

Politics of Intra-Regional Identity and Regional Autonomy Models in Jammu and Kashmir

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Abstract: The intricacy of the conflict situation in J&K is defined not only by intermeshing of the external (India-Pakistan) and internal (Delhi-Kashmir) dimensions but also by the intra-state political divergence. The deeply plural character of the Jammu and Kashmir politics makes it imperative to devise instruments and processes for restructuring the rules of the game so as to ensure that power sharing is inclusive. The multiplicity of its ethnic, religion, linguistic- regional – cultural character as well as the growing identities and regional consciousness in the three regions - Jammu, Kashmir and Ladakh has also left a deep impact on the overall politics of the state. It is in this context of conflict, that the present paper is designed. It focuses on intra regional relationships within Jammu and Kashmir and available regional autonomy models with a view to highlight the complexities of internal politics of the state. This is essential not only for a better understanding of the conflict situation but also for conflict-resolution both Kashmir vs India and Pakistan and Kashmir region vs Jammu and Ladakh region.

Keywords: Introduction, National Conference and Regional Autonomy, Balraj Puri and Regional Autonomy, Self Rule and PDP, Ladakh and Hill Development Council and Conclusion

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I. INTRODUCTION

Jammu and Kashmir is a heterogeneous state with varied geographical regions and sub-regions, representing different climates, flora and fauna. People possess different ethnic backgrounds, profess different faiths, follow different cultural traditions and speak different languages. What is more significant is that people living in these regions are yet to attain a uniform level of development. The internal politics of the state, marked by inter - regional tensions, has influenced the attitude of the people on the question of their external affiliations. In each of the three regions of the state, a different attitude to the question of accession can be clearly noticed from the very day of the state's accession with India. Before independence, inter- regional and inter- religious tensions became pronounced immediately after Jammu, Kashmir and Ladakh were welded into a single political entity with full backing from the colonial supremacy. As the Dogra rulers were fundamentally despotic, feudal and sectarian, the people of the State, particularly Muslims, got alienated and fought against the Dogra domination which culminated in the termination of Dogra Raj in 1947. However, till date the Dogras did not compromise with this, what they regarded humiliation to their collective pride. It is not therefore surprising that they harbour the dreams of carving out a separate state for Jammu and the anti-Kashmiri sentiment has become a fertile ground for 'conflict entrepreneurs' of Hindutva forces. But this sentiment is restricted among the Hindu populated areas of the Jammu province. In fact, they demand sub-regional autonomy to safeguard their political, cultural and economic interests from the monopolistic political tradition. Similarly in Kashmir, the political leaders both extremist and mainstream have totally failed to accommodate the minority aspirations of the other two regions and to form a single state. This led to the estrangement demands from the other two regions- Jammu and Ladakh. Since independence, the regional demands from Jammu were in the form of demand for abrogation of Article 370 and the slogan of "*Ek Desh Mai Do Pradhan, Do Vidhan, Do Nishan Nahi Chaleyga Nahi Chalega*" (in a single nation, the two presidents, two states and two symbols cannot be tolerated in any how). This voice has become louder again with the eruption of land controversy over the Amarnath land issue in Jammu, an agitation sponsored by Hindutva forces in August 2008. While in Kashmir, the Extremist groups took the stand and thus the two communities again got alienated. Last twenty years of political uncertainty in Jammu and Kashmir have created regional tensions at large. Of late, these tensions have created impressions that the state may soon fall apart. More painful is the fact that these differences have sharpened the communal divide. Amaranth land row in 2008, stands as an example of intolerance that the two main regions of Kashmir and Jammu have imbibed over a period. This divide was not only confined to these regions but has taken over

the whole politics of the state up to the district level. It is true that some rulers from the Kashmir region in the past have not acted according to the needs and aspirations of some of the people of Jammu and Ladakh. However, it is also true that Jammu and Ladakh regions always have had New Delhi's political and administrative favours on their side. New Delhi's such proximity and special favour to Jammu and Ladakh have bred feelings of psychological and political siege among Kashmir's civil society and political leadership. This feeling is reinforced with each passing day. Whenever there is a movement against Kashmir, the agitator would often allege that people of both Jammu and Ladakh regions do not receive any fair and equitable treatment. They insist that the Government should ensure a sense of equality among the people of three regions and the existing regional identities should be maintained and kept intact. Therefore, the entire fabric of politics in the state has been mainly based on two issues; the relationship between the Kashmir valley and the centre on the one hand and the relationship between the Kashmir valley, Jammu and Ladakh regions within on the other. As Hari Om says, "A sort of local nationalism had developed in all the three regions of the state".¹ The unsettled nature of the political status of Jammu and Kashmir is a reality. The massive exploitation of its resources by New Delhi and to some extent by Islamabad has enlarged the debate on political justice in the state. However, the discourse on regional, sub-regional and ethnic identities is a new construct that has served two purposes. First, it has created a 'complex' issue out of a simple issue of self-determination of this former princely state. Secondly, it has sought to create an aggressor out of the victim- the Muslims of the J&K state. The result is tragic, as today almost all the communities in the state are up in arms against each other-making use of regional, sub-regional and ethnic identity cards to promote their economic interests.

