

Life of West Pakistan Refugees at Jammu Borders

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This paper attempts to explore, analyze and understand the different state of affairs of West Pakistan Refugees (hereafter WPRs) settled in J&K after the partition of 1947. Despite having many other refugee segments, settled in Jammu and Kashmir, the WPRS's becomes significant, in view of their relatively marginal status in the society being lower caste, fragile economical status and dangerous geographical location of their settlements, along Indo-Pakistan international border. The denial of Permanent Resident Certificate (PRC) or citizenship of Jammu and Kashmir to the WPRS refugees for over seven decades, has kept them at lowest ebb in socio-economic ladder. Given this long exclusion as citizens, the WPRS have been forced to engage in agricultural jobs, in unorganised sector, in shops or as casual labourers in nearby factories. Apart from being socially and economically marginalized, the paper will also attempt to explore how many of them, have been relegated to living at margins of the society, settled along the border areas, which witness regular military conflicts and escalating tensions between India and Pakistan forces. The militarized borderland presents an exception place, where the fundamental rights of life, livelihood and movement are constantly undermined. The paper will explore the role of successive central and state governments as well as that of regional parties with regard to this exclusion, forcing the WPRS to live in precarious conditions for many decades. Despite their significant number, the regional parties ignored them because of a perceived fear of demographic change in sensitive state of Jammu and Kashmir. With the revocation of Article-370 and Article 35A- which grants special status and citizenship rights to Jammu and Kashmir- the condition of WPRS is not going to change instantly. The inequity and weaknesses perpetuated by the 70 years of deprivation will take a long time to recover along with effect of bringing these marginalized WPRS dalit families with whole of country's population.

Keywords: Refugees, Border, Rehabilitation Constitution, Citizenship, Government Policies

Introduction

Borders symbolizes the national identity of people by clearly making a distinction between 'them and us', life of the people on the borders is altogether different from the life of the inland people, in J&K this is because of the reason that the antagonistic vibe amongst India and Pakistan has kept the border unstable, hostile and vulnerable. As Dunnan and Wilson (1999) argued "borderlands are the sites of symbols of power" the power of the state is clearly visible through high militarization and fencing at the borders. This fencing at the border is the territorial limit of the state and its sovereignty. Borders and borderlands are

extreme examples of markers of sovereignty of states and this extremity makes these areas as the sensitive and dangerous at the same time. Though this paper it's an attempt to document the challenges faced by these West Pakistan Refugees (hereafter WPRs) residing in Suchethgarh areas of Jammu region which is on International border (IB), which is 210 km long stretching from Akhnoor to Kathua districts of J&K. The paper attempts to understand the everyday lives of the people who reside on the line of the border that became the battlefield with Pakistan for more than six decades whose problems of living in a militarized zone have been overshadowed by academics and political focus of Kashmir. The vulnerabilities of their everyday lives are different from the vulnerability faced in Kashmir valley. People during interaction said that, movement in the valley becomes a source of tension in these area as we don't want any freedom, movement, what "we want is peace" to live comfortably in our houses. From the last two decades our homes and lands makes them victim of firing, shelling and mining.

Interaction with the people helps researcher to understand clearly the hardships faced by the residents in their daily lives as the village is on the IB it shows the attitude of the central and the state governments in securing the rights of these citizens who are the most vulnerable and marginalized section of the society the role played by the local administration/district administration and the Border Security Force (BSF), Indian Army in catering to the welfare of the people is also studied out. These villages are with the radius of 1 to 5km on the IB of J&K. The study of these areas focused mainly on villages located on the zero line and near to zero line in Suchethragh constituency, especially Kapurpur, Chakroi, Badyal Kazian, Dablehar, ShereChak, Parlah, Byarpur. The choice of studying nearby villages has been made to understand the intricacies of the bordered lives of people. As the study clearly shows, though people all through this belt have been adversely impacted by the border situation and conflict, but there is a marked difference in the ways in which such impact is felt by the people on the zero line and those who are bit away from the zero line. These villages have huge number of land mines, shelling, firing victim, they also have to move towards safer place during high risk situation Villages are surrounded by electric wire and fencing with the bunkers and ditch.

When I enter the village Suchethgarh which is lying on the IB is covered with the security structures comprised of Ditch-cum-Bandh system (DCB) with bunkers on roadsides of it. The ditch was dug some distance away from the zero line of the border and a bandh was erected there. Ditch served the purpose of sheltering the forces during the shelling and firing from

across the border, the bandh worked as a 'barrier to prevent the rival forces from watching the activities of their troops. On the interior of the village has fence farms a 'wall' which is comprised of 'twelve to fourteen-foot-high fences of barbed wire, set about twenty feet apart. It is equipped with electric wire that runs throughout its length, marked with danger board sign '*Do not Touch*'. To prevent the infiltrators to sneak into the Indian side, there are numerous watch towers and searchlights. Most of this land, especially in Suchethgarh Panchayat is very fertile where all the seasonal crop are being cultivated by the villagers like paddy, wheat, fodder for animals. The families of WPRs reside in large number in village Suchethgarh and adjoining to it.

