



REPORT NO.

**179**

**PARLIAMENT OF INDIA**

**RAJYA SABHA**

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

**ONE HUNDRED SEVENTY NINTH REPORT**

**ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS/OBSERVATIONS  
CONTAINED IN THE 137<sup>TH</sup> REPORT ON REHABILITATION OF J&K MIGRANTS**

**(PRESENTED TO RAJYA SABHA ON 19<sup>TH</sup> FEBRUARY 2014)  
(LAID ON THE TABLE OF LOK SABHA ON 19<sup>TH</sup> FEBRUARY 2014)**



**Rajya Sabha Secretariat, New Delhi  
February, 2014/Phalguna, 1935 (Saka)**

Hindi version of this publication is also available

C.S. (H.A.)-\_\_\_\_\_

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## ACRONYMS

DDA	Delhi Development Authority
NoKs	Next of Kin
IRP	Indian Reserve Police
ANMs	Auxiliary Nurse Midwife
MPWs	Multipurpose workers
LOC	Line of Control
HRD	Human Resource Development
UG	Under Graduate
CAPFs	Central Armed Police Forces
GNCTD	Government of National Capital Territory of Delhi
PGT	Post Graduate Teacher
TGT	Trained Graduate Teacher
MCD	Municipal Corporation of Delhi
SPOs	Special Police Officers
VDCs	Village Defence Committees
NHRC	National Human Right Commission
UTs	Union Territories
IMT	Inter-Ministerial Team
MHA	Ministry of Home Affairs
SRE	Security Related Expenditure
CBM	Confidence Building Measures

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\* To be appended at the stage of printing

**COMPOSITION OF THE COMMITTEE**  
**(re-constituted w.e.f. 31<sup>st</sup> August, 2011)**

**Rajya Sabha**

1. Shri M. Venkaiah Naidu - Chairman
2. Shri Rishang Keishing
3. Dr. N. Janardhana Reddy
4. Shri Rajiv Pratap Rudy <sup>Σ</sup>
5. Shri Satish Chandra Misra <sup>\*</sup>
6. Shri Prasanta Chatterjee
7. Shri Tariq Anwar
8. Dr. V. Maitreyan
9. Shri D. Raja
10. Shri Javed Akhtar

**Lok Sabha**

11. Shri L.K. Advani
12. Shri Sansuma Khunggur Bwiswmuthiary
13. Shri Khagen Das
14. Dr. Kakali Ghosh Dastidar
15. Shri Ramen Deka
16. Shri Lagadapati Raja Gopal
17. Shri Mohammad Asrarul Haque
18. Shri Naveen Jindal
19. Shri Jitender Singh Malik
20. Shri Babulal Marandi
21. Shri Baijayant Panda
22. Shri Lalubhai B. Patel
23. Shri Natubhai Gomanbhai Patel
24. Dr. Nilesh N. Rane
25. Shri Navjot Singh Siddhu<sup>#</sup>
26. Shri Adhi Sankar
27. Shri Hamdullah Sayeed
28. Shri Neeraj Shekhar
29. Shri Ravneet Singh
30. Shri Harsh Vardhan
31. Shri Dinesh Chandra Yadav

**SECRETARIAT**

Shri P.P.K. Ramacharyulu, Joint Secretary  
Shri D.K. Mishra, Joint Director  
Shri Bhupendra Bhaskar, Assistant Director  
Shri Sanjeev Khokhar, Committee Officer  
Shri Anurag Ranjan, Committee Officer

(i)

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<sup>Σ</sup> Shri Rajiv Pratap Rudy nominated w.e.f. 4<sup>th</sup> July 2012 vice Shri S.S. Ahluwalla ceased to be Member consequent upon expiration of term of membership from Rajya Sabha on 2<sup>nd</sup> April 2012.

<sup>\*</sup> Shri Satish Chandra Misra nominated w.e.f. 4 May 2012 vice Shri Naresh Chandra Agrawal who resigned from the membership of Rajya Sabha w.e.f. 13<sup>th</sup> March, 2012.

<sup>#</sup> Shri Navjot Singh Siddhu nominated w.e.f. 3 January 2012 vice Shri Bishnu Pada Ray who was nominated to the Committee on Rural Development w.e.f. 3 January 2012.

**COMPOSITION OF THE COMMITTEE**  
**(re-constituted w.e.f. 31<sup>st</sup> August, 2012)**

**Rajya Sabha**

1. Shri M. Venkaiah Naidu - Chairman
2. Vacant<sup>^</sup>
3. Shri Santiuse Kujur<sup>¶</sup>
4. Shri Janardan Dwivedi
5. Shri Rajiv Pratap Rudy
6. Shri Satish Chandra Misra
7. Shri Prasanta Chatterjee
8. Vacant<sup>#</sup>
9. Vacant<sup>\*</sup>
10. Dr. V. Maitreyan<sup>%</sup>

**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<sup>\*</sup>
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

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<sup>¶</sup> Shri Santiuse Kujur, Member, Rajya Sabha nominated w.e.f. 7<sup>th</sup> 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.

<sup>\*</sup> Due to the Appointment of Shri Tariq Anwar as Minister of State for Agriculture and Food Processing Industries on 28 October 2012.

<sup>^</sup> Shri D. Raja, Member, Rajya Sabha nominated w.e.f. 28<sup>th</sup> 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 28 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. 25<sup>th</sup> July, 2013

<sup>\*</sup> Shri Pawan Kumar Bansal, MP, Lok Sabha nominated w.e.f. 7<sup>th</sup> 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. 17 June 2013.

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

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

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
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. 31<sup>st</sup> August, 2013)**

**Rajya Sabha**

1. Shri M. Venkaiah Naidu - Chairman
2. Shri Prasanta Chatterjee
3. Shrimati Vandana Chavan
4. Shri Janardan Dwivedi
5. Shrimati Kanimozhi
6. Shri Santiuse Kujur
7. Dr. V. Maitreyan
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
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

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\* 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 ceases to be a Member of the Committee.



(ii)

**Composition of the Sub-Committee on Action Taken on 137<sup>th</sup> Report on  
Rehabilitation of J & K Migrants of**

**Department-related Parliamentary Standing**

**Committee on Home Affairs**

**Rajya Sabha**

- |     |                               |   |                 |
|-----|-------------------------------|---|-----------------|
| (1) | <b>Shri M. Venkaiah Naidu</b> | - | <b>Chairman</b> |
| (2) | <b>Shri Rajiv Pratap Rudy</b> | - | <b>Convener</b> |
| (3) | Shrimati Vandana Chavan       |   |                 |
| (4) | Shri Santiuse Kujur           |   |                 |
| (5) | Shri Satish Chandra Misra     |   |                 |

**Lok Sabha**

- |      |                             |   |                    |
|------|-----------------------------|---|--------------------|
| (6)  | <b>Shri Naveen Jindal</b>   | - | <b>Co-convener</b> |
| (7)  | Dr. Shafiqur Rahman Barq    |   |                    |
| (8)  | Shri E. T. Mohammed Basheer |   |                    |
| (9)  | Shri Ramen Deka             |   |                    |
| (10) | Shri Datta Meghe            |   |                    |
| (11) | Shri Sanjay Dina Patil      |   |                    |
| (12) | Shri Rathod Ramesh          |   |                    |
| (13) | Shri Neeraj Shekhar         |   |                    |
| (14) | Shri Ravneet Singh          |   |                    |

(iv)

## PREFACE

I, the Chairperson 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 and Seventy Ninth Report on Action Taken by the Government on the Recommendations/Observations contained in the 137<sup>th</sup> Report on Rehabilitation of J&K Migrants.

2. The then Department-related Parliamentary Standing Committee on Home Affairs constituted a sub-Committee on Civil Defence and Rehabilitation of J&K Migrants on 13<sup>th</sup> April 2007 for in-depth examination of the subject. The Committee gave its 137<sup>th</sup> Report on 'Rehabilitation of J&K Migrants' in February, 2009 on which Action Taken Notes were furnished by the Ministry of Home Affairs on the recommendations made in the Report. The Action Taken Notes, which were got updated from time to time were considered the earlier Committee. The Committee was, however, not satisfied with the replies/explanations offered by the Ministry of Home Affairs and the State Government of J&K. The subject was again taken up for reconsideration by the present Committee and updated Action Taken Notes on the recommendations made in 137<sup>th</sup> Report of the committee were sought.

3. The Committee heard the views of the representatives of various organizations of J&K Migrants in its meeting held on 30<sup>th</sup> July, 2013 alongwith the representatives of Ministry of Home Affairs and State Government of Jammu and Kashmir. The Committee heard the following organizations of J&K migrants in the above said meeting:- (i) Panun Kashmir; (ii) All India Kashmiri Samaj, Delhi; (iii) All State Kashmiri Pandit Conference; (iv) Kashmiri Samiti, Delhi; (v) Jammu Kashmir Vichar Manch, Delhi; (vi) All India Kashmir Pandit Conference; (vii) Joint Forum of KP Organisations; (viii) J&K National Panthers Party; and (ix) Terrorism Victims/Migrants of Jammu Region.

4. After hearing the views of the representatives of various organizations and replies of the representatives of Ministry of Home Affairs and State Government of Jammu and Kashmir, the Committee considered updated Action Taken Notes submitted by the Government on the recommendation made in 137<sup>th</sup> Report. The Committee was dissatisfied with the Action Taken and decided to see for itself the ground reality.

5. A sub-Committee in this regard was constituted to visit migrant camps in Srinagar and Jammu to take stock of the situation. The Sub-Committee visited several relief camps in Srinagar and Jammu from 5<sup>th</sup> to 7<sup>th</sup> November, 2013. It also met various representative organizations of J&K migrants during the study visit.

6. Keeping in mind the complexity of the issues involved and nature of long pending grievances of the affected communities, the Committee has decided to treat the subject afresh and give report.

7. The Committee while finalizing its report, relied on the following:-
- (i) 137<sup>th</sup> Report of the Committee on Rehabilitation of J&K Migrants;
  - (ii) Updated Action Taken Notes of the Ministry of Home Affairs on recommendations made in 137<sup>th</sup> Report of the Committee on Rehabilitation of J&K Migrants;
  - (iii) Oral- evidence of non-official witnesses and official witnesses;
  - (iv) Comments by Ministry of Home Affairs on memoranda received from various organizations
  - (iv) Replies to the queries of members raised during its sittings; and
  - (v) Comments of Ministry of Home Affairs on Issues raised by Kashmiri/Jammu migrants before the Parliamentary Standing Committee during visit of the sub-committee to J&K from 5<sup>th</sup> - 7<sup>th</sup> November, 2013.
8. The Committee in its sitting held on 17<sup>th</sup> February 2014 considered and adopted the present report.
9. For facility of reference and convenience, observations and recommendations of the Committee have been printed in bold letters in the body of the Report.

17<sup>th</sup> February, 2014  
New Delhi

**M. Venkaiah Naidu**  
**Chairman**  
Department-related Parliamentary  
Standing Committee on Home Affairs

## CHAPTER - I

### ACTION TAKEN NOTE BY THE MINISTRY OF HOME AFFAIRS ON 137<sup>TH</sup> REPORT OF THE COMMITTEE

#### Recommendation

1.0 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 Kashmir displaced person and improves their living conditions.

(Para 4.1 of 137<sup>th</sup> Report)

#### Action Taken

1.1.1 As per information received from State Government, total number of registered families who have migrated is 59,442 (Jammu 38119, Delhi 19338 and other states 1985).

1.1.2 The concerns about the pitiable conditions of the Migrants have been raised at different fora including before the Parliamentary Standing Committee. The Government has taken several measures from time to time to improve the living conditions and resources for sustenance of these Migrants.

1.1.3 The thrust of the policy of the Government has been to ensure that difficulties and hardships of the Migrants are minimized and the needy families are provided an amount, enough for sustenance and support. Accordingly, monthly relief is being provided to the needy families in Jammu and Delhi which has been enhanced from time to time, as enclosed in the Annexure 'A'. The Number of families drawing relief is 20,633 (Jammu – 17248 and Delhi 3385).

1.1.4 The Cash relief given to Migrants in the State of J&K has since been revised w.e.f. 1.7.2012. The revision made during the last financial year, is given as under:-

	Jammu	Delhi
w.e.f. 1.7.2009	Rs.1250/-per head per month subject to a ceiling of Rs.5000/- per family per month plus dry ration	Rs.1250/- per head per month subject to a ceiling of Rs. 5000/- per family per month
w.e.f. 1.7.2012	Rs. 1650/- per head per month subject to a ceiling of Rs. 6600/- per family per month plus dry ration.	Rs. 1650/- per head per month subject to a ceiling of Rs. 6600/- per family per month.

1.1.5 Other States are providing relief as per scales fixed by them from their own budget. In pursuance of the meeting of the Parliamentary Standing Committee, the Chief Secretaries of the concerned States have also been advised by Union Home Secretary, in May, 2012, to consider the relief to the Kashmiri Migrants at par with J&K rates, as 'relief' is a State subject.

1.1.6 In view of the fact that the most of the Migrants do not have confidence in the conditions prevailing in J&K, which are not conducive enough, for them to return to the Valley, the Government, therefore, continues to create better facilities for Migrants in camps. To improve their accommodation, construction of 5242 two-room tenements announced in Hon'ble PM's Package-2004, at Jammu have been completed. Out of these, 4624 flats have already been allotted to the Kashmiri Migrants. Allotment of remaining flats is in progress.

1.1.7 As a result all the migrant families living in the old camps at Muthi I, Purkhoo Phase I, II & III, Mishriwala, Nagrota, Batal Ballian, Kathua and semi finished Government buildings which were generally one-room tenements and mostly without sanitary facilities have now been shifted to newly constructed two-room tenements with sanitary facilities at Nagrota, Purkhoo and Muthi at the same site and Jagati, a new site.

1.1.8 In Delhi, 237 migrant families who were staying in camps have been allotted DDA flats at concessional rate. Presently there is no camp in Delhi.

### **Recommendation**

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

(Para 4.2 *ibid*)

### **Action Taken**

#### *Budget*

1.2.1 Relief is a state subject. There is as such no separate budget provided by the State Government in the budget exclusively for Kashmiri Migrants who are left behind in the Valley. State Government, however, have covered these Migrants under the housing and employment component of the PM's Package announced in 2008.

## ***Housing***

1.2.2 With the support of Government of India under the package announced in 2004, 200 flats were completed at Budgam. Out of these, 31 flats have been allotted to local Kashmiri Migrants displaced in the Valley itself. Remaining flats have been allotted to Migrants on sharing basis, who have accepted appointment in the Valley under the Employment component of PM's Package.

1.2.3 The internally displaced families are also eligible to avail most of the assistance under PM's Package for Migrants as announced in 2008. The details of housing assistance are as given in para 4.9.

1.2.4 Under this package, so far only one family has come forward and availed the assistance for construction of house.

## ***Employment***

1.2.5 In order to create employment for Kashmiri Migrants, it has been decided by the Government of India in 2008, to create such opportunities for 15,000 unemployed migrant youths. Out of this, 6000 youths are to be accommodated in State Government jobs; 50% posts are to be created by the State Government from their own resources and the cost of 50% supernumerary posts is to be borne by the Central Government till they are absorbed against regular posts in the State Government within the specified time period. As regards Government jobs to be created with Central Government fund, 1446 Migrants have already joined different jobs in the Valley. Five internally displaced Kashmiri Migrants have also availed the benefit of job. There is Court stay for 1554 posts. However, further selection process is subject to the verdict of Hon'ble High Court. For remaining 3000 posts, for which the expenditure is to be met by the State Government as per the package, it still under the consideration of the Government.

1.2.6 9000 unemployed youths are to be facilitated to get financial assistance to come up with self-employment/business ventures. For this purpose one-time assistance of Rs. 5.00 lakh in each case will be provided out of which 50% will be grant & 50% as loan. No Migrant, however, has come forward to avail this facility.

## ***Recommendation***

1.3 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.

(Para 4.3 *ibid*)

### **Action Taken**

1.3.1 The Government has taken a holistic view for relief and rehabilitation of Kashmiri Migrants, which include cash relief for sustenance, accommodation, employment, education to the wards, protection of the properties, incentives for return to the Valley, etc.

