

*A look through the mist*

PEOPLES DEMOCRATIC PARTY  
Self Rule Concept Document  
OCT 2008



DAYA SAGAR

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# PDP SELF RULE CONCEPT DOCUMENT 2008

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# PREFACE

Jammu and Kashmir State has remained a subject of discussions for the people from within and outside the political arena. More so, J&K has been discussed even on the soils outside India, much much more than any other Indian State, by political and “social” entities.

It is now over 6 decades after 1947. Worst sufferer has been the common man of J&K who has all these years remained in confusions and ideological distresses.

Earlier for some years some people did occasionally talk about the “issue” of accession of J&K with India Dominion and the demands for plebiscite but it is only after 1990 that elements raising questions and throwing challenges on New Delhi started receiving near attention of even the people from Indian Media, some human right activists and social activists. Ofcourse those who challenged the 1947 Accession of J&K with Indian Dominion / demanded plebiscite / referendum appear receiving “more” attention.

And to add to this those raising issues of internal autonomy/ greater autonomy / erosion of Autonomy/erosion of Article 370 of Indian Constitution too became more active after 1990. All this added more and more confusions and doubts in the minds of the common man of J&K (Kashmir Valley in particular).

But no effective exercise was done ( in particular) by the Government of India / State Government / all India level political parties / writers / opinion makers to undo the questions raised by the anti accession/anti India elements as well as the questions raised on the intentions of New Delhi. And to all this has been added another demand in the name of Self Rule by J&K

Peoples Democratic Party in early 2000s and this party ruled in J&K along with Indian National Congress from 2004 to 2009. Issues raised by some people if remain unquestioned / unclarified / unattended do set the grounds for cultivation of belief in favour of those who intend to promote otherwise view points. This has been the case with the issues mentioned in the fore going paras.

It was a day before 26 October ( date on which Hari Singh Maharaja of J&K had signed the Instrument of Accession with India in 1947) 2008 ( year of elections to J&K Assembly) that Mufti Mohammed Sayeed and Mehbooba Mufti held a press conference at Srinagar and released SELF RULE concept document. One thing that indirectly emerged from the Self Rule paper of PDP is that PDP in policy does not totally reject those who do not accept the 1947 Accession of J&K with India. A new leaf has been added to separatist ideologies indirectly by Nizamudin Bhatt PDP MLA by unsuccessfully attempting to privately move an un constitutional resolution in the J&K Legislative Assembly Session beginning 26 September 2011 asking for naming J&K as no integral part of India.

Earlier also the concept paper of PDP Self Rule as released by Mufti Mohd Sayeed ( Ex Home Minister of India ) in 2008 was left un attended by the Government and those who matter at National ( all India ) level for extending the response that it deserved from Indian point of view.

Hence ,surely the Self Rule demand too has added to the question bank of the people of J&K and the world outside since the demands contained in the Self Rule slogan are much beyond the literary meaning of the two the “ companion words’ it is comprised of. New Delhi though did not approve the SELF RULE proposals

publically but it also did not convey any specific otherwise reservations as regards the concepts contained in PDP's Self Rule .

I have tried to look into the spirit and signals that could flow from the concept paper that was released by J&K PDP in Oct 2008. I shall feel obliged for the PDP Patron Mufti Mohd Sayeed Sahib, Mehbooba Mufti Sahiba or M. H. Baig Sahib correcting me in case they find that some where I have not been able to understand the concept in the right spirit, I would correct my understanding.

Daya Sagar  
September 2011

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## J&K PDP competes with NC's Autonomy posing as a mainstream party

In Jammu and Kashmir Mufti Mohd Sayeed has the first rival in Farooq Abdulla's National Conference. So far, NC has held firm to 1947 accession of J&K with India Dominion. No doubt NC has been expressing reservations regarding the Center State relations. Mirza Afzal Baig had lead the Plebiscite Front that was later disbanded after 1975 Indira-Sheikh Accord.

Confusions and anti India concepts did nourish more further since even after 1990 not much sincere efforts were made by New Delhi, all India level political parties, writers , opinion makers and local political cadres in Kashmir valley in particular and J&K in general, to check the separatist ideologists. Governments have not been able to reverse the 1989/ 90 mass migration from Kashmir valley. Due to this the local information bank of the people left back in Kashmir valley has surely moved some distance from oneness with India. Rather it could also be inferred that some so called mainstream elements too advocate separatist view points / demands. National Conference had already passed a Resolution in 1994' that is more commonly understood as Greater Autonomy Resolution / demand to pre 1953 Status.

Later NC lead government had got a resolution on similar lines passed by J&K Legislative Assembly on June 26 2000 adopting the State Autonomy Committee Report that had been presented on 16 April 1999. In

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simple words the June 2000 Autonomy Resolution of JK Legislative Assembly is more understood by common man as moving to pre 1953 constitutional position.

The Union Cabinet rejected the resolution adopted by the Jammu and Kashmir State Assembly on June 26, urging that the pre-1953 constitutional position in the State be restored said that suitable steps will be taken to ensure harmonious Centre-State relations in the light of the recommendations of the Sarkaria Commission..... In the above context, the Cabinet finds the resolution passed by the State Assembly of Jammu and Kashmir endorsing the report of the State Autonomy Committee unacceptable...

The Cabinet feels that the acceptance of this resolution would set the clock back and reverse the natural process of harmonising the aspirations of the people of Jammu and Kashmir with the integrity of the nation...Most of the recommendations contained in the report of the State Autonomy Committee seek to reverse the application of constitutional provisions to the State of Jammu and Kashmir which may not only adversely affect the interests of the people of the State but would also tantamount to removal of some of the essential safeguards enshrined in our Constitution.

Besides, the issue of restoring the constitutional situation in Jammu and Kashmir to its pre-1953 position had been discussed in detail by Sheikh Mohammad Abdullah with Prime Minister Indira Gandhi in 1974-75. It is noteworthy that the agreement signed after these negotiations had affirmed that ``provisions of the Constitution of India already applied to the State of Jammu and Kashmir without adaptation or modification are unalterable....The

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cabinet, therefore, decides not to accept the resolution passed by the Jammu and Kashmir Assembly on the report of the State Autonomy Committee....

