I could know how to remove the southern clouds;
I could know how to dewater all the oceans;
I could know how to cure an ailing leper;
I cannot make an illiterate understand the truth.

(Lal Ded)

CHAPTER - VIII
Annexures
APPENDICES

APPENDIX (1)

TREATY BETWEEN THE BRITISH GOVERNMENT AND
MAHARAJA GULAB SINGH OF JUMMOO (Now Jammu)

Done at Umritisar (Amritsar), 16th March, 1846.

Article I:– The British government transfers and makes over forever, in independent possession, to Maharaja Gulab Singh and the heirs male of this body, all the hilly or mountainous country, situated to the eastward of the River Indus and westward of the River Ravee, including Chumba and excluding Lahul, being part of the territories exceeded to the British government by the Lahore State, according to the provisions of Article IV, of the Treaty of Lahore, dated 9th March, 1846.

Article II:– The eastern boundary of the tract transfered by the foregoing Article to Maharaja Gulab Singh shall be laid down by Commissioners appointed by the British government and Maharaja Gulab Singh respectively for that purposes, and defined in a separate engagement after survey.

Article III:– In consideration of the transfer made to him and his heirs by the provision of the foregoing Articles, Maharaja Gulab Singh will pay to the British Government the sum of Rupees (Nanukshahee) fifty lacs to be paid on, ratification of this Treaty, and twenty-five lacs on or before the first October of the current year, A.D. 1846.

Article IV:– The limits of the territories of Maharaja Gulab Singh shall not be at any time changed without the concurrent of the British Government.

Article V:– Maharaja Gulab Singh will refer to the arbitration of the British Government any disputes or questions that may rise between himself and the Government of Lahore or any other neighbouring State, and will abide by the decision of the British Government.
Article VI:- Maharajah Gulab Singh engages for himself and heirs to join, with the whole of his Military Force, the British troops, when employed within the hills, or in the territories adjoined is possessions.

Article VII:- Maharajah Gulab Singh engages never to take or retain in his service, any British subject, nor the subject of any European or American State, without the consent of the British Government.

Article VIII:- Maharajah Gulab Singh engages to respect, in regard to the territory transferred to him, the provisions of Articles V, VI and VII of the separate Engagement between the British Government and the Lahore Durbar, dated March 11th 1846.

Article IX:- The British Government will give its aid to Maharajah Gulab Singh in protecting his territories from external enemies.

Article X:- Maharajah Gulab Singh acknowledges the supremacy of the British Government and will in token of such supremacy present annually to the British Government one horse, twelve perfect shawl goats of approved bread (six male and six female), and three pair of Cashmere shawls.

(Signed) H. HERDING.

(Signed) F. CURRIE

H. M. LAWRENCE

By order of the Right Hon'ble the Governor - General of India.

(Signed) F. CURRIE

Secretary to the Government of India with the Governor General.
INSTRUMENT OF ACCESSION OF JAMMU AND KASHMIR STATE

The following is the text of the Instrument of Accession executed by the Ruler of Jammu and Kashmir State on 26 October 1947.

Whereas the Indian Independence Act, 1947, provides that as from the fifteenth day of August 1947, there shall be set up an Independent Dominion known as India, and that the Government of India Act, 1935, shall, with such omissions, additions, adaptations and modifications as the Governor-General may by order specify be applicable to the Dominion of India;

And whereas the Government of India Act, 1935, as so adopted by the Governor-General provides that an Indian state may accede to the Dominion of India by an Instrument of Accession executed by the Ruler thereof:

Now therefore

I, Shriman Indar Mahanndar Rajrajeshwar Maharajjadiraj Shri Hari Singhji, Jammu and Kashmir Naresh Tatha Tibbet adi Deshadhipathi, Ruler of Jammu and Kashmir State, in the exercise of my sovereignty in and over my said State do hereby execute my Instrument of Accession and

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for purposes of the Dominion shall, by virtue of this my Instrument of Accession, but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the State of Jammu and Kashmir (hereinafter referred to as 'this State') such functions as may be vested in them by or under the Government of India Act, 1935, as in force in the Dominion of India on the 15th day of August 1947 (which Act as so in force is hereinafter referred to "the Act").

APPENDIX (2)
2. I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within this State so far as they are applicable therein by virtue of my Instrument of accession.

3. I accept the matters specified in the Schedule hereto as the matters with respect to which the Dominion Legislature may make laws for this State.

4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement shall be deemed to form part of this Instrument and shall be constituted and have effect accordingly.

5. The terms of this my Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act, 1947, unless such amendment is accepted by me by an Instrument supplementary to this Instrument.

6. Nothing in this Instrument shall empower the Dominion Legislature to make any law for this State authorising the compulsory acquisition of land for any purpose, but I hereby undertake that should be Dominion for the purposes of a Dominion law which applies in this State deem it necessary to acquire any land, I will at their request acquire the land at their expense or if the land belongs to me transfer it to them on such terms as may be agreed, or, in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.

7. Nothing in this Instrument shall be deemed to commit me in anyway to acceptance of any future constitution of India or to future my discretion to enter into arrangements with the Government of India under any such future constitution.

8. Nothing in this Instrument affects the continuance of my sovereignty in and over this State, or save as provided by or under this Instrument, the exercise of any power, authority and rights now enjoyed by me as Ruler of this State of the validity of any law at present in force in this State.
9. I hereby declare that I execute this Instrument on behalf of this state and that any reference in this instrument to me or to the Ruler of the State is to be construed as including a reference to my heirs and successors.

Given under my hand this Twenty-sixth day of October, nineteen hundred and forty seven.

Hari Singh
Maharajadhiraj of Jammu & Kashmir State

ACCEPTANCE OF INSTRUMENT OF ACCESSION OF JAMMU & KASHMIR STATE BY THE GOVERNOR-GENERAL OF INDIA

I do hereby accept this Instrument of Accession.

Dated this twenty-seventh day of October, nineteen hundred and forty-seven.

Mountbatten of Burma
Governor-General of India.

SCHEDULE OF INSTRUMENT OF ACCESSION
THE MATTERS WITH RESPECT TO WHICH THE DOMINION LEGISLATURE MAY MAKE LAWS FOR THIS STATE.

A. DEFENCE

1. The naval, military and air forces of the Dominion and any other armed forces, raised or maintained by the Dominion; any armed forces, including forces raised or maintained by an acceding State, which are attached to, or operating with, any of the armed forces of the Dominion.

2. Naval, military and air force works, administration of cantonment areas.

3. Arms, fire-arms, ammunition.
4. Explosives.

B. EXTERNAL AFFAIRS

1. External affairs; the implementing of treaties and agreements with other countries; extradition, including the surrender of criminals and accused persons to parts of his Majesty's Dominions outside India.

2. Admission into, and emigration and expulsion from, India, including in relation thereto the regulation of the movements in India of persons who are not British subjects domiciled in India or subjects of any acceding State; pilgrimages to places beyond India.

3. Naturalization.

C. COMMUNICATIONS

1. Posts and telegraphs, including telephones, wireless, broadcasting, and other like forms of communication.

2. Federal railways; the regulation of all railways other than minor railways in respect of safety, maximum and minimum rates and fares, station and services terminal charges, interchanges of traffic and the responsibility of railway administrations as carriers of goods and passengers; the regulation of minor railways in respect of safety and the responsibility of the administrations of such railways as carriers of goods and passengers.

3. Maritime shipping and navigation, including shipping and navigation and on tidal waters; Admiralty jurisdiction.

4. Port guarantees.

5. Major ports, that is to say, the declaration and delimitation of such ports, and the constitution and powers of port Authorities therein.
6. Aircraft and air navigation; the provision of aerodromes; regulation and organization of air traffic and aerodromes.

7. Lighthouses, including lightships, beacons and other provisions for the safety of shipping and aircraft.

8. Carriage of passengers and goods by sea or by air.

9. Extension of the powers and jurisdiction of members of the police force belonging to any unit to railway area outside that unit.

S. ANCILLARY

1. Election to the Dominion Legislature, subject to the provision of the Act and any Order made thereunder.

2. Offences against laws with respect to any of the aforesaid matters.

3. Inquiries and statistics for the purposes of any of the aforesaid matters.

4. Jurisdiction and powers of all courts with respect to any of the aforesaid matters but, except with the consent of the Ruler of the acceding State, not so as to confer any jurisdiction or powers upon any courts other than courts ordinarily exertions jurisdiction in or in relation to that State.
The Government of India have instructed me to transmit to you the following telegraphic communication.

"1 Under Article 35 of the Charter of the United Nations, any Member may bring any situation whose continuance is likely to endanger the maintenance of international peace and security to the attention of the Security Council. Such a situation now exists between India and Pakistan owing to the aid which invaders, consisting of nationals of Pakistan and of tribesmen from the territory immediately adjoining Pakistan on the north-west, are drawing from Pakistan for operations against Jammu and Kashmir, a State which has acceded to the Dominion of India and is part of India. The circumstances of accession, the activities of the invaders which led the Government of India to take military action against them, and the assistance which the attackers have received and are still receiving from Pakistan are explained later in this memorandum. The Government of India request the Security Council to call upon Pakistan to put and end immediately to the giving of such assistance, which is an act of aggression against India.

If Pakistan does not do so, the Government of India may be compelled, in self-defence, to enter Pakistan territory, in order to take military action against the invaders. The matter is, therefore, one of extreme urgency and calls for immediate action by the Security Council for avoiding a breach of International peace.

"2 From the middle of September 1947, the Government of India had received reports of the infiltration of armed raiders into the western parts of Jammu province of Jammu and Kashmir State; Jammu adjoins West Punjab, which is
part of the Dominion of Pakistan. These raiders had done a great deal of damage in that area and taken possession of part of the territory of the State. On 24 October, the Government of India heard of a major raid from the Frontier Province of the Dominion of Pakistan into the Valley of Kashmir. Some two thousand or more fully armed and equipped men came in motor transport, crossed over to the territory of the State of Jammu and Kashmir, sacked the town of Muzafarabad, killing many people and proceeding along the Jhelum Valley road towards Srinagar, the summer capital of Jammu and Kashmir State. Intermediate towns and villages were sacked and burnt, and many people killed. These raiders were stopped by Kashmir State troops near Uri, a town some fifty miles from Srinagar, for sometime, but the invaders got around them and burnt the power house at Mahora, which supplied electricity to the whole of Kashmir.

3. The position, on the morning of 26 October, was that these raiders had been held by Kashmir State troops and part of the civil population, who had been armed, at a town called Baramulla. Beyond Baramulla there was no major obstruction up to Srinagar. There was immediate danger of these raiders reaching Srinagar, destroying and massacring large numbers of people, both Hindus and Muslims. The state troops were spread out all over the State and most of them were deployed along the western border of Jammu province. They had been split up into small isolated groups and were incapable of offering effective resistance to the raiders. Most of the State officials had left the threatened areas and the civil administration and had ceased to function. All that stood between Srinagar and the fate which had overtaken the places enroute followed by the raiders was the determination of the inhabitants of Srinagar, of all communities, and practically without arms, to defend themselves. At this time, Srinagar had also a large population of Hindu and Sikh refugees disturbances in that area. There was little doubt that these refugees would be massacred if the raiders reached Srinagar.

4. Immediately after the raids into Jammu and Kashmir State commenced, approaches were informally made to the Government of India for the acceptance of the accession of the State to the Indian Dominion. (It might be explained in parenthesis the Jammu and Kashmir from a State whose ruler, prior to the transfer of power by the United Kingdom to the Dominions of India and Pakistan, had been in treaty relations with the British crown, which controlled its foreign rela-
tions ceased with the transfer of power on 15 August last, and Jammu and Kash­
mir like other States acquired the right to accede to either Dominion.)

5. Events moved with great rapidity, and the threat to the valley of Kashmir became grave. On 26 October, the ruler of the State, His Highness Maharaja Hari Singh, appealed urgently to the Government of India for military help. He also requested that the Jammu and Kashmir State should be allowed to accede to the Indian Dominion. An appeal for help was also simultaneously received by the Government of India from the largest popular organization in Kashmir, the National Conference, headed by Sheikh Mohammad Abdullah. The Conference further strongly supported the request for the State's accession to the India Do­minion. The Government of India were thus approached not only officially by the State authorities, but also on behalf of the people of Kashmir, both for mili­tary aid and for the accession of the State of India.

6. The grave threat to the life and property of innocent people in Kashmir Valley and to the security of the State Jammu and Kashmir that had developed as a result of the invasion of the valley demanded immediate decision by the Gov­ernment of India on both the requests. It was imperative on account of the emer­gency that the responsibility for the defence of Jammu and Kashmir State should be taken over by a Government capable of discharging it. But, in order to avoid any possible suggestions that India had utilized the State's immediate peril for her own political advantage, the Government of India made it clear that once the soil of the State had been cleared of the invader and normal conditions restored, its people would be free to decide their future by the recognized democratic methods of a plebiscite referendum which, in order to ensure complete impar­tially, might be held under international auspices.

7. The Government of India felt it their duty to respond to the appeal for armed assistance because:

   i) They could not allow a neighbouring and friendly State to be com­
pelled by force to determine either its internal affairs or its external relations:

   ii) The accession of Jammu & Kashmir State to the Dominion of India
made India really responsible for the defence of the State.

