

Quota Systems In Pakistan: A Case Study Of Kashmiri Refugee's Quota

Syeda Rabia Bukhari	Lecturer, Department of Pakistan Studies, Hazara University, Mansehra rabiabukhari1994@gmail.com
Dr. Adil Khan	Associate Professor of IR, Hazara University Mansehra adilkhan@hu.edu.pk
Saba Naz	Department of Pakistan Studies, Hazara University Mansehra saba.naz.aman99@gmail.com

Abstract: *The refugee influx into the Azad Jammu and Kashmir (AJK), especially during major historical events that have triggered them, includes the partition of India in 1947, the wars between Pakistan and India, and the armed rebellion after 1989, the last one being the protracted flight of refugees as the conflict between India and Pakistan over Jammu and Kashmir has dragged on since then. The article examines the socio-political integration and identity issue of the post-1989 Kashmiris refugees in the process of quota system in the AJK. The paper has used administrative categorization based on official statistics, historical overview, and qualitative data (obtained through interviews) to analyse the patterns of resettlement as well as political representation of refugee in AJK. It testifies how the quota of the post-1989 refugee population, which is 6% in the sphere of employment and education, not only enables but also subjects the displaced population to marginalisation. The results indicate that although quota systems are set up to reverse historic injustices and offer a formal inclusion, they in fact lead to creation of novel types of exclusion and the deepening of the ideas of otherness in displaced populations living internally. This paper presents an opportunity to reconsider the quota machineries and the necessity of the participatory as well as inclusive policy frameworks in a region that can help to release the hopes and rights of the refugee communities under political disputes.*

Keywords: Azad Jammu and Kashmir (AJK), Kashmiri Refugees, Post-1989 Migration, Quota System, Identity Politics

Introduction

Jammu and Kashmir is a highly conflictual area that politically experienced an ongoing turmoil since the British India partition in 1947. The resultant influx of the Kashmiri Muslims into Pakistan and Azad Jammu and Kashmir (AJK) has posed persistent humanitarian and political problems to the region. These include the legal status of the refugees, their resettlement and socioeconomic integration especially the refugees, who had migrated following the 1989 insurgency. These refugees, despite being within the larger geographical limits of traditional Kashmir, are in an opaque position as far as administration and political organization of Pakistan is concerned.

In this article, we shall consider, in particular, the post 1989 wave of Kashmiri refugees in AJK including their identity, integration into the society through quota system. An affirmative action strategy such as the quota system, although used to eliminate system differences in the orderly way, has created

both possibilities and constraints to the refugee populations. In the example of the post-1989 refugees, the presence of the specific 6 percent of quota based on education and governmental employments points at the effort of inclusion and the institutional definition of the otherness. This study examines the sociopolitics of this policy with judgments made on its effects as far as identity creation, marginalization and citizenship claims of refugees are concerned.

Based on both historical experiences, official statistics and qualitative narratives, this paper claims that though quotas act as corrective mechanisms, they end up promoting the practices of exclusion once they are not supplemented with more radical participatory forms of reform. The paper will also argue that estate policies in disputed regions such as AJK cannot remain within administrative structures but need to move into the realms of identity and self-determination and belonging.

Literature Review

The academic study of refugee movements in South Asia has focused long on the nexus between conflict and displacement with identity politics. After 1947, the Partition, more than one and half million Kashmiris moved into Pakistan and started the process of cyclical refugee they moved into the AJK (Rahman, 2005; Ellis & Khan, 2003). The literature describes multiple waves of migration linked to political upheavals, including the 1965 and 1971 Indo-Pak wars and, more significantly, the post-1989 insurgency (Snedden, 2015; Robinson, 2013).