Notwithstanding that decolonization and partition of British India into the nation states of India and Pakistan have been at the root of the most entrenched political problems in the Indian sub-continent. The eruption of militancy in the state of Jammu and Kashmir, besides the other causes, is an offshoot of undemocratic and inexpedient policies of the Indian political leadership towards the state. Both the principles of democracy as well as that of political expediency were relegated to the background. Groups like Jamaat-e-Islami even decided (in the early 1970s) to contest elections so that they could articulate their demands as elected representatives.² Syed Ali Shah Geelani, the hard-line separatist leader, himself was elected to the State Assembly as a candidate from the Muttahida Muslim Mahaz (The Muslim United Front) in 1987. The election proved to be a turning point in the history of the Kashmiris Struggle for self-determination. The Muslim United Front was poised to win the elections by a considerable majority but this election was sabotaged by the Government of India, which feared that Muslim United Front would refuse to toe its line if it came to power.³ The widespread rigging of this election in Jammu and Kashmir (as well as previous ones) and the indiscriminate arrests and brutal treatment of Muslim United Front workers and candidates mobilized the Kashmiris, "that peaceful methods of democracy to articulate their grievances would never work due to Indian intransigence".⁴ Thus, the people of Kashmir started perceiving that a truly democratic government will never come to power in the state, for such a government reflecting the genuine aspirations of the majority of the people of Jammu and Kashmir would advocate the state's separate identity from India. Thus, it was in 1989 that some Kashmiri youth joined the existing club of those who adopted militant path with the perception to force the Indian government to allow the people of Jammu and Kashmir to determine their own political future.⁵ The insurgency in Jammu and Kashmir has extracted an enormous price from the people of the state and was fuelled by the systematic erosion of democratic as well as human rights. Thus the militancy in the State of Jammu and Kashmir can be explicated to this background of historical distrust that has secluded the relationship between the State of Jammu and Kashmir and India.⁶

II. NATIONAL CONFERENCE & REGIONAL AUTONOMY MODEL

After the eruption of militancy in 1989, the Indian Government promised autonomy once again. The objective behind this offer was to check the secessionist trend in Kashmir and create a favorable situation for the pro-accession parties and hold the elections. Though the situation was not favorable, yet dates for the Parliamentary elections were fixed in 1996.⁷ The major regional, mainstream and pro-accession party of the state, the Jammu and Kashmir National Conference, threatened to boycott these elections as its President Dr. Farooq Abdullah insisted that the quantum of autonomy should be decided before the polls. However, the Central Government remained adamant that the question of autonomy would be decided with the elected representatives of the state. Farooq Abdullah, after winning the assembly elections in 1996, concentrated on his first priority of defining, deciding and negotiating a package of autonomy for the three regions of the state.⁸ For this purposes, the Jammu and Kashmir government constituted a committee, headed by Chief Minister Dr. Farooq Abdulla, on November 29, 1996, to recommend ways and means for regional autonomy to the three regions/provinces of this state. The committee submitted its twenty five page report to the state government on April 13, 1999.⁹ The Regional Autonomy Committee recommended two alternate models of autonomy within Jammu and Kashmir. One was the formation of Regional/Provincial Councils and other was the setting up of District Councils. The first model seeks to reorganize the state into eight regions/provinces to meet the

requirements of devolution of power to different regions in the state.¹⁰ The second model of the committee recommended the setting up of District Councils as an alternative to the regional/provincial councils which in coordination with Panchayat Raj institutions were supposed to work as effective agents in augmenting the processes leading to faster pace of development.¹¹ Though, both the models would have been proved as ideal system for meeting the aspirations of the people of either each region or each district¹² but the way the committee recommended the reconstitution of regions or provinces raised many eyebrows. The critics of both the models are of the opinion that, if not in Kashmir valley, the regional autonomy pattern as envisaged by the committee can promote communal divide in the regions of Jammu and Ladakh.¹³ Their argument is that although the categorization of the state into eight regions or provinces may not have an impact on the community character in the valley however, the said arrangement would have communal consequences in the Jammu and Ladakh regions. This is so because although the regions of the valley viz.: Kamraz, Nundabad, Marazare Muslim dominated and therefore, do not have an impact on the communal character of the valley. However, the reconstitution of the Jammu and Ladakh regions would communally divide the regions.¹⁴

No doubt, the committee in its report correctly points out that regional autonomy must not aim at satisfying ethnic urges only, but must ensure the ultimate goal of human development. However, it does not clearly explain how the division of Jammu and Kashmir into three regions and Ladakh into two is going to help to achieve the twin ends they had kept in mind. The report is silent over the basis of grouping and clubbing of the Districts (which are basically administrative units) to constitute a region.¹⁵ Although giving additional rights and responsibilities to the new administrative units may amount to devolution of administrative authority to lower and local levels, but that is different from regional autonomy.¹⁶ A region is not an arbitrary administrative unit but a natural one with a distinct geo-climatic, economic, or ethno cultural personality of its own. So the problems, aspirations and awareness of identity of local population have to be taken into account before regions are contributed and their boundaries are drawn.¹⁷

Prof. K. N. Pandita, former director Centre of Central Asian Studies, University of Kashmir, argued that, “the pattern recommended by the committee is likely to sabotage the trifurcation of the state into three separate states of Kashmir, Jammu and Ladakh on religious lines. The trifurcation was being demanded by the BJP and by the Jammu Mukti Morcha. Therefore, supporting the reconstitution of the provinces, the National Conference aimed at achieving the forty five year old scheme of having ‘Greater Kashmir’ incorporating the three and a half Muslim-dominated districts as a separate state.”¹⁸

Another annoyance of the report is that the committee recommended the election of each Regional Council to be held on the pattern of the State Assembly and the leader of the majority party so elected will head the council and enjoy the powers of minister of state. According to the report, under the proposed delimitation of provinces six out of eight regions would have Muslim as Council’s heads because of the population character of these regions.¹⁹ Moreover, it also didn’t mention the demand of Hindu Minority in the valley as well as Punun Kashmir movement of Kashmiri Pundits. It also came without offering an alternative strategy or framework for redressing their grievances and securing their social, cultural, economic and political rights. The report also did not take notice of the Zanaskar Buddhists long standing demand for these areas to be brought under Leh’s administration. Likewise, it glossed over the fact that Doda district had a significant Hindu minority alongside its Muslim majority and made no provision for safeguarding the minority’s political interests.²⁰

