

**GOVERNMENT OF INDIA  
HOME AFFAIRS  
LOK SABHA**

UNSTARRED QUESTION NO:4886  
ANSWERED ON:23.05.2006  
SAKA CITIZENSHIP TO MIGRATED HINDUS AND SIKHS  
Ahir Shri Hansraj Gangaram;Naik Shri Shripad Yasso

**Will the Minister of HOME AFFAIRS be pleased to state:**

- (a) whether the Government proposes to provide land ownership and citizenship to the Hindus and Sikhs migrated from West Pakistan after the partition in 1947 and settled in Jammu and Kashmir;
- (b) if so, the details thereof;
- (c) if not, the reasons for discrimination between the displaced Hindus and Sikhs settled in J&K and other parts of the country;
- (d) whether any time-frame has been fixed for providing land ownership and citizenship to the displaced Hindus and Sikhs settled in Jammu and Kashmir; and
- (e) if so, the details thereof?

**Answer**

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SRIPRAKASH JAISWAL)

(a) to (e) : The displaced persons from West Pakistan and their descendents settled in Jammu and Kashmir are citizens of India. However, as per the existing laws in the State of Jammu and Kashmir, only Permanent residents (State Subjects) as defined therein can acquire and hold property in the State. The said Laws on the subject pre-date the Constitution and stand saved under Article 35A of the Constitution (Application to Jammu and Kashmir) Order, 1954 as amended from time to time. The grant of Permanent Residents (State Subjects) status to these displaced persons requires amendments to the Constitution of Jammu and Kashmir and other relevant laws, which is in the exclusive domain of the State Legislature. Even the Hon'ble Supreme Court of India has left this issue to the wisdom of State Legislature in the writ petition titled Bachan Lal Kalgotra Vs State of Jammu and Kashmir.