



From Protracted Statelessness to Dignified Citizenship: The Struggle of Partition Refugees for Political Recognition in Jammu and Kashmir

Ajay kumar

PhD research scholar

Panjab University, Chandigarh

Abstract

The partition of Indian sub – continent in 1947 remains one of the most devastating events in modern south Asian history, marked by unbridled religious violence, forced migration, and the chaotic cartography - demarcation of territorial borders between the newly formed nation states of India and Pakistan. While the dominant historiographies on partition have focussed primarily on communal violence and material history, some scholars such as Urvashi Bhutalia (1998), and Retu Menon and Kamla Bhasin (1998), have made serious attempts to broaden the horizon of partition historiography by studying the “Great divide” through subaltern and gender lens. However, the experiences of partition refugees who were forcibly uprooted from west – Pakistan, also known as west – Punjab, have received relatively less scholarly attention, leading to the invisibilisation of their historic existential struggle not only during the traumatic period of partition violence but also in the post – partition regime in Jammu and Kashmir. Thus, drawing on the field study conducted in border areas of Jammu region and the available archival and secondary sources, the paper unravels how the partition violence and the consequent forced migration inflicted multi-layered injustice and exclusion upon refugees who were forcibly displaced from West – Pakistan in 1947. Secondly, this socio – historical analysis focuses on their long struggle for citizenship rights that they were denied for the last seven decades in the erstwhile state of Jammu and Kashmir (currently a union territory).

Key words: Partition; Communal Violence; Forced Migration; West – Pakistan Refugees

Introduction

The partition of Indian sub-continent in 1947 has been one of the most studied subjects in the modern south Asian history. The great divide which accompanied an intense wave of ethnic violence and forced migration is known to have caused a huge loss of about two million lives (Tanveer et.al, 2024). Thus, the dissolution of British raj in India not only changed the territorial and demographic map of the region but also brought an unending trauma to the refugees who were forced to leave their villages, lying on both sides of the borders. Thus, the cumulative mental trauma suffered by people was calamitous. Along with the human sufferings, partition disaster had serious impact on almost every sector, ranging from industries and trade, medical infrastructure to food supply as the chaos created a huge food deficiency both in India and Pakistan, rendering many people dead because of hunger and mal – nutrition. The data shows that due to the trauma and lack of food and medical facilities during the partition, there has been drastic increase in the infant mortality rate – from 164 per 1000 lives in 1950 to 181 per 1000 lives in 1955 – which revealed how violence led forced migration exacerbated the fragility of healthcare infrastructure (Tanveer et.al, 2024).

However, it must be noted that ‘refugee’ was not a homogeneous category as partition and post – partition rehabilitation experience has been varying for different social groups, for instance, the oral narratives of women refugees regarding the migration experience are very much different from that of men (Bhutalia, 1998) Similarly, it would be the grave injustice to equate the tragic experience of historically oppressed dalit refugees with the elite caste members. This differential experience has been documented by several scholars, for example, in case of migration from east – Pakistan (later Bangladesh) to West – Bengal, dalits refugees, namely *Namsudra community*, were subjected to systemic neglect whereas the state accorded preferential treatment to upper caste *Bhadralok* refugees. Many lower caste refugees were relegated to live in the swampy and uninhabitable tracts such as Dandakaranya forest areas and Andaman Islands. Initially, as some scholars argued, the state government of West - Bengal was not even interested to accord them the official status of refugees as this ex – untouchable population was being considered by the state as liability for the economy. Thus, the erasure of their oral histories from the partition discourse and collective memory reflects what Ann Laura Stoler had called “structural forgetting” – a systemic archival silence.

So far as the existing scholarship on partition is concerned, several scholars have contributed to this niche in the last few decades. Social scientists and historians have given significant attention to areas such as trauma and memory studies, material history, forced migration, refugee studies, and the phenomenon of colonial cartography (process of drawing of international border such as Radcliffe line)

