

CHAPTER

XII

**FOREIGNERS, FREEDOM
FIGHTERS' PENSION AND
REHABILITATION**

FOREIGNERS AND CITIZENSHIP

12.1 The Ministry of Home Affairs is responsible for immigration, visa, foreign contribution and citizenship related matters. Entry, stay and exit of foreigners in India are regulated through the Bureau of Immigration (BOI) and the State Governments.

FOREIGNERS AND VISA

Entry and Movement of Foreigners

12.2 Entry, stay and exit of foreigners in India are governed by two principal Acts, namely, the Foreigners Act, 1946 and the Passport (Entry into India) Act, 1920. Under the present visa regime, while the initial visa is granted by Indian Missions/Posts abroad, on entry into the country, their stay and exit is regulated by the Bureau of Immigration (BOI) and the State Governments.

12.3 50,96,990 foreigners visited India during 2007, registering an increase of 14.61 % over the previous year. The highest number of foreigners were from Asia (19,02,918), followed by Europe (17,81,945), North America (10,20,725), Oceania (1,68,715), Africa (1,57,629) and South America (27,645). The maximum number of foreigners who visited India were from USA (7,94,884) followed by UK (7,78,155), Bangladesh (5,00,234), Canada (2,10,183), Sri Lanka (2,05,834), France (2,03,928), Germany (1,88,355), Japan (1,45,461), Australia (1,36,387) and Malaysia (1,14,359). These ten countries accounted for 64.31% of the total arrival of foreigners in India.

12.4 A total of 3,51,999 foreigners were registered and staying in India as on December 31, 2007. The maximum number of foreigners registered were in Tamil Nadu (97,534) followed by Delhi (50,781), Arunachal Pradesh (45,022), Himachal Pradesh (24,872), Karnataka (21,732), Maharashtra (17,906), Gujarat (13,133), Uttarakhand (10,546), West Bengal (8,902), Puducherry (8,439). These ten States accounted for 85.05% of the total registered foreigners in India as on December 31, 2007. Students (28,842 - 8.2%) accounted for the highest percentage of registered foreigners followed by Employees (18,467 - 5.25%) and Tourists (8,929 - 2.54%).

12.5 12,535 foreigners were arrested during 2007, for various violations of the Foreigners Act or for violating provisions of other Immigration Control Rules and Regulations, while 13,348 foreigners were deported during the year.

Release of Pakistani Prisoners

12.6 During 2008-09 (up to March 31, 2009), Government of India repatriated 96 Pakistani civil prisoners and 14 Pakistani fishermen, whose travel documents had been issued by the Pakistani High Commission in Delhi and who had completed their sentences. Government of Pakistan repatriated 7 Indian prisoners and 230 Indian fishermen, across Attari/Wagha Border till March 31, 2009.

12.7 A Judicial Committee on Prisoners has been set up by both India and Pakistan. Four retired judges from both the countries have been appointed to the

Judicial Committee. The mandate of the Committee is to seek early repatriation of those prisoners in the respective countries who have completed their prison sentences and also to ensure humane treatment to all the prisoners. To fulfill the mandate, the First Meeting of the Joint Judicial Committee was held in New Delhi on February 26, 2008. Subsequently, the Indian judges of the Joint Judicial Committee visited three jails in Pakistan i.e. at Karachi, Rawalpindi and Lahore during June 9 - 14, 2008. Thereafter, Pakistani judges of the Joint Judicial Committee visited three jails in India i.e. Tihar Jail, Delhi, Central Jail, Amritsar and Central Jail, Jaipur during August 18 - 23, 2008.

IMMIGRATION CONTROL

12.8 Immigration is an important sovereign function of the Government exercised through Immigration Check Posts (ICPs). There are 77 ICPs in the country of which 12 are being managed by the BoI. Out of these 12 ICPs, BoI manages 6 ICPs at Chennai Airport, Seaport, Amritsar Airport, Attari Rail, Wagha Road and Munabao Rail on its own. It manages the remaining 6 ICPs at Mumbai Airport, Seaport, Kolkata Airport, Seaport, Delhi Airport and Gede Rail along with State Police. The remaining 65 ICPs are managed by the State Governments as an agency of the Central Government. Immigration related functions at Hyderabad and Bangalore Airports shall be taken over by BoI in the current year.

