

SUBJECTS OR CITIZENS?: INDIA, PAKISTAN AND THE 1948 BRITISH NATIONALITY ACT

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It is now widely recognised that decolonisation, which picked up momentum from the mid-twentieth century onwards, was an extended affair.¹ In the case of British India, independence may have taken place at relatively short notice in August 1947, but tying up the loose ends of empire stretched over many years. In particular, the realignment of subjecthood and citizenship necessitated by decolonisation was protracted, and raised complex questions about identity in both the newly independent states and the former imperial power. Against this backdrop, the following article takes as its focus the drawn-out process of disengagement that followed formal independence in relation to one particular case study: namely the various ways in which Britain sought to square the working of its 1948 Nationality Act with Indian and Pakistani citizenship legislation that took shape in the 1950s. By exploring different aspects of how the Act was interpreted and applied in the South Asian context, it contributes to current understanding of the contested making of citizenship in post-1947 India and Pakistan. In the process, it also argues that while British legislation did not, in the late 1940s and 50s, create a legal distinction between European and non-European British subjects, perceptions about ‘racial identity’ proved time and again to be a major factor in the classification of different categories of UK citizen, with “issues of race becoming more and more explicit in discussions, more and more public in debates” throughout this period.²

The consolidation of two separate independent states carved out of British India proved to be a lengthy, difficult and messy business in the years following 1947.³ So did the process of establishing citizenship. Both India and Pakistan faced the common challenge of establishing who now belonged within their new borders. Both needed to identify how - and how far - to accommodate the millions of displaced refugees who were generated by the violence and uncertainties of Partition but whose Indian and Pakistani citizenship was not regarded as automatic. At the same time, a key tenet of Britain's decolonisation strategy during this period was "the preservation of post-colonial 'influence', as opposed to the complete negation of empire".⁴ This 'redeployment' rather than 'capitulation' of power meant that Britain too was required to recalibrate its ideas about nationality and think afresh about the rights of its subjects in view of the revised sets of relationships that now linked colonies, old dominions and the 'mother country' within the Commonwealth. In reality, applying the 1948 Act's provisions in relation to India and Pakistan were infused with anxieties about 'race', something which surfaced repeatedly as British officials in London, Delhi, Karachi and consulates around the world sought to manage its operation in ways that suited British interests, and which reflected growing concerns in post-war Britain about controlling migration and manipulating nationality.⁵

The 1948 British Nationality Act has generated much discussion in relation to what precisely it reveals about British approaches towards decolonisation after the Second World War. According to commentators such as Mycock, while the Act represented a "pragmatic recognition of the loss of India and the further dilution of ties with the Dominions", much of its significance lay in its failure to define successfully the content and parameters of national or transnational citizenship, allowing all

Commonwealth citizens the right to enter and live in the United Kingdom without restriction.⁶ However, this approach, which has meant that the 1948 British Nationality Act has frequently been viewed in relation to immigration developments because its consequences appeared to play themselves out first and foremost within this framework, has been challenged. Hanson, like Baucom⁷, for instance, takes a different stance, emphasising instead that “for those who drafted and endorsed the legislation ... immigration was tangential to the fundamental constitutional issue: [and so it was rather] the need to ensure uniformity of British subjecthood, the possession of identical rights and privileges by all British subjects in the Commonwealth and Empire”, that provided the main motivation behind the Bill’s passage into law.⁸

Hence, under this scheme devised to refashion British nationality on a new basis, all those who belonged to either the Commonwealth or the colonies would still be regarded as ‘British subjects’. Their citizenship, however, would vary, with self-governing countries in the Commonwealth establishing their own, such as Australia and Canada (whose 1945 legislation had triggered the need for a rethink in the first place⁹), while remaining colonies were covered by the introduction of a new category, that of citizenship of the United Kingdom and Colonies (UKC). The status of ‘British subject without citizenship’ was also created as a temporary measure for those people connected with countries that had not defined their citizenship laws by 1 January 1949. In practice, this category also extended potentially to British subjects resident in places outside the Commonwealth. Finally, as part of the process, when self-governing countries had passed citizenship legislation, this, at their request, would then be ‘declared’ by the Secretary of State in London under Section 32[8] of the Act.¹⁰ Any British subject who did not acquire an alternative Commonwealth citizenship under

recognised legislation would automatically then become a UKC citizen. In this way, despite opposition from Conservative Party, the 1948 BNA intended for all British subjects to have one form of Commonwealth attachment or another.¹¹ And it was framed on the assumption that the citizenship measures enacted by Commonwealth countries would be reasonably comprehensive and so only a comparatively small number of people would become UKC citizens after recognition by the Secretary of State.

But while most Commonwealth countries quickly enacted legislation that was duly declared by the British government for the purposes of the BNA,¹² this did not happen as far as India and Pakistan were concerned. India took until 1955 to introduce a specific citizenship act (though its 1950 Constitution did contain certain provisions regarding citizenship) but London regarded this as too limited in scope to be recognised. Pakistan's equivalent legislation in 1951 and 1952 was likewise deemed by the British as unacceptably obscure.¹³ Crucially, neither the Indian nor the Pakistani measures of the early 1950s provided for the acquisition of citizenship by many people of Indian or Pakistani origin (or, as it was articulated at the time, 'race') who, British officials argued, 'naturally' belonged to those countries. In addition to the many hundreds of thousands of former refugees living in India and Pakistan whose citizenship status remained unclear in the decade following Partition, there were large numbers of people of South Asian origin scattered around the world. Why this scenario worried London so much was that, in the event of the Indian or Pakistani measures being declared by the British government before their citizenship had been fixed, all of them as 'British subjects without citizenship', officials feared, would by default become UKC citizens despite very few obvious (that is ancestral) ties with the United Kingdom.

By the mid-1950s, by which time pressure was building up for restrictions to be placed on New Commonwealth immigration to Britain,¹⁴ the British authorities faced the dilemma of whether or not to recognise citizenship legislation that, from their perspective, threatened consequences “so anomalous and so different from what reasonably have been expected to happen when the British Nationality Act was passed”. According to one Home Office official,

The embarrassments which might arise from Her Majesty’s Government in the United Kingdom becoming responsible for the protection of these people as citizens of the UKC are obvious, but, even if we were to decline to ‘recognise’ the Indian and Pakistani measures on the grounds that the results were be so contrary to the intention of the Act, the people concerned would remain British subjects without citizenship and we should not be able to regard the United Kingdom government as absolved from all responsibility towards them.¹⁵

This article accordingly explores the various different anxieties that surrounded the process of enforcing the BNA in relation to what had formerly been British India and its people. It first considers how the Act was put into operation in the subcontinent and its effects on the way in which entitlement to British citizenship was identified there in the years immediately following independence. It then highlights and explains the ambivalent role taken by London in relation to the framing of citizenship rules in both India and Pakistan, and the British government’s reluctance to recognise any of this sub-continental legislation until and unless the move suited British interests. Finally, it investigates the impact of the BNA on ‘potential Pakistanis’ living in other parts of the world, whose citizenship status, like that of ‘would-be Indians’, was fraught with complications as a result of their ambiguous place within a revised set of Commonwealth relationships. While the BNA had sought to formalise the existing status quo by giving the right to enter, work and settle in Britain to all colonial and Commonwealth citizens, racialised concepts of Britishness (which rested, as Paul

argues, on “an existing racialised understanding of the imperial population”¹⁶) underpinned its application. By focusing on India and Pakistan, and ‘potential Pakistanis’ in particular, this article provides new evidence of just how acutely aware British officials, tasked with applying the Act’s regulations abroad, were of the need to find ways of limiting Britain’s responsibilities in relation to people from its former colonies, especially as far as discouraging colonial movement to the ‘mother country’ was concerned: “bent on keeping the number of Indians and Pakistanis entering Britain to a minimum”, their frustration “was almost audible in their memos and despatches”.¹⁷ In the process, British decision-making became caught up in what Chatterji has described as the “startling symmetries” of Indian and Pakistani efforts to legislate their own newly-acquired citizenships in ways that would define, and defend, their new national identities vis-à-vis each other.¹⁸

Applying the BNA in India and Pakistan

The introduction of the BNA caused considerable initial confusion in the subcontinent, particularly among European British subjects, many of whom were extremely indignant, as well as apprehensive, when required by this legislation to prove their entitlement to UKC citizenship. Racial identity (albeit infused with the added complication of class) was always a sticky issue under the Raj, but for many of those Europeans who had stayed on in the subcontinent after independence there was no reason for any confusion about their status.¹⁹ After all, “whiteness” had been intimately associated with the “running of empire”.²⁰ Social contact between the rulers and the ruled had been minimal, and it was only in the advent of independence that this ‘racial’

distance had come to be challenged seriously:²¹ clubs, the social hubs of empire, for instance, with few exceptions had kept Indians at bay for as long as they could, and where possible still continued to do so after 1947.²² The size of the 'white' community in independent India was estimated by British officials at between 20,000 and 25,000, while first-generation Anglo-Indians alone,²³ a large proportion of whom it was anticipated would claim UKC citizenship, were calculated to be in the region of at least 50,000. Equivalent numbers in Pakistan were fewer but no less significant in British eyes.²⁴ Initially, much of the disquiet generated by the BNA involved individuals who did not regard themselves as either Indian or Pakistani, and hence sought to establish their direct ancestral links with the United Kingdom, even when this was several generations back or via what had become the Irish Republic. Apparent 'anomalies' quickly became evident, with UK High Commissioner in Delhi pointing to the contradiction between "the acceptance of extremely dark Anglo-Indians as United Kingdom citizens, and the rejection of pure Europeans who have been unable to satisfy me as to their descent in the male line".²⁵ Tension between 'race' and identity thus coloured the way in which officials approached the BNA's application from the outset.

