

## INTERNAL DISPLACEMENT IN KASHMIR POST-2019: THE IMPACT OF REVOCATION OF ARTICLE 370 ON LOCAL POPULATIONS AND MIGRATION PATTERNS

- Dr. Preeti Singh,\* Avinandan Chatterjee,\*\* & Rupanjana Sardar\*\*\*

### *Abstract*

*This paper looks at the case of internal displacement in the context of Jammu and Kashmir's post-Indian government action to revoke Article 370 in August 2019. Article 370 granted special autonomy to the region, thereby rendering tremendous changes in the political, social, and economic landscape, resulting in heightened militarisation and new land laws that have increased internal displacement, especially among rural communities, minorities, and vulnerable groups. Qualitative analysis with interviews and some secondary data from human rights organisations in looking into how increased military operations, changes in laws of land ownership, and disruption in governance have resulted in new trends in the issue of migration. Issues analyse displacement among farmers and tribal groups along economic lines, a marginalisation of social and political frameworks for minorities, and mental health implications within the displaced populations. The paper, in its conclusion, appeals for policy reforms along the lines of granting legal protections to the IDPs and so providing mental health support and overall development processes that would ensure stakeholder participation.*

**Keywords:** *Internal Displacement, Article 370, Kashmir Conflict, Land Reforms, Special Status.*

---

\* Assistant Professor @ School of Law, Bennett University, Greater NOIDA (U.P.)

\*\* Student @ School of Law, Bennett University, Greater NOIDA (U.P.)

\*\*\* Student @ School of Law, Bennett University, Greater NOIDA (U.P.)

## INTRODUCTION

The Indian government, on August 5, 2019, abrogated Article 370, establishing a watershed moment in the political life of Jammu and Kashmir (J&K), whose issues, already harsh in themselves, profoundly exacerbated displacement issues in the region. Introduced primarily to afford special autonomy to J&K, Article 370 recognised the uniqueness of the demographic and historical context of the place following its accession to India in 1947, as it was permitted to have its own constitution and laws. However, it lost all its significance with amendments over the years and was gradually effaced from national politics, causing conflict in local desires for autonomy and the central government policies of integration. The decision taken by the BJP government to scrap this article was portrayed as an imperative move for national integration and development, but this evoked complete unrest and fears amongst the residents that their rights were being taken away. Immediately, militarisation started booming with a huge increase in the security forces whose presence instilled fear and prompted most of the residents to start fleeing their homes in pursuit of safety. It is reported that thousands of families, especially those close to conflict zones, would migrate to safer areas in Jammu or altogether move out of J&K<sup>1</sup>. The revocation also led to judicial reforms that further added to internal displacement; the expropriation of land by non-natives through a new statute, which epitomises demographic dislocation and loss of identity within those natives, made things even more complex. Socio-economic insecurity arising from political instability pushed people into poverty and urged them to look for greener pastures elsewhere. The effects of this internal displacement are drastic; internally displaced families mainly end up losing their source of income since they are forced to abandon agricultural lands or small businesses, which eventually contributes to the worsened poverty levels. It is also psychosocial in nature since most of the victims narrated feelings of loss and trauma; findings of the studies portrayed an enormous number of IDPs with symptoms of PTSD. Areas like Jammu, at any time when the displaced persons arrive, face resource allocation problems and social cooperation problems that invite tensions between newcomers and long-time residents. This is that dimension of disruption in education that's inevitable for children; any displacement or instability at home in the present means a hitch in schooling<sup>2</sup>. Though the government has ensured certain policies on rehabilitation and resettlement, bureaucratic

---

<sup>1</sup> Sameer P. Lalwani & Gillian Gayner, "Special Report on India's Kashmir Conundrum: Before and After the Abrogation of Article 370", (US Institute of Peace, 2020), *available at*: <http://www.jstor.org/stable/resrep25405> (last visited on: 18.10.2024).

<sup>2</sup> Khurram Abbas, "Strategizing Kashmiri Freedom Struggle Through Nonviolent Means" 16 (2) *Policy Perspectives* 41 (2019), *available at*: <https://doi.org/10.13169/polipers.16.2.0041> (last visited on: 18.10.2024).

inefficiency does not help in enforcing such policies efficiently. The NGOs supplement what the IDPs are trying to do by filling certain gaps with even the most elementary forms of services like rendering legal and mental health advice. Their work's efficacy is often belied by security situations. Such situations of internal displacement would demand integrated responses that address not only the cause but also work towards social cohesion, economic opportunities for all those residing there, and other sustainable solutions through actualized immediate humanitarian assistance complemented by long-term development plans that empower such dislodged populations. Advocacy for human rights protections at the national and international fronts will be essential in ensuring that this miserable plight of the internally displaced populations of Kashmir is brought to the world's attention. In other words, the dynamics around this phenomenon will be important for developing policies for Kashmir that succeed in addressing the needs of those internally displaced yet can still promote stability in the region--as these changes take place, local voices must be at the heart of any discourse over governance and community rebuilding that may occur going forward<sup>3</sup>.

