

RAJYA SABHA

*** SUPPLEMENT**

TO

SYNOPSIS OF DEBATE

(Proceedings other than Questions and Answers)

Monday, December 11, 2023/ Agrahayana 20, 1945 (Saka)

GOVERNMENT BILLS

- (i) [#]**The Jammu and Kashmir Reservation (Amendment) Bill, 2023, as passed by Lok Sabha- *Contd.***
- (ii) [#]**The Jammu and Kashmir Reorganization (Amendment) Bill, 2023, as passed by Lok Sabha- *Contd.***
- [#]**Amendment for Reference of the Jammu and Kashmir Reorganisation (Amendment) Bill, 2023, as passed by Lok Sabha, to a Select Committee of the Rajya Sabha- *Contd.***

SHRI GHULAM ALI: Today the Supreme Court has upheld the decision of abrogation of Article 370. I will thank the Prime Minister and Home Minister of the country for this. When National Conference was formed from Muslim Conference and was formed by Congress, their objective was to establish such a system in Jammu and Kashmir in which power would be with a few families. An intentional unilateral ceasefire was declared. If these mistakes had not happened at that time, the Kargil war would not have happened. Some families benefited from Article 370. If our sisters got married outside Jammu and Kashmir, their rights on land and property used to cease. Had there been no rigging in the elections of 1987-88, peace would have prevailed in Kashmir today. They created a dilemma in the minds of the people of Kashmir and the youth there. Congress never allowed him to become a part of India. But today after the abrogation of Article 370, there is no dilemma among them. Before 2014, people were fleeing from Jammu and Kashmir. They were buying property in Himachal, going abroad. The person who earlier had one shop, has two shops today. The person who earlier was running away from his farm, is today doing farming there. It is intolerable for them how peace was established in Jammu and Kashmir. These people used children to throw stones. In a way, they have murdered Kashmir and the youth of Kashmir. Today middlemen have been eliminated. Now, the entire amount of the Government schemes reaches the beneficiary. How will they tolerate all this, why will they tolerate it? I was talking about Kashmiri Pandits, refugees. Forest Rights Act has been implemented. Similarly, I want to say about the SC/ST (Prevention of Atrocities) Act and the Delimitation Commission. They had made a unilateral ceasefire so that they could maintain their hegemony. Two crore tourists visited Jammu and Kashmir and ten items got GI tag! The elderly people consider Kashmir as

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[#] **Discussed together.**

their favorite destination at present. Today people from abroad come to Jammu and Kashmir to invest. You want bloodshed here. That time is gone. Now that time is not going to come. Other Backward Classes got 27 percent reservation in the entire country, but you gave them 2 percent. You did not even consider it necessary to conduct a survey. I will congratulate the Home Minister that he got the survey done and today he is bringing this Bill. Being himself an OBC, only Narendra Modi ji can feel the pain of OBCs. They say that Muslims are in danger there. Jammu and Kashmir is a Muslim dominated area. There is a provision of free treatment worth Rs 5 lakh for everyone. Poor people of upper castes have also got the benefit of reservation for Economically Weaker Sections under the leadership of Narendra Modi. Earlier, there used to be so many terrorist incidents that you cannot imagine. Today our security forces on the border are so strong that the terrorists are in panic. You have not witnessed terrorism. A political party was in power in Kashmir. They ruled over dead bodies. Today the situation is not like this. In near future the people of Kashmir will elect their own representatives. I understand the problem of Kashmiri people. Today the Prime Minister of the country is Shri Narendra Modi, the Home Minister of the country is Shri Amit Shah, today the fund will not be diverted. The Kashmiri Pandits who ran away leaving their property behind will get it back. The ecosystem of terrorism has been destroyed. The NIA and SIA have cracked down on their funding, their networks and whatever mechanisms they had on the ground. Those who oppose it should read about the deaths of civilians and compare them. Today it is zero, stone pelting is zero, the calendar is zero. There is peace in Kashmir today and elections and all other things will be held there.