The first draft of a new British nationality bill arrived in the offices of the United Kingdom's High Commissioners in India and Pakistan in September 1947. For some time before that, they had been discussing the question of compiling a census of their 'parish' but had agreed to defer action until the full implications of the Act were properly studied. Following the appointment in November 1947 of a Legal Advisor to be shared by both High Commissions, it was decided that provisional registers should be drawn up as far as was possible before any legislation came into force. These 'Records' were intended to provide the British authorities with a detailed list of people

for whom Britain would be responsible in the event of emergency, or to whom the High Commissions might be required to issue passports. They would also include others who were thought likely to be eligible, either automatically or through registration, for UKC citizenship, and so were expected to serve as useful guides once the actual consideration of applications for registration began.²⁶ Because of inevitable confusion in the public mind between inclusion in the High Commissioner's Record and statutory registration as a UKC citizen, it was recognised that delicacy and tact were going to be needed, especially with regard how to handle the large body of Anglo-Indians directly affected by the Act's provisions.²⁷

Once the revised draft bill was published in February 1948, the Legal Advisor proposed a 'Provisional Recording' of future UKC citizens under the new Act, a register that would in due course automatically become an up-to-date Record of such citizens with any others in the future only able to qualify through registration. He then went on to work out preliminary drafts of an application form, containing an elaborate questionnaire and lengthy explanatory notes, while assistant legal advisors (retired Indian Civil Service officers with judicial experience) – one for India and another for Pakistan – were appointed by April to relieve him of the routine work of deciding doubtful cases. In the meantime, Deputy High Commissioners stationed around the subcontinent learned of the preliminary role that their outposts were to play: distributing forms to would-be applicants, then receiving, registering and vetting applications before forwarding them when in order and accompanied by the necessary documents to (in the case of India) Calcutta and (Pakistan) Karachi. Broadly-speaking, the same procedure was followed in both India and Pakistan, and close coordination was maintained.²⁸

The application form tackled the question of ‘race’ head on by requiring people to classify themselves according to one of four so-called ‘racial’ categories: “British Europeans”, “British Colonials”, “Anglo-Indians” and “Anglo-Pakistanis”. The first two “consisted of persons with not less than 75% British or Colonial descent”. These were supposed to be treated on the same footing, and were apparently only needed to be distinguished “because of the obvious absurdity of labelling a full-blood Negro or Polynesian a ‘British European’”.²⁹ But even those who claimed that their father had been born in the United Kingdom were required to state the birthplace of their mother, an obligation that was later acknowledged as solely for the purpose of racial classification: as a 1950 report on the working of the BNA in India explained,

Racial classification [was] introduced in order that British Europeans might be given priority of protection in the event of an emergency, as it was feared that otherwise they might be overwhelmed by crowds of Anglo-Indians. For this reason, it could not be made public, and nothing was said about it in the Explanatory Note. However, the reason for the question about the birth-place of the mother was not difficult to guess, and as it was likely to be resented by the British Community, the High Commissioner was urged to abandon it.

When the UK High Commissioner’s Office in Delhi suggested to the editor of the *Statesman* that the newspaper, which was widely read by ‘British Europeans’ in India, should give the operation a “good press”, the latter declined on the grounds that it would be “extremely difficult to say anything convincing to readers who enquire, for example, why when descent is traced through the male line, enquiry should be made into the mother’s antecedents”. Such criticisms were passed back to London, where officials nevertheless reiterated that the information was essential for what they again termed ‘racial classification’ reasons.³⁰

On 30 July 1948, the BNA received royal assent.³¹ Plans to make a start on compiling the Record before the Act came into operation at the beginning of 1949,

however, were delayed by problems in producing the necessary documents.³² The Legal Advisor's 'Explanatory Note' met with particularly severe criticism both from Deputy High Commissioners and leading members of the 'British' community in the subcontinent, who thought that it would prove largely unintelligible to most of those for whom it was intended. WHJ Christie, Advisor in India to the Central British Committee, for instance, was "quite certain that only one person in ten of those who receive it will be able to understand it at all", and suggested that it be redrafted in simpler language.³³ Advertisements, however, duly appeared in leading daily newspapers, with copies sent to local United Kingdom Citizens' Associations, principal British firms and chambers of commerce, and clubs and hotels, to be displayed on their notice boards. As a result, by early June 1950, when the temporary lease on the Central Registration Office in Short Street, Calcutta, had expired, over 26,000 applications for inclusion in the Indian Record had been received, of which 24,245 had been handled, with 15,684 accepted and 8,561 refused. The remaining balance was then returned to outposts to process in addition to those that they would continue to receive. In fact, these later applications proved to be considerably more numerous than anticipated, with the result that by the end of 1949 the names of over 25,000 potential citizens had been recorded, and only 1,137 of them by registration. Around 4,000 of the trickier cases were referred to the Assistant Legal Advisor in India, who in turn kept in close touch with his counterpart at Karachi, each consulting the other on points of difficulty. Inevitably some were referred to London for more complex adjudication.³⁴

Work on compiling the Record and registering claims was continually hampered, however, by misunderstandings of the legal position and terms used, particularly on the part of those submitting their names. Officers found it difficult to

make clear to applicants that the status of 'Citizen of the UK and Colonies' had not existed before the BNA and so did not mean the same as 'British subject' or even 'European British subject'. Similarly, the phrase 'potential citizen of the UK and Colonies' caused many problems, with doubts over its usage even raised in the House of Commons.³⁵ As this work had begun before the Act itself had taken effect, the description had been included in all the printed documents to denote persons who were expected to become citizens on, or following, 1 January 1949. But while it was not used after that date, and explanations were accordingly circulated, officials confessed to finding it very difficult to undo the false impression that had been created, and a good deal of puzzlement lingered on.³⁶

Throughout this period, the size of the operation in Pakistan proved to be considerably smaller than that in India. By the end of 1950, approximately 5,500 names had been entered on the Record there, of which just over one thousand had been admitted by registration and the remainder by qualification under the transitional provisions of the BNA. These fewer numbers in practice made it unnecessary to set up a Central Registration Office along Calcutta lines. Instead the compilation of the Record was decentralised to United Kingdom passport offices in first in Karachi, and then to the major cities of Dacca and Lahore as well, all of which had started receiving applications by the end of November 1948. As the High Commissioner there commented, this smaller-scale undertaking in Pakistan resulted in less likelihood of divergent treatment of applicants belonging to the same family. All the same, there were occasional instances of one member of the family being registered and another refused, with the majority of these particular cases arising out of a failure in liaison between Karachi and Delhi. In addition, the High Commissioner recommended that

people of European descent, who had been naturalised in India under the 1914 British Nationality and Status of Aliens Act, and who were deemed by officials to have a sufficiently close connection with the United Kingdom, be given the opportunity to acquire UKC citizenship. More generally, he estimated that between 60 and 70 per cent of the total number of applicants were of “pure European descent”, while of those admitted by registration not more than 30 per cent could be described as such.³⁷

For many caught up in this bureaucratic tangle, the way in which privileges or restrictions on claims to citizenship became linked to racial identity, magnified levels of anxiety, particularly within Anglo-Indian communities.³⁸ But, even so, whether in parts of the subcontinent that had become India or Pakistan, the operation to record and register potential UKC citizens was hampered by the fact that a large number of those who were likely to qualify automatically did not submit completed forms by the 1 January 1950 deadline. It is possible that some may not have taken the matter seriously, unaware of the consequences of being omitted from the Record. But, apart from those within “the British community [who were not] ‘form-minded’ [and] put off by the complicated appearance of the reading matter sent to them [would have thrown] it in the waste paper basket”, there were others who, it seems, deliberately chose not to register. These included

People in Indian Government service who would have been eligible for registration under Section 12[6] but [who] were very careful not to apply in case they lost their Indian Citizenship and thus their jobs. Some are even UK Citizens by descent (including, I think, the Chief Passport Officer himself!), but have made no move to establish their UK Citizenship for the same reason.³⁹

To complicate matters further from an official British perspective, the compilation of the Record seemed to be seriously undermining the popularity and prestige of both High Commissions, with many “pure British people”, because they and their fathers

had been born in British India, expressing their resentment at having to wait for too long (or sometimes what seemed like indefinitely) before obtaining confirmation of their citizenship.⁴⁰

The main problem for officials when weighing up applications under the terms of the BNA, however, was how to decide whether an applicant's connection by descent with the United Kingdom and its remaining colonies, coupled with any existing links with these parts of the Commonwealth, amounted to an association that was sufficiently close to justify their registration as a UKC citizen. For ties on the mother's side, little help in most cases was to be had from documentary evidence, with officials often having to rely on appearance alone, reinforcing the likelihood of race blurring identity. Many applicants, such as the Anglo-Indians filling subordinate positions in the railway service (guards, drivers and firemen), tended to live in relatively inaccessible places, but still a large proportion of what were regarded as the doubtful cases were interviewed, sometimes by touring officers but more often by members of the local United Kingdom Association deemed responsible or trust-worthy from a British perspective.⁴¹ As the High Commissioner in Delhi pointed out in January 1951 in relation to the registration of minors,

All degrees of connection are possible and need careful investigation, though the requirement the child must be pure or nearly pure European will [rule] out most of the doubtful cases. There are many families in India with a very slight admixture of Indian blood (one Indian great grand-parent or the equivalent gives only 14.25% [sic] Indian blood) and if they have maintained a close connection with the United Kingdom the child can be treated in the same way as a pure European.⁴²

In addition, the rule of thumb was that "British subject" passports were not issued to any applicants who might otherwise qualify as Indian citizens, unless they had first obtained in writing that the Indian authorities did not regard them as one. Few

individuals in this position, however, managed to obtain the necessary ruling precisely because their Indian domicile seemed unambiguous. Accordingly, the policy proved to be very restrictive, resulting in many, including some apparently “pure” Europeans, having to travel on Indian passports during this period of transition. And, where British travel documents could be issued or renewed, this tended only to be permitted for a limited period. Hence the Calcutta office complained,

It is bad enough when we issue a “British Subject” passport for one year only to be told by the applicant that somebody in the same position as himself was given a similar one valid for five years in London. How much worse is it when we refuse to issue a passport at all, to be confronted by the applicant on his return from leave waving in our face a “British Subject” one issued to him in London, valid not merely for one year but for five. It makes the service we give look pretty poor and it creates a good deal of bad feeling amongst the European population out here who, for one reason or another, cannot establish United Kingdom citizenship.⁴³

In the face of such inconsistency, the Foreign Office back in London was eventually persuaded in 1954 to allow High Commissioners to issue passports of full validity and renew existing passports for more than one year, but this could only be done for applicants “with a definite connexion [sic] with the United Kingdom but [who] do not appear to be Indian or Pakistani citizens”.⁴⁴ While an individual’s eligibility for the citizenship of another state ruled out the UKC option, it would seem that ‘looking British’ often played a large part in determining who potentially belonged where.