#### *Relief*

1.3.2 The Kashmiri Migrants migrated to Jammu, Delhi etc. from the year 1989 onwards. The expenditure on account of relief and rehabilitation measures (cash and ration) are being borne by respective State Governments of Delhi and other States, where Kashmiri Migrants are residing.

1.3.3 As far as, Kashmiri Migrants settled in Jammu are concerned, the expenditure on cash/rations and other relief are being incurred by State Government which are reimbursed by Ministry of Home Affairs, Government of India, under Security Related Expenditure (Relief & Rehabilitation). The relief in Jammu and Delhi where maximum number of Migrants are residing has been increased from time to time from Rs. 250/- per head per month subject to a ceiling of Rs.1000/- per family per month in 1990 to Rs.1650/- per head per month subject to a ceiling of Rs.6600/- per family per month in 2012.

1.3.4 This Ministry has written to all the State Governments where Kashmiri Migrants are residing, to provide every possible assistance to the needy families to minimize their hardships till they are able to return to the Valley. In pursuance of the meeting of the Parliamentary Standing Committee, the Chief Secretaries of the concerned States have also been advised by Union Home Secretary, in May, 2012, to consider the relief to the Kashmiri Migrants at par with J&K rates, as 'relief' is a State subject.



### ***Accommodation***

1.3.5 In Jammu 5242 two room tenements have been constructed for providing accommodation to Kashmiri Migrants. The Government of Delhi has allotted flats at concessional rates to 237 families of Kashmiri Migrants, who were staying in camps. Similarly, in UT of Chandigarh flats at concessional rates have been allotted to Kashmiri Migrants who were staying in camps.

### ***Education***

1.3.6 In order to mitigate the hardships on educational front for the wards of Kashmiri Migrant, the Department of Higher Education, Ministry of HRD has issued directions to the Vice-chancellors of all Universities and Kendriya Vidyalayas to extend them certain concessions which are as under :-

#### **Universities**

- (i) Relaxation in cut-off percentage upto 10% subject to minimum eligibility requirement.
- (ii) Increase in intake capacity upto 5% - course wise.
- (iii) Reservation of at least one seat in merit quota in technical/professional institutions.
- (iv) Waiving of domicile requirements.

#### **Kendriya Vidyalayas**

- (i) Extension of date of admission by 30 days.
- (ii) Relaxation in cut-off percentage, so as to be equal to that applicable for SC/ST students subject to minimum eligibility requirement.
- (iii) Admission to be over and above the class strength.

The above concessions are extended on year to year basis.

### ***Protection of properties***

1.3.7 In order to protect and restrain the distress sale of properties left behind in the Valley by the Migrants, Government of J&K enacted two important legislation namely, "*The J&K Migrants Immovable Property (Preservation, Protection and Restraint of Distress Sales) Act, 1997*" and "*J&K Migrants (Stay of Proceedings) Act, 1997*".

### *Incentives for return to Valley*

1.3.8 Under the PM's Package of 2008, several incentives for return of Kashmiri Migrants have been announced, which include assistance for construction of house, transit accommodation during construction of house, continuation of cash relief, assistance for agriculturists/horticulturists, waiver of interest on loan, etc. The details are outlined in para 4.9.

#### *Allotment of land*

1.3.9 The recommendation for allotment of land, etc., to Kashmiri Migrants outside the Valley has not been envisaged as a matter of policy. The extant policy is to facilitate the return of Kashmiri Migrants back to the Valley.

### **Recommendation**

1.4 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.

(Para 4.4 *ibid*)

### **Action Taken**

1.4.1 The recommendations of Inter Ministerial Team (IMT) appointed by PM inter alia included creation of corpus fund, employment of 1000 persons and construction of two-roomed tenements. The following is the status in respect of above recommendations:-

1.4.2 **Corpus Fund:** A Corpus Fund of Rs. 5 crores was to be created and administered by an Empowered Committee chaired by the Chief Secretary. This fund has since been created and is under operation. The fund is also to meet the requirements of the medical expenses of the Kashmiri Migrants. Since March 2007, 185 cases of Migrants have been settled and expenses to the tune of Rs. 57.14 lakhs have been reimbursed to these patients.

1.4.3 **Employment of 1000 persons:** Against the target of 400 as Anganwari workers/helpers, jobs have been provided to 454 Migrants.

1.4.4 Further, MHA while issuing the sanction for raising 5 IRBs in the State of J&K, have directed the State Government to reserve 4% of posts for Kashmiri Migrants. Against this, 239 Kashmiri Migrants have already been appointed in Indian Reserve Battalion.

1.4.5 Also as a special dispensation, 56 wards of Kashmiri Pandits (those who did not migrate) have been appointed as teachers under Rehbar-e-Taleem Scheme in Education Department, Government of J&K.

1.4.6 Another 250 posts of Rehbar-e-Taleem teachers could not be filled up as the Migrants are not willing to go back to the Valley and take the benefit of the scheme.

1.4.7 For the jobs available in the Health Department of J&K, separate reservation only for Kashmiri Migrants could not be done due to legal implications and, therefore, the jobs available could not be earmarked exclusively for them. However, under PM's package 2008, separate rules for Migrants were notified. Out of 3000 posts sanctioned out of GOI fund, 86 posts were created in the Health Sector such as ANMs (Auxillary Nurses and Mid-wives)/ MPWS (Multi-purpose Workers). Against the total no. of 3000 posts, 1446 Migrants have already been appointed. (vide para 4.2)

1.4.8 **Construction of two room flats:** The construction of 5242 two roomed tenements at Jammu to accommodate all the migrant families presently living in the camps has been completed. Out of these, 4624 flats have already been allotted to the Migrants. Allotment of remaining flats is in progress.

### **Recommendation**

1.5 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 Persons residing outside the camps for improving their condition of living.

(Para 4.5 *ibid*)

### **Action Taken**

1.5.1 Relief is a State Subject. In Delhi, out of 19,338 registered migrant families, 3385 families are getting cash relief. This relief is being paid by NCT of Delhi.

1.5.2 In Jammu 17248 families are getting cash relief and ration which is being paid to all Migrants except Government employees, retired employees who are drawing pension of Rs. 4000/- per month and above.

1.5.3 Keeping the cost of living and inflation in view the Government, w.e.f. 1.7.2012, has enhanced the quantum of cash relief to Rs. 1650/- per person per month, subject to a ceiling of

Rs. 6600/- per month per family of four members, from the existing rate of Rs.1250/- per person per month, subject to a ceiling of Rs.5000/- per month per family of four members. The cash relief for Migrants staying in Jammu is being reimbursed by Union Government under Security Related Expenditure. Delhi Government and other state Governments/UTs are meeting the expenditure from their own budget. (para 4.1)

1.5.4 As would be evident from the preceding para, that the overarching policy of the Government has been that the Kashmiri Migrants should be encouraged to return to the Valley, once they find conditions reasonably conducive for their return. No scheme has been conceived for Kashmiri Migrants living outside the camps. The Government has addressed almost all the recommendations of the Sushma Chodhury Committee, which primarily deals with improving conditions of the camps, construction of two room tenements, Corpus Fund etc. A status note on the implementation of recommendations of IMT is at Annexure 'B'.

### **Recommendation**

1.6 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 Kashmir displaced persons the facilities of seeking soft loans from the banks to enable them to take up self employment projects for earning their livelihood.

(Para 4.6 *ibid*)

### **Action Taken**

1.6.1 As estimated by State Government, there are about 15,000 unemployed migrant youths. 9000 unemployed youth were to be facilitated for self employment by way of financial assistance to them. Rs. 5 lakh in each case has been envisaged to be provided, out of which 50% will be grant and 50% as loan.

1.6.2 According to the State Government, the response of the unemployed migrant youths towards self-employment/business ventures with the above help of grant and loans to the tune of Rs. 5 lakhs has not been encouraging. The State Government has further informed that for organizing entrepreneurial development programme, the migrant youth were asked to come forward and apply for the same but there has been no response from them to join this initiative.

### **Recommendation**

1.7 The Committee understands that the purpose of monthly allowance given to Kashmiri Displaced Person 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.

**(Para 4.7 ibid)**

#### **Action Taken**

1.7.1 With effect from 1.7.2012 the rate has been revised to Rs.1650/- per head per month subject to a ceiling of Rs.6600/- per family per month. In Jammu dry ration is also being provided.

#### **Recommendation**

1.8 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 allowances 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.

**(Para 4.8 ibid)**

#### **Action Taken**

1.8.1 There are four medical centers available in the Migrants' camps at Jammu. Free treatment and medicines are provided to the Migrants in the camps at Jammu. In the Jagati camp at Jammu, 40 bedded hospital is presently under construction.

1.8.2 Further a corpus fund of Rs.5 crore established for catering to miscellaneous needs including medical facilities, has been set up for Migrants. The Scheme is already in operation. So far, cases of 185 Migrants have been settled and medical expenses to the tune of Rs.57.14 lakhs has been reimbursed to these patients. Presently 18 cases are under consideration.

#### **Recommendation**

1.9 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.

**(Para 4.9 ibid)**

## **Action Taken**

1.9.1 The extant policy of the Government in respect of the Kashmiri Migrants is to facilitate their return to the Valley. Accordingly, the permanent rehabilitation of the Migrants outside the State has not been envisaged. In order to provide relief and succour to the Migrants, a variety of relief and sustenance measures have been taken, which include provision of cash assistance, ration relief, construction of flats at Jammu, allotment of DDA flats in Delhi, etc.

1.9.2 Further in order to boost their confidence and provide incentives for their return, the Hon'ble PM has announced a comprehensive package amounting to Rs. 1618.40 crore in April 2008 which are as follows:

**(i) Housing**

- a) Assistance @ Rs.7.5 lakh per family for fully or partially damaged houses.
- b) Rs.2.00 lakh per family for dilapidated/unused houses.
- c) Rs. 7.5 lakh per family for purchase/construction of house in Group Housing Societies for those who have sold their properties.

**(ii) Transit Accommodation**

1.9.3 The returnee migrant families will need accommodation during the interim period when they undertake the reconstruction/repair of their houses. It was therefore, decided to provide fund to the tune of @ Rs.20.00 crore each for construction of transit accommodation at three sites at total cost of Rs. 60.00 crore.

1.9.4 Alternatively, Rs.1.00 lakh per family towards rental and incidental expenses was also provided for, to those families who could not be accommodated in transit accommodation at the cost of Rs.50.00 crore.

**(iii) Continuation of Cash Relief**

1.9.5 The Migrant families at Jammu and Delhi who are recipients of cash relief and free ration would continue to receive the same for a period of two years after their return to the Valley.

**(iv) Students scholarships**

1.9.6 The children of migrant families will be provided assistance on the lines of Project 'ASSIST' of NFCH and assistance for professional studies under the scheme of Rehabilitation Council of J&K.

**(v) Employment**

1.9.7 It has been decided to provide employment opportunities to 15,000 unemployed migrant youth. Out of which, 6000 youth are to be accommodated in State Government jobs. The Central Government will bear the cost towards salary against employment of 3000 persons.

1.9.8 The remaining 9000 unemployed youth are to be facilitated to get financial assistance to come up with self-employment/business ventures. For this purpose one-time assistance of Rs. 5.00 lakh in each case will be provided out of which 50% will be grant & 50% as loan.

**(vi) Assistance to Agriculturists/Horticulturists:**

1.9.9 One-time financial assistance of Rs.1.00 lakh would be provided to those having agriculture holdings. For restoration of orchards Rs. 5,000/- per kanal, would be available subject to a maximum of Rs.1.5 lakh.

**(vii) Waiver of interest on loans**

1.9.10 It has also been decided to waive off the interest component of the loans taken by Kashmiri Pandits before migration from the Valley.

1.9.11 The State Government has, however, proposed revision in the existing package and has suggested enhancement of financial assistance at higher scales for various components. The same is under consideration of the Government and would be processed in consultation with the State Government on receipt of clarifications/financial implications of the revised package.

**Recommendation**

1.10 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.

**(Para 4.10 *ibid*)**

## **Action Taken**

1.10.1 In order to protect and restrain the distress sale of properties left behind in the Valley by the Migrants, the Government of J&K enacted two important pieces of legislation namely the “*J&K Migrants immovable property (Preservation, Protection and Restraint of Distress Sales) Act, 1997*” and ‘*J&K Migrants (Stay of Proceedings) Act, 1997.*”

1.10.2 The Act provides that the immovable properties of the Migrants cannot be alienated without the prior permission of Revenue and Relief Minister or such Officer as may be authorized by him on his behalf. The District Magistrate concerned shall take over possession of such property within 30 days from the commencement of this Act and it shall be his duty to take all steps for preservation and protection of such property. Under the Act, the competent authority has been authorized to take action for eviction of the unauthorized occupants. The properties sold after the enactment of the Act are not covered for relief under the Act.

1.10.3 For return and rehabilitation of these category of Migrants who have sold their houses as distress sale between the period December, 1989 to 30.5.1997 (the date when State Government enacted “*The J&K Migrant Immovable Property (Preservation, Protection and Restraint of Distress Sales) Act, 1977* on 30.5.1997). The following components towards housing assistance was announced by Hon’ble PM in 2008:-

- (i) Assistance @ Rs.7.5 lakh per family for fully or partially damaged houses.
- (ii) Rs.2.00 lakh per family for dilapidated/unused houses.
- (iii) Rs. 7.5 lakh per family for purchase/construction of house in Group Housing Societies for those who have sold their properties.

## **Recommendation**

1.11 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 a time bound manner.

**(Para 4.11 ibid)**



### **Action Taken**

1.11.1 In order to protect the properties of Kashmiri Pandits, the State Government has enacted two important pieces of legislation namely the “J&K Migrants immovable property (Preservation, Protection and Restraint of Distress Sales) Act, 1997” and ‘J&K Migrants (Stay of Proceedings) Act, 1997.’”

1.11.2 The Government of J&K has informed that instructions stands issued from time to time for removal of encroachments on Migrants lands/property, Addl. DCs of all the Districts in the Valley have been appointed Nodal officers for removal of encroachments.

### **Recommendation**

1.12 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.

(Para 4.12 *ibid*)

### **Action Taken**

1.12.1 In order to address the problems of the Kashmiri Migrants, the PM’s package for return and rehabilitation of Kashmiri Migrants-2008 provides for assistance @ Rs.7.5 lakh per family for fully or partially damaged house, Rs. 2 lakh per family for dilapidated/unused houses and Rs.7.5 lakh per family for purchase/construction of a house in Group Housing Societies for those who have sold their properties.

1.12.2 The State Government has proposed certain enhancement in the financial assistance for housing component, which is under the consideration of the Government and would be processed in consultation with the State Government on receipt of clarifications and financial implications of the revised package.

### **Recommendation**

1.13 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.

(Para 4.13 *ibid*)

## **Action Taken**

1.13.1 As mentioned earlier in para 4.11, in order to preserve, protect and restrain the distress sale of Migrants' properties left behind in the Valley, the Government of Jammu & Kashmir has enacted an important legislation namely, '*The J&K Migrants Immovable Property (Preservation, Protection and Restrain of Distress Sales) Act, 1997*'. The Act provides that the immovable properties of the Migrants cannot be alienated without the prior permission of Revenue and Relief Minister or such Officer as may be authorized by him on his behalf. The District Magistrate concerned shall take over possession of such property within 30 days from the commencement of this Act and it shall be his duty to take all steps for preservation and protection of such property. Under the Act, the competent authority has been authorized to take action for eviction of the unauthorized occupants. The properties sold after the enactment of the Act are not covered for relief under the Act.

1.13.2 For return and rehabilitation of these category of Migrants who have sold their houses as distress sale between the period December, 1989 to 30.5.1997 (the date when State Government enacted "The J&K Migrant Immovable Property (Preservation, Protection and Restraint of Distress Sales) Act, 1997" on 30.5.1997), the Hon'ble PM in 2008 has announced the following package towards housing assistance:-

- (i) Assistance @ Rs.7.5 lakh per family for fully or partially damaged houses.
- (ii) Rs.2.00 lakh per family for dilapidated/unused houses.
- (iii) Rs. 7.5 lakh per family for purchase/construction of house in Group Housing Societies for those who have sold their properties.

## **Recommendation**

1.14 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 Migrants Immovable Property (Preservation, Protection and Restraint on Distressed Sales) Act, 1997 should be implemented in letter and spirit.

