

A QUESTION OF CITIZENSHIP: MIGRATION AMONG THE PAKISTANI-HINDUS IN JODHPUR, RAJASTHAN

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ABSTRACT

The Indian borderlands are considered as 'transitional zones' with specific territorial and spatial facets. More often than not they are lines of contestation between nation-states. The India and Pakistan border falls in the same category along with being highly militarized. The present research looks at citizenship struggles and displacement amongst 'Pakistani-Hindu' migrants that is Hindu Bhils who reside in these contested spaces at the borderland. The focus of the study is displacement that has occurred across the international border of India and Pakistan on the western frontier consistently post the 1965 Indo-Pak war and continues till date. The western borderlands remain understudied when porosity of borders and flows of population is discussed within the Indian context. The ethnographic study is an attempt to understand the struggles of the Pakistani-Hindu migrants (not yet assigned the refugee status) who have 're-settled' in the western borderlands of Rajasthan. The flow that occurs physically is on account of the strong sense of belonging, 'shared culture and tradition' to the Indian side of the border. The legal and social assimilation of these migrants involve complexities and negotiations vis-à-vis identity, livelihood, and every-day practices. The present study is located in Jodhpur, Rajasthan, a city that has become an entry point for migrants from bordering districts of Pakistan's Punjab and Sindh province. The migrants have neither a citizenship status nor access to State services, and reside as 'foreign nationals' in India.

KEYWORDS: Cross border, Migration, Borderland, Pakistan-Hindu, Citizenship

BACKGROUND

The Indian borderlands are considered as 'transitional zones' with specific territorial and spatial facets. More often than not they are lines of contestation between nation-states. The India and Pakistan border falls within the same realm along with being highly militarized. The flow of people that occurs physically across these spaces and the specific events leading to such movement is significant. This is because the movement of individuals has been notable in various phases continuing till today. Memories associated and sense of belonging to either country that is India or Pakistan comes forth as a question of identity and recognition. Hitherto, observed only as questions of citizenship and nationality. However, it is important to note that memory in this particular case is strongly related to the pre-partition era when the two nation-states were united. Understanding multiple layers of identity and thereby citizenship keeping the postcolonial history of the subcontinent in mind is a starting point for this paper.

Citizenship is understood within the context of the community that lives around these borderlands. Who are the Pakistani-Hindus? They are groups of people belonging primarily to the Bhil tribe and Meghwal community previously residents of villages in Punjab and Sindh province of Pakistan. They are now 'settled' in and around the state of Rajasthan mostly concentrating in Jodhpur and Jaisalmer districts. Most of

the families of Pakistani-Hindus are in a transitory phase. This is owing to the fact that only few members of the migrant community have received the Indian citizenship and socio-cultural acceptance within the 'host nation' India. This paper is an attempt to understand, certain key issues with a focus on the Pak-Hindu migrants, as a result of their displacement between the borders of India and Pakistan post the 1965 Indo-Pak war. The focus at present is both on the migrant and the process of migration. This is done by directing attention towards concepts such as borderlands, identity and citizenship along with the refugee policy of India.

The field site for this paper is located in the city of Jodhpur in Rajasthan, which has become a large settlement location for the Pak-Hindus migrating to India. Historically they were known to be agricultural labourers or pastoralists but given their location at present they are forced to work at stone quarries as daily wage labourers. Kali Beri which is understood to be one of the oldest community settlements for the migrants is situated in Jodhpur and was the primary site for data collection. The case of Pak-Hindus migrating to India is one of forced displacement due to lack of representation, insecurity and discrimination in certain villages across the border in Pakistan. The strong ancestral link and ethnic ties the community shares with the Indian side of the border compels them to seek refuge and a stable life in India.

