



Government of Jammu and Kashmir
Home Department

- Subject:** Policy and Procedure for return of Ex-Militants to Jammu and Kashmir State.
- Reference:** (i) D.O. No.13012/3/2008-K-VI dated 3rd September, 2010 from Home Secretary Government of India, North Block, New Delhi.
(ii) Cabinet Decision No. 253/23/2010 dated: 22.11.2010.

Government Order No. Home 1376 (ISA) of 2010
D a t e d : 23 11. 2010

Sanction is hereby accorded to the adoption of Policy and Procedure for the return of Ex-Militants to Jammu and Kashmir State. The Policy and the Procedure to be followed in the implementation of the policy is given in **Annexure –A**. The policy will be effective from the date of issuance of this order.

By order of Government of Jammu and Kashmir.

Sd/-

Principal Secretary to Government,
Home Department

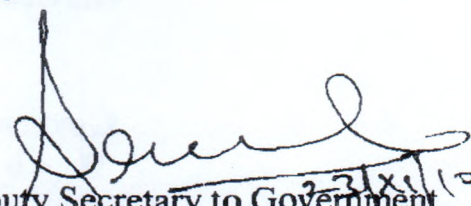
No: Home/95/2008/ISA

Dated: 23.11.2010

Copy to the:-

1. Secretary Ministry of Home Affairs, Government of India, North Block, New Delhi. This is in reference to his D.O. No. 13012/3/2008-K-VI dated 3 September, 2010.
2. All Financial Commissioners.
3. Director General of Police, J&K.
4. All Principal Secretaries.
5. All Commissioner/Secretaries to Government.

6. Divisional Commissioner, Jammu / Kashmir.
7. Inspector General of CRPF/BSF/ITBP, Jammu/ Kashmir.
8. All District Magistrates.
9. Headquarters 15 and 16 Corps, C/O 56 APO.
10. Principal Pvt. Secretary to Chief Secretary.
11. Private Secretary to H.E. the Governor.
12. Private Secretary to Hon'ble Chief Minister.
13. General Manager Government Press, Jammu/ Kashmir.
14. Pvt. Secretary to Hon'ble Ministers/MOS.
15. Pvt. Secretary to Principal Secretary, Home
16. Government order file/Stock file.


Deputy Secretary to Government,
Home Department

Annexure-A

Policy on the return of ex-militants to the State

1. The policy is intended to facilitate the return of ex-militants who belong to J&K state and had crossed over the PoK/Pakistan for training in insurgency but have given up insurgent activities due to a change of heart and are willing to return to the State.
2. Those who have gone to Pok/Pakistan between 1.1.1989 and 31.12.2009 and their dependents will be eligible for consideration under the policy.
3. The District Superintendent of Police of the concerned district where the prospective returnee normally resided before crossing over to PoK/Pakistan would be the designated authority to whom the parents or close relatives (in case there are no parents) of the prospective returnee or, in exception circumstances, the prospective returnee himself may apply in the prescribed Proforma.
4. All such applications would be first scrutinized by the District Superintendents of Police and then forwarded to CID Hqrs along-with their comments. The State CID will then scrutinize all the applications in consultation with the Central Intelligence agencies/Security Forces, wherever necessary, review the cases registered against the persons and prepare

a dossier based on which a recommendations can be made about whether the prospective returnee can be permitted to return.

5. The dossier so prepared will be forwarded to the Home Department by the State CID where a final decision on whether the application should be accepted or otherwise would be taken by a committee comprising the following officers:-

- a) Financial Commissioner (Home)- Chairman
- b) Director General of Police
- c) Additional Director General of Police, CID
- d) Principal Secretary, Law Department
- e) Zonal IGPs
- f) Joint Secretary (K), MHA

Formal orders would be issued by the Home Department and communicated to the authorities concerned with making arrangements for the return of the person.

6) All such former militants permitted to return under the proposed policy would be permitted to enter only through JCP Wagah, Attari or through Salamabad or Chakan-da-bagh crossings on the Line of Control or through the Indira Gandhi International Airport, New Delhi.

7) After completion of the formalities at the crossing points, the returnees and their dependents will be escorted to the State of J&K and the District authorities will be duly informed. A record of their entry into India and to J&K will be maintained by the Immigration authorities at the crossing point and by the J&K CID respectively.

