; affected peoples socio-politically and loss of cultural identity. These displaced people were driven out from their own homes, deprived of the warmth of their hearths and uprooted from land of their birth and history, tradition and culture. Social fabric of the communities of the area also got disrupted.

Displaced persons find themselves in a variety of situations in their countries of asylum - some are settled in large transit camps, others reside in more permanent settlements and many settle on their own. Some displaced persons are clearly visible, while others are indistinguishable from the host population. Some displaced persons receive relief aid while many more do not. The type of settlement of displaced persons and their receiving of relief aid impact the host population. Particular interest in the humanitarian field has concerned the effect of residential arrangement upon the well being of displaced persons and the effect of the presence of these displaced upon the local host population.  

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Impact of Displacement on displaced persons of Jammu and Kashmir

The partition devastated both India and Pakistan. The impact of partition of British India was horrifying as it created communal mass devastation throughout the country destroying lives and wealth; instigated large scale displacement of population and surfaced problem of displaced persons. The displaced persons were driven from their homes under condition of inexpressible dismay and misery. Fear, haplessness and desperation were the companion of millions pouring into India at that time.

Jammu province, just prior to partition, contained five districts viz. Jammu, Kathua, Mirpur, Reasi, Udhampur and the two jagirs (autonomous municipalities) of Chenani and Poonch. Likewise Kashmir province comprised of three districts of Anantnag, Baramulla and Muzaffarabad. Poonch jagir as it was at that time further comprised of four tehsils (Bagh, Mendhar, Poonch Haveli and Sudhnoti). Mirpur was divided into three tehsils (Bhimber, Kotli and Mirpur) and Muzaffarabad into two tehsils (Muzaffarabad, Uri). These districts composed the entire South Western part of Jammu and Kashmir before 1947 and were culturally, linguistically, ethnically and socio-economically similar. In the course of partition, the entire district of Mirpur and part of Muzaffarabad came under Pakistani control along with the two and half tehsils of Poonch jagir. Hindu and Sikh migrations of 1947 occurred most substantially from Muzaffarabad and Mirpur districts to Jammu city and its surrounding environments, with a sizable amount of individuals choosing to settle in the Poonch and Rajouri towns. Among the Muslim communities, the extreme border areas of Mendhar and Mandi in present-day Poonch and the border areas of ThannaMandi, Budhal and Manjakote in present-day Rajouri witnessed the highest amount of migration. Most of the Muslim migrants from Rajouri fled to Rawalkot, Bagh and Mirpur, which are now under control of Pakistan. However, many of these migrants returned in the few years after partition, after the situation had subsided. Although local estimates vary and official data is unavailable, most individual accounts put the numbers of migrations from these areas at 20%-35% of the total population, which factors in the numbers of returned migrants. In 1947, most individuals fled out of panic and chaos with the intention to return at a later date when hostilities ceased. Hindus, Muslims and Sikhs all fled en masse to areas that they believed would provide them with temporary and immediate safety. The absence of communal violence, especially in the town of Rajouri resulted in limited migrations.
Jammu and Kashmir, being on the border, was badly affected by it. The communal riots in the border areas of Jammu and Punjab started in the early autumn of 1946, soon after the Muslim League announced its direct action programme. The communal problem actually started at Bagh and Rawalakote in Poonch area on August 22. A group of Muslim population set about attacking non-Muslims in the Bagh and Rawalakote area of Poonch district. They started engaging detachments of the state forces with arms and ammunition sent from Pakistan. Similar incidents took place in Mirpur, Bhimber, Kotli towns and the villages around in a coordinated and sequential manner. As a result, hundreds of them were killed and many other fled their homes. Displacement is one of the stark realities of the enduring Jammu and Kashmir conflict. Jammu and Kashmir in the last sixty five years has remained a place for the different kind of displacement of people. The partition of Jammu and Kashmir that has occurred in 1947 led to mass migrations and large displaced persons populations. Many of the Hindus and Sikhs currently residing in Rajouri trace their origin to PoK especially areas of Plandari, Sadnoti, Bagh, Mirpur and Kotli and those of Poonch district often migrated mainly from Bagh and Rawalkote. Displacement results in “multi-dimensional stress”, including physiological, psychological and socio-cultural stress. Displacement carried with itself the trauma of evacuating the familiar and homely place of residence, uncertainties about the prospects in the strange, alien and hostile resettlement site and the insecurities to face in near future in terms of economic, social and cultural perspective. The displaced have perceptible impact of displacement in almost every arena of their life. The displacement had and still impacts in the spheres such as health; education; religious activity, rituals and traditions; pattern of celebration of festivals; dress and food; social relations; family system and marriage system.

**Psychological Impact**

Displacement is associated with psychological stress that emerged out of their relocation and abandoning the places of worship, which may invite the wrath of god and local deities. The emotional stress was aggravated by a feeling of helplessness. The

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The displaced persons experience embodies a sense of deep personal loss. This experience has its concomitant influence on the psychology of the individuals affected by it. The displaced persons suffer from the trauma of being uprooted from familiar surroundings, from the pain of being forced to abandon basic worldly possessions such as land and residence and from the stress caused by the loss or diminution of social and economic status previously enjoyed in the homeland. None of the conditions from the displaced persons old life were available in their environment in the place of resettlement. Adding to these travails was a sense of anxiety about the uncertain future since most of the displaced persons hoped to return to the place of their original habitation if that was at all possible after few years of their displacement. Much of the displaced families are under the influence of memories of home and transit. They remain fully captives of their past. Most of these uprooted people did not have any idea at the time of their departure that they would never be able to return to their desh. They expected to be back in their ancestral place in the near future. In fact, it took several years for them to realise that they could never return to their own land, to their desh. This failure to reconcile with the permanent loss of homeland becomes clear in the narratives of the victims, who were either personally victimised or witnessed the catastrophe from a close proximity. However, the situation has now got transformed, they does not want to return to their ancestor places even if any settlement is made with Pakistan.

Ramesh, displaced from Bagh remarked “When we migrated from Bagh, many of us thought that we would come back after the recapturing of area by Indian army and the war will be over. It was uncertain and stupidity to think this. Even the riots kept on gaining strength and ferocity. We were left with only two options, either to die or to migrate. So we migrated to save our lives and came towards Jammu. Although lives were rebuilt, the memory of ancestral homelands and childhood memories remain confined to the heart. The memories of that episode are unforgettable.” The place of birth and the locale where one grows up has lots of importance in one’s life. People keep fondling with the cherished memories of their childhood and the place where they spent such an important span of their lives that nurtured them into a fully groomed person. So consciously or unconsciously, the loss of house and dwelling had a deep-rooted psychological impact on the mind of the displaced persons. Loss of such an important memorial attached with immense gravity can never be gratified in one’s life. They had experienced catastrophic stresses such as torture, rape and exposure to war as associated
with a typical cluster of symptoms now labelled ‘Post-Traumatic Stress Disorder’ (PTSD) and widely recognised by displacement resettlement specialists. Unemployment in the new environment and separation from family had sharply increased their mental illness.\(^5\) Displacement has lead to psychological distress and to increased levels of neuropsychiatric illnesses and that specific consideration of the treatment of such conditions needs to be part of resettlement policies.

The absence of proper rehabilitation measures turns this traumatic experience into an exploitative measure that further marginalised these already powerless communities. It has been found through survey and analysis of the data that fewer (45%) persons displaced by 1947 invasion and India-Pakistan war are rehabilitated and resettled in the proper terms. Even if they were rehabilitated, displacement still remains a traumatic experience with serious psychological, physical and socio-cultural consequences. Psychological stress can be characterised by a number of responses such as the grieving for a lost home syndrome, anxiety concerning the unknown future and a feeling of helplessness at one’s inability to protect one’s home and community from disruption. Physical consequences can be in terms of illness, increased mortality rates and loss of lives during the transition period. Socio-cultural stress associated with relocation is the cessation of a range of economic, social and religious activities which are tied to the displaced old habitat or the breakdown of their communities.

**Socio-Cultural Impact**

Displacement and resettlement also results in a painful and distressing experience of socio-cultural uprootment. Communal and social bonds are broken and cultural ties altered drastically. This often leads to a profound sense of loss and loneliness that can manifest itself in several psychological pathologies. These are beyond compensation of any sort.\(^6\) Culture is learned and shared pattern of behavior. It is collective expression for symbolic and learned aspects of human society including language and custom by which human behavior can be distinguished from that of other primates. The culture of a society has all encompassing appearance. It governs the life

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style, dressing patterns, eating habits, behavior, values, beliefs and so on. All this got affected in the new areas of settlement slowly and gradually. The culture varies from area to area and even among the same community. Men always feel proud of his social, cultural and religious belongings. The place, house, the monuments, idols, sites, rivers, ponds, totems and symbols all play an important role in associating man with the nature. The displaced persons lost the cultural heritage sites, monuments and natural things deeply attached with their life. Beliefs attached with the place, rituals and religious deities also got affected.

At the time of invasion and their displacement, psychologically the whole region was under severe trauma and uncertainty. When displaced, the displaced persons developed identity crisis as they had lost many things associated with their identity. The displaced persons from PoK were accepted with open arms by people of Jammu but in this process, their identity was lost with the passage of time. They lost their own culture, tradition and language. They have to adopt a culture, tradition and language which were different from their culture. Markers of group identity became the symbol, the vehicle and the expression of displaced-host relationships. Displacement itself created a feeling of group solidarity and a sense of common victimisation. Resettlement has subsequently reinforced this by placing the displaced group in a common situation vis-a-vis the host community. The hosts, in turn, reacted by emphasising their common social ties and exclusivity. All this has been found in the case of PoK displaced persons. It is also important to point out that the repercussions of displacement and resettlement are socially and geographically differential ones. The impact on men, women and children respectively differ as do the strategies that they pursue. It has caused a profound unraveling of existing patterns of social organisation. This unraveling occurred at many levels. When people were forcibly moved, production systems were dismantled. Long-established residential communities and settlements were disorganised, while kinship groups and family systems got scattered. Traditional management systems lost their leaders. The coerced abandonment of symbolic markers (such as ancestral shrines and graves) or of spatial contexts (such as mountains and rivers considered holy or sacred trails) had cut off some of the physical and psychological linkages with the past and saps at the roots of the people’s cultural identity. The Hindus and Sikhs in Jammu and

Kashmir particularly from Muzaffarabad, Mirpur, Kotli, Bhimber and two thirds area of Poonch and Muslims in Jammu, Kathua, Udhampur and Reasi have suffered at large. The affect of displacement on the social structure of the society like family, kinship ties, community are acute.

**Familial Changes:**

Displacement disturbed kinship patterns. Sociologically, kinship is based on relationships formed through blood ties or marriage. Every social group (clans in this case) has a definite space determined by endogamous and exogamous rules as well as geographical limits. Relocating part of a group to a geographically distant place leads to difficulties in sustaining kinship ties. The displaced persons have also faced difficulty to maintain kinship ties as they were not settled in contiguous areas and also they could not move to distant places to meet their relatives because of lack of transportation facilities and their pathetic economic conditions. This provides that the aged persons found the new life as lonely and burdensome. It was particularly hard for those who have their relatives dispersed in different locations and who does not possess means to travel frequently. They lost contacts with their relatives and social functions were not celebrated for long.

The family system has undergone structural change as well as in values, beliefs and customs. The Joint families are now being replaced by the nuclear families. The number of nuclear families of PoK displaced persons in Nowshera Constituency has risen from 27% in the pre-displacement period to 64% (at present). Thus there is 37% rise in the nuclear families after displacement.

**Table 4.1: Status of the Family of Respondent**

<table>
<thead>
<tr>
<th>Status</th>
<th>Pre-Displacement</th>
<th>Post-Displacement</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Numbers</td>
<td>Percentage</td>
</tr>
<tr>
<td>Joint Family</td>
<td>292</td>
<td>73%</td>
</tr>
<tr>
<td>Nuclear Family</td>
<td>108</td>
<td>27%</td>
</tr>
<tr>
<td>Total</td>
<td>400</td>
<td>100%</td>
</tr>
</tbody>
</table>

Changes in Marriage Patterns:

The customs and practices of marriage are now got influenced by the dogra culture. Earlier, they prefer to marry their children within the community. However, this aspect has also undergone change in the recent years. The local settlers of areas now marry their sons with the daughters of displaced persons but do not give their daughters to the sons of displaced persons. Inter-community marriages are solemnised and practiced now, which were absent for decades after their settlement.