The recommendations made in the report raised some doubts because there are no monolithic political groupings of Hindus and Muslims in the Jammu region. Their political affiliations cut across ethnic, linguistic and caste lines, as well as regions. The Jammu Muslims for example, are in minority in the Jammu region but form a majority in Poonch, Rajouri and Doda districts.²¹ They don’t support the Bhartiya Janta Party’s Hindu Politics and a separate state of Jammu, nor are they willing to be assimilated completely into the Kashmiri Muslim identity. At the same time, they don’t form a separate and cohesive political group, partly because since the pre – partition leadership of Chowdhary Ghulam Abbas and Allah Rakha Sagar, no political leader has emerged to mobilize them as an independent political force in state politics.²² Thus, any attempt to superimpose communal boundaries is not only divisive but also bound to fail for two reasons. First, these are political problems and sharpening the communal boundaries will simply not resolve them. For example, the Paharis are spread from Basoli in Kathua to Rajouri and Poonch on one side and to Uri and Keran in the Valley. Why then, does their demand for Pahari region along the line of control exclude areas in the Valley?²³ Also, if the demand is driven by the lack of economic development, one must recognize that the predominantly Hindu Hill areas south of the Chenab in Kathua, have done no better than Rajouri and Poonch.²⁴ The solution lies in providing a responsive government rather than in sharpening the communal boundaries. Second, political mobilization along the communal lines is bound to limit the social base of the political groups making these demands on the state. And without a base of mass support, they are not likely to serve their political demands.²⁵

Further, it is significant to note that Regional Autonomy Committee (RAC) Report does not look autonomy as a continuum. It is rather obvious that the issue of *Regional Autonomy* is being seen as an exclusive domain of the government of Jammu and Kashmir. In other words, there is a tacit acknowledgement of the fact

that diverse regions/provinces of the Jammu and Kashmir have to negotiate their understandings and demands of *autonomy* with the center of power located in the valley.²⁶ Ranbir Samaddar in his book *The Politics of Autonomy: An Indian Experience* accused the Regional Autonomy Committee (RAC) report of turning a blind eye to the Regional political sensibilities of Jammu and Ladakh, or for that matter Kashmir choose to deploy categories such as Provinces or Divisions.²⁷ The RAC 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 which can be substantiated from the fact that a number of memorandums have been submitted by the people from Doda, Rajouri and Poonch indicated that these groups perceive themselves belonging to different regions.²⁸ Thus, it has been felt that there is urgency in demarcating the regions in the state for the purpose of political and economic decentralization of power. The history of these regions and their particular ethnic profiles supports their claims of belonging to different regions”.²⁹ The central argument of the report, ironically, revolved around the logic of counteracting the existing understanding of the regions. It did not use the term “Region” to define the political status of Jammu or Ladakh or for that matter even Kashmir. Defining them as “Provinces” or “Divisions” for administrative convenience, the report called the earlier attempts to define these as “distinct regions” as erroneous in nature. The Report tries to redraw the “internal map” of the state of Jammu and Kashmir without any meaningful departure from predominant, territorialized governmentality.³⁰

The Regional Autonomy Committee report has also been criticized by Robert Wirsing on account of its strategic deployment of the so called “regional” territorial identities on the geopolitical chessboard by the state elite. According to Robert Wirsing, “The Regional Autonomy Report is painstakingly drafted to define the project of redrawing internal boundaries entirely in terms of ‘ethnic diversity’ and what it calls ‘ethno-cultural-linguistic groups’. It denies that religious identity either motivates the demand for restructuring the state’s boundaries or seriously figures in the restructuring plan. The report manages somehow to discuss Kashmir’s ethnography for thirty-odd pages, in fact, while only once employing the word Muslim and not even once the Hindus and Buddhists. It has been argued that, “this discourse was perceived to be “Kashmir Centric”.³¹ Some BJP and Congress leaders said regional autonomy be granted to the existing three regions without altering their demographic character. They said that Jammu and Kashmir is a multi-lingual, multi religious and multi-regional state with different ethnic groups living in different parts of the area.³² Over the centuries these ethnic and sub-ethnic groups have learnt to live in amity and once the provinces were carved out on religious or ethnic considerations it would destabilize the secular character of the state.³³ According to Balraj Puri, the state is a having a unitary government with diverse ethnic and multi lingual character. In order to maintain the unity in diversity, the state needs a federalized type of model where the power would be decentralized to accommodate the different ethnic and linguistic groups. In this way, both unity and identity will be preserved and the tensions could be contained. By demarcating the regions on communal lines rather than secular can become a threat for the secular identity of the state”.³⁴ However, according to Nayeem Akther, “National conference leadership has been raising Regional Autonomy slogan but the fact is that the proposal remains a mystery not only for the people of the state but even for the government of India and National Conference itself”.³⁵

