

REPORT NO.

183



सत्यमेव जयते

**PARLIAMENT OF INDIA
RAJYA SABHA**

DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEE
ON HOME AFFAIRS

ONE HUNDRED EIGHTY THIRD REPORT

**Problems Being Faced by Refugees and Displaced
Persons in J & K**

(Presented to the Rajya Sabha on 22nd December, 2014)

(Laid on the Table of Lok Sabha on 22nd December, 2014)



**Rajya Sabha Secretariat, New Delhi
December, 2014/Agrahayana, 1936 (Saka)**

Hindi version of this publication is also available

C.S.(H.A.)-350

**PARLIAMENT OF INDIA
RAJYA SABHA**

**DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEE
ON HOME AFFAIRS**

ONE HUNDRED EIGHTY THIRD REPORT

**Problems being faced by Refugees and Displaced
Persons in J & K**

*(Presented to the Rajya Sabha on 22nd December, 2014)
(Laid on the Table of Lok Sabha on 22nd December, 2014)*



सत्यमेव जयते

**Rajya Sabha Secretariat, New Delhi
December, 2014/Agrahayana, 1936 (Saka)**

Website: <http://rajyasabha.nic.in>
E-mail: rsc-ha@sansad.nic.in

CONTENTS

	PAGES
1. COMPOSITION OF THE COMMITTEE.....	(i)—(vi)
2. INTRODUCTION	(vii)—(viii)
3. Acronyms.....	(ix)
4. Report.....	1—35
Chapter-I The Refugees and displaced persons in J& K.....	1—7
Chapter-II Presentation of Home Secretary and interaction with representeyives of J&K Refugees/DPS.....	8—18
Chapter-III Issues and Committee's observations and Recommendations.....	19—35
5. RECOMMENDATIONS/OBSERVATIONS/CONCLUSIONS OF THE COMMITTEE — AT A GLANCE	36—44
6. MINUTES	45—70
8. ANNEXURE.....	71—73

COMPOSITION OF THE COMMITTEE
(re-constituted w.e.f. 31st August, 2012)

1. Shri M. Venkaiah Naidu — *Chairman*

RAJYA SABHA

- ^2. Vacant
³3. Shri Santiuse Kujur
4. Shri Janardan Dwivedi
5. Shri Rajiv Pratap Rudy
6. Shri Satish Chandra Misra
7. Shri Prasanta Chatterjee
#8. Vacant
*9. Vacant
%10. Dr. V. Maitreyan

LOK SABHA

11. Shri Anandrao Adsul
12. Shri L.K. Advani
13. Dr. Shafiqur Rahman Barq
14. Shri E.T. Mohammed Basheer
15. Shri Avtar Singh Bhadana
*16. Shri Pawan Kumar Bansal
17. Dr. Kakoli Ghosh Dastidar
18. Shri Ramen Deka
19. Shri Sandeep Dikshit
20. Shri Naveen Jindal
21. Shri Aaron Rashid J.M.
22. Shri Datta Meghe
23. Shri Lalubhai Babubhai Patel
24. Shri Sanjay Dina Patil
25. Shri Lalu Prasad
26. Shri Rathod Ramesh
27. Shri Hamdulla Sayeed
28. Shri Neeraj Shekhar
29. Shri Navjot Singh Siddhu
30. Shri Ravneet Singh

¹Shri D. Raja, Member, Rajya Sabha nominated w.e.f. 28th December, 2012 to the Committee on Home Affairs due to the appointment of Shri K. Rahman Khan as Minister of Minority Affairs in Union Cabinet on 28th October 2012 and Shri D. Raja, Member, RS ceased to be Member of the Committee due to expiration of term in Rajya Sabha w.e.f. 25th July, 2013

³Shri Santiuse Kujur, Member, Rajya Sabha nominated w.e.f. 7th August, 2013 to the Committee on Home Affairs due to the resignation of Shri Rishang Keishing, Member, Rajya Sabha from the Membership of the Committee on Home Affairs w.e.f. 22.02.2013.

*Smt. Kanimozhi ceased to be Member of the Committee due to expiration of term in Rajya Sabha w.e.f. 25th July, 2013

*Due to the Appointment of Shri Tariq Anwar as Minister of State for Agriculture and Food Processing Industries on 28th October, 2012.

¹Shri Pawan Kumar Bansal, MP, Lok Sabha nominated w.e.f. 7th August, 2013 to the Committee on Home Affairs due to the Appointment of Smt. Santosh Chowdhary as Minister of State for Health and Family Welfare w.e.f. 17th June, 2013.

%Dr. V. Maitreyan ceased to be Member of the Committee due to expiration of term in Rajya Sabha w.e.f. 25th July, 2013 and Dr. V. Maitreyan, MP, Rajya Sabha was re-nominated to the Committee w.e.f. 27th July, 2013.

(ii)

31. Shri Dinesh Chandra Yadav

SECRETARIAT

Shri P.P.K. Ramacharyulu, *Joint Secretary*

Shri Vimal Kumar, *Director*

Shri D.K. Mishra, *Joint Director*

Shri Bhupendra Bhaskar, *Assistant Director*

Shri Anurag Ranjan, *Committee Officer*

COMPOSITION OF THE COMMITTEE
(re-constituted w.e.f. 31st August, 2013)

1. Shri M. Venkaiah Naidu — *Chairman*

RAJYA SABHA

2. Shri Prasanta Chatterjee
3. Shrimati Vandana Chavan
4. Shri Janardan Dwivedi
5. Shrimati Kanimozhi
6. Shri Santiuse Kujur
7. Dr. V. Maitreya
8. Shri Satish Chandra Misra
9. Shri D. Raja
10. Shri Rajiv Pratap Rudy

LOK SABHA

11. Shri Anandrao Adsul
12. Shri L.K. Advani
13. Shri Pawan Kumar Bansal
14. Dr. Shafiqur Rahman Barq
15. Shri E. T. Mohammed Basheer
16. Shri Avtar Singh Bhadana
17. Dr. Kakoli Ghosh Dastidar
18. Shri Ramen Deka
19. Shri Sandeep Dikshit
20. Shri Naveen Jindal
21. Shri Aaron Rashid J.M.
22. Shri Datta Meghe
23. Shri Lalubhai Babubhai Patel
24. Shri Sanjay Dina Patil
- *25. Vacant
26. Shri Rathod Ramesh
27. Shri Hamdulla Sayeed
28. Shri Neeraj Shekhar
29. Shri Navjot Singh Sidhu
30. Shri Ravneet Singh

*Consequent upon disqualification of Shri Lalu Prasad Yadav from the Membership of Lok Sabha w.e.f. 30 September, 2013 in terms of the provisions of Article 102(1)(e) of the Constitution of India read with Section 8 of the Representation of the People Act, 1951, he ceased to be a Member of the Committee.

31. Shri Dinesh Chandra Yadav

SECRETARIAT

Shri P.P.K. Ramacharyulu, *Joint Secretary*

Shri Vimal Kumar, *Director*

Shri D.K. Mishra, *Joint Director*

Shri Bhupendra Bhaskar, *Assistant Director*

Shri Sanjeev Khokhar, *Assistant Director*

Shri Anurag Ranjan, *Committee Officer*

COMPOSITION OF THE COMMITTEE
(re-constituted w.e.f. 1st September, 2014)

1. Shri P. Bhattacharya — *Chairman*

RAJYA SABHA

2. Shri K. Rahman Khan
3. Shri Avinash Rai Khanna
4. Dr. V. Maitreyan
5. Shri Satish Chandra Misra
- ◆6. Vacant
7. Shri Derek O'Brien
8. Shri Baishnab Parida
9. Shri D. Raja
10. Shri Sitaram Yechury

LOK SABHA

11. Shri Prem Singh Chandumajra
12. Shri Adhir Ranjan Chowdhury
13. Shri Selvakumara Chinayan S.
14. Dr. Kakoli Ghosh Dastidar
15. Shri Ramen Deka
16. Shri Chandrakant Khaire
17. Shri Mallikarjun Kharge
18. Shrimati Kirron Kher
19. Shri Ram Mohan Naidu Kinjarapu
20. Shri Kaushal Kishore
21. Shri Ashwini Kumar
22. Shri Harish Meena
23. Shri Nagarajan P.
24. Shri Baijayant "Jay" Panda
25. Shri Dilip Patel
26. Shri Lalubhai Babubhai Patel
27. Shri Natubhai Gomanbhai Patel
28. Shri Bheemrao B. Patil
29. Shri Bishnu Pada Ray
30. Dr. Satya Pal Singh
31. Shri B. Sreeramulu

*Vacancy due to appointment of Shri Mukhtar Abbas Naqvi as Minister of State w.e.f. 9th November, 2014.

SECRETARIAT

Shri P.P.K. Ramacharyulu, *Joint Secretary*

Shri Vimal Kumar, *Director*

Shri D.K. Mishra, *Joint Director*

Shri Bhupendra Bhaskar, *Assistant Director*

Shri Anurag Ranjan, *Assistant Director*

INTRODUCTION

I, the Chairman of the Department-related Parliamentary Standing Committee on Home Affairs having been authorised by the Committee to submit the report on its behalf, do hereby present this One Hundred Eighty Third Report on the problems being faced by Refugees and Displaced Persons in J & K.

2. The erstwhile Department-related Parliamentary Standing Committee on Home Affairs on receiving request from representatives of Refugees and Displaced persons in J&K, heard the presentation of the Home Secretary and representatives of the following organizations on the problems being faced by them:- (i) West Pakistan Refugees; (ii) Pakistan Occupied Kashmir Refugees; and (iii) POJK (CHAMB) of 1947, 1965 and 1971 in its meeting held on 30th July, 2013.

3. The previous Committee had constituted a sub-Committee on Action Taken on 137th Report on Rehabilitation of J & K Migrants (List of Members of sub-Committee-Annexure). The sub-Committee visited Jammu and Kashmir from 5th to 7th November, 2013. During the visit, the sub-Committee had also occasion to meet representatives of Refugees and Displaced persons in Jammu and Kashmir also whose historical background and problems were found to be different from J& K Migrants. The sub-Committee apprised the Committee that it would be better if the Committee gave a separate report on the problems being faced by Refugees and Displaced Persons in J & K. Keeping in mind the complexity of the issues involved and nature of long pending grievances of the affected communities, the Committee decided to give a report on the subject separately. However, the previous Committee could not consider the report due to general elections, 2014.

4. The present Committee in its meeting held on 16th September, 2014 took up this subject for detailed examination and report. The Committee in its meeting held on 21st October, 2014, heard the presentation of the representatives of Ministry of Home Affairs on the subject. In its subsequent meeting held on 11th November, 2014, the queries of Members raised during its sitting on 21st October, 2014 were duly replied by the Home Secretary and representatives of Government of J&K.

5. The Committee while finalizing its report, relied on the following papers/documents:-

- (i) Background note and supplementary background note furnished by the Ministry of Home Affairs;
- (ii) Oral evidence of non-official witnesses and official witnesses;
- (iii) Comments of Ministry of Home Affairs on the memoranda received from various organizations; and
- (iv) Replies to the queries of Members raised during its sittings.

(viii)

6. The Committee in its sitting held on 18th December, 2014 considered and adopted the report.

7. For facility of reference and convenience, observations and recommendations of the Committee have been printed in bold letters in the body of the Report.

NEW DELHI;
18th December, 2014
26 Agrahayana, 1936 (Saka)

P. BHATTACHARYA
Chairman,
Department-related Parliamentary
Standing Committee on Home Affairs
Rajya Sabha

ACRONYMS

ALC	:	Actual Line of Control
CDPRA	:	Chhamb Displaced Persons Rehabilitation Authority
CGTMSE	:	Credit Guarantee Fund Trust for Micro and Small Enterprises
DPs	:	Displaced Persons
DM	:	Divisional Magistrate
EP	:	Evacuee Property
GoI	:	Government of India
ICDS	:	Integrated Child Development Services
IAY	:	Indira Awaas Yojana
J&K	:	Jammu & Kashmir
LoC	:	Line of Control
MHA	:	Ministry of Home Affairs
MGNREGA	:	Mahatma Gandhi National Rural Employment Guarantee Act
MSE	:	Micro & Small Enterprises
NABARD	:	National Bank for Agriculture and Rural Development
PoK	:	Pakistan occupied Kashmir
PRO	:	Public Relation Officer
PoJK	:	Pak occupied Jammu and Kashmir
PRC	:	Permanent Resident Certificate
SC/ST/OBC	:	Scheduled Caste/Scheduled Tribe/Other Backward Class
SGRY	:	Sampoorna Grameen Rozgar
TSC	:	Total Sanitation Campaign
SLBC	:	State Level Bankers Committee
WPR	:	West Pakistani Refugees

REPORT

CHAPTER - I

THE REFUGEES AND DISPLACED PERSONS IN J&K

1.1 INTRODUCTION

1.1.1 The background note as furnished by the Ministry of Home Affairs states that at the time of partition which was followed by tribal invasion, more than 7000 families crossed to this side of the LoC and International Border from PoJK and the then Western Pakistan. Later on, during Indo-Pak wars of 1965 and 1971, nearly 10,000 families got dislocated from 47 villages of Chhamb area. The families who had to migrate on various occasions since 1947, are categorised as under:-

- (i) West Pakistani Refugees of 1947;
- (ii) PoJK Refugees of 1947;
- (iii) Chhamb Displaced Persons of 1965;
- (iv) Chhamb Displaced Persons of 1971 (Camp);
- (v) Chhamb Displaced Persons of 1971 (Non-Camp).

1.2 West Pakistani Refugees of 1947

1.2.1 The background note points out that as per the report of the Wadhwa Committee of 2007 constituted by the Government of J&K, around 5,764 families consisting of 47,215 persons migrated from West Pakistan and got settled mainly in different areas of Jammu, Kathua and Rajouri Districts of Jammu Division. No land was allotted to them by the State Government. However, these families had occupied 45,466 kanals of land (State land 10,478 kanals, Evacuee land including other types of land 25,976 kanals and other land (10,012 kanals) which was allowed to be retained by them without conferring upon them the title of land because of their non-permanent resident status of the State. Lands upto 12 acres of Khushki (unirrigated) or 8 acres of Aibi Land (irrigated), subject to certain conditions were allowed to be retained by them. As a result, 46,466 kanals of State/EP land stands retained by these refugees under Cabinet Order No. 578-C of 1954.

1.2.2 The Ministry of Home Affairs further informed that the West Pakistani Refugees settled in Jammu and Kashmir are very much the citizens of India. They have the right to vote in Parliamentary Elections but they do not enjoy voting rights to the State Assembly and Local Bodies. There is no provision of separate citizenship for the State. However, they are not permanent residents of the State in terms of the J&K Constitution, therefore, these families could not be provided the benefits which had been provided to PoJK refugees. The West

Pakistani Refugees families can't avail the benefits of various social welfare schemes launched by the State Government and the members of their families can seek neither Government employment in the State nor admissions in various professional colleges of the State. No other benefits of any kind have been granted to these refugees.

1.2.3 The Ministry of Home Affairs apprised the Committee about the problems/issues concerning West Pakistani Refugees which are enumerated below:—

- (i) *Permanent Resident Right, right to contest in State Elections, right to purchase property and recruitment to State Services, issuance of Domicile Certificate/Caste Certificates:-* The most important issue of Permanent Resident Right to West Pakistani Refugees is under consideration of the Cabinet Sub Committee headed by Finance Minister of the State. The Committee has not yet formed a view. Once the issue is decided about the Permanent Resident's Right, all other subsidiary benefits would follow automatically.
- (ii) *Right to Education in Technical/Professional Institutes in the State:* The State Government was requested to consider the issue. However, the State Government has not yet examined the possibility of issuing appropriate executive directions in this regard. State Government should consider this issue as it is not linked to the Permanent Resident status of these persons.
- (iii) *Extension of Credit facilities by banks without collateral security:* The State Government had informed that directives were issued to all the Deputy Commissioners and as a result, no collateral security is required for loan upto ₹10 lakhs, and the Credit Guarantee Fund Trust for Micro and Small Enterprises extends loans of above ₹10 lakh without collateral guarantee.
- (iv) *Special financial package for rehabilitation:* It was informed by the State Government that they are in the process of submitting financial proposal for rehabilitation to this Ministry. The total number of WPR families settled in the State is 9,823 and retention of land was allowed by the State Government on per family basis. State Government informed that it is not possible to say whether these refugees were allowed to retain land in proportion to the land left behind in the West Pakistan. As per status in 1947, 4,745 families were given 45,466 canal of irrigated/unirrigated land. No West Pakistani refugees settled in J&K received any assistance from the Ministry of Rehabilitation by way of allotment of construction of houses.

1.3 PoJK Refugees of 1947.

1.3.1 The Ministry of Home Affairs apprised the Committee that in the wake of Pakistani aggression in Jammu and Kashmir in 1947, mass exodus of population from Pak occupied area of Kashmir (PoK) took place. The Ministry of Home Affairs also stated that as per the available records, 31,619 families were registered with the Rehabilitation Organisation, out of which 26,319 families opted to settle down within the State itself and 5,300 families settled outside the State of J&K (Delhi 1,901 families, Maharashtra 123 families, Rajasthan 495 families and other States 2,781 families). Out of 26,319 families, around 22,719 families opted to settle in

rural areas, whereas 3,600 families settled in urban areas. However, no claims for compensation in lieu of the properties left behind by these displaced persons were invited by the Government of India as PoJK was treated as an integral part of India. The Displaced Persons (Compensation and Rehabilitation) Act, 1954 and the Administration of Evacuee Property Act, 1950 are not applicable to the State of Jammu and Kashmir.

1.3.2 In order to mitigate the hardship of these families, the Government of India decided to provide ex-gratia/rehabilitation assistance. The details of the rehabilitation assistance sanctioned from time to time are given below:-

(a) **Assistance sanctioned in 1947-48:**

Rural Settlers

- (i) 2-3 acres of irrigated land or 4-6 acres of unirrigated land per family;
- (ii) ₹1,000/- per family as ex-gratia payment;
- (iii) For the State land allotted, ownership rights were conferred on allottees in 1965;
- (iv) For evacuee land allotted, the State Government has stated that occupancy tenancy rights were given under the Agrarian Reforms Act. (These rights are more or less absolute in the sense that the allottees can transfer the right of occupancy tenancy by sale, gift or exchange without permission of Government); and
- (v) 46 Basties constructed by rural settlers on their own were regularized under the Slum Improvement Scheme of J&K.

Urban Settlers

- (i) Ex-gratia cash payment of ₹3,500/- per family;
- (ii) 1600 residential quarters were constructed and allotted by the Government of Jammu and Kashmir in Udhampur and Nowshera. Cost of the structure was deducted from the exgratia grant of ₹3,500/- per family; and
- (iii) In 123 cases, plots were allotted in Jammu by the State Housing Board free of cost.