People were living amidst peace and tranquility. Those who were earlier living in affluence and fraternity had fallen prey to scarcity, chaos and turmoil. Balraj from Lamberi, 90 years old said, “We people were very rich and have a good family status but the displacement had brought us 100 years back”. Koshaliya Devi also said that they were very rich and has their own business of spices. Her brothers sold spices to South Africa but displacement left them without property and helplessness. They lost everything and also all kinds of contact with South African firms. Availability of scarce resources and the acute competition between the poor villagers to acquire that had given birth to treachery and jealousy at the resettled places, which smashed the social culture of society.

Political Impact

One of the political impacts of the conflict has been the loss of political representation in the State Assembly due to the division of Poonch district and loss of Mirpur and Muzzafarabad districts. After 1947, the Jammu region was allotted 56 seats in the State Assembly in contrast of 42 seats to the Kashmir region. This would have resulted in majority representation from the Jammu region in the State Assembly in the event of an undivided Jammu and Kashmir. However, the ceasefire of January 1, 1948 resulted in a loss of 24 seats from the Jammu region, as these areas came under the control of Pakistan. These seats remain empty, as India does not officially recognise the division of the Jammu and Kashmir state. With the loss of these seats, the Kashmir region automatically assumed the majority position in the state assembly and the displaced persons lost their share in the state assembly, which they might had used constructively for the upliftment of displaced.
Economic Impact:

Displacement is a disruptive and painful process. Economically and culturally, it creates a high risk of chronic impoverishment that typically occurs along one or several of the following dimensions: landlessness, joblessness, homelessness, marginalisation, food insecurity, morbidity and social disarticulation. In other words, there is complete violation of human rights.

The displaced persons had to forego their agricultural land, livestock’s and homesteads. All of a sudden the displaced people found themselves homeless and jobless. Government provided land and plots to the displaced but on those lands and plots there was no houses constructed. They have to construct the houses themselves. Moreover, the land is of inferior quality. In the meanwhile they had to face severe sufferings.

No trauma can be painful for a family than to get uprooted from a place where it has lived for generations and to move to a place where it may be a total stranger. Moreover, nothing could be more irksome than being asked to switch over to new occupation which the family has not practiced before. Another truth that lies behind the process of displacement is that it does not discriminate between the rich and the poor and the big and the small. It affects everyone on similar scale, whoever comes into its way. It evicts the literate, the weak and strong, skilled and unskilled, the poor and wealthy, healthy and the crippled alike. It disrupts long established social networks and with them the social support system, through which the very young, the very old, the poor and other at risk members of the community are sustained.

With an estimated twelve lakh PoK displaced population in India, at least 40 percent of them have been leading a miserable life for the past three generations in Jammu, Kathua, Rajouri, Poonch and Udhampur districts of Jammu and Kashmir. Approximately two lakh PoK displaced persons from the total population are settled in

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34 camps in Jammu province, especially in RS Pura and Jammu areas. Most of them were compelled to quit their native soil in Muzaffarabad, Mirpur and Poonch districts first in 1947 and then again in two phases in 1965 and 1971 after India-Pakistan wars.\footnote{Maitreya Buddha Samantaray. ‘PoK Refugees: No Homeland in Two Nations’, February 10, 2008, at http://amchron.soundenterprises.net/articles/view/51852. See also Vineetha Mokkil, ‘For us, only the camp is home’, http://infochangeindia.org/agenda/migration-a-displacement/for-us-only-the-camp-is-home.html.}

Almost 5,000 families are resettled in the district Rajouri. The overwhelming majority of Indian Jammu and Kashmir divided families reside in the Jammu region, particularly in the neighbouring border districts of Poonch and Rajouri. People of these districts have been at the front lines of any conflict between India and Pakistan and as such have suffered repeatedly over the last sixty five years. Waves of migration across the LoC during periods of conflict have had tremendous economic, political, social and psychological impact on the local communities in the border areas.

Nonetheless, the displaced do have special needs. Displacement breaks up families and severs community ties. It leads to unemployment and limits access to land, education, food and shelter. The displaced are particularly vulnerable to violence. An official of the International Committee of the Red Cross observes: ‘It goes without saying that deprived of shelter and their habitual sources of food, water, medicine and money’, displaced persons ‘have, different and often more urgent, material needs’.\footnote{Nada Merheb et al., State of the World’s Refugees 2006: Human Displacement in the New Millennium, April 20, 2006; Oxford University Press, New York, The Office of the United Nations High Commissioner for Refugees, 2006, p. 5.}

It has been seen that persons who are uprooted from their home ground and rehabilitated in another place have to undergo an entire process of resocialisation and adjustment in an unfamiliar environment. Traditional social relations and community networks break down as a result leading to physical and psychological stress. It also leads to economic disruption often resulting in impoverishment and insecurity.\footnote{E.G Thukral and Mridula Singh, n. 10, p. 93.}

India has had to contain all its refugees and displaced persons and to depend entirely on its own resources. From the very outset it was recognised that the solution of the problem lay in their integration and assimilation in the social and economic life of the country. Integration was a complex social process designed to obviate the various characteristics which differentiated or isolated the displaced from the indigenous population and to incorporate them into the economic fabric of the country in
accordance with their capabilities and to bring them in line with the local population generally. It meant finding accommodation in conjunction with occupational rehabilitation, as far as possible, in accordance with the displaced persons past economic status, aptitude and current needs to prevent any undue down-grading in the social and economic scale and lowering of their material and moral well-being. For this, certain kind of resettlement and rehabilitation strategies are carried out for the displaced. By specific means of resettlement and rehabilitation policies, the displaced were entitled to get public assistance to draw unemployment compensation and to benefit from the state employment services. As well, they obtained the right to work, to vote and to become elected to public offices. In a word, they became full-fledged citizens in every sense of the term having equal social, political and economic status with the indigenous population.

**Resettlement and Rehabilitation of the Displaced People**

Displacement of people occur under various circumstances such as wars, racial and religious persecutions, repatriation of the alien minorities, natural calamities like earthquakes, floods, great fires and famines. These circumstances, under which displacement occurs, create the problems of rehabilitation. The rehabilitation of those evicted is the most serious aspect of displacement. Displacement, no doubt, happens to be the immediate cause of hardship to the affected people, but much suffering which the displaced population undergoes is often due to a lack of adequate understanding on the part of the authorities on what resettlement really means. The resettlement job is taken as done once compensation is paid.

Michael M. Cernea describes ‘involuntary resettlement’ consists of two distinct, yet closely related social processes: (a) displacement of people and (b) reconstruction of their livelihood; this reconstruction is sometimes called rehabilitation. Each has its own demands, risks, costs, logistics and socio-cultural and economic effects. Rehabilitation, therefore, refers to the fate of the displaced people after relocation and to the reconstruction of their patterns of socio-economic organisation. In the resettlement

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16 Michael M. Cernea, n. 10, p. 1516.
phase many of the displaced persons problems could be traced back to their emotional
links with and dependence on their past.

Rehabilitation refers to the fate of the displaced people after relocation and to the
reconstruction of their patterns of socio-economic organisation. According to Oxford
Dictionary, Rehabilitation is ‘to restore to original’ and according to the Chambers
Dictionary, it is ‘to reinstate, to restore to former privileges, rights, rank etc.’ but given
the present pressure on land, scarce natural resources and the changing needs of the
people, one cannot but be skeptical about the feasibility or desirability of merely
restoring people to the original state. Hence, the demand has to be for ‘adequate and
appropriate resettlement’.

Resettlement, the same as relocation (the forced removal from one area and the
forced settlement in another) but in some cases connotes the entire range of conditions
or measures connected with the life of the persons relocated in the area of relocation.
Therefore, Resettlement means all the measures taken to mitigate all or any adverse
impacts of the war on the displaced persons property and livelihoods including
compensation, relocation (where relevant) and rehabilitation. Resettlement as option is
used to solve the displaced persons problem and it means to install the displaced persons
permanently, so that they may live under normal conditions and earn their own
livelihood. Thus rehabilitation can be defined as the measures provided under the
resettlement plan in addition to the payment of compensation for lost property.

Resettlement programmes have predominantly focused on the process of
physical relocation rather than on the economic and social development of the displaced.
This has heightened the impoverishment risk of the resettlers. The key economic risks to
affected people are from the loss of livelihood and income sources which they earlier
possessed such as arable land, common property resources such as forests, grazing land,
ground and surface water, fisheries etc. The loss of economic power with the breakdown
of livelihood systems for a while resulted in temporary decline in living standards.

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01/11/2011.
Higher risks and uncertainties were introduced when diversified livelihood sources were lost. Loss of livelihood and disruption of agricultural activity adversely affected household food security leading to under-nourishment. Forced displacement tears apart the existing social fabric, leading to socio-cultural disarticulation. Forced relocation usually results in people being transplanted from a social ecology in which they were primary actors to one in which they are aliens; they are not only very vulnerable but also end up in most cases as an underclass in their new socio-cultural milieu. Communities of displaced people are invariably fragmented and randomly atomised, tearing as under kinship and social networks and traditional support systems. Communities and often even large families are broken up and resettled over a wide area. The outcomes are psychological pathologies and alcoholism common among displaced populations. It has been documented that this greatly enhanced psychological and psycho-social stress, caused by involuntary resettlement, heightens morbidity and immorality. 21

In India, this theoretical understanding has been refined and two distinct concepts are used for the two post-displacement phases of this process: resettlement and rehabilitation (R and R). The Indian legal and sociological literatures uniformly emphasise that rehabilitation does not occur automatically just after relocation. 22 Indeed, resettlement may occur without rehabilitation and unfortunately it often does. 23 Social scientists in India have also stressed that the concept of rehabilitation should not be interpreted narrowly as referring to the household alone but also as rehabilitation of communities. Rehabilitation should be defined as ‘grafting a community at a new place and nurturing it to ensure its steady and balanced growth. This calls for reformulating the policy for rehabilitation on the basis of minimum criteria like: minimum dislocation, development planning, land for all (even to the landless) and employment for all’. 24

Rehabilitation is an outcome of resettlement that would reverse the risks of resettlement. Cernea suggests a risk and reconstruction model of rehabilitation that would be marked by a series of transitions from landlessness to land-based resettlement; joblessness to re-employment; food insecurity to safe nutrition; homelessness to house

21 Bartolome et al., n. 6, p. 5. See also Michael M. Cernea, n. 10, pp. 43-44.
23 Michael M. Cernea, n. 10, p. 1516.
24 Ibid., p. 1522.
reconstruction; increased morbidity and mortality to improved health and well being and social disarticulation and deprivation of common property resources to community reconstruction and social inclusion. Whatever care and protection is provided, the victims are eligible for compensation that the loss of home and other possessions has inflicted on them. Justice is coeval with the question of relief and rehabilitation given to them as a matter of compensation. Home in South Asia is much more than what can probably be compensated for: it means memories, ambiances, neighbours, members of the joint family and the clan, trees and cattle, one’s community, moral belief and convictions, one’s very existence and much more. One is what by virtue of living at home, where one actually lives.

The intention of resettlement of displaced people has always been to provide better living conditions in the new settlements by providing various facilities and amenities and thereby improving the overall community life. Therefore, these changes in community life of displaced persons are indicated by indicators such as housing facilities, access to amenities, friendliness and participation in community activities etc. The economic gains and losses to affected people have been understood in terms of changes in income pattern, occupational mobility, consumption level, improvement in infrastructural facilities etc. The level of social transformation among the displaced families has been measured by using a number of indicators such as savings, education, intermixing with caste, changes among women, age old beliefs, use of modern items and amenities.

The main issue in displacement is rehabilitation and at stake is their right to life with dignity as enshrined in Article 21 of the Constitution of India. Resettlement is one-time physical relocation with or without other support like jobs or income generation schemes. So it concerns only the displaced persons. Rehabilitation is a long process involving replacement of the cultural and social system and economic base of the displaced persons, psychological preparation to deal with the new society and economy.