in context of partition. However, the most defining contribution to the field of partition historiography has been done by Urvashi Bhutalia through her work, titled “*the other side of silence: Voices from the partition of India (1998)*”. She brought a paradigmatic shift in the partition studies by employing Oral History method in her research specifically unravelling how women were brutally murdered, raped and abducted during the inhuman mass migration in 1947. Similarly, the work of Ritu Menon and Kamla Bhasin explored the process of border making and how these boundaries reshaped the sense of belongingness and gendered experiences in the post – partition period (Menon and Bhasin, 1998). By introducing the inter- sectional approach to the issue of forced migration, these scholars not only challenged the dominant scholarship but also paved the way for hitherto unexplored dimensions of partition holocaust. However, it would be unjust to completely negate the contribution of earlier scholarship that has been instrumental in bringing forth the issues concerning partition refugees. Scholars such as Ayesha Jalal (1985), Ian Talbot and Gurharpal Singh (2009), and Nisid Hajari (2015), have done an in-depth archival work on high politics, constitutional negotiations and how elite political leadership and its flawed decision making along with the poorly planned British withdrawal led to the violence. On similar line, Gyanendra Pandey (2001) in his work “*Remembering partition: Violence, Nationalism, and History of India*”, provides a micro analysis of how communal violence during partition was not just an isolated event in Indian sub – continent but a constitutive moment in the making of modern south Asian polity. While challenging the mainstream historiography that has been sanitizing the role of violence by de-historicising it, Pandey argues that communal violence has been played a foundational role in the creation of India and Pakistan long before the tragic episode of partition. Thus, by centering violence as an analytical category, Pandey’s work can be considered as one of the important contribution focusing on the socio – religious history of partition genocide.

Partition of India has also been studied through the lens of material history. Scholars like Joya Chatterji (2007) argues that partition was not just about the demarcation of boundary line between two newly emerged nation states but had long term economic implications for the migrated population, uprooted both from east and west Pakistan. Moreover, these refugees were not a single category, they were varyingly differentiated by class, caste, professions, social capital and educational status. As cited by scholars such as Ravinder Kaur (2008), among the issues of resource redistribution in the post partition rehabilitation regime, land allotment was one of the key problem that severely impacted the landless refugees because only those who had land in the home state, were eligible for land allotment in the host nation. This discriminatory administrative criteria led to the structural exclusion of historically marginalized refugees who were left to survive on their own in the segregated colonies. Thus, the historic

phenomenon of partition was not just a moment of violence and migration but also a process of redistribution of material resources.

Another important contribution is the dalit or what can termed as subaltern historiography of partition that has been attempted by scholars such as Sekhar Bandyopadhyay (2022), Anasua Ray Choudhury (2022), U. Shahani (2025), R. Wanchoo, Deep Halder (2019) and most specifically the work of Ravinder Kaur (2008). Bandyopadhyay and Choudhury situated dalits in the partition discourse by documenting their experiences in the of Bengal region. By emphasising the historical omission, they situated dalit refugees at the centre of partition discourse rather than treating these vandalized communities as reference points. Similarly, the archival and ethnographic work conducted by U. Shahani (2025) provides a detailed report on how the resourcelessness and state's biased treatment forced marginalized groups such as sweepers, sanitation workers, landless agrarian labourers, to stay back in Pakistan, depriving them of their fundamental right of mobility. As he described, this state sponsored prevention of exit created a new phenomenon of bonded citizenship in south Asia. With regard to negligence and exclusion in the post – partition rehabilitation regime, the work of Deep Halder (2019), offers a socio-historical analysis where he delved into the post partition refugee politics in west Bengal. His work, *"In blood Island: An oral History of the Marichjhapi Massacre"*, provides compelling narratives of the violence and human right abuses suffered by dalit refugees during the communist regime in the state of west – Bengal. Author's extensive ethnographic interviews with dalit refugees gives a first-hand emic perspective of how lower caste people were victimized not only during the process of forced displacement but also in the post partition period. Marichjhapi is a small island, situated in the sunder bans of west – Bengal which served as a habitation for thousands of lower caste refugees who were displaced from East Pakistan in 1947. However, things turned violent when this island region transformed into a site of contestation between state government of West Bengal and Refugee islanders, eventually culminated into the violent eviction of partition refugees in 1977, leading to the loss of thousands of families.