Recent Initiatives

12.9 Modernization programme of ICPs, which was initiated in 2004-05 for improving immigration services in the country continued in the current year. 33 major ICPs are covered under this programme. Computer systems have been upgraded in 29 ICPs and upgradation in 4 ICPs is underway. New Immigration Control System (ICS) software has been installed in 29 ICPs for improving the speed of immigration clearance and installation in 4 ICPs is under progress.

12.10 Passport Reading Machines (PRMs) have

been installed in 26 ICPs and installation in 3 ICPs is under progress. Questionable Document Examiner (QDX) machines have been installed in 28 ICPs. Networking of Central Foreigners Bureau (CFB) of BoI with 21 ICPs and 5 Foreigners Regional Registration Offices (FRROs) has been completed. This has facilitated smooth flow of information between the ICPs and CFB and has resulted in a perceptible improvement of immigration services.

12.11 This Ministry has recently released Rs.9.47 crore to NIC for computerization and networking of the 43 other ICPs which, *inter alia*, covers 20 ICPs located on Indo-Bangladesh border. This project is likely to be completed in six months.

12.12 Modernization and upgradation of Immigration services is one of the Mission Mode Projects (MMP) of the Government under the National e-Governance Plan (NeGP). The ongoing Modernization Programme which was initiated in the year 2004-05 has been subsumed under Phase-I of the MMP. The National Institute of Smart Government (NISG) has been commissioned to document Phase-I and to prepare an e-Governance project report for development of a comprehensive and integrated e-Governance model for Immigration, Visa and Foreigners Registration and Tracking with a view to establish immigration services of an international standard under Phase-II. The model envisages a comprehensive re-engineering and convergence of these processes with a view to streamlining and simplifying them and also establishing an efficient and transparent integrated system for the delivery of these services.

12.13 An Advance Passenger Information System (APIS) mandating all airlines flying into India to provide passenger particulars electronically in the prescribed format, within 15 minutes of their take off from the port outside India, to the concerned immigration authorities has been implemented in Phase-I at 6 International Airports namely Delhi, Mumbai, Chennai, Hyderabad, Bangalore and Cochin from April 2008. All airlines operating at these six international airports

have become APIS compliant. APIS would reduce immigration clearance time and improve security screening of passengers. Action to extend the coverage of the APIS initiative to other airports has also been initiated.

INDIAN CITIZENSHIP

12.14 Indian Citizenship can be acquired by birth, descent, registration and naturalization as per the provisions under Citizenship Act, 1955 and Citizenship Rules, 1956. The procedure and forms for acquiring Indian Citizenship have been simplified and rationalized. The application forms, procedure, etc. for acquiring Indian Citizenship has been hosted on the website of the Ministry of Home Affairs. Renotification of Citizenship Rules, 2009 has been done in February, 2009.

Overseas Citizenship of India (OCI)

12.15 OCI Scheme has been made operational from December 2, 2005. The application form, procedure, brochure and Frequently Asked Questions (FAQs) have been hosted on the Ministry's website. The scheme has generated a very enthusiastic response from the Indian diaspora. Since the launch of the OCI Scheme, 3,99,169 persons have been granted OCI registration, as on March 31, 2009, out of which 1,71,346 cards have been issued during the period from April 1, 2008 to March 31, 2009.

12.16 In order to re-issue/issue duplicate OCI registration certificate/visa in respect of new passport, change of personal particulars, wrong filling of personal particulars at the time of online application, and loss/damage of OCI documents subsequent to OCI registration, a supplemental on-line service namely OCI Miscellaneous Services has been launched on January 1, 2008.

REGULATION OF FOREIGN CONTRIBUTION

12.17 The Foreign Contribution (Regulation) Act, 1976 regulates the receipt and utilization of foreign

contribution and acceptance of foreign hospitality by certain categories of persons or associations.

12.18 The Foreign Contribution (Regulation) Bill, 2006 to replace the Foreign Contribution (Regulation) Act, 1976 was introduced in the Rajya Sabha on December 18, 2006. The objective of the Bill is to consolidate the law to regulate the acceptance and utilization of foreign contribution or foreign hospitality by certain individuals or associations and to prohibit acceptance and utilization of foreign contribution or foreign hospitality for any activities detrimental to the national interest.

12.19 After introduction, the Bill was referred by the Rajya Sabha to the Department-related Parliamentary Standing Committee on Home Affairs for examination and report. The Report of the Committee has been received and is under examination in consultation with concerned Ministries/Departments/Agencies.