25 Ibid., p. 8. See also Michael M. Cernea, n. 10, p. 47.
26 Samir Kumar Das (ed.), Blisters on Their Feet: Tales of Internally Displaced Persons in India’s North East, Sage, New Delhi, 2008, p. 20.
27 Ibid., p. 315.
Demands of Displaced Persons and Responses of the Governments

These uprooted people from PoK with the passage of time learnt to present their demands through their representatives. As a result of which, a board was formed known as Sharnarthis Pratinidhi Board headed by Sardar Faquir Singh in 1950. It was demanded that the 1947 PoK displaced persons be granted evacuee property available in various parts of Jammu division at par with rules applicable to refugees from West Pakistan and East Bengal settled in other parts of India. They were not in favour of getting immovable property in border areas of the state as government was sending them to various parts of the state irrespective of their own will.28

In 1953 government framed Wazir committee to recommend measures for the rehabilitation of displaced persons. The displaced persons presented a memorandum to the committee and demanded29 that:-

First, displaced persons should be given assurance by the Joint Rehabilitation Board against dispersal from their existing land until other alternatives of land were found.

Second, Government Order No. 1476-C of 1950 should be fully implemented; according to which close relatives should be allotted land near to each other.

Third, the government should provide advance loan to the business class of displaced persons in kind and repayment of same at low rate installment. Also the claim of non-camp displaced persons should be taken into consideration at the time of allotment with respect to land and assistance in cash and other facilities.

Fourth, displaced persons should be allotted all evacuee houses in the villages and a scheme should be prepared for the establishment of colonies for displaced persons.

Fifth, adequate arrangement should be made for proper sanitation, drinking water, roads, education, medical facilities and post offices in the displaced persons locality.

Last, those who were not in a position to cultivate land by themselves, for example widows, orphans and infirm persons, should be allowed to get their land cultivated by close relatives or agricultural labourers. The government should also provide timber for the construction of houses and making land free from the dangers of flood to the land allotted to displaced persons.

The Wazir committee considered the demands of the displaced persons in its report submitted in 1953 and recommended that:

1. The displaced persons should not be dispersed until alternative lands are granted to them. They should be financially assisted by the government at the time of resettlement.
2. The committee also recommended that Government Order No. 1476-C of 1950 be implemented and evacuee property should be allotted keeping the priority of displaced persons into consideration.
3. Land should be allotted to displaced persons as per the strength of their families and in fixed uniformity.
4. Displaced persons who were traders should be given advanced business loans to rehabilitate in their vocation and land be allotted to them only for construction of houses.
5. There should be no discrimination between the persons living in camps and in non-camps. The precautions should be taken for making proper sanitary arrangements in and around the residential localities of displaced persons.
6. Adequate educational facilities should be provided for the children of displaced persons. The children of displaced persons should be exempted from education fee and they should be granted special scholarships and books be distributed free of charges to the children of displaced persons.
7. Communication and medical facilities should be provided to them.
8. Regarding the creditors and depositors of Jammu and Kashmir Bank, the government should initiate an inquiry to promptly settle their claims within a stipulated period of time.

After the non-implementation of the Wazir committee’s recommendations on part of the governments, in October 1954, the leaders of displaced persons raised their demands before the government. The main demands made by the displaced persons were cancellation of government Order No. 913-C of 1951, because as per this order, evacuee land would not be reserved for them as it was in earlier Order No. 1476-C of 1950. The Order No. 913-C of 1951[^31] was result of shortage of evacuee land available for allotment to them and a large number of displaced families were not allotted land as per the prescribed scale so far. The displaced persons also demanded that if the government could not provide land on the pretext of non-availability of land, then they be given cash compensation as per the prevailing market rate so that they can purchase land for themselves elsewhere.^[32]

Those displaced families who got evacuee or state land allotted by the government faced legal obstacles in transferring and selling the same. They therefore, demanded that government should grant ownership right to them over the land allotted to them with the right to transfer the same by sale, gift or exchange. Responding to this demand, on July 7, 1965, the state government issued an Order No. 254-C of 1965 granting ownership right to the displaced persons on the state land allotted to them. However the displaced persons were not satisfied with the Order No. 254-C, because most of the displaced persons were allotted evacuee land.^[33] Thus their demands of ownership right on allotted land remain unaddressed. The government at the same time decided to settle the displaced persons of 1965 Indo-Pakistan war. The relief and rehabilitation of displaced persons of 1965 sidelined the grievances of 1947 displaced persons.

The Sharnarthi Action Committee, on January 12, 1969 launched a strong agitation which continued for seventeen days. The main demand of the committee was granting of ownership right on evacuee land and houses allotted to them for permanent settlement. Responding to this demand on April 18, 1971 the government enacted the Act X of 1971 which provided that the government for permanent settlement of any displaced persons may transfer any land owned by the state, any land which was related

[^31]: According to the Cabinet Order No. 913-C of 1951, the Administrator of Evacuee Property Act provides restoration of possession of land to persons returning from PoK and hence proprietary rights are not conferred to the displaced that are in possession of such land. See details in Appendix II-B.


[^33]: Ibid., p. 273. For details see Appendix II-D.
to the state and any evacuee land acquired by displaced persons in such form and manner on such terms and conditions as are prescribed.\(^{34}\) The 1971 Indo-Pakistan war over the issue of Bangladesh gave a new driving force to the demands of 1947 displaced persons. The displaced persons of 1947 launched agitations over the cash and kind benefits given to the Chhamb displaced persons of 1971. They demanded that the same benefits should be given to them as are provided to the Chhamb displaced persons of 1971. They warned that their claim of moveable and immoveable properties left behind in PoK in 1947 should be registered and they should be compensated for it.\(^{35}\)

In April 1975 Bachan Singh Panchhi, President of Jammu and Kashmir Sharnarthi Action Committee met the then Prime Minister of India Indira Gandhi, who was on visit to Jammu and Kashmir and highlighted to her about their problems; pleaded for compensation and redressal of grievances of displaced persons of 1947\(^{36}\). The leader of Sharnarthi Action Committee also met the then Union Rehabilitation Minister, Vasant Sathe and discussed their problems with him at Delhi. But nothing concrete came out of their discussion because of imposition of internal emergency in India. Again in 1977, the leaders of Sharnarthi Action Committee met the then Prime Minister of India Morarji Desai and requested him to solve their acute problems. Finally a committee of Rajya Sabha members was formed to look into the problems and grievances of the displaced persons uprooted from Pakistan occupied areas of Jammu and Kashmir state. A detailed memorandum highlighting demands of displaced persons of 1947 was submitted to the committee in June 1978. A report addressed to the Rajya Sabha was presented at a sitting of Rajya Sabha on December 21, 1978\(^{37}\).

On December 26, 1978, a petition addressed to the Rajya Sabha was presented at a sitting of Rajya Sabha by member parliament Sheikh Abdul Rehman as signed by Bachan Singh Panchhi, President Jammu Kashmir Sharnarthi Action Committee and six others for the settlement of problems of displaced persons uprooted from Pakistan Occupied areas of Jammu and Kashmir state in 1947.\(^{38}\) The petition was countersigned


\(^{35}\) Y.R. Sharma, n. 29, pp. 273-74.

\(^{36}\) *Daily Excelsior*, October 23, 2005. See also Report of Rajya sabha Committee On Petitions (Sixty-Second Report) presented on June 13, 1980, Rajya Sabha Secretariat, New Delhi, June, 1980, pp. 24-25. For details see Appendix IV.

\(^{37}\) Y.R. Sharma, n. 29, p. 275.

by Abdul Rehman Sheikh, Jagdish Prasad Mathur, Mohinder Kour and Ghayoor Ali Khan, all sitting members of Rajya Sabha from the state. In response to the petition, Sixty Second Reports dated April 11, 1980 of the Committee on Petitions of Rajya Sabha headed by Bipinpal Dass (MP) was presented in Rajya Sabha on June 13, 1980. The replies and submissions made to Committee were to get PoK vacated. The Rajya Sabha Committee recommended that financial assistance should be given to each displaced family of 1947 equal to the displaced persons of 1971. The committee also recommended that proper registration of all displaced families of 1947 should be made by the government irrespective of the criteria of income and heads of the families who had not come along with their families. The others recommendations made by Rajya Sabha Committee were to recover unauthorised occupation of evacuee land which should be allotted to displaced persons of 1947, cash compensation be given to them at reasonable rates in case of deficient land. But all these recommendations of the Rajya Sabha Committee have remained on papers only.

Grievances of Displaced Persons

A) Grievance of Status

The official status of PoK displaced persons in India is peculiar. The status of 1947 PoK displaced persons has not been defined as per international legal norms till date because of the unique nature of displacement and due to occupation of some areas of Jammu and Kashmir. Neither have they come under the category of refugees nor have they been identified as internally displaced persons (IDPs). Since India regards PoK as an integral and legal part of Jammu and Kashmir, which is in illegal occupation of Pakistan. The 1994 unanimous resolution adopted on February 22, 1994 by the Indian Parliament regarding PoK stated that one third of the area of Jammu and Kashmir state, now under the illegal occupation of Pakistan, is an integral part of India and it shall be vacated. It demands that Pakistan must vacate the areas of the Indian state of Jammu and Kashmir, which they have occupied through aggression; and resolves that all attempts to interfere in the internal affairs of India will be met resolutely. These displaced persons

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39 Ibid., pp. 20-23, 27. See also http://www.americanchronicle.com/articles/51852.
are treated as permanent residents as they are state subject holders and they have not migrated from foreign territory. Therefore, PoK displaced persons in India are not accorded official refugee status.

Pushkar Raj Sharma, 85 year old resettled by allotting land in Bhagnoti, displaced from Narh, Brahmana, tehsil Palandri district Poonch argued, “We people were called refugees at the time of displacement. We lost everything and that could never be regained. Moreover, we people were dishonoured by tribal invaders who played with our daughters, sisters and wives. People helplessly watched their acts. We were ashamed of ourselves that we could not able to do anything to save them. Jammu and Kashmir government by its order categorised us as displaced persons. But all the locals and authorities in the administration address and call us by the name of refugees.” Unfortunately 65 years had passed and state government has not given them the status of refugees. They are still struggling to survive and claiming the refugee status so that they can accrue all the benefits associated with the refugee status. However, the government is dumb on its part.

These displaced populations were provided only with interim relief. Owing to having undefined status, they are being deprived of all the benefits provided by national and international laws and rules regarding refugees and internally displaced persons. They are demanding the status either of refugees like West Pakistan refugees or as internally displaced people like Kashmiri pandits so that they can take the benefits of either of the two defined categories under laws. They are not treated like Kashmiri pandits and have been kept aloof from the similar benefits that the government is providing to them. The government is reluctant to accord the status of IDPs because of the fear that with such labeling the government will become bound by International standards governing the treatment for IDPs. PoK displaced persons have had to pay a high price for the official stance. They have been waiting patiently for so many years with the hope that government will give due consideration to their demands but unfortunately no concrete step in this direction has been taken so far. Thus the grievance of 1947 PoK displaced persons is that they have neither been granted refugees nor IDPs status.

B) Socio-Cultural Grievances

Though the displaced people from PoK were accepted with open arms by the people of Jammu but in the process of displacement, their identity and culture was lost with the passage of time. These displaced people blame the state government for not taking their socio-cultural problems seriously. It failed to take any initiatives to save the decline of their socio-cultural identity through encouraging and supporting it. “We lost our culture, tradition and language and adopted a culture, tradition and language which are different from ours” said Ram Lal, a PoK displaced person from Mirpur. The PoK displaced people have lost their distinct cultural identity in the new environments. No effort has been made on the part of government to preserve their cultural heritage.

Many elders who physically fled under tribal invasion have since left their heavenly abode. The social and mental distress that displaced families have suffered in 1947 and thereafter in independent India cannot be so easily compensated materially. The education of their children has suffered.