## LITERATURE REVIEW

Internal displacement in Kashmir, within the lens of Article 370 revocation, has been one of the most widely covered scholarly literature themes in relation to its immediate people-level implications and migration trends. This literature review is an attempt to synthesise key findings from several sources that examine the diversified implications of this political intervention.

The write-up by Lalwani and Gayner speaks about the political scenario of Kashmir before and after the annulment of Article 370. According to the authors, *"current abrogation has further escalated already existing tensions that have rendered the space more militarized and therefore displaces the locals"*. The authors contend that the actual present displacement is neither a result of direct violence alone but is based on historical grievances and socio-political dynamics for several decades. The work very aptly depicts how a sense of insecurity amongst the residents' communities gets expanded due to abrogation, particularly amongst weak groups like Kashmiri Muslims and tribal communities, and the resultant forced migration.

Abbas discusses the extra political ramifications of internal displacement within the freedom struggle in Kashmir. He advocates for a non-violent response to address the issues of internally displaced individuals, positing that listening to their stories is important as a prelude to a

---

<sup>3</sup> Alyssa Ayres, "Human Rights and Democracy in South Asia", Council on Foreign Relations (2020) *available at*: <http://www.jstor.org/stable/resrep26155> (last visited on: 18.10.2024).

meaningful resolution of the conflict. Abbas's standpoint highlights the need to engage the voices of stakeholders who have been affected by displacement in wider discussions on the future of Kashmir and claims that these voices must be at the centre of policy formulations.

Ayres, in his paper, notes that even increased militarisation since the revocation of Article 370 has resulted in huge human rights violations. His analysis points towards rising unlawful killings and arbitrary detentions that further add to an atmosphere of fear and instability, making people run away from their homes. Ayres's work remains fundamentally critical of reframing displacement from being anything but a population issue to becoming a human rights crisis that urgently needs attention from both national and international actors.

Bilal Ahmad Mir, a conflict-induced displacement case study on the Kashmiri Pandit community, has several doubts over migrant-specific issues. The author of this study comes to the conclusion that though some cases have been rehabilitated successfully, many face identity and belonging and resource access issues after migration. According to Mir, a return migration policy can be created so that it may help overcome psychological shocks or trauma and socio-economic needs for effective resolution.

Whilst focusing on the experience of Kashmiri Pandits, Sudha Rajput engages the global landscape of displaced groups in order to draw a comparative study of internal displacement. A comparative approach facilitates a deepening understanding of common patterns within forced migration due to conflict because it points out how socio-political contexts may configure individual experiences, as the findings for Rajput convey that despite universal elements of displacement, local histories and identities are profoundly influential in how communities react to crises of this nature.

The BBC describes in journalistic terms what went around Article 370 with abrogation, putting things in the right context for public sentiments and governmental responses, including how this political step has been received both around the world and back home to frame this as one of the most pivotal moments in the long-held struggle of Kashmir for autonomy and self-determination.

As far as mental health outcomes are concerned, the psychosocial implications of displacement among IDPs in Kashmir. They found that there was a wide prevalence of mental health problems among the IDPs who had been further debilitated due to lost means of survival and social disturbances. This paralleled the findings whereby they stressed that chronic exposure to

trauma from conflict amplifies the manifestations of PTSD and depression among affected individuals.

Different sources point to the need for these policy reforms. For example, the Institute of Peace and Conflict Studies concludes that this sets forth comprehensive legal protection of the rights of IDPs concerning the issues of housing, health care, and education. Similarly, WHO puts forth the integration of mental health services into humanitarian responses as a precondition for effective psychological attention to displaced populations.

Being a distant past affair for Jammu and Kashmir post 2019, human rights violation issues continue. As stated by Amnesty International, increased militarisation has resulted not only in physical loss but also in psychological tension among these affected communities, thus putting an urgent call from national authorities and international organisations to act effectively and safeguard human rights in the region.

Radha Kumar contributes to this by mentioning how ‘the erosion of autonomy in Kashmir post-Article 370 has all the significant implications for local governance and community resilience. He pointed out how politics can distil and exacerbate vulnerabilities among already marginalised groups.