The Government is of the firm conviction that national integration and devolution of powers to States must go together. NC still blows the trumpet of autonomy ( this would be discussed in detail separately). **So Mufti Mohd Sayeed too found raising controversies more saleable and came up with “Self Rule promise”**. Some people named PDP Self Rule as replica of the formulae that Pak President Parvez Musharraf is said to have suggested .

Mufti Mohd Sayeed has not so far out rightly rejected such inferences/ allegations. Under the circumstances the separatists/ those who talked of referendum or plebiscite did not have much opposition to face from the masses.

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## PDP does not refute accession in plain words, but does ask something like

Congress lead Government at New Delhi too did not distance from PDP and kept on sharing power in JK with PDP till 2008. It was here that PDP got encouraged and to out beat National Conference it suggested more vociferously that (i) the currencies of both India and Pakistan should be used in J&K and PAK ( POK) (ii) there should be common control of Indian and Pakistan on certain subjects as would pertain to J&K and PAK (POK). PDP even used the term Pakistan Administered Kashmir in place of Pakistan Occupied Kashmir and New Delhi still “recognizes “ PDP as main stream political party. May be now need has arisen to even rework the definition of a main stream political party.

In Kashmir Valley PDP did succeed in sentimentally exploiting the innocent Kashmiri masses and in 2008 assembly elections proved tough on Congress & National Conference.. PDP did not dare to adopt openly anti accession approach like JKLF / Hurriyat since that way it would lose chances of power rides. PDP did not refute accession in plain words but it asked some thing like joint control of India & Pakistan over J&K well knowing that it was not possible without undoing 1947 accession with India.

After having established some roots in Kashmir, PDP leaders understood that to remain in the political power race (local) PDP has to make its stand on the 1947

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Accession clear so that even the “blunt” sword of New Delhi does not fall on its head. So it was after more than 5 years that Mehbooba Mufti tried to introduce PDP Self Rule as the one within the scope of 1947 Instrument of Accession and the Constitution of India. But still to people of J&K (Kashmir Valley in particular) PDP has introduced Self Rule more a personal rule of Kashmiries than the Autonomy of National Conference.

PDP has very cleverly taken to 1947 Accession talk track after having indirectly / sufficiently exploited the sentiments / emotions of innocent Kashmiri around Pakistan/ Two Nation theory. PDP has even succeeded in setting some working roots in Jammu region. Under the circumstances to compete with Mehbooba Mufti politically now Omar Abdullah too is playing soft on the separatists and separatist ideologies .



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## Certain concepts contained in Self Rule do send Anti 1947 Accession Signals

The Mehbooba Mufti and Mufti Mohd Sayeed have been wisely changing tracks to retain the goodwill of the common Kashmiri masses as well as those at New Delhi. PDP leadership also wants to remain at the international scene not much behind the separatists and hence occasionally also advocates early settlement of Kashmir issue (dispute ).

It was on 9th July 2009 that Peoples Democratic Party in a special meeting where Party Patron Mufti Mohammad Sayeed, Party president Mehbooba Mufti and Muzaffar Hussain Baig were present expressed that PDP Self Rule flows through Article 370 and Instrument of Accession. Introducing the Self Rule Muzaffar Hussain Baig said (i) "Self rule was provided to the State in Instrument of Accession but later on it was snatched and taken back from Jammu Kashmir by the Government of India, (ii) PDP now wants it to be back , (iii) even the sovereignty of the State was maintained in Delhi agreement made between Sheikh Mohammad Abdullah and GOI (Jawahar Lal Nehru ) and (iv) it was agreed by GOI that the controversial Article 356 of Indian Constitution won't be applicable to JK by which New Delhi has the powers to dismiss an elected State government".

As regards some constitutional roll backs demanded by PDP ( Article 356, application of Article 357 by which New Delhi has powers to make legislation in place of State

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legislature, Article 249 of Indian Constitution (by which New-Delhi can legislate on JK, Constitutional Order 101 was promulgated by the President under Article 370 adding Clause 4 in Article 368 prohibiting JK from changing the powers or privileges of Governor, Article 312 dealing with 'All India Services', deletion of words 'temporary' from Article 370, and like) any legitimate debate could be allowed but without any questions on the Accession 1947 and Nationality of Kashmiri being India.

But the style of references made to 1947 Accession, Pakistan Occupied Kashmir as Pak Administered Kashmir, use of both Indo Pak currencies in only J&K and dual Indo Pak control on some local matters pertaining to J&K and Pak held part of J&K nowhere qualify to be within the scope of 1947 Accession and article 370 of constitution of India. Such demands and explanations for Self Rule surely push PDP out of the scope to qualify as a mainstream political party of India ( While talking to newsmen M. H Baig had said “Self Rule addresses the problem of JK in four different dimensions, which includes New Delhi-State relations; relations between the two divided parts of JK, resource sharing including trade, transport and other issues; relations between Pakistan and PaK and Inter-regional and sub-regional issues” ).

PDP claims that in 1947 it was envisioned that the final decision regarding accession has to be reached by the State Constituent Assembly and later on Constituent Assembly ratified Instrument of Accession, so now there is no need to have the word 'temporary' along with Article 370. This could be debated but in case Constituent Assembly has ratified Accession, then how does PDP

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conceive that Pakistan and India can have joint control on certain matters and it would not abuse the spirit of Accession.

No doubt National Conference did ask for Autonomy / Greater Autonomy but never went for a direct mass agitation movement. So , Kashmir today is disturbed not for demanding implementation of autonomy resolution June 2000. Neither NC did much of work to carry the message of greater autonomy to ground level masses , particularly in Jammu and Ladakh Regions. The same has been the case with the Self Rule of PDP but certain concepts contained in Self rule do send anti accession messages.