8. The intervention of the Government of India resulted in saving Srinagar. The raiders were driven back from Baramulla to Uri and are held there by Indian troops. Nearly 19,000 raiders face the Dominion forces in this area. Since operations in the valley of Kashmir started, pressure by the raiders against the western, and south-western border of Jammu and Kashmir State had been intensified. Exact figures are not available. It is understood, however, that nearly 15,000 raiders are operating against this part of the State. State troops are besieged in certain areas. Incursions by the raiders into the State territory, involving murder, arson, loot and the abduction of women continue. The booty is collected and carried over to the tribal areas to serve as an inducement to the further recruitment of tribesmen to the ranks of the raiders. In addition to those actively participating in the raid, tribesmen and others, estimated at 100,000 have been collected in different places in districts of West Punjab bordering Jammu and Kashmir State, and many of them are receiving military training under Pakistani nationals, including officers of the Pakistan Army. They are looked after in Pakistan territory, fed, clothed, armed and otherwise equipped, and transported to the territory of Jammu and Kashmir State with the help, direct and indirect, of Pakistani officials, both military and civil.

9. As already stated, the raiders who entered the Kashmir Valley in October came mainly from the tribal areas to the north-west of Pakistan, and in order to reach Kashmir, passed through Pakistan territory. The raids along the south-west border of the State, which had proceeded the invasion of the valley proper, had actually been conducted from Pakistan territory, and Pakistan nationals had taken part of them. This process of transmission across Pakistan territory and utilisation of that territory as a base of operation against Jammu and Kashmir State continues. Recently, military operations against the western and south-western borders of the State have been inter-system and the attackers consist of the nationals of Pakistan as well as tribesmen. These invaders are armed with modern weapons, including mortars and medium machine-guns, wear the battle dress of regular solidiers and, in recent engagements, have fought in regular battle formation and are using the tactics of modern warfare. Man-pack wireless sets are in regular use and even mark V mines have been employed. For their transport
the invaders have all along used motor vehicles. They are undoubtedly being trained and to some extent led by regular officers of the Pakistan Army. Their rations and other supplies are obtained from Pakistan territory.

10. These facts point indisputably to the conclusion

a) that the invaders are allowed transit across Pakistan territory.
b) that they are allowed to use Pakistan territory as a base of operations;
c) that they include Pakistan nationals;
d) that they draw much of their military equipment, transportation, and supplies (including petrol) from Pakistan; and
e) that Pakistan officers are training, guiding, and otherwise actively helping them.

There is no source other than Pakistan from which they could obtain such quantities of modern military equipment training or guidance. More than once, the Government of India had asked the Pakistan Government to deny to the invaders facilities which constitute an act of aggression and hostility against India, but without any response. The last occasion on which this request was made was on 22 December, when the Prime Minister of India handed over personally to the Prime Minister of Pakistan a letter in which the various forms of aid given by Pakistan to the invaders were briefly recounted and the Government of Pakistan were asked to put an end to such aid promptly; no reply to this letter has yet been received in spite of a telegraphic reminder sent on 26 December.

11. It should be clear from the foregoing recital that the Government of Pakistan are unwilling to stop the assistance in material and men which the invaders are receiving from Pakistan Government personnel, both military and civil. This attitude is not only unnatural, but constitutes active aggression against India, of which the State of Jammu and Kashmir forms a part.

12. The Government of India have exerted persuasion and exercised patience to bring about a change in the attitude of Pakistan. But they have failed, and are in consequence confronted with a situation in which their defence of Jammu and Kashmir State is hampered and their measures to derive the invaders from the
territory of the State are greatly impeded by the support which the raiders derive from Pakistan. The invaders are still on the soil of Jammu and Kashmir and the inhabitants of the States are exposed to all the atrocities of which a barbarous foe is capable. The presence, in large numbers, of invaders in those portions of Pakistan territory which adjoin parts of Indian territory other than Jammu and Kashmir State, is a menace to the rest of India. Indefinite continuance of the present operations prolongs the agony of the people of Jammu and Kashmir is a drain on India's resources and a constant threat to the maintenance of peace between India and Pakistan. The Government of India have no option, therefore, but to take more effective military action in State in order to rid Jammu and Kashmir State of the invader.

13. In order that the objective of expelling the invader from Indian territory and preventing her from launching attacks should be quickly achieved, Indian troops would have to enter Pakistan territory, only thus could the invader be denied the use of bases and cut off from his sources of supplies and reinforcements in Pakistan. Since the aid which the invaders are receiving from Pakistan is an act of aggression against India, the Government of India are entitled, under international law, to send their armed forces across Pakistan territory for dealing effectively with the invaders. However, as such action might involve armed conflict with Pakistan, the Government of India, ever anxious to proceed according to the principal and aims of the character of the United Nations, desire to report the situation to the Security Council under Article 35 of the charter. They feel justified in requesting the Security Council to ask the Government of Pakistan.

1) to prevent Pakistan Government personnel, military and civil from participating or assisting in the invasion of Jammu and Kashmir State.
2) to calls upon the Pakistani nationals to desist from taking any part in the fighting in Jammu and Kashmir State;
3) to deny to the invaders : (a) access any use of it is territory for operations against Kashmir, (b) military and other supplies, (c) all other kinds of aid that might tend to prolong the present struggle.

14. The Government of India would stress the special urgency of the Security Council taking immediate action on their request. They desire to add that mili-
tary operations in the invaded areas have, in the past few days, been developing so rapidly that they must, in self-defence reserve to themselves the freedom to take, at any time when it may become necessary, such military action as they may consider the situation requires.

15. The Government of India deeply regret that serious crisis should have been reached in their relation with Pakistan. Not only is Pakistan a neighbour, but inspite of the recent separation, India and Pakistan have many ties and many common interests. India desires nothing more earnestly than to live with her neighbour - State on terms of close and lasting friendship. Peace is to the interest of both States; indeed to the interests of the World. The Government of India's approach to the Security Council is inspired by the sincere hope that, through the prompt action of the Council, peace may be preserved.

16. The text of this reference to the Security Council is being Telegraphed to the Government of Pakistan.
APPENDIX (4)

Constitution of India
of the
Article 370


1) Notwithstanding anything in this Constitution:

   a) the provisions of Article 238 shall not apply in relation to the State of Jammu and Kashmir.
   b) the power of Parliament to make laws for the said State shall be limited to

   i) those matters in the Union List and Concurrent List which in consultation with the Government of the State, are declared by the President to correspond to matters specified in the Instrument of Accession government the accession of the State to the Dominion of India as the matters with respect to which the Dominion legislature may make laws for the State; and

   ii) such other matters in the said Lists as, with the concurrence of the Government of the State, the President may be order specify.

1. Explanation: For the purposes of this Article, the Government of the State means the person for the time being recognised by the President as the Maharaja of Jammu and Kashmir acting on the advice of the Council of Ministers for the time being in office under the Maharaja’s Proclamation dated the fifth day of March, 1948.

   c) the provisions of Article (1) and of the Article shall apply in relation to this state;
   d) Such of the other provisions of this Constitution shall apply in relation to that State subject to such exception and modifications as the President may by order specify:
Provided that no such order which related to the matters specified in the instrument of Accession of the State referred paragraph 5th of sub-clause (1) shall be issued except in consultation with the Govt. of the state;

Provide further that no such order which relates to matters other than those referred to in the last proceeding proviso shall be issued except with concurrence of the Government.

2) If the concurrence of the Government of the State referred to in paragraph (ii) of sub-clause (b) of clause (1) or in the second proviso to sub-clause (d) of the clause be given before the constituent assembly for the purpose of framing the Constitution of the State is convened, it shall be placed before such Assembly for such decision as it may take thereon.

3) Notwithstanding anything in the foregoing provisions of the Article, the President may, by public notification, declare that this Article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he may notify.

Provided that the recommendation of the Constituent Assembly of the State referred to in clause (2) shall be necessary before the President issues such a notification.*

*In exercise of the powers conferred by Article 370 the President, on the recommendation of the Constituent Assembly of the State of Jammu and Kashmir, declared that as from the 17th day of November, 1952, the said Art. 370 shall be operative with the modification that for the explanation in cl. (1) thereof, the following explanation is substituted namely.

"Explanation - For the purpose of this article, the Government of the State means the person for the time being recognised by the President on the recommendation of the Legislative Assembly of the State as the Sadar-i-Riyasat of Jammu and Kashmir, acting on the advice of the council of Ministers of the State for the time being in office."
An Act to provide for the Abolition of Big Landed Estates and their Transfer to Actual Tillers Act No. XVII of 2007 (As Amended by Act No. XV of 2008).

Whereas no lasting improvement in agricultural production and efficiency is possible without the removal of intermediaries between the tiller of the soil and the State;

And whereas for the achievement of this objective it is expedient to provide for the abolition of such proprietors as own big landed estates and to transfer the land held by them to the actual tillers;

Now, therefore, in exercise of the power vested under section 5 of the Jammu and Kashmir Constitution Act 1996, read with the proclamation issued by His Highness and published in the Extra-Ordinary issue of the Government Gazette dated the 7th May, 2006, Shree Yuvaraj Karansighji Bahadur is pleased to enact as follows:

1. Short title, extent and commencement - (1) This act may be called the Jammu and Kashmir Big Landed Estates Abolition Act, 2007.
   (2) It shall extend to the whole of the Jammu and Kashmir State.
   (3) It shall come into force from the date it is published in the Government Gazette.

2. Definitions - In this Act, unless there is anything repugnant in the subject or context.

   (a) "Land" means land which is occupied or has been let for agriculture purposes or has been let for agricultural purposes or for purposes sub-servant to agriculture, or for pasture, and includes:
   i. the sites of building and other structures on such land;
   ii. trees standing on such land;
   iii. areas covered by or fields floating over water;
iv. sites of jandars and gharats; and
v. forest lands and wooden wastes; but does not include the site of any building in a town or village abadior or any land appurtenant to such building or site;

(b) "proprietor" means a person owning the land, and includes

i. an inferior land-owner;
ii. a person who is recorded as Qabiz in respect of the holding of Gair Hazzir or Gair Qabiz in the revenue record; and
iii. the successor in interest of a proprietor.

(c) "prescribed" means prescribed by rules made under this act;

(d) "tiller" means a person who tills land with his own hands, and with reference to the land held by a proprietor has, on the date of the commencement of this Act, been in cultivating possession of such land and includes a tenant who after 1st Baisakh, 2004 has been ejected otherwise than in due course of law or has ceased to cultivate the land owing to reasons beyond his control; but does not include -

(a) a treasoasser,
(b) a servant who is paid in cash or king for his services;
(c) a person who is not the actual beneficiary; and
(d) a hired labourer;

and (e) words and expression not defined in this act shall have the meaning assigned to them in the Jammu and Kashmir Land Revenue Act, 1996, the Jammu and Kashmir Tenancy Act, 1980, and the Code of Civil Procedure, 1977.

3. Act not to apply to certain lands nothing in this act shall apply to -

(a) any land which is occupied as the site of a town or village and is not assess to land revenue;
(b) any revenue paying land occupied, used or transferred after the Samvat year (1990) for building purposes situated in an area declared a Mu-
municipality or Notified Area under the provisions of the Jammu and Kashmir Municipal Act for the time being in force, or a Cantonment under the provisions of the Jammu and Kashmir Cantonment Act, 1991, or a town area under the provisions of the Jammu and Kashmir Town Area Act for the time being in force, or in an area in which a town planning scheme is sanctioned under the Jammu and Kashmir Town Planning Act, 1977, or in such villages in the vicinity of a city or town as are specified by the Government; and

(c) any land owned by the State and Department of the state or any local body or a co-operative Society registered under the provisions of the Jammu and Kashmir Co-operative Societies Act 1933, other than land which was owned by a person declared as an enemy agent and has since been forfeited to his Highness under the Enemy Agents (Confiscation of Property) Ordinance, 2004.

4. Extinction of the right of ownership in certain lands - (1) Notwithstanding any thing contained in any law for the time being in force, the right of ownership held by a proprietor in land other than land mentioned in subsection (2) shall, subject to the other provisions of this Act, extinguish and case to vest in him from the date this act comes into force.

Provided that the right of ownership held by a proprietor in land covered by sub-clause (v) of clause (a) of section shall extinguish and case to vest in him from the date the Big Landed Estates Abolition (Amendment) at 2008, is published in the Government Gazette, and such proprietor shall have the right to exchange such land with the unit of land for which he has exercised his right of selection under clause (a) of sub-section. (2) -

(2) Extinction of the eight of ownership under sub-section (1) shall not apply to -

(a) unit of land not exceeding 182 kanals including residential site, Bedzars and Safedzars;

(c) Orchards;
Provided that the Government may dispose of the lands mentioned in clause (b) in such manner as may be recommended by the Committee that shall be set up for this purpose.

(3) Every proprietor and in case of a proprietor who is an evacuee as defined in the Jammu and Kashmir state Evacuee's (Administration of Property) Act 2006 the Custodian shall have the option, subject to the provisions of section 14, to select the land mentioned in clause (a) of sub-section (2).

5. Transfer of land to tillers (1) Ownership rights of such land of a proprietor of which the right of ownership is extinguished under section 4 and of land (other than orchards) that was owned by a person declared as an enemy agent and has since been forfeited to his highness under the Enemy Agents (confiscation of property) ordinance, 2004 shall be transferred to the tillers of such land to the extent of their actual possession in Kharif, 2007;

Provide that no tiller shall, with the land so transferred and that which he already, owns, possess more than 160 kanals in ownership right:

Provide further that no land shall be transferred to such tillers as are not State Subjects as defined in the Judicial Department Notification No. I-L/84 dated the 20th April, 1927:

Provided also that no land shall be transferred to such tiller of the land owned by a proprietor who is an evacuee as defined in the Jammu and Kashmir State Evacuee's (Administration of Property) Act 2006, as was not a tenant of such land prior to Rabi, 2004.