In fact, the literature written on displacement in Kashmir post-2019 reveals an interplay of politics with socio-economic implications for the local population. However, the decision to abrogate Article 370 has not only sharpened existing conflict but also challenged all those who have suffered at the hands of violence and insecurity that causes displacement. The issues will, therefore, require multilevel responses, ranging from human rights perspectives to psychological counselling and broader policy changes intended to build stability and resilience in impacted regions. As researchers continue their critical examination of these topics, it becomes increasingly evident that an understanding of the realities experienced by displaced people forms a key development point for meaningful intervention and sustainable peace in Kashmir.

## **METHODOLOGY**

The current qualitative study undertakes a historical analysis of the effects of Article 370 abrogation on the internal displacement within Jammu and Kashmir (J&K) after 2019. For this research, the design is two-fold: primary interviews and secondary data analysis.

### ***Primary Data Collection***

1) Interviews:

For some direct first-hand experiences regarding displacement, the research will try to interview three significant groups using semi-structured interviews:

- **Displaced People:** Interviews would be conducted with those affected since the rescission of Article 370. Such a population will relate personal testimonies of their experience, factors that make them migrate, and how displacement has affected them socio-economically. The interviews would thus be structured towards eliciting specific stories along themes such as loss of livelihood, resource availability, and psychological effects.
- **Community leaders:** By contacting local community leaders representing diverse ethnic and social groups, the individual experiences can be contextualised within the whole of community dynamics. They might give insights into the community response, coping mechanisms, and the socio-political climate in J&K since 2019.
- **Local Officials:** Interviews with local government officials will reveal how the officials tackle displacement through policy measures, including rehabilitation measures and changes in land ownership laws. Recognition of the official narrative will, therefore, enable an understanding of the success or failure of government measures and bring out inconsistencies between policy and practice.

***Interview Methodology***

- A purposive sampling strategy would be used; the participants selected with whom good, appropriate information can be gathered.
- They shall be held in person or by alternative, safe digital means, taking into account issues of access and safety.
- All interviews will take about 45-60 minutes, and they will be audio-recorded with the subjects' consent for accuracy.
- It will involve thematic analysis in a bid to provide dominant patterns and insights generated from interviews so that the experiences of individuals or communities are gotten in-depth.

***Secondary Data Analysis***

- 2) Document Review: With the major data acquired during the interviews, this study shall rely on the following secondary sources to complement them:

- Human Rights Organisations: Studies of organisations like Amnesty International and Human Rights Watch will be consulted with the objective of gathering information regarding documented and verified reports on human rights violations caused by enforced displacement. For example, Bilal Ahmad Mir's article "Kashmiri Pandits Amid Conflict-induced Displacement: Facts, Issues, and the Future Ahead" addresses the situation of the displaced Kashmiri Pandits since 1990 and how their plight has become a long story as no international help has come forward<sup>4</sup>.
  - Government Documents: Official Indian government documents related to the policies adopted after the revocation of Article 370 will be consulted. These would include the legislative texts that account for amendments in land ownership law. The article "Transitional Policies and Durable Solutions for Displaced Kashmiris" resonates by making a statement that initial policies could not work as durable solutions for the displaced communities<sup>5</sup>.
  - Media Reports: Socio-political changes occurring in the J&K region can be put into perspective due to media reports not only of the country but across the globe. For instance, the BBC article "Article 370: What Happened with Kashmir and Why It Matters" details the happenings that made Article 370 revoked as well as its after-effects on locals<sup>6</sup>.
- 3) Data Analysis: These secondary data will be grouped on sub-themes such as the trends of migration, the socio-economic impacts, changes in legislation and land ownership, and the response from the community.

These would be cross-checked against the results of the primary interviews and some secondary sources for points of consistency or inconsistency in the narrative accounts of displacement.

#### 4) Ethical Issues:

In any research involving vulnerable groups, ethics should be given top priority. Before the data collection of interview respondents, informed consent will be sought from the respondent. The respondents will also be assured of confidentiality and anonymity

<sup>4</sup> Bilal Ahmad Mir, "Kashmiri Pandits Amid Conflict-induced Displacement: Facts, Issues, and the Future Ahead" 14(1) *Journal of Internal Displacement* 2-23 (2024)

<sup>5</sup> Sudha Rajput, *Internal Displacement and Conflict: The Kashmiri Pandits in Comparative Perspective* (Routledge, London 2019), available at: <https://doi.org/10.4324/9780429427657> (last visited on: 18.10.2024).

<sup>6</sup> BBC, *Article 370: What Happened with Kashmir and Why It Matters*, 6 August 2019, available at: <https://www.bbc.com/news/world-asia-india-49234708> (last visited Oct. 18, 2024).



throughout the research. Emotional sensitivity to the experiences of displacement will also be cherished during interviews.