While refugee studies in Pakistan have primarily focused on Afghan and Bengali populations, recent attention has turned to the lesser-examined Kashmiri refugee communities. Scholars like Ali (2012) and Lamb (1991) discuss how these populations navigate contested identities, caught between their historical homeland and new administrative affiliations. Notably, the lack of constitutional recognition and their exclusion from Pakistan's National Assembly has left Kashmiri refugees in a state of political liminality (Robinson, 2013; United Nations, 1948/1949).

Quota systems, often analyzed through affirmative action frameworks, aim to equalize opportunities across socially and economically disparate populations. In Pakistan, these systems allocate reserved seats in civil services, higher education, and legislatures based on regional, gender, and refugee status (Rana, 2017; Economic Adviser's Wing, 2017). While quota systems are widely used across the Global South to mediate postcolonial inequalities (Deshpande, 2013), they are also critiqued for reinforcing boundaries and fostering resentment among host communities (Alif Ailaan & SDPI, 2016).

The quota system in AJK has taken a more diversified form in recent years, as previous refugees, before the year 1989 have a quota of 19 percent whereas after 1989 only 6 percent have been assigned to new migrants (Official data, Government of AJK, 2016). The segmentation is the parody as much of bureaucratic differentiation as it is of more general politics of temporality and legitimacy. Another complication on the policies related to quotes is the own perception of the refugees as being rather displaced internally than conventional migrants.

Moreover, in the studies based on the interviews, it can be seen that the refugees feel severely disappointed with the institutional and social indifference towards them. To be named as a refugee, which leads to the erasure of their identity as Kashmiris, is seen to arouse frustration by many (Anonymous interviews, 2016), giving discursive processes in state categorization of refugee identity significance because of the central role that they play in developing entrenched patterns of state power (Said, 1984). The latter is in line with the international criticism of quota systems, which state that the systems could essentially entrench identities instead of providing meaningful integration (Kabeer, 2016).

Therefore even though quotas are needed to correct the past marginalization, their success depends on the existence of larger system of political inclusion, legal identity and social inclusion.

Theoretical Framework

The paper utilizes such ethnographic theoretical perspectives of forced migration, identity and state categorization, as elaborated by Liisa Malkki (1995), Didier Fassin (2011) and Arjun Appadurai (2006) among others. It is necessary to coin these frameworks because they tend to explain how displaced populations such as post-1989, Kashmiri refugees are placed not only geographically but also as a feature of symbolic state logics and institutional divisions.

Bureaucratic Categorization and the “Politics of Naming”

In her article, Malkki (1995) claimed that states and humanitarian organizations often and deliberately create speechless messengers, people who lost their political context and were reframed and considered as displaced people only. Such bureaucratic essentialism is evident in AJK: since these refugees are called muhajireen or panah gazeen instead of internally displaced persons, by the government. This depoliticizes their migration process by what Fassin (2011) calls the humanitarian reason whereby it makes them objects of pity instead of historical agents of political action.

Identity and “Othering”

Appadurai (2006) extends this knowledge by looking at the way in which states can exploit fear, control of population as well as administrative differentiation to effect a sense of categories of others. Although the quota system is putatively inclusive, it sustains identity boundaries because post-1989 refugees are treated as an independent legal category in AJK and, as such, marginality is institutionalized. Ethnographically, such differences can be seen in daily wants and gripes of refugees who feel isolated not only by indigenous peoples but by previous generations of migrants as well.

Resistance and Symbolic Belonging

The agency of refugees comprising their reinterpretation of their condition is also stressed in ethnographic practices. Although these refugees have been officially excluded, post-1989 refugees still demand their rights of returning home and at the same time claiming political ownership of undivided Jammu and Kashmir. According to the interviews, some explicitly refuse the term refugee and instead place themselves in the limbo of a waiting Kashmiri-ness, a similar idea to that of roots and routes in the diasporic construction of identity (Clifford 1994).

Somehow these two ethnographic views mingle paving the way to this article that extends more than policy analysis but how refugee identity can be constructed, contested and reimagined in the backdrop of longer displacement and territorial contestation.

