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On the move

A study of moving populations in the Indian sub-continent —
the displaced, dispossessed, exiled and evicted

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On the move

Sudharak Olwe



THIS VOLUME OF *INFOCHANGE AGENDA* takes on board an issue that marks every aspect of the politics, economics and cultures of human existence — movement. From the birth of nations, to fragmented transitions between tradition and modernity, to confrontations about resources, to ideological contestations on what constitutes development, to material experiences of dispossession and enrichment — moving populations have been at the core of meaning-making of human identities through the ages.

The paradox of the contemporary moment is that globalisation — whichever way we wish to understand it — impels twin processes of movement. On the one hand, mobility becomes a prerequisite for economic success, and on the other you have populations forced to move, not for better opportunities but to make way for the former. This issue of *InfoChange Agenda* attempts to map some of the trajectories of the resulting tension between differently located population groups, where both move — but one moves for its betterment and the other is displaced to fructify that betterment. We will also examine whether the equations are more complicated: Can there be empowering outcomes of displacement? And how do we gauge the cultural invectives that accompany movements: from racist impulses that 'mark' skin colour as the qualifier for refugee/immigrant protection in Northern countries, to specific targeting of indigenous populations as those which will have to bear the burden of development in the Third World.

Borders and 'Others'

How do we recognise displaced populations? And how does the movement of populations signify either dispossession or enrichment? Central to this is the idea of space and territoriality. The advent of neo-liberalism — both as ideology and governmental practice — has, curiously,

strengthened State sovereignty and the inflexibility of borders, while at the same time advocating a borderless world when it comes to allowing the flow of capital.

The inscription of borders — both material and mental — has become the premise of constructing dominant and marginal communities. Border crossings between the urban/rural, rich/poor, pastoral/industrial, traditional/modern, white/black, North/South get mediated through the imaginary figure of the 'Other' who has the potential to contaminate, terrorise, stall progress and destabilise development.

Interestingly, the notion of borders gains significance only when we see border crossings happening. Borders, thus, are not always material boundaries that demarcate spaces over which claims of exclusive territoriality can be made. They are also metaphors for dominance that gain meaning only because bodies cross them. If there weren't people performing the act of crossing borders (voluntarily or otherwise) — be they national in the case of countries, cultural in the case of communities, or economic in the case of SEZs — borders would have no significance.

Thus, it is not just the material existence of borders that makes us identify how subordinated peoples are displaced from locations of power, but the act of crossing them, or the potential threat of their penetration, that makes us guard borders. The forcible evictions of 'Other' populations are thus an orchestration of an exodus that re-inscribes the power of the dominant population over a particular territory. The power of sovereignty, or the ability to guard borders, is not so much in making borders impermeable, but in wielding control over the kinds of bodies that get to move in and out of borders. The partition of India, the contestations over who can lay claim to Kashmir's territoriality, the post-conflict borderlines that got drawn in Eastern Europe, and the ongoing tension across the Israel-Palestine border are all instances where the preoccupation of the powerful has been not only in erecting borders but being able to monitor who gets to cross them.

In the wake of September 11, regulating borders to take away the freedom to move has become a classic way of tackling 'terrorism' — and increasing restrictions on the immigration of people from the South to the North is reflective of that. The idea is to keep the 'Other' out, and being perversely oblivious to the fact that the State itself is complicit in unleashing brutal violence against its own citizens. A recent advertising campaign by the conservative ruling party in Switzerland is aptly representative of this move: the posters depict a group of white sheep on the Swiss flag kicking a black sheep off the flag, and emphatically declares: "To create security."

Similarly, if one considers the spatiality of modern cities,

evidently visible are the locations occupied by slums — on the margins. The metaphoric centre of the city, the location of power and capital, is seldom inhabited by homeless migrants. They live in makeshift shelters, under constant threat of the city municipality coming in with huge bulldozers to raze their habitat in the name of beautification, or the State acquiring land in the name of industrialisation. From the 1982 Asian Games to the 2010 Commonwealth Games, eviction drives in Delhi that have uprooted the inhabitants of Nagla Machi and Yamuna Pushta — to turn Delhi into a 'world class' city — have resulted in the erection of borders within the city that demarcate the 'world class' from the 'sub-class'. It's the same story in Mumbai and Bangalore where the working class spaces of textile mills, and habitations of migrant workers, are being converted into glitzy malls and IT parks whose borders allow access only to certain kinds of people.

Urban borders take on a different meaning when they are drawn on communal/ethnic grounds, or on economic grounds as in the case of SEZs or IT parks. The Muslims in post-2002 Gujarat, especially those perpetually displaced after their complete dispossession during the riots, or the Bihari working class migrants who have faced the ire of the Shiv Sena in Mumbai in the past, and a series of persecutions by the Maharashtra Navnirman Sena (MNS) this year, are reflective of a turn in the displacement of populations that uses sectarian logic to buttress claims for capital accumulation on the basis of identity.

This claim of the identity of 'original inhabitants', which has marked the MNS violence in Mumbai, gets played out differently when it is raised in the language of 'common property resources' of adivasi populations. In the case of the former, the State's omission in stopping the violence marks its complicity in perpetuating sectarianism, while in the latter its commission of forcible land acquisition becomes a marker of its commitment to development.

Significantly, whatever the nature of the movement — be it the mass movement of refugees during war, or the eviction of adivasis and slum-dwellers because of industrialisation/modernisation/beautification projects, or the persecution of ethnic/regional minorities for the accumulation of capital, or the displacement of populations for exclusive zones of commerce, or the calculated surveillance of certain populations in an increasingly securitised State — all of them operate on the basis of marking out the 'Other' and forcing them to move, so that borders — real or imaginary — can mark the difference between 'them' and 'us'.

Citizens, refugees and belonging

What accompanies most forcible movements of people is the complete loss of a category of belonging that is the primary claim to human rights guarantees — citizenship. In the context of the holocaust in Europe, Jewish philosopher Hannah Arendt identified 'membership in a human community' as the most important qualification for

accessing any human rights. For her, the 'stateless' are those people who do not even possess the 'right to have rights'. However, in post-World War II international law formulations, the 'refugee' and the 'stateless person' are not synonymous. Though uprooted, refugees still possess a state of affiliation, but their citizenship guarantee is almost completely hollowed out because the very State that is expected to protect them as citizens becomes the reason for their persecution.

The loss of citizenship begins when people are segregated within their own countries on the basis of various identities — class, caste, gender, sexuality, ethnicity, religion, location, language — in a way that impacts on their access to fundamental human rights guarantees. This segregation does not remain a mere administrative device but turns into a tool for structural exclusion, disenfranchisement and violence. That is the point at which the State suddenly turns into a particular kind of nation-state that wants to produce a population of people who think alike, profess the same political ideology and culture, or belong to the same ethnic, religious or linguistic community. Partitions bear testimony to the violence of nation-state formations that are obsessed with borders and the marking of the 'Other'.

Those who do not, or cannot 'fit in' are either forced out or left out. Stories of north Indians forced out of Maharashtra, farmers forced out of Nandigram, Pandits forced out of Jammu and Kashmir, refugees stuck in Pakistan-Occupied Kashmir, Tamils in Sri Lanka, Lhotshampas in Bhutan, Buddhists in China-occupied Tibet are manifestations of the violence of nation-state formations that dominate or eliminate. Their condition is that of existential aliens — where you are a target of persecution simply because you exist as a Muslim, or a Pandit. What follows this 'domestic' loss of citizenship is persecution: if you do not flee, you will die.

The acutest form of dispossession is experienced by populations of displaced people who are unable to cross the borders of the State in which they are being persecuted — be it because of their identity or because of war, violence, natural disasters or development projects. In recent times there has been a dramatic escalation in the number of people in 'refugee-like' situations leading to populations that are either 'stuck' outside their country of origin without formal refugee status, or inside their own countries as internally displaced persons (IDPs). Unlike refugees, who have a legal regime to respond to their rights concerns (which is completely *ad hoc* in South Asia, however), IDPs are in a state of legal limbo.

The refugee/displaced subject is thus perpetually in a state of 'becoming' a citizen — her existence is not denied by the State where she seeks asylum, but neither is she guaranteed full and equal citizenship. She engages with the State to claim her citizenship, but remains in a state of 'becoming', because the State will not constitute her a citizen until she gets 'disciplined' into being the 'respectable nationalist'. She

is in a state of perpetual flux, stepping in and out of the 'shadow lines of citizenship', but not quite making it across into the realm of formal citizenship.

The refugee/asylum-seeker/undocumented migrant is devoid of formal citizenship rights, without access to the protective agency of the State. Her position is further down the hierarchy compared to the 'outsider' immigrant. Although the status of the refugee is well established in today's international law regime, most refugees who escape persecution by crossing international borders have virtually no human rights guarantees, even when they reach their port of 'safety'. Indeed, they qualify to graduate from mere 'asylum-seekers' to 'refugees' only after going through sustained periods of incarceration in detention centres, and stiff-lipped interrogation by adjudicating officers who *ab initio* assume they are lying. Most get deported.

Feminised movements

Is forced displacement/migration always accompanied by dispossession? This causal connection is challenged when we consider women's migration. It is well documented that the majority of displaced populations in the world — be it refugees or IDPs — are women and children, and their disadvantage is exacerbated not only because of their displaced state but also because of them being women, and mothers. But at the same time, their state of displacement allows them greater control over resources that enhance their agential capacities to chart survival strategies. In the absence of men, or where the men remain unemployed in refugee camps, women take on the role of head of the family — in effect their state of dispossession also brings along the experience of empowerment.

This is nowhere better reflected than in the debates on trafficking, especially in the Third World, where policies have always conflated trafficking with sex work. This understanding progresses on the assumption that if women get trafficked, they are always forced into sex work. This has three major fallouts: one, it makes invisible the many other occupations that trafficked people, especially women, might take up; it denies women the agency that they can exercise to move on their own; and it does not address the violence and abuse women might face in the process of being trafficked.

Unfortunately, anti-trafficking laws do not address the reasons why people are forced/coerced into moving illegally — they only restrict people's right to move in the hope of stopping trafficking in people. Such a move weighs heavily on the rights of women through the imposition of protectionist measures. It has made States impose minimum age limits for women workers going abroad for employment. In 1998, Bangladesh banned women from going abroad to work. The Nepal Foreign Employment Act 1985 prohibits employment licences for women to work overseas without the consent of their husbands or male guardians. Laws like these conflate women's migration with trafficking, where women moving for better economic

prospects are suspected of being trafficked. Instead of creating enabling conditions for safer migration of women, such laws restrict women's migration altogether.

This argument is used especially in the case of Third World countries where there has been an unprecedented increase in the 'feminisation' of poverty and migration, thus leading to the assumption that since women are moving because of poverty, in essence it is not choice that they are exercising but circumstances that are forcing them to move or get trafficked.

Managing moving populations

The policy/legal articulations that address the rights of displaced/migrant populations still remain extremely inadequate in responding to the urgency of their state of dispossession. The question of their rights thus finds marginal space on the agenda of governments. What are of prime concern to the government are technologies through which moving populations need to be managed. While laws/policies that are put in place ostensibly claim to guarantee rights to the displaced, in actuality they operate as means through which new borders can be built around spaces occupied by the displaced. This is apparent in the ways in which refugee camps/migrant slums in metropolitan cities like Chennai and Delhi are clearly 'Othered', and their inhabitants marked as outsiders — making it extremely difficult for them to find means of sustenance outside the camp space.

The captive nature of a camp space also operates as a process through which displaced/refugee populations can be effectively kept under surveillance, to stop their 'infiltration' into the heart of the megalopolis. While the genealogies of resettlement, rehabilitation and repatriation have genuine humanitarian roots, the rhetoric of these terms in displacement policy actually suggests methods by which moving populations can be managed in ways that will neither burden the State economically nor guarantee them the protection of human rights.

The articles in this issue confront these complicated realities of the experience of displacement and accompanying dispossession in a myriad locations in India and South Asia. The attempt is not to portray a linear narrative of the experiences and responses to the lives of refugees, IDPs and other migrants, but to contextualise the phenomenon of migration and displacement in a world marked by escalating xenophobia, the fear of the 'Other', and this very ideology's close connection with the neo-liberal paradigm of development. The issue raises questions, points towards directions in which we can search for answers — and, most importantly, recognises the discursive linkages between political economy and culture that have made borders the markers of identity. — **Oishik Sircar**

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The Mavlas of Mulshi: Displacement's earliest victims

In June 1919, the farmers of Mulshi near Pune, Maharashtra, were served notices for the acquisition of their lands to construct a dam. A satyagraha led by Senapati Bapat was launched. Close on a century later, the descendants of what is arguably the oldest development-displaced community in India are still hoping for compensation

ANOSH MALEKAR

HISTORICALLY, MULSHI IN PUNE DISTRICT in the western Indian state of Maharashtra was part of the Bara Mavals (12 Mavals), which simply meant 'the west'. The area has been called this since the 16th century; the name is derived from the Marathi verb *mavalane* — 'the setting of the sun, or end of the day'. Today, for Pune or Mumbai city-dwellers, the Maval belt, about 25 miles wide and 70 miles long north to south, and barely an hour's drive from Pune or Lonavala, means much more than the land of the setting sun.

The Bara Mavals are narrow fertile river valleys enclosed between the many spurs that run east from the summit crest of the biodiversity-rich Western Ghats to end just short of Pune city. It's the perfect getaway to nature, with a glimpse into the region's history. It was here that Shivaji first established the powerbase of the Maratha kingdom and the locals, hardy mountain people, who formed his guerrilla force and raiding parties came to be known as Mavlas.

The Mavlas from Mulshi take great pride in narrating past battles fought with the Deccan sultanates and the Mughals. But talk of their present status and the men seem to cower — they know here they are fighting a losing battle. The one thing the Mavlas fear most is the prospect of being dispossessed from their ancestral land.

"The fear dates back nearly 100 years when the British and the Tatas drove away our ancestors from the villages with little except the clothes they wore. They took refuge in the nearby forests," says 52-year-old Baban Gopal Owhal, a second-generation displaced person from the resettled Barpe Budruk village located upstream of Mulshi dam.

This major dam is also known as the Tata dam as it was constructed by the Tata Power Company for irrigation as well as hydroelectric power supplied mostly to the city of Mumbai.

The Mulshi Mavlas' saga of displacement began in 1918 when the Tatas, with the support of the British government, began implementing their ambitious plan at the confluence of the Nila and Mula rivers at Mulshi Peta. Some 10,000 peasants had to move out and farmers had to give up land that would be submerged.

"I remember my grandfather narrating how the British officers ordered boiling water to be thrown on the hundreds of peasants who were protesting at the

dam site," says Owhal.

While most of the displaced people later migrated to Pune and Mumbai to eke out a living as cheap labour, there are still around 1,000 individuals hoping for rehabilitation and payment of compensation — descendants of those displaced by the construction of six dams by the Tata Power Company in the valleys, since divided into Maval and Mulshi tehsils. The six dams are at Walvan, Bhushi, Shirwata, Somwadi, Thokalwadi and Mulshi Peta.

Leading an agitation under the Tata Dharangrashtra Kruti Samiti (Tata dam-affected action committee) banner, activist Medha Patkar, in May 2007, described their case as "the oldest case of forcible land acquisition in the history of the country".

The problem of these 1,000-odd individuals is unique because most of them were tenants tilling the land in the absence of landlords at the time of displacement. "When compensation was paid by the Tatas through the government, it went into the pockets of the absentee landlords while the tenants got displaced from the land on which they subsisted. Unfortunately, the law did not recognise the tenants' rights then," says Lonavala-based activist Rajaram Sable.

Sable claims that, in some cases, land that was outside the ambit of the accord between the Tatas and the then Bombay government was taken away; the 7/12 extracts still carry the names of the people originally displaced and so should be restored to their descendants.

However, it is difficult to prove the number of such cases in the absence of verifiable documentary evidence. Pune district collector Prabhakar Deshmukh says verification of the descendants' claims can be done only after they file individual applications, backed by 7/12 extracts, with the tehsildars.

Deshmukh says Mulshi was a private dam with contracts dating back to pre-Independence times. "The Tatas, through the government, paid compensation but there are still some claims being made by the descendants, which we are looking into. However, there was no provision for rehabilitation of persons affected by projects prior to the enactment of the Maharashtra Resettlement of Project-Displaced Persons Act, 1976," he explains.

The fact remains however that this was indeed a case of forced land acquisition. Historian Y D Phadke, in his book *Senapati Bapat, Portrait of a Revolutionary*, writes: “In June 1919, the farmers in Mulshi Peta were served with notices under Section 4 of the Land Acquisition Act but they refused to surrender their land. They were not willing to accept compensation for their submerged land. Neither were they attracted by the promise of the company which offered to employ them while the dam was under construction.”

Phadke mentions how even before the land was legally acquired, the Tatas were allowed to commence their operations, affecting around 54 villages: “Once, an angry farmer prevented Mr White, an officer of the company, from doing his work. Mr White pulled out a revolver from his pocket and threatened to use it.”

A satyagraha was launched on April 16, 1921, under the leadership of Senapati Bapat. Hundreds of Mavla peasants marched in procession towards the site of the proposed dam, holding a traditional saffron-coloured flag. The officers of the company decided to throw hot water to disperse them, but the satyagrahis refused to budge.

On June 22, 1921, Bapat and his associates removed the rails being laid by the company as part of the project. They were held guilty by the court and, on October 19, 1921,

sentenced to six months simple imprisonment.

Meanwhile, the text of the government's agreement with the Tatas was published in the newspapers, according to which Rs 500 per acre was to be paid to each farmer whose land had been acquired for public purposes. “The moneylenders in Mulshi Peta were in favour of accepting this offer and completely lost interest in continuation of the satyagraha... The Tata company opened a special office to promptly pay the compensation to every farmer,” says Phadke in his book.

Bapat continued the struggle after his release from jail and, on December 9, 1924, he and his associates tried to prevent the movement of a train that carried workers of the company from Chinchwad. Bapat fired a revolver and injured the train driver leading to his re-arrest and the imposition of seven years rigorous imprisonment. The Mulshi satyagraha died a natural death.

Phadke says in his book: “It would be wrong to ignore or belittle its significance. For the first time, peasants peacefully resisted the formidable combination of the Indian capitalists who controlled the Tata company, the Western capitalists who controlled the railway companies and the British rulers of India. That it failed to achieve its objectives was not a matter of surprise.”

After his release, Bapat addressed a public meeting in Pune

Anosh Malekar



The Mavlas of Mulshi: The last remaining landholders are selling out and moving to the cities

on May 27, 1931, praising the excellent work done by the engineers. However, with tears in his eyes and his voice choked with emotion, he reminded the audience of the fate of the hundreds of poor farmers whose land had been submerged and who had had to leave their villages. He stressed that industrial development should not be achieved at the cost of poor farmers, and that the problem of rehabilitation of displaced farmers was equally important.

Acknowledging Bapat's contribution in organising the country's first peaceful resistance to displacement, Baba Adhav, general secretary of the Maharashtra Rajya Dharan Prkalp Grahasta Shetkari Parishad and a prominent social activist based in Pune, says: "Rehabilitation cannot be a matter of choice. Even if we accept that there was no concept of rehabilitation in the British era, what is stopping the Indian government from making amends in the case of the Mulshi dam oustees? We have been demanding a national rehabilitation law that covers all the displaced in this country before or after Independence."

Regarding the district administration's defence that the peasants of Mulshi did not have proper land records to back their claims, Adhav demands that the revenue, irrigation and forest officials take the initiative to settle their claims. "Land records in Mulshi are a subject for serious research with all kinds of land deals happening in the past. Fortunately, the peasants are on the electoral rolls and hence cannot be done away with lock, stock and barrel by the administration," he adds.

"If we do not resist the government's moves, the Mavlas of Mulshi will be forced to leave the valley in the near future," says Adhav, referring to controversial land deals being struck by people with money, including filmstars from Mumbai and Pune, in the Mulshi and Maval areas. This land grab, most of which is happening through *benami* deals, has only accelerated the longstanding crisis faced by the already displaced peasants of Mulshi and the surrounding areas, he says.

Adhav's fears are confirmed by the farmers. "We will be wiped out of this valley except for a lucky few doing odd jobs for the 'Party'. The sun will set on Mulshi in 10-12 years, never to rise again," says Chintamani Rambhau More, a septuagenarian peasant from Tiskari gram panchayat.

The 'Party' More is referring to constitute the rich and famous from Mumbai and Pune. They are commonly referred to as the 'Party' by the Mulshi peasants who admit being lured by the wads of notes held out to them in exchange for their fertile lands.

More sold 13 acres near his village, Barpe Budruk, to actor Alok Nath around 18 years ago. "I sold it for Rs 8,000 an acre and am left with 2.5 acres now. My son is employed with Sahara's Amby Valley as a security guard and my grandson drives a private taxi mostly hired by the 'Party'. Both do not want to till the land due to the poor returns," he says.

Life is tough for the 1.30 lakh populace in Mulshi taluka. The villagers say their area remains what it was when the British left. "The roads arrived with big projects like Amby Valley, but we hardly benefit from them. Our villages still lack proper approach roads," says Ranu Dhondu Khanekar from Vandre village.

What's more, roads are no longer the practical solution with the Mulshi reservoir virtually cutting off some villages while requiring the inhabitants of others to cover longer distances, especially during the monsoons. "Though the Tatas have provided launches, the zilla parishad-appointed launch operators are not regular. We have a difficult time, especially when medical emergencies occur," says Laxman Babu Kadam of Barpe Budruk.

In keeping with the terms of their contract with the government for the dam project, the Tatas continue to contribute to education, healthcare, roads, water supply, transport and other civic amenities in the affected villages.

However, a visit to half-a-dozen affected villages reveals that maintenance by the zilla parishad administration leaves a lot to be desired — very few schemes for water supply were operational, the only primary health centre for the 52 relocated villages was some distance away, at Ambawane village, while secondary school education facilities existed in only two villages, Male and Pomgaon.

Despite heavy rains and a huge water reservoir, the peasants of Mulshi remain subsistence paddy farmers. After nearly two decades of selling their lands cheap, their individual holdings have been reduced to barely two-five acres. The 'Party' is eyeing this too, offering Rs 3-4 lakh an acre, they say.

Deshmukh refuses to comment on the land grab, saying, "It is not possible without the consent, in whatever form, of the original land title holder". District officials routinely dismiss such allegations as frustration on the part of the farmers at having sold off their land at low prices, following which real estate rates have skyrocketed.

Deshmukh claims, in fact, that the district administration was involved in spreading awareness among the peasants about the importance of proper land records and other official documents like ration cards and caste certificates. These measures may have been a little too late to benefit the Mulshi Mavlas.

As Maruti Ramji Shinde, an elderly peasant from Vandre village, puts it: "How long can poor, illiterate peasants resist the temptation of money? Besides, there is always a marriage or a medical emergency in the household. Ultimately we will end up selling every inch of our land and migrating to the cities to earn a living."

Anosh Malekar is a journalist with 18 years of experience with publications including The WEEK, The Indian Express and The Times of India. He is senior researcher-writer with the Centre for Communication and Development Studies (CCDS)

Paying the price for someone else's development

Rough estimates point to 60 million displaced persons and project-affected persons in India. That's four times the estimated 15 million refugees exchanged between India and the two wings of Pakistan at the time of Partition. The majority of the development-displaced are tribals and landless dalits who live on or off common property resources. And scarcely 20% have been rehabilitated

WALTER FERNANDES

“IT'S PROGRESS,” SAYS THE ECONOMIST. “The country's GNP is growing and more land is required for industrial development.” On the other side, a mother in Assam who is asked why she pulled her child out of school and put him to work says bitterly: “What else did you expect me to do?”

These are the two faces of the “temples of modern India”. One, the glorification of development; the other the fact that like monuments of the past, these present-day temples too are built on the blood and sweat of millions of people. Whilst slaves and prisoners built the former, today's farmers and others who live off the land, forests and other resources are being impoverished in the name of 'development'.

How many have suffered? Not even the Planning Commission knows their number. Studies point to 50-60 million displaced persons (DP) or people deprived of a livelihood without physical relocation (project-affected persons [PAP]) (1947-2000). This figure includes around 3 million displaced in Jharkhand, 3 million in Orissa, 5 million in Andhra Pradesh, 1 million in Kerala, 100,000 in Goa, 2 million in Assam, 4.2 million in Gujarat and 7.5 million in West Bengal. Thus, without including the high displacement states of Chhattisgarh, Madhya Pradesh and Maharashtra, which have not been studied, the total comes to 26 million DP/PAP. These figures, together with ongoing studies in three more states — Meghalaya, Mizoram and Tripura — and case studies from some other states, point to an all-India figure of 60 million DP/PAP (1947-2004) from 25 million hectares of land, including 7 million hectares of forest and 6 million hectares of other common revenue and forestlands (common property resources [CPR])(1).

This number is four times the estimated 15 million refugees exchanged between India and the two wings of Pakistan at the time of Partition; all three countries involved are continuing to pay a heavy price for that disaster.

Displaced persons and project-affected persons arising out of what is called 'national development' continue to be ignored. Fewer than 20% have been rehabilitated even partially. The rest are left to fend for themselves. Not surprisingly, 40% of the 60 million DP/PAP are tribals, who constitute just 8.08% of India's population, 20% are dalits and another 20% are from other rural poor communities like fisherfolk and quarry workers. The selfish middle class that reaps the benefits of development can afford to ignore them because 80% of them are voiceless.

The situation has worsened with the onset of globalisation. Every sector has been told that it has to produce more consumer products like small cars and electronic goods to enhance the comfort of the middle class and the investors' profits. Around 400 Special Economic Zones (SEZs) are being planned all over India. The coal sector has been told to triple its production from 400 million tonnes today to around 1,200 million tonnes in a few years. Inaugurating the 50,000 MW Northeast Initiative on May 23, 2003, former Prime Minister A B Vajpayee told the northeast that it should become the powerhouse of India and of Southeast Asia. That involves building 48 massive dams in the seven states of the region within the next 10 years. A hundred more are being planned in the not-too-distant future. And the list goes on...

The bottom line is more land and more displacement.

Who gains, who loses?

Initiatives like these affect a large number of people, especially the rural poor. Around 25% of India's tribals have become DP or PAP at least once, because their regions are rich in natural resources. Many tribals have been displaced more than once. For example, some Mizo tribal families were displaced thrice in the 1990s, first for the Lengpui airport in Aizwal, then for an approach road to the airport, and finally for its staff quarters (2). Over 80% of coal and 40-50% of other minerals are found in these habitats. Areas inhabited by tribals are chosen for projects because much of the land is community-owned (3). According to the colonial laws that continue to be in force in India, what belongs to the community is considered State property. So the inhabitants of this land are encroachers even though they have lived on it for centuries before the law came into force. They can therefore be displaced from the land without being compensated. Very often they are not even counted among the DP/PAP, as, according to the law they have been evicted, not displaced (4).

The proportion of CPR is high in states where the proportion of tribals among DP/PAP is high. For example, in Orissa where tribals constitute 22% of the population, and 42% of DP/PAP (1951-1995), CPR amount to 56% of the 1 million hectares (25 lakh acres) used for all projects in that period. In Andhra Pradesh, tribals constitute 28% of DP/PAP, and CPR amount to 50% of the 1.1 million hectares used (1951-1995).

Use of CPR reduces a project's costs. An ongoing study

reveals that project costs would rise by around 8.7% if compensation for CPR were given (5).

Even when compensation is paid in these areas, costs are lower here because they are calculated according to the market price, which means the average registered price in that area for three preceding years. It is no secret that what is registered is never more than 40% of the actual price paid. Hence, a person who loses his land does not get the full price for it even in "advanced" districts where prices are high. In so-called "backward" areas, where prices are anyway lower, the situation is much worse. For example as little as Rs 450 was paid per hectare of land for a minor irrigation project in Assam's Dhemaji district, in the 1970s (6).