This shall be a mixed-methods one: qualitative interviews together with secondary data analysis to give an all-rounded account of the complex dynamics involving internal displacement in Jammu and Kashmir since 2019. Living testimonies will go hand-in-hand with documented evidence for the illumination of the socio-political landscape of the region underpinned by the lived experience of the displaced people and communities.

## INCREASED MILITARIZATION AND ITS ROLE IN DISPLACEMENT

The military in Kashmir has increased further after the revocation of Article 370 in August 2019, thus increasing fear, insecurity, and further displacement of forced migration in local populations. The Indian government, after this political turn, increased military presence within the region, where security operations increased, and curfews were repeated, especially in regions like the conflict-prone Pulwama and Shopian districts. Accounts by groups such as Amnesty International and Human Rights Watch report the internal displacement of civilians attributed to military operations and curfews<sup>7</sup>. For instance, the report by Amnesty International illustrates how security measures that barred movement resulted in mass evacuations in the security operations against acts of insurgency. Only, it fed the perpetual oppressive atmosphere of fear and drove people out of their homes seeking safety and stability. Where proponents will argue that only a semblance of stability would exist if the military is increased, critics quite rightly have pointed out that this so-called stability came through too high an expense: civilian displacement and gross human rights violations<sup>8</sup>. This proposition to keep a region in order fails to take into account the toll it takes psychologically and socially on the local populace in terms of militarisation. In one report, Human Rights Watch comments that overkill by the forces may boost the civilian death toll and violence within communities. The residents are very afraid to go back home even after some periods of relative calm owing to the risk of incurrence of wrath of violence and retribution. Further, the characterisation of Kashmiri Pandits as “migrants” has complicated matters even further because it seemed to be something taken on their part rather than something with violence<sup>9</sup>. Perception has alienated them from the host communities and limited access to services that seem meant to serve them. The narratives of increased

---

<sup>7</sup> *Supra* note 1

<sup>8</sup> *Supra* note 2

<sup>9</sup> Institute of Peace and Conflict Studies, *Article 370 and the Reorganisation of Jammu and Kashmir*, (Special Report, 2019), available at: <http://www.jstor.org/stable/resrep19799> (last visited on: 18.10.2024).



militarisation for ensuring national security further complicate matters because it push out the voices of the ones actually affected by the displacement. This way, the escalated military force in Kashmir since 2019 has not only increased insecurity perceptions but also seriously displaced the civilians there. The militaries argue that such increases were necessary to maintain order, while their critics argue that such an approach has brought along human rights violations and long-term psychological traumas to the affected communities. The situation, therefore, calls for a more nuanced understanding of how increased militarisation shapes the security situation and the broader socio-political scenario in Kashmir<sup>10</sup>.

## **LAND LAW REFORMS AND ECONOMIC DISPLACEMENT**

Abolishing Article 370 in August 2019 opened the gates for the increasing militarisation of Kashmir, and fearsome and insecure factors are found to be in growing proportions in terms of forced migration amongst the locals. Since such an incident, this shift in politics has been observed, and the Indian government has made tremendous efforts through crackdowns and curfews in some instances, mostly in conflict-prone districts such as Pulwama and Shopian<sup>11</sup>. These were already notorious areas of violence and rioting, and it worsened with increasing military activities. It has some pieces of evidence from nongovernmental organisations like Amnesty International and Human Rights Watch, which indicate many situations where militant activities, such as raids and curfews, result in the displacement of civilians. For instance, all inhabitants have been subjected to forced evacuation from their neighbourhood in the course of security operations carried out in the quest to curb insurgency activities; hence, families have little alternative other than dispersal seeking safety<sup>12</sup>. Such an atmosphere characterised by chronic fear leads to a vicious cycle of trauma and instability so that many residents are forced not only to abandon their homes but also their livelihoods. Proponents of militarisation believe that this is a necessity for keeping the region stable and at peace. Critics retort that such stability comes at ghastly price-tortured civilians and barbarities against human rights. The anecdotal claim so readily attributed to proponents of militarization-that militarisation means national security, the extreme psychological and social consequences the militarisation impacts on the civilian population. According to a report from Human Rights Watch, the typical victims of civil

---

<sup>10</sup> Chayanika Saxena, Iftekharul Bashar, Abdul Basit, Mohammed Sinan Siyech, & Amresh Gunasingham, "SOUTH ASIA: Afghanistan, Bangladesh, India, Pakistan, Sri Lanka" 12(1) Counter Terrorist Trends and Analyses, 40-69 (2020), *available at*: <https://www.jstor.org/stable/26865752> (last visited on: 18.10.2024).