This problem can also be looked at as a remnant of the faulty borderlines drawn at the time of India's partition in 1947. Sir Cyril Radcliffe who was assigned the job to demarcate the boundary between India and Pakistan had never visited British India before and had little idea and almost no understanding of the complexity of the ethnic makeup or the varied cultural practices of numerous communities inhabiting the colonial territory. As Singh (2010, p.7) points out, it also shows how the plight of these 'refugees' is directly linked to the fallacies of partition which was done in the most haphazard manner possible.

PAKISTANI-HINDU MIGRANTS

Majority of the Pak-Hindus belong to the Bhil community, traditionally pastoralist with a strong sense of identification with India and the Hindu identity. Others belong to the Meghwal, Suthar and Sodha community who are collectively referred to as 'Pak-Hindu' migrants. These migrants are different from the Sindhi-Hindu refugees who shifted to India in the wake of the Partition in 1947, who are mainly Sindhi-speaking and are ethnic Sindhis. The following narrative contextualizes the repercussions of the partition for marginalised groups such as Pak-Hindus: In a way we are coming back home, our forefathers were labourers in Rajasthan and used to work on the fields in Punjab as well. I was born in undivided India and there is no meaning of partition for me. The borders were porous until the Indo-Pak war broke out in 1965. The territorial division of the subcontinent that happened during the partition of 1947 was a result of decisions taken at the centre by political leaders of both the Indian National Congress and Muslim League. Our opinions were never considered during partition. We had to go through the process of displacement many times because of that. We have had to take on identities and nationalities by force and it has left us as 'nowhere people'.

A considerable presence of the migrants relocating from Pakistan is to cities around National Highway 15 (NH15) which is close to the border area within the state of Rajasthan. The specific area where the Pak-Hindu migrants are settled are Bikaner, Jaisalmer, Barmer and Jodhpur. Jodhpur has become a 'default entry point' for the migrants. This is because the city is at a slight distance from the international border and a tourist visa can be obtained for the same. In addition to this, *Bhagat ki Khoti* railway station is located in Jodhpur city. *Bhagat ki Khoti* is one of the two railway entry points into India from Pakistan. Thar Express (Thar Link express), the international train which connects Karachi railway station in Pakistan to the station in Jodhpur is the preferred mode of transport for the Pak-Hindus since it is an economically viable option for them.

It is interesting to note that the geographic area which today is referred to as Jodhpur used to be part of Marwar

province pre-independence. The western border of this province used to meet the Raan of Kutch and Thar Parkar District of Sindh (now in Pakistan). This 'in between' area in the Thar Desert known as Thar Parkar (now in Pakistan) is where most of the migrants are from. Others are from neighboring districts of Sindh, such as Umakot, Mirpur Khas and Hyderabad, as well as from Rahimyar Khan and Bahawalpur in southern Punjab province of Pakistan. Jodhpur becomes significant to the present study since maximum number of migrant community settlements are found here. None of the migrants have been given the status of 'refugees'. The unclear citizenship status of the residents of Kali Beri and the lack of access to services thereby describes the 'inbetween' state of Pak-Hindu migrants settled within Rajasthan. The India Citizenship Act, 1955 has had various amendments enacted. For instance the period of minimum stay in India to be eligible to apply for Indian citizenship was five years and is seven years now. The fee for the application process has also been increased.

CITIZENSHIP AN ILLUSION FOR PAK-HINDUS

While the constitution of India does not define the word citizen, Part II of the Constitution (Articles 5-11), entitled 'Citizenship', addresses the question of identification of Indian citizens at the commencement of the Constitution, drawing the lines between citizens and non-citizens. This demarcation of citizenship at the commencement of the Republic seems to have been responding largely to the contexts of Partition. A close examination of citizenship in this period shows both contest and anxiety over the determination of the national space and identity, whereby the territorial as well as the cultural and legal domain of citizenship was marked and affirmed (Roy, 2010 p.33).