(2) The tiller to whom land is transferred under sub-section (1), shall be liable to pay land revenue and other dues for the time being in forces with respect to such land and shall also pay a special Cess to be called the "Land Development Cess" at such rate as is determined by the Government under rules.

(3) The transfer of ownership under subsection (1) shall not affect the joint liability of the entire estate or of the landholders thereof, for the revenue payable
after such transfer in respect of the land in cases where under section 54 of the Land Revenue Act, 1996, such liability exists.

(4) The land revenue to the payment of which the lands transferred shall be liable shall be reckoned at village revenue rates and where no such rates by classes of soil are available or where such rates are found to be lower than those obtaining in any of the village or villages adjoining the village in which the lands so transferred are situate, at such rates as may be sanctioned by the Revenue Minister, and shall be deemed as if it were fixed under Chapter -VI of the Land Revenue Act, 1996 and as if the land so transferred has been settled with the tillers to whom lands are transferred.

Provided that the village revenue rates sanctioned by the Revenue Minister shall in no case exceed the highest Bachh rates adopted during the last Settlement for the same classes of soil in the villages within the Assessment Circle in which the lands so transferred are included.

5. Nothing in this section shall preclude the Govt. at any time, to revise the quantum of land transferred to the tillers, and when such revision is made the land left with or transferred to the tillers shall be deemed as if it had been transferred under the provisions of this section and to which all the provisions of this act shall apply.

6. Lands of which there are no tillers -(1) (a) All lands of which the right of ownerships is extinguished under section 4 and which are not in the cultivating possession of, or cannot, under the provisions of section 5, be transferred to any tiller, and

(b) all lands which were owned by persons declared as enemy agents and have since been forfeited to his Highness under the Enemy Agents (confiscation of Property) Ordinance, 2004, and are not in the cultivating possession of, or cannot, under the provision of section 5, be transferred to, any tiller shall vest in the State from the date of the commencement of this Act.

(2) The lands mentioned in sub-section (1) may be utilised in such man-
ner as the Government decide, or the Government may in respect of the Lands mentioned in clause (a) of sub-section (1) permit the expropriator to return possession of the land, subject to such terms and conditions as are settled by the Revenue Minister or an officer authorised by him in this behalf.

(3) The permission to retain possession as contemplated by sub-section (2) shall create no right or title in such land, and notwithstanding anything contained in any enactment for the time being in force, the Revenue Minister, or an Officer authorised by him in this behalf, may fix any rent for the use and occupation of such land:

Provided that such rent shall in no case be less than the land revenue assessed at village rates plus cesses and other dues that were paid by such expropriator immediately before the date the right or ownership of such land was extinguished.

7. Description of Lands owned by a proprietor - For purposes of sub-section (1) of section 4, the land owned by a proprietor shall include -

(i) Lands of any class held or acquired in ownership by the proprietor;
(ii) Shamilat lands held by the proprietor to the extent of his share whether amalgamated with and entered in his ownership holding as a result of partition or entered in his name under an undivided Shamilat holding.
(iii) Lands mortgaged with or without possession or leased out by the proprietor;
(iv) Lands owned by the Proprietor which have been transferred or let in farm under the provisions of the Jammu and Kashmir Land revenue Act, 1996 for the recovery of an arrear of land revenue or of a sum recoverable as such an arrear which has accrued in respect of such lands; and
(v) Lands which after the date of the commencement of the land Alienation (Temporary Powers) Restriction Ordinance, 2005, in the Kashmir Province and after the date of the commencement of the Jammu Province land alienation (Temporary powers) Restriction ordinance,
2005, in the province of Jammu, have, without any valid authority, been transferred by the proprietor by sale, gift, bequest, (XXX)- family settlement or exchange other than an exchange made for the purpose of consolidation of holdings.

Provided that such exchanges as have been acted upon and are agreed to by the parties, shall, notwithstanding anything contained in the ordinance aforementioned and in section 138 of the Transfer of property Act, 1997 be deemed to be valid transfers.

Provided further that every transfer or partition made or declaration for title or possession granted by an order or decree of any court after Is Baisakh, 2005, shall be deemed to be void and shall not be given effect to, if for reasons to be recorded in writing, an Assistant Collector of the 1st class acting under the provisions of this Act, considers such transfer or partition or declaration not to have been made bonafied or to have been made with a view to defeat the provisions of this act.

8. Disputes relating to the description or the area of the aggregate land -

(i) If a proprietor or tiller were to dispute the correctness of the description or the area of any land referred to in section 7 held by him he may, within two months of the date of the commencement of this act, prefer an application on a court fee stamp of Rs. two to such officer as is appointed by the revenue minister in this behalf and files with it all the relevant record on which he relies in support of his claim.

(ii) The officer so appointed shall, after such inquiry as he deems necessary, record his decision in the case.

9. Consequence of transfer - When land has been transferred under the provisions of section 5 then, notwithstanding anything contained in any contract or in any law for the time being in force, and save as otherwise provided in this Act, the consequences as hereinafter so forth shall, from the beginning of the date of such transfer, ensure in such land, namely.
(a) all rights title and interests of the proprietor in such land including trees, wells (other than privae wells), tanks ponds, water channels or khuls and path-ways, except right in any water mill or jandar, shall cease and be vested in the tiller free from all encumbrances;

(b) all arrears of revenue, cesses or other dues payable under any enactment or Government order or rule for the time being in force and all outstanding Taccavi Loans in respect of any land so transferred and due from the proprietor for any period prior to the date of transfer shall be remitted;

(c) notwithstanding anything in any law or document, all grants and confirmation of title of or to land so transferred or of or any right or privilege in respect of such land or its land revenue, shall terminate.

(d) The interest of the proprietor in any land so transferred shall not be liable to attachment or sale in execution of any decree or other process of any court civil or revenue and any attachment existing at the date of transfer or any order for attachment passed before such date shall cease to be in force.

(e) all suits and proceedings pending in any court at the date of transfer of land, and all proceedings upon any decree or order passed in any such suit or proceeding previous to the date of transfer shall, in respect of any interest in the land so transferred, be stayed.

10. Lands mortgaged or leased out by the Proprietor - notwithstanding anything hereinbefore contained when any land, of which the right ownership is extinguished under the provisions of section 4, is found to have been mortgaged or leased by the proprietor, it shall, subject to the other provisions of this act, be transferred to the tiller in the following manner, namely;

(a) In case such land is in the personal cultivation of the tiller who is also a mortgage or a lessee, it shall vest in him in ownership right free from other encumbrances, if any, and the mortgage or lease, as the case, may be shall terminate; and

(b) In case such land is not in the personal cultivation of the mortgage or the lessee it shall be transferred to the tillers thereof in ownership right free from all encumbrances, and the encumbrances on such
land shall be shifted to the estate of which the ownership right of the proprietor is left intact under sub-section (2) of section 4, as if the same land had been mortaged or leased by the proprietor to the mortgagor or the lessee as the case may be.

11. Lands transferred or let in farm in default of payment of land revenue (1)
When any land of which the right of ownership is extinguished under the provisions of section 4, is found to have been transferred or let in farm under the provisions of the Jammu and Kashmir Land Revenue Act, 1996, for the recovery of an arrear of land revenue or of a sum recoverable as such an arrear which had accrued in respect of that land, it shall, if the transferee or the lessee be a tiller in actual cultivating possession of such land, be transferred to him in ownership right subject to the payment by such tiller of any arrears of land revenue or any dues or sums which he may be liable to pay in accordance with the conditions upon which the land was so transferred or let in farm to him.

(2) In such transferee or lessee is not in actual cultivating possession of land it shall, subject to payment to him of such compensation as is determined by an officer specially authorised by the Revenue Minister in this behalf, be transferred in ownership right to the actual tillers thereof.

(3) Compensation under sub-section (2) shall be payable by the tillers to whom land is transferred in ownership right in such manner as may be prescribed.

12. Authority to implement transfer - At any time after the commencement of this act it shall be lawful for the Revenue Minister or any officer appointed, him in this behalf -

(a) to take or cause to be taken such steps and use or cause to be used such force as may in the opinion of the Revenue Minister or the officer so appointed, be necessary to implement the transfer of land to tillers as provided in section 5 or the vesting in the State of the ownership of lands as provided in sub-section (1) of section 6;
(b) to enter upon and search any land, building or other place forming
part of any land transferred under the provisions of this Act, and make a survey or take measurement thereof or do any other act which he considers necessary for carrying out the purposes of this Act;

(c) to require any person to produce to such authority as may be specified, any books, accounts other documents relating to any land or part hereof and to furnish to such authority such other information as may be specified or demanded; and

(d) if the books, accounts and other documents are not produced as required, to enter upon any land, building or other place and seize and take possession of such books, accounts and other documents.

13. Private wells, water-mills and buildings to belong to the existing owner thereof - all private wells water-mills jandars and all buildings situate within the lands transferred under the provisions of section 5 or vested in the State under the provision of section 6, belonging to or held by the proprietor whether residing in the village or not, shall continue to belong to or be held by such proprietor and he shall also be entitled to all easements with respect to enjoyment thereof.

14. Demarcation of land left with proprietors - (1) An Assistant Collector of the 1st Class or any other officer to below the rank of a Tehsildar authorized by the Revenue Minister in this behalf shall, as soon as may be after this Act comes into force, serve a notice of the proprietor, and in the case of a proprietor who is an evacuee as defined in the Jammu and Kashmir State Evacuees (Administration of property) Act, 2006, on the Custodian to select the land mentioned in clause (a) of sub-section (2) of section 4 and intimate to him the Khasra numbers and the area thereof within such period as may be specified and shall.

(a) if such proprietor complies with the notice, direct that the lands so selected be immediately demarcated on spot; and

(b) in case such proprietor falls to comply with the notice himself reserve the land for such proprietor and the land so reserved shall be deemed as if it had been selected by such proprietor himself.

(2) The order passed under sub-section (1) shall be communicated to such proprietor.
15. Procedure for making records - The transfer of land under section 5 shall be recorded in the same manner in which the acquisition of any interest in land is recorded under Chapter IV of the Land Revenue Act, 1996.

16. Determination of disputes (1) If during the making revision or preparation of any record or in the course of any inquiry under this Act a dispute arises as to any matter of which an entry is to be made in a record or in a register of mutations, a revenue officer not below the rank of an Assistant Collector of the 1st Class may, of his own motion or on the application of any party interested and after such inquiry as he thinks fit, determine the entry to be made as to that matter.

(2) If in any such dispute the revenue officer is unable to satisfy himself as to which of the parties thereto is in possession of any property to which the dispute relates, he shall as certain by inquiry who is the person (who has remained in actual possession for a longer ration within the period between Rabi, 2005, and Ist Katik, 2007) and shall, by order direct that the person be put in possession, thereof, and an entry in accordance with that order be made in the record or register.

17. Presumption regarding entries in the records-of-rights and annual records - subject to the provisions of sections 18 and 19, every entry in the record-of-rights or annual record prepared or revised under the provisions of the Land Revenue Act, 1996, shall unless the contrary is proved, be deemed to describe correctly the right, title and interest of every proprietor in the land to which it relates.

Provided that any modification, alteration or correction made in the record-of-right or annual record, whether before or after the date of the commencement of this act under the provision of the land Revenue act, 1996 or as a consequence of any decree or order of any court, shall be taken into account.

18. Correction of clerical error or arithmetical mistake in the records - Notwithstanding anything contained in the Land Revenue Act 1996 or any other law for the time being in force, if a revenue officer not below the rank of an Assistant Collector of the 1st class is satisfied that a clerical or arithmetical mis-
take or error apparent on the face of the record exists in the record-of-rights or in annual record, he may, either on his own motion or on the application of any person interested, correct the same.

19. Application for correction of records - (1) Notwithstanding anything contained in the Land Revenue Act, 1906 or any other law for the time being in force, any person who claiming to be entitled, as proprietor, to any interest in any land, disputes any entry in the record-of-rights or in an annual record or claims any omission therefrom, may, within three months from the date of commencement of this Act, apply in writing to a revenue officer not below the rank of an Assistant Collector of the 1st Class for the modification, correction and alteration of the entries in the record-of-rights or in annual record by entering his name therein or omitting the name of any person therefrom or otherwise.

(2) The Revenue Officer before whom the application under sub-section (1) is presented shall, after notice to the persons whose names exist in the record-of-rights or in any annual record and to any other person to whom notice in his opinion should be given, hear or dispose of the application in the prescribed manner, determine the nature and extent of the interest of the applicant and modify, correct or alter the record-of-rights or the annual records accordingly.

20. Interest of a proprietor or tiller not transferable and relinquishment by a proprietor or tiller.

(1) Except as there wise provided for in this Act no tiller to whom land has been transferred under the provisions of section, 5 and no proprietor, shall transfer land or any interest therein, without the previous permission of the Government, and an instrument purporting to transfer land or any interest therein without such permission shall not be admitted to registration:

Provided that no permission shall be granted where the holding of a self-cultivating proprietor or tiller is more than two acres, but less than twelve acres.
(2) (a) A proprietor, or a tiller, to whom land has been transferred under the provisions of section 5, may at any time apply in writing to the Revenue Minister for permission to relinquish all or any of the land held by him in ownership right in favour of the State.

(b) The Revenue Minister may, after such enquiry as he may deem necessary, accept such application and notwithstanding any law for the time being in force in this respect relinquishment of rights in such land transfer thereof in favour of the State shall have effect from the beginning of the year next following.