<sup>11</sup> *Supra* note 1

<sup>12</sup> *Supra* note 9

heavy-handed tactics of security forces. Fear of violence and retribution is one good reason why most residents did not return home even after periods of relatively calm. Add to that, branding them as “migrants” has added insult to injury because the term is known to connote a voluntary emigration rather than an involuntary exile due to violence and insecurity<sup>13</sup>. Misrepresentation by such labelling alienates them from host communities and limits access to essential support services. These narratives that describe higher militarisation as an action measure for national security can only be listened to as merely silencing the voices of those who are in the face of displacement, and to remedy this, critics say this approach is not just a way of continuing human rights violations but also undermines any genuine efforts toward reconciliation or peacebuilding in that region. Such psycho-social long-run effects on the affected communities are important because many suffer trauma from their experiences of violence and displacement that eventually translate into future mental health challenges<sup>14</sup>. In a nutshell, even though some may view increased militarisation as a way to calm Kashmir, its strategy has resulted in grave human rights abuses and immense civilian displacement. That calls upon the situation to factor in how increased militarisation not only affects problems relating to security at that level but also the social and political factors that would determine Kashmir. It leads policymakers crucially to the task of drafting rights-based policies that would preserve human rights and community well-being instead of military solutions. Commitment is required to the dialogue and acknowledgement of the complex realities faced by those residing in this historically troubled region.

## **IMPACT ON MINORITY AND VULNERABLE COMMUNITIES**

After 370, visibly, the displacement unmatched to the minority groups and other marginalised groups in Jammu and Kashmir, mainly including Kashmiri Muslims and tribal society, was received on issues of land dispossession and socio-political changes. Reports of mass forced evictions and discriminatory policies told the story of the forced displacement of several rural Muslims immediately after the abolition of Article 370<sup>15</sup>. For example, Human Rights Watch narrates security forces operations in villages dislodged families under the guise of counterinsurgency. It uprooted people but also tore apart social fabrics and cultural affiliations. Besides, human rights bodies focus on challenges that these communities encounter while

<sup>13</sup> Jagmohan, “The Politics of Maximum Autonomy” 37 (3/4) *India International Centre Quarterly*, 126-141 (2010), available at: <http://www.jstor.org/stable/41804083> (last visited on: 18.10.2024).

<sup>14</sup> Radha Kumar, “Is Kashmir’s Autonomy History?” 48 (7/8) *Social Scientist*, 29-40, available at: <https://www.jstor.org/stable/26978884> (last visited: 18.10.2024).

<sup>15</sup> *Ibid.*

relocating and access the government's support mechanisms to secure their socio-economic exclusion. Many reports show that the displaced family finds it difficult to get documents for their resettlement or to get any form of financial assistance, and consequently, is without a safety net. Though some pronounce the abrogation of Article 370 as a step for national integration since it places one consistent legal framework for all of India, the truth for many minorities remains one of increased vulnerability to displacement and exclusion from policy benefits. For example, such so-called integration often neglects the specific historical and cultural backgrounds of the concerned communities, thus making them further alienated from political processes<sup>16</sup>. Usage of terms like "migrant" or "displaced persons" for Kashmiri Muslims has created an impression that it was rather a voluntary exodus from the state and regions of their own accord instead of being forced out of violence and systemic discrimination. This distortion gives the authorities an avenue to circumvent responsibility for the occurrences that made these communities flee from their homes. The problems that other tribal communities have faced are also comparable, given new land laws post-revocation have made it easy for land ownership and a reduction in their traditional source of livelihood and cultural pursuits. Socio-economically, it is quite disastrous, with most of the people living in desolate conditions without education and employment opportunities, hence propelling the cycle of poverty and marginalisation. Poor policies are not representative of those particular minorities whose needs they claim to address but only inflame the flames that they would have otherwise been suppressing. Such policies do not promote integration and inclusion<sup>17</sup>. Instead, they bring about inequality and widen social cleavage. As such, even as proponents of revocation sing the praises of national unity in benefits, it is also telling that for most, the ravaging realities of displacement, disidentification, and continued struggles for recognition and rights place at the core of the plights of the Kashmiri marginalised populations amidst rapid socio-political change. This would call for a reappraisal of policies in the state and a promise to assert that voices from marginalised communities have been given due consideration against governance and development discussions in Jammu and Kashmir<sup>18</sup>.

## PSYCHOSOCIAL CONSEQUENCES OF DISPLACEMENT

---

<sup>16</sup> Muhammad Sajjad Malik, "Pakistan-India Relations: An Analytical Perspective of Peace Efforts" 39 (1) *Strategic Studies* 59-76 (2019), available at: <https://www.jstor.org/stable/48544288> (last visited on: 18.10.2024).

<sup>17</sup> A. G. Noorani, "Kashmir and National Human Rights Commission" 35 (21/22) *Economic and Political Weekly* 1785-1787 (2000), available at: <http://www.jstor.org/stable/4409309> (last visited on: 19.10.2024).