The background of WPRs and reason of Migration

The livelihood sustainability problem of WPRs dates back to partition of subcontinent in 1947 on the basis of two nation theory, which led to large scale migration and destruction. The onslaught of communal frenzy divided people on religious lines and forced them to leave their native places for safe places. Thousands of people left their native land and moved to the other side of newly carved out international border, accompanied by unprecedented violence. Amidst these tumultuous days of partition WPRs from Sialkot area villages with 5,764 families in 1947 landed in Kathua and RS Pura areas of Jammu province of the J&K state¹. They migrated from villages the Khansopur, Kato Banda, Mahalla, Ambalepur, Chare Chak, ChakSaquerde, KatlyLaardae, Jurewala, Jorewala, Wajree and several others of tehsil Sialkot (now in Pakistan) to the Indian side. Several other families of WPRs settled in the areas of Punjab, Delhi besides other states of India.² The main reason for the arrival of WPRs families to Jammu was the connectivity of the area with Sialkot connected by Jammu-Sialkot Railway link as well as by road. The people of Pakistan's western provinces also used to share cultural and economic ties with Jammu's Dogra natives. In the initial years of crisis the WPRs were welcomed in Jammu as their relatives were habitants of villages, bordering to Pakistan. This is what several of respondents stated in their interviews.³ With the rise of

¹ The council of States (RajyaSabha), The petition of Jammu Kashmir Sampark Prakosht (BJP) through its national convenor TN Nazdan, submitted by Avinash Rai Khanna (MP) vide reference number: M.P (RS) D-422 dated 20th March 2012. The present documents accessed from the WPRAC President Labha Ram Gandhi on 28th September 2016.

² Document showing the figures of the families maintained with the record of WPRAC. The present data is available with the rehabilitation department in the state of J&K. This is collected at the time when these refugees arrived to the state during 1947. After that the data again collected by the election survey officer for the purpose of the Parliamentary elections as they are considered as the Indian citizens during the year of 2010-2011.

³ Interview conducted with Labhu Ram and Jagdish Raj both WPR from village Chakroi of R.S.Pura of Jammu and Kashmir.

J&K's internal problems and migration of large scale refugees from Poonch and Muzaffarabad areas, cracks begin to appear between WPRs and displaced people from Pakistani Occupied Jammu and Kashmir (POJK) areas in the late months of 1947. This seems to be especially after the 27th of October 1947 when the Maharaja of the State accedes to India and the Jagir of Poonch was captured by Pakistan. The official machinery of J&K had different political and economic yardsticks towards both these groups. In the initial years the WPRs desired to be relocated to other states of India rather than Jammu and Kashmir; however assurances and promises of their permanent settlement, given by state authorities particularly by Sheikh Mohammad Abdullah the then Prime Minister of J&K, made them reluctant to leave Jammu.

An old WPRS, Labhu Ram, recalled that they were contemplating to move towards Punjab, where their other relatives had shifted already but a word from government's side gained currency among WPRS that there was no need to move as the state government has abundant vacant land in Jammu on where the WPRs could live and run their families happily. Apparently it was also assured that none could take away their land and they would be rehabilitated safely by government. The WPRs settled down in the border belt of Jammu district, where Muslim families used to reside. However after the migration of POJK refugees, the state government's priority shifted to new guests, who migrated from parts of Jammu and Kashmir. It needs to be mentioned in this context that the native people, who migrated from the other areas of Jammu and Kashmir were clearly treated as more important by the state government when compared to WPRs he said.⁴

From the period of 1950-1960 a clear distinction between two groups of partition victims' viz-a-viz West Pakistani refugees and Pakistan Occupied Kashmir (POK) DP could be analysed from the response of the State towards their rehabilitation. Perhaps the most significantly damaging blow to the WPRs when they came to J&K the formation of J&K's constitution, laid down certain rules for native population and granting them citizenship. The WPRs were kept out of the purview of PRC rights, under part III and section 6 of J&K's constitution. The detail about the PRC was covered in the previous chapter that the legal procedure was developed for the resident to adopt it. As this PRC law came into force the WPRs practically become aliens in J&K.

WPRs were routinely denied facilities provided by state government to its native population. Their situation is well narrated by the president of West Pakistani Refugees Action Committee (WPRSAC), Labha Ram Gandhi, who has been leading these refugees for redressal of their demands for the immediate past decade.

