



# RETURN AND RESETTLEMENT OF THE DISPLACED PANDITS IN KASHMIR, INDIA

**Seema Shekhawat**

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## Abstract

*This article is based on a survey in the Jammu camps of the Kashmiri Pandits of India involving interviews with 180 respondents early this year to analyze the issue of displacement of Kashmiri Pandits, a small sect of Hindus (top in Hindu caste hierarchy, equivalent to Brahmins) largely confined to the valley of Kashmir in the Indian state of Jammu and Kashmir (J&K). Focusing on their historical displacement from their homes in the Kashmir Valley in the late 1980s and early 1990s with the onset of militancy in J&K, the article brings to the fore, the prevailing scenario of their displacement and prospects of return to their native land. For a long time, the Indian government has tossed the idea of the return of Kashmiri Pandits to their homes in the Kashmir valley, but the issue has become complicated with the passage of years. This is not an easy task to accomplish in view of diverse perceptions that have emerged within the displaced community, with many not favouring the return. There is a need to listen to the voices of the displaced Pandits and to craft policies, bearing in mind their grievances and aspirations.*

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**Keywords:** *displacement, Kashmiri Pandits, Kashmir, government, militancy*

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## Introduction

Displacement adds to the predicament of people caught in situations of conflict as it forces them to leave their homes and possessions. Even after leaving their native places during conflict, displaced people remain exposed to human rights violations. They may live in impoverished circumstances, often herded together in camps with no steady supply of food, clean water and medical facilities. Most displaced people depend on humanitarian assistance provided by public authorities or international agencies, with little prospect of income-generating activity or self-reliance as they struggle on daily basis for survival. Many lose the battle for life as they become unable to adjust to extreme situations, while others suffer from physical as well as psychological problems. Long-term displacement also causes loss of traditional livelihood skills, changes in socio-cultural life patterns and disintegration of families and community structures. Many have to resettle in distant places, learn new languages and new livelihoods, and even evolve new identities and attachments.

The *1951 Convention* and its *1967 Protocol* provided the United Nations High Commission for Refugees (UNHCR) the legal basis for protection of refugees by establishing the accepted universal legal definition of a “refugee” and codifying the obligation of signatory States to refugees. Though internal displacement has become more widespread in recent times, there is no international treaty that defines “Internally Displaced Persons” (IDPs). In an attempt to provide for protection and to codify the obligations of the concerned States, the United Nations (UN) laid down the Guiding Principles on Internal Displacement in 1998. The 30 Principles bring together all the provisions of international law that apply to internally displaced persons. These principles stipulate that while people have the right not to be arbitrarily displaced, they also have rights including access to the necessities of life and protection during displacement. Among others, the displaced also have the right to recover their property or receive compensation. Even though the concerned States have the primary responsibility for the security and wellbeing of the internally displaced, they are often unwilling or unable to fulfill it. Sometimes, national authorities may not even acknowledge the existence of IDPs, whose international access is blocked by States on the pretext of protecting sovereignty. The case of the Kashmiri *Pandits* is an apt example of how prolonged displacement has adversely affected the community in all aspects of life, and how the apathetic attitude of the Indian government is reflected in the absence of a national policy on conflict-led displacement.

This article, primarily based on data collected during extensive surveys that I have carried out in various camps of displaced *Pandits* during last eleven years of doctoral and

post doctoral research, aims at bringing into forefront a humanitarian dimension of Kashmir conflict that remains often neglected in the overall discourse on the conflict. In the course of analysis, I mainly address the following questions: Why displacement took place in the first place? What was the scenario when the displaced fled the militancy infested Kashmir valley? What provisions Indian government has made for the displaced? In what ways protracted displacement has impacted the lives of people? What are the prospects for future?

### **Leaving the Native Place**

The issue of Pandits leaving the valley, after living together amicably with the majority Muslims for centuries, is shrouded in controversies.<sup>1</sup> The displaced argue that they were forced to leave, though there are contesting explanations regarding who forced them to leave. Few blame the whole Kashmiri Muslim community, arguing that their departure was a clear case of 'communal intimidation' and 'ethnic cleansing' by Muslims, designed to expel Hindus from the valley. Many of the displaced contend that it was the handiwork of extremist militant groups backed by Pakistan. They were forced to leave because 'in the eyes of the Pakistani strategists of proxy war, they represented India in Kashmir.'<sup>2</sup> The militant organizations spread rumours and threatened the Pandits through letters, posters, pamphlets, telephones and advertisements in the press. One of the respondents showed an ultimatum from Hizbul Mujahideen published in *Alsafa* on 14 April 1990 that read: "All Pandits should leave from here (Kashmir valley) in two days."

Every *Pandit* had a tragic story to tell. "Our houses were pelted with stones during nights, and anonymous letters were sent to us asking us to leave the valley," recalled Kashmiri Lal Bhat, who migrated from Anantnag in 1989. There were also selective killings of the minority population. According to a government report of March 2010, 219 Kashmiri *Pandits* were killed by militants between 1989 and 2004. According to available government reports, 122 deaths were recorded between 1 January and 31 December 1990. Since 2004, no killing of any person from the community has taken place.<sup>3</sup> The Jammu and Kashmir government claimed to have disbursed a total of INR 21.9 million to the next-of-kin of Kashmiri *Pandits* killed in militancy in the valley until February 2010. An ex-gratia relief of INR 0.1 million was paid to each family whose members had been were killed in the valley since 1989.<sup>4</sup> These statistics have however been disputed by the *Pandits*. The information gathered by the Kashmiri *Pandit Sangarsh Samiti* (KPSS) contested the government information on the casualties suffered by the community during two decades of militancy. The KPSS accused the government of 'fiddling with the data', claiming that hundreds of Kashmiri *Pandits* had been killed during the past 20 years, and putting the number of casualties at 403 persons. Some people claimed that the Pandit killings could

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<sup>1</sup> For details, see S. Shekhawat (2006) *Conflict and Displacement in Jammu and Kashmir: The Gender Dimension*, Saksham Books, Jammu.