8) The wives, children and other dependants of those returnees who have married in PoK/Pakistan during the period 1.1.1989 to 31.12.2009, will be considered for entry into the country as per the existing laws of the land and the necessary certificate for entry will be issued to them.

9) Counseling Centres will be established where all the returnees along-with their wives and children would be lodged for a period of three months or for such longer time as would be necessary till they are thoroughly interviewed, de-briefed and all necessary documentation is prepared.

10) The returnee shall not be entitled to any of the special benefits or Privileges available in the existing surrender/rehabilitation Policy.

11) No general amnesty is envisaged under this policy and the returnees would be duly prosecuted in cases registered against them which are of a serious nature. However, cases

registered against them for having crossed over to PoK/Pakistan would be reviewed.

12) The returnees will be given training in suitable trades or skills in ITIs or other training institutions in order to enable their re-integration into society.

13) The conduct and behavior of the returnee will be closely monitored by the local Police and by State CID for a period of two years from the completion of the counseling process.

14) The State Government will make the policy and the application forms available on the internet (site address to be given) so as to facilitate online registration by the returnees and their family members eligible to apply.

Procedures to be followed in the implementation of the Policy for the return of ex-Militants to the State of Jammu and Kashmir.

1. Applications for permission to return may be made to the concerned District Superintendent of Police of the District the returnee normally resided in by the parents or close relatives (in case there are no parents) of the returnee who are residents in the State of Jammu and Kashmir (J&K) in the format prescribed in **Form-I**.
2. In exceptional circumstances, the application may be made by the returnee himself to the concerned District Superintendent of Police of the District the returnee normally resided in the format prescribed in **Form-II** which would be available with the High Commission of India, Islamabad and on the internet.
3. All such applications would be first scrutinized and verified by the District Superintendent of Police and then forwarded to State CID Hqrs along-with their comments, including the list of cases against the returnee.
4. On receipt of the applications from the District Superintendent of Police, the State CID will forward copies to the Joint Director, SIB, J&K, Additional Commissioner

(R&AW) and BGS (Operations) of the concerned Corps in J&K. The applications will then be scrutinized by IB, R&AW and the Army who will also review the cases registered against the returnee and give their feedback and recommendations about whether the prospective returnee can be permitted to return to the State. The State CID will thereafter prepare a dossier incorporating their views as well as the feedback submitted by IB, R&AW and the Army.

5. The dossier so prepared will be forwarded to the J&K Home Department by the State CID where a final decision on whether the application should be accepted or otherwise would be taken by the Committee chaired by the Financial Commissioner (Home) as laid down in the policy. The necessary orders will be issued by the Home Department with copies endorsed to MHA and MEA. Home Department will also maintain a record of the decisions of the committee. The decision taken by the Committee will be conveyed to the applicant by concerned District Superintendent of Police.

6. MHA will forward the details of permitted returnees to MEA who will in turn communicate the information to the concerned Mission so that action to facilitate the return can be taken. MHA will also convey the details of the returnees to the Bureau of Immigration and IB.

7. MHA will notify the entry points to be used by individual returnees and inform MEA, the Government of Jammu and Kashmir, the Bureau of Immigration(BoI) and IB, who would in turn intimate all concerned.

8. On application, the returnee will be issued an Emergency Certificate by the High Commission of India, Islamabad. The returnee may also apply for an Entry Permit as per the existing procedure in order to return by one of the notified entry points. The Mission will on receipt of the names from MEA process the same without further reference to MHA.

9. The spouses and children who are dependents of the returnees who wish to accompany them, would be considered for entry into India as per the existing laws. The entry of all such persons into the country would be communicated by BOI immediately to J&K Police/CID from the entry point.

10. On arrival at the concerned entry point, the returnee and his dependents will be subject to verification by the Immigration authorities, who will maintain a record of their arrival. Thereafter, the Immigration authorities will intimate the J&K Police who will make arrangements for their movement to the counselling centre concerned.

11. The Government of Jammu and Kashmir will set up counselling centres as specified in the policy.

12. The returnee will stay in the counselling centres along-with their dependent family members. The counselling centres will intimate the designated authority of the District to which the returnee belongs for such action as may be necessary in respect of cases registered against him and will also inform the relatives about his arrival and stay in the counselling centre. In the case of a returnee being sent to judicial custody for criminal cases pending against him, his wife/children will be allowed either to stay at counselling centre or sent to the relatives of the returnee as per their choice.

