

UNPACKING THE NEW DOMICILE LAW:

India's plan to change the demographics of Jammu and Kashmir

The March 31st Order is the latest in a slew of legislative changes taking place since the abrogation of Article 370, including the Jammu and Kashmir (J&K) Reorganisation Act, 2019 and the J&K Reorganisation (Adaptation of Central Laws) Order, 2020. A significant aspect of the March 31st order, which amends 138 state laws, is defining "domicile" with regard to government employment.

India is systematically paving the way for settler colonialism in J&K by forced demographic change, institutionalizing a system of domination over indigenous populations, and obviating the people's exercise of their right to self-determination. These changes are clear **violations of international human rights and humanitarian law**, as well as India's international and domestic obligations.

WHAT HAS ALREADY CHANGED?

- J&K came under the rule of the Central Government (Governor's rule) in 2018.
- Article 370, a special clause in the Indian constitution that gave J&K a semi-autonomous status, was de-operationalized in August 2019.
- J&K was split into two union territories (J&K and Ladakh) and placed under direct federal rule.
- The J&K legislative assembly, constitution, and executive bodies have been suspended.
- Article 35A, which defined permanent residency in the state, was also revoked in August 2019.



ILLUSTRATION BY SHARIQ SHAH

WHAT DOES THE DOMICILE ORDER DO?

Previously, only J&K permanent residents could claim residency benefits but now "domicile" is extended to non-state subjects that meet a criteria:

Who can claim to be a domicile?

- 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 DO THESE CHANGES MEAN FOR KASHMIR?

- Land can be transferred to non-J&K residents, who can now permanently reside there.
- Tens of thousands of Indian citizens can now apply for government jobs in J&K.
- **Demographic flooding** of Indians, that could impact the results of a potential plebiscite or referendum in India's favor.
- 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**.
- Indian companies can now grab local land that could have been used for public facilities like building hospitals or schools.

With subsequent legislation, the Indian government may also continue to re-define domicile to mean changes in land ownership rules, as well as changes in the electorate.

The Indian government has issued threats to arrest anyone who voices their dissent to this new law. Given the immense amount of repression, including the large-scale detention of Kashmiris, and the restrictions to freedom of association and expression, it is all the more **urgent that the international community raise the alarm at the devastating impact these changes will have**.