12.20 FCRA on-line services for submission of application for grant of registration/prior permission under the Act as well as for filing of returns of receipt and utilization of foreign contributions are already operational.

12.21 1,611 associations have been granted registration during 2008-09 under the Foreign Contribution (Regulation) Act, 1976 and 346 associations have been granted prior permission to receive foreign contribution. The total receipt of foreign contribution during 2006-07 as reported by 19,011 associations was Rs.12,289.63 crore. During the year 2008-09 (as on April 8, 2009), 16,440 associations have reported a receipt of foreign contribution for an amount of Rs. 9,094.47 crore.

FREEDOM FIGHTERS' PENSION

12.22 Indian freedom struggle is unique in the history of mankind. Persons from all walks of life, free from all barriers of caste, creed or religion worked unitedly for a common cause. It was the struggle and sacrifice of several generations of people, starting from 1857

and continuing up to 1947, which brought freedom to the country. Million of people participated in the freedom struggle.

Pension Schemes

12.23 In 1969, the Government of India introduced a scheme known as the 'Ex-Andaman Political Prisoners Pension Scheme' to honour freedom fighters. In 1972, on the eve of the 25th Anniversary of India's Independence, a regular scheme called the "Freedom Fighters' Pension Scheme" was introduced for granting pension to freedom fighters. This Scheme was liberalized and renamed as the 'Swatantrata Sainik Samman Pension Scheme" with effect from 1st August, 1980. Salient features of 'Swatantrata Sainik Samman Pension Scheme, 1980 are given below:

- (i) **Eligibility:** The following categories of freedom fighters are eligible for the Samman Pension under the Scheme:
- Eligible dependents of martyrs;
 - A person who had suffered minimum imprisonment of six months on account of participation in freedom struggle;
 - A person who on account of his participation in freedom struggle remained underground for more than six months;
 - A person who, on account of participation in the freedom struggle, was interned in his home or externed from his district for a minimum period of 6 months;
 - A person whose property was confiscated or attached and sold due to participation in the freedom struggle;
 - A person who, on account of participation in freedom struggle, became permanently incapacitated during firing or lathi charge;

- A person who lost his Government job for participation in freedom struggle;
 - A person who was awarded the punishment of 10 strokes of caning/ flogging/ whipping due to his participation in freedom struggle.
- (ii) **Dependents :** Spouses (widows/ widowers), unmarried and unemployed daughters (up-to maximum three) and parents of deceased freedom fighters (as also of martyrs) are eligible for grant of dependent family pension under the scheme.
- (iii) **Special Dispensation For Women And Weaker Sections of the Society :** As mentioned earlier the eligibility criteria for grant of pension on grounds of jail suffering specifies a minimum period of six months which the freedom fighters should have undergone in connection with the freedom movement. However, as a special dispensation for women freedom fighters and for the freedom fighters belonging to Scheduled Castes and Scheduled Tribes, the minimum period has been kept at three months.

Other Facilities To Freedom Fighters

12.24 Apart from pension, freedom fighters are also provided the following facilities by the Government of India:

- free railway pass (1st Class/AC Sleeper) for freedom fighter and widower/widow, along with a companion, for life;
- free medical facilities in all Central Government hospitals and hospitals run by Public Sector Undertakings (PSUs) under the control of the Bureau of

Public Enterprises. Central Government Health Scheme (CGHS) facilities have also been extended to freedom fighters and their dependents;

- telephone connection, subject to feasibility, without installation charges, and on payment of only half the rental;
- General Pool residential accommodation (within the overall 5% discretionary quota) to freedom fighters living in Delhi. Widow/widower of the freedom fighter is also permitted to retain the accommodation for a period of six months after the death of the freedom fighter;
- accommodation in the Freedom Fighters' Home set up at New Delhi for freedom fighters who have no one to look after them.

12.25 In addition to the above facilities, ex-Andaman freedom fighters are also entitled to the following facilities:

- (a) free voyage facility for freedom fighter and widow to visit Andaman & Nicobar Islands, once a year, along with a companion; and
- (b) free air travel facility for freedom fighter to visit Andaman & Nicobar Islands, once a year, along with a companion.