**(Para 4.14 ibid)**

## **Action Taken**

1.14.1 Wherever, acquisition is being made by the State Government, it is done as per the provisions of Land Acquisition Act for public purpose. A proper notice is issued and objections are invited before finalizing the proposal. Whenever any migrant has objected to such acquisitions, the matter is referred to the concerned Deputy Commissioner and on the basis of such objections, the concerned Deputy Commissioner disposes off the matter on merit.

1.14.2 As per the information received from the State Government, the number of properties acquired by the Government for public use is not very large. From 2003 onwards, about 101 acquisition of such properties belonging to Migrants have been reported and an amount of Rs. 7.72 crores approx. has been sanctioned as compensation to them.

### **Recommendation**

1.15 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.

**(Para 4.15 ibid)**

### **Action Taken**

1.15.1 The issue of nomenclature whether migrant is 'displaced person' in the present context has been raised at various forum from time to time.

1.15.2 A Kashmiri Pandits Associations had filed a case before the Human Rights Commission of India on this issue. MHA informed the NHRC that the nomenclature is not a very important element for protecting their interest. What is material is that whether the Government is doing its best to mitigate their hardships. The use of the term 'Migrants' by no means is coming in the way of mitigating their hardships. The Government have not come across any instance which suggests that the word 'migrant' has been mistaken or misinterpreted to the disadvantage of the Migrants.

1.15.3 The term 'displaced persons' in the context of J&K has been used for the persons displaced in 1947 as a result of Partition of the Country or occupation of a part of the J&K State by Pakistan thereby displacing lakhs of the inhabitants of that area. Such displaced persons have been rehabilitated.

1.15.4 In case of Migrants, there is no intention of the Government to settle the Kashmiri Migrants permanently outside the State. It is also important to note that there are still thousands of Kashmiri Hindus living in different parts of the Valley ( they have not chosen to migrate out of the Valley ). The term 'displaced persons' may seem neutral. However, replacement of the term 'Migrants' with 'displaced persons' may now give rise to avoidable misgivings. Some

Migrants may even raise the demand for permanent rehabilitation outside the Valley which is against the Government Policy.

1.15.5 NHRC vide their Order, dated 6.5.1996 has decided this matter as given under:

*“xxx xxx xxx. We have given anxious consideration to this question and are of the view that there is no scope for objecting to the term ‘Migrants’ and the apprehension of the Union Government is not without any basis. Accordingly, we would not like to substitute the term ‘Migrants’ by ‘internally displaced persons’.”*

1.15.6 As regards, the question of settlement of Kashmiri Pandits outside the Valley, the Policy of the Government is based on the premise that they would return to the Valley as soon as the conditions are found by them reasonably conducive enough for their return. Accordingly, the permanent rehabilitation of the Migrants outside the State is not envisaged.

### **Recommendation**

1.16 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. .

**(Para 4.16 ibid)**

### **Action Taken**

1.16.1 This has already been explained in para 4.4.

### **Recommendation**

1.17 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.

**(Para 4.17 ibid)**

### **Action Taken**

1.17.1 The proposal of the State Government for providing relief to 1489 migrant families of Jammu region (7811 persons) for an expenditure of Rs.21.08 crore was received in this Ministry and after due consideration, it was felt that the position in respect of the Migrants from the Jammu region is qualitatively different from that of the Migrants from the Valley, which is not comparable with isolated cases of migration from the Districts of Jammu Division. Besides, the State Government would like the Jammu Migrants to return to their villages. It has been impressed upon the State Government that it would be appropriate that the relief proposed to be given by the State Government to these Migrants, as per any commitments made by them, may be provided out of the State Budget.

### **Recommendation**

1.18 The services of Kashmir 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 Kashmir 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.

(Para 4.18 *ibid*)

### **Action Taken**

1.18.1 As informed by Government of NCTD, Kashmiri migrant teachers were appointed on contract basis without following the prescribed recruitment procedure. At present these teachers are given regular extension in their job and also their emoluments are revised periodically. In its judgement in Civil Appeal No. 3586-3612-1999 (Secretary State of Karnataka Vs. Uma Devi & Ors.) dated 10.4.2006, the Hon'ble Supreme Court has clearly expressed itself against regularization of contractual employees. As such, the Education Directorate is not in a position to take any decision for their regularization. Besides there are other categories of contractual teachers and any action for regularization of services of Kashmiri migrant teachers would definitely raise similar demands from the other contractual employees. Therefore, the Government of NCTD is not in a position to regularize the services of Kashmiri migrant teachers.

### **Recommendation**

1.19 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.

(Para 4.19 *ibid*)

## **Action Taken**

1.19.1 The policy of the Government in respect of Kashmiri Migrants is based on the premise that they would return to the Valley as soon as conditions reasonably conducive for their return are created. Accordingly, the permanent rehabilitation of the Migrants outside the State is not envisaged. In such a situation, the thrust of the policy has been to ensure that difficulties and hardships of the Migrants are minimized and the needy families provided a reasonable amount of sustenance and support. Accordingly, the various measures taken are :-

### *Food security:*

- Monthly cash and ration relief given to eligible Migrants.
- Cash relief has been revised from time to time

### *Housing security:*

- Construction of 5242 tenements at Jammu to accommodate migrant families living in camps
- Construction of 200 flats at Budgam
- Allotment of DDA flats on concessional rates to 237 families living in camps in Delhi
- Government of J&K has enacted "The J&K Migrant Immovable Property (Preservation, Protection and Restraint of Distress Sales) Act, 1997 to protect and restrain the distress sale of properties left behind in the Valley by the Migrants

### *Health security:*

- Provision of medical treatment and free medicines at medical centers in the camps at Jammu
- Setting up of an Empowered Committee headed by Chief Secretary for administration of a Corpus Fund of Rs. 5 crore for catering to miscellaneous needs of Migrants including medical needs

### *Upliftment/employment package:*

- Reservation of 4% of posts for Kashmiri Migrants in five India Reserve Battalions located in the State of J&K
- Providing employment opportunities to 15,000 unemployed migrant youths (6000 in State Government employment and 9000 self employment with financial assistance of Rs. 5.00 lakh in each case (50% grant and 50% loan)

### *Education*

- Issue of directions by MHRD, Government of India, to the Vice-Chancellors of all universities to ensure that certain concessions are provided to the Kashmiri migrant students in the matter of their admissions to the educational institutions in other parts of the country. The concessions are given below:-

### Universities

- Relaxation in cut-off percentage upto 10% subject to minimum eligibility requirement.
- Increase in intake capacity upto 5% - course wise.
- Reservation of at least one seat in merit quota in technical/professional institutions.
- Waiving of domicile requirements.

### Kendriya Vidyalayas

- Extension of date of admission by 30 days.
  - Relaxation in cut-off percentage, so as to be equal to that applicable for SC/ST students subject to minimum eligibility requirement.
  - Admission to be over and above the class strength.
- Some State Governments have reserved seats in medical/professional colleges for wards of Kashmiri Migrants

### *Grievance redressal mechanism*

A grievance redressal mechanism is in place as under-

- Relief Commissioner (Migrants) at Jammu to look after the needs/problems of Migrants at Jammu
- In NCT of Delhi, Divisional Commissioner, Delhi, to look into the problems of Kashmiri Migrants and suggest solutions.

### *PM's return and rehabilitation package -2008*

- Hon'ble PM announced a comprehensive package of Rs.1618.40 crore in April 2008 for return and rehabilitation of Kashmiri Migrants providing incentives relating to housing, transit accommodation, continuation of cash relief, students scholarship, employment opportunities, assistance to agriculturists/Horticulturists and waiver of interest on loans.

**(Details in para 4.9)**

### **Recommendation**

1.20 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.

**(Para 4.20 ibid)**

### **Action Taken**

1.20.1 The concerns expressed by the Committee in its successive reports i.e. 119<sup>th</sup>, 126<sup>th</sup> and 130<sup>th</sup> about expenditure on relief and rehabilitation have been noted. Ministry of Home Affairs has been taking up the issues relating to Relief and Rehabilitation of Kashmiri Migrants with the State Government from time to time. The State Government was requested to come forward with schemes in time and implement them without delay so as to ensure full utilization of the expenditure within the financial year. The issues were also brought to the notice of State Government during the visits of senior officers of the State Government.

1.20.2 The State Government was requested to ensure that reimbursement claims may be preferred with due care to enable full utilization of the funds by the end of the financial year and forward the Utilization Certificates timely. In order to ensure that ongoing project schemes are completed timely, the State Government introduced double-shift system of working to overcome the limited working season available in the State. To further facilitate the State Government in improving their fiscal management, a special audit of SRE related expenditure has been undertaken. There is no financial constraint for reimbursement of expenditure incurred by the State Government towards relief and rehabilitation of Kashmiri Migrants.

### **Recommendation**

1.21 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,

**(Para 4.21 ibid)**

### **Action Taken**



1.21.1 MHA has been taking up the issues relating to relief and rehabilitation of Kashmiri Migrants with the State Government from time to time. The Hon'ble Prime Minister had started the process of a comprehensive internal dialogue with different sections/segments of the people in the State. For developing wide-ranging Confidence Building Measures and for reaching a consensus on all contentious issues, a measure was initiated in 2005 in the form of the Round Table Conference on Jammu & Kashmir. The first Round Table Conference was held in New Delhi on February 25, 2006. Pursuant to the Second Round Table Conference held in Srinagar on May 24-25, 2006, five Working Groups were constituted to examine various aspects of the situation in the State.

1.21.2 Working Group I on Confidence Building Measures (CBM) across the segments of society recommended inter-alia a package for return and rehabilitation of Kashmiri Migrants. The recommendation was endorsed by the Third Round Table Conference. In pursuance of the recommendation a proposal was obtained from the State Government and a comprehensive package of Rs. 1618 crore was announced by Hon'ble PM on 25<sup>th</sup> April 2008 for return and rehabilitation of Kashmiri Pandits.

1.21.3 The main components of the package are assistance towards housing, transit accommodation, continuation of cash relief to Migrants, students scholarship, employment opportunists, assistance to agriculturists/ horticulturists and waiver of interest on loans. The details are already given in para 4.9.

1.21.4 The Central Government has already released a sum of Rs. 104.52 crore (till May 2013 in the current financial year) to the State Government from security related expenditure (Relief & Rehabilitation).

## CHAPTER - II

### ISSUES AND RECOMMENDATIONS OF THE COMMITTEE

2.1.1 The Committee was informed that the disturbed condition existing in the Kashmir Valley in the 1990's due to the onset of militancy led to the exodus of Kashmiri Pandits, Sikhs, Muslims and Punjabi Hindus to the Jammu province, Delhi and some other States/Union Territories. It is estimated that more than 56,000 families migrated out of the Valley.

2.1.2 According to the representatives of J & K Migrants, the primary cause for the migration of Kashmiri Pandits and other Minorities from the valley in the 1990's was "insecurity of life and honour" due to the total collapse of the structure of governance and the anarchy that prevailed in the face of pro-Pakistani movement led by some sections of the people with covert support from Pakistan in terms of indoctrination, training, arms and trained manpower. The pattern and manner of killing of politicians, officials and common people reflected the tactics of creating terror among the minorities by making a public exhibition of brutalized killings to paralyze the structures of authority.

2.1.3 The Committee after presentation of the Report on the subject, considered the Action Taken Notes of the Government on a number of times. Being dissatisfied every time with the reply, the Committee sought updated replies on issues. The Committee in this connection also heard the views of various representative organizations of the Migrants along with the views of Ministry of Home Affairs. The Committee after those meetings felt that conditions at the grass root level had not been improved and on various counts, action on the part of the State Government was wanting and the Union Ministry of Home Affairs was not in a position to intervene except to suggest the State Government to take necessary action or look into the matter. The Committee in its meeting held on 30<sup>th</sup> July, 2013, directed the Union Home Secretary to hold a meeting with the representatives of the affected Migrant people and report back to the Committee of the possible solutions to their long pending grievances. The Union Home Secretary convened a meeting on 19<sup>th</sup> September, 2013 in this regard and furnished the details of the issues culled out of the deliberations and action proposed. The Committee noted that a majority of the issues pertained to the State Government. The Committee also decided to gauge for itself the ground reality and, therefore, sent its sub-Committee to visit various Migrant camps in Srinagar and Jammu. The sub-Committee visited the Migrants' camps of Vessu, Purkhu, Jagti etc. It heard several organizations and received their memoranda. The present chapter is based on the Committee's deliberations with the migrant organizations and its sub-committee's meetings with the Migrants held during the study visit.

2.1.4 The following paragraphs contain issues raised in the above said meetings, comments of the Ministry on the same followed by the recommendations of the Committee in bold.

## **Definition of Migrant**

2.1.5 According to the Ministry of Home Affairs, as per the State Government of J&K, any person who has left the Valley due to onset of militancy in 1990s has been defined as a Migrant. All such families were given option of getting themselves registered with Relief Commissioner at Jammu.

## **Demand for Replacement of the Word 'Migrants' with 'Displaced'**

2.1.6 On being asked about the demand of certain organizations of the Migrants to replace the word 'Migrants' with 'Displaced' for Kashmiri Migrants, the Ministry has expressed the view that nomenclature is not an important element for protecting the interests of the Kashmiri Migrants. What is material is that whether the Government is doing its best to mitigate the hardships. The use of term 'Migrants' by no means is coming in the way of mitigating their hardships. The replacement of the term 'Migrants' with 'Displaced Persons' at this stage may give rise to avoidable misgivings. Some of the Migrants may even raise the demand for permanent rehabilitation outside the Valley, which is against the Government Policy.

## **Declaration of Kashmiri Migrants as Internally Displaced persons**

2.1.7 Some of the representatives of the Migrants aspire for 'Internally Displaced Persons' status and strongly demanded that the Government should be advised to think on this front positively. Some of the Migrant groups were also of the opinion that Migrants should be permanently rehabilitated outside the State.

2.1.8 The Ministry has informed that the issue has already been decided by NHRC. NHRC is of the view that there is no scope for objecting to the term 'Migrant'. Accordingly, it was decided not to substitute the term 'Migrant' with 'Internally Displaced Persons'. However, presently the issue is pending before the Supreme Court.

**2.1.9 The Committee desires that the Ministry should ensure that Migrants be provided all the facilities for rehabilitation as are provided to a displaced community.**

## **Conducive Environment for Return to the Valley**

2.1.10 As per the Action Taken Notes furnished by the Ministry of Home Affairs, most of the Migrants do not have confidence in the conditions prevailing in J&K. They do not find them conducive enough for return to the Valley. The Ministry has explained that for permanent return and settlement, various Migrant organizations lack consensus. Most of the organizations are unable to firm up their decision. They have also failed to provide any workable plan for

permanent rehabilitation. However, Government will ensure to provide all support and assistance to such Migrant families who would like to return to the Valley. The Migrants, however, cannot be forced to return to the Valley though the extant policy of the Government in respect of Kashmiri Migrants is to facilitate their return to the Valley. The Committee also notes that some of the representatives of Migrants' associations alleged that the silent exodus of minorities from J&K has remained unabated. However, when asked to respond on the issue, the Ministry has informed that after 1989-90, no migration has been reported by the State Government.

**2.1.11 The Committee is of the view that after so many years since the exodus took place and especially after declaration of ambitious packages for the return of Migrants, improvement on the ground has been scanty and just one family has returned to the Valley since the announcement of the package. There can be two explanations for such an extremely poor response from the community: either i) the package is not attractive enough; or ii) the environment is not safe for them to return. The Committee also notes that other components of the PM's Package except the employment and transit accommodation component, could not be initiated as they can come into force only after the Migrant families return to the Valley. This has resulted in a strange situation where the families refuse to return as the environment is not conducive enough while the government refuses to pass the benefits to them as return is a precondition for availing the benefits. The Committee also refuses to buy the Ministry's explanation that lack of consensus among various Migrant organizations for permanent return and settlement is the main reason behind non-return of Migrants to the Valley. While there may be difference of opinion between the organizations, the perception in the community is that the situation on the ground is not at all conducive for return which is the main reason for the failure of the plan rather than lack of consensus among the organizations. The Committee is therefore of the opinion that some more components of the PM's package should be opened up for the Migrants without the conditionality of their return. This, in the view of the Committee, will serve as a confidence building measure encouraging the families to return to the Valley.**

2.1.12 The Ministry has informed that in order to provide relief and succor to the Migrants, a variety of relief and sustenance measures have been taken, which include provision of cash assistance, ration relief, construction of flats in Jammu, allotment of DDA Flats in Delhi etc. In order to boost their confidence and provide incentives for their return, PM has announced a comprehensive package amounting to Rs. 1618.40 crore in April, 2008, which includes assistance towards housing, transit accommodation, continuation of cash relief, student scholarship, employment, assistance to agriculturist/horticulturist, and waiver of interest on loans. The State Government has, however, proposed revision in the existing package and has suggested enhancement of financial assistance for various components. The same is under examination.