(b) **Rehabilitation packaged sanctioned in 2000:** The rehabilitation package sanctioned by Government of India in 2000 comprised of the following:

- (i) Ex-gratia payment of ₹25,000/- per family;
- (ii) Cash compensation in lieu of land deficiency @ ₹5,000/- per kanal;
- (iii) An amount of ₹2 crore to be provided for the allotment of plots to the displaced persons who have already been settled in urban areas of J&K and who have not been allotted plots in the past; and
- (iv) ₹25 lakh for improvement of civic amenities in 46 regularized colonies.

(c) **Rehabilitation package sanctioned in 2008:** In 2008, Government of India sanctioned ₹49 crore to the State Government of J&K for providing cash compensation in lieu of land deficiency by increasing the amount from ₹5,000/- per kanal to ₹25,000/- per kanal subject to a ceiling of ₹1.5 lakh per family and ₹2 lakh to be provided in lieu of plots to the urban settlers, who have not been allotted plots in urban areas.

According to report of the State Government of J&K, in order to rehabilitate the Pakistan occupied Kashmir displaced persons of 1947. For this, about 6,80,850 kanals of EP land and about 2,43,000 kanals of State land were allotted to these families by the State Government. Absolute ownership in respect of the State land allotted to Pakistan occupied Kashmir Displaced Persons of 1947 was also granted by the State Government. The State Government has also granted occupancy right in respect of EP (Evacuee Property) land allotted to these displaced persons. As per the occupancy right given, the displaced persons will have 99% share and the persons who have migrated to PoJK will have 1% share. The displaced persons who chose to settle in urban areas, have been provided 1,628 quarters and 793 plots in 6 colonies.

(d) **Disbursement made by the State Government:-** Between March 2002 to March, 2004, an amount of ₹6.17 crores was released to the Government of J&K for providing relief assistance to DPs from PoJK for implementation of the relief package announced in 2000. In 2008, on the recommendation of the State Government of J&K, an amount of ₹49 crore was released to the State Government. It was also informed that out of ₹55.17 crore released so far, 2550 families have received the cash compensation to the tune of ₹31.07 crore.

1.3.3 As per the scheme the following disbursement has been made by the State Government till September, 2014:

- (i) *Ex-gratia payment of ₹25,000 per family:* Out of 1011 applications received and verified, 1010 applications have been rejected and only one reimbursement has been made. As reported by the State Government the verifying committee has rejected 1010 applications on the ground that their monthly income was more than ₹300 per month at the time of migration and in many cases only application forms were received without the supporting documents;
- (ii) *Cash compensation in lieu of land deficiency @ ₹5000 per kanal which is now revised to ₹25,000 per kanal subject to a maximum of ₹1.5 lakh per family:-* The Committee was informed that out of 4988 claims received, 3948 claims have been verified. Of these, 1028 claims have been rejected, 2841 approved and cash compensation given in 2524 cases and 79 cases are being re-verified;
- (iii) *Allotment of plots to the DPs who have already been settled in urban areas of the State but not allotted any plot, payment of ₹2 lakh per family instead of plot:-* As per the report received from the State Government, out of 198 applications received by them, 48 applications were found complete. Out of these, 18 applications were placed before the verification committee, of which 6 applications have been approved, 2 have been rejected and in 10 cases re-verification is required. Remaining 30 applications will be placed before the verification committee;

- (iv) *Improvement of Civic Amenities in 46 recognized colonies:-* The State Government has constituted a Committee to prepare a survey report for improving the civic amenities in the recognized colonies. However, the survey report has not yet been finalized by the State Government.

1.4 (Chhamb) DISPLACED PERSONS OF 1965

1.4.1 The Committee was informed by the Ministry of Home Affairs that during 1965 Indo-Pak War, people from Chhamb Niabat migrated to Jammu and some of them settled in some villages of Jammu District. They did not go back to their native place after the end of 1965 war and settled within the State.

1.4.2 The Ministry also stated that according to the State Government the displaced persons of 1965 war have already been rehabilitated. Though the issues of conferment of ownership right/occupancy right of allotted State/EP land are under consideration of the State Government., a proposal to pay cash assistance in lieu of land deficiency to some of the DPs of 1965 is under consideration of State Government and a proposal in this regard would be submitted to MHA for consideration. The Ministry also informed that the State Government's proposal is awaited.

1.5 Chhamb Displaced Persons, 1971 (Camp)

1.5.1 The Ministry of Home Affairs apprised the Committee that as a result of delineation of the Line of Control along the Jammu and Kashmir border following the Shimla Agreement, the Chhamb Niabat area comprising about 39,000 acres of land in Jammu and Kashmir fell on the Pakistan side of the Line of Control. Over 18,000 persons comprising about 4,600 families who had been uprooted from this area, were immediately provided relief assistance in camps situated at Kishanpur, Manwal at a distance of about 70 kms. from Jammu.

1.5.2 The Committee was intimated that with a view to ensuring effective and expeditious resettlement of these displaced persons, the then Ministry of Labour and Rehabilitation, Government of India set up a joint team headed by Chief Secretary, Jammu and Kashmir to examine the problem of permanent resettlement of the Chhamb refugees and to propose measures. On the recommendation of the joint team, a Central Authority, namely, Chhamb Displaced Persons Rehabilitation Authority (CDPRA) was constituted in 1974 under the chairmanship of Chief Secretary, Jammu and Kashmir. Under different schemes implemented through the CDPRA, the families of displaced persons from Chhamb were accommodated in relief camps and subsequently rehabilitated in Jammu and Kashmir in a phased manner. The details of relief granted are as under:-

- (i) Eligible urban families were given grants to the tune of ₹14,800/- which included housing grant of ₹7,500/- per family, *ad-hoc* maintenance grant of ₹800/- per family, special resettlement grant of ₹500/- per family, milch cattle grant of ₹1,000/- per family, grant of ₹3,000/- for construction of shop per family, grant of ₹2,000/- for other structural requisites in shop per family, and loan per family of ₹5,000/-.
- (ii) The agricultural families were given 4 acres of irrigated or 6 acres of un-irrigated land per family. Government of India had agreed to pay cost of

deficiency of land allotted @ ₹5,000/- per kanal. In addition, they were given ₹13,500/- rehabilitation grant which *inter alia* included housing grant of ₹7,500/- per family, ad-hoc maintenance grant of ₹800/- per family, special resettlement grant of ₹500/- per family, milch cattle grant of ₹1000/- per family, grant of ₹2,000/- for purchase of bullock per family, seeds and fertilizers grant of ₹1200/- per family, agricultural implements grant of ₹500/- per family, in addition to a, loan of ₹1,875/- per family.

- (iii) Special assistance for widows and destitutes was given which *inter alia* included pension of ₹60/- per month, ad-hoc maintenance grant of ₹300/-, special resettlement grant of ₹100/-, housing grant upto ₹5000/- and small housing plots.

1.5.3 The Ministry further stated that out of total number of 4600 families in Chhamb 1971 (Camp) category, 3900 families were allotted land. Rest of the families were excluded because some (300) families were not agriculturists. Some (182) families were serving soldier families and some (218) families were widows and destitutes. These 218 families/widows and destitute were given cash maintenance allowance of ₹60/- per month by the CDPRA from the year 1972 onwards. In the year 1984 these widows/destitutes were paid pension through Social Welfare Department of the State Government. Chhamb Displaced Persons of 1971 (Camps) were paid housing grant @ ₹7500/- per family in three instalments from 1975 onwards. Most of the 218 identified widows/destitute got housing grants. These widows/destitutes were allotted 3.5 marla of land *i.e.* half the size of the plot (*i.e.* 7 marla) given to other families in the year 1975 onwards. 182 serving soldiers and 218 widows were given housing plots.

1.5.4 The ownership right in respect of State land allotted to the Chhamb Displace Persons of 1971 (Camp) has been given during the year 2000. Their demand for occupancy right in respect of EP land is still an issue. All the Chhamb Displaced Persons of 1971 (Camp) were allotted plots in rural areas in various bastis (about 129) except 27 families. Those families who could not be allotted full quota of prescribed scale of land, a scheme for making cash compensation in lieu of deficient allotable units of land was worked out. 699 families were identified for cash compensation. However, 677 families have been paid cash compensation ranging from ₹1,000 to ₹5,000 in the year 1992. There were 463 left out families who are demanding cash compensation in lieu of land deficiency.

1.6 CHHAMB Displaced Persons, 1971 (Non-Camp)

1.6.1 The Committee was informed by the Ministry of Home Affairs that the displaced persons of Chhamb who were financially well placed and had property in Chhamb Area but were residing elsewhere in the State and did not stay in the relief camps were known as 'Chhamb Displaced Persons (Non-Camp)'. However, the associations representing this category continued to make representations for financial assistance/ex-gratia payment. A Committee constituted by the Ministry of Home Affairs called RD Kapoor Committee had recommended for providing ex-gratia payment of ₹25,000/- to each family of non-camp displaced persons. The Government of India had accepted the recommendation and had accorded sanction to the State Government of J&K for providing exgratia payment of ₹25,000/- per family.

1.6.2 The State Government has reported that there were 1965 claims of non-camp DPs of 1971, out of which 1502 claims were verified/approved. Out of these 1502 claims, ex-gratia relief @ ₹25,000/- per family has been disbursed to 1230 families and 272 families are to be disbursed compensation for which funds to the extent of ₹68 lakh are available with the State Government, after being released by the Government of India. The State Government has been asked to release the amount to the Field Officer (PRO) so that the same could be disbursed among the 272 left over families.

1.6.3 The Ministry of Home Affairs apprised the Committee that the RD Kapoor Committee had not agreed to treat the non-camp DPs of 1971 at par with the camp DPs of 1971 on the ground that the non-camp DPs were not actually residing in Chhamb Area at the time of Indo-Pak conflict of 1971, but were continuing to live elsewhere in J&K. They had some source of livelihood outside Chhamb to fall back upon, whereas the camp DPs had lost everything and had to make a fresh start in life.

CHAPTER - II

PRESENTATION OF HOME SECRETARY AND INTERACTION WITH REPRESENTATIVES OF J&K REFUGEES/DPS

2.0 The erstwhile Committee in its sitting held on 30th July 2013 heard the presentation of Home Secretary and representatives of J&K Refugees viz. West Pakistani Refugees, Pakistan Occupied Jammu and Kashmir Refugees and PoJK (Chhamb) on the problems being faced by them. The present Committee in its meeting held on 21st October, 2014, heard the presentation of the representatives of Ministry of Home Affairs on the subject. In its subsequent meeting held on 11th November, 2014, the Committee heard the Home Secretary and representatives of Government of J&K.

2.1 West Pakistani Refugees

2.1.1 The representatives of West Pakistani Refugees submitted before the Committee that after the partition of the country in 1947 their forefathers arrived from West Pakistan to settle in Jammu and they have been living there for 66 years but they have been deprived of the rights conferred to the State People. They have not been provided the voting right in the Assembly and their children are running from pillar to post in search of permanent source of livelihood. Whatever recruitment is made in Jammu, even if it is done on behalf of Government of India, West Pakistani Refugees are kept at bay. Their three generations in Jammu have ruined completely and at present fourth generation is also facing severe problems. West Pakistani Refugee families spread in seven tehsils of three districts of the State but have no voting rights for State Assembly and Panchayat Elections though they can vote in Parliamentary elections.

2.1.2 The representatives of West Pakistani Refugees further informed the Committee that people from West Pakistan arrived in India in 1947 even before enforcement of Article 370. Article 370 came into operation in 1957 while they came here in 1947 and they were asked to remain in the border villages on the advice of then Prime Minister and Sheikh Mohamad Abdullaha. However, they were not considered eligible for Government jobs even under the Central Government as the jobs were created in the name of State Government, which did not treat them as State subjects. In the recruitments for army and para military forces, domicile certificates are asked, which they do not have. People are living at the land which was given on compassionate basis. However, they are now not permitted to get repaired the dilapidated houses.

2.1.3 The representative of West Pakistani Refugees added that West Pakistani Refugees consist of 80% Scheduled Castes, 10% OBC and 10% General Category and Scheduled Castes are not getting constitutional benefits. Majority of them are living in Jammu, Katwa and Sambha. Presently, WPRs are working as farmers and farm labourers.

2.1.4 The Committee was further apprised of the demands of WPRs which are enumerated below:-

पहम चाहते हैं कि जितने भी हमारे और लोग देश के बंटवारे के बाद यहां आए थे, वे यहां पर बड़े मजे से जिंदगी जी रहे हैं। इसलिए जो हमारे बच्चे हैं, जिनकी बर्थ-जम्मू में हुई है, उनको भी वहां के नागरिक अधिकार दिया जाए, जिससे उनके बच्चे आगे की जिंदगी जी सकें। हम यह भी चाहते हैं कि हमारी चार पीढ़ियां वहां पर बर्बाद हो गई है। हिन्दुस्तान तो बहुत बड़ा है, हमें कहीं और जगह भेज दो, अगर जम्मू कश्मीर वाले हमें वहां नहीं रहने देना चाहते हैं।

2.1.5 The representatives of WPRs apprised the Committee that since they cannot vote in Assembly elections and local self government, Members of Legislative Assembly and Panch and Sarpanch do not care for them. As a result they are not benefited under Indira Awas Yojana and Aanganwadi which are sponsored by the Central Government.

2.1.6 The Committee desired to know the views of Ministry of Home Affairs on the citizenship rights to West Pakistani Refugees (WPRs), Permanent Resident Rights in the State of J&K, defining and altering the definition of class of persons who are or shall be the permanent resident of the State, Right to contest State Elections and Elections to Local Bodies, Right to purchase property in the State of J&K. The Ministry of Home Affairs responded in writing as under:-

“The West Pakistani Refugees settled in J&K are very much the citizens of India and they have the right to vote in Parliamentary Elections. There is no provision of separate citizenship for the State. However, they are not permanent residents of the State in terms of the J&K constitution. They do not enjoy voting rights to the State Assemblies and Local Bodies. The Government of India has requested the State Government to consider conferment of the benefit of “State Subject” and to consider issue of Permanent Resident Certificate (PRC) to these people. The State Government has constituted a Cabinet Sub-Committee to consider the matter.”

2.1.7 In the Committee’s sitting held on 11th November, 2014, the representative of Government of Jammu and Kashmir apprised the Committee on the issue as under:-

“In fact, this issue has been raised by the DPs since 1947 but this is yet to be settled. Then the J&K Government constituted the Wadhwa Committee in 2007. It has also submitted its Report and the Report was referred to a Cabinet sub-committee which has already examined the Report of Saghir Committee. The Cabinet sub-committee has met five times but so far no decision has been taken”

2.1.8 Clarifying on the issue, the Home Secretary deliberated in detail before the Committee which is as under:-

“J&K has a particular law known as the Permanent Resident Laws. Earlier, it used to be known as the State Subject Law when the Maharaja was ruling. Under the Permanent Residency Right, you can be deemed to be a permanent resident only if you fulfil the norms prescribed under that law. And the law says, that you can be a permanent resident if you were the owner of land and property, sahib-e-jaidad, of J&K in the year 1944. The law in 1944 in J&K specified that to be able to purchase land

in the State of J&K, you had to be a resident in the State for a minimum of ten years. So, in effect, what it means is that if you were living in the State since 1934, you could own land in 1944. If you were living in the State prior to that, you could obviously own land earlier than that. The fundamental requirement of being a permanent resident in J&K was that you should have ownership of land. It could be as small as a few square feet or as large as the law permitted. A person, who was not a Permanent Resident or a State Subject, as it was called then, could not own land in the State of Jammu and Kashmir, and if you did not own land in the State of Jammu and Kashmir, you were not a State Subject. So, you were automatically denied or deprived of certain facilities that were available to the State Subjects. After 1947, when the nomenclature of 'State Subject' was converted to 'Permanent Resident', it was called 'Permanent Resident Certificate'. Earlier, it used to be known as 'State Subject Certificate'. So, when the Permanent Resident Certificate law was brought into being, the fundamental requirement of the ownership still remained."

2.1.9 The Committee further desired to know as to how long the critical issue of permanent residency and citizenship of WPRs would continue and what special efforts were being taken by the Union Government in the matter, the Home Secretary submitted before the Committee as under:-

"Legally speaking, the issue is that these people were not the owners of land in Jammu and Kashmir in 1944. They were not 'sahib-e-jaidad'. So, legally speaking, they do not have a right of claiming to be the permanent residents. That is the legal part of it. Now, we come to the second part. They are not the permanent residents for the very simple reason that they were living in the then West Pakistan. Because of the partition of the country and the things that happened in the aftermath of the partition, they had to leave the place where they were living and come and seek shelter here. In 1947, these 5,764 families came and settled down in the State of Jammu and Kashmir. The then Government allowed them to stay on land. A part of that land was the State land and another part of that land was the evacuee property land belonging to people of Jammu and Kashmir who had left J&K and gone over to Pakistan. They have been continuing to live there. Now, how and when the State Government will grant them the Permanent Resident status is a political question which we, at this juncture, cannot give a reply to. The Central Government has been writing to the State Government frequently. The last letter was written by me on 7th November, 2014. In para 6, this letter written by me states, "In view of the above, I would request you to consider the grievances of West Pakistani refugees also and send a consolidated financial proposal to this Ministry at the earliest. The State Government should also assure that the West Pakistani refugees settled in the State will be given the status of Permanent Residents of Jammu and Kashmir."

2.1.10 The Committee sought further clarification on the issue that the specific law was in force from 1944, that is, from pre-partition time, when there was no question of Pakistan-Occupied Kashmir and concept of West Pakistan came into being only in 1947 and the residents who came from that side was also part of Kashmir, therefore, if these residents had land in the other side of Kashmir also, they would still be Kashmiris. Further clarifying the issue, the Home Secretary stated as under:-

“It is a little complicated matter. In 1947, we had two kinds of people entering the State of Jammu and Kashmir. One was who belonged to the State of Jammu and Kashmir, who fled the districts of Mirpur and Muzaffarabad, which were a part of the Kingdom of Jammu and Kashmir, and who came into this side to seek shelter because of marauding mobs that were killing people there. This is one category. In their case, there was no question of not granting Permanent Resident status because they were permanent residents. There was a second category of people who came into Jammu and Kashmir from the then Punjab. Punjab was a State under the British rule. It was not a part of the Maharaja’s territory. So, it is a second category of people who came in as refugees in 1947, who settled down in the districts of then Kathua and then Jammu, who are the people in whose case we are raising the question today of the grant of Permanent Resident status.”

2.1.11 The Committee pointed out that seven years have elapsed but there has not been effective implementation of recommendations of Wadhwa Committee Report nor there is any outcome of consideration of State Cabinet sub-Committee on the issue but people who had left India for Pakistan in 1947 are said to have rights to claim for their land, but WPRs who never revolted against the State nor went belligerent to resort to violence are being denied their genuine demands which otherwise should have been considered on humanitarian grounds. Responding to the issue, the representative of the State Government of Jammu and Kashmir submitted before the Committee as under:-

“जहां तक वध्वा कमेटी रिपोर्ट का ताल्लुक है, उस पर बाज़ाबिता स्टेट गवर्नमेंट ने एक्शन ली है। अक्टूबर, 2014 में कैबिनेट ने पीओके रिफ्र्यूजीज के परमानेंट रिहैबिलिटेशन के प्रपोजल को अप्रूव कर के गवर्नमेंट ऑफ इंडिया को ऑलरेडी रेपफर किया है।... हमने पीओके रिफ्र्यूजीज को इंकलूड किया है क्योंकि they were Permanent Residents of the State. सर, जब तक वेस्ट पाकिस्तानीज के रेजीडेंशियल राइट्स डिसाइड नहीं होते, तब तक we cannot include them because क्योंकि वध्वा कमेटी ने भी रेपफर किया है कि they should be considered. लेकिन जैसा कि होम सेक्रेटरी साहब ने कहा कि that is a political issue. यह लेजिस्लेचर के परव्यू में है। Once they decide, only can then we give amendments.”

