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Rishav Bali  
*Shri Mata Vaishno Devi University, Katra*

Isha Malhotra  
*Shri Mata Vaishno Devi University, Katra*

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Forced Migration as a “State of Exception”: The Precarious Lives of Migrant Women of Jammu and Kashmir in Kulvir Gupta’s *Embers the Beginning and Embers the End of Mirpur*

By Rishav Bali¹ and Isha Malhotra²

Abstract

This paper explores the lost stories of the precarious lives of thousands of migrant women from the community that the Indian government officially calls Displaced Persons of Pakistan-occupied Jammu and Kashmir (DPs of PoJK). We examine the stories of those who survived the painful migration that followed tribal raids in the western parts of the kingdom of Jammu and Kashmir, which ceased to exist after its accession with the Union of India on October 26, 1947. Drawing on the concept of precarity as propounded by Judith Butler, this paper critically examines the torturous experiences of women in Kulvir Gupta’s autobiography, *Embers the Beginning and Embers the End of Mirpur* (2018). The paper also employs Agamben’s conception of “camp” to analyze the unlawful and inhumane treatment these women received in migrant camps such as Kalghar and Alibegh. It shows how their life was relegated to “bare lives” while being differentially subjected to gender-based violence amidst the territorial conquest in the region. This paper concludes that these migrant women from Mirpur and the entire western region of the erstwhile Jammu and Kashmir were highly vulnerable to sexual exploitation in the contemporary political order of the region. This paper, being the first of its kind on the select migrant group, attempts to voice the pains and struggles of these courageous migrant women of whom only a few are alive today.

*Keywords*: Gender, Precarity, Forced migration, Displaced Persons, Migrant women, Biopolitics, Gender-based violence, *Embers the Beginning and Embers the End of Mirpur*, Kulvir Gupta, Jammu, Kashmir

Introduction

This paper studies the distinct experiences of migrant women from Mirpur and other western regions of the former state of Jammu and Kashmir who survived the violence and horrors of their uprooting. The unimaginable pain, torture, and trauma made it difficult to express their experience to others. Our central text is one of the very few autobiographical accounts available in the English language, Kulvir Gupta’s *Embers the Beginning and Embers the End of Mirpur* (2018), which we analyze from the perspective of “precariousness” (Butler, 2004) and bare life (Agamben, 1998). The paper makes clear how the biopolitical mechanisms of power forced the people in the western regions of Jammu and Kashmir to live challenging lives, especially the women who were subjected to rape, sexual assault, pain, violence, and murder. Agamben’s biopolitical framework involves his notion of “camp” encompassing spaces where individuals stripped of legal rights are reduced to bare life. Such spaces exemplified by refugee camps reveal

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¹ Rishav Bali is a research scholar in the School of Languages and Literature, Faculty of Humanities and Social Sciences, Shri Mata Vaishno Devi University, UT of J&K, India. Email id: rishavbalirishavbali@gmail.com.

² Dr. Isha Malhotra is an Assistant Professor in School of Languages and Literature, Faculty of Humanities and Social Sciences, Shri Mata Vaishno Devi University, UT of J&K, India. Email id: isha.malhotra@smvdu.ac.in.
the fundamental vulnerabilities created by modern biopolitical structures. Studying migrants within his theorization shows how sovereign power operates by excluding and controlling populations, and it indicates the urgency of addressing humanitarian crises and reevaluating political systems.

Wars, conflicts, and persecution have always been the major causes that force populations to flee from their homes. Poverty, xenophobic attitudes of strangers on their journey, and discrimination in the host regions exacerbate the various risks of Forcibly Displaced Persons (FDP). This differential state of vulnerability of migrants during their life-threatening journeys can be best understood through the Butlerian lens of “precarious lives” (Butler, 2004). Various scholars have approached different groups of refugees, internally displaced persons, and other migrants through this concept (Velamati, 2010; Wall et al., 2016; Nungsari et al., 2020; Gatling, 2021). Lewis and associates (2014) employ the lens of “hyper-precarity” alongside notions of a “continuum of unfreedom” (p. 1) to address the intersections between various terrains of social action and conceptual debate concerning migrants’ precarious working experiences.

