



For seven days, Balwant Kaur trekked through hilly terrain cradling her newborn son in her arms, gently chastising her five-year-old boy to keep quiet as they fled the brutality that overshadowed partition.

"Death was waiting for us," she says gently in her native tongue, Pahaari, as memories of her painful past flood back. The ordeal is one she remains tied to; an exodus which six decades on, continues to haunt her.

"I was frightened for my children," she says. "We did not take the straight road because we were frightened of attacks. We slept with dead bodies because we thought that was a safe place."

"(Once) I heard a scream from the undergrowth; a man was being slaughtered by the tribals. He was screaming 'help me', but we were so frightened. There were mutilated bodies, dead bodies of women, children."

"Every time I sit and am alone, I remember that scene."

When Britain relinquished its claim over the sub-continent and political leaders Jawaharlal Nehru and Muhammad Ali Jinnah signed up to the creation of the modern states of India and Pakistan, the step was politically momentous. Two nations were moulded along religious lines; India became home for Hindu and Sikh populations, and West Pakistan (now Pakistan) and East Pakistan (Bangladesh) for Muslims.

But the birth of two countries in August 1947 was a harrowing episode, accompanied by mass migration and genocide.

Official figures vary, but historians estimate that 14 million people were forced to flee and resettle with little more than the clothes on their backs and their children in their arms.

More than a million people on all sides were slaughtered as the outside world, still reeling from the horrors of the second world war, looked the other way.

The episode left an indelible mark on those who lived through it, like 85-year-old Mrs Kaur. She lives in a world of memories in Simbal, an unofficial colony of partition refugees that skirts the north Indian city of Jammu.

She fiddles absent-mindedly with the kara on her wrist, a steel bangle that most Sikhs wear as a symbol of their faith, recalling the journey she made with her husband, Sardar Neta Singh, and their sons, Talog and Jaswant, from their 161-hectare farm in what is now Pakistani Kashmir to India in September 1947.

"In Devigali, Pakistan tribals skinned two men alive and hung them from a tree," she says. "I saw that happen."

"Before, we used to live peacefully – Muslims with Sikhs and Hindus. We used to go to each other's weddings. There were no problems with Muslims. The problems happened with partition and the politicians and the tribals. I will always remember my country," she adds.

The family raided empty homes to get what little food they could find, in constant fear that they would be caught up in pogroms by tribals and Pathans, supported by the Pakistani military, who were looting, raping and killing non-Muslims.

On the seventh day, the refugees reached Poonch, 24km from their village of Malsikot, in a district sandwiched between India and Pakistan, before being moved to Jammu by the Indian Army. It was a region that hundreds of thousands of Hindus and Sikhs fleeing massacres in their ancestral homes hoped would be a sanctuary. It was not.

Many of those who survived the journey

Forgotten victims of

As Pakistan and India celebrate 60 years of statehood, refugees remember the genocidal birth of two nations, writes **Rajeshree Sisodia**

to safety found temporary refugee camps in Poonch carried diseases. Cholera and malnutrition claimed the lives of thousands, including Mrs Kaur's 65-year-old father, A. Sunder Singh.

"From the middle of August in 1947 until October – in two months – thousands were killed. No one did anything [to help]. Women were stripped, paraded naked and branded 'owned by the tribals' and taken away to Pakistan and Afghanistan," she says.

"We thought we could go back after three or four days but those three or four days have never come."

Now the great-grandmother is one of

about 500,000 people from rural Kashmir who live in impoverished conditions in the unofficial refugee colonies of Jammu.

For the landless families wrenched from their homes 60 years ago, little has changed.

While the federal Indian government helped millions of people who fled to India from other parts of Pakistan by helping them get land, work and housing, those who were forced to leave Pakistani Kashmir were not considered refugees – refugees being non-nationals.