21. Transfer is contravention of the Act - Transfer of an holding or part thereof in contravention of the provisions of the Act shall be avoid.


24. Extinction of the interest of a proprietor or tiller - If a proprietor, or a tiller, to whom land has been transferred under the provisions of section 5—

(a) dies intestate leaving no heir entitled to inherit, or

(b) transfers his land or part thereof, or any interest therein contravention of the provisions of this Act, or

(c) being a tiller sublets for two successive harvests the land so transferred to him, his right of ownership in the land held by him or part thereof shall be extinguished such land or part thereof shall escheat to Government.

25. Limit of the holding of a proprietor - Save as otherwise provided for in this Act, no proprietor shall at any time hold more than 182 kanals of land (Excluding and mentioned in clauses (b) and (c) of subsection (2) of section 4) in ownership right and no tiller to whom land has been transferred under the provisions of section 5, shall at any time hold more than 160 kanals of land in ownership right and any interest or right in land devolving upon such proprietor or tiller by
custom or under any law for the time being in force shall, to the extent that it exceeds 182 kanals (excluding land mentioned in clauses (b) and (c) of sub-section (2) of section 4) or 160 kanals, as the case may be, extinguished and shall escheat to Government.

26. payment to the proprietors - There shall, until the constituent Assembly of the State settles the question of compensation with respect to the land from which expropriation has taken place under this Act, be paid by the Government to every proprietor who has been expropriated from any land under the provisions of this Act, an annuity in the following manner, namely:

(a) for the first year after expropriator an amount equal to 3/4th of the land revenue assessed on the land from which expropriator has taken place;

(b) for the 2nd and 2/3rd of such land revenue; and

(c) for the 3rd and subsequent years 1/2 of such land revenue;

Provided that the amount so payable shall not in any case exceed a sum of Rs. 3000/- per annum.

Provided further that no such amount shall be payable in respect of any area held or appropriated by the proprietor from lands recorded at Shaamilat-Deh.

27. Creation of Land Development Fund - The Government shall create a Land Development Fund to which all income derived from the land Development Cess, referred to in sub-section (2) of section 5, shall be credited, and which shall be utilised for rehabilitating the tillers and in making improvement on lands transferred under the provision of section 5 or such other lands as may be specified by the Government from time to time.

28. Power of revenue officers - Except where the class of the revenue officer by whom any function, is to be discharged is specified in this Act. The Government may, by notification determine the function to be discharged under this Act, by any class of revenue officers.
29. **Power of the Government to grant annuity or land in ownership to tenure holders** - The government may apportion and allocate a portion of the annuity payable to the proprietor under section 26 to those tenure-holders whose rights have been terminated under the provision of section 9 and to whom no lands are transferred under section 5, in such manner as may be prescribed.

Provided further that the Government may, notwithstanding anything contained in this Act or any other Act for the time being in force, transfer in ownership right a part of the land of which the right of ownership is extinguished under sub-section (1) of section 4 to occupancy tenants in such proportion as may be fixed.

29. (a) **Termination of the right of non-cultivating tenure-holders in lands left with the proprietors** - The government may, in respect of the land of which the right of ownership is not extinguished under the provisions of this Act, terminate the right or interest of non-cultivating tenure-holders in such manner as may be prescribed.

(b) **Revision of assessment on orchards and seed farms** - Notwithstanding anything contained in this Act, and in the Chapter -VI of the Land Revenue Act, 1996 the Government may revise the land revenue assessed on orchards and seed farms about 4 kanals.

Provided that such revenue shall not exceed the highest assessment rates of arable lands in the State.

30. **Appeal and Revision** - (i) Save as otherwise provided by this act an appeal from an order or decision of a revenue officer shall lie to such officer of or above the rank fo collector as is appointed by the Government in this behalf and no further appeal shall lie.

(2) The Revenue Minister may -

(a) transfer any case or matter pending before any revenue officer for trial or disposal to any other officer having jurisdiction and being under this administrative control;
(b) at any time call for the record of any case pending before, or dis­
posed of by any, revenue officer subordinate to him and pass such
order as he thinks fit.

(3) The period of limitation for an appeal under sub-section (1) shall run
from the date of the order appealed against and shall be 60 days.

Provided that in the districts of Ladakh, Gilgit, Rajouri-Poonch and Doda
and the Niabat of arnas in the Reasi Tehsil of the Udhampur district, twice the
ordinary period of limition for appeals under the section shall be allowed.

30. (a) Persons by whom appearances may be made before and to Revenue
Officers - In the matter of appearance before revenue officer and applications to
and acts to be done before him, under this Act, the provision of section 16 of the
Land Revenue Act, 1996 shall apply.

Provided that when an appellate or revisional authority is holding office in
a province other than the one to which an appeal or revision pertains, such ap­
peal or revision may be presented before a revenue officer for transmission of
the case of the appeallant or the application, as the case may be, to such appellate
or revisional authority.

31. General application of Land Revenue Act - Save as otherwise expressly
provided in this Act, the provisions of the Land Revenue Act, 1996, shall, so far
as many be, apply to all the proceedings taken under this Act.

32. Bar jurisdiction of Civil or Revenue courts- No suit or other proceedings
shall lie in any civil or revenue court in respect of any order or concerning any
matter which is subject of any proceedings taken under section
4,5,6,7,8,10,11,12,14,26,27 and 29 of this Act.

33. Protection of action taken under this Act----

(1) No suit prosecution or other proceedings shall lie without the previous
sanction of the Government against any person for any act done or purporting to
be done under this Act or any rule made thereunder.
(2) No officer or servant of the Government shall be liable in respect of any such act in any civil or criminal proceeding, if the act was done in good faith and in the course of execution of the duties or the discharge of functions, imposed by or under this act.

(3) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by virtue of any provisions of this Act or by anything in good faith done or intended to be done in pursuance of this Act or any rule made thereunder.

34. Power of the Revenue Minister in case of any difficulty arises -- if any difficulty arises as to the implementation of or in adjusting the right and liabilities of proprietors or tillers under any of the provisions of this Act, the Revenue Minister may, by order do or authorise doing of anything not inconsistent with this Act which appears to him to be necessary for the removal of any such difficulty.

35. Power of the Government to delegate authority -- The Government may, by notification in the Government Gazette, delegate any of its functions or powers under this Act to the Revenue Minister or any other officer of the Government specified in such notification.

36. Transfer of lands in the interest of development or otherwise -- The Government may authorise the Revenue Minister to permit transfer of land in areas which are being or are likely to be developed as health resorts or trade or commercial centres in accordance with rules that shall be made in this behalf.

37. Powers of Revenue Officers --- A Revenue Officer under this act, shall have the same powers as a civil court to enforce the attendance of witnesses, to call for documents, to take evidence on oath, to issue commission and to punish contempts.

38. Penalty -- (1) If any person in any proceeding under this Act :-
(a) Intentionally makes any false statement during the course of such proceeding; (or)
(b) Intentionally produces before any revenue officer any false document; or
(c) files a statement which is false or incorrect to his knowledge;

he shall be punished with imprisonment for a term which may extend to two years or with fine which may extend to Rs. 1,000 or with both.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, no court shall take cognizance of an offence under this section unless a complaint in this behalf is made by the officer before whom such proceedings were taking place.

39. Power to issue instructions -- The Revenue Minister may, for the guidance of the revenue officers from time to time, issue executive instructions relating to all matters to which the provisions of this Act apply, provided that such instructions shall be consistent with the provisions of this Act and the rules made thereunder.

40. Power to make rules .

(1) The Government may make rules for carrying into effect the provision of this Act.

(2) Without prejudice to the generality of the foregoing powers such rules may provide for -

(a) the establishment, constitution and the terms of reference of the Committee appointed under proviso to sub-section

(3) of sections 4 and the manner in which the recommendation made by such committee may be implemented;

(b) the adjustment of lands transferred to tillers to the extent of 160 kanals under sub-section (1) of section 5;
(c) the rate and the manner of the levy of the "Land Development Cess" under sub-section (2) of section 5;

(d) the revision of quantum of land transferred to tillers under sub-section (5) of sections 5;

(e) the manner in which lands vested in the State may be utilised and the terms and conditions on which lands may be occupied by the ex-proprietors under sub-section (2) of section 6;

(f) the manner in which the applications under section 8 may be made and disposed of;

(g) the adjustment of remission of land revenue and Taccavi arrears and the disposal of suits and proceedings stayed under section 9;

(h) the determination and the method of payment of compensation under sub-section (3) of section 11;

(i) the manner in which the provision of section 12 may be carried into effect;

(j) the manner in which notice may be issued and other proceedings taken [under section 14];

(k) the procedure for the manner in which permission may be granted to a proprietor or a tiller to transfer or relinquish land under section 20;

(l) the manner of determining and the method of payment of annuity to proprietors under section 26.

(m) the determination of the class of lands which may be improved by the [land Development Fund] under section 07 and the manner in which the Land Development Fund may be constituted operated upon and utilised;

(n) the manner in which the interests of tenure-holders may be adjusted under section 29;

(o) the matters which are to be and may be prescribed; and

(p) the matters required generally for carrying out the purpose of this Act.

(3) All rules made under this Act shall be published in the Government Gazette, and shall unless some later date is appointed, come into force on the date of such publication.

12. Legalisation of orders passed previous to the Act -- any act done or order passed by the Government or by any Revenue officer on or after 13th July, 1950 which is not contrary to the provision of this act shall be deemed to have been done or passed this Act.
The Prime Minister of India and the President of Pakistan, having met at Tashkent and having discussed the existing relations between India and Pakistan hereby declare their firm resolve to restore normal and peaceful relations between their countries and to promote understanding and friendly relations between their people. They consider the attainment of these objectives of vital importance for the welfare of the 600 million people of India and Pakistan.

(i) The Prime Minister of India and the President of Pakistan agree that both sides will exert all efforts to create good neighbourly relations between India and Pakistan in accordance with the United Nations Charter. They reaffirm their obligation under the charter not to have recourse to force and to settle their disputes through peaceful means. They considered that the interests of peace in their region and particularly in the Indo-Pakistan subcontinent and indeed, the interest of the peoples and India and Pakistan were not served by the continuance of tension between the two countries. It was against this background that Jammu and Kashmir was discussed and each of the sides set forth its respective position.

(ii) The Prime Minister of India and the President of Pakistan have agreed that all armed personnel of the two countries shall be withdrawn not later than 25 February 1996 to the positions they held prior to 5 August 1965, and both sides shall observe the cease-fire terms on the cease-fire line.

(iii) The Prime Minister of India and the President of Pakistan have agreed that relations between India and Pakistan shall be based on the principal of non-interference in the internal affairs of each other.

(iv) The Prime Minister of India and the President of Pakistan have agreed that both sides will discourage any propaganda directed against the other country and will encourage propaganda which promotes the development of friendly relations between the two countries.

(v) The Prime Minister of India and the President of Pakistan have agreed that the High Commissioner of India to Pakistan and the High Com-
missioner of Pakistan to India will return to their posts and that the normal functioning of diplomatic missions of both countries will be restored. Both Governments shall observe the Vienna Convention of 1961 on Diplomatic Intercourse.

(vi) The Prime Minister of India and the President of Pakistan have agreed to consider measures towards the restoration of economic and trade relations, communications as well as cultural exchanges between India and Pakistan, and to take measures to implement the existing agreements between India and Pakistan.

(vii) The Prime Minister of India and the President of Pakistan have agreed that they will give instructions to their respective authorities to carry out the repatriation of the prisoners of war.

(viii) The Prime Minister of India and the President of Pakistan have agreed that the two sides will continue the discussions of questions relating to the problems of refugees and evictions/illegal immigrations. They also agreed that both sides will create conditions which will prevent the exodus of people. They further agree to discuss the return of the property and assets taken over by either side in connection with the conflict.

(ix) The Prime Minister of India and the President of Pakistan have agreed that the two sides will continue meetings both at highest and at other levels of matters of direct concern to both countries. Both sides have recognised the need to set up joint Indian-Pakistan bodies which will report to their government in order to decide what further steps should be taken.

The Prime Minister of India and the President of Pakistan record their feelings, deep appreciation and gratitude to the leaders of the Soviet Union, the Soviet Government and personally to the Chairman of the Council of Ministers of the USSR for their constructive, friendly and noble part in bringing about the present meeting which has resulted in mutually satisfactory results. They also express to the Government and friendly people of Uzbekistan their sincere thankfulness for their overwhelming reception and generous hospitality.

They invite the Chairman of the Council of Ministers of the USSR to witness this declaration.
Prime Minister of India
Lal Bahadur Shastri
Tashkent,

10 January 1996

President of Pakistan
Mohamad Ayub Khan
Agreed conclusions which led to Sheikh Mohamad Abdullah's accord with Mrs. Indira Gandhi, Prime Minister, and his subsequent assumption of office as Chief Minister in February 1975.

1. The State of Jammu and Kashmir which is a constituent unit of the Union of India, shall in its relation with the Union, continue to be governed by Article 370 of the constitution of India.

2. The residuary powers of legislation shall remain with the state; however, Parliament will continue to have power to make laws relating to the prevention of activities directed towards disclaiming, questioning or disrupting the sovereignty territorial integrity of India or bringing about cession of a part of the territory of India or secession of a part of the territory of Indian from the Union or causing insult to the Indian National Flag, the Indian National Anthem and the Constitution.

3. Where any provision of the Constitution of India had been applied to the State of Jammu and Kashmir with adaptations and modifications, such adaptations and modifications can be altered or repealed by an order of the President under Article 370, each individual proposal in this behalf being considered on its merits; but provisions of the constitution of India already applied to the State of Jammu and Kashmir without adaptation or modification are unalterable.