Most Pak-Hindu families are unlettered, making the entire process of application, submission and paper work difficult to follow through. The burden of this hindrance is evident by the delay in processing of their citizenship applications. Second, they are mostly daily wage labourers and the application/processing fee runs into hundreds of dollars since they have a minimum of eight to nine member family. In addition to this administrative and bureaucratic obstacles setup intentionally by the middlemen, in collusion with officials, police prolongs processing of their application for years. One such experience of the Pak-Hindu migrant is summarised below. As narrated by Ektaram, a Bhil belonging to the Kali Beri Pak-Hindu settlement. I came to India thirteen years ago and came with a lot of hope since it is the country of my forefathers. I made the application for gaining citizenship after waiting for the number of years as per rules and paid rupees eight thousand as fee. The official did not issue a letter for me but said that policy of citizenship has changed and I should make the application again keeping new criteria in mind. Now

SETHI : A QUESTION OF CITIZENSHIP: MIGRATION AMONG THE PAKISTANI-HINDUS IN JODHPUR..

all my documents and fee is with the CID officer and I have no access to it. I need these documents to put my children in school and other things. I do not know what to do.

During a public hearing organised by PVS, a discussion on problems faced by the Pak-Hindus as non-citizens was addressed. An excerpt from the public hearing: As we do not have Indian Citizenship we are deprived from taking electricity connection, we can't open bank account, can't get a driving license. Electricity department has given us notice, those without Indian Citizenship documents will not be provided with electricity connections. They have claimed it in a survey conducted by the intelligence bureau that the department had found out about migrants who have secured electricity connections illegally. This issue has been discussed with ADM and City Magistrate but before they could take any action it was noticed that intelligence officials were arguing that the law does not permit 'Pak-Hindu' migrants to get such facilities. When we asked intelligence officials to show us any provisions of The Foreigner Act of 1946, which restrict them to avail such facilities, they have no response on our arguments. We would again raise this issue in the State Committee meeting.

It is evident that even after submitting the application for permanent residence repeated inquiries from the security agencies or the FRO pertaining to security or background checks are sent to Pak-Hindus. As a response they furnish all the necessary information needed for the purpose but nothing significant comes out of it because they feel that this matter is of low priority to the government. It is observed as an exploitative and discriminatory policy towards the migrants.

According to Mr Sodha after the 2004-2005 citizenship camps that were setup to facilitate the process of application for citizenship in the State, only few (approximately five more according to PVS date) more citizenship applications have been approved till date. Between the year 2004 and 2005 the power to grant citizenship was delegated to the state (district collectors). Within this time period a lot of backlog was addressed and several Pak-Hindu migrants had received citizenships. It was also with the help of PVS that the camps were functioning effectively and the information was dispersed so that maximum individuals could benefit from it and gain citizenship. It is evident that a lack of will and priority is given to the citizenship struggle of the Pak-Hindu migrant by the State and Central government. Furthermore, this disinterest shown by the State and Centre is blamed on the security underpinnings attached to this issue.

INDIA'S STANDPOINT AND CROSS-BORDER MIGRANTS

It is important to remember none of the states in South Asia can control or curtail the population movements as the

borders are porous and governments lack the administrative, military or political capacity to enforce rules of entry. Given the dominance of the 'national-security' perspective in the region, cross border movements are considered issues that affect internal security, political stability and international relations, not simply the structure and composition of the labour market. There is the possibility and the consequent fear of a refugee flow transforming the ethno-religious and linguistic composition of the receiving area within the host country. 'Such fears may sometimes assume threatening proportions in situations where local anxieties peak owing to perceived threats of getting culturally and/or economically swamped' (Singh, 2010 p.239).

It is apparent that India chooses to maintain its own administrative arrangements for dealing with temporarily or permanently settled refugee communities, thus it provides the UNHCR little room to assist except in emergency situations like the displacement of Chakma tribals from Bangladesh or rehabilitation of refugees from Afghanistan or the Autonomous Region of Tibet (Sen, 2003 pp. 404-405 cited from Samaddar (ed)). The case of Pak-Hindus is much more complex since migrants from different phases (i.e. post 1965, 1971 and 1992) have been treated differently in terms of status being assigned.