Besides, land sale is uncommon in tribal areas where the law bans the alienation of tribal land to non-tribals. It is therefore difficult to fix a price for it and, as a result, prices are arbitrarily fixed and are kept extremely low. For example, 88% of land acquired for the National Aluminium Corporation at Angul in Orissa in the mid-1980s was private. Its owners were paid Rs 62,000 per hectare. At Damanjodi in Koraput district, 60% of the land acquired for the company's second unit that same year was tribal CPR. No compensation was paid for it. For the little private land they owned, tribal families were paid an average of Rs 6,700 per hectare (7). A totally inadequate sum to start a new life.

Dalits are another community that pays a high price. Many are landless agricultural labourers cultivating land owned by someone else. Though it is their sustenance, the State often does not count them among DP/PAP since they do not own the land, according to the present colonial laws. This is also the case with other CPR dependants like fisherfolk and quarry workers who do not own their means of sustenance according to the present laws but are impoverished when they are deprived of them.

Because project costs on CPR or land in backward areas are low, many allege that these areas are intentionally chosen for projects (8). It is not easy to substantiate this allegation; the only indications are statements made by some irrigation officials in Orissa and Assam that it would be difficult to make projects financially viable if higher compensation were paid and if people were rehabilitated.

What all this means is that the poor simply do not count. They have to pay the price for someone else's development.

Projects are sanctioned by the Planning Commission on the basis of 1:1.5 — every rupee invested should bring in a Rs 1.50 benefit. In reality, many projects involve huge cost and time overruns. For example, an assessment of 32 major dams by the Public Accounts Committee of Parliament showed that not one of them had been built without at least a 500% cost overrun and a five-year time overrun (9). This extra cost is sanctioned without too many problems, but the poor are not compensated or rehabilitated because that would raise project costs. As one trade unionist put it, if 10,000 head of cattle die because of pollution the loss

incurred can be quantified in financial terms. If 20,000 people are affected, they can be ignored because the loss cannot be quantified. That appears to be the line of thinking behind national development too.

Impoverishment of DP/PAP

The consequence of this so-called development is the impoverishment of DP/PAP. Here, impoverishment does not refer to the state of poverty in which many DP/PAP lived before their subsistence was taken away. It refers to what results from land acquisition for the project. To give one example, 49% of the families of displaced and deprived people studied in West Bengal, and 56% in Assam, pulled their children out of school and turned them into child labourers to earn an income for the family.

Impoverishment that leads to such drastic decisions begins with landlessness. In Assam, the proportion of landless increased among DP/PAP from 15.56% to 24.38% and in Andhra Pradesh from 10.9% to 36.5%. The average area cultivated declined from 3.04 acres to 1.45 acres. Small and marginal farmers became landless and medium farmers joined the ranks of small and marginal farmers. Support mechanisms such as ponds, wells, poultry, cattle and draft animals that supplement incomes also declined (10). Landlessness was aggravated by the shift in occupational patterns and downward occupational mobility. For example, in Andhra Pradesh, 45% of people who were cultivators before displacement became landless agricultural labourers and other daily wage earners after it. Access to work dropped from 83.72% before deprivation to 41.61% after it (11). In Assam, before loss of land to various projects, 72.58% of the respondents were cultivators; their proportion came down to 40.24% after it. The number of daily wage earners, domestic and other unskilled workers increased proportionately. Access to work dropped from 77.27% to 56.41% (12). In other words, unemployment is high among them and those who gain access to work experience downward occupational mobility.

The situation is expected to deteriorate with liberalisation, which entails a greater degree of mechanisation. The International Labour Organisation estimates that 12 million jobs were lost in India during the first six years of liberalisation. The impact of mechanisation is visible, among others, in the coal mines. The average size of a mine rose from 150 acres in the 1970s to 800 in the 1990s, but the number of jobs created was much smaller. For example, Coal India gave a job each to 11,901 (36.34%) of the 32,751 families it displaced in 1981-1985. It then began to mechanise its mines in the mid-1980s, and to transfer workers to other mines instead of giving jobs to new DP. The impact was seen in the 25 mines in the upper Karanpura valley in Jharkhand where 100,000 people faced displacement. The first five gave a job each to only 638 (10.18%) of the 6,265 displaced families (13).

Moreover, most skilled jobs go to outsiders since very few people who lose their land have the required skills. For

example, with traditional transport, the NALCO mines activated in the late-1980s in Orissa's Koraput district would have created 10,000 jobs and rehabilitated 50,000 DP/PAP of the upper Kolab dam and 6,000 of the NALCO plant in the same district. Their income would have created more jobs in the informal sector. But the fully mechanised mines created only around 300 skilled and semi-skilled jobs that went to outsiders, as the tribals who were deprived of their livelihood lacked the necessary skills (14).

Mechanisation is integral to globalisation. This is apparent in the Special Economic Zones (SEZs) too, the first few of which are expected to create 500,000 jobs with an investment of Rs 100,000 crore on 162,000 hectares acquired for them. That amounts to a hefty Rs 20 lakh per job. (In Indian agriculture, a hectare provides work to five people, or a total of 800,000 on 162,000 hectares of land.) Three hundred thousand jobs therefore have immediately been lost. And most of the 500,000 new jobs will not go to those who have given up their land because they are not equipped to do the jobs.

Thus, even if they were to receive relatively high compensation for their land, displaced people face an uncertain future. At best they may improve their current lifestyle if the amount is high enough for them to begin life anew. But most of the people who lose their jobs and livelihood are landless agricultural labourers and, since compensation is given only to landowners, they get neither compensation nor jobs.

From impoverishment to marginalisation

Impoverishment leads the displaced into a state of economic insecurity. The next step is marginalisation, which goes far beyond impoverishment into social and cultural insecurity. Oppressed and reduced to penury, DP/PAP are thrown into a life without hope. The examples of children being pulled out of school and made to work show the state of hopelessness they are reduced to. In order to earn to survive in the present, they deprive their children of any possibility of improvement in the future. Displaced people become resigned to their fate.

Their attitude towards the resource base also changes. Ecosystem-based communities, like tribals who are dependent on the forests, and fish workers who depend on water resources, have a tradition of treating these resources as renewable, as a means of livelihood to be used judiciously and preserved for posterity. Once deprived of their sustenance and with no viable alternatives they fall back on these resources as their only means of survival. For example, 80% of tribal DP/PAP in Assam have started cutting trees to sell as firewood since it is their only source of income. Likewise, fishing communities no longer observe seasonal restrictions on fishing because of declining stocks. Natural resources are no longer being treated as renewable resources.

This absence of hope is also acceptance of a new ideology. Children who were considered assets for the future, and natural resources a livelihood to be preserved for posterity, have come to be viewed only as sources of income for the

present. This ideological transition is also visible on the gender front. Women enjoy a relatively high status in tribal societies although they may not be considered equal to men. The status of a woman depends on the land and other natural resources where she works and is an economic asset. Women's growing alienation from the land and other natural resources causes them to lose their economic usefulness and social status, reducing them to the level of only a housewife. If there are jobs to be had in any project, they go to the man who is considered the head of the family. Slowly, both men and women accept the dominant ideology that the woman's role is in the kitchen and that she is intellectually and physically incapable of doing any other work or acquiring a higher status (15).

Clearly, today's development paradigm is geared towards the comfort of the middle class and profits for the investor, at the expense of the poor. This approach needs to be challenged.

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In Gujarat's ghettos

Around 250,000 people were estimated to have been displaced by the Gujarat riots of 2002. Six years later, 4,500 families are still living in 81 relief colonies. They are struggling to survive in areas often lacking even basic amenities. There is at least a framework for those displaced by development projects. There is no policy and no framework of entitlements for those displaced by sectarian or communal violence

DEEPA A

THE EXTERIORS OF THE ONE-ROOM TENEMENTS in Rahimabad Society in Devgarh Baria, in Gujarat's Dahod district, are painted pink, a bright colour that belies the darkness inside the houses. Around 75 families live in these tiny structures, without even basic facilities like sanitation, access roads and water supply. Livelihoods are hard to come by here. There are no good schools or hospitals nearby. Perhaps that's part of the reason why the 475-odd inhabitants of the society, who have been living here for the past six years, don't call it their home. Perhaps it's also because their roots lie elsewhere, in a village where they had farms or shops, where their children went to school, and where their lives followed trajectories they had chosen for themselves.

Such luxuries are noticeably absent in the unpaved paths in and around Rahimabad Society, which houses survivors of the horrific communal violence that Gujarat witnessed in 2002. According to Gujarat government estimates, which activists allege are on the conservative side, over 1,000 people — most of them belonging to the Muslim community — were killed during the riots. A report published by the Concerned Citizens Tribunal in 2002 estimated that the violence also resulted in the displacement of around 250,000 people. Over 4,500 families are still living in what are called 'relief colonies', much like Rahimabad Society, unable to return to their homes, from which they were hounded out for no reason except that they were Muslims.

Even a casual discussion with the residents of Rahimabad Society is enough to understand why going back to their homes is not an option they can consider. They hail from Randhikpur village, which today is known as the place where a pregnant Bilkis Bano was gangraped and 14 members of her family killed by a mob, in 2002.

Almost everyone in Rahimabad Society has lost a loved one in the violence. Siraj Nana Patel, who tries to make a living in Devgarh Baria by working as a casual labourer, says his son, his brother and his nephew were killed in the riots. He remembers the gruesome event as if it had happened yesterday. "A mob came in the morning and attacked our house. They hit me with a sword. I was bleeding and I fainted and they thought I was dead," Patel says, taking off his shirt to show the scars on his chest. His surviving relatives took him to hospital, from where they went to a relief camp

in Godhra, and ultimately to Rahimabad. He lives here with his disabled daughter and wife, and speaks of a daily struggle to eke out a living. Most days he just sits at home as work is hard to find.

Like his neighbours in Rahimabad, Patel cannot imagine going back to his home, where people he knew and who lived in the same village were part of the mob that attacked him. He says he went to the police several times but in a story that's repeated across relief colonies, the cops did not even bother to register a complaint. As their attackers roam free, the victims remain confined to ghettos where they live in an atmosphere laced with insecurity and fear.

Rahimabad Society is just one of the estimated 81 relief colonies in Gujarat that house people who have been internally displaced by the 2002 riots. There have been countless reports on their plight but despite the current United Progressive Alliance (UPA) government at the Centre announcing new compensation packages for the survivors, words have not translated into action at the ground level.

The displaced continue to live a life centred on mere survival. Most don't have documents certifying possession of their houses, which were built by Muslim trusts, occasionally with the support of non-government organisations. There has been no help from the Gujarat government, which stands accused of complicity in the violence of 2002. None of the colonies have been provided with even basic amenities. Ration cards and voter ID cards were issued as recently as last year, that too because of the tireless work of a few non-government organisations and at the insistence of the Election Commission.

Assembly elections were held in Gujarat in December 2007, and the Bharatiya Janata Party, led by Chief Minister Narendra Modi, was elected to power for the third consecutive time. The very same government had, for over five years, denied that people had been displaced by the riots. Acknowledgement came only in August 2007, when, responding to an explanation demanded by the National Commission for Minorities regarding steps taken to rehabilitate the displaced, the government stated that people were still living in relief colonies. Such was the level of despair that the victims had been plunged into, that activists counted the government's statement as a minor victory.

Across Gujarat, life in the relief colonies follows a similar depressing pattern. In Godhra, in the Panchmahals district, Aman Park houses those who managed to escape from neighbouring villages and towns after being attacked by mobs during the riots. Some of the men in this colony were forced to take up jobs in dolomite factories and have ended up with silicosis. They speak of once owning farms or small businesses in their hometowns. Today they have been reduced to penury and have to wait hours at government offices begging for electricity and water connections that they still do not have.

In Ahmedabad, as elsewhere across Gujarat, the relief colonies lie on the outskirts of the city, in areas without roads and schools and hospitals. To earn a livelihood, people have to travel long distances; the commuting cost itself eats into their meagre earnings. In the rains, the water reaches their doorsteps. At Faisal Park in Vatva, an industrial area on the outskirts of Ahmedabad, residents complain that the water contains chemicals from nearby factories. There's no drainage facility to speak of here, as in any relief colony in Gujarat.

A survey conducted in October 2006, supported by Oxfam and implemented by Aman Biradari, Lawyers Collective and Yusuf Meheralli Centre, confirms that there are hardly any public conveniences in the relief colonies. In 65% of the colonies, residents get drinking water from private sources. In colonies such as Rahimabad Society and a nameless one in Rajgad, Panchmahals district, the handpump is located almost two kilometres away from the houses. It's the women who usually trek the distance to get water for their homes. The survey notes that only two colonies have government schools; four colonies have Integrated Child Development Services (ICDS) anganwadis; just three have ration shops.

The economic condition of the displaced is dire, says a committee appointed by the Supreme Court in a case pertaining to central government-sponsored food security schemes. In its report presented to the apex court in June 2007, the panel states that despite the visible poverty, only 725 of the 4,545 internally displaced families had been recognised as living below the poverty line (BPL). As a report of the National Commission for Minorities, dated October 2006, says, the residents are unable to support themselves as they used to before the riots. "Before the violence, many of these people were small self-employed traders, artisans or industrialists. The violence put an end to their means of livelihood since their old clients were unwilling to use their services," says the report. It adds that though residents are living in abject poverty, many have been issued above the poverty line (APL) cards instead of BPL cards.

In December 2006, a delegation of Members of Parliament from the Left parties and Congress submitted a report to the Centre on conditions in the relief colonies. The report highlights an important point: every attempt is being made by those who intimidate the Muslim community to take possession of their (the Muslims') property. In Naroda Patia,

Ahmedabad, the site of one of the worst massacres of the riots, only 15 of the 80 families living there have returned, says the report. "Leaders of the Vishwa Hindu Parishad have taken possession of their land and built multi-storied buildings," it adds.

The availability of substantial documented evidence about the internally displaced in Gujarat, however, has not prompted the government into action, notes an Amnesty International report released in 2007 on riot victims. The question of compensation remains a grey area in Gujarat. The state government returned Rs 19 crore sent by the Centre for riot victims, claiming that it had completed all its rehabilitation work. Yet in almost all the relief colonies, residents complain of receiving inadequate or no compensation. In September 2007, the Centre announced an additional package of Rs 70.66 crore for the riot victims. However, as activists noted after a similar pronouncement of additional compensation by the Centre in March 2007, such packages ignore the rights of the displaced and neglect aspects related to their rehabilitation.

Forgotten stories

Taking note of the appalling conditions in relief colonies, the National Commission for Minorities, in its report, recommends that the state and central governments prepare a special economic package for those displaced, with a focus on livelihood issues. The report also highlights how India does not have a national policy in place for those forced to move because of violence. "Populations displaced due to sectarian, ethnic, or communal violence should not be left to suffer for years together due to the lack of a policy and the absence of a justifiable framework of entitlements. When displacement takes place under conditions of fear and under constant direct threat of violation of Article 21 of the Constitution, the trauma and conditions under which survivors face the future is considerably worsened. Further, when the threat of violence is perceived to be continuing, the protection of people's constitutional rights can only be sought through a national policy which clearly lays out a non-negotiable framework of entitlements," the report says. The commission suggests that such a policy should include provisions for immediate compensation and rehabilitation; facilitate the displaced's right to return home, if the environment is conducive; and establish timeframes for implementing rehabilitation plans as well as include grievance redressal and monitoring mechanisms. The 2007 Amnesty International report, quoting the National Commission for Minorities, notes that such a specific policy for dealing with those internally displaced by the riots is important because the criminal justice system in Gujarat "appears not to be working and discrimination and exclusion persist".

Gagan Sethi, an Ahmedabad-based activist who has been fighting for the rights of those internally displaced by the communal violence of 2002, points out that states have a framework for those displaced by development projects, but

not so in the case of those displaced by ethnic violence. Internationally, nations are expected to follow the Guiding Principles on Internal Displacement presented to the United Nations in 1998. Though it's not a legally binding document like a treaty, the 30 Guiding Principles do have international acceptance and identify the rights of the displaced. They recognise internally displaced persons as those "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 generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internally recognised State border". Among other things, the principles state that the authorities must provide protection and humanitarian assistance to the displaced, and, regardless of the circumstances, provide essential food and potable water, basic shelter and housing, appropriate clothing, essential medical services and sanitation.

Sethi, who's also the managing trustee of Jan Vikas and the Centre for Social Justice, Ahmedabad, notes how these principles have been ignored in Gujarat. The displaced have been living in tenements for six years without holding any documents to the one-room shacks they live in. Some of them have paid money, amounting to Rs 45,000, as in Baroda's Noorani Mohalla, for the houses. Yet, they do not have papers for them.

Almost all the relief colonies were built on land owned by Muslims, when the state government arbitrarily shut down relief camps that housed riot victims and they had nowhere else to go. Some of these plots were classified as agricultural land, but construction was taken up here because of the difficult circumstances. Though none are encroachments, the state government still has to approve usage of the land for residential purposes. "The paperwork is pending and it's used as a ploy to classify the colonies as illegitimate," says Sethi. The same tag is used to deny basic facilities such as water, sanitation and electricity to these colonies, though, as internationally accepted principles note, the relief colonies should have been constructed by the state government in the first place. Not only did the state not construct even a single house, but, over the past six years it has done nothing to create basic infrastructure in the relief colonies.

Social ostracism

With the return of Narendra Modi as Gujarat chief minister for the third time, in the recent state elections, even the most optimistic of activists working with riot victims in Gujarat appear concerned. Sethi says that the exclusion of Muslims continues in Gujarat, with there being a "greater design to reduce the presence of Muslims to a few villages in each taluka and free the rest of the villages from Muslims". Hanif Lakdawala, director of the non-government organisation Sanchetna, which works in the areas of health and education, adds that subtle discrimination and social ostracism against Muslims continue in Gujarati society, pushing Muslims into ghettos. He warns that this will only

reinforce the alienation the community already feels.

Ghanshyam Shah, a social scientist who has studied riots and socio-political trends in Gujarat extensively, feels that Muslims seem to have reconciled to the fact that there's nothing that they can expect from the government. Even if the Gujarat government were to offer protection to those displaced, people might not return home because of fear and insecurity, he says. For Muslims to feel safe, he explains, "it requires a different kind of conviction," a strong political will that's absent both in the current government and its opposition party, the Congress. Shah says that Muslims have therefore developed their own coping mechanisms, and today construct their own schools and hospitals instead of relying on the government.

Shakeel Ahmed, administrator of the State Islamic Relief Committee's legal help and guidance cell, concurs that the situation is unlikely to change. "It's therefore important for the Muslim community to re-organise itself and work together," he points out. Ahmed is also secretary of the Forum for Democracy and Communal Amity (Gujarat). "We need to work together to improve education levels. Also, there is a percentage of the Gujarati population that's non-communal and we should build bridges with them."

Achyut Yagnik, founder-secretary of the NGO Setu: Centre for Social Knowledge and Action, and co-author of the book *The Shaping of Modern Gujarat* points out that if one were to go by the United Nations' principles on displacement, the central government would have to be held equally responsible for the plight of Gujarat's internally displaced. "The UN is not going to ask the Gujarat government, it's going to ask the Government of India about the people," says Yagnik.

The Manmohan Singh-led UPA government stirred into action only in 2007, when Gujarat was set to go to the polls. Yagnik cites just one example: the residents of Juhapura in Ahmedabad, considered to be one of the largest Muslim ghettos in India with a population of 250,000 people, have been demanding a bank for the past three years without any response from either the Centre or the state government.

Little wonder then that when the Centre announces a compensation package, people see it as a case of too little, too late. For people displaced by the riots, living in houses they cannot call their own, an announcement is just that: a statement someone makes with an eye on the votes, only to be forgotten a few days later.

Deepa A is a journalist based in New Delhi. She is presently working on the impact of communal violence on the education of riot-affected Muslim children, with particular reference to Gujarat. This article is based on a study funded by the Sanskriti-Prabha Dutt Fellowship in Journalism, 2006

Return from exile

Thirty-one Kashmiri Pandit families recently returned to the Kashmir valley after more than a decade in exile in Jammu's camps. Forty thousand Pandit families still live in those camps. But even the lucky few who have been provided government accommodation feel they have returned to a new Kashmir, one that has lost its Kashmiriyat, where Muslim and Hindu view each other with suspicion. A special report

RASHME SEHGAL

SPRING IN THE KASHMIR VALLEY shows nature at its best. Clusters of white snowballs, tapering mauve wisteria, and yellow creeper roses growing out of every house. Middle-aged Asha Pandita, who lost her husband in the March 21, 1997 massacre at Sangrampora, squats in the open space outside her three-room Sheikhpora apartment, *khurpi* in hand, and hesitantly digs at the soil.

"It's the first bit of digging I am doing in 10 years. I want to grow some dahlias in memory of my late husband," she tells her neighbour Rita Kaul, who is squatting on the ground next to her.

Thirty-one Kashmiri Pandit families have moved into newly-constructed, four-storeyed apartments in Sheikhpora, in Jammu and Kashmir's Budgaon district. These cream-and-brown apartments have been built in no-man's territory; a sharply rising barren hill surrounds them on three sides while a large villa is coming up on the bumpy approach road to the apartments.

They are guarded on all sides by Border Security Force (BSF) troops.

They moved in here in early-March 2008. Their relief at finally finding a safe and comfortable haven is palpable. Many had been living in one-room tenements hired for them by the government following a series of Pandit massacres in Nadimarg, Wandhama and Sangrama. Some families have returned from Jammu in order to keep an eye on their orchards and village land.

Adversity has taught the Pandits never to express any emotion except in the most pessimistic manner. Exile has been a dark experience for them, leaving them bitter and hunted, filled with a terrible sense of defeat. They trust nobody, least of all the state government.

"We were made to sign a bond before moving in here. The bond states that this accommodation is available only for one year. Where do they expect us to go after that," asks Rita Kaul, putting her *khurpi* down and insisting I join her for a cup of tea in her sparsely furnished but well-ventilated three-room apartment.

Apart from embroidered blankets spread on the floor and a television set, the only other pieces of furniture are two beds and a Godrej cupboard. Prints of Lord Shiva adorn every room.

"We have to thank Asha for getting us this accommodation," Rita, a housewife married to a Class IV government employee, tells me.

After the Pandit massacres of 1997, the remaining Pandit families decided to move out of the valley and join their exiled brethren in Jammu. The state government, afraid of the unfavourable publicity, shifted them into one-room tenements in Budgaon. These Pandits fall under the category 'internal migrants', for, while they were forced to leave their homes, they did not move to Jammu and Udhampur where the government had set up camps for them.

"We spent the next 10 years cooped up in tiny claustrophobic rooms with no one coming to our assistance. We even filed a writ in the Srinagar High Court demanding we be given safe and decent accommodation. The situation would have continued in this dismal fashion, with the state government dithering about what to do with us. Of course, we did learn that the government was constructing safe accommodation for us in Sheikhpora and Muttan, but we received no orders about moving there," Rita continued.

Asha decided to take the bull by the horns and demanded an appointment with the present Chief Minister Ghulam Nabi Azad. During the meeting, she warned him that if he did not allow them to shift to Sheikhpora, the remaining 750 families in the valley would move *en masse* to Jammu. This would have created international outrage, sending out the message that a Muslim-majority state government had no place for the handful of Hindu families left in the valley.

"When I told this to Azad *sahib*, he immediately granted us permission to move here," Asha said, her dark brown eyes lighting up in triumph.

"How did your husband die?" It was an uncomfortable question that must have been posed to her innumerable times in the past.

Asha took a deep breath, then said: "Three militants barged into our house at 11 pm at night dressed in army fatigues. The men were herded into a nearby field where they opened fire. My husband, Avtar Pandita, a schoolteacher, died on the spot."

It's obvious the tragedy haunts her to this day.

"It took me one-and-a-half years to get my husband's salary

transferred in my name. Life was hell for those 18 months; I had three school-going children to care for and no one to turn to for help. The militants burned down our ancestral house, for which I have received a paltry Rs 1 lakh as compensation," she said.

Stories of the inhuman treatment of Kashmiri Pandits by militants form part of their folklore. Thousands of families fled the valley when an anti-Hindu campaign was unleashed by separatist Muslim organisations. Right through the late-'80s and early-'90s, the chant of *jihad* resounded through the valley, accompanied by reports of killings and kidnappings of Pandits.

Pandit families speak of this period when mosques blared anti-India slogans and several Pandit families received threat letters from the militants warning them to vacate their homes since these were to be used as hideouts by them. Even more terrifying was the rumour that some militant organisations had warned Pandit men to move out leaving their daughters and wives behind.

The largest exodus of nearly 200,000 Kashmiri families took place during this period. Families hired trucks and left in the dead of night. They were so frightened they left all their household possessions behind. Many were unable to even withdraw money from the bank. There was a curfew on in the valley in those days and since the militants had called for everyone to transfer their money from nationalised banks to the Jammu and Kashmir Bank, no bank was willing to honour large transactions.

The Pandit families were rehabilitated in camps in Jammu, though the more affluent ones moved to Delhi and other cities. At present, nearly 40,000 families continue to live in these camps. When they first arrived, they received a monthly allowance of Rs 1,000 and dry rations. The amount today is Rs 4,000 plus dry rations.

The Jammu and Kashmir government has made periodic efforts to persuade the families to move back. One such effort received a major push after Farooq Abdullah's government was sworn to power in Srinagar in 1996. Abdullah assured the Pandits safe passage and accommodation in specified safety zones. Few believed him as the massacre of Pandits continued. Even as Abdullah threatened to issue an ordinance preventing Pandits from selling their property, they continued disposing of their property to Muslim buyers clandestinely.

The next chief minister Mufti Mohammed Sayeed made similar efforts, with work beginning on the creation of safe clusters for the Pandits. But the problem is the children of these Pandit migrants are no longer interested in living in safe clusters. Many insist they are willing to return on condition that the government allows them to return to the homes from which their parents fled almost two decades ago.

To do so the state government needs to come up with a coordinated plan, which involves remapping the houses and lands of those who continue to own property in the valley.

Many had resorted to distress selling, often to their Muslim neighbours.

Loss of property ranks high amongst the Pandits' list of grievances, especially with property prices skyrocketing in the valley. Gaining a toehold on their property remains one of the biggest incentives for the Pandits to return.

Makhanlal Naquab and his wife Dulari, probably amongst the poorest migrants presently living in Sheikhpora, illustrate this point. They spent time in the Mishriwala camp in Jammu but chose to return in the hope that they could earn a little money from the 16 kanals of land that belonged to them in their village of Rambari. They claim they did not receive any assistance in returning from the state relief commissioner.

Too old to work, they survive on food rations being provided on an erratic basis by the government. "I ran a *kirana* shop and used to do some farming in my village of Rambari. Having lost my son, my wife and I spent some years in the Mishriwala camp. It proved nightmarish — the heat, not knowing the local language, not feeling the cool air of the mountains..." Naquab's voice trails off.

"In all these years, a Muslim neighbour looked after my 16 kanals of land. Payments remained erratic. Living in Sheikhpora will help me make occasional trips to my village," he says.

Would Naquab, like many other Pandits living in Sheikhpora, be willing to return to Rambari?

"I told the IAS commissioner when he came to Sheikhpora: 'Let me see you spend one night in my village without being surrounded by your security contingent. If you are willing to do so, then I am ready to follow your example.'"

K Mattoo, a teacher living in the Mishriwala camp in Jammu, said: "We Pandits no longer like being called migrants. Migrants are those who willingly left their homeland in search of a better future. This exodus was forced on us."

Naquab went on to illustrate the other problem faced by many Pandit families whose homes have disintegrated or been pulled apart by militants and other miscreants. “My house has fallen apart. It has been stripped of all its cupboards and doors. It is a shell, not a house.”

Most of the 2 lakh Pandits who fled the valley in the late-'80s believed they would return a few months later. Not one of them anticipated that, 20 years on, they would constitute the largest refugee group in the country.

Their bitterness at the way events have unfolded is evident. Two decades later, their own assessment of the treatment meted out to them has altered dramatically. They now view their migration as part of an ethnic cleansing deliberately orchestrated by Islamic militants keen to change the demographic composition of the valley.

K Mattoo, a teacher living in the Mishriwala camp in Jammu, said: “We Pandits no longer like being called migrants. Migrants are those who willingly left their homeland in search of a better future. This exodus was forced on us.”

