

**Bill No. XVIII of 2022**

**KASHMIRI PANDITS (RECOURSE, RESTITUTION, REHABILITATION  
AND RESETTLEMENT) BILL, 2022**

A

**BILL**

*to provide for social, political and economic rehabilitation of Kashmiri Pandits,  
protection of their property, restoration of their cultural heritage, ensuring their  
safety and security, provision of rehabilitation and resettlement package  
to them and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

**CHAPTER I**

**PRELIMINARY**

5           **1.** (1) This Act may be called the Kashmiri Pandits (Recourse, Restitution, Rehabilitation and Resettlement) Act, 2022.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) 'Advisory Committee' means the Advisory Committee constituted under section 3;

(b) 'Government' unless stated otherwise, Government means the Government of India;

(c) 'Kashmiri Pandit' means any individual registered as a domiciled Kashmiri and follows the culture, religious texts and way of life as practiced by the Kashmiri Pandit community or meets such criteria as decided by the Advisory Committee.

Advisory Committee.

3. (1) The Central Government, as soon as may be, by notification in the Official Gazette, constitute an Advisory Committee which may be consulted by the Government for carrying out the purposes of this Act.

(2) The Advisory Committee shall consist of the following:—

(i) twenty one representatives of the Kashmiri Pandit Community with at least three Members drawn from the Global Kashmiri Pandit Diaspora, out of which, at least one Member shall be a woman;

(ii) two representatives of non-Kashmiri Pandit minorities of the Kashmir valley:

Provided that out of the total membership of the Advisory Committee, at least twenty five per cent but not more than fifty per cent of Members shall be women.

(3) The Advisory Committee shall have such adequate powers as may be prescribed, in order for it to be able to effectively represent the best interest of the Kashmiri Pandit community as stated in the Global Kashmiri Pandits Diaspora Unified Declaration to the Prime Minister to assert the right for return, rehabilitation and restitution and advise the Government accordingly.

## CHAPTER II

### DOMICILE

Domicile certificate.

4. (1) The Government shall issue certificates of domicile to any such person who,—

(i) is registered as migrant by the Relief Commissioner (Migrants), Government of Jammu and Kashmir;

(ii) is eligible as per criteria mentioned under rule 5 of the Jammu and Kashmir Grant of Domicile Certificate (Procedure) Rules, 2020;

(iii) is related biologically or through birth lineage or marriage or adoption or a culturally mandated kinship ritual has an ancestor who was a resident of the undivided State of Jammu and Kashmir as on May, 1944;

(iv) can prove that their ancestor as referred under clause (iii) of this sub-section migrated out of Kashmir prior to May, 1944 and maintained their connectivity with the Kashmiri Pandit community through its *samskaras* of birth, sacred thread marriage, death, *shradda* rituals and is recommended by the Advisory Committee; and

(v) any individual who is a member of the Saraswat community who can demonstrate with reasonable antecedents that their ancestor as referred to under clause (iii) of this sub-section migrated out of Kashmir prior to May, 1944 and is deemed as necessary to the prevention of the extinction of the Kashmiri Pandits and is recommended by the Advisory Committee.

(2) The Government may make rules and issue further clarifications regarding issue of domicile certificates in consultation with a Committee headed by the Chief Secretary of the

Union Territory of Jammu and Kashmir and comprising of a team of five officials as appointed by him which shall be set up within one month from the date of commencement of this Act.

(3) A web portal, along with a help desk, shall be developed for the purpose of submission of applications and relevant documents for the issuance of domicile certificates.

5 (4) The Government of Union Territory of Jammu and Kashmir shall appoint in each district, a district level task force headed by the District Magistrate and comprising of all Sub-Divisional Magistrates of the district, which shall be responsible for devising and executing mechanisms for issuance of domicile certificates in a time bound manner and shall submit a status report to the Chief Secretary every month, in such manner as may be  
10 prescribed. The same shall be updated on the portal.

(5) An application received under this section shall be processed within one working day from the date of submission.

### CHAPTER III

#### SOCIAL, POLITICAL AND ECONOMIC REHABILITATION

15 **5.** (1) In order to create social, political and economic conditions that are conducive to an environment of safety and honour to all domiciled Kashmiri Pandits either living in the camps or willing to return back and resettle, the Government shall take appropriate measures that may include— Measures to ensure social, political and economic rehabilitation.