In light of the various instances of severe acts of violence perpetrated against migrant women globally, in 1980 the United Nations High Commissioner for Refugees (UNHCR) acknowledged the heightened susceptibility of women among the refugee population by identifying them as a “particularly vulnerable segment” (as cited in Friedman, 1992, p. 66). Migrant women who escape violence in their homelands are subjected to sexual violence and rape along their migration journeys and in refugee camps. Such gender-based violence is frequently employed as a military tactic aimed at degrading and undermining the adversary’s morale, as many societies view women as symbols of honor (Siemens, 1988; Friedman, 1992; Pittaway & Pittaway, 2004).

Based on research conducted on Syrian refugees, Ertorer’s findings elucidate the multidimensional precarities that displaced persons face, starting with the migration journey and continually growing during the settlement experiences of registration, finding housing and work, and accessing social services (Ertorer, 2021). The UNHCR 2019 report on refugees and migrants crossing the Mediterranean Sea highlights the detrimental effects of reduced search and rescue capabilities and the unorganized and unpredictable approach to disembarkation. These factors have contributed to a rise in mortality rates, as individuals continue to flee their nations due to conflicts, violations of human rights, persecution, and impoverished conditions (UNHCR, 2019). The global refugee (or migrant) crisis has revealed a dynamic pathway precipitating the dangers of journeys toward temporary or permanent settlements. Shultz and others advocate for a more “humanitarian marketing system” to provide FDP with resources that enhance connectedness, reduce vulnerabilities and suffering, illuminate good practices, and enable FDP to flourish when resettled (Shultz et al., 2020, p. 128).

Following a tremendously precarious journey, forced migrants are often made to stay in migrant camps. While camps offer better conditions than the violence and destruction from which they fled, they too are laden with humiliating and deteriorating conditions. Agamben has theorized about the concentration camps to further understand the workings of biopolitical structures of modern disciplinary regimes (Agamben, 1998). Tracing the “politicization of life,” Agamben states, “The absolute capacity of the subjects’ bodies to be killed forms the new political body of the West” (Agamben, 1998, p. 74). While Agamben critically overturns classical Foucauldian models of biopower, which failed to attend to the sovereign violence in events such as the Holocaust or the concentration camps, his focus produced a diminished image of “the biopolitical body” limited to the West only. The displaced persons in Jammu and Kashmir suffered no less
than the Jews in Germany’s concentration camps, which are the subject of Agamben’s reconceptualization of Foucault. This article highlights such acts of mass violence and atrocities happening at the same time in other parts of the world, namely in Jammu and Kashmir, that have long been ignored by critical refugee studies. This critical neglect may be due to the lack of production of popular narratives about these particular migrants, who have been overshadowed by a focus on India’s partition happening at nearly the same time.

While the current scholarship significantly addresses the problems of numerous refugee or migrant populations across the globe from different critical perspectives, it lacks a qualitative analysis of the displaced persons of Jammu and Kashmir, who were forced to evacuate their residences situated on the Pakistani side of the Line of Control in October 1947. Thus, the present study not only undertakes the task of analyzing their migration journeys through Kulvir Gupta’s memoir but also the gendered nature of the violence inflicted upon them. The article employs the critical frameworks of Agamben and Butler with the particular subjectivity of women migrants as its main focus.

**Historical Background**

The dispute over the territory of Jammu and Kashmir stems from the events unfolding during the partition of British India into the two nations of India and Pakistan in August 1947. Following the announcement of India’s independence, the rulers of these princely states were given the right to choose between either of the two new political entities—India and Pakistan—for accession or to remain independent (Cartwright, 2022). Most of these joined either India or Pakistan based on their communal allegiance and geographical contiguity, except for the princely states of Junagarh, Hyderabad, and Jammu and Kashmir. While Junagarh and Hyderabad ultimately acceded to India, the situation of Jammu and Kashmir was convoluted in every aspect. Both India and Pakistan claimed the state since it was contiguous to both the nations and because of its complex demographic setup with a majority Muslim population governed by a Hindu ruler (Ganguly, 1998). Additionally, the state’s unique geographical position made it a strategic gateway for both countries to access the other side of the continent with the ancient Silk Route passing through it (Imširović, 2021).