⁴*Ibid.* Labhu Ram interview.

We are long battling for rehabilitation and compensation from government but got nothing so far. The irony is that our ancestors' arrived to J&K, first among the migrants and would have been given preference in rehabilitation and compensation but we are yet to get even an Identity Card of state. Our condition is deteriorating with each passing day as we refugees are being neglected at every sphere, whether government schemes or in jobs", he said.⁵.

The WPRs are currently settled in different tehsils of Jammu region. Their habitations are particularly clustered adjoining the international border and the line of control (LOC). These areas include right from Jorian in Akhnoor tehsil (adjoining the LOC area) to district Jammu, district Samba and district Kathua (International border). The current population of the West Pakistani refugees in Jammu and Kashmir across the different tehsils and constituencies is as follows. The data is collected by West Pakistani Refugees Action Committee which reads as

TEHSILS	CONSTITUENCIES	FAMILIES OF WPRS
Akhnoor	Akhnoor and Chamb	1970 families
Bishnah	Bishnah	2116 families
Hiranagar	Hiranagar	1419 families
Jammu	Gandhi Nagar, Jammu East, Jammu West, Marh, Nagrota, Raipur Domana	5007 families
Kathua	Kathua	3204 families
Ranbir Singh Pura	Ranbir Singh Pura and Suchetgarh	3100 families
Samba	Samba and Vijaypur	1612 families
Total 7 Tehsils	15 constituencies	18428 families

Table 1: The above table briefly shows the residing areas of the WPRS in the state of J&K, in different tehsils. The WPRS are residing mostly in rural areas. From the above data it is estimated that the total numbers of voters of WPRS are 55000 approximately.

A majority of the WPRS families follow Hindu religion while few are Sikhs. A large number among the Hindu population, fall under the Other Backward Caste (OBC) and Schedule Caste (SC) categories. Their castes include Nai (Barber), Doods, Shupri Wattal, Teeli, Loharas, Gharati and several others.⁶ It is estimated that nearly 80% of the WPRS are from

⁵ The President of the committee make these words during the rally of the WPR in the village Chafra Chack of Jammu region, the comments gathered are the part of the field visit to this area.

⁶ All these are mention in the 130 caste data published in the gazette of the Jammu and Kashmir dated as 21st October 2005/29th Asv.,1027 [No.29-c] accessed from the WPRAC office Swankha Morh tehsil Vijaypur District Samba J&K.

the Schedule Caste community.⁷ Residing in the outskirts of the main city areas of Jammu region, their primary source of livelihood is informal jobs, agriculture and allied works. The informal jobs include working in factories, as hawkers, masons, labourers, barbers and carpenters or as service boys in the local shops or casual labourer in some industries. A few families have small chunks of agricultural land in their possession, which contributes a little to their family income. It has been also alleged by few interviewers that the state government has granted the PRC status to few WPRs families in order to employ them as sweepers in the State departments.⁸ A large number of the West Pakistan refugees used to speak Saikoti Punjabi during initial years of their migration. After spending over seven decades however these people have switched over to speaking the local Dogri language dialect.⁹ The assimilation however has remained deeply fractured.

Life at the Borders

Being at the edge, WPRs settled in Sucehgarh remains a place vulnerable to the firing and shelling during the wartime or peacetime. Their search for settlement and certainty continues to elude them. The story of multiple displacements remains the same for most of other villages in the village. The villagers came during the partition of the 1947 from the nearby Sialkot area and settle here as they get minimum land for living and livelihood. Hence, the people who were settled here could not be free from uncertainties. Already displaced from their homeland, they were still to suffer displacement whenever there was a state of tension at the border. This land had become restricted due to the fence. Though there are gates built along the fence to allow the people to have access to their land, yet it constrains their agricultural activities. Normal farming, therefore, is not possible. The opening of gates is as per the scheduled timing and it is only during this timing that farmers are allowed to access their land and indulge in agrarian activities. Most of our respondents whose land came under fence reported that the time during which people could enter the gate was not sufficient and this impacted their overall level of productivity. As one respondent stated,

‘We do not get sufficient time for our activities. Every day we have to wait for the time for the gate to open and then we have to move with BSF persons. And before we know, it is the time to close the gate and we are forced to shortcut the whole process. Earlier we would not be bothered about the time. It was our field and we could enter it any point of time. We did not need to take anyone’s permission. But now we need to have formal permission. I cannot take the liberty of going to my field when I feel like. It has changed our

⁷Dhanajay Mahphatra, India 70 years on, West Pakistan refugees denied basic rights in J&K, dated December 2, 2015, timesofindia.indiatimes.com › India accessed on March 15th 2017.