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## On face of it they do not appear to be serious for any immediate solution

PDP well knows that its Self Rule Road map for peace would not fit in the frame of 1947 accession and Indian constitution. But surely with such approach PDP has created some extra pressures on NC in Kashmir valley. Now PDP has started comparing its Self Rule with Greater Autonomy of NC. Kashmiries are not agitating and protesting demanding PDP Self Rule or NC's autonomy .

People in Kashmir valley are too simple to understand the technicalities and rhetoric. So, no doubt the separatist ideologies are being carried ( though mildly) by PDP vociferously indirectly taking support from slogans of Kashmiriat / erosion of autonomy, 1952 Delhi Agreement, 1975 Indira Sheikh accord and 1987 Rajiv Farooq Accord. Kashmiries have also seen Farooq (Abdullah) & ( Omar ) Farooq accord.

Experiences have shown that some Kashmiri leaders will do their best to keep New Delhi under pressure for money and power. Separatists too need some social survival and the pro separatist actions of some 'main stream" parties would surely allow them to defer violent protests/ approach. In case PDP is so loyal to the cause of the people of J&K ( Kashmiries ) why does not it work for an "alloy" of Greater Autonomy and Self Rule with in the provisions of only Indian Constitution? Kashmiri leaders will keep on saying that India and Pakistan

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should settle the Kashmir (J&K) affairs with due participation of Kashmiries including separatists. In principle they keep their priority only on Kashmir Valley centric requirements . No doubt they do pose looking for some solution for governance taking the people of all the regions of J&K in confidence. So ,on the face of it they do not appear to be serious for any immediate solution since to majority of Kashmiri leaders more benefit appears in continuing confusions / uncertainty and not in settlement of any doubts / confusions.

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# PDP accuses even Indian Secularism/Democracy/Intentions

The Concept paper accuses the intentions of India, Indian people, Indian leaders, Indian democracy, Indian secularism and Indian trustworthiness as regards the promises made with “ Kashmiries. The concept paper provides ground support (though half way) to the “separatists”.

While introducing the Self Rule concept , J&K Peoples democratic party has initiated a extra territorial discussion. How far such approach as adopted by PDP was justified as regards the interests of India ( as long as PDP is regarded as a mainstream party by Union of India ) should have surely made the Indian Government to investigate. But looking at the manner in which affairs have progressed even after October 2008 it appears that GOI has not found any thing otherwise in the Self Rule approach of PDP.

As a mainstream party any one with a rational thinking would have expected PDP to address the J&K affairs very carefully looking at the international impacts . PDP has inferred that since 1945, and particularly since 1980, the clash of national policy jurisdictions has grown as globalisation has led the more powerful states to extend their norms and practices to other parts of the world . Such approach very clearly depicts that PDP looks at the J&K issues not as internal issues of India.

At para 15 of the self rule document PDP refers to organisational pillars of post-independence India –

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secularism, socialism and democracy. At para 16 PDP says that (i) all these three have weakened , (ii) secularism is / has been redefined (ii) socialism has been abandoned (iv) character of democracy, especially from the stand point of J&K, has been altered (v) for most of the time it has operated as democratic authoritarianism for the state of J&K (vii) nationalism and Indian nation also did undergo a change, necessarily.

Such inferences about the Indian state and its attitude towards J&K is drawn by no one else than a former root member of Indian National Congress, ex Home minister of India and an ex Chief Minister of J&K who shared power with Congress. Such inferences needed immediate attention , clarification and negation by Government of India / Indian leaders . But it has not been done. Instead having remained unanswered / contested such allegations have added strength to those who are / have been inciting the people of Kashmir valley against the intentions and truthfulness of India. The allegations are surely not ordinary. And at para 17 PDP sees major challenges to NATIONHOOD ( Indian ) but New Delhi still does not.

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## PDP touches even very sensitive issues so unfairly and casually

PDP Self Rule document has made very very serious allegations on Indian Union and has gone to the extent of touching very sensitive issues of “RELIGION”.

At para 18 PDP accuses that (i) the repressed discourses of caste and community have reemerged in India (ii) a political churning has occurred in India that has led to the growth of the Hindu right (iii) in India secular nationalism hence has come under severe strain (iv) Hindu communal or nationalist discourse has gained ground in the void created by the retreat of secular nationalism in India . These are very serious allegations made by PDP and can surely agitate the Kashmiri masses in the name of two nation theory to the benefit of the separatists ( more particularly when such picture is painted by Ex Home Minister of India).

The manner in which PDP has referred to the followers of Hindu religion should not be taken casually by the people of J&K in particular and India in general. Para 20 says that when ever under strain nationalism in India revealed Hindu colours . One would ask Mufti Mohd Sayeed that why does he feel that when ever the Indian nationalism is under strain it disturbs only the Hindu ? .

How can Mufti Mohd Sayeed accuse that Indian nationalism always betrayed an undercurrent of Hindu religious sensibility ?, Indirectly PDP in its self rule document has accused the Hindu for weakening the



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secular character of India. Such approach sends messages of hatred towards the Hindu in the muslims of Kashmir. Mufti Mohd Sayeed appears to have forgotten that inspite the fact that Islamic Pakistan was created on the basis of religion out of Indian lands, the Hindu population has fast reduced in Pakistan where as in India the population of muslims has grown in normal course and special provisions for the progress of muslims have been constitutionally created in India inspite of the fact that Pakistan was created on the basis of religion. And to add to this Islamic Pakistan could not even look after the muslims and East Bengal separated from Pakistan as Bangla Desh. Government of India should not have taken such inferences drawn by PDP so casually and left them un contested for even 3 years till now.

At para 20 PDP says that the very project of Indian nationalism was an impossible one, precisely because it was impossible to have one common history.