Amidst the political confusion and complexities along with the increasing rebellions from the northern and the north-western regions, several thousand Pashtun tribesmen infiltrated the region on October 21, 1947 through the North West Frontier Province of Pakistan, unleashing unforeseen violence and looting. By October 25, 1947, the violence came too close to Srinagar, the capital of Jammu and Kashmir (Khan, 2017). Although the government in Pakistan denied any role in the incursion, there has been enough evidence showing the tribal raids were aided by the volunteers and regular armed personnel from Pakistan under the codename “Operation Gumarg” (Dhar, 1977). Sensing a military defeat, ruler Maharaja Hari Singh sought military support from India, which India agreed to provide immediately after he signed the Instrument of Accession on October 26, 1947, making Jammu and Kashmir an integral part of India as per the rules for the transfer of power by the princely states (Singh, 1998).

It was in this brief period that a large and violent massacre occurred, forcing thousands of Hindus and Sikhs to flee their homes in search of safer locations. Along their way, they experienced pain, torture, and death, and this suffering continued while they resided in the camps. These populations of forcibly displaced persons (FDP) later came to be known as Displaced Persons of Pakistan-occupied Jammu and Kashmir (DPs of PoJK) by the Government of India. They were mainly from Mirpur, Kotli, Bhimber, Bhag, Panderi, Sudhanoti, Haveli, Poonch, and
Muzaffarabad (Bakshi & Kumar, 2020, p. 146). It is presumed, as per the census report of 1941, “that 61,427 Hindus and 32,034 Sikh DPs, previously occupying 161,813 houses in the Pakistan occupied area, left their homes for settlement in safer regions of Jammu and in other parts of India, and it is their re-settlement that constituted the core problem for the state since their displacement” (Vaid, 2002, pp. 62-63). Among the migrants, women, elders, and children were the most vulnerable. Women faced abduction, rape, and sexual violence at the hands of the tribesmen, rebels, and armed personnel. Women with children, pregnant women, and others walked miles in the caravans making their passage through the tough terrain of the Himalayan state, and they were subjected to risks to their lives as well as to their honor (Sagar, 2018).

Theoretical Framework

Biopolitics, which emerged both as an analytical framework and a control mechanism for governments across the world (Minca et al., 2022), denotes the mixing of life and politics. The term biopolitics originates from the Greek words “bios” (life) and “polis” (a city-state). The conception of the term began with Michael Foucault’s crucial articulations in the 1970s in his groundbreaking works, Discipline and Punish (1995) and The History of Sexuality: Volume One (1978). According to Foucault, “biopolitics was … a more specific term that referenced the emergence and development of a governmental rationality focused on the vital phenomena of the population and the correlative techniques used to manage them” (as cited in Mills, 2018, p. 5).

While Foucault’s works establish biopower as a specifically modern phenomenon, Giorgio Agamben argues “that far from being a modern phenomenon, a biopolitical rationality informs Western politics from its inception” (as cited in Mills, 2018, p. 2). Agamben does not view concentration camps as unique historical and political events characterized by extreme atrocities. Furthermore, this perspective does not disregard the possibility of a recurrence of similarly horrible conditions due to the emergence of newly established democratic systems reflective of post-war countries (Polychroniou, 2021, p. 258).

The political dynamics of state power pushed the migrant women in Jammu and Kashmir into a life devoid of dignity, also referred to as “bare life” (Agamben, 1998). In addition to employing Giorgio Agamben’s biopolitical framework, we also use Judith Butler’s concept of “precarious lives” to examine the uncertainty and vulnerability of these women who were exposed to excessive pain, torture, and sexual violence (Butler, 2004). Hannah Arendt calls the displaced persons the ones “that have lost all rights” (Arendt, 1973). Agamben extrapolates this in conceptualizing the contemporary slow deterioration of the core narratives of modernity (Polychroniou, 2021). He contends that the refugee is an important category that allows us to anticipate the emergence of a politically transformative group amidst the drastically shifting socio-political circumstances of our era (Polychroniou, 2021). According to Agamben (2000), “the refugee . . . deserves . . . to be regarded as the central figure of our political history” (p. 21). His concepts of homo sacer, meaning “bare life” of the accursed person, and “camp” as a permanent “state of exception” (p. 12) are crucial to our analysis of the lives of the migrant women, stripped of legal and political rights and treated solely as bodies to be controlled and exploited. Analyzing the situation of women migrants in Gupta’s narrative through the lens of a “state of exception” helps to uncover how state power is wielded to further oppress and marginalize already vulnerable populations such as women.

