

THE NOWHERE PEOPLE

The Story of the Struggle of Post-1965 Pakistani Refugees in Rajasthan

Pak Visthapit Sangh

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Introduction

The issue of refugees has become a burning one for the entire South Asian region. Over the past more five decades and more, the subcontinent has been caught in a spiral of tensions due to ongoing national, regional, ethnic, religious, linguistic and economic conflicts. Difficulties in accepting and properly handling cultural heterogeneity are a principal cause of persecution of minority groups, and this lies behind the refugee problem in many cases.

Of all the South Asian countries, India hosts the largest number of refugees. India is a big country, having borders with Pakistan (2912 kms.), Bangladesh (4053 kms.), Burma (1463 kms.), China (3,380 kms.), Nepal (1,690 kms.) and Bhutan (1463 kms.). Hence there is considerable possibility for refugees to take shelter in India by crossing the international frontiers.

The Partition of India in 1947 created a massive refugee problem. Millions of people were forced to flee across the newly-created border that divided India and Pakistan. In the years that followed, numerous minority groups from neighbouring countries who faced different forms of persecution migrated to India. Many also came for economic reasons. Yet, despite the relatively large number of refugees living in India, the country still does not have a precise refugee policy and nor is it a signatory to United Nations Convention on Refugees of 1951 and its Protocol for Refugees of 1967.

Post-1965 Pakistani Refugees in Rajasthan

Of the various refugee groups presently residing in India, one of the most neglected are refugees from Pakistan's Sindh province who shifted to India in waves in 1965 and after. They are Hindus and belong to various castes. It was to highlight their plight and struggle for their citizenship rights and rehabilitation that the Pak Visthapit Sangh (PVS) was

established in 1999.

Most of these refugees are from Thar Parkar district in Sindh. Others are from other neighbouring districts of Sindh, such as Umarkot, Mirpur Khas and Hyderabad, as well as from Rahimyar Khan and Bahawalpur in southern Punjab. These refugees 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 refugees from Thar Parkar have their own language, Dhatki, and distinct cultural identity, sharing much in common with people living across the border in India. The other recent refugees from Sindh include Marwari-speaking and Gujarati-speaking communities who traditionally engaged in seasonal migration to engage in agricultural labour in the fields in Sindh. Many of these are landless Dalits and Tribals.

Map Showing Sindh and Rajasthan Border

Thar Parkar is an arid area, part of the sprawling Thar desert that covers large parts of Rajasthan and Sindh. It borders Kutch in Gujarat in the south and Barmer in Rajasthan in the west. There is evidence of human settlement in Thar Parkar from the period of the Indus Valley Civilisation. One of the earliest references to the area points to it being under the rule of the Parmars in the sixth century. It was then ruled by the Sumras, who were replaced by the Sodha Rajputs, followed by the Kalhoros and then Talpur Baluchis. The British annexed the territory in 1843 and incorporated it into the Sindh province.

Thar Parkar has a mixed Hindu-Muslim population. The Muslims include Rajputs, Baluchis, Syeds and Lohanas. The Hindu castes include Meghwals, Bhils, Sansis, Jogis, Odhs, Rajputs, Brahmins, Malis, Rabaris, Sonars, Jats, Nais, Darzis and several others.

In the wake of the Partition of India, the region of Thar Parkar saw little violence or movement of refugees. The denizens of this area, Hindus and Muslims, had lived in

peaceful coexistence for centuries. However, a quarter century after the formation of Pakistan witnessed the creation of a massive refugee crisis in Thar Parkar. The first wave of massive migration to India from Thar Parkar occurred in the wake of the India-Pakistan war of 1965, when some 10,000 people from the area crossed over to India. Then, in the course of the 1971 war between India and Pakistan, India occupied a large part of Thar Parkar, as a result of which some 90,000 Hindus of the area shifted to India and decided not to return.

Under the 1972 Shimla agreement, India agreed to give back this territory when Pakistan agreed to receive 90,000 of its nationals, mainly Hindus from Thar Parkar, who had taken shelter in India during the war. India gave back the land but Pakistan did not show any interest in accepting these people, most of whom had sought shelter in western Rajasthan and few of whom wanted to return to Pakistan.

Migration to India of Hindus from Thar Parkar and other parts of southern Sindh was further exacerbated in later years owing to religious persecution and discrimination. This migration continues even today. These refugees are from various caste groups. Those who suffered the most, however, are the Scheduled Tribes and Castes. They are largely illiterate, extremely poor and are the original inhabitants of the Thar desert. In Pakistan they worked mainly as landless labourers in the fields of landlords. In India they continue to live in penury.

Refugees in the Camps

In the wake of the 1971 war, the refugees from Thar Parkar and neighbouring parts of southern Sindh were confined in 24 refugee camps in Barmer district of Rajasthan that were established by the Government of India. The refugees were forced to remain restricted within the camps. Being used to living freely on vast expanses, the refugee camps confined movement and proved distressful to those who were housed there. Moreover, there were strict rules pertaining to the refugees' stay. They had to give attendance daily and were refused permission to visit their relatives anywhere. There

were limited tents, which were assigned to joint families. At times one tent housed more than two or three families. Ration cards were issued to the head of the families who lived in these tents. These camps continued to function till 1978.

In 1977 the Janata government came into power at the Centre as well as in Rajasthan state. In 1978 the Government of India granted Indian citizenship to the refugees living in the camps, including both those who had arrived in 1965 and 1971. It authorized the District Magistrates in Gujarat and Rajasthan to do so on the basis of Citizenship Act of 1955. Immediately after the completion of the citizenship process the Government of Rajasthan, in collaboration with the Government of India, declared a rehabilitation package for the refugees of 1971.

Most of the 1965 refugees had been allocated villages inhabited by Muslims who migrated to Pakistan during 1965 war. The declared rehabilitation package for the 1971 migrants included land and a total of 90 million rupees cash from the Centre. According to the rehabilitation package, each family was supposed to be allocated either 25 bighas of land in the canal area or 75 bighas of barren land in the desert. However, in reality refugee families received only a part of their total allocated land due to administrative corruption and ignorance. The rest of the land was included in the National Desert Park or occupied by the local people. In several cases, due to fear the migrants could not protest.

The influx of Hindu refugees from southern Pakistan did not stop after 1971. It continued in the years that followed due to religious persecution, insecurity, deterioration of law and order situation, rising religious fundamentalism, forced religious conversion, repeated bouts of martial law and so on. The influx declined between 1972 and 1989 but still continues. Many Hindus living in Pakistan wish to shift to India, but often this is impossible for them.

In 1947, many rich Sindhi Hindus migrated to India. In addition, many feudal and 'upper' caste Hindus from Thar Parkar shifted to India between 1965 and 1989. The recent

refugees are mostly Scheduled Tribes and Castes, almost wholly illiterate and extremely poor. Most of them cross over from the Attari check post in Punjab with valid documents. Prior to this, many of them used to simply cross the porous border between Sindh and Rajasthan, which was later fenced in the early 1990s.

The influx of refugees suddenly increased in the wake of the demolition of the Babri Masjid in Ayodhya in 1992 and the consequent massive wave of attacks on Muslims in India. The reaction in Pakistan was so violent that many Hindus in the south of the country started migrating to India. In addition to those from Thar Parkar, many of them are actually of Rajasthani and, to a lesser extent, Gujarati origin. They used to cross over from Rajasthan and Gujarat to work in the fields of landlords in Sindh and southern Punjab. This seasonal migration continued till the mid-1960s, after which, because of the fencing of the frontier between Pakistan and India, they could not return to their homes in India.