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## In case India wants peace in J&K separatists will have to be named truthfully

At para 30 it says .... The Indian nation-state must make up its mind that the only way to forward (i) is the non-military way (ii) one lesson that has come through in the last 15 years of militancy it is that the gun is not solution – be it in the hands of the army or the militants. PDP further says (i) ( para 39) that in all these discourses – Indian, Pakistani, international – the only viewpoint that has not been adequately highlighted is that of the people of Jammu and Kashmir (ii) ( para 43 ) that due to historical reasons the entire state of J&K remains an important political partner of both India and Pakistan.

It further says... (iii) ( 49 ) that it needs to be appreciated that political positions range from self-determination and sovereignty, secession and territorial integrity, partition and co-existence, and also democratic methods of conflict resolution and management based on respect of individual and group rights (iv) that when Indian Independence Act was passed and the two dominions of India and Pakistan came into being, J&K became an independent country.

It is for this reason that J&K fell in the category of fully empowered Indian States , says PDP document . Such like references and descriptions made by PDP in the Self Rule document have to be addressed adequately by New Delhi in case New Delhi wants peace to return to J&K.

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The Self Rule document has crossed all limits when it says that (i) the very project of Indian nationalism was an impossible one, precisely because it was impossible to have one common history (ii) ) that due to historical reasons the entire state of J&K remains an important political partner of both India and Pakistan (iii) the only viewpoint that has not been adequately highlighted is that of the people of Jammu and Kashmir (iv) when Indian Independence Act was passed and the two dominions of India and Pakistan came into being, J&K became an independent country (although this inference is not correct) and (v) Indian nationalism always betrayed an undercurrent of Hindu religious sensibility (vi) and common History can not be seen ( with India ).

India has to either accept the descriptions and allegations as made in the self rule document by PDP leadership or has to clearly /dismiss the same without losing any more time. Otherwise the people of J&K would not find any thing worth contesting even in the ideologies of separatists.

How fair Is PDP as “mainstream party” in the name of Self Rule ?

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# PDP admits Is not presenting a solution, Nor does pretend to have One

Kashmir Valley print media very hopefully reported on 26 Oct ( 2008) that PDP`s Chief Patron Mufti Mohd. Sayeed and party President Ms. Mehboba Mufti had unveiled suspense over PDP`s Self Rule vision for resolution of Kashmir dispute .

How far PDP was sure about acceptance of Self Rule concept document and how Far the Concept paper was / is practical could be two questions for consideration of those who may be working for restoration of peaceful congenial socio – political environment in J&K ( Kashmir valley in particular ).

The document had / has some intricate explanations / self contradictions. Even PDP accepted that the document would not give an immediate solution / final solution. PDP defines the proposals as a beginning.

As regards seriousness for settlement of the issues in the immediate future, PDP itself had expressed in the pretext of the Vision draft on self Rule that “The Peoples Democratic Party prepares and offers this working paper on J&K as an act of hope.... hope lies in the belief that if the decision-makers and responsible political parties .... realize its intent and motive and examine its contents on merits, objectively and realistically, and not on partisan considerations or with chauvinistic mind-set..... The PDP further said the “ The Peoples Democratic Party is not

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presenting a solution; nor does it pretend to have one... We have tried to contextualise the issue at various levels and drawn the contours of a process for building sustainable peace in the State and the region.”

The document very clearly says that though the thought the integration design may appear to be constitutionally and legally incomplete and politically premature, a start has to be made. So, even if this concept Document released by PDP is accepted much more is still needed to be done to even bring the people of J&K near to drafting some workable solution that would be finally again examined by at least GOI. When would normalcy return to J&K PDP can not suggest.

As regards acceptance of PDP self rule proposals ( even in vague form) one thing that indirectly emerges from the paper of PDP is that PDP in policy does not reject those who do not accept the 1947 Accession of J&K with India. New Delhi as well as J&K Government have to change their approach towards the national issues. Otherwise may be now a need has arisen to even rework the definition of a main stream political party.

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## Action of a PDP MLA adds more to anti Accession dimensions of PDP Self Rule

Let us have a summary look on the PDP's SELF RULE document (i) It calls the Pakistan Occupied Kashmir ( PoK) as Pakistan Administered Kashmir ( PaK ), (ii ) Self Rule Document suggests that J&K issue cannot be resolved on the basis of exclusively intra-state level initiatives (iii). It requires a combination of intra-state measures with inter-state and supra-state measures .

This will require devising an improved constitutional, political and economic relationship between the two parts of the State and their respective main lands ( India & Pakistan), (iv) It suggests making Greater Jammu and Kashmir a regional free trade area, with no tariffs or barriers between /within two parts of GJAK ( Greater Jammu and Kashmir .

While maintaining their (two parts of J&K ) own external tariff on imports from the rest of the world, including India and Pakistan. (v) GJAK will set a common external tariff on imports from India and Pakistan. (vi) It suggest creating a new system of “Dual Currency” where the Indian and Pakistani rupees both are made legitimate legal tenders in the geographical areas with in GJAK, (vii) It sees GJAK as a regional organisation to facilitate political cooperation as well as promote cooperation between India and Pakistan, and regaining Kashmir's place at the heart of Central Asia, (viii) at para-54 it says in our opinion the most practicable and least complicate

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way out is that “ The elected representatives of each part ( J&K and Pak) of the State would then hold negotiations with their respective country for a resolution framework within the given parameters “, (ix) at para 58 it says Self-rule refers to autonomy from the “Nation-state” of India, whereas autonomy ( NC' Autonomy) connotes relative autonomy from the Government of India.

At para 59 it says (x) Autonomy refers to empowerment of the Government of Jammu and Kashmir vis-a-vis the Government of India. As such it ( autonomy) it becomes a part of the centre-state debate in the Indian federal set up. Where as as per PDP Self-rule on the other hand refers to the empowerment of the people of Jammu and Kashmir, vis-a-vis the Nation of India. , (xi) at para 77 it says that The Regional Council of Greater Jammu and Kashmir will have 50 members. The respective state assemblies of J&K and Pakistan Administered Kashmir shall elect 40 members. The remaining 10 members will be nominated, five each, by the Governments of India and Pakistan.