Historical Context: Waves of Migration into AJK

Understanding the status of post-1989 Kashmiri refugees requires a brief review of the successive waves of migration that have occurred since 1947. Each wave is not only tied to specific political events but also shaped the evolving legal and institutional response from the Government of AJK and Pakistan.

First Wave (1947–48)

Triggered by the Partition of British India and the Maharaja’s accession of Kashmir to India, this wave saw over 1.5 million Kashmiri Muslims flee to Pakistan and AJK to escape communal violence and targeted repression by Indian forces and Hindu militias (Lamb, 1991; Rahman, 2005).

Second Wave (1965 War)

During and after the Indo-Pak war of 1965, Muslims from border districts such as Poonch and Rajouri migrated into AJK due to Indian military reprisals. Around 40,000 people were resettled in organized camps (Robinson, 2013).

Third Wave (1971 War)

Although the primary theater of war was East Pakistan, approximately 10,000 Kashmiris from border areas were displaced by spillover violence and migrated to AJK. Resettlement was mostly local and informal (Ellis & Khan, 2003).

Fourth Wave (Post-1989 Insurgency)

The largest and most politically charged migration occurred after 1989, when the Kashmiri insurgency against Indian rule escalated. Armed crackdowns, human rights abuses, and mass arrests forced nearly 38,000 individuals (6,898 families) to seek refuge across the LoC (Govt. of AJK, 2016). These refugees were primarily settled in tent-based camps, many of which still exist.

Methodology

This research employs a qualitative case study approach to investigate the sociopolitical positioning of post-1989 Kashmiri refugees within Azad Jammu and Kashmir (AJK), with a particular focus on the quota system. The case study option is considered to be suitable since the historical and social cultural parameters involved in refugee identity and state orientation in AJK were quite complex (Yin, 2009). The study is based on the use of both primary and secondary sources with the introduction of in-depth interviews, official governmental documentation, and available academic literature.

Data Collection

The semi-structured interviews with the refugees which were held in different camps in Muzaffarabad, Ambore, and Manak Payeen in October-November, 2016 constituted primary data. Respondents were students in the university, community leaders, teachers and social activists. A total of ten interviews were used in the thematic analysis because they were considered to be relevant and rich with insight.

Official statistics published by the Department of Rehabilitation, Government of AJK (2016) and other records that were published by the AJ&K Board of Revenue (2017) were used as secondary data. The rest of data was collected via scholarly articles, policy statements, and reports.

Data Analysis

Thematic analysis method was adopted in order to determine patterns and themes that were recurrent in the interview data. These were identity perceptions, encounters with the quota system and contacts with state institutions. The analytical effort was aimed at hearing the voices of the refugees themselves and putting their testimonies in the greater political and administrative background of AJK.

Ethical Considerations

All the participants of the interview retained their anonymity and confidentiality. Each of the respondents gave a verbal consent to participate in the research, and their identity was not revealed by using pseudonyms or general statuses (e.g., a student refugee or the president of the camp). The scholar was unbiased, and she did everything to see that the interviews were neither forced nor biased according to real life experiences.

Findings

The results indicate lived experiences of the post-1989 Kashmiri refugees in AJK; showing how the quota system has defined their chances to have access, their contact with the state formations, and a shift of their identity.

Fragmented Refugee Identity and Displacement Trauma

Most of the refugees would not refer to themselves as migrants or panah gazeen (refuge-seekers) but as internally displaced persons (IDPs), emphasizing their connection to the motherland on the other side of the Line of control (LoC). One of the interviewees said:

We did not come here with the intention to get few jobs or to get the 1500 rupees subsistence allowance. We arrived because we had a pledge of commitment towards the Kashmir cause. Our lives were lost and our families. And now we are not even considered Kashmiris” (Anonymous, 2016 Interview with a university student).