19 of 1992. 20 (i) grant of minority status to Kashmiri Pandits in terms of clause (c) of section 2 of the National Commission for Minorities, Act 1992, within two months from the date of enactment of this Act and also make available to them all positive affirmations which are available to other religious minorities;

(ii) declaration of Kashmiri Pandits as victims of genocide and change their official nomenclature to 'Internally Displaced Persons' with immediate effect;

25 (iii) release of a white paper on the issue of Kashmiri Pandits documenting all events in the Kashmir valley pertaining to the atrocities and plight of the Kashmiri Pandits starting from the year 1988 till the enactment of this Act, within three months from the date of enactment of this Act, to be prepared by a high level committee comprising the following—

30 (a) retired Chief Justice of India as the Chairman;

(b) two retired judges of the Supreme Court of India—Members;

(c) two sitting Members of Parliament as nominated by the Advisory Committee—Members;

35 (d) two former members of Parliament as nominated by the Advisory Committee—Members;

(e) four sitting or former Members of Legislature/Council of Jammu and Kashmir as nominated by the Advisory Committee—Members; and

(f) four other individuals as may be nominated by the Advisory Committee—Members.

40 (iv) the high level committee as referred to under clause (iii) of this sub-section shall rely on depositions given by witnesses and lay special focus on the Reports and judgments of the Supreme Court and the High Courts of India, National Human Rights Commission, Reports of any Parliamentary Standing Committees and sub-committees set up for the purpose of examining the issue of Kashmiri Pandits.

45 (2) the Government, in consultation with the Advisory Committee, shall take all measures as recommended by the Delimitation Commission, to ensure enhanced political representation

of Kashmiri Pandits across panchayats, Union Territory Legislative Assembly and Parliament which shall include but not limited to the following—

(i) to ensure political franchise and to further the right of political participation, a mechanism shall be created for enrolment of all migrant Kashmiri Pandits as voters and provide reserved seats in proportion to their numerical strength in local and Union Territory legislative bodies; 5

(ii) provide all registered or domiciled Kashmiri Pandits, their right to vote for the candidate of their choice through a system of postal ballot.

**(3) The Government, in consultation with the Advisory Committee, shall take such measures as may be necessary to establish an environment of economic justice, prosperity and security, for Kashmiri Pandits and other religious minorities to explore opportunities of growth and stability upon their return which shall include but not limited to the following—** 10

(i) an appropriate corpus fund for the purpose of grants to be given to five thousand small or cottage industries owned by Kashmiri Pandit shall be created within one month from the date of enactment of this Act. 15

(ii) land and other capital expenditure as may be necessary for such small or cottage industries shall be provided by the Government of Union Territory Jammu and Kashmir;

(iii) interest free loans for setting up micro, small and medium enterprises shall be given without collateral requirements on a fifty percent loan and fifty percent grants basis; 20

(iv) direct and indirect taxes shall be waived off for the first five years of establishment of any business;

(v) in order to enhance ease of doing business a single window facilitation service shall be setup and all licensing and other approvals to new businesses shall be made available through this single window within one week of application; 25

(vi) promote women self help groups in every village and a grant amount, as decided by the Government in consultation with the Advisory Committee, shall be disbursed to each Self Help Group; and

(vii) in addition to the schemes or programmes of the Union Territory Government and the Central Government, the Government in consultation with the Advisory Committee, shall take such measures as may be necessary to promote entrepreneurship and self-employment of Kashmiri Pandits. 30

**(4) To enhance employment opportunities for migrant youth who are either already living in Jammu and Kashmir or willing to return and resettle, the Government shall,—** 35

(i) create, within three months from the date of enactment of this Act, ten thousand direct employment opportunities to be accommodation within the Union Territory and to be filled up by only migrant or domiciled Kashmiri Pandits.

(ii) The financial burden for the employment under clause (i) shall be shared by the Union Territory Government and the Central Government in such proportion as may be decided by respective Governments; 40

(iii) in consultation with the Advisory Committee, decide upon a quota of reservation and eligibility criteria for migrant or domiciled Kashmiri Pandits, in Union Territory and Central Government jobs which shall not be less than ten percent;

**(5) In order to mitigate the hardships on educational front for the wards of Kashmiri Pandits, the Government in consultation with the Advisory Committee, shall take necessary steps to—** 45

(i) ensure relaxation for the wards of Kashmiri Pandits in cut-off percentage, as may be suitable, across all State and Central Government institutions of higher education;

5 (ii) reserve seats for the wards of Kashmiri Pandits across all State and Central Universities in such a proportion as may be decided by the Government and Advisory Committee within three months of enactment of this Act;

(iii) waive off domicile requirements for the wards of Kashmiri Pandits;

(iv) create Special Education Fund for providing scholarships to wards of Kashmiri Pandits on a merit needs basis.