2.1.12 Responding to the Committee’s query regarding the relevant provisions of the law relating to Custodian of Evacuee Property to safeguard the properties of Muslims who migrated to Pakistan in 1947 who have even got the citizenship of Pakistan gets compensation once the claimant comes back. The representative of State Government of Jammu and Kashmir apprised the Committee that the land which was allotted to Displaced Persons (DPs) by the Government was EP land as well as the Government land. Once the claimant comes back or he claims the rights through some of his relations, he would get compensation.

2.1.13 Further clarifying on the issue, the Home Secretary deliberated before the Committee as under:-

“In 1947, a very large number of the citizens of the then Kingdom of Jammu and Kashmir left Jammu and Kashmir and went to Pakistan... The landed property that they left behind was decided to be looked after by the Government and an agency was created to look after that land. It was called the Custodian of Evacuee Property.

Today, all evacuee property in the State of Jammu and Kashmir is under the charge of the Custodian who has been looking after this land on behalf of such people of Jammu and Kashmir who left Jammu and Kashmir and went over to Pakistan in 1947. No compensation of this land is paid to the people who had gone to Pakistan, however, if any of them decides to come back to India after foregoing the citizenship of Pakistan, claims that land and is able to establish that, it is taken up. There is a legal process through which that person has to pass before that claim can be established. If that person is able to establish his or her credentials after passing through the legal process, then that land is given back to that person. That is the way it works.”

2.1.14 The Home Secretary, however, clarified that the Enemy Property Act is not applicable to the State of Jammu and Kashmir. Regarding WPRs not getting money as compensation from the Ministry of Rehabilitation as per the DP Act 1954 and other related Acts, the Home Secretary stated as under:-

“the issue is that the DP Act of 1954 did not extend to the State of Jammu and Kashmir. Therefore, whatever compensation was paid in 1947 was paid out of the coffers of the State of Jammu and Kashmir. Since the Act did not extend to the State, the natural consequences of that did not follow. However, in the year 1971, after the Indo-Pakistan War, when we lost Chhamb, after the Agreement, the people who were living in the Chhamb area came and settled down in and around the district of Jammu. In their case we had the CDPRA coming into the State of Jammu and Kashmir. They set up an office there and the entire process of looking after the rehabilitation and compensating them was done from 1974 onwards till 1991 by the Government of India. But in 1947 the entire effort was made by the State of Jammu and Kashmir.”

2.1.15 On the issue of right to education in technical/professional institutes in the States, the Ministry of Home Affairs commented in writing as under:-

“As regards admission of children and grandchildren of WPRs (West Pakistani Refugees) in the higher, technical/ professional institution in the State, it is submitted that while disposing a Writ Petition filed by Shri Bachan Lal Kalgotra against the State of J&K, the Hon’ble Supreme Court vide their judgment dated 22.02.1987 had suggested inter-alia that the State Government may issue appropriate executive direction without having to introduce any legislation in regard to admission of children and grandchildren of WPRs in the higher, technical/ professional institution in the State. The State Government has been requested to issue appropriate executive direction/orders, so that children/grand children of WPR could get admission to technical/ professional educational institutions in the State. The State Government. has also been requested to examine the feasibility of allocating certain percentage of seats for the children/ grand children of WPRs.”

2.1.16 The Committee in its sitting held on 11th November 2014 further enquired as to whether the kins of WPRs could be given some reservations in educational institutions through out the country on the line of J&K migrants and also whether separate Kendriya Vidyalaya or

Navodaya Vidyalaya could be opened for admission of the wards of refugees and displaced persons, the Home Secretary reacted as under:-

“we should examine the possibility of seeing whether we can have a Kendriya Vidyalaya set up where the children of only these people can be given education. Sir, we will take a look at that. The Kendriya Vidyalaya regulations are a little different. Basically, these schools are meant for the employees of the Central Government who are posted in different areas. Hardly anybody amongst them is an employee of the Central Government, but nevertheless, we would work out some kind of mechanism. You have given us some indication. We will work out the best possible mechanism to have an educational system set up for them. Let me explain, Sir. The difficulty regarding education for these people is not with regard to school education or even college education. They get admission in schools and they get admission in normal degree colleges. The difficulty arises when some child wishes to get admission in a technical college. It could be an Engineering college; it could be a Computer Engineering college; it could be a Medical College or a Dental College. That is the place where the infirmity lies, because in those institutions if you are in Jammu and Kashmir, then the first question that they ask is for them to show their Permanent Resident Certificates. If they do not show the Permanent Resident Certificate, they are not eligible to get admission there. So, we will now go back and see how best to address this issue. One of the hon. Members said that when we were already giving some reservation in seats in technical and professional colleges in other parts of the country to the Kashmiri Pandit migrants and their children, why can't a similar facility be extended to the West Pakistani refugees of 1947, their children and the other refugees? We will take a look at it, Sir. We will try to resolve the matter to the best of our ability. We will take a serious look at that.”

2.1.17 Responding to the Committee's query as to why the Government of India does not offer the wards of refugees and displaced persons the facilities to study in other institutes in the country, the Home Secretary deliberated before the Committee as under:-

“No child living in Jammu and Kashmir, especially the children of the West Pakistani refugees, are denied the right to seek admission in any institution in the country, provided they make the grade regarding merit. So, the issue now is here, in all likelihood, a large number of children who pass out from the local schools of Jammu and Kashmir, because of the lower educational standards, are unable to meet that minimum benchmark. Therefore, a kind of concession needs to be extended to them. So, we will examine it from this angle too, how best we can extend a concession to make the children of these people eligible for seeking admission in the Central Government recognized colleges and institutions.”

2.1.18 Pertaining to the special financial package for one time settlement of West Pakistani Refugees, the Ministry of Home Affairs stated that the State Government has also been requested to send a proposal for financial package for rehabilitation of West Pakistani Refugees to the Ministry for consideration. Their proposal is awaited.

2.1.19 As regards the issuance of Domicile Certificate and relaxation of age for recruitment to Central Services, the Ministry of Home Affairs stated that the Central Government had

issued a notification in 1997 regulating the relaxation of age limit in favour of the residents of the State of J&K for appointment to Central Services and Posts. Under the said notification, relaxation in the upper age limit of 5 years shall be admissible to all persons who had ordinarily been in domicile in the State of J&K during the period 01.01.1980 to 31.12.1989. Any person intending to avail the relaxation shall submit a certificate from the DM/Designated Authority under whose jurisdiction he had ordinarily resided. The time limit has since been extended till 31st December, 2013. The State Government is issuing Domicile Certificates to the West Pakistani Refugees. As per the report received from the State Government they have issued 80 such certificates in 2008, 108 in 2009, 219 in 2010, 288 in 2011 and 89 in 2012.

2.1.20 Pertaining to issuance of SC/ST/OBC Certificate to WPRs, the Ministry commented that as per the report received from the State Government, they have been issuing Caste Certificates to the West Pakistani Refugees settled in the State. They have issued 13 Caste Certificates in 2008, 55 in 2009, 34 in 2010, 72 in 2011 and 38 in 2012.

2.1.21 The Committee further desired to know whether in view of the provisions of the Jammu and Kashmir Constitution concerning Permanent Resident Certificate whether there was any proposal or whether the Ministry was considering settling WPRs, outside the State. Responding thereto, the Home Secretary stated that there was no proposal under consideration in this regard so far.

2.1.22 The Committee pointed out the grievance of WPRs that the West Pakistani Refugees living on Custodian lands are prohibited by the Government from repairing their houses or making new constructions; and, they are asked to pay rent. In response to that, the Ministry of Home Affairs commented as under:-

“the Wadhwa Committee has recommended that the Evacuee Property Department should consider and allow the West Pakistani refugees to repair their houses as per norms and rules of the Department. It is mentioned that the Administration of Evacuee Property Act, 1950 enacted in the Parliament by the Government of India which has since been repealed in 2005, does not extend to the State of J&K. The evacuee property in J&K is administered by the State Act called “The J&K State Evacuee Property Administration Act, 2006”. This Ministry has requested the State Government vide letter dated 05.04.2013 to consider the request of West Pakistani refugees for allowing construction/renovation of houses on Evacuee Land.”

2.1.23 Regarding the extension of benefits of Centrally Sponsored Schemes to WPRs, the Ministry of Home Affairs informed the Committee that as per the report received from the State Government the State Government is extending the benefits of Centrally Sponsored Schemes such as MGNREGA, ICDS, IAY, Sampoorna Grameen Rozgar Yojana (SGRY), Total Sanitation Campaign (TSC).

2.1.24 The Committee sought to know the status regarding extension of credit facilities by banks to WPRs without collateral securities. The Ministry of Home Affairs informed the Committee as under:-

“The matter was taken up with the Credit Guarantee Fund Trust for Micro and Small Enterprises (CGTMSE) and Reserve Bank of India by this Ministry. The RBI has informed that they have already advised the J&K Bank Ltd., which is the convener

bank in the State, to take up the matter in the State Level Bankers Committee (SLBC) meeting to impress upon other banks in the State not to accept collateral security in case of loans upto ₹10 lakh extended to units in the Micro & Small Enterprises (MSE) sector and in turn take guarantee cover under credit guarantee scheme of CGTMSE.”

2.1.25 The Committee further desired to know as to what other mechanism is available to address the issues relating to the West Pakistani Refugees. Responding to the Committee’s query, the Home Secretary stated that the difficulty with regard to the West Pakistani Refugees emanated from the basic issue of the lack of Permanent Resident rights given to them, leading to the consequence of plethora of infirmities visiting upon them. He assured the Committee that all such infirmities are being considered in the Ministry and the Ministry intend to take certain measures to rectify the situation. He submitted before the Committee as under:-

“we have also been thinking as to how we can put in position a system whereby the infirmities visited on them could be minimized. We have now been toying with the idea of taking up the matter with NABARD. There are some schemes which are possible to be implemented there. After we have negotiated with them, spoken with the NABARD people and taken them on board. If they agree, we will try to implement that part of it. We are also looking at the employment part and trying to see if something can be done with the Central Armed Police Forces. After the hon. Committee had highlighted these issues, the Ministry is very seriously looking at all of them. We will try to see how best to resolve whatever is feasible.”

2.2 Displaced Persons of Pakistan Occupied Jammu and Kashmir

2.2.1 The representatives of PoJK suggested to the Committee that for the benefit of the present generation of POJK, the words ‘Kashmiri Migrants’ may be replaced by the words ‘Displaced Person of J&K States’ so that the children of POK may get benefit of admission into professional colleges and engineering colleges.

2.2.2 The representative of PoJK also informed the Committee that their problems are continuing since 21st/22nd October 1947. He further stated that Kashmiri Pandits who migrated in 1989 are getting good relief but refugees from PoJK are not fortunate enough to get even sustainable relief.

2.2.3 The representative of PoJK Refugees further informed the Committee that the relief was given subject to the conditions *i.e.* (i) person must be staying in the camps not with relatives (ii) head of the family also should have migrated and (iii) migration should be within September, 1947 and December, 1950. Families whose head of the family was killed during migration and migrated after December, 1950 were left. The Petitions Committee of Rajya Sabha in 62nd Report recommended for rehabilitation and compensation, which was not implemented. Recommendations of the Wadhwa Committee set up by the State Government in 2007 were also not implemented.

2.2.4 The Committee desired to know as to how many persons have migrated from POJK in 1947-48 and whether they have been registered in the State of J&K, and if so, whether the process of registration has been completed and if not, reasons for not registering of these

displaced persons so far and the responsible authority for this. In response to that the Ministry of Home Affairs submitted before the Committee in writing which is produced below:

“In the wake of Pakistani aggression in Jammu & Kashmir in 1947, mass exodus of population took place from Pak occupied area of Jammu and Kashmir to this part of the country. As per the information received from the State Govt. of J&K, 31,619 Displaced Persons (DPs) families have been registered with the erstwhile Provincial Rehabilitation Organisation constituted by the Government in the year 1950, which was disbanded in the month of October, 1982. Thereafter, Govt. of J&K created a Rehabilitation Cell in 1984 to find out a solution for their matters related to the settlement of these DPs of 1947 from PoK, which is under the charge of Custodian, EP, Jammu Ex-Officio PRO, Jammu who looks after the redressal problems of DPs of 1947.”

2.3 Displaced Persons of Pakistan Occupied Jammu and Kashmir (Chhamb)

2.3.1 The representatives of PoJK (Chhamb) Refugees informed that they were displaced three times *i.e.* in 1947, 1965 and 1971 as Chhamb was attacked three times because Chhamb was the first post on the way. Pakistan planned to divide Jammu & Kashmir in two parts. Due to sudden attack, affected persons came to this region who were kept in camps. About 10,000 people who could not settle in camps were to be given ₹25,000/- as relief amount but State Government has not implemented the same. The Committee was further informed that the persons who were displaced three times were not given any special package and as a result, they are compelled to dwell in border areas of LoC. Their children are illiterate because of absence of access to town and cities and therefore, there is need for reservation in professional colleges. They need reservation in educational institutions and permanent source of livelihood through employment.

2.3.2 The representative of PoJK (Chhamb) Refugees further informed the Committee that PoJK refugees earned properties in their name but since these properties were destroyed three times, they are in dire need for compensation without any discrimination. Citing a case of discrimination, the representative of PoJK informed the Committee that in 1956, a portion of PoJK refugees were given compensation of ₹10,300/- but another group was given compensation of ₹3100/- only. About 3,500 families were given only relief amount and they were informed that the remaining amount would be paid later on. The representatives pleaded that value of Rs. 10,300/- in 1956 must have been increased to ₹2 crore. The amount which was earlier given to the tune of ₹25,000 has now been shown as enhanced amount to the tune of ₹1,50,000/-, this amount is not sufficient to purchase even one marla land. The representative pointed out that whatever property they have left there earlier may be compensated to them. Though it was assured that the same would be given, but that has not been done even after a period of sixty six years. And now it is being said that in lieu of that property only an amount of ₹1,50,000 would be given. The representative also requested for adequate compensation since they were having landed property, house and everything which were destroyed.

2.3.3 Pointing out the non-compliance/implementation of announced relief package, the representative of PoJK submitted as under:-

"यहां से जो रिलीफ पैकेज एनाउंस किया जाता है, स्टेट गवर्नमेंट उसे इम्प्लिमेंट ही नहीं करती है। हालत यह है, 1947 वालों को जो रिलीफ दिया जाना था, उसके बारे में 9 अगस्त, 2000 को यहां से लैटर भी इश्यू किया गया, लेकिन आज तक भी वह पैकेज पूरी तरह से वहां इम्प्लिमेंट नहीं हुआ है। हमारी कोई सुनवाई वहां नहीं है। जब चीफ मिनिस्टर साहब, जो वहां के एग्जीक्यूटिव हेड हैं, वही कोई रिस्पॉंस नहीं देते, पिफर इम्प्लिमेंट कौन करेगा? कोई हमें पूछता ही नहीं है। एक चीज़ तो हम यह चाहते हैं कि एजुकेशन और इम्प्लॉइमेंट में हमें कोटा दिया जाए। "

2.3.4 The representatives of PoJK (Chhamb) made the following submissions before the Committee:-

- (i) The migrants should be registered. 31,600 families were registered while 9,500 families were not registered as they could not fulfill the condition. The properties which were lost have not been compensated. One third of the population of PoJK migrated to Jammu. They should be provided with political rights in exile as they spread to the whole country. Children of such families should be provided reservation in professional courses.
- (ii) Refugee Development Board should be constituted to look after the development needs of such migrants. Out of the *ex-gratia* payment of ₹3500, ₹2500 was deducted against provision of land which was never given even after 65 years. Now the Government is giving ₹1,50,000 on account of non-grant of land promised.

2.3.5 The Committee desired to know about the status and policy for PoJK and whether persons from PoJK are considered as refugee with the status of internally displaced persons and whether these displaced persons have been given any employment or any other package. The Ministry of Home Affairs responded as under:-

"The displaced persons from PoJK are not considered as refugees. They are the citizens of India. They are also the permanent residents of the State of J&K. In order to mitigate the hardship of these families and to rehabilitate them, the Government of India had announced relief and rehabilitation measures from time to time and sanctioned a package in 1947-48, which included allotment of 2-3 acres of irrigated or 4-6 acres of un-irrigated land, ₹ 1,000/- per family as ex-gratia relief and regularization of 46 basties in rural areas for rural settlers. Subsequently, ownership rights in respect of State land were also conferred upon them. In respect of Evacuee land, occupancy tenancy rights were given under the Agrarian Reforms Act, 1976. For urban settlers, the package included ex-gratia payment of ₹ 3500/- per family, construction of 1600 residential quarters and allotment of plots in 123 cases by the State Housing Board in Jammu. In 1960, the Government issued another sanction for payment of rehabilitation assistance to these displaced persons. However, various associations of these displaced persons had been raising their grievances at different fora from time to time. In January, 1998, Government of India constituted a Committee under the Chairmanship of Shri R.D. Kapur, the then Additional Secretary, Ministry of

Home Affairs to consider the grievances of the displaced persons and submit a report. Various Associations such as Jammu Kashmir Sharnarhi Action Committee, Jammu & Kashmir Displaced Persons Refugee Association, Central Committee All J&K Kashmiri Refugees (1947), All India J&K DPs Association and Mirpur (J&K) Welfare Association were invited by the said Committee. The Committee had also considered the representations from other Associations/Organisations. After detailed deliberation on the demands and grievances of the displaced persons and taking into consideration the rehabilitation package/assistance already sanctioned earlier by the Govt. of India, the Committee had made certain recommendations.”

2.3.6 The R. D. Kapoor Committee submitted its report in 1999 and recommended acceptance of the following four major demands of the displaced persons from Pak occupied Kashmir:

- (i) Payment of cash compensation for land deficiency @ ₹5,000/- per kanal subject to maximum of ₹25,000/- per family.
- (ii) Payment of ex-gratia relief @ ₹25,000/- per family to those displaced persons of Pak occupied Kashmir who were held in Pak captivity during the crucial period from September, 1947 and December, 1950; those who did not stay in camps; and where the head of the family did not move along with family before the cut off date.
- (iii) Payment of ₹2.00 crore to the State Government of J&K for allotment of plots for those who had settled in urban areas.
- (iv) Release of ₹25.00 lakh to State Government for improvement of civic amenities in 46 regularised basties.

