

**PARLIAMENT OF INDIA  
RAJYA SABHA**

**DEPARTMENT-RELATED PARLIAMENTARY  
STANDING COMMITTEE ON HOME AFFAIRS  
ONE HUNDRED AND THIRTY SEVENTH REPORT  
ON  
REHABILITATION OF J & K MIGRANTS**

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**(PRESENTED TO RAJYA SABHA ON 13 FEBRUARY, 2009)  
(LAID ON THE TABLE OF LOK SABHA ON 13 FEBRUARY, 2009)**

**RAJYA SABHA SECRETARIAT  
NEW DELHI  
FEBRUARY, 2009/MAGHA, 1930 (SAKA)**

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**C O N T E N T S**

**OBSERVATIONS/CONCLUSIONS/RECOMMENDATIONS**

## OBSERVATIONS/CONCLUSIONS/RECOMMENDATIONS

4.1 The Committee is moved by the pitiable condition of the migrants. Over the years the conditions have only worsened as families have grown and there has been no addition to their resources. The unhygienic environment in which migrants live is extremely deplorable. The Committee is, therefore, of the strong view that the Government should give a serious thought to the problems of Kashmiri displaced person and improve their living conditions.

4.2 The Committee also expresses its deep concern over the pathetic condition of about 4000 Kashmiri Pandits living in the Kashmir Valley. The Committee feels that there should be special budgetary provision for Kashmiri Pandits left behind in the valley for fulfilling genuine needs of housing, employment/self employment and improving living conditions.

4.3 The Committee notes with concern that in the absence of adequate and comprehensive policy for rehabilitation, the Kashmiri displaced persons are reportedly being compelled to live in shanty-like camps set up in places like Udhampur, Nagrota, Jammu and Delhi. The displaced persons had left behind their properties, household goods, business establishments, agricultural land and other means of livelihood and continuing to lead their lives in scarcity and insecurity. Neither the Central Government nor the State Government has adopted a holistic approach to tackle the problems being faced by the displaced persons. The Committee, therefore, recommends that there should be clear directions by Central Government to all the State Governments and Union Territories to provide relief and rehabilitation on a uniform and holistic basis to Kashmiri Displaced Persons living in those States and UTs. The Committee also feels that all State Governments should provide land to them for construction of houses under group housing schemes and for construction of cultural centres. To the extent possible, registration charges and stamp duty should be waived as per a uniform policy throughout India.

4.4 The Committee is of the view that recommendations of the high powered inter-ministerial team appointed by Prime Minister, regarding medical fund, immediate employment of 1000 persons and construction of two room flats at existing places of dwelling in Jammu based camps should be implemented without further delay.

4.5 The Committee feels that the Displaced Persons living out side the camps need enhanced relief commensurating with the cost of living index and to countervail the burden of rent payments and therefore, desires that the Government should take appropriate steps in that direction immediately. The Committee also desires that the Government should implement the recommendations of the Sushma Chodhury Committee Report on Kashmiri Displaced Person residing outside the camps for improving their condition of living.

**4.6** The Committee feels that the Displaced Persons should be encouraged to undertake self employment and micro and small scale industries. For this they require loans from the banks. The Committee recommends that the Government should provide the Kashmiri displaced persons the facilities of seeking soft loans from the banks to enable them to take up self-employment projects for earning their livelihood.

**4.7** The Committee understands that the purpose of monthly allowance given to Kashmiri Displaced Persons is to ensure that difficulties and hardships faced by them are minimized and the needy families are provided with a reasonable quantum of sustenance and support. Keeping in view the requirement for a decent living and the expenditure needed to be incurred, the Committee recommends that the Government should consider increasing the monthly sustenance allowance from Rs.1000 per month per head to a reasonable amount commensurate to the current cost of living.

**4.8** The Committee strongly feels that the Government of Jammu and Kashmir and the Central Government should take the matter of the health care of Kashmiri Pandits with utmost seriousness and sanction them a reasonably enhanced medical allowance so that they do not die of any ailments due to lack of medical attention. It would be appreciated if the Government also make a provision for providing insurance coverage to Kashmiri Displaced Persons who are leading a miserable life and many of them suffering from ailments.

**4.9** The Committee is of the view that given the complexity of the situation, confidence-building measures among the displaced persons are necessary which needs utmost attention on the part of the Government.

**4.10** The Committee expresses its serious concern about the criminal intent of vested interests to alter the demography in the State of J & K by not only forcibly ousting the minorities out of the State but also by changing the property rights in the revenue records, so that the migrants are left with no stake to return back to the valley. The Committee strongly feels that appropriate and effective action is required to safeguard the right to properties of the Kashmiri Pandits who have been compelled to fled the state their homes and hearths for fear of their lives and dignity.