III. BALRAJ PURI AND REGIONAL AUTONOMY MODEL

However, Balraj Puri had prepared another model of regional autonomy based on varied themes like Political Autonomy, Cultural Autonomy and Financial Autonomy. Though, he was the working Chairman of National Conference’s Regional Autonomy Committee Report, but later on he was dismissed from the chair.³⁶ Both National Conference and Balraj Puri prepared their own models according to their tastes. Puri had long since made known his opposition to any autonomy scheme that sought to redraw the map of the state along more sharply communal meaning religious lines and thus to deepen communal identities.³⁷ His own drafted regional autonomy model was rejected by the Government of Jammu and Kashmir in 1999 especially by the then National Conference President Dr. Farooq Abdullah which precipitated his removal as Chairman only months before scheduled submission. However, he privately published his regional autonomy report in book form soon after his departure. In this book, he called for state’s administrative and political devolution in a manner that would preserve the state’s unity and leave the present three regions of Jammu, Kashmir valley and Ladakh essentially intact (communally more or less heterogeneous).³⁸ Local autonomy was to be achieved by bolstering India’s well established Panchayat Raj system. The object was to achieve decentralization of state power and enhanced institutional representation of ethno-linguistic minorities without at the same time further entrenching the communal identities of the three regions.³⁹ Balraj Puri’s regional autonomy model takes Panchayat Raj as a sufficient effective device for ensuring intergroup equity in Jammu and Kashmir and rejects the idea of increased convergence of the state’s internal boundaries for equity among the different cultural group identities.⁴⁰

The committee for regional autonomy in Jammu and Kashmir State under the Chairmanship of Balraj Puri aims at evolving a system to reduce regional tensions in the state not only by reconciling regional aspirations, but also its wide diversities. It seeks to provide for an equitable and balanced development of all its regions and communities, in spheres as varied as political, economic, educational, social and cultural.⁴¹ However, in order to meet the regional aspirations, there are two choices before the people either to be assimilated and homogenized with dominant community or to seek a separate state hood. But both may not be possible or desirable in many cases. Forced uniformity not only kills creativity and healthy potentialities of regional identities but also surest way to disunity. The other alternative of separate statehood, if certain conditions are not fulfilled; like total homogeneity in separated parts, can spell disaster for these parts.⁴² This leads to the inevitable third option or alternative of extending the federal principles that is what Balraj Puri has said extending the federal principle to the internal setup of the state without demarcating regions on religious basis. This will lead to the empowerment of state, district, block and the Panchayat level.⁴³ This whole process is called the federal continuum and it will remain incomplete if there is any link missing otherwise, it will definitely accommodate the interests and aspirations of all the ethnic identities and also protect the plural character of the state.⁴⁴ Balraj Puri's Regional autonomy model plays a very important role in making unity in diversity because it has taken care of minorities also, like schedule castes, schedule tribes and OBC's through the chain of 73rd and 74th constitutional amendment act 1992.⁴⁵ Also, the report emphasizes that the heads of the district boards should not be ministers as National Conference's regional autonomy model did, but the local representatives and non-governmental organizations should be involved in the promotion of culture, language and art in the state. The proposed councils should be setup in the existing regions and the existing Ladakh Autonomous Hill Development Council act should be financially and administratively empowered.⁴⁶

However, a vital component of regional autonomy is its economic content. Political autonomy will be more meaningful if it is accompanied by economic autonomy; which means power to raise resources, power to decide priorities and an objective and equitable formula for allocations of funds by the state to the regions.⁴⁷ The allocation should not be based on arbitrary and subjective considerations but should take due notice of objective factors like population, area, backwardness and contribution to the state exchequer in portion to its income. According to Balraj Puri, apart from the role of federalism in integrating diversities and fuller use of local resources and hence faster and equitable economic growth, there is third vital role of it i.e. power to the people and ensuring genuine democracy.⁴⁸

Balraj Puri argues that the "federal scheme and regional autonomy approach towards Jammu and Kashmir has been also applied by other countries and they got succeeded in fulfilling their regional aspirations like, Switzerland, USA, Canada and Australia. Lately even unilingual and uni-religious countries of Europe have started transforming themselves from unitary government to a federal setups. After decentralization experiments in France, Spain, Italy, Germany, and a small country like Belgium conceded regional autonomy to Scotland and Wales in United Kingdom in September 1997 where predominant language and religious denomination are the same and got succeeded in mitigating their regional demands.⁴⁹ The example of Switzerland, the oldest federation of the world, is particularly striking its three ethnic units viz. Germans, French and Italians have remained united even when their mother countries went through two great world wars. Their natural sympathies with their respective countries of origin did not undermine their loyalty to Switzerland. This was entirely due to the fact that Switzerland had given maximum autonomy to its component parts and decentralized power to the maximum extent".⁵⁰

Abdul Hamid Qazi, General Secretary Chenab Valley Hill Development Forum has welcomed the report of regional autonomy committee headed by Balraj Puri and described it as a highly balanced and representing the aspirations of the people concerned. He said, "If implemented it would prove a pivotal role in the development of neglected, far flung, backward areas of the state and over all integrated balanced development of the state which shall strengthen the unity of the people with diverse ethnic, linguistic, cultural and social characteristics"⁵¹ According to Prof. Rekha Chowdhary, "the regions are not to be developed for their own sake. The development of the regions has to be affected for the benefit of the people residing therein. There are regions where some sections of the population have got better chances of development, living in the same region while others have continued to be deprived from the fruits of development. Therefore, the regional autonomy model prepared by Balraj Puri is a welcome step because it is expected that due attention would be paid towards the development of the ignored sections of the populace. It would remove the discrimination suffered by the people so that justice - economic, social, cultural and educational, becomes easily available to them, and the people are able to live with a full sense of security, free from fear and exploitation".⁵²