Changing concepts of self and identity have been succinctly captured in a report put together by the department of political science, Jammu, which interviewed over 350 Pandits living in the camps.

Shyam Kaul, one of the interviewed, described the terrifying atmosphere that prevailed in the valley in 1989-92. “We fled because a member of the family or a relative or a neighbour or friend was shot dead, or kidnapped, tortured and murdered brutally. Such barbaric methods like gouging out the eyes, breaking limbs, hammering nails into the head, or slicing the body with a handsaw were used. There was a bomb explosion in the house, or a letter arrived with a threat to leave or be killed. There were cases of a friend's daughter or one's own sister being molested. The essence of the matter is that we were forced out.”

Migration from the valley has resulted in a loss of identity. This is one of the most common refrains. Mohanlal Lolabi, a social worker living in a Jammu camp, said: “We have lost our identity. We have lost our ancestral land. Our women no longer wear saris but have taken to wearing the Punjabi salwar-kameez. Our children no longer want to learn Kashmiri. They prefer to speak Dogri and Hindi.”

The most alarming change is that they now view Kashmiri Muslims with visible animosity; in the past, Muslims were seen as “brothers” with whom they shared a common language and cultural heritage.

The majority of Pandits feel the valley has lost the syncretic character they were so proud of in the past. Religious tolerance was an integral part of their culture because most Muslims had converted to a Sufi form of Islam. Conversion in the valley did not take place by force. This syncretic Hindu-Muslim culture formed the basis of what was called ‘Kashmiriyat’, combining mystical Hindu Vedantism with Islamic Sufism.

The most common refrain of the Pandits today is “*Kashmiriyat*

Migration from the valley has resulted in a loss of identity. This is one of the most common refrains. Mohanlal Lolabi, a social worker living in a Jammu camp, said: “We have lost our identity. We have lost our ancestral land. Our women no longer wear saris but have taken to wearing the Punjabi salwar-kameez. Our children no longer want to learn Kashmiri.”

ab zinda nahin hai” (Kashmiriyat is no longer alive). It has become Islamised. They also believe that successive governments have lost this secular space to right-wing fundamentalists who are now predominant in the valley.

The dress code of Muslim women in the valley illustrates this. Muslim women increasingly cover their heads; many now wear burqas, though unlike their counterparts in Uttar Pradesh and Bihar they do not cover their faces. This was unheard of earlier; Muslim Kashmiri women were known to enjoy a fair degree of freedom.

Not all Pandits share these negative feelings, however. Some have seized the initiative and are willing to take on the risks associated with going back.

Sanjay Lal, one of the few Pandits who is presently running a business in the heart of militant-infested Batmalloo, feels moving to Jammu in the early-'90s was a huge mistake. He believes his family and he should have dug their heels in and fought back.

“How many of us could these militants have killed,” he asked.

Sanjay, along with his father Rattan Lal, a cloth merchant, and other members of his immediate family, lived in the Mishriwala camp for a few years and tried to make their business work. Meeting with little success, they packed their bags and returned to Batmalloo.

Sanjay shies away from media attention. He fears the

publicity will attract the attention of some gun-toting militants. After much prodding, he reveals what brought them back.

“The tension of not making ends meet weighed on my father and turned him into a nervous wreck. My young children were unhappy. The day we returned home, my father regained the bounce in his step, relieved to be back in the familiar environment. Both my children go to school. We enjoy good relations with all our neighbours. What more could anyone ask for?”

Badrinath Kaul, a schoolteacher from Shopian, made several reconnaissance trips before returning last year. “I own 60 kanals of orchard land on which I grow apple, walnut and cherry trees and from which I earn Rs 10 lakh a year. If I had not returned I would have lost this valuable property. I did not want this to happen,” said Kaul.

He admitted to mixed feelings about coming back. He feels the whole discourse in the valley has changed: today it's the majoritarian Muslim community versus a tiny Hindu minority.

“From 300,000 Pandits, we are down to 7,000 Pandits in the valley. At an individual level, I sometimes feel I cannot recognise the people who live here any more. Their character has changed. Oil money from Muslim countries is flooding into Srinagar and the outskirts. My Muslim neighbours look at every situation from two perspectives — one for Muslims and another for Hindus. This distinction did not exist a decade ago.”

Kaul claimed he received no help from the government to return to Shopian.

Back in Jammu, some migrants have moved into four-storeyed houses located near the Mishriwala camp. Unlike the Sheikhpora flats, these apartments are smaller and the quality of construction looks extremely poor. Already, many residents fear damage in this earthquake-prone area.

I visited the house of Bitta Kaul who introduced me to several of her neighbours. Fifteen Pandit men gathered around to air their grievances. What is the possibility of their returning to the valley, I asked.

They insisted they would only go back if they received a proper rehabilitation package. “We were the more affluent community in the valley. Most of us owned our own houses. The violence created so much uncertainty that we resorted to distress selling. Do they want us to go back so that those who are left also get eliminated in massacres,” asked Badrinath, a retired defence personnel who used to work in the Field Ammunition Depot.

There are other obstacles that the Pandits feel must be smoothed out before their return. For example, they want equal employment opportunities with their Muslim counterparts.

A N Sandhu, a retired professor of economics from Jammu University, pointed out that while 20,000 Pandits had government jobs in 1989, the present figure has dipped to

50. “Pandits need economic security. What incentives do young people have to return,” he asked.

Politics is another area where the Pandits feel they have been marginalised. Being a small minority, they believe they can no longer impact state politics in any meaningful way. It is for this reason that members of Panum Kashmir are demanding that a separate homeland be carved out for them in the valley.

“The time has come for us to be given a separate homeland. For the last 600 years we have been victims of Muslim majoritarianism. We will not accept being treated as second-class citizens any more,” declared Dr Agnishekhar, who has been promoting the idea of a separate homeland for many years.

“When we started moving out of the valley, Mufti Mohammed Sayeed was home minister at the Centre. Why did he do nothing to stop it? We don't want to live in the valley at the mercy of the majority community,” Agnishekhar added.

The Pandits believe they are the original inhabitants of the valley, going back 5,000 years. Many of them have family trees that date back several hundred years. They believe that despite their contribution to the culture of the subcontinent, successive state governments have paid only lip-service to their needs.

Younger leaders like Omar Abdullah and Mehbooba Mufti have publicly expressed sorrow at the departure of the Pandits, which has created a vacuum in their society. But most run-of-the-mill politicians shy away from making any public statements about them.

The state government plans to build a total of 61 apartments in Sheikhpora; another 18 are under construction in Muttan.

Relief commissioner V Kaul spelled out what exactly these flats would be used for. “Sheikhpora is transit accommodation while the flats coming up in Muttan and Kheer Bhavani are being constructed for tourism purposes. The Pandits can hire them for a week,” Kaul explained.

In the long term, the state government is going to identify land for the Pandits where each family will construct its own house. Each family will be paid Rs 7.5 lakh towards construction of their homes. Till such time they will have to make do with *ad hoc* measures, said Kaul.

“We are awaiting formal notification of these plans before we swing into action,” he added.

Meanwhile Prime Minister Manmohan Singh, on a recent visit to Jammu, announced a Rs 1,600 crore rehabilitation package to facilitate the return of the Pandits. The Pandits are waiting and watching. Twenty years have already gone by. They hope they will not have to wait another 20 years for these plans to fructify.

Rashme Sehgal is a senior journalist and writer based in New Delhi. She has reported extensively for The Times of India, The Independent and The Telegraph

The original migrants

The first migrations from Bihar date back to 1834. Every second family in the state today is sustained by migrant workers who form the backbone of the country's workforce. But in 2008, thousands of Biharis found themselves forced to return from Maharashtra following the Maharashtra Navnirman Sena's violent sons-of-the-soil campaign

ANOSH MALEKAR

IT WAS AN IRONY OF SORTS that Patna was busy commemorating the success of Bihar's original migrants to the island nation of Mauritius while hundreds of stricken Biharis migrants were forced to flee the island city of Mumbai and other cities in Maharashtra in February 2008.

A nine-foot bronze statue of Sir Seewoosagur Ramgoolam, who originally hailed from Bihar and was prime minister of Mauritius from 1961 to 1982, was unveiled near Gandhi Maidan in Patna on February 18. Ramgoolam's ancestors had left Bihar more than a century ago to work on sugar plantations in Mauritius.

For his son and present Mauritius Prime Minister Navin Chandra Ramgoolam, it was an emotional first visit back to his roots. "It feels great. Even though I have been away from Bihar, it is like coming home," he told the media after unveiling the statue.

But it was not exactly a happy homecoming for the hundreds arriving in Patna by train from Maharashtra. "Extreme poverty forced us to leave Bihar and go to Maharashtra. Now threats to leave Maharashtra have compelled us to return to Bihar," said Aadesh Kumar Paswan, 37, who hails from a village in Bihar's Samastipur district.

What Paswan failed to comprehend, as he stared blankly at the Ganga in Patna after a quick dip before getting ready to rush back to the railway station to catch the next train to his village, was how one can be treated like a foreigner in one's

own land. "We were treated worse than Bangladeshi refugees," he said.

At Patna railway station, Biharis recalled the sordid tales of violence unleashed on the streets of Mumbai and other cities of Maharashtra against migrants from the northern Indian states. The violence followed a renewal of the Shiv Sena's sons-of-the-soil campaign by the Maharashtra Navnirman Sena.

One night, a group of local politicians arrived at Paswan's doorstep and demanded that he leave the place. He was lucky compared to the others. Srikrishna Singh, 37, who made a living selling *bhajias* on a handcart in Pune, landed up in hospital in his native Siwan, after his hands were reportedly chopped off by a mob targeting migrants.

There were other horror stories. Nagma Bano, who was fleeing Nashik, gave birth to her child in a toilet aboard a train to Patna. "Our only crime was that we spoke Hindi and came from Bihar," said an injured Omprakash, 52, who fled Mumbai for Patna. Curious onlookers seeking to know the latest situation in Maharashtra surrounded him on the platform.

According to one estimate, there are around 2.5 million Biharis migrants working in Mumbai, and nearly half that number in other cities of Maharashtra. These numbers will fast decrease if the present situation lasts much longer, say some in Patna.

"A majority of Biharis are seething with anger at the humiliation and violence they were subjected to in Maharashtra," said Professor Binoy Kumar, who ran a welfare camp for fleeing migrants at the Patna railway station.

But there was little good news for the migrants on the home front. The day's headlines said it all — the mob-lynching of a murder accused in police custody at Hajipur in Vaishali district; three dead in a gun battle between the police and Maoists in Khagaria district; tension in Bhagalpur district over a political murder...

"Given the situation in Bihar we will die of hunger, what else? That will be the end of the story," Paswan said, summing up his present situation after a decade of selling *bhelpuri* on Mumbai's famed Chowpatty beach. The



middle-aged man, robbed of his livelihood in Mumbai, was contemplating a future as a rickshaw-puller in Patna rather than moving to the back of beyond in Samastipur.

Paswan said his village in Samastipur typifies the situation in the state, surrounded by poverty, filth and violence. "It has no road, no electricity, no education, no health facilities," he said. Like most young men of the village, Paswan migrated to Mumbai at the first opportunity, in 1998. He chose to become a migrant like hundreds of others in his village of a few thousands.

Migration from Bihar is not new. "We are the original migrants of the nation, with the first migration from Bihar dating back to 1834. The British used to describe the Bihari migrants as physically and mentally strong. It was the Bihari migrants who laid the first roads in Mauritius," said Srikant, a journalist with *Hindustan* studying migration from Bihar.

Large numbers of people migrated from Bihar as indentured labour to British colonies around the world as well as to other parts of the country, mainly West Bengal and Assam, during the 19th and 20th centuries. The origins of the current migration can be traced back to the '60s, which saw the ushering in of the Green Revolution in northwest India.

Present estimates of the number of migrants differ. While Srikant believes around 55 lakh Biharis live outside the state, the Bihar Industries Association puts the number at a staggering 2 crore — almost a quarter of the state's population. Barring a handful of states, the entire country relies on them to build roads, till fields, run taxis and autorickshaws, and guard offices and homes. The hardworking Bihari migrant worker forms the backbone of the nation's workforce.

According to a study conducted by the New Delhi-based Institute of Human Development (IHD) in 18 villages of north Bihar, migration in search of work has recorded a substantive rise in the past two decades. The study reveals that in 2000 there was a migrant worker in 49% of the families surveyed compared with 28% in the early-1980s.

The study notes that during the early-1980s, the most important destinations were rural areas of Punjab and Haryana. By the 1990s, Bihari migrants began opting for urban destinations like Delhi, Mumbai, Kolkata, Guwahati, Hyderabad and Surat.

The IHD study adds that migrants contributed significantly to Bihar's economy in the form of newly acquired knowledge and technical know-how, and small savings by way of remittances. "Increasing trends in non-farm activities in the villages of Bihar provide evidence of this phenomenon," the study points out.

The migrants' remittances were crucial to the Bihar economy though there are no official figures to quote. Annual remittances were pegged at anything between Rs 10,000-Rs 15,000 crore.

The overall impact of migration on the village economy was

wide-ranging and substantial. The large-scale migration of rural workers from the state also resulted in a shortage of labour in the villages of Bihar, particularly during the peak agricultural season, says the IHD study.

The status report on the Economic Survey of Bihar 2006-2007, recently tabled in the state legislative assembly, notes that foodgrain output fell by a record 26.04% in just one year. According to the survey: "While rice production has fallen by 24.4% in comparison to the previous year, production of wheat has fallen by about 19%. It is maize which has suffered the most significant fall, with its production falling by almost 47% over the previous year. The sugarcane production has also fallen by over 7%."

The report indicates that Bihar lags behind other states on all the development indices. It was ranked at the bottom in the Human Development Index (HDI), which was about 20% lower than the national HDI.

With an estimated population of 90.2 million (83 million, according to the 2001 census), 536.91 lakh people live below the poverty line in Bihar. No wonder the Bihar government's claim of economic achievement, with the Gross Domestic Product (GDP) growth rate stated to be 16%, drew flak from many economists in the state who questioned the very rationale of the economic survey.

The economists point out that the state's claims cannot be true when Bihar, an agrarian state, recorded a drastic fall in foodgrain output, power generation was almost negligible, and industrial growth barely touched 5.5% compared with the national rate of 20.1%.

"Low wages combined with employment uncertainty, lack of educational institutions combined with lack of industry, and absence of market and investment opportunities means the Bihari migrants, whether educated or not, and their progeny, cannot come back, even if they want to," said Srikant, who believes that the well-established internal migration chain that pushes millions of people from Bihar to all parts of India in search of a livelihood is unlikely to halt due to the recent events in Maharashtra.

Dr Meera Datta, a social activist with Vikas Anusandhan Sanstha in Madhubani, also believes that a few thousand people may have returned to their homes following the violence in Maharashtra, but it was unlikely to change the migration pattern from Bihar.

However the government seems to have woken up, with Bihar Deputy Chief Minister Sushil Kumar Modi announcing plans to conduct a survey to assess the extent of migration. "It is estimated that nearly 5 million from Bihar migrate each year in search of livelihoods to all parts of India. It is a big chunk of our human resources, whether looking for petty jobs or small businesses," he said.

Both the census and National Sample Survey (NSS) reports suggest that Bihar has the highest rate of gross inter-state out-migration in the country, with barely a household

without a member who has migrated outside the state.

“*Bihar sasta shram bechta hai* (Bihar provides cheap labour). But we do not have a choice. The welfare state is non-existent in the state,” said Srikant.

Chief Minister Nitish Kumar feels there is nothing wrong with the migration of people from Bihar or elsewhere: “Biharis have contributed immensely to the economic growth of Mumbai and Maharashtra. How can you turn them into hate figures?”

Economists believe that the backwardness of Bihar and the eastern region may be the key factor leading to migration, but it is not the whole truth. There are social factors too and the need of the hour is to end regional imbalances.

Dr Datta believes that Bihar has historically suffered from a development deficit due to the lopsided economic policies of the British and subsequent Indian governments at the Centre, and needs special attention to catch up with the rest of the country. “Today’s urban-centric economic policies ensure that agriculture-based economies like Bihar suffer badly,” she said.

Bihar’s relative position has worsened considerably since the process of economic liberalisation was hastened in the 1990s. “When the Indian economy was growing at the rate of about 6%, Bihar’s economy was left to falter at half the national rate. While population growth rates slowed down in the rest of the country between 1991 and 2001, in Bihar it continued to increase. This ensured that the income levels of the average Bihari worsened compared with average Indians elsewhere,” Dr Datta explained.

A senior bureaucrat in Patna, while supporting Dr Datta’s contention, added that income inequalities are high, with no land reforms taking place. “About 87% of all landholdings are marginal landholdings in Bihar. Denied any hope for decades, the landless and hungry millions of Bihar have done the only thing they possibly could in the face of death — migrate,” he said.

Srikant believes that what Bihar needs is true economic empowerment. “A metro for Patna will not make any difference. We will judge the present government on a single indicator — how many people are pulled out of living below the poverty line,” he said.

The other important step will be improving human capital. “We need good education and healthcare, which would lead to improved living conditions and reflect in skill-formation and increased productivity in all sectors. This will lay the basis for industrialisation and employment-generation in Bihar,” Srikant added.

Otherwise, the Biharis themselves admit, the desperate plight of the Bihari in Mumbai, Assam or Punjab will remain a recurring theme in India.

Migrate — or starve

In drought-hit Tikamgarh, Madhya Pradesh, migration and contract labour is the only option

ADITYA MALAVIYA
SUSHMITA MALAVIYA

WHEN PEOPLE MAKE *PURIS* in Jatara block, Tikamgarh district, it’s not because they have something to celebrate. The well-known Indian delicacy associated with weddings and celebrations has a different connotation here. So, when 25-year-old Sunita started to make *puris*, her neighbours silently chipped in to help her. For the villagers of Shahpur, Jatara block, it was clear enough indication that the family was about to move.

Rani Bai says: “Our self-help group is called Banjari Mata, and like the other five members of my group, Sunita, her husband Ramsori and their son have left for Agra in search of work.” She adds: “When I last met her, she said there was nothing left for them to do in the village and they were just not able to make ends meet and support themselves. So they decided to leave for Agra, where Ramsori will drive a rickshaw and Sunita will look for work as domestic help.”

How much would Sunita Bai make as domestic help? “I can only guess, but we think she will be able to earn about Rs 1,500 per month. It all depends... And I don’t know about her husband’s earnings, since that too will depend on how many *sawaris* (passengers) he can manage to get in a day.”

Rajji Bai of Pira village, Rajnagar block, who took a loan to dig a well on her land, under the National Rural Employment Guarantee Act (NREGA), says: “Migration is better than facing starvation in the village. My two sons have migrated to Delhi in search of work, and to sustain us. If it were not for the money they send, we would almost certainly have starved.”

“My only son, Kishor (30), his wife and eight-year-old son have migrated to Jammu in search of work, after the drought forced them off their field,” adds 60-year-old Kamlu Bai of the same village. “They have left behind their one-year-old daughter. I do manual labour to support my family, including my disabled husband.”

Just another day in the lives of the people of Tikamgarh, that has been experiencing its third year of drought and what it brings in its wake — families torn apart by forced migration, deserted villages, longer treks in search of water, hunger, crime, lonely children and helpless old folk (left behind either because they are a liability in big towns like Delhi and Gurgaon, or because someone has to look after the livestock), and growing exasperation with the administrative machinery.

Aditya Malaviya



Eighty-year-old Saguniya does not even have the strength to beg

Seasonal migration in Bundelkhand has conventionally been understood to be a result of extreme poverty, whereby villagers are forced to become migrants for the dry six months to subsist or merely survive. But it has taken on alarming overtones in the recent past, with increasingly large numbers of people migrating as a result of back-to-back drought. While the average annual rainfall in the district is around 1,000 mm, in 2004 and 2005 the region received 625 mm of rain. In 2006, the amount of rainfall received till the last week of September was only 380 mm. Farmers were barely able to get a yield from their first kharif crop, and there was never any possibility of sowing a rabi crop. Consequently, after the scarce monsoon, there was no work available for wage labourers.

People who migrated did not return for months — even years — at a stretch, afraid that others would take over their jobs once they had left. And people are going further and further away — to Jammu, Gujarat, Mumbai — as opposed to neighbouring districts as was the case earlier. Because of this, only the fittest are able to make the journey and thus, in a perverse form of survival of the fittest, the old, the sick and the very young are left behind in the villages, along with the livestock. Visit any one of these villages and you will see young children and old people everywhere. No young men and women.

The people left behind manage on stocks of food and fodder left behind, survive on whatever they are able to cobble together from their earnings as manual labourers, the



There are abnormally high numbers of women and children in villages that experience migration

benevolence of neighbours, or simply by begging. Then there are those, like 80-year-old Saguniya, who do not even have the strength to beg. Saguniya just waits for some kind soul to take pity on her and give her something to eat.

While those with marginal landholdings have been migrating for several years, those with larger holdings are forced to sow on less and less land, as almost everyone here is dependent on rainfall for the harvest. And it has not rained here for three years...

Rani Bai says: "The last time my family was able to have two crops was three years ago!"

Chaturbhuj, Rani Bai's husband, is educated and owns almost 10 acres of land in the village. Still, he says, last year he planted *channa* and peas hoping to get a good yield and make some money. He did not plant wheat. "I never buy wheat because we always get what we want from our land. Last year, I thought I would get a good price for my cash crops, so I left wheat out of the crop mix. I now regret it. I do not have wheat for my family. Only a few days ago, because the PDS shop is non-existent in our village, I was forced to buy 10-12 quintals of wheat at an exorbitant Rs 12 per kg! And PDS wheat is sold at Rs 2 per kg." He says he hates it when his wife has to go away in search of work, not because he misses her but because the only mulch cow they own won't let him milk her!

Despite the extremely poor rainfall over the past three years, *ad hoc* local declarations of drought continue, with the government disbursing only a semblance of drought aid annually. Still there is no uniformly-applied definition of drought. Objective approaches to drought alleviation tend to be confounded by political interests. A variety of figures have been reported for expenditure on drought relief, thanks to differences in budget requests, initial allocations, supplementary allocations, cost components and records of expenditure! And so the story continues...

Aditya Malaviya

In 2007, a survey was carried out in 10 villages of Chattarpur district, Rajnagar block, Madhya Pradesh, by Kamlesh, a volunteer working with the NGO Sambhav. The survey shed more light on the drought, migration and failure of the PDS in the region. The surveyed villages were within 20 km of the block office, and connected either by *pucca* or *kutchra* roads. A total of 3,265 households were covered. It was found that of the 3,265 households, 59% had already migrated to places as far away as Delhi and Jammu looking for jobs; 44% of the migrants were female, of which 32% belonged to scheduled castes (SC), 10% were scheduled tribe (ST) members and 4% were from other communities. Of the 56% migrants who were men, 38% belonged to scheduled castes, 10% to scheduled tribes, and 6% were from other communities.

Similarly, out of the total number of migrants, 70% were scheduled caste members, 20% belonged to scheduled tribes, and only 10% were from other communities. Despite a number of welfare programmes for SC/STs, migration in terms of sheer numbers was highest amongst these communities.

For most migrants, the journey starts with a phone call from people who have been to Delhi, Gurgaon or Jammu before and already have the phone numbers of contractors who need labourers to do manual work. In times of desperation,

someone calls up a contractor in, say, Jammu, who then tells him the number of people he can take on, the travel destination and the kind of work available. He instructs the villagers when and where to arrive, and who to bring with them. These are the lucky ones. Others just book themselves on the first available train to Delhi, where they camp outside Nizamuddin railway station waiting for contractors to pick them up.

For those travelling by bus, the journey usually begins around 4 pm in the evening, when the contractor arranges for a truck or bus to pick them up directly from the village through a local contact. They reach Delhi at around 6-7 am the following day; throughout the long journey they have to fend for themselves. Therefore the *puris*.

Once they've managed to get a job in the city, life is still far from easy. Forty-three-year-old Ratnalal says: "Often, after working for several days in a city like Delhi, the contractor suddenly just disappears with our money. This means that we have to move too since there's no work left. Then we are at the mercy of other contractors in the area."

Most migrants have to survive on money that the contractor gives them for food and other expenses. A skilled mason could earn up to Rs 120-150 a day, while a manual labourer around Rs 60-70 a day.



A familiar sight: The deserted lanes of a village

Aditya Malaviya

Aditya Malaviya



Mamta and Anand:
Left behind at home
and fending for themselves

Chitita Bai of the Manimata self-help group says four people have migrated from her group of 10. "Most of them will be away for nearly a month-and-a-half. Often, women do not even have money to pay for their bus fare, so they borrow from other group members and only repay them when they return with some money, several months later. Usually, it is an amount anywhere between Rs 100 and Rs 200."

There is a routine to departures from the village. Ajab Bai of Bijrotha village explains: "People cannot stay in the village throughout the year. What will they eat if they do that? So, many women and their families migrate in rotation. I went as far as my money would take me."

Most households report changes in adult membership due to the drought. The migration of adults from households is abnormally high, and in most villages, the search for food is the most common reason given for movement out of the village. Most villages are almost 90% empty; there are abnormally high numbers of women and children.

Sixty-year-old Hasmat Khan says he has never seen a drought of this magnitude in all his life. "Have you heard of a mango tree drying up? No? Come, let me show you one," he says, agitatedly pointing to a dry mango tree that still stands near the dry village well. "Look what is happening in our village. No water, no crops, no food — and no government help to speak of!" There is no talk of rehabilitation of disused or

faulty boreholes, provision of new boreholes, extension of pipelines, or the provision of tanker services to disadvantaged rural communities.

When crop production or household income declines, rural households can usually draw on alternative sources of cash or food, such as livestock sales, asset sales, or borrowings. However, most people report that even coping strategies like reductions in non-food expenditure and rationing aren't helping any more. When livestock survival is threatened by drought, they say, the only option is to sell some animals and buy feed and/or move some animals. In many villages, farmers have sold some or all of their livestock over the period of the drought. Even here, farmers say they are unable to sell off their cattle because of the poor state they are in!

Twenty-five kilometres from Jatara, in the village of Ghotet, only the very young, the old and infirm and those holding government jobs remain.

Kunjilal, a government teacher at the Lidoria primary school, is the only scheduled tribe member left in the village — the rest have all migrated. Similarly, Chunnalal says there is no work in the village and people have opted to go to Jalgaon, Delhi, Gwalior, Punjab, Agra and Gurgaon in search of work. Nobody returns earlier than three or four months, or when they have saved some money. Rambai says: "Only those who do not have an option are left in the village."

Interestingly, everyone in the village has an NREGA job card, but the people left behind say that despite several attempts, sarpanch Lodhi Kumar has not accepted their applications for work, saying that the CEO of the zilla panchayat had instructed him not to take in applications for work.

Our group is soon joined by two small children, Anand and Mamata. The villagers explain that the siblings study in Class VI and V respectively and have been left behind in the village by their parents. The children show us their home. It's locked. How do they manage, we ask. Seema Soure says: "They are being looked after by a cousin in the family. Someone or other in the village always gives them something to eat. That is how things work."

Anand says he has relatives who look after their everyday needs. Ask him when his parents will return, and he looks away. "After the harvest season, probably," he says with a distant look in his eyes...

As we leave, the villagers plead: "Please do something about the midday meals in our schools. We could have at least prevented our children from starving, but there is so much corruption that the children have not been given a decent meal in school for as long as we can remember."

Aditya Malaviya is a Bhopal-based journalist and researcher. Sushmita Malaviya is an activist and researcher on developmental issues. She is based in Lucknow

The dark side of Brand Bangalore

LR Nagar is only one of Bangalore's estimated 778 slums. But it is located just a few metres from Koramangala, the posh residential address of Bangalore's IT employees. The disparity in living conditions, of course, metaphorically separates the two localities by hundreds of kilometres. And it is this unequal access to Bangalore's infrastructure, space, government spending budgets etc that epitomises the problem of urban spaces

SANJANA

“WE ARE LIKE COCKROACHES surviving in the worst possible conditions... people living in conditions such as this cannot be anything else.”