⁸*ibid*

⁹Satpal Singh resident of village BadyalQazian of tehsil R.S.Pura

relation with our land. I need to stop work one hour before the gate closes so that I can get back to the gate and that does not leave me much time. The farming, as most of the respondents stated in this belt, has been traditionally a 'family farming' with all the adult members of the family including the women participating in it. But with the land coming under fence, this has been affected. 'Our farming activity has been quite restricted, not only because of smaller amount of time I get to spend on my field but also do that I have the support of my family. Now I cannot take my wife along for farming activities. I do not feel that it is safe for her', stated a respondent. We have lost the leisure of being in the field for longer time. Sometime we are in the middle of watering the crop or harvesting and we have to leave it, since we have to follow the rules. I used to be in my field before the sunrise and remain here till it would become dark. But that is not possible anymore.'

As per many respondents the fencing had deeper impact on the way they controlled their land and pursued their agricultural activities. This feeling was expressed by one respondent in the following manner he stated, 'Living on the border and facing its vagaries for last seen decades, they understand the human cost of conflict. Being the constant victims of this conflict, they would like to see its end.'

Many of respondents talked about the situations when their movements are restricted by the army. 'During any tension at border, we are not allowed to move around in a normal manner. That is time that we feel alien in our own place. Army and BSF become hostile to the villagers during the period of tension. It has its own priorities and goals and hence when things are not normal at the border, the forces view things from the perspective of the national security only. Then all kinds of restrictions are placed on people which make the normal life of people difficult. There would be lot of restrictions on the movement, 'when there is firing, the life stops'. Crops remain unattended, life becomes endangered. Being inside the locked room is also not safe as the firing and shelling reaches the interior of our homes. The feeling of living under constant danger is shared by most of the residents of those villages which are on zero line.'

To quote Lamberdar of the village said, 'Goli Ghar Pahunchati hai' (Gun-fire reaches home), you can see the edged home painted yellow how it is destroyed. Every media house has jotted the family pain it the destruction happened in this January. The bullet can come any time, it can happen any time, even now. Anything can trigger this process anytime. A mere suspicion of someone crossing the border can lead to the escalation of tension and the exchange of fire can take place. The people on the border become the hostage of this situation. During interaction with residents on the borders it is felt that every villages touching the border has a story to tell – a story of facing a bullet or someone being injured due to sudden firing. Many of them had personal cases to inform.

Haveli Ram Lamberdar said how his villager was injured in firing while sitting in his room only. He died a few days later. Another respondent stated that his son was similarly injured within his home only, though he survived this attack. Prakash Singh told us as to how there was explosion inside his house when he and his grandson were taking care of the cattle. Talking about more in detail Haveli Ram informed that during the shelling in 2000, there were 19 explosions in the village and two people (one man and one woman) were killed. More recently, in the month of January – March 2019, there have been again reports of frequent ceasefire violations. These violations result in bringing back the uncertainty in the lives of people in the border areas. There are again reported cases of ceasefire violations all over the border areas both around the IB as well as the LoC. Such violations continued throughout the months of summer.

When asked about the compensation has given to them or not by the government ,Echoing his sentiment, Bishen Das stated I am WPRS not having the ownership of land due to lack of PRC Compensation is given only to owners those who have ownership right (malikana) on land. I am an allottee and though I am as much dependent on land for my livelihood as those who have the proprietary rights, but I will get much less as compensation – may be Rs. 200 or Rs.300 per canal but he is not sure about that also.

Defining Statelessness in the context of J&K

The convention related to status of stateless persons 1954 defines a stateless person as one ‘who is not considered as a national by any state under the operation of its law’.¹⁰ Refugees and stateless persons can be differentiated as distinct legal categories on the basis of an argument that refugees have a nationality but no national protection, while the stateless persons are without nationality and the state protection. On the common basis both the refugees and the stateless are without protection and are marginalized sections of population.

The WPRs are not called refugees in the strict sense as they are Indian citizens like others. However, they are not citizens of Jammu and Kashmir, according to the provision of separate constitution of state. They do not have the privileges and benefits of citizenship of J&K, where they have been residing for the past seven decades. As we know, during the partition of 1947 they fled from Pakistan to Indian and were granted Indian citizenship according to

¹⁰ The convention came into force in 1960, in Collection of International Instrument and Other Legal Texts Concerning Refugee and Displaced Persons, Geneva: UNHCR, 1995, p.75 the more details about the 1955 citizenship act was discussed in the chapter 2 of the dissertation in elaborative form.