Legislating citizenship

London’s efforts to apply the BNA in the context of South Asia were thus complicated by the need to synchronise its rules with citizenship legislation that was taking shape in India and Pakistan. But determining who qualified for citizenship in the bitter and

confused aftermath of Partition, thanks to which millions had migrated and hundreds of thousands died, was no straightforward task for either state. As Pandey, Chatterji, Zamindar and more recently Roy have all demonstrated in relation to Partition's implications for identity and belonging in the subcontinent, both engaged, at least to begin with, in piecemeal efforts to devise ways of identifying who was and who was not to be deemed one of their citizens.⁴⁵ 'Otherness' together with processes of exclusion and inclusion proved central to the whole business of establishing citizenship.⁴⁶ "Dissonance between [a] proffered nationality and its material realisation" quickly became a pressing concern since this directly related to how citizens-in-the-making moved across the newly demarcated borders that had come to divide the subcontinent and the people living in different parts of it.⁴⁷ From travel permits to the introduction of passports, the room for manoeuvre, embittered by painful memories of Partition-related violence and mass displacement, steadily narrowed until it became increasingly difficult (though never wholly impossible) to negotiate travelling between the two states.⁴⁸

In the case of India, provisions relating specifically to citizenship were brought into force a couple of months before the rest of the country's new constitution was promulgated on 26 January 1950.⁴⁹ But it took a further five years before the Indian parliament eventually passed its first formal separate piece of citizenship legislation. Meanwhile, a blueprint for citizenship took gradual shape in Pakistan, initially in the form of its 1951 Act, and then in an amended bill and set of rules that were introduced in 1952 to clarify procedures but which in turn then required further clarification. From 1948 onwards, therefore, British officials kept a watchful eye on developments, and indeed often received requests from their Indian and Pakistani counterparts to give

advice. British anxieties were evident throughout. Acutely aware that recognition of any legislation would make it necessary to decide which ‘British subjects without citizenship’ would henceforth be citizens of Pakistan or India, and which had become UKC citizens,⁵⁰ London was certainly not prepared to take the risk of responding until it could be sure that doing so would not result in the creation of thousands of potentially ‘stateless’, non-European, people, who (thanks to Section 13[2] of the BNA) would then automatically become Britain’s long-term responsibility.⁵¹ Underpinning much of the discussion and decision-making was how to interpret what ‘domicile’ meant in individual cases. From an official point of view, both British and ‘sub-continental’, the definition of ‘domicile’ was legally understood as ‘the principal place of residence of an individual’. In British law, which had left its imprint on the subcontinent, domicile was the status or attribution of being a permanent resident in a particular jurisdiction. A person therefore could be regarded as remaining domiciled in a jurisdiction even after they had left it, as long as they had maintained sufficient links with that place or had not displayed an intention to leave it permanently (that is, moved to a different state, but not demonstrated the all-important intention of remaining there indefinitely). In addition ‘domicile of origin’ was taken to mean the home of a man’s parents, not the place where, his parents being on a visit or journey, a child happened to be born, and so it was distinguished from any accidental place of birth. In order to change someone’s domicile, there had to be an actual removal with an intention to reside in the place to which they had moved. However, as debates in the Indian Constituent Assembly during these years underlined, interpreting ‘domicile’ in the context of the fluid and uncertain circumstances of Partition was a very touchy subject that generated both “sentimental” and “aggressive” responses when discussed. As one member of the

Assembly exclaimed in 1949: “If anyone does not ... get himself registered as an Indian citizen, then that ought to be a proof in the eyes of the authorities of the country where he is living that he is not an Indian citizen but a citizen of the country of his adoption”.⁵²

According to the Pakistan Citizenship Act of 1951, promulgated on 13 April that year, Pakistan citizenship could be acquired by birth (section 4 of the Act), by descent (section 5), by migration (section 6), by naturalisation (section 9) and by marriage (section 10). Every person born in Pakistan after the commencement of this Act was to be deemed a citizen of Pakistan ‘by birth’. Likewise, a person born after it had commenced was also entitled to citizenship ‘by descent’ as long as their parent was a citizen of Pakistan at the time. As far as citizenship ‘by migration’ was concerned, the federal government upon obtaining a certificate of domicile could register as a citizen of Pakistan any person who had migrated to its territories between the time when the Act came into force and 1 January 1952. Registration in such cases would include, besides the person himself, his wife if any (unless the marriage had been dissolved), and any minor (under 21 years old) whether wholly or partially dependent upon him. ‘Naturalisation’ applied to foreigners (defined as a person not born in any Commonwealth country) living continuously in the country for five years, who had learned one of Pakistan’s recognised languages, and taken the oath of allegiance to the Pakistani constitution. Finally, there was the matter of citizenship ‘by way of marriage’, something that was available to a woman by virtue of becoming the wife of a Pakistani man: if she was not deemed a ‘foreigner’, marriage would make her a Pakistani almost automatically.⁵³ The High Commission in Karachi could detect little public interest in the legislation when it was first introduced in October 1950. Press

comment was confined to a leader in the English-language daily newspaper, *Dawn*, which took exception to the term “Pakistani British subject” still being used in Pakistani passports. The Pakistan government was quick to promise that the bill, when enacted, would set matters right. Later, once the legislation had been passed, *Dawn*’s editors commended it as befitting of a sovereign state and expressed pleasure in the fact that “this odious label which Pakistani passports have been bearing will no longer be affixed to Pakistani names”.⁵⁴

Many parts of the 1951 Pakistani legislation were directly modelled, not unexpectedly, on corresponding sections of the 1948 BNA, but even so from a British perspective the draft bill was full of pitfalls. The Pakistan government had formally invited British comments on its provisions, but in the event neither the High Commission in Karachi nor officials back in London were given enough time to study them in detail before the bill came before the Assembly earlier in 1951 than expected.⁵⁵ Thus, the final version comprised what British officials at the time regarded as “transitional provisions” that were far from complete, and, as it turned out, they were informed unofficially that the Pakistani government was already intending to propose further amendments once it had gained some practical experience of the operation of the law. A representative of the Pakistan Ministry of the Interior, Hamiduddin Ahmed, during an informal conversation in May with the High Commissioner, HSH Stanley, went as far as apparently suggesting that, as the rules currently stood, Britain risked becoming “a dumping ground for the unwanted”.⁵⁶ Stanley himself echoed similar concerns that the UK looked set to be “a dustbin for the refuse discarded by” India and Pakistan, acquiring in the process, in his words, “the scum of the earth”.⁵⁷ One immediate quandary was that the legislation seemed to contain no provision for

automatic 'citizenship by descent' for people who were alive when the Act became applicable. Accordingly, British officials predicted that thousands of people would be denied a guaranteed right to Pakistan citizenship by its provisions.⁵⁸ It did not take long before the High Commission in Karachi started to receive enquiries from individuals uncertain about their status. As many of these cases highlighted, the reality was that many people of South Asian origin would qualify for UKC citizenship if they were not accepted as either Pakistani or Indian under the new arrangements, and should London recognise citizenship legislation before these anomalies had been satisfactorily resolved.⁵⁹

Hence, from the outset, the British government was intensely conscious of, and worried about, the need to delay official recognition of the Pakistani legislation. After all, this was "a complicated problem" that demanded maintaining "a balance between keeping the Pakistanis happy and saving London as far as possible from taking as UK citizens a mass of persons of Pakistani race who ought to be Pakistani citizens".⁶⁰ As the Commonwealth Relations Office later reiterated, "we have to consider what action by us is best calculated to ensure that as many as possible British subjects without citizenship [but] potentially citizens of Pakistan do in fact become and remain Pakistan citizens and do not become United Kingdom citizens". By the end of August 1951, however, the British authorities had received their first request to recognise the Pakistani legislation.⁶¹ But while the High Commission acknowledged the note and passed it onto London, the decision was made there to "let this request rest for the moment".⁶²

Similar doubts were expressed about what to do with India in the event of it finally passing its own equivalent legislation, with officials suggesting that it might be

necessary to amend the BNA itself “if we are not to be swamped by a flood of potential Indian citizens [should] they fail to register as Indians”.⁶³ For, as the High Commissioner in Delhi explained,

If the Indians apply the normally accepted definition of ‘domicile’ as ‘fixed habitation’, almost all Anglo-Indians and probably a large proportion of naturalised persons should qualify as Indian citizens ... On the other hand, some Anglo-Indians, and perhaps a large number of naturalised persons, may not wish to become Indian citizens. They may attempt to persuade the Indian authorities to certify that they are not Indian citizen. The Indians for their part may be disposed to agree on the ground that they do not want unwilling citizens. The question is whether we can rely on a strict interpretation by the Indian authorities of their own citizenship laws.⁶⁴

UK representatives in both Karachi and Delhi thus agreed on the need to “exclude from citizenship of the United Kingdom and Colonies, persons of obvious connections with India and Pakistan by race and habitation, who do not automatically acquire citizenship of those countries on the date their respective Acts come into force”.⁶⁵

In November 1951 Pakistan pressed for a reply to its request for formal recognition. In the view of the High Commissioner in Karachi, it was very likely that the Pakistani government was “postponing publication of their [own] Citizenship Rules ... until they have our reply on this point”. But again the response on the part of the British was to play for time, and not commit to doing anything until the Pakistani authorities themselves had made the necessary arrangements for potential Pakistan citizens, whether at home or overseas, to get themselves registered before London issued any declaration.⁶⁶ In another meeting with the High Commissioner, the representative of the Ministry of the Interior Hamiduddin Ahmed claimed that “if Pakistan was entitled to a declaration, she should have it”, but seemed to acknowledge the UK’s difficulties: “indeed, he said that we [the UK] should apparently get all the refugees”. But while the High Commissioner felt that his discussion with Ahmed had

succeeded in “holding the position for the moment”, the British could not expect the Pakistanis