4. With a view to assuring freedom to the State of Jammu and Kashmir to have its own legislation on matters like welfare measures, cultural matters, social security, personal laws and procedural laws, in a manner suited to the special conditions in the State, it is agreed that the State Government can review the laws made by Parliament or extended to the state after 1953 on any matter relatable to the Concurrent List and may decide which of them, in its opinion, need amendment or repeal. Thereafter, appropriate steps may be taken under Article 254 of the Constitution of India. The grant of President's assent to such legislation would by sympathetically considered. The same approach would be adopted in
regard to laws to be made by Parliament in future under the Provision to clause 2 of the Article. The State Government shall be consulted regarding the application of any such law to the State and the views of the State Government shall receive the fullest consideration.

5. As an arrangement reciprocal to what has been provided under Article 368, a suitable modification of that Article as applied to the State should be made by Presidential order to the effect that no law made by the Legislature of the State of Jammu and Kashmir seeking to make any change in or in the effect of any position of constitution of the State of Jammu and Kashmir relating to any of the under mentioned matters, shall take effect unless the President receives his assent; the matters are -

(a) The appointment, powers functions, duties, privileges and immunities of the Governor, and 

(b) The following matters relating to Elections namely, the superintendence, direction and control of Elections by the Election Commission of India, eligibility for inclusion in the electoral rolls without discriminations, adult suffrage and composition of the Legislative Council, being matters specified in sections 138, 139, 140 and 150 of the Constitution of the state of Jammu and Kashmir.

6. No agreement was possible on the question of nomenclature of the governor and the Chief Minister and the matter is therefore remitted to the Principals.

Mirza Mohamad Afzal Beigh G. Parthasarathi
New Delhi
November 13, 1974.
APPENDIX (8)
The Shimla Accord

1. The Government of Pakistan and the Government of India have resolved that the two countries put an end to the conflict and confrontation that have hitherto marred their relations and work for the promotion of a friendly and harmonious relationship and the establishment of durable peace in the subcontinent, so that both countries may henceforth devote their resources and energies to the pressing task of advancing the welfare of their peoples.

In order to achieve this objective the Government of Pakistan and the Government of India have agreed as follows.

(i) That the principles and purposes of the Character of the United Nations shall govern the relations between the two countries.

(ii) That the two countries are resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them. Pending the final settlement of any of the problems between the two countries, neither side shall unilaterally alter the situation and both shall prevent organization assistance and encouragement of any acts detrimental to the maintenance of peaceful and harmonious relations.

(iii) That the pre-requisite for reconciliation, good neighbourliness and durable peace between them is a commitment by both the countries to peaceful co-existence, respect for each other's territorial integrity and sovereignty and non-interference in each other's internal affairs, on the basis of equality and mutual benefit.

(iv) That the basic issues and causes of conflict which have bedevilled the relations between the two countries for the last 25 years shall be resolved by peaceful means.

(v) That they shall always respect each other's unity, territorial integrity, political independence and sovereign equality.

(vi) That in accordance with the Character of the United National they will refrain from the threat or use of force against the territorial integrity or political independence of each other.
2. Both Governments will take all steps within their power to prevent hostile propaganda directed against each other. Both countries will encourage the dissemination of such information as would promote the development of friendly relations between them.

3. In order progressively to restore and normalize relations between the two countries step by step, it was agreed that:

(i) Steps shall be taken to resume communications, postal, telegraphic, sea, land, including border posts, and air links including overflights.

(ii) Appropriate steps shall be taken to promote travel facilities for the nationals of other country.

(iii) Trade and co-operation in economic and other agreed fields will be resumed as far as possible.

(iv) Exchange in the fields of science and culture will be promoted.

In this connection delegations from the two countries will meet from time to time to work out the necessary details.

4. In order to initiate the process of the establishment of durable peace, both the Government agree that:

(i) Pakistani and Indian forces shall be withdrawn to their side of the international border.

(ii) In Jammu and Kashmir, the line of control resulting from the cease-fire of December 17, 1971 shall be respected by both sides without prejudice to the recognized position of either side. Neither side shall seek to alter it unilaterally, irrespective of mutual differences and illegal interpretations. Both sides further undertake to refrain from the threat or the use of force in violation of this line.

(iii) The withdrawals shall commence upon entry into force of the Agreement and shall be completed within a period of 30 days thereof.
5. This agreement will be subject to ratification by both countries in accordance with their respective constitutional procedures, and will come into force with effect from the date on which the instruments of ratification are exchanged.

6. Both Governments agree that their respective Heads will meet again at a mutually convenient time in the future and that, in the meanwhile, the representatives of the two sides will meet to discuss further modalities and arrangements for the establishment of durable peace and normalization of relations, including the questions of repatriation of prisoners of war and civilian internees, a final settlement of Jammu and Kashmir and the resumption of diplomatic relations.

Zulfiqar Ali Bhutto
Prime Minister
Islamic Republic of Pakistan
Simla, the 2nd July, 1972.

Indra Gandhi
Prime Minister
Republic of India
1. Temporary, Transitional and Special Provisions (Part XXI)

i) The word 'Temporary' be deleted from the title of part XXI of the constitution of India and the word 'temporary' occurring in the heading of Article 370 be substituted by the word 'special'.

2. Legislative Relations (Part XI)

(a) Matters in the Union List not connected with the three subjects of Defence, External Affairs and Communications and/or Ancillary thereto but made applicable should be excluded from their application to the State.

(b) All modifications made in Article 246 in its application to the State subsequent to the 1950 order should be rescinded.

(c) Articles 248, 249, 250 and 251 whether applied in original or substituted/modified form should be omitted from their application to the State.

(d) As in 1950 and 1954, List II (State) and List III (Concurrent) of the Seventh Schedule should not be applicable to the State.

(e) Article 254 should be restored to the position it had in its application to the State in 1954.

(f) Articles 262 and 263 which were not applicable under 1950 order but were subsequently extended to the State should cease to apply.

3. Elections (Part XV)

Changes brought about in this part be reversed and consequential changes in other Articles in this part be effected.

4. Emergency provisions (Part XVIII)

(a) The following should be added to C1.6 of Articles 352 in its application to the State:-
"Provided that this request for concurrence of the Govt. of the State shall be subject to whatever decision the State Assembly may take within two months of declaration of emergency and failing any such decision, the proclamation of emergency shall be deemed to have been revoked."

(b) Sub-clause (b) of C 1.(6) of this Article should be deleted.
(c) Articles 355, 356, 357, 358, 359 and 360 should be made non-applicable to the State as was the position in 1954.

5. Fundamental Rights (Part III)

This part should be deleted. A separate chapter on Fundamental Rights be included in the State Constitution.

6. The Union (Part V)

(a) Articles 72 (1) c, 72(3), 133, 134, 135, 136, 138, 145 (1) (c) and 151 (2) should be made non-applicable to the State as was the position in 1950 Order.

(b) Articles 149, 150 and 151 should apply to the State in the form in which they were in 1954.

7. The States (Part VI)

(i) Article 218 be omitted in its application to the State and the position as it existed before the J&K Constitution (First Amendment Act) of 1959 restored.

(ii) Article 220, 222 and 226 should also be omitted in their application to Jammu and Kashmir State.

8. Finance, Property, Contracts and Suits (Part XII)

The matter be discussed between the State representatives and the Union Government as agreed to during the talks in 1952 (Delhi Agreement)
9. Services under the Union and the States (Part XIV)

In Article 312 the brackets and words "including the State of Jammu and Kashmir" inserted by the Constitution (Application to J&K) Order 1958 be omitted.

10. Special Provisions relating to certain classes (Part XVI)

Application of Articles 338, 339, 340, 341 and 342 to the State should be omitted and corresponding provisions made in the State Constitution.

11. Amendment of the Constitution of India (Part XX)

i) Clause (4) of Article 368 added vide C.O 101 be deleted.

ii) Clause (2) of the Article should apply with the proviso already introduced by 1954 order and clause (1) thereof which was not in existence in 1954 and was introduced in 1971 should remain omitted in its application to the State.

12. Schedules

In the Seventh Schedule entries in the Union List not applied to the State by the Constitution (Application to J&K) Order, 1950 should be omitted. Concurrent List which was not applicable to the State in 1950 but was applied by subsequent orders should cease to apply to the State.

13. Changes in the State Constitution

All amendments in the Constitution of Jammu and Kashmir made vide:-

i) Constitution of Jammu and Kashmir (First Amendment) Act, 1959 insofar as they relate to superintendence, direction and control of elections to the State Legislature and to the State High Court; and

ii) Constitution of Jammu and Kashmir (Sixth Amendment) Act, 1965
relating to change of nomenclature of the Head of the State and State Executive, mode of appointment of the Head of the State and other consequential amendments should be repealed and the original provisions of the Constitution of Jammu and Kashmir restored.

To sum up, the provisions of the Constitution of India specified in the Second Schedule and the matters specified in the first Schedule to the Constitution (Application to J&K) Order, 1950 and the matters agreed to by the representatives of the State and the Union vide Delhi Agreement of 1952 should continue to apply to the State subject to the same exceptions and modifications as are specified in the said Order and the Delhi Agreement. All Orders issued thereafter under clause (1) of Article 370 of the Constitution of India by the President, applying various provisions and matters of the Constitution of India to the State whether in full or in modified form or making any change in the provisions or matters already applied by 1950 Order or agreed to under Delhi Agreement, should be rescinded and the provisions or matters so applied to the State should cease to apply.

Safeguards for future

In the preceding chapters we have discussed in detail the extent of erosion caused to the State autonomy from time to time and also suggested remedial measures. That completes the job assigned to us by first item of the terms of reference. There are, however, two other items which require our consideration. The first is to ensure the "inviolability" of the final settlement, and the other is to keep in mind the need to maintain "harmonious" relations with the Centre.

A suggestion has been made that Article 258 should be invoked for entrusting to the State "functions in relation to any matter to which the executive power of the Union extends." This would put a seal on the record of the past. "Functions" so "entrusted" can always be recalled back. The issue is not one of executive "functions" but legislative "powers" apportioned between the Union and the State under two solemn compacts between them, the Instrument of Accession in 1947 and the Delhi Agreement of 1952 to which the President's Order of May 14, 1954 gave constitutional sanction besides, of course, Article 370 itself. To them must we return if popular sentiment is to be respected and resentments assuaged. It is first and foremost a moral issue. It also has important constitutional and political aspects. In the nature of things redress can only be through another compact between the Union and the State. Once the basic principles are agreed, there will be discussion on procedure. Forty years of unconstitutional practice have created a mess. The best course is for the President to repeal all Orders which are not in conformity with Constitution (Application to Jammu and Kashmir) Order, 1950 and the terms of the Delhi agreement of 1952.

Ever since, Article 370 has acquired a dangerously ambiguous aspect. Designed to protect the State's autonomy, it has been used systematically to destroy it. A compact is necessary between the Union and the State which makes ample redress and finalizes their relationship by declaring a "Constitutional Understanding" that Article 370 of the Constitution of India can no longer be used to apply to the State of Jammu and Kashmir any other provisions of the Constitution of India beyond the ones extended under 1950 Order and the Delhi Agreement, 1952. This could be embodied in a new Article that specifies the agreement as part of the unamendable basic structure of the India Constitution.
Such constitutional understandings have been formulated in other democracies. The complexities of our situation render it the best, perhaps the only, course of removing the debris of an unhappy past and building, in its place, a relationship between the State of Jammu and Kashmir and the Union of India which reflects the most vital aspect of federalism—mutual trust and respect.
Background

1. The autonomy issue has been a perennial debate in J&K State in the post Independent India. The debate has two dimensions: one pertaining to Centre State relations; the second related to autonomy of regions in with the J&K State. Whereas this committee has been assigned the task of looking into different aspects of internal autonomy, the Centre-State relations; are being dealt with by another committee constituted for this purpose by the state government.

2. The principle of regional autonomy was accepted by the popular leadership of the State immediately after the State acceded to the Union of India in 1947. However, it is important to mention that the issue was never clearly spelt out. Thus, the term regional/internal autonomy has been used in different contexts and approached from varied perspectives. It has rather been used in more generalized terms than defined and articulated in specific manner. This has resulted in creating varied perceptions at the local, regional and even at the national level about the entire issue. Due to various historical and political reasons, the issue has not been given due consideration.

2.1 In his address to the Constituent Assembly on 11th August, 1952, providing the details about the Delhi Agreement, Sher-i-Kashmir, Sheikh Mohamad Abdullah said that he was committed to give:

"Maximum autonomy for the local organs of the State power (emphasis added) which are the ultimate source of authority in the State while discharging obligations as a unit of the federation".

2.2 In a broadcast from Radio Kashmir, Srinagar on 17th April, 1953, Sher-i-Kashmir, Sheikh Mohamad Abdullah made it clear that the State Government will abide by its decision to
"give autonomy to the different cultural units (emphasis added) on the State as would be provided in the Constitution that is being drawn up".

He further said that "this would remove all the fears of domination of one unit over the other and will make for the voluntary units and consolidation of the people of the State".

3. It may be recalled that All India Jana Sangh was opposed to the special status of J&K. However, its founder president, Mr. Shama Prasad Mukherjee, accepting the principle of autonomy, wrote to the Prime Minister, Jawharlal Nehru on 17th February, 1953 that he was prepared to withdraw the then ongoing Praja Parishad agitation in Jammu and accept the Delhi Agreement "if the principle of autonomy would apply to the province of Jammu as a whole (emphasis added) and of course also to Ladakh and Kashmir Valley".