The 11 reference points mentioned in the fore going para surely could be implemented only after the terms and spirit of 1947 Accession of J&K with India Dominion is illegitimately diluted. And surely such like intentions emerge from the actions of some PDP cadres too.

The unsuccessful attempt made by PDP MLA Nizamudin Bhatt for moving a resolution in J&K Assembly for amending J&K Constitution even to the extent it defines J&K as an integral part of India has made the mindset more clear.

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A new leaf has been added to separatist ideologies indirectly by Nizamudin Bhatt MLA by unsuccessfully attempting to privately move an unconstitutional resolution in the J&K Legislative Assembly Session beginning 26 September 2011.

The request of PDP MLA was rejected on 15th September 2011 by the J&K Assembly Speaker Mohd Akbar Lone for deletion / amendment of (i) Section -147 (b) (ii) Section -3 and (iii) Section -5 of the J&K Constitution. The Section- 3 defines the relationship of J&K with Union of India . It says “ That the State of Jammu and Kashmir is an shall be an integral part of the Union of India”. Section -5 defines the Extent of the Executive and legislative powers of the State ; It reads “ The executive and legislative power of the State extends to all matters except those with respect to which Parliament has power to make laws for the State under the provisions of the Constitution of India “.

The said resolution was sure to be any how rejected by the speaker ( PDP MLA also well knew this ) since Section -147 of the J&K Constitution lays down that no bill or amendment seeking to make any change in the provisions Section -147, Section-3 and Section- 5 shall be introduced or moved in the either house of the legislature. Hence the action of the PDP MLA appeared was more aimed at sending a symbolic message as regards his not believing in continuing J&K as India.

Self Rule draft released by Mufti Mohd Sayeed's PDP on 25 October 2008 has surely attempted to add a new extra territorial dimension to the nationality of “Kashmiries” ( I would not say J&K).Self-rule refers to autonomy from the



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Nation-state of India. This way surely PDP Self Rule rests on distancing from trueness of 1947 Accession and does not truthfully accept Kashmiries as Indian nationals. And ofcourse 22 February 1994. Resolution of Indian Parliament on recovering of the Indian territories of J&K occupied by Pakistan too has been kept out of sight by PDP while drafting the Self Rule Concepts.

PDP chief spokesperson Nayeem Akhtar has been quoted as having said that Bhat's resolution was not PDP's agenda but a private member's resolution. He did not out rightly condemn the proposed resolution nor did give any indication for his party taking appropriate action against the member. Instead Mr. Akhtar accused Omar Abdullah for encouraging such questions / suggestion since the J&K Chief Minister had himself made some controversial statement regarding accession on the floor of the Assembly in 2010.

Mehbooba Mufti or Mufti Mohd Sayeed to have not taken any immediate action against the party MLA for his moving against the Constitution of J&K. Even Union Home Minister and Prime Minister have not so far expressed any serious concern in the matter of such a serious act reported in the media..

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## PDP admits Self Rule design may appear constitutionally/legally/incomplete

To be brief the SELF Rule paper says (i) “The PDP accepts that the essence of this document lies in trying to suggest a creative framework for resolution of the issue without compromising the sovereignty of the 'two nation states involved (ii) “The centre piece of the governance structure under self-rule is the cross border institution of Regional Council of Greater Jammu and Kashmir.”

It further says... (iii) “Moreover, such an institutional structure will provide a framework within which certain matters between the two parts of the State and their respective mainland, that need to be sorted out to infuse in people a sense of empowerment and a feeling of belonging. This will require devising an improved constitutional, political and economic relationship between the two parts of the State and their respective main lands” (iv) “Conceptually, the challenge in J&K is to integrate the region without disturbing the extant sovereign authority over delimited territorial space.

There is no need to negate the significance of the line of control as territorial divisions but it is imperative to negate its acquired and imputed manifestations of state competition for power, prestige, or an imagined historical identity. The idea is to retain the former and change the latter. Therein lies the key to the solution of J&K dispute.(vii) and the like. The quotes made here from the Self rule Doc may not appear that elusive to a common man busy with earning his two meals but intrinsically surely the totalness / validity 1947

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accession of J&K with India is questioned. The terms like and expressions (i) their respective mainland, (ii) sovereignty of the 'two nation states involved, (iii) devising an improved constitutional, political and economic relationship between the two parts of the State and their respective main lands, (iv) delimited territorial space and, (v) no need to negate the significance of the line of control as territorial divisions, do matter from technical / international view points when references are made to issues raised by the separatist / anti 1947 accession arguments.

PDP professes that India and Pakistan have to resolve the very difficult problem of “domestic” integration within a split international political and economic structure. PDP accepts that its basic premise is the search for solution to the issue of Jammu & Kashmir through an inter-nation state institutional arrangement that preserves sovereignty of the two nation-states but still has a supranational basis.

The document says that PDP's basic premise is that the time has come to work out some form of integration & move forward ; but admits that the proposed PDP's integration design may appear to be constitutionally and legally incomplete and politically premature ( pleading that a start has to be made simply because the cost of not doing it will be much higher than the cost of implementing it ). This means that PDP does not see any normalcy in immediate future since what to talk of “separatists' as per.

PDP even the democratic government in J&K may not find it constitutionally and legally workable.

PDP document admits that “Self-rule cannot sustain itself without a fair and realistic degree of self reliance and hence a reliable and substantial fiscal support by the centre would

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be needed for valid reasons and on legitimate equitable grounds.

Simultaneously PDP suggests the two UNITS of Greater Jammu and Kashmir doing trade independently with India, Pakistan and other world .

PDP does talk of certain regional issues that have the potential of snowballing into a dangerous situation like occasionally voices are raised from Ladakh and Jammu for trifurcation of the State. I shall not discuss it here.