The following table provides details about the approximate number of Pakistani refugees who crossed over to India from 1965 onwards:

| Year | Number of Refugees From Pakistan | Remarks |
|-------------|---|---|
| 1965 | 8,000 | Mostly granted citizenship |
| 1971 | 90,000 | Mostly granted citizenship |
| Post 1992 | 17,000 and still continuing | Roughly 3000 still awaiting citizenship. In 2005-6 some 13,000 received citizenship |

Most of the migrants who have come to India from southern Sindh after 1965 have

settled in Rajasthan. This is because most of them have relatives in the state, particularly in the border districts of Barmer, Bikaner, Jaisalmer and Sri Ganganagar. They have to regularly apply for the renewal of their visas, and this is very often denied. Those migrants who have not received Indian citizenship have to face many problems. They are not allowed to travel to the border districts, which is where most of them have relatives. The Indian High Commission in Islamabad refuses to give visas to Pakistani nationals to travel to these districts. To circumvent this rule, some people from Pakistan, including those who are residing in India without Indian citizenship, earlier used to take visas for other places but travel to the border districts. This was before they received Indian citizenship. Technically, this is illegal. They used to keep their identities hidden. They were not legally allowed to work in India but they often did so in order to sustain themselves, as agricultural workers and daily-wage earners. They were highly exploited by security personnel as well as local people since they had no rights to claim. Before recently receiving Indian citizenship, in part as a result of the efforts of PVS, many of them had already spent the minimum period of five years in India that was earlier required for becoming eligible for Indian citizenship, although this involved the complex procedure of constantly having their visas extended, which was often not granted. Those who had spent five years in India could technically apply for Indian citizenship under the Indian Citizenship Act of 1955 (Section 5(1)(A) for people of Indian origin, 5(1)(C) for people married to and staying together with Indian nationals for more than five years together, 5(1)(D) for people whose parents received Indian citizenship and 5(1)(E) for major children. But this was not easy task as most of the refugees were illiterate and poor.

The Origins of PVS

PVS is a loosely-structured community-based organisation, which came into being in 1999 after consultation with leaders and individuals belonging to the Pakistan migrant community. It is based in Jodhpur, and its volunteers live in different parts of western Rajasthan. Most of its activists are of Pakistan migrant background, mostly from Thar Parkar. Some of them were born in Pakistan and shifted to India after 1971.

PVS has been working mainly with the migrant community, highlighting their problems relating to citizenship and rehabilitation. However, the need was recently felt to widen the focus of its work to include other communities living in the districts in Rajasthan that border Pakistan, both Hindus and Muslims. This would include promoting communal harmony and shared religious and cultural traditions and highlighting the various problems faced by these people living in a harsh desert terrain. Another major issue is that of promoting cross-border peace initiatives with people living across the frontier in Pakistan. Consequently, to promote these objectives, the Seemant Lok Sangathan ('Border Peoples' Union') (SLS) was formed in 2005.

PVS began with the aim of highlighting the problems of the post-1965 Pakistani migrants living in scattered pockets mainly in Rajasthan and Gujarat. Prior to this, these migrants lacked any effective platform for highlighting their grievances and having their problems addressed. They were sharply divided on the basis of caste and lacked a sense of unity. The fact that they lived in towns, villages and settlements spread over different parts of Rajasthan and Gujarat made coordinated action for highlighting their concerns difficult. PVS sought to bring them together on a common platform to seek to secure their basic human rights. It sought to promote a sense of identity among the migrants transcending that of caste and region, based on their common concerns and issues.

PVS began its journey by a series of meetings with migrants living in different parts of Bikaner, Jaisalmer, Barmer and Jodhpur in Rajasthan to understand and document their problems and grievances. Thereafter, in July 1998, it organised a demonstration before the Rajasthan State Assembly in Jaipur, bringing together some 600 migrants. A memorandum and charter of demands was submitted to the then Chief Minister of the state, Bhairon Singh Shekawat, demanding immediate resolution of the problems of the migrants. Shortly after, the PVS submitted another memorandum to the then Indian Home Minister, L.K. Advani, in Jaisalmer in the presence of the Rajasthan Chief Minister. Thereafter, PVS activists continued visiting migrant settlements and recording the problems of the migrant community. In August 1999, PVS organised a demonstration before the office of the Colonisation Commissioner to highlight the severe loopholes in

the rehabilitation policy announced by the Government for a section of the migrants. This was followed by block-level meetings in the four districts of Jodhpur, Jaisalmer, Barmer and Bikaner, where most of the refugees live.

Critique of Rehabilitation Policy of the Government

One of the first efforts of the PVS was to initiate a study of the rehabilitation policy for the refugees from Pakistan residing in western Rajasthan which was announced by the government in 1978. In 2000 PVS conducted base line survey almost all the villages where migrants from Pakistan live. The survey highlighted the fact that while the refugees who came to India in 1965 and 1971 have officially received some sort of rehabilitation package from the government, this is not the case for those who came to India after 1971. The latter have not received any rehabilitation benefit whatsoever.

The following table provides details about the Government's rehabilitation policy for the 1971 refugees:

| Name of the Programme | Number of rehabilitated families | Amount given to the families as loan (in Rs.) |
|--|---|--|
| Krishi Yojana a. Barmer 4033 b. Jaisalmer 507 c. Jalore 51 | 4591 | 1,37,93,750 |
| Indira Gandhi Canal Area | 3166 | 1,66,80,350 |
| Ekal Yojana | 231 | 9,22,500 |
| Laghu Yojana | 235 | 19,60,000 |

| | | |
|------------------------|-------------|--------------------|
| Old Age Pension | 156 | |
| Total | 8379 | 3,33,56,600 |

The following table shows the places where most of the refugees in Rajasthan who came to India in 1971 were rehabilitated:

| District | Name of the Block/Place where refugees have been rehabilitated | Number of villages inhabited by refugees |
|------------------|---|---|
| Barmer | Shiv | 80 |
| | Chohtan | 86 |
| | Ramsar | 53 |
| Bikaner | Kolayat | 20 |
| | Pugal | 27 |
| Jaisalmer | Rural Areas | 28 villages |
| | Urban Areas | 3 Bhil bastis (not rehabilitated) |
| Jodhpur | Urban Outskirts | 6 Dalit and Tribal bastis (not rehabilitated) |

The PVS survey highlighted the loopholes in the rehabilitation package for the 1965 and 1971 migrants and demanded proper rehabilitation for post-1971 refugees, many of whom are very poor Scheduled Castes and Tribals, who eke a miserable existence as daily-wage earners. The survey found that according to the available secondary data, based on ration cards issued to heads of families, land was allotted to 4,033 people in Barmer district, 3,166 in Bikaner in the command area of the Indira Gandhi Canal, 507 in Jaisalmer and 51 in Jalore. However, the implementation of the policy was deeply flawed and numerous families did not receive any land at all. Some of the land was included in

the National Desert Park or had been taken over by locals. Many refugees did not receive the land that had been allocated to them. In almost all cases, the land distributed was undeveloped, uncultivable, and of poor grade in both the canal area and the arid zone. Further, for each *murabba* of land the state government charged an additional sum of Rs. 30,000 to be paid in instalments over 20 years against 18 per cent interest, which was unaffordable for many migrants. In some cases there was opposition from local people to refugees acquiring land. In one case that PVS discovered that in VEDIHAR in Kutch, Gujarat, five hundred locals attacked the refugees and one person was killed as the refugees sought to take possession of the land that had been awarded to them.

Mobilising the Refugees for their Rights

The work of PVS is mainly in the form of people's mobilisation to have their issues highlighted and addressed. For this it has organised numerous demonstrations as well as meetings with bureaucrats, politicians and media personnel. It has also organised several public hearings, where the migrants have spoken about their problems relating to citizenship and rehabilitation before the media and government officials.

On 24 November 2001, PVS organized its first public hearing at Bikaner where 3,166 refugees had been rehabilitated in 40 settlements. Around 600 refugees, from some 40 settlements in Bikaner, attended the event, as did refugees from Jodhpur, Jaisalmer, Barmer and Sri Ganganagar. The public hearing was chaired by the then Additional Chief Secretary, R.K.Nair and was also attended by other senior government officials, such as the District Magistrates and Superintendents of Police of Bikaner, Ganganagar, Hanumangarh and Churu districts. Similar public hearings were held at other places in western Rajasthan thereafter.