<sup>2</sup> Vijay Dhar, "Torpid Resolve on Kashmir," *Hindustan Times*, 17 February 1997.

<sup>3</sup> Shujaat Bukhari, "219 Kashmiri Pandits killed by militants since 1989" *The Hindu*, 24 March 2010.

<sup>4</sup> [http://www.ptinews.com/news/599804\\_-J-K-govt-fiddling-with-data-on-Kashmiri-Pandits-J-K-govt-fiddling-with-data-on-Kashmiri-Pandits'](http://www.ptinews.com/news/599804_-J-K-govt-fiddling-with-data-on-Kashmiri-Pandits-J-K-govt-fiddling-with-data-on-Kashmiri-Pandits)

have been in the thousands if the community had not left the valley as soon as the trouble started.<sup>5</sup>

The *Pandits* claim that besides life, there was also a grave threat to the dignity and honour of their women. Eighty-one year old Kamal Nath, living in Mishriwala camp stated that “a majority of us chose to escape because not only were there threats to our lives, but also to the honour and dignity of our women folk..... most of us left on individual basis without even informing neighbouring families, seizing the very first transportation available....hiding in the back of the vehicles we constantly kept praying for safe flight.” Many *Pandits* admit that they were urged not to leave and promised full protection by their Muslim neighbours. But, as the fear of gunfire intensified, it became difficult even for neighbours to be firm on their assurance. The all-pervasive environment of fear became hostile to the very existence of the *Pandits*. As per the survey majority of the *Pandits* were neither personally harmed nor threatened, but the public rhetoric of the extremist militant organizations for an Islamic state and targeting of some *Pandits* induced panic in the community as a whole.

Contesting explanations regarding the ‘how’ and ‘why’ of the exodus notwithstanding, the fact remained that majority of the *Pandit* families left the valley. The displacement of this minority community from Kashmir is unprecedented in the history of independent India. Government statistics indicated that a total of 38,119 families left the valley after the eruption of militancy. Of these, 34,202 were Kashmiri *Pandit* families, 2,168 were Muslim, and 1,749 were Sikh.<sup>6</sup> A total of 808 *Pandit* families consisting of 3,445 members are still residing in the Valley.<sup>7</sup> There is however no consensus on how many *Pandits* were living in the valley before exodus and how many left in the late 1980s. Sanjay K. Tickoo, President of KPSS, contended that in the year 2008, the organization initiated an Independent Census Program to obtain data on Kashmiri Pandits living in the valley (pre-1990 up to March 2008), regarding killings, health, jobs, financial status, etc.<sup>8</sup> As per this survey, out of 75,343 *Pandit* families (367,289 individuals) 74,692 families (364,130 individuals) left the valley from time to time. There are 651 families (2,756 individuals) at 104 locations living in the valley by the end of March 2008.

The *Pandit* community, comprising government employees, traders, peasants and orchard owners, wealthy hoteliers, shopkeepers and industrialists left Srinagar and other parts of the valley including Anantnag, Pulwama, Budgam, Baramulla, Kupwara, Bandipur, Ganderbal, Shopian and Kulgam, expecting to return after the situation became normal. The Pandits considered their displacement temporary but it more-or-less gained the status of permanence with the passing years. Most of the displaced people initially disembarked in Jammu city, the closest Hindu-dominated place almost free from militancy-related violence. Many others left for New Delhi and other parts of India. The displaced claimed that in the

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<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Rs 2.19 cr disbursed among next of kin of Kashmiri Pandits, *DNA*, 23 March 2010.

<sup>8</sup> Vijay Kumar, ‘J&K Government fiddle with the data related to the Kashmiri Pandit Community: KPSS,’ 7 April 2010. [http://www.groundreport.com/World/J-K-Government-fiddle-with-the-data-related-to-the\\_1/2921535](http://www.groundreport.com/World/J-K-Government-fiddle-with-the-data-related-to-the_1/2921535)

initial months, except for help from some Hindu organizations like Rashtriya Swayam Sevak Sangh and Bajrang Dal, no other assistance was received. It was only when the population of the displaced increased rapidly that the administration sprung into action and undertook the task of their registration and provided assistance.

### **Government Response**

As per the available state government statistics by the end of November 1990 in the Jammu region alone, the total number of registered displaced people was 242,758, majority of whom were Kashmiri *Pandits*. There were as many as 35,459 Kashmiri *Pandit* families with 156,042 members, 8,270 Sikh families with 40,916 members, 215 Muslim families with 1,068 members, and 1,331 others with 6,666 members.<sup>9</sup> As per official statistics from the office of the Relief Commissioner of Jammu in April 2010, as many as 38,119 families were registered in Jammu, including 34,202 *Pandit* families.

While many displaced people have settled in other parts of India, a substantial number of displaced families are languishing in various government-run camps on the outskirts of Jammu city. Their main source of livelihood is financial assistance and the fixed quota of food items provided by the government. The government made the provision for relief in form of cash as well as ration for the registered displaced. Initially every displaced family was entitled to a maximum monthly cash of INR 500 that has been revised time and again (*see* Table 8) Government statistics show that there are 17,248 families residing in the Jammu region comprising 60,278 people who are receiving government support in form of monthly relief in both cash and kind. The cash and ration provided to the displaced included cash assistance subject to a maximum limit of INR 4,000 per family, nine kg rice and two kg flour per head and one kg sugar per family monthly. In March 2010, the Government of India increased cash assistance for Kashmiri *Pandit* migrants to INR 5,000 from the existing INR 4,000. Revenue, Relief and Rehabilitation Minister of J&K Raman Bhalla argued that this has been a part of the government's efforts to provide better facilities for the displaced living outside the valley for past two decades.