12.26 All major facilities provided to freedom fighters are also extended to their widows/widowers.

Enhancement in pension

12.27 There has been periodical review of the rate of freedom fighters' pension and it has gone up from the initial amount of Rs.200 per month in 1972 to Rs.11,331 in 2008. The current rate of monthly pension and dearness relief payable to various categories of freedom fighters and their eligible dependents are given below :

S. No.	Category of freedom fighters	Basic Pension (in Rs.)	Dearness Relief (in Rs.)	Total amount of pension (in Rs.)
i	Ex-Andaman political prisoners	7330	5791	13121
ii	Freedom fighters who suffered outside British India (other than INA)	6830	5396	12226
iii.	Other freedom fighters (including INA)	6330	5001	11331
iv.	Widow/widower of above categories of freedom fighters Entitlement is the same as of respective deceased freedom fighters			
v.	Each unmarried and unemployed daughters (upto three)	1500	1185	2685
vi.	Mother and father each	1000	790	1790

Expenditure on welfare of freedom fighters

12.28 There is a provision of Rs.550 crore in the sanctioned budget grant of the Ministry of Home Affairs for the year 2008-09 for payment of pension and Rs.35 crore for free Railway passes to freedom fighters. An amount of Rs.640.65 crore has been incurred on payment of pension and Rs.5 crore on

account of free Railway passes till March, 2009.

12.29 Under the Scheme, 1,70,545 freedom fighters and their eligible dependents have been sanctioned Samman pension till March, 2009. State-wise break-up of freedom fighters/their dependents who have been sanctioned Samman pension is given below:

S. No.	Name of State/ Union Territory	Number of freedom fighters/their eligible dependents who have been sanctioned pension (as on March 31, 2009)
1.	Andhra Pradesh	14654
2.	Arunachal Pradesh	0
3.	Assam	4438
4.	Bihar	24874
5.	Jharkhand	
6.	Goa	1494
7.	Gujarat	3598
8.	Haryana	1687
9.	Himachal Pradesh	624
10.	Jammu & Kashmir	1807
11.	Karnataka	10088
12.	Kerala	3295
13.	Madhya Pradesh]	3471
14.	Chhattisgarh]	
15.	Maharashtra	17828
16.	Manipur	62
17.	Meghalaya	86
18.	Mizoram	04
19.	Nagaland	03
20.	Orissa	4190
21.	Punjab	7016
22.	Rajasthan	812
23.	Sikkim	0
24.	Tamil Nadu	4108
25.	Tripura	887
26.	Uttar Pradesh]	17993
27.	Uttarakhand]	
28.	West Bengal	22487
29.	Andaman & Nicobar Islands	03
30.	Chandigarh	91
31.	Dadra & Nagar Haveli	83
32.	Daman & Diu	33
33.	Lakshadweep	0
34.	NCT of Delhi	2044
35.	Puducherry	317
36.	Indian National Army (INA)	22468
	Total	170545

Committee of Eminent Freedom Fighters

12.30 A Committee of Eminent Freedom Fighters has been constituted under the Chairmanship of the Minister of State for Home Affairs to look into the issues related to freedom fighters and give suggestions for redressal of their problems and complaints and improving the facilities for freedom fighters and their dependents. Four meetings of this Committee have so far been held on April 25, 2007; October 31, 2007; December 28, 2007 and May 22, 2008.

Honouring Freedom Fighters

12.31 On the anniversary of the Quit India Movement, the President of India, Smt. Pratibha Devisingh Patil, honoured some of the distinguished and eminent freedom fighters from various States/Union Territories at an 'AT HOME' function held at the Rashtrapati Bhawan on August 9, 2008. 128 freedom



President of India interacting with distinguished Freedom Fighters during 'AT HOME' held at Rashtrapati Bhawan on August 9, 2008

fighters from various parts of the country attended this function and interacted with the President and other dignitaries in an informal manner.

Hyderabad Liberation Movement

12.32 In 1985, sufferers from border camps, who participated in the Hyderabad Liberation Movement for the merger of the erstwhile State of Hyderabad with the Union of India during 1947-48, were made

eligible for grant of pension under the Swatantrata Sainik Samman Pension Scheme, 1980. The Shroff Committee (from 1985 to 1996) listed 98 border camps and recommended about 7,000 cases for grant of pension. Pension was sanctioned in all cases recommended by the Shroff Committee. The C.H. Rajeswara Rao Committee (from 1997 to 1998) recommended about 13,500 cases. All the cases recommended by the C.H. Rajeswara Rao Committee were referred to the State Governments for verification. In July, 2004, the Ministry of Home Affairs recognized 18 additional border camps. In January, 2005, Government approved enhancement in the estimated number of beneficiaries from about 11,000 estimated in 1985 to about 15,000, with the stipulation that only those applicants who participated in the Hyderabad Liberation Movement up to September 15, 1948, i.e. before the police action in Hyderabad, would be eligible for grant of pension. This stipulation has been adopted prospectively for grant of pension in all pending cases of Hyderabad Liberation Movement.