Erosion of Their Sub-identities after Displacement

The main crisis before these displaced persons is loss of their identity and culture. They are a scattered lot, spread across the length and breadth of the country, though majority of them are putting up in Jammu province. After the long period of their displacement in different parts of Jammu region where Dogri is predominantly spoken, they could not have their dialects and other customs intact. Their dialects have got hybridised or diluted. Now these dialects have become the hybridisation of Punjabi and Dogri (Punjabi-numa or Dogri-numa). Since the men who had to work outside to earn their livelihood had to communicate with others in Dogri and Punjabi rather than their own dialects, their dialects got diluted over the time. The real carriers of the culture of the communities are women folk especially of the rural areas who still are well versed with the folk songs, folk dance and local dialects of the community. The main reason for decline of their socio-cultural identity is displaced persons rehabilitation in different districts of the state. With this, the kinship ties have become weak and many of the joint families were broken into nuclear families, which were dispersed due to the government rehabilitation scheme43. The respondents have also stated that the state government

failed to take any initiatives to save the decline of their socio-cultural identity. The displaced persons, who have been surviving in camps for more than six decades and have not yet been rehabilitated, still remain the prisoners of the past. It seems that their lives and times have frozen within the boundaries of the camp. They live with their memories – the memories of happier days in their desh and unbearable agony of losing their friends and relatives during communal tensions and riots. A few narratives of these displaced persons may indicate that they have either gained or lost many things in material terms through their displacement.

Memory indeed “is the engine and chassis of all narrations”. In fact, memories are objects that tumble out unexpectedly from the mind, linking the present with the past. From the narratives of past it becomes possible to understand how these displaced persons perceived their own victimisation and to what extent it came into conflict with the identity ‘imposed’ on them or the one they accepted. It has been argued that, “a traumatised memory has a narrative structure which works on a principle opposite to that of any historical narrative”. A historical narrative, after all, concentrates on an event explaining its causes and the timing, but what it perhaps cannot explain is whether the subjects belong to the ‘marginalia of history’ like ‘accidents’, ‘concurrences’ or not. This is why one sociologist has rightly pointed out that, “Memory begins where history ends”. It is worth mentioning here that the narratives are always related to some sense of the self and are told from someone’s own perspective “to take control of the frightening diversity and formlessness of the world”. Through the narrative, the self finds a home or would perhaps to use Sudipta Kaviraj’s words, “describe the process better if we say that around a particular home they try to paint a picture of some kind of an ordered, intelligible, humane and habitable world”. Although the memories of these displaced persons may be subjective in nature, these could act as a rich archive of the experience of displacement. The fear and insecurity forced many of them to leave their home along with their families and all this led to changes in socio-cultural life of theirs.

Community life after Displacement

After displacement, displaced persons have not been resettled in en bloc in the new location site and were resettled in different clusters as per the availability of land at different places. As a result, their family ties have been broken and their kith and kins and relatives are not staying with them. Because of this the nature of community relationship is not strong enough in the new village as it was earlier. For them, the network of kinship was limited and in the new village they are forced to live a marginal life for some years. But the conditions are changing and in the last sixty five years it has undergone drastic change. They are deprived of their very identity as they got integrated/ assimilated with the population of the villages in which they were resettled. This dispossession had taken place both directly through deprivation of their land and indirectly through segregation of community members and settling them at far distances.

C) Economic Grievances

Even after more than six and half decades of displacement they have not been compensated for their properties which they left behind in PoK. The Indian government falls back on the official position when it comes to compensating them for property they left behind in PoK. PoK is legal part of India and they will be sent back to their original habitations. Another plea of the government of India is that if the government of India compensates them for their properties, India will lose its claim over the territory. For the same legal reasons, the Indian government has not pursued the compensation that is due to people from Mirpur whose property was submerged in construction of the Mangla dam funded by the World Bank.

They have been crying horse for registration of their claims for the properties left by them and payment of compensation thereof. The claims of displaced people from PoK have neither been registered nor have they been provided any compensation for the loss of property (movable and immovable which they had left in PoK). The ex-gratia reliefs of rupees 25,000 were given to this group as it was being paid on account of land deficiency on the condition of taking on affidavit that “hence-forth no more of their claim of loss of property in PoK would be pending and this would be full and final settlement of their claim”. Due to these conditions, majority of displaced people’s
family did not receive further benefit. These displaced people have also grievances towards the non seriousness on part of the state and central governments in regard to bank deposits in Mirpur branch of Jammu and Kashmir Bank and the money lying in that particular bank should be paid to account holders or to his legal heirs in the event of account holders having been killed or died during 1947 upheavals or died afterwards with applicable rate of interests⁴⁸. The land of the displaced persons from Mirpur town had been submerged in Mangla hydroelectric project funded by World Bank. No compensation or royalty has been paid to them for the submergence of their ancestral property in Mangla dam⁴⁹. The government of India did not take any initiative to stop Pakistan for constructing the Mangla dam on the property of displaced people.

However, the displaced community is facing a perpetual denial of facilities and compensation that they should have received as ‘refugees’. Further, referring to their ‘non-refugee’ status, the state government has adopted a policy of denying them any compensation in settlement of claims for their properties they left behind in their home towns and villages of PoK in 1947. Interestingly, the Central government too has kept the PoK migrant communities out of the purview of 1954 Rehabilitation Board that was assigned to provide cash compensation for the assets which eight million refugees from West and East Pakistan on the ground that it will dilute India’s claim over PoK.⁵⁰ The economic grievances of these people are discussed in sub-headings.

**Grievances of Non-Registration of Their Families and Lost Properties**

The numbers of the displaced families as well as their properties left behind in PoK were not registered by the governments in proper way till date. Sixty five years had passed, yet the government has not prepared the particulars of lost properties of displaced persons for claims or registration. Even some of the displaced families had gone out of Jammu and Kashmir and many were not eligible as per the notification issued by the government of India for claims. The registration of their cases has to be taken into account seriously. The new generation has nearly no data and records of their ancestral properties in Pakistan occupied Jammu and Kashmir.

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⁴⁸ A letter of demands put forth by SoS international, an organisation for PoK refugees (NGOs) to G.D. Wadhwa, Financial Commissioner of Jammu and Kashmir Government and Chairman High Level Committee on Refugees’. See full report at Appendix VII.


Jammu and Kashmir Rehabilitation (1947) Department in his letter No. RAHAB-9/II/79 dated November 27, 1979 (in response to Rajya Sabha Committee on Petitions\textsuperscript{51} letter No. RS5 (18)/78-Com. II date July 27, 1979) had said, “With the decision taken for the partition of the country in two parts viz. India and Pakistan, the communal disturbances started. The influx of displaced persons from PoK, as also from other parts of the country now known as Pakistan, flooded into state in large number. There was no department known as Rehabilitation department in existence at that time. The size of problem was enormous and it had not been foreseen either by the state government or the government of India. No adequate arrangements to look after the displaced persons did exist at that time. A large number of displaced persons went outside the state and out of those who remained within the state joined the camps when those were established. There was no agency to register these displaced persons and refugees immediately on their entry into the state”.\textsuperscript{52} There was no formal registration of these displaced persons. Therefore, displaced persons who were admitted into the camps later on were registered and enumerated no doubt but not those who remained outside; their registration was done only when they submitted applications for rehabilitation benefits like loans, land, quarters or plots.

As Anant Ram, a displaced person of 1947 from PoK says “Those who came from PoK in 1947 in order to save their lives and families to this side of line of control have taken at least two-three decades to come out of the terrorised incidents of October-November 1947. Neither of the governments did any special thing for them nor registered these displaced persons.” In 1960, applications were sought for providing ex-gratia to them. The government’s Rehabilitation Department informed in 1978-79 to the committee of Rajya Sabha that as per applications sought by them in 1960 for ex-gratia, they received applications of 31,619 families. No general registration is made so far. This is true to the fact that the government of Jammu and Kashmir has not maintained

\textsuperscript{51} A petition addressed to the Council of States (Rajya Sabha), Parliament of India was presented in Rajya Sabha on December 26, 1978 by Sheikh Abdul Rehman as signed by Shri Bachan Singh Panchi President Jammu Kashmir Sharnathi action Committee praying for settlement of problems of displaced persons of PoK. The displaced persons were and are very innocent and had demanded too less in comparison to what they had materially, socially and psychologically lost in 1947 and during more than 30 years, thereafter, Sixty Second report of the Committee on Petitions of Rajya Sabha was presented in Rajya Sabha on 13-06-1980. [\textit{Rajya Sabha Committee on Petitions, Sixty-Second Report} presented on June 13, 1980, n. 36, pp. 1-3.] 

\textsuperscript{52} Daya Sagar Sharma, ‘POJK Displaced Persons are Not refugees : GOI has made them suffer in the name of Technicalities’, September 10, 2012 at http://www.americanchronicle.com/articles/view/286591.
proper records with regard to 1947 PoK displaced persons. The displaced persons from PoK are so simple that they have innocently taken this as a case of their registration. Many had gone outside Jammu and Kashmir and many were not eligible as per the notification issued by government. Their claims for the properties left behind in PoK were not registered and they have not received compensation for it. The claims were denied in principle on the hollow plea that PoK was a part of India and they would be rehabilitated there when it would be liberated. But after six and half decades, this plea is hardly of any meaning. There is absolutely no justification for not treating them at par with the refugees from Pakistan in other parts of the country.\textsuperscript{53} If asked today after sixty five years many families will not be able to provide the particulars for the claims or registration. This has to be taken care seriously. Also property worth rupees thousand in 1947 would surely be worth a few lakh rupees today.

\textbf{Grievance of Non-Allotment of Land}

As per official records, there are 4,988 families who have not been settled and allotted land on the pretext of non availability of land. On the other hand, the state government passed Roshni Act in 2008. As per section 8 (2) of the Act, a person who is in unauthorised possession of state land up to 100 kanals; the same is being regularised in his or her favour. More than 20 lakh kanals of state land has been encouraged to be encroached by the state government under the garb of this act.\textsuperscript{54} On the other side, the PoK displaced people, who are demanding allotment of land, are denied on the pretext of non availability of land. However, these landless people feel discriminated and marginalised by such policies of state government in providing or allotting land\textsuperscript{55}. Even to those whom the land was allotted, it was not of good quality. The land allotted to the displaced persons was mainly unirrigated, infertile and non-agricultural. They had to work hard and even pay wages to the hired labourers to convert their land for agricultural purposes. They also complain that large numbers of displaced families have not been allotted land as prescribed under land reform laws and related policies of the state. They, therefore, demand that either the land deficiency be made up or cash compensation should be paid to them in accordance with the prevalent market price of the land.


\textsuperscript{54} George Mathew, ‘Land Reforms: Jammu and Kashmir shows the way’, \textit{Yojana}, Vol. 55, October 2011, p. 25. For details see Appendix VI-C.

\textsuperscript{55} \textit{Refugee Message}, April 5, 2007.
Evacuee Land and Grievance of Insecurity of Allotted Land

The government rehabilitated the displaced persons on the evacuee property and some of them have been allotted state land. There are apprehensions of losing the custodian property allotted to them. The evacuee land property that was allotted to the displaced person is not secure. The state government has increased this fear and insecurity by passing the Resettlement Act\textsuperscript{56} 2001. According to this act, the evacuee has right to return to Indian side of Jammu and Kashmir and reclaim their properties. They demand that Resettlement Act of Jammu and Kashmir should be repealed\textsuperscript{57}, so that PoK displaced people can live in peace on the allotted evacuee land and houses where they have been living since past so many years. Their grievance is that they were not conferred permanent ownership rights on these properties and still treated as tenants. They are demanding proprietary rights on the evacuee lands, so that their houses constructed on the allotted evacuee land is not lost either by Resettlement Act or any other act of the government in future.

It is argued by Balraj Puri that under the Evacuee Property Act, the evacuees who return could claim their property. But the limitation period is twelve years. As this period is long over, no such claims can be entertained. Moreover, most of the evacuees have acquired Pakistan citizenship hence no more they are entitled to be the state subjects.\textsuperscript{58}

Grievance of Discrimination in Receiving Relief from the Government

They compare the relief provided to them with relief given to the Kashmiri pundits, who are internally displaced persons and were displaced from Kashmir in 1989-90. The government has taken different relief measures\textsuperscript{59} for them i.e. monthly cash relief, ration, money, reservation in professional colleges, rehabilitation grants, loans, compensation for human losses, reservation in jobs etc. The PoK displaced persons feel discriminated and marginalised in comparison to the Kashmiri pandits as their situation is even worse than Kashmiri pandits and both have moved out of similar situations. On

\textsuperscript{56} The Act provides for resettlement of all those persons who had migrated to Pakistan after March 1947 if they returned to Kashmir on a permanent basis. It seeks to resettle persons who were state subjects before May 5, 1954 and who had migrated after March 1, 1947 to the territory now included in Pakistan after verifying their antecedents. For details of the Resettlement Act, see Appendix V.