**2.1.13 The Committee feels that the decision in the matter brooks no delay. The Committee recommends that revision in the package may be sympathetically considered for early implementation.**

2.1.14 It has been alleged by the representatives of several organizations that there has been no serious effort on the part of either the Central Government or the State Government to resettle the community back in the Valley. The People continue to face apartheid and threat of life. They cited the recent case happened at Tulumulla, Khir Bhawani, in Kashmir where mobs attacked and seized yatriis. Responding to the allegation, the Ministry clarified that as reported by the State Government, no untoward incident happened at Tulumulla, Khir Bhawani recently. However, due to some law and order problem in Ganderbal, the yatriis visiting Khir Bhawani were asked to either change the route or wait for the improvement in the situation.

2.1.15 On the issue of resettlement, the Ministry has contested the criticism by stating that the announcement of PM's package in April, 2008 for Return and Rehabilitation of the Kashmiri Migrants is a result of the efforts made by the Central Government and the State Government for resettlement of the community back in the Valley. In this direction, construction of 200 flats at Budgam was also approved by the Central Government. These flats have been completed and are being used on sharing basis by the Migrants who have joined the State Government jobs under the employment component of the PM's package. Already 1446 Migrants have joined the Valley under the employment component. Construction of another 505 units of transit accommodation has been completed.

**2.1.16 The Committee is saddened by the plight of Migrant families of Budgam who have been forced by the circumstances beyond their control to live in resettlement camp in their home State. The Committee, therefore, feels that the least the government can do is to provide them enough housing units for settlement. The Committee therefore impresses upon the Government that 505 units of transit accommodation may be allotted to them on priority basis.**

2.1.17 Representatives of some organisations expressed concern before the Committee that under the New Surrender Policy, militants are coming after more than 20 years training from Muzaffarabad with their families. They could be entering without proper verification. The Ministry of Home Affairs has informed that the matter is under consideration.

**2.1.18 The Committee advises the Government to be extremely cautious in clearing the names of militants for surrender. Militants who have shown signs of change of heart may only be accommodated.**

2.1.19 Regarding FIRs and action against those who are responsible for killing of Kashmiris and looting and burning their properties, the Ministry has informed that FIRs in most of the cases have already been filed. In case any migrant feels that some of the incidents have not been registered, action can be taken if the same are identified.

**2.1.20 The Committee is of the opinion that strict action should be taken against perpetrators. The Government should also send a message to the affected persons with assurance that if their cases had not been filed, they should come forward to lodge their cases without any fear. The Committee would also like to be apprised of the status of filed cases along with conviction of perpetrators.**

### **Condition of Pandits Living in the Valley**

2.1.21 The Committee was apprised that a large number of Kashmiri Pandits were living in Kashmir Valley in pathetic conditions. When enquired about the present number of Kashmiri Pandits living in Kashmir Valley, the Ministry has replied that as per State Government, there are around 641 Kashmiri Pandit families consisting of 2595 souls, who had not migrated from the Valley along with other Kashmiri Pandit families in the year 1990. Most of these families continue to stay at their native places. However, around 31 families who had to be shifted in late 1990s from a village in District Budgam, due to security reason, have been provided accommodation in a transit camp constructed for Migrants at Budgam. The unemployed youth of such families have also been considered for providing jobs.

**2.1.22 The Committee notes that more than 600 families are still residing in the Valley. The Committee also notes that about 31 families had to be shifted to a transit camp due to security reasons. The Committee in view of the prevailing conditions, desires that the courage of such Kashmiri Pandit families still residing in the Valley should be appreciated and they should be provided appropriate security. They may also be provided other facilities as may be required.**

### **Grant of minority status**

2.1.23 Several representative organizations of the Migrants have demanded that they should be given minority status in the State. The Ministry has replied that, as informed by the State Government, the Kashmiri pandits belong to Hindu religion and as such do not qualify for grant of minority status. Moreover, The National Commission for Minorities Act, 1972 has not been extended to the State as yet. As informed by the State Government, Jammu and Kashmir is a multi cultural and home to different communities. The issue of granting minority status needs to be examined by the State Government from all angles.

**2.1.24 The Committee notes that according to the State Government, the Kashmiri pandits belong to Hindu religion and as such do not qualify for grant of minority status. However the State Government feels that the issue of granting minority status needs to be examined by the State Government from all angles. The Committee feels that the State of J&K has a special status in Indian Constitution. The government of J&K should look into the demand of the Kashmiri Pandit for conferring on them minority status keeping in mind their pitiable condition.**

#### **The role of Ministry of Home Affairs**

2.1.25 Representatives of the Migrants' organizations have alleged that the role of Ministry of Home Affairs, Government of India is always found wanting. The Ministry in its reply stated that the Government of India has taken, and is committed to take all possible measures to minimize the sufferings of the Kashmiri Migrants. The various steps taken in this regard include payment of cash relief, enactment of legislation for Preservation, Protection and Restraint of Distress Sales Act, ex-gratia relief to NoKs of the victims of militancy for death and to the victims in the case of injury as per the existing norms, compensation for the property damaged in the militancy, concessions to the Kashmiri Migrants students for admissions in Universities, construction of two room tenement at Jammu, construction of 200 flats at Budgam, grant of Rs.10 crore to State Government for the reconstruction and renovation of houses and shrines at Mattan, etc

**2.1.26 The Committee is of the view that the situation of Migrants still remains neglected several years after the exodus started. It may be due to extreme difficulty in resettlement or wrong policies, but whatever may be the case the situation on the ground remains grim. The Ministry of Home Affairs being the nodal agency cannot shirk away its responsibility for not being able to improve the situation on the ground. The Committee exhorts the Ministry to look for different solutions if the previous policies have not worked.**

#### **Implementation of Recommendations of the Inter-ministerial Team.**

2.1.27 On being enquired about non-implementation or partial implementation of the recommendations of the Inter-ministerial team, the Ministry has claimed that almost all the recommendations have been implemented. However, with regard to specific issue of providing of 1000 jobs, it is submitted that already 693 jobs have been provided at Anganwari Centres and IRP. The jobs identified under Rehbar-e-Taleem and ANMs and MPWs could not be filled up due to legal complications.

**2.1.28 The Committee recommends that the remaining posts may be filled soon so that the approved benefits are not unduly delayed.**

## **White Paper on Exodus of Migrants**

2.1.29 A demand has been made that a White Paper on exodus of Migrants be brought out by the Central Government. The Ministry has observed that the causes of militancy and terrorism that have taken place in the State are well documented and are matters of record. The whole phenomenon of what has happened in J&K since 1989 is an example of 'Proxy War' and cross border terrorism. The Central Government has strenuously and consistently voiced its stand on this issue at various international fora. The matter has also been pursued by the Central Government at various diplomatic and political levels. In the circumstances, there is no cause, for any apprehension or grievance or need for any White Paper or constitution of a commission of inquiry.

**2.1.30 The Committee notes the submission of the Ministry of Home Affairs. The Committee however feels that though all information on militancy in J&K may have been well documented, but all the facts should be brought out in the form of a White Paper covering all the developments in the matter in a single document for public information.**

### **Unregistered families**

2.1.31 Representatives of various organizations of the Migrants have alleged that a large number of families still remain unregistered within and outside the State. The Ministry of Home Affairs has informed that as per State Government, all families who had migrated from Kashmir Valley and settled in Jammu or other places were registered. Even after 1990, the process continued. At present in Jammu region, there seems to be hardly any such family, which has not been registered. It has further informed that in pursuance of the Court orders, 1054 families belonging to various Districts of Jammu province were registered after carrying out proper verification by CID authorities. From October 2007, these families are receiving monthly cash assistance and free ration continuously. Also good number of families settled in Delhi and other States were registered with the respective States. In J&K, approximately 40857 no of families consisting of 149937 number of souls are registered.

**2.1.32 The Committee notes that several Migrants' associations have complained that there are a large number of families of the Migrant community who remain unregistered. Though the Ministry has claimed that all families which fulfil the criteria have been registered, the Committee is of the view that since there are complaints of organizations of non registration of a large number of families, the Ministry of Home Affairs should examine the complaints in this regard and draw up a mechanism whereby families fulfilling the criteria be registered without much hassle.**

2.1.33 There is also a demand made by some Migrant organizations for establishment of provincial authority in the Valley for issue of State Subject Certificates and other relevant



certificates to local Migrants who have moved from rural areas to urban areas so as to avoid harassment. The Ministry has replied by stating that there is no provision to create such authority at Provincial level. They can have the certificates issued from the Districts to which they belong.

**2.1.34 The Committee feels that keeping in mind the practical difficulties being faced by the Migrants, the demand may be looked into.**

#### **Reasons for Failure of Schemes**

2.1.35 When enquired as to reasons for failure of various rehabilitation schemes announced so far, the Ministry has informed that only one person under Prime Ministers Package for Return and Rehabilitation of Kashmiri Migrants has availed the benefit under the housing component. The response from the Migrants for resettlement in the Valley, however, has been very poor.

2.1.36 According to the Ministry, in the meeting chaired by Home Secretary in October, 2012, Relief Commissioner (Migrants) was requested to keep regular interaction with the Migrants. It was emphasized that the return and rehabilitation of the Migrants would require a personalized approach – allaying the apprehensions of the Migrants and building bridges with the host company.

2.1.37 When enquired as to how many such interactions have taken place so far, the Ministry has replied that as informed by the State Government, a series of meetings with the Migrants have been held by the Relief Commissioner in different camps. Several meetings with the Migrants, who expressed their desire to return to the Valley, have also been held for allaying their fears and apprehensions regarding their security. The Government has also constituted an Apex Level Advisory Committee under the Chairmanship of Revenue Minister of the Government of J&K to discuss the issues pertaining to Migrants and take necessary remedial measures. More than 40 Migrants have been nominated as members to the Committee. The Chief Minister has also chaired two meetings of the Apex Level Advisory Committee.

**2.1.38 The Committee strongly recommends that interaction with the representatives of the Migrant groups should be frequently conducted in order to get the relevant feedback. In the light of dismal response to the schemes, such feedback would be of immense importance for focused implementation and course correction of the policy.**

#### **PM's Package**

2.1.39 The Committee was informed that the Government of India had sanctioned a package for Return and Rehabilitation of Kashmiri Migrants to Kashmir Valley during the year 2008. State Government initiated the process for implementation of the Package. Initially a large number of

families expressed their willingness in writing for returning to the Valley but till date the response has been almost negligible and just only one family has returned to the Valley.

2.1.40 There are a number of components available under the Prime Minister Package for Return and Rehabilitation of Kashmiri Migrants to Kashmir Valley. Since the response has been very less, not much progress was made in implementation of the Package except in respect of two components of the scheme i.e. providing of employment and construction of transit accommodation.

### **Employment under PM's Package**

2.1.41 It was stated that 6000 jobs were to be provided to the Migrants out of which 3000 were to be funded by Government of India and remaining by State Government. 3000 posts to be funded by GOI were created during 2009-10. Initially the State Government faced problem in making selection against these posts exclusively from Migrants as per existing rules and in order to overcome this difficulty, separate rules were notified for making recruitment among Migrants only against the created posts. Already selection has been made against 2158 posts, out of which 1446 candidates have already joined and are serving in the Valley.

2.1.42 The Ministry has further informed that the process of filling up of the remaining posts has got delayed as there were some court directions. These directions have now been vacated and the process of selection has been initiated again. With regard to remaining 3000 posts, which were to be provided by the State Government, it was observed that in view of the rule position it will not be possible to fill up these available vacancies from Migrant candidates only. Secondly in order to avoid any resentment from the local population the State Government has already made a request to the Government of India to bring these 3000 posts also as part of the Package so that funds are provided by the Central Government for these posts. The request of the State Government has not been acceded to and the State Government has been requested to fill these posts, as per the provisions of the PM's Package.

**2.1.43 The Committee is disappointed to note that even the 3000 posts provided by the Central government are still to be filled, leave aside the other 3000 to be provided by the State Government. The situation looks even more disappointing when seen in the light of the fact that the other components of the PMs Package have not even taken off. Out of the two components, i.e. employment and accommodation, the targets of employment component have not been even half met.**

**2.1.44 The Committee is also extremely disappointed by the response of the State Government. It is the responsibility of the State Government to fulfil its share of the promise. Amending the rule position and convincing the majority community about the**

**need for minority welfare schemes is in line with the welfare objective of the Government. Hence, the State Government should move ahead and take positive steps by filling 3000 posts from Kashmiri Migrants.**

2.1.45 It was also submitted that the PM's Package for employment has been politicized and it has created a serious social tension in the community by attaching inhuman conditions to the package i.e. mandatory return to the Valley and stringent conditions causing hardships to women employees. The Ministry has responded by stating that the issue of a condition laid down by the State Government for Government jobs in the Valley under the employment component of the PM's package was also raised before the NHRC in its meeting held on 20.07.2010. The NHRC decided that "it is a part of the Rehabilitation Scheme-as a measure to rehabilitate them in the Kashmir Valley- and it is a condition of the Scheme. It is not proper on our part to change that condition. Moreover, it is told in advance that these candidates will have to work in the Valley". The Ministry further submitted that there was nothing to suggest that lady staff have been put to work in very disgusting conditions in the Valley. On the demand of making jobs pensionable, the Ministry has informed that pension would be admissible as per the State Government policy. The sub-Committee of this committee during its visit to various Migrant camps in Jammu and Srinagar found that there was a demand for Jobs to be made transferable to any part of the State and not confined to the Valley only. The Ministry commenting on the issue has replied that transfers of the Migrant employees can be considered as per their service conditions. During the visit of the sub-Committee to Srinagar and Jammu a demand was raised for posting of migrant couples working in the Valley at the same place. The Ministry commented thereon by stating that there are 21 requests by employees appointed under the PM's package for inter-district transfer. The matter is under active consideration of the State Government. The sub-Committee also received a request that the female employees should not be posted in remote militancy infested areas like Shopian, Pulwama, Kupwara and other border areas near LOC. The Ministry has responded by stating that all Migrants employees appointed under PM's package including female employees have been posted at safer places in consultation with the Distt. Administration.

**2.1.46 The Committee is of the opinion that the State Government's approach should be flexible enough to consider transfer requests on compassionate grounds from any part of the State to any other part of the State especially in the case of female employees. As far as possible, female employees should be posted in areas close to the areas of their husbands' posting. The Committee is further of the opinion that the 21 requests of inter-district transfers of female employees, close to their husbands' workplace may be considered positively on priority basis.**

**2.1.47 The Committee is of the view that though the objective of the Government to help Migrants return to the Valley may be very noble, but the results on the ground have been dismal. There can be no other reason than the security threats which looms large over them**

**for their not returning to their native places. The Committee, therefore, recommends that the Government should show more flexibility in implementing the Package for better results.**

#### **Slow implementation of PM's package**

2.1.48 The Committee received complaints of slow implementation of Prime Minister's Package. In response, the Ministry commented that the Government of J&K has set up an Apex Committee for implementation of the PM's package. The funds to the State Government are reimbursed by the Ministry of Home Affairs under Security Related Expenditure (Relief and rehabilitation), based on the claims received from the State Government. The Ministry also informed that the Jammu and Kashmir Government has been impressed that relief proposed to be given by the State Government to Migrants as per commitments made by the Government be provided out of the State Budget. When asked about the comment of the State Government on the issue and the commitments made by the State Government, the Ministry has replied that presently the expenditure for relief package for Kashmiri Migrants is being met out of Security Related Expenditure. As reported by the State Government, so far there has been no problem in claiming the reimbursement on the above said Scheme.