And above all PDP at para 132 of SELF RULE document says that “ Once this formulation of Self-Rule is accepted in and by India, it can be discussed with Pakistan for seeking a similar dispensation for the people living in Pakistan” Administered Kashmir and Northern Areas. So, PDP itself has accepted the its Self Rule concepts would need a further test for similar acceptance by Pakistan after it is accepted (constitutionally and legally) with in India and BY India . Process will not end there , after that bilateral negotiations will be needed between India and Pakistan. Then it will also be desirable to have institutional arrangements between the two parts of Kashmir ( PDP does not mention J&K) to work out a durable supra-national institutional structure.

So, the PDP proposals are more a rhetoric then a solution. Such proposals and talks surely appear pushing the innocent masses of J&K into more and confusions, the inter regional contradictions in J&K would grow , ofcourse even the legitimate Indian interests would be jeopardized. It could be alleged that the Kashmiri leaders are more interested in disturbed / conflicted situations in J&K so that they could ride the power cart.

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## PDP borrowed some links from separatist ideologies

With Oct 2008 Self Rule Document in place, can PDP be regarded as Main Stream Party, needs be addressed fairly. PDP's concept paper distances Self Rule from NC Autonomy professing that Self- Rule refers to autonomy from the Nation-State of India, whereas Autonomy connotes relative autonomy from the Government of India. The Self Rule draft released by Mufti Mohd Sayeed's PDP on 25 October 2008 has attempted to add a new leaf to the questions on nationality of "Kashmiries" ( I would not say J&K).

Mufti Mohd Sayeed has borrowed the logics like 1952 Delhi agreements and questioning alleged undue extension of some articles to ( Article 356, application of Article 357 by which New Delhi has powers to make legislation in place of State legislature, Article 249 of Indian Constitution (by which New-Delhi can legislate on JK, Constitutional Order 101 was promulgated by the President under Article 370 adding Clause 4 in Article 368 prohibiting JK from changing the powers or privileges of Governor , Article 312 and the like...) Constitution of J&K through the channels of article 370 of Constitution of India while drafting the Self Rule Document.

This was to compete with National Conference in the race for gaining political grounds for entry into the J&K Legislature . But PDP well knew that this way it will not be able to defeat the acceptance that Dr. Farooq Abdullah's National Conference enjoys in J&K including the

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Jammu and Ladakh regions.. Keeping in view the ground conditions particularly in Kashmir Valley (where the anti Indian Government , anti India , anti 1947 accession, pro Pakistan propaganda and separatist elements had been allowed to profess without much resistance particularly after 1989).

PDP also borrowed some links from separatist ideologies for inclusion in the Self Rule concept. All these years Mufti Mohd Sayeed ( who had also remained Home Minister in the Union Cabinet) had been preaching a new prophesy ( he had invented less for the welfare the people of Kashmir Valley / people of J&K / return of peace in J&K / defeating the separatist elements and more for his personal benefit ) so that he could hope for holding on the power seats in J&K through the electoral process.

The self rule concept did help the separatists ideologies instead of defeating them. It was in 2002 that Mufti Mohammed Sayeed did receive some returns from the elections to J&K Assembly at the cost of National Conference . So far Dr. Farooq Abdullah had at no time and in no circumstances raised any questions on validity of 1947 Accession of J&K with India and had been out rightly condemning those who advocated / demanded secession of Kashmir from India .

Gains by PDP at the cost of NC did depict that during the period from 1996 to 2002 very less work has been done in Kashmir Valley ( by the local political cadres / local administrative cadres/ local social organizations / local intelligence agencies / central intelligence agencies / the so called main stream leaders / Congress cadres / Government of India agencies ) to check the separatist

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propaganda/ to pass on the right information regarding Accession / India to common local people / to encourage the nationalist / pro India elements / to debrief the misinformed innocent people.

Had it not been so there was no reason for PDP to score over National Conference in Kashmir Valley. Otherwise National Conference had been doing its best for questioning GOI as regards erosion of the Autonomy granted to J&K through Article 370 / J&K Constitution and even got the autonomy resolution passed from J&K Legislative Assembly. National Conference had been at occasions raising the demands for Autonomy in a peaceful manner and no any agitation / violent attitude had been adopted even after the Union Cabinet rejected the J&K Assembly resolution 2000.

PDP did not make much grounds in Jammu / Ladakh Regions. So it could be assessed the separatist like view points / question on Kashmir being total India surely added to the vote bank of PDP ( that was professing some separatist like view points in the local lanes of Kashmir Valley along with erosion of Autonomy) in Kashmir valley where the innocent local people of Kashmir valley have been living in an environment airing more of questions on the intentions of India . And no doubt it did bring Congress party to some strength worth negotiation for power.

In 2002 hungry for power Congress handed over the leadership of J&K Government to PDP who was having lesser MLAs in Assembly than Congress. And after 2002 till today PDP has got enough opportunities and grounds to preach secession like ideologies .

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# PDP's Self Rule surely talks extra territorial

It was a day before 26 October ( date on which Hari Singh Maharaja of J&K had signed the Instrument of Accession with India in 1947) 2008 ( year of elections to J&K Assembly) that Mufti Mohammed Sayeed and Mehbooba Mufti held a press conference at Srinagar and released SELF RULE concept document.

Any person with a little of rational thinking would have gauged the intentions of PDP. The Document very very clearly but indirectly questioned the genuineness of Accession 1947. PDP's SELF RULE document (i) calls the Pakistan Occupied Kashmir (PoK) as Pakistan Administered Kashmir (PaK), (ii) Self Rule Document suggests that J&K issue cannot be resolved on the basis of exclusively intra-state level initiatives.

It requires a combination of intra-state measures with inter-state and supra-state measures (iii) this will require devising an improved constitutional, political and economic relationship between the two parts of the State and their respective main lands ( India & Pakistan), (iv) Stage II would be to make Greater Jammu and Kashmir a regional free trade area, with no tariffs or barriers between with GJAK (Greater Jammu and Kashmir), while maintaining their own external tariff on imports from the rest of the world, including India and Pakistan.