Besides cash assistance, government also provides dry ration to each displaced person per month amounting to 9 kg rice, 2 kg wheat flour and 1 kg sugar. The monthly allowance and the rations are barely enough for a family of five to eight. As 56 year old Bhola Ram Tickoo residing in the Muthi Camp with five family members argued, "...with the children growing up, our needs have multiplied but the income is fixed... now the inflation has also increased drastically...imagining how we are managing the family with the little government aid is not hard...the situation is worsening day by day and survival is becoming very difficult." The displaced demand that the cash relief should be further enhanced to be commensurate with the sharp price rise of essential commodities. They argue that the recent hike of INR 1,000 per family is a meagre amount in view of rising costs of essential commodities.

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<sup>9</sup> Anil Maheshwari (1993) *Crescent over Kashmir: Politics of Mullaism*, New Delhi, Rupa & Co. p. 82.

### **Poor Camp Infrastructure**

The initial aftermath of the displacement was the *Pandits* living in separate enclosures in big halls partitioned by blankets, bed sheets or cardboards. Later, in Jammu where most of the *Pandits* stayed after migration, 18 camps were set up at Muthi, Purkhoo, Mishriwala and Nagrota on the outskirts of Jammu city. There were instances when a single room was shared by three generations. When the displaced, like Dinanath Kachroo came from Kupwara to Jammu 20 years ago, they were allotted one-room tenements in various camps set up at the outskirts of the city after about two years of sharing a common room in a public building. Since the allotment of this one room, families with an average five persons are living their lives there without any change in accommodation. Many others were put up in tents, and after a few years, provided with one-room accommodation with common bathrooms and other minimal facilities. Government currently has camps for the displaced *Pandits* at four places: Muthi, Mishriwala, Purkhoo and Nagrota where 3,852 families are residing in One Room Tenements (ORTs).

The expenditure for cash assistance, ration and maintenance of infrastructure is being met under Security-Related Expenditure for which funds are being allotted by the Ministry of Home Affairs, Government of India. An amount of INR 719.5 million was spent in providing relief and other facilities to the displaced living in Jammu and other parts in 2007-2008, INR 703.3 million in 2008-2009, and INR 685.9 million from 2009 up to January 2010. Life in the years that followed the flight has proven far worse than the flight itself for the camp dwellers. Neither the accommodation nor the relief could meet the basic needs of the displaced *Pandits* who had to live on the meagre rations in the camps with minimal facilities. Several families were often huddled together in a single tent or room for years. Despite the proclamation by the government that all necessary facilities had been provided, the camp-dwellers are leading a miserable life. Conditions in all the camps, set up on the fringes of the city, are grim.

The accommodation, comprising of a single room regardless of family size, has also been far from satisfactory, with the same room serving a dining room, bedroom, study, and storeroom. The rooms are often decorated with fading pictures of brides in traditional Kashmiri dresses against the background of green hillsides, with stories of their lives in the valley with cool weather, streams, big houses and cattle-sheds bigger than the single rooms in which they currently live being told and retold every single day. For a community that has always lived in large and open houses for generations, it is extremely difficult to adjust to life in a single tiny room often with just one bed and an entire family huddled together around it. "We stay in a very small room with all the family members huddled here and there with no privacy; how can we manage to even change clothes?," said Phoola Dhar, a displaced *Pandit*. Even the material used in the putting up the structures is sub-standard, and consequently many of the ORTs have cracked prematurely and many are about to collapse. People are thus exposed to the vagaries of the weather, reminiscing about their previous idyllic existence in the

environs of the Kashmir Valley. This degeneration of life has become unbearable, but there appears to be no immediate solutions to the problem.

There used to be lack of basic amenities in the camps, with no separate toilet facilities in some camps for women. The sharing of this basic facility with men, coupled with the lack of water in the toilets have been very problematic and also humiliating for women. As Rekha Kaul argued, “.....we had to stand in line with men to go to toilet.... we had to carry water along every time; imagine a man knocking on the toilet and asking to hurry up when a woman is inside... this all was so humiliating.” Now all the camps have community-type bathrooms and latrines separately for men and women, and numbering 1,366. Various NGOs have taken charge of maintenance of these common toilets and bathrooms, but most of them are still in very deplorable condition.

In July 2010, the United Nations General Assembly resolved that provision of safe and clean drinking water and sanitation is a human right essential for full enjoyment of life. Unfortunately, almost 900 million people worldwide do not have access to these basic amenities. The displaced, being on margins of the society, suffers more on this account. Essential services like running water and electricity are irregular in the camps, with prevalence of the syndromes of dysentery and jaundice. The lack of safe drinking water and sanitation has also led to the prevalence of diseases like hepatitis. Forty-two year old Ramanath Kaul has suffered from recurring hepatitis for the past four years, with the disease taking a severe toll on his health. Many places in the camps have become breeding grounds for mosquitoes, leading to increased cases of Malaria and Dengue. During the initial years of displacement, Malaria caused great morbidity among the displaced, with an estimated 10,000 members of this displaced community having already fallen victim to dengue fever.<sup>10</sup>

### **Impact on Health**

The Health Department of J&K has established dispensaries and health centres at Purkhoo, Nagrota, Muthi and Mishriwala, with additional facilities like ultra sound and x-ray at Purkhoo and Muthi provided since 2009. Four ambulances were also provided in various medical centres during 2007-2008. The Indian government has created a corpus fund of INR 45 million for providing medical facilities to patients. The government also claims that as of now, 67 cases involving an amount of INR 2.21 million have been settled even though healthcare facilities in the camps are inadequate. Government dispensaries in the camps lack proper facilities in terms of availability of medicines and medical staff.