2.3.7 The Ministry further stated that as per the recommendations of the Committee, the Government of India had announced a relief package in 2000. Subsequently in 2008, the scale of cash component for land deficiency was further enhanced. The State Government has reported that a separate office to look into the problems of PoK DPs of 1947 have been constituted which is headed by Custodian (Ex-officio Provincial Rehabilitation Officer) Jammu.

2.3.8 In 2008, the Government of India announced a package in which the scale of cash compensation for land deficiency was increased from ₹5,000/- per kanal to ₹25,000/- per kanal subject to maximum of ₹1.5 lakh and Rs.2 lakh to be provided to the urban settlers who have not been allotted plots in urban areas in lieu of the plots.

2.3.9 Between March 2002 to March, 2004, an amount of ₹6.17 crore was released to the Government of J&K for providing relief assistance to DPs from PoK for implementation of the relief package announced in 2000. In 2008, on the recommendation of the State Government of J&K, an amount of ₹49 crore was released to the State Government Out of a sum of

₹55.17 crore released so far, the State Government of J&K has incurred Rs.30.84 crore till June, 2013.

2.3.10 As per the information received from the State Government, a total of 6,80,850 kanals of evacuee property land and 2,43,000 kanals of State land has been allotted to the DPs of 1947 and 1628 residential quarters and 793 plots have been allotted to the Urban DPs of 1947.

CHAPTER – III

ISSUES AND COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS

3.0 The Ministry of Home Affairs has furnished its comments, issue-wise, on the various issues raised by the representatives of West Pakistani Refugees, POJK Refugees, 1947, Chhamb Displaced Persons of 1965 and 1971 and also by Members of the Committee during the meetings. The issues raised as well as comments received from the Ministry of Home Affairs, and the observations and recommendations of the Committee are given in the succeeding paragraphs.

3.1 West Pakistani Refugees (WPRs)

3.1.1 Permanent Resident Certificate and Voting Right

3.1.1.1 Representatives of West Pakistani Refugees (WPRs) submitted that they are not eligible to be member of the Village Panchayat, and not eligible to take part in State Elections even after being residents in J&K for the last 67 years. They cannot purchase land in Jammu & Kashmir, hence, due to non-protection of their rights, the WPRs are living in the State of J&K as slaves. They demanded for right to purchase land in the State, right to vote for the State Assembly and the Local Bodies, and observation for admission into professional and technical colleges in the State.

3.1.1.2 The Committee takes note of the Ministry of Home Affairs that the West Pakistani Refugees settled in Jammu and Kashmir are very much the citizens of India. They have the right to vote in Parliamentary Elections but they do not enjoy voting rights to the State Assembly and Local Bodies. There is no provision of separate citizenship for the State. The West Pakistani Refugees have migrated from such areas which were not part of erstwhile Jammu and Kashmir as such, and could not be treated as permanent residents of the State like DPs who had migrated from the areas of PoJK.

3.1.1.3 The Committee also notes that as per the State Constitution, only those persons can purchase property or contest elections if they are permanent residents of the State and are in possession of Permanent Resident Certificate. The West Pakistani Refugees can be declared as permanent residents only after the Constitution of the State is amended. The Committee has taken note of the fact that the West Pakistani Refugees families can't avail the benefits of various social welfare schemes launched by the State Government and the members of their

families can seek neither Government employment in the State nor admissions in various professional colleges of the State. No other benefits of any kind have been granted to these refugees.

3.1.1.4 It was also brought to the notice of the Committee that the Government of India has requested the State Government to consider conferment of the benefit of “State Subject” and to consider issue of Permanent Resident Certificate (PRC) to these people. The State Government has constituted a Cabinet Sub-Committee to consider the matter. The Committee in this connection notes the submission made by the representative of Government of Jammu and Kashmir during the Committee’s sitting held on 11th November, 2014 that the Cabinet sub-committee has met five times but so far no decision has been taken. Some Members of the Committee felt that the issue of Permanent Resident Certificates has not been settled even after more than six decades and were of the view that the grants to the State Government may be linked with the settlement of this issue.

3.1.1.5 With regard to query as to how long the critical issue of permanent residency and citizenship of WPR would continue, the Committee also notes with all seriousness the submission made by the Home Secretary during the aforesaid meeting that legally WPRs do not have a right of claiming to be the permanent residents because of the very simple reason that they were living in the then West Pakistan which was not a part of the Maharaja’s territory. And how and when the State Government will grant them the Permanent Resident status is a political question which the Ministry, at this juncture, cannot give a reply to. The Central Government has been writing to the State Government frequently the last being on 7th November, 2014.

3.1.1.6 The Committee expresses its serious concern that the West Pakistani Refugees, who are very much citizens of India and eligible for voting in Parliamentary elections do not possess right to vote in the State Legislative Assembly elections on the pretext that they are not permanent residents of the State in terms of the J&K Constitution. The Committee feels that though they are living there for more than 60 years, they are not leading the life of free citizens despite having voting rights for Parliament. This right has not earned them any special benefits. The Committee strongly recommends that the Central Government must impress upon the State Government to consider, as a one time measure, the demand of West Pakistani Refugees to grant them the status of permanent residents of the State sympathetically so that they can live as state subject in a dignified way, with all legal rights including right to vote in State Legislative Assembly.

3.1.2 Provision of State Government Jobs

3.1.2.1 According to the representatives, the Refugees are not entitled to any Government post under Rule 17 of the Jammu and Kashmir Civil Service Recruitment Rules and the J&K Civil Service Rules, 1956 should be amended to make entitled the children of refugees for State Government jobs.

3.1.2.2 The Committee takes note of the reply of the Government that in the absence of permanent resident status, no person can be provided job within the State. In the State of J&K, only those persons can seek jobs within the State who are permanent residents. Since

providing of such benefits need amendment in the J&K Constitution as such, no further action could be taken.

3.1.2.3 The Committee feels that once the permanent resident right is granted to West Pakistani Refugees, all subsidiary benefits would automatically follow enabling them to lead decent life. The Committee, therefore, recommends that J&K Constitution may be amended for conferring the status of State Subject on the WPRs at the earliest. These people have already suffered for more than 60 years and the issue brooks no delay. The Committee also recommends that pending final decision in the matter, a temporary waiver may be made for admission of the children in the professional institutions.

3.1.3 Reservation in Central Government Jobs/Central Professional Colleges

3.1.3.1 It was urged that reservation should be provided in Central Government jobs/Central professional colleges for the wards of WPRs. Implementation of Hon'ble Supreme Court's suggestion in the case titled State Government Vs. B.L. Kalgotra regarding admission in State professional/technical colleges should also be ensured. As per the Hon'ble Supreme Court's suggestion, Executive order should be issued to make WPRs eligible for admission in State professional/technical colleges. All Deputy Commissioners be asked to issue SC and OBC Certificates to eligible WPR.

3.1.3.2 The Ministry in its written reply informed that the State Government has stated that this issue will be incorporated in the package proposal for consideration. The observations made by the Hon'ble Supreme Court can be implemented only after making amendment in the State Constitution. The Hon'ble Supreme Court had asked the State to consider the demand and make amendments wherever required. State Government has informed that they are issuing instructions to concerned authority to issue SC and OBC Certificates to eligible WPRs. The Ministry further commented that as per the report received from the State Government, they have been issuing Caste Certificates to the West Pakistani Refugees settled in the State. They have issued 13 Caste Certificates in 2008, 55 in 2009, 34 in 2010, 72 in 2011 and 38 in 2012.

3.1.3.3 The Committee is of the view that since the State Government has agreed, in-principle, to incorporate the provision of reservation for the wards of WPRs in jobs, the State Government should not delay in processing the matter. State Government should honour the suggestion of the Supreme Court for issuing appropriate executive order to make WPRs eligible for admission in State professional/technical colleges as it is not linked to the permanent resident status of these persons. The Committee also desires that the matter of issuance of SC and OBC Certificates to eligible WPRs should be expedited.

3.1.3.4 The Committee also takes note of the assurance given by the Home Secretary for admission to the wards of WPRs in engineering and medical colleges in J&K. The Committee has already made a separate recommendation to address the issue of permanent resident certificate so that the children may get admission in engineering

and medical colleges in J&K. Besides that, as assured by the Home Secretary, a mechanism may be explored to provide reservation to the wards of WPRs in engineering, medical and other related institutions of higher education across the country. The Committee also recommends that, if necessary, the minimum benchmark required for admission in such institutions may be relaxed for those wards because of their lower educational standard.

3.1.4 Opening of KVs/NVs for WPRs

3.1.4.1 During the course of the meeting of the Committee, a suggestion was floated to explore possibility of opening a Kendriya Vidyalaya or Navodaya Vidyalaya for WPRs. The Home Secretary took a cue and promised to look into the suggestion in all seriousness.

3.1.4.2 **The Committee takes note of the assurance given by the Home Secretary to work out the best possible mechanism to have an educational system set up for them, either Kendriya Vidyalaya or Navodaya Vidyalaya. The Committee strongly recommends that the Ministry of Home Affairs may, in consultation with the Ministry of Human Resource Development, work out some mechanism for opening schools by the Central Government for the wards of WPRs. This may be done at the earliest so that the next academic session may start in those schools.**

3.1.5 One Time Package, Monthly Monetary Assistance and Accommodation

3.1.5.1 The representatives of WPRs demanded for one time financial package for settlement of WPRs. Monthly monetary assistance of ₹10,000/- per family should be given to WPRs till their permanent settlement. Monthly free ration should be given to the WPR families and three room tenements be made by Government of India for the WPRs in the cities of Jammu, Kathua and Samba at par with the Kashmiri Pandit Migrants.

3.1.5.2 The Committee takes note of the reply of the Ministry of Home Affairs that the demand will be incorporated in the one time financial settlement package. State Government has been asked to send a proposal for relief and rehabilitation to WPRs for consideration. However, proposal for relief and rehabilitation to WPRs has not been received from the State Government. The Ministry of Home Affairs further stated that the Kashmiri Pandits migrants cannot be equated with the West Pakistani Refugees, hence, this demand cannot be accepted.

3.1.5.3 **The Committee strongly recommends that the Central Government should impress upon the State Government for early finalization of one time financial package for settlement of WPRs. The Committee is of the considered view that even if West Pakistani Refugees cannot be equated with the Kashmir Pandits migrants, but they deserve immediate relief and rehabilitation for sustenance without delay. One time compensation of ₹30 Lakhs may be provided within one year and there should not be any delay in the matter.**

3.1.6 Creation of separate battalion in State Police, Army and Para Military Forces

3.1.6.1 The representatives of WPRs sought for creation of separate battalions in State Police, Army and Para Military Forces from among the youths of the WPRs as per the announcement made in 2008 by the then Chief Minister of J&K.

3.1.6.2 The Ministry of Home Affairs has submitted that no proposal has been initiated from State Government of Jammu and Kashmir.

3.1.6.3 The Committee taking a serious note of the casual reply by the Government recommends that Union Government should persuade the State Government to initiate action to implement the announcement made for the creation of separate battalion in State Police, Army and Para Military Forces from among the youths of the WPRs.

3.1.7 Reservation of Seats in Legislative Assembly and Legislative Council

3.1.7.1 It was demanded that two seats in the Legislative Assembly and one seat in Legislative Council of the State be reserved for WPRs.

3.1.7.2 According to the Ministry of Home Affairs, State Government has informed that the issue of reservation of two seats in the Legislative Assembly and one seat in Legislative Council of the State for WPR needs amendment in J&K Constitution.

3.1.7.3 The Committee is of the considered view that citizens of India must have the right to elect and get elected in all representative bodies to enhance the strength of democracy. WPRs should get permanent resident status sooner for fostering complete faith in democracy. The Committee recommends that the Ministry of Home Affairs may pursue with the State Government to examine the issue of reservation of seats in the Legislative Assembly and Legislative Council of the State for WPRs, and if necessary, may move for necessary amendment to J&K Constitution.

3.2 Displaced Persons From PoJK in 1947

3.2.1 Official registration of DPs of 1947

3.2.1.1 It was demanded that official registration of DPs from PoJK by GoI/State Government of J&K should be undertaken. Left over families of DPs may be given an opportunity for registration. As first priority, Government of India must issue an advertisement inviting applications for general enumeration of all PoJK DP families without any conditions that were kept in 1960 stipulating details of their properties, buildings and land left back in PoJK. Recount of PoJK DP families staying in J&K and other Indian States be made afresh and register to examine their entitlement of claim for interim package/compensation.

3.2.1.2 The Committee was informed by the Ministry of Home Affairs that as per the available records, 31,619 families were registered with the Rehabilitation Organisation, out of which 26,319 families opted to settle down within the State itself and 5,300 families settled outside the State of J&K (Delhi 1,901 families, Maharashtra 123 families, Rajasthan 495 families and other States 2,781 families). Out of 26,319 families, around 22,719 families opted to settle in rural areas, whereas 3,600 families settled in urban areas.

3.2.1.3 The Ministry of Home affairs further submitted that formal registration has already been done during 1960 to 1962 and after a lapse of over 50 years, demand for fresh enumeration of the DPs will have practical problems.

3.2.1.4 The Committee takes into account the fact that non-registered families are not given proper relief and compensation amount. The Committee is of the view that for that purpose, their fresh enumeration is necessary. The Committee also feels that in order to understand the problems being faced by PoJK DPs and to have updated policy guidelines for them, it is appropriate that their enumeration is done at the earliest. The Committee, therefore, recommends that the Government should take adequate steps immediately to ensure official registration of Displaced Persons from PoJK in order to ensure that benefits of schemes meant for refugees and Displaced Persons reach the targetted group.

3.2.2 Defreezing of Seats in Legislative Assembly

3.2.2.1 The representatives of the affected persons were of the view that 8 seats out of 24 Legislative Assembly seats which are designated for the territorial constituencies of the State that lie in Pakistan occupied Kashmir in favour of PoJK DPs may be defreezed.

3.2.2.2 According to the Ministry of Home Affairs, State Government of J&K has informed that this needs amendment in the State Constitution.

3.2.2.3 The Committee considers that the Government of India should take up the matter of defreezing of 8 seats for PoJK DPs with the State Government of J&K keeping in view the problems being faced by DPs. The Ministry may impress upon the State Government to make amendments in the State Constitution, if necessary, at the earliest.

3.2.3 Sanctioning of interim package

3.2.3.1 It was demanded that an interim package be sanctioned for PoJK DPs with compensation for loss of life, property, movable and immovable, and the suffering caused to them during last 65 years.

3.2.3.2 The Ministry of Home Affairs viewed that rehabilitation assistance has already been sanctioned/ paid from time to time to the urban as well as rural settlers.

3.2.3.3 The Committee notes the above comments of the Government but finds non seriousness in keeping its words. The Committee notes that under the assistance sanctioned in 1947-48 for rural settlers, 46 Basties constructed by rural settlers on their own were regularized under the Slum Improvement Scheme of J&K. However Rs.25 lakh for improvement of civic amenities in 46 regularized colonies were sanctioned under rehabilitation package in the year 2000. One can imagine the number and level of facilities to be provided in a basti at an average amount of ₹54,000 in the year 2000. The Committee further notes that for improvement of civic amenities in 46 recognized colonies, the State Government has constituted a Committee to prepare a survey report for improving the civic amenities in the recognized colonies. However, the survey report has not yet been finalized by the State Government Likewise, 123 urban settlers were

given plots under assistance in 1947-48. Thereafter, after 52 years, in the year 2000, an amount of Rs.2 crore was sanctioned for the allotment of plots to the displaced persons who settled in urban areas of J&K and were not allotted plots in the past. The Committee also takes note of the latest situation wherein the Ministry of Home Affairs has informed that for making a payment of ₹2 lakh per family in lieu of plot, in the year 2008, as per the report received from the State Government, the work is still continuing and out of 198 applications received by them, 48 applications were found complete. Out of these, 18 applications were placed before the verification committee, of which 6 applications have been approved, 2 have been rejected and in 10 cases re-verification is required. Remaining 30 applications will be placed before the verification committee. The Committee feels that this is taking unduly a long time and should be completed at the earliest.

3.2.3.4 The Committee, without saying furthermore, feels that rehabilitation assistance has been awfully insufficient with very poor track record of implementation. The Committee is of the strong opinion that the assistance being provided to PoJK DPs of 1947 must be sufficient for sustenance and therefore the sufficient interim relief be given immediately till the finalisation of one time compensation, which, according to the Government, is being incorporated in the package. The Committee also takes a serious note of the fact that the survey report has not been finalized and urges upon the Ministry of Home Affairs to pursue the State Government to complete it at the earliest.

3.2.4 One Time Compensation

3.2.4.1 It was demanded by the representatives that one time compensation of ₹30 lakh per family unit for PoJK DPs should be given.

3.2.4.2 According to the Union Government, the State Government has informed that the demand is being incorporated in the package.

3.2.4.3 The Committee desires that one time compensation of ₹30 Lakh may be included in the package and Ministry may ensure that the package is finalized.

3.2.5 Slow Disbursal of Compensation

3.2.5.1 It was suggested that payment of compensation should be expedited in respect of the fund/package sanctioned to the State Government in 2008 which is going on very slowly. Further Steps should be taken by the Government of India and State Government of J&K to give compensation to the DP families.

3.2.5.2 The Ministry of Home Affairs submitted that already ₹30.84 crores has been disbursed and the process is going on. The Government of India has already asked the State Government to expedite the payment of compensation to the DPs and close the Scheme in the current year.

3.2.5.3 The Ministry further informed that for mitigating the hardships of families who had migrated from Pak Occupied Kashmir (PoK) in the wake of Pakistani aggression in J&K in

1947, rehabilitation assistance had been sanctioned from time to time. Besides that, the GoI has advised the State Government to consider further demands which are as under;-

- (i) Consideration of additional 1950 land deficiency claims received during the year 2004.
- (ii) Consideration of additional 640 applications from urban DPs after the cut-off date for allotment of plots.

3.2.5.4 The Committee expresses its deep concern that the payment of compensation in respect of fund/package sanctioned in 2008 is being implemented at snail's pace affecting the lives of POJK DPs. The process should have been completed much earlier. The Committee, therefore, recommends that the Union Government must pursue the matter with the State Government to expedite the implementation of the package without further delay.

3.2.5.5 The Committee further recommends that the demands of such DPs for consideration of additional 1950 land deficiency claims received during the year 2004 and additional 640 applications from urban DPs after the cut-off date for allotment of plots may be examined. Ministry of Home Affairs may take initiative to get the issue resolved within one year and pursue the State Government in this regard.

3.2.6 Inclusion of PoJK DPs in Dialogue on J&K

3.2.6.1 It was demanded that the PoJK DPs must be included in any dialogue on J&K at any level being the first victim and natural party to any settlement.

3.2.6.2 In response to the demand, the Ministry of Home Affairs opined that only those groups can be allowed to participate who are or will specifically be authorised to participate.

3.2.6.3 The Committee is of the view that this demand needs to be examined cautiously. The Committee feels that concerns of the displaced persons of PoJK should be taken into consideration before addressing their grievances for redressal. The channel for discussions with the representatives should be kept open so that they may have no feeling of being neglected.