Butler’s concept of “precarious life” underscores the vulnerability inherent in human existence, especially in the context of wars and violent conflicts (Butler, 2004). She examines how certain people such as refugees are rendered more disposable due to social, political, and economic
factors (Butler, 2009). Recognizing their inherent value, Butler (2020) focuses on the interconnectedness of violence and power structures, advocating for acknowledgment and protection of all lives. The central tenets of precarity and precarious lives can help enrich our understanding and analysis of conditions of violent conflicts and migration and, in turn, enliven the narrative plot of Embers the Beginning and Embers the End of Mirpur. The “frames of recognition” (Butler, 2009, p. 5) around the intersection of religion and gender of the migrant women rendered their existence highly precarious during the migration journey and in the Alibegh Complex. Thus, Butler’s concepts are indispensable to understanding the gendered dimensions of precarity and violence in the context of the study. In the next section, we assert that while all migrants were vulnerable to the precarious conditions emerging from the crises evoked by the biopolitical quest for power, women migrants faced the additional challenge of gender-based violence. Contrary to many instances of social history, migrant men were not recognized as having functional value within the new socio-political order, but the women migrants were recognized as having a function, if only as objects of sexual exploitation. The paper conceptually and contextually investigates the experiences of these women to reflect upon some crucial derivations from the analysis.

Precariousness of Migrant Women of Jammu and Kashmir

The memoir Embers the Beginning and Embers the End of Mirpur (2018) foregrounds the events happening in Kulvir Gupta’s town of Mirpur, which existed in communal harmony among the Muslims, Hindus, and Sikhs until India’s partition began to have its impact on the region. Partition provoked hatred and animosity among the communities that eventually led to riots, communal violence, and tribal raids, ultimately forcing the Hindus and Sikhs to migrate for their safety and honor. As a young child of approximately six years old, Gupta vividly recalls bearing witness to the hardships endured by his family, particularly his expectant mother who, due to the prevailing circumstances, was forced to give birth to a stillborn child while enduring the hardships of hunger, thirst, and physical anguish throughout their arduous journey. He also describes the painful experiences of other displaced women from his family and community while they migrated and also during their stay under the custody of the Pakistani army in the Gurudwara Alibegh Camp. The camp was set up to aid the uprooted migrants, though it turned into their worst nightmares until the intervention of the International Red Cross Society on the scene. Memories from childhood can be unreliable, influenced by emotional distress as well as discussion with family members leading to over-exaggeration or suppression of certain details. Thus, the article refers to other sources, wherever necessary, to address possible gaps or inaccuracies in Gupta’s recollection of the events years later in his memoir. The estimations and timelines provided by Gupta have also been triangulated using census data and other reliable sources to add authenticity.