Puttanna, a resident of Lakshman Rao Nagar (LR Nagar), is categorical in his assessment of conditions in the slums of Bangalore. Ten minutes in the area and a quick glimpse into any one of the several thousand homes and his acerbic comments are reasonably justified. LR Nagar has no proper drainage or sanitation facilities; every time it rains heavily, or when the makeshift sewers flood, filthy water enters Puttanna's house and every other low-lying one in the area. “Forget the stink and the amount of work it takes to clean up,” says Puttanna. “The fact is that we have no choice but to cook, eat and sleep on those very floors again. Sometimes, the phenyl smell is more nauseating than that of the sewage water. Life in all the years I have stayed here has not changed one bit.”

LR Nagar is only one of Bangalore's estimated 778 slums. The Karnataka Slum Clearance Board (KSCB), though, accords 'declared slum' status to 204 out of these 778 slums. The declaration and its achievement is significant for any slum in Bangalore since the state's Slum Clearance Board Act (I&C) stipulates that slums accorded this status have to be provided basic amenities. In a clear definition, the Act lists basic amenities as drinking water, street lighting, community latrines and bathrooms, drains, roads, stormwater drains.

Despite its recognised status, LR Nagar clearly lies outside the ambit of these provisions. A condition that is neither surprising nor exclusive to this slum.

Another familiar factor in the consideration of non-provision of basic amenities to LR Nagar is its location. It is situated alongside Koramangala, a posh residential locality that is home to the upwardly mobile classes. Residents of Koramangala work primarily in the IT firms that have stamped Bangalore with another epithet of identification, that of 'Silicon Valley of the East'.

Needless to say, the residents of Koramangala do not face the same struggles as the residents of LR Nagar. The disparity in living conditions ensures that the actual distance of a few metres that separate the two localities extends metaphorically to several hundred kilometres. And it is in this distance between differential access to Bangalore's

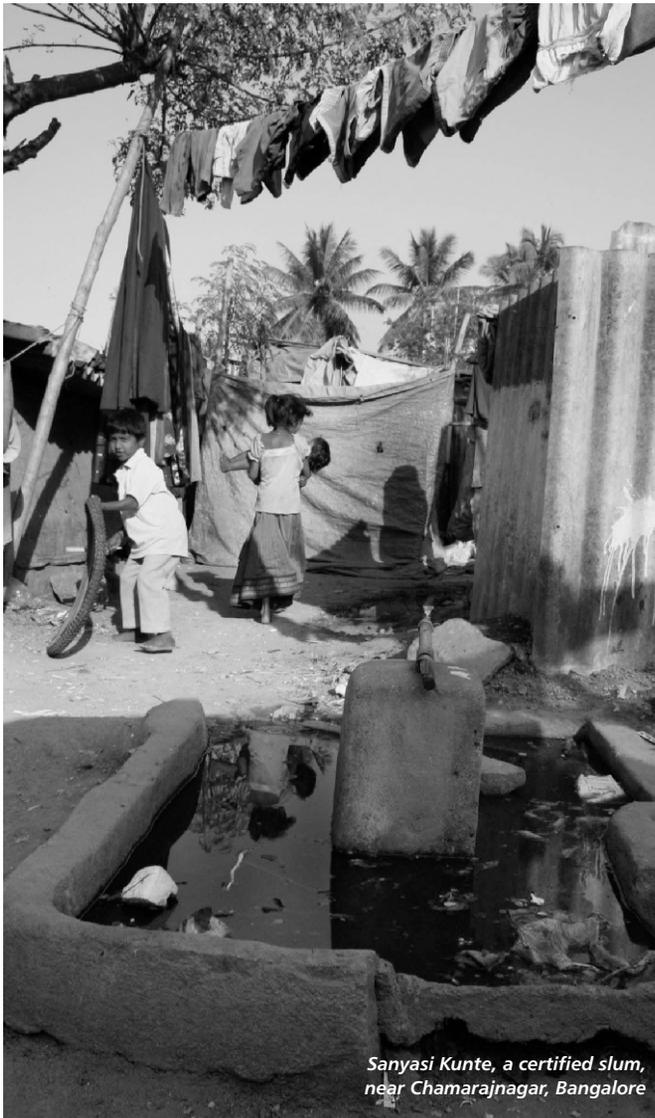
infrastructure, space, government spending budgets, etc, that the problematisation of urban spaces finds a firm foothold.

A city is never a group of populations alone. It is also a space where there are multiple contestations between differing populations — contestations on the basis of class, caste, gender and other categorisations. In the typified example of a contestation between LR Nagar and Koramangala, it is one that exists between the working classes and the middle and elite classes. A caveat that needs stating is that any complete discussion of problematised urban spaces cannot be limited to contestations between classes. It can only ever be one of convenience that situates larger discussions.

The 2001 census listed Bangalore's population at well over 4 million, 4,301,326 to be precise. Forward projections from that figure place the 2008 population count at over 5 million. National Sample Survey (NSS) data (2001) offers another dimension of this population count, on the basis of labour. It estimated that 4% of Bangalore's labour population contributed to the information technology (IT) sector. Urban researcher and analyst Solomon Benjamin chose to compound that figure with a further 4%, to account for those engaged in the IT-enabled services (ITES) sector, and an additional 4% to track the increase in the years since the NSS was completed.

“These figures do not take into account the huge migrant population that moves in and out of Bangalore every single day, choosing to locate the city as the nerve centre of their economic activity. Even then, we are looking at 85%-90% of the labour force that is not directly employed by the IT sector. Why then is Bangalore branded an IT city,” asks Benjamin.

He suggests that there are obvious political underpinnings to the creation of Brand Bangalore, besides the social and economic consequences. For Bangalore's slum-dwellers, these social and economic consequences include issues of created homelessness through forced evictions, lack of security on several counts including housing and infrastructure support. If economic productivity is the basis for decisions of urban governance, then Bangalore's slum-dwellers are in a pitched battle with global corporations. What is usually discounted in most government-driven decisions and discussions is that the working classes that live



*Sanyasi Kunte, a certified slum,
near Chamrajnagar, Bangalore*

in slums are also active economic agents contributing to the city's economy.

"If we look at the housing situation in Bangalore, there is an expected increase in insecurity for people in the slums. Evictions are common given that there is a boom in real estate and large projects. Setting fire to slums is the easiest way out since other forms of forced evictions are now being actively challenged," says Isaac Arul Selva, an activist with Jana Sahayog, an organisation that engages with the rights of slum-dwellers. In most such 'accidental' fires, there is not even a suggestion of compensation for losses incurred by the slum-dwellers since, in the eyes of the State, they are 'illegal occupiers' or 'encroachers'. Under Section 16 of the Slum Clearance Act, once a slum is declared a 'slum clearance area' by the government, it is within the stipulated requirements that the State provide for or regulate transfer of conditions to the occupiers of the land; a conditional provision that forces slum-dwellers to migrate, sometimes

14 km from their original place of habitation. It is now an established truism that any forced relocation snaps the economic interlinkages that sustain slum-dwellers, adding to their impoverishment.

Selva highlights several stories of forced relocation. In 1997, for instance, at least 192 hutments were demolished to make way for the Football Association stadium in what is now central Bangalore. The people who were shunted out were moved 22 km away to Ullal Nagar on the outskirts of the city. A share of the land that was taken over by the Football Association was later handed over for construction of parking areas for the nearby Garuda Mall.

Maya Bazaar slum near Viveknagar, in Bangalore, is another example of forced displacement. This is one of Bangalore's oldest slums, housing at present over 3,000 people, predominantly dalits. Maya Bazaar stretches across 6.18 acres and is located a little over 2 km outside Bangalore's business nerve centre, MG Road. At least four generations of people have called this home — several 60-year-olds remember being born here. But Maya Bazaar's prime location and its long history have not translated to an escape from the existing squalor.

The houses in Maya Bazaar are dilapidated, with crumbling walls and broken roofs. Drains are non-existent, as is a sewage system. The solitary toilet complex in the area has eight toilets for men and women and is perpetually clogged. The 2001 census pegged 19% of all houses in urban Karnataka as having no drainage facilities at all; a further 24.8% of houses reported no toilet facilities. Maya Bazaar falls into this category. And, like LR Nagar, Maya Bazaar too is a 'declared slum' according to the Karnataka Slum Clearance Board.

Government negligence is not the only problem residents of Maya Bazaar face. The land on which the slum has developed belongs to the Indian Army which, in an adamant insistence on not recognising the presence of people on land that belongs to it, has enforced a blanket ban on construction in the area. People attempting to plaster their crumbling walls or fix broken roofs are stopped by patrolling army jawans. Seizure of construction material and the destruction of recently repaired houses are commonplace. Local residents say the army is hoping that the houses will ultimately become unliveable, forcing the residents to seek shelter elsewhere. And so a process of slow death and collapse unfolds on the rugged pathways that Maya Bazaar calls streets.

What the army did not count on was the determination of the people of Maya Bazaar to hold onto whatever meagre possessions they have. Says Ramamurthy, a local slum rights activist: "We are determined because we are desperate. We cannot afford to pay rents anywhere else in the area." Ironically, Maya Bazaar residents count several army pensioners among the older generation, while its men and women today are employed in army quarters as domestic help, odd-jobbers, etc.

Demolitions and forced homelessness is only one aspect of the many battles the urban poor have to fight. These are neither peculiar to Bangalore nor are they a facet of policies unleashed by the Karnataka state government alone. Problematised urban spaces are now an all-India phenomenon and, to borrow an allegory from the Hindi film *Taare Zameen Par*, the desperate situation that the slum-dwellers face is a symptom; the disease is something else.

The obvious transformation that we are witnessing today in urban spaces — forced evictions and relocations, slum demolitions, privatisation of infrastructure such as water supply and sanitation (Bangalore is in the process of implementing the Greater Bangalore Water Supply and Sanitation Project) — are, in fact, all part of the journey towards “investment friendly” and “financially sustainable” cities.

This journey was charted in 1994 by the National Institute of Urban Affairs (NIUA) along with USAID when they jointly initiated the Financial Institutions Reform and Expansion (FIRE-D) programme. FIRE-D, according to NIUA, was intended to finance “selected commercially viable urban infrastructure projects relating to water supply, sewerage, solid waste management and area development”. With an initial investment of over US\$ 125 million by USAID, FIRE-D attempted to set in motion a series of reforms that would ensure that an amount matching the USAID grant would be got from “locally raised funds to municipalities or private sector entities”.

The intention was clear — to ensure that cities were transformed into “well functioning, efficient and equitable land markets”. And, under instruction from the World Bank, these cities would be “investment friendly” and “financially self-sustained”. In essence, it would no longer be the responsibility of the government to ensure that urban spaces provided all citizens with the basic amenities to which they have a constitutional right. The amount spent would instead, under careful instructions charted out by FIRE-D, be treated as capital investments that should reflect a healthy return on investments (ROI) for corporations. FIRE-D is the research base for other projects that are currently underway across India, including the Jawaharlal Nehru National Urban Renewal Mission (JNNURM) and the Urban Infrastructure Development Scheme for Small and Medium Towns (UIDSSMT).

The canvas of change that FIRE-D has set in motion in India's cities would not have been possible without accompanying changes in legislation. To stay with the example of housing and shelter in urban areas, Karnataka repealed the Urban Land Ceiling Act in 1999 that imposed a 10,000 square foot restriction on land ownership within cities. At the time of its repeal the state government argued that with the invitation being extended to real estate developers to participate in housing projects for the urban poor, a limitation like this would be restrictive. Not only were ceilings on land acquisitions lifted in favour of private developers, there was

also open recognition of the fact that these companies would forge partnerships with government agencies to resolve housing insecurities. Drawbacks of public-private partnerships aside, the state government legislation changes were in response to the central government's carrot-and-stick approach linking release of funds to necessary policy changes to allow in private partners. What was essentially a state legislative subject (and continues to superficially remain so) was in fact orchestrated by the central government and, if we dig a little deeper, by the international financial institutions.

The Urban Land Ceiling Act is not an isolated example. The House Rent Control Act, the Model Municipal Law (which requires states to amend their own corporations and municipalities Acts), the Fiscal Responsibility Act — each of these and several more have undergone key policy changes.

The lives of the working classes, dalits, construction labourers, sweepers and thousands of people engaged in manual labour are cheap and, according to these policies, easily dispensable. Those who cannot afford to pay for their houses, for water, for sanitation (a sanitation cess has been in place in Bangalore for several years now), for drainage systems, have no place in the new construct of urban India.

All this is not to showcase the fact that slums are being completely wiped out. Just that there is an active re-casting in place. Bangalore's real estate boom is still sustained by daily wage contract labourers — just that they are now trucked in from outside the state for their express participation in construction activity. Sites across Bangalore are dotted with migrant labourers who live in labour colonies provided by the construction contractors. These colonies are either onsite or built on available vacant land just outside the construction sites. Workers shift with the work, from one site to another, never really integrating with the city — language, culture, demanding work shifts and the pressures of poverty create insurmountable barriers. These colonies will never take the place of slums as we understand them; these workers will not occupy available government lands, build hutments and eventually grow to demand facilities from the government.

In the race for profits, it is a politics of convenience that disposes of lives that do not keep the tills ringing at the demanded pace.

Sanjana is with Pedestrian Pictures, a media activist organisation in Bangalore. Research for the article is also part of a film under production and inputs shared for the film have contributed to the article

The whitewash of Delhi: Where have all the poor gone?

Around 35,000 families have lived in Yamuna Pushta in Delhi for decades. Now they are being evicted to make way for a riverside promenade. Some who can prove their residency are being “voluntarily resettled” in Bawana, 50 km away. But a study of nearly 3,000 households in Bawana finds that there has been a systemic and clear impoverishment of those who have been displaced. It's not a 'shock' impoverishment that the residents will be able to overcome; it's a 'permanent poverty'

GAUTAM BHAN

Scrap dealer Ashok says this is business as usual for politicians before elections. “Wait and watch, I will vote here again in the next general elections, five years later.”

— *Frontline* magazine, January 12, 2004

ASHOK WAS WRONG. In January 2003, the tourism ministry of the Government of India announced its intention to develop a 100-acre strip of land on the banks of the Yamuna river. The strip was to be re-developed into a riverside promenade meant to be a major new tourist attraction. At the time the plan was unveiled, the riverbank hosted a string of settlements (colloquially and collectively called Pushta [1]), home to around 35,000 families — more than 150,000 people — some of whom had lived here for over three decades. Ashok was one of them. Although few exact statistics are available, researchers and activists (2) confirm that the majority of residents were daily wage workers — construction workers, rickshaw-pullers, domestic workers, handcart-pullers and ragpickers — who had migrated to Delhi from all over the country from the early-1970s (3).

A significant proportion of Pushta residents were brought to Delhi by contractors to build infrastructure for the 1982 Asian Games. Several families made their living from small enterprises — waste recycling, selling of food and everyday necessities, small businesses, and ration shops. A smaller number, probably the oldest inhabitants of the area, were agriculturists engaged in growing vegetables on the dry riverbed. They and other families tell the story of filling in the vacant marshy embankments, considered too “soft” to

build on, with leftover sand and brick from construction sites, slowly turning it into an inhabitable settlement. In February and April 2004, over several 24-hour-long operations involving hundreds of armed police officers and crews of bulldozers, all the homes and community buildings in Pushta were razed to the ground.

Alternative plots at a resettlement site were given only to those who had proper documents proving residence before 1998 (for a 12.5 square metre plot) or before 1990 (for an 18 square metre plot). Most families in Pushta did not have a full set of documents. Many had never felt the need for them, not believing that evictions would actually take place; others had lost some or all of their documents in a string of fires that had occurred in the settlement through 2003. As a result, only about 15% of households were eligible for resettlement to Bawana, a site nearly 50 km away from the city that the Pushta residents knew.

Research conducted by the author and Kalyani Menon-Sen (4) assessed the impact of what the government claims is a “voluntary resettlement” for which the Pushta residents are “thankful” (5).

A study surveying nearly 3,000 households in Bawana sought to map the social, economic and developmental impact of resettlement. The findings are stark and easily summarised: there has been a systemic and clear impoverishment of those who have been displaced from Pushta to Bawana, across nearly all indicators. It's not a 'shock' impoverishment that the residents will be able to





overcome; it's what we call 'permanent poverty' — a trend of impoverishment that this generation at least does not have the ability to recover from.

This permanent poverty is not just a result of the economic consequences of eviction and resettlement, which saw a near total depletion of savings and large-scale destruction of assets, but also of transportation costs accounting for nearly 30% of a household's monthly expenses due to the peripheral location of the resettlement site, lack of on-site employment opportunities, drop in earnings across the board even as the cost of living rose equally uniformly leading to a widening income-expenditure gap, absence (even three years after resettlement) of basic infrastructure like schools, health facilities, water and sanitation, and the violence and social exclusion faced by residents of the colony at the hands of neighbouring communities.

The residents have little reason to fight these inadequacies: contrary to popular belief that they have progressed from being "illegal encroachers" to "legal residents", they have only a five-year lease on their land. In other words, at the end of five years, the government can once again start the cycle of displacement. Security of tenure, therefore, remains an illusion.

What is the alternative? Do we simply allow the slums to exist? Many argue that while resettlement might not be the ideal solution, allowing squatters to "invade" public land

would result in anarchy. The Supreme Court of India, unfortunately, is amongst those who back this argument.

In 1985, the Supreme Court of India issued a landmark judgment that was to hold precedent over cases regarding evictions and resettlement in cities. In *Olga Tellis vs Bombay Municipal Corporation*, the Supreme Court ruled: "The right to livelihood is an important facet of the right to life." In effect, the court argued that "the eviction of the (pavement-dwellers) will lead to deprivation of their livelihood and consequently to the deprivation of life". It argued that the urban poor do not "claim the right to dwell on pavements or in slums for the purpose of pursuing any activity which is illegal, immoral or contrary to public interest. Many of them pursue occupations which are humble but honourable".

Recognising the link between the location of slums and sources of employment, the court ordered that any relocation could not be "further away (from employment) in terms of distance". Although the court did not halt the demolitions, it mandated a one-month notice period and an opportunity for the slum-dwellers to be heard. It also asked the authorities not to demolish the slums during the rains. Importantly, the court acknowledged that it was the state's non-implementation of the master plans of cities that had caused the problem in the first place (6).

Then the tone changed both suddenly and dramatically. In

Almitra Patel vs the Union of India (2000), the court said that Delhi should be the “showpiece of the country,” yet “no effective initiative of any kind” had been taken for “cleaning up the city”. Rather than view them as a last resort for shelter, slums, the court said, were “large areas of public land, usurped for private use free of cost”. The slum-dweller was named an “encroacher,” and resettlement that had hitherto been mandatory suddenly became a matter of injustice: “Rewarding an encroacher on public land with an alternative free site is like giving a reward to a pickpocket for stealing.”

Further judgments in the 2000s have continued to criminalise and punish the poor. Yet the role of the state in failing to provide shelter for a majority of urban residents — a concern that the court noted in the *Olga Tellis* case but not in the *Almitra Patel* case — has largely been ignored.

In 1957, under the Delhi Development Act, the Delhi Development Authority (DDA) was not only charged with the task of preparing a master plan for Delhi, it was also designated sole custodian and developer of land acquired for urbanisation. Private builders/real estate developers were deliberately left out of the urban development process. In 2003, the DDA commissioned a study by the Association of Management and Development Authorities (AMDA) on land use in Delhi, and to assess its track record. The results are startling. For low-income housing, the DDA was to acquire, develop and dispose of 27,487 hectares of land in the 20-year period of the first master plan. Of this, only 15,540 hectares were acquired. In other words, instead of an annual target of 1,372 hectares, only 777 hectares were acquired every year. Similarly, in 1962, the total urban residential land was 4,694 hectares; the plan proposed to add another 14,479 hectares by 1981. But the land actually developed was only 7,316 hectares by 1984. Roughly half the projected residential land was not developed.

But the DDA did not fail all its targets. During the same period, the high-income group (HIG) received more (29%) than its share of 20% of DDA-developed housing, while the low-income group and middle-income group received 44.44% and 17.63%, less than their share of 50% and 30% respectively. Of the 5,007 hectares the DDA acquired between 1990 and 1998, as part of the extension of Delhi's urban areas, over 93% was in Dwarka and Rohini. The fact that the cheapest houses built in these areas cost Rs 20 lakh shows that, even in this phase of Delhi's urban development, the DDA appears remotely concerned with making place for the poor.

When hardly any of the city's urban space is open to low-income groups, can their squatting on public land be considered an illegal invasion? When the efforts of two generations of households in Pushta to build homes and communities and to acquire services like schools, sanitation and electricity can be destroyed overnight, what options are left for the poor whose labour we depend on to run the city and provide services for the middle classes? Perhaps the

question we must ask is not whether slums should be allowed, but more importantly, what causes them to arise in the first place.

Since Delhi won the bid to host the Commonwealth Games in 2010, the city has seen the launch of sustained media campaigns by leading newspapers and by the city government on how Delhi has become a “world-class city”. The Games have led to the aestheticisation of city space, and highlighted the importance of how the city is ‘seen’, especially by a global audience. The removal of slums from Delhi's central areas is only one of many policies aimed at bringing it (visually at least) in line with a world-class city.

As private developers fight height restrictions in the city and market upper-class residential enclaves, Delhi also recently announced a ban on rickshaws in the walled old city of Shajahanbad in north Delhi, and a ban on street food vendors and hawkers on all major south Delhi roads. The poor have become both extra visible and invisible at the same time — their visibility is a source of concern, but their marginalisation and the causes for it are sidelined. Certain built environments associated with the poor, their modes of employment, indeed their very presence in the city, must literally stay out of sight as new flyovers and expressways allow the non-poor to move from one enclosed bubble to another without having to encounter the city they drive through. This changing set of values means that many urban residents are no longer urban citizens.

Rafiya, in her early-20s, and the mother of two children, now lives in Bawana. Her eyes blaze when she speaks of her efforts to get a pink slip of paper that will entitle her to a small plot of land on the other side of the city, far away from everything she once knew. Sole provider for her mother, husband and children, Rafiya was born and raised in a colony in Pushta. “People tell you to go back where you came from, to the village. What village? I was born in this city. I cannot live anywhere else.”

Gautam Bhan is a queer rights activist and writer based in New Delhi who writes extensively on queer issues and social movements. He has recently co-authored (with Kalyani Menon-Sen) Swept off the Map: Surviving Eviction and Resettlement in Delhi, Yoda Press: New Delhi

Endnotes

1 'Pushta' means riverbank

2 For a review of activist reports and fact-finding studies, see Bhan G and Menon-Sen K (forthcoming: 2008) *Swept off the Map: Surviving Eviction and Resettlement in Delhi*. Yoda Press: New Delhi

3 An oft-told local tale of the “first resident” dates the first house in Pushta to 1972. Its owner, Dr Jamal, went on to become a local leader for many decades before his death in 2002

4 See Bhan G and Menon-Sen K (forthcoming: 2008) *Swept off the Map: Surviving Eviction and Resettlement in Delhi*. Yoda Press: New Delhi

5 The then tourism minister Jagmohan, known as ‘Demolition Man’, has often claimed in the media that residents of resettlement colonies are better off and have “thanked him” for their resettlement

6 A recent report by the National Planning Commission found that 90% of the shortfall in public housing units to be built under the Delhi master plan was in low-income housing targets

Unequal burden

Children are amongst the worst sufferers when entire communities are evicted from their homes and lands. Surveys of 299 families living in New Harsud after displacement by the Narmada project showed that 25% of children had dropped out of school after displacement

MALAVIKA VARTAK

'HE WAS BORN INTO STRUGGLE AND HAS LEFT US IN STRUGGLE' read a note mourning the death of one-month-old Imran on July 29, 2006. Imran was born, and died, in Azad Maidan as his parents protested, along with several other families, against their brutal eviction and the demolition of their homes in Mandala in Mumbai.

Over the last two decades, the forced eviction of entire communities from their homes and lands in favour of large development and infrastructure projects, urban renewal, restructuring or beautification programmes has become commonplace (1). Dispossessed, dispersed and compelled to live in sub-human conditions, lakhs of evicted people face a steady erosion of their basic human rights not only *vis-à-vis* housing but also livelihood, food, health, education and physical security.

While forced evictions affect the entire community, the impacts vary tremendously as individuals and families within communities enjoy unequal access to power and resources. As a result, within a displaced community, women, children, dalits, adivasis, sexual minorities, the elderly and the disabled, to name a few, are further marginalised and differentially affected by involuntary displacement and lack of adequate rehabilitation.

Children are arguably one of the largest categories of marginalised groups and are an integral part of all communities regardless of caste, class, region, etc. It is, however, important to note that children, like other marginalised groups, are highly stratified along lines of caste, class, gender, age, disability, etc.

Despite their obvious vulnerability, it has been well documented that children are amongst the worst sufferers in eviction cases. For instance, as seen in a number of cases, including in the August-September 2006 Jahangirpuri evictions in Delhi, women and children were prime targets of police violence (2). Reporting on a *lathi* charge on protestors following the Mumbai evictions in early-2005, Shahar Vikas Manch noted: "Women and children were the main victims of this brutal charge, including five-month-old Rabiya Khatun who was rendered unconscious for several hours as a result. Many other children were beaten, bruised or were estranged from their companions/guardians in this period." Similar stories of violence and vulnerability linked to forced evictions continue to emerge from different parts of the

country — whether in mineral-rich areas of Jharkhand and Orissa, or in Dadri where huge corporate interests are weighed against farmers protecting their right to livelihood.

While the physical violence that often accompanies evictions and demolition drives remains the most visible and public form of rights violations, the loss of a home, livelihood and community affects children in multiple ways. As displacement is not only physical but also economic and social, the demolition of a home or forced eviction often means the destruction of a lifetime's savings, thus shattering not only the present but also making the future insecure. As noted by (Retd) Justice Rajinder Sachar, while UN Special Rapporteur on promoting the realisation of the right to adequate housing appointed by the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, children's rights to survival and development are directly dependent on their immediate environment, and these rights can be severely hampered due to lack of adequate housing. For instance, the high incidence of malnutrition deaths among Korku adivasi children in the recent past has strong links with their impoverishment caused by restricted access to minor forest produce which began when the Melghat area was declared a forest reserve and part of Project Tiger (3).

Forced evictions, which are normally accompanied by lack of adequate rehabilitation, almost always lead to situations of economic and social distress, which often adversely impacts access to healthcare. Imran's tragic death during the demolition drive in Mumbai is the fate of several children who are thrown out of their homes and exposed to harsh weather conditions and illnesses caused by lack of proper sanitation and adequate nutrition. Two children succumbed to the enforced exposure to weather conditions during the Mumbai evictions of December 2004. Further, displacement and forced evictions cause high levels of stress, impacting the mental health of affected communities. Doctors at the Vidyasagar Institute of Mental Health and Neurosciences noted a significant increase in mental health complaints among women and children after the announcement of a demolition drive in Delhi in 2006 (4).

For the lucky few families who get 'rehabilitated', housing conditions are often poor and inadequate. The human right to adequate housing represents not only the physical structure of a house but also access to basic services, access

to places of work and education, compatibility with cultural requirements, etc. Whether in rural or urban areas, resettlement sites are consistently found to be lacking in basic facilities including water, sanitation, electricity, and street lighting. Until July 2006, several 'resettled' families including over 300 children were living without any form of shelter for months at the Savda Ghevra resettlement site in Delhi, as house plots, let alone water, sanitation and roads, had not been provided (5). Within a few months of resettlement at Bawana in 2004 in Delhi, 17 people, 12 of them children, died due to exposure to waterborne diseases caused by lack of clean drinking water, sanitation and solid waste management and lack of access to timely medical attention (6).

As most resettlement sites lack functioning schools, displaced children are often forced to discontinue their education as commuting to schools near their original homes is no longer a viable option. Girl-children are more likely than boys to drop out due to lack of easy access to schools, and safety concerns. In communities where education for girls is not a priority, and in situations of economic stress, it is usually the girl-child who is pulled out of school first. Many girls are also forced to drop out as the domestic workload increases dramatically due to lack of easy access to water, loss of social networks and support systems, and increased time spent away from the home by adults due to greater distances from their place of work.

