

'WEST PAKISTAN REFUGEES' GET OWNERSHIP RIGHTS - THE ONSLAUGHT ON KASHMIRI IDENTITY CONTINUES

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(Views expressed in the brief are those of the author, and do not represent those of ISSI)



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Introduction

With each passing day, it becomes increasingly clear that abrogation of Articles 370 and 35A was not intended to bring peace, security, development or a bright future for the youth of Indian Illegally Occupied Jammu and Kashmir (IIOJK). It is now evident beyond any doubt that the main motive of the abrogation of the two articles was to bring about a demographic change and turn Muslim majority into a minority in the occupied territory.

On 30 July 2024, to further advance its designs of demographic change, the administrative Council of IIOJK under the chairmanship of Lieutenant Governor Manoj Sinha decided in favour of granting land ownership rights to the 'West Pakistan refugees'.¹

Who are 'West Pakistan Refugees'?

In Indian parlance, 'West Pakistan refugees' are the people that had migrated at the time of partition in 1947 from the parts of Punjab, mainly Sialkot, that became part of Pakistan to the state of Jammu and Kashmir particularly in Kathua, Rajouri and Jammu region of the Jammu division that is now under illegal Indian occupation. Hence, these 'refugees' are ethnically non-Kashmiris. As per

¹ "J&K grants land ownership rights to West Pakistan refugees," *Hindustan Times*, August 1, 2024, <https://www.hindustantimes.com/cities/chandigarh-news/jk-grants-land-ownership-rights-to-west-pakistan-refugees-101722452686129.html>

one estimate, around 5,764 families had migrated from Pakistan's Punjab to the Jammu region. In May 1954, they were given 46,666 kanals (2360 hectares) of land by the state government in Akhnoor, Samba, Hiranagar and Kathua districts of Jammu. However, though land was allotted to them, they were not given the legal ownership.² Since West Pakistan refugees are not ethnically Kashmiris, they were not considered as state subjects. They could not own land, cast vote or contest state assembly elections, or claim other benefits such as scholarships or government jobs offered by state government.

For more than seven decades, the West Pakistan refugees had been demanding to be treated as state subjects and given right to own property and claim benefits that were exclusively reserved for the state subjects of IIOJK prior to 5 August 2019. These demands were mostly ignored by regional political parties as it could alter the demography of the state, particularly the Jammu region. Perhaps, the only attempt that was made to address the issue of West Pakistan refugees by the state government was under Chief Minister Ghulam Nabi Azad who had formed a committee to find a solution to this problem. The committee, however, concluded that the Section 6 of Jammu and Kashmir Constitution that deals with the issue of permanent citizenship of the state does not cover the West Pakistan Refugees.³

Due to Article 35A, the demand for West Pakistan refugees to be recognized as state subjects could not be met. To address this, the state government issued identity certificates in 2018, allowing these refugees to be recruited into central security forces and the army.⁴ Additionally, the Indian government introduced a scheme where each family was given 5.5 lakh in 2018.⁵ Granting ownership rights to these West Pakistan refugees had been on the agenda of Bharatiya Janata Party (BJP) as this pledge found a place in party's 2019 election manifesto as well along with its reiteration of abrogating Articles 370 and 35A.⁶

² Naseer Ganai, "The Forgotten Refugees From West Pakistan In Jammu," *Outlook*, July 25, 2023, <https://www.outlookindia.com/national/the-forgotten-refugees-from-west-pakistan-in-jammu-news-305404>

³ Naseer Ganai, "The Forgotten Refugees From West Pakistan In Jammu," *Outlook*.

⁴ "Relief for West Pakistan Refugees, Issued Identity Certificates," *Tribune*, September 28, 2018, <https://www.tribuneindia.com/news/archive/j-k/relief-for-west-pak-refugees-issued-identity-certificates-659675>

⁵ "Financial Assistance to West Pakistani Refugees (updated on 27.06.2023)," *Ministry of Home Affairs*, https://www.mha.gov.in/sites/default/files/2023-07/Annexure3_28072023.pdf

⁶ "Sankalp Bharat, Sashakt Bharat - Bharatiya Janata Party Sankalp Patra, Lok Sabha 2019," *Bharatiya Janata Party*, <https://www.bjp.org/files/2019-10/BJP-Election-english-2019.pdf>

Implications

Today, the total number of West Pakistan refugee families has reportedly increased from 5,764 to 22,170 families⁷ whereas, the total number of West Pakistan refugees stand at 1, 50,000 people. As per 2011 census, the total population of Indian occupied Jammu region is 1,529,958.⁸ This makes West Pakistan refugees 9.8 percent of the total population of the Jammu region. Apart from orchestrating the demographic change, this decision is also important as the Supreme Court of India has directed the Union government to hold Assembly elections in IIOJK before 30 September 2024. It is safe to claim that the move came in the wake of depleting popularity of BJP and a visible fall in its vote bank in Jammu as well as the Udhampur constituencies in the recently held 18th Lok Sabha elections. A decline of 4.6 per cent in Jammu and 10.1 per cent in Udhampur in BJP's vote share was observed in the Lok Sabha elections.⁹ By granting ownership rights, BJP apparently is trying to woo significant number of votes.

Conclusion

It had been a long term desire of the BJP to change the demography of IIOJK and turn the Muslim majority into a minority. This plan of bringing about demographic change was not possible in the presence of Article 35A. Hence, after securing a landslide victory in 2019 Lok Sabha elections, the Modi government felt emboldened to abrogate Articles 370 and 35A. Knowing well that this decision would cause a great deal of distress to the Kashmiri people, the BJP regime rushed additional troops to IIOJK bringing the total number of troops to some 9,00,000 – making IIOJK most militarized zone in the world. A strict curfew was also imposed that lasted for more than 18 months along with complete blackout of all communication.

While implementing this sinister design, the BJP government and leadership made tall claims about 'normalcy' and 'development' and also presumed that these actions would result in multiplying Mr. Modi's popularity. But, on the contrary, not only the so-called 'normalcy' and 'development' have eluded the occupied region, but also the move continues to cause unrest and fears about demographic change in Muslim majority Kashmir Valley as well as in Hindu dominated Jammu and Buddhist dominated Ladakh region. Hence, by granting ownership rights to West Pakistan refugees, Prime Minister Modi is desperately seeking to increase his evidently shrinking vote bank.

⁷ "J&K govt grants land proprietary rights to West Pakistan refugees," *Business Standard*, July 31, 2024, https://www.business-standard.com/india-news/j-k-govt-grants-land-proprietary-rights-to-west-pakistan-refugees-124073100933_1.html

⁸ "District Jammu," *National Informatics Centre*, <https://jammu.nic.in/demography/>

⁹ "Behind govt's land right move for Pakistani refugees in J&K vote dip, eye on Assembly polls", *Indian Express*, August 1, 2024, <https://indianexpress.com/article/political-pulse/land-right-move-pakistan-refugees-jammu-kashmir-bjp-lok-sabha-assembly-polls-9487972/>