4. After return to power the state as a consequence of Indira -Abdullah accord on 24th July, 1975, Sher-i-Kashmir, Sheikh Mohamad Abdullah reiterated his commitment towards the decentralisation of power within the state.

5. Again, the J&K State Governor, L. K. Jha, in his address to the Joint Session of the State Legislature on 6th March, 1976 said that his Government was committed towards the diffusion and decentralisation of political power "so as to reach down to every level from the State to region, and further a field to the district and panchayat levels".

6. These statements and assertions may be taken as the commitment of the state leadership towards the internal autonomy of the entire J&K State. In view of the historical and political reasons and in the face of diversity of the State it has to be so.

7. The present State Government after assuming power in October, 1996 constituted a committee under the Chairmanship of Hon'ble Chief Minister of the State, vide its Cabinet Decision No. 7 dated 13-11-1996 and Cabinet Decision No. 11 dated 25-11-1996 released under Govt. order No. 1166-GAD of 1996 dated 29-11-1996. The terms of reference of the Committee are as follows:
I. "To examine, consistent with the integrity of the State and to promote better involvement and participation of people in different regions for balanced political, economic, educational, social and cultural development, evolving of instrumentalities, like local organs of power, at all levels.

II. "To examine the powers that such organs need to be vested with to achieve the objectives set above.

III. "To examine whether any change in the State Constitutional structure, obtaining as at present, is required".

8. The internal autonomy has been a constant demand of different ethnocultural-linguistic groups living in different regions of the State. In order to comprehend the logic of the rising level of urges and aspirations of these ethnic groups, it needs to be realized that the J&K State underwent the transition from an autocratic feudal order to a democratic socio-political system. J&K has the distinction of abolishing feudal system by giving land to the tiller. The renewed thrust in the process of social development in the State during the last five decades further heightened the level of the expectations of diverse ethnic groups living in the State. Moreover, the recognition of some social and linguistic groups as special categories for a specialised treatment has led to the mobilisation of other ethnic groups for the same treatment. For instance, the reservation for some socially backward categories or the reservation for people living in the tribal or hilly areas of the State has led to the mobilisation of people living in far-flung areas claiming a special attention. In the same vein, the recognition of Dogri language by the Sahitya Academy and the legitimate demand to include this language in the 8th schedule of the Indian Constitution, has prodded the other linguistic groups in demanding the same status and providing of the opportunities of flourishing of their cultures and languages in the State.

ETHNIC DIVERSITY:

9. It is well recognized that Jammu and Kashmir is a plural state in terms of cultures, religions, regions and languages. In a sense, J&K represents sub-continental diversity. The State of J&K as a political entity owes its growth to many historical and political factors. The cohesion and integrity of the State can nei-
ther be negotiated not compromised. However, the existence of diverse ethnicities in different regions of the State can not be ignored and their aspirations should not be overlooked for too long. In order to put the entire issue in its proper perspective and view these ethnicities within a theoretical frame, it is essential to define an ethnicity. Anthony Smith provide "six characteristics to define an 'ethnie' viz a collective name, a common myth of descent, a shared history, a distinctive shared culture, an association with a specific territory and a sense of solidarity". This position, which is universally accepted, qualifies many an ethnic group in different regions of J&K to be defined as ethnies. The democratic and modernisational processes of political, social, economic and educational empowerment of the people leads to the acceleration of the efforts on the part of ethnic groups towards their mobilisation by sharpening the sense of identity among its members to enlarge the scope of their participation and empowerment. Paul Brass provides the rationale and objective of this process of sharpening the identities which he describes as the process of 'ethnic transformation'. According to him in this process of ethnic transformation, which is to be distinguished from the mere persistence of ethnic differences in a population, cultural markers are selected and used as a basis for differentiating the group from other groups, as a focus for enhancing the internal solidarity of the group, as a claim for a particular social status". In fact, this process is linked to the developments taking place in other ethnic groups. Paul Brass rightly maintains that "ethnicity or ethnic identity also involves in addition to subjective self consciousness, a claim to status and recognition either as superior group or a group at least equal to other groups". The ethnic groups located in diverse regions of J&K State apart from their subjective self-consciousness, are claiming status (economic) and recognition (political and cultural) equal to the other groups. It is a legitimate demand which deserves to be accommodated within a political framework. Thus, the demand for autonomy is a manifestation of seeking the status and recognition on the part of these diverse identities. Paul Brass provides that "among the institutional mechanisms available to multi-ethnic or multinational states for satisfying national (or sub-national) demands within a political framework is federalism". However in order to address the issue of internal federatilisation of J&K State, it is appropriate, in the first place, to identity the ethno-cultural regions of the State.
10. Jammu and Kashmir is a pluri-culture, pluri-lingual and pluri-religious state of India. These diverse ethnic groups are dispersed in diverse regions of the State. To a large extent, Kashmir region represents a homogenous ethno-cultural, religious and linguistic identity, although there are some distinct linguistic and cultural groups also dispersed in different parts of Kashmir. These groups are being located in definite territorial locations have a genuine claim to be treated as sub-regions of Kashmir. Historically, Kashmir was divided in two regions, viz Maraj (locally called Maraz) and Kamraj (local variation Kamraz). The Maraj part of Kashmiri fell in the eastern and Kamraj fell in the western part of Kashmir. Akbar has divided Kashmir in four regions, viz; Maraj, Kamraj, Central Kashmir and External Kashmir. The external Kashmir comprised outer mountainous region including Banihal, Kishtwar, Rajouri and Poonch. This region also included Gilgit, Askardo and Ladakh etc. The Dogra rulers had divided Kashmir, for administrative purposes, first in six and later reduced to four regions, called Wazarats. These were Wazarat-i-Shahr-e-Khas, Wazarat-i-Anantnag, Wazarat-i-Kamraj and Wazarat-i-Muzaffarabad.

11. Jammu is heterogeneous culturally, linguistically, ethnically and geographically. In fact, modern-day Jammu province comprises many diverse regions. In this historical context, these regions have existed as independent entities with their distinct history, languages and cultural identities. The notable among these regions are Rajouri, Poonch and Kishtwar. Historically, these regions have either formed the part of Kashmir Kingdom or existed as independent small kingdoms. During Dogra rule, Jammu was divided in seven Wazarats for administrative purposes. These Wazarats included Jammu Khas, Jasrota (Kathua), Udhampur, Riasi, Mirpore, Chenani, Poonch Jagir.

12. It is clear that these divisions were based according to the interests and convenience of monarchs and autocratic rulers rather than on the considerations of well being of the people. This classification had not to be in tune with the aspirations of the ethnic groups of the State in view of the prevailing social system in that phase of history.

13. In post-independent era of the State, the discontent and perceived sense of injustice on the part of ethnic groups located in different locations has been
growing. It has been manifesting in different forms, even in extreme forms im­pinging upon the security and solidarity of the country. In the normal course, mechanisms should have been devised to satisfy the grievances of these ethnic groups from the diverse regions of the State. On the contrary, an erroneous approach, by identifying the two provinces as the distinct regions of the State was adopted in addressing the issues of grievances and perceived sense of injustice of the people. In pursuance of this approach, a blanket solution was pre­scribed to the problems of an area perceived as a region. This approach did not work because the grievances even though attempted to be redressed do not satisfy the region which is marked by the prominent ethnic and geographical divi­sions apart from having different sets of problems. Thus, in case the urges and aspirations of people in Kashmir, by defining it as a region, were met at some level, which might have satisfied the people in Srinagar or Anantnag, it still left people in Shopian or Gurez or Tangdhar, who face different sets of problems, dissatisfied. In the same way, treating Jammu as a homogenous region might satisfy the groups in Jammu and Kathua districts but it does not satisfy the urges of people in Doda, and Rajouri - Poonch, which have a claim to be treated as regions and who face different sets of problems, particularly in economic and developmental terms.

14. It seems that the framers of the Constitution for Jammu and Kashmir State (J&K is the only State which has the distinction of framing its own constitution) were seized of this issue. The Part -VI of the Constitution of Jammu and Kash­mir providing for the Composition of the State Legislature, under Article 50 (3) provides that out of the members elected to the Legislative Council at least one each should be residents of Doda District and Poonch District respectively. There would have not been the need to make this specific reservation unless both these districts were perceived as distinct regions by the framers of the State Constitu­tion. This perception should have been articulated and placed in some frame­work and some mechanism should have been devised to accommodate their urges. On the other hand, in devising the mechanisms of dealing with regional ethnic groups, certain decisions lack explanation. The demand of Leh District of Ladakh with a population of 68,380 persons according to 1981 Census (according to the estimates of 1991 it has reached to 89474 persons) for an autonomous Hill Development Council was conceded. The same demand from Doda District
with the population of 4,25262 persons according to the census fo 1981 (according to the estimates of 1991 it is 5,25326 persons) was rejected.

15. In order to address the grievances of regional disparities, the State Government appointed several Commissions. The two important Commissions viz; Gajenderagadkar Commission and Sikri Commission were appointed to look into the grievances of regional imbalances in developmental programmes, recruitment to government services and admissions to educational particularly professional institutions of different regions of the State. The Gajenderagadkar Commission mainly concentrated upon the developmental issues and recruitment to the Government jobs. The Commission recommended establishment of three Regional Development Boards, three cadres of services at the regional and district levels of the State and the establishment of recruitment boards and laying down the criteria for determining backward classes. The Gajenderagadkar Commission without identifying the regions in the State, did make a reference to hilly and inaccessible parts of the State urging upon the State Government to urgently look into the backwardness of these areas. The Commission did acknowledge that it had received delegations and memorandums from these areas. The Commission, vide para 3.14 of its report maintained that there were four natural regions of the State. However, the commission, rejecting the demand of regional autonomy as raised by Jammu Autonomy Forum, rejected the suggestion of establishing the Regional Committees of the State Legislature on the ground that such a demand could accentuate the separatist tendencies which may ultimately lead to the disintegration of the state itself. The Sikri Commission, which again was constituted to look into the issue of regional imbalance in the shadow of agitation in Poonch District came to the conclusion that no such imbalance existed between Jammu and Kashmir, although imbalance did exist in some areas. The Commission concluded that imbalance existed in three 'areas' in Jammu and in nine areas in Kashmir. The Commission identified five districts of Doda, Poonch, Rajouri some pockets in Kathua and Udhampur in Jammu province, and some pockets in the districts of Baramullah and Kupwara in Kashmir as more backward and hence deserving a special attention towards their development.

16. Internal autonomy of J&K State is intertwined with the political, economic
and cultural aspiration of diverse ethnic groups located in specific regions of the State. The interaction of these groups with the members of the Autonomy committee brought before the Committee the urges of these groups towards regional autonomy. These urges are equally articulated in the memorandums submitted by these groups to the Committee. In a way it was refreshing to note that people from different walks of life, members of the legislature, political leaders, social and cultural activists, writers, doctors, teachers etc. co-operated with the committee by way of holding meetings, discussions and submitting the memorandums.

This enthusiasm allowed the committee to develop the perceptions of the diverse ethnic groups regarding the internal autonomy of the State.

17. The Committee came to the conclusion that a sharp sense of neglect and discrimination among the diverse ethnic groups of the regions of the State exists. This sense of discrimination is sharper in the regions of Jammu province particularly in the hilly and far flung areas of the province.

18. The Committee came to the conclusion that there is an urgency in demarcating the regions in the State for the purposes of political and economic decentralisation of power. It was argued by the ethnic groups that administrative classification of the provinces should not be recognised as the genuine and real classification of the regions. It was also argued that this issue was raised earlier before different Commissions but it was not considered by them probably on the plea that this issue did not fall within their terms of reference. The memorandums submitted by people from Doda, Rajouri and Poonch indicated that these groups perceive themselves belonging to different regions. The history of these regions and their particular ethnic profiles substantiate their claims of belonging to different regions of the State.

19. The Committee examined the historical record and came to the conclusion that these regions have existed as small kingdoms independently or have been part of Kashmir Kingdom. These regions were first consolidated by Mughals and later by Dogra rulers. In fact, the regions of Kishtwar, Rajouri and Poonch acquired greater prominence in 16th Century because Mughal Kings followed
the route through these regions to visit Kashmir.

19.1 It is relevant to briefly estimate the history of these regions in order to settle the issues raised by ethnic groups regarding the classification of regions. According to the most acceptable and popular legend, Jammu city was founded by Raja Jamboo Lochan in 14th Century BC as he found divine power here. The city's name figures in the ancient book Mahabharata. Name of Jammu is also found in the memories of Timur. Excavations near Akhnoor provide evidence that Jammu was a part of Harappan civilization. Jammu had a number of tiny principalities but kingdom of Jammu always occupied a leading place. Rajouri traces its history to Mahabharata times. The Chinese traveller Huen Tsang is reported to have visited Rajouri in the year 632 A.D. and described it as a part of Kashmir dominion. However, Rajouri remained an independent State from 1194 A.D with Raja Noorudin of Jaral dynasty assuming the reins of power. This dynasty ruled Rajouri until 1846 when Treaty of Amritsar was signed. Poonch has a long history as an independent State. It became a sovereign State in 850 A.D. In 1596 A.D. Mughal King Jahangir appointed Sirajuddin as ruler of Poonch and it was ruled by his descendants until 1792 A.D. According to Tarikh-i-Duggar by Narsingh Das Nargis, in 1792 Wazir Rooh Allah of Sangoo Gujjar community became the ruler of Poonch. His descendants ruled Poonch until 1823. Then it was captured by Maharaja Gulab Singh under the instructions of Maharaja Ranjeet Singh and Poonch remained under the control of Khalsa Darbar of Lahora till 18500 A.D.