Following the public hearing in Bikaner, the government of Rajasthan formed a cell within the Colonization Department of Bikaner to deal specifically with the problems relating to rehabilitation of the refugees from Pakistan. The chairman of the cell is the District Commissioner and other members include the District Magistrate, Additional

Commissioner, Assistant Commissioner of the Colonization Department, Bikaner and Hindu Singh Sodha, convenor of PVS. Thereafter, the Chief Minister of Rajasthan formed a state-level review committee formed to look into the problems of the refugees from Pakistan, and included the convenor of the PVS as a representative. The first meeting of the Review Committee was held in Jodhpur on 19th Sept 2001. Apart from members of the committee, it was attended by District Magistrates and Superintendents of Police of Jodhpur, Barmer, Jaisalmer, Pali and Jalore. The PVS representative gave suggestions about the modalities and the procedures to be followed by the committee and also briefed the members of the committee about the severity of the problems faced by the migrants.

Yet, the problems relating to rehabilitation of the migrants from Pakistan continue and PVS has been consistently highlighting these in its public meetings and interaction with government officials. These include:

1. The lack of any rehabilitation package for the post-1971 refugees, including those who have recently shifted to India. Most of these migrants are extremely poor and belong to various Dalit communities.

2. Loopholes in the existing package for the 1965 and 1971 refugees relating to land allotment. In many cases refugees have been granted arid or waste lands, which are uncultivable. Some migrants were actually given much less land than what had been officially allotted. Some migrants who married Indian nationals did not receive any rehabilitation. To add to this, much of the land allotted has now come under the Desert National Park. Some people been allotted land but the land has not been actually acquired. In some cases, the allotted land is officially declared as ‘irrigated’ but it is actually largely or totally arid, but yet the owners are forced to pay instalments as owners of ‘irrigated’ land. Numerous families have been allotted some land for cultivation but nothing for building their homes. The land allotted has been on the basis of possession of a single ration card, which has meant that large families have received land which is totally inadequate for proper sustenance. Numerous migrants have seen their land being

taken over by others but, due to illiteracy and poverty and lack of access to influential people, have been unable to prevent this. The cost of litigation is simply too heavy for them to bear.

3. Problems relating to livelihood. Many of the migrants, particularly those from Dalit communities, are extremely poor and eke out a miserable existence as daily-wage labourers, being highly exploited. They live in small hovels and have no access to even basic amenities. Several of their womenfolk do embroidery work for local middlemen, for which they receive but a pittance. Many migrant families have yet to gain access to various services provided by the government, including Below Poverty Line cards, credit, education, pension and ration cards.

4. Problems in access to water. Several migrant settlements, particularly those located in the desert, face an acute water crisis. Some of these settlements are around ten kilometres from the nearest water-point.

5. Problems relating to caste certificates. A large proportion of the post-1971 migrants are from various Scheduled Tribes and Castes. They face considerable problems in acquiring Scheduled Tribe and Caste certificates.

6. Problems of migrants who have not received Indian citizenship. These migrants are denied access to all forms of state provision, although many of them are very poor.

Case Studies

Bhairon Singh, Uttam Singh and Swaroop Singh are brothers who migrated to India following the 1971 war between Pakistan and India. Although their joint family consisted of a large number individual families, it was allotted only a single ration card. This was in the name of Bhau Singh, the brothers' father. The land allotment made on the basis of the ration card was therefore made only in the name of Bhau Singh. Consequently, the three brothers are left with very little land after the equal division of the land. The single ration

card system followed for the purposes of rehabilitation is a serious problem as this has left many families without enough land to sustain them.

Fatima is a Meghwal (Dalit) woman and is around 80 years old. She is a widow, has two sons and lives with the younger one. Her husband was allotted a piece of land under the 1978 rehabilitation package but after his death her elder son has taken claim of it. She is now left without any land. She works as an agricultural labourer in the field of a landowner. Her job is to chop *bajra* once it is ripe and earns only a pittance.

Bijal was allotted land under the 1978 rehabilitation package. After his death, his wife Sita, was not able to claim it as another party occupied it illegally. A letter of complaint was presented but so far no action has been taken. Illegal occupation of the allotted land is a major problem which gets aggravated in the circumstances where the aggrieved is poor. The costs of litigation have to be borne by the hapless, poverty-stricken migrants, which, in many cases, they cannot afford.

Madhu Dan had been allotted 75 *bighas* of land in 1979. After his death it was discovered by his family that that the land already belonged to another person, Jiya Putri Malna. A court case was filed but after 17 years, in 1995, the case was decided in favour of Malna. Madhu Dan's son is now without any land. This is again a case of negligence on the part of the administration which did not verify whether the land to be allotted was owned by the government or a private individual.

Sada Ram came to India in 1971. He settled in Pugal, along with his three brothers. The entire family was allotted 25 *bighas* of land in the name of Sada Ram, of which 10 *bighas* are un-irrigated. Over the years the family has expanded and now consists of 27 people. The amount of land is too small to support such a large family. Hence, Sada Ram's two brothers are landless and do not even have a plot of land for their homes.

Maha Singh Sodha came to India in 1965 and settled in Gohad ka Tala, Barmer. In 1968 he received a ration card and was initially allotted 75 *bighas* of land. But because he did

not have Indian citizenship then the allotment was cancelled. In 2005 he received Indian citizenship but was officially awarded only 15 bighas of land.

Some 200 families from Pakistan in Kapran (Chotan, Barmer) received 75 *bighas* each in 1966. In 1970, the land that was allotted to 30 families was re-allotted to local people. This created a conflict. The refugees took the case to the court. In 1988 the Rajasthan Revenue Board decided in favour of the locals but the refugees managed to secure a stay order. In 1999 the Board decided in favour of the refugees but the administration intervened and called for a re-investigation. In 2000 the High Court decided in favour of the refugees. The matter was then taken to the Supreme Court in 2004, which decided in favour of the refugees.

25 families from Thar Parkar who had stayed in the Harsani refugee camp were each allotted 75 *bighas* of land in Fatehgarh, Jaisalmer. On paper this was irrigated land but actually they were largely uncultivable sand dunes. In 1986 the families applied for transfer of this land. It was only in 2001 that some 18 families managed to have the land transferred after paying roughly Rs.26,000 each. However, some influential locals opposed this and did not allow them to cultivate the land. These locals claimed the land was theirs, but this was not true. Yet, even now the refugees cannot cultivate the land, because of which they are forced to live in desperate poverty and earn their livelihood through manual labour.

Jujhardan Charan came to India and settled in Dhansar. He was allotted 75 *bighas* of land in Shiv in Barmer. However, he did not actually receive the land. In 1980 the Government informed him that the land he had been allotted was now part of the Desert National Park, which could not be cultivated. Because of this he now is forced to work as an agricultural labourer. There are numerous other cases like this.

Satram Suthar, a Pakistani refugee, was allotted 75 *bighas* of land in 1978. However, this land was lost when the fence came up along the India-Pakistan border. Satram asked for a plot of land in a different place but his appeals continue unheard, forcing him to work as an agricultural labourer. Numerous refugees who have settled along the border face the same problem.

Gamer Singh, who lives in a village in Kolayat, Bikaner, was allotted 25 *bighas* of land in 1978. In 1981 most of his land came under a nursery, canal and, later, a new road as well. Yet, he did not receive any compensation.

Mansukh, a Pakistani refugee, was given 25 *bighas* land in Shiv, in Barmer. However, since the land was assumed under the Desert National Park the Government allotted him some other land in exchange. However, this new plot of land was already in someone else's name so he received nothing.

Parbhu Dan Charan received 25 *bighas* of land in Bikaner. He cultivated this for 25 years. However, 17 *bighas* of this land were forcibly taken over by local people. The Revenue Court ruled in favour of Parbhu Dan but the locals refused to vacate the land. Parbhu Dan is now deceased and his wife Tara Devi is now left with only 8 *bighas* of unirrigated land.