This sentiment underscores a profound emotional dislocation and a persistent yearning for return, despite decades of displacement. It also reflects a dissatisfaction with the imposed refugee identity that, for many, seems politically and socially reductive.

Disparities in Quota Allocation

The findings indicate that the original 25% refugee quota in education and government employment was eventually bifurcated into 19% for pre-1989 and 6% for post-1989 refugees (Govt. of AJK, 2016). This stratification created an internal hierarchy among refugee groups, generating discontent and a sense of exclusion among the more recent arrivals. One teacher expressed:

“I passed the test and interview, but they rejected me because there was no quota for post-1989 refugees. We had to go to the President in delegations just to be heard” (Anonymous, 2016, Interview with government teacher).

Such administrative differentiation based on the time of migration fosters competition and resentment within refugee communities and deepens their marginalization in the host society.

Inadequate Resettlement Support

Despite multiple waves of refugee migration since 1947, international organizations such as UNHCR remain largely absent in AJK, and domestic support systems remain insufficient. While some housing initiatives were launched with external funding—such as a \$2.23 million Kuwaiti grant—many refugees continue to reside in substandard conditions, including tents and makeshift shelters (The Express Tribune, 2014). As of 2016, more than 600 families in Muzaffarabad were still in tent-based settlements (Govt. of AJK, 2016).

Limited Political Representation

Although the AJK Legislative Assembly reserves 24.4% of its seats for refugees settled in Pakistan, these are not always equitably accessible for post-1989 arrivals. The disjunction between symbolic inclusion and actual political agency highlights systemic gaps in the refugee policy structure. Additionally, there is the unavailability of participation of refugee representatives in the policy-making processes of the initial formulation which further remains a barrier to developing equitable and inclusive structures.

Discussion

The deviances of displacement and institutional recognition can be explained through the case of Kashmiri post 1989 refugees who were in Azad Jammu and Kashmir (AJK). Even though the state acknowledges such groups by giving them benefit in terms of quotas and formal resettlement programs, on the other hand, this leads to social disintegration and institutional rejection. This text deciphers the implications of quota system on the refugee identity, integration and political participation.

Quota Systems as Instruments of Inclusion and Exclusion

The structural inequalities may be addressed with quotas implementing mechanisms that provide access to education and employment opportunities to the disadvantaged groups (Deshpande, 2013; Kabeer, 2016). Even in AJK, a 6% quota of refugees has been introduced in particular with reference to post 1989 refugees, and this itself shows that there has been an official recognition of their helplessness. However, reduction in the set 25 percent combined quota refugees into the divided 19 percent and 6 percent solidifies the discrepancy between the pre and post 1989 migrant. This division kills any

possibility of common identity, and strengthens inequality within an already oppressed group.

The formal stratification of this sort has increased the feeling of the other among very many refugees as was also observed during the interviews even in the refugee community itself with many of them complaining. It is in concurrence with theory of bureaucratic othering by Appadurai which states that the newly avoided social divisions as created by state procedures are thought on basis of rigid classes (Appadurai, 2006). Quota system has rather divided displacement instead of forming a unified identity of refugees.

Identity and Political Liminality

Identity ambiguity of refugees is one of the most conspicuous discoveries. Although officially labeled as “refugees,” many identify themselves as *muhajireen* or more precisely, internally displaced persons (IDPs). This distinction reflects a profound dislocation not only from geographic origins but from the political imagination of belonging. Refugees maintain that their migration is temporary and tied to the broader Kashmir conflict—a belief reinforced by international legal instruments such as UN Security Council Resolutions 39 and 47, which affirm the right of return (UNSC, 1948, 1949).

This sense of liminality is exacerbated by exclusion from Pakistan’s National Assembly and the AJK governance structures that, despite allocating legislative seats to refugees, fail to meaningfully incorporate their voices in policymaking. As one teacher articulated, even educated refugees face bureaucratic resistance when seeking employment or representation. This reflects what Malkki (1995) describes as the “depoliticization of displacement,” where refugees are rendered as humanitarian subjects rather than political agents.