GJAK will set a common external tariff on imports from India and Pakistan. (v): a new system of “Dual Currency”



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will be created, where the Indian and Pakistani rupees are both made legitimate legal tenders in the geographical areas of GJAK, (vi) GJAK is being proposed as a regional organisation to facilitate political cooperation as well as promote cooperation between India and Pakistan, and regaining Kashmir's place at the heart of Central Asia., (vii) at para-54 it says in our opinion the most practicable and least complicate way out is that "The elected representatives of each part (J&K and Pak) of the State would then hold negotiations with their respective country for a resolution framework within the given parameters".

At para 58 it says (viii) Self-rule refers to autonomy from the Nation-state of India, whereas autonomy connotes relative autonomy from the Government of India., (ix) at para 59 it says Autonomy refers to empowerment of the Government of Jammu and Kashmir vis-a-vis the Government of India.

As such it becomes a part of the centre-state debate in the Indian federal set up. Self-rule on the other hand refers to the empowerment of the people of Jammu and Kashmir, vis-a-vis the nation of India. , (x) at para 77 it says that The Regional Council of Greater Jammu and Kashmir will have 50 members. The respective state assemblies of J&K and Pakistan Administered Kashmir shall elect 40 members. The remaining 10 members will be nominated, five each, by the Governments of India and Pakistan.

The 10 reference points mentioned in the fore going para surely could be implemented only after accepting that J&K acceding to India in 1947 was not legitimate. So, the Mufti's Self Rule (i) treats POK as no part of India, (ii) wants Pakistan to control some issues regarding two

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parts of J&K along with India , (iii) distances Self Rule from NC Autonomy professing that Self-rule refers to autonomy from the Nation-state of India, whereas Autonomy connotes relative autonomy from the Government of India. Surely PDP Self Rule rests on distancing from truthfulness of 1947 Accession and does not truthfully accept Kashmiries as Indian nationals. Mufti Sahib may correct me in case the inferences drawn are wrong.

Is PDP still a main stream party, could be a big question ? From India's point of view Is not PDP professing separatist ideologies like Geelanies / Omar Farooq / Shabir Shah's ? Congress had shared power with PDP for 6 years, UPA-2 still treats PDP as main stream party, under these circumstances the people of J&K have all the reasons to get carried by the propaganda of the separatists. In case Delhi does not have any problem with PDP's approach , why should people of Kashmir/ J&K take it otherwise, one may ask?

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## Caught in the web of confusions and indecisiveness

It has not been fair to treat Valley leaders  
as only voice of J&K

More and more questions on “NATIONALITY” have been drafted by people belonging to Kashmir valley. The Self Rule draft released by Mufti Mohd Sayeed's PDP on 25 October 2008 at a press conference has attempted to add a new leaf to the questions on nationality of “Kashmiries” (I would not say J&K). 26th Oct was the accession day and news on Self Rule Doc release was also carried to people on 26 Oct.

So strangely, so often, while referring to Kashmir disturbances, those in the power seats fix the problem in and around the issues like unemployment / lesser economic resources. No doubt the economic problems faced by people could be used as a motivation tool by those who may be organizing some revolts / agitations against a country or nation. But in J&K it is not the unemployment / administrative mismanagement that is the key cause of / militancy / public protests in Kashmir Valley. Similarly, there could be no reason for Organisation of Islamic Countries / countries like US/UK / Pakistan to show concern for the economic deficiencies that local people in a country like India may be facing.

In a democracy the demands for Autonomy or Self rule too would not be so simply seen due to unemployment. The facts are that in J&K (i) questions raised on the trueness / extent of 1947 Accession of J&K / Constitutional integration with India (ii) J&K being a unit of Indian

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Nation have remained unanswered / unattended by New Delhi for over 60yrs. Those envy to India becoming a sustaining international economic & constitutional power too could hence dare interfering in J&K affairs.

J&K is referred only as Kashmir / J&K unemployment as Kashmir unemployment / J&K youth Kashmiri youth / J&K cause as Kashmir cause / J&K aspirations as Kashmiri aspirations / etc. And all the questions raised on the intentions of India / Indian leaders / neglect of J&K / erosion of the Autonomy / betrayal of commitments and like emerge only (broadly) from Kashmir Valley. The 1946 quit Kashmir call against the Dogra Raj too emerged from Kashmir Valley. Demands for plebiscite / referendum/ fulfillment of UN resolutions on Indian complaint in UNO too find noticeable / more working grounds amongst the people / writers / leaders in Kashmir valley. Azadi and even Greater Autonomy / Self Rule demands have emerged from Kashmir Valley leaders .

Present Kashmir region area is less than 60 % of Jammu region and is just a fraction (nearly 10%) of Ladakh region. GOI has been treating Kashmiri leaders / voices / as the only voice of J&K. Where as the truth would be otherwise. The prime posts in political parties and in the Government have been mostly given to people of Kashmir Valley.

Still Kashmir valley leaders have not shown trust in GOI and have always been accusing New Delhi for its being untruthful in keeping commitments (the Self Rule document of PDP, a party floated by a Ex Senior Congress leader who shared power in J&K with Congress

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for 3 years and also earlier remained the Home Minister of India has much to substantiate remarks made here) In spite of so much of favours all anti India voices have only been coming from Kashmir Valley .

So, the ideologies and elements that do not treat J&K as India Nation have been allowed to nurse more in Kashmir valley. Even falsehoods repeatedly narrated and not contested could become belief for the common man.

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# Justice Saghir Ahmed Report too demonstrates non seriousness

In recent years the RTCs, Working Groups , interlocutors and study groups too have only concentrated more on Kashmir valley.

The reasons could be seen in the fact that all these 6 decades New Delhi has looked at only Kashmir valley. So, any official group visiting from Delhi is keen to meet the separatist elements who do not show any interest. Where as those who hail from Jammu Ladakh region are not received well by the groups/ Interlocutors on J&K ( may be the preliminary inputs they receive before taking up the ground work demand such like approach) .