Am Singh came to India in 1971 and settled in Dhansa village in Jalore. He married an Indian citizen and received a ration card. However, he did not receive any land allotment on the grounds that his wife was an Indian national. Allotment was not given to single individuals like Am Singh, but only to those who had come to India with their families. There are several cases like Am Singh's.

Mobta Ram Bheel, from Malia, Jaisalmer, came to India in 1965. He was allotted 75 *bighas* of land. In 1969 he crossed the border into Pakistan in search of employment. Prior to this he had taken a loan of Rs. 986. He died in Pakistan, and his son Luna Ram, now 63 years old, returned to India in 2004. He repaid his father's loan but the land is still not in his name.

Devoji, who lives in Jaisalmer in Naga village, left for Sindh with his family to look for a livelihood because of a severe drought in Jaisalmer. While working there, India and Pakistan were partitioned. After partition Devoji stayed on in Sindh (Pakistan). But post partition Pakistan was facing a major problem unemployment. But they still

stayed on. But post Babri Masjid the living conditions deteriorated. Temples were demolished and religious harassment of the Hindus was on the rise.

Devoji and his family were eking out a living as manual labourers in Sindh. When living became unbearable they decided to return to India. They got visa on Aug. 23rd, 2001. Presently they are resident of Ramdev Nagar, Banar in Jodhpur. They are living in a rented accommodation. There, too, he works as a manual labourer but is happy with his lot.

Now problem stems from the increased fee demanded by the government to award him a citizenship. His daily wages are not sufficient to even provide them with the basics in life, how then can he afford to apply for a citizenship.

Lakhmanji who originally lived in Jaisalmer in Ghayan village left for Sindh with his family to look for employment and after partition stayed on in Sindh (Pakistan). Sukhiyaji, son of Lakhmanji, was born in Pakistan. They were agriculture labourers on land owned by Muslims. Unemployment was a major problem in Pakistan, Post Babri Masjid the living conditions deteriorated. Muslims were oppressing the Hindus and forcing them to convert to Islam.

Sukhiyaji wanted to come to India with his family but he didn't have the money for the visas. Finally he managed to collect enough money and applied for the visa which was given to him on April 7th 2005. Presently they are residents of Banar in Jodhpur. They are living in a rented accommodation. Sukhiyaji's six children were born in Pakistan. There he worked as an embroiderer on leather. Sukhiyaji's elder son Mohanlal was married to Fulidevi (23) in Alnabad (Siras), Haryana on July 3rd, 2006. He has 2 children. Mohanlal doesn't have additional visa to travel outside Alnabad. So Mohanlal cannot meet his parents who reside in Jodhpur.

Bhaira Ram was born in Jodhpur, Neenov, Phalodi. He left for Sindh (Pakistan). He and his family were agriculture labourers on land owned by Muslims. After 1947 (India-Pakistan partition) Bhaira Ram stayed on in Sindh (Pakistan).

Due to unemployment there he applied for a visa to come to India. They came from Pakistan on May 15th, 2007 to Jodhpur. Presently they are living in a rented accommodation in Jodhpur. Khyaram is working as a labourer in a stone mine. He has not completed five years to be able to get citizenship.

Khiyaram's elder son Gordhan was married to Kasumbi of Alanabad (Haryana). This information was duly submitted to the concerned police station and local Court.

Two days later Khiyaram's daughter Ghummabai was married to Daularam of village Tibi, in Hanumangarh Rajasthan. Due to lack of additional visa of Haryana and Hanumangarh they can't travel to and fro.

Adooji, who's 60 years old now, can't work any more. His son Jindooram and Guljariram worked as labourers. Guljariram got married to Savitri in Jodhpur on June 22nd, 2003. Savitri has got citizenship. Guljariram has two children. After 4-5 years of marriage Guljariram fell ill and was diagnosed with cancer. His daily wages were not sufficient to even provide proper medical treatment and medicines. Guljariram dies last year. Now Jindooram is the only earning member of this nine members family. In this condition how can he afford to apply for citizenship for 9 members? He is staying in Banar, Jodhpur.

Baburam and his family members got citizenship from the Central Government on January 16th, 2005. His family was so happy but this happiness didn't last for long. Four months later Baburam died in a road accident and his wife Kemabai fractured her leg. Next day the Meghwal Society tried to bury Baburam body at Magra-Punjala (Nadi).

The control of the burial ground was in hands of the Mali community. They refused to let the Meghwals bury. Baburam, even though they (the malis) could not prove ownership.

The matter got out of hand and the R.A.C. has to be called to intervene. On the behest of the R.A.C. the malis let the Meghwals bury Baburam there.

But now the Meghwal are demanding that place as a permanent burial ground for their community as they have none.

Tekamdas originally lived in Jaisalmer. His grand father was born in Jaisalmer. They left for Sindh with their family. After 1947 Tekambas stayed on in Sindh (Pakistan). On July 22nd, 2009 Tekambas came to Jodhpur with his family. 5 months later Tekambas went to the Disa (Gujarat) looking for employment. His monthly income was around Rs.

6000/-. Tekambas family was living in a rented accommodation in Dhudiya Kot, Disa, Dist. Banas Kanta (Gujarat). 10 months later on September 27th, 2010 Tekambas was arrested because he was living in Disa with permission. Tekambas's another family members were sent back to Jodhpur by the Police. He was released from Disa Jail on bail on September 31st, 2010. He came back to Jodhpur on October 2nd, 2010, and as per law, went to the local C.I.D. Officer to register his presence. He went back to Disa to appear in the local court on November 1st, 2010. After the completion of legal formalities he returned. Due to lack of funds he is not able to afford the trips to and from.

Ajitoji originally lived in Davada, Jaisalmer (Rajasthan). Ajitoji's children were born in Pakistan. They were agriculture labourers on land owned by muslims. Post Babri Masjid the living conditions deteriorated. Ajitoji wanted to come to India with his family but he didn't have the money for the visas. Finally he applied for the visas but they were only given to his wife and 4 children on May 4th, 2005. 4 months later Ajitoji got his on September 20th, 2004.

Presently they are residents of Ramdev Nagar, Jhanwar Road in Jodhpur.

Ajitoji's mother, who stayed back in Pakistan, died on April 11th, 2008.

Ajitoji's waiting for "Nuri Visa" for 31 months. His mother's ashes are waiting her son's arrival so that they can be submerged in the holy waters .

Rajuram (74 year old) originally lived in Jaisalmer. He came from Pakistan on September 1st, 2000. Presently his family is a resident of Ramdev Nagar, Jhanwar Road in Jodhpur in a rented accommodation. Rajuram's is a joint family with 40 members. They haven't got citizenship because they need around Rs. 3-4 lakh for it. They are working as labourers. Their daily wages are not sufficient to even provide them with basic amenities.

How can he afford to apply for a citizenship in such circumstances, when the government has raised the fee?

Jogiji came from Pakistan to Jodhpur on March, 20th 2001. His family is living in a rented accommodation in Kali Beri, Jodhpur. His family member work as labourers. He

had not completed five years to be able to get citizenship in 2006. His problem stems from the increased fee demanded by the government to award him a citizenship.

Because Jogiji's family 13 members. Financial limitations bar him from applying for a citizenship.

Kabiraram and his wife were granted visa to come India in 2008. But their 4 sons had to be left behind because of non-availability of visas. Despite repeated efforts since 2008 the sons have yet to get their visas. Their parents here in India have become old and weak and are unable to earn a living for themselves. So Kabiraram and his wife have applied for a return visa to Pakistan but have been denied it.

According to **Malukaram** his ancestors left Phalodi (Rajasthan) for Sindh (Pakistan) for Sindh (Pakistan). When a severe drought and famine hit the region. In Sindh they worked as labourers and the women folk worked in Muslim house grinding spices. His present family was born and brought up in Pakistan (Rahmiya Khan, Punjab). He worked on the farms of Sindhi-Muslim land owners. As time passed the dependent members of the family increased and the bread earners were limited.