To acquiesce in an indefinite delay in the issue. Moreover ... this delay makes it difficult for us to cope with people who do not want Pakistani citizenship and are pinning their faith on to Section 13[2]. We can hope therefore that some [way] out of the present impasse can be found.⁶⁷

In response to London’s desire that the High Commissioner would be able to persuade the Pakistani authorities that there was no affront being offered or intended by Britain’s deliberate policy of refraining from issuing a declaration, he suggested leaving

The next move to the Pakistanis so as to avoid getting involved in discussion whether we are treating them as an inferior sort of Commonwealth country. If, however, they do raise the point again, we shall ... be careful not to suggest that there is any question of their request not being accepted eventually ... We shall also do our best to restrain the impatience of those people, many of whom know about Section 13[8], and continue to ask why, after all this time, it cannot apply to them.⁶⁸

Since these difficulties had arisen for the most part because the Pakistan legislation contained no provisions for Pakistanis overseas to acquire Pakistan citizenship (“as it was reasonable to expect that it would”), and because Pakistani had taken no steps to facilitate the registration that was provided for instead, “in short, the difficulties really are of the Pakistanis’ own making”.⁶⁹

In April 1952, as promised, a further bill to amend the 1951 legislation was introduced into the Pakistan Constituent Assembly. Its main purpose, to contemporary observers, was to confirm the citizenship of those refugee government servants and other migrants who had arrived in the country before the 1951 Act.⁷⁰ In the view of the Pakistani Ministry of the Interior, a regretful lack of previous experience on its part had necessitated bringing in an amended bill so soon. The earlier Act was deemed to have militated against the interests of the many millions of Muslims displaced from across

the Indian border, who under its provisions had been required to register individually upon arrival in Pakistan. In view of the large upsurge in numbers once again crossing from India into Pakistan in the early 1950s, changing this requirement had now become a very pressing practical matter.⁷¹ According to these 1952 revisions, citizenship could still be acquired in one of the same five ways: birth, descent, migration, naturalisation and marriage. Anyone born in undivided India still qualified to become a citizen of Pakistan as long as they had been living permanently in the territory that was now Pakistan since before 13 April 1951. Likewise, if their parents or grandparents had been present there before that date, the same citizenship rights applied. However, citizenship would now be granted more or less routinely to someone who had migrated before 13 April 1951, though if they had arrived later than this – that is, between 13 April 1951 and 1 January 1952 - they would need to complete a further year's domicile and be registered under the new rules in order to qualify. For anyone who arrived after 1 January 1952, and who was not already a citizen of Pakistan by some other means, citizenship could only be acquired if it was specially permitted by the government.

The Pakistani authorities, not surprisingly, presented these changes as concessions made for the benefit of the country's many refugees. As the headlines of pro-government newspapers boldly trumpeted the day after the amended bill was passed: '8 Million Refugees to get Citizenship. All formalities waived'.⁷² But while the former procedures determining citizenship had now been brought more closely into line with the unfolding, and perhaps unanticipated, circumstances of the early 1950s, a question mark continued to hang over the status of the large numbers who continued to arrive in Pakistan from 1952 onwards.⁷³ Hence, the amendments to the Pakistan Citizenship Act, in turn, required a refined set of Pakistan Citizenship Rules,⁷⁴ issued

later the same year, but the extent of the practical difficulties that the Pakistani government encountered in trying to get its new procedures to work smoothly was reflected in an April 1952 Ministry of the Interior letter, which stated that registration was still necessary except in the cases of those people who were “automatically” citizens of Pakistan upon the Act’s commencement. This admission was seized upon by British officials to signal that Pakistan had at long last accepted that its citizenship could be conferred without the need for registration, something that previously had been consistently denied by Pakistani officials.⁷⁵

India, as mentioned above, took considerably longer than Pakistan in drawing up specific citizenship legislation, relying instead for nearly a decade after independence on articles included in its 1950 Constitution. In 1954, for instance, the possibility of an Indian citizenship act ever reaching the statute book had seemed as remote as ever, with British officials wondering whether they should “put this file away for the time being?”⁷⁶ As with Pakistan, London watched developments closely. Again the main British concern was that “as few as possible of the number of Indian communities in foreign countries should be left to become UKC citizens under section 13[2] of the British Nationality Act, 1948”, since, unless people of Indian origin living outside India (except in Pakistan) applied for registration, they – as ‘British subjects without citizenship’ – would become UKC citizens as soon as the British government officially recognised the Indian legislation. The Foreign Office’s advice under these circumstances was for “a fairly long interval, of at least a year, to elapse” between the entry into force of any Indian citizenship act and its recognition under Section 32[8] of the BNA.⁷⁷

In May 1955, however, the Indian government finally introduced its citizenship bill into Parliament.⁷⁸ In the run-up to it being debated in July, Delhi welcomed feedback from London, indicating that it would be prepared to introduce changes in the text if any of the British comments were deemed acceptable.⁷⁹ On the whole, the British regarded the contents of this bill as “carefully-drawn” but, even when read together with Articles 5 to 11 of the Indian Constitution, officials remained unconvinced that it would have the effect “of automatically conferring citizenship on all those categories of persons defined in Section 32[7] of the British Nationality Act as ‘potentially citizens’ of India”. Should the bill be enacted as it then stood, and the UK government was to recognise it (and also the citizenship provisions of the Indian Constitution), then the fact remained that

A very large number of persons of Indian origin in India and throughout the world, would acquire the status of citizen of the United Kingdom and Colonies ... and as far as those in foreign countries are concerned subsequent generations would be able to do likewise. It would appear that amendments of very considerable substance to the Bill would be necessary in order to remove this undesirable consequence of recognition and we feel it unlikely that the Government of India would be prepared to make them.⁸⁰

“Lakhs⁸¹ if not millions” of people, they suggested, might well be involved, and so, on the basis that “the number of persons of Indian origin, and without any connections with the United Kingdom who are affected ... would presumably run into many hundreds of thousands”,⁸² it was decided that the 1955 Indian Citizenship Act and the citizenship articles of the Constitution (nor for that matter the Pakistan Citizenship Act) should not be declared a citizenship law, even though London could now not ask, or expect, Delhi (like Karachi) to recognise the BNA in return.⁸³ That India expected the UK to “mop up” all those who failed to acquire its citizenship - as *quid pro quo* for Indian declaration of the BNA - was “staggering”,⁸⁴ but quite in line with

The general belief in India, which one encounters in all sorts of ways, sometimes at quite high levels of officialdom, that there are only two types of country – India and ‘foreign countries’ – and two types of people – Indians and ‘foreigners’. It is a result, [the High Commissioner supposed], of the feeling during the first few years of Independence that for the first time India was really a unit; everyone and everything else was lumped together as ‘non-Indian’.⁸⁵

In the final analysis, the failure (perhaps understandable in view of Partition’s unfinished business as far as cross-border migration was concerned) of the Indian government to amend its bill, as advised by London, to confer Indian citizenship automatically on all people “born either in India or of Indian fathers, who were born before 26 January 1950 and are domiciled outside India or have migrated to India from Pakistan” proved to be too big a stumbling block.⁸⁶ And so as with Pakistan, whose citizenship legislation was regarded as “equally unsatisfactory in this respect”, the British government postponed declaring both acts indefinitely.

Potential Pakistanis or would-be Indians?

Discussions between London, Delhi and Karachi about the shortcomings and liabilities, from a British point of view, of Pakistani and Indian citizenship legislation in the early years following independence were repeatedly punctuated with concerns that as long as the members of sizeable communities of so-called ‘Indian’ origin based outside the subcontinent failed to register as citizens of Pakistan and India within the period allowed for this, they would remain ‘British subjects without citizenship’ with the burden of protecting them in these foreign countries falling on the UK’s representatives there. What complicated the picture was that well into the 1950s British consulates around the world were charged with processing the passports and other travel

documents belonging to Indians and Pakistanis in the absence of their own consular services. This last section therefore looks at a number of individual cases concerning ‘potential Pakistanis’ (in some instances ‘would-be Indians’) that highlight the complicated relationships trailing in the wake of the formal end of empire, and the extent to which the day-to-day realities of decolonisation stretched on over many years. While available records do not necessarily provide details of their final outcome, taken *en masse* they reveal some of the challenges involved in working out in practice the citizenship of people of South Asian origin who lived outside its geographical boundaries. As in the subcontinent itself, issues of identity, allegiance and government responsibility were not amenable to water-tight legislation, and so the implementation of citizenship rules elsewhere in the world proved equally fraught with inconsistencies and anomalies.