Hence it could be inferred that even the study groups, point men on J&K and interlocutors too do not appear that serious. To quote Man Mohan Singh Prime Minister of India had appointed 5 working Groups on J&K in 2006 (The Prime Minister, Man Mohan Singh during UPA-1 Government had set up five working groups on Jammu and Kashmir on May 25, 2006, at the end of the second multi-party RTC at Srinagar. The first and third RTCs were held at New Delhi on 25/02/2006 and 25/04/2007) .

One of the working group (5th WG Strengthening Relations Between The State and The Centre) was headed by Justice S. Saghir Ahmed (Ex Chief Justice of J&K HC & Andhra Pradesh HC and Retd Judge of Supreme Court of India). To demonstrate that Government of India appears to be caught in web of confusions and indecisiveness Justice Saghir Ahmed

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report is a very good representative sample of non seriousness towards J&K affairs.

In the first meeting of the S. Saghir Ahmed WG held on 12th Dec 2006 Chairman made it clear that the WG was not to concern with the dispute between India and Pakistan pertaining to State of J&K and therefore/ WG would confine itself to the consideration of the questions relating to Centre State relations with in the frame work of the Constitution of India. So in view of the terms of reference the subjects before the WG were like Autonomy (NC demand) , Self Rule (JK PDP demand), Article 370 .The WG report was signed by the Chairman on 18 Dec 2009 ( report was presented at Jammu to J&K CM Omar Abdullah on 23rd Dec 2009 by the Secretary of the Group Mr. Ajit Kumar) ( three years after the first meeting).

So strangely the WG report did not particularly dispose off the Autonomy Demand/ J&K Assembly Autonomy Resolution June 2000 in even minimum specific terms { to quote the report said (i) Article 370 of Constitution of India; The matter being 60 years old should be settled once for all. On page 10 para 3 of report a reference of supreme court case Sampath Prakash has been made from the submission made by PDP through MH Baig before the WG.

But the report still made casual remarks on Art 370 (ii) the report in the summary recommendations say that the autonomy demand could be examined in the light of Kashmir Accord or in some other manner or on the basis of some other formulae as the present Prime Minister may deem fit and appropriate so as to restore the autonomy to the extent possible. Here the question is why

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did the Chairman Ex Judge not examine at his level and make specific recommendations. He left the issue still open after spending 3 years. (iii) As regards PDP demand of Self Rule at para 3 of the Summary recommendations the report says that on behalf of PDP Mr. Baig explained orally the concept of Self Rule but the Self Rule as proposed by PDP could not be considered in all its detail as the document containing the various aspects of Self Rule were not provided to WG as promised by PDP. How funny PDP had by that time released concept Self Rule.

Document dated October 2008 on 25 Oct 2008 in Press Conference at Srinagar and also posted on its website. Question is that Still the WG report did not examine /drop the demand of Self Rule and instead laid down that it requires to be considered by Central Government if and when approached (by PDP) with documents.

The Document released by PDP had sufficient contents that concern the Accession 1947 / Indo Pak relations / POK and the Saghir Ahmed report should have made its observations on the demand being conceptually with in the scope of terms of reference of the WG or with in the Indian Constitution or otherwise . But the WG took it so casually. Justice Saghir Ahmed report is a very good representative sample to demonstrate the non seriousness towards J&K affairs at the prime levels.

I would ask who would bear the cost of finances spent over 3 years and the valuable three years lost by people of J&K hopefully hoping to listen something concrete from Justice Saghir Ahmed. The reference agenda was not attended and volume of report was compiled with items



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out side the terms of reference. What was the need to submit the REPORT with no material worth reporting as regards the terms of reference?

Government of India appears to be in a state of worst web of confusions and indecisiveness. The mass migration of Kashmiri Hindu and return of Migrants to Valley does not appear as first priority for GOI even after 21 years. Instead those a few who question the validity 1947 accession of J&K with India appear receiving compassionate attention of New Delhi.

Going through the facts, one may raise the question - can Mufti Mohd Sayeed ( Ex Union Home Minister)'s J&K PDP be regarded as a main stream Indian political party ?



Daya Sagar is a free-lancer scribe. He freely and critically covers social, education, economy, international relations, human rights, and subjects like J&K affairs/history of J&K. He has over 850 articles published in different newspapers / magazines ( published from Srinagar City, Jammu City and other cities )over the last 22 years. He is an Engineer by profession with a Post Graduate Degree (1971). Professionally also he has excelled as Engineer.He has worked in Private as well as Public Sector for 34 years.

Daya Sagar is an original thinker. He is working in the voluntary sector for the social / human needs & rights of the under privileged / needy since 1980.He has remained associated / is associated with social organisations ( even headed some organisations ) like J&K Samaj Kalyan Kendra primarily working for the welfare of the Hearing Handicap)/ Handicapped /underprivileged , Jammu Gramin Vikas Sanstha ( working in the rural health and education sector ), etc .Sagar is Advisor to International Human Rights Protection Council, Jammu(J&K). He has remained President of J&K Confederation of Voluntary, Social and Charitable Organisations.Daya Sagar has the distinction of having promoted the idea of Social Audit through a voluntary group--Group Research and Audit on Social Programmes(GRASP INDIA) in 1990s.

Daya Sagar belongs to a family that has seen the times of Sheikh Mohd Abdullah /pre 1953 days,times of Bakshi Gulam Mohammed/Shams u Din/ G.M.Sadiq/ Sayed Mir Qasim/ Sheikh Abdullah 1975 once again. His associate families had many bureaucrats, social activists, political leaders including Ministers and legislators. He is always available for joining any effort for the cause of humanity. The cause of the rural, backward and economically weaker sections of society is priority number one for him. He is particularly working on promoting the concept of HUMANITARIAN COEFFICIENT ( HQ) along with Intelligence Coefficient ( IQ) since no intelligence is of use to Humanity unless it is used for the WELFARE / CAUSE of Others. VOICE of the unheard carrying awareness to remotely placed Indians.

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