The coming down of the Babari Masjid worsened their condition as they started being ill treated by the Muslim. Temples were demolished they lost their jobs and there seemed no hope for improvement. They decided to return to India, the land of our ancestors. They applied for visas but were disappointed every time.

Finally they decided to go up to India-Pak border and smuggle themselves in. On Feb. 1995 8 families reached the border. The B.S.F. stopped us at the fence at the border. They were searched while the B.S.F. guards informed their senior officer about their arrival. A Sardar officer arrived on the scene and asked them to sit down. Without saying anything else he ordered his jawans to shoot them. Seven members died on the spot and 9 were badly injured. The cruel act left us so shocked that for some time they were unable to react. They had dead on one side and the injured on the other. One girl, Khatu (22 yrs) D/o Chaturaram had lost her hand in the shoot out. Balamram (22 yrs) S/o Chetanram, had a cheek wound, where a bullet had grazed it. Another boy, Bagaram (24 yrs.) S/o Chaturaram had been shot in his stomach.

For 2 days the dead bodies lay in the open. On the 3rd day the Pakistan Border Police took them and dead back to Pakistan. The wounded were treated by collecting funds from within the community. Some wounds have not yet healed despite such prolonged treatment. Bagaram's stomach still retains the bullet. Balaram's cheek still looks raw.

Despite all this they still wanted to come to India. Some people from the original group were granted visa on 19.03.1998 and they entered the country via the Attari-Wagah Border. They are now residents of Kali Beri, Jodhpur. They are living in huts without electricity and a direct water connection. In 2006 due to the untiring efforts of the NGO Pak Visthapith Sangh, they were granted citizenship minus all its benefits. They have neither been granted their Scheduled Tribe Certificate (they are Bhils by caste) nor their B.P.L. Card. In the absence of the latter, they cannot avail the medical benefits attached to it. Lack of funds have deprived their children of basic education and a healthy, happy life.

According to Malukram, Jawararam S/o Shankarji, lost the roof over his head due to the heavy rains in Jodhpur this year. He has 6 members in his family. Jawararam works in a stone quarry and makes ends meet with great difficulty. He doesn't have money for the repair of the house. He had borrowed money and sold some of his wife's jewellery to construct this house. He has yet to return the borrowed amount. Presently, he has shifted to his brother's hut, for how long?

Kesaram lived in Derogaon (Jodhpur) before he migrated to Pakistan. Kesaram started a cloth business in Bhawalpur, Sindh. In 2000, along with his brother, he expanded his business and opened two showrooms of readymade garments.

An officer of the local electricity board, Mohd. Khalid (JEN of WAPDA) strung together unsheathed electric cables over 7 shops, of which 2 belonged to Kesaram. The concerned shop owners protested against this negligent act but to no avail. 6 months later at 11 PM a fire broke out in which Kesaram's shops were burnt down. He lost Rs. 70,000/- cash and Rs. 10 lakh worth of goods. This news hospitalized him as his B.P. shot up. The whole family mourned their loss but finally reached the police station to lodge a complaint. The station officer wrote a complaint but it was far from the truth. No action was taken against Mohd. Khalid.

Kesaram lost his mental balance. The family then decided to come to India. They applied for visa in 2006 but were granted it in 2009. They reached Jodhpur on March 21st,

2009 and are now residing in House No. 77, Pawan Vihar, Jhanwar Road. His problem now is that he has been fined for late application for his annual visa extension. This lapse occurred due to financial instability and mental ill health. He wants to be pardoned for this lapse because he cannot afford to pay it. He promises that it will never occur again.

They found a secure haven in India, when they arrived on April 4th, 2000, via the Atari-Wagaha Border. They rented a house in Ramdev Nagar, Jhanwar Road, Jodhpur. **Halumal** worked as a labourer on construction sites and earned a live hood. He worked day and night so that he could educate his son, Pradeep. Pradeep turned out to be a diligent student and complete his Senior Secondary Exam. (12th standard) in the Science stream with 1st division marks.

But due to the sorry state of financial affairs, Pradeep gave up his studies and now accompanies his father to the construction site to work as a labourer. The other children in the house have done the same. Halumal feels that if he knew that such a fate awaited them in India, he would have surely had second thoughts about coming here.

The family has been residing in India for the last 10 years. Halumal has even paid the citizenship fee of Rs. 8000 on July, 27th 2005 but the government has yet to regard him fit enough to be awarded the citizenship, when they were in Pakistan, they were often referred to as 'Hindu'. But here, instead of being addressed by their given names, they're insulated by being called 'infiltrators', 'terrorists'. One question troubles them time and again "what is our real identity? Are we Hindustanis or Pakistanis?".

They don't want to go back and life here is not easy but they want to stay. More than that, they want to belong. They want to serve and give something back to their motherland. They want to be considered citizens not refugees. Will their plea reach the ears of the government?

The irony is not lost on **Ranaram Bhil**, 28, who fled from his village on the Punjab-Sindh border with his two children to escape the threat facing the Hindus there: convert to Islam or suffer the consequences. It's a Taliban-like decree issued by the extremist Wahhabi clergy. It took him a year to get a visa to cross to India but without his wife Samda who was abducted by a group associated with the Jamaat-e-Ulema-e-Islam (JUI) and forced to convert to Islam.

Ranaram has is a clipping of a local Urdu newspaper which carried a story on how Samda had converted to Islam and praises the Wahhabi preachers.

Thousands of Pakistani Hindus have fled to India in the past few years following religious persecution. The exodus parallels the spreading influence of the Tablighi Jamat, the missionary wing of the Deoband school, which is South Asian version of Wahhabism of Saudi Arabia which calls for an exclusive form of Islam. Says Bopariram, another refugee: "What the rise of Jamaat ideology" in Pakistan, there has been intense pressure on poor Hindus to convert. Discrimination against us is rampant. "Hindus constitute around one percent of Pakistan's population.

Arjunaram, 62 and Gumanaram, 39 came from a village in bawalpur in Pakistan early this year along with 36 relatives, fleeing the pressure of the Tablighi preachers to convert. Arjunram's daughter had earlier moved to India and settled in the Bikaner district. On his arrival in Jodhpur, Arjunram went to visit his daughter, violating the law which prohibits such migrants from leaving their assigned district till they get permanent citizenship. The police arrested him alongwith his son two months ago and they are still in Jail. Says Gumanaram's wife Laxmi : "We freed ourselves from one trap only to walk into another. Why can't we visit our relatives and ancestral villages when we belong to this country?" Similarly, Miraba Rathore, 42, a Rajput widow, was jailed for 25 days for leaving Rajkot district to visit her relatives in Kutch. Says Miraba : "We never imagined that we would be persecuted in this manner in India."

Kabiraram, 60, and wife Rani, are the latest to join the stream of migrants to Jodhpur. The couple, who landed last fortnight, is distraught as despite several attempts, they were not given visas for their six children. The Indian High Commission is extremely discouraging in issuing visas to even these persecuted Hindus as part of its Pakistan policy. Trapped between the Wahhabis and Indian security agencies who treat anyone from Pakistan as potential terrorists, they are nowhere people. In Pakistan, they are reviled as idol worshippers even though many have Muslim names and wear salwar-kameez to avoid being singled out.

PVS's Struggle for Indian Citizenship for the Refugees

Another major issue that PVS has consistently highlighted is that of the problems involved in procuring Indian citizenship for Pakistani refugees. Citizenship is essential in order to access rights. In the absence of citizenship, thousands of refugees in Rajasthan, and, in lesser numbers, in Gujarat, are unable to stake their claim to even the most basic human rights.

Since its inception the PVS has been struggling to make the procedure for the acquiring of Indian citizenship by the refugees from Pakistan simpler, faster and less expensive. Through demonstrations, public awareness campaigns and lobbying with political parties and bureaucrats it has succeeded in facilitating the granting of Indian citizenship to a large number of Pakistani refugees. However, still a number of recent migrants, roughly three thousand, are still unable to procure Indian citizenship, although they do not wish to return to Pakistan. PVS continues with its efforts to pressurise the government to modify its policies to make it easier for the migrants to apply for Indian citizenship.