The genocide and exodus of the people of Jammu and Kashmir following the tribal raids demonstrate the ways that forced migration creates a condition for emergent forms of violence, including gender-based violence, against displaced persons. Writing about violence and deaths in the context of forced migrations and concentration camps, Hannah Arendt (1973) notes, “Brought up in the conviction that life is the highest good and death the greatest dismay, we became witnesses and victims of worse terrors than death without having been able to discover a higher ideal than life” (p. 266). Arendt expressed these fears in one of her most heart-breaking texts, “We Refugees” (1943), and only four years later, similar terrors were realized by the displaced persons of Jammu and Kashmir, especially the women who already carried the burden of being subordinates in a patriarchal society. Gupta lays bare the gendered forms of precarity and violence
in the region as the women characters are differentially exposed to sexual abuse, pain, torture, and trauma. The opening section of the book, titled “Essence in Verse,” describes Mirpur, their ancestral town as both “a paradise” and “a tragedy” (p. 15). The paradise lay in its beautiful and serene landscape consisting of meadows, mountains, forests, rivers, and natural springs, communal harmony between Hindus, Muslims, and Sikhs, the economic prosperity of its people, and the sacred shrines it was known for. Tragedy befell involving looting and massacres that followed tribal raids. The narrative opens with a description of the town and its activities, as the author and his family move towards the village of Sabloon, where they would stay at the house of Maan Shaabo. Shaabo’s deceased husband Qasim was indebted to Gupta’s moneylender father “for his generosity when he waived part of his debt while settling his borrowing from [his] grandfather many years ago” (Gupta, 2018, pp. 28-29). Rukmin Devi, Gupta’s mother, is shown either raising her children, preparing meals for the family, washing clothes, and gossiping with other women about relatives and knowing “about families in the village, new additions by way of marriages or new born” (p. 31). When Gupta writes about his mother, he explains the life of women in the region: “My mother was a dedicated housewife, committed to the household chores and bringing up the children. Talking of the children, she had delivered twelve, only four of us as survivors. She was in the thirty-sixth year of her life” (24).

The aforementioned statements effectively underscore the unfavorable status of women inside the entrenched system of patriarchy, wherein they consistently carry the weight of domestic responsibilities, child-bearing, and child-rearing, which are physically draining endeavors. The generalized condition of uncertainty, insecurity, vulnerability, and dependence of all human beings, both as bodies and as social beings, is exponentially aggravated during their “deterritorialization” (Deleuze & Guattari, 1990) amidst political turmoil, inducing conditions that “differentially exposed [them] to injury, violence and death” (Butler, 2009, p. 25). The precariousness of Gupta’s mother and the other migrant women’s situations can be traced throughout the memoir. Married at the tender age of ten (Gupta, 2018, p. 82), Rukmin was in the late stage of her thirteenth pregnancy as they embarked on their migration journey (p. 43). It is pertinent that the child mortality rate was very high at that time and she had lost eight out of the twelve children she had delivered. Even in this condition, she woke up early in the morning to prepare meals for the family on the last day before leaving. The thirteenth child did not survive because of the hunger, thirst, and fatigue Rukmin endured during the journey. All of the fellow travelers were considerate of Gupta’s pregnant mother, whose condition made their pace slower than others. Moving for hours, “tired, exhausted and dehydrated but no one complain[ing]” (p. 47), they kept marching amidst frequent sounds of bullet fires until his mother got labor pains, making them wait for the birth. As many had already passed by and Gupta’s father carried his wife on his back, she “was in a state of delirium. In her drooling voice, she asked [his] father to abandon her and look after the children” (p. 48).

Rukmin’s willingness to die or be abandoned could have been the result of the harsh circumstances in which she was caught, amplified by the fact that she did not even have a midwife or basic care and accommodations while delivering under the open sky. However, delving deeper into the intersection of gender norms with structural inequalities, there is a common gendered expectation for women to prioritize the well-being of their families even at the expense of their own lives. Rukmin’s urge to self-sacrifice can also be seen as a product of patriarchal ideologies that position women as caregivers and nurturers. In the “frames of recognition” which recognize certain individuals to be included (Butler, 2009), every woman in the patriarchal society of contemporary Mirpur was expected to have this sacrificial spirit cultivated in them since
childhood. The women who did not fit into these frames were ill-received and made to feel excluded. This fear of not being recognized as a nurturing ideal woman forces Rukmin and other such women to risk their lives or make sacrifices as a response to the precarious conditions and heightened vulnerabilities they face as displaced persons.