2.1.49 When enquired about the fact that the Government has released only Rs. 104.52 crore till May, 2013 to the State Government from Security Related Expenditure under the PM's Package and since 2009 only four meetings of the Apex Committee have been held which is indicative of the State Government's sincerity for implementation of the Package, the Ministry viewed that merely holding of Apex Committee Meetings is not the gauge to assess the sincerity of the State Government for implementation of the Package. Although the State Government is the implementing authority of the PM's Package, the Package was finalized by the Central and the State Government jointly.

2.1.50 Regarding the demand for approval of the revised PM's package by the Union Government, the Ministry has informed that the revised package is under consideration of the Government and that in order to make the Package more attractive some modification is under active consideration of the Government.

**2.1.51 The Committee feels that the required modifications in the PMs Package may be carried out on priority basis so as to make the Package more attractive for the Migrant community. The Committee is, however, not convinced by the reply of the Government, as against a comprehensive package of Prime Minister amounting to Rs. 1618.40 crore in April, 2008, only Rs. 104.52 crore till May, 2013 has been expended by the State Government and since 2009 only four meetings of the Apex Committee have been held. In view of the Committee, these open facts do not reflect committed, sincere and sympathetic**

**approach and course of action on the part of a responsive Government towards an aggrieved group of people of the State.**

#### **Neglect of Jammu Region in PM Package**

2.1.52 On a complaint received by the Committee that announcement of rehabilitation packages for terrorism affected people, development etc was only for the Valley and no such package has been announced for Jammu, the Ministry has clarified that since 'Relief' is a State subject, it is for the State Government to provide relief and package for Jammu Migrants. The matter is under the consideration of the State Government

**2.1.53 The Committee is of the opinion the compensation should be given where it is due and no discrimination in this regard should be made. The State Government should look into the issue so that the grievances of the affected people from outside the Valley may also be suitably addressed.**

#### **Protection of Migrants' Properties**

2.1.54 A representative of the Migrants raised the issue that the Government records claim that displaced families have left behind total 11,639 houses, but the number of families living prior to their displacement was much higher. The Ministry has explained that as reported by the State Government, the number has been worked out on the basis of the survey carried out by the Divisional Administration. There were two to three families living in the same house. However, after migration each migrant family got themselves registered separately.

2.1.55 To protect the migrant's properties and to prevent distress sale, Government of J&K has enacted the J&K Immovable Property (Preservation, Protection and Restraint of Distress Sales) Act, 1997. When enquired about how many such cases of distress sales have so far been detected and what relief has been given to the victims in this regard, the Ministry has informed that as reported by the State Government, the objective of the Act was to stop the illegal and distress sales. However, despite the existence of the Act, more than 5300 sales have taken since 1997. While granting permission, the designated authority ensures that the seller i.e Migrants gets proper market value for the property. All the sales whether after enactment of law or before have been executed as per the existing norms. However, as reported by the State Government, wherever there are any complaints of encroachments, same are being taken care of by the Deputy Commissioners of the concerned Districts who are also the custodian of the Migrant properties as per the Act.

2.1.56 The Committee also received complaints that in spite of J&K Immovable Property (Preservation, Protection and Restraint of Distress Sales) Act, 1997, people have actually done

benami transactions and these have been accepted by the Government of J&K. The representatives demand that all such transactions should be canceled and the property should be returned to the owner. On this the Ministry explained that the complaints received about illegal encroachments/occupations are forwarded to the concerned Deputy Commissioners who have been designated as custodians of the Migrant property under the 'J&K Immovable Property (Preservation, Protection and Restraint of Distress Sales) Act. 1997' and have the authority to remove encroachments under the provisions of the Act. The Ministry also submitted that in case these organization specifies such cases where encroachment has taken place and action has not been taken, then only reply can be submitted.

2.1.57 Representative of the Panther Party complained that most of the Jammu Migrants residing in Talwara and other areas have lost their houses and their land has been illegally occupied at the instance of the State Government in different areas of Poonch, Rajouri, Doda, Udhampur and other areas. The Revenue Officers have changed the mutation to some stranger's name. The Ministry has explained that as informed by the State Government, the Deputy Commissioners have been asked to address the problems of such families. So far, no complaints have been received in this regard.

2.1.58 When asked about the record of complaints received about illegal encroachment of the individual and community property of the minority Hindu Community of Kashmir and the number of such complaints and in how many cases the encroachment cleared, the Ministry has explained that the complaints received are being processed by the Office of Relief Commissioner and subsequently referred to concerned Deputy Commissioners for taking necessary action. In most of the cases, however, it has been observed that complaints are not based on facts. Regarding a complaint about conversion of cremation grounds in the Valley into a Bus Stand, the Ministry has replied that as per the State Government, this is a generalized observation and no mention of any specific location of cremation ground has been made which could be replied after ascertaining the ground reality.

2.1.59 Attention of the Committee was also drawn to the acquisition of properties of Migrants as well as their community properties in certain cases. The representatives of Migrants' Associations in this regard cited some cases of acquisition made by the State Government. When asked to clarify, the Ministry explained that the State Government has informed that from 2003 onwards, about 101 acquisitions of properties belonging to the Migrants have been reported and an amount of Rs. 7.72 crore has been sanctioned as compensation to the affected. When enquired as to how many Migrants were affected and how many Migrants were covered under the compensation scheme, the Ministry has replied that as reported by the State Government, in every case of acquisition of properties, compensation under the provisions of Land Compensation Act is sanctioned, by the respective Districts in the name of recorded owners of the property. The sanctioned amount of compensation is distributed to the recorded land owners

as per their share. So far, 148 Migrants were affected and equal number of Migrants have been provided compensation. The Ministry further submitted that the Collectors have been asked during 2010-11 to try to avoid acquiring the land belonging to Migrants wherever possible. However, where the land coming in the alignment of some project is to be acquired and is unavoidable, due process for acquisition of the land is followed and appropriate compensation is paid to its owner under the Land Compensation Act.

**2.1.60 The Committee is not satisfied with the evasive reply of the Government. The Ministry of Home Affairs or the State Government have evaded the reply to the number of complaints received and attended. The Ministry may discuss the matter with the representatives of Migrants, get the details from them and get them verified from the State Government.**

2.1.61 Regarding the demand for setting up of Special Commission to assess the loss suffered by the people of hilly region of Jammu and provide compensation commensurate with actual requirement, the Ministry has informed that there is no such proposal with the State Government at present. However, for permanent rehabilitation of such Migrants, package for an amount of Rs.91.56 crores has been prepared and submitted to Government of India for providing funds.

**2.1.62 The Committee recommends that the Central Government should look into the proposal submitted by the State Government on priority basis so that the Migrants of the hilly regions of Jammu may be adequately compensated. An early decision may be taken in the matter.**

#### **Encroachment of Temple and Shrines**

2.1.63 Representatives of Panun Kashmir complained that encroachment of Hindu temples and properties, school buildings etc. is common in the Valley. Land mafias are active in the Valley and have an eye upon the last remaining left-over properties of the Pandits. Even Government is taking over these properties for their use without permission and compensation.

2.1.64 Regarding the passage of Temples and Shrine Bill for administering the shrines and temples situated in the Valley, the Ministry has informed that a Bill has already been introduced in the Legislature, which stands referred to the Select Committee. The decision of the Select Committee shall be debated on the Floor of the House. As per the State Government, the temples and their properties are protected in terms of the J&K Migrants Proprieties Act. Regarding the allegation that Bessu village which had around 50 Kashmiri Pandit families and had four temples and the temples there are no longer there, the State Government claimed that they have renovated temples. As per the State Government, the temples existing as in 1990 in Kashmir Valley were 430, out of which 260 were intact and 170 temples damaged. Out of these damaged temples,

only 80 temples have been renovated at an amount of Rs. 33 Lacs. At most of the places, these temples have remained unattended and abandoned, and as such, have suffered losses during these years. The Ministry has informed that the Government wants to protect these shrines and temples in the Valley and has accordingly introduced a Bill in the Legislature, which is presently under consideration of the Select Committee.

2.1.65 Representative of Jammu Kashmir Vichar Manch alleged that 2 km. from Bessu on the National Highway four pandit families were living within a radius of 6 km. None of them is residing there anymore. The shamshan bhoomi has been converted into a graveyard. As per the State Government, most of the Kashmiri pandit families have migrated to Jammu and other places in 1990. With regard to conversion of shamshan bhoomi, the Ministry has informed that the matter will be verified, if specific complaints are received. Regarding temples in Anantnag the Ministry has informed that as per the State Government, in Anantnag, the total number of temples have been reported to be around 95.

2.1.66 Regarding complaints about encroachment of temple land in Manihal in District Shopian and Kherman Ganesh (Wanpoh) in Anantnag, the Ministry has advised to provide the list of the properties encroached so that further action could be taken. There was also a complaint made by a representative organization of the Migrants that names of some places had been changed, for example, Shankracharya Hill Top to Takht-e-Suleman, Hari Parvat to Kohi-Maran, Anantnag to Islamabad. The Committee was informed that as per the State Government, no notification/order has been issued regarding the change of names of religious places of Kashmiri Migrants in the Valley.

**2.1.67 The Committee hopes that the Temples and Shrine Bill would address the grievances of the Hindu community in the State. Efforts should be made to get the Bill passed in the State Assembly at the earliest. It also recommends that the State Government should seriously look into specific cases of grievances so that the confidence of the Migrants could be won back. Migrant organizations may be asked to give details of specific cases.**

#### **Educational Concessions to the Wards of Kashmiri Migrants**

2.1.68 The Committee was informed that to overcome hardships on educational requirement of the wards of Kashmiri Migrants, the Department of Higher Education, Ministry of HRD has issued direction to the Vice-Chancellors of the Universities and Kendriya Vidhalayas to extend certain concessions. On being asked about the number of students given admission in Universities and Kendriya Vidhalayas, it was informed by the Ministry of HRD that the data in this regard was not being maintained centrally. However, with reference to a FAX message issued to State Governments in this regard, so far response had been received from Government



of Gujarat and Delhi University only. It has been reported that in Gujarat during 2013-14, as against 271 students who applied for admission in engineering and pharmacy courses, 63 students have been admitted. In Delhi University out of 174 applications received, admission to 126 students was offered to various UG Courses. As per inputs received from Kendriya Vidhalaya Sangathan, the number of Kashmiri Migrants' children admitted in different KVs across the country and abroad (Kathmandu, Tehran and Moscow) is 159 during 2012-13 and 230 during 2013-14.

2.1.69 When enquired about the grant of special package and reservation in educational institutions, the Ministry has informed that since 'Relief' is a State subject, it is for the State Government to grant special package to the Jammu Migrants. Reservation in Educational Institutions is permitted only as per the existing policy of the Government.

2.1.70 A complaint was received that the scheme of scholarships to minorities mainly benefits Muslim students of the State of J&K. Responding to this, the Ministry commented that suggestion for extending the scholarship scheme to Kashmiri Migrants is being considered by Ministry of HRD.

2.1.71 Regarding the demand of Migrants for reservation of seats in engineering colleges, medical colleges, etc. in their home State, the Ministry has stated that as informed by the State Government, reservation has already been provided in various professional colleges for Kashmiri Migrants outside the State and there is no need to provide such reservation in the colleges within the State. Also the number of professional colleges within the State is very less and further reservation for Migrants at this stage will not be possible. Regarding the demand for reservation for Jammu Migrants, the Ministry has informed that there is no provision in the existing rules and regulations regarding reservation of 10% jobs in the State and Central Government and 10% medical seats in medical colleges.

**2.1.72 The Committee recommends that the Ministry of HRD should make an effort to keep centralised data of the students belonging to the Kashmiri Migrants for better implementation of its policies and keeping track of benefits reaching the wards of the Migrants. The Committee understands that there is no special package to the Jammu Migrants and it is for the State Government to grant the same. The Committee also notes that scheme of scholarships to minorities is not being extended to Kashmiri Migrants and the suggestion for extending the scholarship scheme to Kashmiri Migrants is being considered by the Ministry of HRD. The Committee feels that the Migrants who have been displaced due to hostile environment are not only religious minority in the State but also have been economically deprived. Education is the only means that can improve the lot of their future generations. The Committee therefore recommends that the suitable**

**scholarship scheme for such deprived J&K Migrants may also be evolved and extended to the affected Migrants in J&K, while extending the present scheme.**

#### **Financial Assistance for Unemployed Youths**

2.1.73 As per the PM'S Package, 9000 unemployed youths were to be facilitated to get financial assistance to come up with self employment/business ventures. When enquired about the number of beneficiaries that got the assistance under the scheme, the Ministry has replied that as per State Government, this facility was to be provided once the Migrants would return to Valley. Since only one family has so far returned to the Valley, as such, the scheme could not be implemented. However the Migrant youths who were putting up at Jammu and other places are otherwise entitled for seeking assistance under self employment schemes being implemented by the Government and the youths have been availing this facility at the places where they are settled at present. However, it has been observed that the youth have preference for Government Jobs rather than setting up of income generating units. Regarding the demand for financial assistance of Rs.25 lakhs for business and survival of unemployed youths, the Ministry has informed that PM's package already provides for one time assistance of Rs.5 lacs in each case, out of which 50 % will be grant and 50% loan. Regarding the demand of package for age group of 40 plus years of Migrants, the Ministry has informed that the Package announced by PM is available to Kashmiri Migrants irrespective of any age group. On the demand for one time compensation of Rs. 50 Lakhs to unemployed over aged youth, The Ministry has replied that over aged unemployed youth have been asked to avail the facilities available under various Government schemes of self employment.

**2.1.74 The Committee is disappointed to note the fact that there are no takers for the self employment package of the Government. First, the conditionalities attached are stringent. Secondly, the amount is not sufficient for starting an enterprise. The Committee is also of the opinion that in today's world it may not be possible for the Government to create jobs for everyone. The youth should therefore look for self employment avenues. The Committee feels that since the offtake of the scheme is very little, the option of increasing the funds per individual for self-employment may be explored. This may be done to make the scheme more attractive. The Government should be more realistic in its approach if it does not want to remain satisfied with schemes just on paper.**

2.1.75 Certain demands like one time compensation of Rs. 10 lakhs to damaged industrial units, waiving of interest on loans, Government guarantee for raising fresh loans, waiving of electricity bills and ground rent of the industrial units after 1990 and extending lease period to 99 years were made before the Committee and Sub- Committee. The Committee took up the matter with the Government. The Ministry in response informed that this can be decided on case to case

basis for which such unit holders shall have to approach the Office of Relief Commissioner with their proposal.

**2.1.76 The Committee recommends that the State Government should formulate a policy instead of considering their cases on case to case basis, to assist the militancy affected entrepreneurs to revive industrial activity among the affected community.**

### **Displaced State Employees**

2.1.77 When enquired about the number of employees of the State who were displaced in 1989-90; number of them retired; and those are still on payrolls; and whether all the retirement benefits including the leave benefits being provided to the retired displaced employees, the following information was provided by the Ministry:

- (i) State Government employees : 11376 including PSUs as on 01-01-90
- (ii) Central Government employees : 6500  
including PSUs/banks/  
Insurance companies (as on 01-01-90)

2.1.78 The Ministry further informed that the maximum numbers of migrant employees, both of State and Central Government have retired and all the pensionary benefits are provided to them on their superannuation.

2.1.79 Regarding the demand of treating Migrant employees on duty instead of on leave for pension benefits, the Committee has been informed that the Migrants are entitled for pension benefits except in respect of leave salary. In normal course the leave salary is payable for ten months whereas the Migrants who don't perform any duty are entitled for leave salary only for eight months.

### **Employment in Central Government Services**

2.1.80 The Ministry has informed 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. The time limit has since been extended till 31<sup>st</sup> December, 2013.

2.1.81 The Ministry further informed that 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. Regarding the demand that one job may be given to one family of Migrants, the Ministry has informed that the demand has been raised for the first time. There is no such proposal with the State Government. Regarding the demand for creation of 1000 class-IV posts for unemployed Migrant youths who could not study beyond matriculation, the Ministry has stated that it may be considered on receipt of a proposal from the State Government.