The impact of imperial rule on undivided India had resulted, over decades if not centuries, in many ordinary people moving to live and work in other parts of the empire.⁸⁷ In addition, large numbers were drawn to opportunities for employment in places not under direct British control. In the period following independence, these expatriate communities were said to include as many as 200,000 in Burma, some 30,000 in South Africa, nearly 15,000 in Madagascar, 5,000 in what was still referred to as Siam, 2,500 in Iraq, and thousands more in small groups scattered throughout the Middle East and Africa.⁸⁸ It was in British interests, therefore, for these people, where eligible, to register as soon as possible as ‘potential Pakistanis’ or ‘would-be Indians’, and in this way avoid the complications of subjecthood without citizenship. How to make this happen, however, was not straightforward as by the early 1950s both India and Pakistan had still not been able to establish the necessary diplomatic representation

in many of the places where their likely citizens were living, and so British consuls instead frequently found themselves acting as a channel of communication on their behalf. In the meantime, in view of impending legislation supposedly soon to come out of Karachi and New Delhi, consulates were instructed to limit the validity of new passports granted to 'British subjects without citizenship', as general rule only extending them to 30 June 1952 at the latest.⁸⁹

A conversation between the High Commissioner in Karachi and Pakistan's Chief Passport Officer in December 1953 underlined the extent of the problems involved. As the High Commissioner pointed out, if the Pakistani authorities wished British consuls to assist people of Pakistan origin to acquire Pakistan citizenship or to obtain Pakistan passports in countries where Pakistan had no representative, then the UK government urgently needed clarification on the relevant citizenship rules involved. In response, SH Firoz suggested that, where this was possible, such applications could be processed by the nearest Pakistan representative, or by a Pakistani representative who would periodically visit the country in which an applicant was living. This was already what happened in relation to people of 'Pakistan origin' living in countries such as Italian Somaliland and Madagascar, who had been instructed to apply to the Pakistani Commissioner stationed in Nairobi in British East Africa. Similarly, in the Persian Gulf, the Pakistani vice-consul for Basra would visit Kuwait and Bahrain periodically to deal with applications on the spot.⁹⁰ In the case of Madagascar, the vast majority of people of Indian origin hailed from the former Kathiawar princely states in Gujarat but because they were for the most part Muslim, this meant that they might want citizenship of Pakistan rather than of India. As the Foreign Office commented, "if a person in this category would prefer to become a Pakistan citizen rather than a citizen

of India there is no reason why he should not apply to the Government of Pakistan for registration ... even if he has never been domiciled in Pakistan".⁹¹

Similar levels of practical ambiguity concerned 'potential Pakistanis' living in Italian Somaliland in the early 1950s. Here they fell into two categories: 'British subjects without citizenship', and 'natives' (or descendants of 'natives') of former Indian princely states, who, it was assumed, because they were Muslims would prefer the prospect of Pakistani citizenship. What complicated matters further was that unless they were able to prove themselves to be Pakistanis, they faced the grave danger of being subject to the jurisdiction of Qadi (religious) courts: it was "the practice of the Qadis to tell a Pakistani who objected to being summoned to appear in the Shariah courts that he must either accept [their] jurisdiction ... or renounce Islam". Under these circumstances, the only option was to acknowledge the status of this particular individual as a 'British subject without citizenship'. Although this seemed like "a false dilemma" in British eyes, officials did recognise that "the interest of the Administration of Somalia is on the side of the Qadis and of [those] Somalis who bring suits against wealthy Pakistanis with the object of extorting money".⁹² As the consul in Mogadishu explained,

Some six weeks ago I was again approached by the Pakistanis to say that they were having difficulties over being hauled by Somalis in front of the Qadis' Courts. I spoke to a rather inept little man who is in charge of the Legal Department, and he told me that there was one such case, where the Pakistani was a Muslim, and that the Pakistani had appealed to the Administrator. I was assured that a decision would be given very shortly, and that the decision would settle the matter once and for all. Since I had obtained some few months back an assurance in writing from the Administrator that Pakistanis were not considered to be under the Qadis' jurisdiction except for matters of personal status, I did not press the matter. ... [However] while the Qadi had recognised the man to be a Pakistani, [he] had nevertheless claimed to have competence ... [the Italian authorities then went] into the question of whether the man was in fact a Pakistani under Pakistani law, since the latter obliged him to register his

declaration within one year of the law and there was no evidence that he had done so.⁹³

But while the British consul had been authorised to grant these people passports valid until the end of March 1954, simply possessing one was not sufficient to exempt these 'potential Pakistanis' from Qadi jurisdiction.⁹⁴ And the Pakistani authorities also made it clear that, in their view, passports were still not the accepted marker of formal national identity that they were later to become:⁹⁵

Persons who have not acquired Pakistani citizenship and hold Pakistani passports fulfil the requirement of certain laws such as the Pakistan Control of Entry Act 1952, but they do not thereby legally acquire the status of a citizen of Pakistan. While a passport may be evidence in favour of nationality, it is not conducive evidence, and only has effect in relation to the question of national status.⁹⁶

A somewhat different permutation of problems involved members of Muslim communities from the subcontinent located in various parts of the Persian Gulf. Here there was great reluctance, for instance, on the part of individuals living in Muscat, for instance, to apply for either Indian or Pakistani citizenship, as illustrated by the case of one Mohammed Moosa Jaffer Matwani born in Matrah (Muscat) who applied for a British passport in July 1952. While both his father and his brother had obtained British passports for the first time in 1943 (when passports had been granted much more freely), in the absence of proof that his father had registered continuously for fifteen years as a British subject, Matwani was informed that unless he could produce evidence of descent from an ancestor in the male line born in British territory and of his father's British nationality, he would not be issued with a passport. Instead it was suggested that he apply for Indian, Pakistani or even Muscat citizenship.⁹⁷ The longer his case dragged on, the more the Muscat consulate believed that Matwani's real aim was to be regarded as a 'British subject without citizenship' and on that basis

eventually to become a UKC citizen.⁹⁸ The difficulty from a British point of view was that while it had been agreed earlier in the 1950s that applications for Pakistani citizenship made by individuals, such as Matwani, who lived in Muscat would be sent to the Pakistan Vice Consul in Basra, by 1954 none of those applying for Pakistan passports had so far received them. Hence, since British did “not wish to discourage persons from applying for recognition as Pakistan citizens”, passport-issuing officers in the Persian Gulf states were allowed to extend for a further, albeit limited, period any passports belonging to people who fell into this category.⁹⁹

In late 1953, the Foreign Office in London received complaints from the Aga Khan that some of his followers living in nearby Gwadar had been wrongfully denied recognition as ‘British Subjects’. Gwadar, prior to 1874, had been part of the former Indian princely state of Kalat, but while only the first generation born outside former Indian states was supposed to be treated as ‘British Protected Persons’, it recognised that in the Persian Gulf many second and third generation people falling into the category had also enjoyed this status. Hence, the Foreign Office suggested only investigating specific cases rather than trying to offer a wider explanation: moreover, they could hardly propose to the Aga Khan, as the Muscat consulate had suggested, that his followers should consider applying for registration as citizens of India as “it would ... probably be useless for them to apply: as they are not Hindus, their applications would almost certainly be rejected”, an assumption on the part of British officials that points to the well-known problems that minorities faced in proving their political loyalties whether in India or Pakistan.¹⁰⁰ The reluctance of this particular expatriate Muslim community “to take [either] Indian or Pakistani passports” in practice had a great deal to do with the on-going estrangement between the two states, which were no

closer in the mid-1950s to being reconciled than they had been immediately after independence. For merchants who frequently needed to travel to both India and Pakistan in connection with their business, the difficulty experienced by nationals of one obtaining a visa to visit the other was well worth trying to circumvent with a UKC passport. But because of the challenge of distinguishing the names of Ismailis from other entries (such as those, for instance, of Khojas) in local 'British Subjects' registers – made even trickier at the time of the Aga Khan's complaint because most community elders had gone to attend his Platinum Jubilee celebrations taking place in Karachi in early 1954 – British officials found it difficult to work out just how many Ismailis in Gwador had been registered as 'British protected persons' or as 'British subjects', as the example of the Aga Khan's own Mukhi (or Minister) in Gwador, Ahmedbhoy Alibhoy, illustrated:

His name appears in the register of British Protected Persons in 1937 with renewals in 1938, 1939, 1940 and 1941. However although his own and his father's place of birth were shown in a passport application in 1942 as Gwador, his grandfather's was shown as Karachi in 1847, and we recently allowed his claim to being a British subject by descent. Neither at the time of making his 1942 declaration or when we allowed the claim did he reveal that he had received a previous passport as a British Protected Person in Karachi in 1927 and at this Consulate in 1932, facts that we have only discovered from an old passport register. We have allowed similar evidence to be produced in several other cases, from which it will be seen that we have certainly not dealt with these cases as strictly as we might. Latterly, however, we have suspected that, having come to realise the formula, people may be deliberately concealing evidence and getting certificates somewhat lightly signed. We have therefore insisted upon sworn affidavits being obtained in the future.

The real problem with these Gwador-based Ismailis was not so much their failure to seek to register as 'British subjects', but that few of them were able to produce passports going back the requisite twenty years, or other similar documents, needed to substantiate their claims. Whereas most Khojas on the whole seemed content to apply

for Pakistani, Indian or even Muscat citizenship, it seems that Ismailis wanted to retain their British passports “whatever the circumstances”.¹⁰¹

Sometimes the uncertain status of particular cases risked complicating Britain’s own relations with third-party states. For a small community of Hindus, hailing originally from what was now the Pakistani province of Sindh, British negotiations with the Spanish government concerning the abolition of capitulatory rights¹⁰² in the Spanish zone of Morocco made it necessary by the early 1950s to clarify their position under Pakistani citizenship legislation. Most if not all of the 117 or so individuals concerned possessed a ‘domicile of origin’ in Pakistan since, at the time when they had been born, their parents had lived in the Sindhi city of Hyderabad.¹⁰³ It was thus “a matter of ... urgency to find some way to determine which of [these] British subjects who were born in Pakistan, and who have not secured for themselves recognition as citizens of India, are citizens of Pakistan”.¹⁰⁴ However, until there was a representative of Pakistan in Spanish Morocco, Britain had no choice but to remain responsible for their protection, which as elsewhere included handling day-to-day requests for passport applications and extensions. By late 1953, UK High Commissioner’s Office in Karachi doubted that it would ever succeed in attracting a reply from the Pakistani authorities about the status of these potential Hindu Pakistanis: “the unfortunate disclosure of [their] religion ... may not be unconnected with the delay in getting a decision on their status. If the majority of them are in fact Hindus ... the Pakistani authorities will be very reluctant to admit that they have any claim to Pakistan citizenship and the delay in giving a reply may therefore be deliberate”.¹⁰⁵ The growing complexity of the case made it particularly hard to grasp; as the British Consul-General in Tetuan apologised,

I regret that, in spite of all your kind efforts at enlightenment, my inadequate brain is still in a dreadful muddle on the question of the exact status of these persons. But I have, at least, got it into my head that we are to regard all persons having once had a domicile in what is now Pakistan, as citizens of that country whether they have put themselves straight with the Government of Pakistan or not. In fact, we are not interested in what Pakistan thinks about them, nor what they think about themselves, which is all to the good as most of them are Hindus and no amount of pushing by us would ever make them declare themselves Pakistanis. ... Meanwhile there is a Pakistan Ambassador in Madrid who could perhaps be considered as having jurisdiction over Pakistani citizens in Spanish Morocco (even though they refuse to recognise him) ... It would be so nice to be able to refer all the people we consider to be citizens of Pakistan to [him] whenever they get into trouble! But I fear [this would be] too good to be true.¹⁰⁶