10 **(6) The Government of Union Territory of Jammu and Kashmir and the Central Government, in consultation with the Advisory Committee, shall sanction a reasonably enhanced medical allowance to those who are economically weak and in need of medical attention as well as provide insurance coverage to all Kashmiri Pandits.**

15 (7) The provisions of sub-section (1) to (6) of this section shall be applicable to all Kashmiri Pandits, including those living in the camps.

#### CHAPTER IV

##### PROTECTION OF PROPERTY

20 **6. (1)** The Government shall make necessary provisions to restore ownership of private property of Kashmiri Pandits and to resolve conflicts of land grabbing, illegal occupancy, encroachment, etc.

Measures to protect private property of Kashmiri Pandits.

(2) The Government shall constitute a bloc-level team headed by the Divisional Commissioner in order to carry out the following purposes—

25 (i) all encroachments shall be vacated and details of land records shall be published online within three months from the date of enactment of this Act and the District Magistrate shall take over possession of the property for its safety and prevent any further illegal occupancy;

30 (ii) all the properties, movable and immovable, sold by the displaced persons after the financial year 1989-1990, shall be declared as "Distress Sales" null and void and accordingly restore possession of the properties back to the respective Kashmiri Pandits who were the recorded owners;

16 of 1997.  
17 of 1997.

(iii) ensure that provisions of the Jammu and Kashmir Migrants Immovable Property (Preservation, Protection and Restraint on Distress Sales) Act, 1997 and the Jammu & Kashmir Migrants (Stay of Proceedings) Act, 1997 are implemented in letter and spirit;

35 (3) the Government, in consultation with the Advisory Committee, shall appoint a Custodian Committee consisting of representatives from the Ministry of Home Affairs, Government of India, Government of Union Territory of Jammu and Kashmir and representatives of the Kashmiri Pandit Community, as nominated by the Advisory Committee, to act as the custodian of properties of Kashmiri Pandits till land records are settled and  
40 rights handed over to the owners.

(4) All appeals and complaints shall be looked into and resolved by the custodian Committee as constituted under sub-section (3) of this section and the Committee shall have the powers of a Civil Court.

45 (5) A extensive survey shall be done to ascertain the market value of all the immovable property of Kashmiri Pandits and an estimate be made about the value of the damage done to thier properties.

## CHAPTER V

## RESTORATION OF TEMPLES AND OTHER HERITAGE SITES

Measures to restore religious places and other heritage belonging to Kashmiri Pandits.

7. (1) Within one month of enactment of this Act, the Government, in consultation with the Advisory Committee, shall constitute a Committee comprising of historians, archeologists, individuals from the Bhat Memorial Society and other representatives of Kashmiri Pandit community, to identify all old temples and other heritage or spiritual sites including ashrams, maths, holy springs, endowments, schools, ghats, cremation grounds, hillocks, connected to the spiritual and cultural ethos of the Kashmiri Pandits. 5

(2) The Committee set up under sub-section (1) of this section shall appoint a Special Officer who shall be empowered to call for any information, document or record from any Government functionary or any other person or authority, as may be considered necessary for conducting the survey of the religious sites and shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1973 in respect of the following matters, namely: 10 2 of 1974.

- (i) summoning and examining of witnesses;
- (ii) requiring the discovery and production of any document; 15
- (iii) requisitioning any public from any court or office;
- (iv) issuing commissions for the examination of witnesses or documents; and
- (v) making any local inspection and investigation.

(3) the Special Officer, after making such inquiry as he deems necessary, shall submit a report to the Committee as constitute for the purpose under sub-section (1) of the section containing the following particulars— 20

- (i) name of the shrine or religious place;
- (ii) location with full address;
- (iii) description of the shrine or religious place including its property;
- (iv) present status of the shrine or place; 25
- (v) ownership details of the shrine property;
- (vi) legal status of the organization holding the control of the shrines or religious place and its property;
- (vii) reference to the revenue records, hereunder the property stands registered;
- (viii) the gross income of the shrine for preceding three years; and 30
- (ix) such other particulars relating to each shrine or religious place as may be considered necessary to be mentioned by the Special Officer.