SHRIMATI. RAJANI ASHOKRAO PATIL: I remember the day of August 5, 2019, when Shri Amit Shah ji had assured that as soon as the situation in Jammu and Kashmir becomes normal, elections will be held there and statehood will also be restored. I want to remind them that it has been 4 years since then. The situation there is not normal, targeted killings are taking place, terrorism is continue and you are not even holding elections. I visit Jammu and Kashmir every fortnight. People have no demand there except restoration of the statehood and holding elections. The Supreme Court has a very sharp reaction on both these issues. The Supreme Court has ordered that elections must be held there by 30th September, 2024. We have to take on board all the communities like Kashmiri Pandits, Scheduled Caste-Scheduled Tribe, Pahari, Bakarwal, Gujjar etc. Kashmiri Pandits have been living displaced in their own country for 33 years. This is the most pathetic situation. The 'Idea of India' will be hollow without resettling Kashmiri Pandits back to the valley. During 'Bharat Jodo Yatra', Rahul Gandhi visited the rehabilitation camps of Kashmiri Pandits, hugged them and tried to understand their pain and suffering. Pandit Jawaharlal Nehru himself was a Kashmiri Pandit. Amit Shah ji has blamed him regarding Article 370. I am saddened that he has spoken of in such a dejected manner about him. This decision was taken by Pandit Nehru and Vallabhbhai Patel at the behest of Farooq Abdullah at the time when Kashmir's accession to India had not been decided. Maharaja Hari Singh did not sign it. The tribal people of Pakistan had reached the airport and when they started attacking, Maharaja Hari Singh was ready to sign it. If the credit for making Jammu and Kashmir an integral part of the country goes to any person, then it is the one and only Pandit Jawahar Lal Nehru. When we put question mark on the contribution of an elderly person in the family, it is not right. Sir, tall claims have been made about internal security, but let me give you the complete list of how many people have been killed there including the martyrdom of our soldiers. Congress ministers and people have given their martyrdom in extremely difficult circumstances and during the terrible times of terrorism. I have listened carefully to Gulam Ali Saheb, the only member who comes from Jammu. He said that contracting has increased there. You give contracts

not to the people of Jammu and Kashmir but to the people of Gujarat. This is the situation in all the areas. Sir, here Indira Gandhi ji was also talked about. She was the first to think about the development of Kashmir. Amit Shah ji was speaking about IITs and IIMs. These were established by the Congress Party. We have done four laning from Jammu to Srinagar, we have given 33 percent reservation along with the rehabilitation package by Shri Manmohan Singh ji. Bala Saheb Thackeray made the provision of reservation for Kashmiri Pandits in Maharashtra for the first time. Nothing has been achieved just by releasing the film 'Kashmir Files'. Do not limit nomination to three seats in Jammu and Kashmir. We do not want to make anyone Mohajir here. Here also, we can make 'Sanga-32' like arrangements like Sikkim. This is the Upper house, we should respect each other. There should be no attempt to humiliate anyone here.

DR. M. THAMBIDURAI: Shri Amit Shah has today introduced two bills namely, the Jammu and Kashmir Reservation (Amendment) Bill, 2023 and the Jammu and Kashmir Reorganization (Amendment) Bill, 2023. In these Bills, provisions have been made for socially and educationally backward classes. Our party has always supported the issues of social justice. Our former Chief Minister Puratchi MGR provided 69 percent reservation for backward classes and scheduled Tribes. Similarly, our former Chief Minister Puratchi Thalaivi Amma Jayalalitha also stressed on providing social justice and reservation to the socially backward classes and Scheduled Tribes. The present government has also given recognition to 'socially backward'. The objective of our party is the upliftment of the Scheduled Castes, Scheduled Tribes, Other Backward Classes and socially backward classes. At the same time, I also request the present Government to conduct early elections there.

SHRI BIPLAB KUMAR DEB: I would like to devote one minute in the form of Om Shanti, remembering the souls of Kashmiri Pandits as well as Indians who were brutally tortured and killed. We all should feel the pain the way Kashmiri Pandits were displaced in Jammu and Kashmir. Today the entire country and the new generation should understand what happened to Kashmiri Pandits and other people at that time and why it happened. Today is a historic day. On August 5 and 6, 2019, Articles 370 and 35A were repealed in the House. Today the Hon'ble Supreme Court has also approved this. Our country became independent in 1947. Whenever there was a war with Pakistan, atrocities took place against Kashmiri Pandits, Jains, Buddhists, Sikhs etc. Terrorists and people with similar thinking have destroyed our country's identity, Constitution and 'Sanatana'.

DR. FAUZIA KHAN: The Home Minister's reply in the Lok Sabha expresses an inclination to restore normalcy in the region, to provide justice to displaced and deprived and to deal effectively with the menace of militancy. History has provided us and the entire world two formulae to deal with such situations. One is to take up arms and number two is to extend an arm. One was given by Hitler and the other was given by Mahatma Gandhi. Mahatma Gandhi's formula involves winning the faith of the people, to help, and nurture through love. Hate cannot drive out hate; only love can do that. Today, internet is vital for listening to the voice of the people. The importance of an open Internet to restore normalcy must be acknowledged. The region has witnessed a period of widespread political and communal conflict. Everyone has faced its consequences. Due to this, the mental health of people has been affected on a large scale. It is extremely important to listen to the voice of the people and act accordingly. When we talk about GDP, we should also talk about gross domestic happiness in the valley.