Mrs Kaur and her fellow Pakistani Kashmiris have never been given the legal safeguards – and with them the right to be

compensated for lost land – that refugees from other parts of Pakistan were given by New Delhi. The Indian government feared that granting them refugee status would send a signal to the outside world that it accepted that part of Kashmir was Pakistani territory.

The stance was underlined again 13 years ago, when New Delhi passed a resolution that Pakistani Kashmir was an "integral" part of India.

So Mrs Kaur and hundreds of thousands like her have remained caught in a political stalemate; denied the right to the compensation and help refugee status would entitle them to from the Indian

government and the Office of the United Nations High Commissioner for Refugees.

"We have been given no compensation. We want justice for those who died. We want compensation for our land, even if we only get half of it. I want compensation for what has been done to us by the tribals and by the [Indian] government," says Mrs Kaur.

"I would go back to Malsikot at any moment. I would go alone if I had to. I want to die there, to breathe that fresh air again."

The village of Simbal lies on the outskirts of Jammu, surrounded by fields of millet sodden from the recent monsoons. Cows are tied outside modest concrete homes, in a scene reminiscent of a thousand other Indian towns. But beneath the veneer of normality, it seems almost every family has been scarred by the partition's brutal legacy.

But India, on the brink of celebrating its 60th birthday and freedom from British rule, remains sensitive about the volatile Kashmir issue and, by extension, the fate of half a million people.

"We are not allowed to make



statements to the press. You should not be calling me up in an impromptu manner like this," was the reply from Mitali Sen Gawai, joint secretary for Kashmir at the Indian Ministry of Home Affairs, after the *Sunday Morning Post* repeatedly asked for comment.

Back in Jammu province, the ad hoc cluster of 46 unofficial refugee colonies housing the 500,000 Kashmiris owes its existence more to the resourcefulness of

How the 'Bishop of Bountiful' gets away with polygamy

Engaging in multiple marriages remains illegal in Canada, but the authorities are loathe to prosecute, writes **Wency Leung**

Tucked away in the quiet, southeastern corner of British Columbia, Winston Blackmore presides over a polygamist colony called Bountiful, where he lives with his estimated 20 wives and their more than 100 children.

Polygamy is illegal in Canada. Yet for years, Mr Blackmore, 50, called the "Bishop of Bountiful", and other followers of their fundamentalist branch of the Mormon religion have continued the practice of multiple marriages, on occasion taking brides as young as 15 years old.

So far, they have eluded criminal charges.

Although the country's ban on polygamy was enacted in 1892, it has rarely ever been enforced. Prosecutors fear cases tried under the polygamy law could be thrown out of court, as the ban could be trumped by Canada's constitution, which protects freedom of religion.

But if Vancouver lawyer Richard Peck has his way, Canadian courts will soon clarify the legality of the polygamy ban once and for all.

"The legality of polygamy in Canada has for too long been characterised by uncertainty," Mr Peck wrote in an August 1 report to the provincial Ministry of the Attorney General. "The integrity of the legal system suffers from such an impasse, and an authoritative statement from the courts is necessary in order to resolve [the legal controversy]."

Having long struggled under public pressure to crack down on Bountiful, the ministry appointed Mr Peck as a special

prosecutor in May to advise it on whether authorities had sufficient evidence and legal grounds to charge members of the community with polygamy and possible sex-related offences.

Women who have left the colony, including Mr Blackmore's ex-wife Jane, have spoken publicly about girls under the age of 16 being forced to marry older men in the community and have their children.

Critics have also alleged that children in Bountiful do not receive adequate education in the community's independent schools.

Fuelling public uproar over what many perceive is a flagrant disregard for the law, Mr Blackmore has spoken openly on a number of occasions about the community's unorthodox lifestyle.

In December, he appeared on CNN's *Larry King Live* to discuss his multiple marriages.

"Our family structure is ... about far more than just sex," he told King. "It's about families."

He added: "I didn't go courting me up a bunch of wives. These people just came into my life."