Though there has been very less research on partition refugees who migrated from West – Pakistan to Jammu and Kashmir, yet the work of scholars such as Mohita Bhatia, Marvi Slathia and Reeta Chowdhari Tremblay (2016) have highlighted their struggle for political recognition in the state. In her work, Tremblay (2016) scrutinised the identity politics of J&K and how it overshadowed the statelessness among west – Pakistan and PoJK refugees, living in different border areas of the state. The local region and religion based politics, she argues, played a significant role in keeping these displaced people as stateless and economically fragile. Thus, drawing on the field study conducted in border

villages of Jammu region and an extensive survey of partition archives and secondary sources, this paper examines how the dominant partition historiography invisibilized the experiences of partition refugees particularly those who migrated from West – Pakistan or West Punjab and sought shelter in Jammu and Kashmir.

Partition of India and the Violence Induced Forced Migration in 1947: Case of West Pakistan Refugees

In the month of August 1947, as communal tensions were getting intensified on the eve of partition, the Indian sub – continent saw a massive mass migration both from Indian and Pakistan side. Thousands of people were forced to flee from their native villages and migrate to strange places. Similarly, West – Pakistan migrants, who were largely lower caste Hindus, belonging to areas such as Sialkot, Lahore and other adjoining regions, in order to escape the communal cleansing and bloodbath, left their villages and sought refuge in border areas of Jammu region of J&K. The important reason for West Pakistan refugees to choose border areas of Jammu region was the factor of contiguity and their socio-cultural compatibility with people of Jammu. Initially, under the state evacuee and relief regime, these west – Pakistan refugee families were settled in border areas of Jammu, Samba and Kathua district on interim basis and were promised to be granted full citizenship rights in the coming years. However, for more than seven decades since 1947, these refugee families kept struggling for political recognition – citizenship right – in the state as they were denied the right of permanent resident-ship due to the discriminatory legal provisions, article 370 and 35 (a). Thus, these people were forced to live an undignified and identity – less life for seventy years under the garb of false promise of full citizenship. While other partition refugees who migrated to other parts of India gained full-fledged citizenship and were rehabilitated on allotted lands, these WPRs were caught in the maze of being Indian citizens but non – permanent residents of J&K (Chauhan, 2022), thereby remained deprived of various socio-political, economic and legal rights due to the denial of domicile status in the state. Moreover, the border tensions between India and Pakistan compounded their fragility as border villages are the regions that remain more prone to shelling and firing during ceasefire violations by Pakistan.

Discriminatory “Permanent Resident Doctrine” and the Denial of Citizenship Rights to WPRs in Jammu and Kashmir

Historically, the princely state of Jammu and Kashmir had its own rules and regulations, governing the domiciliary rights of people residing in the region. Evolved and institutionalized in 1930s, a set of exclusionary domicile rules were employed to decide who could be the permanent resident of J&K,

restricting all socio-political, legal and economic rights for native residents. After the partition, J&K during the reign of last dogra ruler, Hari Singh acceded to India. However, interestingly, even after Jammu and Kashmir's accession to Indian republic in 1947, this discriminatory domicile regime did not end, thereby forcing the partition refugees migrated from West – Pakistan to live a highly uncertain and precarious life for more than seventy years in the border areas of Jammu region.

Asymmetrical Federal Relations and the Role of Article 370 and 35 (a)

India's federal structure, well known in the political history of world, in post partition period accommodated a wide range of regionally diverse provinces. However, the case of Jammu and Kashmir was one of the unique federal arrangement that Indian constitution had accommodated through the insertion of article 370 and 35 (a). Through these two provisions, the constitution of Union of India granted exclusionary power to the state legislature of J&K to determine and define the 'permanent residents' of state. While these provisions were inserted to provide a certain degree of autonomy to the Himalayan state of India, it proved to be a disaster not only for the country at large but also for the partition refugees who preferred to settle in the state of J&K in 1947. These discriminatory provisions restricted the Indian parliament from extending central laws to J&K, which needed state's concurrence. Applied through a presidential order in 1954, article 370 empowered the state of J&K to reserve fundamental rights such as land ownership, public employment, right to contest and vote in the local assembly and panchayat elections, for its permanent residents, barring the WPRs despite being citizens of the country. One of the major political factor behind the denial of citizenship rights was that regional political parties considered these WPRs, who were largely Hindus, as demographic threat as this population could alter the electoral balance in Jammu region. This federal asymmetry, on one hand gave unbridled authority to state legislature to decide upon the issue of citizenship and on the other hand, debarred Indian citizens such as WPRs from availing their basic fundamental rights in the state of Jammu and Kashmir. As a result, these WPRs remained sandwiched between the regionally grounded demographic anxieties and nationally driven politics of integration, leading to their decades long disenfranchisement which eventually ended in august 2019 during the tenure of Bhartiya Janta Party which has been pushing for community's inclusion for the last many years.