SHRIMATI SUMITRA BALMIK: Today the court has also done a great favor by upholding the decision of the Government to abrogate Article 370. Even after 70 years

of the independence of the country, half of the population of the society, women, did not get justice - women who had lived a suffocated life and gave birth to men were not given justice. If anyone has suffered the most during the crisis, it has been the women of Jammu and Kashmir. They were displaced from Jammu and Kashmir. Women have been tortured more than men there. I would like to say that after abrogation of Article 370 by the Hon'ble Prime Minister, the women there have got maximum justice. Today there has been a revolutionary change in the lives of the residents of Kashmir. Prosperity is increasing in Kashmir. I strongly support the Jammu and Kashmir Reservation (Amendment) Bill, 2023 and the Jammu and Kashmir Reorganization (Amendment) Bill, 2023.

SHRI KARTIKEYA SHARMA: I rise in favour of these two Bills, The Jammu and Kashmir Reservation (Amendment) Bill, 2023 and The Jammu and Kashmir Reorganisation (Amendment) Bill, 2023. The situation in Jammu and Kashmir has drastically improved by 2022. Jammu and Kashmir has broken various records in the field of tourism after decades. The abrogation of Article 370 has spurred unprecedented economic growth in the valley. Local business and industries have started to thrive again. G20 meetings were held in Kashmir. Education and healthcare is being given utmost importance in policy implementation. Multiple youth-centric initiatives are being taken. I support this Bill and urge all Members to heartily welcome this initiative.

SHRI RAKESH SINHA: Today Baramulla is producing 5.5 lakh litres of milk, and has become the center of new white revolution. Article 370 was removed on August 5, 2019. Today, for the first time, the government of the country is taking decisions on the basis of the Parliament and the will of the people.

SHRI ABDUL WAHAB: Our party is neither supporting the Bill nor opposing the Bill. We are neutral. We are supporting it because of the reservation. My first request is that the bill should not be delayed. The second request is that the statehood should not be like the Delhi statehood. In a democratic country, we should not have this sort of a thing. There should be one complete Kashmir. That is my only request.

DR. ANIL JAIN: I stand to speak in favour of the Jammu and Kashmir Reservation (Amendment) Bill, 2023 and the Jammu and Kashmir Reorganization (Amendment) Bill, 2023. Kashmir is moving towards progress since the removal of Article 370 on August 5, 2019. Now due to the improvement of tourism in Kashmir, the economy there is booming. There has been a reduction in terrorism. There have been tremendous changes in the health sector in Kashmir. Two AIIMS have come up. Medical seats have increased, hospitals have been opened. 5,168 kilometers of rural roads have been built in. The G20 Working Group meeting was held in Kashmir which shows the progress made in Kashmir.

SHRI SANDOSH KUMAR P: I stand here to oppose these two Bills. I take this opportunity to deplore the house arrests of two of our prominent Kashmiri leaders, former Chief Ministers Shri Omar Abdullah and Shrimati Mehbooba Mufti. The entry of the Army creates its own ground realities in the State. Men, women, and children have paid a heavy price. I also demand a Truth and Reconciliation Commission. A confidence-building process is the most important need of the hour. This is for the first time in the history of this country that a State was converted into a Union Territory, otherwise it has been happening the other way round. It shows their lack of faith in federalism and in the Constitution of this country. I oppose this Bill and we stand with the people of Kashmir and their genuine rights.

DR. SUMER SINGH SOLANKI: I rise to speak in support of the Jammu and Kashmir Reservation Amendment Bill, 2023 and the Jammu and Kashmir Reorganization (Amendment) Bill, 2023. This Bill will work to give rights and representation to the displaced people of Kashmir. With the abolition of Article 370, separatism has ended and terrorist activities have reduced drastically. First time in the history of Jammu and Kashmir, 9 seats have been reserved for Scheduled Tribes and seats for Scheduled Castes have also been reserved. Tribal people will also get the opportunity to be represented in elections at Panchayat, urban and district level. This Bill will work to change the lives of poor people. I want to say through this Bill that before Article 370 was abolished, the system of schools and hospitals for the tribals was not good. Through this, the tribals of Jammu and Kashmir will get their rights.

SHRI KRISHNA LAL PANWAR: I support the Jammu and Kashmir Reorganization (Amendment) Bill, 2023 and the Jammu and Kashmir Reservation (Amendment) Bill, 2023. Sir, Dr. Bhimrao Ambedkar, the architect of the Constitution, who was the Chairman of the Standing Committee, had given a standing note that Article 370 should not be imposed permanently. I thank the Prime Minister and the Home Minister for abolishing Article 370. People belonging to the Scheduled Castes were the maximum victims there. No Indian person had the right to do any job there, no right to own land, no right to do business.