**4.11** The Committee was given to understand that an Apex Committee on Relief under the Chairmanship of the Revenue Minister of the J&K, had assured that within a period of three months, all encroachments would be got vacated and the details of the Kashmiri Pandits' properties, which had been taken over by the Divisional Commissioner of each District, would be posted on the internet. However, no action appears to have been taken on this front. The Committee, therefore, strongly recommends that the authorities should act forthwith with all

seriousness, to remove the encroachments and instill the much needed confidence in the migrants by undertaking suitable action in this regard in a time bound manner.

**4.12** The Committee recommends that all houses of Kashmiri Pandits lying in dilapidated condition should be rebuilt by Government or a liberal grant be offered to owners of the properties to rebuild them.

**4.13** The Committee is also of the opinion that the Government should explore the possibility of declaring all the properties, movable and immovable, sold by the displaced persons after 1989-90, as "Distress Sales" and declare the sales as null and void and accordingly restore possession of the properties back to the respective Kashmiri Pandits who were the recorded owners through the custodian of properties duly constituted.

**4.14** The Committee strongly feels that there should be a blanket ban on the acquisition of the properties of Kashmiri Pandits by the State Government. The Jammu & Kashmir Migrant Immovable Property (Preservation, Protection and Restraint on Distressed Sales) Act, 1997 should be implemented in letter and spirit.

**4.15** The Committee is of the considered view that the word 'migrant' used in the context of the Kashmiri Displaced Persons is not an appropriate expression because the affected persons had been forced to give up their homes and hearths against their own will due to the mayhem caused by the militants. The Committee is also of the view that those persons cannot wait endlessly for normalcy to return to the valley and there is no harm if some such people prefer to settle outside the valley for the sake of their lives and livelihood. The Committee therefore desires that the Government should consider this aspect and announce suitable and appropriate policy measures.

**4.16** With the displacement of Kashmiri Pandits from the Valley, they not only lost their homes but also means of livelihood which aggravated their agonies and miseries. The Committee, therefore, recommends the Ministry of Home Affairs to explore all avenues for providing employment to them under the package announced by Prime Minister in 2004 with a time-bound programme.

**4.17** The Committee was given to understand that the direction of the High Court of Jammu and Kashmir to provide relief to the Jammu Migrants at par with the Kashmiri Migrants has not been implemented either by the Central or State Governments. The Committee also notes the order dated July 12, 2006 of the Supreme Court that the Relief Commissioner may ensure whether Jammu Migrants were provided with all relief measures to which they were entitled as per the policy and any arrears to be paid to the migrants should be made available to them at the earliest. The Committee expresses its anguish that no step have been taken to provide relief to the Jammu Migrants. The Committee recommends that immediate steps may be taken to implement the directions of the Supreme Court.

**4.18** The services of Kashmiri Displaced Persons who have been appointed as Teachers on ad hoc basis in MCD and Government of NCT of Delhi Schools, should be regularized. The Committee was given to understand that there are cases where Kashmiri teachers have been working on contract for the last thirteen years. The Committee is of the view that all such cases should also be regularized as soon as possible.

**4.19** The Committee recommends to the Government to examine the demand made by the Kashmiri Displaced Persons for providing constitutionally guaranteed schemes for their social, political and economic upliftment and come out with appropriate measures.

**4.20** The Committee takes a serious note of the fact that the actual expenditure on account of implementation of rehabilitation programmes for J&K displaced persons during 2006-07 was only Rs. 69.31 crore as against the allocation of Rs. 120 crore and against Rs. 120 crore kept for 2007-08 in BE, only Rs. 100 crore was provided at RE 2007-08. The Committee once again took serious note that as enough claims were not received from the Government of Jammu & Kashmir, only Rs. 110.00 crore was kept in the BE 2008-09. The Committee in its successive Reports, i.e. 119<sup>th</sup>, 126<sup>th</sup> and 130<sup>th</sup> Reports, urged upon the Ministry to impress upon the J&K Government about the necessity of sending schemes expeditiously and implement them in time so that all the J&K Displaced Persons are rehabilitated without further delay. In spite of those recommendations, it is unfortunate that the Government of J & K has not taken requisite action.

**4.21** At the same time, the role and responsibility of the Ministry of Home Affairs do not end by merely requesting and advising the State Government. It has to play a proactive role in the matter and vigorously pursue with the Government of J&K at the highest level so as to convince the latter the need for formulating rehabilitation schemes and sending them on time to the Central Government for further action.

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