However, the regional autonomy model prepared by Balraj Puri became controversial when it was found that without discussing the report with the committee members, Mr. Puri went public on it and leaked it out to the press. Another limitation of the model is its sweeping recommendations of having a five tier system of governance ranging from State to Panchayats. Its implementation would have, in the ultimate analysis, left the state government with no powers.⁵³ Further, as some members claimed that certain memoranda that had come

from places like Doda district were not taken into account by Balraj Puri. Secondly, some doubts were raised as for as the devolution of power under the scheme of 73rd and 74th constitutional amendment acts when the Panchayat Raj Act of 1989 has not so far been amended. Finally, how would a governmental institutions like academy of art, culture and languages ensure people's initiatives in promotion of the plural cultural traditions. According to Ashutosh Kumar, "regional autonomy model despite gives some suggestions to remove the regional imbalances and fulfill the regional grievances and differences, it raised many questions like what are the subjects that should be delegated to the regions, what should be the basis of allocation of funds between and within the region and what should be the institutions to deal with the subjects delegated to the regions? What steps should be taken for the promotion of language, literature and culture of various linguistic and ethnic groups and what positive measures apart from constitutional provisions including political, cultural, social should be adopted to promote emotional harmony and unity of the state and remove all causes of tensions between ethnic and religious community and what special measures are needed to identify and protect interests of the various groups and community".⁵⁴ All these recommendations were not implemented but the committee under the chairmanship of Balraj Puri was constituted only in response to the compelling political circumstances prevailing in the regions of Jammu and Ladakh.⁵⁵

IV. PEOPLE'S DEMOCRATIC PARTY AND SELF RULE MODEL

Moreover, with the passage of time, another model of regional autonomy and a framework for the resolution of Kashmir dispute was prepared by the Jammu and Kashmir People's Democratic Party. But this model was very much different from the other two models in the sense; it has attempted to unite the two alienated parts of the whole Jammu and Kashmir (Pak Occupied Kashmir and Indian Occupied Kashmir). While as the other two models have focused only on the integration of different regions within Indian occupied Kashmir only. In an interview with Nayeem Ahmad spokesperson of Peoples Democratic Party, he said, "the party framed in the self-rule document as an internally consistent frame work and indicative direction for Kashmir resolution. It has tried to contextualize the issue at various levels and drawn the contours of a process for building sustainable peace in the state and the region. The basic premises and sum and substance of the Self Rule document lie in trying to suggest a creative framework for resolution of the issue without compromising the sovereignty of the two nation states involved".⁵⁶ The Self Rule document reads and moves forward various proposals and measures, to address both the internal and external dimensions of the problem in a manner that it would be realistic and practical i.e. for the ideals of justice and empowerment for all the people of the state. The Self Rule document has also made an effort for fulfilling the aspirations of all the three regions and sub-regions of the state.⁵⁷ It can also end the long mental siege of the people by making whole Jammu and Kashmir a demilitarized free economic Zone and an experimental ground for South Asian Association of Regional Cooperation. According to Zulfikar Abbasi, President of Muzaffarabad Chamber of Commerce, "The initiation of free economic zone will become the foundation for strong intra-Kashmir trade. The opening of the cross-LOC trade is the revival of 60 year old ties that had been snapped due to hostilities between India and Pakistan.⁵⁸ This is going to be one of the biggest confidence building measures and all hurdles will be removed with increase in frequency and volume of the trade. It will also lay the foundation for peace ties for future generations. However, the big challenge is how to turn this opportunity into sustainable and profitable venture.⁵⁹ It should not be over looked that there is a strong anti-trade lobby that do not care if Indian and Pakistani traders do business and make profits but try to disrupt the forward movement on the basis of their flawed ideological notions over Kashmir".⁶⁰

Broadly speaking, the self-rule document seems to be focused on the reformatting of the state's constitutional relationship with the Centre. Precisely, the document seeks retro action to restore state's authority and to that extent curtail Centre's jurisdiction. The People's Democratic Party patron Mufti Mohammad Sayeed said that his party wants President of India should not have powers to dissolve Jammu and Kashmir Assembly as enshrined in Article 356. He says, "I think to resolve the Kashmir issue we can't assume a fixed state. Self-Rule, besides other constitutional guarantees, talks about the elected Governor, demilitarization and respects regional and sub – regional aspirations". He further said, "The self-Rule document would politically empower the people of Kashmir by seeking to undo acts of constitutional subversion that the state has suffered over since accession. We seek full control of the people of this state over their identities, political preferences and administrative arrangements". Self-Rule includes the revival of the elected Sadre-e-Riyasat and scrapping of laws repugnant to Kashmir's political aspirations. The authority of the state legislature should be revived and it should have full powers to amend the state constitution.⁶¹ The Self Rule document also provides a workable and structural format for cross line of control (LOC) relations in the state. Self-Rule as a political philosophy is being articulated around the conception of federalism and confederation that allows for sharing power between two levels of government, for the sharing of sovereignty in a coordinated but not subordinated to one another; each exercising supreme sovereignty in its constitutional prerogatives.⁶² The comprehensive formulation of Self Rule has three components. First consists of the new political superstructure that integrates the regions and

empowers the sub-regions. Second a phased economic integration that transcends borders and last but not the least is constitutional restructuring that ensures sharing of sovereignty without compromising the political sovereignty of either nation.⁶³