Unfortunately for the Consul-General, until the Pakistan authorities had agreed that the Sindhi Hindus residing in his district should be regarded as their citizens, there could be “no question of referring anyone ... to the Pakistan Ambassador in Madrid”.¹⁰⁷ Eventually, in July 1954, confirmation along these lines was received from the new Chief Passport Officer of the Government of Pakistan, Mohammad Ahmad, who clarified that “under Section 3 of the Pakistan Citizenship Act the acquisition of Pakistani citizenship [was] automatic and not dependent upon registration”.¹⁰⁸ This, of course, had long been the view of British officials, although it was usually still “denied by the Pakistanis when ... asked about it”. Thus, Karachi confirmed that someone who had lived all his life in Spanish Morocco, or for that matter elsewhere, could, without having to register, “be a citizen of Pakistan if any of his parents or grandparents [had been] born in the Indian subcontinent and he was of Pakistani domicile”. By now, however, many of this small batch of ‘potential Pakistanis’ in North Africa had chosen instead to apply, as ‘would-be Indians’, for citizenship via the Indian embassy in Paris, a course that British representatives in Tetuan had been recommending “whenever possible” in order “to get them off our hands”.¹⁰⁹

Conclusion

This article has considered the unfinished business of decolonisation, interrelations taking place within the ‘new Commonwealth’, and British post-colonial anxieties in relation to the consequences of new citizenship legislation for people either living in or associated with former British India in the years following independence. The cases under scrutiny have highlighted the various ways in which reconciling the provisions of the 1948 British Nationality Act with the process of pinning down and legislating citizenship in India and Pakistan proved more difficult to achieve than the British had expected. These complexities also stretched beyond the boundaries of the subcontinent, to places where people of South Asian origin had lived for generations but which were by the 1950s neither colonies nor former colonies of the British Empire. Faced with the prospect of having to shoulder the burden of thousands of prospective non-Europeans who had not acquired an alternative citizenship, either because they did not want to become Indians or Pakistanis, or because India or Pakistan did not want them, the usual British response was to prevaricate. In line with broader trends, ‘de facto measures proved the preferred course of action in responding to [the possibility of] unwanted New Commonwealth immigration’.¹¹⁰ Officials may occasionally have panicked about the possibility of an influx of large numbers of “illiterate and unskilled” Indians into the United Kingdom itself,¹¹¹ but the reality remained that, before the introduction of the 1962 Commonwealth Immigration Act, there was little difference, if any, in United Kingdom law between the position of UKC citizens and other British subjects, all of whom had the right to enter and live in the United Kingdom. Meanwhile, large

numbers of “pure Europeans” in India and Pakistan who had failed for various reasons - ranging from ignorance to inertia to deliberate choice - to register for UKC citizenship by the 1 January 1950 deadline were still petitioning vocally for what they perceived as their ‘birthright’ – a UKC passport.

Thus, in 1957 a new British Nationality Act was introduced which, along with some other adjustments, “provided an additional five years for those eligible to register as UKC citizens”, extending the opportunity for them to establish their ‘British’ credentials under the new arrangements. However, as has been pointed out with reference to this legislation, the 1957 Act failed to make “any provision for the three million or so Indians and Pakistanis who had also been left without UKC citizenship and [who] might also have described their efforts at imperial living as having ‘served Britain well’”.¹¹² In practice, distinctions based on ‘race’ remained the sticking point, just as it had been in the late 1940s. And so, rather than ‘the beginning of the end’, as the 1948 BNA had been envisaged by those who drew up its provisions in the context of the changing circumstances of the immediate post-war years, it proved to be only ‘the end of the beginning’ as far as Britain’s experience of South Asian decolonisation - and the complications that accompanied it - were concerned. Likewise, for the newly-independent states of India and Pakistan, as British legislation in the 1960s, 1970s and 1980s would subsequently demonstrate, its legacies shaped relations with their former imperial masters for decades to come.

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¹ W.D. McIntyre, *British decolonization, 1946–1997* (Basingstoke: Palgrave Macmillan, (1998); John Darwin, *The end of the British Empire: the historical debate* (Oxford: Wiley-Blackwell, 2006); Martin Lynn (ed.), *The British Empire in the 1950s: Retreat or Revival?* (Basingstoke: Palgrave Macmillan, 2006).

² Stephen Small and John Solomos, 'Race, Immigration and Politics in Britain: changing policy agendas and conceptual paradigms 1940s to 2000s', *International Journal of Comparative Sociology*, Vol. 47, No. 3 (2006), p. 238.

³ William Gould, Taylor Sherman and Sarah Ansari, 'The flux of the matter: loyalty, corruption and the everyday state in the post-Partition government services of India and Pakistan', *Past & Present* (May 2013, forthcoming); Vazira Fazila-Yacoobali Zamindar, *The Long Partition and the Making of Modern South Asia: Refugees, Boundaries, Histories* (New York: Columbia University Press, 2007); Yasmin Khan, *The Great Partition: the Making of India and Pakistan* (New Haven, CT: Yale University Press, 2007).

⁴ Nicholas J. White, *Decolonisation: the British experience since 1945* (London and New York: Longman, 1999), p. 35.

⁵ Kathleen Paul, *Whitewashing Britain: race and citizenship in the postwar era* (New York: Cornell University Press, 1997), p. 8. See also Chapter 6 'Tinkering at the Edges of Nationality' in which Paul discusses the relationship of South Asians with Britain in the 1950s; Bob Carter, Clive Harris and Shirley Joshi, 'The 1951–55 Conservative Government and the Racialisation of Black Immigration', *Immigrants and Minorities*, Vol. 6, No. 3 (1987), pp. 335-347.

⁶ Andrew Mycock, 'British Citizenship and the Legacies of Empires', *Parliamentary Affairs* Vol. 63, No. 2 (2010), p. 343.

⁷ Ian Baucom, *Out of Place: Englishness, empire and the location of identity* (Princeton, New Jersey: Princeton University Press, 1999), p. 10, describes the Act as "a frankly maintain the illusion of sovereignty over the Commonwealth fantastic piece of legislation (in the less than laudatory sense of the word)" that "served to, the dictates of the *uis soli*, the need to oblige tradition, and the, by then, age-old sundering of subjecthood and citizen rights, while at the same time partially acknowledging the political realities of a decolonised and decolonising world".

⁸ Randall Hansen, 'The Politics of Citizenship in 1940s Britain: the British Nationality Act', *Twentieth Century British History*, Vol. 10, No. 1 (1999), p. 69. For further discussion of migration to, and its implications for citizenship in, Britain in decades following the Second World War, see Randall Hansen's more extensive study, *Citizenship and Immigration in Postwar Britain: The Institutional Origins of a Multicultural Nation* (Oxford: Oxford University Press, 2000).

⁹ ‘Notes on United Kingdom Nationality Law’, 12 January 1951, FO 612/299, United Kingdom National Archives [henceforth UKNA].

¹⁰ Section 32[8] of the BNA: ‘In this Act the expression “citizenship law” in relation to any country mentioned in subsection [3] of section one of this Act means an enactment of the legislature of that country declared by order of the Secretary of State made by statutory instrument at the request of the government of that country to be an enactment making provision for citizenship thereof; and a citizenship law shall be deemed for the purposes of this Act to have taken effect in a country on the date which the Secretary of State by order so made at the request of the government of that country declares to be the date on which it took effect’. See <http://www.legislation.gov.uk/ukpga/Geo6/11-12/56/section/32/enacted> [accessed 19 April 2011].

¹¹ While the British Nationality Act established equality among Commonwealth citizens of diverse racial and ethnic stock, the Conservative Party opposed its passage on the basis that ‘coloured people’ could not ‘become British’, see Christopher Rudolf, *National Security and Immigration: policy development in the United States and Western Europe states since 1945* (Stanford California: Stanford University Press, 2006), p. 175.

¹² By the beginning of the 1950s, the Commonwealth countries whose legislation was recognised by London had introduced their own citizenship laws on the following dates: Australia - 26 January 1949; Canada - 1 January 1947; Ceylon - 1 January 1949; Newfoundland - 31 March 1949; New Zealand - 1 January 1949; South Africa - 2 September 1949; Southern Rhodesia - 1 January 1950.

¹³ ‘The question of legislation to amend Section 12[6] of the British Nationality Act, 1948, coupled with the indefinite postponement of orders under Section 32[8] in respect of Pakistan and India’, c. October 1953, HO 213/1702 UKNA.

¹⁴ For consideration of the factors that contributed to a delay in imposing restrictions, despite growing pressures from politicians and the public, see D.W. Dean, ‘Conservative Governments and the Restriction of Commonwealth Immigration in the 1950s: the problems of constraint’, *The Historical Journal*, Vol. 35, No. 1 (1992), pp. 171-194.

¹⁵ HO Memorandum incorporating amendments suggested by CRO, 7 December 1953, FO 372/7210, UKNA.

¹⁶ Paul, *Whitewashing Britain*, p. 112.

¹⁷ Ian R.G. Spencer, *British Immigration Policy since 1939: the making of multi-racial Britain* (Abingdon: Routledge, 1997), pp. 29-30.

¹⁸ Joya Chatterji, ‘From Subjecthood to Citizenship: migrants and the making of nationality in South Asia, 1947-55’, available at http://www.upf.edu/iuhjvv/pdf/Joya_Chatterji.pdf [accessed 17 July 2012], p. 1.

¹⁹ For different angles on the role that race played in British India, see Kenneth Ballhatchet, *Race, Sex and Class under the Raj: imperial attitudes and policies and their critics, 1793-1905* (Houndmills, Basingstoke: Palgrave Macmillan, 1980; and Peter Robb (ed.), *The concept of race in South Asia* (Oxford & Delhi: Oxford University Press, 1995).

²⁰ Paul Ward, *Britishness since 1870* (London: Routledge, 2004), p. 123.

²¹ Dilip Hero, *Black British White British: a history of race relations in Britain* (London: Paladin, 1992), p. 113.