\textsuperscript{57} Daily Excelsior, November 2, 2003.


\textsuperscript{59} For details, see Appendix IX.
that basis, they too have been victims of displacement and have suffered more trauma and violence. They have been displaced illegally and forcibly from the occupied areas of the state by Pakistan which is beyond their reach now. They are not being treated similarly in providing relief and grants as provided by centre and state government to the Kashmiri pandits. Comparing themselves with Kashmiri displaced people; they are demanding that they should be treated at par with the Kashmiri pandits who are being given rupees 3,000 monthly relief per families, free ration quantity and other facilities. In the past 22 years, Kashmiri pandits have been shifted from tented colonies to one room sets and now satellite townships are under construction for them. The Kashmiri pandits got relief of rupees twenty two thousand and six hundred sixty five thousand crores (Rs 22,665 crore) from the central government till end of March 2012, whereas in the case of PoK displaced persons a relief of just rupees eighty three crores (Rs 83 crore) has been extended. Why the same treatment cannot be given to the PoK displaced persons. This is the issue of discrimination which the PoK displaced people are raising.

It is pertinent to mention that the displaced people, through their representatives, have moved to the Supreme Court and even have presented their case to National Human Rights Commission. The Commission has directed the government to look into their grievances and even pay some ex-gratia relief. But in spite of the directions nothing concrete have been done at the ground level. They further allege that the government through the recommendations of a Parliamentary Standing Committee (2001) has refused to grant them the refugee status which is violation of their human rights.

Manmohan Singh, during his visit to the state in 2008, announced a whopping rupees 1,600 crore package for the return, employment and rehabilitation of the Kashmiri Hindus, who left the Kashmir Valley in 1990 after an armed separatist movement erupted there. The displaced persons demanded and argued, “If the Prime Minister thought it appropriate to have measures for resettlement of the Kashmiri pandits in the land of their grandparents, we, too, are entitled to similar concessions and relief. If we cannot be settled back in our homes, now in PoK, let’s be compensated.

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There are twelve hundred thousand wounded souls of PoK, who were subjected to genocide by the tribals backed by Pakistan regulars following Pakistani aggression in October-November 1947. This raid destroyed not only the life and property of lakhs of people but also the very fabric of human society and relationships. Thousands of innocent people were mercilessly and brutally slaughtered, property worth millions of rupees was looted or destroyed, women of all ages were kidnapped, abducted and ravished and unspeakable atrocities were perpetrated. They also argue that the conditions set for eligibility claims for the displaced families (i.e. the crucial migration period, non-migration of the head of family and income of the family at rupees 300/- etc.) are discriminatory in nature for providing any relief to them by the government. Since displacement was a prolonged process and in many cases the head of the family was either killed or joined the rest of the family much latter and income strata so fixed discriminates against the displaced families. Thus the 1947 PoK displaced persons are being discriminated in providing relief and assistance by the governments. All this is due to absence of holding of bureaucratic positions in the government machinery and absence of political connections. There is no political representation for the PoK displaced persons and therefore, they lack the leadership that represent their case.

**D) Political Grievances**

There is no proper representation of theirs in state legislative assembly and suffers from political marginalisation because of their settlement in different parts of Jammu division and absence of any constituency which represents displaced persons only. They are unable to influence the fate of any political party in election in any constituency. The Displaced people from PoK have been allotted evacuee and state land and plots in different places in Jammu division from Kathua to Poonch keeping in consideration their socio-cultural affinities, regional and linguistic similarities. After settlement in different parts of Jammu division, they have been divided in different constituencies which have resulted into their political marginalisation. They are unable to influence the fate of any political party in election in any constituency. No political party considers them seriously except raising their issues as political rhetoric to
consolidate Jammu Hindu vote. With this settlement, they became weak in state politics as well as national politics. It was due to the political nature of the PoK community that they had to suffer at the hands of the government and different political parties who used them as cheap vote bank. In every election in state, all the political parties kept the issues of PoK displaced persons in the top priority of their manifesto but after winning they forget their problems.66

They do not have any constituency of their own, despite the fact that 24 assembly seats are kept reserved in the Jammu and Kashmir Assembly for PoK area. What purpose do these reserved seats serve? While one-third of the population of PoK area is residing on this side of the line of control. The Refugee United Front (RUF), an umbrella organisation of several groups representing PoK displaced persons in Jammu and Kashmir has suggested that PoK displaced persons in India be allowed to contest at least some of these seats. This can be facilitated by creating floating constituencies or constituencies in exile. This has been done for the Kashmiri pandits by providing them an Assembly segment of Habbakadal for which they can cast their vote from anywhere in India. Why has this not been done in the case of PoK displaced persons?67 RUF leaders argue that once PoK displaced persons have political representation, they will be able to exercise some degree of control over policy matters that concern their status in India. The state governments decision to keep 24 assembly seats permanently vacant for PoK until its ‘liberation’ is seen by people in Jammu and Ladakh as a ploy of Kashmiri leadership to permanently hijack the state machinery.68 They alleged discrimination by Kashmir-centric political parties in the state. These displaced persons are demonstrating continuously against what they said was discrimination by successive elected governments. They demand that till India implements the resolution of Parliament on PoK, displaced persons from the Pakistan occupied Kashmir should be given representation in the assembly to discuss and raise their issues, as they have been duped by successive state governments.

Displaced persons from Pakistan occupied Kashmir are demanding political representation in the State Legislative Assembly on the seats kept for the occupied

67 Rachhpal Singh, President Refugee United Front interviewed on February 18, 2013.
Kashmir on the basis of their population from the seats kept for their population in area which is not under states jurisdiction and not on any other criteria. By having political representation, they can raise their voice, grievances and play their due role in the politics of the state. They are demanding political representation out of the total 111 assembly seats of undivided Jammu and Kashmir. At present elections are held on 87 seats only and the remaining 24 assembly seats for the areas under Pakistan occupation are left vacant. This is because the Indian government is of the view that PoK is part of India and will be reclaimed. Their demand, therefore, is that eight state assembly seats should be reserved for them among the 24 seats reserved for PoK. Political participation of the displaced persons of 1947, 1965 and 1971 is the most significant measure for redressing their grievances. In a democratic set up, it is the responsibility of the state to have special care of the expectations and expressions of each socio-political group.

PoK displaced persons issue is not included in the bilateral agenda of India and Pakistan. Despite persistent bilateral talks between India and Pakistan, PoK displaced persons issue is yet to figure in the bilateral agenda. Displaced persons are neglected and ignored in the issue of Kashmir as well. Three round-table conferences on Kashmir were held in 2006-07. Though they were attended by representatives of prominent political parties from the state; members of the PoK displaced community or leaders of organisations representing them were not invited to participate. At the conclusion of the second round-table conference in Srinagar in May 2006, Prime Minister Manmohan Singh set up five working groups to broaden the scope of the dialogue on Jammu and Kashmir. The groups were set up to deal with confidence-building measures across segments of society in the state, strengthening relations across the line of control, further economic development, ensuring good governance and strengthening centre-state relations. Most glaring omission in the report of the working group on “Confidence Building Measures across segments of society” in Jammu and Kashmir state presented at the third roundtable conference in New Delhi is the total ignorance of the displaced persons from Pakistan administered part of the state who are by far largest in number. Surprisingly, the status, return and rehabilitation of PoK displaced persons were not on the working group’s agenda. Nor were representatives of PoK displaced persons and refugee organisations invited to be part of the working groups. The displaced have never found the Indian government raising their issue at any level of talks with Pakistan.

Pakistan has always insisted that India must accept that Kashmir is the only problem between India and Pakistan and not PoK. No doubt, India never accepted this argument but by excluding the PoK displaced persons from the Round Table Conferences and working groups and inviting only Kashmiri separatists and Kashmiri pandits, it have already been proved that the problem is on Kashmir only and not on PoK.\textsuperscript{70} The violence in the valley has hijacked the dialogue process, relegating the question of PoK displaced persons to the background.

The people of Poonch and Rajouri complain continuously that lack of representation in the State Assembly and the excessive amounts of attention paid to the Kashmir valley by the central government has resulted in a very little development in this area. Much of the money allotted to the Jammu region by the central government only reaches as far as the city of Jammu. In addition, people feel that they have been neglected and deliberately ignored because of their position on the extreme border. This feeling of alienation coupled with the popular sentiment of “We could have been in the majority if the division had not happened” has led to considerable frustration. Because of this troubled and sensitive history, the people of Poonch and Rajouri fear for their political fate in the eventual settlement of the Kashmir issue. The redrawing of boundaries and shuffling of political seats could have grave consequences in this region and the people express sentiments of uncertainty and suspicion on this issue.

\textbf{Instances of Protests from Displaced Persons}

Collective action by the displaced people, such as takeovers of public offices, marches and other ways of making visible their demand for recognition have taken place in various regions of the state and on occasion have fused with other political and social causes. In recent times, organised resistance against the government is being carried out by the displaced persons. They have organised agitations and rally’s as protests against inappropriate rehabilitation measures.

The refugees and displaced persons are holding rallies under the banner of Refugee United Forum (RUF), a conglomerate of more than ten refugee parties, to protest against the discrimination meted out to the refugees and displaced persons living

in various parts of the Jammu and Kashmir state, displaced due to armed aggression of Pakistan in 1947 and islamic insurgency. The refugees include displaced people from Pakistan occupied Kashmir, West Pakistan refugees who moved to India after the subcontinent was divided on the basis of Indian Independence Act, displaced population of 1965 and 1971 wars and those who got uprooted during the insurgency period from 1989-90 onwards.\(^71\) In April 2007, RUF galvanised members of the refugee committee in Jammu to march towards the international border. The rally was scheduled to cross the border and enter PoK as a gesture of protest. Though the state police stopped protestors from crossing the border, Jammu and Kashmir Chief Minister Ghulam Nabi Azad met representatives of the community and assured them that measures would be taken to chalk out an official relief policy. He ordered to set an all-party committee to look into the demands of the displaced persons. The committee, which comprised members of prominent political parties in the state including the Congress, National Conference and Peoples Democratic Party were asked to look into two issues - the comprehensive settlement of PoK displaced persons and the question of delimitation. The members of all political parties agreed on the humanitarian issue of displaced persons rehabilitation. The committee was disbanded as members could not see eye-to-eye on delimitation due to political differences. The demands of PoK displaced persons as well as their status became the casualty of yet another political gimmick.\(^72\)

The displaced persons are staging protests and demanding permanent rehabilitation package of rupees 1,700 crore from the government, which was submitted by state government to central government in 2012 on the pattern of one-time settlement package for displaced persons declared by the Centre. The displaced persons state that a number of state and central official committees and working groups were constituted and all of them recommended comprehensive settlement package for them but nothing was given. Even interlocutors deputed by Prime Minister Manmohan Singh also recommended an honourable settlement package for the PoK displaced persons.

The rehabilitation requires advance planning and peaceful approach. Although the government of India has evolved suitable policies for resettling the displaced persons due to political reasons from Pakistan, Bangladesh and other neighbouring


\(^{72}\) Vineetha Mokkil, ‘For us, only the camp is home’, at http://infochangeindia.org/agenda/migration-a-displacement/for-us-only-the-camp-is-home.html
countries. There does not exist any comprehensive policy for the resettlement of displaced persons resulted from the civilian conflicts.\textsuperscript{73} The state governments and organisations concerned with rehabilitation had taken only a limited view of the problem. The compensation is paid for the loss of land, home and other belongings, but the compensation is not proportionate to the belongings lost. In most cases, the concerned authorities think that their responsibility ends with the payment of compensation. This has led mass upheavals and a great deal of discomfort and discontent among the displaced persons.

The consequences of internal displacement are manifold. It deprives the persons concerned of the essentials they need to survive. Loss of home, loss of employment, loss of security of person, threats to life and liberty, deprivation of food, loss of adequate health care and loss of education opportunities are amongst the harsh and immediate consequences of such a displacement. The flight from their place of habitual residence left the displaced persons particularly exposed to further acts of violence, to enforced disappearances and assaults upon their personal dignity including sexual violence and rape. The governments of states that have displaced persons within their territory are first and foremost responsible for their care and protection. It must not be forgotten, however, that the very acts which drove the displaced persons away from their homes were often instigated or tolerated by that same government to begin with. Therefore, governments concerned should provide the levels of assistance and protection they need to which they are entitled.