In its interaction with political leaders and senior bureaucrats PVS has consistently pointed out the extreme difficulty that migrants from Pakistan face in applying for Indian citizenship. Several refugees from Pakistan have stayed in India for more than five years, which earlier made them eligible for citizenship under various sections of the Indian Citizenship Act of 1955. However, now the minimum period of residence in India has been extended to seven years, which means that it is much more difficult for the refugees to acquire Indian citizenship. This difficulty is exacerbated by the fact that many of the refugees are illiterate and poor. Moreover, following the signing of the Assam Accord in 1986, the Government India withdrew the power vested with the District Magistrates to grant citizenship and transferred it to the Ministry of Home Affairs in New Delhi. Applying for citizenship in Delhi is an expensive affair and involves arduous travel. In order to apply for citizenship one needs a regular passport with a valid visa and regular extension of Foreigners Registration Office's report, which is next to impossible for many poor refugees from Pakistan, who move from one district to other in search odd jobs to regularize their documents. Their desperate poverty means that many of them simply cannot afford the fee required for applying for citizenship. Being thus left without

Indian citizenship, they cannot avail of any government-provided service. Their children cannot attend government schools, thus reinforcing the vicious circle of poverty and illiteracy in which they are trapped.

In 1999 the then Home Minister during his visit to Jaisalmer orally instructed District Magistrate to initiate the process of granting citizenship to the refugees from Pakistan who came to India in the wake of the 1965 and 1971 India–Pakistan wars. The PVS kept up with its demand of making the process of applying for Indian citizenship simpler and affordable, insisting on this in its meetings with senior politicians and bureaucrats. On this front the PVS has secured some success.

In 2001, after a PVS delegation met with Mr. Ashok Gehlot, the then Chief Minister of Rajasthan, the Government of Rajasthan decided to set up a Review Committee to look into the concerns of the Pakistan migrants. It was headed by the Additional Chief Secretary (Home). Other members were the Revenue Secretary, the Rehabilitation Secretary, the Divisional Commissioner of Jodhpur, the Deputy Secretary (Home) and the representative of PVS. It recommended, on the advice of the PVS, that the Central Government accept applications for citizenship from Pakistan nationals on receipt of a simple affidavit renouncing Pakistani citizenship. This would also save them the financial burden of paying a substantial sum of money to the Embassy of Pakistan in the form of fees for passport renewal and renunciation of Pakistani nationality. In 2002, on the advice of the PVS, the Review Committee recommended the setting up of cells in Jodhpur, Jaisalmer and Barmer to facilitate the processing of applications for Indian citizenship submitted by Pakistani refugees. These were constituted under the chairmanship of the local district magistrate, and included a representative from PVS. The Review Committee also sent a formal letter endorsed by the Chief Minister of Rajasthan to the Ministry of Home Affairs, Government of India, to grant citizenship to migrants from Pakistan who had been residing in Rajasthan for more than five years.

Most of the migrants have relatives living in the border districts of Rajasthan and Gujarat. In addition, a large number of Pakistani nationals in Thar Parkar and other parts of

southern Sindh, both Hindus and Muslims, have relatives living in these districts. However, Pakistani nationals are not allowed to visit these districts, and this rule applies to those Pakistani citizens who are now in India and wish to apply for Indian citizenship. This is a major problem for the migrants, an issue that the PVS has been highlighting. As a result of our pressure, the Review Committee, in its third meeting in 2002, recommended that the existing order issued by the Union Home Ministry stating that Pakistani nationals resident in India for five years be allowed to visit the border districts. However, this has yet to be approved of by the Government of India.

On 6th January 2004, the Government of India decided to grant citizenship to Pakistani refugees of 1965 and 1971 presently living in Barmer and Jaisalmer district through 'citizenship camps'. The Government declaration excluded refugees who came to India with valid passports and documents after 1971 and had stayed in India for more than five years. On 14th Jan 2004, PVS activists met Ms. Vasundhara Raje, Chief Minister of Rajasthan, and pointed out that the present proposal of granting citizenship would benefit only a small number of the refugees of the 1965 and 1971 India–Pakistan conflict. On the other hand, thousands of migrants who came to India through valid documents would be denied citizenship. The Chief Minister contacted Arun Jaitley, the then Minister of Legal Affairs, and stressed that she agreed with the stance of PVS and requested that the Central Government take necessary measures to solve the problem. She also advised that minor children of refugees be granted citizenship against a simple application by their parents. After considerable lobbying, PVS representatives were finally able to make a breakthrough. Subsequently, on February 28 the Government of India declared that all eligible Pakistani refugees in Rajasthan and Gujarat could apply for Indian citizenship.

Till 2004, Pakistani refugees who sought Indian citizenship had to apply to the concerned government authorities in New Delhi, a process that involved great costs and considerable effort, something that was beyond the capacity of most of the applicants. PVS contacted the Chief Minister of Rajasthan, who wrote a letter to the Minister of Legal Affairs, Government of India, proposing that the power to grant citizenship to Pakistani refugees in Rajasthan be delegated to District Magistrates. Later, PVS activists

met the State minister for Ministry of Home Affairs, who agreed on inclusion of refugees who had traveled from Pakistan with valid documents in the upcoming citizenship process and to the waiving off of the renewal, renunciation and penalty payments mandatory in the process of applying for nationality on the grounds of the desperate economic conditions of a large number of Pakistani refugees.

As a result of the efforts of PVS, including meetings with political leaders and bureaucrats and public demonstrations, on 28th February 2004 the Ministry of Home Affairs, Government of India, formally declared the delegation of power of granting Indian citizenship to Pakistani migrants to the District Magistrates of Rajasthan and Gujarat to grant citizenship to the refugees from Pakistan who were residing in the concerned districts. This made it easier for the Pakistani migrants to apply for citizenship, as most of them were residing in Rajasthan and, in lesser numbers, in Gujarat. This power was initially delegated for a period of one year. However, the implementation of the order was delayed by several months.

On 27th March 2004, the Review Committee on Pakistani migrants held a meeting in Jaipur. There, the convenor of PVS suggested the formation of a permanent cell to resolve the problems of migrants, including the continued delay in the process of processing applications for Indian citizenship. PVS representatives met with the Principal Secretary of the Government of Rajasthan and the Chief Minister of the state, Ms. Vasudhara Raje, requesting that the Government order relating to the provision of citizenship be put into effect as soon as possible. After meeting the PVS convenor, the Rajasthan Chief Minister announced the formation of a permanent cell to look into the problems of Pakistani migrants in Rajasthan, in particular those related to citizenship and rehabilitation. The cell was constituted under the chairmanship of Additional Chief Secretary (Home), Government of Rajasthan, the Revenue Secretary, the Deputy Secretary (Home), the Rehabilitation Secretary, the Divisional Commissioners of Bikaner and Jodhpur and the representative of PVS. Two sub-committees were also constituted under the chairmanship of the Divisional Commissioners of Bikaner and Jodhpur. The members included all the Divisional Magistrates of the districts and the representative of

PVS.

In the meanwhile, a new problem emerged. The Government suddenly hiked the fees payable by those applying for Indian citizenship, making it quite out of the reach of most of the Pakistani migrants in Rajasthan, a sizeable majority of who are very poor. Under the new citizenship fees structure it would take a minimum 50,000 Rupees for a family to get Indian citizenship. According to the new rules, under Section 5 (1) A of the Indian Citizenship Act, in which previously there was no payment required, a fee of Rs. 5000 was introduced. The fee under Section 5 (1) C was increased from Rs. 500 to Rs. 10,000 and that under Section 5 (1) D from Rs. 100 to Rs. 3000. In the wake of this new development, the PVS convenor held a press conference in Jaipur in October 2004, where he protested against the new fee structure. He met with the Chief Minister of Rajasthan and requested her appeal to the Centre to revert to the old fee structure. On 26th October 2004, the Chief Minister sent a representation to the Centre in which she suggested that the old fee structure be continued. The convenor of PVS also met with Shiv Raj Patil, Minister of Home Affairs, Government of India in this regard. As a result of the intense lobbying of PVS, the Government was forced to revert to the earlier fee structure.