Gupta moves on to tell some of the horrific incidents related to other women he knew, such as his cousin dying after being shot in her chest. Her husband, Madan Lal, initially mourned but later ran back to her body to collect her jewels before resuming the journey (Gupta, 2018, p. 51). In another heart-wrenching story, four women from another family chose to end their lives rather than being molested and killed by marauders. Upon sensing the arrival of the marauders near their house, the mother asked her son (Sham Dev) to kill them “before they were even touched by those monsters” (p. 50). The mother herself gave her son the sword and encouraged him to do his job and others pleaded for the same; he ultimately obeyed, starting with his mother. Gupta narrates further:

His wife helped him to remove his mother’s body to create space for the next one in the line. Both the sisters vied with each other to be the next one..., the older of the two took her position like her mother and requested her sister-in-law to hold her hands behind her back. He...cried very loudly. The younger sister was followed by Laaj, Sham Dev’s wife. (p. 51)

The incident reveals the extreme precarity that these women were subjected to at the time of the conflict. Their precarious situations made them willingly plead with their own relatives to slay them to avoid acts of rape and sexual violence. Being exposed to risks of sexual violence at every step of their journey, women migrants often lacked structures to protect themselves. Sham’s mother decided to die because, “as a method of inflicting torment, male relatives are often forcefully made to watch their wives or daughters being raped. In such circumstances, the intended outcome is the degradation of women and the humiliation of the woman and helplessness of the man are the desired results” (Friedman, 1992, p. 67). The result of this precarity was that these women chose their honor over their lives.

In instances of intergroup political or religious conflicts, the utilization of sexual violence against women has been employed as a method of aggression targeting a specific segment of the population or as a strategy to extract information pertaining to the actions and whereabouts of their family members (Siemens, 1988, p. 22). The incidents in the memoir illustrate how young women and girls were being pulled out of the groups by local villagers, marauders, and soldiers on various occasions throughout the journey, in places such as Kalghar and Gurudwara Alibegh Camp, despite the cries and protests of their fathers or husbands who were brutally beaten (Gupta, 2018, p. 60). In one such distressing instance, Gupta vividly depicts the profound sense of shame experienced by the woman and the overwhelming feelings of helplessness felt by the men:

As we marched for an hour or so, groups of civilian men started appearing from nowhere all around us. As they came nearer, their intentions became clearer; they pounced upon anything they liked... But what followed stunned everyone. They started pulling out young girls and women from the crowd... They came from all sides and pounced upon the crowd like eagles on newly-hatched turtles on the beaches... for hours... Fresh groups kept on appearing from different directions and snatched young girls and women from the crowd. (p. 61)
These acts of sexual violence against women during their forced migration reaffirm the “patent gender dimension to both precarity, and violence experienced during the migration journey and upon arrival” (Tastsoglou et al., 2021, p. 7). Such experiences of gender-based violence may increase the precarity of life for these displaced people by decreasing “livability” (McNeilly, 2016). While women were being sexually mistreated, men, who often face societal expectations of masculinity to provide and protect their families, experienced psychological trauma amplified with feelings of shame, guilt, self-blame, and inadequacy at being unable to protect their women relatives. Thus, the gendered dimension of precarity highlights the intersectionality of social identities and how gender norms influence individuals’ responses to insecurity and vulnerability. Tastsoglou and associates (2021) also establish “an interrelationship between precarity and GBV [gender-based violence], with precarity increasing the GBV risk or contributing to reproducing it and GBV, in turn, amplifying precarious living for survivors” (p. 7).

There were also people such as Master Abdul Aziz, who, unlike the perpetrators of grave violence, organized a small task force of youths and reunited many girls and women with their families. No one knew where they were moving or being taken to while subjected to violence, especially the vulnerable women. Their lives were “always in some sense in the hands of the other. It implies exposure both to those we know and to those we do not know; a dependency on people we know, or barely know, or know not at all” (Butler, 2009, p. 14).

The delightful journey through the “paradise” in the initial parts of the text contrasts starkly with the “tragedy” detailed in the rest of the memoir. The harmony turns into tension, peace into violence, houses into ashes, chirrups into gunshots, delights into horrors, nightmares into reality, and the mother’s energy into the worst fatigue. Returning to the initial verse by the author’s daughter, the specifically precarious lives and tragedy of these women could be best summarized in the following lines:

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Slaying of girls at the hands of their dears,
With heavy hearts and eye full of tears,
To best preserve their honor and pride,
Though they too had wished to be someone’s bride. (Gupta, 2018, p. 16)
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**Bare Lives of the Migrant Women**