Goa Liberation Movement

12.33 The movement for liberation of Goa, in which freedom fighters had undergone severe sufferings at the hands of the Portuguese authorities, was spread over three phases:

Phase-I	1946 to 1953
Phase-II	1954 to 1955
Phase-III	1956 to 1961

12.34 Freedom fighters of the movement during its various phases, who fulfilled the prescribed eligibility conditions and in whose cases the records of sufferings were available, were granted pension. In February, 2003, the Government of India relaxed the eligibility criteria under the Swatantrata Sainik Samman Pension Scheme, 1980 to grant pension to those freedom fighters of Phase-II of Goa Liberation Movement who had been sanctioned State freedom fighters' pension by the State Governments of Maharashtra, Madhya Pradesh, Goa, Haryana, Rajasthan and Uttar Pradesh by August 1, 2002.

Honouring Participants of Arzi Hukumat Movement

12.35 The participants of the Arzi Hukumat Movement of Junagarh had agitated in 1947 against the decision of the then Nawab of Junagarh to accede to Pakistan. The Arzi Hukumat Movement lasted for less than three months, from August 15, 1947 to November 12, 1947, when Sardar Vallabh Bhai Patel entered Junagarh. The agitation was significant in as much as it contributed to the consolidation of India's territorial configuration.

12.36 The participants of this movement do not fulfill the eligibility criteria to qualify for grant of Samman Pension under the Swatantrata Sainik Samman Pension Scheme, 1980. Be that as it may, the patriotic fervor of the participants of this significant event against Junagarh's accession to Pakistan is not disputed and the acknowledgement of this movement was considered apt for bestowing honour to its participants.

12.37 As a special dispensation, the Government decided to honour the 159 Arzi Senanis identified by the Manibhai Doshi Committee set up by the Government of Gujarat in 1998 with a cash award of one lakh rupees each accompanied with a letter of appreciation and gratitude on behalf of the Government of India. In case of demise of the Arzi Senani, the surviving spouse, and, in case of demise of surviving spouse also, the eldest unmarried daughter (if any) was to be given the cash award.

12.38 A function was organised in Junagarh on May 26, 2008 in coordination with Government of Gujarat in which the Union Minister of State for Home Affairs gave a cheque of Rs. 1 lakh each and a shawl along



Union Minister of State for Home honouring Arzi Senanis in a function held at Junagarh on May 26, 2008

with a letter of appreciation and gratitude on behalf of Government of India issued at the level of Union Home Minister to 48 Arzi Senanis/their eligible dependents who attended the function.

REHABILITATION OF DISPLACED PERSONS

Sri Lankan Refugees

12.39 Due to ethnic violence and continued disturbed conditions in Sri Lanka, a large number of Sri Lankan refugees have entered India since July 1983. The position of influx of refugees in phases is indicated below:

Phase	Period	No. of Refugees
Phase-I	24.7.1983 to 31.12.1987	134053
Phase-II	25.8.1989 to 30.4.1991	122078
Phase-III	31.7.1996 to 30.4.2003	22418
Phase-IV	12.1.2006 to 31.03.2009	23626
Total		302175

12.40 Refugees are of the following two categories:

- (i) Stateless persons who had not applied for Indian citizenship or those not yet conferred Sri Lankan citizenship; and
- (ii) Sri Lankan citizens.

12.41 The responsibility for such persons is basically that of Sri Lanka. Government of India's approach is to discourage their movement, but if refugees belonging to these categories do come, they are granted relief on humanitarian grounds with the ultimate object of repatriation back to Sri Lanka.

12.42 With a view to preventing fresh mass influx of Sri Lankan refugees, several measures, including intensified coastal patrolling, collection and collation of advance intelligence and strengthening of Naval detachments in Tamil Nadu have been undertaken.