**2.1.82 The Committee recommends that the feasibility of the proposal of one job per Migrant family may be looked into and an early decision may be taken. The Committee recommends that the proposal of creating 1000 class-IV posts for unemployed Migrant youths, who could not study beyond matriculation, may be sympathetically considered for early implementation.**

#### **Issues related to teachers**

2.1.83 Regarding the complaint that 221 teachers have been deprived of employment due to overage, the Ministry has informed that as per the State Government, the process of filling up the remaining post is going on. The matter of 221 teachers shall be dealt with as per guidelines and norms.

**2.1.84 The Committee recommends that the cases of 221 teachers who have been deprived of employment due to overage may be sympathetically looked into as the people from the Migrant community are suffering from various handicaps and therefore deserve sympathy for the same.**

#### **Regularization of Contractual Teachers in Delhi**

2.1.85 On the issue of regularization of contractual teachers in Delhi, the Ministry has informed that the Directorate of Education, Government of Delhi has intimated that it is not in a position to regularize the contractual teachers. However, it has allowed relaxation in upper age limit for Kashmiri migrant teachers for appearing in examination conducted by Delhi Subordinate Services Selection Board for recruitment of teachers to facilitate their appointment. It has further informed that the High Court has dismissed the writ petition(C) No. 2574/2010 filed by the contractual employees Vs. GNCTD vide order dated 5.4.2013 saying that the Constitution Bench of Supreme Court in Uma Devi's (Supra) case has clearly said that there can be no regularization of contractual employees.

2.1.86 Regarding the demand for financial benefits to contractual teachers at par with other teachers in Delhi, the Ministry has informed that as per information received from the GNCTD, the Directorate of Education has enhanced the monthly emoluments paid to TGT teachers from Rs.11,140/- to 20,989/- and PGT teachers from Rs.13,160/- to Rs.21,291/- vide order, dated 11.07.11/-. The three municipal corporations of Delhi are also paying the remuneration on the same pattern.

**2.1.87 The Committee is saddened by the fact that after long years of services in the teaching profession, teachers still have to go through the ordeal of appearing in examinations, though with age relaxation, and are bereft of social security benefits admissible to regular teachers till they are appointed on regular basis. In view of the Committee, this seems to be a inhumane approach on the part of the government, whether it be a State or Union. The Committee recommends that these teachers being from the displaced Migrant community, may be given some extra points as may be decided, along with age relaxation during the recruitment process of Delhi Subordinate Services Selection Board for recruitment of teachers.**

#### **Relief to Migrants at Par with J&K rates**

2.1.88 There was a demand from the Migrants for being treated at par with J&K rates, the Ministry has replied that this issue has already been decided by the Supreme Court in a Writ Petition (Civil) No.498/2001. In its order dated 25.11.2002, the Court has directed that the State Government should release the same amount of relief which is granted to the Border Migrants. The Kashmiri Migrants registered with Relief organization are entitled for facilities as per laid down norms and there is no discrimination between any sections of the Kashmiri Migrants.

2.1.89 The Committee was also informed that in pursuance of the directions of the Parliamentary Standing Committee, the Chief Secretaries of concerned States have been advised by the Union Home Secretary in May, 2012 to consider relief to the Kashmiri Migrants at par with J&K rates. When enquired as to how many states have agreed to give relief at par with J&K rates, the Ministry has informed that after the meeting of the Parliamentary Standing Committee on 30<sup>th</sup> July 2013, in continuation of the advisory issued by the Home Secretary, a FAX message was issued to the concerned Secretaries for indicating the status in this regard. Response from the State Governments is awaited. However, Delhi Government informed that the cash relief is being paid by them to Migrants at par with the Jammu rates. Ration relief to Migrants in Delhi was given only to those Migrants who were living in camps and they got less monthly relief than to non campers. Now all the 237 camper families have been allotted DDA flats.

**2.1.90 The Committee recommends that all States should provide relief to J&K Migrants at par with J&K State so that they do not feel disadvantaged or discriminated.**

## **Problems of Migrant Shopkeepers in INA Market, New Delhi**

2.1.91 It was brought to the notice of the Committee that shopkeepers who were allotted some shops in INA had been removed. When the matter was taken up with the Government, the Ministry informed that as informed by GNCTD, 36 Kashmiri Migrants who were removed from INA Super Bazar due to construction of elevated road over Barapulla Nallah had requested for rehabilitation to alternate Tehbazari sites of 7ftx8ft size. Commissioner, MCD has approved the same by relaxing the rules/policy in the matter. After the draw to assign stall number, Kashmiri Migrants were asked to submit the requisite documents for processing the matter further. Kashmiri Samiti had submitted documents in respect of 30 Migrants only.

**2.1.92 The Committee desires that action in regard to rehabilitation of displaced shopkeepers from the migrant community in INA market, New Delhi may be taken on priority basis. People from the migrant community who have left their native places due to conditions beyond their control should not face undue delays in the allotment of Stalls.**

2.1.93 There was also a complaint made by the representative of an organization that shops in INA market are not being allotted on the pretext that Kashmiri Migrants are not Indian. Electricity and water facilities are also not being provided. The Ministry has informed that as informed by GNCTD, the matter was discussed in the Nodal Cell Meeting held on 30.08.2013 and the status report in the matter is being sought from the concerned agencies.

**2.1.94 The Committee is of the opinion that the pretext given that Kashmiri Migrants are not Indians for not allocating shops in INA market is highly objectionable. The complaint may be looked into and action may be initiated against people involved in such blatant discrimination.**

## **Reimbursement of medical expenses**

2.1.95 The Committee was informed that the Government of J&K created a corpus fund of Rs. 5 crore for the welfare of the Migrants for reimbursing their medical expenses. The fund was created in 2007 and since then only about Rs.57 lakh has been reimbursed. When enquired about the number of claims received and those settled, the Ministry has informed that the main objective for creation of corpus fund was to provide facilities to Migrants mainly to meet the expenses on account of health care. Out of this fund the Migrant patients are reimbursed medical expenses incurred by them. So far reimbursement has been made in favour of 185 Migrants to the tune of Rs. 57.54 Lakh and 18 cases are in the pipeline. The Government has notified rules for reimbursement of medical expenses in favour of Migrants. The State Government has been requested to consider favorably amending the procedure for including the provision for advance

payment for medical assistance in the emergent cases out of the corpus fund to the Migrants including those staying in Delhi also.

**2.1.96 The Committee is surprised to note that out of a corpus fund of Rs. 5 crore for the welfare of the Migrants for reimbursing medical expenses, the reimbursement has been made to the tune of only Rs.57.14 lakh since its creation i.e. 2007 and only around 200 claims had been received. This looks unbelievable considering the fact that the Migrants are living in poor financial conditions. The Committee is of the opinion that surely there are many more genuine members of the community who are in need of medical aid. The Committee recommends that the government should look into the reasons for limited coverage of the scheme. It is also of the opinion that when the money is available, it must be cobwebs of rules and procedures as well as formalities which are behind such limited coverage. The Committee recommends that the procedure should be simplified by removing bottlenecks so that maximum bonafide beneficiaries can take the advantage of this fund.**

2.1.97 Regarding the issue of strengthening health facilities- supply of medicines, provision of ambulance, medical claim insurance, grant of funds from corpus funds for serious ailments i.e. cancer, kidney failure, etc., the Ministry has informed that the matter is under consideration of the State Government and additional facilities will be provided in the health centers established in the camps. Also efforts are being made to provide health insurance cover to Migrants for which Rs.8.00 crores has been earmarked in the budget of the State Government.

**2.1.98 The sub-committee, during the visit to different Migrant camps in Srinagar and Jammu learnt that several members of the affected community were suffering from deadly diseases like cancer, kidney failure, etc. and need immediate help. The Committee strongly recommends that the Ministry should provide additional facilities in the health centers established in the camps for treating such deadly diseases. It also hopes that the Ministry would also provide health insurance cover to Migrants for which budget has already been earmarked.**

### **Cash Relief**

2.1.99 It was brought to the notice of the Committee that in Delhi, out of 19338 registered Migrant families only 3385 families are getting cash relief from GNCT of Delhi. When enquired about the status of remaining Migrants; about the condition of Migrants living outside camps; and reasons for not formulating any scheme for Migrants living outside camps, the Ministry has informed that as informed by GNCTD, in 1995, Government of NCT of Delhi decided that those J&K Migrant families with monthly income of Rs. 5000/- or less will be eligible for ad-hoc

monthly relief. The J&K Migrants are required to file an affidavit to this effect. At present, as per the latest information received from the Delhi Government, 3418 families are registered as eligible and 3224 families are drawing ad-hoc monthly relief as remaining 194 families have not filed the mandatory affidavit. As soon as the affidavits from these families are received, the relief amount will be disbursed. Delhi Government has further informed that no complaint/representation has been received in Revenue Department from any of the remaining J&K Migrants regarding non inclusion of their name in the list of eligible persons for ad-hoc monthly relief.

2.1.100 The Ministry also informed that presently there is no family residing in the camp in the NCT of Delhi. All the 237 families that were residing in the camps have been allotted flats by the DDA and as on date, no camp is in existence.

2.1.101 The Committee was informed that though there had been a State Government Cabinet recommendation for enhancement of the relief to Rs.10000 per family, a meager enhancement of Rs. 400 only per soul was announced by the Government. The Ministry has responded by stating that the thrust of the policy of the Government has been to ensure that the difficulties and hardships of the Migrants are minimized and the needy families are provided an amount, enough for sustenance and support. Accordingly, monthly relief is being provided to the needy families. In Jammu and Delhi, the rate of relief prior to 01.02.1994 was Rs. 250/-per head per month subject to a ceiling of Rs. 1000/- per family per month. Since 1994 the rate of cash relief for Kashmiri Migrants has been revised from time to time. Presently, the rate of cash relief is Rs. 1650/- per head per month subject to a ceiling of Rs. 6600/- per family per month.

**2.1.102 The Committee is extremely dissatisfied by the logic given by the Ministry for limiting enhancement of the relief by Rs.400 per soul. The Committee notes the claim of the Government that the thrust of its policy has been to ensure that the difficulties and hardships of the Migrants are minimized and the needy families are provided an amount, enough for sustenance and support. The Committee in this background fails to understand how a meager enhancement of Rs.400 per soul would be able to fight the inflationary pressures in a big city like Delhi. The Ministry's decision to totally disregard State Government's recommendation for enhancement of the relief to Rs.10000 per family is unfortunate. It, therefore, recommends that the recommendation of the State Government may be accepted.**

### **Problems and Delay in Verifications**

2.1.103 Regarding problems of verifications in Delhi for cash relief, the Ministry has informed that as per Delhi Government, the matter was discussed in the Nodal Cell meeting and



the directions in this regard are being issued so that the concerned D.Cs (Revenue) may ensure to release AMR till 10<sup>th</sup> of every month to the eligible J&K Migrants.

**2.1.104 The Committee recommends that all issues related to the verification process may be resolved at the earliest so that request for cash relief made by genuine claimants may be addressed.**

### **Housing Assistance**

2.1.105 Under PM's package, 2004, to improve accommodation of Migrants, 5242 two room tenements were constructed but only 4624 flats had been allotted to Kashmiri Migrants. When enquired as to why there is so much delay in allotment of remaining flats, the Ministry has replied that construction of 5242 two room tenements started in 2005 has been completed. As per State Government, all the Migrants living in old camps have been shifted to newly constructed accommodation. Some flats remained available after shifting of all the Migrants. It has been decided to allot these flats to families who are living in a rented accommodation. The process, however, got delayed as some Migrants had approached Court and the Court had directed to maintain status quo. The directions have been vacated and the process of verification is on.

**2.1.106 The Committee recommends that the verification process for allotment of remaining dwelling units may be conducted soon so that they can be allotted soon as there has already been considerable delay in allotment.**

2.1.107 When enquired about the number of J&K Migrants that have been covered towards housing assistance under PM's Package of 2008, the Ministry informed that so far only one family has returned and has availed Rs. 5.00 Lakh under Housing component of the PM's package for return and rehabilitation of Kashmiri Migrants. However, the Committee noted that there has been a suggestion from certain organizations that building reconstruction grant should match the requirements and should not be a static quantity. It should be on actual cost of construction and should vary from case to case.

2.1.108 The Committee was also informed that the State Government has proposed certain enhancement in the financial assistance for housing component, which is under the consideration of the Government. When enquired about the amount of time that would be required to implement the component of the revised package, the Ministry skirted the issue by stating that the State Government has proposed revision in the existing package and has suggested enhancement of financial assistance for various components. The same is under examination. On the issue of resettlement, the Ministry has contested the criticism by stating that the announcement of the PM's package in April, 2008 for Return and Rehabilitation of the Kashmiri Migrants is a result of the efforts made by the Central Government and the State

Government for resettlement of the community back in the Valley. In this direction, construction of 200 flats at Budgam was also approved by the Central Government. These flats have been completed and are being used on sharing basis by the Migrants who have joined the State Government jobs under the employment component of the PM's package. Already 1446 Migrants have joined the Valley under the employment component. Construction of 505 units was taken up at four places, out of which 405 units have been completed and remaining are to be completed shortly. Regarding the demand for provision of one unit of transit accommodation in the Valley on acceptance of employment, the Ministry has informed that the matter is under active consideration.

**2.1.109** The Committee is of the opinion that housing assistance under PM's Package for the Migrants has remained a non-starter as just one family has availed it. This again highlights the fact that the most of the PM'S Package has not even taken off. Since the Government is pinning its hopes for rehabilitation of Migrants on the PM'S Package, the outcome has been extremely disappointing to say the least. The Committee feels that there is a need for serious rethink on the policy. The Committee in this connection would like to suggest that the demand of certain organizations that building reconstruction grant should not be a static quantity and it should be on actual cost of construction and should vary from case to case may be looked into.

**2.1.110** The Committee also feels that the Package also needs financial revision so that the few components of the Package which have been availed could be made more attractive.

**2.1.111** The Committee recommends that the construction of the rest of the accommodations may be completed soon. If needed, more such units with proper amenities and connectivity may be created in proportion to the number of people from the Migrant community joining the work force in the State as presently these units are being shared by the employees in a very congested manner.

**2.1.112** The Committee also recommends that the Government should positively consider the demand for provision of one unit of transit accommodation in the Valley on acceptance of employment. It is of the opinion that this would serve as a strong incentive for the Migrant youths to take up jobs in the Valley.

#### **Satellite Towns and Cluster Accommodation**

**2.1.113** Some of the representatives of the organizations of the Migrants were of the opinion that return to Kashmir can take place only if satellite city for the entire community is established with self sufficient infrastructure, economic avenues, adequate land, decent

accommodation, educational institutions, medical care, recreation centres, commercial establishments, etc. There was also a suggestion that Government should allot pieces of land to individuals and cooperatives of individuals in order to enable construction of individual houses or flats in a multi storey building complex. During interaction with the Migrants, the Committee also observed that the Migrants are insecure about returning to the Valley and want to settle in clusters for which they want that Government should arrange land.

2.1.114 The Ministry has responded that the Housing Component of PM's Package has a provision for purchase/construction of house in Group Housing Societies. The Ministry also informed that as per the initial proposal, the Migrants had to settle down at their own places from where they had migrated but at this stage nearly 65% of the families have already sold their immovable properties and are without any land in the Valley. Such families would feel difficulty in settling down in the Valley in case they return and accordingly the State Government recently in a meeting of the Apex Advisory Committee which was chaired by the Chief Minister of J&K decided to identify land in each District in the Valley where Migrants can construct their houses in clusters and can resettle which can give them sense of security as well. The Ministry has further informed that State Government has already decided to acquire the land. Process is being initiated. Land for cluster accommodation shall have to be acquired for which Government of India shall be requested to allot funds.

**2.1.115 The Committee welcomes the idea of creating cluster accommodations for the Migrants in different districts. Keeping in mind the fact that the PM's package in the present form has not found many takers, innovative ideas like creating cluster accommodation can fulfill the twin needs of the Migrants: i) returning to their native place; and ii) returning in a safe environment. The Committee, therefore, recommends that suitable land may be identified and acquired for the purpose and the scheme be implemented in a reasonable time frame so that the objective of Migrant's return does not remain on paper but sees light of the day.**

#### **Construction of Additional Two-Room Tenements at Jammu**

2.1.116 Regarding the demand for construction of additional two-room tenements at Jammu, the Ministry has informed that already 5242 two room tenements have been constructed and allotted to the deserving Migrant families. Further construction of such tenements at Jammu will not be in consonance with the policy of making Migrants to return to the Valley.