3.2.7 Constitution of Welfare and Relief Commission/Development Board

3.2.7.1 The representatives of the affected persons suggested that Welfare and Relief Commission/Development Board should be constituted for DPs of PoJK, 1947 to look after the statistical/data base needs, economic support, social needs, employment needs and for working out the compensation etc.

3.2.7.2 The Ministry of Home Affairs responded by saying that already a separate office has been created for addressing their problems, and at this stage, there is no proposal for constitution of a Commission or Board for such DPs. The Ministry in its written submission also mentioned that the Provincial Rehabilitation Organisation was constituted by the Government in the year 1950, which was disbanded in the month of October, 1982.

Thereafter, Govt. of J&K created a Rehabilitation Cell in 1984 to find out a solution for the matters related to the settlement of these DPs of 1947 from PoK, which is under the charge of Custodian, EP, Jammu Ex-Officio PRO, Jammu who looks after the redressal problems of DPs of 1947.

3.2.7.3 The Committee understands that the demands of the representatives of PoJK DP of 1947 for constitution of a Welfare and Relief Commission/Board for DPs of PoJK, 1947 can be attributed to the reason that the existing office meant for addressing their problems is not functioning effectively. The Committee, therefore, recommends that a Welfare and Relief Commission/ Development Board with adequate infrastructure may be constituted in view of the large number of people involved and number of issues to be addressed.

3.2.8 Constitution of a Committee

3.2.8.1 The representatives argued that a Committee should be constituted to look into the problems of PoJK DPs.

3.2.8.2 The Ministry of Home Affairs mentioned that the Government had constituted Wadhwa Committee for addressing the issues of DPs. The Committee has submitted its report and is presently pending with the Cabinet Sub-Committee for its consideration.

3.2.8.3 The Committee feels that though Wadhwa Committee submitted its report in the year 2007, no action has been taken on its recommendations. It is still with Cabinet sub-Committee. The report can not be kept pending indefinitely. The Committee, therefore, recommends that the Union Government should take up the matter with the State Government to expeditiously consider and implement the recommendations of Wadhwa Committee within six months.

3.2.9 Publicity of Nodal Agency/Officer

3.2.9.1 It was suggested to the Committee that the name(s) of nodal agency/officer for giving benefits to DPs of 1947 of POJK and its jurisdiction and power be publicised.

3.2.9.2 The State Government of J&K has created a separate organization, headed by Provincial Rehabilitation Officer, Jammu, for extending the benefits for rehabilitation of POJK DPs, which is under the charge of Custodian, EP.

3.2.9.3 The Committee is of the view that the Government should post on the internet the details of the name and telephone numbers of Provincial Rehabilitation Officer, Jammu, and other associated agencies/officers for extending benefits to DPs of 1947 of PoJK along with its jurisdiction and powers as well as the procedure, in simplified way, to be followed for making claims or redressal of grievances. This may also be given wide publicity particularly in the areas where PoJK DPs are living and other places.

3.2.10 Reservation in technical and other professional colleges, special package for employment and interest free loans for business

3.2.10.1 It was vehemently demanded that reservation should be provided in technical and other professional colleges for children of POJK DPs, and special package should be given for employment of educated youth and interest free loans to establish their own business etc.

3.2.10.2 The Government assured that the demand is being incorporated in the package.

3.2.10.3 The Committee feels that since the concern of PoJK DPs for reservation in technical and professional colleges has already been accepted by the Government, its implementation on ground level should not be delayed. The Committee also desires that the Government may facilitate interest free/subsidized loans to PoJK DPs to establish their business so that they can lead a settled life banking on their permanent source of livelihood. Employment drive for 5-10 years for the youths belonging to PoJK DPs should also be conducted.

3.2.11 Monthly cash, ration money, exemption from income tax

3.2.11.1 It was submitted that Displaced Persons of 1947 from POJK should be provided monthly cash doles, ration money, exemption from income tax. According to the Ministry of Home Affairs the Government of India has already approved substantial package of relief and has also revised the package from time to time. Therefore, this demand is not accepted.

3.2.11.2 As mentioned earlier, The Committee is of the view that the rehabilitation assistances have been awfully insufficient with very poor track record of implementation. In view of the pathetic conditions of the displaced persons, the Committee feels that Government may consider these demands in the package meant for PoJK DPs, keeping in view rising inflation and consequent impact on cost of living.

3.2.12 Granting State Subject to PoJK refugees living outside the State

3.2.12.1 The representatives demanded that PoJK refugees living outside the State may be given grant of State Subject including ration card, entry in voter list and municipal records etc.

3.2.12.2 The Ministry of Home Affairs has stated that Permanent Residents of J&K Certificates are being issued as per the J&K Permanent Resident Certificates Act. Any person who has been or who is a resident of the State and fulfils the criteria prescribed in the Act can obtain the PRC. The PRCs are required either for purchasing of property within the State or seeking employment within the State and there is no other use for such PRCs outside J&K.

3.2.12.3 The Committee desires that the matter may be discussed with the representatives of PoJK DPs for solution. The Committee also desires that one nodal officer may be appointed in Delhi for granting Permanent Resident certificates to PoJK DPs living outside the State of J&K as being done for Kashmiri migrants. A campaign may be initiated to attract more and more PoJK DPs living in other parts of the country by issuing advertisements in national dailies and the rules for applying the Permanent Resident Certificate may be simplified.

3.2.13 Refugee status to PoJK DPs

3.2.13.1 It was also demanded that refugee status be given to PoJK DPs for availing benefits under National and International Laws.

3.2.13.2 The Government put forth its opinion that the PoJK DPs are the citizens of India and also the permanent residents of the State of J&K. Hence, they cannot be treated as refugees.

3.2.13.3 The Committee agrees that since PoJK DPs are the citizens of India and also permanent residents of the State, their mere displacement cannot make them refugees as such. Government may, however, consider the benefits and other packages as admissible under the law.

3.2.14 Allotment of land and inadequate land deficiency compensation

3.2.14.1 It was brought to the notice of the Committee that the cabinet decision of 1954 regarding allotment of evacuee /State land was not implemented in the right earnest. Roshni Scheme of J&K benefited illegal occupants of land and not refugees having land deficiencies.

3.2.14.2 It was also informed that 1,62,000 kanals of evacuee land lies in the possession of Custodian Department for clearing pending cases of land deficiency. Custodian Department is leasing land to local persons and for commercial purposes thereby depriving the refugees of the legitimate rights. It was suggested that the State /Custodian Department should take steps for allotment of land to refugees in the State of J&K having land deficiencies at the earliest.

3.2.14.3 The representatives argued that the existing land deficiency compensation @ ₹1.50 lakh or land upto 5 kanal by the State Govt. is not sufficient.

3.2.14.4 The Ministry of Home Affairs informed that the State Govt. had decided to allot land to POJK DPs as per cabinet order No. 578-C of 1954 dated 05/04/1954 and accordingly, 6,80,850 kanals of EP land and 2,43,000 kanals of State land were allotted to such families who opted to settle in rural areas. The Roshini scheme was implemented in pursuance of State Legislation. All residents of the State including PoJK DPs were entitled under the scheme.

3.2.14.5 The Government further informed that the families who were deficient of land have already been compensated. Compensation has already been paid @ ₹30,000/- per kanal subject to ceiling of ₹1.50 lacs per family against land deficiency. More than 2,500 families have already received this compensation and some more cases are in pipeline. The demand for allotment of land to refugees in the State of J&K having land deficiencies has been met by providing cash compensation against the land deficiency.

3.2.14.6 It was also stated that in 2008, the Government of India had enhanced the compensation and there is no case to raise it again.

3.2.14.7 The Committee, recommends that the amount of compensation for land deficiency may appropriately be reviewed. All those families that have not received compensation may be given compensation immediately without any delay.

3.2.15 Opening of Jammu-Sialkot road

3.2.15.1 It was suggested to the Committee that Jammu-Sialkot road may be opened for trade and other activities.

3.2.15.2 The Ministry of Home Affairs submitted that this needs to be considered through the diplomatic channels and considering the state of Indo Pak relationship.

3.2.15.3 The Committee is in agreement with the view of the Union Ministry of Home Affairs. Efforts may be made to open Jammu-Sialkot road for trade and other activities through the diplomatic channels.

3.2.16 Actual Line of Control Certificates

3.2.16.1 The representatives demanded that Actual Line of Control (ALC) Certificates may be given to DP families of 1947 staying in the vicinity of border areas in Jammu for getting jobs. Special package for the people living on International border should be provided. People living in ALC should be provided 5 marlas of land in any safe area to construct houses and provide proper housing colonies for the DPs living in refugee camps under inhuman conditions.

3.2.16.2 The Ministry of Home Affairs informed that the benefit of reservation is being provided to such persons who have settled along the ALC. The areas falling under ALC have already been notified. The State Government has reported that the matter of providing 5 marlas of land to the people living on International border/ALC in any safe area will be looked into.

3.2.16.3 The Committee feels that the need of issuance of ALC Certificate to DP families of 1947 staying in the vicinity of border areas in Jammu may be due to the fact that such certificate would enable the DPs to avail the benefits of reservation by proving that they are the residents of areas falling under ALC. Mere notification might not be sufficient for proof. Government should arrange for issuance of ALC Certificates to DP families of 1947.

3.2.16.4 The Committee also recommends that the issue of providing five marlas of land to the people living on International border/ALC, in any safe area may be considered sympathetically and an early decision may be taken.

3.2.17 Compensation against land used for mining/fencing

3.2.17.1 The representatives asked for alternate place/cash compensation to the families whose land is falling under border fencing ditches/mines.

3.2.17.2 The Union Ministry of Home Affairs submitted that the State Government has informed that the issue will be looked into. However, rent is being paid to the persons whose land is occupied by the forces for mining/fencing purposes.

3.2.17.3 In view of the Committee rent is different and it cannot be compared with compensation. Since the State Government has agreed to consider it, the Committee recommends that early decision may be taken sympathetically.

3.2.18 Exemption from paying rent

3.2.18.1 It was submitted that the DPs staying in Custodian Houses may be exempted from rent and these houses be allotted to them permanently.

3.2.18.2 According to the Ministry of Home Affairs meagre rent is being charged from DP's for the quarters allotted in their favour. The Ministry also informed that the State Government has stated that occupancy tenancy rights were given under the Agrarian Reforms Act and these rights are more or less absolute in the sense that the allottees can transfer the right of occupancy tenancy by sale, gift or exchange without permission of Government.

3.2.18.3 When once occupancy tenancy rights were given to DPs under the Agrarian Reforms Act and these rights are more or less absolute in the sense that the allottees can transfer the right of occupancy tenancy by sale, gift or exchange without permission of Government, then the Committee feels to understand as to how the rent is being charged from the DPs for the houses. The Committee, therefore, recommends that the Ministry of Home Affairs in tandem with the State Government should clarify the stand on the issue at the earliest to clear the apprehension of the allottees.

3.2.19 Equal treatment to all Displaced persons

3.2.19.1 It was mentioned that all the DP families of 1947 should be treated equally in terms of allotment of land, cash compensation in lieu of land deficiency and payment of other benefits. DPs from PoJK, irrespective of the year they reached here should be treated as one lot.

3.2.19.2 Accordingly to the Ministry of Home Affairs each category of DPs is being treated as per the package/facilities announced from time to time. Only those who had come within the crucial period between September, 1947 to December, 1950 have been treated as one lot. Those who came after the crucial period cannot be given the status of DPs of PoJK. The left over families did not fulfil the prescribed criteria for registration. Therefore, their cases for registration were rejected. Therefore, this demand for registration after a lapse of 50 years is not accepted.

3.2.19.3 The Committee feels that though all may not be treated at par, but, their problems need to be addressed properly and suitable solution should be found.

3.3 Chhamb Displaced Persons (DPs) of 1965 and 1971 (Camp) & (Noncamp)

3.3.1 One time compensation

3.3.1.1 It was demanded by the representatives of the affected persons that one time compensation, not less than ₹25 lakh for each family for the property left by the Displaced Persons of 1965 and Displaced persons of 1971 (camp) and (non-camp), should be given. Besides, one time *ex-gratia* payment @ ₹25 lakh each family should also be made to all DPs of Chhamb 1965 and 1971 for the losses suffered due to successive wars Pakistan. Monthly stipend may be given to landless and homeless families of DPs of 1965 and 1971 as being paid to Kashmiri Migrants or they should be allotted 10 Marla plots.

3.3.1.2 Commenting on the above demands, the Ministry of Home Affairs submitted that State Government has informed that a separate proposal is being submitted in regard to one time

compensation. Proposal has not been received from the State Government on the issue of one time *ex-gratia* payment to all DPs of Chhamb Sector 1965 @ ₹25 lakh each family for the losses suffered due to three successive wars of Pakistan. Already the families settled in rural areas have been provided land and there is no question of Monthly stipend. The Ministry further stated that out of total number of 4600 families in Chhamb 1971 (camp) category, 3900 families were allotted land. Rest of the families were excluded because some (300) families were not agriculturists. Some (182) families were serving soldier families and some (218) families were widows and destitutes. Special assistance for widows and destitutes was given which *inter alia* included pension of ₹60/- per month, ad-hoc maintenance grant of ₹300/- special resettlement grant of ₹100/-, housing grant upto ₹5000/- and small housing plots.

3.3.1.3 The Committee is of the considered view that there should not be any more delay in formulating substantive proposal for one time compensation for DPs of 1965 and 1971 (camp) and (non-camp). The Committee desires that the provisions of the proposal must be comprehensive, addressing all issues and demands of DPs of 1965 and 1971 (camp) and (noncamp), keeping in view the suffering of the displaced persons, for ensuring them decent and dignified lives. The Committee also desires that their request for monthly stipend to land less and house less persons/families as being paid to Kashmiri Migrants may be considered till finalisation of the substantive proposal. Issue of allotting plots of suitable size to homeless and landless DPs may also be looked into.

3.3.2 Occupancy/tenancy rights

3.3.2.1 According to the representatives of DPs, the Occupancy/tenancy rights of evacuee land u/s 3/A of Agrarian Reform Act 1976 to the Chhamb DPs of 1965 and 1971 should be given to remove the disparity with DPs of PoK 1947. Five marlas of land in any safe area should be provided for the people living on International border/ALC under special package.

3.3.2.2 The Ministry of Home Affairs in its earlier communication informed that the issue of Occupancy/tenancy rights of evacuee land needs amendment in the Agrarian Reforms Act, 1976. Already the matter has been taken up with the Law Deptt. for making amendments in the Act. It is expected that in the coming Session, this issue may be resolved. The Ministry in its latest communication informed that the ownership right in respect of State land allotted to the Chhamb Displace Persons of 1971 (camp) has been given during the year 2000, however their demand for occupancy right in respect of EP land is still an issue. All the Chhamb Displaced persons of 1971 (camp) except 27 families, were allotted plots in rural areas in various 129 bastis. Those families who could not be allotted full quota of prescribed scale of land, a scheme for making cash compensation in lieu of deficient allotable units of land was worked out. 699 families were identified for cash compensation. However, 677 families have been paid cash compensation ranging from ₹1000 to ₹5000 in the year 1992. There were 463 left out families who are demanding cash compensation in lieu of land deficiency.

3.3.2.3 The Committee takes note of the fact as narrated by the Ministry of Home Affairs that the issue of conferring occupancy/tenancy rights of evacuee land has not yet been addressed. This right is necessary to eliminate the disparity with DPs of PoK 1947.

The Committee also takes note of the hope expressed by the Government that in the coming Session, this issue may be resolved. The Committee is disappointed with the latest situation at hand and feels that nothing has moved at the ground level. The Committee would like to impress upon the Government that necessary amendment in the Agrarian Reforms Act of 1976 may be brought at the earliest to settle the long pending issue.

3.3.3 Land deficiency compensation and equal treatment

3.3.3.1 The representatives demanded that cash compensation in lieu of land deficiency to DPs of 1965 and 1971 should be given as has been given to DPs of 1947. Adequate compensation not less than ₹30 lakh per family, as per present existing cost for the property left by the DPs of 1965 and DPs of 1971, should be provided. It was also requested that all the DP families of 1965 and 1971 should be treated equally in terms of allotment of land, cash compensation in lieu of land deficiency and payment of other benefits like cash compensation /relief/rental payments for the land occupied by the BSF/Army for border fencing etc.

3.3.3.2 The Committee has noted from the reply of the Ministry of Home Affairs that the proposal for cash compensation in lieu of land deficiency and compensation not less than ₹30 lakh for each family will be considered appropriately after the same is received from the State Government. Each category of DPs is being treated as per the package/facilities announced from time to time. The Ministry of Home Affairs also apprised the Committee that the RD Kapoor Committee had not agreed to treat the non-camp DPs of 1971 at par with the camp DPs of 1971 on the ground that the non-camp DPs were not actually residing in Chhamb Area at the time of Indo-Pak conflict of 1971, but were continuing to live elsewhere in J&K. They had some source of livelihood outside Chhamb to fall back upon, whereas the camp DPs had lost everything and had to make a fresh start in life. On the issue of cash compensation /relief/ rental payments, the State Government has informed that the matter shall be resolved once the amendment is made to the Agrarian Reforms Act.

3.3.3.3 The Committee is of the view that since cash compensation in lieu of land deficiency is being given to DPs of 1947, on the similar line, cash compensation must also be given to DPs of 1965 and 1971 in lieu of land deficiency. The Committee fails to understand as to why State Government is delaying formulation of the proposal and forwarding the same to Central Government for consideration. The Committee, therefore, strongly, recommends that Ministry of Home Affairs may impress upon the State Government to formulate the proposal without any further loss of time and send the same for approval.

3.3.4 Reservation in educational Institution and employment

3.3.4.1 It was demanded that reservation quota for education to the wards of DPs of 1965 and 1971 should be provided as has been provided to the wards of Kashmiri Migrants. Backward status should also be given to all poor DPs to seek employment in Government jobs. State Cabinet decision regarding inclusion of areas within 8 km of International border area in the list of socially and educationally backward classes should be implemented and special

recruitment drive be taken up in the armed and paramilitary forces with relaxation to displaced youths of DPs.

3.3.4.2 The Ministry of Home Affairs submitted that the DPs of 1965 (Chhamb) and 1971 cannot be equated with the Kashmiri migrants. The backward areas in the State have already been notified and any DP residing within such jurisdiction can avail benefits of reservation either for employment or education. State Government has informed that the matter will be considered on merits. The State Government has informed that the matter of implementation of State Cabinet decision No.133/12 will be looked into. Recruitment of Constable in CAPFs is being conducted as per scheme, in which 60% of vacancies are being allotted amongst all States on the basis of population ratio, 20% vacancies are allotted to border districts falling within the area of responsibility of Border Guarding Forces and 20% vacancies in Border Guarding Forces are allotted to the militancy affected areas including J&K, as notified from time to time.