SHRIMATI PRIYANKA CHATURVEDI: When this bill was brought in 2019, three things were promised that peace would be restored in Jammu and Kashmir, terrorist attacks would come to end. Second, statehood will be awarded to it as soon as possible and elections will be conducted there. The third very important promise was that Kashmiri Pandits would be able to go back to Kashmir and they would be given full facilities and assistance. In 1989, when they were getting migrated, massacres and genocide were taking place, then two percent seats were reserved for them in Maharashtra, so that their education may not get affected in any way. I would like to ask that those who had stayed there, who had not left Kashmir even after so much genocide, will they get adequate representation in the Legislative Assembly or not? I would also like to know that now when all these bills are being passed, when will the elections be held in Jammu and Kashmir and when will the voice of the people of Kashmir be heard in their assembly.

DR. SIKANDER KUMAR: Thank you for giving me the opportunity to participate in the discussion on two important Bills -- The Jammu and Kashmir Reservation (Amendment) Bill, 2023 and the Jammu and Kashmir Reorganisation (Amendment) Bill, 2023. I also welcome today's verdict of the hon. Supreme Court of India which further endorses the decision of the Parliament and the Government of India on abrogation of Article 370 and Article 35. The Jammu and Kashmir Reservation (Amendment) Bill, 2023 amends the Jammu and Kashmir Reservation Act, 2004. The Act provides reservation in jobs and admission in professional institutions to the people belonging to Scheduled Castes, Scheduled Tribes and Other Socially and Educationally Backward Classes. Under the Act, Socially and Educationally Backward Classes include people residing in villages declared as socially and educationally backward by the Union Territory of Jammu and Kashmir, the people residing in areas adjoining the Actual Line of Control and international border and weak and under-privileged classes (social castes), as notified. The Government may make inclusions or exclusions from the category of weak and underprivileged classes, on the recommendations of a Commission. The Bill substitutes weak and underprivileged classes with Other Backward Classes, as declared by the UT of Jammu and Kashmir. The definition of weak and underprivileged classes is deleted from the Act. The Jammu and Kashmir Reorganisation (Amendment) Bill, 2023,

aims to add new Section 15A and Section 15B to the Jammu and Kashmir Reorganisation Act, 2019. These Amendments empower the Lieutenant Governor of the Union Territory to nominate not more than two Members, one of whom shall be a woman, from the community of Kashmiri migrants, and one Member from the displaced persons from Pakistan-Occupied Kashmir, to the Jammu and Kashmir Legislative Assembly.

The Jammu and Kashmir Reorganisation (Amendment) Bill, 2023, also proposes Amendments to sub-sections (3) and (10) of Section 14 of the Jammu and Kashmir Reorganisation Act, 2019. These changes aim at extending reservation benefits to the Scheduled Tribe community in the Legislative Assembly of Jammu and Kashmir. Additionally, the Bill seeks to expand the total composition of the Assembly from 107 to 114 Members. The inclusion of representatives from displaced and migrated communities underlines the essence of the elected Government practice as observed in several Union Territories and some States.

SHRI G. K. VASAN: This Bill is the need of the hour today for the country. Amendment to Section 2, clause (b) and inclusion of words, "socially and educationally backward classes" gives a lot for the people of Jammu and Kashmir. It gives voice to the Kashmiri migrants who have suffered for more than 33 years. It ensures empowerment of the tribal people of Jammu and Kashmir. It provides legal status to the people displaced from the PoK in Jammu and Kashmir. This Bill will bring a new dawn for the people of Jammu and Kashmir. We are definitely going to give a prosperous Jammu and Kashmir for future.

SHRI SAMIR ORAON: Thank you for giving me the opportunity to speak on 'Jammu and Kashmir Reservation (Amendment) Bill, 2023' and 'Jammu and Kashmir Reorganization (Amendment) Bill, 2023'. Article 370 was abolished in 2019 and after the abolition of Article 370, Kashmir is continuously moving towards progress. Kashmir ranks first among all the Union Territories in tourism, industrial development and other important areas and providing employment. Exports from Jammu and Kashmir have increased almost double in the last four years. In this sequence, this Bill has been brought in the House. Before August 5, 2019, there were 111 seats in the Legislative Assembly of Jammu and Kashmir. Of these, 24 seats were in Pakistan-occupied Kashmir. Due to Pakistan's illegal occupation of Pakistan-occupied Kashmir, elections were not possible there. Thus, there were a total of 87 seats in the Jammu and Kashmir Legislative Assembly, which was further reduced due to the separation of Ladakh. Through this Bill, the government is going to increase the number of seats in the Jammu and Kashmir Legislative Assembly from 83 to 90. A provision has been made in the Bill to reserve seats for Kashmiri migrants and also for the displaced citizens opeople from PoK. For the first time, 9 seats are being reserved for the Scheduled Tribe category in the Jammu and Kashmir Legislative Assembly. There is a huge population of Scheduled Tribe groups including Gujjar-Bakkarwal, Gaddi, Sippy in Jammu and Kashmir. These people have been dependent on forests for their livelihood for centuries, but unlike other parts of the country, they had no rights over the forest produce in Jammu and Kashmir. Due to this they were lagging behind socially and economically. On September 13, 2021, a new history was written in Jammu and Kashmir. In a program organized by the Government in Srinagar, certificates of private and community rights on forest produce under the Forest Rights Act, 2006 were handed over to the beneficiaries of Gujjar-Bakkarwal and Gaddi-Sippi communities and other tribal sections.