12.43 While 99,469 refugees were repatriated to Sri Lanka up to March, 1995, there has been no organized repatriation after March, 1995. However, some refugees have gone back to Sri Lanka or left for other countries

on their own. As on March 31, 2009, about 73,293 Sri Lankan refugees were staying in 117 refugees' camps in Tamil Nadu and one camp in Orissa. Besides, about 26,729 refugees are staying outside the camps on their own, after getting themselves registered in the nearest Police Station.

12.44 Upon fresh arrival, refugees are quarantined and, after complete verification of their antecedents, they are shifted to refugee camps. Pending repatriation, certain essential relief facilities are provided to them on humanitarian grounds. These facilities include shelter in camps, cash doles, subsidized ration, clothing, utensils, medical care and educational assistance. The entire expenditure on relief to Sri Lankan refugees is incurred by the State Government and is subsequently reimbursed by the Government of India. An amount of Rs.456.90 crore has been spent by the Government of India for providing relief and accommodation to these refugees during the period July 1983 to March 31, 2009.

Repatriates from Sri Lanka

12.45 The Government of India agreed to grant Indian Citizenship to, and to accept repatriation of 5.06 lakh persons of Indian origin, together with their natural increase, under the Indo-Sri Lanka Agreements of the years 1964, 1974 and 1986. Out of these 5.06 lakh persons, 3.35 lakh persons along with their natural increase of 1.26 lakh, comprising 1,16,152 families, were repatriated up to December, 2006. The repatriate families have been provided with resettlement assistance. No organized repatriation has taken place from Sri Lanka after 1984 due to disturbed conditions there. However, some repatriates arriving in India on their own are being rehabilitated under various schemes in Tamil Nadu.

Repatriates Cooperative Finance and Development Bank Ltd. (REPCO), Chennai

12.46 REPCO Bank was set up in the year 1969 as a Society under the Madras Cooperative Societies Act, 1961 (No. 53 of 1961) [now the Multi-State Cooperative Societies Act, 2002 (No.39 of 2002)] to help promote the rehabilitation of repatriates from

Sri Lanka, Myanmar, Vietnam and other countries. The management of the Bank vests in a Board of Directors, on which two Directors represent the Government of India. The total authorized capital of the Bank stood at Rs. 5.25 crore as on March 2008. The Government of India has contributed Rs.1.96 crore, towards the paid-up capital. Four Southern States (Tamil Nadu, Andhra Pradesh, Karnataka & Kerala) have contributed Rs.0.90 crore and other share-holders have contributed Rs.2.12 crore. As per its bye-laws, the administrative control over Repco Bank is, at present, with the Government of India. The Bank has paid an amount of Rs.45.08 lakh as dividend @ 23% for the year 2007-08 to the Government of India. Audit of the Bank is up-to-date. The Annual Accounts and Annual Report of Repco Bank for the year 2007-08 have been laid in the Rajya Sabha and Lok Sabha on December 17, 2009 and December 23, 2009 respectively.

Rehabilitation Plantations Limited (RPL), Punalur, Kerala

12.47 Rehabilitation Plantations Limited (RPL), an undertaking jointly owned by the Government of India and Government of Kerala, was incorporated in the year 1976 under the Companies Act, 1956 for raising rubber plantations in Kerala to resettle repatriates as workers and employees. The management of the Company vests in a Board of Directors, on which two Directors represent the Government of India. The paid-up share capital of the Company (as on March 31, 2008) was Rs.339.27 lakh. The Government of Kerala holds Rs.205.85 lakh and the Government of India Rs.133.42 lakh of the equity in the Company. Since the State Government is the majority shareholder, the administrative control over RPL is with the State Government. During the financial year 2007-08, the Company made a profit before tax of Rs.873.36 lakh and of Rs.743.59 lakh after tax. The Company has paid a dividend of Rs.26.68 lakh to Government of India @ 20 per cent of the paid-up share capital during the year 2007-08. The Annual Accounts and Annual Report of RPL for the year 2007-08 have been laid in the Rajya Sabha and Lok Sabha on December 17, 2008 and December 23, 2008 respectively.

Tibetan Refugees

12.48 Tibetan refugees began pouring into India in the wake of the flight of His Holiness Dalai Lama in the year 1959 from Tibet. The Government of India decided to give them asylum as well as assistance towards temporary settlement. Care has been taken to retain their separate ethnic and cultural identity.

