

Bill No. 100 of 2023

THE JAMMU AND KASHMIR REORGANISATION (AMENDMENT)
BILL, 2023

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BILL

further to amend the Jammu and Kashmir Reorganisation Act, 2019.

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

1. (1) This Act may be called the Jammu and Kashmir Reorganisation (Amendment) Act, 2023. Short title and commencement.

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

STATEMENT OF OBJECTS AND REASONS

The Jammu and Kashmir Reorganisation Act, 2019 (34 of 2019) (the Act) was enacted with a view to provide for the reorganisation of the State of Jammu and Kashmir and for matters connected therewith or incidental thereto.

2. At the time of the militancy in the erstwhile State of Jammu and Kashmir in the late eighties, particularly in Kashmir (Division) in 1989-90, a large number of people migrated from their ancestral places of residence, in Kashmir province particularly the Kashmiri Hindus and Pandits alongwith few families belonging to Sikh and Muslim communities. Initially all the migrants were moved to Jammu. Later on, some migrants chose to go to other parts of the country, namely Delhi, Bengaluru and Pune. As per the data available with Government of Jammu and Kashmir, there are currently forty-six thousand five hundred and seventeen families having one lakh fifty-eight thousand nine hundred and seventy-six persons registered with the Relief Organisation of the Government of Jammu and Kashmir who have got registered over a period of last three decades.

3. In the wake of the 1947 Pakistani aggression in Jammu and Kashmir, thirty-one thousand seven hundred and seventy-nine families migrated from Pakistan occupied areas of Jammu and Kashmir to the erstwhile State of Jammu and Kashmir. Of these, twenty-six thousand three hundred and nineteen families settled in the erstwhile State of Jammu and Kashmir and remaining five thousand four hundred and sixty families moved out of the Jammu and Kashmir to other parts of the country. Further, during the Indo-Pak wars of 1965 and 1971, ten thousand and sixty-five more families were displaced from Chhamb Niabat area. Of these, three thousand and five hundred families were displaced during the 1965 war and six thousand five hundred and sixty-five families were displaced during the 1971 war. As such, a total of forty-one thousand eight hundred and forty-four families were displaced during 1947-48, 1965 and 1971 Indo-Pak wars.

4. The Delimitation Commission, while undertaking the delimitation process of Assembly and Parliamentary Constituencies in the Union territory of Jammu and Kashmir, received many representations from the "Kashmiri Migrants" and also "Displaced Persons from Pakistan occupied Jammu and Kashmir" regarding reservation of seats in the Legislative Assembly of the Union territory of Jammu and Kashmir to preserve their political rights and identity.

5. The Delimitation Commission, after considering the matter in depth recommended for representation of communities of "Kashmiri Migrants" and "Displaced Persons from Pakistan occupied Jammu and Kashmir" in the Legislative Assembly of the Union territory of Jammu and Kashmir by way of nomination.

6. As per sub-section (4) of section 14 of the Act, twenty-four seats in the Legislative Assembly of the Union territory of Jammu and Kashmir have been reserved for the people residing in the area of the Union territory of Jammu and Kashmir under illegal occupation of Pakistan. The said seats shall remain vacant until the area under the occupation of Pakistan ceases to be so occupied and the people residing in that area elect their representatives.

7. The representation of the "Kashmiri Migrants" and "Displaced Persons from Pakistan occupied Jammu and Kashmir" in Legislative Assembly of the Union territory of Jammu and Kashmir shall be given on lines of section 15 of the Act, which provides for the representation of women.

8. Further, on completion of delimitation process, the Delimitation Commission has published orders with regard to the delimitation of the Assembly and Parliamentary Constituencies of the Union territory of Jammu and Kashmir. As per these orders, the number of seats in the Legislative Assembly of the Union territory of Jammu and Kashmir

has been increased from 107 to 114 with reservation of nine seats for Scheduled Tribes for the first time. Thus, consequential amendments in sub-sections (3) and (10) of section 14 of the Act is required.

9. The Act is proposed to be amended with a view to provide representation to "Kashmiri Migrants", "Displaced Persons from Pakistan occupied Jammu and Kashmir" and Scheduled Tribes in the Legislative Assembly of the Union territory of Jammu and Kashmir so as to preserve their political rights as well as for their overall social and economic development.

10. The Jammu and Kashmir Reorganisation (Amendment) Bill, 2023 provides for the following, namely:—

(i) to insert new sections 15A and 15B in the Act so as to nominate not more than two Members, one of whom shall be a woman, from the community of "Kashmiri Migrants" and one Member from "Displaced Persons from Pakistan occupied Jammu and Kashmir", to the Legislative Assembly of the Union territory of Jammu and Kashmir; and

(ii) amendments to sub-sections (3) and (10) of section 14 of the Act which are of consequential in view of completion of delimitation process in the Union territory of Jammu and Kashmir.

11. The Bill seeks to achieve the above objectives.

NEW DELHI;

AMIT SHAH.

The 17th July, 2023.

FINANCIAL MEMORANDUM

The Bill, if enacted, would not involve any financial expenditure either recurring or non-recurring from and out of the Consolidated Fund of India.

ANNEXURE

EXTRACT FROM THE JAMMU AND KASHMIR REORGANISATION ACT, 2019

(34 OF 2019)

Legislative
Assembly for
the Union
Territory of
Jammu and
Kashmir and
its
composition.

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14. (1) * * * * *

(3) The total number of seats in the Legislative Assembly of the Union territory of Jammu and Kashmir to be filled by persons chosen by direct election shall be 107.

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(10) In the Second Schedule to the Representation of the People Act, 1950, under the heading:—"II. Union Territories" 43 of 1950.

(a) after entry 2, the following entries shall be inserted, namely:—

1	2	3	4	5	6	7
"3. Jammu and Kashmir	83	6	...	83	6	..."

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further to amend the Jammu and Kashmir Reorganisation Act, 2019.

(Shri Amit Shah, Minister of Home Affairs and Cooperation)