

decade, remarkable progress in a country with a population of 200 million people.²

The extension of the allowance to refugees was made possible on the grounds of the Foreigner's Act of 1980 which provides that: "the foreigner who has residence in Brazil enjoys all the rights recognised for Brazilian nationals".³ In order to receive this benefit, the migrant or refugee has to be a legal resident in Brazil, has to be registered in the Unified Household Registry (Cadastro Único para Programas Sociais), has to meet income eligibility criteria and must comply with the standard conditions attached to receiving it such as school attendance, vaccination and so on.⁴

In response to the criticism that migrants and refugees have different needs from Brazilians, Brazil's National Committee for Refugees (CONARE) argues that it meets those different needs by additional grants to states, local governments and civil society organisations, which are then responsible for providing them with

shelter, Portuguese language classes, legal and mental health assistance and, if necessary, financial assistance as well.

Although providing the same allowance that Brazilian nationals receive to refugees and migrants is a good step, it should not prevent the government from developing specific public policies for refugees since their inclusion in assistance designed for Brazilians can serve to conceal the refugees' specific problems.

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1. Lei no. 10.836, 9 January 2004.

2. <http://cnsnews.com/news/article/new-middle-class-driving-brazil-economic-makeover>

3. Article 95 of Foreigner's Act No. 6.815/1980

4. See Lindert K, Linder A, Hobbs J & de la Brière B (2007) *The Nuts and Bolts of Brazil's Bolsa Familia Program: Implementing Conditional Cash Transfers in a Decentralized Context*, World Bank SP Discussion Paper No 0709 <http://tinyurl.com/WB-BolsaFamilia>

Transitional policies and durable solutions for displaced Kashmiri Pandits

Sudha G Rajput

The continuation of the predicament of those who remain displaced from the Kashmir Valley since 1989 results from the unintended consequences of past policies. Transitioning from the 'temporary' policies that keep the displaced communities intact in 'safe zones' to policies that aim to secure long-term solutions presents moral dilemmas for policymakers.

The lives of those displaced by a conflict are greatly affected by the initial policies formulated to address the crisis as it unfolds. In addition to the challenge of 'starting over', groups displaced by conflict continue to be marginalised by members of host communities as well as by the policymakers, who may label them as, for example, migrants, minorities or guests so as to obscure the real cause of their displacement. Often the policies formulated to address the crisis of such displacement is an outcome of such labelling; this was the case with the policies

that were crafted to address the forced eviction of Kashmiri Pandits from India-administered Kashmir Valley in 1989.

Those who fled now constitute the approximately 250,000 displaced Kashmiris dubbed by the Indian government as 'migrants'. Added to these numbers is a full generation of youth born and educated outside Kashmir. The displacement of this community has now extended beyond 25 years, yet the 'temporary' policies embedded in the initial positions of the policymakers – designed to serve the 'transitional needs' of those displaced – remain intact.

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As for all displaced communities, the unplanned move was a daunting challenge for those displaced from the Valley. Forced eviction broke up families, cut social and cultural ties, and interrupted employment, education and marriage opportunities for many. In addition to the social and psychological trauma, the community faced the challenges associated with the hot climate of Delhi and Jammu and having to navigate larger, more congested and more bureaucratic societies.

Females of the community were, on the whole, more resilient and able to regain their sense of composure at a faster rate than the men; men's experience of trauma was aggravated by having to take on what they perceived to be humiliating jobs required for survival in new cities. The women, however, acquired new business skills to support their spouses in managing the 'temporary' shops allotted to those displaced. The metamorphosis from respectable traders and Pandits of the Valley to anonymous migrants made for an extraordinary experience for all community members, complicated by the ambiguous and ad hoc 'migrant' and 'temporary' policies.

Policy framework

Even after 25 years, the national government continues to characterise this displacement as the outcome of a "temporary disturbance in the Valley", tenaciously holding onto its position that the "families must go back". Consequently, a spectrum of official policies has evolved over the decades to "serve the transitional needs of the migrants"¹. This contrasts with the families' own understanding that this crisis is irreversible, having permanently "damaged their community". Consequently, the families judge the transitional policies as "useless", "humiliating" and even "irrelevant"². Over the years, policies have evolved in response to the changing needs of this community; however, the policy portfolio has yielded mixed results, for both the beneficiaries and the policymakers.