The trauma of displacement, and problems of acclimatization to an entirely different and hostile climate to which the *Pandits* were not earlier acquainted, have adversely affected them. Lack of basic amenities like drinking water, drainage and sewerage, proper lavatory facilities and housing has increased the trauma. The lack of

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<sup>10</sup> Ajay Chrungoo (2003) Kashmiri Pandits: Problems, Prospects and Future. Paper Presented at a Two-day Conference on Kashmiri Pandits: Problems and Prospects, ORF, New Delhi, September 1-2.

basic amenities, coupled with the lack of the health care facilities, has made the camp dwellers prone to health hazards. The displaced are experiencing a perceptible increase in both the existing and new health problems that hitherto were unknown or rare in the community. A survey conducted by a Kashmiri *Pandit* leader K. L. Choudhary in 1993 at various camps at Jammu indicated that there is hardly any system in the body of a displaced that has remained unaffected in the wide spectrum of afflictions from which the exiled community is suffering.<sup>11</sup> The situation has worsened with the passage of years as the displacement has become more or less permanent.

As per an estimate, more than 8,000 displaced died prematurely during the first 10 years of displacement, the main causes being exposure to a hostile environment, snake bites, heat strokes, heart problems and other ailments. Heat strokes accounted for approximately 1,056 deaths in 1990, the first year of the displacement, 409 deaths in 1991, 397 in 1992, 178 in 1993 and 148 between 1997 and 2003.<sup>12</sup> Pulmonary diseases like allergies, tuberculosis, bronchial asthma, pneumonia, skin diseases and infectious diseases like measles, chickenpox, mumps and typhoid have affected the displaced. According to Choudhary, between 1991 and 1993, immediately after the migration, out of 11,150 patients, 96 % suffered from skin disease, 91 % from psychiatric disorders, 61 % from nutrition syndromes, 38 % from allergic syndromes, 21 % from ulcer dyspepsia, 11 % from hypertension, and 12 % from stress diabetes. Between 2001 and 2003, out of 5,004 patients, 18 % suffered from skin disorders, 44 % from psychiatric disorders, 62 % from nutrition syndromes, 15 % from allergic syndromes, 31 % from ulcer dyspepsia, 18 % from hypertension, and 15 % from stress diabetes.<sup>13</sup>

A new syndrome, stress diabetes, has become rampant among the displaced people including the youth. This disease has not only adversely affected the productive years of the youth but also led to impotency in many cases. The psychological stress, coupled with other factors, also led to a sharp rise in death rate and decline in the birth rate. A survey by the National Service Scheme in Muthi (Phase I and II) found 250 deaths as against 93 births in these camps during 2001-2002.<sup>14</sup> To quote Shakti Bhan Khanna, a gynaecologist and head of 'Daughters of Vitasta,' women's wing of the *Kashmiri Pandit Organization - Pannun Kashmir*, "Every month, on an average, 70 people die.... There are not even twenty births in the community per month."<sup>15</sup> The displacement has taken a great toll of Kashmir *Pandits* living in camps in terms of psychological and mental disorders, epidemics and reproductive disorders, resulting in a birth-to-death ratio of 1:4.<sup>16</sup>

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<sup>11</sup> K. L. Chowdhary (2003) Health Trauma in Kashmiri Pandit Refugees. Paper Presented at a Two-day Conference on Kashmiri Pandits: Problems and Prospects, ORF, New Delhi, September 1-2.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> *Kashmir Sentinel*, 16-31 August 1998.

<sup>15</sup> Shakti Bhan Khanna, "Nation Must Care for Kashmiri Pandits," *Kashmir Sentinel*, 1-28 February 2003.

<sup>16</sup> *Daily Excelsior*, 1 November 2003.



Stress-related premature ageing in physical appearance as well as functional deficit of body organs is noticeable among many. The psychological/mental diseases that have become rampant include depression, hypertension, hallucinations, insomnia, over-sleep, nightmares, recurring dreams, hysteria, dizziness, ultra-sensitivity to the slightest noise, fits, long periods of silence, sinking feeling, schizophrenia, and phobias like incapable of being alone and fear of dark. A 2005 report entitled 'The Impact of Migration on the Socio-Economic Conditions of Kashmiri Displaced People' by the J&K Centre for Minority Studies, found as many as 79 % of migrants suffer from depression, while 76 % of these suffer from anxiety disorders such as phobias and panic attacks, and 8 % suffer from delusional disorders and psychosis.

### **Educational and Economic Disruption**

For a *Pandit* community with a traditional high literacy percentage, education is another area that has remained a matter of serious concern in the post-displacement scenario. The exodus had disrupted the education of thousands of *Pandit* students. Initially, quite a large number of *Pandits* could not pursue or complete their studies due to the indifference of government. Many others lost one to three years of their studies before the government made alternative arrangements. Even at a later stage, the displaced students were denied admissions to mainstream educational institutions and had to continue their education in the camp schools, colleges and universities far from satisfactory in terms of facilities and infrastructure. The displaced students also had to endure inordinate delays in the conduct of examinations and declaration of results. The periods of graduate and post-graduate education were extended to about six to seven years. Later, the camp colleges were merged with evening colleges affiliated to University of Jammu.

Currently, five camp schools are functional at Purkhoo, Nagrota, Mishriwala, Muthi and Roop Nagar, with as many as 1,400 students studying at these schools. In Kashmiri *Pandit* tradition, it is essential for all children to attend school. However, the facilities in terms of staff and infrastructure are highly unsatisfactory and many prefer to send their children to private schools even if this meant diverting money from food and other pressing necessities. Besides high fees, parents also have to find money to purchase expensive books, hire private tutors and provide transportation to keep their children's upward mobility secure. Even in ORT home, a corner is always reserved for piles of children's schoolbooks.