The general observation can be made that displaced persons are entitled to all the human rights and freedoms to which they were entitled when still living at their original place of residence within their country. Certain issues relating to inter alia, the right to life, liberty and security of person, freedom of movement, asylum etc. may be answered through legally binding instruments that are already available. The displaced persons are vulnerable to human rights violations and the fact that there are not yet legal instruments in India that adequately address these vulnerabilities. These displaced persons are fugitives in their own country whose rights and interests are unrecognised and unprotected. It has been found that relevant government authorities are indeed unable or

unwilling to respond adequately to the needs of displaced persons and as a result are increasingly appealing to the international community for assistance.

Displacement certainly has a different impact on men, women, boys and girls owing to their different social and economic roles. Women and children are usually the worst hit. Women may be particularly vulnerable due to factors such as the loss of their primary breadwinner, an increased risk of facing indignity and sexual violence or the need for reproductive health care. They are often exposed to abuse during flight on the road as well as in and around camps and informal settlements. However, women often exhibit remarkable strength and resilience as they support their families and lead their communities in both acute crises and situations of protracted displacement. Their potential to make significant social and economic contributions or to play a key role in return or settlement processes should not be underestimated.74

Responses of the Displaced Persons

Here is an attempt to understand the reactions of the people regarding the policies and programmes of resettlement and rehabilitation of the government. Their reactions appear to be the result of the stresses and strains suffered by them in the process of their uprootment. The people looked to their houses with deep attachment and as treasures of memories of the past, of events of joy and sorrow. The houses had witnessed the marriages, ritual ceremonies and festivals when members of their families and friends used to assemble and participate in the activities that took place. All that has lost with displacement of families as they lost some of their family members and others have resettled far away from their families. The houses were not only physical structures but living entities to the people. The issues related to displacement and rehabilitation and associated problems faced by the families as reported by them are discussed below.

Causes of Displacement

According to Rachpal Singh, President of the Jammu Kashmir Sharnarthish Action Committee near about 50,000 families had been displaced in 1947 from PoK area. At present over ten lakh PoK displaced people are in various parts of the state. The main places of their concentration are Bhour, Diagiana, Gole Gujral in Jammu district where

they are residing in camps, while others are resettled in different districts of Jammu province.

1947 Indo-Pak war, partition and religious communal riots (brutalities of Muslims) were the factors that caused their displacement as argued by the respondents. No doubt these two reasons are advanced by the displaced persons for their displacement but 100% of the respondents said, “Muslims were responsible for their plight that forcibly displaced the non-Muslims by their acts and brutalities”. The partition and war took the shape of violent communalism and Hindu people were left with no option other than to escape from the area and in the process they got displaced.

Table 4.2: Cause of Displacement from PoK

<table>
<thead>
<tr>
<th>Cause of Displacement</th>
<th>Number of Respondents</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indo-Pak War</td>
<td>108</td>
<td>27%</td>
</tr>
<tr>
<td>Partition and Religious Communal Riots</td>
<td>292</td>
<td>73%</td>
</tr>
<tr>
<td>Total</td>
<td>400</td>
<td>100%</td>
</tr>
</tbody>
</table>

One person narrated, “When the tribals invaded, they committed atrocities, slaughtered and killed people in large numbers compelling them to leave all property there and rush away towards safer places. The state troops who were called for taking action against the tribals were without arms and ammunition. Moreover, the Maharaja was unable to provide us with security. All this caused fear in the minds of displaced persons of those areas. Nothing came in mind except to escape by running away from the area by playing hide and seek and praying that the government should take action immediately for giving us protection and save our lives. With the coming of Indian army we had taken a sigh of relief. The Indian Army was a blessing towards us from our God. Therefore, it was our effort and the mercy of God on us that we are still alive.”

Relief and Assistance at Camps

The displaced persons were provided temporary settlement by means of arrangement in camp established at Nagrota. Later on when camp were closed, these
displaced persons were allotted land by government in different parts or districts of the Jammu and Kashmir (rural areas of Poonch, Rajouri, Kathua, Jammu and Udhampur) for the purpose of their rehabilitation and resettlement. The land provided was unirrigated and barren land and mostly in forest (jungle) areas. Once they were shifted and allotted land, government did not give any kind of aid and assistance and left them with/on their destiny/fate ignoring problems of displaced. 78% of the respondents stayed at Nagrota camp while 18% were at Poonch town (Qilla) before they were resettled at present locations. Kesho Ram Sharma said, “We were forced to leave the mother land due to religious riots and attack by kabalies. We left our home at about 5:00 pm in the month of September 1947 empty handed. We were gherowed at Muradapur (PoK) for three days and after three days, we were safely evacuated by army in between kabalies firing and reached at Poonch Qilla. From Poonch we were air lifted to Jammu and kept in refugee camp at Nagrota for three years. We were two-three families in one tent. There was the shortage of essential services in the camp. The hygienic conditions and medical facilities were also very bad at that place.” The displaced persons did not have any sigh of relief. The government should actively involve her for giving relief to such victims. He further added that LoC should be transformed into international border and the displaced persons be rehabilitated properly so that their problems get resolved permanently.

There were numberless families at Nagrota camp with cluster arrangement. Two-three families were placed in one tent. The life was very difficult in camps. The relief and rehabilitation assistance provided to the displaced included interalia an ex-gratia grant of rupees 1,000 per family settled on agricultural land and rupees 3,500 per family for those having a monthly income of rupees 300 or less, who were settled other than on agricultural land. Therefore, amount of rupees one thousand was sanctioned as assistance to displacee.\(^7\)\(^5\) They were provided meager cash, very less than sanctioned money, of rupees 500 (some mentioned Rupees 750) ration, food, shelter, tents and medical aid. The ration that was provided was insufficient with no clothes to wear. They were totally dependent on the government for all their needs. The situation in camps was famine like due to inadequate supply and shortage of food. Many infectious diseases spread especially cholera due to lack of sanitation and unhygienic conditions. Children,

kids and even young ones died in camps. So many precious lives were lost due to absence of good health facilities and shortage of personnel to provide relief. 26 respondents said they lost their grandparents or children in Nagrota camp. Still camps are running at Bhor, Bari Brahmana and Diagina.

Shanti Devi, 86 years old displaced from Bagh while narrating the story were full of tears. She said “It was very painful experience, how they ran from their houses and reached Jammu. She further narrated, no doubt many years had passed but it seems that the incident has had happened just few years back. She cannot forget how the raiders had killed her husband and she ran with her daughter and son. Many of their relatives and family members were getting murdered in front of her. She prays to God that such episodes or event would never happen even with the enemy. At Jammu, all those who were accompanying them were sent to Nagrota camp.” She further said that she had listened that 15 to 50 camps are being established for the displaced persons but she was aware only of the Nagrota camp where she stayed. They were provided with tent, blanket and aided with medical facilities but of poor quality. Their condition in tent was that of animals and goats. She further added that when they reached Nagrota camp; everybody was scared and frightened. People were very depressed and despaired due to loss of the life of their relatives. They all had seen and escaped death from very near. After spending few days in the camp, they had got aware about the disguised conditions in the camp. Then some persons started regretting of their property which they had lost due to the occupation of areas by Pakistan.

Problems faced by Displaced Persons at that Particular time

The displaced persons have to move on foot for hundreds of kilometer in search of safe shelter. They had to face many problems. There was shortage of food. The people had to remain hungry for many days. They had to suffer because of lack of medical aid and mostly from residential problem. They were houseless and cloth less. Besides this, the women of those places were under great threat. Women faced the problem of indignities and suffered a lot for saving their lives. There were the clouds of unemployment because of absence of government jobs and other avenues for earnings. They were deprived of the source for cultivating the land. Moreover, they were financially weak as well. They did not receive any assistance from government in cash (per month) by means of which their economic conditions could have been improved.
Such kind of scenario had lead to the atmosphere of poverty. At the places of their resettlement, they were provided with land which was uncultivable and unproductive. This further added to their misery and sufferance. One said, “We were just like a seed which has to grow on barren land. The same was our situation in those areas where land was allotted to us.”

In the absence of adequate self-management institutions to face such a crisis in their life, the resettlers faced a sliding scale of dwindling life chances in their relocation sites and new environment. The sites, which were allotted to the displacees was barren at that time. When the displaced person reached the place of allotted land, the area was full of snakes, scorpions, lizards and other poisonous insects. The victim found it hard to build their houses in the adverse conditions. Potable water was the biggest problem in the absence of tanks and wells. So resettlement was not the end of trauma in the life of the victims rather it started a new phase of agony, anguishes and frustration. Sham Lal, displaced from Sudhnoti and resettled in Sunderbani said, “When the displaced families came here, they were afraid of prevailed conditions. The government had given a very small amount on the name of compensation and a land which was of no use for rehabilitating them; it was covered with bushes only. They didn’t have anything to eat. Due to such worst conditions, one of the families had lost its only son also, leaving behind old parents, a widow and a two years old girl child. Then the displaced requested the local residents for help.” Rajesh resident of the Sunderbani area argued that the local residents of the area helped them by providing food and place to live for some days. Their conditions were very much miserable but the government did nothing to resolve their problem in the required terms.”

**Compensation: Allotment of Land and Cash**

Since the compensation for land loss has always remained a contentious issue, it is imperative to have an indepth analysis of this issue. Compensation has been largely understood to refer to specific measures intended to make good the losses suffered by displaced people. Compensation usually takes the form of a one-off payment, either in cash or kind and is principally about awards to negatively affected persons.\(^{76}\) The losses incurred by people are not usually properly accounted for and so these losses have not been adequately compensated. This had impact on the livelihoods of the displaced

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\(^{76}\) Bartolome et al., n. 6, p.4.
population who lost their almost everything while fleeing to save their lives. A lifetime of livelihood security or shelter was squandered in months, sometimes, condemning displaced persons to assured and irrevocable destitution.

Generally, resettlement is considered synonymous with compensation paid in cash or allotment of land for construction of houses. This scarcely helped in resettlement in true sense of the term. A majority of the people remained uncompensated. Secondly, the quantum of compensation has been determined arbitrarily and certainly insufficient for families to reestablish themselves in new places. Their total assets were not taken into consideration and generalised compensation in cash was fixed for all. Thirdly, the long time taken to make payment, of even this niggardly amount, caused enormous suffering to the displaced persons even at a time when they had lost their belongings. Such delays were also a source of widespread discontent among the displaced. The delay in compensation award also devalued the compensation award. The displaced were compensated. But the compensation was hardly proportionate with the total loss.

Land Compensation

In the process of displacement, loss of land and compensation for the lost properties had remained the most contentious issue of the PoK displaced persons. The government provided land to these displaced persons to have shelter for stay and a source for livelihood. The people complained that the compensation provided to them was meager. Their grievances were that they were not given compensation as per the market prices of land and all the material things they lost behind. The little amount that was provided was just to stop the voice of the people. Their demand is that they should have been given land equal in measurement to the amount they had owned previously. Government would not do this for the reasons that it did not really wish to do anything concretely for the PoK displaced people. The PoK displaced persons feeling of being neglected by the governments is growing more and more. On the other hand, the government is taking every possible step to rehabilitate and fulfill the demands of the Kashmiri pandits.

The cash compensation for land loss varies from place to place depending upon the quality of land. Generally land price varies with the nature of land and the location of the land. In context of displacement due to development initiatives, the compensation
is paid in accordance with the loss of immovable property or acquisition of land-irrigated, cultivable or unirrigated etc but the war displaced persons compensation was decided arbitrarily. The government authority has provided land to the displaced households in addition to the cash compensation but the authorities failed to provide the exact amount of land lost by the displaced households. Moreover, the government also failed to provide the actual amount of land as prescribed in the compensation package. Some households were provided land equal in kanals as prescribed while others are provided with lesser than the fixed amount. It has been observed that if seen in comparison of the household land holding before and after displacement, in 63% cases large land holders became marginal land holders after displacement and in 23% cases displaced persons got the land more than what they were actually having before displacement.

