

# CHANGING THE DEMOGRAPHICS OF INDIAN-OCCUPIED JAMMU AND KASHMIR

## UNDERSTANDING THE DOMICILE LAWS

Over the past weeks, India has detailed the processes by which Indian settlers will be able to obtain domicile certificates in occupied Jammu & Kashmir (J&K), leading to settler-colonialism and demographic change in the region.

### WHAT IS A DOMICILE CERTIFICATE?

It's a government-issued document that proves a person's residency and allows them to avail various benefits such as access to education, government employment, and welfare schemes.

### WHAT DO THESE CHANGES MEAN?

India is systematically paving the way for settler colonialism by forced demographic change, institutionalizing a system of domination over indigenous populations, and obviating the people's exercise of their right to self-determination.

### WHAT DOES THE CATEGORY OF DOMICILE APPLY TO SO FAR?

- Eligibility for government jobs.
- Eligibility for admission to educational institutions.
- Eligibility for applying for professional entrance exams.
- Expectation that it will be extended to land rights, voting rights and other benefits or welfare schemes previously reserved for Permanent Residents.

### WHAT DOES THE NEW DOMICILE ORDER DO?

**Previously, only J&K permanent residents could claim residency benefits but now "domicile" is extended to:**

- Anyone who has resided in J&K for 15 years.
- Anyone who has studied in J&K for 7 years or appeared in class 10th/12th exams.
- All children of central government employees who have served in J&K for 10 years (even if they have never resided in J&K).
- All migrants that are registered with Relief and Rehabilitation Commissioner in J&K.

### WHAT IS THE NEW PROCESS TO APPLY FOR DOMICILE?

- Applications can be submitted in person or online.
- The responsible 'competent authority' has 15 days to issue or reject the application; applicant may appeal before appellate authority.
- If the appellate authority accepts the appeal, the competent authority has to issue the certificate within 7 days; if they don't, 50,000 INR (approx. 660 USD) will be deducted from their salary.

**The new changes will discourage the 'competent authority' from denying dubious domicile claims.**

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### HOW DO THESE CHANGES COMBINED WITH THE READING DOWN OF ARTICLE 370 IMPACT THE INDIGENOUS PEOPLE OF JAMMU AND KASHMIR?

- They no longer automatically qualify for educational opportunities or public employment.
- Category of “Permanent Resident” which protected indigenous Kashmiris’ rights has been undermined and replaced with “domicile”.
- Many indigenous Kashmiris might not have their permanent resident certificate (PRC), a legal document that will allow them to obtain the new domicile certificates.
- It remains unclear how indigenous Kashmiris without their PRC will be able to obtain the domicile certificate.
- Without adequate documents, they will be rendered stateless in their own homes and dispossessed from education, employment & land rights, leading to **massive displacement**.
- Diaspora Kashmiris and their children who do not have PRC will be ineligible, as will refugees or exiles from Indian occupied Kashmir.
- Indian settlers will be able to fast-track eligibility for employment, education, and land via the domicile certificates by submitting minimal documentary proof
- Increased **unemployment** & competition for scarce resources for indigenous Kashmiris.
- Indian settlers who obtain domicile certificates will be part of the settler-colonial project, resulting in “**demographic flooding**”.
- As suggested by Indian officials, “Israeli-like” settlements can now be introduced in J&K making the region’s Muslim-majority into second-class citizens, a demographic minority, & pave way for **ethnic cleansing**.
- Demographic flooding of Indians, that could impact the results of a potential plebiscite or referendum in India’s favor.

**UNDER INTERNATIONAL LAW, CHANGING THE DEMOGRAPHICS OF OCCUPIED OR DISPUTED TERRITORIES IS **ILLEGAL**.**