Families affected by the Mumbai Urban Transport Project complained that despite provisions for the establishment of primary schools in the resettlement policy, none had been set up. The absence of a school nearby increased expenses, for several children had to traverse long distances to attend school. Safety of little children during long commutes was also a matter of concern. Others were forced to send their children to private schools to avoid the long distances, but they ended up paying much higher fees (7). Around 6,000 children used to study in government and private schools in Harsud, one of the major towns in the Indira Sagar dam submergence zone in Madhya Pradesh. Following the forced eviction and demolition of Harsud town in June-July 2004, the town's 14 government schools were accommodated in two buildings and a few tin sheds at the resettlement site in a nearby village. Surveys of 299 families living in the five sectors of New Harsud showed that 25% of children had dropped out of school after the displacement (8).

Even as the body of literature on the impact of loss of homes and livelihood on vulnerable and marginalised groups, including children, grows, there is little consideration for these groups in the laws, policies and programmes dealing with eviction and rehabilitation.

Under these circumstances, using provisions available in international human rights instruments like the International Covenant on Economic, Social and Cultural Rights (Article 11.1), and the Convention on the Rights of the Child (Articles 16.1 and 27), both of which India has ratified, could help bridge the gaps. Also useful are the recent Basic

Principles and Guidelines on Development-Based Evictions and Displacement, prepared by the UN Special Rapporteur on Adequate Housing presented to the 2006 Human Rights Council (9).

The Basic Principles, whilst stating that evictions are acceptable only under the most exceptional circumstances and after all alternatives have been explored, are extremely detailed in their articulation of the nature and extent of State responsibility with regard to development-based evictions. Recognising the specific vulnerabilities of children along with other marginalised groups, the Basic Principles detail a variety of measures that may be adopted from the earliest stages of displacement in order to mitigate the adverse impacts. Recognising that the processes of eviction often lead to heightened levels of insecurity and deepened existing socio-economic and political divides, the Basic Principles lay down practical measures by which the rights of disadvantaged groups can be respected, protected and fulfilled at the level of planning, during the eviction, in the immediate aftermath, and at the time of rehabilitation.

If incorporated into law and implemented in practice, such principles, read with other human rights instruments, could go a long way in ensuring that forced evictions are minimised and their impacts do not lead to further human rights violations of marginalised and vulnerable sections of our society, including children.

(A large part of the information used in this piece was collected while researching a Handbook on Children and Housing for Haq Centre for Child Rights, New Delhi)

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Endnotes

- 1 There are more and more instances of communities being forcibly evicted due to sectarian and communal violence, ethnic tensions and in the wake of natural disasters. Evictions under these circumstances, though not significantly different in their impact but possibly in their scope and nature, are not within the purview of the present paper
- 2 A fact-finding report on the Jahangirpuri evictions prepared by the Indian Social Institute, New Delhi
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- 4 Bindu Shajan Perappadan, 'Increasing cases of depression anxiety due to demolition drive', *The Hindu*, September 22, 2006
- 5 A forthcoming report of the Stop Evictions Campaign in Delhi highlights the dismal living conditions at Savda Ghevra, where residents of Nangla Machi, Balbir Nagar and Indira Nagar have been relocated
- 6 Bindu Shajan Perappadan, 'Unsettled Life in Bawana Resettlement Colony', *The Hindu*, July 6, 2004
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Life at Mumbai's *nakas*

Thousands of migrants come to Mumbai every year. Most end up working in the city's informal sector, seeking daily wage labour at the many *nakas*, or street corners, that function as public labour markets every morning. Women at the Malad *naka* say that when they cannot find construction or other work they solicit paid sex. But can migration, human trafficking and prostitution be conflated in the bodies of poor female migrants?

SVATI P SHAH

MIGRANTS ARE ON EVERYONE'S MIND; for governments, the question of migrants is primarily a question of how to regulate, and prevent, the cross-border migration of poor workers. In Mumbai, the recent spate of attacks on migrants via supporters of Raj Thackeray, who accused migrants of causing “huge unemployment” in Maharashtra, is a case in point, illustrative of anxieties about intranational migration, and how these anxieties are being mobilised for votebank politics. Mumbai has always been at the centre of questions of migration in South Asia, for the obvious reason that it attracts so many migrants of all classes and regions. Poor migrants in the city are, in turn, at the centre of debates on housing, slum demolitions, access to safe drinking water, and how the city can provide a living wage for its growing numbers. The majority of poor migrants who come to Mumbai in search of a better economic life are from dalit and tribal rural communities of landless agricultural workers.

Given the large gaps between what people are able to earn and what they need, most poor migrants turn to Mumbai's informal sector to fill in the gaps.

The *naka*

This article is part of a larger research project that examines the relationship between migration and sex work through a multi-site ethnography of women who migrated to Mumbai from rural areas in Maharashtra, Karnataka and Andhra Pradesh, and earn their living doing day wage labour in the construction industry, through sex work, or through both. Most of the women were heads of their own households, and were either sole earners for their families or contributed to the household expenses.

No matter how long they have lived in Mumbai, class and caste markers mean that these women and their families have been relegated to a semi-permanent migrant status in the city. A status which, in this case, includes living in the vast slums of Sanjay Gandhi National Park, at the northern edge of the city, and has serious consequences for securing permanent housing, food, safe drinking water, and education.

Migrant communities today typically use the *nakas* to look for short-term manual labour 'contracts'. Contractors use them to procure anything from labour to information to rental equipment for small-scale building repair work. At larger, more organised *nakas*, workers identify themselves as plumbers, masons and 'helpers' often by sitting next to the tools of their

trade. There are dozens of *nakas* throughout the city.

According to construction workers and union organisers, daily wage construction and repair work in Mumbai, available at the *nakas*, usually pays within the range of Rs 100 per day for women, and Rs 125-150 for men. Workers at the Mumbai *naka* reported needing at least Rs 2,000 per month, or roughly Rs 66 per day. To earn this basic salary, women working as sole earners in their households would need to secure 20 working days in a month; most women reported getting eight to 10 days of paid construction work per month, earning a mere Rs 1,000 per month, at best. Although the provisional reason for the discrepancy between men and women's wage rates, given by almost everyone involved in the *naka*, is that 'skilled' labour earns higher wages than 'unskilled' labour, it is clear that a woman is never considered a 'skilled worker' no matter how long she has been working in the industry. Women are almost always identified with *begari* (helpers) work, a job that includes doing much of the heavy lifting at construction sites.

Roughly 100-200 people passed through the *naka* in Malad each morning. Located on a street corner in front of a pharmacy, this *naka*, and countless others like it, serves an important economic and social function. It is the community's daily meeting area where news and gossip is shared, with knots of people listening to someone reading out a story from the newspaper, drinking tea, and chatting. The *naka* is also one of the few spaces where members of the economically poor dalit migrant community can gather in large numbers without fear of having to answer to the police or to a passing stranger.

Most *nakas* are empty by 11 in the morning, turning back into street corners, train stations and roadways until they become vibrant public labour markets again the next day. By 11 o'clock, most workers have either found jobs or gone home. At the Malad *naka*, the gendered geography of the space becomes clearer after the crowd thins, with dozens of men and women sitting in groups next to one another, not mixing much. While it is not uncommon for women to sit and talk in the men's space, and vice-versa, only a few women do this with any ease or entitlement. For the most part, the women sit separately, interacting with each other and the few men who enter their section.

I walked over to sit with Subha, my main contact at the *naka*. Subha was one of the women who moved freely

amongst the men and women, was known by everyone, and had been extremely generous both with her conversation and her time. She would say with pride: "No one will even look at you wrongly because they know I'm here right behind you. They're all afraid of me." When I asked why they were afraid of her, she smiled and said simply: "They just are." After a few weeks of going to the *naka*, various men began to ask me: "So, has Subha told you yet that she's a prostitute?"

I had been talking that day with Subha about other areas in the city where women use public spaces, usually a city street, to solicit clients for sex. Almost all the women said they went looking for construction work at their local *naka* in the morning. "If we don't find work there, we come here," they said, adding, "*Pet ke liye karna padta hai*" (It has to be done to fill our stomachs). I asked Subha what she thought of this argument. She replied: "*Hahn, izzat le ke ghar ke andar baith sakte hain, lekin...*" (Yes, for the sake of honour one could sit inside one's house, but...) She trailed off and would not speak about it any more.

The viability of a kind of 'double language' to discuss any form of paid sex or sex trade at the *naka* emerged through conversations like this one with Subha and many others, in which soliciting for paid sex at the *naka* was simultaneously affirmed and negated, the negations mediated by the need to protect against the police, and against the loss of social standing in a relatively interdependent community through the subjective acknowledgement of engaging in sexual commerce. For some, Subha's identification as a sex worker was a foregone conclusion, one that she both maintained and denied by her refusal to discuss it further.

To be sure, all women at the construction workers' *naka* were not necessarily identified as 'sex workers'. However, proximity to large groups of men, not being chaperoned by a family member in a public area, and visibly using a public space to seek out paid work — all are necessary to be hired for a day job by a contractor. They are also signs of transgression of gendered norms of propriety for these communities, and fulfil the current legal definition of soliciting for sex under the Immoral Trafficking Prevention Act's anti-solicitation clause.

The language was more direct when accusations of prostitution were levied at members of caste or tribal communities that are deemed 'Other' by the dominant Mahar Navbuddho community at the *naka*. When I asked a woman worker whether she thought there was any kind of prostitution happening at the *naka*, she replied readily: "It's those Banjaras. Look at them! They are always doing such things. And they only ask for 50 rupees for a whole day's work! Who else will work for so little?" She then carried on about communities undercutting each other's wages at the *naka*, leaving the question of prostitution far behind.

Construction work and sex work: Assessing the difference

There are several areas south of Malad being used as spaces where women solicit clients for sex. One set of side streets next to a major commuter railway station has been targeted by local NGOs for HIV/AIDS outreach. Arriving there around

noon one day, I realised that I had begun to think of it as 'the other *naka*'. The striking difference between the construction workers' *naka* and this one was that, while at the construction workers' *naka* the women all sat huddled together, both to avoid harassment and to make themselves more visible to contractors, women on this side street never congregated, even for a few minutes, without facing harassment from the local police. The only place we could sit and talk was at the local tea shop, where the worst harassment was the stares of the other customers. I went and stood next to Uma to invite her to sit for a bit. A man approached her and whispered something to her. I heard her say "pannas" (50) before he walked away.

Once at the tea shop Uma said, laughing ironically: "All we have is *majboori* (compulsion), and we say Rs 50, and maybe they'll wear a condom, maybe they won't." I said: "You all usually say 'If we don't get work at the *naka*, then we come here for this work'. Why is that? Do you like construction work better than this?" "Yes," she replied, as though it were obvious. "That's *mehanat* (physical labour). What's this? Sometimes you get a good man, sometimes a bad man, sometimes there's no work here at all, sometimes they refuse to wear a condom..."

She began talking again about the police, about the man who was transferred to their area some three months earlier, whose harassment of street-based sex workers at his previous posting was legendary. "*Usko puchhna chahiye ki humne kya galti ki hai. Pet ke liye karte hain* (Someone should ask him what wrong we have done. We're doing it to fill our stomachs)."

When I asked the chief inspector at the local police station about the beatings and the chasings, he said: "Who can tell who is a good woman and who is a bad one? This is a family area. We have to keep the street safe for them."

While Uma's expressed preference for earning money through construction labour and not paid sex is in keeping with the advocacy of those who favour the abolition of prostitution, there is a significant difference here. Uma is not equating prostitution with trafficking, with loss of dignity or bodily integrity. Uma located the main source of violence in police harassment, and the greatest threat to her safety in clients who refuse to wear condoms, making *mehanat* (hard work) better than paid sex, which is implicitly deemed to be something other than hard labour.

Conclusion

Female migrant workers in Mumbai's daily wage labour markets, like nearly all informal sector workers, move between different kinds of paid work. In addition to selling sex, they sometimes trade sexual services for paid work. Although the legal and public debate on migrants and prostitution has thus far been kept separate, the growing government tendency to conflate migration, prostitution and human trafficking in the bodies of poor female migrants may throw *nakas* and migrant workers into the debate whether they have a place in it or not.

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Rehabilitation before displacement

Although the 2007 National Policy for Rehabilitation and Resettlement lays down the principle of 'minimising displacement' there have been no visible attempts to implement it. The policy fails to examine the process of displacement, which is taken for granted. The draft makes no attempt to question the need for displacement or to seek out and actively promote non-displacing or least-displacing alternatives

PRIYANCA
MATHUR VELATH

ON OCTOBER 11, 2007, the central government announced the National Policy for Rehabilitation and Resettlement 2007 (NPRR 2007), replacing the National Policy on Resettlement and Rehabilitation for Project-Affected Families 2003. During the winter session of Parliament, two Bills, namely the Rehabilitation and Resettlement Bill and the Land Acquisition (Amendment) Bill were also introduced.

After decades of deliberation and two earlier draft policies of 2003 and 2006, Cabinet's announcement of a fresh policy — ostensibly to live up to its promise of announcing a “just and humane” rehabilitation policy for those involuntarily displaced by development projects, including Special Economic Zones (SEZs) — may be lauded. Information and Broadcasting Minister P R Dasmunshi was quick to point out that benefits under the new policy would be available to all affected persons and their families whose land, property or livelihood had been adversely affected by land acquisition or by involuntary displacement of a permanent nature for any other reason, such as a natural calamity; and that the policy would be applicable to *all* these cases, irrespective of their number (1).

However, the timing and true intention of the new policy along with its declaration to amend the outdated Land Acquisition Act of 1894 — the existing legal framework within which land is acquired by the State — are suspect.

As the announcement comes in the wake of nationwide protests against SEZs, critics of India's rehabilitation policy process have been quick to see this not merely as an attempt to deceive project-affected families (PAFs) into believing that their lost rights will be restored but also to quell the large-scale protests against forcible land acquisition that have erupted all over the country. Although the stated intention of “backing policy with law” may be praiseworthy, as activists have for years been demanding that a just rehabilitation process must be backed by law, a close hard look reveals that, once again, the new policy is riddled with loopholes.

Land acquisition and amendment of the Land Acquisition Act 1894

For the last 114 years, land acquisition in India has been conducted under the aegis of the colonial Land Acquisition Act of 1894 for whatever was deemed “public purpose”,

using the principle of “eminent domain”. Last year, the Indian government announced its intention of amending this ancient Act by suitably defining the phrase “public purpose”. This move to complement policy with legislation is commendable. But the attempt at redefining “public purpose” actually favours private interest and big companies over the poor and marginalised who, under the principle of “greater good” are still asked to bear the cost of development.

Under the 2007 policy it is now simpler for corporates as, along with land required for strategic and public infrastructure projects, “public purpose” has been redefined to allow the state government to acquire land for a private company, association or body of individuals, provided it is “useful for general public” (for example, employment-generation). Unfortunately, the state decides what is “useful for general public”. This determination, however, is limited to those cases where the developers of SEZs/industrial projects have already purchased 70% of the land, and allows the state to buy the remaining 30% to give the developers “crucial contiguity”. Activists like Harsh Mander have pointed out that there is a high probability of those owning/occupying/using the 30% of land not giving their “consent” in such cases, leading to forcible land acquisitions.

Enunciation of the “land for land” principle in the 2007 policy also suffers from similar ambiguity, as land is being offered as compensation but “to the extent that government land is available in resettlement areas”. Conditional terms like “subject to availability” offer escape routes for policy implementers and corrupt bureaucrats, as past experiences of resettlement and rehabilitation in India have shown that availability of government land for resettlement is almost always low. Nonetheless, this policy makes an important announcement that land acquired by the government will revert to the government in case the proposed project does not take off within five years of the acquisition. Since land is often acquired in excess of what is needed, and later handed over to the developers for extraneous purposes like building hotels, parks and golf courses, this new clause is a positive one.

Another creditable clause in the new policy is that if the land is sold after the project has taken off, 80% of the net profit

earned from the sale goes to the original landowner. In addition, the policy states that if land is acquired in an “emergency”, its selling price will be higher (the solatium will be 75% of the market value, against 60% in routine cases). Also, that land acquired for “public purpose” cannot be changed to any other purpose.

There is an “order of magnitude” jump in “compensation” for land acquired by the government in NPRR 2007; it has been fixed at the average rate of 50% of the highest land sale deeds over the previous three years, or the market rate decided by the state government, whichever is higher. However, there is an inherent danger when/if landholders are given the option of being able to avail of either one-time monetary compensation or a mix of compensation and equity, as poor landholders are often tempted to opt for full cash compensation. Cash compensation tends to be used quickly, leaving families impoverished in the long run. This near-complete reliance on cash compensation sadly reveals that, yet again, the policy has “been silent on critical and long-standing problems... and (that) one of the most crucial demands of project-affected and displaced persons has been severely compromised” (2).

Then there is also the enlightened objective of making those entitled to compensation “stockholders in development” by allowing them to take up to 20% of the amount in the form of shares, if the acquiring entity is authorised to issue such instruments. How far this intention to make project-affected persons partners in the development process translates into reality is yet to be seen, although there has been a notable addition: for the first time tenants and dependents on the land are eligible for compensation.

Although the new policy lays down the principle of “minimising displacement” there have been no visible attempts to implement it. The policy fails to examine the process of displacement, which is taken for granted. The minister for rural development may laud the 2007 policy as one that puts rehabilitation before displacement, but in reality the draft makes no attempt to question the need for displacement in the first place, or to seek out and actively promote non-displacing or least-displacing alternatives. Minimising displacement does not mean simply altering the size of the project; it implies questioning the choice of technology, whether the project is needed at all, and whether the subsequent displacement of people can be avoided. These questions must be seriously considered while the project is being conceived, not reserved for deliberation at a later stage.

But the severest critique of the policy has been an outright violation of the vital principle of “prior informed consent”. The draft of the policy was made public only several days after it was announced. Why can't our policymakers ensure that PAFs and civil society groups participate in the formulation of policy and deliberations on project plans? Why are people who are going to be affected by projects not given their rightful place in the decision-making? The

policy spells out a rehabilitation package but it provides PAFs with no legal guarantee to the “right to resettlement or rehabilitation”. Resettlement rights must be guaranteed before any project begins and, in the event of faulty or inadequate resettlement, the project should be stopped from proceeding any further and the project developers held accountable. NPRR 2007 does not address any of these issues; nor does it give displaced persons “first rights” over the benefits of the project in question.

Employment and social impact assessment in the policy

The policy outlines a number of benefits such as scholarships for the education of eligible people from affected families; preference for groups of cooperatives of affected persons in the allotment of contracts and other economic opportunities in and around the project site; housing benefits to landless affected families in both rural and urban areas; and wage employment to willing affected persons in construction work on the project. But the “employment guarantee” to one person from each nuclear family is “subject to the availability of vacancies and suitability of the affected person”. Such qualifying clauses as “if available” and “as far as possible” are widely used by project authorities and policymakers to shirk responsibility. One must note, however, that special provisions have been included in this draft for providing a lifetime monthly pension to vulnerable persons like the disabled, destitute, orphans, widows, unmarried girls, abandoned women, or people above 50 years of age who are not or cannot be provided alternative livelihoods.

Conducting a Social Impact Assessment (SIA) has been made mandatory in the policy, but only if more than 400 families have been displaced in the plains areas, and 200 in tribal, hilly and other scheduled areas. Why is the SIA mandatory only in projects above a certain size? Shouldn't every project that causes displacement be subject to assessment, irrespective of the number of families it displaces? Besides, SIAs should be conducted in such a manner that the process of rehabilitation is monitored over a longer period of time. In an attempt to push responsibility on to lower levels, provisions in the new R&R Bill are being changed to include panchayats in all consultations relating to land acquisitions prior to the issue of a notification under the Land Acquisition Bill (3). The new policy makes it mandatory to consult gram sabhas, but gives no corresponding powers to the gram sabha to ensure accountability.

There are provisions in the new 2007 policy to introduce a Land Acquisition Compensation Settlement Authority (at the local level, removed from normal civil courts, to assist quick disposal of cases involving compensation disputes), a standing relief and rehabilitation authority at the district level, an ombudsman at the state level (to monitor rehabilitation under any project), a national

monitoring committee and national monitoring cell (for effective monitoring of implementation of resettlement plans, with which state governments will have to share information) and a national rehabilitation commission (which will be empowered to exercise independent oversight over the rehabilitation and resettlement of affected families). Aggrieved persons can appeal to the high court and above against settlements decided by the Land Acquisition Compensation Settlement Authority. But the policy does not answer the crucial question as to whether these committees and commissions are empowered to stop a project from proceeding if there are indeed any discrepancies or issues of inadequate resettlement.

The stated premise of the new rehabilitation and resettlement policy is to “strike a balance between the need for land for development activities, and protecting the interests of farmers, landowners, tenants, the landless and those dependent on it”. In the long run, however, provisions in the policy lean more towards meeting the need for land for development purposes than protecting the interests of those who are being deprived of their lands and are dependent on those lands. The rights of those deprived of their lands cannot be restored unless the right to rehabilitation and resettlement is made a legally enforceable right. As activists like Harsh Mander suggested at a discussion on the policy at the Nehru Memorial Library in New Delhi in November 2007, affected people must have the right to challenge “public purpose” and check themselves whether any option is available to them. Aruna Roy, head of the Mazdoor Kisan Shakti Sangathan, commented that if the word “consent” were removed the policy would simply be a meek attempt at packaging rehabilitation, and then there is no way displacement can be stopped.

The suggested amendments to the Land Acquisition Act appear dubious, to say the least. And activists and critics accuse the new draft of the National Rehabilitation and Resettlement Policy of being deceptive and pandering to private interests. So land rights issues remain trapped in the quagmire of political disruptions, in the process further impoverishing the displaced.

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Beyond the Sphere standards

There are international guidelines for emergency relief measures. But there are no accepted guidelines for longer-term resettlement and rehabilitation

**BIKRAM JEET
BATRA**

THE INDIAN OCEAN TSUNAMI of December 2004 directly affected the lives of over a million people and was followed by an unprecedented response in terms of aid and assistance, involving many government, inter-government and non-government agencies. While some of these organisations claim to adhere to an agreement on minimum standards, or key principles, there were reports of caste-based discrimination in access to aid, restrictions on movement of people in camps, and forcible resettlement of people who were chased away from the camps. Past and recent experiences also suggest that women are at particular risk of exploitation within camps.

Yet in all the chaos, agencies that initially responded with relief and aid were able to draw upon the Sphere guidelines (www.sphereproject.org). But when the emergency phase drew to a close, making way to the longer-term resettlement and rehabilitation (R&R) phase, there was little to rely on in terms of a rights-based approach as, unlike the relief sector, the R&R sector does not even have an agreement on standards and operations. Nor does this appear to be a priority issue.

The lack of internationally accepted rights-based guidelines or standards for operations, evaluation, monitoring and accountability during the R&R phase often leads to what one disaster expert calls “programmes (that) inevitably become paternalistic in nature or end up serving the needs of the donors and the agencies rather than the needs of the victims” (World Disasters Report, 2002).

A number of observers studying the camps reported similar trends where a lack of understanding of rights led to a situation where affected persons not only felt indebted to the various aid and relief organisations but often unquestioningly accepted what was provided to them even if it was not completely relevant to their needs.

A minimum set of principles for operations takes into account existing tensions and vulnerabilities within communities and tries to ensure that assistance reaches the most vulnerable and does not perpetuate inequalities. Moreover, codes of conduct constitute an important tool for donor organisations as they ensure some accountability. Where affected persons are aware of the guidelines they can question the absence of standards. Such codes must therefore be seen as a move towards longer-term legislation

with greater accountability and redress mechanisms.

Past initiatives in relief standards

Guidelines and principles for humanitarian relief and disaster aid have a distinct history going as far back as the Convention Establishing an International Relief Union in 1927. Article 3 of the Geneva Conventions refers to the need for humanity, impartiality and “absence of adverse distinction” in assisting civilian populations in armed conflicts. Over time, these humanitarian ideals were expanded to apply to agencies providing assistance after natural disasters and wars. In 1991, while setting up the department for humanitarian affairs, the United Nations laid down certain broad principles to guide humanitarian assistance. Aid agencies too had begun work on setting guidelines, though early suggestions leaned towards a broad pledge — a sort of Hippocratic Oath — for aid agencies. This was soon followed by the 1994 Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief. The code was later improved upon by the Sphere project, an initiative of a number of NGOs and the Red Cross and Red Crescent movement. The aim of the project was to bring out an “operational framework for accountability in disaster assistance efforts”. This was done through the Sphere handbook in 2000, which adopted the humanitarian charter and identified minimum standards in key services.

In its fifth year, the Sphere handbook now covers standards for water supply and sanitation, nutrition and food aid, shelter and health services. The 2004 version also includes an intersectional approach towards assistance, taking into account the special needs of vulnerable groups including women, children, older people, disabled people, people suffering from HIV/AIDS, and racial, ethnic, religious and other minorities. Environmental needs and standards have also been given due consideration in the 2004 version. Over 400 organisations are part of the Sphere project.

Limitations of existing relief standards and guidelines

While the Sphere project has a crucial role to play, it has clear limitations. This is largely due to the fact that while it relies on general humanitarian and human rights principles, it does not enunciate the details of the rights and remedies available to affected populations. The humanitarian charter rests on the fundamental importance of the right to live with dignity. The charter notes: “By adhering to the standards set out in chapters 1-5 we commit ourselves to make every effort to ensure that people affected by disasters have access to at least the minimum requirements (water, sanitation, food, nutrition, shelter and healthcare) to satisfy their basic right to life with dignity. To this end we will continue to advocate that governments and other parties meet their obligations under international human rights law, international humanitarian law and refugee law.” This broad statement and the scant information on legal instruments in the annexes is all the information available in the handbook on the subject of international law obligations.

In all existing broad principles and guidelines that exist at present, there is little elaboration on what particular rights in international law they seek to uphold, respect and protect in their work. In effect, while well-meaning, these standards are only declaratory in nature and provide little in the form of real accountability and redress to affected persons.

The substance of international law requirements for R&R

Rights are often given a backseat and are seen as a luxury in both organisational and governmental responses to disasters. Thus, even where the response may be otherwise satisfactory it remains a matter of 'charity' rather than the 'right' of disaster survivors to receive assistance. Oxfam International reported that in Kanyakumari district, in India, not only did Oxfam adhere to the Sphere standards, but the district collector also agreed that all agencies providing shelter must work by the same Sphere standards. This is a first step: governments need to go beyond operational standards and recognise their broader obligations under international human rights law. Any guiding instrument must ensure that it not only reflects the highest operational standards, but it also lists clear obligations under international human rights law.

Human rights obligations may be found in a number of international instruments including the International Covenant on Economic, Social and Cultural Rights, 1966 and the International Covenant on Civil and Political Rights, 1966. Both, along with the Universal Declaration of Human Rights, 1948 provide the basic framework for survivors' rights. Also important are the Guiding Principles for Internally Displaced People developed by the UN Office of the High Commissioner for Human Rights. Besides these broad instruments there are also a large number of specific vulnerable group instruments that are useful in guiding and evaluating R&R efforts.

Assisting the “most vulnerable”

There is sufficient research on the impact of disasters on the poor and other vulnerable groups that suffer disproportionately in any such incident. Thus, many international instruments and declarations specifically highlight the need for particular attention to:

- Women (Article 10, ICESCR 1966, CEDAW 1979)
- Children (Article 12, ICESCR 1966, Convention on the Rights of the Child, 1989)
- Disabled persons (Article 23, CRC 1989, Declaration on the Rights of Disabled Persons, 1975, and Declaration on the Rights of Mentally Retarded Persons, 1971)
- Older persons (UN Principles for Older Persons, 1991, General Comment No 6: 'The economic, social and cultural rights of older persons', CESR 1996)
- Religious, ethnic and linguistic minorities (Article 27, ICESCR 1966, Article 30, CRC 1989, Declaration on the Rights of Persons Belonging to National or Ethnic,

Sudharak Olive



After the Bhuj quake: There must be a continuum between immediate relief measures and longer-term rehabilitation and resettlement

Religious and Linguistic Minorities, 1992)

- Indigenous people (ILO Convention concerning Indigenous and Tribal Peoples in Independent Countries, 1989 [Draft], UN Declaration on the Rights of Indigenous Peoples, and General Recommendation No XXIII on the Rights of Indigenous Peoples, CERD 1997)

More recently, recognition has been accorded to those suffering from HIV/AIDS, non-nationals and migrants. Also, certain groups or individuals who suffer multiple forms/layers of discrimination. However, there is still some amount of confusion on who fits the term “vulnerable”. The 2001 World Bank Policy on Resettlement (revised in 2004) recognises as vulnerable “those below the poverty line” and “the landless”. The Guiding Principles on Internal Displacement, 1998 makes particular mention of “female heads of household”, as also “peasants, pastoralists and other groups with a special dependency on and attachment to their lands”. A 1995 paper by the Asian Development Bank on involuntary resettlement too makes specific note of

“pastoralists who may have usufruct or customary rights to the land or other resources”. ILO Guiding Principles (2005) mention “homeless, very poor households, women-headed households”. The Convention on Elimination of all forms of Discrimination against Women refers to rural women as particularly disadvantaged. Still, many groups remain largely ignored.

