

## Jammu & Kashmir Resettlement Law

### Why in news?

\n\n

The “Jammu & Kashmir resettlement law” was challenged and the Supreme Court is soon to hear it.

\n\n

### What is the law about?

\n\n

\n

- It is the Jammu & Kashmir Grant of Permit for Resettlement in (or Permanent Return to) the State Act, 1982.

\n

- It was passed by the Assembly to provide for regulation of procedure for grant of permit for resettlement.

\n

- This is in terms of permanent residents and their descendants who had migrated to Pakistan between March 1, 1947 and May 14, 1954.

\n

\n\n

### What was the objective?

\n\n

\n

- Mass killing of Muslims in Jammu in 1947 and its ramifications are the main reason why the law was introduced.

\n

- As per historical references, more or less the entire Muslim population, amounting to half a million people, was displaced.

\n

- Muslims were said to have been systematically exterminated unless they escaped to Pakistan along the border.

\n

- It was done by the forces of the Dogra State headed by the Maharaja.

\n

- The State Government thus passed the Bill under the terms of Section 6 of the J&K Constitution.  
\n
- This has a provision for those who were stuck in areas that became Pakistan in 1947.  
\n
- Under the provision, these people can return under a resettlement law enacted by the state legislature.  
\n
- The Indian Constitution's Articles 5 and 7 too permit it.  
\n
- There is a provision that those who migrated to Pakistan can return under a law of the legislature.  
\n

\n\n

### **What is the controversy?**

\n\n

- \n
- The Bill was introduced in March, 1980 by National Conference (NC) leader Abdul Rahim Rather and became law in October, 1982.  
\n
- It pitted the NC government against the then Congress government at the Centre.  
\n
- Both Houses of the state legislature passed the Bill in April 1982 but Governor B K Nehru returned it for reconsideration.  
\n
- Amid the Congress's opposition, the Bill was again passed by both Houses, and this time the Governor gave assent.  
\n
- But then President Giani Zail Singh had already sent a presidential reference to the Supreme Court seeking its opinion on the law's constitutional validity.  
\n
- The case remained pending for almost two decades until November, 2001.  
\n
- After this, a five-member Constitution Bench returned it unanswered.  
\n
- Later, Jammu-based Panthers Party challenged the law in the SC.  
\n

\n\n

### **Why was it challenged?**

\n\n

\n

- Panthers Party founder Bhim Singh, a lawyer, has represented the party challenge in the SC since 2002.

\n

- He highlighted a security threat the state would face if the Bill is cleared.

\n

- He noted that in Pakistan, it was mandatory for everybody to undergo two months' military training before taking up any job.

\n

- So through this law, Jammu would be inviting trained Pakistani soldiers.

\n

- Apart from this, those people on return will reclaim property including agricultural land allotted to refugees from Pakistan-occupied Kashmir.

\n

- This is more likely to lead to law and order problems in the State.

\n

\n\n

\n\n

**Source: Indian Express**

\n