Essentially, the document is best examined from two main angles: the internal (autonomy) angle and the external (cross-LOC interaction) angle. Much as the document seeks to repudiate, its content bears fairly close resemblance to the 'autonomy' plan of the National Conference. To analyze the Self Rule document enunciated by Peoples Democratic Party (PDP) also needs to be evaluated in relation to the party's position on the political grid – map. The dividing line of the politics in this state is 'accession' one is either for, or against the accession. That is the crux of the problem and also the basic issue of the dispute.⁶⁴ The separatists see it in no other way. On the other hand, Peoples Democratic Party, like National Conference and other mainstream groups, is on what might call the 'right' side of the accession. That position determines the variation in the interpretation of the 'dispute' and projection of its 'resolution'. In political terms, the Peoples Democratic Party's interpretation of the 'dispute for which the party's Self Rule document goes on to prescribe a 'solution' are not the same as that of the separatists.⁶⁵ While, the thrust of the National Conference's autonomy plan is on restoration of pre-1953 status of the center-state constitutional format, the self-rule idea goes further up to 1947 and more importantly, lends a wider (external dimension) to the concept in the context of the recent developments like re-opening of Srinagar-Muzaffarabad road.⁶⁶ The Peoples Democratic Party's document proposes a legislative superstructure comprising elected representatives from both sides of the line of control. It also advocates qualified 'shared sovereignty' short of touching the existing 'territorial sovereignty' of India and Pakistan over Jammu and Kashmir.⁶⁷ Resolution of Kashmir dispute lies in the unification of both parts of the state divided by the LOC which would be possible only when there would be no borders between people of two parts of Kashmir. While the Self Rule formula suggests making the borders irrelevant.⁶⁸

The Peoples Democratic Party's (PDP's) document painstakingly enumerates the long list of differences between its Self Rule plan and the National Conference's Autonomy plan. It points out that the basic difference is between 'framework and empowerment'. Para 63 of the Self Rule document says, the problem in Jammu and Kashmir has been that while it has been fairly autonomous, it has been ineffective to bring about the results it desires. The problem with the pure autonomist view point is that it confuses autonomy with empowerment.⁶⁹ However, like autonomy plan, the self-rule document seeks revocation of the post-1953 federal laws and constitutional provisions applied to Jammu and Kashmir. It also seeks restoration of the institutions of (elected) Sadrī-Riyasat and Prime Minister for Jammu and Kashmir.⁷⁰

According to Mohammad Sayed Malik, "historical experience does not uphold the faith invested by Peoples Democratic Party in its remedial prescription. To cite just one instance, the worst assault on the state's autonomous character occurred in 1953 both the 'framework' and 'empowerment' were very much in place. Jammu and Kashmir was theoretically semi-independent then. The center's jurisdiction was limited to only defense, foreign affairs and communication as specified in the Maharaja's instrument of accession.⁷¹ The Delhi Agreement of 1952 was yet to be implemented when Sheikh Abdulla was arbitrarily dismissed from power in August 1953 which was the starting point of an unstoppable slide in Jammu and Kashmir's state's autonomy in every sense of the term.⁷² Constitutional safeguards sought by the self-rule document have thus been already robbed the credibility in the light of what happened in 1953. Falling back upon the worn out plank is less convincing. Popular support for accession in 1947 was eroded by what happened in 1953 and what all followed. Mere restoration of that vulnerable position at this point of time is not going to wash".⁷³

Self-Rule Document argues that Article 370 had been rendered a 'permanent' feature of the federal constitution by the manner and mechanism of its operationalisation and its consequent linkage with the accession. The document holds that the two had become 'inter-dependent', meaning that Article 370 goes the accession created by federal legislature. The constitution itself describes it as a 'temporary' provision which naturally and tacitly means that it is not permanent and thereby, can be erased at any time, obviously by parliament. Practical wisdom rules out the possibility of Indian parliament ever agreeing to the interpretation that Article 370 and accession of Jammu and Kashmir are interdependent.⁷⁴ The PDP's stand is that the solution would 'evolve' out of the road map (Self Rule Document). That again is not acceptable to the separatists. So the dispute refuses to go away. Compulsions of local politics have made the Kashmir's mainstream class to practice the fine art of stretching the term 'alienation' to seek dilution of the 'accession' via autonomy plan or the self-rule idea without saying so. That circumvention evokes the accusation of 'blasphemy' (against accession) from across the Jawaher Tunnel.⁷⁵

M. G. Hassan writes in Kashmir Times, "another deficiency in the document is that the edifice it seeks to raise rests largely upon the quick sands of Indo-Pak good will whose course is dependent upon numerous variables. Any upset in the fragile peace process or bilateral dialogue is bound to reflect upon the prospects of the proposition set out in the document. Even otherwise also, going by the miserly implementation of the mutually agreed Confidence Building Measures like bus and trade services across the line of control, hoping for dream-like magnanimity from both the sides is like asking for the moon.⁷⁶ The self-rule document is therefore

useless as any other document made earlier or to be made in future unless equal to or greater than plebiscite or self-determination or at least what victims (Kashmiris including others) demand from the encroacher (India) as well as from grabber (Pakistan). The people of Kashmir directly and others indirectly are demanding the right of self-determination or Plebiscite as the case may be and anything less than that is simply dilution or there is no fun to waste time and energy on making these stupid documents. It is better to have status quo than these insufficient Kashmir resolution road maps like autonomy and self-rule documents. These Kashmiri crooks will create more trouble for the masses".⁷⁷

Sayed Malik says that, "according to Mufti's Self Rule theory, Self (means himself or herself from PDP never your good self) must be self-less residing (on rotation basis) in Jammu and Kashmir and Rule must have youth fullness and faithfulness in ruthlessness coming indirectly or directly from Metro Delhi, whether by air, tunnel or road. He also says, the document is a mixture of many things mostly adopted from Sajjad Lone's vision document "Achievable Nationhood" particularly the joint management system, joint economic system etc. and the rotational position of the Head of the state mentioned in the Self Rule document has been originally wrote by M.G. Hassan Mukhtar in Srinagar based Urdu Weekly "Chattan" on 14th April, 2008 against the policy of Mufti Mohammad Sayeed and G.N. Azad Coalition Government that these two leaders have almost induced a concept of regional favoritism".⁷⁸ Therefore, it seems that both the National Conference's autonomy resolution and PDP's Self Rule document fall miserably short of providing credible safeguards for protecting the individual freedom and liberty. What use is the autonomy of full or greater variety or self-rule when the system is left free to trample the basic freedom with impunity? Because past as well as present experience is proof of the lethal lacuna in overlooking this vital consideration while floating ideas for redeeming the situation."⁷⁹