citizenship rules of 1955. The WPRs are Indian citizens, having all customary Identity proofs like the Aadhar Card, Election Voter Card, Ration Card. But despite all these identity certificates, the WPRs are leading an identity-less life, particularly in J&K.¹¹ They are at the margins as they are not granted any political, social and economic rights by state. They are denied participation in elections for State's Legislative Assembly, admission to professional educational colleges, employment schemes as per the rules framed from time to time by state government under J&K's constitution. Though they are mostly living in rural areas they are not allowed to participate in Panchayat elections.¹² The Panchayat representatives of nearby village are made their head to run the functioning of village. This is, as we have noted before, primarily because they are debarred from right of Permanent Resident Certificate rules according to J&K's constitution which also grants right for voting in elections in the state.¹³

Another irony with these WPRs families is that though they were settled in Jammu, prior to the date of commencement of the process for framing J&K's constitution, but still no provision was included in the Constitution for their permanent settlement. The law governing PRC has been discussed in the previous chapter shows they cannot avail the grant as per laws. As we know, the state government during the period between 1954 to 1957 passed several stringent laws debarring these refugees from getting citizenship right (PRC) in the future.¹⁴ According to that particular definition which was incorporated in the J&K constitution, under Part III Section 6, the WPRs do not qualify to be citizens of J&K, as they do not fulfil criteria of state citizenship laws and therefore denied citizenship right. The WPRs population has led various protests, demonstrations and filed petitions in courts of law for redressal of their demands from time to time under the banner of 'West Pakistani Refugee Action Committee (WPRSAC)' but failed to get any solution so far.

Major troll is played by political parties during the time of elections. Each political party usually made certain announcements before elections which fade away after results. The prime among them is considering them as the state citizens by granting them PRC rest employment, education and other facilities can be accessed only after PRC. This is alleged by

¹¹ The above argument is generated on the basis of the interviews made with these refugees settle in different villages of tehsil R.S.Pura of J&K. The families reveals all the above mentioned documents made according on the recommendations of the central Government, and then also they are bereft of PRC in state.

¹² "Leaders of West Pak Refugees in J-K poll fray" *Indian Express* April 9, 2009
archive.indianexpress.com/news/leader-of-west-pak-refugees-in-jk-poll-fray/442206/

¹³ This rule is mentioned in the constitution of Jammu and Kashmir for taking part in the process of the state election particularly mentioned in the JK constitution this section particular deal with the election provisions.

¹⁴ "Leaders of West Pak Refugees in J-K poll fray" *Indian Express* April 9, 2009
archive.indianexpress.com/news/leader-of-west-pak-refugees-in-jk-poll-fray/442206/

many of the interviewers that, 'all politicians from different parties come and goes but our problems lies where they were'. The expression of the political parties representative about the WPRs issue in the state, is mentioned as,

The then Revenue Relief and Rehabilitation Minister in National Conference-Congress coalition government (January 2009 to 2014), Raman Bhalla, who was from Congress stated, "Our Party seeks to grant PRC to WPRS but other parties have objections over its."¹⁵ Whereas Peoples Democratic Party (PDP) president Mehbooba Mufti had said, "Grant PRC to WPRS is a major issue, on which Indian government can take any decision".¹⁶ All Party Hurriyat Conference Chairman, Syed Ali Shah Geelani observed, "We are in strong opposition to grant PRC to WPRS. If Indian government has sympathy with these refugees, they can take them to their own land and settle them there."¹⁷ Both the factions of Hurriyat Conference, Jammu and Kashmir Liberation Front (JKLF) and even mainstream parties like N.C. , have termed the settlement of WPRS a move aimed at changing J&K's demography.¹⁸

On December 15, 2012, Member Parliament of National Conference, elected from Anantnag Lok Sabha Seat, said in the House that the Government of India should take steps to rehabilitate WPRs, settled in J&K outside the state. He said that settling these people in the state will change the Muslim majority character of J&K.¹⁹ Senior BJP leader Nirmal Singh said they wanted to ensure full voting rights and proper citizenship for the WPRs on humanitarian grounds. He insisted that the move will not change J&K demography as claimed by separatists and some mainstream parties.²⁰ All these said words of the politicians from different political parties depict their concern about the issue of WPRs in the state and in the way the political stand of their parties towards these refugees.

The Current situation of WPRS

The existing conditions of the WPRS largely bear out the apathy shown by successive governments for the past seven decades. The J&K government continues to refuse to acknowledge the WPRS as 'own or our people' A septuagenarian Labhu Ram says we are '*sharanarathi*' in state land of J&K. We are doubly victimised in J&K as we are Indian citizen but cannot avail benefit of Central schemes while residing in J&K. Whenever we go to government offices to seek benefit of a particular scheme, government officials ask for

¹⁵Brijesh Singh 'Kashmir Ki Soteli Santane' (*Tehalka Magazine* Hindi edition) December 31st2012

¹⁶*ibid*

¹⁷*ibid*

¹⁸Sameer Showkin Lone "BJP equates settlement of WPR with that of Tibetians in J&K," (*The Citizen*) January 19, 2015.