Despite all odds, the literacy rate among the *Pandits* has not declined, with no reports of dropout cases at least at school level. The reservations in the professional institutions in some states like Maharashtra and Karnataka had opened up some new vistas for them to maintain academic excellence. Though these limited opportunities could not cater to the needs of many aspirants, yet it has to some extent fostered their upward mobility.

Many of the educated *Pandits* are facing forced idleness due to lack of employment. Almost 80 % of the *Pandit* government employees have retired, and the community has

allegedly faced discrimination in public employment. As per an estimate, out of 140, 000 posts filled by the J&K state government from 1996 to 2002, less than 1 % was allocated to the displaced people.<sup>17</sup> Lack of employment opportunities has resulted in the deterioration of the financial status of the camp dwellers, who incurred enormous economic losses during the course of the displacement.

At the time of migration, *Kashmiri Pandits* were having huge assets like movable and immovable properties. Displaced *Pandits* have suffered losses of immovable properties (houses, shops, agricultural land, orchards, etc.) that they left behind. They have been incurring losses of revenue, being unable to pursue their occupations and businesses. Along with these temporary losses, many of them also suffered permanent losses when their immovable properties were allegedly burnt or destroyed. A Memorandum submitted by the *All India Kashmiri Pandit Conference* on 9 March 1994 to a visiting delegation of Ambassadors from various countries at Jammu pointed out that the properties of many others had been usurped either through tampering of revenue and land records or illegal encroachment.<sup>18</sup> Many abandoned houses in the valley had been looted. A wide variation in the estimation of economic loss of the displaced due to arson and encroachments notwithstanding, the process has not stopped.<sup>19</sup> The enactment of the Jammu and Kashmir Migrant Immovable Property (Preservation, Protection and Restraint on Distress Sales) Act 1997 did not stop the distress sale of properties at cheap rates. There are many others who do not even have any knowledge about the status of their property in the valley. The government claims that INR 396,491,838 has been paid as compensation to the *Pandits* on account of damage to their properties since the eruption of militancy.<sup>20</sup> Most of the respondents however claimed that they had not yet received any compensation.

### **Socio-Cultural Implications**

Displacement has generated a sense of loss of cultural identity among the *Pandits*, who are facing a grave identity crisis wherein their ethnic identity, comprising common race, religion, language, culture, tradition and custom, is at the verge of extinction. The *Pandits*, while in the valley, rigidly stuck to their distinct tradition governing the mode of worship, celebration of religious festivals and elaborate rituals related to birth, initiation, marriage and death. These customs and practices were quite different from their Brahmin counterparts in the rest of India. Post displacement, there is a perceptible change in almost all aspects of their socio-cultural life including life-style, eating habits and dress patterns. Survival of the Kashmiri language, which unified the *Pandits*, is also under serious threat. Though adults still speak Kashmiri, the younger generation has taken to speaking Hindi or Dogri to suit their new environment. Negligence of the mother tongue by the younger generation is perceived as a severe threat to *Pandit* music, folklore and literature.

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<sup>17</sup> Kiran Pandita, "Nadimarg Carnage a Setback to Peace Process," *Daily Excelsior*, 20 April 2003.

<sup>18</sup> *Kashmir Chronicle*, 10 May 2000.

<sup>19</sup> *Daily Excelsior*, 14 April 2003.

<sup>20</sup> [http://www.ptinews.com/news/599804\\_-j-k-govt-fiddling-with-data-on-Kashmiri-Pandits-'J-K-govt-fiddling-with-data-on-Kashmiri-Pandits'](http://www.ptinews.com/news/599804_-j-k-govt-fiddling-with-data-on-Kashmiri-Pandits-'J-K-govt-fiddling-with-data-on-Kashmiri-Pandits')

Displaced *Pandits* argue that dilution of community bonding is more acute in terms of marital relations in which out-of-community marriages have increased greatly after the displacement. Previously, inter-ethnic marriages in the *Pandit* community were a kind of taboo. The *Pandits* claim that this new change in marriage pattern will lead to dilution of their community identity. Consequently, this has become a serious cause of concern for this small community wanting to preserve its identity and cohesiveness. Undoubtedly, the forces of globalization and modernization have played a key role in the increase in choice marriages in the Indian Hindu community divided on caste basis on almost impenetrable basis traditionally.

The *Kashmiri Pandit* community is no exception to this trend but the displaced contend that without displacement, this trend of out-of-community marriages would have been significantly low. As per estimates from the Satisar Foundation, a social organization of *Kashmiri Pandits*, about 35 % of *Pandit* boys and girls have married out of community during the past 10 years, disregarding the otherwise age-old and well-maintained Gotra system. The Foundation, while appealing for a total ban on inter-ethnic marriages, argued that such an exercise is nothing but 'disturbing, disgracing, harassing and black-mailing one's parents.' It is interesting to note that to stop this trend, some *Pandit* organizations have resorted to organizing workshops for the community youth to make them aware of their culture and their responsibility towards preserving it by marrying within the community. How far they succeed in this regard remains to be seen. Satisar Foundation Secretary, S. K. Ganjoo, claims that the number of such youth favouring out-of-community marriages was alarmingly rising till 2006, when after sustained 'indoctrination' that such a trend would annihilate the miniscule community, the rate of out-of-community marriages had reduced.<sup>21</sup> Late marriages among the displaced have also emerged as a significant trend. The average age of marriage for girls has increased to 27 years from the previous 20 years. The current average age of marriage of boys at 32 years is way higher than the traditional age of 25 years.