Vulnerabilities also arise due to sometimes localised yet related disenfranchisements. Many people affected by the tsunami in Somalia were already displaced from areas of severe famine. People suffering descent-based discrimination in parts of India are being ignored by a rehabilitation policy largely based on ownership of property and land. Where the focus is on livelihoods, attention has been on fishing communities, ignoring landless workers who relied on tilling the now-salinated land for their income. Thus, the lack of a nuanced understanding of local socio-economic relations, division of labour and hierarchical set-ups within a community often contribute to irresponsible relief assistance in a post-disaster scenario.



The Sphere handbook sets standards for water supply and sanitation, nutrition and food aid, shelter and health services in emergency situations

Towards an R&R convention

While the R&R sector appears to be floundering in the absence of any standards and principles, the humanitarian relief sector has begun to recognise problems with the voluntary approach and work towards conventions and other binding instruments related to specific issues, for example the Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations, 1998.

The International Federation of Red Cross and Red Crescent Societies also launched the International Disaster Response Law Project in 2000, noting: "There is no definite, broadly accepted source of international law which spells out legal standards, procedures, rights and duties pertaining to disaster response and assistance... There are no universal rules that facilitate secure, effective international assistance, and many relief efforts have been hampered as a result."

A Unicef and International Social Service Paper, 'Care for Children in Emergency Situations: Implications for International Standards', in November 2004 (referring to children, post-disaster) makes the same argument: "There remains a need for standards which are endorsed by United Nations member states... Efforts to maximise their respect for standards would nonetheless be substantially bolstered by the existence of detailed rights-based guidelines covering all aspects of the question and approved at the highest international level. There is now an urgent need to draw up such a document."

Given the continuum between relief, resettlement and

rehabilitation, any such document must also cover aspects of resettlement and rehabilitation. While some argue that the Sphere guidelines could eventually become customary international law, there remains the need for a comprehensive convention to cover all that's excluded from the Sphere standards.

Any convention will take time to develop. In the interim, despite their inherent problems, codes of conduct are valuable starting points for a targeted, accountable response. Organisations and agencies working in the R&R sector must take a leaf out of the humanitarian relief organisations' book and adopt voluntary codes based on agreed principles to regulate their work. It is extremely disturbing that while humanitarian aid organisations are moving towards developing a right to assistance itself, the R&R sector continues to ignore the rights of those it is assisting. A set of principles with clearly enunciated international human rights obligations is vital, to make all those involved — governments, donors and organisations — accountable. Similarly, beneficiaries of R&R will be empowered in their relationship with those offering them assistance and will become partners in the R&R work rather than simply the "affected people".

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Shadow diaspora

For many northern and eastern Sri Lankan Tamils, Colombo is a transient city, a place where Tamils wait to find a way out of the country. But some have been waiting for over 10 years. They are the unacknowledged part of the Sri Lankan Tamil diaspora, the ‘shadow diaspora’ who cannot leave Sri Lanka but whose dreams of migrating to a better life remain as potent as those of the people who do manage to leave

SHARIKA
THIRANAGAMA

“IN LIFE ONE GETS LITTLE POSSESSIONS and builds up a home and shelter. Can one take these when you are asked to leave with only two bags? Can one take tables, or chairs,” Murugan asked me. He gestured at the room they were living in. Thangamma sat on the ramshackle bed. On the floor was a small cooking stove and neatly packed around it were the various ingredients and spices with which she was cooking our lunch. Under the bed, Murugan showed me suitcases and boxes packed with important papers that he had brought with him — documents of every kind, from those they needed to show in Colombo, to school certificates and letters of recommendation from people that Murugan was trying to use in his ongoing attempts to migrate abroad.

I have known Murugan and Thangamma on and off for most of my life; when I was born it was a younger Murugan who, as he reminds me, ran with my birth time to the astrologer for a horoscope that I have never had read. They were both from the Jaffna peninsula part of the war zone. As Murugan says, none of us knew then that what was in store for us, and Tamils in general, was constant displacement. A displacement that is accompanied by a more insidious sense of insecurity; the Tamils I interviewed in Colombo lived under constant suspicion and fear. Colombo, as I was told more than once, was a city of minorities, not a city for minorities. The Colombo I knew was filled with Sri Lankan Tamils from the north and east, most of whom had come to the city in the hope of finding a way out of the country. Many of them remained stuck there for years, unable to leave. They are the unacknowledged part of the much studied Sri Lankan Tamil diaspora; the shadow diaspora, those who cannot leave Sri Lanka but whose dreams of migrating to a better life remain as potent as those of the people who manage to leave.

The Sri Lankan civil war now spans over two decades. Fought between the Sri Lankan government and the Tamil militant organisation, the LTTE, it has completely transformed the lives of ordinary people living in the primary battlefields of the north and east, the Tamil and Muslim majority regions that are the basis of separatist claims for an ethnic Tamil homeland. The result has been massive internal and external displacement as well as a complete re-ordering of the physical and social landscape.

Writings on migration and displacement, as Ranabir



Samaddar (1999) points out, often play the numbers game, stressing facts and figures but failing to take these as creating new sociabilities. When one begins research into mass and individual movement in Sri Lanka, one cannot avoid the moral, experiential and emotional dilemmas of displacement that have created new orientations towards the world. Sriskandarajah (2004) estimates that nearly one in two Sri Lankan Tamils has been displaced more than once (1). Displacement, as I found out when I began researching the Tamils, has become a way of inhabiting the world. It has become both a reality that families and individuals undergo and, at the same time, provides the dominant metaphor and story of change. The people I interviewed described the terrible civil war in Sri Lanka and how their personal fortunes and collective futures had become entangled in it.

I had gone to meet Murugan and Thangamma in a lodge in Colombo. They were renting a room and were just one of the many Tamil families and individuals crammed together in the lodge's small rooms and shared bathrooms. Colombo was then in the first flush of the 2002 ceasefire and potential peace process which subsequently collapsed and went the way of the two that preceded it (in 1990 and 1994).

In the intense years of war, between 1995 and 2002, Tamils fleeing to Colombo and its satellite suburbs moved into countless 'lodges' — large, cramped buildings that promised temporary accommodation on a monthly basis. These lodges often existed just about on the right side of the law, and

stories abounded about unscrupulous landlords who had links with the police or the underworld and were rumoured to exploit female tenants. For those Tamils who had no family or established connections in Colombo, the lodges were the only places they could move into. But they were dangerous and insecure. At the hint of trouble, the Sri Lankan army and police would raid them.

There was an odd assortment of people in the lodge that Murugan and Thangamma lived in, from the young woman who had travelled to Colombo to wait for an arranged overseas marriage with a Tamil boy, to elderly people waiting for visas.

I accompanied Thangamma and a group of elderly diabetic women on their afternoon walk up and down the beachfront. Murugan brought them to the lodge after his numerous attempts to continue life in the northern Jaffna peninsula failed. A mechanic, he was unable to earn a living in the north, trapped between the LTTE and the Sri Lankan army. Working for either put him in danger, yet refusing work too was not an option. Finally, in 1995, he and Thangamma left Jaffna when the Sri Lankan army advanced on Jaffna town and the LTTE forced the 450,000 people living in Jaffna at the time to leave the city, an event now referred to as the 'Exodus'.

Murugan recalled how they had both walked alongside the thousands streaming out of their Jaffna homes. They had both, at times, slept under the trees and drunk rainwater collected in an umbrella. There was nothing shocking about Murugan's story; I had heard similar stories from many of the Jaffna Tamils who had left during the Exodus.

Murugan and Thangamma finally arrived in Colombo, the most ethnically plural city in Sri Lanka, its international airport being the only route out of the country.

Being Tamil in Colombo

For many northern and eastern Sri Lankan Tamils, Colombo was a transient city, a marginal waiting place. Most of the people I interviewed in Colombo had come here in order to find a way out of the country; some had been waiting for over 10 years. Colombo was a place where finding a future as a Tamil was possible, but it was filled with everyday exclusions.

Colombo has historically been a city of minorities, especially Tamil-speaking minorities including recent Sri Lankan Tamil (SLT) migrants from the north and east, SLT who claimed a distant heritage in the north and east, Tamils from Colombo itself, Malaiyaha/hill-country Tamils (descendants of Indian Tamil plantation labourers brought to Sri Lanka in the 19th century by the British), recent Tamil migrants from India, and (Tamil-speaking) Sri Lankan Muslims, Malays, Bhora Muslims, etc. With regard to the northeast Tamils, Colombo was a classic destination for migrants from the Jaffna peninsula throughout the 20th century. Don Arachchige notes that one of the most consistent migration routes to Colombo in the 20th century was from Jaffna, chiefly for employment

(1994:30). The 1977 and especially 1983 anti-Tamil riots in Colombo, which left around 2,000-3,000 people dead and displaced 100,000 Tamils of all origin (half the city's Tamil population [Tambiah]), dealt a major blow to Colombo's reputation of being a city for minorities. Although Colombo continued to be the most ethnically diverse region in Sri Lanka, it became dangerous to openly display a Tamil identity in the city.

This fear builds on Colombo's past and present. When I moved to Colombo to conduct research, my grandparents insisted that all post to them be addressed to me and my Sinhalese name, as, in 1983, rioters identified Tamils through postal registers. On one outing to buy food, my grandfather pointed to the railway tracks and told me that this was where, in 1983, mobs had swarmed down to kill Tamils in the area. Though he was not in Colombo in 1983, this seemingly innocuous crossing had been marked by a history of violence forgotten by most Sinhalese in the area.

But all this was Colombo past. Colombo present, from the 1990s onwards, is even more difficult for Tamils, especially those from the north and east. Tamils from the north and east were subject to special regulations. They had to register their address at the local police station and carry a police certificate at all times; they were liable to be arrested if found to have a different address. Sinhalese were encouraged to report on 'strange Tamils' in their area. The Tamils I interviewed in Colombo told me of the years in which they were afraid to wear the *pottu* or speak Tamil on the streets. Speaking Tamil openly was dangerous and invited attention; in the predominantly Tamil areas of Colombo, like the suburb of Wellawatte, people did not congregate for long in the busy market (2).

The police often picked up young men and women on the streets on suspicion of being terrorists. While these regulations were lifted in 2002, under the ceasefire, the subsequent failure of the ceasefire has meant that the regulations, checkpoints and nightly raids on temporary Tamil houses have resumed with renewed vigour under the current Rajapaksa regime. Any LTTE bombing incident in Colombo during 2007 and 2008 occasioned visits by the police and resulted in arbitrary arrests of Tamils in Colombo. One high-profile case saw hundreds of Tamils summarily evicted from Colombo by the Sri Lankan police on June 7, 2007, for "security reasons". This action was directed precisely at those Tamils living in temporary accommodation and lodges. Three-hundred-and-seventy-six Tamils were suddenly rushed out of their homes and put on seven buses out of the city towards "their homes" in the war zone. They managed to alert others when one Tamil man called the private Sinhala radio station Sirasa FM, whilst on the bus, and spoke on air about what was happening (3). As a consequence of an immediate petition to stop the evictions filed by the group Centre for Policy Alternatives, Sri Lanka's Supreme Court ordered a halt to the evictions on June 8.

Although the forced evictions may have halted, harassment

and the possibility of arrest remain a constant threat for all Tamils in Colombo. A situation that is heightened by continued attacks on Colombo by the LTTE, in the full knowledge that the Tamils will be subjected to further privations.

The Tamils of Colombo speak of the LTTE in hushed tones, for while the State police and army pose one kind of threat, undercover LTTE operatives who are part of the Tamil population in Colombo inform on any 'traitorous' talk or behaviour. Secrecy and anxiety crisscross conversations and movements across the city.

Minority citizens

This shadow diaspora with all its longings and hopes for a place it can belong to, whether in Sri Lanka or abroad, rarely receives much attention. The Sri Lankan State has failed to implement a package that would offer minorities citizenship rights wherever they live in the country. People living in 'lodges', and not 'camps', are not recorded as internally displaced. Nor are they registered as residents of Colombo. They are therefore forced to live extremely transient and insecure lives.

Viewing minority rights only as a fight for a homeland, thereby linking it to the LTTE's struggle against the State, will not resolve their predicament or the predicament of all minority citizens in Sri Lanka who cannot 'return' to any putative homeland. As a solution to Sri Lanka's ethnic conflict the LTTE only offers a brutal and bloody war for territory, one in which it persecutes and offers up for ransom those it claims to defend.

Can Colombo, the capital city of Sri Lanka and its most ethnically diverse area, become not merely a place of minorities but also *for* minorities? Any investigation of the immense displacement of Sri Lankan Tamils always has to return to the unresolved issues surrounding full and meaningful citizenship for Sri Lanka's minority citizens, wherever and however they live in Sri Lanka.

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Endnotes

- 1 <http://www.forcedmigration.org/guides/fmo032/fmo032.pdf>
- 2 When the ceasefire allowed such brief congress, I was told repeatedly what a relief it was to be able to speak in public spaces without fear. Now such spaces are closed again
- 3 http://news.bbc.co.uk/2/hi/south_asia/6729555.stm

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'For us, only the camp is home'

Sixty years on, PoK refugees live in limbo, denied official refugee status since they are not migrants from foreign soil

VINEETHA MOKKIL

WHEN PARTITION RIPPED APART the subcontinent's psyche in 1947, there was an exodus of refugees who fled from Pakistan-Occupied Kashmir (PoK) to India. Our collective memory may have conveniently confined their flight to the annals of history, but the wounds of those who were uprooted by the cataclysm continue to fester. A large chunk of PoK refugees in India are subsisting in sub-human conditions in camps scattered across the province of Jammu. The assurances they received from the Indian government remain unfulfilled even after 60 years.

Of the 1.2 million PoK refugees living in India, 40% live in camps in the Jammu region of the state of Jammu and Kashmir. They fled to India in 1947, leaving behind their homes in Muzafarabad and Mirpur. More refugees from the region poured into India in the wake of the Indo-Pak wars in 1965 and 1971.

The refugees were housed in temporary camps when they arrived in India. When the camps were set up, the authorities had assured them of their return home. But that promise was never fulfilled. Over the years, hopes of returning to their abandoned homes in PoK have dwindled.

The official status of PoK refugees in India is peculiar. Since India considers PoK a legal part of its territory, PoK refugees in India are not accorded official refugee status. The Indian government maintains that, according to the rulebook, only people who migrate from foreign territory can be classified as refugees.

PoK refugees have had to pay a high price for this official stance. Since they lack official status they are deprived of all the benefits accorded to refugees under national and international law. The Indian government also falls back on the official position when it comes to compensating them for property they left behind in PoK. 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.

PoK refugees in Jammu and Kashmir are housed in camps scattered across the Jammu, Kathua, Rajouri, Poonch and Udhampur districts. These camps consist of cramped, one-room units that offer their inhabitants very little protection and security. Sanitation and drainage is poor. Residents also lack access to basic healthcare services.

Camp residents say they have been ghettoised for three generations. Most schools in localities where children from camps enrol are understaffed and lack adequate infrastructure. Deprived of quality education, youngsters from the camps find it impossible to get employment in a competitive work environment.

Members of SOS International, an NGO that works with PoK refugees in India, say that drug addiction and aggressive behaviour are on the rise among frustrated youth in the camps.

The government sporadically hands out temporary relief packages to camp residents. Nominal ex-gratia payments have also been made to them. But there has been no attempt on the part of the government to launch schemes that can help the younger generation hone vocational or technical skills and achieve a sustainable livelihood. This glaring gap in policy initiative has plunged the community into hopelessness.

Tales of misery and abject poverty abound in the camps. Mishro Devi, a resident of Gadigarh camp, Jammu, migrated

from Mirpur to India in 1947. Her children were born and raised at the camp. Trapped in debt and with no prospect of employment, two of her sons committed suicide. Charan Kaur lives in a one-room hut in Bhour camp. Her family fled to India in 1965. "I don't have any source of income and there is no family member to support me," says Kaur. "Back home, my father owned several orchards. I never thought I would be forced to live on charity," she adds.

Most first-generation camp residents are aged now. They have taken refuge in nostalgia and cling to the hope that they will be able to return to their homes in PoK. But third-generation residents, born and brought up in the camps, have no such illusions. "I hear about sprawling homes and orchards that our families owned. My parents talk about them," says 24-year-old Sanjay, a school dropout. "But for me, the camp has always been home." Sandeep (18) and Pammy (28) agree. Both are unemployed and have no college degree.

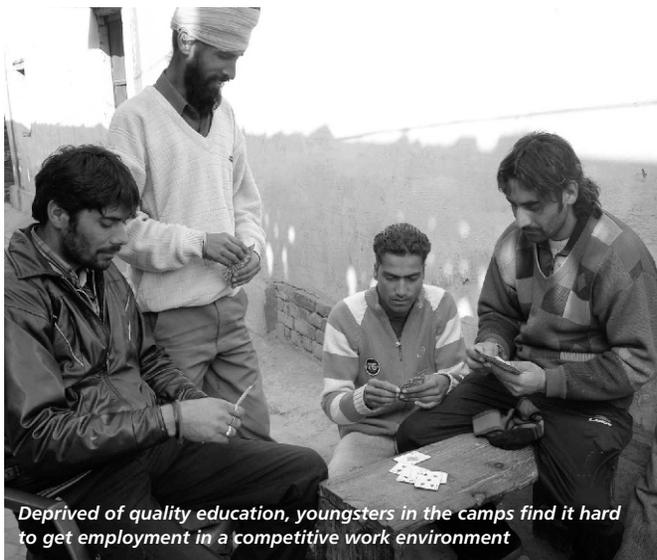
"We have nowhere else to call home," say an entire generation of PoK camp residents.

Vineetha Mokkil



Camps for PoK refugees consist of cramped one-room units that offer their inhabitants very little protection and security

Vineetha Mokkil



Deprived of quality education, youngsters in the camps find it hard to get employment in a competitive work environment

Their demands are loud and clear: “Give us decent schools and jobs so that we can take care of our families. The authorities have ignored us for too long.” PoK refugees in India seem fated to exclusion. Though the Indo-Pak dialogue process has gained significant momentum in recent years, the status of PoK refugees has never made it to the agenda of the talks.

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 refugee 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 within the state, improve relations across the Line of Control (LoC), monitor good governance, further economic development, and iron out wrinkles in Centre-state relations. Surprisingly, the status, return and rehabilitation of PoK refugees were not on the working groups' agenda. Nor were representatives of PoK refugee organisations invited to be part of the working groups.

“The violence in the valley has hijacked the dialogue process, relegating the question of PoK refugees to the background,” says Dr Suba Chandran, Assistant Director, Institute of Peace and Conflict Studies, New Delhi. “What is the logic behind excluding this critical issue which affects the lives of millions of refugees in India?”

PoK refugees have advanced several demands. Some of them are:

- The Indian government must take up the issue of return and rehabilitation of PoK refugees with its Pakistani counterpart. It must make it a matter of priority to include

representatives from the PoK refugee community in the dialogue process on Jammu and Kashmir, at all levels.

- If the Government of India accords official refugee status to PoK refugees, they will be able to avail of benefits provided to refugees under national and international law. This will be a lifesaving move for many members of the PoK refugee community who are struggling to earn a living.
- Twenty-four seats are reserved in the Jammu and Kashmir Assembly for PoK. The Refugee United Front (RUF), an umbrella organisation of several groups representing PoK refugees in Jammu and Kashmir, has suggested that PoK refugees in India be allowed to contest at least some of these seats. This can be facilitated by creating floating constituencies or constituencies in exile. RUF leaders argue that once PoK refugees have political representation they will be able to exercise some degree of control over policy matters that concern their status in India.

Other demands put forward by the refugee community include constitution of an autonomous PoK Refugees Development Board which can provide financial aid to PoK refugees living in camps. They are also demanding that the houses and land on which PoK refugees currently live as tenants should be allotted to them on a permanent basis. The central Act of 1954 (Displaced Persons Compensation and Rehabilitation Act) must be made applicable to PoK refugees. Displaced persons from west Punjab and east Bengal were settled permanently in India according to the provisions of this Act. The community is frustrated by the official apathy.

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. The third round-table conference on Kashmir was being held in New Delhi at the time. 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 an all-party committee to be set up to look into the demands of the refugees.

The committee, which comprised members of prominent political parties in the state including the Congress, National Conference and Peoples Democratic Party (PDP), was asked to look into two issues — the comprehensive settlement of PoK refugees and the question of delimitation. Though members of all political parties agreed on the humanitarian issue of refugee rehabilitation, they differed on the issue of delimitation. The committee was disbanded as members could not see eye-to-eye on delimitation due to political differences. The demands of PoK refugees as well as their status became the casualty of yet another political gimmick. And the crisis continues to rest in its *cul-de-sac*.

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Born in exile

There are around 300,000 Tibetan refugees in India, some of whom came in the initial exodus of 1959, and many second- and third-generation Tibetans born in India. Refugee status allows Tibetans to live, be employed and travel across India and abroad. But they are still between countries, denied citizenship and the right to vote or own property in India, and dreaming of a homeland many have never seen

RASHME SEHGAL

"On my face there is always a smile, but in my heart there have been tears for 50 years."

— Elderly Tibetan woman

IN McLEODGANJ, DHARAMSHALA, the Tibetan refugees keep streaming in. Men, women, children and babies with little more than the clothes on their backs stand outside the office of the reception centre of the Tibetan government-in-exile to get their names registered. This is the first step in an elaborate process that will grant them refugee status and allow them to live in India.

The refugees are exhausted and bewildered. Many suffer

from frostbite; their hands and feet are swaddled in white bandages. They have fled political, religious and economic repression in Tibet. Many have spent two-three months walking from Mount Kailash to Kathmandu and then on to Dharamshala and Delhi. The journey is fraught with danger as they are chased by Chinese soldiers every step of the way.

After a thorough medical check-up, those between the ages of 18 and 20 are sent to a transit centre near Dharamshala to be given two years of basic education and training. Young children are sent to one of the 87 schools that the Ministry of Human Resources and Development runs for the Tibetan children. There are similar schools in Bhutan and Nepal.

Almost 300,000 Tibetans have arrived in India since the initial exodus on March 31, 1959, when the Dalai Lama crossed over shortly after Tibet was annexed by China. At that time, 85,000 Tibetans followed their spiritual leader into India. The second exodus began in the early-'80s when Tibet was opened up to trade and tourism. Between 1986 and 1996, 25,000 Tibetans arrived in India, making this the largest refugee population in the world.

I ask a young boy standing outside the reception centre why he chose to escape from Tibet. "It was too suffocating. I could not breathe. There are more Chinese in Tibet than there are Tibetans. We are treated as non-citizens in our own country." Then his face lit up. "Also, I wanted to meet the Dalai Lama," he said.

Every refugee who crosses over to India is given a brief audience with His Holiness the Dalai Lama. Almost half of them are monks and nuns who are then sent to the 200 monasteries and nunneries that have been opened close to the Tibetan settlements in order to revive religious education and tradition. In contrast, most monasteries have been destroyed in China.

Many of the boys who are participating in a round-the-clock hunger strike outside one of the main Buddhist temples in McLeodganj are recent refugees who have crossed over in the last few years. One of them, 17-year-old Amdo Ngapa, from Shanglong village in the eastern part of Tibet, says: "It was impossible to live under Chinese rule. We are deprived of basic human rights including a modern education. We cannot keep a picture of the Dalai Lama in our homes. We cannot form associations or express any kind of opinion. Over 1.2 million Tibetans have died under Chinese rule."



Tashi Tobgyal

Tashi Tobgyal



Another young teenager, Gyantso, who crossed over in 2005 from Shigatse, says: "My main reason for coming here was because I wanted to learn Tibetan culture and history. In Tibet we are forced to study in Chinese and have to compete against the Chinese. How do we stand a chance especially since the entire system is skewed in their favour?"

Do these boys find a resemblance between Lhasa and Dharamshala, especially since the latter city goes by the name of 'Little Tibet'? Gyantso smiles and says: "There is more Tibet here than there is in our own country. Many of the names of shops here are written in Tibetan. The Chinese are building skyscrapers with glass and concrete which are completely unsuitable for our climate."

In the north of Delhi, there's another Little Tibet that is home to around 6,000 Tibetans. It's referred to variously as 'Tibet Camp', 'Samye-Ling' (after a famous monastery), 'Majni ka Tila' and 'Chang Town'. Chang Town because many Tibetans living here brewed *chang*, or rice beer, to make a living. The Dalai Lama, determined to discourage the practice, has since told the local Tibetan community that he is willing to give the *chang* brewers money so they can switch to an alternative trade.

A few of the Tibetans living here were recently served eviction notices by the PWD. The government is being forced to demolish their homes in order to widen the road flowing along the colony. Agitated Tibetans have appealed against the move. "Since I heard the news I have not been able to

sleep," says 58-year-old Achoo, counting prayer beads as she sits on the steps of her three-storeyed house in the heart of Delhi's Little Tibet.

Achoo says she came to New Delhi when she was eight years old. Like her parents, she worked as a labourer on roads and rail tracks across India, scrimping and saving to build herself a house. It took her 20 long years. After a few years, she added two more floors. "With great difficulty I built it. If I lose it now I won't be able to build it again in 100 years," she says, recalling a promise made by India's first prime minister, Jawaharlal Nehru, decades ago. "Nehru himself told us: 'Till you get freedom you can live here'," says Achoo.

The hunger strike in McLeodganj, being undertaken by 40 young men and women round the clock at the time of writing this story, is just one of the weapons being used by the Tibetan community to highlight their plight as refugees. It is also a way to place their demand for independence before the international community.

Life in exile has not been easy for Tibet's refugees. For a majority of the older generation, who came in with the Dalai Lama, it meant having to work long hours at construction sites. Sitting in his McLeodganj office, in the shadow of the striking white-capped Dhauladhar mountain range, Tsewang Rigzin, president of the Tibetan Youth Congress, recalls those difficult days when his parents fled Tibet as part of the Dalai Lama's entourage.

"My parents came with nothing. They had to start life from

scratch. Even though I was born in exile, I want to return to my country. We are asking for what is ours; we are not asking for something that does not belong to us. Independence is the only solution, since we cannot live under China. It is a struggle of a nation and its people. We realise it will take time and we will continue to struggle until we go back. History and truth are on our side — let that never be forgotten,” says Rigzin in an impassioned plea for his country.

Rigzin is one of the few Tibetans to have got American citizenship. But, he says, he chose to return to India because he wanted to work for his community.

Petite Yangzou who works as organisational secretary for the Tibetan Youth Congress is a third-generation Tibetan born and brought up in India. “My grandparents struggled. My own life has been much easier,” she says expressing satisfaction at the education she has received in India. “I lived in a Tibetan hostel located at Ponta Sahib. We were taught by Tibetan teachers and a great deal of our education focused on our culture, history and religion. It was only when I joined Shyama Prasad Mukherjee College in New Delhi in 2004 that I was confronted with the whole issue of my Tibetan identity. Everyone in my class thought I was from the northeast. To dispel the notion, I had to tell them about my country and what it stood for,” says Yangzou.

Third-generation Tibetans continue to shoulder a deep sense of responsibility towards their country. Yangzou adds: “I live in India but I have to make sacrifices in order to help my country win its freedom.”