The entire areas of district Doda including Allqa Dengbatal (Tehsil Mahore) was initially divided into two independent State of Kishtwar and Baderwah. The erstwhile Kishtwar State had been divided into eleven paraganas. The Kishtwar State consisted of all areas of the present District of Doda including Dengbatal (Tehsil Mahore of Udhampur District) and Zanskar in Kargil and excluding present Bhaderwah, Bhalessa Thathri, Marmat Galihan, Ruggi Valley Assar Batote areas of Doda and Ramban Tehsils. The history of Kishtwar dates back to 200 B.C. Kishtwar was annexed to Jammu Kingdom in 1821 A.D. by Maharaja Gulab Singh. The present Leh District of Ladakh in ancient times was a part of Greater Ladakh spread over from Kailash Mansarover to Swaat (Dardistan). The greater Ladakh was either under the domain of Tibet or its
influence. In 8th century A.D. the ruler of Kashmir Laltaditya annexed Ladakh. The lucrative Pashmina trade lured Maharaja Gulab Singh to annex Ladakh in 1834. Kargil including some parts of Baltistan called Purik came into prominence in 14th century. Ali Sher Khan Anchan of Skardoo, a contemporary of Akbar laid great impact on the history of Purik. In 1846 A.D. Dogra ruler annexed the area which was divided into three divisions of Skardoo, Kargil and Leh.

20. This Committee fully recognizes that the J&K State left behind the baggage of history after the state was ushered in a democratic order in a free and democratic India. In this order, the assertion of ethnicities should be viewed in the context of realizing the advantages of freedom, democarcy and development. The democratic process has definitely brought about the social and political cohesion of the State. However, due to varied reasons, the regions in the J&K State have developed the perceptions of discrimination particularly in the sphere of development. This sense of discrimination has led to violent agitations in the past. The agitations in Kashmir for creation of Shopian as a district and prolonged agitations in Poonch Reasi and Kishtwar of Jammu province provide illustrations to the point. It is highly relevant to note that these ethnic groups are not clamouring for the regional classification on the basis of religion. For instance, Doda and Rajouri - Poonch, both Muslim majority regions, reject to be classified as one region. In fact, they have represented their cases to Committee separately marking their distinct identities and claiming a regional status.

21. As per the 'terms of reference', this committee has to evolve instrumentalities to promote better involvement and participation of people in different regions (emphasis added) for a 'balance political, economic, educational, social and cultural development'. This committee is not in a position to go beyond the parameters provided by the terms of reference. However, this committee is within its jurisdiction in examining the claims of different regions of the State. This issue should have been sorted out by the earlier Commissions. Moreover, the experts and academics in the educational and academic institutions in the State should have provided inputs and some guidance in this behalf. Be that as it is, national and international experiences and debates would provide
substantial guidance in the resolution of this complex issue.

21.1 It is well settled that ethnicities located in specific territorial boundaries have a claim to be classified as regions and therefore have a legitimate claim to the autonomy at the political and economic levels. In fact, the urge of self governance and aspirations of economic development is at the root of such a claim.

22. It needs to be recognized that elitism is providing new challenges to democratic order the world over. In the process of recognition of ethnicities, no ethnic identity should be allowed to occupy the entire space to the exclusion of other ethnicities. Nor should the democratic process be allowed to be hijacked by a particular identity by foisting artificial identity to the disadvantage of other identities.

23. The ethnic groups located in specific territories of the State are claiming a regional status essentially to realize the objectives of democratic participation and sustainable development. These are our national objectives also. The India National Report provides:

"Coming back to the national environment in which social development can be accelerated, certain strategies make this environment possible. These are a commitment to democratic governance where the people have the untramelled right to vote and to be voted upon, where elections take place in an atmosphere free of fear at predictable intervals and within a legally laid down time frame, where there is positive discrimination in favour of sections of society that have historically or traditionally been discriminated against in the decision making parlours of governance such as in the legislatures and in government offices, where democratic governance is taken to the grassroots level with power to make decisions and to mobilise the resources required for activities and programmes that contribute to the welfare and development of the people"

The report further provides:

In the modern context the institution for self government called the Panchayat including at the village level stands enshrined in the Constitution of India
through a Constitutional amendment passed in 1992. The same Constitutional status obtains for the urban institution of self-governance, namely the Municipality. While adequate powers are available for mobilisation of resources and to use those resources to these units of grassroots level self-governance, subjects that are relevant to social development and the economic well being of the people such as rural development, land reforms, village industries, drinking water, fuel and fodder, education, health and nutrition, family welfare, women and child development, welfare of the disadvantaged sections of society, maintenance of community assets and environmental concerns and poverty eradication are all within the purview of Panchayatas and Municipalities.......

24. Thus, the autonomous institutions of self governance are not meant to be created to satisfy the political urges of ethnic groups alone. These institutions have the ultimate objective of realizing the goals of social development of the people. The establishing of autonomous regions in J&K should ultimately lead towards the realization of these very objectives. This requires a fresh look at the existing arrangement which is coming in the way of democratic participation at the grassroots level and preventing the objective of social development.

25. The Rights of Development is a universal human right. However, the world has moved forward from the concepts of economic development through social development to human development. According to the Human Development Report.

"The human Development perspective has moved into the mainstream of the global development debate. The concept of human development provides an alternative to the view of development equated exclusively with economic growth. Human development focusses on people. And it sees economic growth and higher consumption not as ends in themselves but as means to achieve human development."

In India we have yet to move towards the paradigm of human development. Therefore, the generation of data has not taken place from a perspective of quantifying the level of human development. but all the efforts are now directed towards realizing the objective of human development in the framework of glo-
26. In case of J&K, economic indicators available provide the information and data about the economic and social development in different parts of the State. This data also indicates the facilities and infrastructures built by the State. However, there is a need to generate the data at the district\regional\local levels by covering larger areas to provide a clear picture which would help in quantifying the social\human development and formulating the plans for future in these regions of the State. It is significant to note that the concepts of social development indicators have also undergone a radical change. According to the Human Development Report.

"Despite the remarkable progress in human development, the backlog of human poverty remains pervasive. Human poverty, a concept introduced in Human Development Report 1997, sees impoverishment as multi dimensional. More than a lack of what is necessary for material well being. Poverty can also mean the denial of opportunities and choices most basic to human development. To lead a long, healthy, creative life. To have a decent standard of living. To enjoy dignity, self esteem, the respect of others and the things that people value of life. Human poverty thus looks at more than a lack of income. Since income is not the sum total of human lives, the lack of it can not be the sum total of human deprivations".

27. In view of the foregoing discussion, this committee is of the opinion that the involvement and participation of people in different regions/districts of the State in the decision making processes and policy formulation at the political and economic level should be ensured to achieve the objective of human development as provided in the Human Development Report of 1998. This, objective cannot be achieved by remaining tethered to the arrangements and systems created by Kings and monarchs.

28. The indicators of economic development pertaining to different sectors in J&K projects a picture of satisfactory growth and development in the State. However, these very indicators project disparities also particularly within the regions of the State. These disparities are glaring in backward and hilly areas. These
disparities do not reflect a pattern but definitely underline the defects of a centralized system of planning and distributions of resources. It may be pointed out that disparities are not always defined in narrow political and/or economic terms, these have wider ramifications. Human Development Report points out that:

"Significant regional disparities in countries are sometimes reflected in access to social services, other times in human development outcomes".

29. The foregoing discussion leads this committee to conclude that there is a strong case for the decentralisation of political and economic power which can be achieved through autonomy of the regions in the State. In this regard two objectives of ensuring the self-governance and rapid human development are central to the concept of autonomy. However, before any specific recommendations are made in this regard, it is relevant to define the regions within the State. This issue is basic to the political and economic empowerment of the people.

MAPPING THE REGIONS

30. The mapping of regions in J&K is a complex task. The tribal attack from Pakistan which resulted in a part of the State going into the occupation of that country has further added to the complexities.

31. This committee, through its interactions and memorandums submitted to it, has reached the conclusion that administrative divisions of the State have given erroneous impression that these constituted the actual regions of the State. It was pointed out the Ladakh has been declared administratively a part of Kashmir province. However, from any standard it cannot be considered as Kashmir region. It was equally argued that Jammu province comprised 22 former principalities, each having distinct historical background cannot be declared as a single homogeneous region. It was also represented that latest SRO -126 dated 28-06-1994 issued by the J&K Government as a sequel to Justice A. S. Anand Committee Report, which was constituted to look into the social and educational backwardness of Doda district, declared 562 villages out of 655 villages as backward. It was validly argued that hilly regions of the Jammu province, which were ethnically and even agro-climatically different from each other, faced dif-
different problems due to their specific geographical locations. Thus, the developmental strategies for these regions could not be uniformly applied at the provincial level. The committee feels that this logic applies to Kashmir province including Ladkah also.

32. This Committee feels that there is dire urgency of defining the regions/provinces in the State to achieve the twin objectives of self governance and rapid social development. The Committee is of the opinion that prevailing classification of Provinces/Divisions are hampering the processes of social/human development. The committee is also of the view that this arrangement is coming in the way of democratic participation at the grassroots level within the State. Thus, in view of historical, social, ethnic and development factors, this committee recommends that the existing two Provinces/Divisions of J&K should be classified into eight new regions/provinces. the Committee, therefore, recommends reconstituting the Regions/Provinces as follows:-

1. Kamraz (Barmulla and Kupwara Districts)
2. Nundabad (Budgam and Srinagar Districts)
3. Maraz (Anantnag and Pulwama Districts)
4. Chinab Valley (Doda District and Tehsil Mahore)
5. Jammu (Jammu, Kathua and Udhampur) (excluding Tehsil Mahore Districts)
6. Pir Panchal (Poonch and Rajouri Districts)
7. Ladakh (Leh District)
8. Kargil (Kargil District)

This classification has been documented in detail in the annexure 'A' to this report.

REGIONAL /PROVINCIAL COUNCILS (MODEL - I)

33. This experiment of regional/provincial autonomy will be the first of its kind in the country. Some guidelines regarding the constitution, election and the subjects to be allocated to these Councils may be provided by District and Hill Councils established elsewhere in the country.
This Committee recommends the establishment of Regional Principal Councils in the State to meet the requirements of devolution of power to different regions/provinces in the State. This Regional/Provincial Councils may be set up according to the classification of Regions/provinces as provided in the Annexure 'A' to this report.

34.1 The Regional/Provincial Councils should be elected in the same manner in which the State legislature is elected. The delimitation of the constituencies should be carried out by the State. Election Commission constituted for this purpose. The number of constituencies should be determined in a manner that at least two members from each Block are elected to the Council according to the Constituencies delimited for this purpose. There should be a reservation of 25% seats for women in the Council. The leader of majority party so elected in the region/province shall head the Regional/Provincial Council and the designated as Chief Executive Councillor. He/She shall not have more than four Executive Councillors to aid and assist him/her.

34.2 The establishment of Regional/Provincial Councils shall, in no way, effect the institutions of the State, viz; Governor, chief Minister and his Cabinet, Legislative Assembly, Judiciary and State cadre of Services. These institutions shall continue as they are.

34.3 The Regional/Provincial Councils shall enjoy the executive and taxation powers which should be limited to the subjects allocated to the council. The subjects should be allocated keeping in view the specificaities of J&K State. In this behalf the experience of District Councils established elsewhere in the country could provide some guidance. However, this matter needs to be examined carefully by a Committee of experts which may be constituted separately. There is equally a need to amend the State Constitution which would define the powers of the Councils as well as provide the mechanism of transferring of items from one list to another i.e. from the State to Regional/Provincial list or vice versa. There is also need to evolve a mechanism to deal with the situation where the Regional/Provincial Council has lost the majority, or has failed to carry on its functions within the provisions of the State Constitution, or is working against the interests of the State or the Country.
34.4 It is well recognized that political autonomy is tethered to financial autonomy. However, as observed elsewhere, that this would be first ever experiment of this nature in the country, the selection of subjects to be dealt with by the Regional/Provincial Councils and the areas of allocation of funds and powers of taxation etc. need to be worked out carefully. It is equally a fact that different Regions/Provinces of the State do not face uniform problems. For instance, the development problems of Nundabad region and the problems of Mraz are not the same. In the same vein, the development problems which these Regions/Provinces face are not similar to the problems in Chenab Valley region. The Committee is of the view that the basic objective of regional autonomy is to replace the mechanisms and processes of centralized decision making in governance and development by decentralised processes and mechanisms. However, the quest to evolve new mechanisms should not lead to the creation of new centralised institutions which would hamper social development the Regions/Provinces. This Committee is of the view that patterns of financial autonomy of Panchayati Raj institutions as prevailing in Karnathka, West Bengal and Kerala be further studied and a model for the financial autonomy of the Regional/Provincial Councils may be evolved. An Experts Committee may be constituted to propose a model for a financial autonomy for the councils.

DISTRICT COUNCILS (MODEL - II)

35. This committee is aware of the commitment of the Government in the State towards promoting better involvement and participation of people in different regions for a balanced political, economic, social, cultural and educational development. In this behalf, as discussed and proposed in foregoing paras of this report, the Regional/Provincial Councils would be the ideal institutions to achieve these objectives.