Only the post 1971 Pak-Hindus were categorised as refugees and provided with rehabilitation packages by the Government of India. This leaves us to analyse the status of post 1961 and 1992 migrants since the number of these migrants is quite large and have been relocating to the Indian states, even in recent times. It is also seen that within this there are certain migrants who have been granted Indian citizenship and others have not yet been considered.

As mentioned above when it comes to the specific context of India, its international position in terms of treatment of refugees is disputable due to being a non-signatory to the 1951 Convention and the 1967 Protocol on Refugees. It has also been seen that with every reason which points towards the need for such a refugee law for India the policymakers have provided larger number of reasons for opposing it. They insist that the presence of Foreigners Act is sufficient and that passage of a refugee law would hinder Government of India's policy concerning refugees which is an ad hoc policy in the first place (Nair, 2007).

In the year 2000, the Indian government had put forth a similar view in the Rajya Sabha (the upper House of Parliament) showing strong disinclination towards becoming a party to the 1951 Convention. India has regarded 1951 Convention and the 1967 Protocol as only a partial regime for refugee protection drafted in the euro centric context. It does not address adequately situations faced by developing world, as it is designed primarily to deal with individual cases and not

with situations of mass influx. It also does not deal with adequately with situations of mixed flows. In India's view the Convention does not provide for a proper balance between the rights and obligations of receiving and source states. The concept of international burden sharing has not been developed adequately in the Convention. The idea of minimum responsibility for states not to create refugee outflows and of cooperating with other states in the resolution of refugee problem should be developed. The credibility of the institution of asylum, which has been steadily whittled down by the developed countries, must be restored (Rajya Sabha, starred Question in August 2000, Monsoon Session; cited in Saxena, 2007)

Commenting on the situation in South Asia (particularly India), Bose (1997: 61) observes: The issue of cross-border migration has been deliberately projected by governments and the elites as threatening national security and national integrity. The existence of cross border ethnic communities which are in minority in one country and a majority in another, further entraps the refugee into a national security complex, especially where host governments use refugees to further security or foreign policy goals

Constructing a blockade in this particular case barbed wire fences along the border, act as a deterrent to trans-border population movements. In the case of the western frontier of India that is the 1048 kilometres long Rajasthan - Pakistan border, it was fenced and floodlit by 1999. Such measures to prevent the flow of people across the border have hardly proved effective according to Singh (2010).

Samaddar (2003) critiques the security centric argument stating 'political scientists discussing population flows in South Asia think only in dominant framework of security and stability, the political role of the immigrant and the imperatives of an institutional framework that will "contain" and "tackle" the "problem". Rights do not enter the agenda at all'. This is also evident in the case of Pak-Hindus, since the treatment meted and delays faced in processing applications is directly related to maintaining stability and security of the region that the migrants first arrive at. There is no proper mechanism to receive such migrants and facilitate stay while application is processed thereby disregarding rights and struggles faced from day one.

They are denied their intrinsic right to represent themselves. They get represented, if at all, by a wide range of state agencies or non-governmental aid agencies within a broader political or social agenda/framework. Hence, a serious need to speak for themselves and put forth experiences and struggles in their own language and words becomes essential. Their struggles cannot be represented accurately on their behalf by state officials, organisations and/or politicians since each

party has a pre-constructed agenda when it comes to representing the Pak-Hindus. A similar criticism is seen in the writings of Indra (1999) where it is stated how aid providing agencies looked at refugees as mere objects of assistance and in the very process of aid disbursement are deliberately pushed to the margins. There is a pressing need for an alternative methodological framework essentially requiring a shift from a security centric-framework to a people-oriented approach with equal emphasis on the refugees and those who are made to host them (Singh, 2010).