Resettlement as a Humanitarian, Not Political, Response

The findings also show that resettlement efforts, though extensive in scale, remain predominantly humanitarian and not integrative in vision. The provision of tents, temporary housing, and land plots—while necessary—has not been complemented by long-term strategies for sustainable livelihoods. With over 600 families still in tent-based camps in Muzaffarabad as of 2016, resettlement has failed to transition into integration (Govt. of AJK, 2016). International organizations like UNHCR remain disengaged, likely due to the politically sensitive nature of the Kashmir dispute.

Moreover, the reliance on foreign aid, such as the \$2.23 million from Kuwait, indicates a lack of domestic prioritization for durable solutions. This reinforces dependency and undermines refugees’ ability to exercise full citizenship rights, as argued by Hyndman (2000) in critiques of global refugee policy.

Policy Disconnect and Structural Invisibility

One theme that kept reoccurring in the data is that of a gap between the refugee aspirations and the state mechanisms. The act of bureaucratic inertia or inactivity is usually seen in providing distaste or dealing with the demands made by refugees about political representation, equal rights in term of employment, and education. It is an extension of structural invisibility in that the needs of refugees do not feature in multipronged policy platforms.

The quota system in that regard is a two way sword. Although it creates legitimate access to opportunity, it simultaneously identifies the refugees as the different, superlative and peripheral. Quotas, without representation in the policymaking and control bodies, have every chance to become decorative rather than change-maker tools.

Conclusion

A sort of gap between the hopes and desires of the refugees and the state machineries is one theme that kept reappearing in the data. Bureaucratic inertia or inactivity is normally observed when it comes to causing distaste or relating to the requests which are demanded by the refugees regarding political

representation, equal rights in regard to employment and education. It is part of structural invisibility because the plight of refugees is not included in multifaceted policy agendas.

The quota system in that respect is a two push sword. As much as it generates valid access to opportunity, it also determines the refugees the other, the superior and the marginal. Representation in the policymaking and control bodies is an important condition without which quotas have all the probabilities to turn into decorating instead of change making tools.

Recommendations

1. Reform and Consolidate Quota Policies: Reforming and Consolidating quota policies should be expanded to including immigration policies. The bifurcation of refugee quotas at the moment needs re-assessment so that it is fair, transparent and inclusive. This should be replaced with a uniform system that caters to the requirements of all the displaced Kashmiris irrespective of the date of migration to prevent any in-fighting and the notion of discrimination.
2. Enforcement of Law and political representation: The refugees should be given greater political power in the governance system of AJK. This will entail reconsidering the number of seats given to the legislators in addition to constituting consultative refugee councils to assure that their opinions influence the formulation of policies.
3. Advancement in Resettlement Structures: The state should focus on giving refugees a permanent place to stay in with sustainable infrastructure by breaking up their camps of whose residence is temporary. Public-private partnerships and international aid should be used supplementing government contributions, where health, education, and livelihoods are of primary concern.
4. Advance integrate Identity programs: Programs that support common identity between the refugee and host communities including inclusive education, cultural activities and local governance have to be initiated so as to reduce stigmatization and promote mutual solidarity.
5. Exploit the International Organizations: Humanitarian agencies internationally such as UNHCR will have to be involved in the process to give technical guidance, funding and policy guidance to take up refugees on a long-term basis.
6. Establish one Unified Refugee Database: The figures of the size and the make-up of the refugee populations must be accurate and kept up-to-date, disaggregated by age, gender, location and status in order to be used in better policy planning and monitoring by a centralized commission.
7. Integrate the Refugee Rights in Constitutional Structures: The legal ambiguity should be cleared on the side of refugees on their status, rights, and entitlements in the administrative systems of Pakistan and AJK. They may require a constitutional amendment or legislation change in order to guarantee them equal treatment and protection by the law.

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