Though the People's Democratic Party's self-rule doctrine is generally being considered as a bold plan conceived by a major mainstream political party in Kashmir, some political players beg to differ. Political parties in the state have questioned the timing of the PDP's proposal that advocates "shared sovereignty" of an integrated and united Jammu and Kashmir between India and Pakistan. Representatives of the mainstream parties are of the view that proposal has been made public to gain political mileage.⁸⁰ According to Abdul Gani Vakil, "The purpose of unveiling the proposal at the election time is to seek votes. This is a borrowed concept of General Pervez Musharraf, only aimed at exploiting voters. When mufti sahib was the Chief Minister, he didn't talk about Self Rule or Dual Currency. Any proposal would be acceptable only when it is accepted by all parties, including Hurriyat Conference".⁸¹ According to Omar Abdullah, "the fact that Peoples Democratic Party (PDP) chooses this particular time to release their Self-rule document shows their non-seriousness. They were in the government for last six years. They could have brought it to the assembly, put it in the form of a resolution so that there was a discussion on it. Then this document could have been discussed during the round tables or workers group meetings".⁸² According to Hakim Yasin, "I do not see any difference between PDP's self-rule proposal and the National Conference's Autonomy Report. There is nothing new in this (Self-rule) report. I don't understand why they shy away from calling it the autonomy proposal. In fact, the Peoples Democratic Party (PDP) has taken some of the ideas discussed during the meetings of working Group on Centre-state relations and incorporated them in the report".⁸³

V. LADAKH AUTONOMIOUS HILL COUNCIL MODEL

The study has also attempted to analyze the Ladakh Autonomous Hill Development Council (LAHDC) with its broad perspectives and its feasibility viz.-a-viz. addressing the regional problems within Jammu And Kashmir State. On 9th May, 1995, Ladakh after a long struggle of peaceful agitation, protests, hartals and sacrifices got included into the Gazette of India as Ladakh Autonomous Hill Development Council Act (LAHDC).⁸⁴ The Act provided an Autonomous Hill Council for Leh and Kargil and inter-district advisory Councils with tenure of five years. Each Council would have twenty six territorial constituencies. The sitting MLA's and MP's would be ex-officio members, four nominated by the state government. The nominees include one Muslim, one woman and two eminent persons. The Council constitutes a cabinet of five members with one Muslim. The executive powers of the council included allotment, use and occupation of land vested in the council by the government, formulation of annual plan and development programme, budget (plan and non-plan), special measures for employment generation and poverty alleviation, promotion of cooperative institutions and local culture and languages.⁸⁵ The council was further empowered to levy taxes and collect state taxes on behalf of the government. The inter-district council has to advise the district council on matters of common interest to both districts, resolving their differences and preservation of communal harmony in Ladakh.⁸⁶

However, it appears as if there will be freedom from the clutches of political and economic centralization invariably both at the levels of state as well as Centre, and there will be genuine devolution of powers and developmental activities. Although, it also assumed opening of new vistas for the people of the area and will bring unity among the people of Ladakh where all political groups irrespective of religion, ideology and political affiliation had rallied around to demand an Autonomous Hill Council.⁸⁷ As per the past experience the

council has not been able to do much for the people of the area and the state of affairs remains the same. Due to the deficiency of funds, the council is severely constrained in its attempt to give any shape to development projects.⁸⁸

After a decade of operation, the Hill Council has failed adequately to address the local issues. Many elected councilors have found that “their de-facto powers are limited by the state governments attempt to sabotage their work. Soon after the first Ladakh Hill Council started functioning, the National conference government led by Farooq Abdullah—who had bitterly opposed the council concept—had come to power.⁸⁹ It resorted to stonewalling tactics in approving the budget or releasing funds that, in view of the short working season in Ladakh, often made it impossible to implement local projects. All major projects, especially those for generating hydroelectric power, still had to be cleared by the state government which often did not come through.⁹⁰ As it is mentioned in the Ladakh Autonomous Hill Council Act 1995 that the government shall provide funds under the Plan and non – Plan budget to the council to be credited to the council fund as per budgetary requirements as approved by the government. The funds shall be released as per the normal budget.⁹¹ Moreover, the Hill Council was merely another addition to an already crowded field of political-administrative bodies characterized by fragmented and overlapping competences among agencies whose agendas and interests vary profoundly. The Chief Executive Councilor, who runs the council on day to day basis, often clashes with those higher on the administrative ladder.⁹²

The pronouncement of power decentralization by the state government with the move to hold Panchayat elections further haunts the Ladakh Autonomous Hill Development Council (LAHDC) leadership with a fear of overlapping of powers of the council’s relevance. Possibility of confusion between the Councilors and the elected Panchayat members from any one halqua regarding their functional position may also generate a feud between the two bodies. In any case, it will be the common masses that will be the ultimate sufferers.⁹³ Therefore, talking at the functional level the observation is complete failure and meaningless, because administrative powers are dispersed among the Hill Council and other governmental agencies, such as the Desert Development Agency which commands a vast area classified as “waste land” and plans development activities related to water management and land conservation.⁹⁴ The interests of an autonomous Council always comes in conflict with the earlier package of democracy at the grass-root level i.e. Panchayat Raj System. The two cannot and should not co-exist and it may lead to a conflict situation if the Panchayat system in such cases is taken to its logical cohesion. Because of all these deficiencies the council led to the revival of the demand for Union Territory Status for Ladakh.⁹⁵