Finally, on 22nd December 2004, the Additional Chief Secretary, Government of Rajasthan, notified the District Magistrates to initiate the process of granting citizenship to Pakistani migrants residing in their districts. Following this, 'citizenship camps' were organised by the government between 4th January and 28th February 2005 in all the districts of Rajasthan where the migrants are residing. PVS volunteers worked in these camps to assist the refugees and the officials. By 28th February more than 13,000 Pakistani migrants received Indian citizenship through the citizenship camps. This number proved false the Government's earlier claim that there were only 1600 Pakistani nationals living in Rajasthan. But it was a major achievement for PVS.

However, many refugees were unable to acquire Indian citizenship. Many applicants simply could not afford the fees required for applying for citizenship. A large number of them did not apply for citizenship for their children. In some cases, applicants' children could not be granted citizenship because their gender was wrongly mentioned in their

passports. Some orphaned children could not apply for citizenship as, according to the rules, they were eligible for citizenship only if their parents had also applied and received citizenship. Several could not apply for citizenship because they had not stayed in India for the minimum required period of five years. Many migrants had crossed into India by walking across the border without necessary documents and were, therefore, not eligible for applying for citizenship. Some migrants belonging to nomadic communities were unable to secure citizenship because they had not resided in any one particular place in India for a period of five years, their caste occupations and poverty forcing them to constantly travel. The process of providing Indian citizenship through the camps was further complicated by the fact that the District Magistrates lacked proper information regarding the Pakistani refugees residing in their districts. Yet, the District Magistrates actively worked with the PVS to provide citizenship to the applicants.

The process of granting citizenship through 'citizenship camps' lasted only for two months. This was wholly inadequate for granting citizenship to all the applicants. Further, the fact that the migration of Hindus from Pakistan is still continuing means that the process of providing citizenship has to be continued. Consequently, PVS felt that the need for delegation of the power to provide Indian citizenship to District Magistrates for an indefinite period, in place of the one year period that the Government had allowed for. Accordingly, PVS submitted several memorandums containing this demand.

On 3 March, 2005, due, in part, to the continuous efforts of PVS, the Additional Secretary, Ministry of Home Affairs, Government of India, declared the extension by one year the order of the Government of India that delegated to the District Magistrates the power to grant Indian citizenship to Pakistani migrants in Rajasthan and Gujarat. It was the landmark development and a significant victory for PVS. However, PVS keeps up with its demand for the permanent delegation of this power to district magistrates in Rajasthan since most Pakistani migrants reside here and migration will probably continue due to various reasons. On 28th February, 2006, the extension period of the order was further renewed by another one year due to the insistence of PVS, though the fee waiver was withdrawn.

Chief Minister of Rajasthan, Ms. Vasundhra Raje wrote a letter to Government of India on May 8, 2006 demanding reduction in duration of minimum period of stay to five years again and reduction in the fee hike. However, there was no action taken by GoI. Owing to our demand for concrete action, the GoR announced the constitution of a High Powered Committee, for expeditious resolution of the refugees at the state level and for formulating concrete recommendations to GoI, for the permanent resolution of the matter. In September 2008, the High Powered Committee, chaired by Additional Chief Secretary (Development), GoR, Mr. A. K. Pandey, made its recommendations to the state and central government. Prominent among these were the granting of citizenship to the migrants, waiving off the fee, and constituting a state-level Committee, to be chaired by Additional Chief Secretary (Development), and with representation from Pak Visthapit Sangh. It also recommended setting up of 2 divisional-level Sub-Committees in Jodhpur and Bikaner, and district level Cells, to be chaired by the District Collectors. On March 2, 2009, the GoR issued a Government Order finalising the committees and their mandate. Representatives of PVS were included in the District Cells, the divisional Sub-Committees and the High Powered Committee. However, except for one meeting of the District Cell in Jodhpur, no meetings have been convened and no decisions have been finalised by the Committees.

On March 24, 2009, GoR presented the issues of the refugees and their demands for granting citizenship to the eligible individuals, reduction in the fee structure and delegation of powers authorising District Magistrates to grant citizenship to Mr. P Chidambaram, Home Minister, Government of India. In a joint press conference on the same day, between the Home Minister, GoI and Chief Minister of Rajasthan, Mr. Ashok Gehlot, it was declared that due care will be taken to resolve the matter. Subsequently, the Chief Minister of Rajasthan, Mr. Ashok Gehlot in his letter to the Home Minister, GoI, demanding action to resolve the matter. However, no decisions have been taken in this regard, since.

PVS continues to demand that:

1. *The hike in the fee for applying for Pakistani refugees in Rajasthan applying for Indian citizenship be rescinded*
2. *The period of seven years residence in India needed for application for citizenship to be considered be reduced to the earlier period of five years.*
3. *The power to grant citizenship continue to be vested with District Magistrates.*

Citizenship Camps in Rajasthan in January and February 2005

| Districts | Barmer | Bikaner | Jaisalmer | Sri Ganganagar | Jodhpur | Jalor | Others |
|---------------------------------------|--------------------------------|--------------------------------|--------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------|
| Date of commencing the process | 4th Jan 2005 | 8th Jan 2005 | 9th Jan 2005 | 18th Feb 2005 | 11th Jan 2005 | 17th Jan 2005 | |
| | Shiv | District HQ | District HQ | District HQ | Sursagar | District HQ | Bali (Pali) |
| | Chohtan | Kahjuwalla | | Raisingh Nagar | Housing Board | Sanchore | Jaipur |
| | Barmer | | | Vijay Nagar | Barkatullah Stadium | | Ajmer |
| | | | | Anup Garh | | | Hanuman Garh |
| | | | | Gharsana | | | Kota |
| | | | | | | | Bundi |
| | | | | | | | Sirohi |

Number of People Who Received Citizenship

| District | Number of Beneficiaries |
|-----------------|--------------------------------|
| Jodhpur | 5315 |
| Sri Ganganagar | 2084 |

| | |
|--------------|-------|
| Barmer | 1261 |
| Jaipur | 525 |
| Jaisalmer | 494 |
| Bikaner | 389 |
| Jalore | 386 |
| Pali | 236 |
| Kota | 123 |
| Bundi | 86 |
| Ajmer | 87 |
| Hanuman Garh | 42 |
| Sirohi | 38 |
| Bhilwara | 28 |
| Udaipur | 210 |
| Rest | 23 |
| Total | 11327 |

Public Hearings to Highlight Refugees' Problems

In 2006, PVS organised a number of public hearings in different places in western Rajasthan as well as in Bhuj (Gujarat). These were attended by migrants as well as senior bureaucrats, government officials and journalists. The aim of the public hearings was to highlight the problems of the migrants (relating mainly to citizenship, rehabilitation and pathetic living conditions) and to exert pressure on the administration to seek to resolve them. They also served as a means for the administration to apprise the refugees about various government schemes for which they could apply, as well as for the refugees to air their grievances regarding access to these services.

Voices From the Public Hearings

My name is **Prem Chand**. I am 23 years old, and belong to the Bhil community. I am

from the village of Haji Abdul Rashid, in Sanghar district in Sindh. I and my family crossed the border from Atari on 24th January 2005. I was stopped and was asked to pay an amount of Rs. 10,000 as custom fee for the eatables and beddings we were carrying. We did not have this large amount with us so we pleaded to the Indian officials to let us go. However, our appeals fell on deaf ears. My grandfather sought to appeal on our behalf but was pushed away. He fell down and started to bleed from his ears. He was then hospitalized in Delhi's Rammanohar Lohia hospital but succumbed to his injuries. But this was not the end of my agony. I started cultivating the fields of some landlords in Jaisalmer and with my hard work there was good harvest. But the landlord demanded 65% of the crop and when I declined I was beaten and thrown out of the fields without any share. I then went to the Police station to lodge a complaint against the landlord and his men but as they were influential even an FIR was not registered. My father and uncle were so badly beaten that they had multiple fractures which even doctors authenticated but the police did not mention the fractures in the registered complaint. Instead, they wrote that only a heated argument took place.