Many of the younger lot already feel they are half-Indian. Sonam Dorjee, who started his career as a journalist working for Asian News International (ANI) feels many in his age-group prefer to converse only in English and love to watch Hindi movies and television serials. “We are half-Indian. We have Indian friends, we discuss cricket all the time. We romanticise and dream about our country, but for us India is the here and now. Sadly, Tibet has changed drastically. The essence of Tibet has been suppressed. Every day we receive more dreadful news about how dissidents are being dragged out of monasteries and shot, and subjected to the most inhuman forms of torture,” Dorjee says.

Local Indians living in Dharamshala and around other Tibetan communities do not share this view; they find the Tibetans insular. One local taxi driver says: “They treat us local Indians like dirt and look up to Westerners because they receive so much aid from them. They may have come in as starving victims of violence five decades ago, but today most are economically much better off than us.”

A local Himachali shopkeeper agrees. “Their leader, the Dalai Lama, works selflessly for his community. Their children receive a free education. In fact, each child gets a sponsorship from several foreigners at the same time. Who is there to help us?”

Charges of unfair business practices are also levelled against

the Tibetan community. And though many Indian shopkeepers do not elaborate on why they mistrust their Tibetan counterparts, there is little doubt that they regard them with suspicion.

Younger Tibetans, however, are keen to join mainstream India; it allows them the opportunity to push for better-paid jobs and other facilities. Some have even opted to become Indian citizens. “Today, over 500 Tibetans are employed in corporate companies and in BPOs. I am not saying all these people have opted for Indian citizenship, but the trend is on the rise,” says Dorjee.

But most Tibetans remain Tibetan citizens. There are three sets of laws that deal with foreigners in India: the Registration of Foreigners Act 1939, the Foreigners Act 1946, and the Foreigners Order 1948. Under Section 2 of the Registration of Foreigners Act, the term ‘foreigner’ is defined as “a person who is not a citizen of India,” referring to aliens of any kind including immigrants, refugees and tourists. Most Tibetans are concerned only with the former law, which grants them refugee status.

RC status, as it is popularly referred to, has to be renewed every year. Tibetan refugees were granted Indian residency (or resident status) for purposes of identification, employment and domestic travel. It also allows them to travel abroad for educational purposes and medical treatment. But they are not allowed the right to vote or to buy land, although hundreds of Tibetans are known to have bought land in *benami* transactions.

Tibetan populations are scattered across Nepal and Bhutan too. In 1959, several Tibetans crossed over to Bhutan which has a total population of just 7 lakh. Frightened of a huge influx, the country closed its northern borders for fear of being swamped.

New refugees are no longer welcome. India, which already has a large number of Bangladeshi, Afghan and Sri Lankan refugees to deal with, is not very keen on Tibetan refugees continuing to cross over and seek asylum in the country. In fact, the Dalai Lama himself encourages Tibetans to return to Tibet and continue their struggle there. But most Tibetans, once they reach India or Nepal, are unwilling to go back unless they have pressing personal reasons to do so. As they use the Olympic torch relay to highlight the continued Chinese oppression, they strongly believe that victory will ultimately be theirs.

They quote the Dalai Lama to keep their morale up: “Never give up. Work for peace in your heart and in the world.”

Tenzin Dharden Sharling, who works as a researcher for the Tibetan Women's Association in McLeodganj, says: “The Chinese leadership is showing increasing nervousness in handling our issue. This is because they cannot handle our non-violent struggle. They forget that we have history on our side. We have justice on our side and, ultimately, we will prevail. The problem can be resolved only through dialogue, something they are simply not willing to do.”

Lhotshampas: Evicted from Bhutan

Over 100,000 ethnic Nepalese, who had settled in Bhutan in the 19th century, were evicted from Bhutan in the 1990s, following a movement to protect the Bhutanese cultural identity. They now live in seven refugee camps in Nepal. Seventeen years of poverty and statelessness have given way to violence and hopelessness, and youth are increasingly joining violent political movements

JENELLE ELI

WHEN THE FIRST PLANELOAD of Bhutanese refugees lands in the United States in 2008, its passengers will have accepted an offer from the US government that has exacerbated political faultlines, leading to factionalism and violence in the crowded refugee camps of southeastern Nepal. These temporary residences, located in Maoist hotspots in Nepal's Jhapa and Morang districts, have been home to over 100,000 ethnic Nepalese expelled from Bhutan in the 1990s.

On the surface, the United States' unconditional offer of resettlement of the Bhutanese refugees may seem like an unambiguous cause for celebration, but in fact the proposal has triggered an explosive response, polarising the camps between refugees who accept the offer and those who resist the idea of resettlement. The initiative to resettle Bhutanese refugees is complicated by local and regional politics and has given way to violence and intimidation in all seven camps.

History of the crisis: Citizenship revoked

Bhutan's Lhotshampa population, an ethnic group that speaks Nepalese, practises Hinduism and has populated the country's south since the 19th century, has faced discrimination from Bhutan's ruling class for decades. During a period of relative openness in the Himalayan kingdom's political history, Lhotshampas were granted blanket citizenship in 1958, though job and marriage discrimination endured.

In the 1980s, illegal immigration re-emerged as a political issue and King Jigme Singye Wangchuk's desire to maintain a Bhutanese cultural identity based around "one culture, one people" led to the 1985 Citizenship Act. The policy promoted the ruling class's language and religion — Lamaistic Buddhism — favouring the Ngalong Drukpa ethnic group. The law put a ban on the Nepalese language, required a traditional form of dress, restricted the practice of Hinduism, and even placed hairdo limitations on the population. Lhotshampas who were unable or unwilling to adhere to the constraints, or were incapable of proving citizenship (by, for example, producing decades-old documents) were re-classified as "illegal immigrants". By the early-1990s, the Citizenship Act ensured that one-sixth of Bhutan's population was denaturalised; political resistance was met by more persecution from the government. A powerful intimidation campaign ensured that Lhotshampas were forcibly evicted, many enduring rape, arbitrary arrest,

torture and killing. First-hand accounts indicate that thousands of Lhotshampas were made to sign voluntary migration forms at gunpoint before receiving paltry compensation for their land and leaving the country (1). Refugees fled to southeastern Nepal where seven camps were eventually established and which, today, house over 107,000 exiled Lhotshampas.

Predictably, conditions in the refugee camps are harsh. The healthcare system is under-funded and wholly inadequate for refugees with chronic diseases. Every refugee I spoke to mentioned that the education system is slipping due to low pay for teachers; there is no higher education system. Two refugees noted that the briquettes provided as cooking fuel cause respiratory problems. Refugees find illegal employment in Nepal's informal sector. Lack of building material and warm clothing for their children make for long winters.

Seventeen years of poverty and statelessness have given way to violence and hopelessness. Depression among women is common, huts are built in such close proximity that conflict among neighbours is practically inevitable and youths are increasingly joining violent political movements. Ostensibly, the offer of resettlement alleviates camp residents of their anxiety, yet when I asked about the hardships in Nepal, one man replied: "The present security situation is the worst thing that the refugees are experiencing (2)."

Determination of refugee status

The Bhutanese government, in collaboration with the government of Nepal and without the international community's participation, has set up a system of categorisation of camp residents that effectively denies refugees the right of return. The Nepal-Bhutan team has divided camp residents into four categories:

- 1) *Bona fide* Bhutanese who have been forcibly evicted.
- 2) Bhutanese who have voluntarily emigrated.
- 3) Non-Bhutanese people.
- 4) Bhutanese who have committed criminal acts.

While the Bhutanese government defends the categorisation by maintaining that many camp residents are actually Nepalis taking advantage of UNHCR charity, the team's conclusions are confusing and fiercely contested by the

Lhotshampas themselves.

Why? Firstly because Drukpa Bhutanese were resettled on vacated land in the south of the country, therefore Lhotshampas in the first category will not be able to return to their property. Secondly, refugees who fall within the second category will be required, on their return to Bhutan, to reside in a camp for three years, after which they will be evaluated on their knowledge of Bhutanese history, culture, and the Dzongkha language. It comes as no surprise that Lhotshampas, who claim to have been forced to sign voluntary migration forms, are opposed to the complicated process of naturalisation. Third, *bona fide* Lhotshampas falling within the third category, those who could not prove residence in Bhutan, are left stateless; their rights to repatriation and/or resettlement are dubious at best. Finally, those in the fourth category will, on their return to Bhutan, be tried for their alleged crimes (and likely convicted for anti-national activities).

Also hanging in the balance is the fate of 10,000-15,000 Bhutanese refugees living in Nepal who were not covered by the classification process, and the 15,000-30,000 exiled in India where they are eligible neither for refugee status nor UNHCR assistance.

Resettlement and resistance

The UNHCR generally promotes three long-term solutions to the refugee predicament worldwide. The preferred option is repatriation (voluntary return to one's home country), then local integration in the country of refuge, and finally, voluntary resettlement in a third country.

The protracted Lhotshampa crisis has prompted the UNHCR and Nepalese government to endorse resettlement. The UNHCR's representative in Nepal said: "The UNHCR prefers to help refugees go back to their home countries when they can do so in safety and dignity. However, in this case, the only option currently available (for the Lhotshampa population) is resettlement in a third country for those refugees who wish to make this choice (3)." The US offer to resettle 60,000 Bhutanese refugees has prompted thousands of Lhotshampas in camps to start the application process by filling out forms and attending orientation meetings with the US government's resettlement branch and the International Organisation for Migration (IOM).

Many Bhutanese refugees, who have been eagerly awaiting a durable solution for over 16 years, are apprehensive about accepting the offer, worried that the United States has ulterior motives or that the initiative will fall apart, much like Nepal's promise to successfully negotiate repatriation with the Bhutan government. Human Rights Watch (HRW) blamed lack of information for the refugees' scepticism. A recent HRW report found that many Lhotshampas are concerned that the United States plans to "take" refugees without permission, that families will be separated in the process, that they will face religious persecution in their new country, and that the United States is exploiting refugees for geopolitical reasons (4). Significantly, refugees are suspicious

that once they accept the offer of resettlement, their rights to repatriate to Bhutan will be extinguished. One woman asked: "Will we have the same rights as US citizens? Will they not evict us after 15-20 years, like they did in Bhutan? Our forefathers went to Bhutan, and we were evicted. We fear that the US will do that too (5)."

Resettlement activists, who made it clear in interviews that they promote all three durable solutions, are tackling this widespread scepticism by educating refugees about the process of settling in the United States and their undeniable right to return to Bhutan when the political climate is more favourable. Activists I spoke to argue that resettlement is the appropriate solution for now, maintaining that the time was not right for repatriation given the government's discriminatory citizenship laws. To date, no Lhotshampa refugee has ever successfully repatriated to Bhutan (6).

Despite resettlement activists insisting that returning to Bhutan is still the preferred solution, they have been forced to demand increased security from the Nepal government in order to continue their education efforts. While the argument for prompt resettlement appears straightforward, repatriation activists worry that any shift in focus will sideline their argument for the refugees' right of return.

Prospects for repatriation

Bhutan, as a member of the United Nations, is obliged to respect the right of return as laid out by the Universal Declaration of Human Rights (7). The future of Bhutanese refugees has long been left to the Nepal and Bhutan governments to negotiate. Years of dialogue have yielded almost nothing for the exiled Lhotshampas, and prospects for a negotiated repatriation in the near future remain dim. Grassroots organisations in the refugee camps have actively pressured governments and mobilised thousands of exiled Lhotshampas since the establishment of the camps in the early-1990s. The demand for repatriation has, over the years, been the source of hunger strikes, massive protests, and violence along the India-Nepal border.

Enjoying good relations with Bhutan and in possession of land separating Nepal from Bhutan, the Indian government has played the foil to repatriation activists, physically preventing refugees from returning to their homeland. In February 2003, thousands of refugees participated in hunger strikes to protest a meeting of donor countries discussing aid to Bhutan. In August 2005, busloads of refugees infuriated the UNHCR by heading for the India-Nepal border where they were chased back by the Indian police (8). In May 2007, Indian police killed one refugee and injured 20 during a protest of thousands demanding passage to Bhutan. A number of policemen were also injured in the protest.

Other activism is inherently peaceful. The Human Rights Organisation of Bhutan (HUROB), for example, holds a satyagraha every Friday at the border, where 100-250 refugees carry banners, placards, and give speeches in order to raise awareness and teach the principles of Gandhian non-violent resistance.

When rumours started circulating in 2005 that the United States was willing to resettle Bhutanese refugees, the reaction of repatriation activists ranged from passive disappointment to direct harassment of resettlement proponents whom they saw as traitors. S B Subba, Director of HUROB, educates camp residents about their right to repatriation and about the hardships that resettled refugees face in the United States. HUROB also lobbies international governments to pressure Bhutan to repatriate the Lhotshampa population. In my interview with Subba, he argued for repatriation from both an international law point of view and a practical one.

While organisations like HUROB worry that the case for repatriation will be sidelined by the massive resettlement of refugees, other activists are concerned that resettlement will ruin any chances of repatriation to Bhutan. The Communist Party of Bhutan (Marxist-Leninist-Maoist), for example, operates in the camps and recruits from the scores of disaffected youth. Maoists, most of whom openly advocate the overthrow of the Bhutanese monarchy, threaten resettlement advocates in the camps. Armed groups in camps with the highest concentration of Maoists (Beldangi I, Beldangi II and Beldangi III extension) instigate violence and carry out intimidation. Repatriation activists see resettlement as a distraction from Bhutan's human rights abuses and from the Lhotshampa population's right of return under international law. They argue that accepting resettlement in a third country will effectively reward the Bhutanese government for declaring the ethnic Nepalese stateless. Activists also maintain that abandoning the cause will endanger the remaining Lhotshampa population living in Bhutan.

According to the UNHCR, repatriation organisations propose that one member from each resettled family remain in Nepal in order to continue the fight for democracy in Bhutan, a suggestion rejected by the UNHCR. Resettlement proponents, on the other hand, insist that Lhotshampas residing in the United States will help their right of return, not harm it, by raising awareness abroad.

Violence and intimidation

Although the media has reported intimidation of refugees opting for resettlement, the more extreme (and increasingly common) cases have been under-reported. Hari Bangaley, a volunteer for the Bhutanese Refugee Durable Solution Coordination Committee (BRDSCC), wrote that even those advocates who work for all three of the UNHCR's durable solutions — repatriation, local integration, and resettlement — are targets. In an email interview, he wrote: “There are written and verbal threats to life and physical actions against those desiring to be resettled... refugee huts and their property destroyed or burned. There is a strong retaliation against the security forces deployed to control the situation. There are over 150 refugees displaced as the radicals hunt them in the camps and around. As there is no proper security arrangement... (refugees) are not confident of the

security arrangement (9).” Bangaley was an elected camp secretary (head of the management committee) at Beldangi II camp before an attempt on his life caused him to flee the camp where he once sought refuge. While rescuing him from an assassination attempt, over 60 security personnel were injured. Bangaley remains twice displaced, along with approximately a dozen other families (10).

A female refugee I interviewed was displaced from the same camp due to her stance on resettlement. Although repatriation is her preferred option, she sees no prospect of a return and so advocates resettlement through one of the various organisations on the ground. Her activities caught the attention of the camp's Maoists who view her as a traitor for even considering resettlement. She wrote that they misrepresented her activism through the print media, vandalised her hut, and physically attacked members of her family (11).

When fighting broke out between the refugees over third country resettlement this May, two people were shot and killed by the police. Armed threats are increasingly common, much more so than when the violence began in 2005, and the unrest does not look like it is dying down.

Even as camp secretaries receive letters threatening decapitation for their efforts to explain the option of resettlement to refugees, applications and orientations for third country resettlement continue. As the refugees' future hangs in the balance, the present crisis in the camps ensures that their status quo too is at stake.

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Endnotes

- 1 Email interview with S B Subba, Director, Human Rights Organisation of Bhutan, December 29, 2007
- 2 Email interview with Hari Bangaley, Executive Director, Bhutanese Refugee Durable Solution Coordination Committee, December 18, 2007
- 3 UNHCR, 'Bhutan's refugees to be resettled from Nepal within months,' UNHCR News Stories, November 6, 2007, available at <http://www.unhcr.org/news/NEWS/473088d84.html>
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- 9 Email interview with Hari Bangaley, Executive Director, Bhutanese Refugee Durable Solution Coordination Committee, December 18, 2007
- 10 Email interview with anonymous, December 12, 2007
- 11 Email interview with anonymous, December 12, 2007

Muhajirs in the Promised Land

The Muhajirs of Pakistan were the Muslims who migrated to Pakistan after Partition. They were going not as refugees but as citizens of a Promised Homeland — a country for Muslims where they would not face political or religious discrimination. How then did the Muhajirs of Pakistan, four decades later, find themselves moved from the core to the periphery, marginalised and divided by ethnic conflict?

VIKHAR
AHMED SAYEED

BY 1990, THE CITY OF KARACHI was on the verge of becoming a second Beirut. The '80s had seen increasing hostility between the Muhajirs (Muslims who migrated from India to Pakistan) and the Sindhis. Around 3,000 deaths had taken place since 1985 in Karachi and the smaller industrial city of Hyderabad. All the ethnic communities of Pakistan had their ghettos in the city — the Punjabis, the Sindhis, the Balochs, the Pathans and the Muhajirs. No person trusted the other and violent and bloody street battles had been fought between the Muhajirs and the Sindhis. The army had to be called in and a journalist for *The Guardian* wrote in a report dated July 16, 1990: "For a week or more, Karachi resembled a ghost city, its citizens too scared or prudent to leave their homes. Now the streets and *bazaars* are busy again. But, according to the universal testimony, it is not a recovery but a lull."

Around four decades earlier, many Muslims had migrated from India to their Promised Homeland, Pakistan — the Land of the Pure. They were the *muhajirs* — meaning 'refugees' — but once the word is placed in its context it has a much more exalted meaning. When the last Prophet of Islam, Mohammed, was spreading the message of Islam in Mecca his life was threatened by the Meccans, and Mohammed, along with his followers, migrated (performed the *hijrat*) to Medina. He was a *muhajir* and his protectors in Medina were the *ansars*. The migrants from India had similarly run away from India and were welcomed in Pakistan with a fervour and generosity displayed by the original *ansars*.

In the initial days, in the period following Partition, the Muhajir embodied and were responsible for the very idea of Pakistan. But by the 1980s, the Muhajir Qaumi Mahaz (MQM- Refugee Community Front) had been established to politically organise the Muhajir community and to air its grievances. Its founder, Altaf Hussain, proclaimed that the Muhajirs were the fifth nationality in Pakistan.

What had happened in these four decades? Why did this group of people feel that they had been marginalised in the Pakistani polity? What did it mean for the identity of Pakistan itself, that a country established on the basis of a common religion was divided by ethnic/linguistic conflicts? And what does it mean for the shifting identities of migrants themselves?

Partition and migration

In 1947, South Asia was witness to one of the largest forced

migrations in world history when British India was partitioned into the states of India and Pakistan. There is a general consensus that close to 15 million people were uprooted from their homes. While more than 8 million Muslims migrated to the newly-created state of Pakistan, 6 million Hindus and Sikhs migrated to India. This does not include the tally of the more than 1 million people who were killed in the accompanying riots (1).

Almost all of us have seen images or films (re-enactments) of the manner in which these migrations occurred. Two iconic images are etched in my mind, most probably from my school history textbook. First, a long winding snake of people and assorted paraphernalia of rural life — bullock carts, goats and the like — stretching across a barren plain. Many of the men wear turbans and *dhotis* and some of them are piggybacking little children. Some women are visible, their heads shrouded with the ends of their *pallus*. It was not uncommon to have more than 100,000 people moving in these caravans that stretched for more than 60 miles (2).

The second picture, even more striking, is of a train densely packed with people. The men cling on to every possible hold and the body of the train itself has disappeared under the mass of humanity. Almost all the men are swathed in blankets, their eyes listless and despondent. In both the images it is impossible to make out which religion the migrants belong to. People were uprooted from their homes and sent away to new places, changing the demographics and character of old cities and the new states.

Delhi, for example, was severely affected by the moving populations. Many Muslims whose families had lived in Delhi for centuries, left for Pakistan, while legions of Punjabis — Hindus as well as Sikhs — moved in, turning New Delhi into a Punjabi city (10% of all migrants came to Delhi and the city registered an amazing 90% growth in population from 1941 to 1951) (3). Many posh neighbourhoods of Delhi were initially established for the refugees. The almost negligible population of Muslims in the modern Indian state of Punjab is proof of the scale of Muslim migration that took place from these areas. Almost all the Hindus and Sikhs of modern Pakistan (West Pakistan, when it was created) fled to India. Lahore, which was a multi-religious city, suddenly became a Muslim city. Many of the Muslims who migrated to Pakistan settled in Lahore and Karachi, changing these cities greatly.

In the first census that was taken in Pakistan, in 1951, Muhajirs accounted for 10% of the population (this figure became 20% after the formation of Bangladesh).

The Muhajirs

When we refer to Muhajirs as a political and ethnic group we usually mean the group of Muhajirs who migrated to Sindh. Muslims who migrated to Pakistan settled in various parts of the country. Muslim Punjabis settled in the Pakistani part of Punjab, many Pathans settled in the North West Frontier Province, and both these communities, except for a few cases, were soon well integrated with the local population and their separate Muhajir identity gradually disappeared (4).

Unlike these two groups, the Urdu-speaking and the small number of Gujarati-speaking Muslims who had migrated from Delhi, the United Provinces, Central Provinces, Bombay and Hyderabad, tended to concentrate in the urban parts of Sindh, especially in the two cities of Karachi and Hyderabad, creating divisions between the rural Sindhi and the urban Muhajir (5). It was difficult for the migrants to mix well with the locals as they differed from the Sindhi population in their cultural and religious habits. The process of integration was non-existent in several parts of Karachi and the initial friendly attitude of the Sindhis gave way to mild hostility with Sindhi politicians beginning to feel insecure.

The meaning of the word *muhajir* is further complicated because there is a difference of opinion among migrants to Sindh themselves about the definition of *muhajir*. Many older Muhajirs do not refer to their children and grandchildren as Muhajirs because they were born in Pakistan. But some amongst the younger generation of Muhajirs in Pakistan choose to consciously identify themselves as Muhajirs (6). For the remainder of the article, when I use the word Muhajir I am referring to the Muslims who migrated from India to urban parts of Sindh.

Early years in Pakistan

In the decades leading up to the partition of India, the Muslim League went from strength to strength. In a masterful stroke of political strategy it managed to lure Mohammed Ali Jinnah to its side and then there was no stopping the stubborn lawyer. The League's organisation grew in stature but its support, much to Jinnah's chagrin, was limited to Muslim minority provinces. Its leading lights were landlords and the urban intelligentsia, a significant section having gone through the portals of Aligarh Muslim University. Till 1946, Jinnah's rhetoric of a separate state hardly drew any support from Punjab and Bengal (the two provinces with the most number of Muslims) while support in the Muslim minority provinces was significant. When the state of Pakistan, moth-eaten as it was, came into being, these Muslims from India who had been vociferous



A Margaret Bourke-White image of Partition

supporters of the Muslim League migrated to Pakistan. Many also fled fearing for their own personal safety. For many of them it was something they had never imagined they would have to do.

Karachi was designated capital of the new state and since it already had a slight reputation as a commercial centre many of them decided to make it their home. The Muslims who migrated to Pakistan during Partition belonged to four different (though not mutually exclusive) sections of society. First was what Hamza Alavi calls the 'salariat'. The salariat was the auxiliary class that consisted of journalists, urban intellectuals, bureaucrats, military officers, lawyers, teachers, etc. They were the vanguard of the Pakistan movement. Most of the Muslim League leadership belonged to this class and it consisted of the elite of Muslim society in India (7).

Muslim bourgeoisie formed the second category of people. Compared to the Hindu capitalist class in British India, Muslims were almost insignificant. They felt that there was great potential for commercial expansion and growth in a new country unfettered by competition from entrenched Hindu capitalists. Many of these Muslim businessmen belonged to minority Shiite groups in Bombay Presidency (8). Their hopes were realised in Pakistan and the community of Halai Memons, several of whom had migrated from India, controlled 26.5% of private capital in Pakistan in 1959 when they formed only 0.16% of the population (9). Many of them preferred to migrate to Karachi because it had a port, was the new capital of the state and because it had cultural links with the city of Bombay.

Many members of the *ulema* who migrated from India formed a leading support base for right-wing parties like the Jamaat-e-Islami (10). Much of the clergy had rallied behind the composite nationalism propagated by leading *alims* from Deoband, but once Pakistan was formed they chose to migrate. The petty bourgeoisie, consisting of small merchants and artisans, formed the last category of Muslims who migrated. They moved reluctantly but once they went over they goaded their friends and relatives living in India to come and join them (11).

Many of the Muslims who migrated to Pakistan (once they realised that they did not have an alternative) went with almost a proprietary sense. They were going to *their* country — a country for Muslims where they would not face political or religious discrimination. Their personal sacrifices were felt to have been responsible for the creation of Pakistan. In this sense, Muslims who migrated to Pakistan did not consider themselves refugees. Many historians and political commentators often draw an analogy between Israel and Pakistan, as in both cases the migration was to a Promised Homeland.

As has been written earlier, the Muhajirs were at the forefront of the struggle for Pakistan. Political activity in the provinces that eventually formed Pakistan was peripheral to the whole movement for Pakistan. The Muslim migrants had formidable experience of political activity and had a strong

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and mobilised identity based on group interest politics. There was also a feeling among the Muhajirs that they shared a common experience of displacement and some of them even had a mild disdain for the culture of the nativists. The migrants also were better educated and qualified for administration, and were much more suited to control the various organs of the state. They dominated the political (Muslim League leadership), bureaucratic (Muslim civil servants working for the Government of India who migrated to Pakistan), mercantilist (capitalists from Bombay — the famous 22 families) (12), and judicial organs of the new state.

Even the first cabinet of Pakistan was dominated by Muhajirs. Mohammed Ali Jinnah, Liaqat Ali Khan, I I Chundrigar, Huseyn Shaheed Suhrawardy and Fazl-ul-Haq completely dominated the political space. Raja Ghaznafarali Khan, Minister for Rehabilitation of Refugees, made sure that migrants were allocated land on a fair basis. Muslim Muhajir civil servants tended to help immigrant businessmen. As many of these migrants did not have local support, they were simply co-opted in the Pakistan Constituent Assembly. Chaudhary Khaliquzzaman, a senior member from the United Provinces, was made responsible for the Muslim League party in Pakistan. The Muhajir Muslim League-dominated central ministry went so far as to dismiss the Nawab Mamdot-led Punjab ministry in its efforts to have

a strong centre, setting the tone for a provincial and central Muslim League clash. Liaqat Ali Khan, the first prime minister of Pakistan, and a Muhajir himself, levied a Muhajir tax to rehabilitate the refugees (13). This and other assistance schemes given to the migrants were resented by the locals.

Changing conditions under military rule and Zulfikar Bhutto

The Muhajirs dominated the central government and the Karachi business sector, but the reign of Ayub Khan marked a shift in the status of the Muhajirs, and their decline began. Khan initiated the One-Unit Policy in 1958, making West Pakistan a single unit to counter the populous East Pakistan, shifting the political power base from the Muhajirs to various indigenous groups. He also shifted the capital to Islamabad (14). Earlier, until the capital was in Karachi, most migrants felt empowered as Karachi was becoming a Muhajir city (15). When the first census was taken in 1951 it was found that the Muhajirs formed more than 50% of the total population of Karachi. (The percentage of Muhajirs only increased further, and in 1981 they accounted for 61% of Karachi's population [16].) Later, when the One-Unit Policy was reversed, Islamabad continued to remain the capital with Karachi becoming the provincial capital of Sindh; it became the scene of identity politics between the Sindhis and the Muhajirs.

When Zulfikar Ali Bhutto, a Sindhi, became the prime minister in the 1970s, he initiated several policies that favoured Sindhis since most of his support was drawn from the province of Sindh. He changed the quota system in 1971 for recruitment to the federal services, leading to a loss in job opportunities for the Muhajirs. The Muhajirs had always been overrepresented in the bureaucracy in proportion to their population, but with this scheme there were restrictions in the number of Muhajirs who could join the powerful federal services.