3.3.4.3 The Committee recommends that wards of displaced persons of 1965 and 1971 may be given preference for getting admission in educational institutions as a level-playing mechanism. The Government may consider the request of DPs of 1965 and 1971 for reservation for employment in Government jobs to ensure guaranteed means of livelihood. Employment drive for the youths belonging to PoJK DPs should also be conducted. Since the State Government has agreed to consider request for reservation to DPs living within notified backward areas, the Committee recommends that an early decision may be taken in the matter.

3.3.5 Issuance of ALC Certificates

3.3.5.1 It was suggested that the ALC Certificates may be given to DP families of 1965 and 1971 in accordance with the notification No.174-GD dated 08.07.1971 staying in the vicinity of border areas in Jammu for getting jobs.

3.3.5.2 The Ministry of Home Affairs stated that the benefit of reservation is being provided to such persons who have settled along the ALC. The areas falling under ALC have already been notified. Already there is reservation in favour of such persons who reside near ALC/LoC. Any DP living within the notified area is entitled for such benefit.

3.3.5.3 The Committee feels that due to lack of awareness and low level of education, the DPs may be finding difficult to follow procedure in getting ALC certificates. The Procedure for getting ALC certificates could be cumbersome, and if it is so, the procedure may be simplified and a drive may be undertaken to encourage eligible DPs for procuring ALC certificates.

3.3.6 Constitution of Development Board

3.3.6.1 The representatives of displaced persons were of the view that a Development Board for DPs may be formed by the State Government on the pattern of Gujjar Development Board. Establishment of APEX Committee and creation of separate cell in all Deputy Commissioners Headquarters for dealing with the DPs of 1965 and 1971 matters may be considered.

3.3.6.2 The Ministry of Home Affairs informed that there is no such proposal at present in the State Government for constitution of a Development Board. State Government has informed that if required, action shall be taken for creation of separate cell.

3.3.6.3 The Committee feels that plethora of institutional arrangement is not going to ameliorate the conditions of DPs as the same would complicate the system causing delay in seeking justice. Therefore, an institutional structure should be created to address all the issues of DPs at a single window.

3.3.7 Exemption from paying rent

3.3.7.1 It was submitted before the Committee that DPs staying in Custodian Houses may be excused from rent and these houses should be allotted to them permanently. DPs should be permitted to repair and make addition and alteration in their original accommodation.

3.3.7.2 According to the Ministry of Home Affairs meagre rent is being charged from the DPs for the quarters allotted in their favour. Therefore, this demand cannot be accepted. Repair and modification work already being done after getting permission from Custodian.

3.3.7.3 The Committee feels that payment of even the meagre rent may be difficult for DPs. The Committee recommends that this issue may be reconsidered. Repair work and minor modification may be allowed without permission from any authority but major change may be done only after seeking permission from appropriate authority.

3.3.8 Registration of left out DPs

3.3.8.1 It was demanded that all left out DP families of 1965 and 1971 be registered.

3.3.8.2 Responding to this demand, the Ministry of Home Affairs opined that State Government should examine the issue of registration of left out DP families of 1965 and 1971.

3.3.8.3 The Committee recommends that Ministry of Home Affairs may impress upon the State Government to take early decision on the issue of registration of left out Displaced Persons' families of 1965 and 1971.

3.3.9 Implementation of Wadhwa committee and interlocutors' reports

3.3.9.1 The representatives demanded that recommendations of Wadhwa Committee constituted by the State Government, and recommendations of Interlocutors' Report headed by Shri Dilip Padgaonkar may be implemented.

3.3.9.2 The Ministry of Home Affairs informed the Committee that the matter is before Cabinet Sub-Committee for further deliberations. The matter has already been taken up with the State Government.

3.3.9.3 The Committee desires that early decision may be taken for implementing the recommendations of Wadhwa Committee and Interlocutors' Report. The Ministry of Home Affairs may pursue the matter with the State Government.

RECOMMENDATIONS/OBSERVATIONS/CONCLUSIONS - AT A GLANCE

WEST PAKISTANI REFUGEES (WPRs)

Permanent Resident Certificate and Voting Right

The Committee expresses its serious concern that the West Pakistani Refugees, who are very much citizens of India and eligible for voting in Parliamentary elections do not possess right to vote in the State Legislative Assembly elections on the pretext that they are not permanent residents of the State in terms of the J&K Constitution. The Committee feels that though they are living there for more than 60 years, they are not leading the life of free citizens despite having voting rights for Parliament. This right has not earned them any special benefits. The Committee strongly recommends that the Central Government must impress upon the State Government to consider, as a one time measure, the demand of West Pakistani Refugees to grant them the status of permanent residents of the State sympathetically so that they can live as state subject in a dignified way, with all legal rights including right to vote in State Legislative Assembly. (Para 3.1.1.7)

Provision of State Government Jobs

The Committee feels that once the permanent resident right is granted to West Pakistani Refugees, all subsidiary benefits would automatically follow enabling them to lead decent life. The Committee, therefore, recommends that J&K Constitution may be amended for conferring the status of State Subject on the WPRs at the earliest. These people have already suffered for more than 60 years and the issue brooks no delay. The Committee also recommends that pending final decision in the matter, a temporary waiver may be made for admission of the children in the professional institutions. (Para 3.1.2.3)

Reservation in Central Government Jobs/Central Professional Colleges

The Committee is of the view that since the State Government has agreed, in-principle, to incorporate the provision of reservation for the wards of WPRs in jobs, the State Government should not delay in processing the matter. State Government should honour the suggestion of the Supreme Court for issuing appropriate executive order to make WPRs eligible for admission in State professional/technical colleges as it is not linked to the permanent resident status of these persons. The Committee also desires that the matter of issuance of SC and OBC Certificates to eligible WPRs should be expedited. (Para 3.1.3.3)

The Committee also takes note of the assurance given by the Home Secretary for admission to the wards of WPRs in engineering and medical colleges in J&K. The

Committee has already made a separate recommendation to address the issue of permanent resident certificate so that the children may get admission in engineering and medical colleges in J&K. Besides that, as assured by the Home Secretary, a mechanism may be explored to provide reservation to the wards of WPRs in engineering, medical and other related institutions of higher education across the country. The Committee also recommends that, if necessary, the minimum benchmark required for admission in such institutions may be relaxed for those wards because of their lower educational standard. (Para 3.1.3.4)

Opening of KV/NVs for WPRs

The Committee takes note of the assurance given by the Home Secretary to work out the best possible mechanism to have an educational system set up for them, either Kendriya Vidyalaya or Navodaya Vidyalaya. The Committee strongly recommends that the Ministry of Home Affairs may, in consultation with the Ministry of Human Resource Development, work out some mechanism for opening schools by the Central Government for the wards of WPRs. This may be done at the earliest so that the next academic session may start in those schools. (Para 3.1.4.2)

One Time Package, Monthly Monetary Assistance and Accommodation

The Committee strongly recommends that the Central Government should impress upon the State Government for early finalization of one time financial package for settlement of WPRs. The Committee is of the considered view that even if West Pakistani Refugees cannot be equated with the Kashmir Pandits migrants, but they deserve immediate relief and rehabilitation for sustenance without delay. One time compensation of ₹30 Lakhs may be provided within one year and there should not be any delay in the matter. (Para 3.1.5.3)

Creation of separate battalion in State Police, Army and Para Military Forces

The Committee taking a serious note of the casual reply by the Government recommends that Union Government should persuade the State Government to initiate action to implement the announcement made for the creation of separate battalion in State Police, Army and Para Military Forces from among the youths of the WPRs. (Para 3.1.6.3)

Reservation of Seats in Legislative Assembly and Legislative Council

The Committee is of the considered view that citizens of India must have the right to elect and get elected in all representative bodies to enhance the strength of democracy. WPRs should get permanent resident status sooner for fostering complete faith in democracy. The Committee recommends that the Ministry of Home Affairs may pursue with the State Government to examine the issue of reservation of seats in the Legislative Assembly and Legislative Council of the State for WPRs, and if necessary, may move for necessary amendment to J&K Constitution. (Para 3.1.7.3)

DISPLACED PERSONS FROM PoJK IN 1947

Official registration of DPs of 1947

The Committee takes into account the fact that non-registered families are not given proper relief and compensation amount. The Committee is of the view that for that purpose, their fresh enumeration is necessary. The Committee also feels that in order to understand the problems being faced by PoJK DPs and to have updated policy guidelines for them, it is appropriate that their enumeration is done at the earliest. The Committee, therefore, recommends that the Government should take adequate steps immediately to ensure official registration of Displaced Persons from PoJK in order to ensure that benefits of schemes meant for refugees and Displaced Persons reach the targetted group. (Para 3.2.1.4)

Defreezing of Seats in Legislative Assembly

The Committee considers that the Government of India should take up the matter of defreezing of 8 seats for PoJK DPs with the State Government of J&K keeping in view the problems being faced by DPs. The Ministry may impress upon the State Government to make amendments in the State Constitution, if necessary, at the earliest. (Para 3.2.2.3)

Sanctioning of Interim package

The Committee notes the above comments of the Government but finds non seriousness in keeping its words. The Committee notes that under the assistance sanctioned in 1947-48 for rural settlers, 46 basties constructed by rural settlers on their own were regularized under the Slum Improvement Scheme of J&K. However, ₹25 lakh for improvement of civic amenities in 46 regularized colonies were sanctioned under rehabilitation package in the year 2000. One can imagine the number and level of facilities to be provided in a basti at an average amount of ₹54,000 in the year 2000. The Committee further notes that for improvement of civic amenities in 46 recognized colonies, the State Government has constituted a Committee to prepare a survey report for improving the civic amenities in the recognized colonies. However, the survey report has not yet been finalized by the State Government Likewise, 123 urban settlers were given plots under assistance in 1947-48. Thereafter, after 52 years, in the year 2000, an amount of ₹2 crore was sanctioned for the allotment of plots to the displaced persons who settled in urban areas of J&K and were not allotted plots in the past. The Committee also takes note of the latest situation wherein the Ministry of Home Affairs has informed that for making a payment of ₹2 lakh per family in lieu of plot, in the year 2008, as per the report received from the State Government, the work is still continuing and out of 198 applications received by them, 48 applications were found complete. Out of these, 18 applications were placed before the verification committee, of which 6 applications have been approved, 2 have been rejected and in 10 cases re-verification is required. Remaining 30 applications will be placed before the verification committee. The Committee feels that this is taking unduly a long time and should be completed at the earliest. (Para 3.2.3.3)

The Committee, without saying furthermore, feels that rehabilitation assistance has been awfully insufficient with very poor track record of implementation. The Committee is of the strong opinion that the assistance being provided to PoJK DPs of 1947 must be sufficient for sustenance and therefore the sufficient interim relief be given immediately till the finalisation of one time compensation, which, according to the Government, is being incorporated in the package. The Committee also takes a serious note of the fact that the survey report has not been finalized and urges upon the Ministry of Home Affairs to pursue the State Government to complete it at the earliest. (Para 3.2.3.4)

One Time Compensation

The Committee desires that one time compensation of ₹30 Lakh may be included in the package and Ministry may ensure that the package is finalized. (Para 3.2.4.3)

Slow Disbursal of Compensation

The Committee expresses its deep concern that the payment of compensation in respect of fund/package sanctioned in 2008 is being implemented at snail's pace affecting the lives of POJK DPs. The process should have been completed much earlier. The Committee, therefore, recommends that the Union Government must pursue the matter with the State Government to expedite the implementation of the package without further delay. (Para 3.2.5.4)

The Committee further recommends that the demands of such DPs for consideration of additional 1950 land deficiency claims received during the year 2004 and additional 640 applications from urban DPs after the cut-off date for allotment of plots may be examined. Ministry of Home Affairs may take initiative to get the issue resolved within one year and pursue the State Government in this regard. (Para 3.2.5.5)

Inclusion of PoJK DPs in Dialogue on J&K

The Committee is of the view that this demand needs to be examined cautiously. The Committee feels that concerns of the displaced persons of PoJK should be taken into consideration before addressing their grievances for redressal. The channel for discussions with the representatives should be kept open so that they may have no feeling of being neglected. (Para 3.2.6.3)

Constitution of Welfare and Relief Commission/Development Board

The Committee understands that the demands of the representatives of POJK DP of 1947 for constitution of a Welfare and Relief Commission/Board for DPs of POJK, 1947 can be attributed to the reason that the existing office meant for addressing their problems is not functioning effectively. The Committee, therefore, recommends that a Welfare and Relief Commission/Development Board with adequate infrastructure may be constituted in view of the large number of people involved and number of issues to be addressed. (Para 3.2.7.3)

Constitution of a Committee

The Committee feels that though Wadhwa Committee submitted its report in the year 2007, no action has been taken on its recommendations. It is still with Cabinet sub-Committee. The report can not be kept pending indefinitely. The Committee, therefore, recommends that the Union Government should take up the matter with the State Government to expeditiously consider and implement the recommendations of Wadhwa Committee within six months. (Para 3.2.8.3)

Publicity of Nodal Agency/Officer

The Committee is of the view that the Government should post on the internet the details of the name and telephone numbers of Provincial Rehabilitation Officer, Jammu, and other associated agencies/officers for extending benefits to DPs of 1947 of PoJK along with its jurisdiction and powers as well as the procedure, in simplified way, to be followed for making claims or redressal of grievances. This may also be given wide publicity particularly in the areas where PoJK DPs are living and other places. (Para 3.2.9.3)

Reservation in technical and other professional colleges, special package for employment and interest free loans for business

The Committee feels that since the concern of PoJK DPs for reservation in technical and professional colleges has already been accepted by the Government, its implementation on ground level should not be delayed. The Committee also desires that the Government may facilitate interest free/subsidized loans to PoJK DPs to establish their business so that they can lead a settled life banking on their permanent source of livelihood. Employment drive for 5-10 years for the youths belonging to PoJK DPs should also be conducted. (Para 3.2.10.3)

Monthly cash, ration money, exemption from income tax

As mentioned earlier, the Committee is of the view that the rehabilitation assistances have been awfully insufficient with very poor track record of implementation. In view of the pathetic conditions of the displaced persons, the Committee feels that Government may consider these demands in the package meant for PoJK DPs, keeping in view rising inflation and consequent impact on cost of living. (Para 3.2.11.2)

Granting State Subject to POJK refugees living outside the State

The Committee desires that the matter may be discussed with the representatives of POJK DPs for solution. The Committee also desires that one nodal officer may be appointed in Delhi for granting Permanent Resident certificates to POJK DPs living outside the State of J&K as being done for Kashmiri migrants. A campaign may be initiated to attract more and more POJK DPs living in other parts of the country by issuing advertisements in national dailies and the rules for applying the Permanent Resident Certificate may be simplified. (Para 3.2.12.3)

Refugee status to PoJK DPs

The Committee agrees that since POJK DPs are the citizens of India and also permanent residents of the State, their mere displacement cannot make them refugees as such. Government may, however, consider the benefits and other packages as admissible under the law. (Para 3.2.13.3)

Allotment of land and inadequate land deficiency compensation

The Committee, recommends that the amount of compensation for land deficiency may appropriately be reviewed. All those families that have not received compensation may be given compensation immediately without any delay. (Para 3.2.14.7)

Opening of Jammu-Sialkot road

The Committee is in agreement with the view of the Union Ministry of Home Affairs. Efforts may be made to open Jammu-Sialkot road for trade and other activities through the diplomatic channels. (Para 3.2.15.3)

Actual Line of Control Certificates

The Committee feels that the need of issuance of ALC Certificate to DP families of 1947 staying in the vicinity of border areas in Jammu may be due to the fact that such certificate would enable the DPs to avail the benefits of reservation by proving that they are the residents of areas falling under ALC. Mere notification might not be sufficient for proof. Government should arrange for issuance of ALC Certificates to DP families of 1947. (Para 3.2.16.3)

The Committee also recommends that the issue of providing five marlas of land to the people living on International border/ALC, in any safe area may be considered sympathetically and an early decision may be taken. (Para 3.2.16.4)

Compensation against land used for mining/fencing

In view of the Committee rent is different and it cannot be compared with compensation. Since the State Government has agreed to consider it, the Committee recommends that early decision may be taken sympathetically. (Para 3.2.17.3)

Exemption from paying rent

When once occupancy tenancy rights were given to DPs under the Agrarian Reforms Act and these rights are more or less absolute in the sense that the allottees can transfer the right of occupancy tenancy by sale, gift or exchange without permission of Government, then the Committee feels to understand as to how the rent is being charged from the DPs for the houses. The Committee, therefore, recommends that the Ministry of Home Affairs in tandem with the State Government should clarify the stand on the issue at the earliest to clear the apprehension of the allottees. (Para 3.2.18.3)

Equal treatment to all displaced persons

The Committee feels that though all may not be treated at par, but, their problems need to be addressed properly and suitable solution should be found.

(Para 3.2.19.3)

CHHAMB DISPLACED PERSONS (DPs) OF 1965 AND 1971 (CAMP) & (NON-CAMP)*One time compensation*

The Committee is of the considered view that there should not be any more delay in formulating substantive proposal for one time compensation for DPs of 1965 and 1971 (camp) & (non-camp). The Committee desires that the provisions of the proposal must be comprehensive, addressing all issues and demands of DPs of 1965 and 1971 (camp) & (non-camp), keeping in view the suffering of the displaced persons, for ensuring them decent and dignified lives. The Committee also desires that their request for monthly stipend to land less and house less persons/families as being paid to Kashmiri Migrants may be considered till finalisation of the substantive proposal. Issue of allotting plots of suitable size to homeless and landless DPs may also be looked into.

(Para 3.3.1.3)

Occupancy/tenancy rights

The Committee takes note of the fact as narrated by the Ministry of Home Affairs that the issue of conferring occupancy/tenancy rights of evacuee land has not yet been addressed. This right is necessary to eliminate the disparity with DPs of PoK 1947. The Committee also takes note of the hope expressed by the Government that in the coming Session, this issue may be resolved. The Committee is disappointed with the latest situation at hand and feels that nothing has moved at the ground level. The Committee would like to impress upon the Government that necessary amendment in the Agrarian Reforms Act of 1976 may be brought at the earliest to settle the long pending issue.

(Para 3.3.2.3)

Land deficiency compensation and equal treatment

The Committee is of the view that since cash compensation in lieu of land deficiency is being given to DPs of 1947, on the similar line, cash compensation must also be given to DPs of 1965 and 1971 in lieu of land deficiency. The Committee fails to understand as to why State Government is delaying formulation of the proposal and forwarding the same to Central Government for consideration. The Committee, therefore, strongly, recommends that Ministry of Home Affairs may impress upon the State Government to formulate the proposal without any further loss of time and send the same for approval.