There is also a large-scale dilution of the pattern of celebration of festivals and auspicious occasions. One of the apparent reasons for this dilution is that many of the *Pandit* festivals centred around the sacred places situated in their native place, with the *Pandits* considering the whole of the valley as holy land. "There is hardly a river, spring, or hillside in Kashmir that is not holy to the Hindus...."<sup>22</sup> Even the zeal to celebrate festivals has almost become non-existent. The festival of *Maha Shivratri* is not celebrated with the same enthusiasm, and many rituals have been abandoned. Similarly, the performance of *yagnopaveet* (thread ceremony) a very important event in the life of *Kashmiri Pandits* involving a ceremony extending over a couple of days, including continuous *yagya* (burning of a sacred fire with hymns) for about 20 hours,

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<sup>21</sup> Rajesh Bhat, 'Inter- ethnic marriages among KPs increase after migration from Kashmir,' 3 September 2007 <http://www.merineews.com/article/inter-ethnic-marriages-increase-amongst-kashmiri-pandits-after-migration/126122.shtml>

<sup>22</sup> Walter R. Lawrence (1996) *The Valley of Kashmir*, Jammu: Kashmir Kitab Ghar, p. 297.

is now completed in a few hours. To quote 75 year-old Pyare Lal Kaul living in Mishriwala camp, "In camps where leading a dignified life is unthinkable, celebration of festivals and other ceremonies are only symbolic. There is neither the zeal, nor resources. Symbolic celebration is to keep intact our tradition but I do not think that even this symbolism is going to last for long. I have witnessed the adverse change in celebrations.... unless we return to the valley, arresting this trend is not possible."

The ruptured social fabric of this once a close-knit community, with strong intra-community linkages, has affected their socio-cultural life. Thus, besides many other factors, the replacement of a joint family system by nuclear families post-displacement is a crucial factor in the change of the socio-cultural life of the *Pandits*. Displaced *Pandits* have lost the emotional support they used to get in the traditional joint families in the valley. With children shifting to different places and disintegration of the joint family system, old-aged *Pandits* are bearing the brunt most. It is extremely difficult for them to cope with the trauma of losing homes and the scattering of community and even family ties. Relations among old and young generations have been especially affected by the displacement because of the perceptual difference regarding the need to change or maintain traditional ways of life. Many of the youth generally ignore their traditions and customs. The younger generation have adopted and accepted the forces of modernization. The aged are unable to adjust to the cultural setup, language and environment not native to them. In their attempts to retain their distinct identity by strictly adhering to the dress code, language, rituals and traditions, they feel cut-off and many are leading lives of isolation in the camps, with most of the youth moving to different parts of the country and even abroad in search of a better future. Most of the camps have temples built by the displaced people in which some activities like singing religious songs are held occasionally. The trauma of displacement and its after-effects is so lingering on the aged that they try to find solace in such activities. As 78 year-old Rama Nehru living in Muthi camp put it, "in this way I try to forget my past and present miseries for at least some time."

### **Improvement in Camp Life**

After nearly two decades of survival in single room accommodation, there has recently been some upgrading of accommodation for some of the displaced in the form of one bedroom-kitchen sets with living room area and a separate toilet and bathroom. A project titled "Construction of Two Room Tenements under the Prime Minister's reconstruction programme" was commissioned by the government of India during 2005-2006 to provide better accommodation to families living in the various camps. Under the package, a project for the construction of 5,242 Two Room Tenements (TRT) was implemented in two phases with an estimated cost of INR 3,450 million. During the first phase 1,024 flats were completed and allotted to the displaced living in camps in shabby conditions. This included 256 TRTs in Purkhoo camp, and 384 each in Muthi and Nagrota camps. The displaced residing in ORTs in the Muthi camps phase II were allotted 384 TRTs. The displaced of Batal Ballian camp based in Udhampur and Kathua camps in the Jammu region had been

transferred to newly-constructed TRTs at Purkhoo and Nagrota. In total 5,000 families are residing in the four government-run camps in 3,852 ORTs and 1,024 TRTs. The improvement in living conditions in 1,024 TRTs is quite perceptible though there are complaints of poor electricity and water supply.

In the second phase of the construction of TRTs, it was decided that the remaining 4,218 flats shall be constructed at one place in order to maintain the cultural heritage of the *Pandits*. Accordingly, land was identified at Jagti in Nagrota, and a township was designed for a population of 25,000 displaced people. The construction is presently ongoing. On 2 November 2009, the Indian Home Minister P. Chidambaram visited Jagti and promised that the township would be ready by May 2010. This was later shifted to August/September 2010 and again to September/October 2010, then finally to the end of the year. At Jagti, facilities like water supply, drainage, parks, health centres, bus services, schools became part of the project. While some of the displaced are eagerly awaiting the completion of the township at Jagti and allotment of the TRTs to them, many others living in the squalid Purkhoo and Muthi camps in ORT are not in favour of moving from their current locations, citing various reasons. To quote 28 year-old Ravi Raina, "God only knows how many times we will be shifted from one place to another. We cannot lead this undignified life of getting uprooted at the will of the government.... We do not want to shift from here. This place is near to Jammu city and is well connected with good transport facilities. Our children are studying here. Life is more-or-less settled.

People have set up small businesses in the form of shops, which is their source of income. Leaving all this and moving to a far distant place is not a viable option for many." "Why couldn't government construct a township for us at this very place? They just want us to be out of sight permanently I suppose," argued 32 year old Rama Charangoo. There is also apprehension that the building of a township with good facilities is proof that their return is not on the agenda of the Indian government, even though the government has time and again reiterated that the TRTs are only a 'stopgap' arrangement, a temporary one until the *Pandits* return. Satirically, 43 year-old Jagan Kaul said, "The government should not worry, we are preparing ourselves for shifting to Jagti that will again be temporary. We are used to uprooting and we will continue to remain rootless, courtesy one and all."