<sup>18</sup> *Supra* note 3.

Since Article 370 was abrogated, all the affected populations, especially women and children, are living through extreme psychosocial changes. Families share their stories of trauma, depression, and anxiety while reflecting on the loss of livelihood and social dislocation. For instance, whilst militarisation and crackdowns are on the rise, many families can now go without homes or places, many of whom are experiencing deep instability and fear<sup>19</sup>. Mental health studies carried out by organisations in that region show an acute rise in post-traumatic stress disorder, among many other mental health disorders, among displaced populations. According to Evidence for Policy and Practice Information and Co-ordinating Centre, such a systematic review published in this regard reflects the additive effects of trauma experienced during displacement, including violence, loss of loved ones, and disruption of community ties, which often result in severe psychological distress for people who have been displaced. It further reveals that nearly one-third of the people internally displaced are being subjected to very high levels of anxiety and depression, as well as PTSD, directly from their experiences<sup>20</sup>. More particularly, the case is a crisis in the mental health areas of women and children due to family and societal pressure during those unsettling times. The level of vulnerability in resettlement through gender-based violence and discrimination is much higher, but the children are likely to suffer developmental delays as well as emotional disturbances directly from the traumatic experiences themselves. While certain government programs target relief efforts for the displaced, mental health care remains grossly underserved, especially for some of its most vulnerable service users, e.g. children and women<sup>21</sup>. Despite calls for reform of the national system by the UNHCR with regard to access to mental health care, stigma around mental illness, lack of knowledge regarding services offered, and prevailing cultural beliefs continue to represent several major factors contributing to more barriers in accessing a service. The stigma around mental illness can prevent persons from seeking help that may end up being the saving grace for those afflicted, thus maintaining a culture of shame around psychological health. So, the best community-based interventions that could address those issues are the least funded or badly implemented<sup>22</sup>. It is

---

<sup>19</sup> Angela Nickerson, Shraddha Kashyap, *et al.*, "Impact of displacement context on psychological distress in refugees: A longitudinal study", 31, e51 *Epidemiology and Psychiatric Sciences* 1-8 (2022), available at: <https://doi.org/10.1017/S2045796022000324> Published (last visited on: 18.10.2024).

<sup>20</sup> Kaz de Jong, Saskia van de Kam, *et al.*, "Conflict in the Indian Kashmir Valley II: psychosocial impact", 2:11 *Conflict & Health* (2008), available at: <https://doi.org/10.1186/1752-1505-2-11> (last visited on: 18.10.2024)

<sup>21</sup> Lana Ruvolo Grasser, "Addressing Mental Health Concerns in Refugees and Displaced Populations: Is Enough Being Done?", 15 *Risk Management & Health Care Policy* 909-922 (2022), available at: <https://doi.org/10.2147/RMHP.S270233> (last visited on: 18.11.2024)

<sup>22</sup> Saleh Adel G. A. Al-Tamimi & Gerard Leavey, "Community-Based Interventions for the Treatment and Management of Conflict-Related Trauma in Low-Middle Income, Conflict-Affected Countries: a Realist Review",

already known that women and children in displacement require psychosocial support programs, yet those programs are grossly under-resourced, lacking adequate trained personnel to deliver effective service. Other than those mentioned above, some post-migration stressors, including poverty, insecure housing, unemployment, and legal challenges, contribute to conditions of mental health crisis that befall displaced populations. Economic instability often wracks families, restricting good-quality health care and education for children. It is an inwardly vicious cycle: poor mental health makes it difficult to have economic opportunities that are further compounded by mental health issues. This situation calls for inclusive mental health care, offering psychosocial support as part of broader responses by humanitarian actors. The specific needs of women and children demand short-term psychological interventions but strategies in the long term that work on social cohesion and economic empowerment<sup>23</sup>. In essence, the psychosocial impacts of the displacement due to scrapping Article 370 are stark and permanent. Victims involving women and children suffer extreme trauma and anxiety resulting from the loss of livelihood sources as well as disruption to their respective social networks. There are some government-led relief efforts that fall far short of special mental health needs for these groups of victims. A collaborative effort between governmental and non-governmental sectors needs to build an all-inclusive support service system of mental health that is culturally appropriate for all the affected people in the vulnerable group. The model should take into account the inter-relations between psychological well-being and socio-economic stability to facilitate resilience in the affected displaced populace of Jammu and Kashmir.