**2.1.117 The Committee is of the opinion that since the number of families that have shown interest in returning to the Valley in present circumstances has remained negligible, the demand for construction of additional two-room tenements at Jammu may be looked**

into if a substantial number of families are interested in staying at Jammu so that the rehabilitation process could be taken forward in due course of time.

### **Problems of jagti**

2.1.118 The sub-Committee of the DRPSC on Home Affairs visited the satellite town of Jagti to have a firsthand account of the living conditions of the Migrant residents. During its interaction with the residents it was informed that the town suffers from several infrastructural bottlenecks as well as lack of basic facilities like health services. The residents particularly highlighted the problem of frequent power cuts.

2.1.119 The Ministry has explained that in Jagti township the Power Development Department has made arrangement for providing power supply. However, the Migrants are not ready to enter into an agreement with the Power Development Department to become consumers. Already Government have announced some concessions by providing free electricity of 100 units per month to the Migrants, but they are resisting and want to consume electricity without registering themselves with the Power Development Department. It was stated that the Government can consider by giving some more concessions but in any case they have to get themselves registered as consumers as per the existing law.

**2.1.120 The Committee is of the opinion that while there are no free lunches, and all resources have a cost, the Government should look into the purchasing capacity of the residents. Since they are displaced people who need Government help they should be made to pay according to their capacity. The Committee, therefore, recommends that electricity may be provided to them at a price they can pay.**

2.1.121 The Jagati Township has been designed for a population of 25000 souls. When enquired about the number of souls that have shifted to the township and about the provision for elected local body like Notified Area Committee to look after issues like civic amenities, the Ministry informed that Sanitation at various locations of two room tenements is ensured after inviting tenders and getting it done through the lowest tenderers. The matter regarding notified area committee to look after the issues of civic amenities has been taken up by the State Government.

**2.1.122 The Committee recommends that the State Government should look into the feasibility of setting up of Notified Area Committee for providing civic amenities in Jagti.**

2.1.123 When the issue of completion of allotment process for remaining two-room tenements at Jagti was flagged, the Ministry informed that the process of verification of applications /allotment of the remaining flats will be completed very soon. The Ministry has also

informed that hospital building at Jagti is near completion and is expected to be completed within two to three months. The sub-Committee of the Committee during its visit to Jagti was informed by its residents that they face a lot of difficulty in getting medical aid, especially during emergency situations, as there is no hospital nearby.

**2.1.124**        **The Committee recommends that the medical facilities in the upcoming hospital may be started as soon as possible so that the hardships faced by the residents are mitigated.**

**2.1.125**        **The Committee recommends that allotment of the remaining flats in Jagti may be done on priority basis and the verification process for the same may be completed as soon as possible.**

#### **Improvement of Living Conditions in Transit Accommodation in the Valley**

2.1.126        The sub- Committee during its visit met with widespread demand for improvement of infrastructure facilities at camps i.e., water, electricity, ration, education, repairing of flats, stoppage of leakages, 40 bedded hospital, sports stadium, drainage system, and medical facilities. It was also demanded for separate accommodation to each employee and bifurcated families.

2.1.127        The Ministry submitted that necessary infrastructure required in the camps has already been created and continuous efforts are made to improve the living conditions of inmates living in various transit accommodations in the Valley. According to the Ministry it would not be possible at the moment to provide separate quarter to each employee. Regarding the allotment of accommodation for bifurcated families living in rented accommodation, the Ministry informed that the flats numbering 5242 were constructed for shifting of Migrants from old camps and it would not be possible to accommodate bifurcated families in these flats at this stage.

2.1.128        Attention of the Sub-Committee was also drawn to poor and unsafe conditions at Migrants' camp at Talwara, which is prone to damage due to earthquake. The Ministry submitted by stating that the matter is under the consideration of the State Government.

**2.1.129**        **The Committee feels that the grievances of the Migrant people residing in Jagati and Talwara are quite genuine. The Committee strongly recommends that the State Government should take all necessary steps required to improve the living conditions in the Migrant camps at Jagati and Talwara.**

## **Political Empowerment**

2.1.130 The Committee and its sub-Committee during its interactions with representative organisations felt that there is a very strong demand of the Migrants for Political empowerment of the community by way of institutionalization of reservation of adequate number of seats for the community in the Local Bodies, State Assembly and Parliament. However, on this issue, the Ministry is of the view that there is no constitutional provision for such reservation for Kashmiri Migrants.

2.1.131 Regarding the demand for Grant of District Council status to all the Districts of Jammu Province on the pattern of Ladakh and Kargil Autonomous Hill Development Councils, the Ministry has informed that no such proposal is under consideration at present.

2.1.132 Regarding the demand for Reconstitution of Apex Committee to give representation to all Districts of Kashmir, the Ministry has informed that more than 30 members have already been nominated in the Apex Committee who belong to various Districts of the Valley.

**2..1.133 The Committee is of the view that migration of a large number of people had been an extraordinary incident in a democratic country, whose Constitution guarantees every citizen to live at the place of his desire. Hence, this unprecedented incident deserves appropriate political empowerment of this community by taking recourse to suitable steps by the Central Government as well as State Government of J&K. The Committee hopes that its suggestion will be taken in right perspective with positive approach.**

## **Updation of Voters List of The Migrants and Issue of Photo I- Cards**

2.1.134 Several representatives raised the issue of updation of voters list of the Migrants and the issue of photo identity cards for which forms have already been filled. It was also alleged that in the revised voter list more than 50% names were deleted. It was also suggested that for simplification of the voting procedure, list of Migrants maintained by RC (M) may be forwarded to the Election Commission for inclusion in the voters list.

2.1.135 Responding to the issues and suggestions, the Ministry commented that updation of voter-list of Migrants and issue of photo identity cards is being done by the office of Chief Electoral Officer, J&K. The process is going on. Regarding the simplification of the voting procedure by forwarding list of Migrants maintained by RC(M) to the Election Commission for inclusion in the voters list, the representatives of the Migrants submitted that there is a very cumbersome process for voting for Migrants. The process is completed in several rounds: first they indicate their intention for voting; then on receipt of form, attestation by two gazetted

officers is required; form is then required to be sent; after this they get a permission for voting; and finally, on the day of voting they are required to go with family and if the name appears in the list only then voting is allowed. There are three types of voter lists with the Election Commission and Relief Department for the Migrants. They have alleged that the cumbersome procedure is simply to discourage Kashmiri Pandits from voting.

2.1.136 The Ministry informed that the Election Commissioner has been requested to consider simplifying the procedure. It has further informed that as per the State Government, the Government has made special arrangements for Kashmiri Migrants to either get enrolled in the voter list for participating in the electoral process outside the area/constituency to which they belong. This arrangement has been made for ensuring participation of Migrants in the electoral process, despite living outside the constituency to which they belong. On the allegation that in the revised voter list more than 50% names were deleted, the Ministry has informed that as per the State Government, the Migrants can get themselves enrolled in the electoral Rolls in case they feel that their names have been deleted. In the recent exercise for updation of electoral rolls, more than 8000 Migrants got themselves enrolled. The Ministry has further informed that as per the information received from the Office of the Chief Electoral Officer, J&K, the final electoral roll published w.r.t. 1<sup>st</sup> January, 2013, as the qualifying date, the Kashmiri Migrants (Pandits) are existing in that roll and there is no question of deleting the names of Kashmir Migrants from the roll.

**2.1.137 The Committee recommends that the issues of updation of voter lists and simplification of voting procedures for the Migrants may be appropriately taken up with the Election Commission so that the Migrants are not made bereft of their voting rights as citizens of the State.**

**2.1.138 The Committee is surprised by the cumbersome nature of the electoral process designed for the Migrants. No wonder that they allege the whole system has been instituted to discourage them. While that may not be the case, simplification of the process is obviously required. The Committee, therefore, recommends that the Government may take up the matter with Election Commission so that the Migrants can rightfully take part in the electoral process like rest of their fellow citizens.**

2.1.139 Many Migrants also complained about obtaining legal proof for Kashmiri residency – Voter ID card, Passport, Migrant Ration Card or State Subject Certificate. The process, according to them, is very cumbersome and it needs to be simplified. They have also suggested that facilitation for the same may be provided at Delhi. It has also been alleged that attempts are being made to discourage people from getting these documents so that they do not claim their property.

2.1.140 The Ministry has informed that as per the State Government, the Relief Commissioner has been authorized to issue various documents including Permanent Resident Certificates required for seeking appointments, admission in various institutions, etc. These documents otherwise are being issued by the Tehsildars. However, for Migrants special arrangements have been made for issue of these documents at Jammu. The Ministry has further informed that as per the State Government, the legal documents, to establish identity of the Migrants, are issued invariably by the Department, to the Migrants within the shortest possible time, after receipt of applications.

**2.1.141 The Committee during its deliberations with the Migrants was informed by several representatives that they face tremendous difficulties in getting various certificates for establishing identity, residency etc. The Committee is of the opinion that since the representatives have complained about the cumbersomeness of the process, the same may be simplified and made Migrant friendly. The entire procedure may be re-looked.**

#### **Issues related to Special Police Officers (SPOs)**

2.1.142 Regarding the issue of regular appointment and regularization of SPOs, the Ministry has informed that the matter is under the consideration of the Government. On the issue of enhancement of honorarium for SPOs from the present rate of Rs.3000/- per month, the Ministry has informed that the proposal for enhancement of honorarium to SPOs is under consideration of the Government. The Ministry has further informed that State Government has formulated a comprehensive policy in 2009 for absorption/conversion of SPOs as Constables/Followers (With minimum three years of continuous engagement).

**2.1.143 The Committee is of the opinion that the honorarium for SPOs may be increased from Rs.3000/- per month as the sum is too meager. Keeping in mind the tough nature of their job, and in order to keep them motivated, the demand for increase may be sympathetically considered. The Committee also recommends that the policy for absorption/conversion of SPOs as Constables/Followers may also be implemented so that it may serve as an incentive for SPOs and keep them motivated.**

#### **Appointment on Compassionate Ground**

2.1.144 Attention of the sub- Committee was drawn towards appointment under SRO43. The Committee was given to understand that SRO 43 relates to appointment on compassionate ground of a family member of a Government employee and civilian who dies as a result of militancy related action or due to enemy action on the Line of Actual Control/International Border within the State of Jammu and Kashmir and is not involved in militancy related activities. A condition of total income of the family from all sources not exceeding Rs. 5000/-per month, as



assessed by the Revenue Officer not below the rank of an Assistant Commissioner, is prescribed in case of death of a civilian. Appointment on compassionate ground is extended to a member of the Armed Forces not above the rank of Junior Commissioned Officer or a member of Paramilitary Forces of equivalent rank who is a permanent resident of State and is killed while discharging duties in connection with law and order in the State of Jammu and Kashmir or as a result of enemy action on the Line of Actual Control/International Border. The Sub-Committee was informed that there were a number of pending cases under SRO43. When asked, the Ministry has informed that the SRO 43 cases are being processed as per the laid down procedures and various SRO cases during last five years have been settled in Jammu province.

**2.1.145**        **The Committee is not satisfied with the routine reply given on a significant issue of giving employment to a family member of a Government employees/ civilian / member of an armed Forces or para military forces, who dies as a result of militancy related action or due to enemy action on the Line of Actual Control/International Border within the State of Jammu and Kashmir. The Committee strongly feels that such cases deserve due attention and disposal on priority. The Committee, therefore, strongly recommends that all cases of appointment on compassionate grounds should be decided at the earliest in a time bound manner, with proper monitoring at higher level.**

#### **Issues related to Village Defence Committees (VDCs)**

2.1.146        The Committee was briefed that the purpose behind constitution of the Village Defence Committees (VDCS) was to organize a small group of volunteer armed civilians in the identified villages for providing security to the villages along the borders as well as in the deep areas of Jammu Division, infrastructural installations in and around them, as also to supplement the ongoing efforts of the security to improve their working and effectiveness. Volunteers working in the VDCs have been provided with weapons. Elementary training courses are being organized for SPOs/volunteers working in the VDCs, so as to enhance their musketry skills and sharpen their capabilities to enable them to retaliate and repulse any attack from the militants/terrorists. Regarding the demand for grant of honorarium to VDCs, the Ministry has informed that there is no such proposal under consideration of the Government.

**2.1.147**        **The Committee is of the opinion that keeping in mind the strategic nature of role being played by the VDCs to thwart terrorist acts and despite the volunteer nature of the job, the Government may look into the feasibility of paying honorarium to further motivate them.**

## **Non-payment to Migrants**

2.1.148 The Committee has received complaints regarding non-payment to Migrants to the tune of Rs.21 crore. Some of the organizations alleged that orders passed by the Supreme Court and High Court have not been implemented by the Government of J&K. The Ministry has clarified that in pursuance of the Court orders, 1054 families belonging to various districts of Jammu province were registered after carrying out proper verification by CID authorities. From October 2007 these families are receiving monthly cash assistance and free ration continuously. However, the arrears from 2004 to 2007 are still unpaid and the matter will be settled very soon.

**2.1.149 The Committee takes a serious note of the fact brought before it. The Committee is of the firm view that decisions of Courts should be honored without delay, if not appealed in higher Court or for review by the same Court. The Committee therefore strongly recommends that the all the issues related to payment as well as arrears thereof may be cleared/ settled at the earliest, keeping in mind their challenged financial condition. The Committee desires that status in this regard should be monitored at the appropriate level in the Union Ministry of Home Affairs.**

## **OBSERVATIONS/CONCLUSIONS AND RECOMMENDATIONS OF THE COMMETTEE- AT A GLANCE**

### **Declaration of Kashmiri Migrants as Internally Displaced persons**

**The Committee desires that the Ministry should ensure that Migrants be provided all the facilities for rehabilitation as are provided to a displaced community.**

**(Para 2.1.9)**

### **Conducive Environment for Return to the Valley**

**The Committee is of the view that after so many years since the exodus took place and especially after declaration of ambitious packages for the return of Migrants, improvement on the ground has been scanty and just one family has returned to the Valley since the announcement of the package. There can be two explanations for such an extremely poor response from the community: either i) the package is not attractive enough; or ii) the environment is not safe for them to return. The Committee also notes that other components of the PM's Package except the employment and transit accommodation component, could not be initiated as they can come into force only after the Migrant families return to the Valley. This has resulted in a strange situation where the families refuse to return as the environment is not conducive enough while the government refuses to pass the benefits to them as return is a precondition for availing the benefits. The Committee also refuses to buy the Ministry's explanation that lack of consensus among various Migrant organizations for permanent return and settlement is the main reason behind non-return of Migrants to the Valley. While there may be difference of opinion between the organizations, the perception in the community is that the situation on the ground is not at all conducive for return which is the main reason for the failure of the plan rather than lack of consensus among the organizations. The Committee is therefore of the opinion that some more components of the PM's package should be opened up for the Migrants without the conditionality of their return. This, in the view of the Committee, will serve as a confidence building measure encouraging the families to return to the Valley.**

**(Para 2.1.11)**

**The Committee feels that the decision in the matter brooks no delay. The Committee recommends that revision in the package may be sympathetically considered for early implementation.**

**(Para 2.1.13)**

The Committee is saddened by the plight of Migrant families of Budgam who have been forced by the circumstances beyond their control to live in resettlement camp in their home State. The Committee, therefore, feels that the least the government can do is to provide them enough housing units for settlement. The Committee therefore impresses upon the Government that 505 units of transit accommodation may be allotted to them on priority basis.

(Para 2.1.16)

The Committee advises the Government to be extremely cautious in clearing the names of militants for surrender. Militants who have shown signs of change of heart may only be accommodated.

(Para 2.1.18)

The Committee is of the opinion that strict action should be taken against perpetrators. The Government should also send a message to the affected persons with assurance that if their cases had not been filed, they should come forward to lodge their cases without any fear. The Committee would also like to be apprised of the status of filed cases along with conviction of perpetrators.

(Para 2.1.20)

#### **Condition of Pandits Living in the Valley**

The Committee notes that more than 600 families are still residing in the Valley. The Committee also notes that about 31 families had to be shifted to a transit camp due to security reasons. The Committee in view of the prevailing conditions, desires that the courage of such Kashmiri Pandit families still residing in the Valley should be appreciated and they should be provided appropriate security. They may also be provided other facilities as may be required.