35.1 The Committee has suggested in its Approach Paper that more than one approach may be adopted in dealing with the issue of internal autonomy in the State. The Committee is of the view that this alternative approach may also be spelled out for the the consideration of the Government. The Committee, therefore, recommends that the Government may consider setting up District Councils as an alternative to the Regional/Provincial Councils. In view of the
experience of District Councils elsewhere in the country, the Committee feels that these councils in co-ordination with Panchayat Raj institutions can be effective agents in augmenting the processes leading to a faster pace of human development, besides providing effective organs of local self government. The State has been a forerunner in introducing the concept of 'District Planning' by initiating 'Single Line Administration' in the year 1976. The system was introduced to meet the aspirations of common man by making the planning more effective and ensuring speedy implementation of development programmes. In order to further democratise the system, the District Development Commissioners were replaced by Ministers of the Cabinet as chairpersons of District Development Boards. The Committee is of the view that this experiment has been quite fruitful. The establishment of District Councils shall, drawing upon this experience, completely democratise the processes of planning and development at the District level.

36. The Committee, therefore, recommends that in case this model of internal autonomy is accepted, suitable amendment in the Constitution of the State should be carried out.

37. The District Councils may be established in the existing districts of the entire J&K State.

38. The District Councils should be elected in the same manner in which the State Legislature is elected. The delimitation of the constituencies should be carried out by the State Election Commission constituted for this purpose. The number of constituencies should be determined in a manner that at least two members from each Block are elected from the constituencies delimited for this purpose. There should be a reservation of 25% seats for women in the Council. The leader of the majority party in the Council shall be designated as Chief Councillor and shall have the status of Minister of the State. He/She shall have not more than four Executive Councillors to aid and assist him/her.

39. The District Councils shall enjoy the executive and taxation powers which should be limited to the subjects allocated to the Council. These subjects should be allocated keeping in view the specificities of J&K State. In this regard, the
experience of district Councils functioning elsewhere in the country could provide some guidance. The Committee also recommends that an Experts Committee, proposing the subjects to be allocated to the District Councils, be constituted.

39.1 The Committee also recommends the evolving of mechanisms to deal with the transfer of subjects from the State list to District list and vice versa. There is also need to evolve the mechanism of dealing with a situation where the leader of the majority party has lost the majority in the Council, or has failed to carry on its functions within the provisions of the State Constitution, or is working against the interests of the State or Country.

40. The Committee recommends that the issues relating to the allocation of funds and the powers of taxation may be assigned to a Committee of experts which should be constituted for this purpose. It needs to be recognized that the problems of development of different districts are not uniform.

**CULTURE**

41. The Committee recognizes the aspiration of ethnic identities in seeking the avenues of flourishing their cultures and languages. The cultural identities have a great potential in consolidating social cohesion and transcending the religious boundaries in plural societies. The multiple cultural identities located in different regions in the State should be provided the opportunities to thrive.

41.1 The Academy of Art, Culture and Languages has been established in the State in terms of Article 146 (Part-XI) of the Constitution of J&K. According to this provision, the State has to provide opportunities for the development of Art and Culture of the State and for development of Hindi, Urdu and other regional languages of the State specified in the Sixth Schedule. The Sixth Schedule specifies in following as Regional languages: Kashmiri, Dogri, Balti (Pali), Dardi, Punjabi, Pahari, Ladakhi.

41.2 The Committee recommends that the J&K Academy of Art, Culture and Languages should establish its proposed Regional/Provincial or District Cultural offices at Regional/Provincial or District levels. The Academy should allo-
cate specific funds to these Cultural offices. These offices shall function under the supervision and administrative control of Regional/Provincial or District Councils. There is a dire need of drawing the mosaic of diverse cultures, languages and dialects of the State. The cultural offices at the Regional/Provincial or District levels would be advised to draw these profiles to project the diversity of the State.

41.3 The Committee also recommends the constituting of an inter Regional/Provincial or District Council to recommend the measure to the J&K Academy of Art, Cultural and Languages to promote different cultural traditions, languages and dialects. The Committee further recommends that the recommendations of inter-Regional/Provincial or District Councils should be binding on the Academy.

41.4 The electronic media is playing a major role in promoting the languages and cultures the world over. The linguistic identities in the State are keen that they are represented in these media. The delegations of different linguistic groups and the memorandums submitted by them to the Committee bring forth the urge of linguistic identities to be represented in the electronic media. The Committee is well aware that the institutions of Radio and Doordarshan are not within the administrative control of the State Government. However, the Committee recommends that the State Government should approach the concerned authorities in the Central Government in ensuring that these languages are duly and effectively represented in the media.

42. The Committee also recommends that the Academy of Art, Culture and Languages should provide financial assistance to the Cultural and Linguistic Organizations of different languages in the State in order to provide them opportunities to thrive and develop these cultures and languages.

42.1 The Gojari language has been recognized by the State Academy of Art, Culture and Languages. The Committee recommends that this language be included in the Sixth Schedule of the Constitution of the State.
43. The Committee feels that Urdu, being official language of the State, deserves a special attention. The Committee recommends that a Committee of well known Urdu writers, authors and poets be formed to give a report on the present status of Urdu languages in the State. The Committee further recommends that the Academy of Art, Culture and Languages should evolve effective mechanisms in co-ordinating with the nodal agency which has been set up by the Union Minister of Human Resources Development for the promotion of Urdu.

44. The State Government has introduced a scheme of language orientation for the school teachers in the State. Under this scheme, it is compulsory for Urdu knowing teachers to learn Hindi and vice versa. The Committee recommends that the State Departments of School Education should monitor the effective implementation of the scheme. The Committee further recommends that this scheme should be extended to the officials of the Government. To begin with, a particular level of the officials may be identified which could be later extended to the other levels vertically and horizontally.
1. The Committee is aware of the commitment of the government in the State towards promoting better involvement and participation of people in different regions for balanced political, economic, educational, social and cultural development.

2. The Committee recognises that there is a perception of neglect and injustice, real or imaginary, existing among the groups in the diverse regions/provinces of the State. The Committee is of the view that there is an urgency in evolving the mechanisms of decentralization of political and economic power to the grassroots level. There is equally an urgency to empower the local organs of State power.

2.1 In order to achieve the foregoing objective, the Committee has recommended the formation of Regional/Provincial Councils in the State. The Committee is of the view that identifying the Regions/Provinces at this point of time has a special relevance achieving in the objective of devolution of power and bringing about the speedy social development by providing the opportunities of democratic governance and participation in developmental programmes to the ethnic identities in the State.

2.2 The Committee is also of the view that another approach of satisfying the urges of local self-governance and devolution of political and economic power to people at the grassroots lies through the constituting of District Councils. The Committee has elaborately discussed the reasons of proposing an alternative model of District Councils.

3. The Committee leaves it to the discretion of the government to accept and adopt one or the other model for the State as recommended in this report. The Committee also recommends that Government may constitute an Experts Committee and seek its opinion on the proposed models before taking a final decision in this behalf.

4. The Committee is of the view that constituting the Regional/Provincial or District Councils will have an enormous impact on the existing administrative structures in the State. Therefore, the Committee recommends constituting a Finance Commission for the J&K State. This Commission would recommend
the methods and mechanisms of raising the funds, devolving the funds to different organs and provide the norms for transfers from the consolidated fund of the State to the Regional/Provincial or District Councils.

5. The Committee recommends that necessary amendments to the Constitution of Jammu & Kashmir, after the decision of adopting the model of Regional/Provincial Councils or the model of District Councils, has been taken by the Government, should be carried out in order to bring a particular model within the Constitutional framework of the State.

6. The Committee recommends that necessary changes in the functioning of Academy of Art, Culture and Languages may be carried out in order to implement the recommendations made in the report.

7. The Committee also recommends the early setting up of Municipal Corporations in the capital cities of Srinagar and Jammu in view of the changing face of these two completely urbanised cities of the State.

8. The Committee recommends that in any set up adopted by the Government, a special consideration may be shown for the development of the comparatively most backward and hilly areas of the State, viz. Lohai Malhar, Bani, Dudu Basantgarh, Panchari, Paddar, Marwah, Tangdar, Gurez and Uri.

9. The Committee expresses its gratitude to the people, political leaders, activists, writers, teachers, doctors from different regions of the State for extending their co-operation by interacting with the Committee.

10. The Committee concludes this report on this note:

"The day will come when the progress of Nations will be judged not by their Military or Economic strength, nor by the splendour of their capital cities and public buildings, but, by the well being of their peoples; by their levels of Health, Nutrition and Education."

(The Progress of Nations -- UNICEF document, 1994)

(Sd.)
SYED MUSHTAQ BUKHARI
MLA

(Sd.)
MUBARAK GUL
MLA

(Sd.)
MOHAMMAD SHAH
Finance Minister
LIST OF NON-ENGLISH WORDS WITH MEANINGS.

1. Abaya - Garment which covers body of women except face - it is mainly used in Iran.
2. Azadi - Freedom
3. Anna - one sixteenth of a rupee
4. Burka - Garment which covers a woman completely.
5. Begar - Forced labour
6. Bagh-e-Sulaiman - The Garden of Soloman
7. Bakirkhani - A special bread used in Kashmir
8. Chuchwoor - A bread of daily use in Kashmir
9. Daej - Cloth by which head of a woman is covered.
10. Dupatta - A cloth used to cover head and upper part of the body.
11. Darbar - The court of a ruler.
12. Garm - Hot
15. Gulimueth - Gift, mainly given on marriages.
17. Houl - A cloth used as belt.
19. Hakha Bata - Hakha is a vegetable and Bata means rice.
20. Hamam - A room made of stones which is made warm by burning wood underneath
21. Hanji - Boatman
22. Izzat - Respect
<table>
<thead>
<tr>
<th>No.</th>
<th>Term</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>23</td>
<td>Jawan</td>
<td>Young, here used to identify a security man.</td>
</tr>
<tr>
<td>24</td>
<td>Jamlet</td>
<td>Group</td>
</tr>
<tr>
<td>25</td>
<td>Jahad</td>
<td>Holy war</td>
</tr>
<tr>
<td>26</td>
<td>Kalam</td>
<td>Pen</td>
</tr>
<tr>
<td>27</td>
<td>Kamarbandh</td>
<td>Belt.</td>
</tr>
<tr>
<td>28</td>
<td>Kangr</td>
<td>Fire pot used during winters.</td>
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<tr>
<td>29</td>
<td>Kabab</td>
<td>A meat preparation.</td>
</tr>
<tr>
<td>30</td>
<td>Kurta</td>
<td>Long garment used to cover upper part of body.</td>
</tr>
<tr>
<td>31</td>
<td>Kotha</td>
<td>Flat roofed hut made of mud and wood used by Gujjars.</td>
</tr>
<tr>
<td>32</td>
<td>Kuth</td>
<td>A wooden structure used for storage of food grains.</td>
</tr>
<tr>
<td>33</td>
<td>Kehwa</td>
<td>A sort of tea prepared mainly on special occasions.</td>
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<td>34</td>
<td>Kulcha</td>
<td>A special bread.</td>
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<td>35</td>
<td>Kashur</td>
<td>Kashmiri.</td>
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<tr>
<td>36</td>
<td>Koure-moul</td>
<td>Father of a girl.</td>
</tr>
<tr>
<td>37</td>
<td>Khutba</td>
<td>A religious sermon.</td>
</tr>
<tr>
<td>38</td>
<td>Kasab</td>
<td>Head gear used by women in traditional Kashmiri society.</td>
</tr>
<tr>
<td>39</td>
<td>Lawasa</td>
<td>A bread of daily use in Kashmir.</td>
</tr>
<tr>
<td>40</td>
<td>Manz Raat</td>
<td>One night prior to marriage day where in <em>Mehndi</em> is applied.</td>
</tr>
<tr>
<td>41</td>
<td>Manzimyor</td>
<td>Matchmaker.</td>
</tr>
<tr>
<td>42</td>
<td>Maharaja</td>
<td>King.</td>
</tr>
<tr>
<td>43</td>
<td>Moulana</td>
<td>A term of reverence given to a person who is well versed with Islam.</td>
</tr>
<tr>
<td>44</td>
<td>Mulla</td>
<td>Muslim Preacher.</td>
</tr>
<tr>
<td>45</td>
<td>Mujahid</td>
<td>Religious warrior.</td>
</tr>
<tr>
<td>46</td>
<td>Naya Kashmir</td>
<td>New Kashmir.</td>
</tr>
<tr>
<td>47</td>
<td>Nuchai</td>
<td>Tea prepared with salt.</td>
</tr>
</tbody>
</table>
48. Pandit - Prefix given to Brahmins.

49. Pardah - Val.

50. Payals Trawin - It is a custom in villages where in some money / golden ornament is dropped in the cup of tea / milk at girl’s home which depicts that the girl has been selected by the other party.

51. Panjra - Net

52. Pooch - A loose cloth used to cover head by old women.

53. Pajama - Trousers.

54. Patto - A warm cloth which covers legs.

55. Pulhour - Grass made shoes.

56. Pheran - A traditional Kashmiri gown type dress.

57. Pagdi - Turban

58. Quam - Nation

59. Rista - Small round ball type mashed meat.

60. Ramzan - Holy month of fast among Muslims.

61. Sonth - Spring.

62. Sheshur - Severe cold.

63. Shikari - Hunter.

64. Samawar - A kettle type container which keeps tea warm as the container has a long cylinder inside where in hot coal is kept.

65. Soth - Flour type preparation, grinded and then baked.

66. Taranga - A head garment used by old Hindu women.

67. Thaf Chenin - To catch hold of, it is basically a sort of pre-engagement ceremony.

68. Wanwun - Songs sung at the time of marriage.

69. Waza - Cook.

70. Wanda - Winter.