The youth of the tribal communities of Jammu and Kashmir are being given an opportunity to become self-reliant by providing them employment along with training for

self-employment through various schemes. Tribal buildings and tribal hostels are being constructed in Srinagar and Rajouri. IIT Jammu and Rajouri-based Baba Ghulam Shah Badshah University have also entered into an agreement with the Department of Tribal Affairs in June this year to set up Tribal Chairs in their respective institutions. Through this Jammu and Kashmir Reservation (Amendment) Bill, provision for reservation in government jobs and educational institutions is also being made for Scheduled Castes, Scheduled Tribes and socially and economically backward classes. According to this, those whose villages are near LOC and International Border will be considered socially and economically backward. This bill is very important for the development and future of Jammu and Kashmir, hence I support this bill.

SHRI DIGVIJAY SINGH: We always used to say that the subject of the state of Jammu and Kashmir is sensitive and there is a need to understand those sensitive circumstances. A lot of things were said about Article 370 that terrorism will end, but has terrorism ended today? We are seeing terrorism activities there every day and our people are getting martyred. You have brought reservation bill. You are giving reservation to the hill people also. It's a good thing. We want to know how many more reservations will be given to the hill people and what percentage will be given. However, we support the reservation bill. But this requires clarity. Many things are not clear.

DR. RADHA MOHAN DAS AGRAWAL: This constitutional amendment that we are bringing is a tribute to the people who were killed in Jammu and Kashmir in the past years including Tika Lal Taplu ji, Neelkanth Ganju ji, but I am sad about this. Neither did Congress pay tribute at that time nor are they paying tribute to this today. What happened after the removal of Article 370? Terrorist incidents were 228 in the year 2018 and today by 15 November in 2023, they have been reduced to 41. There were 189 encounters that year, today they have come down to 44. As far as this reservation bill is concerned, when India was being attacked, it was the Gurjars, it was the Bakarwals who helped the Indian armies. This reservation is to give rights to those patriotic Gurjars, Bakarwals and Scheduled Tribe people. This is a historical justice.

DR. JOHN BRITTAS: We know what is happening in all the States. Even the Governors are sitting on Bills. Justice Sanjay Kaul talked about setting up of a Truth and Reconciliation Commission. As he said, Armies are meant to fight battles against enemies, not to control law and order in the State. The nomination business of three Members should be left to the wisdom of the Cabinet. It should not be given to the LG.

SHRIMATI SEEMA DWIVEDI: I stand in support of the Bill to amend the Jammu and Kashmir Reorganization Act, 2019. This Bill has increased the respect of the women, people of the Scheduled Caste, the Scheduled Tribe, the people of the general category and the persons of the weaker section. By bringing this bill, the Government has been made clear for the first time through the Delimitation Commission that the number of seats in the Legislative Assembly of the Union Territory of Jammu and Kashmir has been increased from 83 to 90, excluding 24 seats of PoJK. I also want to make it clear that there will be two members from the displaced persons of Kashmir, out of which one will be a woman. I would like to say with great pleasure that today there is an atmosphere of peace and tranquility in Kashmir.

DR. V. SIVADASAN: This Bill is a gimmick to hide the reality of Jammu and Kashmir. They are saying that now the situation in Kashmir is developing but what kind of development is taking place there? Human rights are being violated. Internet was banned for a period of 18 months. The political leaders and the human right workers are unable to raise their voice in Kashmir. The people are unable to conduct their programmes or

organize their own meetings. There is no peaceful life there. You have forced the people of Jammu and Kashmir to accept your ideology, your political view through the barrel of a gun. This is not the democratic way. Common people are also unable to express their views. The media is unable to report the reality. The people of Kashmir are requesting for peace and democratic rights. So, my humble request to the Government is to promote the democratic process and development and not the politics of hate.

SHRIMATI SANGEETA YADAV: I want to tell the House that this is not a new bill. When Article 370 was removed in 2019, it was stated at the same time that judicial delimitation would be done. This is its sequel. This is a bill to provide justice and rights to those who have been treated unjustly, who have been insulted for 70 years and have been ignored till date. I thank them that they thought of a provision for a reservation seat in the PoK area also. Two persons will be nominated from the valley, out of which it will be mandatory for one to be a woman. After the abrogation of Article 370, the problem of separatism has ended. Now the undertone of terror is not there. Tourism has increased and employment too has increased. Total incidents of terrorism since 2004 during the previous regime were 40,164. Whereas, from the year 2014 to the year 2023, they have become approximately 2,000, which has decreased by 70 percent.