12.49 As per information provided by Bureau of His Holiness the Dalai Lama, the population of Tibetan refugees in India in February, 2008 was 1,10,095. Majority of these refugees have settled themselves, either through self-employment or with Government's assistance under agricultural and handicrafts' schemes in different States in the country. Major concentration of the Tibetan refugees is in Karnataka (44,468), Himachal Pradesh (21,980), Arunachal Pradesh (7,530), Uttarakhand (8,545), West Bengal (5,785) and Jammu and Kashmir (6,920). The Ministry of Home Affairs has spent an amount of about Rs.18.72 crore upto November 2008 on resettlement of Tibetan refugees.

12.50 The rehabilitation of Tibetan Refugees is almost complete except one residuary housing scheme under implementation in the State of Uttarakhand.

Relief & Rehabilitation of Displaced Persons from Pak occupied Kashmir, 1947, and non-Camp Displaced Persons from Chhamb Niabat Area, 1971

12.51 Relief packages were announced by the Government of India in April and August 2000 for granting ex-gratia relief and some other benefits to displaced persons from Pak occupied Kashmir in 1947, and to non-camp displaced persons from Chhamb-Niabat area in 1971, respectively. For displaced persons from Pak occupied Kashmir, 1947, the package comprised of Rs. 25,000 ex-gratia payment to a family, cash compensation in lieu of land deficiency, allotment of plots and improvement of civic amenities in 46 regularized colonies. For displaced persons from Chhamb-Niabat Area, 1971, the package comprised of Rs.25,000 ex-gratia payment

to a family.

12.52 The role of Government of India is largely limited to release of funds to the Government of Jammu & Kashmir. Implementation of the relief package is largely the responsibility of the State Government.

12.53 The Central Government has released Rs.7 crore for the implementation of these relief packages. The Government of Jammu & Kashmir has utilized about Rs.4.23 crore (till March, 2009).

12.54 In April, 2008 the Government approved a package of Confidence Building Measures in the State of Jammu and Kashmir. The package includes a provision of Rs.49 crore for settlement of claims of displaced persons from Pak Occupied Kashmir, 1947. It has been decided that an amount of Rs.25,000 per kanal with an overall ceiling of Rs.1.5 lakh may be given to the rural settlers in lieu of land deficiency. Similarly, instead of providing plots to each family in the urban areas, they may be paid an amount of Rs.2 lakh per family in settlement of their claims. Accordingly, the Government of India sanctioned an amount of Rs.49 crore to the State Government of Jammu & Kashmir on December 24, 2008.

ENEMY PROPERTY

12.55 The work relating to Enemy Property, which was earlier handled by the Ministry of Commerce, was transferred to the Ministry of Home Affairs Vide Notification No.1/22/4/2007-Cab, dated June 28, 2007, issued by the Cabinet Secretariat in exercise of powers conferred under clause (3) of the article 77 of the constitution regarding amendment to the Government of India (Allocation of Business) Rules 1961.

12.56 The Office of the Custodian of Enemy Property for India is presently functioning under the provisions contained in the Enemy Property Act 1968 which was enacted for administration, management and custody of enemy property vested in the Custodian of Enemy Property for India. Under the Act, all immovable and movable properties all over India belonging to or held by or managed on behalf of Pakistan national

between the period from September 10, 1965 to September 26, 1977 are vested in Custodian of Enemy Property for India.

12.57 The Office of the Custodian of Enemy Property for India is located in Mumbai with a branch Office at Kolkata. Presently, the Custodian is managing 2,049 immovable properties like lands, buildings etc. and movable property like securities, shares, debentures, bank balances, fixed deposits and other amounts lying in the enemy nationals bank accounts, provident fund balances etc. In addition, the Custodian is also doing management of two banks viz. Habib Bank and National Bank of Pakistan.

12.58 After the Indo-Pak war of 1965 and 1971, the Government of India passed a resolution No.12/

1/1971 EI&EP dated March 15, 1971 to sanction ex-gratia payment to the extent of 25% of the lost properties to the Indian nationals and companies who were in West and East Pakistan. A sum of Rs.71.01 crore has so far been paid by way of ex-gratia payment to the claimants till March 31, 2009.

12.59 In terms of the provisions of the Enemy Property Act, 1968, fees equal to 2% of the income derived from the properties vested in Custodian are levied and the same shall be credited to the Central Government. Accordingly, a sum of Rs. 4.13 crore being 2% levy has been credited to the Consolidated Fund of India till March 31, 2009 since 1965.