Bhutto made Sindhi the sole official language of Sindh in 1972, sparking off major rioting by Muhajirs who perceived this move as targeted against them. Before this, the official language of Sindh was Urdu and it was associated with the Muhajirs who were the economically dominant new settlers. With mounting pressure, Bhutto relented and both Urdu and Sindhi were made official languages of the province. During this period, the Pakistani government nationalised large industrial and financial units and many Muhajirs felt that this was particularly targeted against their successful Karachi-based businessmen (17). This was also the period when there was talk of carving out a 'Mahajaristan' from Sindh by additions from the Biharis of Bangladesh who were *persona non grata* in the newly-created nation of Bangladesh (18).

Bhutto's chosen military head Zia-ul-Haq executed Bhutto, blatantly disregarding the judicial system. During the period of his martial law he shrewdly encouraged communal violence among Muhajirs, Pathans and Punjabis. In his

military regime, preference was given to military personnel, largely consisting of Punjabis and Pathans, leading to the further sidelining of the Muhajirs.

Throughout this period Karachi continued to grow, considering that it was the commercial capital of Pakistan, with Pashtuns and Punjabis migrating to it in large numbers. The Muhajirs felt increasingly threatened by this influx. They believed their community had been marginalised from among Pakistan's most significant national elites — the civil bureaucracy, the military, and the business elite — and this led to a latent antagonism. The seething discontent led to riots in the 1980s.

Establishment of the MQM

All these factors were responsible for the gradual politicisation of the Muhajirs, culminating in the birth of the MQM, founded in 1984 by Altaf Hussain who was a victim of the quota system. He became the totalitarian leader of this organisation and most of its hardcore cadre was thoroughly brainwashed into believing that they were marginalised people in Pakistan (19).

Hussain articulated the idea of the Muhajir being the 'fifth nationality' within Pakistan, the first four being Punjabi, Sindhi, Pashtun and Baloch (20). In early-1987, the MQM issued its Charter of Demands which showed how the Muhajirs were reconciling themselves to the fact that their glory days would never return and now they were trying to strike an alliance with the Sindhis (21). Some of the educated, unemployed lower-middle class youth among the Muhajirs were also involved in a separatist struggle for an autonomous area variously described as 'Jinnahpur' or 'Urdudesh' (22). The MQM achieved some success in Sindh and it did this by sidelining the right-wing religious parties whom the Muhajirs usually supported (23). In the November 1988 elections, the Pakistan People's Party (PPP) and the MQM won in Sindh. The MQM was the third largest political party in the National Assembly.

By the early-1990s, the MQM became notorious for its violence and its leader Altaf Hussain began to manage the party from the UK. The Muhajir Qaumi Mahaz renamed itself the Muttahida Qaumi Movement (Combined Community Movement) in 1997, recasting itself as a national party against 'feudal domination', and is trying to make inroads into other parts of the country.

Conclusion

Three concluding remarks can be made after this brief narrative of Muslim migrants to Pakistan. Firstly, the Muhajir has moved from the core to the periphery of Pakistan. When Partition occurred, migrants to Pakistan were welcomed. The usage of Islamic terminology — *muhajir* and *ansar* — to describe what essentially was a refugee support system shows the extent to which religion was used to legitimise the influx. The idea of Pakistan was conceived and fought for in provinces where Muslims were a minority and these people felt that they formed the core of Pakistan. Over the

course of the four decades, this group began to feel that it was a different 'nationality' itself. There is no other instance in global migration where such an event has taken place. An analogous situation would be if Zionists and their descendants in Israel began to feel that they had been marginalised and felt that they had to politically mobilise themselves.

Secondly, what does the behaviour of the migrants mean for the identity of Pakistan? While there are several arguments that Jinnah did not want a theocratic Islamic republic, what cannot be denied is that the rhetoric of a separatist Islamic state sustained the movement for Pakistan. The entire foundational premise of the state of Pakistan was commonality of faith, but Pakistan failed in this litmus test way back in 1971 when Bangladesh was formed. The non-Punjabi communities in Pakistan feel that the Punjabis have a disproportionate share of state resources. With the very core of Pakistan — the Muhajirs — feeling disgruntled with the state it can be said that religion has not managed to consolidate ethnically disparate people into a single nation in the case of Pakistan.

Thirdly, the Muhajirs managed to bring about some changes in the class structure of Sindh. Having settled mainly in urban parts of the province they became the new bourgeoisie. With their high levels of literacy, political and business acumen and solidarity they effected fundamental changes in the polity, economy, society and culture of Sindh. Large-scale migration has this effect; even Punjabi Muslims from India who migrated to Pakistani Punjab caused a slight disruption in cities like Faisalabad but the differences were not as acute as they were in cities in Sindh (24).

The case of the Muhajirs is rather unique in migration studies because of the way in which the migrants moved from the core to the periphery. It deserves to be further researched because there has been no other human movement of this sort in the world where a migrant population has behaved in this way.

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Partitions of the mind

More than 60 years after Partition, and close on a century after East Bengalis first began to migrate to West Bengal, the gulf between the displaced Bangals and the local Ghoti Bengalis in Kolkata has not been bridged. Both retain fiercely the markers of their identity — in terms of language, culture and cuisine. These are three narratives of the deep and cryptic traumas that accompany displacement

PRIYANKA NANDY
GARGA CHATTERJEE
SOMNATH MUKHERJI

Rehabilitation in the mainstream

Time, they say, heals every wound. It seems to me, however, that often the way to 'heal' afflictions of socio-cultural difference in a multi-ethnic milieu dominated by one particular ethnic or cultural group, is to impose a code of behaviour that seeks to regulate the activities of all participating members of the milieu, and thereby establish a reassurance of sameness, at least in the functioning of the public sphere. The behavioural code is drawn heavily, if not exclusively, from the social practices and philosophical principles of the dominant group, although there are often cultural concessions — usually at a later stage of this process of 'assimilation' — to minority groups in the form of institutionally-approved celebrations of some specific markers of their culture(s) of origin.

These are not, however, the processes my great-grandparents went through when they settled in Calcutta towards the turn of the last century. Within British India they and their new neighbours/friends/colleagues were bracketed together within the collective ethnic identity of 'Bengali'. And yet, within this universal Bengali society, the difference was rather marked. Unlike a very large section of Calcutta's corporate workforce (as it was then), my great-grandparents were urban folk, having recently shifted base from Dhaka. However, at that point and especially some time after, when Hindu refugees from the newly-formed Islamic nation of Bangladesh poured into India, 'Bangal' (1) immediately invoked a constructed rural, or at least provincial, collective identity. This in turn represented a set of negative social qualities: cultural inferiority, quarrelsomeness, opportunism and a brash loudness, all of which threatened the contemporary social fabric of Calcutta. It was, in short, the standard citizen reaction to refugees and unwanted immigrants. And this attitude found best expression in the two most prominent points of ridicule that the Bangal community faced — their language and their cuisine.

Remarkably often, food becomes a way of expressing ethnic — and therefore socio-cultural — uniqueness, as well as the channel of first and sustained communication between the culture of an ethnic minority and that of other such minorities within the same social system and the dominant ethnic group. Indeed, local varieties of pizza toppings and customised Chinese food are global symbols of a simplified process of assimilating the dominant culture, whilst keeping

the memory of a unique identity rooted in a different culture of origin intact.

This was not the case with Bangal cooking. Instead of becoming a 'channel for communication', meals at Bangal homes — sharper in flavour and with greater emphasis on spices than on sugar, as opposed to the normative 'Ghoti' cooking — became an unconscious ritual of self-affirmation. Growing up as I did in a house full of people constantly and sometimes unconsciously negotiating this daily practicable aspect of cultural difference, I recall several instances of people sighing over the complete lack of taste Ghotis had in fish and of the bland sweetness of their platter. At the same time, we were trained not to comment on the difference in taste in meals we were served at the homes of Ghoti friends and neighbours, primarily because it was rude but also, I always thought, because two generations down, it still drew attention to us as cultural aberrations. This concession to public tact did not, however, stop the collective private disdain for Ghoti cooking — and therefore for the Ghoti way of life — from being passed onto successive generations that have no personal memory of life in the homelands, and who, in practice, prefer the blander platter in these more health-conscious times.

If Bangals were adamant about the superiority of their platter, they had an acute embarrassment about their dialects. One probable reason was that while eating was almost always a private activity, language and speech were anything but. To prevent discomfort and humiliation, as the Bangal saw it, most of the group developed two distinct linguistic identities. When in the public domain, the average first-generation Bangal spoke as best an adoption of the normative Calcutta-Bengali as he could manage. The private language, spoken within family homes and with 'people like us', was the dialect of their villages or districts, except that they had never thought of it as a dialect but as the language Bengali. And herein lies also, I think, the second reason for the gradual death of the various dialects of contemporary Bangladesh in Calcutta.

Bangalbhasha (the Bangal language), as the native inhabitants of Calcutta termed it, was not one unified language at all, but an umbrella term for several distinctive dialects from various parts of current Bangladesh. Bangals were well justified in considering their individual dialects as 'languages', because each dialect was almost completely incomprehensible to non-native speakers. And the displaced

people who spoke them made no effort to creolise their separate tongues into a uniform Bangalhasha — to appropriate and internalise the label, as it were — to better withstand the assimilating effects of the dominant Calcutta-Bengali. Several Bangal children of those times were therefore not just faced with the task of perfecting the 'official' Bengali of their peers and teachers and textbooks, but also with the task of negotiating between two dialects, almost as distinctive as two languages, at home. There was, at that time, not inconsiderable tension and a subtle battle for superiority between members of joint families who had grown up in separate districts and thus spoke differently. It is not that surprising, when one considers the depth of this linguistic dilemma, that a certain number of second-generation Bangals withstood the temptation to establish their unique identity and take refuge in an incomprehensible mother-dialect in the face of peer ridicule, choosing instead to adopt the more stable language of those very peers — indeed, the language they had to speak whenever in public — Calcutta-Bengali.

The first decade of the 21st century marks a century of my family's settling in Calcutta, and perhaps six decades of the Bangal phenomenon as we identify it today. Within these short years, the venom of the Ghoti-Bangal divide has all but melted away, the dialects dead, and apart from the occasional cooking of dried fish (called *shutki*) and the use of a few dialect words, the apparent Bangal-Ghoti divide is at an end. Yet those few initial decades of fierce self-distinction have left their mark on our social behaviour. The matrimonial column still lists the place of the family's origin in short (EB for Bangals and WB for Ghotis) to indicate that while inter-community marriages happen, there is still a hierarchy of preference, and non-conformity to it is greeted with tight smiles. This despite the fact that even in the oldest Bangal families, at least the last three generations have been born in Calcutta or around and have likely never set foot in Bangladesh. Vague apprehensions about 'their' ways of life and 'our' inability to adapt to 'their' sensibilities are hardest to dispel.

Yet oddly, the three personal histories I have read on the subject are curiously devoid of references to these experiences. Two of these books are family chronicles, written by two of my great-uncles from different branches of the family. Both gentlemen were academics, although neither of them were social scientists. They both wrote what can only be called a personal account of history, with great attention to the lives of individuals inconsequential to the shaping of history (which is to say, my family), but experiencing every stage of it. One of these touches briefly on academic life in Dhaka, because the author was a student and later a professor of some renown; the other is bereft of any references to life in Bangladesh. Now personally I do not set very great store by genderlect, but disappointed by my family — the same family that orally related several stories of cultural encounters — I thought perhaps the book by the female author Nilima Bhattacharya might deal in some detail with those issues that had dominated my perception of my Bangal identity whilst growing up.

Bhattacharya was born in Chittagong (now in Bangladesh) and lived there till her late teens, after which she moved with her husband to Gujarat, and finally settled a few years later in post-partition Calcutta. Her book, *Smritir Otol Theke (From the Depths of Memory)* is a delightful, if occasionally uneven, personal narrative meant to chronicle the history of her branch of the family. She tells anecdotes, speaks of the personal ramifications of political catastrophes and events, provides enticingly intimate details about her relatives, and never once loses her own voice throughout the course of the narrative. But on the functional aspects of being a cultural alien in what was the land of her own ethnicity, Bengali, she too is silent.

In an interview I conducted with her, I asked her why she does not speak of experiences she must have had. I was, I told her, a fourth-generation Bangal, unable to eat more than two chillies with a meal or speak more than a few words in my mother-dialect, but an inherited sense of difference still contributed towards my sense of identity. As a first-generation settler, did she not think issues of everyday difference merited a place in her narrative? The language problem; she must have faced that? "Yes... and no," she said, after thinking awhile. The Bengali of the textbooks that she read in her native Chittagong, she said, prepared her for the 'other' Bengali. Besides, she arrived in Calcutta after spending several years in Gujarat with her husband. Her worry was not so much that her children would speak a 'different' Bengali, but that they would not speak Bengali at all, having spent their formative years in Gujarat. Also, she gently reminded me, some things are more important than personal struggles with new words for old.

And thus I was reminded once again of the obligations a writer feels when he or she has the privilege of chronicling history. Traditionalist historians, especially amateur ones, feel no compulsion to play social anthropologists. Social constituents have therefore not found a place in conventional historical narratives. If paragraphs in textbooks are taken at their word, the enormous exodus of people to and from Bangladesh after the partition of Bengal in 1947 caused riots, deaths, rapes, murders, lootings, fires and a fractured nation. It takes into no account the cultural ramifications of the event that are still palpable 60 years later. Indeed, the first students of these textbooks were quite possibly living through the immediate cultural and social consequences of the events they read about, and yet, several years down the line, several years of practising differences, the need to chronicle these practices, to sit down and compare notes, is inexplicably absent. An attempt at contributing collective secondary memories of the process is therefore, perhaps, the only reparation we can offer ourselves. Even if we don't seem to want it.

Journeying back home

Having taken an active interest, and in some cases active participation, in anti-displacement agitations of various sorts

and hues, what does ring hollow to my privileged existence is the real trauma of the experience. I know the statistics, the caste break-up of the internally displaced, the pain of being transformed from sharecropper to urban shack-dweller — raw stories of loss and displacement. The 'on-the-face'-ness of the accounts, unfortunately, has a numbing effect. With a populace numbed to the explicit, its sensitivity to things hidden is nearly non-existent. In spite of my association with the causes of displacement, in my heart of hearts I empathise but don't relate. Nobody I have grown up with seemed to have any psychological scar or trauma about it — at least none that they carried around with them, although I grew up with victims of one of the biggest mass displacements of all times — I am talking about the partition of Bengal in 1947.

When I grew up in Calcutta in the '80s, visits to my maternal grandparents' place were a weekly feature. They were Bangals to my father's extended family — we lived in a 30-something-strong joint family, firmly rooted in West Bengal, very Ghoti. Bangals are East Bengalis, a less urbane people with a culture less sophisticated in the minds of the Ghotis. In later years, especially post-1947, the term also came to mean refugees and hence evoked certain discomfiture, if not outright animosity, about the presence of Bangals in West Bengali minds. With time, ties — political, amorous and otherwise — were built between certain sections of the two communities. I am a child of mixed heritage, with a Ghoti father and a Bangal mother. Much of what I have said, except the last statement, is generalisations, but they are useful in terms of broadly demarcating the space within which the narrative is set.

The people of my mother's extended family had their displacement stories, not really of trauma but a sense of material loss — the money they couldn't bring with them, their land that had been expropriated ever since, the struggle of some families they knew, etc. Calcutta subsumed much of their selves now that they were here and most of them had been here in Calcutta for most of their lives. The character of importance here is my maternal grandmother, my *dida*. She was married off to my maternal grandfather, my *dadu*, who I hear was visibly unhappy about the marriage at that time, if not the match itself — both were teenagers. When she came to Calcutta along with her husband, she was still quite young. My mother was born in Calcutta.

They lived in a rented place near Deshpriya Park. There was a certain air of dampness about the place — it was connected to the metalled road by a longish and narrow path, not revolting but full of a strange smell of dampness. The path, gritty and dimly lit, was almost metaphorical of my *dida's* connection to her new world — connecting to the mainstream required a certain effort. Inside that house was strange and intriguing to me. The lingo was different — they spoke Bangal (a Bengali dialect) with a Barishal twang (Barishal is one of the larger districts of East Bengal). *Dida* referred to *chokh* (eye) as *chokkhu* and *amader* (our) as *amago*. I used to pick these up and relate it to my Ghoti joint family. Now I don't think it is hard to imagine that

many Bangals didn't like the fact that other people found simple pronouncements in their dialect amusing and even comical. (Some comedians have used this aspect in Bengali comedy. I am reminded of black clowns with artificial and heightened mannerisms who regaled White audiences.)

Dida cooked well and was known for it. What did she want to be known for? My mother related to me how her father was a great lover of letters and the sciences. This was somewhat true — sometimes I abhorred going to him because he would not only tell me to do a math problem but also ask me why I did it that way. He tried to get all his children formally educated — a Bangal signature of the time with imprints still continuing. His attitude towards *dida* was markedly different — I remember numerous instances of “*O tumi bozba na*” (You wouldn't understand that).

On her 50th marriage anniversary, her children got together for a celebration. The couple garlanded each other. She looked happy with herself and her world. “*Togo sara amar ar ki aase*” (What else do I have but you people) was her pronouncement. Something happened a few years later that made me question the exhaustive nature of her statement.

Things happened in quick succession after that. The brothers and sisters split. The turn of events resulted in *dida* staying with us. Our joint family had ceased to exist too. By now, I was a medical student. *Dida's* diabetes was getting worse. So I spent time with her. I remember her trying to speak (and failing miserably) our non-Bangal Bengali dialect, to my paternal grandmother. She did try to mingle, for circumstances demanded that she did. At the time, I thought that she was extraordinarily fortunate. With my new-found sensitivity towards 'identities', I thought she must have been very happy to speak Bangal until now. She did her marketing at a *bazaar* full of grocers who were themselves refugees from East Bengal. Her husband's extended family was essentially her social circle and they all chattered away in Bangal. They ate their fish their way, and did their own thing. In spite of being displaced from East Bengal, she had retained her identity, her 'self'. Or so I thought.

She suffered a cerebral stroke sometime later. A stroke is both tragic and fascinating. It cripples and unmask. Social beings that we are, who care about what words to speak to whom, what state of dress or undress to be in where and when, etc — this complex monument of pretence can come crashing down in a stroke. She had been for a day in what would medically be termed a 'delirium', characterised by, among other things, speech that was incoherent to the rest of us. She couldn't move much and spoke what to us was nearly gibberish — names we didn't know, places we hadn't heard of. To ascertain the stage of cerebral damage, one asks questions like “Who are you?” “Where are we?” “What is the date?”. I was alone with her when I first asked these questions. “Who are you?” “*Ami Shonkor Guptor bareer meye*” (I am a girl from Shonkor Gupto's family). I repeated my question, and she gave the same answer. She couldn't tell me her name. Shonkor Gupto wasn't her father but an

ancestor who had built their house in Goila village in Barisal, East Bengal. She recovered from the stroke and remembered nothing of the incident. When I asked her later, she replied “Jyotsna Sen” or “*Tore mare ziga*” (Ask your mother). “Who are you?” and “What’s your name?” had become one and the same, again. She died sometime later. Another stroke felled her.

Displacement brings trauma with it. And the trauma can be cryptic. It can be hidden. It can be pushed down, sunk deep with the wish that it doesn’t surface. But displacement from home is a strange phenomenon, resurfacing in odd ways. And often an involuntary journey away from home is a journey away from one’s self too. The journey of displacement is hardly linear. It is more like a long arc. In most cases, the arc doesn’t turn back to where it started from. The journey looks unhindered by identities left behind. But we can sometimes peer deeper. Nobody called my *dida* by the name Jyotsna Sen — she merely signed papers by the name. She had a name by which people called her before her marriage — Monu. This name had become hazy after her marriage and journey to her husband’s house, and then essentially lost after she migrated to Calcutta. She had been doubly removed from the people, the household, the organic milieu that knew Monu. She had three children, four grandchildren, a husband, a new city. Where was she? And when all this was shorn away, what remained was a teenage girl from an East Bengal village — a place she hadn’t been in 60 years, maybe the only place where she would have been much of herself. Monu of Shonkor Gupto’s house.

At this point, I wonder whether she silently bled all through. Would she have bled similarly if she had had choices about her own life or, at a bare minimum, if she had actively participated in the decisions that changed her life’s trajectory? The speculative nature of the inferences I draw from her ‘unmasking’ story is not a hindrance to imagining what could have been. A little looking around might reveal such stories of long-drawn suppressions — suppressions we consider facts of life and take for granted. Who knows what she would have wanted at the age of 15 or at 22? Where was her voice, her own thing, in the whole Calcutta saga that followed? The picture-perfect 50th anniversary clearly didn’t capture all that she was. Her husband believed she had her due — what more does one need, he thought, for her. My mother thought, with the well-intentioned husband that her father was, *dida* must be happy. The identity-politics-fired lefty in me had thought she hadn’t been displaced enough, given her Bangal milieu! But a part of her lived repressed. In the microcosms we inhabit, there are stories of displacement, failed rehabilitations and life choices denied. It is my suspicion that on learning about the Narmada valley displaced, a part of my *dida*’s self would have differed vehemently with Supreme Court judges Kirpal and Anand (2) — stances which often elude the nuanced mind of the intellectual.

The refuge of a refugee

I have always wondered how a tribal woman, with part of the sari drawn over her head and a child balanced on her tilted pelvic girdle, faces an armed police battalion. This image has been etched deeply in my mind from the struggles of Narmada, Jadugoda, Kalinganagar and other places. While on the one hand, the image tells the story of the power wielded by the State and corporations, on the other it conveys the individual and collective suffering that fuels the courage to put the last bit of security on the line — one’s physical self.

Cyril Radcliffe’s line ran over the hearts and the secured existence of my maternal family as it did for the millions of others who were living in undivided Bengal. My maternal grandparents with their seven children and a large joint family found themselves alienated in their own *desh* (country is a close translation but refers to political divisions in the system of nation-states, while the connotation of *desh* is also a socio-cultural demarcation, besides the political) during the partition of Bengal. A landowning prosperous family’s survival was threatened by the fault lines in society which Radcliffe’s cartographic demarcation was allegedly trying to mimic on the ground.

Although my grandfather stayed back till the outbreak of the first Indo-Pak war in 1965 to continue his law practice, all his children came to Calcutta in 1950. My *mama* (maternal uncle) was 15 years old — old enough to feel the indignation of becoming a foreigner in one’s own home and young enough to be crushed by the certitude that the road to the annual Durga *puja* in their ancestral home in Murapara was being closed forever.

Holding on to existential truths we will never know, millions of refugee families survived the most adverse conditions. Bangal (referring both to the people and the dialect of East Bengal) is still the dialect used in my Mamabari, and my *mashis* (maternal aunts) have not stopped using the term ‘*amago desh*’ (our country) to refer to their native land. Gradually, the responsibility of running the joint family fell to my *mama* who was also heavily influenced by the leftist movement sweeping across Bengal. Through all his familial and political struggles there was always one place that he would return to in a carefree child-like simplicity — the evergreen village of Murapara. It was, in some sense, the refuge he would seek in the seclusion of his mind.

Fifty years after the family left East Bengal, one of my mother’s cousins went back to Murapara with a video camera. For the first time I got to see the green fields of Murapara, people who had grown old but very distinctly remembered my mother’s family, especially my grandfather and my uncle. The video showed the dilapidated house that was home to generations of the prosperous Banerjee family. My *mashis* wept like children when they saw the video, as if the pain that had been buried deep down for 50 long years had found a meaningful outlet. But my uncle, though hardened by struggles of life and politics, knew well that the

grief of watching Murapara on the screen would overwhelm him and perhaps take away the refuge that he had so carefully carried with him for 50 years; the refuge that gave him solace and strength to negotiate the difficulties of a hard life in Calcutta. Fifty years of time and an arbitrarily-drawn political boundary had not severed his psychological ties with Murapara. He does not live in the past but the past lives on in his heart along with the present.

My paternal grandfather, whom we refer to as *bhaiya*, was working in the railways in Burma since the 1920s. *Bhaiya* was born in Burma and, except for a brief few years, had always lived in Burma. It was there that five of his 11 children were born. My grandparents with their five children had packed their suitcases for a two-month Durga *puja* holiday to be spent with the children's grandmother in Jamshedpur, in the autumn of 1941. Little did they know that the *puja* would alter their lives forever.

Japan invaded Burma in December 1941, which was soon followed by air raids on Rangoon. The distance from home must have seemed bitter-sweet to the family. The same distance that insulated them against the military aggression prevented them from taking a last look to mourn the loss of their home. My grandmother had left a box of good saris and jewellery and a Singer sewing machine with a Gujarati salt merchant in Rangoon for safekeeping. Eight years later, both the trunk and the sewing machine found their way back to my grandmother in India, as if to restore some faith in humanity in the hearts of the displaced family and to edify the last feeling of comfort they had experienced in Burma.

My *jethu* (father's elder brother) was 11 years old when the *puja* holiday was instantly turned into an alienation trip from the land where he felt the security of home. Through the 65 years since then, having struggled through life raising his younger siblings, he too had fenced off his refuge, surrounded by teak trees, somewhere in the suburbs of Rangoon. Perhaps he would seek refuge in this abode through the tumultuous decades of the '50s and '60s; through the hardships and uncertainties in a displaced family's search for livelihood and security; through the perceptions of insecurities that had never ceased since the *puja* of 1941. If you talk to him today he still has vivid memories of Burma, and somewhere in the suburbs of Rangoon is still the safest home. It is as if he can return to Burma and his present would play out all over again, only with an added sense of security.

Last December, a musical group represented by people from both East and West Bengal, marked the independence of Bangladesh. They traced the history of Bengal running through the arrival of the British, the Battle of Plassey, all the way through Partition and finally, Bangladesh's independence in 1971. Accompanied by a few images, the choir touched some unknown strings in my heart. I felt my

eyes welling up and a pain emanating from deep within. Why was I feeling this anguish for a land I had never visited and which, in my consciousness, signified a different country? Whether it was outrage at the injustice of Partition that morphed into pain, or a non-intellectualisable primordial need to belong to a place circumscribed by language, culture and community I will never know. In my feeble attempts to analyse my reaction, I did not rule out the possibility that the angst of displacement could be genetically coded!

I had once befriended a few children who lived on the streets of Delhi. Sita was about 10 years old and her family had come from Rajasthan many years ago in search of a livelihood. The term 'home' (*ghar*) came up in Sita's narration as much as it would from a child belonging to an urban middle class family. My mind could never grasp how the open space beneath a flyover could be described as home — surely Sita understood that she was homeless, I thought. It was only after a few days of interaction with them that I realised that it was my mind that had narrowly defined a home as four walls and a roof at the least, precluding Sita's space from being described as a home. And yet I realised, Sita would lose the little sense of security that she had come to associate with the open space beneath the flyover if she were to be evicted from there.

Home symbolises a physical and psychological shelter for the present and the future. The primordial nature of this need can be understood from the 'nesting instinct' that an expecting mother experiences before the onset of labour. She feels an urge to get the home in order and make it fit to receive the newborn. Neither evolution nor modernisation has been able to mask this innate need in human beings. The loss of someone's psychological shelter resulting from displacement is difficult to assess, let alone compensate.

The loss of home and hearth entails an abrupt change in the perception of being secure. It is this abrupt loss in the sense of security that forever preserves the homestead of a displaced person deep within his heart and mind, untouched by the daily sufferings and drudgery, indeed time itself. It is the most cherished refuge of the refugee.

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Endnotes

- 1 Within Bengali society, 'Bangal' denotes the Bangladeshi diaspora and refugee groups settled in West Bengal, chiefly in Calcutta. The retaliatory term of the Bangals for natives in the Indian state of West Bengal is 'Ghoti'
- 2 Justice Kirpal and Anand, in their majority decision, disposed of the Narmada Bachao Andolan's public interest litigation and allowed resumption of construction on the Sardar Sarovar dam and an increase in its height to EL 90 m, resulting in the further displacement of families, in addition to the thousands already affected

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