SHRI RAM CHANDER JANGRA: Where we used to feel so much insecure earlier within our own country, Jammu and Kashmir has been made a fearless state today. People there have converted their houses into guest houses. One room has been kept for living and the rest has been converted into a guest house. 2 crore tourists have gone there, for the first time after independence so many tourists have gone to Jammu and Kashmir. We were so scared in an integral part of our own country, we felt unsafe from terrorists. Today, after the abolition of Article 370 and 35A, it is an integral part of our country, today there is a feeling of national unity and integrity among all the people. I support this Bill.

SHRI SUSHIL KUMAR MODI: The Commander in Chief of the country at the time of the first war with Pakistan was Francis Robert Roy Bucher. He had written many letters to Pandit Nehru. In which he wrote that the army is tired and needs refreshment. When Sardar Patel opposed giving Rs 55 crore to Pakistan and Patel said that Pakistan would use it to buy bullets, then the British used Mountbatten to reach Nehru so that Nehru could influence Gandhi, only then Rs 55 crore was given to Pakistan. Crores of rupees were given to Pakistan. Dr. Ambedkar had opposed giving special status to Kashmir. When Ambedkar ji was not ready for drafting, then Pandit Nehru gave the responsibility of drafting Article 370 to Maharaj Hari Singh's minister Gopalaswami Iyengar. In this Bill, the Government has made a provision to replace the words 'weak and deprived class' with 'Other Backward Class'. I would request to make an announcement in the House that the report of Karnataka's Caste Survey will be made public within the next one month. It should be announced that the caste data of the "Samagra Kutumb Survey" conducted in Telangana will be made public. The report of Kaka Kalelkar Commission was not accepted by the then Congress government. Second Backward Classes Commission was not constituted by them. When the second Mandal Commission was formed in 1979, its recommendations were not implemented. The Backward Classes Committee reported to the Parliament thrice that the Backward Classes Commission should be given constitutional status, but that status was never given. When Narendra Modi became the Prime Minister of the country, the OBC Commission was given constitutional status.

THE MINISTER OF HOME AFFAIRS AND THE MINISTER OF COOPERATION (SHRI AMIT SHAH), replying to the debate, said: Today I stand

before this noble House to seek the blessings to enact the Jammu and Kashmir Reorganization (Amendment) Bill, 2023 and the Jammu and Kashmir Reservation (Amendment) Bill, 2023, into law. Today is going to be written in golden letters in the history of Jammu and Kashmir and India from a different perspective, because today itself the constitutional bench of the Supreme Court has declared the entire process of abolishing Article 370 and the Bill for the reorganization of the state of Jammu and Kashmir as constitutional. The Court held that Jammu and Kashmir never had internal sovereignty. The Court said that due to the treaty with India, the state did not have any internal sovereignty outside the Indian Constitution. The Court held that Article 370 was a temporary provision. Those, who say that Article 370 is permanent, are insulting the intention of the Constituent Assembly and insulting the Constitution. This means that the claim of the petitioner that Article 370 can never be revoked, has been completely rejected by the Supreme Court. The Constitution and the Houses of Parliament of the country have full right to remove Article 370. The Supreme Court observed on this that it is not right to challenge the proclamations of Governor's rule and the President's rule and said that it is completely under the constitutional process. The Court also held that in exercise of the power granted under Section 370, the President can issue a notification unilaterally, which requires the approval of both Houses of Parliament by a simple majority. The Supreme Court has also made it clear that since Article 370 has been abolished, the Constitution of Jammu and Kashmir no longer exists. The court has also directed the Election Commission to conduct elections in the state. I have also said that we will grant statehood to Jammu-Kashmir when the time comes. But I am surprised that even after the judgement, the Congress Party says that Article 370 has been abrogated wrongly. It is difficult to convince them. There are more Muslims in Gujarat, Uttar Pradesh, Bihar and Assam than in Kashmir. Then why did separatism and terrorism not rear its ugly head in these states ? The question of boundaries also does not arise as Rajasthan and Gujarat also share their border with Pakistan. It happened because Article 370 gave impetus to the rise of separatism and terrorism. So they should understand this in the interest of the nation.