## POLICY IMPLICATIONS

Population displacement in the wake of the revocation of Article 370 brings the imperative need to the policy dialogue to ensure holistic policy intervention for many issues IDPs face in the state. Legal protection to be afforded to IDPs is one of the most crucial intervention areas. Thus, the Indian government should present clear, specific, and relevant legal provisions to ensure the evicted's rights regarding housing, health, and education. Many of the current IDPs remain unrecognised by formal documents, hindering their opportunities to receive basic services and accompanying support networks. As far as legislation is passed that ensures such rights, there would be a foundation on which dignity and stability could be restored to the displaced

---

15 *Journal of Child & Adolescent Trauma*, 441-450 (2022), available at: <https://doi.org/10.1007/s40653-021-00373-x> (last visited on: 07.01.2025).

<sup>23</sup> Anushikha Mondal, "The Impact of Historical Trauma on 'Internally Displaced' Kashmiri Pandits" 10 (3) *International Journal of Indian Psychology* 1303-1322 (2022), available at: <https://ijip.in/wp-content/uploads/2022/10/18.01.140.20221003.pdf>

populations. In particular, this legislation should provide them with safe housing, healthcare services, and means of education that re-embed them into society.

In addition, there is an urgent need for policy reforms on the land. The structure now often offers protection to development projects and acquisitions of land that displace local communities, especially vulnerable groups such as tribal populations and rural Muslims. Priority should be placed on local ownership of land, and development initiatives should not disadvantage the groups on the fringes. This can be achieved by participating in planning processes by engaging the local people at the decision-making levels on land-use and development project decisions. In this respect, inclusive approaches by governments can minimise the negative impact of displacement as they promote sustainable development for all members of the community<sup>24</sup>.

Another area that deserves equal attention is the delivery of mental health care to the displaced. The psychological impacts of displacement, therefore, are of real significance. Most people suffer from trauma, anxiety, and depression due to such displacement. It is, therefore, highly important to have vigorous mental health care programs focusing particularly on the needs of the displaced populations. These are centred on trauma recovery and community support so that mental health care can be integrated into the existing healthcare frameworks. For example, community-based mental health support systems that empower the people concerned along with their psychological needs are very vital. Training the local health personnel so that they would be able to identify and treat improves service delivery in the sense that those displaced people are given proper treatment<sup>25</sup>.

There is also a need for inclusive development policies that accommodate the active involvement of displaced people in the processes of decision-making. Development support projects should not only tie to direct relief but also ensure the resilience of the affected people in the long run. Policies incorporate IDPs in local economic and social development debates, thereby giving them a voice that ensures needs are met by policymakers. It will encourage successful interventions toward social cohesion and economic empowerment.

<sup>24</sup> Maknoon Wani, "BJP land reforms and the shifting political landscape in Kashmir", *Progressive International*. 14.06.2023, available at: <https://progressive.international/wire/2023-06-14-bjp-land-reforms-and-the-shifting-political-landscape-in-kashmir/en/> (last visited on: 18.10.2024).

<sup>25</sup> UNHCR Emergency Handbook, "Mental Health and Psychosocial Support", available at: <https://emergency.unhcr.org/emergency-assistance/health-and-nutrition/mental-health-and-psychosocial-support-mhpss/> (last visited on: 18.10.2024).



The UN High Commissioner for Refugees stresses that MHPSS should be integrated into the broader humanitarian response to displacement crises. Since mental health is part of the overall spectrum of well-being, UNHCR advocates for increased access to national mental health care systems for displaced persons, including capacity building of local health staff to establish an appropriate mental health service tailored specifically to the needs of IDPs<sup>26</sup>.

In short, policies relating to the internally displaced persons of Jammu and Kashmir deal with seemingly unanswerable challenges. The legal rights have to be built in order to protect the rights of IDPs, while the land reforms should encourage local ownership and prevent further displaceable and developmental activities. A strong mental health support system would be required to address the psychological impact of being displaced on the affected people. The development policies, which include taking part of displaced people in decision mechanisms, will be the hallmark of resilience and adequate needs fulfilment. With such policy implications, the Indian government will move towards an equitable and supportive environment for internally displaced persons in Jammu and Kashmir, hence working for stability and social cohesion in the region.

## CONCLUSION

The militarisation spurt in Kashmir post-abrogation of Article 370 generates broader implications for the region at large and possesses socio-economic and psychological impacts on affected populations. The spiking military presence here indeed creates a climate of fear and insecurity, especially in conflict-prone districts like Pulwama and Shopian, where security crackdowns and curfews have become a norm. Reports from Amnesty International and Human Rights<sup>27</sup> Watch, amongst others, have reported the instances in which the local populations were forcibly uprooted by military operations. The human cost is, therefore, the aftermath in the light of security measures. While proponents, in their theoretical analysis, would hold that increased militarisation brought stability to the area, critics would argue that such stability is achieved at the expense of civilian lives and hallow them open to human rights abuses while further marginalising vulnerable communities. The militarisation complemented by new land laws after