My name is **Ganesh**. I am from Umarnkot in Sindh. I am an M.B.B.S. doctor, having studied medicine in Jamshoro, Hyderabad (Sindh). I, along with my two daughters, son and wife, migrated to India in 2000. Though earlier people of with my qualifications from Pakistan were allowed to practice, the Government of India has passed an order that requires that such people take a screen test after attaining Indian citizenship to be eligible to practice. But it would probably be after a long time that I can become an Indian citizen. In the meanwhile, I cannot legally work as a doctor and so have to work illegally to earn my livelihood.

My name is **Sita**. I belong to the Mali caste and I am 35 years old. I lost my husband and then decided to shift to India five years ago. I have been trying to get Indian citizenship but have not been able to do so, because now one has to reside for a minimum of seven years in India, instead of the earlier five years, for eligibility to attain citizenship. As I am a widow it is very difficult for me to take care of my daughter. Being without Indian citizenship I cannot able to avail of various state schemes like widow pension, BPL card,

scholarship for my daughter, etc.. There is no earning member in the family except myself.

My name is **Gurdas**. I am 42 years old and hail from the village of Bajji in Sukkur, Sindh. I came with my family to India in 1990 to attend a marriage at Gwalior, Madhya Pradesh. I stayed back for almost two years but then had to leave India. I came back to India in 1992 and then decided to settle in India. With the help of my relatives I established a business with a small capital of Rs 2 lakhs. My business prospered and I decided to shift to Kota, Rajasthan, as business opportunities were better there. However, I had a visa only for Gwalior. Still, I shifted to Kota and was residing there illegally. In the meanwhile I continuously tried to extend my visa. I went to Delhi and the Home Secretary gave me a special visa for Kota. But I and my family have not yet been granted citizenship.

My name is **Jeevana**. I am 45 years old and belong to the Bhil community. I and my husband Sultana Ram have to fend for our six children. In Pakistan we lived in the Bahawalpur district. Our family migrated to India in 1984. I got citizenship in 2005. In India we had hoped to live a more comfortable life. But that has not happened. In the absence of any rehabilitation package, I work in the fields of local landlords, who provide for our family's stay as long as we are employed with them. The wages that I and my husband earn are not sufficient to feed the family. Only a few of our children go to school. Since I am illiterate, I have no knowledge of the various governmental schemes available for people living below the poverty line or for Scheduled Tribes.

My name is **Rukhri Devi**. I am 75 years old and am a widow. I have two sons but they have disowned me. I migrated to India along with my family in 1983. We found employment as daily wage labourers. In 1997 I lost my husband and so I was left without any support. I acquired Indian citizenship in 2005 but this has not made any difference in my living conditions. I still have to work as a labourer, with no certainty of getting employment every day. Uneducated and homeless, I do not know of any state schemes for the poor and for widows.

My name is **Gulshan Ram**. I am 75 years old and belong to the Odh community. I and my family got Indian citizenship in 2005. I was able to educate my son Dalvir with much difficulty. Ultimately was able to get a B.Tech degree from a college in Delhi. However, he could not get a job even although he could have managed to do so if he had obtained a Scheduled Caste certificate, because Odhs are a Scheduled Caste. This is because Dalvir was not an Indian citizen till 2005 and so could not obtain a certifying that he is from a Scheduled Caste. Dalvir, now aged 35, is unemployed despite having an engineering degree.

My name is **Ashu Ram**. I belong to the Bhil community. My life took a difficult turn after the citizenship certificate granted to me in 2005 altered my name to Bhawar Ram, which is actually the name of my brother. My brother, on the other hand, has been given the citizenship certificate under the name of Prem Ram. While other documents in the name of us brothers have their original names, the names in the citizenship certificates have made it difficult for us to convince authorities about their actual identity.

My name is **Nathuram**. I am a Bhil and now reside in Jaisalmer. Some 400 Bhil families from Pakistan now live in Jaisalmer in the Bhil *basti*. They have been staying there for fifteen years now. The *basti* was regularized by government in 1998, but we did not get house land *patta* as were then not Indian citizens. We were ensured by municipality that we would be provided with land *patta* immediately after we got citizenship. Two years ago we became Indian citizens but still we have not received land *patta* as there is a stay order from High Court. Our *basti* does not have any electricity and water.

Present Involvement and Future Plans

PVS has been successful in pressurizing the Government of India to grant Indian citizenship to some 13,000 Pakistani refugees. However, some 3000 Pakistani refugees in Rajasthan are yet to receive Indian citizenship. The Universal Declaration of Human

Rights unequivocally states that “Everyone has the right to a nationality” and that “No one shall be arbitrarily deprived of his nationality”. But a sizeable number of Pakistani refugees in Rajasthan and, to a lesser extent, Gujarat, are still waiting for Indian citizenship, not willing to go back to Pakistan. The PVS carries on with its efforts to secure Indian citizenship for these people. In addition, migration of Hindus from Pakistan continues and PVS will continue to press for provision of Indian citizenship for these people. Further, through its regular interactions with bureaucrats and politicians, PVS continues with its efforts to ensure that the rehabilitation package announced for the refugees is properly implemented and that an appropriate rehabilitation package be formulated for post-1971 refugees.

Based on its experiences in working with refugees from Pakistan, PVS feels the need for India to have a comprehensive and clear policy and laws relating to all refugee communities. There is also a Need for a National Refugees Commission. Accordingly, PVS wishes to interact with other like-minded groups and organizations in India and other parts of South Asia to promote coordinated efforts.

PVS and its associated Seemant Lok Sangathan (SLS) also hope to work to promote cross-border contacts and peace initiatives between Pakistan and India. SLS volunteers were present at Jodhpur station and at Munnabao in February 2006 to welcome the first passengers of the newly-launched Thar Express linking Rajasthan with Sindh. SLS volunteers distributed pamphlets, in Sindhi, Hindi, English and Urdu, welcoming the train and hoping that the passengers would serve as ‘ambassadors of peace’ between India and Pakistan in their own way.

In December 2006, with the objective of initiating dialogue and sharing the experiences of different refugee groups and institutions working with refugees in India, PVS organized and hosted a 2-day Convention on the Issues of Refugees in India in Jodhpur. In attendance were representatives of Tibetan, Burmese, Bangladeshi, Sri Lankan, Pakistani, and Bhutanese refugee populations living in India. In addition, the conference was attended by the SAFHR, the Aman Trust, the Human Rights Law Network, the Press Institute of India, the National Foundation of India, and Insaaf. An outcome of the convention, the Jodhpur Declaration was an important first step towards the framing of a

National National Refugee Law and Policy. Through the Declaration, the representatives expressed their solidarity and support to each other, urging the countries to play a more proactive role in the resolution of forced migration, and called for the express need for organising such meetings in the future as well.

Thanks to the concerted efforts of the Seemant Lok Sangathan, 51 Pakistani citizens were released in December, 2008, including those who were arrested on account of petty offences of manipulating the duration of their stay on their visa, those who had already completed their sentence and those who had faced excessive trauma as a result of their imprisonment, and had since become mentally unwell. They Pakistani citizens were released after our pleas were heard at a Joint Judicial Committee in June, 2008, between India and Pakistan, which was headed by former Chief Justice of Pakistan Supreme Court, Justice Aslam Zahid Nasir, with two other judges from Pakistan and three from India.

We would like to work more intensively on this front as well as to promote communal harmony in the border districts of Rajasthan, and document and preserve the rich cultural traditions and oral histories of the refugees from Pakistan.