(Para 3.3.3.3)

Reservation in educational Institution and employment

The Committee recommends that wards of displaced persons of 1965 and 1971 may be given preference for getting admission in educational institutions as a level-playing mechanism. The Government may consider the request of DPs of 1965 and 1971

for reservation for employment in Government jobs to ensure guaranteed means of livelihood. Employment drive for the youths belonging to POJK DPs should also be conducted. Since the State Government has agreed to consider request for reservation to DPs living within notified backward areas, the Committee recommends that an early decision may be taken in the matter. (Para 3.3.4.3)

Issuance of ALC Certificates

The Committee feels that due to lack of awareness and low level of education, the DPs may be finding difficult to follow procedure in getting ALC certificates. The Procedure for getting ALC certificates could be cumbersome, and if it is so, the procedure may be simplified and a drive may be undertaken to encourage eligible DPs for procuring ALC certificates. (Para 3.3.5.3)

Constitution of Development Board

The Committee feels that plethora of institutional arrangement is not going to ameliorate the conditions of DPs as the same would complicate the system causing delay in seeking justice. Therefore, an institutional structure should be created to address all the issues of DPs at a single window. (Para 3.3.6.3)

Exemption from paying rent

The Committee feels that payment of even the meagre rent may be difficult for DPs. The Committee recommends that this issue may be reconsidered. Repair work and minor modification may be allowed without permission from any authority but major change may be done only after seeking permission from appropriate authority. (Para 3.3.7.3)

Registration of left out DPs

The Committee recommends that Ministry of Home Affairs may impress upon the State Government to take early decision on the issue of registration of left out Displaced Persons' families of 1965 and 1971. (Para 3.3.8.3)

Implementation of Wadhwa Committee and interlocutors' reports

The Committee desires that early decision may be taken for implementing the recommendations of Wadhwa Committee and Interlocutors' Report. The Ministry of Home Affairs may pursue the matter with the State Government. (Para 3.3.9.3)

MINUTES

XXVI
TWENTY SIXTH MEETING

The Committee met at 11.00 A.M. on Tuesday, the 30th July, 2013 in Main Committee Room, Ground Floor, Parliament House Annexe, New Delhi.

MEMBERS PRESENT

1. Shri M. Venkaiah Naidu — *Chairman*

RAJYA SABHA

2. Shri Janardan Dwivedi
3. Shri Rajiv Pratap Rudy
4. Shri Satish Chandra Misra
5. Dr. V. Maitreyan

LOK SABHA

6. Shri Anandrao Adsul
7. Shri L.K. Advani
8. Dr. Sahfiqur Rahman Barq
9. Shri Naveen Jindal
10. Shri Lalu Prasad
11. Shri Neeraj Shekhar

SECRETARIAT

Shri P.P.K. Ramacharyulu, *Joint Secretary*

Shri Vimal Kumar, *Director*

Shri D.K. Mishra, *Joint Director*

Shri Bhupendra Bhaskar, *Assistant Director*

Shri Anurag Ranjan, *Committee Officer*

WITNESSES

Representatives of Ministry of Home Affairs

1. Shri Anil Goswami, Home Secretary
2. Shri K. Skandan, Additional Secretary (CS&K)
3. Shri R.K. Srivastava, Joint Secretary (K)

4. Dr. Sanjay Roy, Director.
5. Shri Bhopal Singh, Director (K)
6. Shri P.P. Singh, Deputy Secretary
7. Mrs. Sulekha, Deputy Secretary

Representatives of Government of J&K

1. Shri R.K. Pandita, Relief Commissioner (Migrants)
2. Shri Vinod Kaul, Revenue Secretary

Representatives of Panun Kashmir

1. Shri Ashwani Kumar Chrungoo, President
2. Shri Pulkit Chrungoo, Software Supporter & Activist

Representatives of All India Kashmiri Samaj, Delhi

1. Shri Moti Kaul, President
2. Shri M.L. Malla, Vice-President
3. Colonel Tej Kumar Tikoo, Vice-President
4. Dr. Romesh Raina, General Secretary

Representative of All State Kashmiri Pandit Conference

Shri H.L. Chatta, President

Representatives of Kashmiri Samiti, Delhi

1. Shri Rakesh Kaul, President
2. Shri Rakesh Razdan, Member

Representative of Sikh Displaced Forum, Jammu

Sardar Prem Singh Raina, President

Representative of Jammu Kashmir Vichar Manch, Delhi

Shri T. N. Razdan, President

Representative of All India Kashmiri Pandit Conference

Shri H.N. Jattu, President

Representatives of Joint Forum of KP Organisations

Shri Virender Kumar Raina, Official Spokes Person

Representatives of J&K National Panthers Party

1. Prof. Bhim Singh, Chairman
2. Shri Balwant Singh, MLA

Representatives of West Pakistan Refugees

1. Shri Laba Ram Gandhi
2. Shri Sukhdev Singh

Representatives of Pakistan Occupied Jammu and Kashmir Refugees

Pt. Ashok Khajuria

Representatives of POJK (Chamb)

1. Shri Rashpal Singh Chib, President
2. Shri Shyam Singh, Sr. Vice President
3. Shri Ajit Singh, Vice President
4. Shrimati Krishna Chib, Vice President

Representatives of Terrorism Victims/Migrants of Jammu Region

Advocate Vibodh Gupta

Representatives of Displaced Kashmiri Hindus

1. Shri Ajey Bharti
2. Shri Sanjay Ganjoo
3. Shri Ashok Braroo

Representatives of Displaced Kashmiri Hindus

Shri K.K. Khosa

Individual

1. Shri M.K. Kaw, former president, All India Kashmir Samaj and retired IAS
2. Prof. Narinder Singh
3. Shri Bali Bhagat (Ex-MLA)

2. At the outset, the Chairman welcomed the Members to the sitting of the Committee and apprised them the agenda of the day *i.e.* taking up consideration of the Action Taken Note submitted by the Government on the recommendations contained in the 137th Report of the Committee on Rehabilitation of Jammu and Kashmir migrants and he stated that for the purpose, the Home Secretary was invited to take into account the implementation of the recommendations of the Committee and the Prime Minister's package for return and

rehabilitation of Kashmiri migrants and their related issues. He further informed the Members that representatives of various Associations were also invited to discuss the issues.

2.1 * * *

{At this stage, witnesses were called in}

3.0 The Chairman, then, welcomed the Home Secretary and his team of officers to the meeting of the Committee. He also welcomed the Revenue Secretary, Government of J & K and the Revenue Secretary, Government of NCT of Delhi and other officials who appeared before the Committee. He apprised the Committee Members and the officials that the representatives from various segments were invited who were affected by terrorism and then migrated; some people were displaced in the Chamber Valley; some people from West Pakistan, also appeared before the Committee. The Chairman directed the officials of the Ministry of Home Affairs to take down points raised by representatives of Associations and issues raised by Members for detailed discussions in Committee's subsequent meeting.

3.1 The Chairman, thereafter, invited the representative of Terrorism Victims/Migrants of Jammu region and asked them to apprise the Committee about the problems being faced by migrants of Jammu and Kashmir as well as the package announced by the Prime Minister and its implementation. He made them acquainted about the confidentiality of the proceedings of the Committee till the Report is submitted to Parliament.

3.2 The representative of Terrorism Affected People's Front apprised the Committee that his association was a constituent of Tahreek-e-Insaaf. He further made the following submissions:-

- (i) J&K consists of two provinces - Jammu Province has 10 Administrative Districts while Kashmir Province including the Ladakh area contains 12 Administrative Districts. Terrorism erupted in 1992 in Jammu province wherein eight districts, namely Kishtwar, Ramban, Doda, Riyasi, Udhampur, Kathua, Punch and Rajouri were badly affected due to massacres.
- (ii) Most of the rehabilitation programmes and development activities were concentrated in valley areas and people of Jammu province felt neglected. According to him, Government figures indicated that during a period of ten years from 5th January, 1996 to 1st May, 2006, 30 massacres occurred in Jammu province wherein 403 innocent people were killed while in valley nine massacres took place wherein 188 civilians were killed. Despite the fact that Jammu province was worsely affected, the province remained deprived of development package.
- (iii) There had been large scale exodus with increasing terrorism which aimed at compelling the minority community to migrate from the area. About 12000 families were affected in Jammu province. Since literacy rate was very low, the main source of livelihood of the people was collection of fire wood, forest products like Bunafsa and Black Mushroom from hilly forests. Youth persons used to do labour work in forests. Now all the people are deprived of the

*** Relates to other matter.

sources and people are forced to flee at the time of harvesting. A special rehabilitation and development package at par with the Kashmiri migrants should be given. The Supreme Court had given a ruling to give relief to migrants of Jammu region at par with Kashmiri migrants but the State Government had not implemented it. Besides, special recruitment drive on the lines of recruitment drive launched for the youths of Kashmir region, should also be undertaken.

- (iv) Not only Hindus, Muslims had also migrated due to frivolous complaints of supporting terrorism and subsequent interrogations by forces. Those persons who have settled in towns in Jammu region by getting constructed small house are not being registered for relief as the State Government views their migration voluntary. Those migrants numbering about 12000 should be registered and given relief.
- (v) About 400 SPOs and 147 persons of Village Defence Committees had been killed. The Government intends to disband the VDCs, while VDCs had been helpful. SPOs are paid only Rs. 3500, hence honorarium to them needs to be enhanced. VDCs members in Doda, Bhandarwah and Kistwar are paid but VDC members in Rajouri and Poonch are paid nothing.
- (vi) Dependants of the killed persons numbering about 1000, in Jammu Region face severe difficulties in getting jobs on compassionate ground and their files are gathering dust at different levels and the affected persons have to go from post to pillars to complete the formalities. The procedure in this regard should be simplified. *Ex-gratia* payment of one lakh rupees only to the family of killed person is also not sufficient.
- (vii) People are interested in returning to their home villages, but their properties have been occupied by other persons.

3.3 **The representatives of West Pakistan Refugees submitted the following:**

- There were about 21 thousand families consisting of fourth generation in three districts of the State and they have no voting rights for Assembly and Panchayat elections since independence in 1947, though they can vote in Parliamentary elections. They came to India in 1947 even before enforcement of Article 370 and were asked to remain in the Border Villages on the advice of Jawahar Lal Nehru and Sheikh Abdullah. However, they are not considered eligible for Government jobs, even under the Central Government as the jobs are made in the name of State Government, which did not treat them state subjects. In the recruitments for army and para military forces, domicile certificates are asked, which they do not have. People are living at the land which was given by compassionate basis. However, they are now not permitted to get repaired the dilapidated houses. They are not getting benefits under Indira Awas Yojna and Aganwadi schemes.
- Majority of families belong to Scheduled Caste, but the constitutional benefits are being denied to them. State Government has stopped issuing SC and OBC certificates to them and children are facing difficulties in getting admissions in

the schools and colleges. PM package is not being implemented and correspondence with the State Government has not yielded any result.

- They should be given voting rights so that their generations can live properly and if it is not possible, they may be rehabilitated somewhere else in the vast country.

3.4 The representatives of the Pakistan Occupied Jammu Kashmir Refugees mentioned that 'PoJK' is a misnomer and It should be 'PoJK' as it has very less part namely Muzzarafabad of Kashmir; Gilgit, Baltistan formed apart of Leh- Laddakh. At the time of partition, migrated people from Muzzarafabad and Poonch were not allowed to stay in Kashmir and were directed to go to Jammu. They were told that after resolving of PoK issues, they would be sent back. They however have voting rights and eligible for Government jobs. In 1960 they were given relief of Rs. 3500 however Rs. 2500 were deducted in lieu of land provided. The relief was given subject to the conditions *i.e.* (i) person must be staying in the camps not with relatives (ii) head of the family also should have migrated and (iii) migration should be within September, 1947 and December, 1950. Families whose head of the family was killed during migration and migrated after December, 1950 were left. The Petitions Committee of Rajya Sabha in 32nd Report recommended for rehabilitation and compensation, which was not implemented. Recommendations of the Wadhwa Committee set up by the State Government in 2007 were also not implemented.

3.5 The representatives of PoJK (CHAMB) made the following points:-

- The migrants should be registered. 31600 families were registered while 9500 families were not registered as they could not fulfil the condition. The properties which were lost have not been compensated. One third of the population of PoJK migrated to Jammu. They should be provided with political rights in exile as they spread to the whole country. Children of such families should be provided reservation in professional courses.
- Refugee Development Board should be constituted to look after the development needs of such migrants. Out of the *ex-gratia* payment of 3500 rupees 2500 was deducted against provision of land which was never given even after 65 years. Now the Government is giving 1,50,000 rupees on account of non-grant of land promised.

3.6 The following are the main points raised by different individuals and other representative groups of the Kashmiri migrants:

Individual

Shri M. K. Kaw, Former President, All India Kashmiri Samaj

- It is old canard that Kashmiri Pandits are disunited and do not have a single unified plan for their rehabilitation. Kashmiri Pandits have single organization called the All Indian Kashmiri Samaj to which all 70-odd associations are affiliated.

- Though all the Kashmiri Migrants are united on the issue of return to Kashmir, there are differences among the Kashmiri groups regarding the strategy of return; while some want to return to their erstwhile homes, others suggest returning to compact townships or to a single Home Land with a Union Territory Status. A mix of such strategies is advisable.
- The Home Ministry has not made any progress as they believe that there is no unanimity on the process of return. This is a convenient alibi not to make any progress on the ground.
- The Prime Minister package which was supposed to give 6000 jobs has remained a non starter as the jobs were either low paid, not matching qualifications or they were located in the valley with the condition that the seekers will not be transferred to outside.

Pt. Ashok Braroo

- It has been 23 years since Kashmiri Pundits have been thrown out of the valley and 30% of them have died since 1990.
- Apartheid is being practiced against minorities' communities in the valley both by the State and Central Governments. Reservation in professional courses has been provided to the community by other States but not the State in which they were born, even to the people who have decided, to stay against all odds.

Panun Kashmir

- The silent exodus of minorities continues unabated with the larger design to change the demographics of the region.
- Encroachments of Hindu Temples and buildings and school buildings etc. continues with the land mafia having an eye upon the last remaining left over of the properties of the pandits in the valley. Even the Government is taking over these properties for the use without permission or compensation.
- The group aspires for the internally displaced persons status.

J & K National Panthers Party

- Migrants are not just from Kashmir Valley and Jammu Region. After 1996 migrants from Poonch, Rajori, Udhampur and Doda came to Jammu. Jammu Migrants came mainly from Doda. Jammu Migrants should be treated at par with Kashmir Migrants as per, Jammu and Kashmir High Court direction. 2009 judgement of the Jammu and Kashmir High Court providing relief within 45 days has not yet been implemented.
- Jammu migrants have no reservation anywhere in the country like Kashmiri Migrants.

Joint Forum of KP Organisations

- The Prime Minister's return and rehabilitation package has remained absolutely unimplemented.
- Whatever funds are available should be provided immediately without the condition of return to the valley.

All India Kashmir Pandits Conference

- The situation is not right for Pandits to return to the valley.

Jammu Kashmir Vichar Manch

- The report regarding temple renovation is wrong. There are no temple which have been renovated.
- The living conditions of the Kashmiri Migrants are deplorable. They have to share a single bathroom among several families.
- Properties sold under duress by the Migrants continues.

Sikh Displaced Forum

- Sikh migrants wish to return to valley but the situation of Hindu minorities in the valley is extremely bad and it is impossible for Sikh minority to return in present circumstances.
- Sikh should be given minority status like Buddhist and Muslims in India.
- 1750 families of Sikh minority have been registered by Relief Commissioner with the population of 60,000 of which 30,000 have migrated to Jammu.
- Government has made no arrangements for these refugees and they live on their own in rented accommodation.
- Out of the 6,000 jobs, 4600 jobs are still to be filled and should be provided to Sikh migrants before they get over aged.
- Protection should be provided to Sikh population residing in Kashmir valley.

Kashmir Samiti Delhi

- The Prime Minister's package puts stringent conditions for its implementation. It has no provision for youths who had to migrate in the 90's and have now become averaged and are still to get relief.
- Properties belonging to the Kashmiri Pandit community have been overtaken by the Government for its purposes like cremation grounds for making bus stands etc.
- Heritage symbols of the Pandit community in Kashmir like the Shankracharya Hill top, Hariparvat, etc. have been renamed so that all cultural heritage of the

community is erased and State Government itself is complicit. Such changes might not get reflected on the Government papers and therefore the Government can take the alibi of documentation, but what matters is the reality on the ground.

- Kashmiri pandits are under going a severe identity crisis: detached from their roots in Kashmir, they neither belong to Kashmir nor to the rest of India and thereby hang midway.
- No Commission was appointed by the Government to find out the reasons for migration of Kashmiri Pandits from the valley.
- Even after 23 years of migration the question of address verification of Kashmir Pandits in the valley for becoming eligible to get migrants status is still not complete. In the absence of such verifications, pundit community neither can claim any benefits nor apply for jobs in the valley.
- People who were massacred are still to get justice as their murderers roam scot free. No FIRs have been registered so far.
- There is no representation of kashmiri pandit migrants in the State Secretariat.
- Names of the migrants are deleted from the electoral list though the Election Commission has provided voting rights for State Assembly elections and Parliamentary constituency in the state to migrants living outside Jammu and Kashmir.

Displaced Kashmiri Hindus

- Migrants have to take an elaborate five steps exercise before they can cast their votes outside J&K. This discourages the voters casting their votes.
- Out of registered 58000 families, only 5200 have been given shelters.
- In the 2001 Census, it was said that the population of Kashmiri Pundit Migrants comprises of 90,000 males and only 10,000 females.
- In the year 2000, it was stated that properties of Kashmiri Pundits which have been encroached upon are being cleared. No progress has taken place on the ground.
- Kashmiri Migrants face difficulties in getting legal proofs of their being displaced Kashmiri. Obtaining of legal proofs such as Voter ID card, passport, migrant ration card or State Subject Certificate is a cumbersome process, which needs to be streamlined and facilitated in such a way that a person sitting in Delhi could also get hold of it easily. An attempt is being made in such a way that people are discouraged from getting those documents so that they may not have any claim on the land.
- If this generation is not able to solve this problem, next generation may not be able to go there because they will not have the documents.

All India Kashmiri Sarnaj

- The Supreme Court has reprimanded both the State and Central Governments because of which the Prime Minister's Package was announced but has not been implemented properly.
- It does not matter what is the total figure of the Prime Minister's Package, what matters is how many individuals and families get when it is distributed.
- There is no programme or blueprint prepared by the Government to take the community back to the valley where they can live with dignity and without fear.
- The exodus is nothing short of ethnic cleansing and the Prime Minister's Package is only a piece of paper for the migrants.
- Though the Home Ministry listens patiently the representatives of the Migrants, they are not able to overcome the resistance of the State Government when it comes to implementing the policy of rehabilitation.

Kashmiri Pandit Sabha (Shri K.K. Khosa)

- Regarding the Prime Minister's Package, which was announced in 2008, till date, out of the eight or nine components which it constituted, only one component, and that too partially, has been implemented.
- The Package had infirmities from the very beginning. The State Government has formed an Apex Committee to oversee the implementation of the Prime Minister's Package. The Apex Committee was constituted in September, 2009. Forty members were included in that Committee. In the last four years, only four formal meetings with proper agenda and proper minutes recorded were held. The State Government states that the entire Package was implemented under the guidance and advice of the Apex Committee which they have formed. This shows that there was not much seriousness in the effort which the Government made towards the implementation of the Prime Minister's Package.
- Out of the 6,000 posts which were announced for the Kashmiri displaced community, only 1,500 have actually been given to them. The rest, the Government says, have not been appointed because the community went to the court in litigation, therefore, things were stalled. But that litigation was not putting any hindrance in the employment to be provided to the rest of the people. The community had to go to the court as there was a waiting list which was pending with the Government and there was a Cabinet decision that they should be immediately employed before the next lot of children were considered for employment.
- People of Jagti township have been facing tremendous difficulties because of 16-18 hours power cut that is being forced upon them.