Official classification: Social inclusion and access to services for the Kashmiri

community have been limited, given their official categorisation as migrants. While recognising the importance of using labels as tools for identifying legitimate members of a group for the purpose of distributing rations and benefits, such labelling has led to the host communities of Delhi and Jammu keeping the Kashmiri community out of their social and economic circles. In addition, as the 'migrant' label suggests a voluntary departure from the Valley, such labelling has allowed officials to avoid the need to confront the perpetrators of the forced evictions, who still remain unaccountable.

Housing: The official response to what was called the "temporary disturbance" was to provide this community with township-like settlements outside the Kashmir Valley as a safe haven and a 'close to home-like experience'. Consistent with the official position that saw this displacement as a temporary crisis, the government retains ownership of the townships, allowing the residents to stay till normality returns to the Valley. As temporary occupants of two-room tenements in multi-storey complexes in Jammu, the families continue to lament the loss of their ancestral homes. The transitional nature of this accommodation does nothing to address the deeper concerns of this community – restoring their sense of normality and providing long-term security. However, policymakers face a moral dilemma; transitioning the families into the mainstream community would signal the recognition of the crisis as more than temporary and might crush all hope among those who wish eventually to return.

Livelihood: Securing access to economic opportunities is challenging for any displaced community, and the added pressure that spills into the host communities often manifests as heightened tensions between groups. To alleviate such pressures, the policy package for the families included the temporary use of shops made available for their use in the host communities. In the short term, this allowed families to at least partially regain their sense of dignity and economic well-being; however, the government retains the ownership of the shops and prohibits expansion. A transition

from these temporary shops to more durable means of income generation requires the recognition that the displacement has rendered return to home impossible.

Education: In contrast to the policies that have had less than the intended impact on the beneficiaries, one policy has been praised by the families as having made a positive impact in their overall displacement experience. Under the Special Allocation for Children of Kashmiri Migrants, children of the displaced families have been able to take advantage of the host societies' school systems, bypassing the bureaucracies required for school admissions. This thoughtful initiative not only kept the children from becoming victims of the streets and child labour but it also empowered young Kashmiris with survival tools, instilling in them a sense of resilience and confidence. This contrasts with the survival strategies of many displaced communities around the world. The education policy for the displaced Pandits is a commendable example of a policy that can yield visible rewards, not only for those displaced but for members of the host communities and the nation as well. Such practices serve as an exemplary model to replicate in similarly displaced communities around the globe.

Acknowledging the hazards of 'transitional policies'

While the townships arranged by the government had a crucial role to play in the initial years of displacement, over the years of protracted displacement these townships have in fact created a cultural and societal divide between the local communities and those displaced, and have reinforced the stereotypical image each has of the other. Ironically, despite being surrounded by members of their own community, with temples, schools and shops, Kashmiri Pandit families resent living where there are no economic opportunities or political space.

It is time to recognise that a policy which continues to reinforce parallel societies makes a breeding ground for new conflicts and creates moral hazards for all involved,

including putting the host community in jeopardy.

Unfortunately the policies will continue to deepen the divide even as the new national government unfolds its plan of designating a piece of land in Kashmir for those willing to return. Such a plan may only guarantee the continued separation of the two communities that once co-existed in Kashmir, thus aggravating the policymakers' moral dilemma.

In search of durable solutions, the Kashmiri Pandit youth, born and brought up in communities outside Kashmir and now empowered by their education, should capitalise on newly acquired skills by partnering with local non-governmental organisations, grassroots leaders and policymakers to ensure that community building rather than community divide becomes the policy. These young people have an important role to play in planning and achieving durable solutions, and are in a position to demand participation in bringing about the required community development and societal reforms – for community members not only to move from transitional accommodation to mainstream housing but also to be recognised as productive and contributing members of society. It is time for the inclusion of new voices in the decision-making process.

Whatever policymakers do they will continue to face moral dilemmas and hard choices, whether unveiling policies for return or for integration into the host communities.

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This article is based on research carried out for the author's doctoral dissertation (see endnote 2 below).

1. Ministry of Home Affairs, Indian government. Personal communication, July 2011.
2. Rajput S (2015) 'Internal Displacement of Kashmiri Pandits' in Kukreja S (Ed) *State, Society, and Minorities in South and Southeast Asia*. Lexington Books

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