Struggle for Political Recognition

Since Jammu and Kashmir had its own constitution until 2019, west – Pakistan Refugees were not covered under any strata of the state subject. They were not eligible for basic fundamental rights that were available to the permanent residents of J&K. These migrant families had largely settled down on either state land or evacuee property – land left by Muslim families who migrated to Pakistan during

partition and never returned back. In 1976, through an agrarian act, state government provided some sort of protection to these migrants yet it never granted land ownership rights which means they could neither buy nor sell the land (Chauhan, 2022). Moreover, since 1947, Jammu and Kashmir has witnessed several wars so there was huge influx of migrants such as PoJK refugees and 1965 war migrants, which not only squeezed the land held by WPRs but also started creating hostilities and competition over resources such as land among different migrant groups.

The period of 1990s marked a decisive shift in the struggle of WPRs when they decided to form an organization called *West – Pakistan Refugee Action Committee* to lead a sustained fight for their rights in J&K. Led by Labha Ram Gandhi and various other activists, this committee made innumerable efforts, asserting displaced families' demand for citizenship. Amid the growing judicial pressure and continuous mobilization by these displaced families, the state government of Jammu and Kashmir in 2007, formed a committee under the chairmanship of Justice M.L. Wadhwa, called *Wadhwa Committee* to look into the issue of PoJK and WPRs who had long complained of political exclusion. The key concerns of the committee were to look into the socio – economic conditions of refugee families, provide an assessment of relief and rehabilitation, and recommend policy measures for a sustainable solution. However, it is interesting to note that even this committee did not recommend the grant of citizenship right to West – Pakistan refugees. Therefore, the issue of WPRs was largely approached by the state through welfarist lens rather than pursuing a rights – based framework.

The post 2000 period saw some level of political and administrative attention towards the deteriorating condition of WPRs, however it was only after 2010 that the issue of permanent settlement of West – Pakistan refugees started heating up at the national level. The WPRs Action committee also started engaging with parliamentarians, civil society groups, central ministers and national media. This was the phase when political parties like Bhartiya Janta Party, Bahujan Samaj Party, National Panthers party and Jammu Mukti Morcha started asserting the demand of political recognition of WPRs. In 2007, all-party meeting was convened under the leadership of Gulam Nabi Azad, the then CM of J&K, to deliberate upon the issue of partition refugees. Except Peoples' Democratic Party, National Conference and Communist party of India (Marxist), all other political formations agreed on the WPRs demand of permanent resident-ship, however, the successive state regimes never took these political resolutions seriously. Thus, the post partition regime in J&K remained highly influenced by regional political dynamics, relegating all other micro voices to the margin. Also, the unending cycle of wars between India and Pakistan has also been prominent in shaping the geo-strategic landscape of the region which never allowed the regional issues to be highlighted at national level. After enduring a long struggle by

the WPRs, it was eventually in august 2019 that the special status granted through article 370 to the erstwhile state (Now a union territory) was revoked by the union government, and the partition refugees got a dignified permanent resident status in J&K.

Conclusion

This paper, moving beyond the dominant discourse on genocidal violence during partition of India in 1947, unravels the historic struggle of West – Pakistan refugees and how they were pushed to the margins of academic scholarship and the communally charged politics of Jammu and Kashmir. Though these refugees were eventually granted full citizenship rights upon abrogation of article 370 and 35 (a) in 2019 yet the community needs to be given special policy attention by both state and central governments to compensate the generational deprivation and multi – layered injustice which they have suffered in the last seventy years. During field interviews, many displaced families narrated that their political inclusion, granted in 2019, will remain symbolic unless some substantive policy measures, in line with special packages given to displaced Kashmiri Pandits, are taken by the state to ensure them a dignified life so that they can also exercise their rights in the democratic polity like other fellow Indian citizens. Recently, government of India has announced a financial package of 5.5 lakh per family in the form reparative justice; however, the WPRs claim that as the number of families has increased from 5,764 families (1947) to 18,428 (in 2012 - documented by the committee), therefore the financial compensation and all other benefits should be provided as per current population figures rather than taking 1947's record as the reference point.

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