²² Zareer Masani, *Indian Tales of the Raj* (Berkeley: University of California Press, 1987), p. 51.

²³ 'Anglo-Indian' here refers to people of mixed European and Indian (ie South Asian) ancestry (sometime called Eurasians), rather than to the older (and largely obsolete) association of the description with white European people of British descent born or living in the subcontinent. According to the Government of India Act of 1935, 'An Anglo-Indian is a person whose father or any of whose other male progenitors in the male line is or was of European descent but who is a native of India. A European is a person whose father or any of whose other male progenitors in the male line is or was of European descent and who is not a native of India'. Article 366[2] of the Indian Constitution later defined an Anglo-Indian as "a person whose father or any of whose other male progenitors in the male line is or was of European descent but who is domiciled within the territory of India and is or was born within such territory of parents habitually resident therein and not established there for temporary purposes only". There is not space in this article to explore more closely the attitudes towards mixed race and patriarchy that existed at this time, but for an impassioned account of the history of this community from its earliest beginnings through to the period after independence by its leading post-1947 representative, see F. Anthony, *Britain's Betrayal in India: the story of the Anglo-Indian community*, second ed. (London: Simon Wallenberg Press, 2007). See also C. J. Hawes, *Poor Relations: The Making of a Eurasian Community in British India, 1773-1833* (Richmond, Surrey: RoutledgeCurzon, 1996); Valerie E.R. Anderson, *The Eurasian problem in nineteenth century India* (unpublished PhD Thesis, School of Oriental and African Studies, 2011), available at http://eprints.soas.ac.uk/13525/1/Anderson_3334.pdf [accessed on 17 July 2012]; and Alison Blunt, "'Land of our mothers": Home, identity, and nationality for Anglo-Indians in British India, 1919-1947', *History Workshop Journal*, No. 54 (Autumn 2002), pp. 49-72.

²⁴ In 1950 the estimate of the number of so-called 'British nationals' in India and Pakistan amounted to around 38,000, approximately half the pre-Second World War figure, see correspondence in DO 35/3545, UKNA.

²⁵ UKHC (India) to Secretary of State for Commonwealth Relations, 28 December 1950, FO 372/7104, UKNA.

²⁶ According to advice received from London, this was supposed to aim at including: All persons in India whose United Kingdom citizenship will depend on their registering under the Act; All persons in India who, without registering, will be United Kingdom citizens; Other persons, if any, who are not included in the above but to whom it may be necessary to extend physical as distinct from diplomatic protection, or to whom it may be for the High Commissioner's office to issue a passport. See 'Working of the British Nationality Act in India', p. 2, FO 372/7104, UKNA.

²⁷ Note on the High Commissioner's Report, 31 January 1951, HO 213/1702, UKNA. Interestingly, there was much the same kind of confusion between the registration of voters in India's first electoral roll and the confirmation of India's citizenship, with people assuming that the former automatically signified the latter, something that was not legally the case in the late

1940s and early 1950s. See Ornit Sharni, 'Forging India's democratic nationhood: the preparation of the first electoral roll and the making of universal franchise (1947-1952)', paper given at 22nd European Conference on South Asian Studies, Lisbon, 28 July 2012.

²⁸ UKHC (Pakistan) to Secretary of State for Commonwealth Relations, 28 March 1951, FO 372/7105, UKNA.

²⁹ 'Working of the British Nationality Act in India', p. 4, FO 372/7104, UKNA.

³⁰ 'Working of the British Nationality Act in India', p. 4, FO 372/7104, UKNA.

³¹ For a short but succinct account of the parliamentary history of the new law, see E. C. S. Wade, 'British Nationality Act, 1948', *Journal of Comparative Legislation and International Law*, Third Series, Vol. 30, No.3/4 (1948), pp. 67-75.

³² It was also delayed by political events in late 1948 when the Government of India's 'police action' occupied "the whole attention of the High Commissioner's office, and the fate of the Record remained in suspense", see 'Working of the British Nationality Act in India', p. 5, FO 372/7104, UKNA.

³³ This attempt, it seems, was made, without very satisfactory results, and the abandonment of the whole project was said to have been seriously considered, see 'Working of the British Nationality Act in India', p. 5, FO 372/7104, UKNA.

³⁴ 'Working of the British Nationality Act in India', pp. 7-8, FO 372/7104, UKNA.

³⁵ On 21 July 1949 in the House of Commons General Sir George Jeffreys asked, "In view of the passing of the British Nationality Act, what steps should be taken by persons of British parentage born in India, Pakistan, Ceylon or Burma prior to the passing of that Act, to ensure that they retain their British nationality". The reply given by the Home Secretary was that "all persons born before the commencement of the British Nationality Act, 1948, on the 1st January 1949, in India, Pakistan or Ceylon are under the Act British subjects and need take no steps to retain their status". This answer, which was given widespread publicity in the subcontinent, where it caused widespread misunderstanding, as evidenced by the letters received by Registration officers, and was interpreted wrongly to mean that British subjects of United Kingdom descent did not need to take further action to become UKC citizens. See 'Working of the British Nationality Act in India', pp. 18-19, FO 372/7104, UKNA.

³⁶ 'Working of the British Nationality Act in India', p. 8, FO 372/7104, UKNA.

³⁷ In Pakistan, it proved impractical to continue the racial classification of persons admitted to the Record once statutory registration had begun on 20 May 1949. See UKHC (Pakistan) to Secretary of State for Commonwealth Relations, 28 March 1951, FO 372/7105, UKNA.

³⁸ Alison Blunt, *Domicile and Diaspora: Anglo-Indian women and the special politics of home* (Oxford: Blackwell Publishing, 2005), whose Chapter 5 'Independence and Decolonisation: Anglo-Indian resettlement in Britain', pp. 105-138, touches briefly on the impact of the 1948 Act in India.

³⁹ Office of the UK High Commission (India) to CRO, 25 October 1954, DO 35/6386, UKNA.

⁴⁰ 'Working of the British Nationality Act in India', p. 12, FO 372/7104, UKNA.

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- ⁴¹ ‘Working of the British Nationality Act in India’, p. 18, FO 372/7104, UKNA.
- ⁴² ‘Procedure for disposal of applications for registration as United Kingdom Citizens under the British Nationality Act, 1948’, UKHC’s Office, New Delhi, 30 January 1951, FO 372/7104, UKNA.
- ⁴³ UKHC (Calcutta) to CRO, 16 November 1953, FO 372/7308, UKNA.
- ⁴⁴ CRO to posts in India and Pakistan, 5 February 1954, FO 372/7308, UKNA.
- ⁴⁵ Gyanendra Pandey, *Remembering Partition: violence, nationalism and history in India* (Cambridge: Cambridge University Press, 2001); Joya Chatterji, *The Spoils of Partition: Bengal and India, 1947-1967* (Cambridge: Cambridge University Press, 2007); Vazira Fazila-Yacoobali Zamindar, *The Long Partition and the Making of Modern South Asia: refugees, boundaries, histories* (New York: Columbia Press, 2007); Haimanti Roy, *Migrants, Refugees, Citizens in India and Pakistan, 1947-65* (Delhi: Oxford University Press, 2012). In addition, for clear overviews of the broad impact made by independence and Partition on South Asia and its people, see Yasmin Khan, *The Great Partition*, esp. pp. 155-166; and Ian Talbot and Gurharpal Singh, *The Partition of India* (Cambridge: Cambridge University Press, 2009), esp. Chapter 4 ‘Migration and Resettlement’.
- ⁴⁶ Gyanendra Pandey, ‘The Prose of Otherness’, *Subaltern Studies VIII* (New Delhi: Oxford University Press, 1994), pp. 189-221.
- ⁴⁷ Kavita Daiya, *Violent Belongings: partition, gender and national culture in postcolonial India* (Philadelphia: Temple University Press, 2008), pp. 104-105.
- ⁴⁸ Zamindar, *The Long Partition*, pp. 161-226.
- ⁴⁹ Articles 5 to 11 dealt specifically with citizenship. Of particular relevance were Article 5 that established “domicile” and birth “in the territory of India” as criteria for citizenship, and Article 7 that confirmed that any person “who after the first day of March 1947 migrated from the territory of India to the territory now included in Pakistan” would “not be deemed to be a citizen of India”. See http://india.gov.in/govt/constitutions_of_india.php [accessed 19 April 2011].
- ⁵⁰ FO Circular No. 21, 27 April 1951, FO 612/299, UKNA.
- ⁵¹ Section 13[2]: A person remaining a British subject without citizenship as aforesaid shall become a citizen of the United Kingdom and Colonies on the day on which a citizenship law has taken effect in each of the countries mentioned in subsection (3) of section one of this Act of which he is potentially a citizen, unless he then becomes or has previously become a citizen of any country mentioned in subsection (3) of section one of this Act, or has previously become a citizen of the United Kingdom and Colonies, a citizen of Eire or an alien. See <http://www.legislation.gov.uk/ukpga/Geo6/11-12/56/contents> [accessed 19 April 2011].
- ⁵² <http://parliamentofindia.nic.in/ls/debates/vol9p11a.htm> [accessed 17 July 2012].
- ⁵³ ‘Pakistan Citizenship Act 1951’, Government of Pakistan Press Information Department, Handout E. No. 1384, 14 April 1951, FO 372/7105, UKNA. For the full text of Pakistan Citizenship Act of 1951, see <http://www.unhcr.org/cgi->

bin/texis/vtx/refworld/rwmain?docid=3ae6b4ffa [accessed 19 April 2011]. See also Despatch, 24 April 1951, FO 327/7089, UKNA.

⁵⁴ *Dawn* (Karachi), April 1951.

⁵⁵ Discussion with Ministry of Interior, UKHC (Pakistan) Despatch, 17 May 1951, FO 327/7089, UKNA.

⁵⁶ UKHC (Pakistan) Despatch, 17 May 1951, FO 327/7089, UKNA.

⁵⁷ UKHC (Pakistan) to UKHC (India), 17 August 1951, FO 372/7105, UKNA.

⁵⁸ UKHC (Pakistan) to CRO, 30 October 1950, CO 323/1909/12, UKNA.