<table>
<thead>
<tr>
<th>Tehsil</th>
<th>Land distributed (Kanals)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rajouri</td>
<td>49,390</td>
</tr>
<tr>
<td>Nowshera</td>
<td>77,736</td>
</tr>
<tr>
<td>Sunderbani</td>
<td>37,033</td>
</tr>
<tr>
<td>Kalakote</td>
<td>5,676</td>
</tr>
<tr>
<td>Thannamandi</td>
<td>921 kanal 4 marlas</td>
</tr>
<tr>
<td>Kotranka</td>
<td>35 kanal 8 marlas</td>
</tr>
<tr>
<td>Total</td>
<td>1,70,792</td>
</tr>
</tbody>
</table>

The displaced persons were allotted a piece of land at the time of displacement for their rehabilitation and settlement. But with passage of time families extended and land further got divided so they have insufficient land, which has lost its productivity.

77 Court and Office of the Deputy Custodian District Rajouri, Executive Magistrate First Class, Evacuee Property.
They are demanding that freshly more land should be allotted to them in much quantity which they lost behind in PoK. There are many such stories of land division among the families. Sat Paul Sharma said, “It is very pity to mention that rupees 500 in cash was given to his family in Nagrota camp only once. But a piece of land measuring only 48 kanals was provided to my grandfather as compensation for resettlement. We were two brothers. So, it was split into two parts each measuring 24 kanals in latter stage. But the land was further divided into two parts among sons of mine and my brother. We had no other source of income except our lands. We had spent our good amount of money for educating our children even though they are without any job. The government had announced various reservation policies in job recruitments but has not issued any reservation policy in favour of displaced fellows. Not only this but as the time is passing on, our lands are losing its productive value also. So, presently we are living in a much deteriorated conditions.” The houseless displaced families have strived hard to sustain themselves and they felt being neglected on the part of the government. Their demand is that compensation for property and possessions lost as a result of displacement be granted as ex gratia.

No doubt the displaced persons are not much satisfied with the amount of compensation granted to them in the form of land and cash, but it is fact that actually government has made them to start life afresh after their escape from dreadful and turmoil situation. Majority of the old age displaced persons who were rehabilitated in the district Rajouri were satisfied with what they got from the government at that time as they were hopeless and it seemed to them that their life will end up with starvation and sufferings. However, this satisfaction level turns to be just 19% if all the respondents (including younger generations) are included.

252 respondents (63%) said that they got land also in compensation while 37% got both land as well as cash. Out of these, 68% displaced persons in Nowshera received land alone as compensation while the percentage of those displaced persons who got land alone in Sunderbani was 58%. 
82% people have got evacuee land and 18% got state land. The allotment of land varied from 26 kanals to 55 kanals. Irregularities and malpractices in the allotment of land had taken place. Property ownership rights on land had been granted to all those who were allotted and rehabilitated on state land (18%), others are not having ownership rights.

Quality of Land

Land given to the displaced persons was poor in quality with no irrigation facility.

Table 4.5: Quality of Land

<table>
<thead>
<tr>
<th>Type of Land</th>
<th>Numbers</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Irrigated</td>
<td>72</td>
<td>18%</td>
</tr>
<tr>
<td>Unirrigated</td>
<td>292</td>
<td>73%</td>
</tr>
<tr>
<td>Inferior Quality</td>
<td>36</td>
<td>9%</td>
</tr>
<tr>
<td>Total</td>
<td>400</td>
<td>100%</td>
</tr>
</tbody>
</table>

Table 4.6: Displaced Persons Registration with Rehabilitation office

<table>
<thead>
<tr>
<th>Responses</th>
<th>Numbers</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>328</td>
<td>82%</td>
</tr>
<tr>
<td>No</td>
<td>00</td>
<td>Nil</td>
</tr>
<tr>
<td>No idea</td>
<td>72</td>
<td>18%</td>
</tr>
<tr>
<td>Total</td>
<td>400</td>
<td>100%</td>
</tr>
</tbody>
</table>

When these displaced persons were asked about what kind of rehabilitation should be provided by the government for the loss of the physical assets and agricultural
land, the respondents replied that compensation in cash and land should be given to them along with other basic amenities. If the government is really interested in settlement and rehabilitation of displaced persons, than it must fulfill all the demands which they have raised from time to time.

Table 4.7: A) Respondents views regarding Compensation incase of Structural Loss

<table>
<thead>
<tr>
<th>Compensation</th>
<th>Nowshera Respondents</th>
<th>Sunderbani Respondents</th>
<th>Overall</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Numbers</td>
<td>Percentage</td>
<td>Numbers</td>
</tr>
<tr>
<td>Constructed Structure</td>
<td>18</td>
<td>9%</td>
<td>21</td>
</tr>
<tr>
<td>Land</td>
<td>38</td>
<td>19%</td>
<td>46</td>
</tr>
<tr>
<td>Cash</td>
<td>72</td>
<td>36%</td>
<td>63</td>
</tr>
<tr>
<td>Both Land and Cash</td>
<td>72</td>
<td>36%</td>
<td>70</td>
</tr>
<tr>
<td>Total</td>
<td>200</td>
<td>100%</td>
<td>200</td>
</tr>
</tbody>
</table>

Table 4.8: B) Respondents Opinion regarding Compensation incase of Agricultural Land Loss

<table>
<thead>
<tr>
<th>Compensation</th>
<th>Nowshera Respondents</th>
<th>Sunderbani Respondents</th>
<th>Overall</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Numbers</td>
<td>Percentage</td>
<td>Numbers</td>
</tr>
<tr>
<td>Land for Land</td>
<td>130</td>
<td>65%</td>
<td>137</td>
</tr>
<tr>
<td>Cash</td>
<td>37</td>
<td>18.5%</td>
<td>32</td>
</tr>
<tr>
<td>Assistance for allied activities</td>
<td>15</td>
<td>7.5%</td>
<td>7</td>
</tr>
<tr>
<td>Both Land and Cash</td>
<td>18</td>
<td>9%</td>
<td>24</td>
</tr>
<tr>
<td>Total</td>
<td>200</td>
<td>100%</td>
<td>200</td>
</tr>
</tbody>
</table>
Cash Compensation

Payment of cash compensation to the affected people was one of the important aspects of rehabilitation. There had been cases of inadequate compensation and corruption in payments. The compensation was mostly spent on domestic and living expenses but that was not enough for survival. Some of the respondents pointed that though more than 65 years had passed, we were not given property rights on the allotted compensatory land and hence the land continues to vest with the state government. As a result, the resettled displaced were even unable to avail of any governmental loans and other facilities. The compensation paid was meager and since the only skill they were having been farming. They could not put the money to commercial use. Further compensation has also created mistrust and division in some families, who were otherwise living peacefully.

Cash compensation appears to be clearly defective as a basis of resettlement policy. There is no obvious way of putting a ‘price’ on many of the losses experienced by displaced persons and experience also suggests that large cash payments tend to be poorly used by their beneficiaries.\textsuperscript{78} Compensation has primarily addressed the loss of assets and property and not rights. The basis of compensation has thus been legal ownership and individual claim. The general practice should be to pay compensation for lost fixed assets like agricultural land at the prevailing market rate, calculated as an average of registered sales prices of land of similar quality and location in the recent past. It is value in exchange rather than value of replacement that is the basis of compensation.

Respondent Level of Satisfaction with the State Measures

The state government is in position to settle the issue of displaced persons permanently once for all if it desires, yet no healthy measures has grown up politically so far. Political sincerity is must to address the problem. The proverb “Hopes sustain life” is governing the lives of displaced persons. The displaced persons are seeing with eyes of hope. State government was helplessly looking the displaced worse conditions and it was totally watching how the Union government reacts and acts.

Table 4.9: Satisfaction with the Government Measures/Responses

<table>
<thead>
<tr>
<th>Whether satisfied</th>
<th>Number of Respondents</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>Nil</td>
<td>0%</td>
</tr>
<tr>
<td>Moderately Satisfied</td>
<td>76</td>
<td>19%</td>
</tr>
<tr>
<td>No</td>
<td>324</td>
<td>81%</td>
</tr>
<tr>
<td>Total</td>
<td>400</td>
<td>100%</td>
</tr>
</tbody>
</table>

The 1947 PoK displaced persons are unsatisfied with the policies of both state and Indian government. They have taken displaced persons for granted and just watching and fulfilling the wishes of Kashmiris. The Indian government only listens to demands of anti-national elements. The displaced persons are of the opinion that the both state and central governments had not played satisfactory role till now since the displacement has occurred. The government had taken only piecemeal or half-heartily measures for their rehabilitation.

**Issue of Returning Back to Their Original Resident Places**

Till date, the displaced persons have not been compensated for their properties left behind in PoK territory in 1947. Whenever this issue is raised by the displaced persons with the government, they are assured that the PoK territory will be retrieved and PoK displaced persons will be sent back to their places of original habitat to live in their own homes.

On the question of returning to live in original houses or place of residence if some agreement is reached between India and Pakistan or the two parts of Jammu and Kashmir are reunited, one respondent remarked, “We are not migratory birds or nomadic people, who are displaced seasonally. After sixty five years of their displacement, this type of agreement could never compensate any community or sufferer of war for the losses. It does not work if the government asks us to go back on reaching agreement with Pakistan on PoK territory. We have spent decades and years of our lives to re-establish ourselves. We are not slaves of government that each and every reaction of government is to be tolerated and accepted. If both Indian and Pakistan government negotiates such an agreement, the option should be provided to displaced persons whether they would like to live here or migrate to their original places or ancestors home.” Another respondent Pushkar Raj Sharma resettled in Sunderbani said,
“We want to live and die here”. The displaced persons are of the opinion that they do not want to be displaced again. Very few said that they can go back only if the government vacates areas of PoK and provide special package. In addition, the government must compensate all the losses they had suffered since 1947 as well as make available all rights on their ancestors land. Other lamented, in PoK their names does not exist on revenue records. While 27% respondents said that they only want to visit those places and not to live. They desire to pay homage to their original lands. The old age persons reflect the special attachment and love for those places. Their land has disappeared, yet they wish to go back and see how it looks now. Another person added that those lanes and neighbours, relatives and the days he spent during his childhood days loom in memories and he remember all those oldie memories.

Table 4.10: Respondents opinion on Returning Back to PoK

<table>
<thead>
<tr>
<th>Whether to return back to PoK</th>
<th>Number of Respondents</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>8</td>
<td>2%</td>
</tr>
<tr>
<td>Only Want to Visit</td>
<td>(108)</td>
<td>27%</td>
</tr>
<tr>
<td>No</td>
<td>360</td>
<td>90%</td>
</tr>
<tr>
<td>Can’t say</td>
<td>32</td>
<td>8%</td>
</tr>
<tr>
<td>Total</td>
<td>400</td>
<td>100%</td>
</tr>
</tbody>
</table>

On the question of returning back to their original place of residence, majority of them (90 per cent) of 1947 PoK displaced persons resettled in district Rajouri argued that they would not prefer to return to their ancestor homes in PoK even if Indian government settles any plan with Pakistan which is a hypothetical condition. They say that after decades of staying here, now they are able to compete and feeling satisfied. If they are again uprooted from this place, their fate will be of mental agony and they will lost everything which they have gained in the last sixty five years.

Reaction of Local Population

Scudder (1976) states that the host society, which often is not consulted in the matter of accommodating the new groups, will necessarily be hostile especially due to the ensuing competition over already scarce resources such as agricultural land or social services. Other studies, however, show that a symbiotic relationship may form between
displaced population and host population which include redistribution and exchange of resources made available to the displaced population through relief works and aid agencies. The influx of displaced persons had increased the level of competition at the place of their settlement for scarce resources such as employment, income-generating opportunities, education and health care, as well as basic commodities such as food, fuelwood, drinking water and construction materials. The newcomers are seen as their competitors. They thought that these displaced persons are enhancing the competition for scarce resources and in cases displaced communities has outsmarted the host communities.