Pak-Hindus find themselves caught in the legal muddles of territoriality and citizenship laws. It is not just the physical dislocation but the accompanied social, cultural, economic and political break-down of their society that they have to make meaning of. Observing the case, displaced people within India and the foreign policy stance, it is evident that various groups of refugees are treated differently and it has led to a 'political ad-hocism'. Nair (2007) observes pointing out some of the problems resulting from lack of cohesive national policy for addressing refugee flows, '...it limits the ability of state governments and the Border Security Force to deal with refugees, often resulting in mass rejections at the frontier or non-recognition of minimum refugees sneaking into the India territory'.

This results in highly arbitrary decisions, highlighting discrepancies insofar as while 'the Tibetans and Sri Lankan were granted asylum and refugee status... the 1971 refugees from East Pakistan were called 'evacuees' but in effect, treated as refugees requiring temporary asylum. This further emphasizes the critical need for India to adopt a clear and coherent policy to help concretise India's response to refugees. The government must evolve its domestic, legal and legislative framework to help guide its response to different groups of refugees, since India has not enacted any refugee specific legislation and the term 'refugee' does not even appear in its constitution. (Bhattacharjee 2008; Chimni 1994b; Chimni 2003; Gorlick 1998 23-27 Khan 1997 23-26; Oberoi 2006; Verman 1997 13-18).

As Saxena (2007) notes: Although there is no definition of the term 'refugee' in any Indian statute, the term has been loosely used in administrative correspondence and decisions. The positive rights available to refugees are the same as those for aliens as the refugees have not been recognised as a sub set of aliens requiring a special standard of treatment due to their peculiar and tragic circumstances.

CONCLUSION

The partition left the communities living at the borderlands worst affected due to the emergence of the borderline. In addition the shared traditions and culture of the

locale made it difficult for the community who live around the borders to settle in the new nation-state which they were made a part of by default (Hindus from the border villages of India belonging to the Bhil, Meghwal and Suthar community had now become nationals of the Islamic Republic of Pakistan—a larger culture and religion that they could not associate with). This is a clear implication of the territorial and spatial background and significance of living at the border as well as the Pak-Hindus having no say or standing in the dominant discourse prevalent in Pakistan or India. This has remained unchallenged historically in Pakistan due to their minority status and in India due to their caste and tribal affiliation.

The Pak-Hindus identify neither with the larger 'idea of India' nor with Pakistan—the religious Islamic state. Their lived experiences are local, devoid of citizenship and nationalist imaginations created by the dominant frameworks and forced upon them. The present day situation of Pak-Hindus is a legacy of the partition of subcontinent and the tradition of hostility between India and Pakistan. What happens at the centre and state politics clearly impacts those living at the territorial margins, not only adversely affecting their day-to-day life, but also controlling their lives.

The construction of identity and sense of belonging, through postcolonial citizenship, alienated the minorities and added to their dislocation. Multiple identities were constructed and deconstructed by the dominant paradigm, problematizing an idea of nationhood. Dynamics of class structure within the Pak-Hindus can explain the variations in State responses vis-à-vis migrants from different socio-economic strata. There is a presence of a strategy of discouragement as the state deems necessary.

The government has failed in practice to create a consensus policy agenda on minorities' status within Pakistan that would create an encouraging and inclusive national approach. In fact, the state is involved in painting and treating minorities as unequal quite contrary to the tenet at the time of formation of Pakistan (August 11, 1947 speech, Mohammad Ali Jinnah). Condition as such have resulted in the exodus of Pak-Hindus over the three phases of migration and continues to happen till date. It is important to reiterate the lack of uniformity in India's approach to refugees, migrants and displaced people. The issue dealt at the political-administrative level allows entry of migrants but lacks a well-built receiving mechanism for rehabilitation and integration. The government then needs to play a twin role at the national as well as the regional level. It must, therefore be proactive in not only the context of evolution of a domestic legislative framework, but also towards the creation of a regional framework that would clearly make both refugee producing states as well as refugee receiving countries in the region accountable to each other.

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SETHI : A QUESTION OF CITIZENSHIP: MIGRATION AMONG THE PAKISTANI-HINDUS IN JODHPUR..

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