### **Return and Resettlement**

The issue of rehabilitation of the displaced has been under consideration by the government for a long time. During 2004-2005, a high-powered committee constituted under the instructions of the Prime Minister of India, called the Inter Ministerial Team, visited Jammu and submitted its recommendations. Based on those recommendations, on 25 April 2008 Prime Minister Manmohan Singh announced INR 16,180 million package for the relief, rehabilitation and return of the displaced to the 'land of their grandfathers and great grandfathers with dignity.' As a step in that direction, flats have been constructed at Tulmulla, Mattan Anantnag and Sheikhpura in Kashmir. The government has decided to construct 200 flats at Sheikhpura Budgam, of which 120 have so far been completed, and 60 had been taken over by the government. Construction of the remaining 80 flats is expected

to be completed during 2010. Also, a proposal for the construction of 300 more flats at Vessu, Qazigund and Baramulla is in its final stages. These have been constructed as the transit accommodation for the displaced in the valley itself before their original properties will be restored to them.

The transit accommodation will be special security zones which will be made available by government for a period of six months or if the displaced arrange for houses on rent in the valley after return. As per the understanding, the amount of rent shall be reimbursed. According to the Revenue Minister of J&K, Raman Bhalla, in a written reply in the state assembly in March 2010 to a question by Hakim Mohammad Yaseen, an independent legislator, not a single Kashmiri displaced has returned to the valley. Only 31 flats had been allotted to Kashmiri *Pandits* who had stayed back in the valley after displacement. There has not been any favourable response on this transit accommodation from the displaced community who consider it amounting to agreement by the government that the security situation in the valley is not conducive for their return. "We do not want to live on our land with security cover. It will be a worst scenario than it is here in the Jammu camps. Here at least our lives are not prone to militant violence.... It is not a feasible option. Besides, how many more temporary arrangements will be made before we will be able to lead a normal life? Are we doomed to spend our lives shifting from one arrangement to another?" These were questions posed by 62 year-old Rajkumar Raina.

To persuade the *Pandits* to return, the government package also includes a series of concessions. Displaced people who have sold their properties prior to 1997 and do not possess any house, are entitled to INR 0.75 million as cash assistance for construction/renovation of houses in the valley. They shall also be entitled to some cash assistance for the re-cultivation of agricultural/horticultural land up to a maximum of INR 0.1 million and INR 0.15 million respectively, and waiver of loan interest for those who had outstanding loans as at 1 January 1990. Those who wish to set up income-generating units in the valley shall be entitled to a cash assistance of INR 0.5 million out of which INR 0.25 million will be a subsidy and INR 0.25 million shall be recoverable in easy instalments. School-going children shall be entitled to a scholarship of INR 750/- per month, and those registered under relief categories shall be entitled for relief for two years after their return.

Under the package, the government reserved 6,000 jobs for the *Pandit* youth, out of which the expenses for 3,000 are to be borne by government of India and 3,000 by the state government. The government has already reserved 3,000 jobs in the first phase vide *Govt. Order No:Rev/MRI147* of 2009 dated October 28, 2009. As many as 3,000 more jobs would be created later. The jobs have been reserved at the district and divisional level in the Kashmir region but with the clause that those availing reservation in jobs would have to permanently reside in the valley and even a single day's unauthorised absence from duty would lead to dismissal from the job. An earlier clause in the reservation policy, that employees would have to take their families to the valley, had been later deleted after protests by the displaced. The employment package seems to be a major incentive for initiating the return. A J & K Service Selection Board, which had been assigned the task of

filling up 2,184 out of 3,000 positions claims that 'the response to the recruitment drive had been excellent'. More than 12,000 displaced have applied for the jobs and the appointment process has started. It is expected that if the recruits permanently return to the valley with their families, this will also prompt others to return. As per the government information, 4,400 applications had been received from displaced families who wished to return.

Three round-table conferences were held in February 2006 (New Delhi), May 2006 (Srinagar), and April 2007 (New Delhi) to discuss views from representatives of political parties, ethnic groups and opinion leaders from all the three regions of J&K. During the second round-table conference, the Indian Prime Minister announced the establishment of five working groups to address various contentious issues in Kashmir. The major agenda of the first working group was to improve the conditions of people affected by militancy-related violence, including displaced *Pandits*. The first four groups submitted their reports before the third round table conference held in April 2007, which recommended urgent steps to address the grievances of the displaced *Pandits*, including their return. The recommendations made by the group came up for discussions during the third round table conference, which endorsed the suggestions of the group. The issue of return of the *Pandits* has become complicated with the passage of years. It is not an easy task to accomplish in view of diverse perceptions that have recently emerged within the displaced community.

There is no unanimity among the displaced community regarding the future course of action. There are people who are counting every single day before their return, with the longing to return being strongest in the old generation. According to 82 year-old Ramanath Pandita, "I was born and spent my youth in the valley; all my good memories are embedded in the valley. I want to return at the earliest possible. I do not want to die here as a displaced person. If only I die in the valley my soul will get relieved. Many of my friends have died hoping to return to our sacred land. My wife still has kept the set of keys of our house as the most precious commodity, wrapped in a small silk cloth, hoping to use them to open our house when we go back. I still dream that I will celebrate the next Maha Shivratri in my home. I have lived for 20 years in Jammu but have not been able to relate with this place. It can never replace the valley as my homeland. Our roots are there. How we can survive here for long?"