13. The counselling centres will register the arrival of the returnee and his dependents in the format prescribed in **Form-III** and also make the necessary arrangements for the debriefing of the returnee by the State and Central agencies.

14. The counselling centre in-charge shall take such action as deemed necessary in order to enable the successful re-integration of the returnee into society. He will take such assistance as may be necessary from experts/counsellors for the purpose and will also take steps to provide adequate

training and skill development for the returnee. He will also prepare a dossier for each returnee.

15. The State Government will identify the training institutions where the returnee can be trained in the skills which would enable him to earn a livelihood. The training of the returnee will, however, be voluntary.

16. At the end of the counselling, period, the officer in-charge shall prepare a discharge report in the format prescribed in **Form-IV** before the returnee is released from the counselling centre and inform the designated authority and State CID accordingly with a copy to MHA. The State CID in turn shall inform the concerned Central agencies about the release of the returnees. The designated authority /State CID/Central agencies will closely monitor the activities of returnee for a period of two years from the date of release. In case of any adverse opinion about the activities of the returnee being reported by any of the concerned agencies, the same shall be reported to the to the State CID. The State CID shall submit the same with their comments to the Home Department, Government of J&K where Financial Commissioner (Home) shall take a final decision on the report. The CID shall submit a quarterly review report to the State Home Department, J&K regarding the activities and conduct of the returnee.

FORM-I

APPLICATION FORM FOR RETURN

[To be filled up by parents or close relatives (in case their are no parents) of the returnees]

Information regarding returnee

Personal Particulars

Photograph of
returnee

- 1) Name including alias
- 2) Date of Birth
- 3) Father's Name
- 4) Religion
- 5) (a) Address (Present in Pok/Pak)

(b) Address (Permanent in J&K)

- 6) Family Details (name of parents, spouse, children along-with their age and nationality)
- 7) Educational Qualification
- 8) Occupation
- 9) Identification Marks
- 10) Date of exfiltration
- 11) Terrorist Group/Affiliation
- 12) Details of activity in the terrorist organization including date of joining, code sign, areas/period of operation including J&K, training details.

13) Reasons for return

14) Name, address and contact details of two referees who should be permanent resident of J&K and not involved in any militant activity.

15) (a) Whether the returnee holds pass port of Pakistan or any other country. If yes, details thereof.

(b) Whether the returnee has visited any other country. If yes, details thereof

16) Nature of relationship with returnee

Submitted by

Name: _____

Complete address: _____

Place: _____

Date: _____

FORM-II

APPLICATION FORM FOR RETURN

(To be filled up if the application is submitted by returnee himself/herself)

Personal Particulars

Photograph of
returnee

1) Name including alias

2) Date of Birth

3) Father's Name

4) Religion

5) (a) Address (Present in Pok/Pak)

(b) Address (Permanent in J&K)

6) Occupation

Submitted by

Name: _____

Complete address: _____

Place: _____

Date: _____

FORM-III

(Form to register the arrival of returnee and his dependents in the counselling centre)

DETAILS OF SURRENDER

- 1) Date
- 2) Place
- 3) Past criminal record (if any)
- 4) Whether any court case or action as per Law is under way or needs to be considered in case of a militant
- 5) Any other information

Signature/Left thumb impression
Of the returnee

Place _____
Date _____

Recorded by

(Rank, name, appointment
and signature of the officer
Accepting surrender)

Date _____

FORM-IV

**(Certificate of good behaviour, or other wise in r/o the
returnee during the period he/she remained in the
counselling centre)**

- 1) Name including alias
- 2) Date of Birth
- 3) Father's Name
- 4) Religion
- 5) (a) Address (Present in Pok/Pak)

(b) Address (Permanent in J&K)
- 6) Family Details (name of parents, spouse, children
along-with their age and nationality)
- 7) Educational Qualification
- 8) Occupation

9) (a) Whether the returnee holds pass port of Pakistan or any other country. If yes, details thereof.

(b) Whether the returnee has visited any other country. If yes, details thereof

10) Vocational Training (if undergone)

11) Whether the terrorist has undergone the change of heart

12) Whether any court case or action as per law is underway and needs to be considered in case of the terrorist.

Remarks of the Officer in-charge of the counselling centre

Signature_____

Name:_____

Designation_____

Station_____

Date:_____