¹⁹Sant Kumar Sharma, "Indians Unwanted in J&K" (*The Jammu Heights*) March 2013, p. 7-10.

²⁰Sameer Showkin Lone "BJP equates settlement of WPR with that of Tibetians in J&K" (*The Citizen*) January 19, 2015.

identity, given by state, which we don't have and denied such benefit. Though we are Indians we are bereft of benefits given by the Central government in J&K. Due to this state subject rule, the WPRs are facing economic deprivation. We are dancing on the tunes of one or the other government.

We are the children of nowhere and no ones. Every time we face step motherly treatment from the state government. The tragedy is that though our forefathers were refugees, who had migrated now we have the fourth generation, which is still considered refugees, that is very unfortunate. The Government should stop calling us refugees as we are born here contributing to the state, and deserve equal citizenship status of J&K. The government discriminates with non-Muslims and because we are Hindus our benefits are being denied, Labbu Ram said.²¹

While the WPRs are living in precarious conditions, mainstream political parties are always use them for vote bank politics during the parliamentary elections. Many families have just one room shelter where even milch animals share space at arm's distance. Many houses do not have toilet facilities despite the Swachh Bharat Abhiyaan. Few villages of WPRS avail the benefit of the scheme but several more are waiting for their turn.²² The analysis is made through the field visits in the respective areas of the WPRs in Jammu region.

Various media reports shows a mobilisation of movement around this issues since long but a major shift was observed in their movement particularly after the arrival of Kashmiri Pandits from Kashmir valley. When these Kashmiri migrants settled in Jammu in 1990, they started getting benefits from state as well as Union government. This seemed to encourage the WPRs.²³ WPRs got their organization registered in 2003. The document read as follows.

It is hereby certified that the West Pakistan Action Committee village Chakrohi R.S.Pura has dated 17th April of 2003 has been registered under the Jammu and Kashmir Societies Registration Act, 1998 (1941 A.D.), Act No. VI of Svt. 1998, with registration no. 4197-s. At present the committee is functioning in the Swankha More tehsil and district Samba of J&K.²⁴

The main reason to get the 'West Pakistani Refugees Action Committee' (WPRSAC) registered was to strengthen our movement in all legalised forms where no state authorities would be able to defame organisation, observed as President Labha Ram Gandhi. As long as they were not registered, according to him, the government considered them less capable and

²¹ Interview conducted with him in his village Chakrohi of thesils R.S.Pura where is earning his livelihood through the small shop which is made in one of his house room.

²² The analysis is made through the field visit to the specific villages of the WPR in the tehsil R.S.Pura of J&K.

²³ Kashmir Times newspaper, 1995 The West Pakistan refugees and the KP in the state in regards to the compensation and the benefits from the state.

²⁴ Office order no. D/OL 1940-RS/05. Certificate of Registration of Societies Jammu and Kashmir dated as 6th of April 2003, with respect to West Pakistan Refugees of 1947 residing in the J&K state at present.

ineligible to a fight. Since its registration the Committee has been fighting for rights in the state by registering extensive *dharnas* and protests in front of Tehsilar, Divisional Commissioner and other state offices. The committee also claims to have led a national level movement besides filed several petitions and memorandums to central governments.

They accelerated their movement and started demonstrations, rallies and protests vigorously. A number of different petitions, and memorandums were filled by WPRs organizations, with however little or no outcome. The State government did not show any serious concern over their issues. The last important movement was a major rally, organised by WPRs under the banner of West Pakistan Refugee Action Committee in year of 2007 to cross International Border from RS Pura area of state and go back to the Pakistan, which was a mark of protest against the state government.²⁵ But in the half way they were detained and they have to move back to their houses.

Raj Rani aged sixty five years old said being married to a WPRs, I have been associated with movement for the last over one decade. We have a large number of WPRs families in our village Gajansuo of Marh block. I mobilize people of village for the issue and ensure their presence in meeting of Committee”, Raj Rani said, adding,

If we will not unite, our voice will not be heard and our grandchildren will also meet the same fate as we suffered. They will also remain in poverty and have to run for some odd jobs. My husband works as fruit and vegetable vendor and has been selling fruits from Thella, which he everyday placed on government land, but later the government evicted us and now my husband roams from village to village to earn livelihood. I have four sons three are working in unorganised sector. One of them is driver but is using the license of another person and vehicle permit, as the same is not granted to anyone without PRC. My elder son is in Indian Army. When he was recruited, the Army did not asked for PRC but now Army ask for Resident certificate and this option of recruitment in Army is closed for WPRS.²⁶

According to her, they voted BJP this time in the parliamentary election of 2014 as it had promised to fulfil all their demands, so they decided to have faith in government, which has still three more years in office. While interviewing the WPRs most of them sounded hopeless about the government.²⁷ They also narrate that this government is their last hope.