Gupta’s *Embers the Beginning and Embers the End of Mirpur* (2018) resonates with the Agambenian sense of a biopolitical regime because the displaced persons from Mirpur and other nearby regions of Jammu and Kashmir were susceptible to violence and rendered stateless amidst a territorial dispute between two newly emerged products of modern biopolitics. Thousands of people were forced to become stateless in their own state and to lead the “bare life” of the *homo sacer*, the accursed or sacred man, who lives in an obscure juridico-political condition that renders him unsacrificed and killable without punishment at the same time. While the whole path on which Gupta’s community moved seemed like a figurative concentration camp, they reached the literal camp of Alibegh Camp on November 30, 1947, under the custody of Pakistani soldiers (Gupta, 2018, p. 66). The building was originally a *Gurdwara* complex (place of worship for Sikhs) in the village before it was converted into a camp meant to provide temporary relief and refuge to the displaced until their repatriation to India. This rendered the migrants more visible in a marked area, leading to more violence, thus granting “the unrealizable a permanent and visible localization” (Agamben, 1998, p. 19). The actions of the Pakistani soldiers, on whose mercy the migrant
subjects’ bare lives rested, altered the meaning of the camp. The number of men started being reduced significantly with each passing day, and men and women were subjected to depravity as Gupta reports:

We were about two thousand five hundred men, women and children in both of the Gurudwaras on 30.11.1947 but only sixteen hundred were left alive when we were repatriated to India in March 1948. For me it is very difficult to describe life in the camp, a life of depravity, suffering in the cold, humiliation and hunger, uncertainty of the next moment marked the days spent in the camp. Having watched many a documentary on Jewish Concentration Camps across the Nazi Empire over the years, it can be said that we were no better off. (Gupta, p. 69)

The space of the Alibegh complex thus shifted from “a simple space of confinement” in Foucauldian biopolitics to “the absolute space of exception” (Agamben, 1998, p. 19) of Agambenian “thanatopolitics” (p. 72), wherein Pakistani soldiers assumed the position of the sovereign, who “having the legal power to suspend the validity of the law, legally places himself [or herself] outside of the law” (p. 17). Pakistani soldiers committed abuses under the cover of military impunity in the state of exception in the region, whereby Hindus and Sikhs faced exclusion and were treated with animosity. These populations were excluded from the legal protection of their state through the same law that rendered the soldiers to declare the migrants as homo sacer in the state of exception (Agamben, 1998). Such an exception is not visible in a normal prison where the affairs are governed by state law. Camps are different from other disciplinary spaces (prisons, asylums, and so on), and there is a possibility of anything happening to the migrants under the control of the sovereign who decides where and whether the law applies (Robinson, 2011). During the migration journey, the atrocities inflicted upon them were temporary, but the space of the Alibegh Camp enabled the soldiers to cross the ethical and legal dimensions to fix the state of exception of the migrants, who were declared homo sacer as a permanent feature at a site in time and space. Based on a 2012 survey by Snedden in the region, Mirza reports that there was no mention of a single Hindu or Sikh in the entire region (Mirza, 2022). Thus, the lives of non-Muslims in the region—a threat to the sovereign—were being regulated by the “the constitutive trinity of land, order, birth” (Polychroniou, 2021, p. 258). In a state of emergency, the Pakistani soldiers, the sovereign in charge of their state, decided who would be politically recognized as fully human and who would be given the status of “bare life.” Although the migrants were born in the same land as their Muslim fellows, the land which the state claimed, the religion of the migrants became a defining factor for their recognition as citizens in the new political order.

Here in this inseparable interconnectedness of the law with the fact, the zone of indistinction between bios and zoe of the migrants, women suffered miserably at the hands of the locals, the invaders, and Pakistani regulars and soldiers with gender-based forms of torment. While many women were being abducted from the groups of migrants on their path, the incidents followed in shelters and camps. Gupta writes, “Some more girls and women were taken away from the camp, and if any one resisted, be it parents or husbands, they were shot dead” (2018, p. 68). After depicting scenes of how the number of men decreased each day with their torture and brutal murders near the banks of Mangla dam, Gupta goes on to tell the agony and pain of the women including his mother:
Men were segregated from women… Women were crying… A group of fifteen to twenty women was asked to enter a big hall at the base of the central dome of the Gurudwara. The wide door was closed. After about half an hour, they walked out of the other door of the hall crying and with their eyes buried in the ground… The next batch was ordered likewise, children accompanying the women were allowed to go in… All of the women were asked to remove the dresses they were wearing and line up. Weeping women did as they were told. My mother was nearest to me… Her breasts were hanging like empty bags, her abdomen was shrunken and wrinkled and she seemed to have no buttocks, only skin sticking to the bones… Soldiers examined each of those women and peeped into their private parts. (pp. 81-82)