All parties have supported both these Bills. I believe that the Communist Party can never support a good work. Generally, using the words 'weaker and deprived class' to describe a person hurts his or her dignity. Therefore, the Hon'ble Prime Minister has decided to replace it with the words 'Other Backward Classes', which is a constitutional term. The second Bill is for those people who were displaced from Jammu and Kashmir years ago. The terrorism started around the 80s. Then by 1989, a large number of Kashmiri Hindus, especially Kashmiri Pandits and many Sikh brothers, left the valley and got scattered across the country. They went across the country to places like Jammu, Bengaluru, Gujarat, Delhi and Faridabad etc. All the states accommodated them and also provided jobs and reservation. Unfortunately, these people became displaced and destitute in their own country. They owned a wealth worth billions and trillions. Now this Bill is to give respect to those people. According to the data, the number of these displaced families is 46,621. Due to the efforts made by the Government, so far 1,57,967 displaced people have registered themselves. It is very important to register online for those who have been left out till now. I also request hon'ble Tankha ji and other Members to cooperate in this work. It will be taken care of immediately. After registration, you will be able to vote, contest elections and can also become a Minister in Jammu and Kashmir. You will be given full rights. Narendra Modi Government is committed to giving you justice. Due to the three wars with Pakistan in 1947–1948, 1965 and 1971, the millions of families were displaced from Pakistan occupied areas and settled in the state of Jammu and Kashmir and other parts of India. Our Government is worried about these displaced families. Under this Bill, 3 seats have been reserved for them, out of which 2 are for the families displaced

from Jammu and Kashmir and 1 seat is for the Kashmiri brothers who have been displaced from Pakistan Occupied Kashmir. This decision is part of the same Act which is challenged by everyone. If so, then you challenge the Delimitation Commission Act and reservation also. This Bill has been brought only to ensure representation of these displaced people. There should be nomination to ensure this, because when they are not in their own land, how can they get elected to the Assembly? Under delimitation, the seats of Jammu have been increased from 37 to 43. Whereas for Kashmir, it has been increased from 46 to 47. The total number of seats has been increased from 83 to 90. Ladakh has been given the status of a separate union territory. Also, 24 seats of Pakistan-Occupied Kashmir have been kept reserved. Today, I want to reiterate in this House that Pakistan Occupied Kashmir is an integral part of India. The 7 seats reserved for Scheduled Castes and Scheduled Tribes have been kept as they were earlier. Until, the politics of select families and Article 370 existed, people of this category were not able to get the benefit of reservation. Now, after 75 years they will get justice. In future, the reservation related Bills will also be brought to protect the interests of the tribal and other backward classes over there.

I want to make it clear that without taking away even a single seat of the Gurjar brothers, reservation has been given to the Bakarwal brothers. Tribals will get the benefit of reservation in education and jobs separately. It was just said that Kashmir is here because of Nehru ji, if Nehru ji had not been there then perhaps this Bill would not have come and Kashmir would not have existed. Did Jawaharlal Nehru go to Junagadh, did Jawaharlal Nehru go to Hyderabad, did Jawaharlal Nehru go to Lakshadweep, did Jawaharlal Nehru go to Jodhpur? No. Jawaharlal Nehru looked after the work only in Jammu and Kashmir, which he left half done. Secondly, this merger was delayed because the Maharaja was requested to give special attention to Sheikh Abdullah, and Pakistan got an opportunity to attack. So many difficult States got merged, but there is no Article 370 anywhere, neither in Jodhpur, nor in Junagadh, nor in Hyderabad nor in Lakshadweep. Why was there a delay in sending the army? Sam Manekshaw was present in a meeting. There, Sardar Patel ji asked Nehru ji whether he wanted Kashmir or not. Only then was the decision taken to send the army. If there had been no untimely ceasefire, there would not have been Pakistan-occupied Kashmir today. Our army was winning and they were running away. Had we waited for two days, the entire Pakistan-occupied Kashmir would have come under the tricolour. Nehru ji admitted that it was not right to go to the United Nations. We should have thought more about the ceasefire and decided later, although these are all mistakes of the past. Nehru ji himself is saying that it was my mistake. Even if he had to go to the United Nations, then why did he go under Article 51, where India's rights were limited. If we had gone there under Article 35, we would not have faced any problem. This was also a big wrong decision.

The opposition must understand that one has to take responsibility for one's decisions. Even if the decision of Article 370 is wrong, still it is the decision of this Government, and we take responsibility for it. If big decisions are taken for image building or with a sensitive mind, then responsibility for them has to be borne and one has to give answers to the Nation. History forgives no one. Many people asked what has changed in the situation of the state. Entire Kashmir, lakhs of devotees visiting there, more than a hundred filmmakers shooting there, all think that the situation in Kashmir has improved, but the opposition is not ready to accept it. The Government has sympathy for the youth of Kashmir, for the girls of Kashmir and the future of the valley, but it has no sympathy for the terrorists. I believe that after the abrogation of Article 370 and even before that, since the present Prime Minister took charge in 2014, the future of Kashmiri youth is no longer