Recalling her past experience, another respondent Vimla Devi said, “For permanent settlement of WPRS families, WPRSAC under the leadership of Des Raj, organized a month

²⁵ Title as Jammu *Kashmir ke hindu sharnathion ki dayneey saththi*. Labha Ram Gandhi President WPRAC published in *DharmYudh magazine* p 3-5 May 2007. File photos are attached in the annexure.

²⁶ Interview conducted with Raj Rani during the monthly meeting organised by the WPRAC in every village of the Jammu region where the families of the community people.

²⁷ The above mention detail is the outcome of the interviews with the WPRs community people as how they see the government in the process of their issues settlement.

long agitation in village Chakroi of tehsil RS Pura in the year 1981. Initially there was little mass support and it was hard to arrange food for agitators but later we started cooking at the dharna site. It did not make any change in the attitude of the state government, forcing the agitators to cross over to Pakistan. The government forces stopped the agitators and shifted them to Jammu city jail. The agitation was forcibly pacified by the government. Till then, women of community did not participate openly in agitations but in that agitation, many women, though in vein, participated". Quite pessimistic about any good days in future, Vimla Devi regretted, "If such steps had failed to yield any positive outcome for WPRS, there are bleak possibilities in near future for the permanent settlement. Most of the adults are working in the different cities Delhi, Mumbai and did menial jobs to run their families. She further said that in absence of PRC, WPRS were treated as second class citizens. Native people have also stopped giving their daughters to our sons, she said.²⁸

Apart from agitation and demonstrations, the interviewees testified they have also launched a legal battle in the Supreme Court of India and in High Court of J&K in 1982. The legal battle so far fails to yield any positive outcome for WPRS. The Supreme Court had tweed over a case filled by WPRS activist Bachan Lal Kalgotra with case titled Bachal Lal Kalgotra vs State of Jammu and Kashmir and others on February 20th 1987.

The case judgement reads as follows.

The judgement of the petition entails that it is up to the legislature of the state of J&K to take action to amend legislature, such as the J&K Representation of the Peoples Act, the Land Alienation Act and the Village Panchayat Act and others, so to like petitioner and others like him who migrated from the West Pakistan in 1947 and settle down in J&K since then eligible to have the benefits of the electoral roll, to acquire land and to get elected to the panchayats. This can be done by suitably amending the legislations without having to amend the J&K constitution. In regard to providing the employment opportunities under the state government it can be done by amending the J&K civil services, classification of control and appeal rules. In regard to get admission to the higher technical education and other institutions the government may make these persons eligible by issuing appropriate executive directions without even having to introduce any legislation. The petitioners have the justifiable grievances. We do hope that the claims of persons like petitioner and others to exercise greater rights of the citizenship will receive due consideration from the union of India and the state of the J&K. We are however unable to give any relief to the petitioners. The petition is dismissed.²⁹

²⁸ The interview conducted with Vimal Devi on September 17th of 2016 during WPRAC monthly meeting in Akhnoor tehsil of the Jammu region.

²⁹ See: The original jurisdiction Writ Petition (Civil) No. 7698 of 1982 cited all the details of the West Pakistan Refugees legal battle in broader way. Govt. Supreme Court in AIR 1987 page 1169 decided the petition by Hon'ble Judge O. Chinnappa Reddy and Hon'ble Judge S. C. S. NataRanjan W. P. Civil No. 7698 RD-SC57 (20th February 1987).

The present petition does not read like the dismissal of the case but a constitutional support for the petitioners suggesting ways to the government to help them. The above judgement made by the Supreme Court suggested that it was of prime concern of the Governments both central and the state to realise the genuine grievance of the WPRS and grant them the PRC status in to enable them vote in the state assembly and the Panchayats elections.³⁰ However, not much has moved on the ground above lines it seems the reluctance of successive regimes is backed by opposition from local population.

In fact when the state government recently announced a decision to grant identity certificates to WPRS, it evoked strong reaction from the Kashmir valley. An agitation started in Kashmir valley against the plan to issue domicile certificate. It was opposed by separatists from Kashmir valley and also by Kashmir based politicians. The politician leading the movement was MLA from Langate constituency Er. Rashid from J&K Awami Itthead Party led movement leading the movement against the state authorities for giving identity certificates to WPRs. A question arises as what would be going to change with this document? With the help of these identity certificate the WPRS will able to get caste certificate, with which they would avail benefits of various schemes as majority of these WPRS are members of the Scheduled caste or Other Backward Classes. The document likely to be given to WPRS states as follows.