Moreover, the introduction of Hill Council for Ladakh has raised hue and cry throughout Jammu and Kashmir. Pahari leaders have proposed the creation of a new Pahari region, separating predominantly Muslim Rajouri-Poonch from Jammu division with a separate Autonomous Hill Council with Leh pattern and same is the case with Kargil within Ladakh which also demanded Autonomous Council.⁹⁶ Later on, in 2002 the Jammu and Kashmir Coalition Government led by Mufti Sayeed granted similar autonomy to Kargil also. Thus the division of Ladakh in two parts and absence of a common regional authority the people of the two communities in Leh and Kargil started drifting in divergent directions.⁹⁷ Another demand for an Autonomous Hill Council has come from the Chenab valley region for their regional grievances which consists of Doda, Gool-Gulabgradh Tehsile, Gasantgarh of Udhampur district and Lohai Malhar and Bani of Kathua District, along with a schedule tribe status. The demand for devolution of power at the sub-regional level exists parallel to the demand for regional autonomy is raised from the urban centers of the region while the demand for Hill Council or the sub-regional autonomy is raised from the backward areas of the region.⁹⁸ In the workshop organized by Jammu University on intra- Jammu and Kashmir, there were many analysts who questioned the success of the Ladakh Autonomous Hill Development Council (LAHDC) model of political devolution. There was a feeling that it had simply failed because of being too much top-down, and there were many other layers of governance like the Panchayat system that had come into collision with its governance. Seeing from another angle, the model gave the Ladakh Autonomous Hill Development Council (LAHDC) the entire say in the use of financial allocations made to the region. The devolution of powers have helped Ladakh to frame an educational curriculum which the region sees best for itself. It helped the region to have local news which protects its local economy and environment. It helped it in keeping economic and other outside interests under check which may have the potential of changing the region’s demography, religious value system, culture and environment.⁹⁹ According to Nawang Rigzin, “Ladakh Autonomous Hill Council which has led Ladakh fast changing for the betterment its people are awaking for emancipation. The non – governmental sector is getting very active. Local organizations are playing a leading role in protection and preservation of culture and environment. Though there are certain bureaucratic hurdles in the way but NGO’s are playing a remarkable role. Education is getting top priority. In 1975, only five Ladakhis were studying in Delhi University but today at least five hundred students are studying in Delhi and Jawaharlal Nehru University that is the changing face of Ladakh because of introduction of LAHDC here”.¹⁰⁰ He further said, “Ladakh is today accessible than it has been since, arguably, the period of 1850’s when the “Greater Game” came into play, resulting in a degree of hardening of boundaries

between Central and South Asia and between Tibet and South Asia (Prior to this Ladakh, of course was on the highway of trade). Isolation seems no more, resulting in receiving the benefits of "mainstream" awareness of it. Second, the communications and transport revolutions have resulted in unprecedented awareness among the people of Ladakh about the events around the world. So its strategic location and tourism also have resulted in substantial economic prosperity for its inhabitants".¹⁰¹ According to Sidiq Wahid, "The granting of the Ladakh Autonomous Hill Development council Act to Leh and subsequently to Kargil district has been welcomed, largely due to the good use it has been put by Ladakhis towards development and social welfare. And in fact the Ladakh experience should be used as a model for the rest of the state, whilst guarding against fragmentation".¹⁰²

VI. CONCLUSION

The regional analysis of the popular political aspirations of the people of Jammu and Kashmir State is based on a "cause and effect" relationship. There is no consensus among the people living in different regions of the state with respect to their political future. They stand divided along the regional, religious and ethno lines. Considering the physical and social diversity of the state, its spatial and cultural ties with its neighbouring countries, any effort to make Jammu and Kashmir either an independent country or a part of Pakistan or a part of India will not be acceptable to the people of the state entirely. In order to find a permanent solution to the Kashmir crisis, the people of all regions need to be consulted by both the countries, to ascertain their regional aspirations. More importantly the people of the state need to be allowed to have inter - ethnic, inter - religious and inter - regional dialogue to develop consensus to fulfil the mutually antagonistic political aspirations of the people living in different regions of the state. The state needs a multi- layered package of autonomy that extends beyond the state to the regional and sub- regional levels. The unitary character of the constitution of the state need to be amended to adopt regional devolution of powers so that the regional pulls and pushes of three regions of the state can be addressed. Until all these regions, especially Jammu and Kashmir join hands and set to work together the regional tensions would continue to mar their relations. Hence, the need is to develop a democratic, federal, plural and non - centralized type of model that alone can ensure harmony among diverse identities of the state and make them a source of real strength and model for other states of India.

End Notes:

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 - ⁹ Regional Autonomy Committee Report (1999) Govt. of Jammu and Kashmir, p. 2.
 - ¹⁰ Kashmir Times Dated April 17, 1999.
 - ¹¹ Ibid.
 - ¹² Aseer Kishtwari, (2006) *Focus on Jammu and Kashmir*, Jammu: Crescent Publications, p. 556.
 - ¹³ Greater Kashmir Dated July 8, 2000.
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- Muslim dominated Mahore Tehsile has been delinked from Udhampur district and included in the Muslim dominated Doda area under proposed Chenab valley. Similarly, two Muslim dominated belts of Poonch and Rajouri have been grouped under the proposed Pirpanchal province. So far as Ladakh is concerned, the committee recommended two separate provinces Kargil and Leh would further enhance communal polarization between the Shia-dominated Kargil and Buddhist-dominated Leh district.
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