(4) The Government, in consultation with the Advisory Committee, shall by notification in the official Gazette, publish the details of the shrines or religious places as reported by the special officer. 35

(5) Upon identification and notification of the sites, the Government shall evict any squatters, as may be necessary to rebuild and resotre the sites and begin reconstruction of these sites within one month of such notification.

**(6) The Government shall sanction a separate budget for the reconstruction and development of the sites, as notified under sub-section (4).** 40

**(7) A Board to be known as the Kashmiri Hindu Shrines Board on lines of Shri Mata Vaishno Devi Shrine Board and Shri Amarnathji Shrine Board shall be set up in accordance with provision of the Religious Endowments Act, 1863.** 20 of 1863.

## CHAPTER VI

## SAFETY AND SECURITY OF KASHMIRI PANDITS

8. (1) The Government shall issue necessary orders to declare the Kashmiri Pandit community and other religious minorities as an 'at risk population' and make necessary security arrangements from the perspective of risk assessment, monitoring threats, providing capability to protect life and ability to enjoy liberty in the pursuit of happiness and fulfillment.

Measures to ensure safety and security of Kashmiri Pandits.

(2) In order to ensure safety and security of every Kashmiri Pandit in the Union Territory of Jammu and Kashmir, the Government shall take the following measures for:—

(i) increasing the strength of police force in the Union Territory and inducting three thousand men and women security personnel belonging to the Kashmiri Pandit community and other religious minorities, across pay grades;

(ii) setting up of a nodal Union Territory level Kashmiri Pandit Security Task Force comprising of such high ranking security officials from the State police force, paramilitary and military, as may be decided by the Government in consultation with the Advisory Council within three months from the date of the enactment of the Act;

(iii) the Task Force set up under clause (ii) shall be given executive and judiciary powers to take necessary steps with an orientation of strengthening law and order and security situation concerning Kashmiri Pandits;

(iv) issuing arms license to at least one member each of family of domiciled Kashmiri Pandits; and

(v) creation of a corpus fund to be known as the 'security related expenditure fund' of such an amount to be decided by the Task Force set up under clause (ii).

## CHAPTER VII

## INQUIRY COMMISSION

9. (1) The Government shall set up an enquiry commission, within one month from the date of enactment of the Act to investigate into genocide and mass exodus of Kashmiri Pandits from their homeland.

Inquiry Commission to investigate atrocities against Kashmiri Pandits.

(2) The Inquiry Commission shall have prosecutorial power and the powers to appoint Judicial Tribunal.

(3) This Judicial Tribunal appointed under sub-section (2) shall have the authority to establish the causal factors responsible for the genocide of Kashmiri Pandits and bring the perpetrators to justice.

(4) the Inquiry Commission shall consist of the following:—

(i) A retired Chief Justice of Supreme Court—Chairperson;

(ii) two retired judges of High Court of Jammu and Kashmir—Members;

(iii) four serving senior security officials from the Union Territory police, intelligence, paramilitary and military forces engaged in anti-terror activities, as may be nominated by the Government in consultation with the Advisory Committee—Members;

(iv) four retired senior security officials from the Union Territory police, intelligence, paramilitary and military forces who served the region during the time of atrocities on Kashmiri Pandits—Members;

(v) a senior religious figure to be nominated by the Advisory Committee—Member; and

(vi) four representatives of Kashmiri Pandit Community as nominated by the Advisory Committee—Members.

## CHAPTER VIII

## REHABILITATION AND RESETTLEMENT PACKAGE

Rehabilitation and resettlement package for Kashmiri Pandits.

**10. (1) A separate consolidated land area shall be identified within three months from the date of enactment of this Act, and land shall be allocated to each family of domiciled Kashmiri Pandit either living in camps or willing to re-settle in such manner as may be prescribed.** 5

**(2) A lump-sum amount, as may be decided by the Government, in consultation with the Advisory Committee, shall be given to each family willing to re-settle or presently living in Jammu and Kashmir for construction of houses and other expenditures for re-settlement; and** 10

**(3) A cash relief of rupees five thousand per person, subject to a ceiling of rupees twenty thousand per family be given every month to all Kashmiri Pandits, in such manner as may be prescribed which shall be subject to revision every three years.**

## CHAPTER IX

## ADVISORY COUNCIL

Constitution of Advisory Council of Kashmiri Pandits.