The sexual assault on migrant women gave lifelong mental trauma to Rukmin and thousands of other women. Eileen Pittaway and Emma Pittaway testify that refugee women residing in camps and refugee conclave across numerous nations frequently encounter instances of rape, gender-based violence, and sexual torture (Pittaway & Pittaway, 2004, p. 120). These distressing experiences can lead to adverse outcomes, such as unplanned pregnancies, abandonment, health complications, HIV/AIDS transmission, social exclusion, fatalities, and acts of homicide (Pittaway & Pittaway, 2004). These assaults also instilled psychological trauma in the men because the honor of their womenfolk were targeted, a sense of honor which is determined by their traditional patrilineal values (Paulusson, 2013). This incident from Gupta’s perspective presents only a small glimpse of what women faced in their bare lives instead of “being killed with impunity” (Agamben, 1998, p. 47) like some of the menfolk were. These rapes were “planned and unusually brutal” (Friedman, 1992 p. 69). According to Friedman (1992), it has been observed that a significant distinction exists between the perpetrators of rape against the general population and those who target refugee women. While the majority of rape victims experience assault from a single male assailant, refugee women frequently encounter instances of gang rape or repeated acts of sexual violence, sometimes spanning multiple days. The women from Mirpur and other nearby regions became the victims of such tortures driven by the intersection of religious and gender identities. In his article published in Early Times, Jugal Kishore Gupta (2020) discusses the experiences of survivors who, in the aftermath of losing their loved ones and homes, and witnessing the rape and torture of their women family members, fled out of fear and protest. Gupta estimates that around 5,000 young girls and women were subjected to kidnapping, rape, torture, public humiliation, sale, and murder in Mirpur on the dates of November 25th and 26th, 1947 (Gupta, 2020).

Gurudwara Alibegh, which was a migrant camp originally meant to provide temporary care and protection to the exhausted and traumatized migrants, became instrumental in elevating their pain, especially the women who experienced sexual violence and torture in addition to the trauma of losing their homes and loved ones, rendering their life as bare. Although feminists criticize Agamben for his lack of theorization on women and gender (Latimer, 2011), his concepts of bare life can be extrapolated to understand the gender specificities of the bare life in the case of migrants from Mirpur in Gupta’s account. This is because all such “human life is included in the political order in being exposed to an unconditional capacity to be killed” (Agamben, 1998, p. 54). So, it is not necessary for people to be killed to effectively end their lives, as it is the sovereign’s decision to decide the position of undecidability.
Conclusion

In their sovereign state of exception generated due to biopolitics of the two newly emerging nation-states of India and Pakistan, who would decide upon the future of Jammu and Kashmir, the precariousness of the displaced persons made them highly susceptible to limitless ontological and existential violence. In a *Times of India* blog, “Kashmir Files,” Kulvir Gupta (2022) asserts the importance of acknowledging the Muslim casualties in Jammu province during that tumultuous period. Based on his evaluation, an estimated number of ten to fifteen thousand Muslims lost their lives in the regions of Jammu and Udhampur (Gupta, 2022). Thus, human life was rendered as the bare life of a *homo sacer* exposed to the unconditional capacity to be killed (Agamben, 1998, p. 54) in the new political order on both sides of the Line of Control. Further, this article has drawn attention to how the migrant women were exponentially exposed to gender-based violence due to their gender and sexuality. Thus, based on the detailed analysis of the bare lives of these women portrayed in Gupta’s (2018) account, it can be stated that the highly precarious migrant women from Mirpur and the entire western region of the former Jammu and Kashmir were subjected to an unconditional capacity to be sexually exploited in the contemporary political order of the region.

References


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