4.0 The Chairman then directed the Home Secretary to go through the Supreme Court judgement which Mr. Bhim Singh had referred to and the earlier High Court judgement along with the Wadhwa Commission's recommendations and Sushma Committee's recommendations and, based on these recommendations, to get back to the Committee with the progress made so far, *vis-a-vis* the State Government and the views of the Central Government with regard to these findings and recommendations. He also asked him to send the Committee the response of the Ministry to the issues raised by the representatives from various associations in the meeting.

4.1 He also then proposed to hold meeting with the representatives and the Ministry in the light of Action Taken by the Government. He also proposed to hold meeting with the Jammu and Kashmir Government and the representatives together. The Chairman also proposed that the Sub-Committee would visit Jammu and Kashmir to see the ground situation.

5.0 A verbatim record of the proceedings of the meeting was kept.

6.0 The Committee then adjourned at 12.00 Noon

I
FIRST MEETING

The Committee met at 11.30 A.M. on Tuesday, the 16th September, 2014 in Room No. 63, Parliament House, New Delhi.

MEMBERS PRESENT

1. Shri P. Bhattacharya — *Chairman*

RAJYA SABHA

2. Shri K. Rahman Khan
3. Shri Avinash Rai Khanna
4. Dr. V. Maitreyan
5. Shri Baishnab Parida
6. Shri D. Raja
7. Shri Sitaram Yechury

LOK SABHA

8. Shri Prem Singh Chandumajra
9. Shri Selvakumara Chinayan S.
10. Dr. Kakoli Ghosh Dastidar
11. Shri Mallikarjun Kharge
12. Shrimati Kirron Kher
13. Shri Ram Mohan Naidu Kinjarapu
14. Shri Kaushal Kishore
15. Shri Harish Meena
16. Shri Baijayant "Jay" Panda
17. Shri Lalubhai Babubhai Patel
18. Shri Natubhai Gomanbhai Patel
19. Shri Bheemrao B. Patil
20. Shri Bishnu Pada Ray
21. Dr. Satya Pal Singh
22. Shri B. Sreeramulu

SECRETARIAT

Shri P.P.K. Ramacharyulu, *Joint Secretary*

Shri Vimal Kumar, *Director*

Shri D.K. Mishra, *Joint Director*

Shri Bhupendra Bhaskar, *Assistant Director*

Shri Sanjeev Khokhar, *Assistant Director*

Shri Anurag Ranjan, *Assistant Director*

2.	*	*	*
2.1	*	*	*
2.2	*	*	*
3.0	*	*	*

3.1 The Chairman apprised the Members that previous Committee had made detailed examination of the problems being faced by refugees in Jammu and Kashmir; and security of vital installations. The Committee, however, could not present reports as the reports could not be adopted for want of quorum. He urged that if all Members agree, the Committee might take up those two subjects again and present the reports. Most of the work had already been done on those subjects. However, since the present Committee was a reconstituted Committee, it may hear the Home Secretary once and thereafter reports could be finalized. Besides the above two subjects, the Chairman proposed that the Committee may select the following subjects for detailed study:-

- (i) Border Fencing and Flood Lighting including Infiltration along Indo-Bangla Border;
- (ii) Status of Fire Fighting Services in the country;
- (iii) Problems Being Faced by Home Guards and their working conditions
- (iv) Left Wing Extremism
- (v) Connectivity in North Eastern Region

4.0 The Chairman, then, requested the Members to give their suggestions on the proposed subjects and also suggest any other topic or subject for consideration. He stated that once all the suggestions were received, the final decision would be taken later on.

4.1 The Members of the Committee endorsed the subjects as proposed by the Chairman. One-by-one each member raised various issues for consideration of the Committee which *inter-lia* included relief and rehabilitation operations for flood affected people in J&K; Police reforms; specific problems of UTs of A&N Islands and Daman and Diu; Working of NHRC and

*** Relate to other matters.

its effectiveness; Problems being faced by Tamil Refugees; Proliferation of communal forces in the country; Disaster Management Preparedness and performance appraisal of NDMA; Border Management and incentives to Bordering States; Left wing extremism; difficulty in issuance of visa to NRIs, Coastal Security, relief to 1984 riot affected people, Deaths of Indians in Pakistan Jails, development of North Eastern Region. Some Members of the Committee also raised issues concerning their constituency and region.

4.2 The Committee, then, authorized the Chairman to prioritize the subjects for detailed examination.

5.0 The Committee then adjourned at 1.00 P.M.

IV
FOURTH MEETING

The Committee met at 11.00 A.M. on Tuesday, the 21st October, 2014 in Room No. 139, Parliament House Annexe, New Delhi.

MEMBERS PRESENT

1. Shri P. Bhattacharya — *Chairman*

RAJYA SABHA

2. Shri Avinash Rai Khanna
3. Shri Mukhtar Abbas Naqvi
4. Shri Derek O' Brien
5. Shri Baishnab Parida
6. Shri D. Raja
7. Shri Sitaram Yechury

LOK SABHA

8. Shri Prem Singh Chandumajra
9. Shri Adhir Ranjan Chowdhury
10. Shri Ramen Deka
11. Shri Chandrakant Khaire
12. Shri Mallikarjun Kharge
13. Shri Ram Mohan Naidu Kinjarapu
14. Shri Kaushal Kishore
15. Shri Harish Meena
16. Shri Baijayant "Jay" Panda
17. Shri Dilip Patel
18. Shri Bheemrao B. Patil
19. Dr. Satya Pal Singh

SECRETARIAT

Shri P.P.K. Ramacharyulu, *Joint Secretary*

Shri Vimal Kumar, *Director*

Shri D.K. Mishra, *Joint Director*

Shri Bhupendra Bhaskar, *Assistant Director*

WITNESSES**Representatives of Ministry of Home Affairs**

1. Shrimati Snehlata Kumar, Secretary (BM)
2. Shri K.K. Pathak, Joint Secretary
3. Shri Rajit Punhani, Joint Secretary
4. Shri S.C. Karol, Director
5. Shri Sanjay Roy, Director

Representatives of Government of J&K

1. Shri R.K. Pandita, Relief Commissioner
2. Smt. Rehana, Additional Divisional Commissioner

2.0 At the outset, the Chairman welcomed the members of the committee. He recalled that in the meeting held on 10th October, 2014, it was decided that the Committee will hear the presentation of Home Secretary on the Problems being faced by the Refugees and Displaced Persons in J&K.

3.0 He also informed the Members that the erstwhile Committee had examined the problems being faced by the refugees and displaced persons in J&K which includes West Pakistani Refugees; Displaced Persons from PoJK of 1947; Chhamb Displaced Persons 1965; Chhamb Displaced Persons, 1971 (Camp and Non-Camp).

4.0 He further informed the Members that the erstwhile Committee could not present the Report to the Parliament due to the General Elections and since most of the Members of the present Committee are new, it was felt that the Home Secretary may be invited to make a presentation on the problems being faced by the Refugees and the Displaced Persons in J&K.

5.0 The Chairman then informed the Committee that the Home Secretary has sought exemption from personally appearing before the Committee because of his visit to J&K in connection with rehabilitation operations there.

6.0 Thereafter he invited the attention of the Members of the Committee to the provision of Rule 294 (1) of Rules of Procedure and Conduct of Business in the Council of States (Rajya Sabha) about declaration of interests which reads as under.-

"Whenever a member has a personal or specific pecuniary interest (direct or indirect) in a matter being considered by the Council or a Committee thereof, he shall declare the nature of such interest notwithstanding any registration of his interests in the Register, and shall not participate in any debate taking place in the Council or its Committees before making such declaration."

7.0 He then invited officers of the Ministry of Home Affairs to make presentation before the Committee on the subject.

[On Arrival Of Representatives Of The Ministry]

8.0 The Chairman, on behalf of the Committee, welcomed the representatives of the Ministry of Home Affairs and the State Government of Jammu and Kashmir to the sitting. The Chairman while highlighting some important issues *viz* permanent resident's right to West Pakistani refugees, counting of households during census, including new families that broke out from the original families and issue of special financial package for one-time settlement asked the officials to focus on these issues while making presentation.

9.0 A presentation was made by the Joint Secretary, Ministry of Home Affairs. After the presentation, several clarifications were sought by the Members. Some of the information was not available with the officials which they promised to furnish in writing later. The Committee was also of the opinion that in the absence of the Home Secretary and senior most officials of the Government of J&K, several clarifications could not be made. The Committee therefore decided to hold further meeting on the subject and asked the Ministry to come fully prepare for the same.

(The Witnesses then withdrew)

10.0 A Verbatim record of the Proceedings of the meeting was kept.

11.0 The Committee then adjourned at 12.30 P.M.

V
FIFTH MEETING

The Committee met at 2.30 P.M on Tuesday, the 11th November, 2014 in Main Committee Room, Parliament House Annexe, New Delhi.

MEMBERS PRESENT

1. Shri P. Bhattacharya — *Chairman*

RAJYA SABHA

2. Shri K. Rahman Khan
3. Shri Avinash Rai Khanna
4. Dr. V. Maitreya
5. Shri Derek O' Brien
6. Shri Baishnab Parida
7. Shri D. Raja
8. Shri Sitaram Yechury

LOK SABHA

9. Shri Prem Singh Chandumajra
10. Shri Adhir Ranjan Chowdhury
11. Shri Selvakumara Chinnayan S.
12. Dr. Kakoli Ghosh Dastidar
13. Shri Ramen Deka
14. Shri Chandrakant Khaire
15. Shri Mallikarjun Kharge
16. Shrimati Kirron Kher
17. Shri Ram Mohan Naidu Kinjarapu
18. Shri Kaushal Kishore
19. Shri Harish Meena
20. Shri Nagarajan P.
21. Shri Dilip Patel
22. Shri Natubhai Gomanbhai Patel
23. Shri Bheemrao B. Patil
24. Shri Bishnu Pada Ray
25. Dr. Satya Pal Singh

SECRETARIAT

Shri P.P.K. Ramacharyulu, *Joint Secretary*

Shri Vimal Kumar, *Director*

Shri D.K. Mishra, *Joint Director*

Shri Bhupendra Bhaskar, *Assistant Director*

Shri Sanjeev Khokhar, *Assistant Director*

Shri Anurag Ranjan, *Assistant Director*

WITNESSES

Representatives of Ministry of Home Affairs

1. Shri Anil Goswami, Secretary (Home)
2. Smt. Sneha Lata Kumar, Secretary (BM)
3. Shri Rajiv Gauba, Additional Secretary
4. Shri K.K. Pathak, Joint Secretary
5. Shri S.C. Karol, Director
6. Shri Sanjay Roy, Director
7. Shri Sanjay Agarwal, Director

Representatives of Ministry of Power

1. Shri Devendra Chaudhry, Special Secretary
2. Shri R.P. Sasmal, Director (Operations), PGCIL
3. Shri P.K. Pahwa, Member (GO&D), CEA

Representatives of Government of J&K

1. Shri Shantmanu, Divisional Commissioner, Jammu
2. Shri Vinod Kaul, Commissioner & Secretary
3. Shri Mushtaq Ahmed, Custodian & PRO

Representatives of Government of Orissa

1. Shri P.K. Mohapatra, Principal Secretary
2. Shri P.R. Mohapatra, Deputy Relief Commissioner

Representatives of Government of Andhra Pradesh

Shri M. Jagannadham, Additional Commissioner

Representative of Indian Meteorological Department

Dr. M. Mohapatra, Scientist-E

2. After customary greetings and informing of the agenda of the day, the Chairman, made a reference to the last meeting of the Committee held on 21st October, 2014, which remained inconclusive as the representatives of the Union Ministry of Home Affairs and officials of Government of Jammu and Kashmir were not adequately prepared. He informed that the Home Secretary had been invited to answer the queries of the Members of the Committee which could not be replied in the last meeting.

I. Problems Being Faced By Refugees and Displaced Persons in J&K

3.0 After greetings and mentioning of the confidentiality clause of the proceedings of the Committee to the members of the Committee and the witnesses, the Chairman asked the Home Secretary to reply the queries raised by the Members in the Committee's meeting held on 21st October 2014.

3.1 With regard to the number of West Pakistan refugees, the Home Secretary stated that the correct number was 5,764 families with a population of 47,215 persons. He also stated that 1,901 families came to Delhi; 123 families to Maharashtra; 495 families to Rajasthan; 1,828 families to Punjab; 667 families to UP; 7 families to MP; one family to Bihar and 278 families moved in other parts of the country. He also added that the Government could not make a break-up of the Muslims, the Hindus and the Sikhs but the information which is available was that 31,455 families were non-Muslims including Sikhs and 164 families Muslims.

3.2 The Home Secretary while referring to provisions of the Permanent Resident Laws in the State, stated that the fundamental requirement of being a permanent resident in J&K was that one should have ownership of land. The Central Government has been writing to the State Government frequently, the latest being on 7th November, 2014 requesting to consider the grievances of West Pakistani Refugees and also to send a consolidated financial proposal to the Ministry at the earliest. The Displaced Person Act of 1954 did not extend to the State of Jammu and Kashmir. Therefore, whatever compensation was paid in 1947 was paid out of the coffers of the State of Jammu and Kashmir. He stated that all issues with regard to refugees emanate from the basic issue of the lack of Permanent Resident rights. A large number of children are unable to meet that minimum benchmark, because of the lower educational standards, and therefore, a kind of concession needs to be extended to them. He assured the Committee that the Central Government would issue instructions to the State Government regarding the domicile certificate and would also take a very careful look at the suggestion of setting up of Kendriya Vidyalaya/Navodaya Vidyalaya.

II. Rescue, Relief and Rehabilitation in the Aftermath of Hudhud Cyclone

4.0 The Home Secretary, then, briefed the Committee about the development of the cyclone Hudhud in the North Andaman Sea on the morning of 6th October, 2014. The National Crisis Management Committee started reviewing the preparedness measures of the Central and the State Governments, from 9th October onwards. All possible logistic assistance was provided to the affected State Governments for managing the cyclone and its aftermath and it was due to the close coordination between the Central and the State Governments the loss of human lives was minimized.

4.1 Thereafter, presentation was made before the Committee pertaining to Cyclone Hudhud *i.e.*, on the technical description of the cyclone by the Indian Meteorological Department; the efforts made by the Central Government to help the States to deal with the cyclone; damage caused in Andhra Pradesh, and the damage caused in Odisha.

4.2 During the course of presentation members raised several queries like the provision of central assistance and payment of its installments to State Government of Andhra Pradesh, compensation to cyclone hit victims by the State Governments of Andhra Pradesh and Odisha, the demand of additional fund from NDRF by the State Government of Odisha, the degree of velocity of cyclone, the assessment of preparatory arrangements by Government Departments, the role played by NDMA, the Emergency Response System (ERS) of State Governments and so on, which were suitably replied by the Union Home Secretary and the representatives of State Governments of Andhra Pradesh and Odisha.

5.0 A Verbatim record of the Proceedings of the meeting was kept.

6.0 The Committee then adjourned at 4.55 P.M.

VIII
EIGHTH MEETING

The Committee met at 3.00 P.M. on Thursday, the 18th December, 2014 in Room No. 63, Parliament House, New Delhi.

MEMBERS PRESENT

1. Shri P. Bhattacharya — *Chairman*

RAJYA SABHA

2. Shri K. Rahman Khan
3. Dr. V. Maitreyan

LOK SABHA

4. Shri Adhir Ranjan Chowdhury
5. Shri Selvakumara Chinnayan S.
6. Shri Ramen Deka
7. Shri Chandrakant Khaire
8. Shri Mallikarjun Kharge
9. Shri Kaushal Kishore
10. Shri Harish Meena
11. Shri Nagarajan P.
12. Shri Bheemrao B. Patil
13. Shri Bishnu Pada Ray
14. Dr. Satya Pal Singh

SECRETARIAT

Shri P.P.K. Ramacharyulu, *Joint Secretary*

Shri Vimal Kumar, *Director*

Shri D.K. Mishra, *Joint Director*

Shri Bhupendra Bhaskar, *Assistant Director*

Shri Anurag Ranjan, *Assistant Director*

2.0 At the outset, the Chairman welcomed the Members to the meeting of the Committee. He thereafter, apprised Members of the agenda of the meeting *i.e.*, consideration and adoption of draft 183rd Report on “Problems Being faced by Refugees and Displaced Persons in J&K and to inform the Members about the proposed study visit of the Committee to Odisha and Andhra Pradesh.”

I. Visit of the Committee:

3.0 The Chairman then informed the Members about the proposed study visit of the Committee to Odisha and Andhra Pradesh from 9th to 11th January, 2015.

3.1 * * *

II. Consideration and adoption of 183rd report:

4.0 The Committee, then, took up draft 183rd report on 'Problems Being Faced by Refugees and displaced Persons in J&K' for consideration and adoption.

4.1 One Member brought to the notice of the Committee his earlier view that settlement of issue of Permanent Resident Certificates to West Pakistani Refugees may be subjected/linked to budgetary grants given by Union Government to the State Government of J&K.

4.2 The Committee agreed upon incorporating this view as a view of the Member in the report. After a brief discussion, the draft report was adopted by the Committee with some minor changes.

5.0 The Committee then nominated its Chairman and in his absence Shri D. Raja, M.P., Rajya Sabha and Dr. V. Maitreyan, M.P., Rajya Sabha to present the 183rd Report along with the 182nd Report, which was adopted by the Committee on 4th December, 2014 to the Rajya Sabha on 22nd December 2014. The Committee also nominated Shri Adhir Ranjan Chowdhary and Shri Harish Meena, Member, Lok Sabha to lay both the reports on the Table of Lok Sabha on the same day.

6.0 A Verbatim record of the Proceeding of the meeting was kept.

7.0 The Committee then adjourned at 3.15 P.M.

ANNEXURE

**Composition of the Sub-Committee on Action Taken on 137th Report on
Rehabilitation of J & K Migrants of Department-related Parliamentary Standing
Committee on Home Affairs (2013)**

RAJYA SABHA

1. Shri Rajiv Pratap Rudy — *Convenor*
2. Shrimati Vandana Chavan
3. Shri Santiuse Kujur
4. Shri Satish Chandra Misra

LOK SABHA

5. Shri Naveen Jindal — *Co-convenor*
6. Dr. Shafiqur Rahman Barq
7. Shri E. T. Mohammed Basheer
8. Shri Ramen Deka
9. Shri Datta Meghe
10. Shri Sanjay Dina Patil
11. Shri Rathod Ramesh
12. Shri Neeraj Shekhar
13. Shri Ravneet Singh