There are also a few young children like 20 year-old Prem Kachroo who were born in the camps but want to return to the place that their parents say is their ultimate home. They have never seen the valley but they have grown up hearing stories based on Kashmir valley, and in their dreams they have visited valley hundreds of times. Those favouring return point out that it depended mainly on the conducive atmosphere in the valley. Security and safety are of utmost concern rather than the amount of the package for rehabilitation and return. As 48 year-old Dinanth Raina argued, "We did not come here leaving our homes and hearths for relief benefits or relief packages that the governments keep announcing from time-to-time to show sincerity towards our return. We left not for economic reasons, not even for political reasons, we left because of prevailing insecurity. We had to flee because there was a threat to our lives

and that threat still looms large if we return. Normalcy has not returned and until that time we cannot even think of return.”

The onus is on the Indian state to restore law and order and create a conducive environment for all Indians, including *Pandits*. As *United Nations Guiding Principle 28* states, “Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally-displaced persons to return voluntarily to their homes or places of habitual residence.” So far, however, the government has been unable to do so and hence many displaced, especially the young people, reject outright the idea of going back. Continuation of an insecure atmosphere has prompted many to ultimately decide not to return to the valley but to settle elsewhere in India. Also, there is the factor of feasibility of return after two decades with not much to look back to. An entire generation has now been born or spent most of their lives outside the valley. This generation is trying to carve its niche in India and also abroad by taking advantage of currently available education and employment opportunities, which the small valley cannot provide. Though the displacement has brought a plethora of hardships, the new generation has adjusted to the situation and are unwilling to start life altogether afresh by returning. Those who can afford are buying properties in Jammu and elsewhere in India.

Some of the displaced believe that creation of a separate homeland within the valley for them is the panacea to all their problems. This safe haven, also called Panun Kashmir (My Kashmir) will allow generations of *Pandits* to lead a secure life. Claiming to be the original inhabitants of the valley with a distinct culture of the purest class of the Aryans and a history of 5,000 years, *Pandits* claim that the 1989-1990 displacement is the sixth in the series of their exoduses due to religion-based violence against them.<sup>23</sup> It is also argued that a separate homeland would save this community that is scattered all around India and is losing its culture and heritage from going extinct. They claim that even if they return after some days, years, or at the most decades, they will be forced to flee. The contention is also that inter-community relations had been affected irreparably after displacement.

## **Conclusion**

Majority of the displaced *Pandits* hold the belief that both the state and central governments have been apathetic towards their plight. This is clearly reflected in the constant refusal of the government of India to recognize the displaced *Pandits* as IDPs. The *Pandits* claim to fulfil the criteria to be recognized as IDPs according to the United Nation’s Guiding Principles which state: “Internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.” The displaced also feel

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<sup>23</sup> Alope K. Kalla (1985) *Kashmiri Pandits and Their Diversity*, Delhi, B.R. Publishing Corporation. pp. 1-7; R. L. Bhat, “KPs- Written off with a Cheque!.....,” *Daily Excelsior*, 31 August 2002.



that India disfavours international scrutiny regarding displacement and therefore denies international humanitarian access to them. They also feel that their condition could have been much better if international aid agencies had been allowed to work for them. India lacks a national policy or institutional legal framework concerning conflict-led displacement, though many of its states including J&K have a considerable number of the uprooted due to ongoing conflicts. It refers to all the categories of the displaced in J&K as 'migrants'.

The absence of a national policy on the conflict-induced displacement gives rise to two pertinent issues. First, the displaced are deprived of the status of being 'internally-displaced' and thereby remain deprived of international aid. During his visit to India, a joint delegation of about ten (10) *Kashmiri Pandit* groups submitted a memorandum to the UN Secretary-General Ban-Ki-Moon regarding their demands, which included seeking his intervention to be declared as IDPs and to take cognisance of their plight as "they had to leave their homes in the valley to escape persecution". It was however later made clear by the UNHCR that it is beyond its mandate in India. The displaced contend that national and international human rights organizations have failed to highlight continuing violation of their rights though they were quite vocal in pointing out the human rights violations in the Kashmir valley. They allege discrimination on the part of both the government and human rights organizations. To quote 32 year-old Piyush Tickoo living in Purkoo camp, "Languishing in camps with minimal facilities, we are unenviable holders of the identity of being migrants with a wounded past, appalling present and vague future for two decades. There is no one to listen to us." The community's lugubrious label for itself is *Sharanarthi Apne Hi Desh Mein* (refugees in our own country).

Secondly, the nature and amount of help to the displaced are not uniform. It becomes the prerogative of the government to make a decision regarding the help, thereby leading to discrimination among various displaced. The amount of relief and assistance provided to the different categories of the uprooted even within J&K is quite varied. While the *Pandit* community has not received all the assistance that it seeks, this group of displaced has fared better than other displaced communities in J&K because of their visibility. The displacement of the *Pandits* has been given relatively wider attention by not only the government of India but also the media, as compared to any other category of displaced living in the state. In this context, the displaced *Pandits* are the major beneficiaries as against all other categories of militancy led displaced. This comparison is however meaningless for the *Pandits* who claim that the plight of the Jammu displaced further support their claim that successive state and federal governments have failed to develop a clear-cut approach towards the conflict-led displaced of J&K. Another issue of concern is that the *Pandits* living in the camps belong to the lowest strata within the community. The camps are packed with the families of petty government employees and former agriculturists, widows and old people. The upper strata of *Pandits* have generally appropriated the opportunities opened up by displacement and those living in camps only have a minimal share. The *Pandits* feel that governments have not been able to sincerely work for their present or future as is clearly evident from their current living conditions

and uncertainty for the future. Opposition parties also do not raise their concerns. This apathetic attitude, according to the *Pandits*, can be partly attributed to the fact that their small community is not a major vote bank. There is a need to listen to the varied voices of the displaced *Pandits* and accordingly make serious efforts for their return or resettlement.