The letter no.19/01/2016 –R&SO of Ministry of Home Affairs New Delhi was forwarded to the Divisional Commissioner Jammu, of J&K state. The purpose of the letter to issuance of identity certificate to the wards of the WPRS for the purpose of recruitment of their children settled in the J&K state in Indian Armed Forces.³¹

The particular order is issued by state government authorities, under repeated demand from WPRS representatives. This was because it was reported that as many of WPRS youth have been qualifying recruitment rallies of Army and the other armed services exam but failing to get jobs in absence of identity certificate of State, particularly the caste certificate. This is borne out of field work.

The case titled as BachanLalKalgotra V/s State of Jammu and Kashmir and others. The present judgement also follow up the Constitution of Jammu and Kashmir: Section6 and Constitution of India: Article 35A. To make references of the case in length, as both these section provides the special categorical reference to the case of the West Pakistan refugees referred in the case in context to J&K.

³⁰DhanajayMahpathra.“70 years on, West Pakistan Refugees denied basic rights in J&K”. *The times of India* December 22, 2015.timesofindia.indiatimes.com › India

³¹Refer annexure for the detail of the identity certificate to WPR by the central government order. The order passed by the parliament in the month of the August of 2016 but the row raised in the last of the year. Although many tehsils in the J&K state had issued the identity certificate before the row happened in the state.

During the monthly meeting held in the village ChaffaraChack of village Jhiri of Marh block. One of the youths named Sunil Kumar (20 yrs) said that he had attended Indo- Tibetan Border Police (ITBP) recruitment process but he was thrown out in the absence of caste certificate. The recruitment authorities made it clear that if one had no Caste certificate, they would not get any benefit. Sunil Kumar's case is not an exception. There are many like him who made similar and repeated appeals to the WPRSAC. The president of the committee, Labha Ram Gandhi made a brief speech on the identity cards' issue and emphasized on getting the certificate.³²

As it was order by the central government then only WPRS community avail the benefit of Caste Certificate from the concern authorities. Another youth Parveen Kumar admitted that they were not made aware by committee in the last many years about identity cards due to which we don't have any documentation and cannot access any government jobs either in Centre or State. Consequently, as he said "We are living in the poor condition and doing menial jobs are our last refuge to run family."³³

Yet, there are powerful sections and forces in the valley region of J&K who claim that the issue of the WPRS citizenship is political fight with the state. The Huriyat Conference, an amalgamation of various Separatist groups in Kashmir valley alleges that motivated by vested interests, the BJP led government has been trying to create communal divide. The granting of PRC to West Pakistani Refugees would actually change the demography of J&K. Hence, they are of the opinion that granting identity cards to WPRS is being done deliberately to destabilise the peace in state, especially, by promoting malicious campaign since 2014 election by BJP, when the BJP promised to grant citizenship to WPRS.³⁴

The identity card certificate issue, earlier called the domicile certificate, consistently faces strong opposition from all separatist groups. They argue that the WPRs were not natives of J&K and had migrated from Pakistan. Therefore, they have no right to settle in J&K, which was an independent country before 1947. It would be wrong to settle non-state subjects in a dispute territory, according to them which is a Muslim majority state. When these WPRs are not citizens of the state, how could they be given the identity card by the state? It appears to them the conspiracy of the central government authorities to change the demography of J&K. They see the final step of granting full state citizenship rights to these WPRs in the forthcoming days as a big agenda of Union government. However such conditions there are remote possibilities that hopes of WPRS will see daylight as stakeholders of Kashmir valley

³² The meeting held on the 17th of September 2016 in one of the village of the Marh block of Jammu district.

³³ Both these were the resident of the village ChannaChack of Marh block of thesilAkhnour of Jammu region. Interview made with them during field visit.

³⁴ Analysis made from various news channel debates and the reports of the daily newspapers of the J&K.

are making the issue more controversial by arguing their settlement in other states of India.³⁵ The predicament of WPRS residing in the state J&K is reminiscent of bitter history they hold for the past long decades. The present political arena has now seems encouraging for addressing the issues of WPRS. The present Indian government headed by Prime Minister Narendra Modi has shown flexibility from the past as they initiated the process to grant identity cards to WPRS so that they also would get jobs in central government.³⁶

³⁵ The above arguments cited from the different newspapers local of the J&K regarding the issue of the WPR identity cards. These are Kashmir Times, Greater Kashmir, Rising Kashmir and others.

³⁶ The copy of the Identity Certificate will be added with paper.