(Para 2.1.22)

#### **Grant of minority status**

The Committee notes that according to the State Government, the Kashmiri pandits belong to Hindu religion and as such do not qualify for grant of minority status. However the State Government feels that the issue of granting minority status needs to be examined by the State Government from all angles. The Committee feels that the State of J&K has a special status in Indian Constitution. The government of J&K should look into the demand of the Kashmiri Pandit for conferring on them minority status keeping in mind their pitiable condition.

(Para 2.1.24)

## **The role of Ministry of Home Affairs**

**The Committee is of the view that the situation of Migrants still remains neglected several years after the exodus started. It may be due to extreme difficulty in resettlement or wrong policies, but whatever may be the case the situation on the ground remains grim. The Ministry of Home Affairs being the nodal agency cannot shirk away its responsibility for not being able to improve the situation on the ground. The Committee exhorts the Ministry to look for different solutions if the previous policies have not worked.**

**Implementation of Recommendations of the Inter-ministerial Team.**

**(Para 2.1.26)**

**The Committee recommends that the remaining posts may be filled soon so that the approved benefits are not unduly delayed.**

**(Para 2.1.28)**

## **White Paper on Exodus of Migrants**

**The Committee notes the submission of the Ministry of Home Affairs. The Committee however feels that though all information on militancy in J&K may have been well documented, but all the facts should be brought out in the form of a White Paper covering all the developments in the matter in a single document for public information.**

**Unregistered families**

**(Para 2.1.30)**

**The Committee notes that several Migrants' associations have complained that there are a large number of families of the Migrant community who remain unregistered. Though the Ministry has claimed that all families which fulfil the criteria have been registered, the Committee is of the view that since there are complaints of organizations of non registration of a large number of families, the Ministry of Home Affairs should examine the complaints in this regard and draw up a mechanism whereby families fulfilling the criteria be registered without much hassle.**

**(Para 2.1.32)**

**The Committee feels that keeping in mind the practical difficulties being faced by the Migrants, the demand may be looked into.**

**(Para 2.1.34)**

## **Reasons for Failure of Schemes**

**The Committee strongly recommends that interaction with the representatives of the Migrant groups should be frequently conducted in order to get the relevant feedback.**

**In the light of dismal response to the schemes, such feedback would be of immense importance for focused implementation and course correction of the policy.**

**(Para 2.1.38)**

#### **PM's Package**

**The Committee is disappointed to note that even the 3000 posts provided by the Central government are still to be filled, leave aside the other 3000 to be provided by the State Government. The situation looks even more disappointing when seen in the light of the fact that the other components of the PMs Package have not even taken off. Out of the two components, i.e. employment and accommodation, the targets of employment component have not been even half met.**

**(Para 2.1.43)**

**The Committee is also extremely disappointed by the response of the State Government. It is the responsibility of the State Government to fulfil its share of the promise. Amending the rule position and convincing the majority community about the need for minority welfare schemes is in line with the welfare objective of the Government. Hence, the State Government should move ahead and take positive steps by filling 3000 posts from Kashmiri Migrants.**

**(Para 2.1.44)**

**The Committee is of the opinion that the State Government's approach should be flexible enough to consider transfer requests on compassionate grounds from any part of the State to any other part of the State especially in the case of female employees. As far as possible, female employees should be posted in areas close to the areas of their husbands' posting. The Committee is further of the opinion that the 21 requests of inter-district transfers of female employees, close to their husbands' workplace may be considered positively on priority basis.**

**(Para 2.1.46)**

**The Committee is of the view that though the objective of the Government to help Migrants return to the Valley may be very noble, but the results on the ground have been dismal. There can be no other reason than the security threats which looms large over them for their not returning to their native places. The Committee, therefore, recommends that the Government should show more flexibility in implementing the Package for better results.**

**(Para 2.1.47)**

### **Slow implementation of PM's package**

The Committee feels that the required modifications in the PMs Package may be carried out on priority basis so as to make the Package more attractive for the Migrant community. The Committee is, however, not convinced by the reply of the Government, as against a comprehensive package of Prime Minister amounting to Rs. 1618.40 crore in April, 2008, only Rs. 104.52 crore till May, 2013 has been expended by the State Government and since 2009 only four meetings of the Apex Committee have been held. In view of the Committee, these open facts do not reflect committed, sincere and sympathetic approach and course of action on the part of a responsive Government towards an aggrieved group of people of the State.

(Para 2.1.51)

### **Neglect of Jammu Region in PM Package**

The Committee is of the opinion the compensation should be given where it is due and no discrimination in this regard should be made. The State Government should look into the issue so that the grievances of the affected people from outside the Valley may also be suitably addressed.

(Para 2.1.53)

### **Protection of Migrants' Properties**

The Committee is not satisfied with the evasive reply of the Government. The Ministry of Home Affairs or the State Government have evaded the reply to the number of complaints received and attended. The Ministry may discuss the matter with the representatives of Migrants, get the details from them and get them verified from the State Government.

(Para 2.1.60)

The Committee recommends that the Central Government should look into the proposal submitted by the State Government on priority basis so that the Migrants of the hilly regions of Jammu may be adequately compensated. An early decision may be taken in the matter.

(Para 2.1.62)

### **Encroachment of Temple and Shrines**

The Committee hopes that the Temples and Shrine Bill would address the grievances of the Hindu community in the State. Efforts should be made to get the Bill passed in the State Assembly at the earliest. It also recommends that the State Government should seriously look into specific cases of grievances so that the confidence of the

**Migrants could be won back. Migrant organizations may be asked to give details of specific cases.**

**(Para 2.1.67)**

#### **Educational Concessions to the Wards of Kashmiri Migrants**

**The Committee recommends that the Ministry of HRD should make an effort to keep centralised data of the students belonging to the Kashmiri Migrants for better implementation of its policies and keeping track of benefits reaching the wards of the Migrants. The Committee understands that there is no special package to the Jammu Migrants and it is for the State Government to grant the same. The Committee also notes that scheme of scholarships to minorities is not being extended to Kashmiri Migrants and the suggestion for extending the scholarship scheme to Kashmiri Migrants is being considered by the Ministry of HRD. The Committee feels that the Migrants who have been displaced due to hostile environment are not only religious minority in the State but also have been economically deprived. Education is the only means that can improve the lot of their future generations. The Committee therefore recommends that the suitable scholarship scheme for such deprived J&K Migrants may also be evolved and extended to the affected Migrants in J&K, while extending the present scheme.**

**(Para 2.1.72)**

#### **Financial Assistance for Unemployed Youths**

**The Committee is disappointed to note the fact that there are no takers for the self employment package of the Government. First, the conditionalities attached are stringent. Secondly, the amount is not sufficient for starting an enterprise. The Committee is also of the opinion that in today's world it may not be possible for the Government to create jobs for everyone. The youth should therefore look for self employment avenues. The Committee feels that since the offtake of the scheme is very little, the option of increasing the funds per individual for self-employment may be explored. This may be done to make the scheme more attractive. The Government should be more realistic in its approach if it does not want to remain satisfied with schemes just on paper.**

**(Para 2.1.74)**

**The Committee recommends that the State Government should formulate a policy instead of considering their cases on case to case basis, to assist the militancy affected entrepreneurs to revive industrial activity among the affected community.**

**(Para 2.1.76)**

#### **Employment in Central Government Services**

**The Committee recommends that the feasibility of the proposal of one job per Migrant family may be looked into and an early decision may be taken. The Committee**



recommends that the proposal of creating 1000 class-IV posts for unemployed Migrant youths, who could not study beyond matriculation, may be sympathetically considered for early implementation.

(Para 2.1.82)

#### Issues related to teachers

The Committee recommends that the cases of 221 teachers who have been deprived of employment due to overage may be sympathetically looked into as the people from the Migrant community are suffering from various handicaps and therefore deserve sympathy for the same.

(Para 2.1.84)

#### Regularization of Contractual Teachers in Delhi

The Committee is saddened by the fact that after long years of services in the teaching profession, teachers still have to go through the ordeal of appearing in examinations, though with age relaxation, and are bereft of social security benefits admissible to regular teachers till they are appointed on regular basis. In view of the Committee, this seems to be a inhumane approach on the part of the government, whether it be a State or Union. The Committee recommends that these teachers being from the displaced Migrant community, may be given some extra points as may be decided, along with age relaxation during the recruitment process of Delhi Subordinate Services Selection Board for recruitment of teachers.

(Para 2.1.87)

#### Relief to Migrants at Par with J&K rates

The Committee recommends that all States should provide relief to J&K Migrants at par with J&K State so that they do not feel disadvantaged or discriminated.

#### Problems of Migrant Shopkeepers in INA Market, New Delhi

(Para 2.1.90)

The Committee desires that action in regard to rehabilitation of displaced shopkeepers from the migrant community in INA market, New Delhi may be taken on priority basis. People from the migrant community who have left their native places due to conditions beyond their control should not face undue delays in the allotment of Stalls.

(Para 2.1.92)

The Committee is of the opinion that the pretext given that Kashmiri Migrants are not Indians for not allocating shops in INA market is highly objectionable. The complaint

may be looked into and action may be initiated against people involved in such blatant discrimination.

(Para 2.1.94)

#### **Reimbursement of medical expenses**

The Committee is surprised to note that out of a corpus fund of Rs. 5 crore for the welfare of the Migrants for reimbursing medical expenses, the reimbursement has been made to the tune of only Rs.57.14 lakh since its creation i.e. 2007 and only around 200 claims had been received. This looks unbelievable considering the fact that the Migrants are living in poor financial conditions. The Committee is of the opinion that surely there are many more genuine members of the community who are in need of medical aid. The Committee recommends that the government should look into the reasons for limited coverage of the scheme. It is also of the opinion that when the money is available, it must be cobwebs of rules and procedures as well as formalities which are behind such limited coverage. The Committee recommends that the procedure should be simplified by removing bottlenecks so that maximum bonafide beneficiaries can take the advantage of this fund.

(Para 2.1.96)

The sub-committee, during the visit to different Migrant camps in Srinagar and Jammu learnt that several members of the affected community were suffering from deadly diseases like cancer, kidney failure, etc. and need immediate help. The Committee strongly recommends that the Ministry should provide additional facilities in the health centers established in the camps for treating such deadly diseases. It also hopes that the Ministry would also provide health insurance cover to Migrants for which budget has already been earmarked.

(Para 2.1.98)

#### **Cash Relief**

The Committee is extremely dissatisfied by the logic given by the Ministry for limiting enhancement of the relief by Rs.400 per soul. The Committee notes the claim of the Government that the thrust of its policy has been to ensure that the difficulties and hardships of the Migrants are minimized and the needy families are provided an amount, enough for sustenance and support. The Committee in this background fails to understand how a meager enhancement of Rs.400 per soul would be able to fight the inflationary pressures in a big city like Delhi. The Ministry's decision to totally disregard State Government's recommendation for enhancement of the relief to Rs.10000 per family is

unfortunate. It, therefore, recommends that the recommendation of the State Government may be accepted.

(Para 2.1.102)

#### **Problems and Delay in Verifications**

The Committee recommends that all issues related to the verification process may be resolved at the earliest so that request for cash relief made by genuine claimants may be addressed.

(Para 2.1.104)

#### **Housing Assistance**

The Committee recommends that the verification process for allotment of remaining dwelling units may be conducted soon so that they can be allotted soon as there has already been considerable delay in allotment.

(Para 2.1.106)

The Committee is of the opinion that housing assistance under PM's Package for the Migrants has remained a non-starter as just one family has availed it. This again highlights the fact that the most of the PM'S Package has not even taken off. Since the Government is pinning its hopes for rehabilitation of Migrants on the PM'S Package, the outcome has been extremely disappointing to say the least. The Committee feels that there is a need for serious rethink on the policy. The Committee in this connection would like to suggest that the demand of certain organizations that building reconstruction grant should not be a static quantity and it should be on actual cost of construction and should vary from case to case may be looked into.

(Para 2.1.109)

The Committee also feels that the Package also needs financial revision so that the few components of the Package which have been availed could be made more attractive.

(Para 2.1.110)

The Committee recommends that the construction of the rest of the accommodations may be completed soon. If needed, more such units with proper amenities and connectivity may be created in proportion to the number of people from the Migrant community joining the work force in the State as presently these units are being shared by the employees in a very congested manner.

(Para 2.1.111)

The Committee also recommends that the Government should positively consider the demand for provision of one unit of transit accommodation in the Valley on acceptance

of employment. It is of the opinion that this would serve as a strong incentive for the Migrant youths to take up jobs in the Valley.

(Para 2.1.112)

#### **Satellite Towns and Cluster Accommodation**

The Committee welcomes the idea of creating cluster accommodations for the Migrants in different districts. Keeping in mind the fact that the PM's package in the present form has not found many takers, innovative ideas like creating cluster accommodation can fulfill the twin needs of the Migrants: i) returning to their native place; and ii) returning in a safe environment. The Committee, therefore, recommends that suitable land may be identified and acquired for the purpose and the scheme be implemented in a reasonable time frame so that the objective of Migrant's return does not remain on paper but sees light of the day.

(Para 2.1.115)

#### **Construction of Additional Two-Room Tenements at Jammu**

The Committee is of the opinion that since the number of families that have shown interest in returning to the Valley in present circumstances has remained negligible, the demand for construction of additional two-room tenements at Jammu may be looked into if a substantial number of families are interested in staying at Jammu so that the rehabilitation process could be taken forward in due course of time.

(Para 2.1.117)

#### **Problems of jagti**

The Committee is of the opinion that while there are no free lunches, and all resources have a cost, the Government should look into the purchasing capacity of the residents. Since they are displaced people who need Government help they should be made to pay according to their capacity. The Committee, therefore, recommends that electricity may be provided to them at a price they can pay.

(Para 2.1.120)

The Committee recommends that the State Government should look into the feasibility of setting up of Notified Area Committee for providing civic amenities in Jagti.

(Para 2.1.122)

The Committee recommends that the medical facilities in the upcoming hospital may be started as soon as possible so that the hardships faced by the residents are mitigated.

(Para 2.1.24)

The Committee recommends that allotment of the remaining flats in Jagti may be done on priority basis and the verification process for the same may be completed as soon as possible.

(Para 2.1.125)

#### **Improvement of Living Conditions in Transit Accommodation in the Valley**

The Committee feels that the grievances of the Migrant people residing in Jagati and Talwara are quite genuine. The Committee strongly recommends that the State Government should take all necessary steps required to improve the living conditions in the Migrant camps at Jagati and Talwara.

(Para 2.1.129)

#### **Political Empowerment**

The Committee is of the view that migration of a large number of people had been an extraordinary incident in a democratic country, whose Constitution guarantees every citizen to live at the place of his desire. Hence, this unprecedented incident deserves appropriate political empowerment of this community by taking recourse to suitable steps by the Central Government as well as State Government of J&K. The Committee hopes that its suggestion will be taken in right perspective with positive approach.

(Para 2.1.133)

#### **Updation of Voters List of The Migrants and Issue of Photo I- Cards**

The Committee recommends that the issues of updation of voter lists and simplification of voting procedures for the Migrants may be appropriately taken up with the Election Commission so that the Migrants are not made bereft of their voting rights as citizens of the State.

(Para 2.1.137)

The Committee is surprised by the cumbersome nature of the electoral process designed for the Migrants. No wonder that they allege the whole system has been instituted to discourage them. While that may not be the case, simplification of the process is obviously required. The Committee, therefore, recommends that the Government may take up the matter with Election Commission so that the Migrants can rightfully take part in the electoral process like rest of their fellow citizens.

(Para 2.1.138)

The Committee during its deliberations with the Migrants was informed by several representatives that they face tremendous difficulties in getting various certificates for

establishing identity, residency etc. The Committee is of the opinion that since the representatives have complained about the cumbersomeness of the process, the same may be simplified and made Migrant friendly. The entire procedure may be re-looked.

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#### **Issues related to Special Police Officers (SPOs)**

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**Committee desires that status in this regard should be monitored at the appropriate level in the Union Ministry of Home Affairs.**

**(Para 2.1.149)**

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