bleak. They have embraced schools and learning. The present Prime Minister has given laptops to the youth who used to roam around carrying stones in their hands. Today, the people of Kashmir ignore such persons who talk about terrorism and separatism on the basis of Article 370. Kashmiris have started talking about democracy and development. It is being said that I had said in the House that terrorism will end. I had said that the feeling of separatism, which has due to Article 370, will end and when the feeling of separatism will end, terrorism will gradually reduce and end. I would like to give some figures regarding the changes in Kashmir. The figures were very scary in the 90s, but I want to compare current situation vis-a-vis UPA rule. There has been a 70 percent reduction in terrorist incidents during the tenure of the present Government as compared to the ten years of the previous Government. The number of civilians and security forces' personnel killed has also decreased by 70 percent. There has also been a reduction in security forces by 50 percent. There were 26 incidents of organized stone pelting in 2010. It has been four years since Article 370 was removed and there has not been a single incident of stone pelting. But the opposition does not take cognizance of all these things. Be it incidents of ceasefire violations or infiltration attempts, all have reduced significantly. The number of terrorists returning in 2010 was 18, now 281 terrorists have left the valley. This is an example of sensitivity towards citizens. We have not only raised our voice against terrorism but have also taken aggressive action against it. The Government has worked to eliminate the ecosystem of terrorism and has taken action against those financing terrorism. 32 cases of terrorism funding have been registered by the National Investigation Agency (NIA), whereas not a single such case was registered before 2014. Similarly, 51 cases of terrorism funding have also been registered by the State Investigation Agency, whereas the previous Government did not feel the need for any State Investigation Agency (SIA). The Government has taken many big and tough decisions from security point of view. Before 2014 and before the abrogation of Article 370, a crowd of 25 thousand or more used to come to the funeral of terrorists. But now no one does this, because we have decided that whenever a terrorist is killed, he will be buried at the same place with full religious respect and rituals.

The Government has decided that if even a single case of stone pelting is registered against a person, then no one from his family will get a job. Those who flee abroad and commit terrorism are scared because we have decided that no one in the family of the person who sitting in Pakistan encourages terrorism will get a job. If on the basis of telephone records, it is established that someone's family member is involved in promoting terrorism and he is in service, we have made service rules to dismiss him. Today we have secured the entire terror affected area through Zero Terror Plan and Complete Area Domination. The jails were lying like dens, but the Narendra Modi Government has taken action to tighten the security by installing jammers inside the jails. A new jail is being built at a cost of Rs. 105 crores, which will be only for terrorists. No one will be able to penetrate the security of that prison. A message has also been conveyed to the terrorist supporters present in the Bar Council. In the beginning, there have been attacks in our time also, but we have responded by entering their territory and carrying out surgical strike and air strike. We have sympathy for the youth of Kashmir but there is no sympathy for the terrorists. Even today I say that if they lay down their arms and come into the mainstream, they are welcome. We scrapped Articles 370 and 35A which not only did injustice to the people of Kashmir but also hurt the self-respect of the country. Our founding leader Shyama Prasad Mukherjee ji had raised the question at that time and left Nehru ji's Council of Ministers that how there can be two Constitutions, two heads and two flags in one country. Today the Supreme Court has delivered a historic verdict and I welcome this verdict on behalf of the 130-crore people. Today one Constitution, one National Flag

and one Prime Minister are working. Shyama Prasad Mukherjee's dream has come true. Prime Minister Narendra Modi has granted recognition to Kashmiri, Dogri and Hindi for the first time and given justice to the Kashmiri women under Section 35A. Prime Minister Narendra Modi has provided reservation in education and jobs for the first time. For the first time, the Scheduled Tribe community has been given reservation in the Legislative Assembly. Right to Education, Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, SC/ST (Prevention of Atrocities) Act etc. have been implemented in Jammu and Kashmir for the first time after repeal of Article 370. The Whistleblower Protection Act also came into force in Jammu and Kashmir for the first time after the abrogation of Article 370. Corruption was rampant there because only three families ruled. I said that Congress party is an anti-OBC party, so it is certain that they will not listen. They did not implement the reports of Kaka Kalelkar Commission and Mandal Commission. They did not grant constitutional status to the OBC Commission.

On January 26, the Tricolour was hoisted from every house in Lal Chowk, the part of India where the Army had to intervene to hoist the Tricolour. Today 3 theatres have become operational in Kashmir and 18 theatres are preparing to open. Many films have now been shot there. The Muharram procession also took place after 30 years. IIT and IIM have also been opened and the process of opening 2 AIIMS is going on - one has opened and the other will open soon. The number of tourists has increased from 30 lakh to 2 crores. There has been a huge change in the field of development in the valley and Jammu. I want to assure the people of the country that the youth of Kashmir will have laptops and books in their hands, the beginning of becoming a terrorism-free Kashmir has started.

The amendment moved by Dr. John Brittas for reference of the Jammu and Kashmir Reorganisation (Amendment) Bill, 2023, as passed by Lok Sabha, to a Select Committee of the Rajya Sabha was negatived.

The motions for consideration of the Bills were adopted.

Clauses etc. were adopted.

The Bills were passed.

P. C. MODY,
Secretary-General.

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