When displaced persons reached on the safe side in camps, they were welcomed with open hands and arms. But in the places where displaced persons were resettled, there was mix response towards them. The inter relationship has undergone transformation over the years. 57% respondents pointed out that the hard-hearted individuals looked up with eye of hate and suspicion. However, there was not any tension between local and displaced population. The relationship between the displaced persons and the local people has been very cooperative throughout in the earlier years of their settlement and there have been no signs of jealousy towards the displaced persons on account of the assistance they received. One important point surely is that the displaced persons were not regarded as aliens, but as unfortunate fellow men. The displaced persons have also been friendly and cooperative from the very beginning. The attitude of the local population towards displaced persons depended on the social factor based on affinity between them and displaced persons. In some areas, this affinity was so strong that the local population shared everything with the displaced persons, until such time as relief could be brought and distributed to them.

However, later a sense of competition developed. The receipt of assistance in the form of doles and goods by the displaced, which was unavailable to the local population, was a further cause of discontent among the people of the host area; inadvertently this created an unintended gap between the living conditions of the displaced persons and the living standards of the indigenous population. Animosities among the local communities also get developed. Their influx has strengthens the assertion of identity among the local populace.

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79 Quoted in Seteney Shami, n. 4, p. 14.
Issue of Resettlement

The issue of resettlement came into the scene when a lady passenger from Muzaffarabad, who came on the inaugural bus service to Srinagar, staked a claim to her ancestral property. This created panic among lakhs of displaced persons who migrated to the Indian side in 1947 and were not given any compensation for properties left behind. Those who were settled on evacuee property feared that they would be evicted and become homeless. From 1980 to 1982 the Kashmir government backed a proposal to allow 1947 refugees (i.e. Muslims) to return, sparking fears that Hindus and Sikhs now settled on refugees former property would be dispossessed.

It speaks volumes of apathy and inefficiency of successive governments in the state and the centre that they have yet not evolved a policy for the displaced who had to migrate to the Indian side of the LoC in 1947 and are still called displaced persons. Far from attending to their basic and human rights, their anxieties have been aggravated by the controversy over revival of the Resettlement Act of 1982. The state government of Jammu and Kashmir passed the ‘Resettlement Act 1982’ which gave legal rights to the Kashmiris, who had migrated to Pakistan in 1947 to return to Jammu and Kashmir and claim their original properties and to settle in the state. The bill was passed by the state Legislative Assembly and sent for then Governor (B.K. Nehru) approval. Governor, fearing the consequences if the bill became a law, sent it to the President of India who, in turn, referred it to the Supreme Court for legal advice. The apex court returned the reference without any comment in 2001. The Supreme Court on February 2, 2002 stayed the implementation of the Jammu and Kashmir Grant of Permit for Resettlement Act, 1982. A Bench comprising Justice G.B. Pattanaik and Justice S. N. Phukan, granted interim stay of the Act on two writ petitions filed by the Panther’s Party president, Bhim Singh and another, challenging the constitutional validity of the Act on the ground that if the Act is implemented it would result in “chaos and pose a threat to the country’s

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83 Ibid.
defence and security”. Petitioners argued that the Act would facilitate the entry of terrorists into Jammu and Kashmir where over 50,000 people had fallen victims to militant activities. This Act would be misused by militants and terrorists to settle here permanently. On behalf of the Union government, it was submitted that implementation of the Act would result in large number of aliens returning to India which was not permissible under the Citizenship Act.

The displaced persons complained that the state government has all the heart for those Kashmiris who opted for Pakistan in 1947. It has even expressed desire to offer jobs and rehabilitation to pro-Pakistan Kashmiri terrorists who sneaked into Pakistan to take anti-India arms training in terror camps. But it has no word of sympathy for the Hindu and Sikh displaced from PoK. Knowing the ground situation in Jammu and Kashmir, a large majority of PoK migrants who shifted further to other parts of India, have practically lost their status as the ‘Permanent Residents’ of Jammu and Kashmir. This section of the community sees feeble chances of returning to their home state some day in future. In the absence of ‘Permanent Residents’ status they do not even qualify for elementary citizen rights like buying property, taking up state government jobs or voting for the State Assembly, municipalities or even in village panchayat elections.

According to entry 17 in the seventh schedule of the Indian Constitution, citizenship is a Union subject. Article 11 makes power of parliament to enact laws on citizenship absolute. Thus the state government has no power to restore Indian citizenship to migrants from the state to Pakistan, without which they cannot be granted state subject. There is a categorical guarantee to safeguard the interests of displaced persons allotted land on evacuee property in a judgment of the Supreme Court. It directed the state government “not to entertain any more claim for properties left behind by those who migrated to Pakistan as the twelve year limitation period prescribed in the Evacuees (Administration of Property) Act, 1949 was long over”. Thus the Resettlement Act serves no purpose. It does not help the evacuee to reclaim their property nor does it threaten the interests of allottees on that property. It can merely be a source of tension between the communities. Why is it then retained? Some clarifications are immediately called for to remove exaggerated fears and perhaps exaggerated expectations about the

Act. 86 The act seeks to resettle persons who were state subjects before May 5, 1954 and who had migrated after March 1, 1947 to the territory now included in Pakistan after verifying their antecedents. Even a cursory reading of the Act makes it clear that it applies to Pakistan and not to Pakistan administered Kashmir. India claims that the latter is legally a part of the state and its citizens are state subjects. Their movement across LoC was governed by the Ingress and Egress Act and now by special permits. It needs to be clarified that most of the evacuee property belonged to those who migrated to Pakistan and not to the Pakistan Administered Kashmir. 87 The Union Minister of state for Home declared that any property claim by PoK residents would be examined by the state government or the external affairs ministry.

Demands of Displaced Persons

The demands of displaced persons who were resettled in Rajouri district are very much similar to displaced persons settled in other districts of the state. The displaced persons started marching ahead with the aid and assistance provided by the government and large efforts made by them. Two generations have suffered. The displaced persons of district Rajouri want that government must patiently listen their problems and get them resolved. These displaced are still put forwarding their demands to secure the better future and a better livelihood of their forthcoming generations. The specific demands pertaining to the displaced persons of Rajouri are such as their proper rehabilitation should be done with all rights and infrastructure facilities to raise the living standard and others related to administration, denial and discrimination. The other demands and steps that Indian government must take to resolve the displaced persons problem effectively are:

Refugee status must be granted. Secondly, special care should be taken off by providing reservation for the displaced people and their dependents in government jobs and institutions of learning both at state and central levels. This reservation should be done away after 3-5 generations. Thirdly, special assistance in the form of economic package should be sanctioned for the displaced persons. Fourthly, grant of ownership right on the land allotted to them. Fifthly, cash compensation should be credited for the property that displaced persons have lost and left behind. Sixthly, a committee or

87 Ibid.
commission should be setup to look up the socio-economic backwardness of displaced persons and on the basis of its recommendation; government should take steps to ameliorate their conditions. Seventhly, special recruitment drive should be carried out to provide government jobs to their children. Eighthly, political representation in the parliament as well as in state legislature should be provided. Lastly, the deficiency of land must be compensated and more state land be sanctioned for the displaced people for resettling them. The similar rights that are provided to the Kashmiri pundits must be granted to the 1947 PoK displaced persons as well. 1947 PoK displaced persons are also the permanent residents of the state and similarly displaced like the Kashmiri pundits. The difference is only that PoK displaced persons were displaced 43 years earlier and has no avenue to carry along with them material things. The future of the 1947 PoK displaced persons in the state is dark unless the government gives some special attention towards the demands which are being raised by the displaced.

However, PoK displaced persons have advanced several demands. Some of general demands are as follows:

a) Set up a Commission to access the loses of PoK displaced persons in 1947.
b) An Autonomous PoK Displaced Persons Development Board should be constituted with all financial powers, which can provide financial aid to PoK displaced persons especially to those who are living in camps.
c) “Central Displaced Persons Compensation and Rehabilitation Act of 1954” should be made applicable in the case of 1947 PoK displaced persons. By virtue of this Act, displaced persons from West Punjab and East Bengal were settled permanently. So the 1947 PoK displaced persons would be rehabilitated permanently and their miseries would be resolved.
d) Eight assembly seats in the State Legislature should be reserved for 1947 PoK displaced persons. This is to be carved out of 24 seats reserved for the PoK area in Jammu and Kashmir Legislative Assembly so that these people are able to voice their grievances in the House.
e) Unemployed educated youth of 1947 PoK displaced persons should be given interest free loans to enable them to establish their business and these youth should also be given some reservation in government jobs. Until the final settlement of the issue, the similar benefits which are provided to Kashmiri
migrants should also be given to the PoK displaced persons. These include monthly cash doles, ration money and reservation for their wards in professional and technical institutions in the country etc. These displaced persons should be treated at par with the Kashmiri pandits.

f) The 1947 PoK displaced persons should be accorded refugee status so that all benefits under national and international laws and rules accrue to them. This will be a lifesaving move for many members of the PoK displaced persons community who are struggling to earn a living. The categorisation of PoK displaced persons based on the year in which they reached here should be abolished and they should be treated as one group to end the confusion.

g) 1947 PoK displaced persons must be included in the dialogue process on Jammu and Kashmir at any level being a first and natural party.

h) All the claims with regard to the compensation of moveable and immovable properties left behind in PoK in 1947 should be registered and settled without further loss of time at the present market rates.

i) Those occupying the evacuee property should be given complete ownership rights on the properties occupied by them. They are also demanding that the houses and land on which PoK displaced persons currently live as tenants should be allotted to them permanently.

j) 1947 PoK displaced persons should be given compensation for loss of their kith and kin in killings in Pakistani raids of 1947 at par with the compensation granted for killings in current militant attacks in the state.

k) The monthly income of rupees 300 per family for making ex-gratia payments should be removed and the families who have not been given interim relief must be provided ex-gratia payments. The displaced who could not apply for relief because of unavoidable circumstances should be provided the opportunity to apply and should be given the ex-gratia relief.

l) The Indian government must take up the issue of rehabilitation of PoK displaced persons with its Pakistani counterpart. With regard to those who had their accounts at the Mirpur and Muzaffarabad branch of the Jammu and Kashmir Bank, before accession of Jammu and Kashmir to India, should be paid balance amounts to the account holders or to their legal heirs with interest compounded from 1947.
m) The Jammu and Kashmir government should implement the package of rupees 47 crore sanctioned by the government of India in the year 2000 and cash should be paid to the PoK displaced persons at the earliest.

n) PoK displaced persons including those in Bhor, Chatha, Simbal, Gadigarh, Badyal Brahmana, Keerian Gandyal and Raj Bagh should be provided with all civic amenities and health services.

o) Wadhwa Committee Report should be implemented.

The case of final rehabilitation of PoK displaced persons of 1947 is yet not settled. The difference in their case and that of Kashmiri pandits is that the former have hardly any hope to return to the place of their origin not even as visitors. There is need to resolve their problems and grievances permanently rather than constituting committees and commissions again and again. What is needed is the implementation of the categorical assurances given to them from time to time by various government departments. Though their case was still believed to be under consideration of the state and central government but the solution is seen to be a distant dream. It was delayed on the fallacious ground that any compensation to them means compromise of India’s constitutional and legal right over PoK. If the PoK displaced persons of 1947 are declared as internally displaced persons, India’s claim over the territory under the control of Pakistan will not be compromised at all. Pakistan government has rehabilitated all refugees from this side of Jammu and Kashmir on evacuee property left in PoK or elsewhere in the country without giving up its claims over the rest of the state. It is therefore, a moral and legal responsibility of the government to compensate the PoK displaced persons for properties left by them in Pok. It is of course, too late to verify their claims but decided earlier lump sum relief can be granted to them in lieu of the property left behind and other sufferings which they have undergone.\(^88\)

The commonly known PoK displaced persons have suffered a lot during the last six and half decades and the successive governments in the state did not deem it necessary to mitigate sufferings and fulfill their genuine demands. They were provided only with interim relief. The claims that were due to them for their settlement in India

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have not yet been given after sixty five years of 1947 turmoil and they have constantly been pleading their case to all the governments that were formed at state and central level since then and to all the political parties. The reason for this is that India considers PoK as part of Jammu and Kashmir that acceded to India and as such it is a part of Indian state. How long they have to wait; only God knows. These displaced persons have not been provided any special package either by state or central government for their absorption in government service or for entering into any private venture to earn their livelihood. The displaced persons who left behind all their property and other valuables in PoK and also left behind their loving members of family who were massacred by Pakistan’s army and Kabales were not given proper care by government of Jammu and Kashmir and Indian government. They have to sustain themselves by their own efforts.