**11. (1) The Government shall constitute a council to be known as the advisory Council of Kashmiri Pandits comprising of the following—** 15

*(i)* Representatives having a distinguished track record of service in key Kashmiri Pandit community organizations;

*(ii)* Kashmiri Pandits having a strong track record of public service; 20

*(iii)* Kashmiri Pandits who individually have made and are capable of making impactful contributions towards the rehabilitation of the community.

**(2) The Advisory council established under sub-section (1) shall recommend suitable measures for rehabilitation of Kashmiri Pandits to the Advisory Committee, in such manner as may be prescribed.** 25

## CHAPTER X

## MISCELLANEOUS

Power to make rules.

**12. (1) The Central Government may, by notification in the Official Gazettee, make rules for carrying out the purposes of this Act.**

**(2) Every rule made under this Act by the Central government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions, aforesaid, Parliament agrees in making any modification in the rule or Parliament agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.** 30  
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## STATEMENT OF OBJECTS AND REASONS

Thirty-two years ago, what took place in Kashmir on the night of January 19, 1990 lives fresh in the minds of Kashmiri Pandits as a night of barbarism, terror and mass killings. Kashmiri Pandits suffered the horrors of genocide and exodus at the hands of militants, thousands were brutally killed, women were raped, houses and temples burnt, lives disrupted. This inhumane attack on life and honour of a minority population, who were inhabitants of the region for thousands of years, led to a complete breakdown of law and order and forced them to leave their motherland, their culture, and their homes behind. Most could never return. Over six lakhs Kashmiri Pandits still live in exodus and yearn to return and resettle in their motherland.

2. Over the years, little effort has been made to undo the injustice that the Kashmiri Pandits have suffered. Rehabilitation and resettlement of the Kashmiri Pandits is an expansive process integrating various aspects of life, liberty, dignity, security, and political participation, economic and social well-being. Kashmiri Pandits are forced to live as migrants in their own country. Whereas efforts have been made to restore *Kashmiriyat* and cultivate an environment of peace, tranquility and prosperity in the region to do so without the active participation of Kashmiri Pandits and other religious minorities shall result in furthering the historic injustice.

3. This Bill seeks to bridge the gap between the expectations of the Kashmiri Pandits and the offerings of the Government by creating an ecosystem of Government support along-with empowering the community with regards to their rehabilitation and resettlement in the region. The Bill ventures to offset any social, economic and political disadvantages, which are a result of decades of systemic neglect and injustice. The Bill also seeks to give power in the hands of the Kashmiri Pandits themselves, as their opinion of what is best for them matters the most. This Bill further attempts to bring the perpetrators of violence and genocide to justice.

4. The following words of the legendary Kashmiri poet Shri Dinanath Kaul 'Nadim' painting the idea of a nation where no one is divided on the basis of religion and everyone is identified as human beings, rings close in the heart of every Kashmiri Pandit as they dream of re-uniting with their '*MyonVatan*':

*"Son watan, gulzar Shalimar hyuv, Dal manj, folwoon Pamposhhyuv, navjawan an hund, wushunkumarhyuv, myonwatan, hyonwatan, son watan, nundwonwatan"*

Hence, this Bill.

VIVEK K. TANKHA

## FINANCIAL MEMORANDUM

Clause 5 *inter alia* provide for measures to be taken by the Central Government for economic rehabilitation of Kashmiri Pandits. Clause 7 *inter alia* provides for separate budget for development of community assets of Kashmiri Pandits, and for setting up of the Kashmiri Hindu Shrine Board. Clause 8 *inter alia* provides for measures involving expenditure to ensure safety and security of Kashmiri Pandits. Clause 10 provides for rehabilitation and resettlement package for Kashmiri Pandits.

2. The Bill, if enacted, will involve additional expenditure, either recurring or non-recurring, from the Consolidated Fund of India. However, at this stage, it is difficult to make any estimate of the expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Section 12 of the Bill empowers the Central Government to make rules for carrying out in the purposes of the Bill.

2. As the rule will relate to matters of details only, the delegation of legislative power is of normal character.

RAJYA SABHA

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to provide for social, political and economic rehabilitation of Kashmiri Pandits, protection of their property, restoration of their cultural heritage, ensuring their safety and security, provision of rehabilitation and resettlement package to them and for matters connected therewith or incidental thereto.

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*(Shri Vivek K. Tankha, M.P.)*