Mr Blackmore said that he and his large family supported each other through their various businesses, including farming, trucking and wood processing. He was born into a polygamist family and grew up with 30 brothers and sisters. He said that while he did not have any legal marriage licences, his church sanctioned his relationships.

Mr Blackmore said at least two of his wives were under the age of 16 when he

married them, although none was underage now.

He has repeatedly declined to reveal exactly how many wives and children he has, but he is reported to have been married as many as 20 times and is believed to have about 105 children.

Mr Blackmore also said he knew of at least one incidence of intermarriage between family members, although such practices "should not happen".

In 1990, police investigating Bountiful – which still has about 700 members – had recommended criminal charges against community members under the polygamy law. However, prosecutors decided not to proceed because of legal doubts.

In 2006, police again recommended charges against individuals in Bountiful, this time for sex offences involving minors.

But after reviewing their findings, Mr Peck concluded that there was not enough evidence to prosecute.

Mr Peck said he considered a range of possible sexual and marriage-related offences, including procuring sexual activity by a parent or guardian, human trafficking, bigamy, procuring feigned marriage, pretending to solemnise marriage and marriage contrary to law. He also considered the criminal offence of sexual exploitation, wherein an adult who is in a position of trust or authority has sexual contact with a young person between the ages of 14 and 18. He decided, however that there was not enough evidence to prosecute.

The challenge of getting women to testify to being victims of sexual abuse was



Winston Blackmore is believed to have more than 105 children with 20 wives. Photo: AP

the reason Mr Peck could not find sufficient evidence to lay charges, said Neil MacKenzie, a spokesman for the criminal justice branch of the Ministry of Attorney General.

"Generally here, there was no individual [coming forth with] a complaint of lack of consent," he said.

Mr MacKenzie said authorities were also unable to pursue charges on the basis that young women were exploited by adults in a position of trust or authority.

Because individuals aren't likely to be convicted, Mr Peck recommended that the ministry ask the provincial Court of Appeal and the Supreme Court of Canada, the country's highest court, to rule on the constitutional validity of the polygamy law. "Polygamy is the underlying

phenomenon from which all the other alleged harms flow, and the public interest would best be served by addressing it directly," he wrote.

He added that it was unlikely the ban on polygamy would be held unconstitutional.

"Religious freedom in Canada is not absolute. Rather it is subject to reasonable limits necessary to protect 'public safety, order, health, or morals or the fundamental rights and freedoms of others,'" he wrote.

The Ministry of the Attorney General is considering Mr Peck's recommendations and will soon decide whether to follow them.

But some aren't entirely satisfied with the outcome of the special prosecutor's report.

Nancy Mereska, an activist who leads a campaign called Stop Polygamy in Canada, said it was not surprising that the prosecutor found no one to complain about sexual consent because young women within the community were "brainwashed".

"They are brainwashed into thinking that if they are speak out against the leaders ... they will be cut off from God and become daughters of perdition and they will burn in hell," she said.

Ms Mereska belonged to the Mormon Church before splitting from her former husband, a steadfast follower, 20 years ago.

The mainstream Church of Jesus Christ of Latter-day Saints is separate from the fundamentalist faith practised in Bountiful. It disavowed polygamy in 1890.

Mr Blackmore's community originates from a break-away US sect led by Warren Jeffs, who was arrested in August 2006 and charged with arranging marriages between underage girls and older men in Utah and Arizona. Jeffs is scheduled to stand trial next month. Bountiful split from his sect in 2003.

Ms Mereska said she could sympathise with the women of Bountiful as she was stuck for years in a repressive, patriarchal relationship herself.

She believed it was a lack of political will, and not a lack of evidence or legal grounds, that has so far prevented authorities from cracking down on Bountiful.

While she approved of the idea of asking the courts to decide on the validity of the polygamy ban, she questioned why authorities did not do so when police initially investigated the community nearly two decades ago.

"That's my feeling. Why wasn't it done years ago?" Ms Mereska asked.