⁵⁹ 'Some effects of the Act on the work of the High Commission', Despatch No. G/129, 17 May 1951, FO 327/7089, UKNA.

⁶⁰ CRO to UKHC (Pakistan), 2 January 1951, DO 35/3560, UKNA.

⁶¹ Ministry of Foreign Affairs and Commonwealth Relations to the UK High Commission (Pakistan), 30 August 1951, FO 327/7089, UKNA.

⁶² CRO to UKHC (Pakistan), 25 September 1951, FO 327/7089, UKNA.

⁶³ UKHC (India) to CRO, 8 August 1951, FO 327/7089, UKNA.

⁶⁴ 'Draft Indian Citizenship Bill', n.d., FO 327/7089, UKNA.

⁶⁵ UKHC (Pakistan) to UKHC (India), 17 August 1951, FO 327/7089, UKNA.

⁶⁶ UKHC (Pakistan) to CRO, 6 November 1951, FO 327/7105, UKNA.

⁶⁷ UKHC (Pakistan) to CRO, 30 November 1951, FO 327/77105, UKNA.

⁶⁸ UKHC to CRO, 27 December 1951, DO 35/3560, UKNA.

⁶⁹ CRO to UKHC (Pakistan), 2 January 1952, FO 372/7105, UKNA.

⁷⁰ UKHC (Pakistan) to CRO, 14 April 1952, DO 35/3560, UKNA.

⁷¹ See Sarah Ansari, *Life After Partition: migration, community and strife in Sindh, 1947-1962* (Karachi: Oxford University Press, 2005), pp. 127-132.

⁷² *Dawn* (Karachi) 8 April 1952, p. 1.

⁷³ United Kingdom High Commissioner (Pakistan) to CRO, 3 June 1952, Despatch No. G 129, DO35/3560, UKNA.

⁷⁴ Pakistan Citizenship Rules, 1952, <http://www.unhcr.org/refworld/docid/3ae6b4fc1c.html> [accessed 19 April 2011].

⁷⁵ Annexure to PAO 560/53, Pakistan Citizenship Registration of Government Servants, Government of Pakistan, Ministry of the Interior, letter no. 11/1121/53-Poll (1), dated 23 April 1953, DO 35/6392, UKNA.

⁷⁶ Note, DO 35/6386, UKNA.

⁷⁷ FO to CRO, 3 May 1951, FO 327/7089, UKNA.

⁷⁸ Annexure II: Ministry of Law, FO 327/7089, UKNA; The Citizenship Bill, 1955 (Bill No. 23 of 1955), DO 35/6386, UKNA. One of the stated reasons for eventually introducing this citizenship legislation was the need to register people who had come to India from Pakistan in time for the next general elections so that “they would be able to enjoy the full rights of citizenship”, Govind Ballabh Pant, Indian Home Minister, speaking in Lok Sabha on 5 August 1955, DO 35/6386, UKNA. As the *Hindustan Times* of 10 August 1955 explained, “In as much as the Election Commission is expected to fix March 1, 1956, as the crucial date for deciding a person’s national status, it is all the more urgent that the Bill should be speeded up so as to enable the latecomers from Pakistan to be registered as Indian citizens and get themselves entered in the electoral rolls”.

⁷⁹ Note by UKHC (India), 18 March 1955, DO 35/6386, UKNA.

⁸⁰ CRO to FO, 28 July 1955, DO 35/6386, UKNA.

⁸¹ One lakh equals 100,000.

⁸² ‘Indian Citizenship Bill’, CRO Telegram No. 1535, 6 August 1955, DO 35/6386, UKNA.

⁸³ UKHC (India) to CRO, 18 August 1955, DO 35/6386, UKNA.

⁸⁴ Comment by DWH Wickson, CRO, 25 August 1955, DO 35/6386, UKNA.

⁸⁵ UKHC (India) to CRO, 25 October 1954, DO 35/6386, UKNA.

⁸⁶ ‘Note of Meeting with Fateh Singh, Deputy Secretary, Ministry of Home Affairs’, UKHC (India) to CRO, 22 August 1955, DO 35/6386, UKNA.

⁸⁷ Hugh Tinker, *A New System of Slavery: The Export of Indian Labour Over seas, 1830-1920* (Oxford: Oxford University Press, 1974); David Northrup, *Indentured Labor in the Age of Imperialism, 1834-1922* (Cambridge: Cambridge University Press, 1995); Khal Torabully (with Marina Carter), *Coolitude: An Anthology of the Indian Labour Diaspora* (London: Anthem Press, 2002).

⁸⁸ HO Memorandum incorporating amendments suggested by CRO, 7 December 1953, FO 372/7210, UKNA.

⁸⁹ ‘Passports for British Subjects without Citizenship’, Circular No. 21, 27 April 1951, FO 372/7210, UKNA.

⁹⁰ UKHC to CRO, 22 December 1953, FO 372/7210, UKNA. ‘Even after this urgent cases might occur from time to time when the Political Agent might be asked to assist. Could you

please let us know if he would be willing to continue to assist Pakistani in this way, in order that our people in Karachi can reassure the Ministry of Foreign Affairs?”, CRO to FO (Treaty and Nationality Department), 9 November 1953, FO 372/7210, UKNA.

⁹¹ FO to Consulate General (Antananarivo), 5 November 1953, FO 372/7210, UKNA. From the point of view of the Indian authorities, the everyday arrangements were not very different to those of their Pakistani counterparts: would-be Indians (whether or not they were Muslims) were, in theory, supposed to make applications in person to the Indian Commissioner in Mauritius, pending the arrival of a vice consul for Antananarivo, but in practice the British representatives there similarly dealt with passports and other nationality-related matters on a day-to-day basis. British Consulate General (Antananarivo) to FO (Treaty and Nationality Department), 18 August 1953, FO 372/7210, UKNA.

⁹² FO to CRO, 14 October 1953, FO 372/7210, UKNA.

⁹³ British Consulate (Mogadishu) to FO (Treaty Department), 17 June 1953, FO 372/7210, UKNA.

⁹⁴ British Consulate Mogadishu to FO, Telegram No. 54, 19 June 1953, FO 372/7210, UKNA.

⁹⁵ For a broad exploration of how passports came to regulate movement and migration, see John Torpey, *The Invention of the Passport: surveillance, citizenship and the state* (Cambridge: Cambridge University Press, 2000). See also John Torpey, ‘The Great War and the Birth of the Modern Passport System’, in *Documenting Individual Identity: the development of state practices in the modern world*, eds. Jane Caplan and John Torpey (Princeton: Princeton University Press, 2001), pp. 256-270; and Radhika Mongia, ‘Race, Nationality, Mobility: a history of the passport’, *Public Culture*, Vol. 11, No. 3 (1999), pp. 527–556.

⁹⁶ Annexure to PAO 560/53, Pakistan Citizenship Registration of Government Servants, Government of Pakistan, Ministry of the Interior, letter no. 11/1121/53-Poll (1), dated 23 April 1953, DO 35/6392, UKNA. In due course, however, the Passport Office in Karachi clarified that “the proviso that [an application for Pakistan citizenship] must be made within one year of the coming into force of the Pakistan Citizenship Act has been done away with and a person is entitled to apply without any limitation of time”, SH Firoz, Ministry of Commonwealth Relations (Karachi) to TJ Sigsworth, UKHC (Pakistan), 5 August 1953, FO 372/7210, UKNA.

⁹⁷ British Consulate (Muscat) to FO (Treaty and Nationality Department), 23 August 1953, FO 372/7210, UKNA.

⁹⁸ British Consulate (Muscat) to FO (Treaty and Nationality Department), 24 October 1953, FO 372/7210, UKNA.

⁹⁹ Minute, n.d., FO 372/7309, UKNA.

¹⁰⁰ Minute, 12 March 1954, FO 372/7309, UKNA.

¹⁰¹ British Consulate (Muscat) to British Residency (Bahrain), 7 February 1954, FO 371/7309, UKNA.

¹⁰² Whereby one state permits another to exercise extraterritorial jurisdiction over its own nationals within the first state's boundaries.

¹⁰³ For more on the experiences of diasporic Sindhi Hindu merchants, see Claude Markovits, *The Global World of Indian Merchants: 1750-1947: Traders of Sind from Bukhara to Panama* (Cambridge: Cambridge University Press, 2008); Dieter Haller, 'Place and Ethnicity in two merchant diasporas: a comparison of Sindhis and Jews in Malta', *Global Networks*, Vol. 3, No. 1 (Jan 2003), pp. 75-96.

¹⁰⁴ FO to CRO, 18 June 1953, FO 372/7210, UKNA.

¹⁰⁵ CRO to FO (Treaty and Nationality Department), 19 October 1953, FO 372/7210, UKNA.

¹⁰⁶ British Consulate-General (Tetuan) to FO (Treaty and Nationality Department), 3 November 1953, FO 372/7210, UKNA.

¹⁰⁷ FO (Treaty and Nationality Department) to British Consulate-General (Tetuan), 30 December 1953, FO 372/7210, UKNA.

¹⁰⁸ As a letter to the Presidents of the Indian Merchants Association (n.d.) explained: "Under Section 3 of the Pakistan Citizenship Act, 1951, it is mandatory to regard as a citizen of Pakistan: (1) Anyone who was born in 'territories included in India on the 31st day of May 1937' and was domiciled in Pakistan at any time before April 13, 1951; (2) Anyone, wherever born, whose father was domiciled in Pakistan, unless such person has himself acquired a new domicile; (3) Anyone, wherever born, whose grandfather was domiciled in Pakistan, unless his father acquired a new domicile or he himself has done so", FO 371/7312, UKNA.

¹⁰⁹ CRO to FO, 1 July 1954, FO 372/7311, UKNA.

¹¹⁰ Rudolf, *National Security and Immigration*, p. 179.

¹¹¹ For one such scare during the summer of 1954, see 'Entry of Indian Citizens into the United Kingdom with passports not properly endorsed by the Indian authorities', UKHC (India) Confidential Telegram, 5 August 1954, FO 372/7312, UKNA.

¹¹² Paul, *Whitewashing Britain*, p. 151.