---

<sup>26</sup> WHO, "Delivering effective and accountable mental health and psychosocial support (MHPSS) during emergencies and beyond" 9 June 2023, *available at*: [https://www.who.int/news-room/feature-stories/detail/delivering-effective-and-accountable-mental-health-and-psychosocial-support-\(mhpss\)-during-emergencies-and-beyond](https://www.who.int/news-room/feature-stories/detail/delivering-effective-and-accountable-mental-health-and-psychosocial-support-(mhpss)-during-emergencies-and-beyond) (last visited on: 07.01.2025)

<sup>27</sup> Amnesty International, "India: Increase in unlawful killings in Jammu & Kashmir highlights government's failure to protect its minorities" (2022), *available at*: <https://www.amnesty.org/en/latest/news/2022/06/india-increase-in-unlawful-killings-in-jammu-kashmir-highlights-governments-failure-to-protect-its-minorities/> (last visited on: 18.10.2024).



2019 has deepened economic displacement among rural farmers and tribals<sup>28</sup>. Under these new rules, outsiders were made to own land ownership rights in Jammu and Kashmir, which evoked fear and intimidation among the local farmers about losing their ancient pieces of land. Already, a number of local NGOs have recorded incidents of foreign investment in real estate development, which resulted in the loss of land for small farmers and tribal people like Gujjars and Bakarwals. The positives argued that landed reforms would open investment, development, and growth opportunities in the region, while the negatives attest that the impacts would only restrict exclusions from said growth, dispossessing the local economies with resultant economic migration into further dislocation. These developments are seriously destructive for the regional minorities and other minority groups in the region, such as the Kashmiri Muslims and the poorer tribal communities. Nowadays, media reports are replete with cases of forced eviction, as well as discriminatory policies, followed by government machinery against these communities since Article 370 was abrogated. Human rights bodies have also raised issues of resettlement and help offered by the government to such groups, which further worsen their socio-economic exclusion. Although it is argued that the revocation encourages national integration, in actuality, for most minorities, this amounts to an increased vulnerability for displacement and less opportunity to benefit from policy benefits. Serious psychosocial impacts of displacement, particularly on women and children. Trauma, depression, and anxiety among the displaced families have compounded with loss of livelihood and social dislocation. The studies reveal a sharp rise in PTSD and other mental health disorders from the mental health organisations in the region. Other government programs were envisaged to provide relief, but mental health service delivery is not satisfactory and remains poor, especially towards vulnerable groups like children and women who bear additional layers of stress. Such issues demand profound policy implications that would effectively respond to the plight of Kashmir IDPs<sup>29</sup>. There is a need for legal protection of IDPs. It really matters for the Indian government to follow up on clear legal frameworks giving rights to housing, healthcare, and education for the IDPs. Legal recognition is critical for regaining dignity and stability in affected populations. Land policies need to be reformed to address issues of community ownership of land and prevent eviction of vulnerable groups by the development project or land acquisition. It is, however, through the participatory

---

<sup>28</sup> Amnesty International, "Protection of the human rights of the people of Jammu and Kashmir must guide the way forward. (2023), available at: <https://www.amnesty.org/en/latest/news/2023/12/india-protection-of-the-human-rights-of-the-people-of-jammu-and-kashmir-must-guide-the-way-forward/> (last visited on: 18.10.2024).

<sup>29</sup> Médecins Sans Frontières, "Meeting mental health needs in Jammu and Kashmir" (2023), available at: <https://msfsouthasia.org/project/meeting-mental-health-needs-jammu-and-kashmir/> (last visited on: 18.10.2024).

planning processes that not only the negative impacts are averted but also sustainable development benefitting everybody in the community is encouraged. Third, support programs for populations internally displaced will require better-designed mental health support programs: healing from trauma and community support well synthesised within existing health care frameworks capable of appropriately treating the psychological effects of displacement. There is again a powerful push for pro-inclusive development policies to ensure that IDPs are included in the decision-making process; of course, more than just providing relief services that alleviate short-term issues, development programs systemically build long-term resilience in affected communities, too. Including IDPs in any policy discussion of local economic and social development would ensure that these voices are heard and that their needs are considered by policymakers. Thus, Deep Impact on Militarization and Socio-political Change The impact of repealing Article 370 in Kashmir and its responses to militarisation and socio-political change is very deep. This kind of displacement results in the disruption of lives, erosion of livelihoods, and very deep psychological scars on the affected populations. This would be a multi-pronged approach to place emphasis on legal protections for IDPs, land policy reforms, improved mental health support services, and inclusive development strategies. The implemented policy implications would allow the Indian government to most effectively create a balancing environment within the Jammu and Kashmir area for the displaced persons while maintaining stability and social cohesion in the area.